

## Staff Report

**UPDATE REGARDING SIDEWALK CAFÉ REGULATIONS**

May 27, 2014

**Background**

In summer 2012, Campustown Action Association (CAA) asked for clarifications pertaining to sidewalk cafes regulations. City staff presented a series of questions to the City Council in late 2012 to help guide the rewrite of the vending and sidewalk café portion of Municipal Code. Staff is in the process of completing changes to the Municipal Code, but needs more guidance regarding four issues related to sidewalk cafes. **This report is intended to introduce these four issues for your consideration. The City staff will not ask for direction regarding these issues until early summer.**



**Cafe Beaudelaire, Lincoln Way, Ames**

**Staff has determined that the existing sidewalks in both Campustown and Downtown are generally not wide enough for sidewalk cafes.** Compliance with the Americans with Disabilities Act (ADA) significantly restricts the space for sidewalk cafes. Planters, trees, parking meters, on-street parking, and street lights also limit the space for sidewalk cafes. Where sidewalk cafes are possible in Ames, the limited space does not easily allow for more than two diners per table.

**Offset Sidewalk Cafes**

Staff has considered allowing offset sidewalk cafes as an option, where the tables are arranged near the curb and the pedestrian space is along the buildings. However, this arrangement does not work well adjacent to parallel parking, where passenger car doors can swing into the barriers and tables. If a cafe were moved further away from the parking, it would impede the space for pedestrian movement. Therefore, there are only a limited number of areas this type of arrangement could work. It may be possible along portions of Lincoln Way and Welch Avenue if parking spaces were removed and converted into other uses such as



**Difficult parking in Chicago, IL**

a limited number of areas this type of arrangement could work. It may be possible along portions of Lincoln Way and Welch Avenue if parking spaces were removed and converted into other uses such as

parklets, bicycle lanes, or larger sidewalks. This would eliminate the concerns about vehicle doors.

### Parklets for Dining and Public Space



**Dining Parklet in Spa, Belgium**

The other option that staff has considered for providing outdoor dining in Campustown and Downtown is a parklet. A parklet can be a park constructed in a public parking space or it can be a space "rented" by a restaurant for outdoor dining. Public parking spaces could be used along Welch Avenue, where it is not easy to accommodate sidewalk cafes due to the sidewalk width. A parklet can allow for larger tables and more diners per table than most existing sidewalk café spaces, without impeding the pedestrian space. Parklets and sidewalks can be used in combination to create larger dining areas.



Lincoln Way could accommodate parklets, but with the speed and volume of vehicles it might be less desirable to patrons. A buffer space or barrier would be essential to a quality outdoor dining experience.

The City of Cedar Rapids, Iowa, now actively promotes the use of parklets in its downtown next to restaurants. In the Downtown, the issues are similar to Welch Avenue as it relates to limited public space and a parklet would be an opportunity to allow for outdoor dining in both areas.



**Parklet as public space in Campustown**

### **REMAINING ISSUES**

**Prior to completing the revisions to the sidewalk café and vending cart portion of Municipal Code, City staff will request direction later in the summer regarding the following three issues:**

**What requirements should exist to delineate the sidewalk café from the pedestrian space?** CAA has requested clarification regarding sidewalk cafe barrier requirements due to the width of the sidewalk throughout much of Campustown. CAA is also asking the City to provide some guidance on the

the aesthetics to assist business who might be considering this type of service extension.

Methods to delineate the cafes could include chains, ropes, planters, panels, fences, etc. made out of metal, wood, plastic, or ceramic. **These methods could be left in place or removed every night and would need to meet necessary requirements under the ADA.** (See Attachment A for concepts)

**How should conflicts regarding vending carts and sidewalk cafes be addressed?** Currently the Municipal Code does not identify how to approach a situation in which a vendor is using a portion of the right-of-way in front of a restaurant, and that restaurant decides to pursue a sidewalk café. This issue may become more prevalent if the City Council takes steps to provide more space for bike lanes, parklets, wider sidewalks, and sidewalk cafes in Campustown. (See Attachment B)

**Should alcohol service be permitted at sidewalk cafes?**

Part of the request from the CAA pertains to allowing alcoholic beverages at a sidewalk cafe and MSCD has also expressed a strong desire to have beer and wine service at sidewalk cafes. Many businesses that would pursue a sidewalk café serve alcohol inside their premises. City staff will request direction regarding whether alcohol should be permitted, and if so, whether special requirements must be imposed. The Police Chief is opposed to allowing alcohol due to the difficulty of enforcement. (See attachment C)

**How is the proposed facilitation of bicycle movement in the Campustown Business District compatible with or in opposition with the placement of sidewalk cafes?**

As you will see from the following staff report, if the City Council decides to move ahead to adopt the suggestions to promote bicycle movement, parking will be removed from the south side of Lincoln Way from Hayward to Lynn and from the east side of Welch from Lincoln Way to Hunt. The proposed closure along Lincoln Way will utilize the vacated parking spaces for a bike lane. However, since only 5 feet is needed for this purpose, the remaining 3 feet could be combined with the existing sidewalk area for sidewalk cafes. Along Welch Avenue from Lincoln Way to Chamberlain on the east side, no bike lane is being recommended. Therefore, this 8 foot area can be used for parklets to facilitate sidewalk cafes. The vacated parking spaces on the east side of Welch from Chamberlain to Hunt will be a painted bike lane.

City staff will continue to work with the commercial retail associations to share information and solicit feedback, prior to seeking Council direction regarding the first three issues.

**Attachment A  
Sidewalk Cafe Delineation Options**



## **Attachment B**

### ***What priority should a stand have compared to a sidewalk cafe?***

The current code is silent when it comes to competition for space between vending carts and sidewalk cafes. Staff would still like the City Council's guidance:

#### **OPTIONS**

1. If an owner of a business would like to have a sidewalk cafe and there is a conflict with an existing stand, then the owner of the business must apply for a sidewalk cafe permit and wait until the expiration of the annual permit for the stand, prior to construction of the sidewalk cafe.
2. If an owner of a business would like to have a sidewalk cafe and there is a conflict with an existing vending cart, then the owner of the business must apply for a sidewalk cafe permit and if approved by the City, then a 60 day notice will be provided to the vending cart of the termination of that location. If another location is available that vending cart will be given opportunity to transfer to that location. Any sidewalk cafe application will take priority over a stand.
3. Direct staff to develop other options based on City Council guidance.
4. Leave as currently stated in Sec. 22, Division III., where there is no priority.

**Attachment C**

***Should alcohol be permitted at sidewalk cafes?***

Part of the request from the CAA pertains to allowing alcoholic beverages at a sidewalk cafe. **It would be very difficult for the police to regulate alcohol when the premises cannot be secured and liquor could be easily passed outside of the area. Currently, alcohol is not allowed to be served at sidewalk cafes.**

**OPTIONS**

1. Do not allow alcoholic beverages at a sidewalk cafe.
2. Allow alcoholic beverages at sidewalk cafes and request staff to prepare language that ties sale of food to sale of alcohol, so that only a restaurant by definition in the Code can sell alcohol.
3. Allow alcoholic beverages, limit to only wine and beer, at sidewalk cafes and request staff to prepare language that ties sale of food to sale of alcohol, so that only a restaurant by definition in the Code can sell alcohol.
4. Allow alcoholic beverages, limit sales till 10 p.m., at sidewalk cafes and request staff to prepare language that ties sale of food to sale of alcohol, so that only a restaurant by definition in the Code can sell alcohol.
5. Direct staff to develop other options based on City Council guidance.
6. Leave as currently stated in Sec. 22, Division III.