



MONROVIA CITY COUNCIL

February 1, 2022

AR-2 Recommendation from
MOTAB to Suspend TOBO Permits

Objective

- To consider a recommendation from the Monrovia Old Town Advisory Board to suspend the Temporary Outdoor Business Operation Permits effective February 28, 2022

Background

- During the COVID-19 pandemic, the City of Monrovia developed creative strategies to support businesses during these challenging times.
 - Commercial Eviction Moratorium
 - Suspending certain zoning provisions
 - Supported enhanced and expanded outdoor business operations
- Temporary Outdoor Business Operation Permits - TOBO
 - Program began in July 2020 in response to Health Orders issued by the Los Angeles County Department of Public Health that limited or closed indoor business operations.
 - The purpose of the program was to permit temporary encroachments into public rights of way, streets, parking areas, alleys and other public spaces.
 - Some TOBO have been approved on Private Property.

Background

- Currently 19 Active TOBO's

- Café De Olla
- Peach Café
- Basin 141
- Café on Lemon
- The Diplomat
- Grey and Cash
- 38 Degrees
- Sushi Nakata
- Ikonicks
- Bella Sera

- The Saltner
- Aztec Bar and Grill*
- Myrtle Tree Café (The Pour House)
- Pacific Plate*
- Wing Walker Brewery*
- Over Town Brewery*
- Mimi's Café*
- London's Gastro Pub*
- Merengue

*Indicates TOBO on Private Property

Background

- Through the monthly evaluation of the program, MOTAB reported that the public response to the expanded outdoor dining was positive and well received by the community.
- However, as winter approached, the number of diners using the outdoor space diminished.
- At the November 16, 2021 MOTAB meeting, the Board requested they review a recommendation to suspend the TOBO permits, at the January meeting.

Analysis

- At the January 18, 2022 MOTAB meeting, the Board discussed the TOBO program at length.
 - Many of the members felt the program has been effective and made a significant and positive impact on the restaurants, allowing them to continue to operate throughout the pandemic.
 - However, the Board also shared their concerns related to the program.
- Concerns:
 - Loss of twenty-four (24) public parking spaces
 - Unsightly conditions of the outdoor dining areas
 - Unfair business advantage some permit holders enjoy
 - Furthermore, MOTAB reported that some of the areas are underutilized by the businesses and often sit vacant.

Analysis

- Parking in Old Town is an ongoing concern for all merchants in the BID.
- Many of the parking spots used by the TOBO permit holders are located in the heart of Old Town, taking away convenient parking for customers and thereby creating a negative impact on other businesses.



Analysis

- Having an attractive and welcoming community is important to all merchants and visitors. Many of the TOBO locations, specifically the use of water walls and temporary structures in the street, have been described as unattractive and not consistent with the charm Monrovia's have come to enjoy in our Old Town.
- Some of the location experienced wind damage recently and have yet to make repairs.
- One location has recently done some repairs and enhancements.









Analysis

- MOTAB members felt strongly that the additional seating enjoyed by the TOBO permit holders creates an unfair business advantage for some.
- Majority of the TOBO space is public property being used by a private business at no cost.
- It was further suggested that if a business chooses to expand their outdoor space onto public property, then the business should pay for the space.

Analysis

- Following the Board discussion, a motion was made to recommend the City Council consider suspending and/or discontinuing the TOBO program effective February 28, 2022.
 - Five of the seven member Board were in attendance.
 - All five members in attendance voted in support of this recommendation
 - The Board did recognize the surge of COVID-19 cases following the holidays; however, they believed the positivity rates were declining
- Mayor Pro Tem Crudgington, who serves as the Council liaison to MOTAB, asked staff to conduct additional outreach to the TOBO permit holders to gather their feedback before bringing a recommendation to City Council.

Analysis

- Staff Outreach:
 - *Many of the businesses have expressed their appreciation to the City for the support during this difficult time.*
 - *Several participating businesses have a strong interest in continuing the TOBO permits. Some find it essential to their business and would like to see it extended to the end of the year.*
 - *Some understand that the program may need to be suspended so long as indoor dining is not restricted in the future due to the pandemic.*
 - *Some are interested in exploring a more permanent outdoor dining expansion.*
 - *Many diners continue to prefer to eat outdoors and may not choose to dine out if there is not an outdoor option.*

Analysis

- The TOBO program was envisioned to be temporary to support businesses during a very challenging time and the equipment provided by the City to create the TOBO space was intended to be a temporary solution.
- With no restrictions on indoor dining, removing the water barriers in the street, parking lots, and alleys seems appropriate at this time.
- However, staff also recognizes that some diners may prefer to only dine outdoors.
 - The City has an existing Encroachment Permit process where businesses can request outdoor dining space on sidewalks.
 - Utilizing private property for expanded outdoor dining is also still viable. Breweries are governed by different and more restrictive regulations, and therefore a waiver for private property use may be considered.

Analysis

- Should Council wish to consider alternative, long-term use of the public property for those merchants looking to continue with this service, staff can study the options and report to City Council at a future meeting.
- If Council directs staff to suspend the TOBO program effective February 28, 2022, staff will begin the notification to all permit holders and coordinate with the individual businesses the removal of City equipment.

Options

1. Suspend the Temporary Outdoor Business Operations Permits effective February 28, 2022.
 - *It is important to note that should this option be selected, the City will continue to support outdoor dining on sidewalks and on private property through the existing Encroachment Permit Process.*
2. Request additional information from staff before taking action.
3. Take no action; allowing the Temporary Outdoor Business Operations Permit to continue through the pandemic and the local emergency order.

Questions?