



Temporary Outdoor Dining & Retail Program

If you are a business owner and want to use the outdoor private and/or public space in proximity to your business, the City has created a streamlined no-fee Temporary Outdoor Dining & Retail Permit Application for **three** categories of outdoor dining and business activities: **Use of Outdoor Private Property**, **Use of Public Sidewalks**, and **Use of Public Parking Spaces**.

Guidelines, including general and specific standards, for each of three categories are described below. Please review the guidelines before moving forward with the Temporary Outdoor Dining & Retail Permit Application. These guidelines are temporary in response to the COVID-19 emergency and will be in place until through the duration of the City's declared local emergency.

Restaurants and businesses must agree to follow all applicable orders, guidance and guidelines issued by the Contra Costa County Health Officer and the State of California, including the requirement to prepare, post, implement, and distribute a written "Social Distancing Protocol," and all other applicable requirements, which may be available at the following links:

- <https://www.coronavirus.cchealth.org/health-orders>
- <https://cchealth.org/eh/covid19.php>
- <https://covid19.ca.gov/industry-guidance/>

Restaurants and businesses must further agree to follow all subsequent orders, guidance and guidelines, including any updates and/or appendices thereto, issued by the State of California or the Health Officer of the County of Contra Costa, as applicable.

General standards for Outdoor Dining and Business Activities (These general standards apply to all applications. Also review the specific standards listed in the three categories below.)

- **Adequate Clearance** – Permanently maintain a minimum sidewalk clearance and pedestrian through zone of 4 feet, and preferably 5 feet, from any physical obstruction including light poles, news racks, trees, benches or other barriers. Furnishings and merchandise shall not be placed in a manner that obstructs access to this pedestrian clearance.

- **ADA Compliance** - Outdoor seating and business activity areas must comply with all requirements of the Americans with Disabilities Act (ADA). Outdoor dining and business activity areas shall not utilize parking spaces required by ADA or interfere with the path of travel for the parking stalls. Outdoor activities must be conducted in a manner that would facilitate immediate removal of any obstruction of an accessible path of travel identified by a member of the public.
- **Temporary Furnishings** - Tables, seating, umbrellas, space heaters, planters, solid waste receptacles, racks, shelving for merchandise, other temporary furnishings needed to provide business services, and platforms or ramps to achieve ADA compliance, and physical barriers to mark the outdoor activity area are the only items permitted. These items must be designed to be weighted down so as not to be blown by the wind or easily tipped over and must be removable. Temporary furnishings shall not block visibility for required street signs, crosswalks, and intersections. No stacking or storage of furnishings in outdoor areas. If a tent or other barricade is used, exits must be clearly marked if the point of entry and exit is controlled.
- **Temporary Signs** - A maximum of one (1) free-standing menu or merchandizing boards may be displayed, which shall have no more than two (2) faces. Temporary signs may have a maximum total surface area of six (6) square feet per face, and can be up to 42 inches tall by 30 inches wide. Free-standing signs must not encroach on the pedestrian right of way or the accessible path.
- **No Outdoor Food Preparation** - No heating, cooking or open flames (including candles) are permitted.
- **Site Maintenance** - The area shall be maintained in a sanitary condition free from litter, debris and infestation from pests, and the storm drain must be kept clear. At the end of each business day, establishments are required to clean (sweep and mop) the area in and around the outdoor use area. No debris shall be swept, washed, or blown into the sidewalk, gutter or street. Any discharge other than storm water into the storm water drainage system is prohibited.
- **Solid Waste** – All solid waste generated by the operation, including garbage, green waste and recycling, must be properly disposed of in receptacles provided and serviced by the business. City on-street trash and recycling receptacles shall not be used.
- **Hours of Operation** - The outdoor dining and business activity areas shall adhere to the same approved hours of operation as the existing business.
- **Driveways** - All driveways and drive aisles must be kept clear.
- **Fire Safety and Emergency Access** - All building exits, exit pathways and fire drive aisles must be kept clear. Access to building fire protection equipment (PIV, FDC, Riser) and sidewalk fire hydrants must be kept clear. A fire extinguisher inside the building must be quickly accessible and located no more than 75' (path of travel) from the furthest point of outside occupancy to the location inside the building with no locked doors. If patio heaters are going to be used, a fire extinguisher must be mounted outside with a sign and easily accessible.
- **Electrical Extension Cords** - All electrical outside must utilize heavy duty extension cords (minimum 14 gauge wire) plugged into GFCI receptacles. Cords cannot be in an area subject to damage or creating a trip hazard. Any electrical cords that cross drive aisles

shall be protected, e.g. by a commercial raceway or 2x4 boards. At a minimum, any electrical cords that cross pedestrian paths of travel shall be taped down. . Cords cannot be hung overhead by themselves unless supported by other means (e.g. attached to a cable). Any change in elevation to facilitate electrical on the ground must meet ADA standards.

- **Space Heater** - Space heaters are permitted if they are an outdoor approved type, are located in accordance with the manufacturer's recommendations, and are located at least two (2) feet from the edge of any umbrella canvas, any foliage, or any other flammable object or material.
- **Fire and Building codes** - Comply with all applicable Fire and Building codes at all times.
- **Temporary Use** – This Program only allows temporary use during the COVID-19 pandemic and must discontinue and all materials, tables, removed when the local emergency order is lifted. Applicant agrees to discontinue use and remove any temporary improvements within 48 hours or notification by the City.
- **County and State Requirements** - Prior to use, applicant shall contact Contra Costa County Health and, if planning to serve alcohol outdoors, California Department of Alcohol Control (ABC) and comply with any requirements/ clearances.
- **Private Property Owner** – For use of outdoor private property such as plazas and parking areas, applicant is responsible to consult and receive authorization of your landlord (the property owner) for the temporary use, including the size and location of the temporary use. Prior to filing an application, please contact your landlord and confirm their agreement for your plan to use parts of the parking lot and exterior of the building for this temporary use. The City will not be a party to discussions or arrangements concerning the leasing or use of outdoor space on private property. City approval of the temporary outdoor use does not replace or supersede any private lease or contractual agreements between your business and the property owner/landlord or property owner's authority for use of their land/site.

New Alcohol Beverage Control (ABC) Regulatory Relief

ABC's COVID-19 Temporary Catering Authorization authorizes on-sale privileges to a property that is adjacent to the licensed premises so long as the property is under the control of the licensee, and where bona fide meals are being served and in accordance with state and local health and safety directives. [Learn more.](#)

Restaurants that wish to expand their permitted alcohol sales may do so by filing both of the following forms:

- [ABC Form 218 CV19 \(Temporary Catering Authorization\)](#)
- [ABC Form 253 Supplemental Diagram and the COVID Social Distancing Protocol Appendix](#)

These forms may be turned into an [ABC office](#) via mail or in person. A check or money order of \$100 will be accepted, no credit card payments.

See ABC's [FAQ here](#) and additional guidance by license type [here](#).

General Application Requirements: In order to apply for a temporary outdoor dining & retail permit, you will need to have the following information ready before you complete the application form:

- *ABC Approval (only if you plan to serve alcohol outside)* – If alcohol is sold and served, you will be asked to upload proof of California Department of Alcoholic Beverage Control (ABC) approval. More ABC information: <https://www.abc.ca.gov/fourth-notice-of-regulatory-relief>
- *Social Distancing Protocol* – You must submit to the City a written “Social Distancing Protocol” pursuant to the orders, guidance and guidelines set by the Contra Costa County Health Officer and the State of California, as applicable, which incorporates and addresses all applicable conditions and protocols included therein.
- *Certificates of Insurance* - General Liability insurance is required, in an amount not less than \$1,000,000. Additional requirements apply for use of the public right-of-way as described below.

Use of Outdoor Private Property

Description: Any sidewalks, plazas or parking lots located on private property, including any that are part of a shopping center. The City of El Cerrito is temporarily suspending requirements restricting the provision of outdoor dining and business activities, minimum parking standards, and planning application Conditions of Approval related to parking and outdoor business. Suspending these requirements will temporarily allow restaurants and businesses to conduct outdoor dining and business activities in their respective private sidewalks, plazas and parking lots.

Specific Standards: In addition to the general standards listed above, the following standards will be required to be met while the temporary outdoor dining/retail on private property:

- Dining and business activity area must be limited to the property on which the business is located.
- Restaurant patrons shall have access to the restroom(s) affiliated with the subject restaurant.

Additional Application Requirements: Property Owner Information - You will need to enter basic contact information for the property owner.

Fill out on-line application. Automatic permit, no fee.

Use of Public Sidewalks

Description: Public sidewalks are adjacent to public streets and building frontages.

Specific Standards: In addition to the common standards listed above, the following standards apply to a Use of Public Sidewalks:

- Dining and business activity area must be limited to the street frontage width of the business, unless reviewed and specifically approved by the City and adjacent business(es).
- Temporary furnishings shall not be secured to streetlights, trees or any other public street furniture.

Additional Application Requirements: Additional Insured Endorsement - An endorsement naming the City of El Cerrito and its officers, employees and agents as additional insureds is required.

Fill out on-line application. Automatic permit, no fee.

Use of Public Parking Spaces

Description: Public parking spaces are all parking on public streets that are not on Caltrans state right-of-way, which is San Pablo Avenue south of Cutting Boulevard. These are on streets in business districts such as Fairmount Avenue, Central Avenue, Stockton Avenue, Moeser Lane, Potrero Avenue and Knott Avenue. Parking spaces on Caltrans State right-of-way must follow Caltrans permitting process.

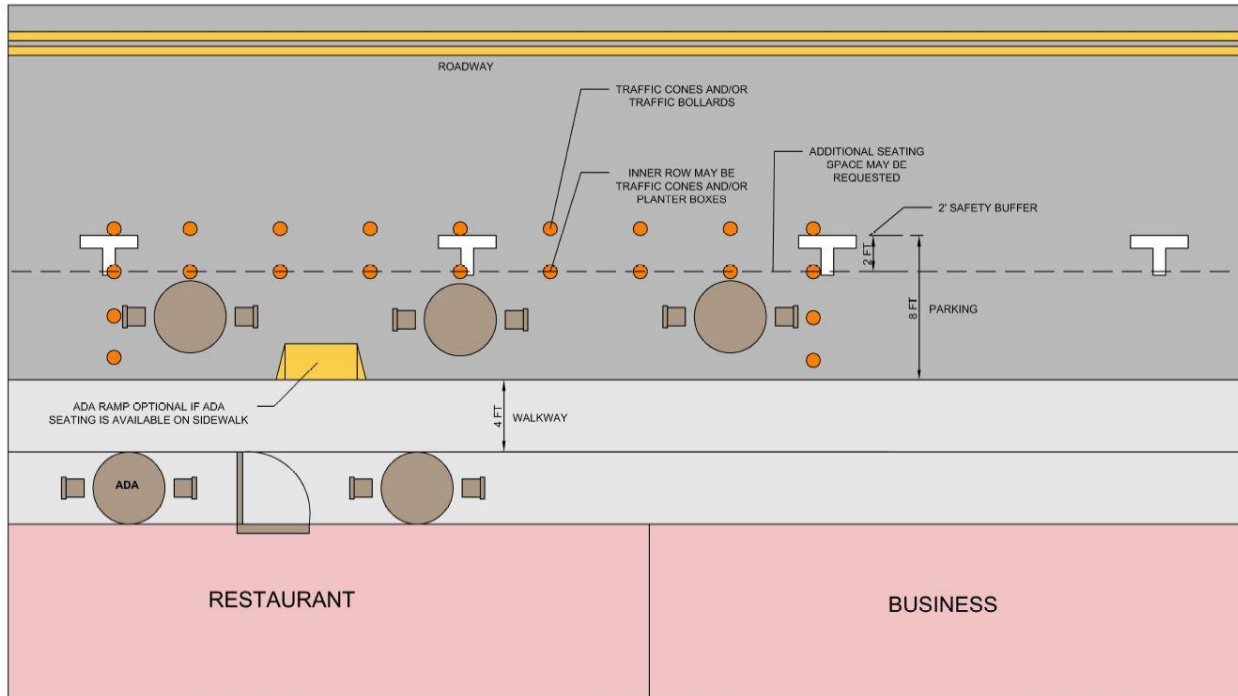
Specific Standards: In addition to the general standards listed above, the following standards apply to a Use of Public Parking Spaces

- Traffic control (traffic cones, posts) must be at least 28" tall, meet [California Manual on Uniform Traffic Control Devices standards](#) and be placed at the edges of the parking space. Traffic control must include reflection if parking space is to be utilized at night. A secondary barrier (traffic cones, planter boxes, posts with rope, etc.) must be placed 2 feet in from the external barrier — maintaining a 2-foot buffer between customers and vehicle traffic at all times. Water filled, traffic rated barriers will be required to be used on San Pablo Avenue.
- Patio umbrellas may be used in the parking space. Umbrellas or shade structures may not intrude beyond the inner barrier of the 2-foot buffer zone, and they may not interfere with driver or pedestrian visibility of store signage, street signs, or traffic signals.
- Temporary furnishings shall not be secured to streetlights, trees or any other public street furniture.
- Alternately, short-term parking for curbside pick-up can be implemented using temporary parking restriction signs available from the City. Signs will be available for pick-up at City Hall. Businesses should use temporary posts or similar to install the signs on curb fronting their business.

Additional Application Requirements:

- Site Plan and Traffic and Pedestrian Control Plan - You must submit a Site Plan showing the layout of the outdoor space and any improvements, structures and/or materials to be used to facilitate outdoor activities, including where furnishings or merchandise will

be placed, and a Traffic and Pedestrian Control Plan ensuring the safety of customers and employees engaged in approved outdoor activities in public rights-of-way, and accounting for accessible pedestrian access through the area or improvements subject to this application.



Source: City of San Rafael (<https://www.cityofsanrafael.org/covid-19-temporary-outdoor-dining-retail-permits/>). Table and chair placements in the diagram are for illustration purposes only. Restaurants and retailers have discretion over where to place furnishings and merchandise within the parking spaces and sidewalk so long as they are adhering to County health guidelines.

- Applicant may request to utilize any parking spaces fully within their store frontage. Parking spaces partially within a business' storefront can be requested for outdoor dining on a case by case basis. **No spaces other than those fully or partially in front of business will be made available for use under this permit.**

Fill out on-line application. Application requires staff review prior to approval.