



Legislation Text

File #: 18-1016, **Version:** 1

Recommendation to request City Attorney to prepare an ordinance amending Title 14 of the Long Beach Municipal Code (Streets and Sidewalks) to streamline the permitting process for temporary installations related to sidewalk dining and parklets within the City's right-of-way. (Citywide)

Long Beach Municipal Code (LBMC) Chapter 14.14 has governed the process for the design, permitting, and development of areas within the public right-of-way for dining or other purposes. With the increase of interest in utilizing the public right-of-way, it is important that the LBMC be updated to include all pertinent information associated with these requests. Clear guidelines and standards will assist both the business community, as well as staff, in implementing this use in an effective and efficient manner. It is recommended that a new information/guidance handbook be provided to interested businesses; as well as, amending Title 14 of the LBMC to improve efficiency of the process.

Sidewalk dining and parklets improve and activate streets with pedestrian experience, increase public spaces, support local businesses, and elevate the attractiveness of the public rights-of-way. Sidewalk dining repurposes the sidewalk into extensions of eateries where food may be served while parklets repurpose part of the street next to the sidewalk into a public space for seating, planting, bicycle parking, and art.

On January 16, 2018, the City Council directed the City Manager to report back regarding the current program and municipal codes related to parklets in Long Beach. Staff worked in collaboration with Long Beach Business Improvement Districts (BIDs) to review and refine the parklet program. The major focus was shortening the time for review and approval and ensuring projects met certain standards for safety and design. The recommended changes to Title 14 of the LBMC define and clarify the permissible uses for public property and the rules and guidelines pertaining to such uses. Staff believes these changes will strengthen the current program, simplify the process, minimize the cost, provide clear design standards, and set expectations for a more efficient and effective collaboration with the business community.

A new Sidewalk Dining and Parklet Handbook (Handbook) was created (Attachment A) with the following guiding principles identified in collaboration with the business community:

1. The application requirements and approval process should be clear and concise.
2. The approval and permit timeframe should be efficient and understood.
3. A single point of contact for the applicant within the City is preferred.

4. A single application and permit is preferred.
5. Technical guidance should be made available.
6. Community support and feedback is important, and will be a part of the permit approval process.
7. A handbook would be the best way to communicate the process and requirements.
8. The integrity (safety, design, accessibility, etc.) of the public right of way should be maintained.

The Handbook is intended to be a comprehensive guide for all businesses interested in adding sidewalk dining or a parklet. It is also intended to provide staff with policies for a more efficient process.

To align the current program with the standards developed through the creation of the Handbook, it is necessary to amend the LBMC (Attachments B and C). The following broadly describes the recommended changes to the LBMC:

Uses of Public Rights of Way

The LBMC provides occupancy of the public right of way for dining purposes only. As part of the program review and Handbook development, various cities with sidewalk and parklet programs have been consulted to determine feasible uses of the public right of way. It is often the case that uses other than dining are exceptions or otherwise require extensive review rather than a streamlined approval. As there was no clear consensus amongst other cities, various options were reviewed with the Business Improvement Districts throughout Long Beach. Based on these meetings and conversations, it was decided that permitted uses should be expanded to include dining/entertainment/seating, planting, bicycle parking, and artwork. The LBMC will be amended so that additional uses and activities could be considered, but would require City Council approval. Retail sales are not currently allowed nor will they be allowed within permitted areas as part of the revisions.

Review Process

The current process requires several steps for permitting temporary uses within the public right of way including City Council action and City Manager execution of a permit. This process takes a minimum of 6 months and often longer. Other temporary obstructions of the right of way are handled at the Department level and utilize a template permit, which is a much more efficient and cost-effective approach. Based on a fee study conducted in 2018, the cost of processing an occupancy permit under the current program is approximately \$4,800 (varies based on the size and complexity of installation). It is recommended that

permit approval be done by the Director of Public Works, thereby reducing the processing time and cost by half.

Parklet Program

The Parklet program was initiated and currently operates as a pilot program based on guidance within Chapter 14.14 of the LBMC. It is recommended that a new Chapter 14.15 be added, modeling Chapter 14.14, to codify the parklet program and the guidelines for implementation. For parklets located in parking districts, up to 20 percent of parking spaces may be converted. If existing parking is removed, the City will require a letter of support from the community.

Security Deposit

Security deposits are required based on the square footage of the permit area and are intended to ensure that the right of way is restored to like new condition upon a permittee vacating the permit area. Parklets require significantly more effort to remove and repair than a sidewalk dining permit with minimal improvements. It is recommended that the security deposit be based on an engineer's estimate for removal rather than an arbitrary fixed amount based on square footage.

Renewal Process

Permits are issued on an annual basis. Upon expiration, either a new permit or a renewal permit must be obtained. Permits will continue to be issued on an annual basis but a full resubmission process will not be required for renewal permits, thereby streamlining and optimizing the renewal process. The renewal permit will continue to include a site inspection as part of the approval process. Modifications to an existing permit will still require a new permit submission.

This matter was reviewed by Deputy City Attorney Linda T. Vu on October 23, 2018 and by Budget Analysis Officer Julissa Jose-Murray on October 19, 2018.

City Council action is requested on November 13, 2018, so the LBMC can be amended expeditiously.

There is no fiscal or local job impact associated with this recommendation.

Approve recommendation.

CRAIG A. BECK
DIRECTOR OF PUBLIC WORKS

APPROVED:

PATRICK H. WEST
CITY MANAGER