



CITY COUNCIL  
Lori Wilson, Mayor  
Wanda Williams, Mayor Pro-Tem  
Anthony Adams  
Jane Day  
Michael A. Segala

CITY COUNCIL MEETING

First and Third Tuesday  
Every Month

## A G E N D A

### ECONOMIC PANDEMIC IMPACT CITIZEN ADVISORY COMMITTEE

MONDAY, JUNE 15, 2020

6:00 P.M.

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SUISUN CITY COUNCIL CHAMBERS -- 701 CIVIC CENTER BOULEVARD -- SUISUN CITY, CALIFORNIA

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#### **NOTICE**

*Pursuant to Government Code Section 54953, Subdivision (b), and Executive Order released on March 12, 2020, the Economic Pandemic Impact Citizen Advisory Committee includes participation via the application, Zoom.*

#### *ZOOM MEETING INFORMATION:*

*WEBSITE: <https://zoom.us/join>*

*WEBINAR ID: 880 6751 2730*

*CALL IN PHONE NUMBER: (707) 438-1720*

*REMOTE PUBLIC COMMENT IS AVAILABLE FOR THE MEETING BY EMAILING [CLERK@SUISUN.COM](mailto:CLERK@SUISUN.COM)  
(PRIOR TO 3:00 PM DAY OF MEETING), OR VIA WEBSITE OR PHONE APPLICATION, ZOOM*

#### **ROLL CALL**

#### **PUBLIC COMMENT**

*(Oral participation from the audience is limited to 3 minutes to each speaker).*

#### **GENERAL BUSINESS**

1. Discuss Background of Proposed Emergency Ordinance to Allow Restaurants/Retail Space to Provide Outdoor/Sidewalk Dining – (Laura Cole Rowe / James Berg).
  - Attachment 1 - Emergency Ordinance Background to Allow Outside Dining in Public Spaces
  - Attachment 2 - Suisun City Municipal Code – Chapter 18.64 Sidewalk Cafes
2. Items for Future Economic Pandemic Impact Citizen Advisory Committee for consideration as requested by Members of the Committee.
3. Date and Time of Next Economic Pandemic Impact Committee Meeting.

#### **ADJOURNMENT**

Agenda related writings or documents provided to a majority of the Committee less than 72 hours prior to a Committee meeting will be made available for public inspection during normal business hours. An agenda packet located at the entrance to the Council Chambers during the meeting for public review. Assistive listening devices may be obtained at the meeting.

DEPARTMENTS: AREA CODE (707)

ADMINISTRATION 421-7300 ■ PLANNING 421-7335 ■ BUILDING 421-7310 ■ FINANCE 421-7320  
FIRE 425-9133 ■ RECREATION & COMMUNITY SERVICES 421-7200 ■ POLICE 421-7373 ■ PUBLIC WORKS 421-7340  
SUCCESSOR AGENCY 421-7309 FAX 421-7366

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## Emergency Ordinance to Allow Outside Dining in Public Spaces

The City of Lakeport issued an emergency order to help local businesses that are reopening following the COVID-19 pandemic shutdown. This allows businesses to use outside property including the city right of way by permit.

Other cities that have either done this already or are in the discussion process, or a similar ordinance this include Clearlake, San Francisco, San Jose, Martinez, Berkeley, Menlo Park, Palo Alto, Mountain View, Livermore, Los Altos, Redwood City, Anaheim, San Carlos and San Mateo. There are many more.

The suggestion is that Suisun City enacts an emergency ordinance to allow use of outside property including the city right of way by permit for outdoor dining with a streamlined process.

These type of ordinances include, but are not limited to, retail, restaurants, and mobile food vendors, which may apply at no cost for the temporary use of the public right of way, specifically, sidewalks, as well as city-owned and private property for modified business operations as may be necessitated by the impacts of COVID-19.

While I don't have a copy of any of the ordinances recently enacted, city staff could research other ordinances in California.

ABC's new Temporary Catering Authorizations (TCA) (<https://www.abc.ca.gov/fourth-notice-of-regulatory-relief>) allows restaurants and bars to create an outdoor area to consume food and alcohol, and is a way for restaurants to recover some lost revenue since the COVID-19 pandemic began. The county must have entered the latter half of Phase 2 of reopening to apply (which has been enacted) and allows them to serve drinks in areas near their restaurants: spots like parking lots, sidewalks, and "other areas within close proximity to the licensed premises that are immediately accessible to the licensee, and that are secured by and under the control of the licensee."

To be approved by ABC, the restaurants have to come up with a diagram of the space they're taking over, proof that they've let local law enforcement know about the plan, and a \$100 application fee. Businesses must submit requirements before approval, including a diagram of the proposed temporary area, and approval from local law enforcement. The TCA only applies to ABC licensed establishments in counties where temporary stay-at-home orders have been lifted. The TCA will be removed as soon as COVID-19 measures are rolled back. To qualify for the authorization, businesses must have an ABC license to sell alcohol on the premises and must sell actual meals, which can be prepared by the licensee or a business like a food pop-up or food truck.

The authorization goes beyond a traditional liquor license, which restricts the purchase and consumption of alcohol on the restaurant's premises. As with anything alcohol related, there are strict conditions.

The ABC is taking the “T” in TCA pretty seriously, saying that this program will likely end when the pandemic does (whenever that is!), and that a spot’s permit can be suspended if it’s determined that the new outdoor drinking zone causes “disturbance of the quiet enjoyment of nearby residents.”

## Chapter 18.64 - SIDEWALK CAFÉS

## 18.64.010 - Purpose.

The purpose of this chapter is to allow for the provision of outdoor café seating areas ancillary to established restaurants, café, coffee shops, and similar eating and drinking establishments.



(Ord. No. 743, § 3, 3-21-2017)

## 18.64.020 - Applicability.

Sidewalk cafés may be established within any designated commercial zone, including commercial mixed use, and within the residential mixed use zone, provided that all relevant stipulations of this chapter can be met. The sidewalk café area must be located adjacent to the restaurant and may be located along a street, within a pedestrian mall or plaza, or alley.

(Ord. No. 743, § 3, 3-21-2017)

## 18.64.30 - Encroachment permit.

A revocable sidewalk café encroachment permit must be obtained from the public works department prior to construction. The permit application must include:

- A. Name and address of applicant and the business with which the sidewalk café will be associated.
- B. Description of the use.
- C. Two sets of plans and elevations with dimensions showing the proposed location of the sidewalk café area, including perimeter barrier, associated tables and chairs, and all above-grade improvements, including any shade structures, planters, or other fixtures. The pedestrian clear zone outside the perimeter barrier must be shown.
- D. Plans shall include dimensions and description of Americans with Disabilities (ADA) compliance measures.

- E. Owner consent (if owner not the applicant).
- F. Evidence of the business' liability insurance.

(Ord. No. 743, § 3, 3-21-2017)

#### 18.64.040 - Clear zone.

A minimum five-foot pedestrian clear zone shall be maintained between the sidewalk café perimeter barrier and any fixed elements in the sidewalk, such as street trees, lighting, or planters.

(Ord. No. 743, § 3, 3-21-2017)

#### 18.64.050 - Perimeter barrier.

- A. The perimeter barrier shall consist of a physical barrier that separates the seating area from the pedestrian clear zone.
- B. The barrier shall be made of a durable material(s) that complements the restaurant design, such as metal, wood, bamboo, or planters.
- C. The height of the perimeter barrier shall be three feet minimum, four feet maximum. It shall not obstruct visibility of the street by patrons, or of the café seating area by pedestrians.
- D. The barrier shall not be adjacent to parking spaces where opening a vehicle

(Ord. No. 743, § 3, 3-21-2017)

#### 18.64.060 - Sidewalk café.

- A. Tables and chairs must be moveable, not anchored to the sidewalk.
- B. In addition to chairs, benches and tables, other permitted facilities may include busing stations, and a host/hostess station.
- C. Shade structures may be incorporated. These may be awnings projecting from the building, freestanding umbrellas, trellis or pergola, or other suitable form of shade structure. Shade structures shall not extend to within three feet of the edge of a roadway.
- D. Decorative/accent lighting may be incorporated into the shade structure. An electrical permit must be obtained for lighting fixtures. Power shall not be from publically owned source.
- E. Sidewalk cafés may not include storage, kitchen, or cooking areas.
- F. Heating and cooling devises may be provided, such as gas heaters and misters. Descriptions of the proposed devises and their locations must be included in the encroachment permit application.
- G. Furnishings may be left within the designated sidewalk café area on days when the restaurant is typically closed, and when not in use. During seasonal closures (e.g., winter) the furnishings must be removed.

(Ord. No. 743, § 3, 3-21-2017)

#### 18.64.070 - Parking.

No additional parking is required with the application of this chapter, if the total café seating does not exceed 24 seats or less. For café seating of 25 seats or more, parking shall be secured at the same ratio as the eating and drinking establishment, per Chapter 18.42, "Parking." Parking may be a combination of on-street and off-street parking. Shared parking arrangements are encouraged.

(Ord. No. 743, § 3, 3-21-2017)