



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: July 25, 2023

REQUESTER(S): S&S Noodle and Tapas Bar, LLC

PRESENTER: Elisabeth Muckala, Asst. City Attorney

ITEM TITLE: CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF CONTRACT K-2324-29: A RIGHT OF WAY LICENSE BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND S&S NOODLE AND TAPAS BAR, LLC. AS LICENSEE, ALLOWING THE LICENSEE TO MAINTAIN AND UTILIZE CERTAIN IMPROVEMENTS IN THE PUBLIC RIGHT OF WAY FOR A LIMITED PERIOD OF TIME.

BACKGROUND:

The concept of using parking spaces adjacent to restaurants to provide for additional dining opportunities while accommodating social distancing was first introduced at the Community Planning and Transportation Committee during its July 2020 meeting. The concept has gained in popularity during the pandemic, particularly in areas of the country where restaurant dining rooms have been ordered closed for prolonged periods of time. In response to Committee feedback, Mayor Clark signed Proclamation 2020-08 on September 11, 2020 establishing a Temporary Outdoor Expansion Permit to allow restaurants and bars to operate in the adjacent public rights of way subject to certain conditions. No applications for the permit were received; potential applicants expressed a desire for a more permanent option given the initial expense of installing appropriate barriers to block off parking spaces for the use of the outdoor space by patrons.

The City was able to secure a number of barriers at no cost from the Oklahoma Department of Transportation for the purpose of assisting eligible businesses to set appropriate boundaries for streateries. Subsequent discussions were held at the Committee level and direction was given to establish a fairly simple pilot program to gain insight into areas that might need to be addressed in a more permanent permit structure.

On May 24, 2022, The Meating Place, LLC became the first Streatory Licensee when this City Council approved Contract K-2122-134. This agreement was effective for 6 months, from May 24, 2022 through November 23, 2022. Barriers were erected and utilized as anticipated by the program in parking spaces directly adjacent to The Meating Place's business location, located at 121 E Main Street, Norman, OK, 73069. The Meating Place has concluded its use of the premises and K-2122-134, and a new tenant will be locating its business at this location. In conjunction with an adjacent business, this new tenant now seeks to continue to Streatory use established by K-2122-134.

DISCUSSION:

S&S Noodle and Tapas Bar, LLC and Syrup LLC both wish to utilize the existing streatory furnishings, and to enter into this new Right-of-Way License and Agreement, in cooperation for an additional term. The City has prepared two separate Agreements with identical terms relating to the same Premises. The Syrup Agreement will be on this same agenda as K-2324-49.

The Right-of-Way License and Agreement developed by City Staff establishes similar parameters for other revocable licenses granted by the City to private property owners. S&S and Syrup intend to utilize the boundaries that The Meating Place worked with Planning and Public Works to establish. The agreement also adopts the appropriate measures previously taken to protect the safety of the patrons, and maintain sidewalk access for others in the area. The term of the license is 6 months. The fee for this license is \$300 per term per Licensee. Appropriate insurance requirements must be met prior to issuance of the license. Failure to meet the requirements of the license could result in termination.

Funds received from Licensees will be deposited in Permit-Licenses-Restaurant (Account 101-321434).

RECOMMENDATION:

Staff forwards Contract K-2324-29 to Council for its consideration.