



Cathedral City

Legislation Details (With Text)

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On agenda: 2/15/2017 **Final action:**
Title: CASE NO. Conditional Use Permit No. 16-042

APPLICANT: RPS Lounge, Michael Higgins

LOCATION: 68718 East Palm Canyon Drive, Suite No. 203

REQUEST: Consider a Conditional Use Permit Application to establish a bar/lounge with outdoor seating in conjunction with an Alcohol Beverage Control (ABC) Type 48 (On-Sale General Public Premises) license, within an existing multi-tenant commercial center (Pickfair Promenade) in the MXC (Mixed Use Commercial) Zoning District located at the northwest corner of East Palm Canyon Drive and Monty Hall Drive (APN: 687-473-009).

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachment No. 1 - Conditions of Approval, 2. Attachment No. 2 - Site Plan, 3. Attachment No. 3 - Floor Plan, 4. Attachment No. 4 - Fence Elevation, 5. Attachment No. 5 - PC Hearing Notice

Date	Ver.	Action By	Action	Result
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Planning Commission

MEETING DATE: 2/15/2017

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STAFF PLANNER:

Salvador Quintanilla, Associate Planner

RECOMMENDATION:

APPROVE an exemption to the California Environmental Quality Act (CEQA) pursuant to Section No.

15301, Class No. 1 (Existing Facilities).

APPROVE Conditional Use Permit No. 16-042 subject to the attached Conditions of Approval and based on the findings contained in the staff report.

FINDINGS:

APPROVAL OF AN EXEMPTION TO CEQA based on the finding that the project qualifies as Categorically Exempt under Section No. 15301, Class No. 1 (Existing Facilities) of the State CEQA Guidelines.

APPROVAL OF CONDITIONAL USE PERMIT NO. 16-042, subject to the attached conditions of approval, and based on the following findings:

1. The bar/lounge with outdoor seating and alcohol, which is located at the northwest corner of East Palm Canyon Drive and Monty Hall Drive in the MXC District, is authorized as a conditional use pursuant to the City of Cathedral City Zoning Ordinance, Chapter 9.31;
2. The bar/lounge with outdoor seating and alcohol is a desirable development for the community, and the area which is located in the pedestrian and entertainment oriented section of Downtown, is in harmony with the various elements or objectives of the General Plan, and is not detrimental to existing uses or to uses specifically permitted in the MXC Zoning District;
3. The site is adequate in size and shape to accommodate the bar/lounge with outdoor seating and alcohol and has specific conditions to ensure that the use will be compatible with the existing uses and permitted future uses in the neighborhood;
4. The site for the proposed bar/lounge with outdoor seating and alcohol relates properly to East Palm Canyon Drive and Monty Hall Drive, which is designed and improved to carry the type and quantity of traffic generated or to be generated by the use. Additionally, the City Engineer has reviewed the proposed project and determined that there will be no negative impacts to existing traffic conditions and streets; and
5. The applicant agrees to comply with any and all of the conditions imposed by the Planning Commission or be subject to a revocation hearing.

BACKGROUND:

The Applicant (Michael Higgins, owner of RPS Lounge) submitted a Conditional Use Permit application on October 25, 2016 for the establishment of a bar/lounge with outdoor seating in conjunction with a new California Department of Alcohol Beverage Control (ABC) Type 48 (On-Sale General Public Premises) license, within the existing Pickfair Promenade commercial center. The center is located at the northwest corner of East Palm Canyon Drive and Monty Hall Drive.

On January 18, 2017, the Planning Commission considered the item and after deliberations, unanimously approved a motion to continue the item, requiring the applicant to provide a more precise set of plans that address the following concerns: bathrooms to be American Disability Act

(ADA) compliant and provide additional details on the outdoor patio area including an elevation of the proposed fence enclosure. Working with staff, the applicant has provided a revised set of plans, with the appropriate details, addressing the Commission's concerns. The plans have been reviewed by the Building Department to ensure compliance with Building Codes.

The applicant is not proposing any exterior changes to the building; therefore, staff has determined that a review by the Architectural Review Subcommittee is not required. The Planning Commission will take final action on this matter unless it is appealed to the City Council.

ANALYSIS:

The proposed project is located within the MXC (Mixed Used Commercial) Zoning District, and the Downtown area. The purposed and intent of the MXC District is to provide a wide range of entertainment and shopping facilities. A bar or nightclub, including establishments that provide entertainment and those serving alcoholic beverages not ancillary to food service, are required to obtain a Conditional Use Permit (CUP).

The proposed bar/lounge will be located within Suite 203 of the multi-tenant center. The majority of suites in the center are currently vacant. However, other tenants include the Subway and Trilussa restaurants. Parking for the center is located on the north side of site. General public parking is also available on the street within the Downtown area, parking stalls along East Palm Canyon Drive, and in the City's parking structure.

The existing suite is approximately 2,176 square feet. The proposed floor plan includes a bar area, booths, tables with chairs, storage area, office, and restrooms. The applicant is proposing a small stage for karaoke and live performances. The applicant is also proposing an area for a disc jockey. At this time, the applicant is not proposing dancing. However, if the applicant does decide to have dancing in the future, a separate City Dance Permit will need to be obtained. The proposed bathrooms have been reviewed by the Building Department to ensure no conflicts with building codes.

The applicant is proposing an approximately 150 square foot outdoor seating area at the rear of the suite. The area will be accessible through the bar, enclosed by a four foot high tubular steel fence, with an exit gate to the pedestrian corridor and parking area. The area will have tables and chairs and umbrellas and portable heaters may be used as needed. Patrons will be permitted to smoke and consume alcoholic beverages in the area (area must be approved by ABC). The proposed area has been reviewed by the Building Department to ensure no conflicts with building codes, exiting and pedestrian access.

As a matter of information, the applicant has applied for an ABC license. Due to the number of existing licenses in the area, any new license requires a Public Convenience or Necessity (PCN) approval by the City. The City Manager and the Police Department have tentatively approved the PCN for this establishment pending the approval of the Conditional Use Permit.

The applicant is proposing to operate seven days a week. The hours of operation for the bar/lounge

will be Sunday through Wednesday from 12:00 p.m. to 12:00 a.m. and Thursday through Saturday from 12:00 p.m. to 2:00 a.m. Additionally, ABC prohibits the serving of alcohol after 2:00 a.m. Staff has no objections to the proposed hours of operation.

The Police Department has reviewed the proposal and has no objections provided they comply with the conditions of approval imposed by the Planning Commission and obtain the necessary ABC approval and license.

ENVIRONMENTAL ANALYSIS:

This project is Categorical Exempt under Section No. 15301, (Class No. 1, Existing Facilities) of the State CEQA Guidelines, which allows the establishment of a bar/lounge within an existing multi-tenant commercial center to be exempt. Since the site is less than five acres, surrounded by urban development, has access to utilities, and no outside expansion is proposed, this project qualifies for a Class 1 Exemption.

NOTE: The City of Cathedral City Planning Department is custodian of the documents or other material, which constitute the record of proceedings upon which this decision is based.

PUBLIC NOTIFICATION:

This project and the environmental determination were noticed in accordance with the City Municipal Code and CEQA (see Attachment 5).

ATTACHMENTS:

Attachment 1: Conditions of Approval
Attachment 2: Site Plan
Attachment 3: Floor Plan
Attachment 4: Fence Elevation
Attachment 5: Public Hearing Notice