



Staff Reports

File #: 226-2020, **Version:** 1

To: Honorable Mayor and Members of City Council
From: Vincent C. Smith, Community Development Director
Prepared By: Erin Morris, Planning and Code Enforcement Manager

TITLE:
Napa Al Fresco Update

RECOMMENDED ACTION:
Receive report providing an update on the Napa Al Fresco program.

DISCUSSION:
This item provides City Council with an update on the City's Napa Al Fresco program as part of the City's response to the COVID-19 pandemic conditions.

Summary

City staff have been working collaboratively across multiple divisions and departments, with outside agencies, and with local businesses to develop and implement a set of initiatives to facilitate outdoor uses on public land (sidewalks, parks/plazas, streets) and private land in support of the community during this unique time. This report provides background on outdoor permitting programs developed and branded as the "Napa Al Fresco" program, initial results from implementing the programs, and next steps.

Background

Prior to May 29, 2020, outdoor dining on City sidewalks was reviewed and authorized through a two-step process: an Administrative Permit issued by the Planning Division and an Encroachment Permit issued by Public Works. The Administrative Permit was reviewed through the City's standard development review process and focused on the design of the outdoor dining. A flat fee of \$620 was established for the Administrative Permit. During the initial review period, Planning staff would typically send out a Notice of Application to surrounding property owners, conduct a site visit, and review the proposed design for conformance with the City's outdoor dining design guidelines and Americans with Disabilities Act (ADA) access requirements. The Administrative Permit process involved review by all City development review staff as an agenda item at the Inter-Departmental Review (IDR) meeting where staff from Public Works, Utilities, Fire Prevention, Police, and others discuss the proposal with Planning staff and provide written comments or conditions to be incorporated into a formal initial review letter that would be provided to the Applicant within 30 days of application.

Once acceptable revised plans were received, permits would be issued within 30 to 60 days. The permits typically included conditions of approval requiring that outdoor dining furniture be brought inside each night, that the sidewalk be cleaned on a regular basis, location of trash receptacles, etc. Administrative Permits were typically valid until the Applicant desired to cease outdoor dining activities. It is important to note that the staff time associated with each permit was not fully covered by the flat fee.

Once the Administrative Permit was approved, the Applicant would need to obtain an Encroachment Permit from Public Works prior to commencing outdoor dining activities. As part of the Encroachment Permit process, Public Works staff conducted an additional site inspection to verify that the outdoor dining area complied with ADA requirements, collected an insurance certificate identifying the City as additional insured, collected proof that the Applicant completed training on preventing stormwater pollution, and obtain a signed "Hold Harmless" agreement. This permit typically cost \$250 and would be valid for one calendar year; each year, the Applicant would need to obtain a new Encroachment Permit and provide updated documents.

Pandemic Response

On March 18, 2020, the County issued a first Health Order that shut down nonessential businesses in Napa including food and beverage businesses, retail, offices, schools, etc. During this time, restaurants and bars were allowed to offer food for takeout only. In response, the Parking Division offered "Priority Pickup Signs" to create temporary loading zones with curbside parking instructions for businesses utilizing public street parking areas for food pickup. This program resulted in the issuance of a total of 25 permits.

In early May, Community Development staff convened a series of internal meetings focused on redesigning the outdoor dining permit process to streamline the pre-pandemic two step/permit process (Administrative Permit and Encroachment Permit) into one permit process and to substantially shorten the internal review process. While the City only received two new applications for outdoor dining permits in May, it was anticipated that there would be significant interest in expanding existing permitted outdoor dining areas and establishing new outdoor use areas. In addition to developing a simplified process, application materials, and a new standard approval template, staff brainstormed ideas about setting aside previous outdoor dining limitations such as only allowing businesses to place tables and chairs in front of their own tenant space, and how other kinds of City-owned land (parks, parking lots, and other public spaces) in addition to sidewalks may be opportunities for outdoor dining or other outdoor commercial uses.

On May 20, 2020, the County enacted Phase 2 which allowed restaurants to reopen for indoor and outdoor service.

On May 29, 2020, the City's streamlined outdoor dining process was launched. In addition to providing a simplified application form, submittal requirements, and technical specifications on an informational web page, City staff launched a free consultation program where Public Works and Planning staff visit businesses to review nearby sidewalk space and help identify the outer limits of dining areas based on meeting ADA and safety requirements. City staff also began allowing expanded outdoor use areas that utilized sidewalk frontage beyond the boundary of the business.

On June 3, 2020, City staff began conducting site visits every Wednesday to offer technical

consultations for businesses interested in outdoor uses. In addition to meeting with prospective applicants to discuss potential outdoor use areas, staff also used this time to conduct site visits for all new applications. Beginning in June, all applications received each week were reviewed at IDR, a recurring weekly review meeting with staff from the City of Napa (Community Development, Public Works, Fire Prevention, Utilities, Police, and Parks), Napa Sanitation District, and other agencies to facilitate collaborative review within the compressed review timeframes.

On June 16, 2020, the City Manager waived the fees associated with outdoor dining permits. In June, 16 applications were received for outdoor dining and wine tasting. All of the applications were approved within two weeks; three of the approved applications were approved in less than one week.

On July 9, 2020, the County Health Officer issued an order that suspended indoor dining, bars, and indoor personal services such as hair and nail salons in light of the rising number of COVID cases.

On July 10, 2020, the City launched the Parklet program, which allows business owners to utilize the public parking space in the street in front of their business for outdoor dining, wine tasting, or other commercial uses. Typically, a “parklet” is a built platform that extends out from the sidewalk to the width of the adjacent parking space. Because it was anticipated that constructing the platform and associated improvements can be expensive and take more time than a simpler approach, businesses may also apply for use of the parking space without building a parklet platform. This type of parklet is called a “Shared Space” parklet. Both types of parklets require barricading and must be designed to be accessible and to address drainage considerations. Public Works staff developed simple technical guidance based on another City’s parklet design manual to ensure key safety measures are implemented in all approved parklets.

On July 23, 2020, the City launched the Outdoor Personal Services business expansion program, which allows salon operators to obtain a permit to operate outdoors in their parking lot or on public land such as sidewalk areas.

In July, 14 applications for outdoor dining or services were submitted. Nine of these were approved, within 1 to 2 weeks. Also in July, the newly launched parklet program generated 14 technical consultations resulting in 12 formal applications and 10 approvals, all within the first month of the parklet/shared space program launch.

Future of Napa AI Fresco Initiative

Due to the rapid implementation of these pilot programs, the City’s review process focuses on ensuring the safety and accessibility of new or expanded outdoor use areas and collecting the necessary insurance from operators of outdoor use areas on public property. All of the approved outdoor dining and parklet permits include an expiration date of December 31, 2020 or when the declared emergency ends, whichever is sooner. Staff has explained to customers and the public that the goal is to authorize outdoor uses rapidly during the current season, observe how the use areas function, gather feedback from businesses and other members of the community, and utilize this information to developing a new/revised program for 2021.

Due to the relatively short-term nature of these permits, staff has exercised flexibility to approve outdoor use areas that are different than the pre-2020 program parameters. Specifically, with support from adjacent business and property owners, outdoor uses areas have been approved to extend in

front of adjacent businesses, to utilize greater portions of public sidewalks than previously authorized, and to be placed next to features such as fire hydrants with the understanding that the tables and chairs could be quickly removed in the event of an emergency. Staff has focused on maintaining a minimum five-foot wide passing lane on public sidewalks and through public parks and ensuring compliance with Fire Prevention requirements and other safety standards, and relied on operators to organize the space within the outdoor use area to comply with the Health Order.

The Parklet program, which utilizes existing public curbside parking or loading areas downtown and converts the parking space to private outdoor uses, has been received very positively by the business community and the public. In less than one month, staff received 12 parklet applications and approved 10 of them, utilizing a total of 24 parking spaces in various locations. The speedy processing has been possible due to field meetings where staff and applicants have collaborated on how to achieve a successful design, allowances for flexibility of the final design provided that safety measures are implemented, and highly motivated applicants who have been responsive to quick, iterative feedback. Of the approved permits, four have been constructed and are in operation and two are under construction.

Staff anticipates evaluating how these various programs function, considering community feedback, and then developing a program for implementation in Spring 2021 for all outdoor uses. Staff is also considering how to accommodate outdoor dining in late fall and winter when the weather is less favorable. At the Council meeting, staff will summarize program accomplishments, share feedback received from the community, and will receive feedback from the Council.

FINANCIAL IMPACTS:

This agenda item is informational and does not result in a financial impact without future Council action.

CEQA:

The Community Development Director has determined that the Recommended Action described in this Agenda Report is not subject to California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15060(c).

DOCUMENTS ATTACHED:

None

NOTIFICATION:

None