



STAFF REPORT

Meeting Date: April 20, 2021
To: Honorable Mayor & City Council
From: Laura Biery, Marketing and Economic Sustainability Manager
Magdalena Davis, Special Event and Filming Coordinator
Subject: Temporary Outdoor Dining Expansion for The Maybourne Beverly Hills
Attachment: 1. Draft Layout for Outdoor Dining Expansion

INTRODUCTION

In response to the COVID-19 pandemic, the City of Beverly Hills created the OpenBH program to allow businesses to temporarily expand (open up) their services to adjacent areas such as parking lots, the public right of way (sidewalks), and metered parking spaces (parklets) through a Special Event Permit process. This item provides an update to the City Council regarding The Maybourne Beverly Hills temporary outdoor dining expansion utilizing the OpenBH program.

FISCAL IMPACT

The fiscal impact of the proposed temporary outdoor dining expansion includes a variety of waived permit fees associated with the existing OpenBH program. Should the existing OpenBH program fee structure be adjusted during the duration of the temporary outdoor dining expansion, The Maybourne Beverly Hills will be subject to the adjusted program fees. In addition, the cost to return Beverly Cañon Gardens to the original state once the temporary outdoor dining expansion has concluded will be paid for by The Maybourne Beverly Hills (including but not limited to stone replacement, irrigation equipment replacement, landscape replacement, etc.).

Waived Permit Fees (Covered by the City)

The current OpenBH program includes the waiver of the \$800 special event permit fee that each participating business is issued, and \$152 public right of way fee in most cases, for a total of \$952 waived. The permit is issued for an initial duration of 30 days, per Municipal Code, and may be renewed by the business for subsequent 30-day cycles thereafter without any cost to the businesses under the current OpenBH program.

The total fiscal impact of the waiver of special event permit fees for OpenBH depends on the number of businesses participating, and the number of times a business renews the permit. At the writing of this report, there have been 114 permits issued for the initial thirty

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(30) days, with many businesses renewing their permits issued for future thirty (30) day iterations.

The Maybourne Beverly Hills has had an existing OpenBH permit for temporary outdoor dining since August 2020. Currently, the hotel is undergoing construction on its ground floor and is requesting temporary encroachments into the Gardens to continue hotel operations during this time. The hotel has requested an additional expansion of the temporary outdoor dining to include: expansion into the formal gardens, creation of a new ADA ramp, and additional seating along the pedestrian pathway on the South side of the formal gardens. For the proposed expansion, the total waived permit fees would include the monthly \$800 special event permit fee and the public-right-of-way \$152 fee for \$952 each month the temporary expansion is in place.

Additionally, the Beverly Cañon Gardens fall under the Beverly Hills Gardens Specific Plan and an outdoor dining fee would typically be assessed, however, as this is part of the OpenBH temporary program, the fees would be assessed at whatever the current rate/waiver of OpenBH fees is at the time.

DISCUSSION

The OpenBH program was created in direct response to the COVID-19 regulations that have reduced capacity and revenue for businesses throughout Beverly Hills. The program has received positive feedback from the business community and residents alike. One hundred fourteen (114) businesses have received a permit to participate in OpenBH by expanding their business model to the sidewalk, parking lot, or by creating a parklet in metered parking spaces. The business community in Beverly Hills is both creative and resilient and many OpenBH applications include unique elements specific to the business.

As the COVID-19 regulations are business sector specific, the pandemic has impacted retail, salons, faith organizations, and restaurants differently with some experiencing long-term full closures and others experiencing limiting capacity restrictions both indoor and outside. As of Monday, April 5, 2021, both the State and County Health Officer Orders allow for in-person indoor dining at 50% as well as outdoor dining spaced 8 feet apart. At the writing of this report, LA County is in the Orange Tier for health regulations from the State.

The Maybourne Beverly Hills is embarking upon a remodel of the property after taking ownership from The Montage Beverly Hills. The temporary outdoor dining expansion is requested to create additional outdoor dining in response to both the COVID-19 regulation impacts and the ground floor remodeling project at the hotel. Staff has provided a preliminary review of the draft proposal (Attachment 1). Staff conveyed that additional details, modifications, and a performance bond would need to be provided before issuance of an encroachment permit, expanded OpenBH permit, demolition and building permits, however these updates will be addressed with the applicant after receiving City Council approval. To be able to offer expanded outdoor dining service, The Maybourne Beverly Hills proposes the temporary removal of landscape (hedges and shrubs) adjacent to the Southern pedestrian walkway. The proposal does not impact any trees and a full restoration of the area is required at the termination of the permits.

The duration for the temporary outdoor dining expansion will likely coincide with the duration of the OpenBH program, however staff recommends the temporary expansion be revisited 6 months from the issuance of the permits to evaluate the project. Evaluation could include the current health orders, occupancy, pedestrian traffic patterns and

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community impact, including Metro construction and the new North portal. It is anticipated that as dining is permitted to reopen at various stages, outdoor dining will still be the preferred option for many visitors and a popular choice during the warm summer months. The anticipated term for the expansion is at minimum 6 months and could be longer based on the duration of restrictions or renovations.

RECOMMENDATION

It is recommended that the City Council receive this report providing an update on the request from The Maybourne Beverly Hills to temporarily expand outdoor dining service further into Beverly Cañon Gardens. Additionally, this item will appear on the April 20, 2021 Formal City Council Meeting agenda authorizing the City Manager, with the review by the City Attorney, to issue a temporary encroachment permit to The Maybourne Beverly Hills and approve expansion of its existing OpenBH permit. The authorization includes the waiver of applicable fees and staff time as well as the scheduling of a review of the project with the applicants 6 months from the issuance of the permit.

Gabriella Yap,
Deputy City Manager

Approved By

Attachment 1

