



DATE: May 8, 2020
TO: C. H. Huckelberry, County Administrator
Carmine DeBonis Jr. Deputy County Administrator
FROM: Carla L. Blackwell, Director
SUBJECT: Temporary Restaurant Expansion of Seating Areas

Pima County Development Services has been working closely with the Health Department's Consumer Health and Food Safety Division on approaches to facilitate restaurant reopening in a manner consistent with public health guidance. Pursuant to your request to review the April 30, 2020 proposal from Flores Concepts and provide recommendation for reopening restaurants in Pima County, our staff has compiled the attached recommendations for guidance.

It is recommended that these allowances remain in effect through December 31, 2020 and continued if warranted by Pima County health officials. It is noted that these recommendations were developed for restaurant reopening; however these can be applied for bar operations, subject to state liquor licenses requirements, when such establishments are permitted to reopen by Governor's order.

Development Services has shared this list of recommendations with the other jurisdictions and has received favorable feedback indicating a strong opportunity for a consistent regional approach. Pima County Development Services and the Health Department will continue to coordinate with our jurisdictional partners and restaurant representatives to implement strategies for safely reopening and operating in a consistent manner across the region.

C: Tom Drzazgowski, Chief Zoning Inspector



Guidelines for Temporary Expansion of Restaurant Seating

- **Administrative Change:** Development Services has evaluated the Zoning Code and determined that immediate relief for restaurants to provide for more usable area to maximize space vital to social distancing can be accommodated administratively without requiring a code change per the emergency declarations.
- **Limits and Restrictions:** We recommend not putting specific limits on the seating area to allow maximum flexibility to accommodate a wide variety of business sizes, locations and types. This would apply to restaurants in shopping centers, retail strips, stand-alone structures, and multi-use buildings. The expansion area could make use of vacant land, vacant building space, common areas, sidewalks, parking lots, etc. More importantly the restaurant would have the flexibility to work with their landlord/building owner to identify the best location(s) to establish the expanded seating area.
- **Adjacency of Seating Areas:** The expanded seating area does not have to be immediately adjacent to the existing restaurant footprint. It may be desirable to establish a seating area in a shady side of the storefront or other area such as a parking lot away from the main structure. It is noted there may be certain state liquor license restrictions, for which Pima County and other jurisdictions do not have control over, that need to be adhered to and which may affect the location of the expanded seating.
- **Café seating on Sidewalks and Common Areas:** Seating outdoors near an entrance or patio to a restaurant is currently permitted in commercial zones. Café seating is fairly common at restaurants throughout the County (i.e. North at La Encantada), but in many cases is potentially underutilized, especially during hotter months. Promenades and sidewalk areas have minimal criteria that must be maintained when expanding into these areas, such as providing 6 feet for safe distances for ingress/egress. A minimum of eight feet, or five feet if there a wheel stops, must be maintained from the parking lot curb.
- **Use of Parking Lot:** Most shopping centers in unincorporated Pima County, and likely in other jurisdictions, are substantially over-parked and have large promenades that could be utilized to expand seating in the current environment to offset table loss from indoor seating limits and to maximize patron distances between one another. However, parking for the disabled or emergency lanes should not be blocked.
- **On Street Parking Spaces:** These locations could be easily converted to outdoor seating areas or “parklet” type service areas. These locations are typically found in more urban settings like downtown and could be use as premises extensions with approval of a jurisdiction’s Transportation Department if within a public street.
- **Safety Barriers:** If parking or loading spaces are used for expanded seating, adherence to the following criteria is recommended:
 - Barriers with a minimum height and weight similar to curbs or wheel stops shall be provided on the Parking Area Access Lanes (PAAL) and on sides where adjacent parking spaces will remain in use.



- A five foot clear zone shall exist from barriers in the parking areas proposed for the restaurant expansion. Tables and restaurant uses must not be located in this five foot clear zone.
- **Temporary Shade and Tent Structures:** If a tent structure is utilized, and is less than 900 square feet and open on two or more sides, no permit is necessary in unincorporated Pima County. If a tent structure is erected over 900 square feet, then a building permit is required with a Fire Department inspection.
- **Other Permits:** If construction or erecting of a structure is proposed which involves electrical, drainage, plumbing or other non-minor improvements, staff will evaluate what other permits may be needed in consultation with the restaurant owner/operator. It is likely that most “pop-up” style café and outdoor seating that will not trigger any permits.
- **Signage:** Enforcement of temporary sign requirements and prohibitions have previously been suspended in unincorporated Pima County, and many other jurisdictions, to allow the use of temporary signage by commercial businesses during the pandemic emergency declaration.
- **Landlord Consent:** With consent and adherence to the outlined recommendations for sufficient barriers from vehicles and maintaining all shopping center patrons’ ingress, restaurants may place tables outdoors in spaces authorized by the property owner. This includes courtyards, promenades, sidewalks, excess parking spaces and loading bays.
- **Review Process:** For the unincorporated area, Pima County Development Services Department can provide same day review and analysis for any temporary outdoor expansion during the emergency declaration period. A simple floor/table plan, landlord/owner consent, and the proposed vehicle barrier method (where needed) can be submitted by email to DSDPlanning@pima.gov for a review.