

Planning and Development Committee

JOINT FAVORABLE REPORT

Bill No.: HB-6610

AN ACT CONCERNING THE PROVISION OF OUTDOOR FOOD AND
Title: BEVERAGE SERVICE BY RESTAURANTS.

Vote Date: 3/21/2021

Vote Action: Joint Favorable Substitute

PH Date: 3/15/2021

File No.: 116

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SPONSORS OF BILL:

Rep. Tom Delnicki, 14th Dist.
Rep. David Michel, 146th Dist.

REASONS FOR BILL:

House Bill 6610 aims to extend provisions in the Governor's executive order requiring that municipal zoning commissions permit restaurants to engage in outdoor service. Small and family-owned restaurants have struggled financially due to reduced indoor capacity in relation to the Covid-19 pandemic. The bill aims to further permit outdoor dining to assist these businesses.

RESPONSE FROM ADMINISTRATION/AGENCY:

David Lehman, Commissioner and Governor's Senior Economic Advisor Department of Economic and Community Development (DECD): Voiced support: stated flexibility granted to municipalities and businesses will help achieve mutual goals, and instill confidence for consumers who may choose to dine outside. Relaxing of zoning to allow outdoor dining has been popular with business owners and customers.

NATURE AND SOURCES OF SUPPORT:

Renata Bertotti, Newington Town Planner: Strongly supports HB 6610. Restaurants have struggled financially and cannot afford any additional losses of revenue. Outdoor dining will help to minimize further losses.

Connecticut Association of Zoning Enforcement Officials (CAZEO): Voiced support that a statewide consistent approach creates a more fair and equitable response to business owners.

Connecticut Chapter of the American Planning Association (CAPA): Voiced support for the intent. Sec. 1(b) was supported in testimony for lessening the review threshold for approval as an administrative site plan review instead of a potential public hearing. However, as referred to in Section (c)(1)(B), removing on-site parking to accommodate outdoor dining may have "...adverse impacts... Removing on-site parking spaces is best addressed within the local site plan approval suggested in lieu of state-wide regulation."

Connecticut Conference of Municipalities (CCM): Sought amendment, stating: "We would ask that the bill be amended to keep outdoor dining as an accessory use temporary in nature. This will allow restaurants to sustain during the pandemic, but maintain the integrity of local zoning. If the state would like to make this policy permanent, we would recommend making outdoor dining as an accessory use a local option. CCM would encourage the committee to amend the bill to sunset, no later than December 31, 2021, provisions in this bill to allow for outdoor dining as an accessory use."

Scott Dolch, Executive Director of Connecticut Restaurant Association: Voiced support. Testimony claimed the legislation would allow restaurants the ability to expand outdoor dining through at least the end of the year. 600 restaurants have closed in CT alone, and many are struggling financially. According to testimony, this bill will help restaurants recover.

Christopher Edge, Economic Development Director of Town of Berlin: Voiced support however had "major concern" in regards to line 24 and 26. The testimony's issue with 24 was in relation to parking, asking how loss of local parking control would affect municipal ability to:

1. Deny an establishment who wishes to use ALL of the adjacent parking for outside seating,
2. Keep patrons safe if part (but not all) of a lot is outside seating due to separation of uses and spaces in the vicinity of a restaurant,
3. Accommodate the adjacent uses that share an area of public or private parking (multi-tenant buildings are the best example of this)

The testimony's issue with line 26 claimed a local review would no longer be allowed if a restaurant property eliminated the buffer with a residential property because there is no "setback rule."

The testimony asked for consider eliminating the "notwithstanding" language for parking and include language that would instead include allowing discretion by local administrative/site plan review instead.

Betsy Gara, CT Council of Small Towns (COST): Supports with revisions. COST supports legislation to ensure that restaurants may continue to provide outdoor dining beyond April 20, when the Governor's Executive Order 7MM expires. However, COST believes provisions of the bill should be "sunsetting to ensure that state and local officials can appropriately consider public health and safety issues, building and fire safety code requirements and compliance with the Americans with Disabilities Act when restaurants are able to return to full capacity." Additionally, COST believes provisions regarding setbacks and parking should be incorporated to ensure safety.

Rep. Dave Rutigliano, 123rd Dist: Voiced support that the bill removed red tape in the application process, and will continue to allow small family businesses to stay afloat in these difficult times.

NATURE AND SOURCES OF OPPOSITION:

Jane and Kevin Connors, Residents of Fairfield, CT: Voiced opposition, claiming the state was usurping local power through 6610 and other bills.

Rose Fisch, Resident of Manchester, CT: Voiced opposition, claiming the state was usurping local power through 6610 and other bills.

Mickey LaCrosse, Resident of Shelton, CT: Voiced opposition, claiming the state was usurping local power through 6610 and other bills.

Aurora Montini, Resident of Trumbull, CT: Voiced opposition, claiming the state was usurping local power through 6610 and other bills.

Lisa Pojano, Resident of Wilton, CT: Voiced opposition, that 6610, and other bills, are “direct assault on local control and home rule.”

Reported by: Colin Savino

Date: 03/22/2021