

# Memorandum

To: Honorable Mayor Tim Sandoval  
James W. Makshanoff, City Manager  
Anita Gutierrez, Development Services Director

From: COVID-19 Action Committee – Business & Economic Development Subcommittee

Subject: Recommendations on outdoor dining for restaurants

Date: June 3<sup>rd</sup>, 2020

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The subcommittee has met to consider temporary measures to expand on-site dining for Pomona restaurants while complying with social distancing and capacity requirements, specifically with regard to outdoor dining options. Many communities are enacting temporary measures to allow the use of outdoor private property, parking lots, public sidewalks and streets for such activities. Our recommendations focus on what guidelines would be most beneficial for local businesses. However, we understand that there are legal and logistical issues that must be considered that may limit the utility of some of these suggestions. Based on our deliberations, we offer the following recommendations for consideration in crafting the program:

## **Use of Public Right-of-Way**

Some communities are allowing the closure of non-essential roadways or alleys for expanded outdoor dining. Others are encouraging the use of parking lanes (parklets) at the edge of roadways with safety dividers between diners and traffic, allowing roadways to maintain circulation. Still others are allowing the use of public sidewalks if circulation is maintained. The committee is supportive of all these options where feasible and recommends the following.

1. Downtown offers the best opportunity to consider roadway closures and parklets due to the concentration of businesses, the pedestrian orientation, and lighter traffic volumes. Our recommendation is to focus these efforts in the downtown.
2. Due to the lack of concentration of restaurants within a single block in downtown, we encourage consideration of the use of “parklets” in parking lanes, public sidewalks, or other public open space for dining expansion, as opposed to full road closure (except for special events). Parklet design should provide clear separation between diners and passing cars, and prevent people from stepping out into travel lanes. Standards should be developed for this design to make permitting as streamlined as possible.
3. The city should work with DPOA on plans for expanded outdoor dining as well as events that would include broader street closure when larger crowds can be safely accommodated.
4. Restaurants outside of downtown may be able to expand dining into public sidewalk areas in some locations, where circulation and universal access can be maintained. However, roadway closure does not seem feasible in these locations.

## **Use of Private Parking Lots**

Many communities are allowing the temporary use of private parking lots for outdoor dining. While this reduces the number of parking spaces for the establishment, health code guidelines are also reducing restaurant capacity. The committee supports this option, particularly for businesses outside the downtown area. We offer the following recommendations.

5. Restaurants should be allowed to dedicate up to 50% of their parking lot for outdoor dining.
6. Parking lots should maintain designated handicap parking and ADA accessible routes.
7. Parking lots should preserve necessary vehicular circulation.
8. In areas where there are shared parking arrangements, such as strip malls, the city should encourage restaurants to coordinate collectively with property owner to design acceptable options for parking lot dining that meet the requirements outlined above.

## **Use of Private Open Space other than Parking Lots**

It is the committee's understanding that current zoning code does not require any special approval for outdoor dining on private open space, provided it does not affect circulation or reduce parking availability. For restaurants where this is possible, it is recommended as an option.

9. Promote the use of private open space other than parking lots for dining.
10. Outdoor dining areas should comply with all accessibility requirements, including surfacing.

## **Sale of Alcohol**

Ordinarily outdoor sale of alcohol for on-site consumption in bona fide restaurants requires conditional approval. To meet the needs of restaurants in a temporary manner, we recommend the following:

11. We recommend accommodating the serving of alcohol in expanded outdoor dining areas, provided the restaurant has an existing alcohol permit, can obtain ABC approval for outdoor service, and meets specific guidelines developed by the city for outdoor service.

## **Process Recommendations**

The committee's goal is to make this a quick and cost-effective process for restaurants. Many communities are adopting special processes for allowing this activity to occur in an expedited manner. Based on review of procedures in other cities and feedback from city staff, we recommend the following:

12. The application process should require the applicant to submit photos/sketch of the proposed outdoor dining area, including the number of proposed tables/seats, and key dimensions that demonstrate universal access is being maintained. Staff should develop a process that makes this effort minimal for the applicant and does not require the hiring of consultants to prepare plans.
13. The committee recommends this be a low/no cost application process to remove financial barriers, recognizing that expanded dining will result in increased sales tax revenue for the City.

14. We recommend the permit be valid through December 31, 2020. If need extends beyond that, give restaurants the option to re-apply for new temporary permit or automatically extend the use period
15. In well-defined situations, such as the use of public sidewalks for outdoor dining, we recommend a process where approval is granted upon application. We do not want to see delays in implementation. However, the city should reserve the right to modify or revoke the permit if conditions warrant it, upon evaluation.
16. In more complex situations, such as the use of private parking lots or parklets in the parking lane, approval should be subject to administrative review. The City should develop procedures that make this process as efficient as possible.
17. We recommend that provisions for allowing temporary expanded outdoor dining include a posting requirement with information for community members to report violations or concerns.