

SELF-CERTIFICATION

TEMPORARY OUTDOOR USE AREA REGULATIONS

(Temporary Outdoor Dining)

OVERVIEW

TEMPORARY OUTDOOR DINING OPERATIONS. Due to the Governor's executive order pertaining to COVID-19 and Assembly Bill 61 (AB 61), the County understands that some restaurant establishments may seek alternatives to their existing indoor configurations by extending operations to new outdoor areas including internal sidewalks/walkways, parking lots, landscaping or other required open space areas.

Purpose of the Temporary Outdoor Use Area Regulations:

- Comply with County Resolution 2020-0309 and AB 61 to allow for temporary outdoor dining areas including provisions for temporary reduction of required parking spaces.
- Prevent conflicts with other adjacent businesses or residential uses and ensure outdoor use area will not significantly interfere with pedestrian or vehicular traffic or otherwise constitute a health and safety risk.

GENERAL INFORMATION

Applicable Businesses: Restaurants (includes brew pubs and other establishments classified as restaurants in the County Zoning Code) with a valid business license may temporarily operate outdoors so long as outdoor operation is in compliance with all requirements stated in this notice.

Property Owner/Property Manager approval: Businesses shall have property owner or property manager authorization to operate outdoors.

Social Distancing. *Comply with all current State and County criteria related to social distancing and industry operations. For more information visit www.saccounty.net/COVID-19*

Sacramento County Environmental Management Department: Establishment shall follow California State Guidelines for their industry as well as all requirements from the County Environmental Management Department (EMD) For more information visit EMD's website at https://emd.saccounty.net/EMD-COVID-19-Information/Pages/COVID-19-Environmental_Health.aspx

Permit Requirements: No permit is required. Businesses shall self-certify that they will operate in compliance with the operational criteria listed in this notice.

Duration: Temporary Outdoor Use Area is valid until January 1, 2024 unless rescinded or extended by State or County regulations.

OPERATIONAL CRITERIA

All outdoor use areas must comply with the following (self-certify).

Occupancy:

- Temporary outdoor use areas cannot result in a total combined occupancy greater than the originally approved occupancy limit for the restaurant (number of seats). For example, a 50-seat restaurant can use a combination of inside seats and temporary outdoor seating not to exceed a combined total of 50 seats.

Location:

- Outdoor areas are not permitted within public rights of way or on public sidewalks unless a Street Use Permit has been obtained from County Department of Transportation.
- Outdoor areas must be located on hardscaped areas or surfaces (paved, rocked, decomposed granite or barked areas without plant materials).
- Up to 25% of the off-street parking spaces for the site/center may be used for temporary outdoor areas and any necessary buffers.
- Disabled/ADA compliant access within the property and to and from the seating to the building, restrooms and parking areas must be maintained. Property owner and business are responsible for ensuring compliance with the American's with Disabilities Act (ADA) and accessibility requirements of the California Building Code. Planning staff do not have the expertise to review or verify ADA or accessibility requirements.
- Emergency access to all adjacent structures shall be maintained at all times.
- Outdoor areas shall not be located within 8 feet of property lines shared with a residential use.

Operational Limits - All Uses:

- Outdoor areas shall be cleaned throughout the day (operating hours of business), which shall include removal of any debris or trash.
- No outside music or sound system shall be permitted in temporary outdoor areas.
- Temporary outdoor area must close no later than 10:00 p.m. (Sunday-Thursday) 11:00 p.m. (Friday and Saturday) if within 300 feet from a residential use.
- Outdoor areas shall be located to provide an adequate buffer between Outdoor areas and drive aisles and from parked vehicles to allow for door openings.
- Outdoor area must be clearly delineated by railings, stanchions, or other suitable barriers. No service shall be permitted outside delineated areas.

Additional Operational Limits for Restaurants: Not Applicable

- Customers shall only be served when seated at tables. No standees (except take-out orders, which should have a separate waiting area).
- No outdoor food or beverage prep shall be permitted in temporary Outdoor areas.

Alcohol Service (restaurants): Not Applicable

- Restaurants shall follow ABC rules as stipulated in their on premise license and shall be limited to properly marked and designated outdoor areas as authorized by ABC.
- No outdoor bars or beverage tables shall be permitted (all beverages shall be prepared from within the restaurant).

Traffic & circulation:

- Outdoor operations cannot interfere with normal vehicle traffic movement including fire department access to the buildings and access to fire hydrants and other firefighting equipment.
- Outdoor areas may not occupy or block required disabled parking stalls.

Accessory Structures:

- The only permitted furniture within the temporary outdoor area are tables, chairs, or essential seating/equipment needed to perform the service and properly anchored umbrellas or tents/temporary structures. The business operator or shopping center shall provide all furniture. Any furniture within the temporary outdoor area shall be brought in at night or properly secured.
- Temporary physical barriers shall be provided to separate outdoor areas from parking and drive aisles.

Tent and/or temporary structure requirements Not Applicable

- **Additional Review/Permitting:**

- Tents may require review and inspection from the Fire Department. Contact your fire department for more information.

- **Operational Requirements for All Tents/Shade Structures:**

- All structures shall be temporary in nature.
- All tents must bear manufactures label and membrane must be of approved non-combustible material.
- All structures shall be tied down/anchored or secured with an approved calculated ballast system.
- All structures shall be located so as not to interfere with operations of other uses on the property or inhibit ADA or emergency access.
- Shall be open on at least three sides.
- No heaters under the tent.
- No cooking or tableside food preparation under the tent.
- State approved fire extinguisher within 75 feet of each tent.
- No smoking or open flames of any kind shall be permitted in any tent or temporary structure.
- NO SMOKING signs shall be posted.
- Electricity will require a permit from the Building Permits and Inspections Division. Any outlets shall be raised and secured to prevent ground water contact.
- No structures requiring a building permit shall be permitted as part of the temporary outdoor use area and shall be processed as a permanent improvement subject to County Development Code requirements prior to issuance of any building permits.

Notification

The above use will not be conducted to constitute either a public or private nuisance. All costs incurred by the County to enforce the conditions listed in this notice shall be the responsibility of the business operator and/or property owner. In addition to incurring fines, non-compliance with provisions of the temporary outdoor dining regulations could result in the business license being revoked.