

Council Policy Statement

Category: VILLAGE MASTER PLAN AND DESIGN MANUAL, SIDEWALK CAFÉS
Specific Subject: Curb Café Pilot Program Policy

PURPOSE:

A curb café is a temporary deck structure that allows outdoor dining to extend from the sidewalk and into the parking lane. The purpose of creating curb cafés is to provide a unique offering that will attract more users to the Village and strengthen the local restaurants. Curb cafés will create a stronger user and pedestrian experience by increasing the quantity and quality of outdoor dining in the Village and enlivening the streetscape. Adding additional outdoor dining opportunities is an integral part of Village revitalization.

BACKGROUND:

The City of Carlsbad entered into a contract with Urban Place Consulting Group (Urban Place) in April 2012 to provide consulting services to develop a program, policies, financing mechanisms and/or other initiatives to spur local investment and foot traffic on a self-sustaining basis for the Village, or that area regulated by the Village Master Plan and Design Manual. As part of this effort, Urban Place has conducted surveys of Village businesses, property owners, residents and visitors. In each of these surveys, the respondents rated the creation of more outdoor dining as a high priority.

The city permits sidewalk dining in the Village. However, one of the challenges to creating more outdoor dining in the Village is the relatively narrow width of the sidewalks. Several other cities faced with this same challenge, such as San Jose, Long Beach, and San Francisco, have created programs to utilize the street right of way, including parking spaces, to expand outdoor dining. The experience in all of these cities has been very positive.

This policy, developed in consultation with Urban Place, establishes a three-year pilot program for approving curb cafés in a limited portion of the Village. Subject to this policy, curb cafés may take the place of on-street parking. Curb café permits may be valid for up to three years, subject to filing of an application, noticing of adjacent property owners and businesses, and approval and annual inspection by the city planner.

POLICY:

Curb cafés shall be governed in general by the provisional land use standards for Sidewalk Cafés found in Chapter 2 of the Village Master Plan and Design Manual, with the following additions/exceptions:

Pilot program

1. The curb café program shall be a pilot program beginning upon the effective date of this Council Policy and ending three years from the effective date of this policy. Prior to the policy's end date, the City Council may re-evaluate the policy, modify its provisions, and/or extend it.

2. Curb café permits shall be valid for a maximum three years. Permits may be issued anytime during the pilot program. The three year maximum period for which curb café permits are valid may extend beyond the end of the pilot program. Once the permit has expired, the curb café shall be completely removed and the street, curb, and other adjacent surfaces restored to the condition prior to the curb café installation.

Location, number, and use

3. Curb cafés shall be limited to street rights of way within Land Use District 1. However, they shall not be permitted along Carlsbad Boulevard and Carlsbad Village Drive due to traffic volumes and/or inadequate right of way. A map of Land Use District 1 is attached.
4. During the three-year term of the curb café pilot program, a maximum of eleven curb cafés may be permitted within Land Use District 1.
5. Within Land Use District 1, no more than four curb cafés may be permitted per block with the exception of State Street between Carlsbad Village Drive and Grand Avenue, which may have a maximum of five curb cafés. A block is defined as two opposing block faces between adjacent, parallel intersecting streets.
6. Curb cafés shall be limited to food and/or beverage serving uses only.
7. Curb cafés may be combined with sidewalk cafés.

Design standards

8. In addition to complying with the provisions of this policy, curb cafés shall comply with all applicable criteria required of Sidewalk Cafés, as stated in the provisional use standards of Chapter 2 of the Village Master Plan and Design Manual.
9. The maximum size of curb cafés shall be limited to two parking spaces, either diagonal or parallel. However, to facilitate access and visibility for motorists, a minimum one-foot wide buffer shall be provided between the curb café, adjacent parking stalls, and the vehicle travel way.
10. In areas where parking spaces are not demarcated, the two parking space maximum shall still apply and shall be based on dimensional parking standards approved by the city.
11. The maximum length and size of the curb café shall generally be restricted to the length of the building/tenant space the curb café serves. The curb café should be “most-directly” in front of the business it serves. Accordingly, some curb cafés may be limited to no more than one parking space.
12. The design of curb cafés shall be reviewed and approved as a part of the curb café permit. Quality architectural design features and materials are expected and required and shall support Goal 4 of the Village Master Plan and Design Manual, “improve the physical appearance of the Village Area.”
13. The city may deny a proposed curb café due to reasons of public health, safety or welfare, such as lack of adequate infrastructure, topography, proximity to driveways or intersections, and proximity to residences.
14. Curb cafés shall not require replacement or additional parking.

Permits, review, and fees

15. Before installing a curb café, an applicant must first apply for and obtain approval of a curb café permit from the city planner. The applicant shall apply for a curb café permit using the application form required of sidewalk cafés. The applicant shall pay the required application fee and follow the submittal requirements outlined on the application and as provided in this policy.
16. In addition to securing a curb café permit, the applicant also shall apply for and obtain approval before installing the curb café of (1) an encroachment agreement to allow private improvements in the public right of way; (2) a building permit; and (3) any other required permits.

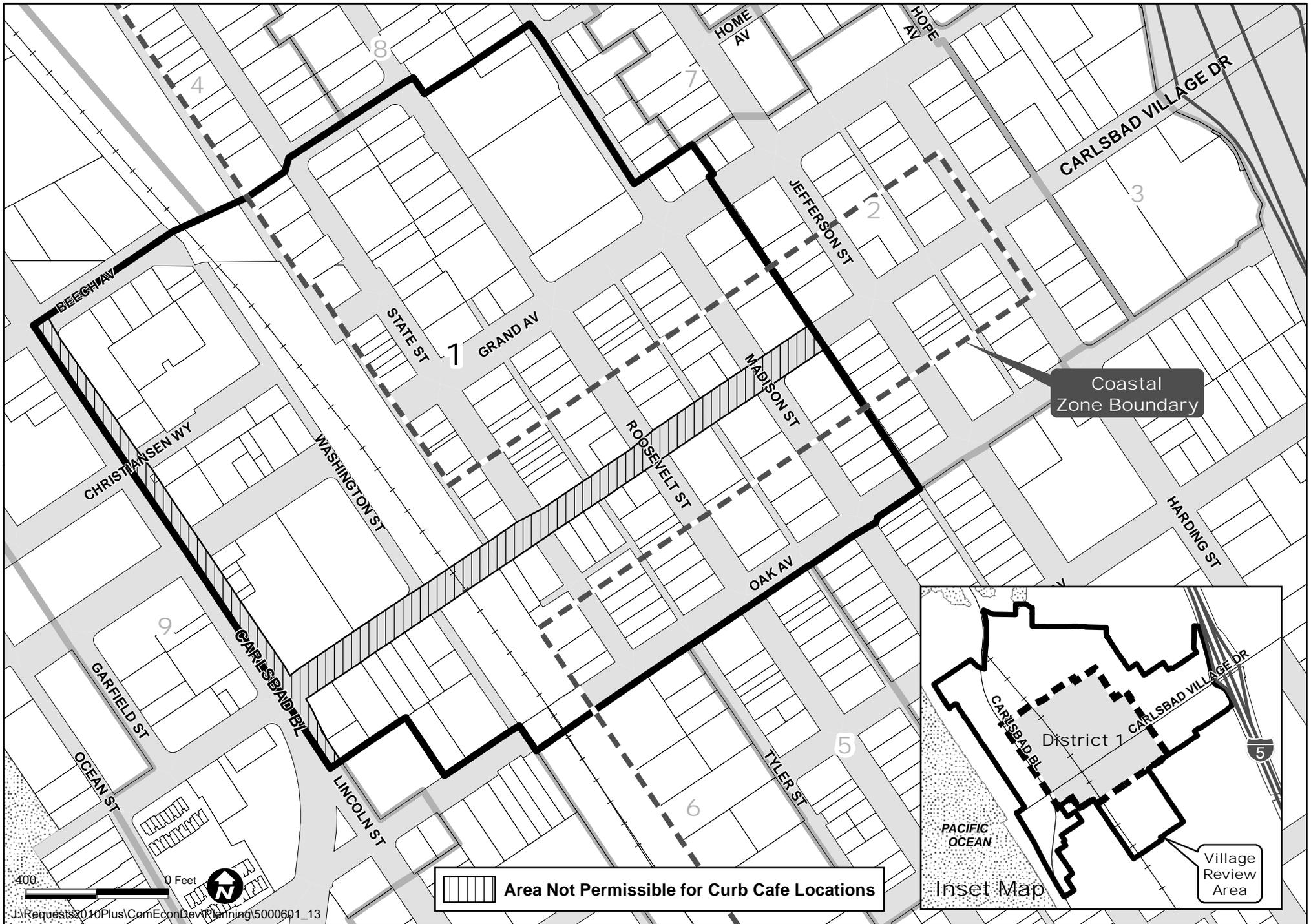
17. Curb café permits shall be subject to noticing of adjacent property owners and tenants within a 100-foot radius of the property of the business the curb café would serve. The notice shall announce the city planner's pending decision and invite persons to provide verbal or written comments on the decision to the city planner during a ten day review period. Those property owners or tenants providing comment on the curb café permit shall receive notice of the city planner's decision. The process for appeals of the city planner's decision shall be according to Carlsbad Municipal Code Section 21.54.140.
18. Curb café permits shall be reviewed annually by the city planner for compliance with these policy provisions and any permit conditions. For problems encountered and not resolved after written notice and reasonable period of time to cure, the permit may be brought back up for administrative review, placement of additional or modified conditions, revocation, or other remedies available to the city.
19. The applicant shall be subject to the indemnification and insurance criteria applicable to Sidewalk Cafés as stated in Chapter 2 of the Village Master Plan and Design Manual.
20. The applicant shall pay to the City of Carlsbad a use fee of \$100 per month per parking space (maximum 2), payable in one-year increments (\$1,200 per space/per year). The use fee shall be collected upon permit issuance and shall be paid annually thereafter for the duration of the permit.
21. Curb cafés may be exempt from payment of sewer and traffic impact fees, consistent with city ordinances.

Maintenance

22. Curb cafes, including all materials, fixtures, furniture and plants, if any, shall be maintained in good condition. All maintenance and repair of curb cafes shall be the sole responsibility of the applicant. Additionally, the applicant shall sweep and remove debris from adjacent street areas made inaccessible to street sweepers due to the curb café.

Prohibitions

23. Curb cafés shall not block or impede access to restricted parking areas, fire hydrants, manholes and other utility features.
24. Curb cafés shall not be permitted to have awnings or roof elements.
25. No signs, including signs prohibited by Carlsbad Municipal Code Section 21.41.030, or objects that would distract or impair motorists, shall be attached or displayed on any part of the sidewalk café.



City of Carlsbad

Curb Cafes Permitted Only in Village Land Use District 1