



# Administrative Report

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H.15., File # 20-1592

Meeting Date: 10/20/2020

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**To:** MAYOR AND CITY COUNCIL  
**From:** TED SEMAAN, PUBLIC WORKS DIRECTOR

## **TITLE**

AUTHORIZE THE EXTENSION OF THE SPECIAL EVENT PERMIT FOR RIVIERA VILLAGE ASSOCIATION WITH NEW CONDITIONS TO CONTINUE PARKLET DINING THROUGH THE WINTER SEASON

## **EXECUTIVE SUMMARY**

The Riviera Village Association (RVA) has been granted a Special Event Permit (Permit) to allow restaurants within its business improvement district to occupy parking areas along certain streets with outdoor dining facilities, called parklets. The Permit was granted to support businesses in the area in response to the State's Heath Orders and the LA County specific COVID-19 restrictions related to indoor dining. Because the parklets occupy parking spaces in the Coastal Zone, staff was required to secure a special waiver from the California Coastal Commission to reduce the parking prior to issuing the Permit. The Permit is predicated on the availability of this parking and upon the continued COVID-19 state of emergency that justifies the dining restrictions.

The Permit was first granted with an expected end date just after Labor Day weekend. However, as the COVID-19 requirements have not lifted, the RVA has sought extensions to continue the program. The current extension expires on October 31, 2020 and the RVA has made a request is to extend the program until May 31, 2021. Staff's concern with this request is that the parklets placement in the street will impact storm water drainage expected during the wet weather season, typically, October to April. Therefore, staff has requested the RVA to provide a hydrologic and hydraulic analysis (see Attachment 1) including an Action Plan (Appendix E of Attachment 1) to determine what modifications to the parklets and what other operational requirements might be required to mitigate an increased risk of flooding.

The RVA has accepted responsibility to modify the parklets to accommodate smaller storms and to implement and initiate the Action Plan in response to forecasts for larger storms (see Attachment 2). Staff has reviewed the Action Plan and is comfortable that, short of completely removing the parklets, the level of risk of flooding with the parklets in place when compared with the annual level of risk associated with the City's design standards is minimized to the maximum extent practical. The Action Plan involves four stages that are based on amount of rain forecast for a given storm. Each of the first three stages requires an increased level of sandbagging for protection of sidewalks and private property. The fourth stage requires removal of portions of the parklets under the most extreme forecasts. Staff recommends that, if Council chooses to authorize extension of the Permit through

the wet weather season, the Action Plan be included as a requirement for the Permit. A summary of the required modifications for each parklet and the Action Plan triggers and required response is summarized on Attachment 3.

The RVA has also requested an extension to May 31, 2021 regardless of the “ever changing COVID-19 dining restrictions”. While staff can support an extension to May 31, 2021 as far as the decision remains in City control, the Council should recognize that loss of the parking waiver from the Coastal Commission and or lifting of the State and County orders promulgated due the COVID-19 pandemic may make the Permit extension to this date, or any later date impossible to support. Therefore, while staff can support extension of the Permit as discussed above, it does not recommend changing its nature to one reflecting any sort of minimum timeframe guarantee. The City should retain its right to rescind the Permit at any time if required to do so as a result of decisions made by authorities outside the City’s control. Staff therefore requests that City Council authorize the Public Works Director to extend the Special Events Permit to May 31, 2021, with the special conditions as outlined above.

### **BACKGROUND**

In early June, 2020, in response to requests from the RVA due to COVID-19 restrictions on indoor dining, City Council directed staff to develop a mechanism by which outdoor dining using street parking areas could be accomplished. The resulting Special Events Permit was issued to the RVA on June 30, 2020. Under the Permit, the RVA is authorized to allow restaurant owners to construct protected dining areas, called “parklets”, in predetermined locations in the street. The City participates in oversight of the parklet’s location, design and construction to address traffic and diner safety issues. Extensions to the Permit were sought and granted as the COVID-19 restrictions persisted through the late summer and autumn and now a request for extending the Permit through the winter has been presented by the RVA.

The parklets were not intended to be in the street through the winter, when first designed, and so did not account for drainage concerns. The streets, curbs and gutters, along with catch basin inlets and buried storm pipes are an important part of the City’s drainage system, which is designed to protect private property from flooding. Placement of the parklets in the streets, without adequate consideration of impacts to drainage, substantially increases the risk of flooding over the rainy season.

In order to extend the Permit through the rainy season, staff required the RVA to perform a hydrologic and hydrology study to understand how the parklets might impact the function of the City drainage system in the RVA area. The study showed that impacts of the parklets may increase the risk of flooding by reducing the capacity of the drainage system to something less than that required by the City’s design standard. The City has adopted the LA County design standard, which requires the drainage system, including use of the streets, to pass a 25-year storm event (in this case 4.4 inches of rain over a 24-hour period) without flooding private property. A 25-year event has a 4% statistical change of happening in any given year or, said another way, of happening about every 25 years.

In response to the hydrologic and hydraulic study, staff requested the RVA to consider modifications of the parklets. Specifically, the parklets need to be modified to clear the gutter area of the street to allow passage of flow. Staff also requested the RVA to develop and take responsibility to implement

an Action Plan (Appendix E) at the forecast of any measurable rain. The Action Plan produced is based on certain rainfall forecast “triggers” that require the RVA to initiate certain temporary measures to help retain storm flows between the curbs at low velocities. The four triggers are for rainfall forecasts from 1) up to 0.6-inches, 2) 0.6 to 2-inches 3) 2 to 4.4-inches, and 4) over 4.4 inches, which corresponds to the 25-year event. Each of the lower three triggers initiates placement of sandbags (in an increasing level of effort) to divert runoff water into the gutters and keep street flow off the sidewalks and private property. The fourth trigger initiates removal of and reorienting portions of the parklets to allow high flows to pass. RVA is committed to initiating, funding and performing (through hired contractors) the responses outlined in the Action Plan. Staff recommends an extension of the Permit be authorized only if the physical modifications to the parklets and Action Plan be included as requirements.

Staff believes the hydrology study, parklet modifications and Action Plan sufficiently mitigate the increased risk of flooding brought on by allowing parklets in the streets during the winter season. The only additional recommendation to remove all increase risk would be to remove the parklets completely, which defeats the purpose of the Permit. However, it is important to understand that the science of flood protection is based in probabilities founded in a statistical analysis of rainfall patterns and runoff characteristics. No drainage system design can guarantee that flooding can always be avoided. In deciding what level of protection to set as a standard, a municipality is deciding what level of risk is tolerable. When determining rainfall forecasts, meteorologists use historic data to determine the likelihood of rainfall patterns, history that is less reliable to predict the future due to climate change. When designing a drainage system, engineers are modeling runoff based on a given probability of storm, and the generalized runoff characteristics of the land uses over which it falls. The streets, curb inlets and buried pipelines are designed to pass the calculated runoff of the design event. But more intense storms over shorter durations can overwhelm a system designed for a bigger storm. And, important to this discussion, any reduction of flow area in a system, such as parklets place in the streets, can reduce the flood capacity no matter how much mitigation is done. Flood risk due to the placement of parklets in the streets over the winter season can be reasonably mitigated through the discussed efforts, but Council should be aware that some increase in flooding risk, however small, is unavoidable if the parklets remain.

### **COORDINATION**

This permitting effort and the recommended mitigations for the winter season were coordinated with the Public Works Department, Community Development Department and the RVA.

### **FISCAL IMPACT**

There is no direct fiscal impact associated with continuation of the Permit through the winter season. Indirect benefits to the City through continued critical operations of local businesses, maintaining local jobs, and sales tax revenue.

### **APPROVED BY:**

*Joe Hoefgen, City Manager*

### **ATTACHMENTS**

1. Hydrology & Hydraulic Study

2. Letter from RVA
3. Action Plan Summary