



## Legislation Details (With Text)

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**In control:** City Council Regular Meeting

**On agenda:** 5/12/2020 **Final action:**

**Title:** Request by Councilmember Napolitano to Discuss Potential Temporary Use of Public Right-of-Way for Outdoor Dining Purposes During COVID-19 Health Emergency (Community Development Director Tai).  
DISCUSS AND PROVIDE DIRECTION

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Communication from Mike Simms, 2. Communication from Mike Zislis

Date	Ver.	Action By	Action	Result
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**TO:**  
Honorable Mayor and Members of the City Council

**THROUGH:**  
Bruce Moe, City Manager

**FROM:**  
Carrie Tai, Community Development Director

**SUBJECT:**  
Request by Councilmember Napolitano to Discuss Potential Temporary Use of Public Right-of-Way for Outdoor Dining Purposes During COVID-19 Health Emergency (Community Development Director Tai).  
**DISCUSS AND PROVIDE DIRECTION**

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### RECOMMENDATION:

Staff recommends that the City Council discuss the potential temporary use of public right-of-way for outdoor dining purposes during COVID-19 health emergency, and provide direction to staff. The use would rely upon the State and County easing Health Department Orders restricting restaurant dining.

### FISCAL IMPLICATIONS:

There are no fiscal implications associated with discussing this topic and providing direction. Depending on Council direction, there may be fiscal implications associated with subsequent analysis of the issue, and implementation of the proposal, or portions thereof.

### BACKGROUND:

At the April 29, 2020, City Council meeting, Councilmember Napolitano requested that staff place on a future agenda a discussion item on a request by the Downtown Business and Professional

Association to temporarily utilize public right-of-way, such as streets and sidewalks, to provide space for restaurant outdoor dining. This request is based on the expectation that once the Governor lifts restrictions on dining during the COVID-19 recovery transition, health officials will likely require greatly reduced capacity in indoor dining rooms to accommodate social distancing. Councilmember Hadley concurred with Councilmember Napolitano's request to place this item on a future agenda.

### **DISCUSSION:**

Pursuant to Council policy, this item has been placed on the agenda for Council discussion prior to any significant staff time being expended on the concepts. Staff also received communications from two restauranteurs with establishments in Downtown Manhattan Beach with suggestions and concepts (attached) for outdoor dining in on-street parking areas within the public right-of-way. These outdoor dining areas would serve as an extension of the indoor dining area for each restaurant.

The City's Municipal Code currently includes limited allowances for restaurants to have outdoor dining on sidewalks, which are within the public right-of-way. This would be a temporary extension of that allowance to include areas currently used for parking to be used for outdoor dining.

Preliminarily, staff has identified the following issues that may serve as the framework for Council's discussion:

#### Private Use of Public Space

- The use of public parking spaces for outdoor dining for restaurants impacts public parking supply.
- Removing public parking in the Coastal Zone may affect public access to the beaches.
- The City's Local Coastal Program incorporates parking management plans to balance the needs of businesses and those visiting the beaches. Changes to parking in the coastal zone may require Coastal Commission approval.

#### Public Safety

- Any approval must ensure public safety access for emergency response
- The proposals must address the ability to protect patrons from motor vehicles if dining is set up in or adjacent to vehicular streets

#### City Revenue Considerations

- Lost parking meter revenue for the City (\$6,000 to \$7,000 per meter per year)
- Use of public right-of-way for commercial purposes should include the customary charges (Uncle Bill's, Ocean View, Fusion Sushi, etc.)

#### Additional Considerations

If Council directs staff to explore this concept, there are a number of additional issues that need to be fleshed out, including the following:

- Short term and long term consequences
- If this option is provided to restaurants, how and whether to accommodate other businesses that wish to use public right-of-way for their purposes due to potentially increased social distancing requirements inside their establishments (fitness facilities, retail spaces) or to accommodate curbside transactions?
- Consider how to address similar requests in other areas of the City, such as the North End.
- Consider also how to address requests for properties wishing to use their own private parking lots for outdoor dining.

#### Permitting / Enforcement Considerations

- Existing Use Permits or City approvals may need to be amended.
- California Department of Alcohol Beverage Control regulations concerning alcohol service and consumption on public right-of-way.
- It is likely that State and County health officials will continue to require social distancing for outdoor dining. If social distancing exemptions pertaining to households still apply, consider how and whether the City should enforce this.

#### Maintenance and Risk Management Issues

- The City Manager, Public Works Director and the City's Risk Manager would need to explore cost, maintenance responsibilities, insurance, indemnification, etc.

#### Alternative Suggestions

- For properties with private lots, one option may be to temporarily ease parking ratios to allow outdoor dining.
- For Downtown, in lieu of the curbside plan, could consider the upper Pier parking lots as shared group dining for all restaurants. (Coastal permit may be required.)
- As an alternative to establishing outdoor dining for specific private businesses, encourage continuation of active takeout business by providing public outdoor seating areas in the public-right-of-way (parklet) that can be used by any member of the public, including for restaurant takeout dining.
- To optimize manage restaurant indoor dining room capacity, implement a reservation-only dine-in and/or include limited time at dining tables.
- Create parking spaces for meal service in cars (e.g., old time drive-ins). (Concerns for alcohol consumption).

**ATTACHMENTS:**

1. Communication from Mike Simms
2. Communication from Mike Zislis