

“Placerville, a Unique Historical Past Forging into a Golden Future “



City Manager's Report
May 12, 2015 City Council Meeting
Prepared By: Pierre Rivas, Development Services Director

Item#: 8.9

Subject: Adopt a Resolution of Intention (ROI 2015-04) to initiate amendments to Title 10 (Zoning Ordinance) and Title 8 (Public Ways and Property) of the City Ordinance Code to allow and regulate outdoor sidewalk and street dining areas within the public right-of-way.

Background: Restaurant businesses and cafes located on Main Street have placed tables and chairs, and have installed fenced enclosures within the sidewalk area in front of their business establishments for use by customers. Over the past year staff has received complaints regarding these encroachments. Staff has also received a number of requests by businesses inquiring about the ability to provide for sidewalk dining areas, both fenced and unfenced.

The City currently does not allow for these sidewalk (encroachment) uses and the existing ones are operating without encroachment permits.

The City Council may initiate amendments to the Placerville Zoning Ordinance by Resolution of Intention or minute order, per Section 10-1-7(A-1) of City Code. Staff would also make recommended amendments to City Code Title 8, Chapter 1 (Sidewalks) and Chapter 3 (Encroachment onto City Streets).

Discussion: It is the opinion of staff that allowing for the ability to encroach onto City sidewalks and potentially the City streets with outdoor dining areas would have a beneficial and positive impact on the experience of tourists, visitors, and residents alike.

The process to amend the City Code will involve staff drafting proposed regulations to be incorporated into the zoning ordinance to allow review by the City of any proposed outdoor dining areas within a City sidewalk or street ROW under a site plan review process (Title 10, Chapter 4, Section 9). The amendments proposed for Title 8, Chapters 1 (Sidewalks) and Chapter # (Encroachment onto City Streets) would include a requirement for an encroachment permit and hold harmless agreement between the business entity and the City.

Staff is proposing to include minimum performance standards that must be met such as minimum sidewalk width to maintain adequate path of travel, ADA accessibility, and clearances. Other development standards may include minimum durability and design of fence enclosures and type and material of all furnishings (tables and chairs).

The draft ordinance would be available for public review and consideration by the Planning Commission at a noticed public hearing. The Commission would review and make recommendations for consideration by the City Council.

Cost and Budget Impact: Minimal. The cost of staff time to schedule hearings before the Planning Commission and City Council for consideration of proposed amendments to the City Code, including staff report preparation and noticing.

Recommendation: Adopt a Resolution of Intention (ROI 2015-04) to initiate amendments to Title 10 (Zoning Ordinance), and Title 8 (Public Ways and Property) of the City Ordinance Code to allow for and regulate outdoor sidewalk and street dining within the public right-of-way.



M. Cleve Morris, City Manager



Pierre Rivas, Development Services Director

Attachment: Resolution of Intention 2015-04

RESOLUTION NO. _____

A RESOLUTION OF INTENTION (ROI 2015-04) TO INITIATE AMENDMENTS TO MUNICIPAL CODE TITLE 10 (ZONING ORDINANCE) AND TITLE 8 (PUBLIC WAYS AND PROPERTY) TO ALLOW FOR AND REGULATE OUTDOOR SIDEWALK AND STREET DINING AREAS WITHIN THE PUBLIC RIGHT-OF-WAY

WHEREAS, the placement of outside seating and dining furnishings and establishment of fenced outdoor dining areas located within public sidewalks and streets is currently not permitted within the City limits; and

WHEREAS, it is known by City Staff that a number of restaurants and cafes place furnishings including tables and chairs within a public sidewalk on a regular bases for the use and enjoyment by their customers; and

WHEREAS, it is know by City Staff that a certain restaurant has established a more permanent fenced dining area within the adjoining sidewalk (public right-of-way) for the use by their customers; and

WHEREAS, members of the public have approached the City requesting that the City consider amending the City Code to allow for the establishment of outside dining areas within the public right-of-way areas; and

WHEREAS, City Staff have received complaints regarding the encroachment of outside dining areas within the public right-of-way (sidewalks); and

WHEREAS, the City Council may initiate amendments to the Placerville Zoning Ordinance by Resolution of Intention or minute order, per Section 10-1-7(A-1) of City Code, and may also consider amendments to Title 8 (Public Ways and Property); and

WHEREAS, the City Council deems that it is in the public interest to initiate amendments to the City's Zoning Ordinance and the Public Ways and Property Ordinance for the establishment and regulation of outdoor dining areas located within the public right-of-way (sidewalks and streets).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Placerville hereby establishes the City's intent to initiate amendments to the Municipal Code Title 10 (Zoning Ordinance) and Title 8 (Public Ways and Property) to permit and regulate the establishment of outdoor dining areas within the public right-of-way (sidewalks and streets).

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Placerville held on May 12, 2015, by Councilmember _____ who moved its adoption. The motion was seconded by Councilmember _____.

The motion was passed by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**

Mayor, Patricia Borelli

ATTEST:

Susan Zito, City Clerk