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BOARD OF PUBLIC WORKS
200 N. Spring St., Rm. 355, City Hall
LOS ANGELES, CA 90012

JAMES A. GIBSON
EXECUTIVE OFFICER

GENERAL INFORMATION
(213) 978-0261
FAX: (213) 978-0278
TDD: (213) 978-2310

April 10, 2006

#1 CE/ST

City Council
Room 395
City Hall

Subject: REVISIONS TO RECOMMENDED MODIFICATIONS TO THE BUREAU OF
ENGINEERING'S POLICY ON SIDEWALK DINING WITHIN THE PUBLIC
RIGHT-OF-WAY, ADOPTED SEPTEMBER 16, 2005 - CLARIFICATION OF
LANGUAGE IN RECOMMENDATION NO. 2

As recommended in the accompanying report of the City Engineer and the
Director of the Bureau of Street Services, which this Board has
adopted, the Board of Public Works requests approval of fees proposed
for the investigation and issuance of a Revocable Permit for sidewalk
dining. The proposed fee, which covers inspection and administrative
costs, would assess permittees in the amount of \$300 to be paid every
two years after the initial permit is issued.

FISCAL IMPACT

Approval of the Fee Structure would provide the City with an
undetermined amount of revenue to offset the cost of inspection and
administration of revocable permits for sidewalk dining.

Respectfully submitted,

James A. Gibson, Executive Officer
Board of Public Works

JAG:mp

Department of Public Works

Bureau of Engineering
Bureau of Street Services
Joint Report No. 1

April 10, 2006
CD Nos. ALL

ADOPTED BY THE BOARD OF
PUBLIC WORKS OF THE CITY
of Los Angeles, California
AND REFERRED TO THE CITY COUNCIL
APR 10 2006


Secretary

**REVISIONS TO RECOMMENDED MODIFICATIONS TO THE BUREAU OF ENGINEERING'S POLICY ON
SIDEWALK DINING WITHIN THE PUBLIC RIGHT-OF-WAY, ADOPTED SEPTEMBER 16, 2005 -
CLARIFICATION OF LANGUAGE IN RECOMMENDATION NO. 2**

RECOMMENDATIONS

1. That your Board approve the revisions made to the Recommended Modifications to the Bureau of Engineering's Policy on Sidewalk Dining, adopted on September 16, 2005.
2. That your Board transmit a copy of the approved report to the City Council for approval of fees proposed in Item No. 2 of the Discussion Section of this report and request the City Attorney to prepare a draft ordinance for the proposed fees for City Council approval and Mayor's signature.
3. Transmit a copy of this report to the following Departments and Bureaus:
 - a. Bureau of Engineering (BOE), Central District Office at 201 N. Figueroa St, 3rd Floor, Mail Stop 503, Attention: Lem Paco, P.E.
 - b. Bureau of Street Services (BSS), 600 S. Spring Street, Suite 1200, Mail Stop 550.
 - c. Department of Building and Safety (DBS), 201 N. Figueroa Street, Mail Stop 115
 - d. Department of City Planning, 200 N. Spring Street, Mail Stop 395
 - e. City Attorney's Office, 200 N. Main Street, Mail Stop 140

TRANSMITTALS

1. Sidewalk Dining Revocable Permit Flowchart
2. Examples of Adjacent Properties
3. Notification Letter to Adjacent Property Owners
4. Display Permit

DISCUSSION

Background

On June 30, 2005, The Board of Public Works ("Board") instructed the BOE to review the current revocable permit policies with regard to Sidewalk Dining and report back to the Board in 60 days. BOE headed a task force along with the BSS, the City Planning

Department, the DBS and Council District 5 representatives to review the current policies. The Task Force held several meetings to discuss the policies and agreed to the following revised policy, which includes a mechanism to monitor and update the permit to ensure continuous compliance.

Proposed Sidewalk Dining Policies

All revocable permits require application fees, a sketch, proof of sufficient liability insurance, waiver of damages and photographs of the encroachment area. In addition to the standard requirements for revocable permits, all applications for sidewalk dining (Transmittal No. 1) shall be subject to the following requirements:

1. Outdoor dining in the public sidewalk (public right-of-way) shall comply with the requirements set forth in the Los Angeles Municipal Code (LAMC) Section 12.03 (Outdoor Eating Area) and the Zoning Administrator's Interpretation (ZAI) of zoning regulations related to outdoor dining in ZAI 1808 (Dining Terraces or Outdoor Patio Dining) as applied to private property by the DBS.
2. Revocable permits for Sidewalk Dining shall be subject to an Inspection and Administrative Fee in the amount of \$300, to be paid bi-annually (every two years) after the initial permit is issued. The fee shall be paid to the City of Los Angeles, BOE no later than 30 days prior to the expiration date displayed on the permit. The Inspection and Administrative Fee is required to recover costs associated with field inspection and administrative time the Department of Public Works dedicates to verifying and updating revocable permit documentation. All previously issued permits for sidewalk dining will be subject to the bi-annual fee.
3. BOE personnel shall notify, in writing, all property owners adjacent to the proposed encroachments as shown in Transmittal No. 2. The notification letter shall include a description and sketch detailing the scope of the proposed encroachments (Transmittal No. 3). BOE shall notify the appropriate Council District office and local Neighborhood Council to obtain their position on the proposed encroachments. The issuance of the revocable permit shall be subject to appeal by adjacent property owners. Appeals must be received, in writing, within 14 calendar days of the date of the notification letter. If no appeals are submitted to BOE within 14 calendar days of the date of the notification letter, BOE personnel shall continue the revocable permit process. Appeals of BOE's determination on the proposed encroachments require a board report which will be heard by the Board at a regularly scheduled public meeting.
4. A display permit shall be posted in plain view from the outside of the restaurant indicating the approved encroachments permitted in the public right-of-way (Transmittal No. 4).
5. Maintain a 7-foot clear space between encroachments (tables and chairs) and obstructions, such as power poles, street lights, parking meters and trees.

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6. Pay Sewerage Facility Charge (SFC) fees for the additional seats added to the restaurant. Fees will be determined by BOE personnel.
7. Maintain the sidewalk in front of the restaurant in a clean and uncluttered manner at all times.
8. If railings are proposed by the applicant, they shall be a minimum height of 30 inches and a maximum height of 42 inches. The railings shall be attached to the sidewalk by a method approved by BOE personnel. Attached railings shall be installed by obtaining an A-Permit and installed at locations approved by BOE personnel. Tables and chairs must be removed during non-business hours.
9. No encroachments will be allowed within the visibility triangle as described in the Los Angeles Municipal Code Section 62.200.
10. Applications for all new revocable permits for sidewalk dining shall be charged the "Field Investigation Required" fee of \$963 (\$900 +7 percent) per the current BOE fee schedule dated January 1, 2005, "Standard Fees, Charges and Deposits".
11. If a full hearing before the BPW is required, the applicant shall be charged the "Full Board Report" fee of \$2,568 (\$2,400 + 7 percent) per the current BOE fee schedule dated January 1, 2005, "Standard Fees, Charges and Deposits".
12. Umbrellas approved by BOE personnel shall be mounted in a stable base to prevent accidental or wind-blown tipping over.
13. A change in the restaurant ownership will require a new revocable permit application to be submitted and approved. If the application is approved, a new permit shall be issued once the new restaurant owner information, proof of liability insurance and Waiver of Damages is provided.

Proposed Plan for Unpermitted Sidewalk Dining

In order to establish the Sidewalk Dining policy citywide, it will necessitate the identification of unpermitted sidewalk dining locations currently in existence. This may be accomplished by utilizing the BSS, Street Services Investigators as part of their daily inspection routine and during responses to complaints.

In order to help distinguish between permitted and unpermitted encroachments, the BOE will "geocode" all existing permitted sidewalk dining permits on NavigateLA and provide a list of these locations to the inspectors. With the list of permitted locations, the inspectors will be able to identify which restaurants have obtained the proper permits.

The investigators will cite the unpermitted locations and require the removal of the encroachments until a sidewalk dining permit is obtained.

The BOE and the BSS, Investigation and Enforcement Division have discussed the issue and it was agreed that Street Services Investigators would be utilized from various programs within the Bureau of Street Services.

Therefore, we recommend granting the City Engineer authority to modify the revocable permit policies for Sidewalk Dining and work with the City Attorney to draft an ordinance for City Council approval to allow changes to the current fee structure by charging Inspection and Administrative fees for Revocable Permits with the specific purpose of Sidewalk Dining.

(LMP CWR GH NS)

Report prepared by:

Respectfully submitted,

Central District

Lemuel M. Paco, P.E.
District Engineer
Phone No. (213) 482-7049

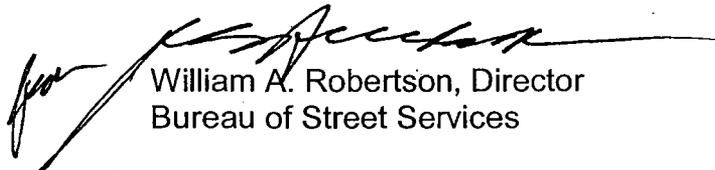


Gary Lee Moore, P.E.
City Engineer

LMP/WT/01-2006-0024.CEN.fdc

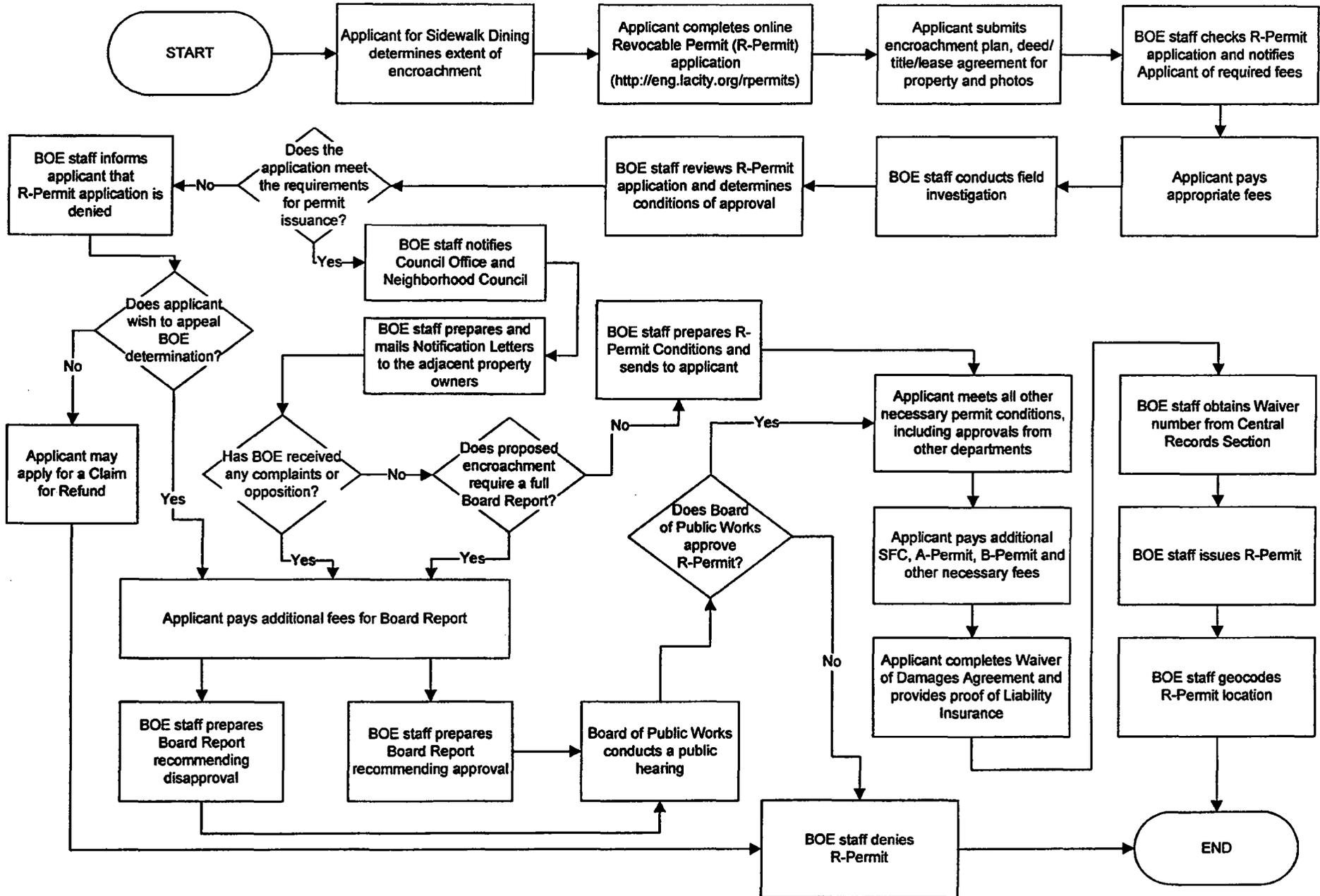
Questions regarding this report
may be referred to:

Writer: Wesley Tanijiri, P.E.
Phone No. (213) 482-7062
Fax No. (213) 482-7007



William A. Robertson, Director
Bureau of Street Services

SIDEWALK DINING REVOCABLE PERMIT (R-PERMIT) FLOWCHART



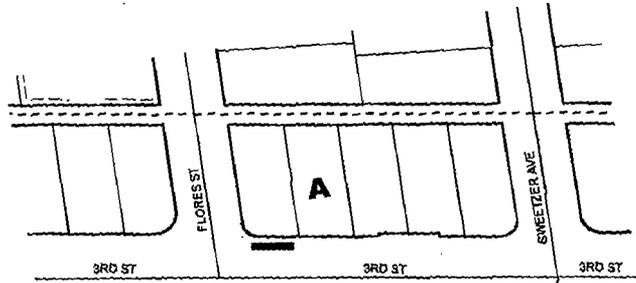
TRANSMITTAL NO. 1

Sidewalk Dining R-Permit Flowchart

EXAMPLES OF ADJACENT PROPERTIES

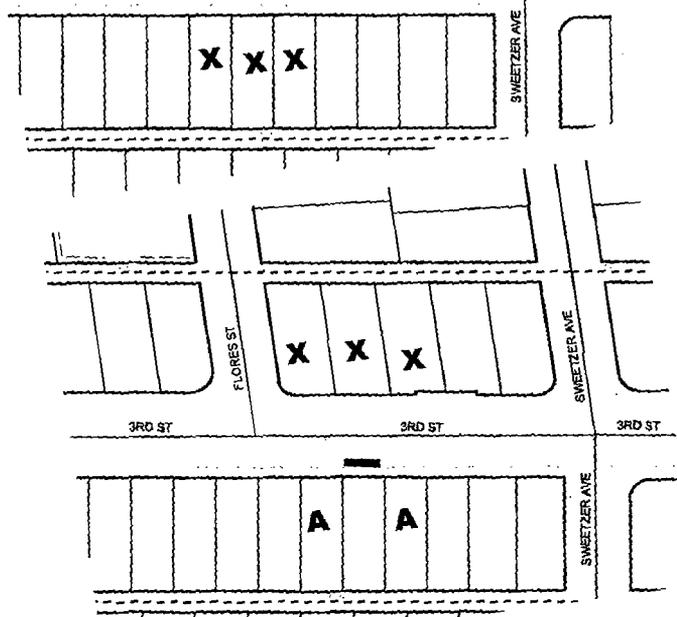
Example 1

Corner lot with encroachment proposed on the frontage of one street. One Adjacent lot with three lots located across the street.



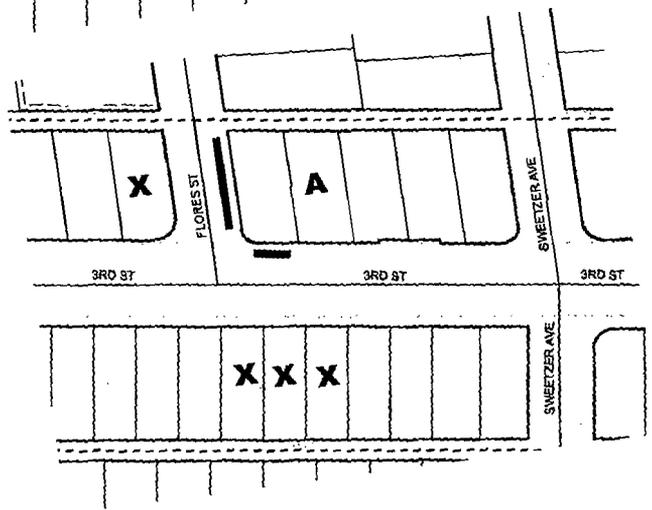
Example 2

Mid-block lot with encroachment proposed along the frontage. Two Adjacent lots with three lots located across the street.



Example 3

Corner lot with encroachments proposed along the frontage of both streets. One Adjacent lot with four lots located across the street.



Legend

-  Proposed encroachment
- A** Adjacent Lot
- X** Lot Across the street

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LOS ANGELES, CA 90012

JAMES A. GIBSON
EXECUTIVE OFFICER

GENERAL INFORMATION
Tel: 213-978-0261
Fax: 213-978-0278

<http://www.lacity.org/BPW>

Date

Mr. & Mrs. Property Owner
Address
City, State, Zip

Subject: **NOTIFICATION OF PROPOSED SIDEWALK DINING
RESTAURANT ADDRESS - RESTAURANT NAME**
Application Reference No.: 2005000000

Dear Mr. & Mrs. Property Owner,

_____ is proposing to encroach into the public right-of-way along the restaurant frontage. The proposed encroachments consist of placing _____ tables and _____ chairs adjacent to the building and encroaching approximately _____ feet into the right-of-way. A site plan of the proposed encroachments is enclosed for your information.

The Bureau of Engineering has made a preliminary determination that the proposed encroachment meets the requirements for issuance of a sidewalk dining permit. If you wish to appeal this determination, you must reply, in writing within **14 days** of the date of this letter and submit it to:

City of Los Angeles
Bureau of Engineering
Central District Office
Address
Los Angeles, CA 90012
Attn: _____ (revocable permit engineer)

If you have any questions regarding this correspondence, please call _____ (revocable permit engineer) _____, at (213) 555-0000.

Sincerely,

Lemuel M. Paco, P.E.
Central District Engineer
Bureau of Engineering

Attachments: Site Plan

cc: Council District _____, Deputy, Address, MS _____
Applicant, Address

CITY OF LOS ANGELES
Department of Public Works
Bureau of Engineering

**REVOCABLE PERMIT
FOR
SIDEWALK DINING**

Is hereby granted to: RESTAURANT NAME

Address: 1234 MAIN ST

For: 4 Tables, 8 chairs, 2 umbrellas

R-0550-01234

W-123456

Date Issued: 09/01/2005

Expires: 09/01/2007

DRAFT