




City of Long Beach

Office of Robert Garcia
Councilmember, First District

Date: September 20, 2011
To: Honorable Mayor and Members of the City Council
From: Councilmember Robert Garcia, First District 
Subject: **Patio Dining with ABC Downtown Pilot Program**

Background: Like any thriving city, Long Beach offers a variety of dining and entertainment options to residents and visitors, including many restaurants that take advantage of the great Southern California climate by offering patio seating to patrons. Many of these establishments also sell alcoholic beverages.

Currently, the Long Beach Municipal Code (14.14) requires "sturdy barriers" around any outdoor dining areas on public sidewalks, and in the downtown area, such barriers must be affixed to the sidewalk. This requirement sometimes presents an insurmountable obstacle for certain restaurants to offer patio dining.

In many cities throughout the State of California, there are restaurants with outdoor patios on public right-of-ways that do not have physical or permanent barriers between the diners and the sidewalk. Although the California Alcoholic Beverage Control Board requires a "delineation" between such patios and the sidewalk, the interpretation of "delineation" varies from city to city.

Allowing more flexibility in the delineation required of restaurants in Long Beach by granting City staff some discretion in determining what is necessary for the public safety would encourage economic activity in our City. For example, temporary barriers, planters (which are currently required to be inside any barrier, and cannot themselves serve as the barrier), or markings on the ground might serve as a "delineation". As long as this approach meets ABC requirements, it would benefit our local businesses and stimulate commerce and culture. Downtown is the appropriate place to allow a pilot program of such an approach before deciding whether such a policy should be permanent or City-wide.

Recommendation: Request the City Manager work with the City Attorney, in consultation with California ABC, to create a Downtown pilot program for patio dining on public sidewalks with flexible barrier requirements.

Fiscal Impact: There is no significant fiscal impact associated with this measure.