



## PLANNING COMMISSION MEETING STAFF REPORT

**DATE OF MEETING:** September 10, 2019

**NAME OF APPLICANT:** Midway City

**AGENDA ITEM:** Code Text Amendment for Outside Dining Parking Requirements

### **ITEM: 5**

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 and staff to review and consider possibly recommending 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 66% 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. From staff's experience in the Planning Commission's work and regular meetings when the issue was discussed, the Planning Commission felt that the increased parking based on indoor dining areas would help cover the need for parking in outdoor dining areas. Also, since the Midway General Plan promotes outdoor dining, an added parking requirement would discourage outdoor dining areas from being created. 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 without addressing outdoor dining but wanted the Planning Commission and the City Council to review the issue in further depth.

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 the those numbers, and some require outside dining to have the same amount of parking as indoor dining areas. The following are several examples of how other cities handle 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

#### San Jose, CA Municipal Code

- For outdoor dining areas incidental to a public eating establishment, the city requires that business owners provide one space per 2.5 dining seats if the outdoor area has more than 25 seats. If the outdoor dining area has less than 25 dining seats, no additional parking spaces are required beyond those required by the number of seats or square footage of the indoor dining area.

#### San Diego, CA Municipal Code

- Eating and Drinking Establishments. The minimum parking ratios apply to eating and drinking establishments that do not have a common parking area with any other uses. There is no minimum parking requirement or maximum permitted parking for outdoor dining. Within the Coastal Overlay Zone, outdoor dining areas such as decks, patios, terraces, etc., are considered part of the eating and drinking establishment's gross floor area and are included in calculating parking requirements.

Coastal Overlay Zone parking requirement ranged from 2.1-5 stalls per 1,000 sq. ft. gross floor area

#### Newport Beach, CA Municipal Code

- Food Service - 1 per 175 sq. ft. of gross area, including outdoor dining areas, but excluding the first 25% or 1,000 sq. ft of outdoor dining area, whichever is less.

Fast Food Service - 1 per 50 sq. ft., and 1 per 100 sq. ft. for outdoor dining areas

#### Park City, UT Municipal Code

- Restaurant, Outdoor Dining - Based on Site specific review at the time of CUP

#### Santa Monica, CA Municipal Code

- Outdoor dining areas of less than 200 sq. ft. may be approved administratively and shall not require additional parking. Outdoor dining areas that exceed 200 sq. ft. shall comply with parking requirements established by Santa Monica Municipal Code Section 9.04.10.08.040.

1 space per 300 sq. ft. of support area, 1 space per 75 sq. ft. of service and seating area open to customers, and 1 space per 50 sq. ft. of separate bar area.

As seen from the previous examples, 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 with not 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 would be 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 directed staff to analyze three restaurants in town for the required parking before are most recent modifications to the parking code and the current standards for parking. Staff reviewed The Corner Restaurant, Midway Mercantile, and Café Galleria.

The Corner Restaurant

Number of stalls – 14 stalls

Indoor dining area – 2,636 sq. ft.

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

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

Midway Mercantile

Number of stalls – 11 stalls

Indoor dining area – 2,031 sq. ft.

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

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

Café Galleria

Number of stalls – 5 stalls

Indoor dining area – 1,332 sq. ft.

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

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

Staff also discussed with the planning staff of Westminster California the code requirements for that city (please see 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.

**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 distract 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

**ALTERNATIVE ACTIONS:**

1. Recommendation of Approval. This action can be taken if the Planning Commission feels that the proposed language is an acceptable addition to the City's Municipal Code.
  - a. Accept staff report
  - b. List accepted findings
  - c. Place condition(s)
  
2. Continuance. This action can be taken if the Planning Commission would like to continue exploring potential options for the amendment.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for continuance
    - i. Unresolved issues that must be addressed
  - d. Date when the item will be heard again
  
3. Recommendation of Denial. This action can be taken if the Planning Commission feels that the proposed amendment is not an acceptable revision to the City's Municipal Code.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial