



## Legislation Text

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**File #:** 21-0306, **Version:** 1

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**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Bruce Moe, City Manager

**FROM:**

Carrie Tai, AICP, Community Development Director

**SUBJECT:**

Discussion of a Proposed Work Plan Item For Long-Term Outdoor Business Use (Including Dining) in the Public Right-of-Way and Private Property (Community Development Director Tai).

**DISCUSS AND PROVIDE DIRECTION**

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**RECOMMENDATION:**

**DISCUSS AND PROVIDE DIRECTION**

Staff recommends that the City Council receive a report from staff describing the proposed work plan item and provide input and direction as desired.

**FISCAL IMPLICATIONS:**

There are no fiscal implications associated with conducting this discussion. There will be fiscal implications from implementation of this work plan item, including increased costs from staff time, procuring additional resources and expertise, permitting, environmental review, possible capital improvements, and operational costs. The costs are undetermined at this time and are dependent on the scope of the work plan item. Staff will keep the public and the City Council apprised of all anticipated costs through work plan updates, project updates, and during the City budget process.

**BACKGROUND:**

On August 24, 2021, the City Council provided direction to staff to pursue a 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.

In March 2020, the State, Los Angeles County, and the City each declared a State of Emergency due to the COVID-19 pandemic. Los Angeles County Department of Public Health issued orders restricting many indoor uses, causing businesses to look for opportunities to operate outdoors. Starting in June 2020, the City allowed for temporary outdoor placement of a variety of uses, including dining areas, fitness uses, and salons. In the public right-of-way, these areas included parking spaces and street areas. On private property, the City allowed use of parking lot areas, with property owner permission. The most prominent feature of this temporary program was the use of rights-of-way in the Downtown and North End for outdoor dining. The City authorized and amended the programs through Emergency Orders, following discussion and direction from the City Council. The programs were implemented using modified versions of existing permits. Due to the urgency

created by the COVID-19 response, staff was able to perform very limited policy analysis prior to and during implementation.

As the focus begins to turn to post-pandemic operations, the business community has expressed interest in pursuing long-term outdoor dining and business uses. As such, the City Council has directed the addition of a work plan item to study this. This report provides a broad overview and framework for this work effort.

## **DISCUSSION:**

The following describes the general components of the work plan item.

**Define work effort.** The City Council's direction specified that the item was to include outdoor dining and business use in both the public right-of-way and on private property. This will involve two different policy studies. For public property, the policy discussion and analysis will focus on potential privatization of public areas, the level of community support, and government fiscal implications. For private property, the discussion will include changes in land use intensity and parking demands. These changes will involve neighborhood compatibility considerations. Discussions will identify major issues to be evaluated during the work effort. Staff anticipates these issues to include (but not be limited to): eligible geographical areas, types of eligible businesses, timing (seasonal versus year-round, etc.), impacts to the parking supply, changes to land use character, possible physical concepts and configurations, design criteria, permitting requirements, Coastal Zone requirements, operational criteria and protocols, and fee structure(s).

**Determine the scope of community engagement.** The community engagement component of the work effort is critical in identifying the level of community-wide support. During the COVID-19 temporary program, the City received many public comments concerning the limited community engagement due to the dynamic nature of changing pandemic regulations. As such, this work plan anticipates a broad and comprehensive community engagement effort to consider the needs of many different stakeholders. The City will consider whether to convene a working group, such as a task force or steering committee, to provide perspective on long-term outdoor uses. The City may also designate the composition of any working group to include specific representatives, such as City Council members, boards and commission members, community representatives, residents, or business owners, seniors, youth, and visitors. The community at large will be engaged as part of public workshops and meetings. Staff will seek City Council direction on this matter as one of the first steps in the effort.

**Identification of staffing and fiscal resources.** Once the work plan and scope of community engagement are defined, it will be possible to identify the amount of staffing needed to carry out this work plan item. Staff anticipates an interdisciplinary City project team to work on the various components of the work effort. This also includes consideration of securing outside expertise to assist in particular subject matters (public facilitation, design, engineering, economics analysis, real estate professionals, hospitality experts, etc.) or supplement available staff resources. The proposed approach will be presented to the public and City Council prior to commitment of budgetary resources.

**Define project schedule and milestones.** Once the City has defined the major components of the work effort, such as the community engagement scope and need for outside expertise, staff will able

to develop a more specific project schedule and milestones. Given the variations in complexity for this work effort, staff anticipates an approximately 24-30 month schedule. This does not include time for construction of any City capital improvements, as that need has not been identified.

**Environmental review and permitting.** Proposed changes in any portion of the City would require environmental review in accordance with the California Environmental Quality Act. Furthermore, the Downtown and the North End commercial areas are located within the Coastal Zone. If the work effort results in proposed changes (including land use intensity and parking demand/supply) within the Coastal Zone, the City will need to obtain California Coastal Commission (CCC) approval. This will include Coastal Development Permits, at a minimum. More likely, updates to City regulatory documents such as the General Plan Mobility Element, Land Use Element, Open Space Element, Local Coastal Program, and Downtown Parking Management Plan will be needed, which require certification by the CCC.

**PUBLIC OUTREACH:**

No formal outreach has been conducted on this work plan item. This work plan item is proposed to be part of the City Council Work Plan, which is presented to City Council on a quarterly basis, including on October 5, 2021. Once commenced, the work plan item will include substantial community engagement.

**ENVIRONMENTAL REVIEW:**

There is no environmental review required for this discussion. Pursuant to Section 15262 of the California Code of Regulations, the work plan effort qualifies for a statutory exemption from the California Environmental Quality Act (CEQA) as it constitutes a planning and feasibility study for a possible future action that an agency has not approved, adopted, for funded. Thus, environmental review is not necessary at this time. Prior to approving any action, adopting any change to documents, or committing funding to any improvements, environmental review will be required.

**LEGAL REVIEW:**

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

**ATTACHMENT:**

Draft Work Plan item