



CITY OF CONCORD

REPORT TO MAYOR AND CITY COUNCIL

FROM: Matthew R. Walsh, Deputy City Manager - Development

DATE: February 9, 2026

SUBJECT: Barricades for Outdoor Dining in Parking Spaces

Recommendation:

Accept this report and set the attached resolution regarding appropriation of \$15,000, and receipt of associated off-setting revenues, for rental of concrete barriers to enclose and protect outdoor dining areas located within on-street parking spaces for public hearing on March 9, 2026.

Background:

On August 13, 2018, the City Council approved Ordinance 5-1-17, which authorizes certain private activities on public property, including outdoor dining. The Ordinance also granted rule making authority to the City Manager.

In spring 2020, the City instituted a policy whereby restaurants located in the Downtown Central Business District could secure permits to encumber and utilize on-street parking spaces for outdoor dining activities during the spring / summer / fall months. This policy was enacted to support restaurants during the Covid-19 Pandemic due to emergency orders that precluded, or severely limited, indoor dining activities. Emergency orders associated with the Covid-19 Pandemic expired in June 2021.

Following the conclusion of the Covid-19 Pandemic, the City has continued to permit outdoor dining in on-street parking spaces. Since the conclusion of the Pandemic, only four restaurants have used parking spaces for outdoor dining: The Barley House, Siam Orchid, Revival and The Draft.

In July 2021, the City acquired 35 water filled plastic barricades to partially enclose dining areas to improve public safety.

During the pre-dawn hours of July 5, 2022, a motor vehicle accident occurred, which involved the Barley House's dining area located in on-street parking spaces. Due to the time of accident, no injuries occurred. However, the amount of property damage from the incident was significant. Photographs of the Barley House incident are attached to this report.

Following the Barley House incident, the City initiated a review of barricades used to facilitate outdoor dining activities within on-street parking spaces. That process included a review of approaches utilized in other municipalities with similar dining programs.

On March 13, 2023 the City Council held a public hearing and subsequently approved modifications to the City's Outdoor Dining regulations to require the use of concrete "jersey" barriers to enclose outdoor dining areas located within on-street parking spaces. Simultaneously, the City Council appropriated \$34,000 for this purpose. Said funds were deposited into Capital Improvement Project #460 (Downtown Streetscape Improvements). Capital appropriations do not lapse at the end of a fiscal year.

On May 8, 2023, the City Council further modified the Outdoor Dining Program. Actions included modifications to the length of the outdoor dining season, changes to concrete barrier layout plans, as well as rental of concrete barriers in lieu of purchase. Approved barrier layout plans are attached to this report.

In accordance with the 2023 City Council approved policy, the Outdoor dining season commences on May 15th annually. The season concludes on October 15th for dining in parking spaces and October 31st for dining on sidewalks. The 2026 season for dining in parking spaces will last 153 days.

The application fee for dining on City property is \$30. Additionally, restaurants utilizing City sidewalks for dining activities pay a fee of \$3.00 / Square Foot of encumbered square footage, and must furnish enclosures as required. Restaurants encumbering parking spaces for dining pay a fee of \$1,000 per parking space to the Parking Division to compensate the Parking Fund for lost revenues. (The parking space fee is discounted from the City's standard fee of \$15 / day / space; which would typically cost restaurants \$2,295 / space based on a 153-day dining season in 2026). To date, barriers have been provided by the City at no cost to the restaurant.

Discussion:

Since 2023, the City has utilized the \$34,000 appropriation to contract with a local vendor to furnish, install, and remove the concrete barriers used to encumber on-street parking spaces at no cost to the four participating restaurants.

The cost to rent, install, and remove concrete barriers for the four participating restaurants for the 2025 dining season was \$12,300, as detailed below. This cost did not include staff time associated therewith.

- Siam Orchid: \$3,800.00
- Revival: \$2,437.50
- The Barley House: \$3,062.50
- The Draft: \$3,000.00

The \$34,000 appropriation from 2023 is nearly expended (approximately \$2,633 remains as of the date of this report). As such, insufficient funds are available for rental, installation, and removal of barriers for the upcoming 2026 outdoor dining season.

City Administration intends to establish a nonordinance based fee to cover the cost of rental, installation, and removal of barriers from the City's vendor, and administration thereof. The Fee

will be based on quotes received from the City's vendor for the cost of renting, installing, and removing the barriers, plus a minor administration charge to cover City's administration and oversight thereof. City Administration intends to establish the fee in late March / early April 2026 to provide notice to those restaurants who may desire to encumber parking spaces for the 2026 dining season, which begins on May 15th.

The FY2026 Budget currently does not include any appropriations for rental of barriers, or corresponding revenues from associated rental fees. Therefore, the attached resolution is provided to appropriate funds, and corresponding offsetting revenues from rental fees assessed to participating restaurants, so the City may engage a vendor for rental / installation / removal of the barriers. Future budgets (i.e. FY2027 – which begins on July 1, 2026 - and beyond) would include these revenues and expenditures.

Rental fees will be collected by the Code Division of the Community Development Department prior to approval of a dining permit. The General Services Department would incur the expense of rental and installation.

City Administration is also considering affording participating restaurants the option to make their own private arrangements to furnish and install barriers and associated delineators with a vendor of their choice, provided the barriers are concrete "jersey" barriers which comply with applicable NH Department of Transportation (NHDOT) specifications, the barriers and delineators are installed in accordance with layout plans prepared by the Engineering Division of the Community Development Department as previously approved by the City Council on May 8, 2023 as well as applicable NHDOT specifications, and the dining area complies with all other applicable rules and regulations. Barriers would need to be installed by the restaurant, and approved by the City, prior to the approval of a dining permit.

Attachments:

- Photographs of July 5, 2022 of motor vehicle accident in Barley House parking space dining area.
- 2023 approved barrier layout plans.

July 5, 2022 Accident in Barley Housing Parking Space Dining Area

