

Midway City Council
3 March 2020
Work Meeting

Ordinance 2020-03 /
Outside Dining and Parking



CITY COUNCIL WORK MEETING STAFF REPORT

DATE OF MEETING: March 3, 2020

NAME OF APPLICANT: Midway City

AGENDA ITEM: Code Text Amendment for Outside Dining Parking Requirements

ITEM: 4

Midway City is proposing a code text amendment of Section 16.13.39 (A) (11): Off-Street Parking and Loading. The proposed code will possibly require parking for outside dining at cafes and restaurants.

BACKGROUND:

The City Council has directed the Planning Commission to review and possibly recommend adoption of parking requirements for outdoor dining areas. Currently, the city code requires that restaurants and cafes have one parking space per 150 square feet of dining room floor space. This requirement was recently increased from the previous requirement of one stall for every 250 square feet of dining room floor space which is a 40% increase.

Both the Planning Commission and the City Council discussed the topic of outside dining areas and if those areas should have a parking requirement. The Planning Commission felt that the increased parking for indoor dining areas would help cover the needed parking for outdoor dining areas. Also, since the Midway General Plan promotes outdoor dining, an additional parking requirement would discourage outdoor dining areas from being created. Additionally, they felt that increasing the outdoor parking requirement would make it more difficult for a business to locate in Midway and we could lose potential future businesses because of the increase. One last item that was discussed is that outdoor dining is seasonal and requiring parking for a seasonal use may not be fair to the businesses.

The City Council also discussed the issue and decided to adopt the proposed parking ordinance on June 18, 2019 without addressing outdoor dining, but the direction was given in that meeting for the Planning Commission and the City Council to review the issue in further detail.

Staff has researched codes from other cities regarding this issue and has found several examples. Some cities require no extra parking for outside dining areas, some require no extra parking up to a certain amount of area or seats and then require parking for restaurants that exceed those numbers, and some require outside dining to have the same amount of parking as indoor dining areas. The following is an example of how one City addresses this issue:

Westminster, CA Municipal Code

- No additional parking is required for outdoor dining area (open-air dining) no greater than 25% of the gross floor area of the enclosed restaurant or 1,000 square feet, whichever is smaller. In cases where the outdoor seating area is more than 25% of the gross floor (or 1,000 square feet, whichever is smaller) area of the enclosed restaurant area, the portion of outdoor seating area exceeding 25% (or 1,000 square feet, whichever is smaller) of the gross floor area of the enclosed restaurant shall be calculated at one parking space per 100 square feet of the gross outdoor dining floor area. The allowance for outdoor dining shall not be applicable to any establishment offering a total of 12 or fewer seats, inclusive of all seating located indoors and within an outdoor dining/seating area.

Again, cities handle this issue in different ways. Some require no parking, some require some parking but after allowing a certain number of seats or an amount of area without parking, and others treat outside dining as they treat inside dining. The question for Midway is if requiring more stalls for outside dining will help us better comply with the vision and goals as described in the General Plan.

The Main Street chapter of the General Plan promotes outside dining to help create a vibrant and active Main Street. Simply stated, one of the Main Street Goals and Guidelines states: *Promote more outside dining and gathering areas.* Outside dining creates activity which, in turn, draws more people in by creating gathering spaces that people want to be a part of. Requiring more parking will be more expensive for new restaurants to come to Midway. The cost of land and infrastructure for the required stalls may make it cost prohibitive for new businesses to establish in Midway.

The Main Street chapter also focuses on the visual aspect of Midway. The introduction to the chapter states *“This commercial core should be developed as a distinctive shopping and business area emphasizing it as an attractive meeting place and staging area for festivals, special events, celebrations and a variety of community activities which will produce a vibrant and healthy community centerpiece.”* The more parking that is required, the more difficult it is to create an attractive gathering area as described. The

Main Street Vision emphasizes that Main Street “will cater to the pedestrian experience.” Creating more hard surface and using more space for parking will make it more difficult to create the pedestrian experience envisioned in the General Plan.

The City has recently increased parking requirements for inside dining and has also created a path for developing public parking areas. It may be that those steps will be enough to alleviate future parking issues. Another potential option is the City could follow other cities’ examples and allow a certain amount of outside dining without requiring more parking. Only if a restaurant wanted a large outside dining area then additional parking would be required. The third option is treating outside dining the same as we would if it were inside dining. All are options but focusing on the vision of the General Plan should be considered regarding any regulations the City may adopt.

The Planning Commission and City Council directed staff to analyze three restaurants in town for the required parking using the old code requirements and using the newly adopted code requirements. Staff has also analyzed Westminster’s code and those result are listed below for the Midway restaurants that include The Corner Restaurant, Midway Mercantile, and Café Galleria.

The Corner Restaurant

Number of

stalls – 14 stalls

Indoor dining area – 2,636 sq. ft.

Outside dining area per building plans – 632 sq. ft.

Outside dining area per staff’s estimates – 1,360 sq. ft.

Previous code (1 stall every 250 sq. ft.) – 11 stalls

Current code (1 stall every 150 sq. ft.) – 18 stalls

Outside dining using inside dining code (1 stall every 150 sq. ft.) – 5 stalls

Outside dining using inside dining code per staff’s sq. ft. estimates (1 stall every 150 sq. ft.) – 10 stalls

Westminster Code Outside Dining – 8 stalls ($2,636 \times 0.25 = 659$), ($1,360 - 659 = 701$), ($701/100 = 8$ stalls)

Midway Mercantile

Number of stalls – 11 stalls

Indoor dining area – 2,031 sq. ft.

Outside dining area – 800 sq. ft.

Previous code (1 stall every 250 sq. ft.) – 9 stalls

Current code (1 stall every 150 sq. ft.) – 14 stalls

Outside dining using inside dining code (1 stall every 150 sq. ft.) – 6 stalls

Westminster Code Outside Dining – 3 stalls ($2,031 \times 0.25 = 508$), ($800 - 508 = 292$), ($292/100 = 3$ stalls)

Café Galleria

Number of stalls – 5 stalls

Indoor dining area – 1,332 sq. ft.

Outside dining area – 1,400 sq. ft.

Previous code (1 stall every 250 sq. ft.) – 5 stalls

Current code (1 stall every 150 sq. ft.) – 8 stalls

Outside dining using inside dining code (1 stall every 150 sq. ft.) – 10 stalls

Westminster Code Outside Dining – 10 stalls (1,332 x 0.25 = 333), (1,400 – 333 = 1,037), (1,000/100 = 10 stalls)

Staff also discussed the issue of outside dining parking requirements with the planning staff of Westminster, California (please see Westminster’s requirements on page 2 of this report). Westminster planning staff indicated that they have no issues with their current code and that it is working well. They have no plans to amend their current code in the future.

Staff has worked with Councilmember Simonsen and has developed a modified option based on the Westminster, CA code. The language has been made clearer and the amount of required parking for outside dining has been reduced. One important item the proposed code accomplishes is it requires parking even if the proposal does not have any inside dining. The proposed code reads as the following:

No additional parking is required for any outdoor dining area (open-air dining) less than 50% of the indoor dining area. In cases where the outdoor dining area is more than 50% of the indoor dining area, the portion of outdoor dining area exceeding 50% of the indoor dining area shall be calculated at one parking space per 250 square feet of the outdoor dining area.

The following are some examples of how many stalls the proposed code would require:

Round Number Restaurant (hypothetical example)

Indoor Dining sq. ft. - 2,000 (50% - 1,000)

Outdoor Dining sq. ft. - 1,000

Parking requirements for percentage of outside vs. inside dining 50%

0 stalls for outside dining

14 stalls for inside dining (current code)

Westminster Code outside dining requirement – 8 stalls

The Corner Restaurant

Indoor Dining sq. ft. - 2,636 (50% - 1,318)

Outdoor Dining sq. ft. - 1,360

Parking requirements for percentage of outside vs. inside dining 50%

1 stall for outside dining

18 stalls for inside dining (current code)

Westminster Code outside dining requirement – 10 stalls

Midway Mercantile

Indoor Dining sq. ft. - 2,031 (50% - 1,016.5)
Outdoor Dining sq. ft. - 800
Parking requirements for percentage of outside vs. inside dining 50%
0 stalls for outside dining
14 stalls for inside dining (current code)
Westminster Code outside dining requirement – 10 stalls

Café Galleria

Indoor Dining sq. ft. - 1,332 (50% - 666)
Outdoor Dining sq. ft. - 1,400
Parking requirements for percentage of outside vs. inside dining 50%
3 stalls for outside dining
8 stalls for inside dining (current code)
Westminster Code outside dining requirement – 10 stalls (1,000 max)

Outside Dining Restaurant (hypothetical example)

Indoor Dining sq. ft. - 0
Outdoor Dining sq. ft. - 1,500
Parking requirements for percentage of outside vs. inside dining 50%
6 stalls for outside dining
0 stalls for inside dining (current code)
Westminster Code outside dining requirement – 10 stalls (1,000 max)

PLANNING COMMISSION RECOMMENDATION:

Motion: Commissioner Bouwhuis: I make a motion of no change to the code text amendment of Section 16.13.39 (A) (11): Off-Street Parking and Loading. The proposed code will possibly require parking for outside dining at cafes and restaurants. That we accept all staff findings.

Seconded: Commissioner Payne

Chairman Kohler: Any discussion the motion?

There was none

Chairman Kohler: All in favor.

Ayes: Commissioners: Streeter, Payne, Ream, O’Toole, Nicholas, Bouwhuis

Nays: None

Motion: Passed

PROPOSED FINDINGS:

- Increasing parking for outside dining at restaurants and cafes may help alleviate potential parking problems for future restaurants
- Increasing parking for outside dining at restaurants and cafes will make it more expensive for eating establishments to locate in Midway
- Increased parking requirements will require more area in the commercial zones to be paved which may detract from the vision of Main Street as described in the General Plan
- The General Plan promotes a pedestrian experience along Main Street and increased parking requirements might detract from that experience