

TEMPORARY OUTDOOR DINING AREA POLICY AND PROCEDURES FOR CITY RIGHT-OF-WAY, CITY-OWNED PROPERTY, AND PRIVATE RETAIL AREAS

Intent

The City of Universal City recognizes the importance of outdoor dining for the prosperity and vitality of its commercial districts, particularly during this time of pandemic restrictions caused by public safety concerns relating to Covid-19. The purpose of the City's Temporary Outdoor Dining Policy is to allow for and to support this desirable activity while considering State or County Executive Orders or any local Public Health Agency Orders that impose occupancy limits and specific physical distancing requirements on restaurants. The intent of this program is to provide some measure of relief to restaurants by allowing additional occupancy and seating that allows for physical distancing and the safety of their patrons.

A no-cost permit is required to allow for the setup of a Temporary Outdoor Dining Area. Temporary Outdoor Dining Areas established under this permit are considered temporary and shall not constitute an approval of permanent outdoor dining. Temporary Outdoor Dining Areas approved under this permit must be removed within 30 days of any Executive Order providing for 100 percent indoor occupancy or afterwards, when the City determines that such temporary permits are no longer valid.

Definitions

Temporary Outdoor Dining Area: A space provided by a restaurant, tavern/bar, winery, or brewery, upon the same property or upon the public right-of-way adjacent to said business or within reasonable proximity to the business, as determined by the City of Universal City. The Temporary Outdoor Dining Area is within a defined area, contains tables and chairs for seating, and is delineated with temporary barriers at the perimeter of the defined dining area.

Qualifying Establishment: Temporary Outdoor Dining Areas are available by permit to restaurant, bakery, brewery, tavern/bar, or winery businesses. Temporary Outdoor Dining Areas may be provided by any business as long as minimum requirements are met and the business is listed under the businesses allowed to operate under the most recent Executive Order relating to COVID-19.

City Right-of-Way: For the purpose of this policy, right-of-way shall include sidewalks, pathways, green space, streets, and on-street parking. Private property may include the temporary consideration of parking lots, parking spaces, sidewalks, paths and yards for outdoor dining.

Applicability

The following standards apply to all food and beverage establishments located within the City of Universal City that seek to offer a Temporary Outdoor Dining Area within the City's right-of-way, on City-owned property, and within required parking areas and pedestrian areas for businesses.

All establishments seeking to offer a Temporary Outdoor Dining Area shall submit an application and site plan to the City of Universal City for review and approval. No establishment shall offer a Temporary Outdoor Dining Area within the City's right-of-way or on City-owned property until such time as the establishment has been granted a Temporary Outdoor Dining Area Permit. The term of the permit will be for the duration of the State or County Executive Orders or any local Public Health Agency Orders for the COVID-19 Pandemic or authorized extension by City Administration.

Application Process

Final approval of any application for Temporary Outdoor Dining Areas will be at the discretion of the City Manager or his or her designee; however, all permit applications shall be submitted to the Development Services Department at City Hall for processing. Once received, the application will go through the following process:

1. A copy of the completed application will be distributed to the Development Services Department (including Building Division), Fire Department and Public Works for an interdepartmental review. If the applicant for the Temporary Outdoor Dining Area is not the property owner, the applicant must provide written evidence of approval from the property owner to allow the use of their property for this purpose. If any portion of the Temporary Outdoor Dining Area is to be located within a parking lot, the property owner's written approval must specifically authorize the installation of barriers that would be placed to isolate and protect customers from vehicular traffic and must approve any proposed temporary reduction of available parking spaces.
2. Once an application is deemed complete and departments have been afforded the opportunity to comment, the application shall be reviewed and approved administratively by the City Manager or his or her designee who will advise the Development Services Department to have the applicant obtain a copy of the permit.
3. If an application is deemed incomplete or there are significant and outstanding issues as a result of the interdepartmental review, the Development Services Department will contact the applicant for modifications. These items must be addressed prior to final approval by the City Manager or his or her designee.

Application Requirements

All establishments seeking to offer temporary outdoor dining during the COVID-19 pandemic must complete the application in full. Along with a completed application, all applicants must submit the following for review:

- **Site Plan (hand-drawn is acceptable):** Showing the proposed Temporary Outdoor Dining Area with measurements, including a representation showing:
 - If between 1-49 customers proposed, then at least three feet (3') of unobstructed sidewalk width, or
 - If 50 or more customers proposed, then at least forty-four inches (44" or 3'-8") of unobstructed sidewalk width for pedestrian access.
 - Note the occupant load of the Temporary Outdoor Dining Area will be determined by the Building Official or his or her designee.
 - Six (6) feet of separation of customers from adjacent seating of customers.
 - Tables at least 10 feet from any roadway that is not otherwise closed.
 - No more than six (6) customers may be allowed in any seating group at a time.
- **Photos or Drawings of Furniture:** Showing all chairs, tables, flower boxes, fences, barriers, umbrellas, and other items to be placed within the Temporary Outdoor Dining Area.
- **Traffic Plan:** Showing vehicular movements and proximity to the Temporary Outdoor Dining Area.
- **Liability Coverage:** If located in the City right-of-way, then the Applicant shall provide proof of liability insurance of not less than one million dollars (\$1,000,000) per occurrence, further naming the City of Universal City as an additional insured party. All applications for use of City rights-of-way or City-owned property for temporary outdoor dining will require the completion of a hold harmless agreement.
 - If on private property, then consult with your insurance agent for adequate liability coverage.

Temporary Outdoor Dining Area Standards

1. Temporary Outdoor Dining Areas: Applicants may reserve and create space for accessory outdoor dining and patios with table seating in connection with a permitted restaurant or bar. Temporary Outdoor Dining Areas may be in the following areas:

- **Private Parking Lots:** A maximum of 33 percent or one-third of existing private parking lots may be utilized for a restaurant patio extension for a currently permitted restaurant, subject to the written approval of the owner of the parking lot.
- **Private Yards:** A maximum of 25 percent or one-quarter of existing front and side yards of an existing lot. Rear yards will be considered on a case-by-case basis.
- **Occupant Load Between 1-49 Persons:** A clear travel path of three feet (3') in width and meeting ADA accessible path requirements must be maintained, subject to the written approval of the owner of the sidewalk/path/Temporary Outdoor Dining Area.
- **Occupant Load More Than 50 Persons:** A clear travel path of forty-four inches (44" or 3'-8") in width and meeting ADA accessible path requirements must be maintained, subject to the written approval of the owner of the sidewalk/path/Temporary Outdoor Dining Area.

Temporary Outdoor Dining Area Standards

2. Tents and Lighting

- **Small Tents (<400 s.f.):** Small tents of 400 s.f. or less are permitted on a temporary basis. Where tents are proposed, the City encourages the use of tents having a total area of 400 s.f. or less to streamline review and approval.
- **Large Tents (>400 s.f.):** Tents that are larger than 400 s.f. are subject to additional building/fire code requirements (2015 IFC Chapter 31), greater submittal requirements and a review process that is more extensive than that for small tents of 400 s.f. or less.
- **Temporary Lighting:** Lighting of a temporary nature may be permitted in connection with a patio extension, subject to compliance with the electrical code.

3. **Barriers:** Dining area barriers (fences, gates, planters, etc.) must be durable, visually appealing, and separate the dining area from the sidewalk. All barrier materials shall be maintained in good visual appearance, without visible fading, dents, tears, rust, corrosion, or chipped or peeling paint. Fences of a temporary nature with a maximum height of 6-feet may be installed in connection with a Temporary Outdoor Dining Area, subject to the written approval of the property owner. All fencing, if installed, shall meet IBC/IFC access requirements including for egress and ADA and shall be 50 percent transparent.

A variety of styles and designs are permissible for Temporary Outdoor Dining Area barriers:

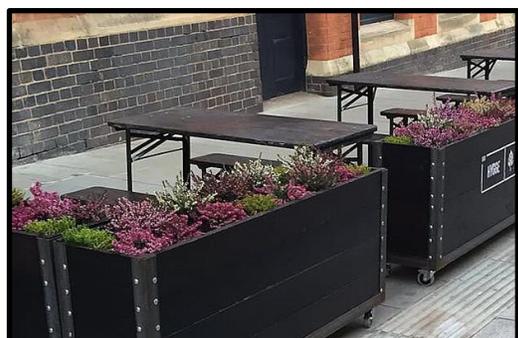
Sectional Fencing: Sectional Fencing, generally defined as rigid fence segments that can be placed together to create a unified fencing appearance. Such fencing is portable, but cannot be easily shifted by patrons or pedestrians, as can less rigid forms of enclosures. Sectional fencing must be of metal, wood, or PVC construction and have a finished stain or paint.



Rail Fencing: Rail fencing (generally defined as posts with rigid, horizontal panels, boards, or poles) is a permitted fencing type. Rail fencing must be constructed of wood or metal and must be stained or painted and affixed to the post by screws or other acceptable method to create a stable structure.



Planter boxes: Planter boxes may be used as a barrier as long as they are at least 30 inches in height and stable.



Freestanding: Any barrier (whether sectional or rail-type) must be freestanding, without any permanent or temporary attachments to sidewalks or other public infrastructure – or must obtain specific permission from the Building Official or his or her designee to affix.

Posts: Vertical support posts and base must be constructed of an approved material.

Weight: All posts must be weighted sufficiently to prevent inadvertent movement. Include the manufacturer's specifications for the product that will be purchased as part of the submittal for City review.

Alternative Options: Alternative options may be approved at the discretion of the City Manager or his or her designee.

4. Music and Live Performances

- **Pre-recorded Music, Live Music, and Non-Musical Live Performances:** Requests for any type of music or live performances must be submitted with Temporary Outdoor Dining Area Applications or via a supplemental request letter to the City. **All music must cease no later than 10 p.m.** and the City reserves the right to deny any request due to concerns of crowds, noise, parking, traffic, or other issues. The City Manager or his or her designee will provide approval or denial of such requests.

5. Activities

- **Permitted Activities:** Temporary Outdoor Dining Areas may be used for dining-related activities such as additional seating, waiting area, tasting area, 'light' menu area, or similar activities. Any dining-related activities must be included in the materials provided at the time of application and may not be added without approval from the City of Universal City.
- **Non-Permitted Activities:** The use of the Temporary Outdoor Dining Area for other activities, except those specified in Permitted Activities above, is prohibited. All activities occurring within the Temporary Outdoor Dining Area shall be related to the consumption of food and beverages prepared on-site by the establishment. Preparation of food in the Temporary Outdoor Dining Area is prohibited; that is, food served in the Temporary Outdoor Dining Area shall be prepared inside the associated commercial establishment.
- **Remote Location:** Temporary requests for use of properties in remote locations will be considered on a case-by-case basis.

Additional Regulations – Temporary Outdoor Dining Areas

- 1. Temporary Use Permit:** All establishments seeking to offer outdoor dining that are approved by the City will be provided with a Temporary Use Permit. This permit shall be readily available to Universal City inspectors or staff upon request. Failure to make the permit available can lead to compliance action by the City.
- 2. Smoking:** Smoking shall be prohibited within all permitted Temporary Outdoor Dining Areas on City right-of-way or City-owned property and in accordance with the Universal City Code of Ordinances (Ordinance No. 641). Temporary Outdoor Dining Areas shall be separated from any designated smoking areas.
- 3. Right to Revoke or Deny:** The City is under no obligation to approve a Temporary Outdoor Dining Area within the City's right-of-way, City property or required Parking Areas, and may revoke or deny permits at its sole discretion or apply certain conditions of approval.

Restaurants shall be responsible for obtaining all City approvals, as well any required State and/Federal permits/licenses, as applicable.