



CITY OF CONCORD

New Hampshire's Main Street™

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Carlos P. Baía, Deputy City Manager-Development

DATE: January 10, 2020

SUBJECT: Proposed fees for outdoor seating and sandwich board signs

Recommendation

Accept this report recommending that the City include fees for outdoor seating and sandwich board signs in the upcoming revision to the City's ordinance based fee schedule.

Background

In 2018, the City Council adopted the Main Street Guidelines to regulate the use of the public sidewalk to ensure a safe and enjoyable experience for all.

At the time of adoption, Staff provided Council with the results of a survey of New Hampshire communities that offer outdoor seating in public spaces. Those numbers (and recent updates) show that many communities charge a fee for sandwich board signs and tables. The fees for sandwich board signs ranged from a low of \$25 per sign in Durham to \$100 in Bedford and Keene. In terms of outdoor dining, fees ranged from \$50 per establishment in Dover and Manchester on the low end to Portsmouth where the City charges \$75 per table plus \$10 per chair for restaurants without alcohol service to a \$2,000 minimum fee for those with alcohol service on public property. In the middle were communities like Bedford and Keene which charge \$125 per establishment in the first year and \$100 per year thereafter (Bedford increases their annual fee to \$125 after 5 years).

Concord does not charge a fee for commercial use of the public sidewalk for outdoor seating and sandwich board signs despite the fact that the seating—for many restaurants—adds significant square footage to the establishment's footprint. In 2018, City staff had recommended that Council consider a \$25 fee for sandwich board signs and a \$50 fee per establishment for outdoor seating. Since the Main

Street improvement was still relatively new at the time, Council chose to hold off on the fee and asked to revisit it in the future.

Discussion

The use of the Main Street sidewalk has only continued to grow in the two outdoor seasons since Council last examined this issue. This past year, 14 establishments received permits for outdoor dining. That number will undoubtedly multiply as we anticipate a new restaurant will take a portion of the space formerly held by the Crazy Goat and there is talk of additional restaurants looking for downtown space. While this adds to the vibrancy of our community, the proliferation of outdoor tables has also created challenges such as staining of the Main Street's granite and concrete surfaces from grease and other food products. These stains have forced the City to pressure wash the sidewalks multiple times and required coordinated responses by the City's Downtown Services Team and the Health and Licensing Officer to ensure that restaurants implement best practices to avoid further damages. In addition, 47 sandwich boards received permits in 2019 and these, as well as new boards that periodically appear without permit, require regular enforcement.

In light of this, and accepting that the assessment of similar fees is a fairly common practice in New Hampshire communities, staff is proposing a \$25 per sandwich board sign charge and a \$50 per establishment fee for outdoor seating. These fees would still be on the low end of what other communities charge and would be included in Council's upcoming review of the City's ordinance-based fee schedule in early spring.