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# Temporary Outdoor Dining Interim Regulations

July 20, 2020



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- How cities are responding
- Existing regulations
- Recommendation
- Discussion

# Safe Start Washington

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## Eating & Drinking Establishments – Restrictions

Phase 2	Phase 3	Phase 4
50% max. occupancy	75% max. occupancy	100%
Groups 5 or less	Groups 10 or less	Unrestricted
No bar seating	Bar areas 25% max. occupancy	100%

# How Cities Are Responding

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- Relaxing regulations:
  - Private parking lots
  - Public right-of-way
- Reducing or waiving fees
- Streamlining review/issuance of permits

# Existing Regulations

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PERMIT	PROCESS	APPROVAL TIMEFRAME	FEE	NOTES
Temporary Use Permit	Ministerial Director's Decision	60 days; PCD Director may extend up to 12 months	\$1,632	Ability to deviate from development standards  Adequate parking for temp. use required
Right-of-Way Site Permit	Ministerial Director's Decision	Up to 5 years; Public Works Director discretion	Application fee: \$816 (hourly, 4-hour minimum; additional hours at \$204/hour)  Plus ROW use fee equivalent to rental value	Specifically allows sidewalk cafes, sales structures, sale of food or beverages and other items

# Recommendation

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- Use existing permit types:
  - Temp Use Permit (private property)
  - ROW Site Permit (City ROW)
- Permit valid for duration of interim regulations
  - Phases 2-3



# Recommendation Cont.

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- Waive parking requirement
  - Frees parking lots for outdoor seating
- Waive fees
  - Application fees
  - ROW use fees
- Streamline permit process

# Permit Duration

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## Pros

- Certainty for businesses
- Reassessment in 6-month interval

## Cons

- Impacts such as parking could increase in Phase 3



# Waive Parking Requirements

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## Pros

- Relief for businesses
- Allows dining areas to meet social distance requirements

## Cons

- Could result in off-site parking impacts



# Waive Fees

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## Pros

- Relief for businesses
- Allows dining areas to meet social distance requirements

## Cons

- Reduces permit revenue
- Reduces ROW use revenue
- Could increase review time for all applications



# Process Streamlining

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- Outdoor seating “allowed by right”
- No discretionary review by City
- Registration by business
- Must adhere to life-safety, other codes

# Process Streamlining

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## Pros

- No lost time for review
  - Businesses
  - City staff time
- Relief for businesses

## Cons

- No ability to add permit-specific limits

# Right-of-Way Use

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- Adjacent to property
- Traffic control plan, as necessary
- Continue to prioritize for all users of ROW (pedestrians, bikes, vehicles, etc.)
- May not be an option for all businesses

# Outreach

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- Engaged with 10 local businesses
  - 7 expressed interest
- Interest in flexible use of private property

# Next Steps

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- Council direction on regulations
- July 27<sup>th</sup> Council meeting
  - Interim ordinance for potential adoption
- Regulations effective five days after publication

