



CITY OF CONCORD

New Hampshire's Main Street™

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Councillor Erle Pierce, Chairman of the Outdoor Dining & Food Truck Ad hoc Committee
DATE: March 11, 2022
SUBJECT: Revised Outdoor Dining Permit Program

Recommendation:

Accept this report from the Committee recommending changes to the City's Outdoor Dining Permit Program.

Background:

The committee's goal was to create a program that would provide opportunities for restaurants to use public spaces for outdoor dining but with certain, important, limitations to mitigate for potential sprawl and ensure aesthetics and safety.

Discussion:

The committee recommends the attached regulations be accepted by City Council to allow staff to issue permits for the April 15 start of the outdoor dining season. The salient points are noted below:

- The outdoor dining season will run from April 15 to November 15.
- Restaurants can request the use of sidewalk space in front of their establishments or those of their immediate abutters with property owner written approval.
- Restaurants can only occupy space in Zones A or C of the sidewalk (as defined by an addendum to the regulations). Zone B must be maintained as a continuous 6' wide pedestrian zone.

- Restaurants will be required to install furniture that meets the guidelines outlined in the policy's addendum. Picnic table seating will not be allowed. Also, umbrellas must be of high-quality material without any advertising—with the exception of the restaurant name if so desired.
- Restaurants fronting on a bump-out or immediate abutters to a bump-out may request its use for which permission will be solely at the City's discretion.
- Restaurants fronting on a City square or other non-park property may be permitted to use space with limitations for setbacks from public infrastructure and 6' minimum walkways for pedestrians.
- A restaurant may request the use of parking spaces for outdoor dining in front of the establishment or in front of an immediately abutting property with written property owner acknowledgment. The granting of these spaces is solely at the City's discretion.
- Restaurants using parking spaces shall be required to accept the City's installation of water-filled jersey barriers to ensure diner and motorist safety.
- The permit fee for use of the sidewalk, City squares and other City non-park property is recommended to be \$3 per square foot of outdoor dining area.
- The fee for a restaurant's use of a parking space is recommended to be \$1,000 per space per season. Based on 179 applicable parking enforcement days from April 15th - November 15th (exclusive of Sundays and holidays) this fee equates to roughly \$5.59 per space per enforceable day. The committee was aware that the City's current parking encumbrance fee is set at \$15 per day per space but felt that it wished to attenuate the year 1 impact on the restaurants who previously did not pay any permit fees nor were held to the furniture and umbrella standards expected from the committee's current recommendations. This fee may be re-examined in the future.

By accepting this report, Council authorizes the City Manager to immediately institute the program as outlined.

w/att.: Regulations to Permit Use of Public Space for Outdoor Dining