

REPORT TO THE PLANNING COMMISSION



DATE: March 10, 2020

TITLE: Conditional Use Permit No. 20-2: An Application for a Type 42 Alcohol License to Sell Beer and Wine for Consumption Both On or Off the Premises at the Tuscan Springs Hotel and Spa

Prepared by: Patricia M. Villagomez, Assistant Planner

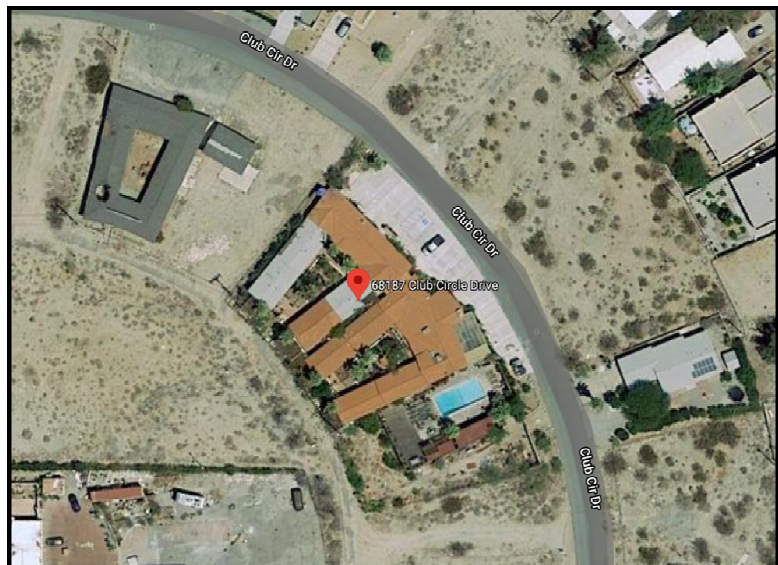
Reviewed by: Rebecca Deming, Community Development Director

RECOMMENDATION

- 1) Staff Report
- 2) Entertain questions of Staff from the Planning Commission;
- 3) Open Public Hearing;
- 4) Take testimony from Applicant;
- 5) Take public testimony for those in favor;
- 6) Take public testimony from those opposed;
- 7) Take public testimony from those in a neutral position;
- 8) Opportunity for Applicant rebuttal;
- 9) Close the Public Hearing
- 10) Planning Commission discussion and questions to Staff; and
- 11) Approve Conditional Use Permit No. 20-2 for a Type 42 Alcohol License to sell beer and wine for consumption both on or off premises at the Tuscan Springs Hotel and Spa located at 66187 Club Circle Drive subject to the Conditions of Approval and Findings Stipulated.

EXECUTIVE SUMMARY

On January 8, 2020, the applicant, Camelia Chioibas, submitted a Conditional Use Permit application for a Type 42 (sell beer and wine for consumption both on or off premises) license. The project is located within an already existing and operation hotel and spa and currently has a Type 80 (sell beer and wine only to registered guests for consumption on the premises. Due to the application type license the hotel and spa is unable to accommodate individuals under the age of 21.



BACKGROUND AND SETTING

The proposed project is located at 68187 Club Circle Drive in an existing hotel and spa with 16 (sixteen) Italian inspired rooms with two natural hot mineral water Jacuzzis and a large natural hot mineral water pool. The Tuscan Springs Hotel and Spa has 5 (five) treatment room with a variety of different spa services.

Table 1: Surrounding Land Uses

	Zoning & General Plan Designations	Current Land Use
North	<i>V-S-C (Visitor Serving Commercial)</i>	Vacant/Residential
West	<i>V-S-C (Visitor Serving Commercial)</i>	Vacant
South	<i>V-S-C (Visitor Serving Commercial)</i>	Vacant
East	<i>V-S-C (Visitor Serving Commercial)</i>	Vacant

CONDITIONAL USE PERMIT 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. 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.

GENERAL PLAN CONSISTENCY

The project proposes to establish a Type 42 (sell beer and wine for consumption both on or off premises) 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 42 license authorizes the sale of beer and wine for consumption on or off the premises where sold. Due to the application type minors are not allowed to enter the premises. The proposed development is consistent with zoning allowable use standards and all applicable General Plan policies with the implementations of the Conditions of Approval.

HOURS OF OPERATION: There will be 2-4 new employees that will consist of bar keeps and clean up staff. The Tuscan Springs Hotel and Spa will be serving alcohol Friday thru Sunday and Holidays from 11am to 8pm, with future consideration to be open 6-7 days a week. The hotel and spa will not be providing any entertainment or events at this time.

SIGNAGE The site currently has a sign and any future signage will be required to submit a separate application that shall conform to the current specific standards of the City's Sign Ordinance.

CONDITIONAL USE PERMIT FINDINGS

Conditional Use Permits are regulated under Section 17.76 of the Desert Hot Springs Municipal Code and require that certain findings be made by the Planning Commission before granting a CUP request. Staff has developed recommendations for each finding, as follows:

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 Visitor Serving Commercial (V-S-C) zoning designation is intended for such use and is compatible with the surrounding neighborhood. The applicant has applied for a Type 42 ABC license that allows sell beer and wine for consumption both on or off premises. The Tuscan Springs Hotel and Spa and bar will operate from 11 a.m. to 8 p.m. Friday thru Sunday 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.

Staff has attached Conditions of Approval to ensure that the on-sale ABC license for Tuscan Springs Hotel and Spa will not impair the integrity and character of the land use district. The Visitor Serving Commercial zoning district is intended for hotel and spa uses and the sale of alcohol will be incidental or secondary to the 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 (an existing hotel and spa) is physically suitable for the proposed bar use since the zone allows a wide range of hotel motel uses in the V-S-C zone. The site is located away from sensitive land uses such as schools, parks, religious institution, etc. 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 42 (sell beer and wine for consumption both on or off premises) ABC license is physically suitable for the hotel and spa. Staff recommends this finding.

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

The proposed Type 42 (sell beer and wine for consumption both on or off premises) is allowed within the Visitor Serving Commercial land use. Currently, the existing land uses within the subject project are a range of spa uses. The addition of beer and wine is compatible with the surrounding uses and will serve as an additional amenity to the 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 hotel and spa land use. The land surrounding the property are zoned for hotel/motel with or without spas use. The project site is within the already and operational Tuscan Springs Hotel and Spa which has on-site amenities that service the site. The ABC license is for sell beer and wine for consumption both on or off premises which will be contained within the proposed site and the operation of the bar will be consistent with the intent of the V-S-C zone. Overall, the proposed Type 42 (sell beer and wine for consumption both on or off premises) is expected to be compatible with the existing and future commercial uses in the surrounding area. Staff recommends this finding.

6. That the proposed use is compatible in scale, mass, coverage, density, and intensity with all adjacent land uses.

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 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 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 customers of the hotel and spa. 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 be adequate provisions for public access to serve the site.

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 42 (sell beer and wine for consumption both on or off premises) 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 42 ABC License. Staff recommends this finding.

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

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 daily operations and will contribute to the success of the restaurant. The Type 42 (sell beer and wine for consumption both on or off premises) and is designated as an on-premises license. With the Type 42 license alcohol may be sold and served for on or off 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 hotel and spa and allow Tuscan Springs to compete with similar establishments that sell beer and wine. Staff recommends this finding.

10. That the proposed use is necessary and essential to the community.

The City has found that the proposed use will serve the community by providing necessary services to those that need assistance. The community of Desert Hot Springs, the Coachella Valley and surrounding areas will benefit from having an additional facility with licensed professionals. Staff recommends this finding.

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

Appropriate development under this designation includes land uses which are compatible with the predominately character of the land. This designation also accounts for compatibility with smaller hotel and spa service businesses. Staff recommends this finding.

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

The proposed Type 42 ABC license to sell beer and wine for consumption both on or off premises and will not have any significant harmful effects on environmental quality and natural resources. No significant adverse or harmful effects on the environment or on any natural resources are anticipated from the ABC license. Staff recommends this finding.

13. 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.

14. 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.

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 42 ABC license will be located on a developed property within a developed commercial area located within the Visitor Serving 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 property owners within a 300-foot radius of the project site February 27, 2020 and was advertised in the Desert Star on Friday, February

28, 2020 per noticing requirements. No public comments have been received as of this writing.

Economic Development:

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

The proposed Type 42 (sell beer and wine for consumption both on or off premises) ABC License will help strengthen the existing hotel and spa 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 business.

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

The Type 42 ABC License will strengthen the proposed hotel and spa 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.

NOTICING REQUIREMENTS

The project was noticed to neighboring property owners within a 300-foot radius of the project site February 27th, 2020 and was advertised in the Desert Star on Friday, February 28th, 2020 per 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 Categorical 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 Tuscan Springs Hotel and Spa, will generate additional sales tax revenues.

RECOMMENDATION

Staff finds that the proposed project is substantially consistent with the General Plan and meets the development standards of the V-S-C (Visitor Serving Commercial) Zoning District. Staff recommends that the Planning Commission approve Conditional Use Permit No. 20-2, subject to the Conditions of Approval, and the findings contained in this report.

EXHIBIT(S)

- 1) Draft Conditions of Approval
- 2) Existing/Proposed Floor Plan
- 3) Business Plan
- 4) Site Photos