



Ordinance 2282: Temporary Outdoor Service Areas (Emergency Ordinance)

June 1, 2020

Purpose

- Allow restaurants, coffee shops, and bars to establish outdoor service areas to:
 - Increase space to reach capacity
 - Incorporate social distancing and sanitation practices
 - Maintain public safety and accessibility standards
- Temporary with flexible, low cost process to accommodate state orders and avoid code issues
- Integrate with state liquor licensing standards



Scope

- When permitted by public health order
- Restaurants
 - Regularly offering food or beverage for on-premises consumption from a permanent location, (restaurants, food courts, cafés, and coffeehouses)
- Bars:
 - Licensed for on-premises consumption (bars, taverns, brew pubs, breweries, microbreweries, distillery pubs, wineries, tasting rooms, special licensees, and clubs)



Process

- Creates a “Permit Manager”
- No cost (except any state liquor permit)
- 2 step authorization:
 - Automatic through end of June
 - Avoids processing delay; relies on operators
 - July 1 – October 31 requires simplified permit
 - Ensures tracking and safety
 - No significant adverse effect on adjacent property, accessibility, parking, public improvements, public services, or public safety; and
 - Applicant agreement to comply
- Authority to suspend code provisions



Outdoor Service Areas

- Outdoor services for on-premises dining
 - Dining and service to diners
 - No amplified sound
 - No food preparation or storage
- Use of private property (open areas/off-street parking) (with property owner permission)
- Use of public property/right-of-way with easement or license (needed for liquor rules/liability and control issues)
 - Flexible standards to develop this option
- Serve alcohol with modification to license per state emergency rules
- Signs without permit



Potential Negative Impacts

- Potential parking impacts:
 - Allows 100% of parking spaces (other than ADA)
 - Shifts parking temporarily
 - Impact to parking for businesses with shared spaces
- Accessibility impacts & pedestrian safety
- Noise
- Sanitation
- Safety issues (fire/building)
- Aesthetics



Minimum Standards

- Property used must be **adjacent** and requires **property owner approval**
- **Safety** is operator's responsibility
- **Insurance** may be required if public property used (additional insured; CGIA limits)
- Overall **occupancy** cannot be expanded
- Cannot impede **drive lanes/accessibility**
- **Tents** permitted with limitations and fire code compliance



Minimum Standards (cont.)

- **Life safety requirements** for fire extinguishers; fire hydrants; code standards for electricity/heat/water
- **Hours** limited from 6 a.m. to 10 p.m.
- Operator responsibility for **damage**
- **Sanitation** (waste/litter)
- Compliance with **applicable laws**
 - City not implementing separate public health guidelines
 - Liquor laws still apply



Remedies

- Relies on operator compliance and standard terms
- Inspection authorized
- City can revoke summarily, with appeal right
- Council can cancel program
- Special scrutiny for liquor issues
- Not a permanent program; no vested right



Recommendation

- The ordinance will benefit city businesses and the community with minimal adverse impacts
- Staff recommends approving the ordinance as an emergency





Questions?

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