



Administrative Report

N.2., File # 21-3059

Meeting Date: 10/19/2021

To: MAYOR AND CITY COUNCIL

From: BRANDY FORBES, COMMUNITY DEVELOPMENT DIRECTOR

TITLE

DISCUSSION AND POSSIBLE ACTION REGARDING THE CITY'S OUTDOOR DINING PROGRAM IN RIVIERA VILLAGE, REQUIREMENTS FOR FUTURE PERMITTING OF DINING DECKS IN STREET RIGHT OF WAY AREAS, AND THE CITY'S REQUEST TO THE CALIFORNIA COASTAL COMMISSION TO MORE PERMANENTLY ALLOW OUTDOOR DINING DECKS IN PARKING SPACES INSIDE THE COASTAL ZONE

EXECUTIVE SUMMARY

During the COVID-19 emergency, the California Coastal Commission granted the City's request to use certain on street parking spaces for restaurant and retail activity in the Riviera Village. The purpose of this effort was to address the constraints Redondo Beach restaurants and retailers were facing from reduced indoor capacity and COVID related social distancing protocols by creatively providing outdoor space through a temporarily permitted outdoor dining program. To further assist businesses during this difficult time, the City also allowed these dining areas to be safeguarded by the installation of temporary building materials and waived license fees typically charged for the private use of public space.

The purpose of this report is to provide the City Council, residents and members of the business community an opportunity to talk about the rules and regulations that should be implemented to continue the program and make the dining decks a more permanent feature in the Riviera Village.

Central to this effort is the California Coastal Commission's willingness to allow for the repurposing of parking spaces in the Coastal Zone. As the City Council is aware, the waiver provided by the Coastal Commission for the conversion of parking spaces to outdoor dining is scheduled to expire with the CA Governor's emergency declaration, which tentatively is December 31, 2021. In preliminary conversations with California Coastal Commission staff, the Commission is open to entertaining requests from municipalities to allow for more permanent outdoor dining options in the coastal zone. In order to formally consider this type of request however, the City must apply for a Coastal Development Permit (CDP) or possibly a Local Coastal Plan (LCP) Amendment (depending on the program request) and provide specific program details, the number of public parking area(s) impacted by the program, and the mitigations that have been identified to offset the loss of public parking. Direction on these program details is sought so City staff can begin the application process.

BACKGROUND

Pursuant to Public Resources Code Section 30611, the California Coastal Commission Executive

Director has exercised his discretion to waive, upon request, emergency coastal permitting requirements for public agencies as deemed necessary to close those public spaces in order to protect public health and safety during the COVID-19 emergency orders. The City of Redondo Beach has utilized this waiver opportunity during the pandemic for two situations.

The first was during the initial two months of the emergency orders when the beaches and waterfront were closed to public access by the Los Angeles County Department of Public Health on March 27, 2020. Based on the areas closed per that order, the City also needed to close City-regulated Coastal Zone areas to coincide with the County closures to ensure public health and safety. The Coastal Commission authorized the waiver on March 30, 2020, and those waterfront closures were later lifted in mid-May 2020.

The second use of the waiver in Redondo Beach is related to the dining decks in Riviera Village. On May 29, 2020, the LA County Department of Public Health had revised their COVID-19 emergency order to allow restaurants to re-open under limited dining operations. Those restrictions have been revised over the period of the pandemic based on case rates and the severity of the health risk. The current LA County Department of Public Health emergency order prioritizes indoor seating to those patrons of the restaurant who are fully vaccinated, and suggests patrons who cannot provide proof of full vaccination be served in the outdoor portions of the facility. Therefore, the emergency orders still place limitations on restaurants in order to protect public health.

Early during the COVID-19 emergency orders, the City recognized that restaurants faced difficulties accommodating social distancing and the various health precautions. During this public health emergency, typical indoor capacity has been reduced for much of the emergency order timeframe. To address capacity issues and the social distancing protocols, and to allow restaurants to rebound from the hardship the closures and reduced capacity have brought, the City of Redondo Beach requested temporarily reducing on-street parking in portions of Riviera Village to allow for outdoor dining for restaurants and help protect public health.

The parking spaces are within the Coastal Zone, and therefore the temporary reduction required a waiver approval by the California Coastal Commission. The waiver was granted by the Coastal Commission on June 30, 2020, along with multiple amendments in July, August, September, and November 2020 to gradually expand the area (see attached maps of parking spaces available under current waiver). The waiver was done in conjunction with a special event permit issued to the Riviera Village Association Business Improvement District (BID). Once the BID received the special event permit to use the spaces, they coordinated directly with the businesses on installing the temporary dining decks. The special event permit, as has been amended to expand the area and extend the deadline, is currently valid through December 31, 2021. As well, the Coastal Commission waiver is effective through the Governor's Executive Order, currently slated to sunset on December 31, 2021.

Temporary Program Policy/Structure Concerns

The construction of the dining decks under the emergency orders were temporary in nature and do not accommodate all infrastructure needs or address fiscal and operational impacts to the City. Although the current operations are important to address public health issues related to the pandemic, they would not be sustainable to continue on as a permanent program. Some of the issues faced with the current temporary structures and use of parking are as follows:

- Many of the construction materials were not permanent in nature and are already degrading. A more permanent outdoor dining program should include the installation of attractive and high-quality barrier structures, street furniture, fixtures and equipment.
- Per the hydrology report dated October 15, 2020 prepared by DSC Engineering (attached), the temporary structures in place limit the stormwater flow for potential rain events and may exacerbate any storm event flows that could occur during the winter season.
- Several of the restaurants are using not only the space in front of their business, but the space in front of adjacent businesses for this use, potentially limiting access to other businesses. Individual licenses should be administered for each of the businesses that participate in the more permanent program.
- The 73 identified metered IPS spots that have been inactive for the emergency waiver program generated \$257,487 in parking revenue in 2019 (averaging \$3,527 per space annually), yet the City has waived fees for this emergency use during the pandemic. This results in significant lost revenue that is not sustainable on an ongoing basis.
- Private ongoing use of public property typically requires an annual license fee. While waiving these fees during the pandemic, given the impact on businesses, made sense, a more permanent outdoor dining program should include these fees.
- Those businesses serving alcohol are doing so under the emergency ABC license provisions. At some point ABC will resume their traditional regulated licensing activity, which will likely impact some of the restaurants.
- The increased outdoor activity and foot traffic in the area required additional police patrol (open containers of alcohol, over-serving of alcohol, amplified music, etc.) and should be considered as part of a more permanent program.

Discussion with Coastal Commission - Temporary and Permanent Dining Decks

City staff contacted the California Coastal Commission on June 15, 2021 to discuss the possibility of permanently allowing dining decks in the parking spaces in the coastal zone. Coastal Commission staff noted that they were internally discussing the concept and postponed the meeting until the end of August. During a virtual meeting on August 31, 2021, City staff expressed the interest in continuing the current temporary waiver, as well as a long-term use of a portion of the on-street parking spaces. The Coastal Commission noted that they are interested in exploring the idea of the parking spaces being retrofitted for dining decks, but would need to take into consideration the impacts to parking and other coastal public access issues.

- For the short-term COVID-19 emergency order period, the Coastal Commission recommended that the City request waiver extension through the estimated emergency order timeframe needed.
 - City staff submitted that waiver request on September 22, 2021, tying the extension to the LA County order rather than the Governor's order, to at least continue through March 31, 2021. The City is awaiting the Coastal Commission's decision on the waiver extension request.
- The Coastal Commission requested that the City provide a scope of what the permanent dining deck program would entail and how the City proposes to address and offset loss of access to coastal resources as a result of a permanent program.
 - City staff is bringing this item to the City Council to determine the scope of what to request of the Coastal Commission. Consideration needs to be made on how to offset loss of coastal access resources (i.e., parking), including the following possibilities:

- City Council will need to determine what amount of parking to displace on a permanent basis (currently only approximately 75 of the of the 239 spaces in the waiver area are currently being utilized for dining decks). This allotment should take into consideration additional restaurants that could potentially open in the Village as well as the fact that some of the current outdoor dining areas are underutilized.
- In some cases, the restaurants have more seating with the available indoor space and outdoor dining decks than they had prior to the pandemic. The increased overall capacity/seats for the restaurants potentially creates increased demand on parking without a municipal requirement of the businesses to add parking. The Coastal Commission acknowledges that this needs to be considered and incorporated in the program scope.
- The Coastal Commission requests that alternative transportation options be pursued to offset reduction of on street parking, such as:
 - Public transportation enhancements
 - Shuttle opportunities
 - Multimodal options (i.e. bikes)
 - Ridesharing possibilities
 - Additional public parking provision

Permanent Program Recommendations to Consider:

This Administrative Report transmits the discussions between City staff and California Coastal Commission staff regarding the possibilities of permanent use of some on street parking in the coastal zone for outdoor dining decks in Redondo Beach. As described in this report, staff is seeking City Council direction related to the content of a scope of work to be proposed to the California Coastal Commission for such use.

As noted above, the Coastal Commission concerns are related to the permanent reduction of public parking and how that may be offset so as not to reduce access to coastal resources. The City will also need to address local issues and concerns for the implementation of a permanent option. For example, the current installations are temporary in nature, both in materials used and design for flooding and other infrastructure needs. Below is a list of issues for City Council to consider in preparing a scope of work and eventual CDP or LCP Amendment for allowing permanent dining decks in the parking spaces. This list includes the issue, with staff-recommended approaches (bullets) to address the issue.

- 1. Number of spaces/which spaces to make available (currently extends to frontage to adjacent properties, in addition to in front of the restaurant)**
 - Recommend individual restaurant licenses.
 - Recommend that the area of service is limited to the frontage of the restaurant property, so as not to impact adjacent businesses.
 - Recommend not to expand the area that Coastal Commission approved in waiver and consider reducing the total number of spaces to no more than 75-perhaps even less.
- 2. Types of restaurants to allow to apply**
 - No recommended limits to the types of restaurants.
- 3. Construction standards**
 - Require consistent look and material palette.

- Require structure to be constructed to standards and criteria previously developed for the City's Sidewalk Dining Permit Program.
- Require structures to accommodate for stormwater flow.
- Prohibit affixed storage facilities in the dining deck area.
- Restrict utilities and equipment as follows:
 - Allow portable heaters to be approved by the Fire Department. Must be secured for overnight storage.
 - Prohibit electrical wiring, unless all electrical building code requirements can be met.
 - Prohibit portable serving stations on dining deck or sidewalk area.
- Restrict or limit pavement penetrations.

4. Safety Issues

- Specify City-acceptable protective barriers/materials.
- Require installation of additional signage documenting open containers of alcohol prohibited on sidewalk and street.
- Require additional ABC Training for employees of the bar / restaurants to include information related to dining decks and outside alcohol consumption, as part of the permit process.
- Consider need for and cost of increased law enforcement staffing for certain days of the week.
- Express that licensee is responsible for conduct on the dining deck and operating as a restaurant and no other use.
- Require applicant to maintain access to all fire apparatus, including, but not limited to, fire hydrants and fire department connections, at all times.

5. Hours of Operation

- Allow the businesses to mirror their regular operating hours, ending no later than 11 p.m.
- Require staffing during business hours when operating dining deck

6. Furniture and Equipment Specifications

- Designate quality level and types of furniture/equipment pieces allowed similar to Sidewalk Dining Permits.
- Prohibit couches and lounge chairs.

7. Maintenance and Storage

- Require in approval that the restaurant is responsible for maintenance and cleaning/sanitization of space.
- Mandate that applicant must secure tables, chairs, umbrellas, heaters, and other permitted furniture for overnight storage.
- Establish procedures for furniture storage during storm events.
- Stipulate that applicant is responsible, at the sole expense of the applicant, to clean and mitigate any damage the construction or operation of their dining deck caused to the public right of way, to the satisfaction of the Public Works Director, including, but not limited to, sidewalk, pavement, landscape or hardscape in the right of way.

8. Fees

- Address loss of parking revenue (the 73 identified IPS spots that were inactive for emergency waiver program had generated \$257,487 in 2019 - this figure should be updated to reflect current demand)

- Require a two-tiered annual license fee on a per square footage basis for restaurants serving alcohol (\$1 per sq. ft. per month) vs. those that do not serve alcohol (\$0.5 per sq. ft. per month).

9. Approval Process and Criteria

- To serve alcohol, requires ABC approval for that specified space and Police Chief authorization.
- Space must be in immediate proximity to restaurant.
- Direct application process to the City (whereas under the emergency order it occurred through the RV BID).
- Application submittal requirements:
 - Site plan and equipment layout
 - Schematics of proposed dining deck enclosure area, noting construction specifications, capacities, protective barrier specifications, etc.
 - Surety and insurance requirements
 - Waiver, release, and hold harmless documentation
 - Other documents, such as streetscape design features, business operation statement, etc. similar to Sidewalk Dining Permit
- Require annual renewal.

10. Alternative Transportation Options to Offset Reduction in Vehicular Parking (Coastal Commission Requirement). Options may include:

- Public transportation enhancements
- Shuttle opportunities from public parking lot(s) to Riviera Village area (rubber tire trolley)
- Multimodal options (e.g., public bike parking)
- Ridesharing possibilities (redesign curb management)
- Additional public parking provision

Next Steps and Timeframes:

Once the scope is determined, City staff can evaluate if the option could be authorized via Coastal Development Permit or if it requires an amendment to the Local Coastal Program. As well, the scope would be presented to the Coastal Commission for comment and additional revisions or recommendations. The following are the procedural steps to be taken, each having its own schedule for completion:

- Determine all approvals that would be necessary for a business and what those procedures would be (see issues above)
- Establish programs to address loss of parking
- Gain authorization from Coastal Commission on the scope/nature of the program
- Effectuate Coastal Development Permit or Local Coastal Program Amendment to implement

COORDINATION

This item has been prepared with input from the Community Development, Public Works, City Manager's Office, Police and Fire, Waterfront and Economic Development Departments and in consultation with the Riviera Village Business Improvement District.

FISCAL IMPACT

The reduction in the number of parking spaces significantly reduces parking fee revenue. This

impact however could be offset with the implementation of appropriate parking and street license fees as part of the more permanent program.

APPROVED BY:

Joe Hoefgen, City Manager

ATTACHMENTS

- Letter Dated March 24, 2020 from California Coastal Commission Initiating Emergency Waiver Process
- Current California Coastal Commission Waiver Amendment Authorization Dated November 17, 2020
- City of Redondo Beach Waiver Amendment Request Dated November 16, 2020 Representing Current Authorization (including maps)
- Hydrology and Hydraulics Report Dated October 15, 2020 Prepared by DSC Engineering
- Sidewalk Dining: Fees-Submittal Requirements
- Sidewalk Dining: Exhibit A Encroachment Permit
- Sidewalk Dining: Engineering Permit Application Example
- Sidewalk Dining: Insurance Requirements
- Sidewalk Dining: RBMC Title 3 Chapter 14 Encroachment Permit