



# **CITY OF DESERT HOT SPRINGS**

## **REGULAR MEETING OF THE PLANNING COMMISSION**

### **AGENDA**

**MAY 14, 2019**

**6:00 PM**

**CITY COUNCIL CHAMBERS  
Carl May Community Center  
11711 West Drive, Desert Hot Springs, California**

### **ROLL CALL**

### **PLEDGE OF ALLEGIANCE**

### **APPROVAL OF THE AGENDA**

### **MINUTES**

**Planning Commission Regular Meeting Minutes: April 9, 2019**

*Recording Secretary, Ana Morales*

**Recommendation:** Approve Minutes as submitted; or as corrected.

### **PUBLIC COMMENTS**

*At this time, pursuant to State law, any person may comment on an item, which is NOT on the agenda. PLEASE STATE YOUR NAME FOR THE RECORD.*

*Pursuant to State law, member of the public who have comments on a specific agenda item, may comment on that item BEFORE consideration of that item by the Planning Commission when recognized to do so by the Planning Commission Chair. Comments are limited to the first ten (10) speakers at three (3) minutes per speaker. All comments are to be directed to the Planning Commission and shall be devoid of any personal attacks. Members of the public are expected to maintain a professional, courteous decorum during public comments.*

### **PUBLIC HEARINGS**

- 1. Conditional Use Permit No. 01-19 for a Type 41 Alcohol License which allows for the sale of alcoholic beverages (beer and wine) for on-premise consumption at Las Brisas Restaurant located at 13180 Palm Drive which is on the southeast corner of Palm Drive and Hacienda Avenue in the General**

**Commercial (C-G) zone.**

*Community Development Director, Rebecca Deming*

**Recommendation:** 1) Staff Report;  
2) Entertain Questions of Staff from Planning Commission;  
3) Open the Public Hearing;  
4) Take Testimony from Applicant;  
5) Take Public Testimony;  
6) Opportunity for Applicant Rebuttal;  
7) Close the Public Hearing;  
8) Planning Commission Discussion and Questions to Staff;  
and  
9) Recommendation from staff to approve Conditional Use Permit No. 01-19 and adopt a Resolution of Public Convenience or Necessity for a Type 41 Alcoholic Beverage Control (ABC) License which will allow the sale of alcoholic beverages for on-premise consumption located at 13180 Palm Drive.

**ADMINISTRATIVE CALENDAR**

**2. Cell Tower Discussion**

*Rebecca Deming, Community Development Director*

**Recommendation:** Direct Staff

**CHAIR AND PLANNING COMMISSION MEMBER REPORTS**

**COMMUNITY DEVELOPMENT DIRECTOR REPORT**

**PUBLIC COMMENTS**

*Opportunity is given to those members of the public who have NOT addressed the Planning Commission on an item which is NOT on the agenda. Comments are limited to three (3) minutes per speaker. PLEASE STATE YOUR NAME FOR THE RECORD.*

**ADJOURN REGULAR MEETING**

**NOTICES**

**Title 2**

In an effort to comply with the requirements of Title 2 of the Americans With Disabilities Act of 1990, the City of Desert Hot Springs requires that any person in need of any type of special equipment, assistance, or accommodation(s) in order to communicate at a City public meeting, must inform the City Clerk a minimum of 72 hours prior to the scheduled meeting to enable the City to make reasonable arrangements.

**SB 343**

In accordance with California Government Code Section 54957.5, any writing or document that is a public record, relates to an open session agenda item, and is distributed less than 72 hours prior to a regular meeting will be made available for public inspection in the Community Development Department at City Hall during normal business hours at 65950 Pierson Boulevard, Desert Hot Springs, CA 92240.

If, however, the document or writing is not distributed until the regular meeting to which it relates, then the document or writing will be made available to the public at the location of the meeting, as listed on this agenda at 11711 West Drive, Desert Hot Springs, CA 92240.

**DECLARATION OF POSTING**

I, Ana Morales, Planning Commission Secretary, certify that the agenda was posted on May 8, 2019, not less than 72 hours prior to the meeting.





# **CITY OF DESERT HOT SPRINGS**

## **REGULAR MEETING OF THE PLANNING COMMISSION**

### **DRAFT ACTION MINUTES**

**APRIL 9, 2019**

**6:00 PM**

**CITY COUNCIL CHAMBERS  
CARL MAY COMMUNITY CENTER  
11711 West Drive, Desert Hot Springs, California**

### **CALL TO ORDER**

Chair Buchanan called the Planning Commission to order at 6:02 P.M.

### **ROLL CALL**

**Present:**

Commissioners: James Nindel, Robert Griffith, Richard Duffle

Vice Chairman: Scott De la Torre

Chairman: Larry Buchanan

### **PLEDGE OF ALLEGIANCE**

Vice Chair De la Torre led the Pledge of Allegiance.

### **APPROVAL OF THE AGENDA**

**Action:** Nindel moved to approve the April 9, 2019 regular Planning Commission meeting agenda, motion seconded by De la Torre, motion carried 4/0 by the following vote:

**Vote:** AYES: 4 - De la Torre, Buchanan, Nindel, Griffith

Passed NOES: 0 - (None)

ABSTAIN: 1 – Duffle

## Planning Commission Regular Meeting Minutes, March 12, 2019

Recording Secretary, Ana Morales

**Recommendation:** Approve as submitted; or corrected.

Action: De la Torre moved to approve April 9, 2019 Planning Commission minutes, motion seconded by Griffith, motion carried 4/0 by the following vote:

Vote: AYES: 4 - De la Torre, Buchanan, Nindel, Griffith  
Passed NOES: 0 - (None)

ABSTAIN: 1 - Duffle

### PUBLIC COMMENTS

Tube Durrani, expressed concerns regarding the process of rezoning.

James Fields, a Gods Kitchen volunteer, shared concerns on the permit issuance process.

### PUBLIC HEARINGS

1. **Amendments to Conditional Use Permit Nos. 16-16 & 17-16 and to adopt the revised Mitigated Negative Declaration; application to merge two (2) parcels to construct one (1) two-story cultivation facility with a total of 146,811 square feet building on a vacant 5.08-acre parcel located east of Little Morongo Road and north of Two Bunch Palms Trail in the Light Industrial (I-L) zone.**

*Community Development Director, Rebecca Deming*

**Recommendation:** 1) Staff Report;  
2) Entertain Questions of Staff from Planning Commission;  
3) Open the Public Hearing;  
4) Take Testimony from Applicant;  
5) Take Public Testimony;  
6) Opportunity for Applicant Rebuttal;  
7) Close the Public Hearing;  
8) Planning Commission discussion and questions to Staff;  
and  
9) A recommendation from staff to take the following actions:  
1) Adopt the updated/revised Mitigated Negative Declaration for the Pioneer General Cultivation project; and (2) Approve the requested Amendments to Conditional Use Permit Nos. 16-16 & 17-16 for the Pioneer General Cultivation Project located on APN's 663-280-003 & -004.

Jocelyn Torres, Associate Planner, presented the staff report and responded to questions.

Chair Buchanan opened the Public Hearing.

Christopher Riley, representative of the project, responded to questions.

Chair Buchanan closed the Public Hearing.

Action: Griffith moved to approve staff recommendation, motion seconded by Duffle, motion carried 5/0 by the following vote:

<u>Vote:</u>	AYES: 5 - De la Torre, Buchanan, Nindel, Griffith, Duffle
Passed	NOES: 0 - (None)

### **CHAIR AND PLANNING COMMISSION MEMBER REPORTS**

Chair Buchanan presented his report.

### **COMMUNITY DEVELOPMENT DIRECTOR REPORT**

Rebecca Deming, Community Development Director, presented her report.

### **PUBLIC COMMENTS**

There were no public comments.

### **ADJOURN REGULAR MEETING**

Chair Buchanan adjourned the meeting at 6:45 P.M.

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Ana Morales, Community Development Secretary





## REPORT TO THE PLANNING COMMISSION

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**DATE:** May 14, 2019

**TITLE:** Conditional Use Permit No. 01-19 for a Type 41 Alcohol License which allows for the sale of alcoholic beverages (beer and wine) for on-premise consumption at Las Brisas Restaurant located at 13180 Palm Drive.

**Prepared by:** Jocelyn Torres, Contract Planner

**Reviewed by:** Rebecca Deming, Community Development Director

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### RECOMMENDATION

- 1) Staff Report;
- 2) Entertain Questions of Staff from Planning Commission;
- 3) Open the Public Hearing;
- 4) Take Testimony from Applicant;
- 5) Take Public Testimony;
- 6) Opportunity for Applicant Rebuttal;
- 7) Close the Public Hearing;
- 8) Planning Commission Discussion and Questions to Staff; and
- 9) Recommendation from staff to approve Conditional Use Permit No. 01-19 and adopt a Resolution of Public Convenience or Necessity for a Type 41 Alcoholic Beverage Control (ABC) License which will allow the sale of alcoholic beverages for on-premise consumption located at 13180 Palm Drive.

### EXECUTIVE SUMMARY

On March 18, 2019, the applicant Patricio Salazar, submitted a Conditional Use Permit application for a Type 41 (On-Sale Beer and Wine) license. The project is located within a multi-tenant commercial building that has been remodeled from a Chinese buffet to a restaurant. A Resolution of Public Convenience or Necessity needs to be approved for the Type 41 liquor license since the census tract is over-concentrated. Only five (5) on-sale Alcoholic Beverage Control (ABC) licenses are allowed within Census Tract No. 445.1 and there are currently eight (8) in existence. Staff is recommending approval of the applicant's request because the site is located within the General Commercial (C-G) zone intended for such use, subject to review and approval of a Conditional Use Permit.



## **BACKGROUND & DISCUSSION**

The project site is located in a commercial tenant space within the Stater Bros shopping center and is surrounded by commercial uses. The tenant space was formally occupied by a Chinese buffet that has now closed, and the new owners have completed the internal tenant improvements (electrical and minor repairs) to remodel the space into a restaurant use. Las Brisas, a seafood restaurant, occupies 4,833 sq. ft and has 94 total seating spaces. Las Brisas restaurant will provide a new spin on local dining experience by offering a variety of menu items. The restaurant will offer specialty sandwiches such as lobster po boy, deep fried baskets, traditional American seafood dishes such as fried clams, shrimp, and fish baskets, as well as an assortment of other dishes. Overall, the Type 41 ABC license will serve as an ancillary component to Las Brisas food sales.

The applicant has filed a Conditional Use Permit application for a Type 41 Alcoholic Beverage Control (ABC) license with the City. The proposed alcoholic beverages will be stored in a walk-in cooler and the dry storage will be on wired shelving located within the storage area (as shown on Exhibit No. 4). The applicant will utilize 44 square feet for alcohol storage and about 33 square feet for the proposed bar area which is about 1.6% of the total floor area. The applicant proposes to have a bar area (with 4 seats) that is adjacent to the service area and seating area. The bar area will have a refrigerator direct draw beer dispenser, blender station, a soda gun dispensing system, etc. in accordance to National Sanitation Foundation (NSF) regulations.

## **SITE CONDITIONS**

Existing Zoning/General Plan Land Use:	General Commercial (C-G)
Existing Use:	Vacant Tenant Space (previously Restaurant)
Total Existing Building Area:	4,833 SF
Assessor's Parcel Number:	641-261-012

The project site is within an existing multi-tenant commercial building with a shared parking lot. The surrounding properties for the project site consist of:

**Table 1: Surrounding Land Uses**

<u>Direction</u>	<u>Jurisdiction</u>	<u>Zoning &amp; General Plan Designations</u>	<u>Current Land Use</u>
North	City	C-G (Commercial)	Commercial
West	City	C-G (Commercial)	Commercial
South	City	C-G (Commercial)	Commercial
East	City	C-G (Commercial)	Commercial

The project site is directly surrounded by commercial zoning designations and developed land in all directions. The existing building has already completed the internal tenant improvements and has been remodeled into a restaurant.

## **CUP ANALYSIS**

The Desert Hot Springs Municipal Code (DHSMC) Section 17.12.020 allows on-site alcohol sales of beer, wine or liquor with a Conditional Use Permit. In addition, Section 17.12.050(A) of the DHSMC prohibits businesses from selling alcoholic beverages within 500 feet of any religious institution, school or public park. Staff has evaluated the ABC license and its proximity to sensitive land uses and has determined that the project site is located away from sensitive land uses. The closest sensitive land uses to the project site are Foursquare Church of Desert (3,863 ft.) and Tedesco Park (2,496 ft.). Overall, the ABC license will not adversely impact the community or the surrounding area because the alcohol license intent is to serve as an added amenity to the restaurant and the community.

**Figure 1: 500 Foot Radius Map**



**General Plan and Zoning Consistency**

The project proposes to establish a Type 41 (On-Sale Beer and Wine for Bona Fide Public Eating Place) license in accordance with Section 17.12.020 and Section 17.12.050 of the DHSMC, which allows these uses with approval of a Conditional Use Permit. The Type 41 license is designated for businesses that serve food (a bona-fide eating establishment). A restaurant classified as a bona-fide eating place means that the business has to generate at least 51% of all gross sales from food. The proposed development is consistent with zoning allowable use standards and all applicable General Plan policies with the implementations of the Conditions of Approval.

**Census Tract No. 445.1**

The applicant will be applying for a Type 41 (On-Sale Beer and Wine) license from the Department of Alcoholic Beverage Control once the Conditional Use Permit is reviewed and approved. The ABC limits the number of on-sale and off-licenses allowed per census tract area. The on-sale limit for Tract No. 445.1 is five (5) licenses. Currently, there are eight (8) on-sale licenses within Census Tract No. 445.1; therefore, the census tract is over-concentrated. The current active on-sale retail licenses are shown below:

**Table 2: Existing On-Sale ABC Licenses**

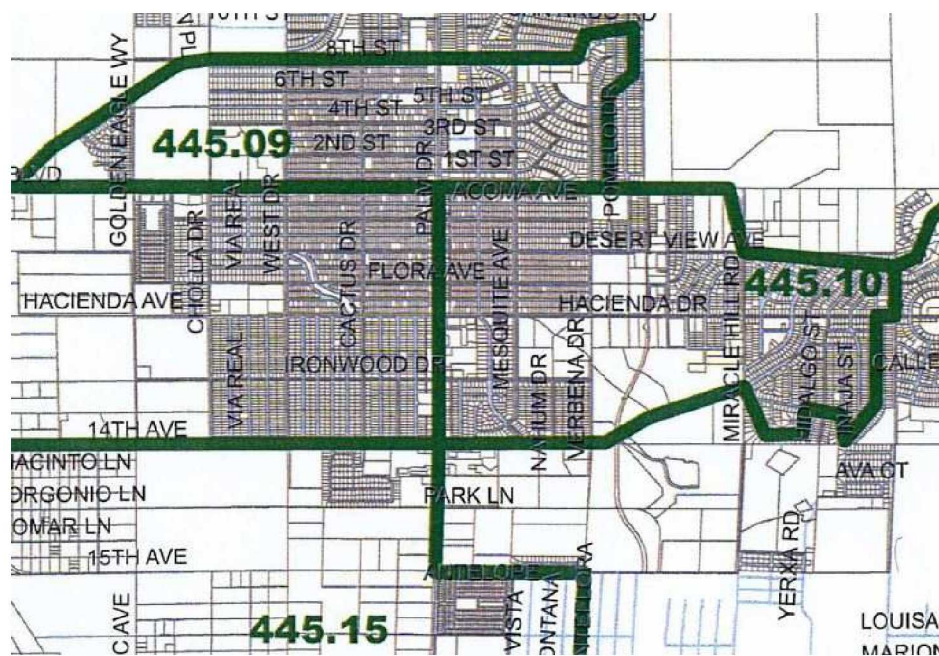
	License Type	Orig. Issue Date	Expiration Date	Business Name	Premises Address
1	41	05/24/1999	08/31/2019	Rocky's Pizzeria	12856 Palm Drive
2	41	03/24/2010	03/31/2020	Thai Palms Restaurant	12070 Palm Drive
3	41	04/12/2010	03/31/2020	Don Tacorriendo Taqueria y Cenaduria	13900 Palm Drive, Suite B & C
4	41	08/01/2011	07/31/2019	Taqueria el Guero #3	13156 Palm Drive



5	41	11/28/2012	10/31/2019	CJ Grand Hotel & Spa, Inc.	67585 Hacienda Ave
6	47	09/06/2013	06/30/2019	El Matador Mexican Restaurant	13450 Palm Drive
7	41	10/19/2017	09/30/2019	Sushi Domo Japanese Restaurant	13440 Palm Drive
8	67	03/14/2018	12/31/2019	Resort & Spa	13699 Reposo Way

The Census Tract (as shown on Figure 2) is bounded by the following streets: Two Bunch Palms Trail to the south, Mountain View Road to the east, Pierson Blvd/Desert View Ave to the north, and Palm Drive to the west.

**Figure 2: Map of Census Tract 445.1**



The census tract is over-concentrated with ABC licenses; however, this area encompasses a majority of the restaurant/commercial uses located along Palm Drive (as shown on Table 2). This has led to an over-concentration of on-sale ABC licenses and staff has prepared a Resolution of Pubic Convenience or Necessity to address the over-concentration.

### **Circulation and Parking**

The Stater Brothers shopping center has a shared parking lot that is used by the various tenants within the commercial center. Ingress and egress to the project site is provided by two driveways on Hacienda Ave (north of the project site) and two driveways on Palm Drive (west of the project site). The existing parking lot on site is compatible for the proposed use.

### **Lighting**

Exterior lighting will illuminate all exterior doors, signs, walkways, entrances, and parking area. Lighting will be oriented downwards and shielded within the property to contain illumination

within the project boundary. No additional lighting is proposed as part of the tenant improvements.

### **Hours of Operation**

The facility proposes to operate from 10:00 AM to 10:00 PM.

### **Projected Employee**

The applicant has indicated that they anticipate six (6) employees once in operation.

## **AGENCY & PUBLIC REVIEW**

### **Public Agency Review**

The proposed project was routed to all relevant public agencies and departments for review. The Chief of Police currently has no comments/concerns regarding the ABC license.

### **Public Hearing Notice**

The project was noticed to neighboring owners within a 300-foot radius of the project site (on May 2, 2019) and was advertised in the Desert Star on Friday, May 3, 2019 per state noticing requirements. No public comments have been received as of this writing.

## **ENVIRONMENTAL ANALYSIS**

In accordance with the provisions of the California Environmental Quality Act ("CEQA"), this project is Categorically Exempt from environmental review pursuant to Section No. 15301, Class No. 1 (Existing Facilities), of the California Environmental Quality Act.

## **FISCAL IMPACT**

The addition of beer and wine sales to the proposed Las Brisas, will generate additional sales tax revenues for the City once the restaurant becomes operational.

## **RECOMMENDATION**

Staff recommends that the Planning Commission approve Conditional Use Permit No. 01-19, subject to the Conditions of Approval and including the following findings:

1. *That the proposed use is conditionally permitted within the subject land use district and complies with all of the applicable provisions of this Zoning Ordinance.*

The City of Desert Hot Springs Zoning Ordinance Section 17.12.020 allows a restaurant to sell beer, wine or liquor with review and approval of a Conditional Use Permit application. The General Commercial (C-G) zoning designation that the restaurant is located is intended for such use and is compatible with the surrounding commercial neighborhood. The applicant has applied for a Type 41 (On-Sale) ABC license that allows a bona-fide eating establishment to sale alcoholic beverages for on-sale consumption. Las Brisas restaurant will operate from 10 a.m. to 10 p.m. and will be compliant with all applicable provisions of the Zoning Ordinance. Conditions of Approval have been prepared and are recommended to assure that the proposed use will comply with the applicable Zoning Ordinance provisions. Staff recommends this finding.

2. *That the proposed use would not impair the integrity and character of the land use district in which it is to be located.*

The Census Tract No. 445.1 in which Las Brisas restaurant will be located is over-concentrated with on-sale ABC licenses. The Department of Alcoholic Beverage Control

allows five (5) on-sale licenses and there are eight (8) existing licenses in the census tract. Staff has prepared a Resolution of Public Convenience or Necessity and has attached Conditions of Approval to ensure that the on-sale ABC license for Las Brisas restaurant will not impair the integrity and character of the land use district. The commercial zoning district is intended for commercial uses such as restaurants and the sale of alcohol will be incidental or secondary to the sit-down restaurants main use. Conditions of Approval have been prepared. Staff recommends this finding.

3. *That the subject site is physically suitable for the type and intensity of land use being proposed.*

The subject site (a commercial shopping center) is physically suitable for the proposed restaurant use since the zone allows a wide range of retail uses in the C-G zone. The site is located away from sensitive land uses such as schools, parks, religious institution, etc. Currently, the closest sensitive land uses to the project site is Foursquare Church of Desert (3,863 ft.) and Tedesco Park (2,496 ft.). The site already has existing amenities such as parking, lighting, pedestrian circulation, and other features since the site is already developed and operational. Therefore, the proposed Type 41 (On-Site) ABC license is physically suitable for the restaurant. Staff recommends this finding.

4. *That the proposed use is compatible with the land uses presently on the subject property.*

The proposed Type 41 ABC license for the on sale of beer and wine at an eating place is allowed within the General Commercial land use. Currently, the existing land uses within the subject project are a range of commercial uses. The applicant has completed the internal tenant improvements and remodeled the former Chinese buffet into a restaurant. The addition of beer and wine is compatible with the surrounding uses and will serve as an additional amenity to the restaurants main use. Staff recommends this finding.

5. *That the proposed use would be compatible with existing and future land uses within the general area in which the proposed use is to be located.*

The proposed use will be compatible with existing and future land uses within the general area of the proposed ABC license since the majority of the surrounding uses have a commercial land use. Land to the north, east, south, and west are developed and zoned for a commercial land use. The project site is within the Stater Brother shopping center which has on-site amenities that service the entire commercial center. The ABC license is for on-premise alcoholic beverage consumption which will be contained within the proposed building and the operation of the restaurant appears to be consistent with the intent of the commercial zone. Overall, the proposed Type 41 (On-Site) ABC license for sale of beer and wine is expected to be compatible with the existing and future commercial uses in the surrounding area. Staff recommends this finding.

6. *That there are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.*

The subject site is currently developed with water, sanitation, public utilities, and has access to all necessary services to ensure that the proposed uses will not be detrimental to public health and safety. Staff recommends this finding.

7. *That there will be adequate provisions for public access to serve the site.*

The subject site is already developed with vehicular and pedestrian access, both from public rights-of-way as well as within and throughout the site. The site has an existing parking lot

which is currently being utilized by the various tenants within the commercial center. The proposed project will not create any additional demand for access than what

will be provided by the associated parking and drive aisle, subject to the recommended Conditions of Approval. Staff recommends this finding.

*8. That there will not be an adverse effect upon desirable neighborhood characteristics.*

Desirable neighborhood characteristics include long-range views from existing properties and businesses of surrounding mountains, and the future development of businesses and surrounding area. The proposed Type 41 ABC License is for the sale of beer and wine and not for a new development, the project site is already developed, so there would be no adverse effect on desirable neighborhood characteristics by granting a Type 41 ABC License. Staff recommends this finding.

*9. That the proposed use is necessary and essential to the community.*

The proposed use can be considered necessary and essential to the community to the extent that it is supported by guests and residents of the City. The sale of alcoholic beverages will serve as an additional amenity as part of the restaurant's operations and will contribute to the success of the restaurant. The Type 41 license is for beer and wine and is designated as an on-premises license. With the Type 41 license alcohol may be sold and served for on-premise consumption but the business may not sell closed containers to be consumed elsewhere. The sale of alcoholic beverages will help strengthen the economic prosperity of the restaurant and allow Las Brisas restaurant to compete with similar establishments that sell beer and wine. Staff recommends this finding.

*10. That the proposed use is consistent with applicable goals and policies of the General Plan.*

Staff has identified the following General Plan goals and policies applicable to the application and provides responses to each.

*Administration*

*Goal: Comprehensive and integrated administration and implementation of all elements of the Desert Hot Springs General Plan through consistent and effective policies and programs.*

The City has adopted a zoning ordinance to implement the General Plan and provide for review and approval of ABC Licenses. The proposed project will be subject to all requirements of this Conditional Use Permit, as prescribed by the zoning ordinance, and the proposed Conditions of Approval.

*Policy 7: The City shall encourage in-fill development within already urbanized areas of the corporate boundaries of the City, and expansion of new development shall be logically phased and, as appropriate, guided by the development of existing and new Specific Plans.*

The proposed Type 41 ABC license will be located on a developed property within a developed commercial area located within the General Commercial zoning designation. All public improvements are in place.

*Policy 8: City shall provide opportunities for review and comment on development proposals through public hearing notices sent to owners of property located at least within 300 feet of development proposal sites.*

The project was noticed to neighboring owners within 300 feet of the project (on May 2, 2019), and in the Desert Star Weekly on May 3, 2019, per state noticing requirements. No comments have been received at the time of this writing and the Planning Commission will open the public hearing and take public comments and/or testimony on the dais and prior to any action.

### Community Design

*Goal 2: Variety of community design, architecture and landscaping compatible with the City's desert setting and surrounding development.*

The proposed restaurant will be in a vacant tenant space within the Stater Brothers shopping center (a multi-tenant shopping center). Internal tenant improvements were completed to transform the interior space into a restaurant. The applicant did not propose any exterior changes/modifications. Any proposed/future improvements shall adhere to applicable development standards and guidelines. Additionally, any existing buildings exterior and onsite improvements will be designed with materials, colors, and other design elements that are compatible with the City's desert setting and surrounding commercial development.

*Policy 1: Private and public sector development projects shall equally apply City community design standards, thereby protecting the community's scenic viewsheds, providing community cohesion and enhancing the image of Desert Hot Springs as a resort residential community.*

The site is currently developed with an existing commercial building that conforms to existing buildings in the vicinity. All onsite improvements currently exist on the Project site.

*Policy 9: Signs shall be limited to the minimum size, scale and number needed to provide functional identification and exposure necessary to convey messages, while minimizing impacts on traffic safety, streetscape and scenic viewsheds.*

All exterior signs shall be subject to approval under the Desert Hot Springs Zoning Code. The city sign regulations do not permit signs to exceed the height of building eave lines which will result in no impacts on scenic viewsheds. Signage will be reviewed under a separate permit.

*Policy 10: Lighting shall be limited to the minimum height, number and intensity of fixtures needed to provide security and identification in residential, commercial and industrial development, taking every reasonable measure to preserve the community's night skies.*

All exterior lighting shall comply with Section 17.40.170 (Outdoor Lighting) to assure that only the minimum level of lighting necessary to provide the needed security and safety is installed. The existing exterior lighting is downward shielded to project the night skies, no new lighting is proposed.

### Economic Development:

*Goal 1: A broadly based, healthy and balanced economy that provides a full range of economic and employment opportunities.*

The proposed Type 41 (On-Site) ABC License will help strengthen the proposed restaurant by providing opportunities for new employment and providing additional tax revenues to the City. The granting of the ABC license will attract additional patrons from



surrounding neighborhoods and contribute to the overall economic success of the restaurants. Having alcoholic beverages within Las Brisas restaurant will enhance the economic viability of the restaurant, while creating new eating opportunities for visitors and the community.

*Goal 2: Continued growth, which assures the maintenance of revenue, base adequate to support present and future public services and facilities needs.*

The Type 41 (On-Site) ABC License will strengthen the proposed seafood restaurant by providing additional revenues to the City to support present and future public needs.

*Policy 11: Make every effort to expedite the processing of development proposals, which address the economic development goals of the community and take the initiative to incubate new programs and projects.*

The application for a Conditional Use Permit is required by the Desert Hot Springs Zoning Code to assure compatibility with surrounding land uses and to develop project-specific conditions to assure successful operation with the City's development goals. The application has been processed expeditiously.

#### *Fire and Police Protection*

*Goal: A high level of police and fire protection and service.*

All plans and improvements for interior or exterior building improvements will be subject to review and enforcement under fire codes and regulations.

*Policy 1: All new and improved developments shall be reviewed for their impact on safety and the provision of police and fire protection services.*

All plans and improvements for internal or exterior building improvements will be subject to review and enforcement under fire codes and regulations.

*Policy 2: Enforce fire standards and regulations in the course of reviewing building plans and conducting building inspections.*

All plans and improvements for internal or exterior building improvements will be subject to review and enforcement under building codes and regulations.

*11. That there will not be significant harmful effects upon environmental quality and natural resources.*

The proposed Type 41 ABC license allows the on-sale of beer and wine at an eating place and will not have any significant harmful effects on environmental quality and natural resources. The project site is already developed and currently zoned for commercial. No significant adverse or harmful effects on the environment or on any natural resources are anticipated from the ABC license. Staff recommends this finding.

*12. That the negative impacts of the proposed use are mitigated, and/or a mitigated negative declaration may be filed.*

The proposed project will be operated in accordance with all applicable regulations and Conditions of Approval. A review of the proposed project has identified no negative impacts, subject to the implementation of specific Conditions of Approval. Staff recommends this finding.

13. *That the proposed location, size, design, and operating characteristics of the proposed use would not be detrimental to the public interests, health, safety, convenience, or welfare of the City.*

The proposed project has been reviewed by City departments and other public agencies for any potential detrimental effects on public interests, health, safety, convenience or welfare of the City. Any potential concerns have been addressed by recommended Conditions of Approval, and no unresolved concerns remain. Staff recommends this finding.

### **EXHIBITS**

- Exhibit No. 1 – Draft Conditions of Approval
- Exhibit No. 2 – Draft Resolution of Public Convenience or Necessity
- Exhibit No. 3 – Site Plan
- Exhibit No. 4 – Floor Plan
- Exhibit No. 5 – Site Photos
- Exhibit No. 6 – Applicant's Request for Convenience or Necessity Letter

**DRAFT CONDITIONS OF APPROVAL**

**MEETING DATE:** May 14, 2019

**TITLE:** Conditional Use Permit No. 01-19 for a Type 41 (On-Sale) ABC License

**CASE NO:** CUP 01-19

**PREPARED BY:** Jocelyn Torres, Contract Planner

**REVIEWED BY:** Rebecca Deming, Community Development Director

**Planning Department Project Specific Conditions**

1. The applicant is requesting approval of Conditional Use Permit No. 01-19 to allow the sale of alcoholic beverages for on-premise consumption (Type 41) for the property located at 13180 Palm Drive.
2. The sale of alcoholic beverages shall remain ancillary to the primary restaurant use.
3. The Type 41 ABC license must operate and maintain their licensed premises as a bona fide eating place.
4. All provisions of the California Department of Alcoholic Beverage Control (ABC) for the sale of on-sale beer and wine shall be complied with.
5. Employees engaged in the sale or distribution of alcoholic beverages shall be at least 18 years of age. If the business owner/licensee chooses to employ a salesperson under 18 years of age, at least one salesperson 21 years old or older shall be on the premises during all times when alcoholic beverages are sold.
6. Sales of alcoholic beverages will be restricted to, and within the confines of, the approved building portion of the premises.
7. The possession of alcoholic beverages in open containers and the consumption of alcoholic beverages is only allowed for on-premise consumption.
8. All emergency exit doors shall be kept closed at all times during operation of the premises except in the case of emergency or to allow deliveries. Panic hardware on the doors shall comply with all City and Fire Agency code requirements.

**Standard Administrative Conditions**

9. The approval for CUP 01-19 is subject to the two (2) year expiration provisions of the City's Zoning Ordinance, as provided in Section 17.76.070 and will expire on May 14,

2021.

10. The applicant may request an extension of time for CUP 01-19, per the City's Zoning Ordinance Sections 17.92.100 and 17.76.090. Upon filing a time extension(s) at least 30 (thirty) days prior to expiration of the project the Planning Commission may grant said time extension for good cause not to exceed twelve (12) months.
11. Applicant/developer shall indemnify, protect, hold harmless and defend, with counsel selected by the City, the City and any agency or instrumentality thereof, an/or any of its officers, employees and agents from any and all claims, actions, or proceedings against the City to attack, set aside, void, annul, seek monetary damages resulting from an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board or legislative body including actions approved by the voter of the City, concerning the entitlement application. City shall promptly notify both the applicant/developer and landowner of any claim, action, or proceeding to which this condition is applicable and shall further cooperate fully in the defense of the action. The City reserves its right to take any and all action the City deems to be in the best interest of the City and its citizens in regard to such defense.
12. All development on the project site shall be in compliance with all applicable provisions of the City's Municipal Code as well as all applicable provisions of the adopted Building and Fire Codes. All new construction shall obtain a building permit and comply with the requirements of the Planning, Building, and Fire Departments.
13. The development of the project on the project site shall be in substantial compliance with the exhibits contained in the project file for CUP 01-19.
14. Within fifteen (15) days of final approval by the Planning Commission, the applicant/developer shall submit in writing, a statement indicating that he/she has read and agrees to the conditions imposed herein. This authorization shall become void, and any privilege, permit, or other authorization granted under these entitlements CUP 01-19 shall be deemed to have elapsed if compliance with this condition has not been undertaken within the specified time limits.
15. The applicant/developer shall pay all established service, permit, impact, public art, and other applicable fees required by the City.

Note: The Transportation Unified Mitigation Fee is collected by the City of Desert Hot Springs on behalf of the Coachella Valley Association of Governments. Questions on the calculation of this fee should be addressed to them at (760) 346-1127. The School District Fees are imposed by the Palm Springs Unified School District and questions should be addressed to them at (760) 416-6159.

16. The applicant/developer shall deliver within 5 (five) working days to the Community Development Department a cashier's check, money order, or other acceptable form of payment made payable to "Riverside County" in the amount of \$50 to enable the City to file a Notice of Exemption required pursuant to California Code of Regulations Section 15062. Any additional fees that may be attributed to the required filing of environmental documents shall be paid by the applicant/developer. If applicant/developer has not delivered to the Community Development Department

the check as required above, the approval for the project granted shall be void by reason of failure of condition (Fish and Game Code Section 711.4(c)).

### **Standard Planning Conditions**

17. The applicant/developer shall maintain the project site after the start of construction and until the project is completed, free of weeds, debris, trash or any other offensive, unhealthful and dangerous material. If after five (5) days' notice by certified mail, the applicant/developer does not comply with the before mentioned criterion, the City may either cancel building or grading permits and/or enter the project site with City staff and remove all subject violations, bill the applicant/developer and/or put a lien on the project site.
18. All walls and trash enclosures shall have a decorative wall surface and a decorative cap that are consistent with the overall architecture of the project. The use of rolled concrete on any exterior walls or trash enclosures is specifically prohibited.
19. All new breaker boxes, fire sprinkler risers, utility conduits, and drain pipes shall be interior to the building. Any exposed pipes are specifically prohibited. All new drain terminations shall be from the Watts Drainage Product RD-940 or a product of equal value.
20. All mechanical equipment, either roof or ground mounted, and shall be screened from public view. All such equipment shall be fully screened by the roof structure, a parapet wall, appropriate ground mounted walls, berming, or landscaping. All walls shall architecturally match the building.
21. The applicant shall submit a Sign Permit to be approved by the staff to include the following:
  - a. All signage for in-line tenants shall be channel letters.
  - b. No sign shall have exposed raceways or conduits.
  - c. All signage shall comply with the Desert Hot Springs Municipal Code.
  - d. All signs that are removed shall be painted and patched immediately.
22. At no time shall the combination of uses or activities conducted with the building exceed the total demand for parking, as calculated in the City's Zoning Code and as provide onsite according to the approved site plan. Any change to the floor plan shall be subject to review and approval by the Planning Department.

### **Standard Graffiti Conditions**

23. The applicant/developer shall keep the project site, clear of graffiti vandalism at all times. The applicant/developer shall contact the City's Graffiti Hot Line at 888-562-3822 within 48 hours of discovering the graffiti vandalism.
24. In the event there is a change in the name, address or telephone number of the responsible person(s), firm or company, the applicant/developer or successor shall notify the City within 48 hours, in writing, of the change and provide the City with the current contact information of responsible person(s), firm or company.
25. The applicant/developer and/or successor(s) in interest shall be responsible for the

removal of any graffiti vandalism from the project site (exterior building surfaces and/or exterior walls/fences) within 48-hour after discovering the graffiti vandalism or receipt of notice from the City of the same. The applicant / developer shall contact the City's Graffiti Hot Line at 888-562-3822 within 48 hours of discovering the graffiti vandalism.

26. The applicant/developer and/or successor(s) in interest hereby agrees to allow the City and/or its agents to enter the property for the purpose of removing or painting over graffiti vandalism, if the applicant/developer and/or successor(s) in interest fail to remove the reported graffiti vandalism within the 48 hours of discovering the graffiti or receipt of notice from the City.
27. In the event that applicant/developer and/or successor(s) in interest, fail to remove the graffiti vandalism within 48 hours, requiring the City and/or its agents to enter the Project Site for the purpose of removing or painting over graffiti vandalism the applicant/developer and/or successor(s) in interest shall release the City and/or its agents from any liability for property damage or personal injury. And shall reimburse to the City all costs associated with the removal of the graffiti vandalism.
28. The applicant/developer and/or successor(s) in interest shall include the aforementioned authorizations to enter the Project Site for the purpose of removing or painting over graffiti vandalism as part of authorization agreement to the satisfaction of the Community Development Department and the approval of the City Attorney, as to form.

#### **Standard Lighting Conditions**

29. The Planning and/or Police Departments may require additional lighting to prevent unintended dark spots prior to final occupancy.
30. Secluded or hidden interior corridors are strongly discouraged by the Planning and Police Departments. For uses utilizing said corridors, mitigation measures shall be required and may include increased lighting, security surveillance cameras, controlled access, on-site security guards or other mitigating measures deemed appropriate by the Police Department.

#### **Standard Building & Safety Conditions**

31. Project shall comply with the 2016 California Building Standards Code (Title 24, California Code of Regulations) and other adopted City Ordinances which include the following:
  - a. CA Building Code
  - b. CA Plumbing Code
  - c. CA Mechanical Code
  - d. CA Electrical Code
  - e. CA Fire Code
  - f. CA Green Building Standards Code
  - g. CA Energy Code

**Signs Conditions**

32. Any proposed signs shall be under a separate permit and shall require an application, review and approval by the Planning Department.
33. Permits issued by the Building Department are required prior to the removal and/or demolition of structures.
34. All exterior lighting shall be orientated, directed, and/or shielded as much as possible so that direct illumination does not infringe onto adjoining properties.

**END**





**RESOLUTION NO. 2019-\_\_\_\_\_****A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DESERT HOT SPRINGS MAKING FINDINGS OF PUBLIC CONVENIENCE OR NECESSITY FOR ISSUANCE OF A TYPE 41 (ON-SALE, BEER & WINE - BONA FIDE PUBLIC EATING PLACE) ALCOHOLIC BEVERAGE CONTROL LICENSE FOR THE LAS BRISAS RESTAURANT LOCATED AT 13180 PALM DRIVE, IN THE CITY OF DESERT HOT SPRINGS, CALIFORNIA**

**WHEREAS**, the City of Desert Hot Springs ("City") is a charter city and recognized for certain purposes as a political subdivision of the State of California; and

**WHEREAS**, Patricio Salazar, the "Applicant," has filed a Conditional Use Permit application with the City, as Applicant desires to sell beer and wine at the "Las Brisas" restaurant located on 13180 Palm Drive ("Subject Property"), within the City of Desert Hot Springs, California; and

**WHEREAS**, the California Department of Alcoholic Beverage Control ("ABC") requires a "Type 41" (On-Sale Beer & Wine – Eating Place) ABC license for such use, which allows the sale of beer and wine for the on-premise consumption where minors are allowed on the premises; and

**WHEREAS**, Applicant has applied for an ABC Type 41 license to sell beer and wine for on-premises consumption within the Subject Property; and

**WHEREAS**, pursuant to Section 23958 of the State of California Business and Professions Code, the ABC is required to deny an application if either the applicant or the premises for which a license is applied do not qualify for a license, or if issuance of that license would tend to create a law enforcement problem, or if issuance would result in or add to an undue concentration of licenses, except as provided in Section 23958.4; and

**WHEREAS**, Section 23958.4(b)(2) of the State of California Business and Professions Code provides that ABC may issue a license if the local governing body of the area in which the applicant premises are located...determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance; and

**WHEREAS**, notice of a public hearing of the Planning Commission of the City of Desert Hot Springs ("Planning Commission") to consider the application was given in accordance with the City's Zoning Ordinance and applicable law; and

**WHEREAS**, on May 14, 2019, a public hearing on the requested application was held by the Planning Commission and the Planning Commission voted to approve the application; and

**WHEREAS**, on May 14, 2019, a public hearing on the requested application was held by the Planning Commission and the Planning Commission made a finding of public convenience or necessity for issuance of a Type 41 (On-Sale Beer & Wine – Eating Place) ABC liquor license; and

**WHEREAS**, the Planning Commission carefully considered the staff report, all of the information, evidence, together with oral and written testimony presented at the public hearing and made findings of public convenience or necessity that: 1) the Las Brisas restaurant will

occupy an existing commercial tenant space in the Stater Bros. shopping center; and, 2) the Las Brisas restaurant will be located in the C-G zone (Commercial General Zoning District), which specifically allows restaurants as a “conditionally permitted use” within the zoning district; and, 3) that the proposal, as conditioned, will not adversely affect the adjoining land uses in which it is located because the sale of beer and wine is ancillary to primary use as a restaurant; and, 4) the proposed hours of the restaurant will be limited to 10 AM to 10 PM; and, 5) the Las Brisas restaurant intends to sell beer & wine as a menu item to provide a convenience to diners who patronize the restaurant for their meals; and, 6) the Las Brisas restaurant would be at a disadvantage to competing restaurants without the granting of a resolution of convenience or necessity; and, 7) having a beer and wine license is an imperative component to opening and running a successful restaurant; and, 8) the Conditions of Approval imposed on the project will ensure that the sale of alcoholic beverages will be carefully controlled; and 8) the Las Brisas restaurant will operate in a professional and orderly manner and is considered a good business citizen; and 9) the traffic generated by the continued use of the commercial tenant space as a restaurant will not impose an undue burden upon the parking lot or surrounding streets which are designed and improved to carry the traffic in the area; and 10) the approval of a resolution of public convenience or necessity, with the conditions imposed by the Planning Commission, will not be detrimental to the health and safety of the citizens of the City of Desert Hot Springs as the sale of alcoholic beverages is ancillary to the main use of the facility as a restaurant and sales will be limited to patrons of the restaurant; and, 11) the Police Department has indicated no specific concerns related to on-sale beer and wine sales and the operation of this business, subject to the conditions of approval; and, 12) the Las Brisas restaurant will be subject to all rules and regulations for the State Alcohol Control Board.

**NOW THEREFORE**, the Planning Commission of the City of Desert Hot Springs does hereby resolve as follows:

**Section 1. Recitals**

That the foregoing recitals are true and correct and made a part of this Resolution.

**Section 2. Environmental Findings, Conclusions and Determinations**

That Section 21084 of the Public Resources Code requires the California Environmental Quality Act (“CEQA”) Statutes & Guidelines to include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. In response to that mandate, the Secretary for Resources has found that the following classes of projects listed in this article do not have a significant effect on the environment, and they are declared to be categorically exempt from the requirement for the preparation of environmental documents. In accordance with the provisions of CEQA, this project is Categorical Exempt from further environmental review as a Class1 project, under Section 15301 (Existing Facilities).

**Section 3. Findings of Public Convenience or Necessity**

That the Planning Commission finds and determines that public convenience and necessity would be served by the issuance of a Type 41 ABC License for the following reasons: 1) the Las Brisas restaurant will occupy an existing commercial tenant space in the Stater Bros. shopping center; and, 2) the Las Brisas restaurant will be located in the C-G zone (Commercial General Zoning District), which specifically allows restaurants as a “conditionally permitted use” within the zoning district; and, 3) that the proposal, as conditioned, will not adversely affect the

adjoining land uses in which it is located because the sale of beer and wine is ancillary to primary use as a restaurant; and, 4) the proposed hours of the restaurant will be limited to 10 AM to 10 PM; and, 5) the Las Brisas restaurant intends to sell beer & wine as a menu item to provide a convenience to diners who patronize the restaurant for their meals; and, 6) the Las Brisas restaurant would be at a disadvantage to competing restaurants without the granting of a resolution of convenience or necessity; and, 7) having a beer and wine license is an imperative component to opening and running a successful restaurant; and, 8) the Conditions of Approval imposed on the project will ensure that the sale of alcoholic beverages will be carefully controlled; and 8) the Las Brisas restaurant will operate in a professional and orderly manner and is considered a good business citizen; and 9) the traffic generated by the continued use of the commercial tenant space as a restaurant will not impose an undue burden upon the parking lot, or surrounding streets which are designed and improved to carry the traffic in the area; and 10) the approval of a resolution of public convenience or necessity, with the conditions imposed by the Planning Commission, will not be detrimental to the health and safety of the citizens of the City of Desert Hot Springs as the sale of alcoholic beverages is ancillary to the main use of the facility as a restaurant and sales will be limited to patrons of the restaurant; and, 11) the Police Department has indicated no specific concerns related to on-sale beer and wine sales and the operation of this business, subject to the conditions of approval; and, 12) the Las Brisas restaurant will be subject to all rules and regulations for the State Alcohol Control Board.

#### **Section 4. Severability.**

That should any provision, section, paragraph, sentence or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Resolution as hereby adopted shall remain in full force and effect.

#### **Section 5. Repeal of Conflicting Provisions**

That all the provisions heretofore adopted by the Planning Commission that are in conflict with the provisions of this Resolution are hereby repealed.

#### **Section 6. Effective Date**

That this Resolution shall take effect upon the adoption and approval by the Planning Commission.

#### **Section 7. Passage and Adoption**

That the City Clerk shall certify to the passage and adoption of this Resolution; shall enter the same in the book of original Resolutions of the City of Desert Hot Springs; and shall make a minute of passage and adoption thereof in the records of the proceedings of the Planning Commission of the City of Desert Hot Springs, in the minutes of the meeting at which the same is passed and adopted.

(Record of vote and signatures on following page.)

**PASSED AND ADOPTED** by the Planning Commission of the City of Desert Hot Springs at a regular meeting held on the 14<sup>th</sup> day of May 2019, by the following vote:

**AYES,**

**NAYS,**

**ABSENT,**

**ABSTAINING,**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Jerryl Soriano, CMC, City Clerk

\_\_\_\_\_  
Larry Buchanan, Chairman of the  
Planning Commission

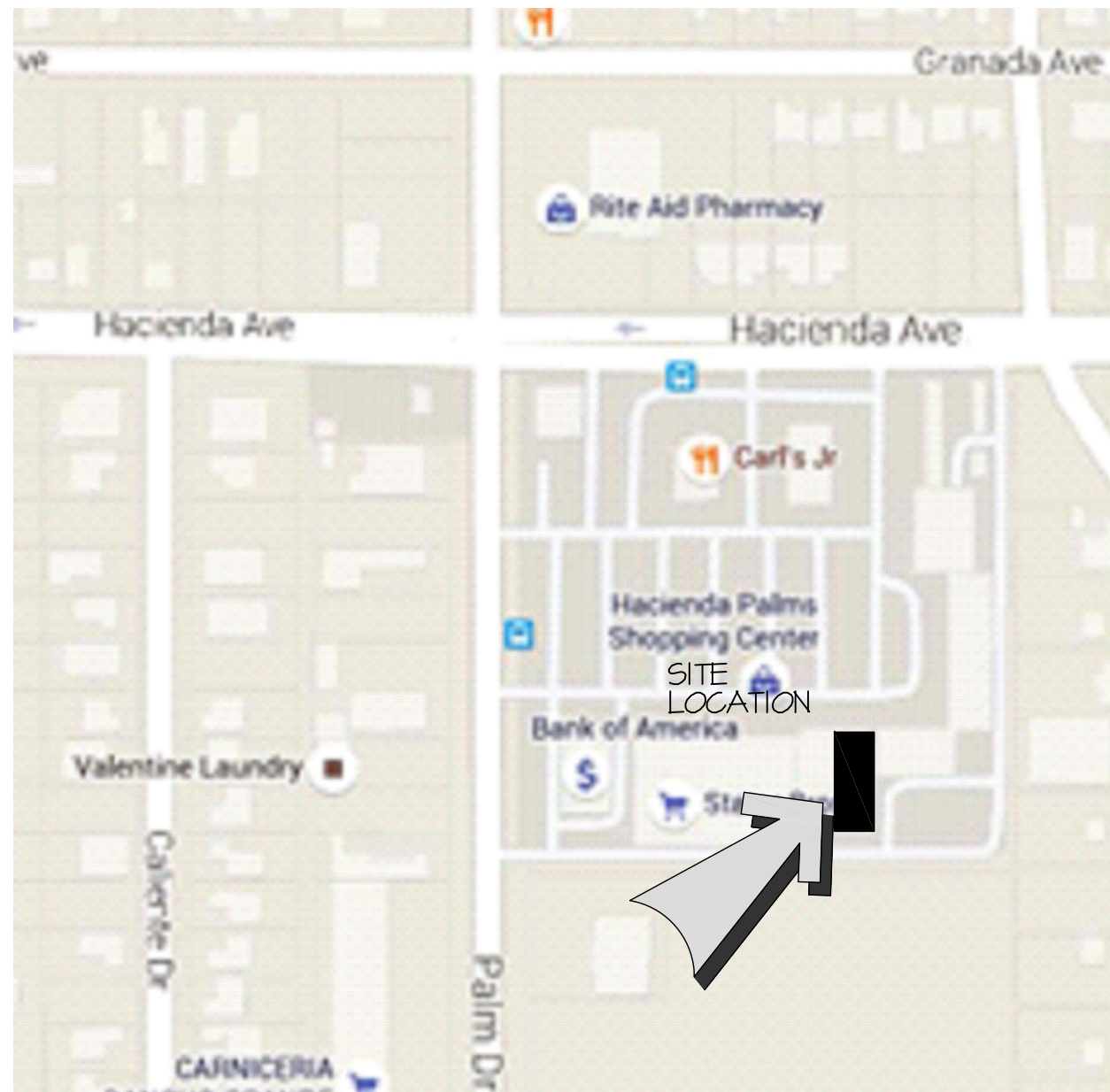
**APPROVED AS TO FORM:**

\_\_\_\_\_  
Jennifer A. Mizrahi, City Attorney

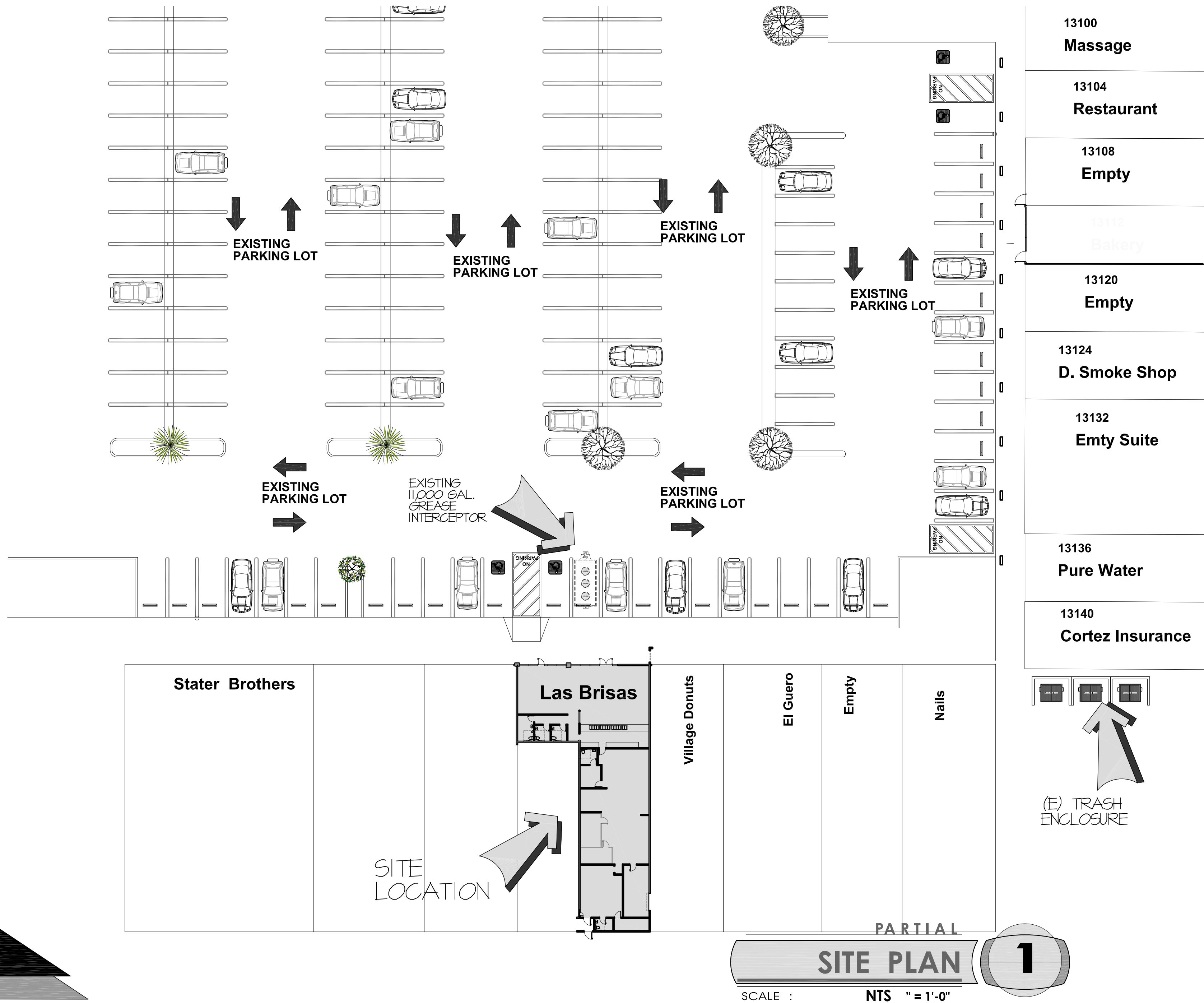




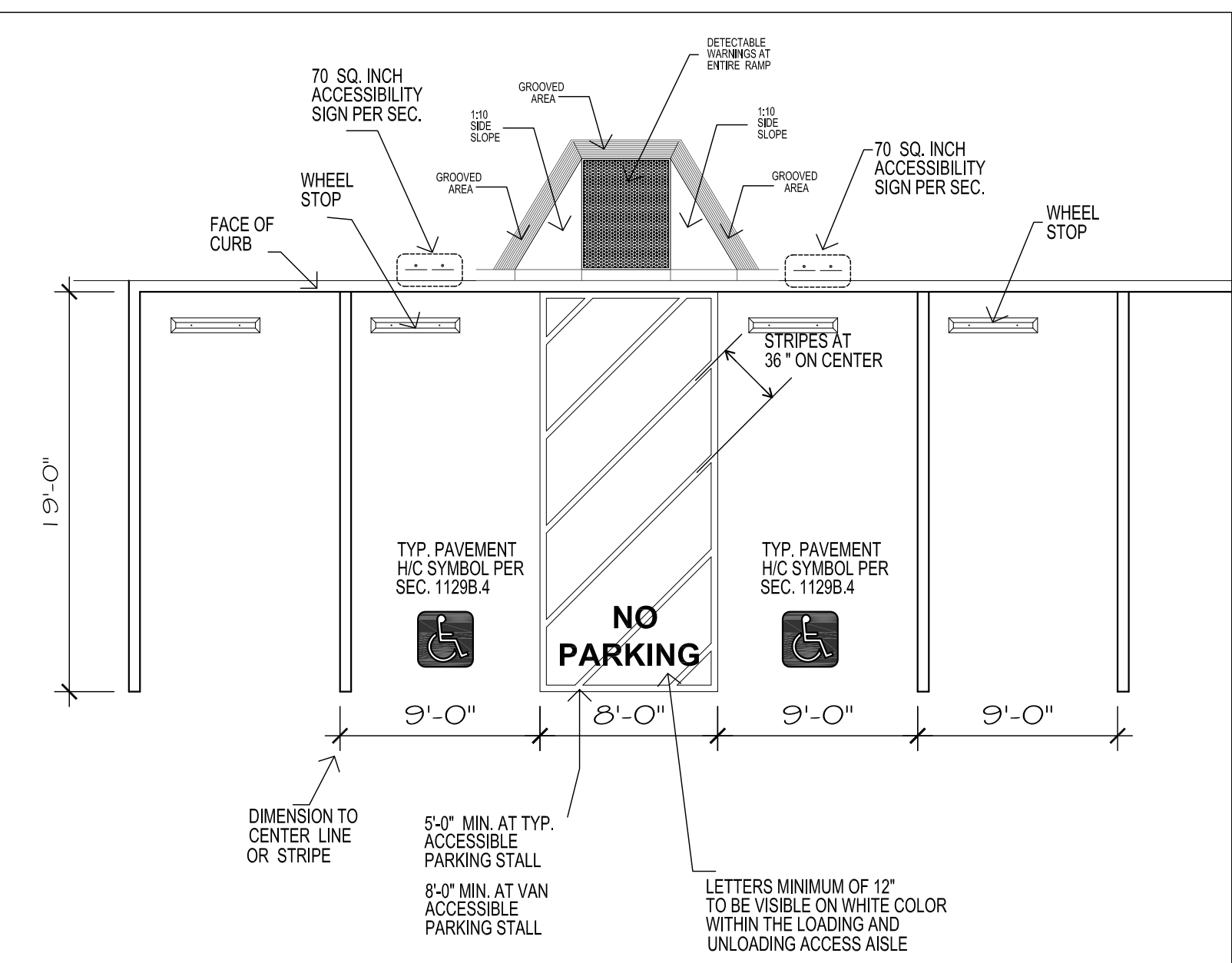
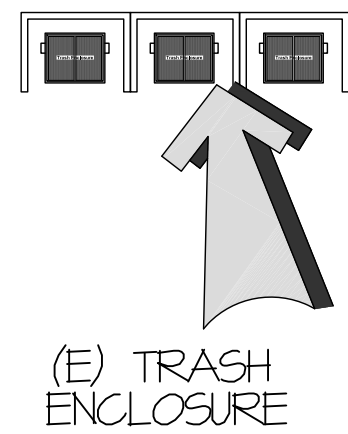
### Vicinity Map



ITEM 1.

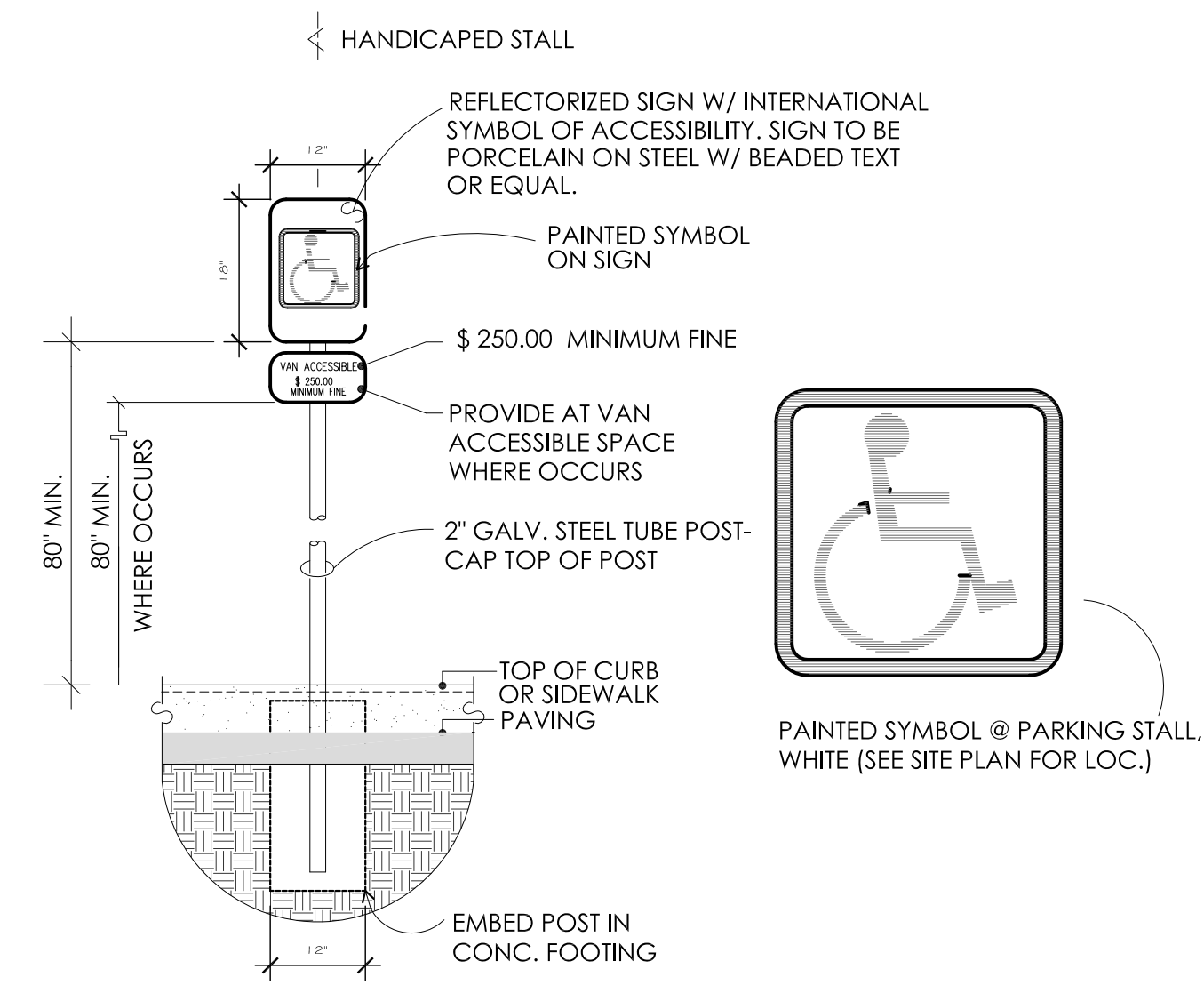


13100	Massage
13104	Restaurant
13108	Empty
13112	Bakery
13120	Empty
13124	D. Smoke Shop
13132	Emty Suite
13136	Pure Water
13140	Cortez Insurance



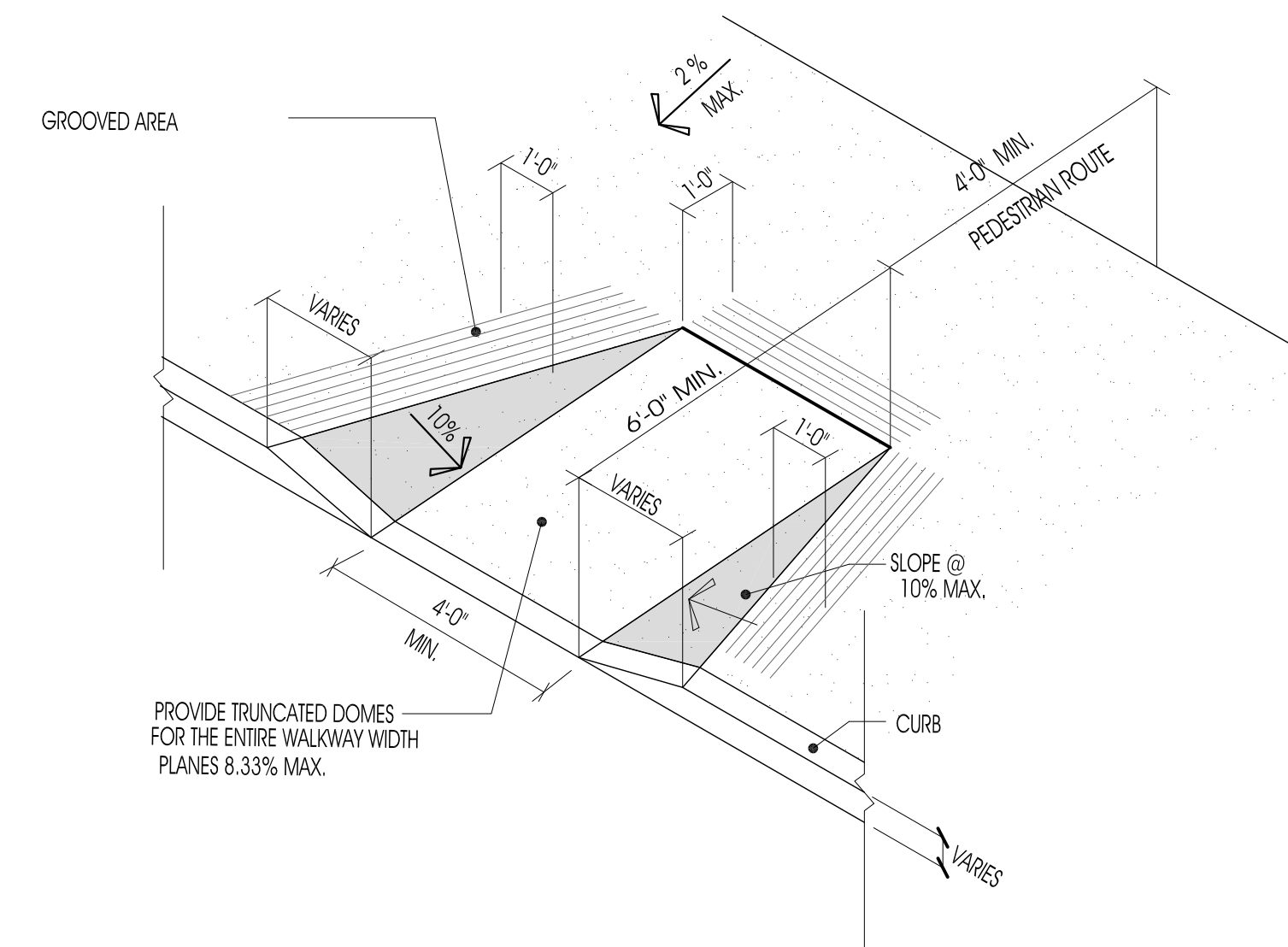
### Parking Stripping @ H.C.

A



### Handicap Parking Sign

B

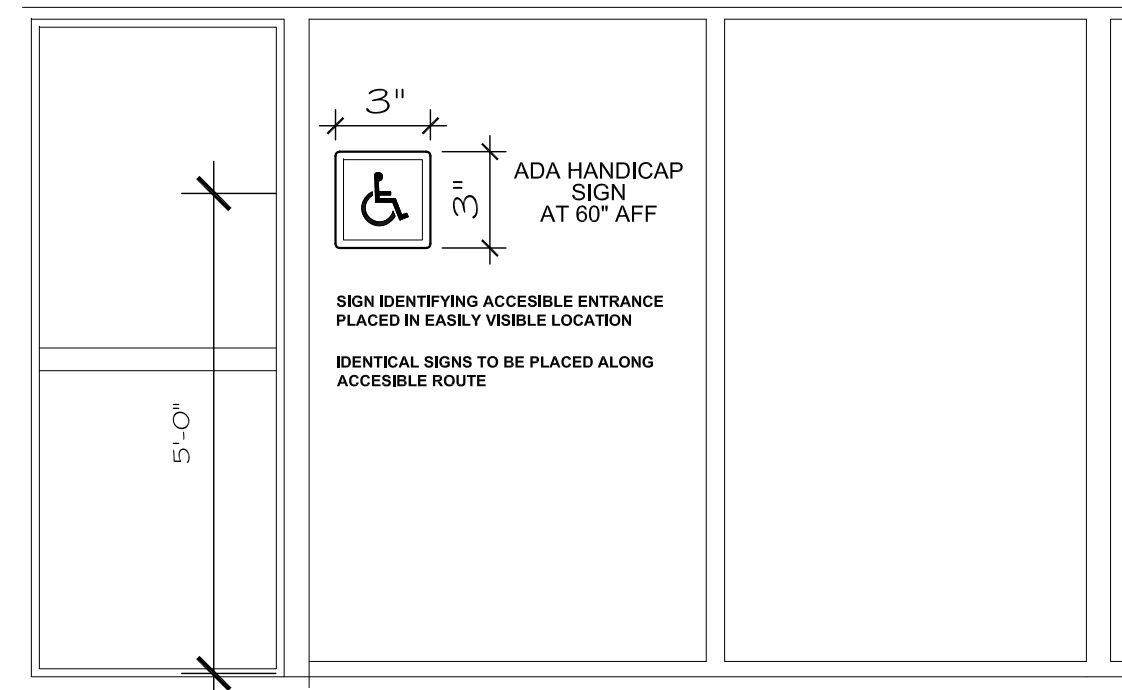


### Handicap Grooved Ramp

C

### Site notes :

- Accessible parking sign per. sec of California State Building Code.
- Delineated " Path of Travel " shownig access from public side to Building entrance and exit with accessibility sign per. 2016 California State Building.
- No abrupt changes in elevation along " Path of Travel " shown.
- Sidewalk shall not exceed 5% slope Cross slope shall not exceed 2 % Slope ramp shall not exceed 8.33 % slope.
- DISABLED ACCESSIBLE PARKING SPACES SHALL CONFORM TO THE FOLLOWING :
1. - 9'-0" x 19'-0" space with a striped 8'-0" wide loading and unloading area on the passenger side ( double handicapped spaces may utilize the same 8'-0" striped area ) Not less than one van accessible space shall be provided with a 9'-0" access aisle located on passenger side.
  2. - 1 Unit vertical to 50 units horizontal in any direction.



### Typical ADA Entrance Sign



Francisco Aguilar  
Commercial Kitchen Planning  
45 175 Panorama Dr. Suite E  
Palm Desert, CA. 92260  
Phone 760 • 844 • 3581  
Email: adfa.one@gmail.com

NOTES	
WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS. ALL CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB. (SEE CONTRACTORS NOTES, ON COVER SHEET.)	
ALL PLUMBING, ELECTRICAL, AND VENT. OUTLETS HAVE BEEN LOCATED AS ACCURATE AS POSSIBLE, AND ARE INTENDED TO SUIT EQUIPMENT TO BE SUPPLIED. WE WILL NOT ACCEPT RESPONSIBILITY FOR ANY WORK DONE BY SAID CONTRACTORS AND WILL NOT STAND ANY EXPENSE FOR CHANGES MADE NECESSARY BY LOCAL BUILDING CODES ORDINANCES STRUCTURAL CONDITIONS OR BY SUBSTITUTIONS OR CHANGES IN EQUIPMENT SHOWN ON THESE PLANS.	
THESE PLANS MUST BE VERIFIED AND APPROVED BEFORE DETAILING CAN BE STARTED. THESE PLANS, DRAWINGS AND SPECIFICATIONS ARE PROPERTY OF FRANCISCO AGUILAR, AND CAN NOT BE REPRODUCED, CHANGED OR COPIED IN ANY FORM WHATSOEVER WITHOUT THE EXPRESSED WRITTEN CONSENT OF FRANCISCO AGUILAR, WHICH HEREBY EXPRESSLY RESERVES ITS COMMON LAW COPYRIGHT AND OTHER PROPERTY RIGHTS IN THESE PLANS SUCH DUPLICATION WILL BE A DIRECT VIOLATION TO THIS AGREEMENT AND SUBJECT TO LEGAL ACTION.	
REVISIONS	
1	
2	
3	
4	
SHEET TITLE	

### PARTIAL SITE PLAN

Scale : AS NOTED

PROJECT TITLE

TENANT IMPROVEMENT  
**Las Brisas**  
" Mexican Seafood " Restaurant

13180 Palm Drive  
Desert Hot Spring  
C A . 92260

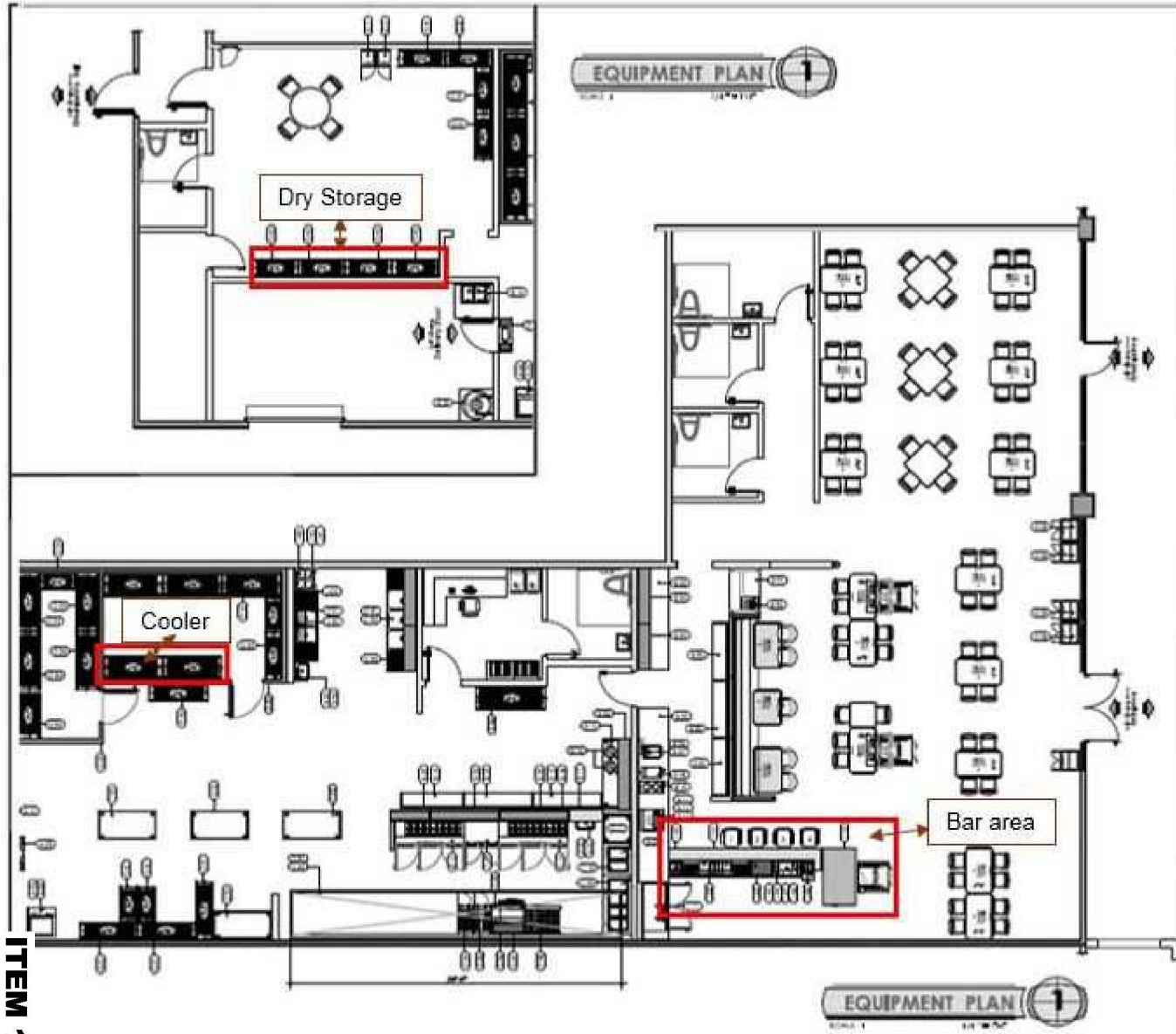
Date : 12  
File :

SHEET

PACKET PAGE 29  
**A 1.**



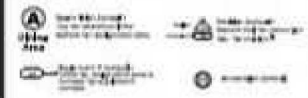




### FLOOR PLAN NOTES

1. All food and drink areas shall be kept clean and free of debris at all times.  
2. All food and drink areas shall be kept free of pests at all times.  
3. All food and drink areas shall be kept free of rodents at all times.

### KEY NOTE LEGEND



### STORAGE REQUIREMENTS

Item 1: Dry Storage

Health Department Dry Storage Requirement

Minimum: 100 sq. ft. of dry storage space for all food items.  
Maximum: 100 sq. ft. of dry storage space for all food items.

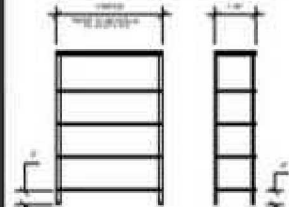
Item	Qty	Dimensions	Weight	Volume
1	1	10' x 10' x 8'	1000 lbs	800 cu ft
2	1	10' x 10' x 8'	1000 lbs	800 cu ft
3	1	10' x 10' x 8'	1000 lbs	800 cu ft
4	1	10' x 10' x 8'	1000 lbs	800 cu ft
5	1	10' x 10' x 8'	1000 lbs	800 cu ft
6	1	10' x 10' x 8'	1000 lbs	800 cu ft
7	1	10' x 10' x 8'	1000 lbs	800 cu ft
8	1	10' x 10' x 8'	1000 lbs	800 cu ft
9	1	10' x 10' x 8'	1000 lbs	800 cu ft
10	1	10' x 10' x 8'	1000 lbs	800 cu ft

Item 2: Cooler

Health Department Cooler Storage Requirement

Minimum: 100 sq. ft. of cooler space for all food items.  
Maximum: 100 sq. ft. of cooler space for all food items.

Item	Qty	Dimensions	Weight	Volume
1	1	10' x 10' x 8'	1000 lbs	800 cu ft
2	1	10' x 10' x 8'	1000 lbs	800 cu ft
3	1	10' x 10' x 8'	1000 lbs	800 cu ft
4	1	10' x 10' x 8'	1000 lbs	800 cu ft
5	1	10' x 10' x 8'	1000 lbs	800 cu ft
6	1	10' x 10' x 8'	1000 lbs	800 cu ft
7	1	10' x 10' x 8'	1000 lbs	800 cu ft
8	1	10' x 10' x 8'	1000 lbs	800 cu ft
9	1	10' x 10' x 8'	1000 lbs	800 cu ft
10	1	10' x 10' x 8'	1000 lbs	800 cu ft



NOTE: 1. All food and drink areas shall be kept clean and free of debris at all times.

2. All food and drink areas shall be kept free of pests at all times.

3. All food and drink areas shall be kept free of rodents at all times.

4. All food and drink areas shall be kept free of insects at all times.

5. All food and drink areas shall be kept free of birds at all times.

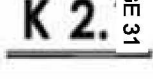
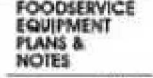
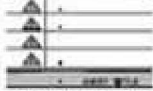
6. All food and drink areas shall be kept free of other animals at all times.

7. All food and drink areas shall be kept free of other pests at all times.

8. All food and drink areas shall be kept free of other debris at all times.

9. All food and drink areas shall be kept free of other rodents at all times.

10. All food and drink areas shall be kept free of other insects at all times.



ITEM 1.

PACKET PAGE 31







Conditional Use Permit No. 01-19  
13180 Palm Drive  
Las Brisas Restaurant – Type 41 ABC License

Exhibit No. 5 – Site Photos

## LAS BRISAS RESTAURANT

Re: Planning Convenience & Necessity

To whom it may concern,

Las Brisas is a fresh new restaurant in Desert Hot Springs bringing a new spin on your seafood dinning experience. We offer a unique cuisine of specialty sandwiches such as lobster poorboy served on your choice of garlic or plain Texas toast or on a french roll. One of our deep fried baskets will consist of golden fried oyster paired with sweet potato fries and served up with a mango horseradish dipping sauce also fried clams, shrimp and fish baskets. Also menu items of traditional American seafood dishes such as steak & lobster, shrimp scampi or Alaskan king crab all served to order. At Las Brisas we are infusing the best of both worlds from south of the border dishes like birria soup and the special torta aogada covered in red sauce and salsa paired with an ice cold frosted mug of beer and your good to go. We are Jalisco Mexico meets Southern California from a Estrella Jalisco mango michelada to a Modelo tamarindo picante chelada or a refreshing wine cooler combined to give a dinning experience that will satisfy and delight even those of discriminate taste. With the new Las Brisas Restaurant opening in Desert Hot Springs we anticipate a unique dinning experience that we believe will contribute to the progressive growth in this area by adding employment opportunities in a family friendly atmosphere with a delightful dinning experience. We at Las Brisas believe that with the opportunity to offer our clientele the added dimension of an alcoholic beverage in conjunction with good food at great prices we should acquire a loyal fan base of repeat customers, which is imperative to the sustainability for any business. To establish a consistent revenue influx is vitally important, and will directly

effect the growth of a business. Therefore, we believe that with the option of providing our clientele with choices will greatly increase our chances of success and sustainability in this endeavor. We at Las Brisas thank you for your time and consideration in the matter and look forward to a response at your earliest possible convenience.

Thank you,

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## REPORT TO THE PLANNING COMMISSION



**DATE:** May 14, 2019

**TITLE:** Cell Tower Discussion

**Prepared by:** Rebecca Deming, Community Development Director

### RECOMMENDATION

#### Direct Staff

### DISCUSSION

Staff would like to be able to direct potential applicants on what the Planning Commission is looking for to make the necessary findings to approve new cell towers. Although the findings are specific to each request and property, staff is requesting discussion and consensus among the Planning Commission regarding design and camouflage options. Below are examples of types of towers for discussion.



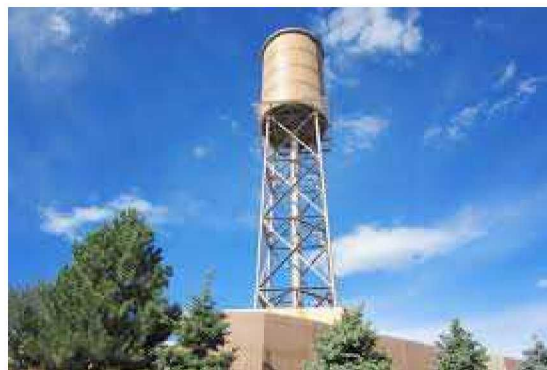
**Figure 1: Standard Tower**



**Figure 3: Eucalyptus**



**Figure 2: Palm Tree**



**Figure 4: Water Tank**



**Figure 5: Flag Pole**



**Figure 7: Clock Tower**



**Figure 6: Lampshade**