

ADOPTED BY THE
MAYOR AND COUNCIL

August 10, 2021

RESOLUTION NO. 23381

RELATING TO PLANNING AND ZONING: APPROVING THE CONTINUATION OF THE TEMPORARY EXPANSION OF RESTAURANT PROGRAM; AUTHORIZING THE EXPANSION OF THE PROGRAM TO ALLOW FOR “STREATERIES” AND “PARKLETS;” AND DECLARING AN EMERGENCY.

WHEREAS, on May 15, 2020, an Emergency Response Proclamation was issued by the Mayor that established various protocols in light of the COVID-19 pandemic; and

WHEREAS, one provision in that order allowed the Temporary Expansion of Restaurant Seating into outdoor spaces on private property or in public parking or other public rights-of-way. Code requirements such as parking and building permit requirements were relaxed temporarily under this proclamation to accommodate the swift installation of outdoor seating. To date, more than 40 expansions have been processed, of which 28 are in the right-of-way, and more applications are in the queue. This program, which has been helpful to many restaurants and bars, will end when the proclamation is lifted; and

WHEREAS, City staff at the Department of Transportation and Mobility (DTM) conducted outreach to gauge interest of business owners as well as general public in continued use of outdoor spaces, for restaurant and bar seating on sidewalks or in parking spaces (“streateries”) and for public shared use (“parklets”). Based on this outreach, it is clear that there is interest in continuing to provide outdoor space for use by the public and businesses as streateries, and also as public parklets; and

WHEREAS, the Temporary Expansion of Restaurant Seating program gives eligible businesses the ability to set up areas that can meet the CDC health standard guidelines for social distancing. When the local declaration of emergency is lifted, many of these temporary installations will not be compliant with the Unified Development Code. City staff from multiple departments collaborated with FORS Architecture and Living Streets Alliance to create a path to transition to longer-term streateries in public rights-of-way that food establishments could implement citywide; and

WHEREAS, the draft *Tucson's Shared Spaces Manual* reflects proposed changes to the current program. The *Manual* focuses initially on long-term and pop-up streateries in public rights-of-way. It establishes definitions for streateries, and long-term and pop-up/temporary durations, and provides an overview of the proposed application process. Instructions are provided for how to get pre-approval for site locations, and for submitting construction drawings for both pop-up and long-term installations. Tools are included to support the application process, such as checklists for site location criteria, design guidelines with illustrations of required and acceptable components, and sample drawings for site locations and construction drawings. Staff will begin a series of focus groups to discuss these changes with the industry partners and will return to share the results at a future meeting; and

WHEREAS, with the impending lifting of the local declaration of emergency, it is recommended that Mayor and Council:

- 1) Direct staff to begin work immediately on an ongoing permanent citywide program that allows expansion of premises into both public rights of way (including streateries and parklets) and on private property (such as patio expansions);
- 2) Direct staff to initiate amendments to the Unified Development Code (UDC) and other applicable codes in support of the new citywide program;

- 3) Extend the current Temporary Expansion of Restaurant Seating program to last for 18 months or until Code amendments have been successfully adopted that will support the new ongoing program, whichever occurs first;
- 4) Allow new applications (those received after Mayor and Council approval of the program extension) to be processed, and for fees to be collected, to take effect immediately; and
- 5) Require all installations completed under the current and extended Temporary Expansion of Restaurant Seating program to become compliant – with the Code amendments developed during this extension period and successfully adopted – on or by January 30, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. The Mayor and Council hereby approve the continuation of the Temporary Expansion of Restaurant Seating Program authorized under the Mayor's Emergency Proclamation dated May 15, 2020; this continuation of the temporary program will extend to a date 18 months after the declaration of local emergency is lifted or to a date when Code amendments are successfully adopted that support a permanent Shared Spaces program, whichever occurs first, unless otherwise extended or terminated by the Mayor and Council.

SECTION 2. As a result, the Mayor and Council hereby direct staff to:

- 1) begin work immediately on an ongoing permanent citywide program that allows expansion of premises into both public rights of way (including streateries and parklets) and on private property (such as patio expansions);
- 2) initiate amendments to the Unified Development Code (UDC) and other applicable codes in support of the new citywide program;
- 3) extend the current Temporary Expansion of Restaurant Seating program when the Mayor's Emergency Response Proclamation is rescinded to last for 18 months or until Code amendments have been successfully adopted that will support the new ongoing program, whichever occurs first;
- 4) allow new applications (those received after Mayor and Council approval of the program extension) to be processed, and for fees to be collected, to take effect immediately; and
- 5) require all installations completed under the current and extended Temporary Expansion of Restaurant Seating program to become compliant – with the Code amendments developed during this extension period and successfully adopted – on or by January 30, 2023.

SECTION 3. If any provision of this Resolution or the application thereof to any person or circumstance is found to be invalid, the invalidity shall not affect other provisions or applications of this Resolution which can be given effect without the invalid provision or circumstance, and to this end, the provisions of this Resolution are severable.

SECTION 4. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Resolution.

SECTION 5. WHEREAS, it is necessary for the preservation of the peace, health, and safety of the City that this Resolution become immediately effective, an emergency is hereby declared to exist, and this Resolution shall be effective immediately upon its passage and adoption.

PASSED, ADOPTED, AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, August 10, 2021.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

REVIEWED BY:

CITY ATTORNEY

CITY MANAGER

PG/dg
7/22/21