



City of Culver City

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Staff Report

File #: 22-41, **Version:** 1

Item #: A-4.

CC - (1) Introduction of an Ordinance Amending Culver City Municipal Code Section 9.08.035, *Use of Sidewalks for Outdoor Dining*, to Add the Use of Parklets and Other Uses in the Public Right-of-Way and Modify the Current Outdoor Dining Agreement Process; (2) Adoption of a Resolution Establishing Design Guidelines for Parklets; (3) Adoption of a Resolution Establishing Fees for the Parklet Program; and (4) Adoption of a Categorical Exemption Relating Thereto, Pursuant to the California Environmental Quality Act.

Meeting Date: July 12, 2021

Contact Person/Dept: Joe Susca/Public Works
Phone Number: 310-253-5636

Fiscal Impact: Yes ☒ No ☐

General Fund: Yes ☒ No ☐

Public Hearing: ☐ **Action Item:** ☒ **Attachments:** ☒

Commission Action Required: Yes ☐ No ☒ **Date:**

Public Notification: (E-Mail) Meetings and Agendas - City Council (07/07/2021); Lonzo Restaurant (06/30/21); FIN Asian Tapas (06/30/21); the Downtown Business Association (06/30/21); the Culver City Chamber of Commerce (06/30/2021)

Department Approval: Charles D. Herbertson (06/30/2021)

RECOMMENDATION

Staff recommends the City Council (1) introduce an Ordinance amending Section 9.08.035 of the Culver City Municipal Code (CCMC), *Use of Sidewalks for Outdoor Dining*, to add the use of Parklets and other uses in the public right-of-way and modify the current outdoor dining agreement process; (2) adopt a Resolution establishing Design Guidelines for the installation of Parklets in one or more adjacent curbside parking spaces; (3) adopt a Resolution establishing fees for the Parklet program; and (4) adopt a Categorical Exemption relating thereto pursuant to the California Environmental Quality Act.

BACKGROUND

A Parklet is an open space typically comprised of one, two, or three adjacent curbside parking

spaces located directly in front of a restaurant, art gallery, retailer, or other business and is used primarily for outdoor dining or to create a customer waiting area, as a stage for acoustic musicians to play, landscaping or a small garden, to display public art, or other type of open space for public use. Creative use of street right-of-way, such as Parklets, has gained popularity in other cities and in particular since the COVID-19 pandemic, although some Culver City businesses expressed an interest in installing them even prior to the pandemic.

In response to the COVID-19 pandemic, some temporary Parklets were approved through issuance of Temporary Use Permits (TUP) to increase outdoor dining and retail capacities, since indoor operations were significantly curtailed or prohibited. The temporary Parklets installed are typically comprised of folding tables and chairs with umbrellas or portable shade structures, surrounded by planter boxes or water-filled k-rail. Two however, were built to last and include built-in banquettes and furnishings, wooden sides with railings, and elevated platforms that are flush with the curb. These two restaurant owners have expressed a strong interest in transitioning them from temporary to permanent; and, with some modifications, they could be brought into compliance with the proposed Parklet Design Guidelines discussed below, prior to expiration of their TUP.

DISCUSSION

Ordinance Amending Section 9.08.035 of the Culver City Municipal Code

The proposed Ordinance to amend CCMC Section 9.08.035 includes, among other things, the addition of Parklets as an allowable use, the addition of defined terms, modifications to the current sidewalk outdoor dining process, and a change in title from *“Use of Sidewalks for Outdoor Dining”* to *“Use of Sidewalks and Curbside Parking Spaces for Outdoor Dining and Other Uses.”* (See Attachment No. 1)

Resolution Adopting Design Guidelines for Parklets

The proposed Parklet Design Guidelines are summarized as follows:

- **Safety Measures:**
 - Parklets are permitted on streets with speed limits of 25 mph or less. Applications to place Parklets on streets with speed limits more than 25 mph, however, will be considered on a case-by-case basis.
 - A one-foot setback from the edge of the parking space “T” marking is required to provide elbow room for bicyclists riding by.
 - Wheel stops placed 4’ from the edge of both sides are required to deter maneuvering vehicles in adjacent parking spaces from accidentally hitting the Parklet.
 - Metal or concrete bollards designed to stop a slow-moving vehicle are required to be placed along the perimeter of the Parklet.
 - An elevated platform with a non-slip surface that is flush with the curb is required to minimize slipping and tripping.
 - A railing is required along the perimeter that is designed to reduce the likelihood of someone toppling over railing and into the adjacent travel lane.
 - 4” high and 1’ long curbside cutouts along the base of the platform are required to

preserve unimpeded storm water flows along the gutter and into the storm drain.

- Insurance: A \$2 million per occurrence and \$2 million in the aggregate commercial general liability insurance coverage is required, in addition to naming the City as additional insured and agreeing to hold the City harmless from claims of property damage or personal injury. With 30 -days written notice however, the City reserves the right to increase the commercial general liability aggregate amount to \$4 million.
- Size: A Parklet may be up to three conjoined parking spaces. Larger Parklets will be considered on a case-by-case basis and may encompass the entire length of a business frontage.
- Neighboring Approval: Applicants are required to obtain approval from 100% of their neighbors located within 100' of the same side of the street; or to the end of the block, whichever is less.
- Uses: Businesses may create a Parklet for outdoor dining, a customer waiting area, open space for public use, landscaping or a small garden, a stage area for acoustic musicians to perform, or to display public art. Advertising and retail product sales or rendering personal services, however, are prohibited.
- Compatibility: Parklet locations will be reviewed to determine whether they will interfere with view preservations of historic buildings or landmarks, public art, and to determine if the architectural design of the structure(s), and their materials and colors are compatible with the scale and character of surrounding development and other improvements on the site.
- Temporary Removal: Though infrequent, Parklet owners agree to temporarily remove them for roadway restriping, resurfacing, utility installations, or to perform other street work. The temporary removal and reinstallation will be performed by the Parklet owner at their expense.

Parklet applications will be processed in two steps. The first step will be submission of a preliminary conceptual design by the applicant to staff, who will visit the site and determine if it is suitable for a Parklet. If deemed suitable, the second step is for the business to submit an application containing a traffic control plan (that will be implemented during construction), a petition signed by their neighbors, and a set of construction documents containing architectural site plans and elevations, materials, images, furnishings and fixtures.

Staff is requesting the City Council adopt a Resolution approving the Parklet Design Guidelines and to authorize the Public Works Director/City Engineer to interpret, implement and administer the Parklet Program, including immaterial modifications to the Parklet Design Guidelines to reflect advancements made in Parklet design. (See Attachment No. 2)

Resolution Adopting Parklet Street Use Permit and License Fees

A Parklet Street Use Permit and License Agreement is required before restaurants or other businesses may install a Parklet. Since it is substantially alike, staff recommends implementing a fee schedule similar to the City's existing Outdoor Dining permitting process.

Currently, the City has established a fee of \$750 to apply for an Outdoor Dining permit to cover staff

time to process applications, along with a \$50 issuance fee and \$32 Technology Surcharge (which is 4% of the combined application and issuance fees), a \$13 per square foot annual licensing fee and a one-time sewer facility connection fee of approximately \$641 per seat (of which \$339 is deposited into the City's sewer enterprise fund and \$302 is remitted to the city of Los Angeles).

For Parklets however, if they include a metered parking space, staff recommends that for the first five years, an additional \$1,000 annually per metered space be added to the license fee to recover lost City revenues (which revenue average \$1,000 to \$1,200 per meter). (This is the same term and fee the City currently charges developers who acquire use of a metered parking space.)

Recurring license fees for a typical 320 s.f. (2-parking space) Parklet are provided as an example below:

320 s.f. X \$13/s.f. = \$4,160 annually; plus
\$1,000 X 2 metered parking spaces = \$2,000 (if metered spaces are used)

First five years: \$4,160 to \$6,160 annually (which is \$347 to \$513 monthly)
The sixth and future years: \$4,160 annually

A one-time maintenance deposit of \$2,000 is recommended in recognition that if left abandoned, City crews will need to dismantle, haul and dispose of the Parklet in addition to restoring the roadway after removing buried bollards and bolts used to attach platforms to the curb. The deposit is fully refundable however, if the permittee removes the Parklet and restores the public right-of-way to its original condition. (See Attachment No. 3)

Environmental Review

The Ordinance amending CCMC Section 9.08.035 and the Resolution establishing Parklet Design Guidelines are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 - Existing Facilities, because the proposed Ordinance and Guidelines concern the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use [subsection (c) sets forth existing highways and streets, sidewalks, etc. as an example of such a project]. The use of the Public Right-of-Way for outdoor dining and other uses within the existing street and sidewalk involves negligible or no expansion of use, as it does not remove or create automobile lanes.

FISCAL ANALYSIS

Depending on the number of Parklets constructed, General Fund revenues derived from license fees could be from \$10,000 to \$50,000 annually.

The proposed Fee Schedule for Parklets is as follows:

Paid at the Time of Application Submittal (one-time):

Application Fee	\$750.00
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Paid Prior to Permit Issuance (one-time)

Issuance Fee	\$50.00
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Tech Surcharge (4% of Issuance + Application fees)	\$32.00
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Street Maintenance Deposit (refundable)	\$2,000
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Los Angeles and Culver City Sewer Facility Charges	~\$641 per seat
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Annual Recurring License Fees:

Public Right-of-Way Rental Fee	\$13 per square foot
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Parking Meter Fees (first 5 years) when applicable)	\$1,000 per metered space (applied)
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ATTACHMENTS

1. 2021-07-12_ATT 1 -Ordinance Amending Section 9.08.035 of the Culver City Municipal Code to add Parklets
2. 2021-07-12_ATT 2 - Resolution Establishing Parklet Design Guidelines
3. 2021-07-12_ATT 3 - Resolution Establishing Parklet Fees

MOTIONS

That the City Council:

1. Introduce an Ordinance amending Section 9.08.035 of the Culver City Municipal Code to add the use of Parklets and other uses, and modify the outdoor dining agreement process; and

2. Adopt a Resolution establishing design guidelines for the installation of Parklets in the public right-of-way; and
3. Adopt a Resolution establishing fees for the installation of Parklets in the public right-of-way; and
4. Adopt a Categorical Exemption pursuant to CEQA Guidelines Section 15301, Class 1 - Existing Facilities for the Ordinance and Guidelines and direct staff to prepare and file a Notice of Exemption accordingly.