

INTRODUCED: February 8, 2021

AN ORDINANCE No. 2021-021

To amend City Code § 24-111, concerning encroachment application and processing fees, for the purpose of extending the application deadline for use of a sidewalk for outdoor dining from October 31, 2020, to June 30, 2021.

Patron – Mayor Stoney

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: FEB 22 2021 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That section 24-111 of the Code of the City of Richmond (2020) be and is hereby **amended** and reordained as follows:

Sec. 24-111. Encroachment application and processing fees.

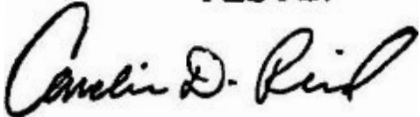
Unless otherwise provided by general law, an application and processing fee of \$300.00 shall be paid by the applicant for each administrative approval encroachment application that is not a temporary administrative approval encroachment application for use of a sidewalk for outdoor dining purposes applied for by October 31, 2020. There is no charge for application and processing for each temporary administrative approval encroachment application for use of a sidewalk for

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: FEB 22 2021 REJECTED: _____ STRICKEN: _____

outdoor dining purposes applied for by [~~October 31, 2020~~] June 30, 2021. An application and processing fee of \$1,000.00 shall be charged for each Council approval encroachment request. Such fee shall not be refunded, in whole or in part, unless the Director of Public Works shall approve the refund for good cause shown.

§ 2. This ordinance shall be in force and effect upon adoption.

A TRUE COPY:
TESTE:

City Clerk

RECEIVED
By Deshley Lowery at 12:52 pm, Feb 03, 2021

RECEIVED
By CAO Office at 11:47 am, Jan 21, 2021

2021-213



CITY OF RICHMOND

INTRACITY CORRESPONDENCE

O&R REQUEST

DATE: January 13, 2021

EDITION: 1

TO: The Honorable Members of City Council


THROUGH: The Honorable Levar M. Stoney, Mayor 

THROUGH: J.E. Lincoln Saunders, Acting Chief Administrative Officer 

THROUGH: Robert Steidel, Deputy Chief Administrative Officer 

THROUGH: Bobby Vincent Jr., Director
Department of Public Works

THROUGH: M.S. Khara, P.E., City Engineer
Department of Public Works 

FROM: Brian Copple, Right of Way Manager
Department of Public Works 

RE: TO AMEND CITY CODE TO ESTABLISH AN APPLICATION AND
PROCESSING FEE OF \$0 FOR EACH TEMPORARY ADMINISTRATIVE
APPROVAL ENCROACHMENT APPLIED FOR USE OF A SIDEWALK FOR
OUTDOOR DINING PURPOSES

ORD. OR RES No. _____

PURPOSE: To amend City Code to establish an application and processing fee of \$0 for each temporary administrative approval encroachment application for use of a sidewalk for outdoor dining purposes applied for by June 30, 2021.

REASON: Due to the COVID-19 pandemic, the majority of Richmond's food and beverage establishments were forced to alter operations or to close completely due to this pandemic. These establishments have endured a great economic burden during these times.

Pursuant to certain executive orders of the Governor of the Commonwealth of Virginia as they are current in effect, food and beverage providers in the City of Richmond are currently restricted from

providing service within indoor dining space. As part of the Mayor's reopening plan, the Department of Public Works intends to grant encroachments, subject to appropriate condition, to these establishments to utilize public right of way for outdoor dining purposes.

Pursuant to Appendix A of City Code, the application and processing fee for administrative approval encroachment applications is currently \$300. In an effort to reduce the financial burden on providers of food and beverage service of compliance with the current restrictions on the use of indoor dining space, temporary establishment of a \$0 for each temporary administrative approval encroachment application for use of a sidewalk for outdoor dining purposes is appropriate.

RECOMMENDATIONS: The Department of Public Works recommends approval of an application and processing fee of \$0 for each temporary administrative approval encroachment application for use of a sidewalk for outdoor dining purposes applied for by June 30, 2021.

BACKGROUND: The COVID-19 pandemic has greatly affected the viability of the food and beverage establishments within the City of Richmond. These businesses have had to alter their business plans and operations to survive through these challenging times. Some establishments have had to close completely.

Now as conditions continue to lessen and reopening plans are being executed, and while certain safety requirements and protocols remain in place, the City is poised to readily assist these establishments in the successful implementation of the phased reopening plan(s).

This amendment will apply until Governor's Executive Orders are lifted. Per the Temporary Outdoor Dining Encroachment application, these permits are valid up until the Governor's Executive Orders are lifted.

FISCAL IMPACT/COST: \$6,000 (20 applications projected to be received)

FISCAL IMPLICATIONS: None anticipated.

BUDGET AMENDMENT NECESSARY: No amendment necessary at this time.

REVENUE TO CITY: Reopening of restaurant establishments.

DESIRED EFFECTIVE DATE: Upon Adoption.

REQUESTED INTRODUCTION DATE: February 8, 2021

CITY COUNCIL PUBLIC HEARING DATE: February 22, 2021

REQUESTED AGENDA: Consent Agenda

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: None

AFFECTED AGENCIES: Public Works; City Attorney's Office; Planning and Development Review; Economic and Community Development; Finance; Mayor's Office, CAO's Office

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None.

ATTACHMENTS: Temporary Outdoor Dining Encroachment Application Form
Temporary Outdoor Dining Encroachment Instructions and Guidelines

STAFF:

Prepared for Bobby Vincent, Jr., Director DPW
Prepared by Brian Copple – Right of Way Manager – DPW
Department of Public Works
646-0435



Department of Public Works
Providing a clean, safe and healthy environment

Richmond, Virginia
Honorable Mayor Levar M. Stoney

CITY OF RICHMOND INSTRUCTIONS FOR COMPLETING THE TEMPORARY OUTDOOR DINING ENCROACHMENT PERMIT APPLICATION (COVID- 19) GENERAL INFORMATION, RULES & GUIDELINES

General Information

The City of Richmond has worked to create a streamlined process that will allow restaurants and bars to temporarily expand or introduce outdoor seating while taking prudent precautions to reduce the exposure to, and slow the spread of, COVID-19 among both staff and guests while increasing customer table seating capacity within the restaurant operating protocols.

We are encouraging establishment owners to explore outdoor dining by:

1. The Use of Adjacent Sidewalks

(Use of Private Property or private parking lot is not covered by this permit.)

There is a \$300 fee (will be invoiced) for the 2021 Temporary Outdoor Dining Encroachment Permit (COVID-19), and applications deemed complete will be processed/issued in a week or less time.

Rules & Guidelines

- Ensure your establishment is accessible to everyone and in compliance with the Americans with Disabilities Act (ADA).
- Must comply with Forward Virginia Guidelines.
<https://www.virginia.gov/coronavirus/forwardvirginia/>
- Should applicant wish to serve alcohol, applicant must contact their existing Virginia Alcoholic Beverage Control Authority Agent for temporary approval of outside dining areas in conjunction with Executive Orders 61 and 62.
- Temporary Outdoor Dining Encroachment Permits shall close by 11 p.m. on a daily basis with all furniture, chairs, etc. being removed.
- The 2021 Temporary Outdoor Dining Encroachment (COVID-19) permit, once issued as a permit by the Department of Public Works, is subject to cancellation or revocation at will. As and upon such revocation, the outdoor dining seating shall be removed at the applicant's expense.

- The final issued permit should be displayed and visible from the outside of the establishment for easy verification at all times.
- Must maintain a minimum of 5' unobstructed walkway for pedestrian traffic. Encroachments shall be restricted to the sidewalk area immediately adjacent to the abutting property.
- This permit does not authorize usage of an existing parking lot, or parking spaces.
- The usage of public streets or parking lanes are not part of this permit.
- No permanent attachment or structure shall be affixed to public right of way as part of this approval.
- If approved, permits are valid for temporary outdoor dining until Governor's Executive Orders 61 and 62 are lifted.

Please complete the attached Application Form in order to begin your permitting process.

Information to be included on Application Form:

- Establishment Name/Operator
- Property Owner (if different than Establishment Operator)
- Establishment/Property Address
- Contact Name
- Phone number
- Email Address
- Permit Application fee of \$300 (will be invoiced)
- Certificate of Occupancy Permit Number

ATTACHMENTS - Please provide the following attachments to your application in order to be processed (Incomplete applications will not be processed until all information is received):

1. **DETAILED SITE MAP:** provide a drawing or sketch showing the location and arrangement of your outdoor seating
 - a. Dimensioned layout plan/Proposed outdoor dining seating area
 - b. Site conditions features:
 - i. Obstructions within 10' from the edge of proposed outdoor dining area
 - ii. Width of pedestrian access with seating in place
2. **ADA PLAN:** include within your plan to ensure your establishment is accessible to everyone, and in compliance with the Americans with Disabilities Act (ADA)
3. **CERTIFICATE OF INSURANCE:** you will need a certificate of insurance listing the City of Richmond as an additional insured (sample can be provided as necessary)
4. **PROPERTY OWNER PERMISSION LETTER:** if applicant is not property owner. An email from the property owner will suffice if they are unable to sign the Application Form.

Completed applications should be emailed to: rightofway@richmondgov.com

The Department of Public Works is here to assist with any questions and our office hours are 8 am to 5 pm, M-F. Please call 804-646-1288.



City of Richmond DPW Temporary Outdoor Dining Encroachment Permit - COVID-19 Application

Application Form
900 E. Broad Street Room 600
Richmond VA 23219
(804) 646-1488

Permit Number: ENCR

Date Issued:

To Be Completed by Applicant:

Food or Beverage Service Establishment Name and Address:

Establishment Operator: Property Owner: (if other than Operator)
Telephone # (Primary): Telephone # (Primary):
E-mail Address: E-mail Address:

I hereby certify that all information or documentation contained on or included with this temporary outdoor dining permit application is true and accurate.
I understand that any misrepresentation or falsification of the information or documentation contained on or included with this permit application may result in revocation of the permit and that such revocation shall not be appealable.
I understand that shall I elect to serve alcoholic beverages I must contact my existing Virginia Alcoholic Beverage Control Authority Agent for temporary approval of outside dining areas in conjunction with Executive Orders 61 and 62.
I must also comply with the Forward Virginia Guidelines.
I agree to indemnify, keep and hold the City free and harmless from liability (i.e. liability insurance in City's name) on account of injury or damage to persons or property growing out of or directly or indirectly resulting from such encroachment or other use for which the permit is sought.
I understand that the Director of Public Works may revoke this permit at his/her discretion and removal of encroachments shall be at applicant's expense.

Operator- Printed Name

Owner - Printed Name

Operator's Signature / Date

Owner's Signature / Date

Application Requirements

Application Submittals (along with this form) (Please reference Instruction Sheet):

- Site Map (Dimensioned layout plan) Application Fee(will be invoiced)
Site conditions/features- within 10 ft. radius Proof of Indemnification/Insurance

Permit Application Fee / Outdoor Seating / Certificate of Occupancy

Temporary Outdoor Dining-COVID-19 fee: \$300 (will be invoiced)

Number of Proposed Outdoor Dining Seats:

Current Certificate of Occupancy Permit Number:

Temporary Outdoor Dining Permit - COVID-19 Application Approval

Approvals are conditioned by City Code requirements for Encroachments found in Chapter 24-62 of the City Code and are subject to any Special Condition attached to this Approval.

Director of Public Works / Date

Date Paid:

Amount Paid:

Receipt #