



MEMORANDUM

DATE: May 3, 2021
FROM: Salida City Staff
TO: Mayor PT Wood & City Council
SUBJECT: Temporary Business Outdoor Expansion Discussion, and
Downtown Mobile Vending Discussion

Background

The City of Salida has recently been approached by multiple mobile vendors with regard to being allowed to vend in either public locations where vending is currently prohibited (Riverside Park, Coors Boat Ramp, etc.) as well as private locations around Salida. Currently, temporary commercial activities are allowed on private property (via Administrative Review) and in Centennial, Alpine, and Marvin Parks, but not in any publicly owned parking lots (i.e. the parking lot at Centennial Park). In addition, it is currently not permissible for non-brick-and-mortar businesses to locate within the F Street Plaza area downtown for the summer period when the street is closed to vehicular traffic.

Analysis

As noted above, the Salida Municipal Code (Sec. 6-2-10) specifically restricts temporary commercial activity on public property to Centennial, Alpine, and Marvin Parks. Up to two permits are available for vendors in these three parks, with durations of 10, 45, 180, and 365 days available. All other public spaces, including Riverside Park, are ineligible for temporary commercial activities. These policies were put in place in 2019 in conjunction with other restrictions on similar uses on private property. No issues with the current system have been reported, other than a handful of requests to expand the ability for temporary commercial activities into Riverside Park and on the Coors Boat Ramp.

Also in Sec. 6-2-10, restrictions include no use of public parking lots owned by the City for temporary commercial activities. With the changes currently underway at Centennial Park – the new skate park, in particular – staff anticipates that there will be an inadequate amount of vending opportunities for users of the park. In addition, it would be preferable to have vendors have the ability to park adjacent to activity centers in Centennial to provide service to park patrons. Parks and Recreation staff believe that there could be a competitive bidding process through an RFP to allow one to two vendors at the site, which is in line with recommendations in the PROST plan. Finally, similar additions of vendors in the Marvin Park parking lot would be helpful to address deficiencies that occur during baseball and softball season.

Last, as part of the changes proposed to the “Requirements and Policies for Expanding Business Activity into Parking Lots, Parking Spaces, and Streets”, staff has received inquiries from food trucks to locate within the public right-of-way in areas closed to vehicular traffic (i.e. F Street).

There certainly is a diversity of opinions on this matter, with existing businesses concerned about competition and new businesses interested in filling demand caused by increased visitation and business activity in Salida. Staff looked at many options prior to proposing that any existing business operating in the Plaza area could apply for a Temporary Outdoor Expansion for a food truck as long as the operations were owned and operator by either the business owner or property owner that has frontage in this area. This would limit outside influences that would be taking advantage of publicly-owned space, while also allowing existing businesses to expand their offerings to meet demands they may have identified. This would not affect the ability for a food truck to operate on private property anywhere in Salida as long as they received approval for temporary commercial activities as allowed for under Sec. 6-2-10.

Recommendation

Staff is requesting feedback on the proposed changes to the Temporary Outdoor Expansion policies that were adopted last year (particularly as they relate to food trucks), as well as guidance on whether to begin processing changes to the Salida Municipal Code to allow for vendors in the Centennial Park parking lot (as selected via RFP from the Parks and Recreation Department). Staff does not recommend changes to the temporary commercial activities portion of the Salida Municipal Code; however, insight into the issues from the City Council would be greatly appreciated.



REQUIREMENTS AND POLICIES FOR EXPANDING BUSINESS ACTIVITY INTO PARKING LOTS, PARKING SPACES AND STREETS

The City of Salida desires to work with businesses throughout our community to pivot towards operating with safe and healthy best practices during our fight with Covid-19. On Tuesday, May 4th, the Salida City Council approved Resolution 2021-14, which directed City staff to facilitate the expansion of outdoor dining and retail spaces into parking lots, parking spaces, and even public streets.

In order to proceed with expansion, there are a few rules that businesses must apply as part of an application process:

For Restaurants and Bars with a Liquor License

LED Temporary Modification of Premises (MOP) obtained last year are still valid. Any bar or restaurant without an MOP from last year wanting to expand their existing licensed premise into parking lots or streets must apply for a Modification of Premise (MOP) with both the City of Salida as well as the Colorado Liquor Enforcement Division (LED). These MOP applications are being reviewed concurrently by both the City and the LED. Application forms can be found at:

https://www.colorado.gov/pacific/sites/default/files/DR%208442_e_wo_2.pdf

There is a \$150 processing fee payable to the State of Colorado. There is no fee for the City of Salida. Businesses with an approved liquor license may sell to-go beverages that are not to be consumed in public areas.

Private Parking Lots

A maximum of fifty percent (50%) or half of existing private parking lots may be utilized for a restaurant patio extension for a currently-permitted restaurant, subject to the written approval of the owner of the parking lot.

Public Sidewalks

A clear travel path of five feet (5') in width and meeting Americans with Disabilities Act (ADA) accessible path requirements must be maintained and is subject to a revocable license agreement approved by the City. The business owner must provide the City an ADA plan if they wish to close or alter a sidewalk space.

Public Streets

Expansion into public streets and rights-of-way shall be at the sole discretion of the City, subject to any additional terms deemed necessary. Use of public streets shall only occur

where streets are restricted to pedestrian traffic only for an entire block. The City will pre-determine four (4) areas, two (2) on each block, as sites for a City-installed pergola with seating. The City will work with adjacent business owners to minimize encroachment into outdoor space being utilized by that business.

A clear travel path of six feet (6') in width must be maintained along the center of the street, three feet (3') on each side of the street centerline. The City will put up metal fencing or other temporary means to delineate between the business expansion space and the six-foot clear travel path. Bicycles, skateboards, scooters and similar devices must be walked or carried in any area where vehicle traffic is not allowed. In addition to no physical objects, no performance will be allowed to encroach into this travel path.

The remaining area, extending from the curb to within three feet (3') from the centerline of the public street, at a width equal to the street frontage of the individual physical business, shall be available for expansion by that individual business. A business must have a plan for security (including overnight), trash maintenance and removal, and rehabilitation for any damage or mess that may occur.

Public Parking Spaces

For businesses in the Downtown C-2 district on streets that are not closed to vehicle traffic, the use of the existing public parking spaces adjacent to and in front of the business may be used with the exception of State Highway right-of-way (similar to the City's existing program for patio spaces). In order to use public parking spaces, the business must complete the TOE application with required attachments. In addition, the business must provide a safety plan for patrons utilizing this space, including barriers and fencing, protection from vehicles by physical means, security (including overnight), trash maintenance and removal, and rehabilitation for any damage or mess that may occur due to business activity. The City may have barriers and fencing available for the business if needed.

Temporary Structures and Fences

Any proposed structure or fence shall be secured utilizing weights. Anchors involving drilling or fastening to the roadway infrastructure shall be reviewed on a case-by-case basis.

- Small Tents (<400 s.f.): Small tents of 400 square feet or less are permitted on a temporary basis. Where tents are proposed, the City encourages the use of tents having a total area of 400 square feet or less to streamline review and approval.
- Large Tents (>400 s.f.): Tents that are larger than 400 square feet are subject to additional building and fire code requirements, greater submittal requirements, and a review process that is more extensive than that used for small tents less than 400 square feet in area.
- Temporary Fences: Fences of a temporary nature with a maximum height of six feet (6') may be installed in connection with a patio extension, subject to the written approval of the property owner. All fencing, if installed, shall meet building and fire code access requirements, including for egress.

Temporary Lighting

Lighting of a temporary nature may be permitted in connection with a patio extension, subject to City approval and in compliance with the Salida Municipal Code's dark sky provisions.

Hours of Operation

Temporary patio extensions and all activities authorized under this Resolution are required to close or cease by 10:00 p.m.

Music, Performance Art, and Outdoor Entertainment

Businesses may host live performances including but not limited to musicians, artists, buskers, and speakers as well as outdoor games and entertainment outside of their business. A business must obtain an amplified sound permit from the City for any amplified sound over 65 dB. In no case can the activity or performance area, or audience, encroach upon the six-foot (6') clear travel path down the center of the street, the five-foot (5') clear travel path required on the sidewalks, or any ADA designated paths or appurtenances.

Required Approval and Permits:

In order to take advantage of this program, the business owner will have to use the Administrative Review of Temporary Outdoor Expansion application form and provide the City with the following:

- Applicants must file a signed Revocable License for Use of Public Right Of Way or Public Place.
- A conceptual site plan of the proposed expansion area showing existing and proposed features, such as buildings, fences, roads, alleys, sidewalks and parking lots which are relevant to the application. The business must provide the City an ADA accessibility plan for their space.
- For Businesses with an Approved Liquor License: In addition to the conceptual site plan, the plan must include information related to access to and egress from the patio by both patrons and staff; a layout of tables, chairs, and serving stations; spacing required for social distancing; and sanitation plans and programs.

For Food Trucks and Mobile Vendors

Businesses along the F Street closure may have a food truck or mobile food vending operation in their allocated outdoor area. However the business owner or property owner must own and operate the food truck or mobile food vending operation. The business must provide a plan for their food truck, cart, etc. which would include hook-ups for power and water as well as whether the food truck, cart, etc. would be able to remain in place for the duration of the F Street closure. Only smaller equipment that can be moved by hand will be allowed to be removed on a regular basis. Generators will not be allowed. Power must be sourced from the adjacent business, and power cords must have appropriate ADA compliant coverings. All food vendors must have required Health Department permits.

These measures are subject to change at the sole discretion of the City of Salida and may be terminated at any time.