



Legislation Text

File #: 22-0057, **Version:** 1

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Carrie Tai, AICP, Community Development Director

SUBJECT:

Review of the Community Development Department Work Plan and Priority for the Long-Term Outdoor Dining and Business Use Work Plan Item (Community Development Director Tai).

DISCUSS AND PROVIDE DIRECTION

RECOMMENDATION:

Staff recommends that the City Council receive the staff presentation, conduct a discussion, and provide direction to staff as to the desired priorities for the Long-Term Outdoor Dining and Business Use work plan item.

FISCAL IMPLICATIONS:

There are no fiscal implications associated with this discussion. If City Council directs acceleration of the Outdoor Dining and Business Use work plan item, there would be a need for additional staff resources or outside professional services assistance, which may constitute a fiscal implication. Additional in-house staff resources, such as a Senior Planner, would be approximately \$150,000 (including benefits). The cost for professional services is dependent on the final scope, but could range from \$250,000 to \$300,000.

BACKGROUND:

The City Council approved the Work Plan on June 1, 2021. Each Work Plan item is assigned to a primary City department and includes a priority level: A - Critical; B - Important; C - Standard.

On August 24, 2021, the City Council directed staff to add a Community Development Department Work Plan item to study a long-term program for outdoor business and dining uses, both in the public right-of-way and on private property (added during the meeting). At the October 5, 2021, City Council meeting, staff presented a conceptual discussion of a Work Plan item to study Long-Term Outdoor Dining and Business Uses. During the course of the discussion, staff described the steps for conducting a study to formulate a program for outdoor business uses, including community outreach, permitting, and environmental review. One component of this is discussion of allowing for long-term commercial uses in the street portions of the public right-of-way. The City Council conducted a discussion and provided comments indicating that the proposed level of priority (B - important) was appropriate, that staff should try to simplify the process, and that outside professional expertise was not preferred. Staff indicated in the report and during the meeting discussion that the Department did

not have adequate staff resources to initiate this Work Plan item in the near term.

At the December 21, 2021, City Council meeting, during which the City Council extended the January 3 expiration for the COVID-19 Outdoor Dining and Business Use Program, the City Council inquired about prioritizing this item in the Work Plan. The City Manager replied that the Department could present its Work Plan at the January 18, 2022, City Council meeting to discuss resources required for this.

DISCUSSION:

Most of the Department's existing Work Plan items are in direct response to State regulations or otherwise needed to rectify an existing deficiency. Whether or not these items are on the Work Plan or reprioritized, the City and staff would still be obligated to complete them in a timely manner. Left uncompleted, there is risk and potential for complications that create time-consuming issues in the future. This summary reflects Work Plan items for which the Community Development Department has primary responsibility, with more detail in the Work Plan (attachment). The responsible division (s) for the task are in parentheses following the brief description.

Work Plan - Priority A

- Housing Policy and Regulation Updates. This item includes the State-mandated Housing Element update and implementation, as well as Zoning Code updates to respond to changing State law. This item also includes a long-term Senate Bill (SB) 9 ordinance to replace the recently -adopted interim ordinance. (Planning Division)
- Climate Resiliency Program. This consists of the development of the City's Climate Ready Manhattan Beach program, which includes a climate action and adaptation plan, sea level rise vulnerability assessment, and associated updates to the local coastal program. This program is substantially funded by a grant from the California Coastal Commission and includes grant deadlines. (Sustainability / Planning Division)
- (New for 2022) Triennial Building Code Update. The City's Building Code will require the triennial update, in accordance with State law. In preparation for this, associated Zoning Code updates and Sustainability measures will also be considered. (Building and Safety / Planning / Sustainability Divisions)

Work Plan - Priority B

- Code Enforcement Review. The Department continues to implement this item. There remain two vacant Code Enforcement Officer positions for which the recruitments are reaching final stages. (Administration / Building and Safety Divisions)
- Environmental Sustainability Work Plan. The numerous initiatives associated with this item are currently progressing. (Sustainability / Administration Divisions)
- Manhattan Village Shopping Center Expansion/Remodel Project. Staff continues to support the construction and administrative functions associated with the mall's expansion. (Building and Safety / Planning Divisions)

- *(New for 2022)* Long-Term Outdoor Dining and Business Uses on Public and Private Property. The City Council added this Work Plan item on October 5, 2021, to study this long-term use after the COVID-19 recovery. (Planning / Traffic Engineering / Administration Divisions; also Public Works Department)
- *(Restated for 2022; Previously removed due to COVID; Originally added in 2016)* Historic Preservation Ordinance Update. In 2021, the City Council requested a discussion of the existing Historic Preservation Ordinance, which revealed that the ordinance did not reflect the original intent when adopted. The City Council provided direction to staff to amend the ordinance. (Planning Division)

Work Plan - Priority C

- **Modernize Parking Standards.** This action item from the 2017 Sepulveda Corridor planning effort is intended to revise the City's parking standards to improve flexibility for businesses locating in Manhattan Beach. While approaching completion this year, this effort has been delayed by limited staff resources. (Planning / Traffic Engineering Divisions)
- **Wireless Telecommunications Program.** This Work Plan item from 2019 was added to ensure that the City's permitting of wireless telecommunications facilities complied with Federal standards and that the community was educated on of the City's limited ability to regulate many facilities. This remains uncompleted. Furthermore, there have been additional updates needed to resolve redundancy, confusion, and inconsistency in the City regulations. (Planning Division)

There are also Work Plan items for other Departments for which the Community Development Department has a secondary role. This includes upgrades to the City's document imaging system, contract management systems, and agenda management solutions, park master plan, arts program, historic resources, Scout House project, and technology upgrades.

Non-Work Plan Items

The Department also responds to numerous items requested during City Council meetings, which are not part of the Work Plan or anticipated daily activities. This year, the Departments received and responded to the following:

- Sustainability Division provided a report on potentially requiring energy efficiency of new buildings to exceed State requirements (requested in 2019)
- Sustainability Division provided a report on potentially requiring low-impact development in new construction (requested in 2019)
- Planning Division provided a report on the regulation of "unique pets" (bees, chickens, and pigs) (requested in February 2021)
- Planning Division responded to the proposed Los Angeles International Airport expansion by coordinating with other cities and preparing an Environmental Impact Report comment letter (requested in March 2021)
- Planning Division presented a discussion of the historic preservation ordinance; currently preparing minor amendments to rectify an issue (requested in 2021)
- Planning Division supported the request for the Brand-Huang-Mendoza Initiative support resolution (requested in 2021)

- Planning Division prepared an SB 9 interim ordinance (requested in 2021)

The following are requests from 2021 that are pending or in progress:

- Work Plan item to study long-term outdoor dining for public and private property
- Request to study requiring energy efficiency requirements in municipal facilities Request to discuss the Sustainability Task Force
- Requested discussion of Community Development work plan priorities

Resources Needed for the Long-Term Outdoor Dining and Business Uses Work Plan Item

The activities associated with overseeing a planning initiative are generally lead by a senior-level Planner or a Planning Manager in the Planning Division, along with an interdisciplinary internal City team. These activities include coordinating outreach and community input, managing a task force or subcommittee, facilitating discussions and forming consensus from different perspectives, overseeing preparation of environmental review, coordination/compliance with the Coastal Act, identifying needed changes in regulatory documents, and developing an implementation program. Many government agencies frequently use outside professional expertise for work-intensive efforts performed in a limited amount of time. However, the use of in-house staff can often be more efficient, since there is already a management structure in place and the staff can provide continuity when transitioning the program to implementation stages.

The City's Planning Division currently has one Manager, four full-time Planners, two part-time interns, and one office assistant. The Division is involved in eight of the Department's 12 Work Plan items. This Division also oversees the City's compliance with the General Plan and Local Coastal Program.

The Planning Division's daily operational demands include customer inquiries, internal management and administration, processing of development requests (use permits, etc.), zoning standards (height, setbacks, etc.), building plan review, encroachment permit review, tree protection, historic preservation, etc. The following is a brief summary of the Planning Division's regular tasks:

- 130 planning applications (Use Permits, Coastal Development Permits, etc)
- 3,600 building plan reviews (3 - 4 daily per person)
- 10,000 phone calls (~10 daily per person; call times average 12 minutes)
- Counter service (walk-ins and appointments) during all City business hours
- Planning Commission meetings, with an average of 10 meetings per year, with agenda packets that include staff reports and resolutions

Due to high volume and increasing complexity in land use regulations, the Planning Division's daily workload currently exceeds the ability to meet expected turnaround times for applications. As such, the Department is currently evaluating the need for additional staffing as part of the Fiscal Year 2022-2023 budget. To initiate and support the Long-Term Outdoor Dining and Business Use Work Plan item, additional staff resources are needed. Without these resources, this Work Plan item can be initiated and progressed only as time permits.

One option for additional staff resources is securing outside professional expertise to assist (which would still require staff time for management to ensure that all outside work conformed to City standards). Another option is to add in-house staff resources with an appropriate skill level to oversee a high-profile planning effort. In the Planning Division, this would be a Senior Planner, with

prior experience managing complex projects in a Coastal Zone jurisdiction. A Senior Planner would also have the appropriate skill level to advance other complex Work Plan items. For informational purposes, staff has included the cost of a Senior Planner in the Fiscal Implication section of the report and in the Policy Alternatives section below.

POLICY ALTERNATIVES:

Staff presents the following alternatives for City Council discussion.

ALTERNATIVE 1: No Changes to the Work Plan Priorities

The City Council could receive and file this report, with no changes to the Work Plan. Staff would continue to pursue staffing needs during the regular course of the budget, and implement the Long Term Dining and Business Use work plan item as resources became available.

ALTERNATIVE 2a: Accelerate the Long-Term Dining and Business Use Work Plan Item to Priority A, By Using Contracted Professional Staff

This option would entail identifying a suitable professional services firm to assist in the effort of implementing the Work Plan item. Because existing in-house staff resources would be needed to manage the contract, activities, and work product of an outside firm, the progress of the work plan item might be impacted if those staff needs to focus on mandatory deadlines on other work plan items.

ALTERNATIVE 2b: Accelerate the Long-Term Dining and Business Use Work Plan Item to Priority A, By Adding In-House Staff Resources

This option would entail staff submitting a position request as soon as possible for approval of an additional staff position to spearhead the work plan item. The position would create a multi-faceted solution for the Planning Division and Department, as their skillset could be used to assist in other critical Work Plan items. If approved, recruitments usually take 3-4 months at a minimum, while would enable the work plan item to begin by late spring/early summer. This option would likely involve outside assistance with environmental review, due to the need for specialized expertise.

PUBLIC OUTREACH:

After analysis, staff determined that public outreach was not required for this issue.

ENVIRONMENTAL REVIEW:

The City has reviewed the proposed discussion for compliance with the California Environmental Quality Act (CEQA) and has determined that the discussion is not a "Project" as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary.

LEGAL REVIEW:

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

ATTACHMENTS:

1. Fiscal Year 2021-2022 Community Development Work Plan Items
2. PowerPoint Presentation