

PERSONNEL AND ANIMAL WELFARE COMMITTEE REPORT relative to a pilot program allowing a temporary permit process to expedite the legal placement of sidewalk dining and storefront furniture within the Historic Core area in Downtown Los Angeles.

Recommendations for Council action, as initiated by Motion (Huizar - Buscaino):

1. AUTHORIZE the Bureau of Engineering (BOE) to add Resolution Position Authority for one Civil Engineering Associate II through June 30, 2014, dedicated to processing Sidewalk Dining R-Permits Citywide subject to classification determination and allocation by the Civil Service Commission with said position dedicated to processing Sidewalk Dining R-Permits Citywide.
2. INSTRUCT the BOE to:
  - a. Develop a streamlined and expedited Sidewalk Dining policy for a two-year Historic Core pilot implementation, consistent with Action Step 2 identified in the August 19, 2013 BOE report, attached to the Council file, to be presented to the Board of Public Works for adoption with the recommendation to forward to City Council for approval.
  - b. Establish the BOE Tier 1 R-permit fee as the fee for Historic Core Sidewalk Dining permits under the pilot process, recognizing that controversial permits will be revoked or processed as a Tier 3 permit with associated fees.
  - c. Report in six months, from the date of hiring of the Civil Engineering Associate II as described above in Recommendation No. 1, on the status of the pilot process as described in August 19, 2013 BOE report, attached to the Council file.
3. INSTRUCT the BOE to review the current policy in requiring the maintenance of a seven-foot space between encroachments (tables and chairs) and obstructions, such as power poles street lights, parking meters, and trees as detailed in Attachment No. 2 to the August 19, 2013 BOE report, attached to the Council file, for feasibility of changing the space requirement to a smaller space requirement.

Fiscal Impact Statement: None submitted by the Board of Public Works. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: Yes

General: Eagle Rock Neighborhood Council

**(Also referred to the Public Works and Gang Reduction Committee.)**

## Summary:

On October 15, 2013, your Committee considered an August 19, 2013 BOE report relative to a pilot program allowing a temporary permit process to expedite the legal placement of sidewalk dining and storefront furniture within the Historic Core area in Downtown Los Angeles. According to the BOE, an R-Permit may be issued for various types of encroachments within the public right-of-way, including, but not limited to fences, retaining walls, sidewalk pavers, landscaping, irrigation and tables and chairs for sidewalk dining.

Sidewalk (or Outdoor) Dining is currently regulated through the issuance of an R-Permit and following a policy originally approved by the Board of Public Works on September 16, 2005, and revised on April 10, 2006 (Attachment 2 of the August 19, 2013 BOE report). The adopted policy of April 10, 2006 was submitted to the City Council for review and approval in connection with proposed fees. The Sidewalk Dining policy and City Council action is contained in Council File No. 05-2034. In order to obtain an R-Permit for Sidewalk Dining an applicant must go through a multi-step process as shown on the flowchart contained in Attachment 2. The multi-step process includes the review of the applicants proposed plan for encroachments, the verification of the proposed plans and dimensions by field investigation, the preparation of the revocable permit requirement letter (RPR letter), and the notification of adjacent property owners, the Council Office, and other stakeholders. Because of this multi-step process, R-Permits for Sidewalk Dining are not issued "over-the-counter" as these applications require staff to review each application in detail.

This review time also includes the time it takes for the applicant to make revisions to plans when necessary and to submit the information required to complete the permit conditions before the R-Permit is issued. Applications that encounter reasonable or justifiable opposition require the preparation and processing of a Board Report and approval from the Board of Public Works. The fee currently charged for a Tier 2 R-permit (\$1,926), which applies to Sidewalk Dining and the work flow process described in the flowchart, provides for 12.5 hours of staff time. In Fiscal Year 2012-13, BOE received 357 R-permit applications with 5,167 hours of staff time charged to processing the applications and issuing permits, or an average of 14.5 hours per permit. Per the City Administrative Officer's Financial Policies for the City of Los Angeles (excerpts included as Attachment 3), the BOE is required to recover the full cost of operations for permits and services. The backlog, which is the time from receipt of customer payment to initiating work on an application, is currently 2-4 weeks, with approximately 60 applications in the queue. Based on the current workload, the BOE estimates that one additional staff member working full time on R-permits will reduce the backlog and the queue approximately 50 percent.

After consideration and having provided an opportunity for public comment, the Committee moved to recommend approval of the recommendations and contained in the BOE, as amended and detailed in the above recommendations. This matter is submitted to Council for its consideration.

Respectfully Submitted,

PERSONNEL AND ANIMAL WELFARE COMMITTEE

**MEMBER   VOTE**

KORETZ:   YES

OFARRELL: YES

FUENTES:   YES

**-NOT OFFICIAL UNTIL COUNCIL ACTS-**