

February 27, 2024

ON-STREET DINING DECK GUIDELINES



OUTDOOR DINING

- During the COVID-19 pandemic, the City moved quickly to offer outdoor dining and other programs
 - On-street dining decks
 - Downtown lane reconfigurations
 - Private property dining
 - Additional encroachment areas on Pier Plaza



OUTDOOR DINING

- In December 2021, City Council directed staff to come back with a “permanent” outdoor commercial encroachment program
- For encroachments in public right-of-way
 - Pier Plaza
 - Off-street (i.e., Martha’s on 22nd Street and sidewalks)
 - On-street within parking spaces (Dining Decks)



OUTDOOR DINING

- On April 25, 2023 Council considered items related to the long-term program
- On May 23, 2023 Council approved an Ordinance revising the Commercial Encroachment section of the HBMC, as well as:
 - A three-year phased fee schedule to take effect July 1, 2023
 - Revised maximum encroachment sizes
 - Permanence of bike lane and lane reconfigurations downtown
 - Guidelines for off-street commercial encroachments



ON-STREET DINING DECKS

- Staff has gathered feedback from Council, community, and businesses for more than three years
- Additional stakeholder meetings held recently
 - Balance between safety, aesthetics, cost and practicality
 - Developed to allow existing decks to be able to continue with only minor modifications
 - New decks will be held to more strict requirements



ON-STREET DINING DECKS

- Staff surveyed cities around the region and worked closely with neighboring agencies to assess optimum standards
- Clear, established standards are not available - instead a wide range of designs exists
- Staff revised the following aspects of the program:
 - Traffic Safety
 - Operation and design
 - Aesthetics
 - Liability
 - Administration



GUIDELINES – TRAFFIC SAFETY

- Staff determined current conditions are favorable for traffic safety
 - Water barriers are accepted and practical
 - New lower speed limits on Pier Avenue and Hermosa Avenue
 - Bike lanes downtown help provide a buffer zone
- Additional safety enhancements
 - Delineators and reflective striping on deck walls
 - Reinspection of existing water barriers



GUIDELINES – OPERATION AND DESIGN

- Staff worked to minimize and clarify required changes
 - No roofs will be allowed, instead umbrellas and “shade sails” can be installed
 - Electrical service is allowed but only one outlet for lighting and heating
 - Propane and electric heaters allowed but no open flames
 - Speakers for ambient music will be allowed with a permit
 - Bike racks encouraged and would be installed by City



GUIDELINES – OPERATION AND DESIGN

- Adequate drainage along curblines must be ensured
- ADA accessibility is emphasized
- Deck walls must not exceed 42" from street surface to ensure proper sight lines for vehicles
 - Plants and décor allowed on walls on a limited basis and must be secured
 - Clear windscreens would be allowed up to 24"
 - All furniture must be stacked, locked up and tucked away each night



GUIDELINES – AESTHETICS

- City has discretion on aesthetic elements during plan review
- Guidance to integrate planters/decor into the barriers
- Durability of materials encouraged and annual inspection of deck condition
- Guidance for use of shade sails



GUIDELINES – AESTHETICS

- A discount of up to \$600 on encroachment permit fees is proposed to encourage beautification of deck walls
 - Deck operators may apply for the discount
 - City worked with the Chamber of Commerce and a local non-profit to identify local artists suited to this work



GUIDELINES – LIABILITY

- Working with City Risk Management staff and third-party experts, the City has determined to increase the required insurance minimums from \$2 million aggregate and \$1 million per occurrence to \$4 million aggregate and \$2 million per occurrence



GUIDELINES – ADMINISTRATION

- Applicants must provide affidavit assuring the application information is true and accurate.
- Will include proof of notification for businesses that are sharing decks or encroaching upon neighboring property
- Annual renewals will include inspections by City staff



PROPOSED FEES

- Currently outdoor dining encroachment permit fees are \$1371.74
- Staff identified five different fees to help administer permit applications for three types of encroachments, annual renewals, and minor alterations
- Proposed fees were informed by off-street permit and plan review process



PROPOSED FEES

- All deck operators must submit encroachment permit application
- One-year initial term with annual renewals
- Applicants must submit: plans, application, maintenance covenant agreement, insurance and fee
- Additional fees and permits (e.g., electrical permit) may be required
- Optional amplified music permit and fee



PROPOSED FEE SCHEDULE

Outdoor Dining Encroachment Permit Administration	Fee Amounts
Application for standard off-street encroachment	\$1618.48
Application for simple off-street encroachment	\$492.20
Application for on-street encroachment	\$1895.24
Annual Renewal	\$397.70
Minor Alterations	\$313.02

NEXT STEPS

- Existing decks required to submit plans within 90 days
- Upon approval, will have 90 days to construct
- Staff will develop and submit Coastal Development Permit. Parking mitigation is key to permit approval.
- Staff will continue to monitor and assess program

