



City of Downey

Temporary Outdoor Dining Guidelines and Procedures

PURPOSE

The City of Downey has developed the following COVID-19 Guidelines ("Guidelines") for Temporary Outdoor Dining Areas in efforts to assist sit-down restaurants with reopening in a manner that is consistent with local and County health and safety directives. Specifically, these Guidelines authorize qualifying restaurants to expand their existing dining areas into a temporary outdoor dining area to accommodate patrons while abiding by social distancing guidelines and directives.

BACKGROUND

On May 29, 2020, California Governor Gavin Newsom approved a request from the County of Los Angeles to progress further into "Stage 2" of the Governor's "Resiliency Roadmap" for responding to COVID-19. With this approval, "dine-in" restaurants are now permitted to open/ operate in Downey and elsewhere in the County; subject to compliance with health guidelines and protocols issued by the County Public Health Officer ("County Health Guidelines"). The County Health Guidelines, among other things, direct restaurants to prioritize outdoor seating and curbside pick-ups, and requires restaurants to adjust maximum occupancy rules inside their establishment to maintain social distancing. The County Health Guidelines can be found at the following link: http://publichealth.lacounty.gov/media/Coronavirus/docs/protocols/Reopening_Restaurants.pdf

DURATION/AUTHORITY

These Guidelines are effective immediately and will remain valid for 90 days unless extended or terminated earlier by the City on behalf of the order placed by Los Angeles County. These Guidelines are issued by the City Manager, under authority directed by the Downey City Council. Final determination for each temporary outdoor dining location is based on unique conditions of each site. Businesses are encouraged to practice all COVID-19 safety protocols.

WHERE PERMITTED

Temporary outdoor dining areas may be located citywide in public sidewalks, outdoor common areas of the restaurant premises, such as walkways, plazas and parking lots; subject to approval of the property owner. The outdoor areas are intended for restaurant dining uses only, bars or entertainment uses are to remain closed. Shared dining areas for patrons of multiple restaurants in outdoor common areas such as plazas or parking lots are allowed and encouraged. Temporary outdoor dining areas are not permitted to occupy any public streets unless within the Core District within the Downtown Downey Specific Plan. Any temporary outdoor dining areas that create or cause an obstruction of sidewalks and other public rights-of-way require an encroachment permit from the Public Works Department.

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OPERATING STANDARDS

Restaurants operating with a temporary outdoor dining area are subject to, and must comply with the following:

- ✓ Temporary outdoor dining areas are for outdoor dining purposes only. **No live entertainment, music, or amplification of any kind.**
- ✓ Restaurants must be in good-standing with the City, **have a valid business license**, no pending health or code enforcement matters proceeding, and not delinquent in the payment of any business license fees or taxes owed the City.
- ✓ Temporary outdoor dining areas can be used by one or more businesses.
- ✓ On-site seating at a table shall be limited to no more than 6 people in the same party.
- ✓ Where all safety requirements are met, total of all dining areas cannot exceed original restaurant occupancy.
- ✓ Outdoor seating areas within sidewalks and public rights-of-way shall maintain adequate and **unobstructed pedestrian flow of at least 4 feet**, must **maintain ADA accessibility** into and around all dining areas, access to public utilities, crosswalks, bus stops, and other required entrances/exits, access to fire hydrants and fire hose connections.
- ✓ The twenty (20) foot fire lane shall not be obstructed at any time.
- ✓ An approved copy of the COVID-19 Temporary Catering Authorization Application submitted to the Alcoholic Beverage Control must be included with the temporary outdoor dining application.
- ✓ **All areas utilized for temporary outdoor dining must be made safe for dining** by using signage and barriers, and, if necessary, temporarily modifying the traffic flow on the property. Access to and from a public rights-of-way shall not be blocked or modified unless approved by the City through issuance of an encroachment permit.
- ✓ No tents or canopies allowed within outdoor dining areas, **only umbrellas.**
- ✓ Restaurants and any temporary outdoor dining areas must **maintain ADA accessibility** into and around all dining areas, and must ensure that fire and emergency exits at-all-times remain accessible and free from obstruction.
- ✓ Restaurants and temporary outdoor dining areas must operate in strict compliance with the **County Health Guidelines**, as well as any orders and guidance for restaurants issued by local health officers; as the same may be modified from time to time.
- ✓ Outdoor dining areas shall open no earlier, and close no later, than the restaurant's **regular hours of operation or 10:00 p.m., whichever is earlier.**
- ✓ When locating in a public-right-of-way, every permittee shall be required to furnish the city with a certificate of insurance with coverage for property damage and personal injury for minimum combined single limit coverage of \$2,000,000 naming the city, its officers, agents and employees as additional insureds. This certificate shall provide that thirty (30) days written notice of cancellation shall be given to the city.
- ✓ Restaurants and employees thereof shall **comply with all CAL/OSHA and California Department of Public Health requirements.**
- ✓ There shall be no permanent installations of chairs, tables, canopies, etc., within the public right-of-way.
- ✓ Temporary outdoor dining areas must be **completely removed** at the end of each business day.
- ✓ Business owner shall clean-up trash, debris, spills, etc. so that they do not enter catch basins and storm drain system.
- ✓ No utilities (overhead wiring/light fixtures, electrical cords, electrical outlets, etc.) will be allowed within the public right-of-way.

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ADDITIONAL OPERATING STANDARDS WITHIN A PARKING LOT

- ✓ A **physical barrier** (such as plants, temporary fencing, etc.) must be provided that separates and secures the temporary outdoor dining area from parking areas, walkways, and other outdoor spaces accessible by the general public.
- ✓ There must be a **5-foot separation** between the dining area and the drive aisle or driveway.
- ✓ No outdoor dining shall be located in parking lot areas **within 30 feet of a driveway entrance**.
- ✓ The use or obstruction of any public sidewalk, street, alley, or other public-right-of-way shall first require an encroachment permit from the Department of Public Works. Establishments will be required to comply with any conditions of approval, and operate in strict compliance with, any terms and conditions set forth in the encroachment permit.
- ✓ Outdoor dining areas **shall not encroach into any driveways or drive aisles** intended for and used by vehicular traffic.

ALCOHOL SALES/SERVICE

Restaurants serving alcohol in a temporary outdoor dining area must first obtain an ABC COVID-19 Temporary Catering Authorization License from the California Department of Alcohol and Beverage Control (<https://www.abc.ca.gov/abc-218-cv19-instructions/>.) Only those restaurants that are currently authorized to engage in on-site alcohol sales in the City are permitted to provide alcohol service in a temporary outdoor dining area, and establishments shall strictly comply with any and all requirements of the ABC and the Temporary Catering Authorization License.

ASSUMPTION OF RISK/RESPONSIBILITY

Restaurant owners and operators shall have the sole and exclusively obligation to ensure necessary approvals from property owners, other establishments, the City, and the ABC (as applicable) prior to operating in a temporary outdoor dining area, and shall bear all risks and liabilities associated with operating in a temporary outdoor dining area. As a condition to operating, and as a condition to submitting a Registration Form, restaurants must agree to defend, indemnify, and hold the City harmless for any liabilities relating to or arising from operating in a temporary outdoor dining area. Restaurants are solely and exclusively responsible for procuring and coordinating all operational aspects associated with a temporary outdoor dining area, including but not limited to obtaining consent from property owners, adjacent establishments, and insurance providers.

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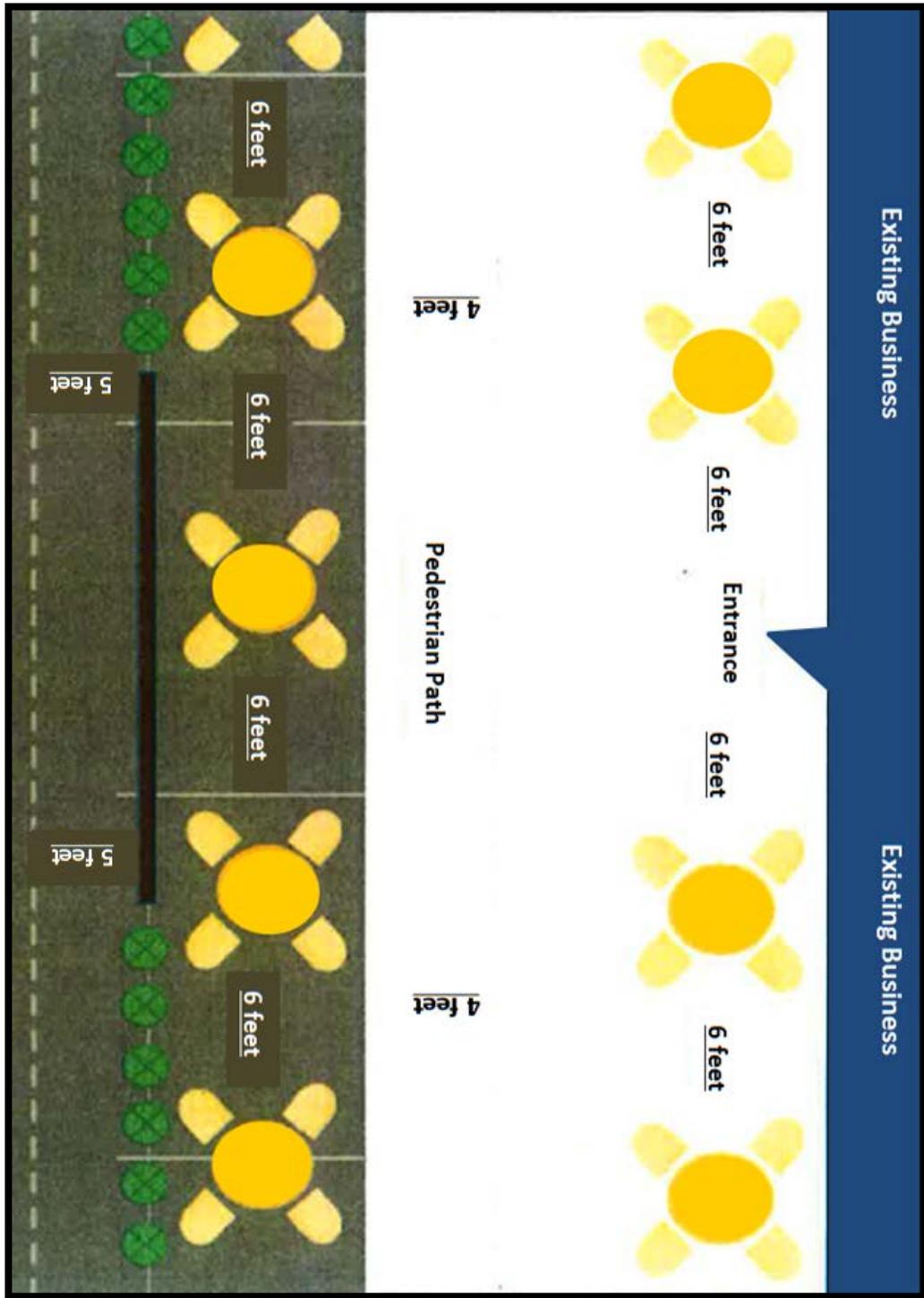
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OUTDOOR DINING DIAGRAM



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REGISTRATION WITH THE CITY/ENFORCEMENT

All restaurants operating in a temporary outdoor dining area shall first register with the City by completing the Temporary Outdoor Dining Application and obtain an Encroachment Permit from the Public Works Departments, if applicable, prior to beginning operations in a temporary outdoor dining area. The restaurant may commence operation in the temporary outdoor dining area upon submission of the complete and accurate Application Form to the City, and operations shall strictly adhere to the information provided in the Guidelines above.

The City reserves the right, at any time during the restaurant's operating hours, to conduct an inspection of any temporary outdoor dining area to ensure compliance with these Guidelines. If necessary to ensure or enforce compliance with these Guidelines, the County Health Guidelines, ABC requirements, other applicable orders/laws, or to otherwise prevent or terminate a public nuisance, the City may, without advance notice, direct changes or modifications to any temporary outdoor dining area or a restaurant's use thereof, and compliance with the City's directives is a condition to continuing operating in a temporary outdoor dining area.

The City expressly reserves the right to terminate a restaurant's use of a temporary outdoor dining area, without advance notice if:

- the operation creates an obstruction to, or causes congestion of, pedestrian or vehicular traffic due to existing conditions on the surrounding public right-of-way if it finds the installation represents a danger to the health, safety or general welfare of the public; or
- if a business is deemed a public nuisance, does not comply with applicable laws, violates fire safety or ADA accessibility requirements, or violates these Guidelines, the County Health Guidelines, or applicable local health orders; and
- the City may require the removal, temporary or permanent, of the sidewalk dining space when redevelopment or improvements of the street or sidewalk, or utility repairs necessitates such action, or the permittee fails to comply with the criteria set forth in existing City ordinances.

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