

Land Use, Sustainability, and Resilience Committee

City of Arts & Innovation

TO: LAND USE, SUSTAINABILITY, AND RESILIENCE COMMITTEE MEMBERS DATE: NOVEMBER 14, 2022

FROM: PUBLIC WORKS DEPARTMENT WARDS: ALL

SUBJECT: TEMPORARY & LONG-TERM OUTDOOR DINING PROGRAMS - UPDATE

ISSUE:

Receive an update on staff's progress to adopt a Citywide long-term Outdoor Dining Program.

RECOMMENDATION:

That the Land Use, Sustainability, and Resilience Committee receive an update on staff's progress in adopting 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 to 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.

On February 8, 2021, staff were provided with feedback from the Land Use, Sustainability, and Resilience Committee regarding drafting a Request for Proposals (RFP) to develop an Outdoor Dining Program.

On June 15, 2021, the state reopened to full capacity and businesses no longer had to adhere to social distancing rules or be limited by capacity restrictions. As of this report, the City has not received additional applications for a temporary outdoor flex space following the reopening of businesses to full capacity. The Parks, Recreation and Community Services Department no longer has any operating flex spaces.

On July 12, 2021, staff presented the draft RFP to the Committee which sought an urban design firm to prepare a Long-term Outdoor Dining Program. The firm would have provided a comprehensive document that addressed the Committee's feedback, generated design standards, considered a fee schedule, scheduled community engagements and surveys, and

outlined permit requirements and guidelines for the Main Street Pedestrian Mall, Central Business District, and other Citywide locations.

In September 2021, staff initiated the Curbspace Management study, funded through the Southern California Association of Governments (SCAG) at no cost to the City. The study includes a focused review of several roadway segments across Riverside. The effort studied and recommended pilot improvements, including policies surrounding parklets and business expansion into the curb space. Stakeholders in the SCAG Curbspace Management Study included the Riverside Downtown Partnership, Riverside Community Health Foundation, Riverside Transit Agency, and Riverside Chambers of Commerce.

On September 27, 2021, staff initiated the review of a single response to the RFP, and the proposal significantly exceed the budgeted amount.

On October 8, 2021, the Governor signed Senate Bill 314, Senate Bill 389, and Assembly Bill 61 into law. These laws collectively extended certain state-level approvals associated with outdoor dining and the sale of alcohol as part of outdoor dining for one year after the closure of the California state of emergency (which as of this writing is still ongoing), in addition to extending the sale of “to-go” alcohol with meals through December 2026.

On April 25, 2022, staff was presented with a list of pilot recommendations and best practices by the Curbspace Management study consultant.

In May 2022, staff commenced public briefings on the Curbspace Management Study recommendations with stakeholders and engagement surrounding a Long-Term Outdoor Dining Program.

On June 13, 2022, this item was continued to a future meeting date at the Land Use, Sustainability and Resilience Committee due to a scheduling conflict. Staff have continued to engage and support businesses with the deployment of outdoor dining spaces.

DISCUSSION:

Since the proposal to prepare an Outdoor Dining Program substantially exceeded staff’s approved budget for the effort, and because the State approved additional legislation that provided extended relief to businesses, staff are drafting a Long-Term Citywide Outdoor Dining program which includes the following updates:

- Staff has initiated engagement with key stakeholders including the Riverside Downtown Partnership and the Chamber of Commerce’s Downtown Board.
- Staff has issued a poll to all Temporary Outdoor Flex Space participants to ask for their thoughts related to their use of the program and the planned permanent program.
- Public Works and Community & Economic Development are collaborating with the City Attorney’s Office to review recent legislation (AB 61, SB 314 and SB 389) to determine their full impact on City operations.
- Staff are recommending that most elements of the existing Outdoor Flex Space program

are transitioned into a permanent Outdoor Dining Program.

- Staff will recommend reducing maximum capacities of Outdoor Dining spaces in relation to the implementing business.
- Staff has continued to assess other agency best practices and have reviewed outdoor dining policies as they are adopted. The City of San Mateo, for example, has rolled out a program that “will charge a \$371 annual fee for sidewalk or pedestrian mall dining permits” (SM Daily Journal).
- Staff has assessed available materials and are discussing with stakeholders the use of iron fencing and weighted umbrellas that do not require bolting to the sidewalk. This would replace the option for tents and membrane structures in the temporary program, as the spaces are now supplemental to indoor dining. Materials that are not bolted can be brought indoors at business closing times and adjusted as needed during special events. Umbrellas better preserve the visual landscape of the pedestrian mall/sidewalk space. Businesses would still retain the option to use patio heaters.



Figure 1: Sample materials. Image credit: Peerless Fence

- Staff has reviewed dozens of hours of video footage of the pedestrian mall to assess pedestrian volumes and desire lines as they relate to existing and potential outdoor dining deployments. Staff has determined that while pedestrians can (in general) contend with the meandering patterns resulting from the placement of tables within the right of way, it is recommended to provide permanent shade structures or additional plantings along the pedestrian mall to accommodate those who prefer to walk beneath building awnings during the heat of the day. Visual cues to guide pedestrians may be needed should additional businesses implement outdoor dining along the pedestrian mall. Review of placement will continue to be required to ensure adequate pedestrian access.

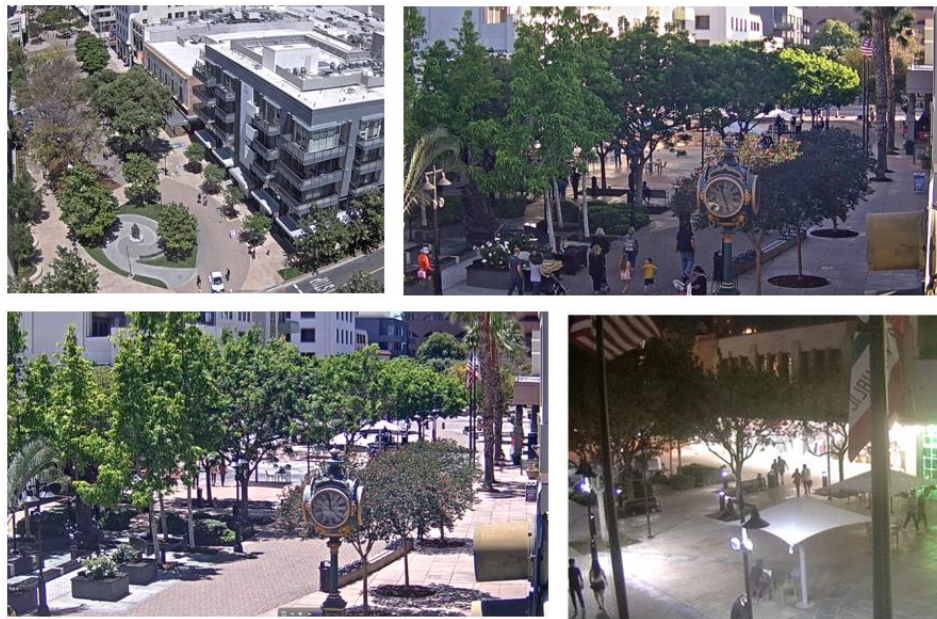


Figure 2: Screen captures of video analysis

Staff will return to this Committee with a draft policy and plan of action after further engagement with stakeholders has been completed.

STRATEGIC PLAN ALIGNMENT:

This program contributes to **Strategic Priority 3 - Economic Opportunity**, and **Goal 3.3 - Cultivate a business climate that welcomes innovation, entrepreneurship, and investment**, and **Goal 3.4 - Collaborate with key partners to implement policies and programs that promote local business growth and ensure equitable opportunities for all**.

Furthermore, this project aligns with the Cross-Cutting Threads as outlined below:

1. **Community Trust** – City staff are engaging stakeholders in developing the updated policy, including all permittees through the temporary program.
2. **Equity** – The City is seeking to develop a program with a low barrier to entry that is accessible to as many participants as possible.
3. **Fiscal Responsibility** – City staff have opted to develop the program in house, saving costs associated with a contractor.
4. **Innovation** – City staff are seeking to advance innovations made during the COVID-19 pandemic into a long-term program.
5. **Sustainability & Resiliency** – The establishment of a long-term outdoor dining program will make Riverside more resilient during a potential future public health crisis.

FISCAL IMPACT:

There is no fiscal impact associated with this report.

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availability of funds: Edward Enriquez, Interim Assistant City Manager/Chief Financial
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Attachments:

1. Temporary Outdoor Flex Space Program Guidelines
2. Presentation