



Land Use/Sustainability/ Resilience Committee

City of Arts & Innovation

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**TO: LAND USE / SUSTAINABILITY/
RESILIENCE COMMITTEE MEMBERS** **DATE: JULY 12, 2021**

**FROM: PUBLIC WORKS AND COMMUNITY &
ECONOMIC DEVELOPMENT DEPARTMENTS** **WARD: 1**

**SUBJECT: LONG-TERM OUTDOOR DINING PROGRAM – REQUEST FOR PROPOSAL
FRAMEWORK – DIRECT SUBMITTAL**

ISSUE:

Receive a report on the Request for Proposal framework to adopt a Citywide Long-term Outdoor Dining Program.

RECOMMENDATIONS:

That the Land Use/Sustainability/Resilience Committee:

1. Review and provide feedback on the proposed Request for Proposal (RFP) framework to adopt a Citywide Long-term Outdoor Dining Program; and
2. Recommend issuance of the RFP for City Council consideration to adopt a Citywide Long-term Outdoor Dining program.

BACKGROUND:

In response to COVID-19, in May 2020, the City Manager issued an order to establish the *Temporary Outdoor Flex-Space Permit Program for Restaurants* allowing eateries to temporarily establish outdoor dining within the public right-of-way and on private property while adhering to safety and physical distancing guidelines. The order was ratified by City Council on June 2, 2020. Since then, the program has expanded and was renamed the *City of Riverside Temporary Outdoor Flex-Space Permit Program* to allow businesses categorized as “lower risk workplaces” by the State’s Resilience Roadmap to apply for a permit.

Due to increased case rates and impacts to intensive care unit (ICU) beds, the State and County issued orders impacting retail and restaurant operations. Table 1 provides a timeline of orders impacting the County of Riverside businesses.

Table 1 – Timeline of COVID-19 Related Orders Impacting Local Businesses

| Date | Action |
|-----------|---|
| 3/8/2020 | Riverside County's Public Health Officer declared a local health emergency based on an imminent and proximate threat to public health from COVID-19. |
| 3/19/2020 | Governor Newsome issued a Stay at Home Order. The order prohibited dining inside restaurants, with delivery and pick-up services encouraged. |
| 5/26/2020 | The City issued the initial Temporary Outdoor Flex Space order that helped establish temporary outdoor dining facilities. |
| 12/4/2020 | A Regional Stay at Home Order was issued for Southern California, effective 12/6/2020. The order suspended the Temporary Outdoor Flex-Space Permit Program and restricted outdoor dining. |
| 1/25/2021 | California lifted the Stay at Home Order allowing restaurants, breweries, and wineries to reinstate alfresco dining. |
| 3/17/2021 | Riverside County enters the Red Tier allowing restaurants to return to indoor operations up to 25% capacity or 100 people (whichever is less). |
| 4/7/2021 | Riverside County enters the less restrictive Orange Tier. The indoor dining cap is increased to 50% and retail businesses can operate at full capacity. |
| 6/15/2021 | State reopens to full capacity and businesses are no longer required to adhere to social distancing rules or be limited by capacity restrictions. |

Based on the popularity of the *Temporary Outdoor Flex-Space Permit Program* and businesses' requests to establish a long-term program, staff engaged the Land Use/Sustainability/Resilience Committee (Committee) on February 8, 2021, to evaluate the need and support for such a program. The Committee overwhelmingly supported the establishment of a long-term outdoor dining program along the Main Street Pedestrian Mall and throughout the City. Some of the feedback shared by the Committee includes:

1. Supported a year-round program that would be unaffected by Special Events.
2. Supported maintaining an unobstructed emergency vehicle response route on the Main Street Pedestrian Mall.
3. Supported protecting the Main Street Pedestrian Mall amenities (statues, art displays, landscaping, umbrellas, lighting units, bicycle racks, fixed seating areas, etc.).
4. Preferred to keep permit fees as low as possible. Favored one-time fees as opposed to recurring/annual fees to renew the permit. Requested staff to consider a fee waiver for the first year to allow businesses to recover from the COVID-19 financial impacts.
5. Requested staff to consider uniform fees and not based on outdoor dining square footage.
6. Requested that staff engage the business community before a formal outdoor dining program is adopted as the proposed program may limit opportunities for some businesses.
7. Requested staff to evaluate the program for the Main Street Pedestrian Mall, Central Business District, and Citywide.
8. Propose an Outdoor Dining Program that considers opportunities within the public right-of-way and on private property. The program would incorporate the City's Parklet program to provide a comprehensive document for outdoor eatery requests.
9. Staff to evaluate and adopt design standards for the Main Street Pedestrian Mall, Central Business District, and other Citywide locations.
10. Review applicable municipal codes and amend them accordingly to accommodate and support a long-term outdoor dining program.
11. Evaluate County of Riverside Public Health requirement associated with larger dining areas, respective bathroom facilities, ABC requirements, portable heating elements, etc.

DISCUSSION:

As the science evolves and studies are completed, most preventive medicine and infection disease experts agree that eating outdoors is safer than eating inside when there is six feet of distance between patrons and restaurant staff are wearing masks. Even though the State rescinded the social distance rules and indoor capacity restrictions, outdoor dining is expected to remain popular as people have become accustomed to eating in warm and comfortable weather. Further, based on recent studies, many restaurant patrons may continue to seek outdoor dining opportunities to mitigate potential health risks associated with the virus.

Restaurant owners also support outdoor dining facilities as it provides additional seating, provides customers dining options, reduces wait times, and helps with recovery of financial losses associated with the pandemic. Most restaurants that have established outdoor dining have also invested in additional dining equipment, outdoor enclosures, and/or increased staffing levels and would like assurance that a long-term outdoor dining program will be adopted to assist with recovery efforts while helping meet customer expectations.

Given the feedback provided by the Land Use/Sustainability/Resilience Committee on February 8, 2021, the Public Works and Community & Economic Development Departments prepared a Request for Proposal (RFP) to seek an urban design firm to prepare a Long-term Outdoor Dining Program. The firm would provide a comprehensive document that addresses the Committee's feedback, generate design standards, assess the fee schedule, and provide the requirements and guidelines for the Main Street Pedestrian Mall, Central Business District, and other Citywide locations. The document would also incorporate the City's Parklet Program, review respective RMCs, and would coordinate public meetings to engage community and businesses leaders to ensure the program captures the expectations and needs of local stakeholders. The tentative schedule for the RFP is shown on Table 2.

Table 2: RFP Tentative Schedule of Events

| Event | Date | Time |
|-------------------------------------|-----------------|----------------|
| RFP Release | 7/15/2021 | N/A |
| Final Questions Due | 7/27/2021 | Before 5:00 pm |
| Response to Questions Released | 7/29/2021 | N/A |
| Proposals Due | 8/5/2021 | Before 2:00 pm |
| Notification of Tentative Selection | 8/12/2021 | N/A |
| City Council Award | 9/14/2021 | N/A |

Once the RFP is awarded, the firm would have six months to engage the community and prepare the Long-term Outdoor Dining Program. Staff will collaborate with the firm during this period to participate in community meetings, review recommendations, respond to business feedback, review design standards, and assist with the completion of the program.

FISCAL IMPACT:

There is no immediate fiscal impact with the recommendations. The total cost for the firm to prepare the Long-term Outdoor Dining Program will not exceed \$100,000, appropriate funds will be identified to complete this effort across the Public Works and Community & Economic Development Departments.

Prepared by: Gil Hernandez, Interim Public Works Director
David Welch, Community & Economic Development Director

Certified as to availability of funds: Edward Enriquez, Chief Financial Officer/City Treasurer

Approved by: Rafael Guzman, Assistant City Manager

Approved as to form: Kristi J. Smith, Interim City Attorney

Attachments:

1. Presentation