



**CITY of CALABASAS**  
**CITY COUNCIL AGENDA REPORT**

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**DATE:** MAY 20, 2020

**TO:** HONORABLE MAYOR AND COUNCILMEMBERS

**FROM:** MAUREEN TAMURI AIA, AICP  
COMMUNITY DEVELOPMENT DIRECTOR

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**SUBJECT:** DISCUSSION OF RECOMMENDATION FROM THE ECONOMIC DEVELOPMENT TASK FORCE TO EXPAND OUTDOOR DINING AREAS DURING THE CORONAVIRUS PUBLIC HEALTH EMERGENCY

**MEETING**

**DATE:** MAY 27, 2020

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**SUMMARY RECOMMENDATION:**

That the City Council discuss a recommendation from the Economic Development Taskforce to expand outdoor dining areas during the Coronavirus Public Health Emergency

**BACKGROUND:**

On March 16, 2020, the City of Calabasas issued executive Order #1, declaring a local emergency in alignment with the Governor of California and Los Angeles County Public Health emergency proclamations of March 4<sup>th</sup>, 2020. Since then, seven additional Emergency Orders have been issued by the City's Director of Emergency Services addressing numerous needs and opportunities to tighten, loosen or simply address unique public health considerations as information becomes available.

Under Los Angeles County's current Orders (May 13, 2020), reflected in Calabasas Emergency Order#10 (May 19, 2020), restaurants in the County have been limited to take out and delivery services only, as plans progress to establish guidelines for

re-opening of dining rooms and bars to the public. It is anticipated that social distancing guidelines will severely impact seating, limiting dining occupancy to perhaps 50% of normal customers.

In order to assist restaurants in the loss of critical customers and the resulting impact to their financial needs, the Economic Development Taskforce, as well as Planning Staff, are recommending that use of private and public parking areas be made available for additional outdoor dining opportunities. While already permitted in cities like San Francisco and Santa Monica, the opportunity to assist restaurants is being considered by local cities, such as Westlake Village. If implemented, the program would quickly, and inexpensively, improve lost patron capacity due to social distancing.

Anticipating such land use needs, California ABC has issued an order permitting temporary expansion of license footprints in counties where restaurants are open for inside dining and on-site alcohol consumption (<https://www.abc.ca.gov/fourth-notice-of-regulatory-relief/>). This license expansion “authorizes the on-sale consumption of those alcoholic beverages for which the licensee has on-sale privileges on property that is adjacent to the licensed premises, that is under the control of the licensee, and where bona fide meals are being served.” Adjacent areas include parking lots, sidewalks and public thoroughfares closed to public access. Businesses must a) submit an application for this temporary authorization, b) prove that they have permission to use/control the space proposed for expansion, after which the application is forwarded to local law enforcement. Any objection by local law enforcement will terminate the application, as is the case with any application for a permit to the City for an ABC license.

## **Discussion**

While such a proposal would normally be routed through the Planning Commission to the Council as it would require a modification to CMC 17 Land Use and Development Code, staff and the City Attorney have determined that there are two additional options available to the Council at this time.

- 1) Path #1 is an emergency order approval of new CDD authority to approve outdoor dining, under some specified rules and regulations, via a temporary use permit, but would only be viable during the emergency and for a reasonable time after the end of the local emergency declaration, which could be six months or more. The order could also waive applicable fees. Once adopted under the emergency powers, it would need to be ratified by the Council at their next meeting.

- 2) Path #2 is an urgency ordinance approved by Council as an urgency order, citing the emergency powers and need, requiring 4/5 vote and taking effect immediately, without any need for PC review or introduction and second reading and adoption. This approach is more involved, but can be set to last as long as the Council desires.

Given the need for speed, as it is possible that the County will lift restrictions to indoor dining soon, implementing a program under Path #1 would permit the rapid issuance of an order ready to take effect once LA County allows in-person restaurant dining. When exactly LA County will do so is a key question, but getting our order out ahead of that reopening would give restaurants time to plan with both the City and property owners to get things in place.

**FISCAL IMPACT/SOURCE OF FUNDING:**

If authorized under an executive order, Staff would issue permits for these dining extensions under a Temporary use permit, a \$300 dollar fee, which could be waived by the Council. Costs by the restaurant to set up the outdoor areas will vary, and can be as simple as setting up tables, chairs and umbrellas on a paved surface, to the construction of a deck and awning cover, which may require a building permit and for which fees are required. In either case, vehicular protections, consisting of heavy planters or other barriers, must be part of any expansion proposal.

**REQUESTED ACTION:**

That the City Council discuss a recommendation from the Economic Development Taskforce to expand outdoor dining areas during the Coronavirus Public Health Emergency

**ATTACHMENTS:**

Images of Outdoor Dining opportunities