



Administrative Report

L.3., File # HC21-2451

Meeting Date: 5/10/2021

TO: HARBOR COMMISSION

FROM: STEPHEN PROUD, WATERFRONT & ECONOMIC DEVELOPMENT

DIRECTOR

TITLE

DISCUSSION AND POSSIBLE ACTION REGARDING OUTDOOR DINING PROGRAM FOR KING HARBOR

RECOMMENDATION

Staff recommends the Harbor Commission:

- 1) Receive and file the Administrative Report on Outdoor Dining for King Harbor
- 2) Provide appropriate direction.

BACKGROUND

With the onset of the COVID-19 pandemic in March 2020, the Los Angeles County Safer at Home Order limited local restaurants service to take-out or delivery options. On May 29, 2020, the State of California authorized a waiver that allowed the expansion of food service to outdoor seating areas operating within strict COVID-19 protocols. In response to the State waiver, the City of Redondo Beach initiated a Temporary Use Permit ("TUP") process to allow restaurants to "utilize the privately-owned parking areas and outdoor spaces" as expanded service areas to accommodate appropriate social distancing and COVID-19 protocols associated with restaurant operations.

Although the TUP was initially designated for privately owned restaurants in the City, the program was expanded to the Pier to allow restaurants to utilize the public areas above the International Boardwalk, the "Pad 10" or former Octagon Building location, and limited locations adjacent to existing businesses. The TUP was intended to allow businesses to expand into public areas to offset the loss of indoor seating and to accommodate social distancing protocols. It was not intended to allow businesses to expand beyond their current indoor seating capacity, but rather to provide a larger footprint for existing capacity. In addition, the TUPs were expected to last for the duration of the local emergency declaration related to COVID-19 and once the declaration was lifted and the TUP expired - the area that is the subject of the TUP was expected to be returned to its previous operating condition.

By all accounts, the outdoor dining/TUP process at the Pier has been a success and has allowed many of our local restaurants to survive the economic impact of the COVID-19 pandemic. The outdoor dining areas have become popular locations that allow patrons at the Pier to take advantage of the mild Southern California weather while enjoying a meal. In response to this popularity, several lessees at the Pier and throughout the Waterfront have requested the City consider options to create

permanent outdoor dining at the Pier.

As a first step in this process, staff is bringing this report to the Harbor Commission for discussion and input. In evaluating the creation of permanent outdoor dining, there are several factors that will need to be taken into consideration, including - but not limited to:

- Commercialization of Public Space - The outdoor dining program occupies areas that have traditionally been used as public space at the pier. The upper portion of the International Boardwalk serves as a bicyclist and pedestrian walkway as well as an elevated viewing area for the Harbor. The Pad 10/Octagon Building area serves as the location for several special events and summertime activities, including and annual skate camp. It is important to note that during the course of the pandemic, the City has received several complaints regarding the intrusion of outdoor dining into these public areas.
- Contracting\Licensing of Space - Unlike other areas in the City where property is privately owned, the businesses at the Pier are all subject to leases with either the City or a Master Leaseholder. Generally, the premises of each business is defined in the lease and typically only includes indoor areas. To allow the businesses to operate in the outdoor areas, the City will need to formalize an agreement with the various businesses for use of the space. This could take the form of a lease amendment to add the outdoor space to the premises. Another approach is the issuance of a permit for the space. By way of example, in 2018, the City began issuing Encroachment Permits for Sidewalk Dining Facilities/Improvements in the Public Right of Way. A copy of the permit package is attached to this report as Exhibit A. This packet could be modified to accommodate permits for outdoor dining at the Pier.
- Alcohol Service - In response to COVID-19, the California Department of Alcoholic Beverage Control (the "ABC") has allowed certain business to operate under a Temporary Catering Authorization. The COVID-19 Temporary Catering Authorization allows for the on-site consumption of those alcoholic beverages for which the licensee has on-site privileges - on property that is adjacent to the licensed premises and that is under the control of the licensee. It is unclear how long this temporary authorization will remain in place and once rescinded, if the ABC will allow alcohol sales in the proposed outdoor spaces.
- Allocation of Space - Once indoor operations are allowed to resume at 100% of capacity, the City will need to gauge the level of interest from the restaurants at the Pier for additional outdoor seating. The City will then need to develop a plan for outdoor seating areas and how those areas will be divided among the interested parties.
- Quality of Furnishings - The TUP currently in place does not set standards for the quality of the fixtures and furnishings in the outdoor seating areas. If these areas become permanent, it will be important for the Harbor Commission to set forth a series of standards for fixtures and furnishings. Furthermore, the Harbor Commission will need to determine if the outdoor dining spaces will have a uniform look and feel or if each individual operator will be allowed to provide their own furnishings.

As noted earlier, this list of items is intended to facilitate the Harbor Commission's discussion of

permanent outdoor dining in the public areas of the Harbor. Once the threshold question of whether this use is allowed is answered - the Harbor Commission will need to turn its attention to the numerous factors that will need to be addressed as part of an outdoor dining program. Staff is recommending the current TUP process remain in place for the Summer of 2021 so the City can monitor the changing COVID-19 landscape and related reopening protocols. In addition, this time will allow for a better understanding of how various government entities such as the ABC may modify their regulatory framework to respond to the post COVID-19 environment. In the meantime, the City can start to address some of the operational considerations related to the outdoor dining program and bring a recommendation back to the Harbor Commission for further discussion and consideration.

ATTACHMENTS

Exhibit A - Sidewalk Dining Permit Application