Outdoor Dining & Retail Program

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Agenda

• Welcome!
• Background & Intent
• Program Overview
• How to Apply
• Next Steps
• Questions
Background

- Before COVID-19, businesses could apply for a Sidewalk Cafe License, which allowed businesses to add outdoor seating directly abutting a restaurant.

- In response to the pandemic, the City expanded the created an expedited review process for outdoor dining and began expanded dining in the cartway through the Slow Streets & Outdoor Dining Program
  - Year One: 100 permits
  - Year Two: 70 permits

- As time went on, need to formalize program
  - predictability for business community
  - outdoor dining and retail activities can be in the interest of economic development, vibrancy, and attractive places
ReOpen Pittsburgh Recommendations
May 2021

Evaluation:
ReOpen PGH Street Life Pilots

Temporary Outdoor Dining & Retail
Neighborhood Slow Streets

Department of Mobility and Infrastructure
City of Pittsburgh

Temporary Outdoor Dining & Retail

Findings

DOMI should consolidate the permit application into one OneStopPGH application built specifically for outdoor dining and retail.

DOMI should produce a step-by-step guidance document for navigating OneStopPGH and submitting a site plan.

DOMI’s “bottom-up” approach gave well-resourced businesses the flexibility to implement outdoor dining and retail, but businesses with fewer resources may have found it difficult to financially justify outdoor dining without City assistance.

Other cities offered grant funding to businesses for outdoor dining and retail materials.

DOMI should work with the City to develop a grant program to ensure that less-resourced businesses can benefit from this program.

Some street modifications unintentionally created barriers for people with physical disabilities. These were rectified as soon as they were flagged.

DOMI’s Traffic Bureau should review every traffic obstruction for this program as part of the permit application process, as is standard for other permitted obstructions in the right-of-way.

Several street modifications required engineer review by the Traffic Bureau due to complaints following implementation.

As Special Events resumed, some outdoor dining locations conflicted with planned events in the right-of-way.

DOMI’s Traffic Bureau should establish an open line of communication and meet weekly to advise of possibly conflicting permitted uses of the right-of-way.

DOMI Permit and Policy staff lack bandwidth to continue this permit program sustainably.

Recommendations
Liquor Control Board Updates

- Extension of premise for liquor license can include any area adjacent or within 1,000 ft of the main licensed building. This provision is set to sunset in 2024.
- Service of alcohol is not limited to tables & chairs against the building; allows for seating in the furnishing zone of sidewalk and parking lane.
New Outdoor Dining & Retail Program

• Active permits renewed through the end of the year*
• February 2022 - Amendments to City Code
• April 2022 - Draft guidelines
• June 2022 – Final Guidelines
  • Expanded use of ROW
  • Higher standards/expectations around safety, accessibility, appearance, and maintenance
  • Kept streamlined process
  • Meant to evolve (winter design standards forthcoming)
Outdoor Dining & Retail in the ROW

Outdoor Dining & Retail License

Outdoor Dining & Retail License applications can now be found on OneStopPGH. Applicant Guidance can be found here.

What is the Outdoor Dining & Retail License?

On February 17, 2022, Mayor Ed Gainey signed Ordinance 2022-0073, which creates new standards for Outdoor Retail and Dining in the City of Pittsburgh. This change comes after the City streamlined its review process of outdoor dining and retail to accommodate COVID-19 safety measures under the emergency declaration, in order to support our business community, especially restaurants, during trying economic times.

These new standards guide the Department of Mobility and Infrastructure (DOMI), through the issuance of licenses, to permit the use of portion(s) of the public right-of-way for food and retail services. The new Outdoor Dining and Retail License streamlines regulations, standards, and procedures for outdoor dining or retail activities to better serve our business community while also putting into place new expectations for license holders to maintain accessibility, appearance, safety, and maintenance a part of the privilege for the use of public space.

This guidance applies to the public ROW under the stewardship of DOMI. It does not extend to any public lot, park, other public property, or private property. Other approvals from the City of Pittsburgh Department of Permits, Licenses, and Inspections (PLI), Allegheny County Health Department (ACHD), Pennsylvania Liquor Control Board (PLCB), or others may still be required. Other permits and licenses referenced in this document are not comprehensive.

Applications for retail display with four (4) seats or fewer under this subsection shall be exempt from site plan requirements of this chapter as long as they can demonstrate that they meet all requirements in Placement and Design Requirements for Use of Sidewalk in § 425.03.

Important Resources

Permitted barrier
Application Checklist
Terms and Conditions

https://pittsburghpa.gov/domi/outdoor-dining
Program Overview

• Three types of Outdoor Retail and Dining License
  • Outdoor Dining in the Sidewalk
  • Outdoor Dining in the Cartway
  • Outdoor Retail Display
  • Renewed and inspected annually
• Businesses that have permits under the temporary COVID-19 guidance will need to reapply and be compliant with all new standards for 2023 season
Placement and Design

• 15' from transit stop
• 5' from fire hydrant
• 20' from an intersection
• Required 3' emergency access gap for every 20’ of outdoor dining and retail activity frontage
• Barriers or dividers cannot be taller than 42"
• An accessible route from ODR activity to business must be provided
Furnishings

- All furnishings must be removable
- Furniture must be stored or secured when not in operation
- Furnishings may not be bolted into the right-of-way
- Generally, at least one ADA accessible table must be provided
- For sidewalk uses, all furnishings must be at least 18" from edge of curb
Maintenance of the Right-of-Way

• Keep the surrounding 50’ area litter free.

• Access to City and utility infrastructure, including, but not limited to utility poles, gas valves, manhole covers, wastewater systems, and fire hydrants must be provided

• Removal of snow and ice from the licensed area and adjacent sidewalk.
Clear Sidewalk Requirements

- For Sidewalks 10' Wide or Less:
  - At least 4' of clear sidewalk space must be maintained
- For Sidewalks Greater 10'
  - At least half of the sidewalk must be clear space
- Preference for clear space against building
Outdoor Dining in the Cartway

• Only permitted on streets with speed limits of 25mph or less
  • Exceptions may be made by DOMI

• Must maintain an 11' wide travel lane
  • Any lane reconfigurations must be reviewed and approved by DOMI

• Businesses seeking to utilize state-owned roads must receive approval from PennDOT prior to applying for a DOMI license
Hours of Operation

• Hours of operation shall be the same as the associated business but shall operate no earlier than 7 a.m. and no later than 10:00 p.m. Sunday through Thursday and no earlier than 7 a.m. and no later than 11 p.m. on Friday and Saturday.

• Businesses in residential zoning districts are limited to hours of operation no earlier than 7am and no later than 10pm
Permitted Barriers
How to Apply

OneStopPGH

Outdoor Dining & Retail License
Application Requirements

• Applicant name and contact information
• Business name, address, and hours of operation
• Site Plan (more details on next slide)
• Three photos of the area
• If proposing to use area in front of an adjacent property, a letter from that property's owner is required
• Certificate of Insurance
• Signed terms and conditions
• Specifications sheet of tables, tents (if applicable)
Site Plan Requirements

• Must be to scale
  • Does not need to be stamped
• Must label dimensions of:
  • Sidewalk, cartway, lane widths
  • Dimensions of seating area, tables

• Must show on plan:
  • Doors to restaurant
  • Poles
  • Benches
  • Hydrants
  • Transit stops
  • Bike racks
  • Manholes
  • Tables
  • Barriers
PLI Review

• A Certificate of Occupancy is needed for any outdoor dining and all structures

• Applicants do not need to submit a separate application – staff will create and review an Occupancy Only Permit
What's Coming Next

• Winterization
• Outdoor Cooking