



Agenda Report

Fullerton City Council

MEETING DATE: JUNE 1, 2021

TO: CITY COUNCIL / SUCCESSOR AGENCY

SUBMITTED BY: STEVE DANLEY, ACTING CITY MANAGER

PREPARED BY: KELLEEE FRITZAL, ACTING DIRECTOR OF COMMUNITY
AND ECONOMIC DEVELOPMENT
ROBERT DUNN, CHIEF OF POLICE

SUBJECT: OUTDOOR DINING PROGRAM – USE OF CITY
ALLEYWAYS

SUMMARY

Request for City Council recommendations regarding City's outdoor dining program, specifically use of City alleyways for outdoor dining in the Downtown area.

RECOMMENDATION

Provide direction regarding continued use of Downtown City alleyways for outdoor dining.

PRIORITY POLICY STATEMENT

This item matches the following Priority Policy Statement:

- Public Safety.

FISCAL IMPACT

There is no fiscal impact associated with this item.

DISCUSSION

On May 5, 2020, City Council relaxed outdoor dining regulations to allow private use of public rights-of-way to increase private property owner ability to use adjacent alleyways for outdoor dining and retail operations. The City originally scheduled to end the outdoor dining program on November 2, 2020. However, due to the continued impacts from the COVID-19 pandemic, City Council extended the program through September 2021. The expanded outdoor dining program assists local restaurants citywide to continue to serve

patrons in response to indoor dining occupancy restrictions put in place by the State. The program, intended as a temporary concession, has found success with 60+ permits issued and many restaurants opening up or expanding their outdoor operations onto public right-of-way or private property.

To facilitate outdoor dining within the Downtown, the City authorized several alleys and city-owned parking lots for use by adjacent restaurants for new or expanded outdoor dining areas. This resulted in the closure of the east-west alley between Roscoe's, Heroes', Play Coffee Joe's, Domino's and J's Cuisine within the SOCO area. The City did not close the north-south alley between Commonwealth and Santa Fe Avenue, however, JP 23 did receive an outdoor dining permit for their private parking lot, which resulted in the moving the establishment's queue line into the public alley. The queue line now effectively closes the north-south alley because public safety vehicles cannot drive through it.

Over the last month, the Downtown has experienced a troubling rise in criminal and nuisance activity and trash accumulation primarily attributable to late-night restaurant and bar operations. As an example, on Saturday, April 17, 2021 every Fullerton Police Department Patrol officer on duty assisted with fights occurring Downtown, with additional police back-up requested from Cal State Fullerton Police. Fullerton PD arrested multiple subjects for fighting, including an arrest for felony assault of a police officer and assault with a deadly weapon.

Several of the alleyways closed off for outdoor dining have blocked police vehicles from driving down them at the end of the night to assist security staff in clearing out 'hot spots' and moving patrons back to their cars or ride share pick-up locations. The SOCO alleyways (north / south and east / west) have been particularly problematic as patrons heading back to their vehicles in the SOCO structure from the bars and restaurants north of Commonwealth Avenue at the end of the night collide with patrons leaving the bars and restaurants in the SOCO block which causes pedestrian congestion and has resulted in multiple fights breaking out in front of the SOCO structure on Santa Fe Avenue.

Each of the issued Outdoor Dining permits contains requirements regarding the maintenance and operation of the outdoor dining areas utilized. These include nightly cleaning and prohibition of excessive noise and amplified music.

Pursuant to the Outdoor Dining Permit with each business, the City may terminate the Outdoor Dining Permit with an individual business by providing written notification of the intent to terminate at least twenty-four hours prior to the termination date. Following the termination date, the business operator must clean and restore the outdoor dining area to the pre-occupied condition within 48 hours.

City Council Options: Staff requests City Council consider and provide direction on the following options for immediate implementation:

- 1) Provide notice to terminate the Outdoor Dining Permits for Joe's Bar and J's Cuisine and re-open the East-West SOCO alleyway. Due to the Governor's Order removing all restrictions to indoor dining on June 15, 2021, both restaurants can fully utilize the indoor dining and the removal of the outdoor dining will have minimal impact. This will open the alleyway and assist in improving public safety.

- 2) The North-South Alleyway is currently open, however, JP 23's Outdoor Dining Permit has resulted in the creation of the queue line down the middle of the North-West alleyway that impedes visibility and mobility of public safety vehicles. Due to the Governor's Order removing all restrictions to indoor dining effective June 15, 2021, the restaurant can now fully utilize its indoor dining area. Staff recommends providing notice to terminate JP 23's Outdoor Dining Permit and allow the queue line closer to the buildings and away from the alleyway.
- 3) Maintain the status quo of current alleyway closures to accommodate the Outdoor Dining permits.

Attachments:

- Attachment 1 – Map of Alleys used for outdoor dining SOCO Block and Amerige Block