



PLANNING COMMISSION STAFF REPORT

DATE: September 25, 2013

SUBJECT: TAREEF TALALA, OWNER OF VILLAGE PUB APPEALING THE PLANNING DIRECTOR'S DECISION TO DENY A REQUEST TO EXPAND AN OUTDOOR PATIO ONTO THE PUBLIC RIGHT-OF-WAY LOCATED AT 266 SOUTH PALM CANYON DRIVE, ZONE CBD, SECTION 15. (GM)

CASE: 13-053 LUP (APPEAL)

FROM: Department of Planning Services

SUMMARY

Tareef Talala, owner of the Village Pub appealing the Planning Director's decision to deny a Land Use Permit to expand an existing restaurant patio onto the public right-of-way narrowing the sidewalk in conflict with the Downtown Urban Design Guidelines. The business is located at 266 South Palm Canyon Drive.

RECOMMENDATION:

Deny appeal and uphold the Planning Director's decision

ISSUES:

- City of Palm Springs General Plan - Downtown Urban Design Guidelines shows sidewalk widths of Palm Canyon Drive to "provide ample room for concurrent uses allowing for pedestrian areas of at least ten (10) feet for window shopping / pedestrian through-traffic; ten (10) feet for outdoor dining; and three (3) feet for landscape shade trees".

BACKGROUND:

Planning Areas		
Specific Plan	No	
Design Plan	Yes	Downtown Urban Design Plan
Overlay	Yes	Downtown Parking Combining Zone
Indian Land	No	

Most Recent Ownership	
2002	Talala Properties

Related Relevant City Actions by Planning, Fire, Building, etc...	
3/25/1980	Building permit issued for 2-story commercial structure, masonry and stucco
10/20/2004	Land Use Permit (04-044) issued for operation of Village Pub
2/20/2013	Land Use Permit (12-047) authorizing two dance floors and live entertainment
7/16/2013	Denial letter sent to applicant

Neighborhood Meeting	
None	

General Plan, Zoning and Land Uses of Site & Surrounding Areas			
	Existing General Plan Designations	Existing Zoning Designation	Existing Land Use
Subject Property	CBD (Central Business)	CBD (Central Business District)	Restaurant (Village Pub)
North	CBD (Central Business)	CBD (Central Business District)	Restaurant (Chop House / Grind)
South	CBD (Central Business)	CBD (Central Business)	Retail / Office Building (Vacant)
East	CBD (Central Business)	CU Civic Use Zone	City Parking Structure
West	CBD (Central Business)	CBD (Central Business)	Multi / Use (Vineyard Center)

SETTING

The Village Pub is a full service restaurant consisting of two buildings placed on the outer edge of the parcel allowing for an extensive open air patio for outdoor seating. The main building first floor contains a dining and kitchen area equaling 3,325-square feet with second floor bar area with game room / dance floor equaling 2,410-square feet. The support building contains a cabana bar and storage areas of 1,260-square feet for a total building area of 6,970-square feet.

Land Use Permit (Case 12-047 LUP) granted approval for seating of 235 patrons (67 interior seats and 168 outdoor seats) on a private patio. The subject property is fifty (50) foot wide and 145 feet long extending from the South Palm Canyon Drive sidewalk back to the rear alley. The total area for the parcel is 7,250-square feet.

The main building sits approximately ten (10) feet from the front property line and contains large doors and windows that can be opened. The existing outside seating area between the building and public sidewalk contains a row of patio tables and chairs placed against a corrugated metal fence. The patio fencing runs parallel to the sidewalk and provides a definitive edge between public and private spaces.

SOUTH PALM CANYON DRIVE SIDEWALK

The following table lists all existing sidewalk features located in front of 266 South Palm Canyon Drive – Village Pub.

Sidewalk Feature	Feet	Comment
Sidewalk width	15	Face of curb to metal fence
Hollywood Stars	2	Stars: Jimmy Greenspoon, Buddy Hackett
Planter Beds	2	Mature street tree (Palm), cannot be removed
Street Furniture	2	Concrete bench
Trash Receptacle	2	Trash and recycling
Street Light	1	Light pole existing
Utilities	2	Irrigation meter and electrical pull box located in sidewalk
Sidewalk Material		Terra cotta colored sidewalk pavers

The City of Palm Springs Engineering Division has established a policy requiring a five (5) foot clearance around any permanent sidewalk feature such as a street tree planter bed, light pole or other street furniture. This clearance is to allow for the safe passage of pedestrians around physical barriers located on or in the sidewalk. (see attached Engineering Division drawing)

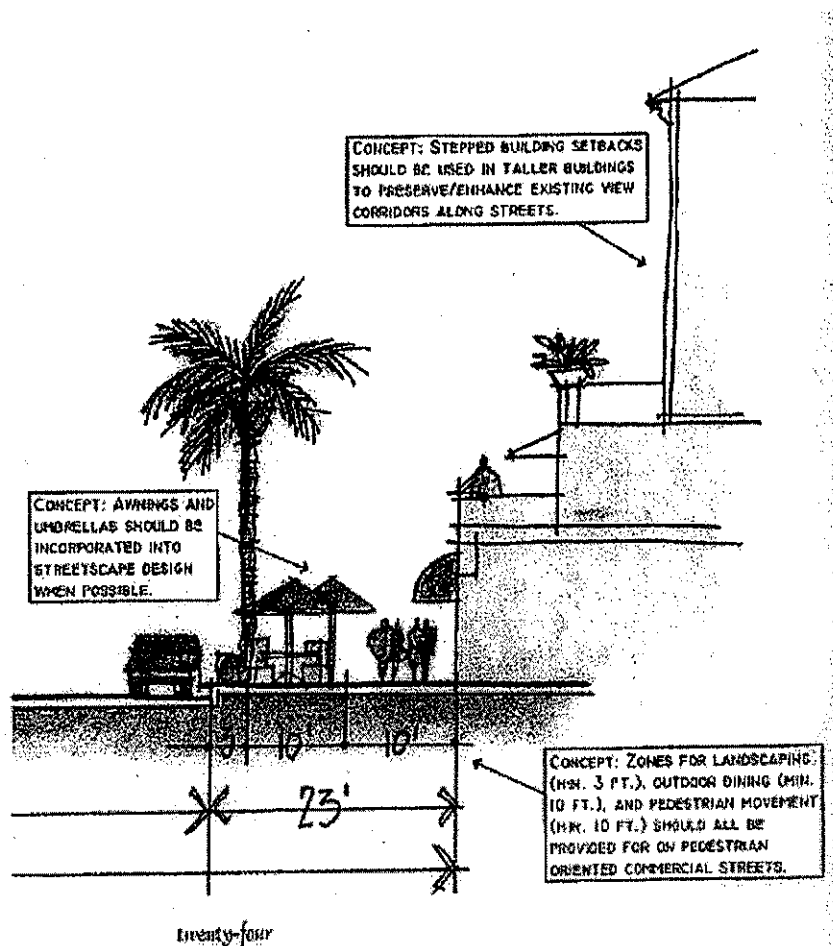
DOWNTOWN URBAN DESIGN GUIDELINES

The Downtown Urban Design Guidelines (DUDG) document was adopted as part of the 2007 General Plan update to provide design guidelines for future downtown development. The plan generated a set of ideas and strategies for street circulation, parking, public spaces, land use, building height and orientation, landscaping and signage.

Sidewalk guidelines:

- Sidewalk width is dependent on surrounding uses and scale of street. Core commercial areas need to include zones for window shopping, through pedestrian traffic, outdoor café seating, trees, and landscaping.
- When appropriate, sidewalks should reflect historic scoring patterns or distinctive paving or surface treatment to create patterns and consistency.
- In commercial areas where pedestrian uses are encouraged, wider sidewalks and sidewalk shade trees are preferred over landscaped medians to maximize the usable space for pedestrian activities and movement.
- Sidewalks should be designed to be handicapped accessible as set forth in the Americans with Disabilities Act (ADA).

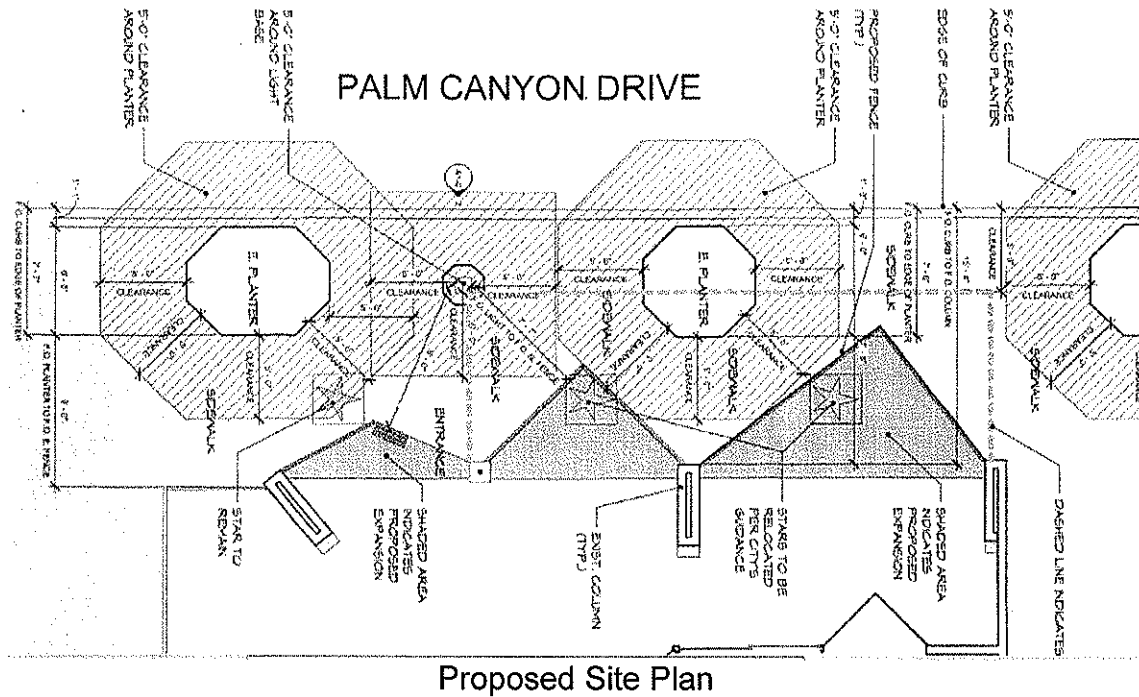
The DUDG provides specific guidelines for sidewalk design providing ample room for concurrent uses. The plan recommends that sidewalks in pedestrian areas have at least (10) feet for window shopping / pedestrian through traffic; ten (10) feet for outdoor dining; three (3) feet for landscaping and shade trees. The sidewalk in front of the Village Pub is fifteen feet wide and does not meet these standards.



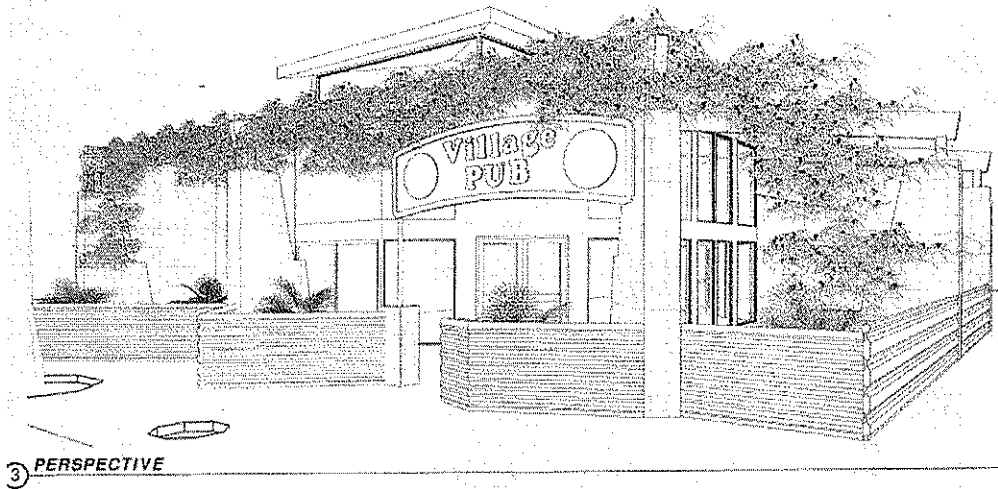
Sidewalk Section

LAND USE PERMIT APPLICATION 13-03

Tareef Talala, owner of the Village Pub filed an application to extend the current outdoor patio area eight feet into the public right-of-way narrowing the side walk to five (5) feet. According to the applicant, the new area will allow for additional patio seating. Corrugated metal fencing similar to existing will be utilized as the new patio barrier.



Proposed Site Plan



Perspective of proposed patio expansion

APPEAL

The applicant/appellant has stated that the reason for the appeal is:

"The denial of the Land Use Permit was based on the provisions of the Downtown Urban Design Guidelines (DUDG) pertaining to sidewalk widths. The DUDG states multiple purposes of sidewalks, including outdoor dining, window shopping, and pedestrian traffic. In addition, the DUDG presumes that 23 feet of sidewalk is available to accomplish these goals.

Mr. Talala's establishment is not located in an area with retail shopping establishments, such that the necessity of allowing window shopping is diminished. In addition, the DUDG also states that outdoor dining is to be promoted in the downtown area. Mr. Talala's land use permit to expand the patio at the Village Pub is consistent with the goal of creating a vibrant downtown with outdoor seating areas. Giving greater weight to pedestrian flow than outdoor dining appears inconsistent with the overall goals of the DUDG which is to accommodate multiple uses.

The DUDG presumes 23 feet of sidewalk to accommodate pedestrian traffic, outdoor dining, and landscaping. The 23 feet ideal is simply not available in all sections of Palm Canyon Drive. Zin Restaurant, for example, was permitted to expand its patio such that pedestrian traffic flow is diminished. This expansion also occurred in a section with large columns that further restricted pedestrian flow. There are no such impediments in the vicinity of the Village Pub and a patio expansion would not have a significant impact on pedestrian traffic.

Ideally, all of Palm Canyon Drive would have 23 feet of sidewalk available to accommodate the DUDG vision of pedestrian traffic, outdoor dining, and landscaping. Where 23 feet is not available, however, one individual objective, i.e., pedestrian traffic, should not crowd out other goals which are just as important to a vibrant and attractive downtown."

In response, Staff does not agree with the applicant's argument that the existing sidewalk width is grounds to allow increased encroachment of the public right-of-way. The Downtown Urban Design Guidelines are based upon sound planning principals of providing a consistent street edge between the private space and the public realm. The 200 block of South Palm Canyon Drive is a vibrant busy pedestrian corridor with a mix of retail stores and restaurants. A clear defined edge between the numerous restaurant patios on private property and the public sidewalk is present. The increased narrowing of the sidewalk would not be consistent with the General Plan DUDG's. Staff encourages outdoor dining, and the Village Pub currently provides outdoor dining. However in the hierarchy of urban design guidelines providing a ten (10) foot wide clearance for this active pedestrian district must be maintained.


ANALYSIS

The Palm Springs Zoning Code (PSZC) Section 92.09.01(C)(f) allows outdoor dining including beverage service on the public right-of-way in the Central Business District (CBD) zone with the approval of a Land Use Permit. The PSZC Section 94.02.01(D)(3) grants the Planning Director authority to conduct an investigation and render a decision on all Land Use Permit applications.

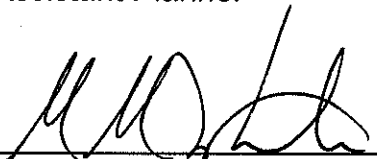
The Planning Director denied the application based upon the determination that the proposed patio expansion does not conform to the Downtown Urban Design Guidelines of the City of Palm Springs General Plan for recommended sidewalk widths of ten (10) feet minimum.

CONCLUSION

Staff has concluded that the Land Use Permit application (Case 13-053) for a patio expansion will narrow the sidewalk and is not consistent with the Downtown Urban Design Guidelines. The Planning Commission should uphold the Planning Director's decision to deny the application.



Glenn Mlaker, AICP
Assistant Planner



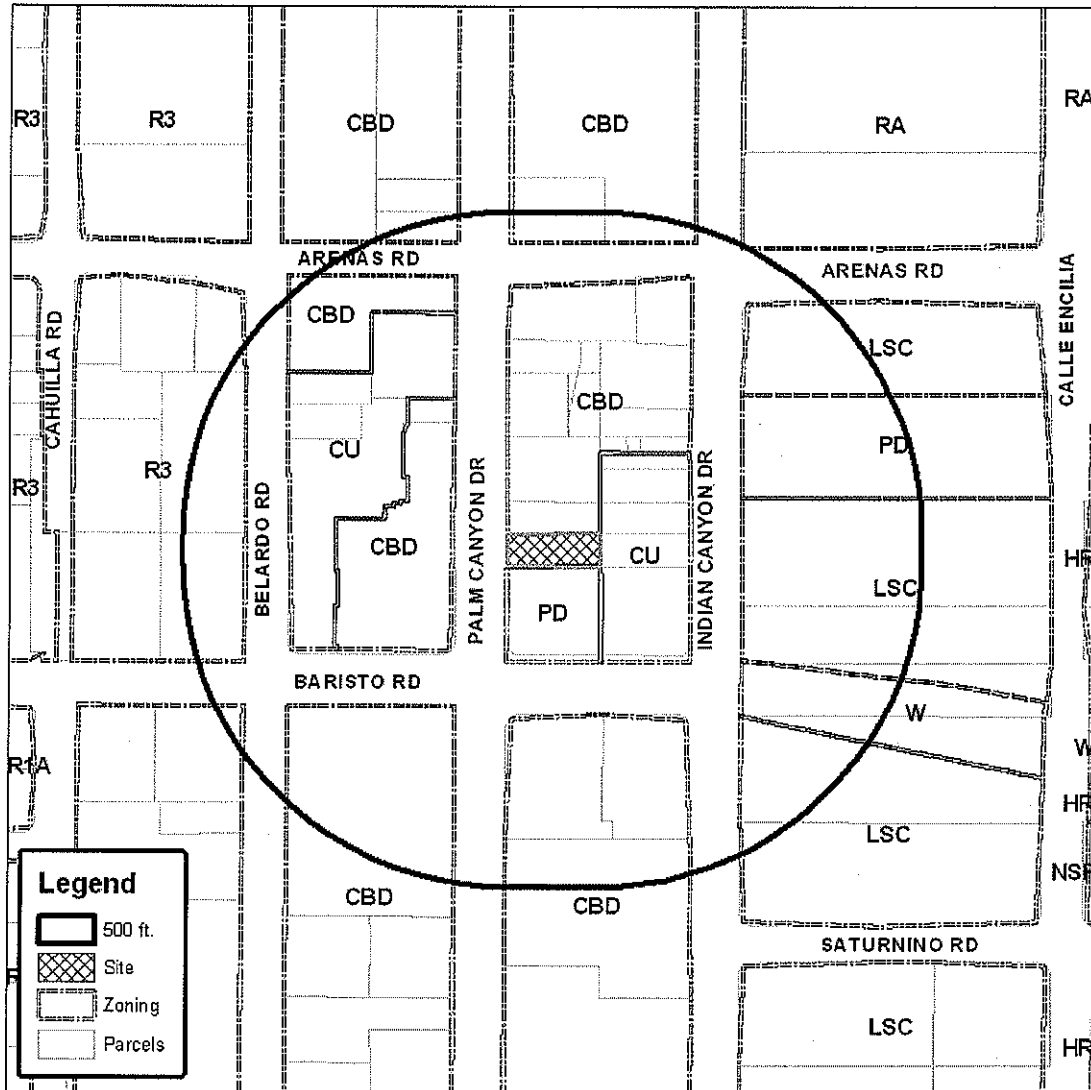
M. Margo Wheeler, AICP
Director of Planning Services

Attachments:

1. 400' Vicinity Map
2. Draft Resolution
3. Appeal letter from applicant dated July 23, 2013
4. Application justification letter dated July 9, 2013
5. Denial Letter dated July 16, 2013
6. Downtown Urban Design Guidelines - Sidewalks
7. Site plan with perspectives
8. Interior floor plan
9. Drawing from City Engineering Department
10. Pictures of east and west sides - 200 Block of South Palm Canyon Drive



Department of Planning Services Vicinity Map



Legend

- 500 ft.
- Site
- Zoning
- Parcels

CITY OF PALM SPRINGS

CASE NO: 13-053 LUP APPEAL

APPLICANT: Tafeef Talala – Village Pub

DESCRIPTION: An appeal of the Planning Director's decision to deny a request to expand an outdoor patio onto the public right-of-way at the Village Pub, 266 South Palm Canyon Drive, Zone CBD, Section 15

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA UPHOLDING THE DECISION OF THE DIRECTOR OF PLANNING SERVICES AND DENYING AN APPEAL BY TAREEF TALALA TO EXPAND AN OUTDOOR PATIO ONTO THE PUBLIC RIGHT-OF-WAY AT THE VILLAGE PUB AT 266 SOUTH PALM CANYON DRIVE, APN 513-154-016.

WHEREAS, on July 9, 2013, Tareef Talala, owner of the Village Pub submitted Land Use Permit application (Case 13-053) requesting a patio expansion onto the public right-of-way; and

WHEREAS, Sections 92.09.01(C)(f) of the Palm Springs Zoning Code allows outdoor dining including beverage service on the public right-of-way in the Central Business District (CBD) zone with the approval of a Land Use Permit, and Section 94.02.01(D)(3) grants the Planning Director authority to conduct an investigation and render a decision on all Land Use Permits; and

WHEREAS, on July 16, 2013, the Planning Director issued a written letter of denial for the request to expand an outdoor patio onto the public right-of-way at the Village Pub; and

WHEREAS, on July 23, 2013, the property owner representative, Attorney Joseph Roman filed an appeal request of the Planning Director's decision; and

WHEREAS, on September 25, 2013, the Planning Commission conducted a public review of the appeal request, including all of the evidence presented in connection with the matter, including, but not limited to, the staff report prepared on the matter, and all written and oral testimony presented; and

WHEREAS, the City of Palm Springs has adopted a General Plan and the Downtown Urban Design Guidelines including recommendations on sidewalk widths.

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1: That the decision by the Director of Planning Services to deny the request to expand an existing restaurant patio onto the public right-of-way narrowing the sidewalk in conflict with the Downtown Urban Design Guidelines to be upheld. Pedestrian sidewalks shall not be less than ten (10) feet wide where possible.

Section 2: That the Downtown Urban Design Guidelines requiring ten (10) feet for pedestrian access; ten (10) feet for outdoor dining; and three (3) feet for landscaping creates a vibrant pedestrian and business friendly downtown. A clear defined edge between the public space and private property is in the public interest and encroachments shall not be permitted into the ten (10) foot pedestrian walkway.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby rejects the appeal and upholds the decision of the Director of Planning Services.

ADOPTED this 25th day of September 2013.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

M. Margo Wheeler, AICP
Director of Planning Services

LAW OFFICES OF
JOSEPH A. ROMAN

RECEIVED

JUL 22 2013

PLANNING SERVICES

2825 EAST TAHQUITZ CANYON WAY

SUITE D-1

PALM SPRINGS, CALIFORNIA 92262

(760) 323-2090

FAX (760) 323-2816

July 23, 2013

PERSONAL DELIVERY

Margo Wheeler
DIRECTOR OF PLANNING SERVICES
CITY OF PALM SPRINGS
3200 E. Tahquitz Canyon Way
Palm Springs, California 92262

Re: Case LUP 13-053 – The Village Pub – 266 S. Palm Canyon Drive
Land Use Permit, Request for Expansion of Patio Dining Area

Dear Ms. Wheeler:

This office represents Mr. Tareef Talala, owner of The Village Pub, which is located at 266 S. Palm Canyon Drive. We are in receipt of the July 16, 2013 denial of the above referenced Land Use Permit. Consistent with the provisions of Zoning Code section 94.02.01 Mr. Talala hereby appeals the decision to deny the Land Use Permit to the Palm Springs Planning Commission.

The denial of the Land Use Permit was based on the provisions of the Downtown Urban Design Guidelines (DUDG) pertaining to sidewalk widths. The DUDG states multiple purposes of sidewalks, including outdoor dining, window shopping, and pedestrian traffic. In addition, the DUDG presumes that 23 feet of sidewalk is available to accomplish these goals.

Mr. Tala's establishment is not located in an area with retail shopping establishments, such that the necessity of allowing window shopping is diminished. In addition, the DUDG also states that outdoor dining is to be promoted in the downtown area. Mr. Talala's land use permit to expand the patio at The Village Pub is consistent with the goal of creating a vibrant downtown with outdoor eating areas. Giving greater weight to pedestrian flow than outdoor dining appears inconsistent with the overall objectives of the DUDG which is to accommodate multiple uses.

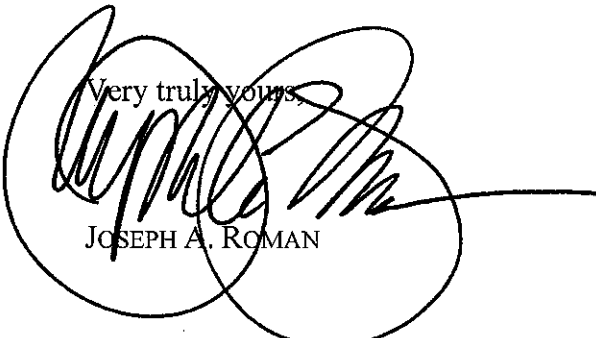
The DUDG presumes 23 feet of sidewalk to accommodate pedestrian traffic, outdoor dining, and landscaping. The 23 foot ideal is simply not available in all sections of Palm Canyon Drive. Zin Restaurant, for example, was permitted to expand its patio such that pedestrian traffic flow was diminished. This expansion also occurred in a section with large columns that further restricted pedestrian flow. There are no such impediments in the vicinity of The Village Pub and a patio expansion would not have a significant impact on pedestrian traffic.

LAW OFFICES OF
JOSEPH A. ROMAN

Margo Wheeler
July 23, 2013
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Ideally, all of Palm Canyon Drive would have 23 feet of sidewalk available to accommodate the DUDG vision of pedestrian traffic, outdoor dining, and landscaping. Where 23 feet is not available, however, one individual objective, i.e., pedestrian traffic, should not crowd out other goals which are just as important to a vibrant and attractive downtown.

On behalf of Mr. Talala, I thank you for your time and attention to the foregoing and please advise when this matter will be scheduled for a hearing before the Palm Springs Planning Commission.

Very truly yours,

JOSEPH A. ROMAN

cc: Tareef Talala

LAW OFFICES OF
JOSEPH A. ROMAN

2825 EAST TAHQUITZ CANYON WAY
SUITE D-1
PALM SPRINGS, CALIFORNIA 92262

(760) 323-2090
FAX (760) 323-2816

July 9, 2013

M. Margo Wheeler, A.I.C.P.
DIRECTOR OF PLANNING SERVICES
CITY OF PALM SPRINGS
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262-2743

Re: *Village Pub, Proposed Patio Expansion*
Letter of Support

Dear Ms. Wheeler:

Please accept this letter in support of the Village Pub's application for a minor patio expansion. Outlined below are the reasons why this request has merit and how we believe it is consistent with proper planning principles:

1. The patio increase is only about 4.5% of the total existing patio area.
2. The increase in patio area is insignificant and would not add any additional seating to the existing capacity. Currently the Village Pub operates at a seating capacity well below what is allowed.
3. The proposed expansion would not create the congestion that resulted from the Zen Restaurant patio expansion inasmuch as the Village Pub's proposed sidewalk encroachment is minimal.
4. The proposed patio expansion is specifically designed to increase the visibility of the Village Pub, which as the last place on the block and the Palm Canyon strip, is difficult for pedestrians to see from the north. It should also be noted that there is scarcely any foot traffic beyond the Village Pub to the south.
5. The Walk of Stars Committee has agreed to move two of the three stars on the sidewalk in front of the Village Pub provided the Village Pub pays the expense in doing so.

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JOSEPH A. ROMAN

M. Margo Wheeler, A.I.C.P.
DIRECTOR OF PLANNING SERVICES
CITY OF PALM SPRINGS
July 9, 2013
Page 2

6. As a certified planner himself, Tareef Talala has followed sensible planning principles by not requesting the maximum possible area for the proposed expansion, and is sensitive to the need to avoid congestion, while at the same time providing greater visibility for his business.
7. The proposed expansion is consistent with the City's long-term vision for sustaining businesses and promoting the downtown area. The Village Pub has been in business for over 17 years but the economic downturn has taken its toll over the past several years, and we believe the proposed patio expansion will help the business rebound by making it slightly more visible.
8. The Village Pub brought nightlife to the strip some 17 years ago and introduced live music as well as a cosmopolitan spirit to downtown Palm Springs. The owners of the Village Pub have been outstanding citizens and would like to continue to be successful, hopefully for many years to come.

In conclusion, the proposed addition would enhance the visibility of the Pub, which along with other interior renovations being considered, would maintain consistent design elements throughout. We therefore kindly urge you to consider our request.

Very truly yours,



JOSEPH A. ROMAN

JAR:

cc: Tareef Talala



City of Palm Springs

3200 East Tahquitz Canyon Way • Palm Springs, CA 92262
Tel: 760-323-8245 • Fax: 760-322-8360

July 16, 2013

by e mail & US Mail: tareeftalala@aol.com

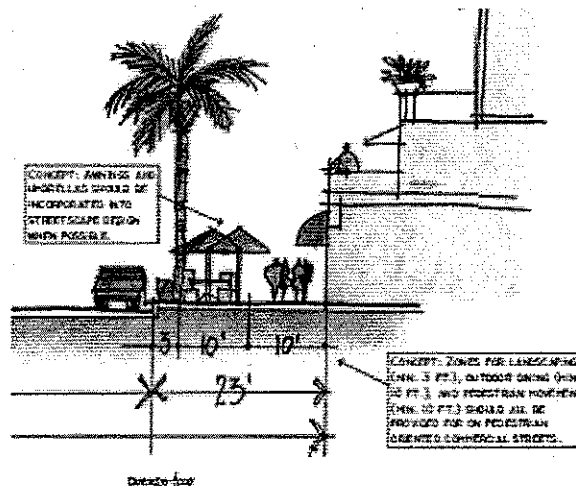
Tareef Talala
Chic LLC DBA Village Pub
266 S Palm Canyon Drive
Palm Springs, CA 92262

Re: Case LUP 13-053 – The Village Pub - 266 S Palm Canyon Drive
Land Use Permit request for expansion of patio dining area

Dear Mr. Talala,

The subject Land Use Permit application requesting approval to expand the outdoor patio dining at The Village Pub according to the proposed drawings date stamped by the City July 9, 2013 has been reviewed by the Director of Planning and is hereby **denied**.

The reason for this denial is the proposed patio expansion does not conform to the Downtown Urban Design Guidelines (DUDG) of the City of Palm Springs General Plan which denotes on page 24, recommended widths for sidewalks, dining areas, and areas for planters/street furniture. The current sidewalk width in front of the railing of the outdoor dining for the Village Pub is 9 feet; the recommended width for sidewalks in the downtown is 10 feet.



EXCERPT FROM THE DODWNTOWN URBAN DESIGN GUIDELINES – 2007 GENERAL PLAN

While it is recognized that not all segments of Palm Canyon have sidewalk zones wide enough for the full ten foot width for pedestrian movement, it is the City's goal to maintain sidewalk widths in the downtown as close as possible to the recommended widths specified in the DUDG to avoid pedestrian congestion and safety concerns, and provide sidewalks of adequate width for walking, window shopping and so on.

This decision is appealable to the Planning Commission within five (5) working days of the date of this decision pursuant to Zoning Section 94.02.01 (D,4) (*Land Use Permit Appeals*). Please contact the undersigned if there are questions.

Sincerely,
THE CITY OF PALM SPRINGS DEPARTMENT OF PLANNING SERVICES



Ken Lyon, RA, Associate Planner

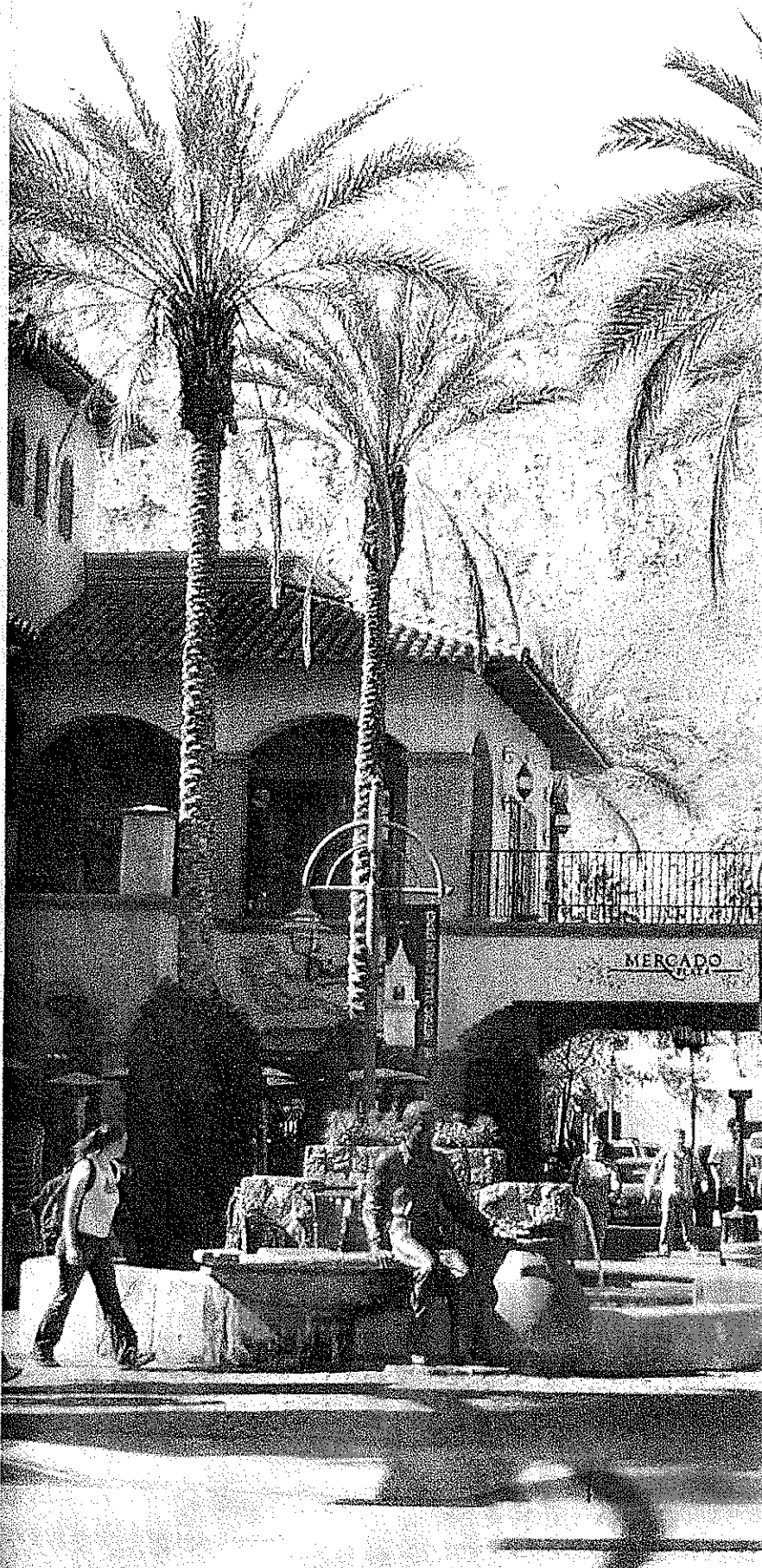
cc: File LUP 13-053 Village Pub



The City of Palm Springs

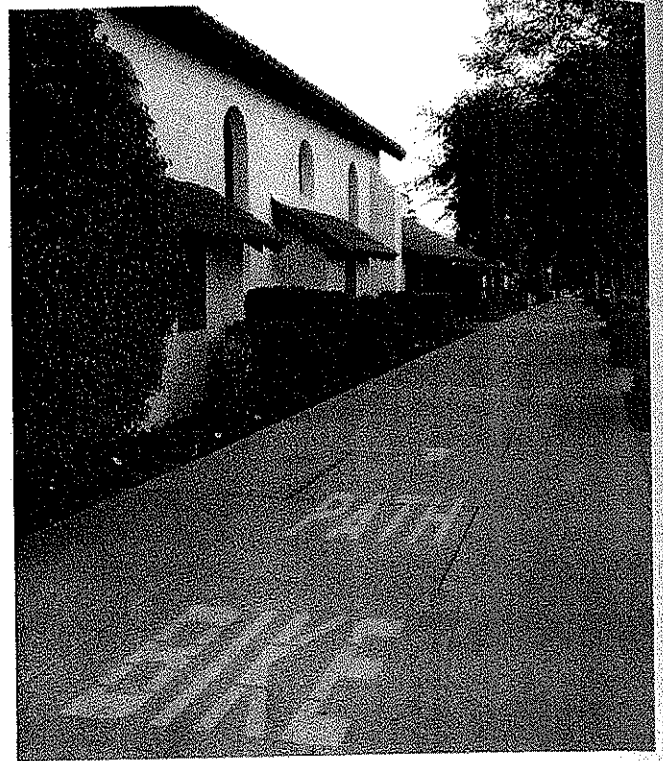
Interim Downtown Urban Design Plan

Adopted
July 20, 2005

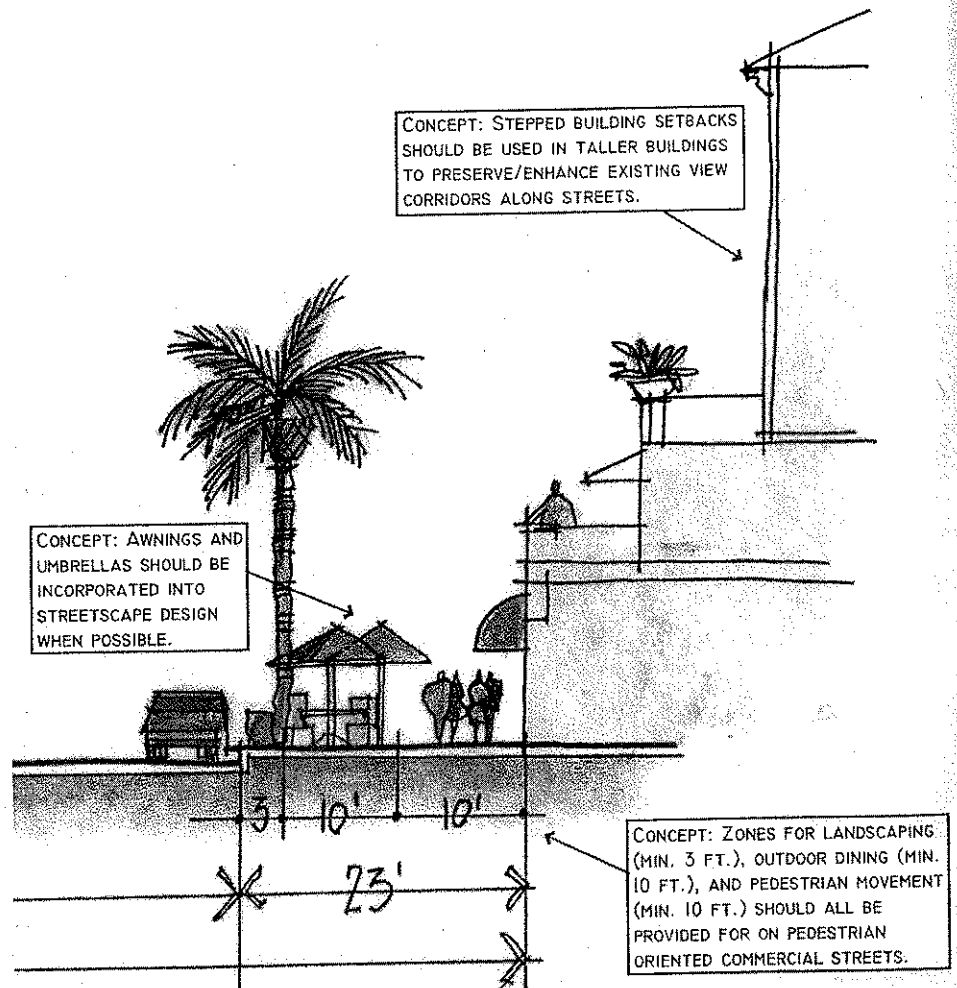


Sidewalks

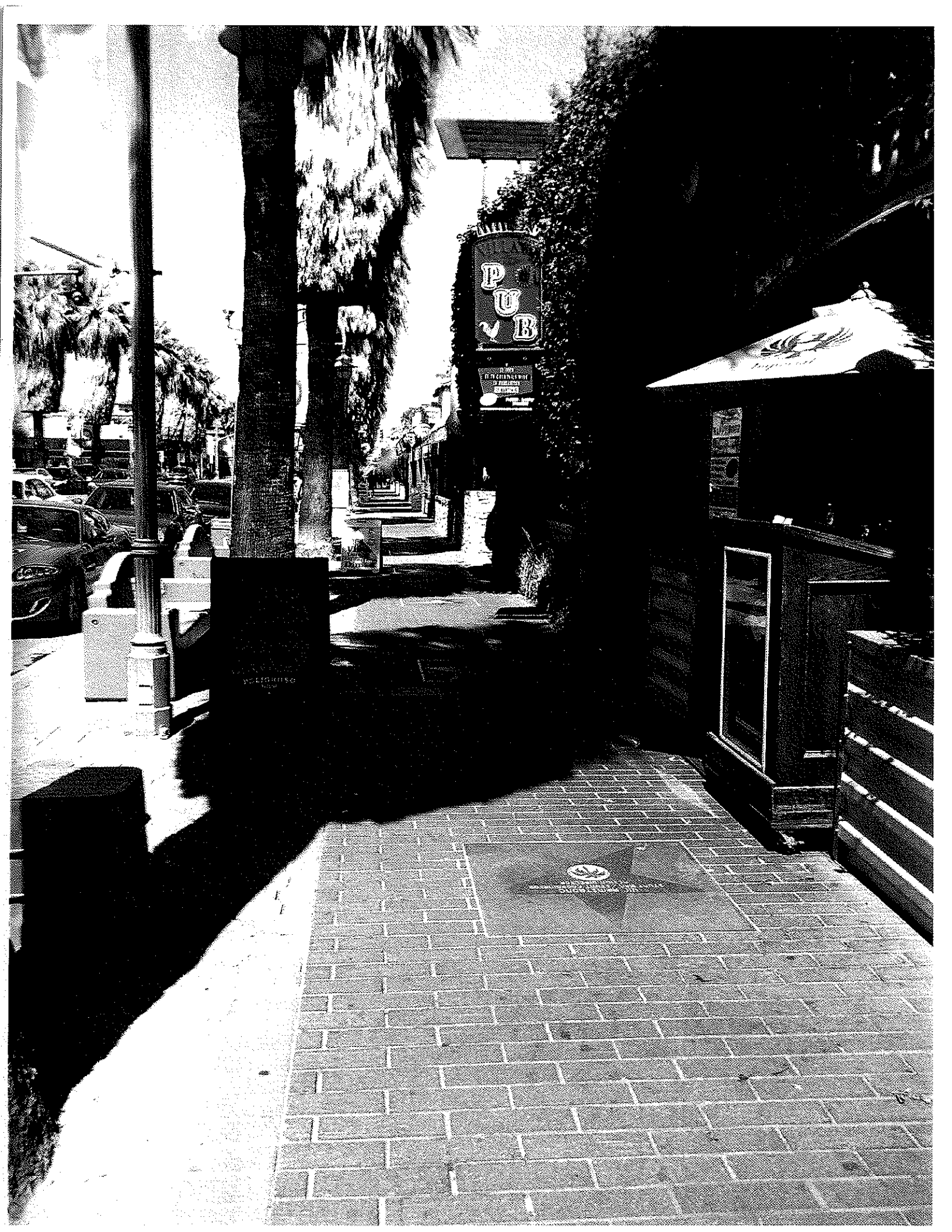
- Sidewalk width is dependent on surrounding uses and scale of street. Core commercial areas need to include zones for window shopping, through pedestrian traffic, outdoor eating, trees, and landscaping.
- Where appropriate, sidewalks should reflect historic scoring patterns or distinctive paving or surface treatment to create patterns and consistency.
- Along pedestrian-oriented streets, large windows of ground-level retail should provide visual interest and information for shoppers and strollers.
- In commercial areas where pedestrian uses are encouraged, wider sidewalks and sidewalk shade trees are preferred over landscaped medians to maximize the usable space for pedestrian activities and movement.
- Sidewalks should be designed to be handicapped accessible as set forth in the Americans with Disabilities Act (ADA).



Above: The section of the Heritage Trail along Belardo Road is a wonderful asset. It is a good example of how a wide sidewalk can serve both pedestrian and bicycle traffic. The Heritage Trail should be extended to connect with other parts of the city and the mountains.



Right: Sidewalks should provide ample room for concurrent uses. It is recommended that sidewalks in pedestrian areas have at least ten feet for window shopping / pedestrian through-traffic, ten feet for outdoor dining, and three feet for landscaping and shade trees.



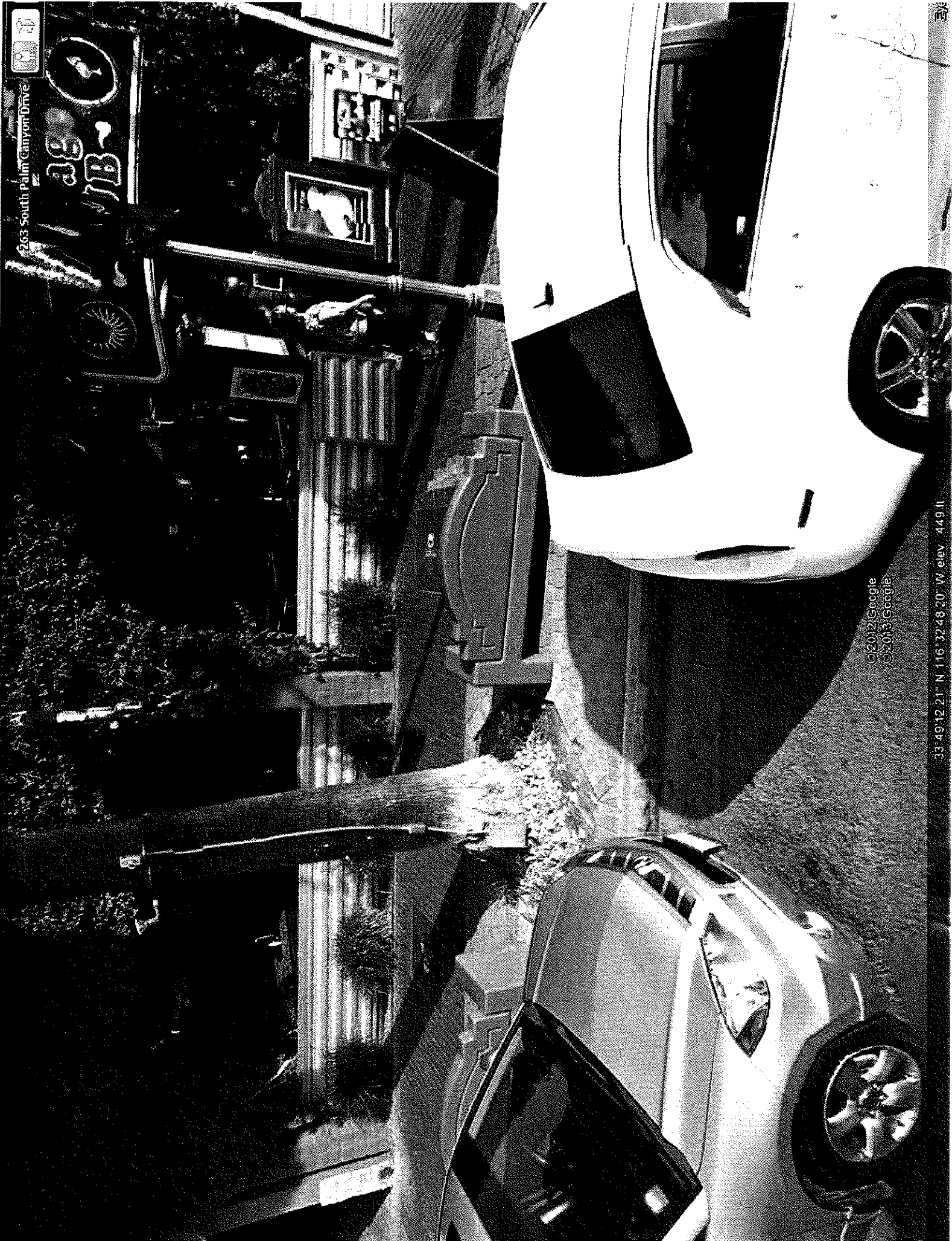






263 South Palm Canyon Drive

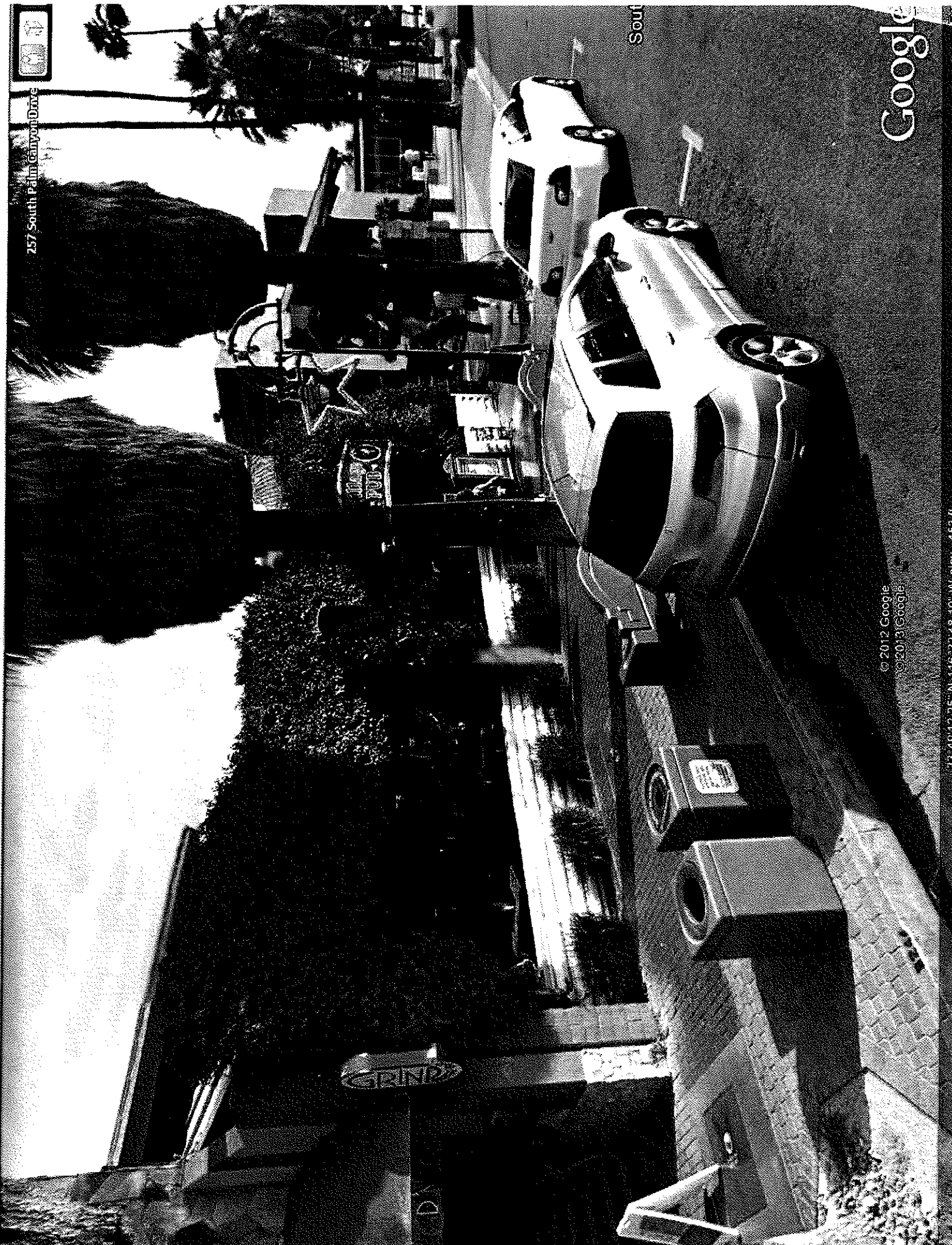
JB



©2012 Google
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33° 49' 12.21" N 116° 32' 48.30" W elev. 449 ft

257 South Palm Canyon Drive



South

Google

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33° 45' 12.25" N 116° 32' 48.10" W elev. 453 ft

