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May 22, 2024

The Honorable City Council
City of Los Angeles
City Hall, Room 395
Los Angeles, California 90012

Attention: Planning and Land Use Management Committee

Dear Honorable Members:

**REPORT AND RECOMMENDATIONS ON PROGRAMMATIC COASTAL DEVELOPMENT PERMIT,
COUNCIL FILE 20-1074-S5**

RECOMMENDATIONS:

1. Instruct the Department of City Planning, with the assistance from the Department of Transportation to encumber Coastal Transportation Corridor Fund No. 447, Department 94 set aside in Regional/Subregional Transportation Improvements account number 447/9408NY for the preparation of a public access and parking study that recommends transportation demand management strategies and mitigation measures to address coastal access impacts in the most parking impacted areas within the Venice Coastal Zone and identify the necessary funds and resources needed to realize the recommended strategies and mitigation measures.
2. Instruct the Department of Transportation, Bureau of Engineering and the Department of City Planning, with the assistance of the City Attorney, to continue exploring the P-CDP application process in the Venice Coastal Zone subject to California Coastal Commission guidance and approval.

3. Instruct the Department of City Planning, Department of Transportation, and Bureau of Engineering with the assistance of the City Attorney, to explore additional alternative business support program efforts, including grants, resources for reduced permit processing time, and/or technical assistance for existing and eligible Al Fresco outdoor dining in the relevant Coastal Zones.

Introduction

This report provides a discussion of Council Motion 20-1074-S5, adopted by City Council on August 11, 2023, concerning a Programmatic Coastal Development Permit (P-CDP) to support outdoor dining areas with Al Fresco Temporary Authorization in coastal areas that come under the jurisdiction of the California Coastal Commission. The Motion instructs the Department of City Planning (City Planning), with the assistance of the Department of Transportation (LADOT), Department of Building and Safety (LADBS), the Bureau of Engineering (BOE), the City Attorney (CA), and the California Coastal Commission (CCC), to prepare a report with recommendations regarding a P-CDP for Al Fresco outdoor dining on both private property and the public right-of-way in the Coastal Zone.

Background

A CDP is required for most development projects, including permanent outdoor dining, that are located along the coast of California. This regulation is part of the California Coastal Act that was enacted to protect coastal resources and public access to the coast. During the COVID pandemic and state of emergency, the CCC issued the City of Los Angeles a waiver from the CDP requirement to give restaurants with the City's Al Fresco Temporary Authorization regulatory relief during a time when restaurants were hard hit by various local, state and federal policies that limited indoor dining. The CCC has extended the waiver through June 30, 2026.

Motion 20-1074-S5 instructs City departments to report on the concept of a consolidated application process, or a P-CDP, to help the coastal restaurants that are engaged in outdoor dining make the transition from a CDP waiver to a standard CDP. The concept of a P-CDP has been introduced as a way to streamline the permit process for the 113 restaurants in the Coastal Zone who participated in the temporary Al Fresco program and are covered by the CDP waiver, set to expire on June 30, 2026, contingent on CCC approval. A consolidated CDP application process, such as a P-CDP, would *potentially* enable multiple coastal restaurants to acquire a CDP through an "umbrella" application submitted by the City to the CCC on their behalf. After much deliberation and discussion with the CCC and the named Departments in the motion, key insights have emerged that inform this report and recommendations relative

to the 113 restaurant operations and what may be most supportive to their outdoor dining business operations. As such, this report identifies the key components of the P-CDP concept and explores alternatives to support businesses transitioning to permanent outdoor dining operations who have the waiver extension and need to come into compliance with the California Coastal Act. Within the City, a Coastal Working Group with representatives from each of the departments named in Council Motion 20-1074-S5 has been established to evaluate the proposed P-CDP concept and alternative methods of supporting outdoor dining operations in the Coastal Zone.

For ease of navigation, this report includes regulatory background information on pages 3-6, information on operators transitioning to permanent outdoor dining on pages 7-8, considerations for the preparation and approval of a P-CDP application, as well as key takeaways and P-CDP alternatives on pages 8-15, potential mitigation measures for public access on pages 15-18, and conclusion on pages 19-20.

Regulatory Framework

The following section outlines the regulatory framework that governs the Coastal Zone within the State of California and the City of Los Angeles relative to outdoor dining.

The California Coastal Act

The California Coastal Act (Public Resources Code, Division 20, California Coastal Act, Sections 30200-30900) was adopted in 1976, giving the California Coastal Commission broad authority to regulate coastal development. The California Coastal Commission was created in 1972 by Proposition 20, the Coastal Conservation Initiative, after a large oil spill near Santa Barbara cut off public access to the shore. The policy intent behind the Coastal Act is to guide how the land along the coast of California is developed and/or protected from development. It emphasizes the importance of public access to the coast and also addresses sensitive habitat, recreation, affordable visitor accommodations, visual resources, agricultural lands, commercial fisheries, industrial uses, water quality, and offshore oil and gas development. The California Coastal Commission partners with local governments to further these goals. Coastal areas that are subject to the Coastal Act are called Coastal Zones. Coastal Zones constitute the coastal permit jurisdiction areas or segments.

The coastal permit jurisdiction areas for the City of LA that have Temporary Authorizations for outdoor dining operations include Venice, Brentwood-Pacific Palisades, Westchester-Playa Del Rey, Palms-Mar Vista-Del Rey, and San Pedro. With regards to the number of outdoor dining operations with the Temporary Authorization per coastal segment, 91 of the 113 restaurants in

the City's coastal permit jurisdiction area are located in Venice, leaving 22 outside of Venice. Eight of the 22 restaurants are located in Westchester-Playa Del Rey, six are located in Brentwood-Pacific Palisades, four are located in Palms-Mar Vista-Del Rey, and four are located in the San Pedro Harbor area. For this and other reasons identified throughout this report, the discussion and recommendations in this report generally focus on the Venice geography.

Definition of Development

Almost any development activity in a Coastal Zone requires a CDP, including the expansion of outdoor dining under the Al Fresco Temporary Authorizations. As defined in the Coastal Act, Section 30106, "development" means:

- on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste;
- grading, removing, dredging, mining, or extraction of any materials;
- change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use;
- change in the intensity of use of water, or of access thereto;
- construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and
- removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

Per Coastal Act, Section 30106, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

Impacts on Public Access & Recreation

In addition, a major focus of the Coastal Act is to maximize public access to the coast and public recreational opportunities in the Coastal Zone (Section 30001.5c, and Sections 30210-30214). Section 30500 of the Coastal Act requires that each Local Coastal Program (LCP) contain a specific public access component. Given this focus, outdoor dining in parking spaces on private property and the public right-of-way may reduce the supply of parking spaces on private property and in the street, and potentially increase demand for parking spaces on the

street and in public parking lots. This decrease in parking supply and increase in parking demand will arguably impact public access to the coast. This inherent conflict between existing operations during the Temporary Authorization and the Coastal Act priority offers an opportunity for the City of LA and the CCC to collaborate on alternative parking resources and alternative transportation options for coastal access.

Department of City Planning's Coastal Development Permit Process

The City's Coastal Zone consists of the Single and Dual Permit Jurisdiction Areas. The Dual Permit Jurisdiction Area (DPJA) are those areas between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance (Section 30601 of the Coastal Act) and the Single Permit Jurisdiction Areas (SPJA) are the remaining areas of the Coastal Zone. In the SPJA, the City has the ability to issue a CDP or a Coastal Exemption (CEX) and is the primary decision-maker for CDPs. In the DPJA, the City can only issue CDPs and a CDP is required by both the City and CCC. In both the SPJA and DPJA, a City-issued CDP is further appealable to the CCC; the City's CDP is not final until the end of a 20-working-day appeal period with the CCC.

When a development project¹ is located in the Coastal Zone, in either the Single or Dual Permit Jurisdiction Area, or the underlying permit is not within the jurisdiction of the City Engineer, it is required to obtain a CDP from City Planning, which is the case for operations with outdoor dining in Coastal Zone. The City's CDP procedures are outlined in LAMC Section 13B.9.1. and the required findings for approval or denial of a City-issued CDP include the following:

- (a) That the development is in conformity with Chapter 3 of the California Coastal Act of 1976 (commencing with Section 30200, Coastal Resources Planning and Management, of the California Public Resources Code).
- (b) That the permitted development will not prejudice the ability of the City of Los Angeles to prepare a Local Coastal Program that is in conformity with Chapter 3 of the California Coastal Act of 1976.
- (c) That the Interpretative Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977 and any subsequent amendments thereto have been reviewed, analyzed, and considered in the light of the individual project in making its determination.
- (d) That the decision of the permit granting authority has been guided by any applicable

¹ See reference on page 3 under *Coastal Development Permits* for the definition of "development" in Section 30106 of the Coastal Act.

decision of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code.

- (e) If the development is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, that the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.
- (f) Any other finding or findings as may be required for the development by the California Environmental Quality Act.

Bureau of Engineering's Permit Process

Pursuant to LAMC Section 13B.9, when a project is located within the Coastal Zone and the underlying permit is within the jurisdiction of the City Engineer, that project is required to obtain a CDP from the Bureau of Engineering. BOE evaluates permit applications, provides the required noticing and conducts public hearings. The decision on the permit application is documented in a Notice of Decision, which may be appealed to the Board of Public Works. If the permit decision is not appealed, or if it is and the appeal is denied by the Board, then the City's permit decision becomes a final local action and a Notice of Permit Issuance is prepared. The final local action may be appealed to the CCC. The findings that must be made by BOE are the same as those that must be made by the Planning Department in their CDP decisions (see (a) through (f) in the preceding section).

Venice Coastal Zone Local Coastal Program

The Venice Local Coastal Program (LCP) update is underway and new policies can be proposed to streamline the approval process for outdoor dining. The LCP includes a Land Use Plan (LUP) and an Implementation Plan (IP). While the LCP covers much more than the topic of outdoor dining, it does consider how to balance improved public access and the demand for parking in the Venice Coastal Zone with the provision of alternative transportation programs that prioritize pedestrians, cyclists and transit riders, in addition to public parking resources to provide public access to the coast. The City departments and CCC will also consider the most effective and feasible way to achieve this balance and improve the CDP approval process. Implementing safer and more sustainable alternatives for public access to the coast would address a significant portion of the displaced parking spaces in the City's Coastal Zone since the majority of restaurants with Al Fresco Temporary Authorizations within the Coastal Zones are located in Venice. It should also be said that the Venice Coastal Zone has among the highest parking ratios required in the City and throughout coastal Southern California. Analysis on parking supply and demand and potential mitigations within the Venice Coastal Zone would benefit the existing long-term LCP efforts.

An administrative draft of the LCP is currently under review by CCC staff and a public draft of the Venice LUP is anticipated to be available in 2025. It is expected that the draft LCP will be adopted locally in 2026-27, and then will go on for certification by the CCC.

Transition to Permanent Outdoor Dining

Existing Al Fresco Temporary Authorizations in the Coastal Zone

Based on Al Fresco Temporary Authorization data as of November 2023, there are 113 restaurants with Temporary Authorizations in the City's Coastal Zone. In regards to Coastal Zone permitting, 33 restaurants are in the Dual Permit Jurisdiction Area and 80 restaurants are in the Single Permit Jurisdiction Area. These 113 restaurants make up around 4% of all Temporary Authorizations in the City of Los Angeles. As stated previously, 91, or 80%, out of the total 113 Coastal Zone restaurants are located in Venice.

As the Temporary Authorization applications did not require applicants to identify the number of parking spaces displaced by their proposed Al Fresco operations, Planning staff used aerial imagery from Nearmap to survey what types of outdoor dining the restaurants were operating and approximately how many private parking spaces throughout the City's Coastal Zone were displaced by outdoor dining. Additionally, LADOT has kept an inventory of parking spaces in the public right of way that have been displaced by Al Fresco operations.

Based on a visual inventory using the aerial imagery database Nearmap as of September 2023, approximately 47 restaurants had located their outdoor dining on private parking spaces, 32 restaurants were using on-street parking spaces, 24 restaurants were using sidewalk and/or curbside spaces, and 3 restaurants were using a combination of parking spaces on private property and parking spaces in the public right-of-way. It is important to note that these are approximations based on a point in time count that may not reflect the outdoor dining activity occurring today due to data limitations.

Similarly based on a visual inventory of parking spaces identified using Nearmap in September 2023, and LADOT's inventory of parking for public right-of-way Al Fresco participants, Al Fresco outdoor dining has displaced a total of approximately 222 parking spaces throughout the City's Coastal Zones of Venice, Brentwood-Pacific Palisades, Westchester-Playa Del Rey, Palms-Mar Vista-Del Rey, and San Pedro. 185 were private parking spaces according to the NearMap visual inventory, and 37 were parking spaces in the public right-of-way according to LADOT's records.

It should be noted that the periodic updates of aerial imagery from Nearmap offer valuable insights into site changes over time, but there are limitations due to the program's top-down view of a site. This may lead to an inaccurate data collection where the user may not be able to capture all active uses on a site. Similarly, there are uncertainties regarding crucial metrics such

as the square footage of an outdoor dining space, what parking existed on site versus the number of parking spaces removed for outdoor dining, dining area capacity, and the number of seats or other identifiable objects located within the dining space.

Without dependable, up-to-date data on these parameters, the assessment of genuine impacts of Al Fresco outdoor dining operations remains approximate at best. It is paramount to address these discrepancies to facilitate informed decision-making and effective management of Al Fresco outdoor dining areas by the City and the CCC. Importantly, CCC will require accurate data on displaced parking spaces and expanded service area in order to consider any future CDP or P-CDP application(s) and feasible measures to mitigate displaced parking spaces.

Amendment or New CDP for Existing Operators

Outdoor dining areas with Al Fresco Temporary Authorizations in the Coastal Zone will need to amend or obtain CDPs before the waiver extension expires on June 30, 2026 (in addition to obtaining local building permits for permanent outdoor dining, consistent with the rest of the city) . Amended or new CDPs will likely be required in order to reflect the intensification of land use² caused by the expansion of their outdoor dining areas through the Al Fresco program. Restaurant operators can choose to amend an existing CDP, reapply for a new CDP, or, if the City Council decides to instruct the City departments to pursue the P-CDP, elect to come under the City's P-CDP, which would be one of the first of its kind thus far throughout the State. It is critical to note that in discussing this novel P-CDP concept with the CCC, it appears that if a restaurant has an existing CDP approval from the City and/or CCC, a P-CDP would not override the existing CDP approval and its conditions of approval. Instead, a P-CDP is *additive* to existing CDP conditions and would not resolve conflicts between existing outdoor dining operations and previously required conditions of approval - especially those related to valet and on- and off-site parking. In either case, the CCC's CDP waiver extension will expire June 30, 2026, so operators are encouraged to prepare their new CDP, amended CDP, and DBS permit applications, or await potential eligibility for P-CDP to allow operation of any outdoor dining areas that they intend to continue on a permanent basis. The Coastal Working Group and the CCC are continuing to discuss the applicability, terms, and grants for the P-CDP as well as the challenges and opportunities involved in this initiative. It is important to note that the P-CDP, if authorized by CCC, may not cover all existing temp Al Fresco restaurateurs, depending on individual operations.

² Section 30106 of the Coastal Act identifies "change in the density or intensity of use of land" as a type of development that requires a CDP.

P-CDP Considerations

The Coastal Working Group is focused on evaluating the feasibility of obtaining a P-CDP before June 30, 2026, to serve as an “umbrella permit” for qualifying restaurants doing outdoor dining in the Coastal Zone. This “umbrella permit” would be a term-limited grant, likely for a period of five to eight years or so, with an expectation of monitoring and checking-in with CCC to evaluate the effectiveness of the program relative to the requisite public access mitigation measures and to extend the term grant of the “umbrella permit.” As a P-CDP is a new concept for the City and the CCC, several key considerations have been identified as requiring further discussion and research prior to the City being able to apply for a P-CDP.

The P-CDP concept, application, and approval process is anticipated to include, but is not limited to, the following key components:

1. Research

Researching existing CDPs and associated conditions of approval for all establishments that qualify to opt into the P-CDP.

Most CDPs issued by the City for restaurants in the Coastal Zone are approved in a Letter of Determination (LOD) that contains the approval of multiple entitlements. These CDPs typically include conditions of approval which specify the required number of parking spaces, the size of the service area, seating capacity, etc. In consultation with CCC, a detailed review of the restaurants’ existing CDPs is needed. That said, any application of a P-CDP would be additive and may not negate the need for individual operators with existing CDP’s to amend or re-apply for CDP to rectify the conditions that are in conflict with planned permanent operations, particularly those related to parking requirements, as previously discussed. Given the wide variety of site-specific conditions that may have been applied under existing individual CDPs, this detailed but necessary research will require substantial staff resources to complete. Some CDPs were issued decades ago before the City maintained digital records, and would require accessing physical copies of files from archived City records and/or requesting access to the centralized CCC records in San Francisco.

2. Administration

Determining which administrative procedures would be utilized for the application and approval of the P-CDP - the procedures used by the CCC for jurisdictions which do not have a certified LCP in Coastal Act section 30604(a) or the procedures used by the City in Sec. 13B.9.1 of Chapter 1A of the LAMC.

Although attention to date has been mainly focused on the impact of Al Fresco outdoor dining on public access to the coast, the Coastal Act contains many other policies, such as protection of sensitive marine habitat, water quality and opportunities for coastal recreation, that should be considered when approving development in the Coastal Zone. Coastal Act section 30604(a) states that prior to certification of an LCP, a CDP can only be issued upon a finding that the proposed development conforms with the Coastal Resources Planning and Management policies³ in Chapter 3 of the Coastal Act. As authorized by the California Public Resources Code, Section 30600, the City of LA uses the provisions established in Sec. 13B.9.1. of the LAMC to review and approve CDP applications from individual applicants. In the case of a P-CDP, the City would be the primary applicant, making it unclear to whom the application would be submitted - a local agency such as DCP or BOE, or directly to the CCC. Given the unprecedented concept of a P-CDP, the Coastal Working Group will need to coordinate with the CCC in determining whether Sec. 13B.9.1. of the LAMC applies when the City is preparing a consolidated application on behalf of multiple operators. There are also further administrative details to coordinate with the CCC when considering that certain Al Fresco operators are located in a Single Permit Jurisdiction Area, while others are located in a Dual Permit Jurisdiction Area.

3. California Environmental Quality Act

Preparing a CEQA analysis of the potential impacts that a P-CDP for outdoor dining may present and identifying necessary measures to address those potential environmental impacts.

Discretionary approvals by a government agency require an environmental analysis in compliance with the California Environmental Quality Act (CEQA). Depending on the scope of the P-CDP and the subsequent CEQA analysis, it is possible that funding may be needed to hire consultants for technical assistance on this environmental analysis.

³ An outline of the Coastal Act policies includes the following topics:

- Article 1. General
- Article 2. Public Access
- Article 3. Recreation
- Article 4. Marine Environment
- Article 5. Land Resources
- Article 6. Development
- Article 7. Industrial Development
- Article 8. Sea Level Rise

4. Coordination

Coordinating with the CCC and LADOT to resolve differences in policies regarding mobility and public access is a key consideration. State and local policies regarding mobility and public access may not be completely in sync.

The City's Mobility Plan is focused on reducing Vehicle Miles Traveled, travel demand management programs, capacity management, and parking programs which include shared parking and parking with prices which vary with demand, while the CCC is primarily concerned with maintaining parking supply as a means for public access to the coast. The CCC has made it clear that a P-CDP will not be approved without appropriate measures to account for impacts to parking resources and transportation demands resulting from outdoor dining activity. Measures regarding parking and/or transportation demands will need to address both the loss of existing parking and any increased demand from additional service areas. These measures may not necessarily require a one-to-one replacement of displaced parking spaces, as discussed with CCC, but compensatory measures will be needed to protect public access to the coast. It should be said that the determination as to what is adequate and compensatory will ultimately be at the discretion of the CCC.

5. Building Permits

Reviewing the building permits to compare permitted parking spaces with the CDP conditions of restaurants with Al Fresco Temporary Authorizations to determine the total number of permitted parking spaces that have been displaced by the Al Fresco program and to determine which restaurants are exempt from providing replacement parking spaces per AB 2097.

The CCC has indicated that a P-CDP will not exempt restaurants with CDPs from the conditions of approval in their existing CDPs, which typically include the number of parking spaces that they are required to provide. Research and further data collection, including a survey of existing operations, will be needed to determine the total number of parking spaces that were converted to outdoor dining under the Al Fresco Temporary Authorizations, the total number of parking spaces required by CDP conditions, and the number of parking spaces that would be required by the LAMC for restaurants to park the customers that are served in the expanded outdoor dining areas. More detailed and rigorous data collection will be needed to identify the configuration of the outdoor dining layout and changes in the size of the service area to reflect increases in the intensity of land use caused by expanded outdoor dining areas.

6. Parking Study

Conducting a parking study to determine the impact that Al Fresco has had on parking demand and supply in the Coastal Zone, and how this impact can be mitigated by the provision of new parking resources, better utilization of existing parking resources, and alternative transportation programs.

The parking study would likely need to include the following data points:

- Estimates of existing parking supply, the number of parking spaces that have been displaced by Al Fresco, the number of parking spaces required by existing CDPs, the demand for parking at various times of day, week, and season, and the increased number of off-site parking spaces that would be needed to park customers in the expanded outdoor dining areas.
- Recommended transportation programs which could offer the public with types of coastal access that are equivalent to the access provided by parking spaces.
- Recommendations for how access remedy options, including parking resources and transportation programs, would be administered and financed. Initial consultation with LADOT indicates that several of their mobility programs are currently facing funding challenges, such as the depletion of Proposition A funds, the lack of an annual capital budget for certain programs, and uncertainty regarding the use of Transportation Impact Assessment Fees.

7. P-CDP Application Timeline

Considering the length of time for the City to prepare a P-CDP application for the CCC to review vs. the length of time for a restaurant to obtain a CDP independently.

The timeline for processing a traditional CDP for an individual operator is approximately nine to twelve months. Although unknown at this time, it is possible that a consolidated P-CDP may not be prepared in enough time to offer restaurant operators a faster permitting path. Considering that a P-CDP application would cover more than one hundred establishments with site-specific conditions of approval, and could potentially involve review and approval by multiple City departments as well as the CCC, the Coastal Working Group estimates that it could take up to four years to complete this work program, especially when considering the implementation of mitigation measures. It should be noted that the existing CDP waiver issued by the CCC expires on June 30, 2026, which means the potential four-year timeline for the preparation and approval of a P-CDP application may not be a timely resolution for existing operators with the Temporary Authorization. The P-CDP timeline may discourage restaurants from waiting for an umbrella permit. A list of the various tasks involved in simply preparing a

P-CDP application is provided below:

- Identify feasible public access measures, including parking and transportation demand management options
- Obtain/earmark funding for public access measures, including parking and transportation demand management options
- Hire consultants for a parking study and CEQA analysis.
- Research:
 - conditions of approval in existing CDPs
 - number of existing parking spaces for indoor dining that have been displaced by outdoor dining,
 - number of parking spaces required by the CDPs,
 - number of parking spaces that would be required by the expanded outdoor dining areas without the Al Fresco Ordinance parking relief,
 - number of parking spaces subject to the AB 2097 exemption, and
 - number of parking spaces that should be replaced, or accounted for, by a P-CDP.
 - potential impacts on natural resources
- Determine applicability and eligibility criteria for the P-CDP
- Determine conditions of approval based on mitigation measures
- Fund/implement mitigation measures to some degree or develop a plan for mitigation implementation (to the satisfaction of of the CCC) at the time of application

After an application has been prepared, there will be additional time required for CCC staff review and Board approval for the P-CDP with requisite noticing and scheduling implications. Additionally, subsequent CCC approvals may be needed on a case-by-case basis for individual restaurants.

8. Limitations

Anticipating the limitations to the extent of permit streamlining that can be accomplished with a P-CDP. These limitations include but are not limited to the following:

- A CEQA analysis may require that the environmental impact of both indoor and outdoor dining be evaluated together in order to determine potential effects on coastal resources. In this case, a P-CDP which only looked at the impact of outdoor dining would require additional study to capture the full impact of both types of food service.
- According to the CCC, restaurants with an existing CDP will need to rectify their existing conditions with their new or expanded outdoor dining operations. A P-CDP may not

absolve an operator from the required rectification of their existing CDP conditions, as they are obligated to comply with the conditions of approval in their existing CDP, including the required number of parking spaces. Operators may need to amend their existing CDP in order to continue operating an outdoor dining area if that area was prohibited or not included in their existing CDP, particularly if that outdoor dining area has replaced parking spaces that were previously required and specified in a condition of approval on their existing CDP.

P-CDP Key Takeaways

As outlined above, there are many steps that go into the consideration of pursuing a P-CDP. Notably each consideration listed above will require a significant amount of time, staff resources, funding and coordination with various City departments and CCC. Moreover, if City departments are instructed by the Council to pursue a P-CDP, it should be made clear that a P-CDP may not be the tool to replace existing CDP conditions. As explained by the CCC, a P-CDP is by design both term-limited (to allow for monitoring and evaluation of effectiveness) and limited in its grant authority (in so much as it may not be able to resolve site-specific conditions), particularly those conditions related to parking requirements. That means that operators with existing CDPs may still be required to apply for either an amendment or a new CDP outside of the P-CDP process. Even in its simplest approach, a P-CDP will take time and resources and cannot guarantee a given outcome as the final decision authority lies with the CCC. Similarly, neither can the timeliness of the P-CDP be guaranteed as the CCC is the final decision-making body, not the City. As a new process, for which there is no precedent, it will take significant time at the front end of each step outlined above to finally complete the P-CDP application and come before the CCC for a decision. This timeline uncertainty may make the P-CDP a less desirable option for business operators, as the operators must obtain some form of a CDP to allow continued operation of their outdoor dining area before CCC's CDP waiver expires in June 30, 2026 and preparation and final approval of the P-CDP application may not be completed in time to meet that deadline.

P-CDP Alternatives

Given that the main objective is to support and assist businesses to transition to the permanent program, there are alternatives discussed below for consideration and deliberation. While all the alternatives have their benefits and drawbacks, one of these alternatives has the benefit of applying to both the short and long term future of outdoor dining in Venice, is within the City's control, and can be used by all operators irrespective of existing CDP conditions. This alternative would be for the City to conduct a parking study for the Venice neighborhood to

analyze the existing conditions of parking supply and demand, and develop recommendations for potential public access mitigation measures that would include parking and transportation demand management strategies. Importantly, it should be noted that funds are available within the Coastal Transportation Corridor Fund No. 447 for the parking study. Such a study would relieve existing individual operators from having to conduct their own site-specific studies if their outdoor dining areas have impacted parking resources, as well as potentially supporting future operators looking to propose new outdoor dining areas - to the extent feasible. As a parking study and potential mitigations measures is also arguably the most critical component of the P-CDP process, which is described in further detail in the “Potential Mitigation Measures for Public Access” section of the report below, a parking study conducted by the City would serve the dual purpose of collecting necessary information and analysis for the P-CDP, as well as keeping alternative options on the table in the event the P-CDP is ultimately determined not to be the best path for supporting restaurant operators in the Coastal Zone.

Since timeliness and cost are key considerations for restaurant operators, the Coastal Working Group suggests that attention be given to additional, alternative ways of streamlining the CDP permitting process that may be achieved on a more expedited timeline. In addition to the aforementioned parking study for the Venice neighborhood, an alternative method of streamlining could be accomplished by supporting restaurants with their individual CDP applications instead of through a novel “umbrella” permit wherein details must still be worked out with the Coastal Commission. The timeline for processing a traditional CDP is approximately nine to twelve months and the fee is approximately \$17,000. Support for individual CDP applications could include providing grants to help offset or subsidize application costs, assigning additional staff resources to processing CDP applications to help reduce total case processing times, or connecting CDP applicants with external resources such as appropriate permit expeditors who can provide professional/technical support with navigating the CDP application and review process. Additional benefits to considering alternatives for business support beyond a P-CDP are that these efforts would not rely on approval from the CCC and would not be geographically limited to the Venice Coastal Zone.

However, as with the P-CDP, each of these alternatives will require additional funding to be identified and allocated by the City Council in order to be realized.

Potential Mitigation Measures for Public Access

While the concept of a P-CDP offers an opportunity to explore ways to improve public access to the coast and expedite the processing of CDP permits, this effort faces many challenges given the differences between the CCC and the City of LA regarding policies for providing public

access to the coast. As stated previously, State and local policies regarding mobility and public access are not fully aligned. The City's Mobility Plan is focused on facilitating multi-modal access and reducing reliance on access by automobiles, and the CCC has expressed an openness to allow for mitigations via multi-modal transportation in order to maximize public access to the coast and offset parking loss. To that end, a parking supply and demand analysis is needed to understand the changes that have resulted from three years of outdoor dining under the emergency order and CCC waiver. This analysis is key to understanding what alternative mitigations to parking can maintain and even enhance public access to the CCC satisfaction.

Below are programs and strategies for consideration in any future parking study that have been identified by LADOT. In preliminary discussions with CCC, it is feasible that some combination of strategies will need to be deployed to offset the collective loss of parking spaces in a P-CDP application, which also underscores the need for accurate existing conditions data as previously described.

The following is a description of programs which currently offer public access alternatives overall and to the Coastal Zone, or could potentially do so, and the status of resources which support the programs:

Mitigation Fee - Opportunities and Challenges

The Coastal Transportation Corridor Specific Plan (CTCSP) covers portions of the Westside between Santa Monica and El Segundo from the coast to Culver City and the City of Inglewood. The Specific Plan establishes a Transportation Impact Assessment (TIA) Fee for new developments which is intended to be used for programs which mitigate transportation impacts, build out the City's Mobility Plan and reduce Vehicle Miles Traveled (VMT). Since the goal of the CTCSP is to reduce VMT, the Plan's parking strategies do not include increasing parking supply but rather reflect strategies such as parking prices which vary with demand, capacity management, travel demand management programs, and shared parking to manage parking supply. Since the Al Fresco Ordinance overrides Specific Plans, it is not clear that the TIA fees could be used to mitigate the impacts of outdoor dining on public access to the beach. It may instead be necessary to establish a new funding source.

Shuttle Services - Opportunities and Challenges

LANow is a pilot on-demand shared-ride service comprising 8 shuttles that serves Palms, Mar Vista, Venice, and Del Rey. Its current hours of operation are Monday to Friday 6 AM to 7 PM. Riders book trips using a mobile application or call center. LADOT operates eight vehicles and over 600 virtual pick-up/drop-off locations throughout the service area. Adult and Children 5+

fare is \$1.50 per one-way ride. Seniors 65+, Disabled and Student fare is \$0.75 per one-way ride. Since its inception, LAnow has experienced a 419% increase in active riders as of April 2024, with 8,011 accounts created since the program's launch. On average, the LAnow application receives 250 downloads and gains 103 new active riders per month.

LADOT's contract with MV Public Transportation Inc., which operates LAnow, expires in October 2024. Contingent on the LAnow pilot program being extended, the department will solicit proposals to continue the program for a longer period of time. The program is funded through Proposition A local return Fund 385, affected by the COVID-19 pandemic. The adopted Fiscal Year 2023-24 Budget notes an ongoing structural deficit of approximately \$77 million annually in City transit operations funded from the Proposition A Fund.

LADOT is updating a Transit Services Analysis to be submitted to the Mayor and Council that will include options to resolve the ongoing structural deficit in future years. Prior analysis conducted in 2021 indicates that expanding on-demand services to weeknights and weekends would total an additional \$482,970 a year. This amount is likely higher as the result of inflation and increased bus operator labor costs. Additionally, plans for expansion are currently in development, under grant-funded projects like the Universal Basic Mobility Pilot aimed to start in South Los Angeles.

Car Share - Opportunities and Challenges

BlueLA is a car share network made up of over 100 electric vehicles, which members can book for up to 12 hours (per day). Members can pick up and return an electric car at any of 40 designated on-street stations across the city with a total of 200 individual charge points. Rental rates start at \$12 an hour for income-qualified users, with a monthly membership fee of \$1.00. The program currently serves the communities of East Hollywood, Koreatown, Pico-Union, Downtown, Echo Park, Boyle Heights, Chinatown, and Westlake.

The program is entirely grant funded, primarily through the California Air Resources Board (CARB). Though the program is continuing to expand, it is primarily focused around disadvantaged neighborhoods that do not fall in the coastal zone boundary. With approval from CARB, there may be an opportunity to install one station consisting of five spaces in the Venice area. This would convert existing parking spaces on the street to designated car share pickup and drop off zones.

Metro Bike Share - Opportunities and Challenges

Metro Bike Share is a partnership between Metro and the City of Los Angeles. The Metro Bike Share system makes bicycles available 24/7. Currently there are 38 bike share stations in the

Venice Coastal Zone. Metro bike share stations are installed on sidewalks and on streets either through replacement of a parking space or in a red curb zone. Each station accommodates 15 to 30 bicycles.

The program is partially funded by the Proposition A Local Transit Assistance Fund and the Measure M Local Return Fund. Each new station costs approximately \$160,000 - \$200,000, which includes two years of operations and maintenance. Installations are performed by Metro's operations contractor.

Dockless Mobility - Opportunities and Challenges

In March 2019, LADOT created the dockless mobility program, permitting up to 37,000 dockless vehicles to operate in the City. As of January 1, 2024, four trip providers operate in the City. A challenge with dockless vehicles is their oversaturation on pedestrian corridors. To resolve this problem, LADOT staff have implemented special operation zones (SOZ) throughout the City, which impose restrictions on the presence of dockless vehicles within an SOZ. The restrictions include but are not limited to deployment caps, digital parking zones, and digital "no riding" zones.

Bicycle Parking Facilities - Opportunities and Challenges

LADOT installs bicycle parking throughout the City in three different varieties - racks which can store 1-2 bicycles, corrals which can store up to 14 bicycles, and cycle hoops which can be added to a parking meter post and store up to two bicycles. LADOT installs new racks through a request-based system through its bicycle set-aside from the local return funds.

LADOT is currently siting and installing new corrals through an awarded federal grant that will accommodate two new corrals in each council district; LADOT have been working with Council District 11 staff to finalize the two proposed sites on Ohio Ave and Sawtelle Blvd. However, there is a potential for additional Council District 11 corrals being placed in the Venice Coastal Zone without impacting the project timeline. Corrals are placed on the street and typically replace 1-2 vehicle parking spaces. There is potential opportunity to install more bicycle racks and cycle hoops within the Venice Coastal Zone, which does not replace parking spaces or meters. LADOT placement guidelines are based on factors such as sidewalk width, bike length, and maintaining access to fire hydrants, buildings, transit, and parking. There is potential to add more bicycle parking facilities within LADOT-owned parking lots in the Venice area.

Summary of Existing Venice Parking Studies

Several pre-COVID parking studies were conducted in Venice to assess the supply of and demand for parking. These studies are useful as a baseline for parking supply and demand

prior to Al Fresco outdoor dining. A new parking study would be needed for a P-CDP, to update their findings post-COVID. A study by Fehr and Peers⁴ (2021) analyzes parking in the Venice Coastal Zone, while a study by Tierra West Advisors⁵ (2020) analyzes parking within a quarter mile of the proposed Venice Dell Project, a mixed-use affordable housing project. Both of these studies conclude that there is sufficient parking in their study areas but parking supply could be managed to increase utilization of existing resources. LADOT currently manages seven parking lots in the Venice Coastal Zone. The majority of public parking spaces are found in three LA County lots located adjacent to Ocean Front Walk on the beach. Two other large lots may be developed for affordable housing.

The remaining smaller lots, which are less utilized, are located in several locations north of Venice Boulevard. The Fehr and Peers study proposes a number of ideas for ways to use these existing public lots more efficiently such as establishing or revising time restrictions on on-street parking to incentivize the use of off-street public lots and increasing utilization of public lots that are farther from the beach by increasing the amount of time that cars can park there. Some of these lots currently have two hour time limits. Shuttle service between the public lots and the beach would also increase their utilization.

In addition, the Fehr and Peers study recommends strategic pricing and better wayfinding and signage. To increase utilization of the Ocean Front Walk lots, short term parking options with rates based on the amount of time parked rather than a flat rate, using automated payment stations, is suggested. Another recommendation is to expand demand-based pricing, essentially pricing which changes according to parking demand, through Express Park meters at existing metered parking and on all street segments where adjacent land uses are not residential, and consider the installation of meters on all street segments near the beach, allowing residents to obtain permits to park without paying for meters, similar to the system in Hermosa Beach.

However, it must be noted that significant funding and staffing resources would be required in order to realize these proposed recommendations. As previously mentioned, LADOT is currently experiencing revenue challenges, making it difficult to forecast the feasibility of these recommendations without additional funding allocations.

⁴ Parking Utilization and Transportation Management Strategies Report: Venice Coastal Zone, prepared for the City of Los Angeles, Department of City Planning by Fehr and Peers, November 2021.

⁵Venice Parking Study, prepared by Tierra West Advisors for the City of Los Angeles, Department of Transportation, June 2020.

Conclusion

In summary, there are many costs and benefits to consider when working to help businesses in the Coastal Zone given the two layers of governance- city and state. While the Coastal Zone has and will remain distinct in the permitting landscape for development, this report attempts to outline the implications of an umbrella approach to assisting over 100 businesses that are unique in every aspect of their development, services and permit history. The P-CDP approach has some inherent conflicts and limitations, however, the most tangible benefit of exploring this concept may be the opportunity for the City to expand parking resources in Venice and/or implement transportation management strategies, which would benefit the entire Venice community, as well as visitors. The pathway to achieving this benefit will require coordination and an intentional investment in time and money for staff resources and consultants for their research and analysis. Regardless of whether the City and the CCC decide to develop a P-CDP or whether an alternative permit streamlining program is proposed and considered, a parking study will be required as a first step. Using available funds to embark on this study, which are already earmarked for the Venice Coastal Zone, is one concrete way in which the City can support businesses.

The expenses involved in funding the parking programs and/or transportation management measures plus the expense of designing, adopting and implementing a P-CDP, if so instructed, would have considerable costs, though the total amount is unknown at this time given the variables described in this report. In addition, given that the length of time required to develop a P-CDP may extend beyond the June 30, 2026 expiration date of the CDP waiver extension, it is not clear that a P-CDP would achieve the goal of streamlining the CDP permitting process for its intended beneficiaries, i.e. restaurant operators who are currently seeking expedited permits.

Beyond the parking study, the alternative business assistance approach of grant funds to offset permit fees, increased staff resources to reduced permit processing timelines, and/or technical assistance to prepare individual CDP permit applications may ultimately be a more effective tool to help businesses who need to be in compliance with the Coastal Act by the summer of 2026, both in the Venice Coastal Zone and in the other relevant Coastal Zones.

No matter which streamlining approach is adopted, City Council allocation of funds for the measures outlined in this report will be critical to moving forward. As such the following recommendations are provided for the Council to consider:

1. Instruct the Department of City Planning, with the assistance from the Department of Transportation to encumber Coastal Transportation Corridor Fund No. 447, Department

94 set aside in Regional/Subregional Transportation Improvements account number 447/9408NY for the preparation of a public access and parking study that recommends transportation demand management strategies and mitigation measures to address coastal access impacts in the most parking impacted areas within the Venice Coastal Zone and identify the necessary funds and resources needed to realize the recommended strategies and mitigation measures.

2. Instruct the Department of Transportation, Bureau of Engineering and the Department of City Planning, with the assistance of the City Attorney, to continue exploring the P-CDP application process in the Venice Coastal Zone subject to California Coastal Commission guidance and approval.
3. Instruct the Department of City Planning, Department of Transportation, and Bureau of Engineering with the assistance of the City Attorney, to explore additional alternative business support program efforts, including grants, resources for reduced permit processing time, and/or technical assistance for existing and eligible Al Fresco outdoor dining in the relevant Coastal Zones.

If you have any questions regarding this matter, please direct them to Mary Richardson via email mary.richardson@lacity.org.

Sincerely,



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