



City of Temple City

# TEMPORARY OUTDOOR DINING

POTENTIAL CONDITIONS OF APPROVAL

Condition
1. <b>Expiration:</b> The following approval is only in effect while the Los Angeles County Public Health Officer's Orders ("PHO") preclude indoor restaurant service or limit the capacity of restaurants during the COVID-19 pandemic.
2. <b>Comply with Public Health Orders:</b> The applicant must comply with all PHO orders; if any of the following conditions or this approval in its entirety conflict with PHO orders the latter apply. The restaurant must follow all on-site dining guidelines and protocols for restaurants as published by the County of Los Angeles Department of Public Health.
3. <b>Provide ADA Access:</b> There must be a minimum 48-inch clear distance free of all obstructions, to allow adequate pedestrian movement. Any outdoor dining must be established and operated to be consistent with ADA standards and criteria. Provide an accessible path of travel from public rights-of-way and accessible parking stall(s), and accessible restroom(s) to the proposed outdoor dining area.
4. <b>ADA Seating:</b> There must be one ADA accessible seating location within the outdoor dining area.
5. <b>Movable Outdoor Furniture:</b> All outdoor dining furniture, including tables, chairs, umbrellas, and planters, must be movable.
6. <b>Umbrellas:</b> Umbrellas must be secured with a minimum base of not less than 60 pounds. There must be a minimum of seven feet from the arms of the umbrella to the ground. The arms of the umbrella must not protrude beyond the approved area.
7. <b>Tents and Shade Structures:</b> All tents or shade structures greater than 400 square feet in size, either individually or cumulatively, must have approval by the fire department.
8. <b>Entry and Exit Points:</b> The private dining must maintain designated separate entry and exit points
9. <b>Maintain Access:</b> Outdoor dining areas must have designated ingress and egress points and must always keep them clear and accessible. Required vehicular driveways, pedestrian paths of travel, building entryways and exits and fire lanes must not be blocked at any time.
10. <b>Seating Capacity:</b> The total number of seats within and outside the restaurant must not exceed the maximum capacity set by the conditional use permit or the Fire Code, whichever is less.
11. <b>Amplified music or speakers</b> are not approved as part of this application.
12. <b>Signs:</b> No signs are permitted as part of this approval.
13. <b>Uses Not Allowed Outside:</b> Food preparation and bussing facilities plastic food displays, food storage and refrigeration are prohibited outdoors.
14. <b>Cleaning:</b> All exterior surfaces within the outdoor dining area must be easily cleanable and must always be kept clean by the permittee.
15. <b>Restrooms</b> for the restaurant must be provided in the adjoining indoor restaurant.
16. <b>Trash and refuse storage</b> for the restaurant must not be permitted within the outdoor dining area or on adjacent sidewalk areas and the permittee must remove all trash and litter as it accumulates. The permittee is responsible for maintaining the outdoor dining area, including the sidewalk surface and furniture and adjacent areas in a clean and safe condition.
17. <b>Hours</b> of the sidewalk dining must not extend past 10:00 p.m. or the adjoining business' approved hours of operation, whichever comes first.
18. <b>Off-Street Parking:</b> The outdoor dining area will not require the provision of additional off-street parking.
19. <b>Existing Conditions of Approval:</b> The business must continue to operate under the conditions of approval related to the businesses conditional use permit.
20. <b>Definition:</b> The use must be a bona fide restaurant, as defined by the Municipal Code, and have a valid City Business License. Nightclubs, gas station minimarts, convenience markets, grocery stores, liquor stores or other establishments that may sell food but are not defined as restaurants are ineligible to apply.

21. <b>Furniture and Fencing Design:</b> The use of umbrellas, awnings, trellis's, planters, railings, and other decorative features are highly encouraged. Items should be uniform in design and color. Chain-link fencing must not be permitted. All furniture must be intended and manufactured for outdoor use.
22. <b>Maintain Existing Landscaping:</b> Required on-site landscaping must not be removed accommodate outdoor dining areas.
23. <b>Temporary signs</b> are limited to one A-frame sign. No balloons, banners, streamers, flags, or other similar features are allowed.
24. <b>Adequate Lighting:</b> Outdoor dining areas must always be adequately lit.
25. <b>Not Transferrable:</b> The approval is not transferrable to any entity or person and is valid only to the original applicant.
26. <b>Storage Plan:</b> The applicant must provide a summary of how any tables, umbrellas, trash receptacles, etc. are stored and secured when the restaurant is closed to the public.
27. <b>Live Entertainment, Dancing, Parties, and Live Entertainment:</b> Customized lighting and amplified sound system conducive of a nightclub atmosphere is always prohibited. Live entertainment and dancing are always prohibited. Promoter-produced parties or events are be prohibited. These events include private parties that involve third parties who profit from organizing and/or drawing attendees to the events.
28. <b>Smoking</b> is prohibited in all dining areas. Violators may be subject to a fine.
29. <b>Existing Code Enforcement Actions:</b> Outdoor dining is not permitted for restaurants that have existing cases with the City's Code Enforcement Division or are not compliance with existing conditions of approval for a Planning Division entitlement.
30. <b>Temporary Suspension:</b> Outdoor dining approvals may be temporarily suspended without any prior notice or hearing, if it is found that the use, occupation or obstruction may interfere with public safety, street improvement activities, construction activities, cleaning efforts or other similar activities or with the health, welfare or safety of the citizens of the City.
31. <b>Temporary/Non-Permanent:</b> Outdoor dining permits are considered temporary and nonpermanent in nature, and the permittee does not have neither property interest in nor any entitlement to the granting or continuation of any such permit. Permits may be terminated by the City, with or without cause, regardless of the nature and scope of financial or other interest in, or on account of the permit or the permitted use.
32. <b>Indemnify:</b> The applicant and property owners, and their successors in interest, will indemnify and defend the City and its officers, employees, and agents from and against all liability and costs relating to the City's actions concerning this project, including (without limitation) any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City's actions or decisions in connection with this project. The City will have the sole right to choose its counsel and property owners must reimburse the City's expenses incurred in its defenses of any lawsuit challenging the City's actions concerning this project.
33. <b>Additional Conditions:</b> The Community and Economic Development Director may, in his or her sole discretion, place additional conditions upon the issuance of the permit in order to insure the protection of the rights of all adjoining property owners and the health, safety and welfare of the public.
<b>Special Standards for Temporary Outdoor Dining on Private Property</b>
34. <b>Limited to Tenant Frontage:</b> Outdoor dining on private walkways must be limited to the restaurant building or tenant frontage. For multi-tenant centers, the restaurant may request seating in front of an adjacent business, subject to the property owner's and adjacent business owner's written consent.
35. <b>Maximum Use of Private Parking:</b> Outdoor dining on private parking spaces must not occupy more than five parking spaces or 25 percent of the total number of parking spaces, whichever is greater.
36. <b>Fencing for Parking Spaces:</b> Outdoor dining on private parking spaces must be defined by the placement of portable but sturdy fencing or other suitable dividers. Fencing must not exceed four feet in height. Nothing shall be permanently fixed to the ground.
37. <b>Fencing for Walkways:</b> Outdoor dining on private walkways may be defined by the placement of portable but sturdy fencing or other suitable dividers. Fencing must not exceed four feet in height. Nothing shall be permanently fixed to the ground.
<b>Special Standards for Temporary Outdoor Dining on Public Property</b>
38. <b>An Encroachment Permit</b> must be obtained from the Department of Public Works.

<i>Dining within Public Sidewalks:</i>	
39.	<b>Limit to Tenant Frontage:</b> Outdoor dining on public sidewalks is limited to the restaurant building or tenant frontage. For multi-tenant centers, the restaurant may request seating in front of an adjacent business, subject to the property owner's and adjacent business owner's written consent. The dining area must maintain a three-foot distance from all utilities, street furniture, and public infrastructure (e.g. bus stops and shelters, street signs, fire hydrants, etc.).
40.	<b>Fencing:</b> Outdoor dining on public sidewalks may be defined by the placement of portable but sturdy fencing or other suitable dividers. Fencing must not exceed a height of four feet. Nothing must be permanently fixed to the ground.
41.	<b>Proximity to Intersections, Driveways, and Alleys:</b> Outdoor dining areas on public sidewalks must not be located within 20 feet of an intersection or within ten feet of a driveway or alley.
<i>Dining within Public Parking Spaces:</i>	
42.	<b>Proximity to Entrance:</b> Outdoor dining on public parking spaces should be close to the restaurant's main customer entrance.
43.	<b>Fencing:</b> Outdoor dining areas on public parking spaces must be enclosed by the placement of a portable but sturdy fencing or other suitable dividers. Fencing must not exceed a height of four feet. Nothing must be permanently fixed to the ground.
<b>Special Standards for Restaurant Selling or Serving Alcohol</b>	
44.	<b>Appropriate License:</b> Prior to serving alcohol in a dining area, the business must possess both a valid on-sale alcoholic beverage license for Type 41 (on-sale beer and wine eating place) or Type 47 (on-sale general eating place) or of their successor types. Alcohol service must comply with all applicable regulations and guidance issued by the California Department of Alcoholic Beverage Control.
45.	<b>Limited to Bona Fide Restaurants:</b> The use must be classified as a bona fide restaurant as defined in the Municipal Code and food service must remain available during all hours of operation.
46.	<b>No cover charge, entry fees, or minimum drink orders</b> must be charged or required of patrons.
47.	<b>The display of alcohol</b> is prohibited.
48.	<b>Private Property, Only:</b> The private dining area shall be located entirely within the private property of the related business and shall not encroach within any public right-of-way.
49.	<b>Last Service of Alcohol:</b> The last alcoholic beverage shall be served no later than one-half hour before closing.
50.	<b>All Ages:</b> The establishment must allow patrons of all ages, at all times.
51.	<b>Fixed Barriers Required:</b> Fixed barriers are required by the California Department of Alcoholic Beverage Control. Barricades must be at least 42 inches high, a minimum of 50 lbs./LF lateral resistance, with no more than four inches of space between balusters, if provided. Material must be rated for outdoor use. Barricades must not: <ul style="list-style-type: none"> <li>• Damage sidewalks</li> <li>• Have feet, legs, or stands that protrude beyond the permitted area.</li> <li>• Have sharp corners.</li> <li>• Impede the ADA path of the sidewalk or ADA access to the building.</li> <li>• Cover or impede access to any utility access point in the sidewalk.</li> </ul>