



City of
Los Banos
At the Crossroads of California

**Community & Economic
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TEMPORARY OUTDOOR DINING PERMIT GUIDELINES AND PROCEDURES

What is a Temporary Outdoor Dining Permit?

- a. The City of Los Banos Temporary Outdoor Dining Permit has been established in an effort to ensure that restaurants have the greatest ability to operate with safety and success through the Phase 2.5 and 3 of the recovery process. Restaurants with access to private sidewalks or private parking may utilize these areas for outdoor dining in accordance with guidelines published by California Department of Public Health.
- b. The review of a development proposal concerned with the following:
 - i. physical design
 - ii. sitting vehicular and pedestrian access and circulation
 - iii. parking
 - iv. signage
 - v. the interrelationship of these elements

Parking Lots

- a. With the consent of the property owner, up to 50% of off-site and on-site private parking spaces counted required parking stalls may be converted to outdoor dining space when the use is immediately adjacent to the subject property. The proposed converted use must comply with public safety standards, building access, and physical distancing requirements. No ADA parking stalls shall be used in part of the outdoor dining area.

Landscaping and required buffer areas for off-site parking spaces shall not be used as expanded outdoor dining area.

Public Right- of –Way

- a. The City of Los Banos is accepting Temporary Outdoor Dining Permits that allow restaurants to operate in designated portions of the public-right-of-way. These areas are limited to sidewalk areas, adjacent on-street parking spaces, and in alleys.

To participate in the temporary outdoor dining within the public-right-of-way, minimum ADA requirements must be met.

Sidewalks

General Requirements

Outdoor dining within the sidewalks and public right-of-way shall maintain:

- Adequate pedestrian flow of at least four (4) feet;
- Unobstructed access to public utilities, building entrances, crosswalks, bus stops and transit entrances;
- Pedestrian and traffic safety; and
- Aesthetic compatibility with the surrounding area.

Location requirements

1. The width of the extended outdoor premise is restricted as follows:
 - a. Shall not exceed the width of the sidewalk frontage of the applying property.
2. A clearly marked, unobstructed and durable pedestrian right-of-way, also known as a “pedestrian path”, that meets required accessibility standards, of no less than four (4) feet shall be maintained for each sidewalk outdoor dining area and shall adhere to the following standards:
 - a. The minimum distance of the pedestrian path shall be measured from the portion of the sidewalk dining boundary which is nearest either to the nearest curb or the nearest obstruction.
3. The pedestrian path shall maintain a minimum of four (4) feet from large obstructions. No tables, or chairs, umbrellas or other fixtures shall be permitted within four (4) feet of a pedestrian crosswalk or corner or curb cut. For the purposes of this section, large obstructions shall be bus stops shelters, newsstands, existing planters or any other object greater than fifteen (15) square feet in area.
4. Access to fire hydrants, fire hose connections for sprinkler systems, and entrances and exits of all buildings shall not be obstructed at any time by barriers or seating. The twenty (20) foot fire lane shall not be obstructed at any time. There shall be a minimum of forty (40) inches in distance separating the edge of the table or chair to a fire department connection.

Physical Modifications/ Signage; Lighting and Umbrellas

1. Appropriate lighting of the sidewalk dining space is required if operating after daylight hours.
2. Use of landscaping and planters as barriers is permissible, however these materials should not be permanently affixed to any public rights-of-way.
3. Use of removable barriers to define the sidewalk dining space is permissible.
4. No heating, cooking, or open flames are permitted in the sidewalk dining area. However, space heaters are permitted provided that 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.
5. No food preparation, food displays, food storage, or refrigeration apparatus shall be allowed on the public right-of-way.
6. Umbrellas and other decorative material shall be fire retardant, pressure treated or manufactured of fire-resistant material. No portion of an umbrella shall be less than six (6) feet, eight (8) inches in (eighty (80) inches above the sidewalk.

City of Los Banos Right to Clear Right-of-way

The City reserves the right to remove a sidewalk dining space that, (i) 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 health, safety or general public welfare of the public, (ii) a business violates the requirements of these Guidelines or State and Local Orders.

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, Any cost incurred by the City removal or storage of sidewalk tables, chairs and other equipment shall be the responsibility of the business. The City is not responsible for any damages or loss of equipment removed pursuant to this subsection.

On City Street (Parklets)

Temporary "Parklets" can be used by one or more businesses, and don't require streets to be closed. The City will be temporarily suspending certain codes and

permitting requirements for private use of on-street parking spaces within the public right-of-way, for uses consistent with the requirements in these guidelines.

It shall be the responsibility of the business to activate the spaces described in this section (parking lots, sidewalks, and streets) with temporary materials such as tables and chairs, umbrellas, and visual/ physical barrier materials as needed per site specific conditions. Maintenance (daily upkeep, litter cleanup, etc) associated with the business operations shall also be the responsibility of the business.

Alcoholic Beverages

Restaurants licensed by the State of California will be permitted to sell and allow on-site consumption of alcoholic beverages within expanded dining areas on private property, on immediately adjacent sidewalks, within parklets and dining areas that have been closed to traffic by the City of Los Banos. Establishments that serve alcoholic beverages in the outdoor dining area shall provide a physical barrier that meets the requirements of the Alcoholic Beverage Control Board (ABC). The applicant is responsible for managing these barriers and removing them when necessary.

Restaurants utilizing public rights-of-way for outdoor dining shall comply with the following closing times:

- Thursday through Saturday- close at 11:00 PM
- Sunday through Wednesday- close at 10:00 PM

Restaurants not currently permitted to sell alcohol will not be affected by this requirement.

Use of Tents or Shade Structures on Sidewalks, On-Street Parking Spaces, or Closed Street.

1. The following requirements shall apply to the use of tents or shade structures within public spaces:
 - a. The maximum size tents that may be placed within the sidewalks and parking spaces will be ten (10') foot by ten (10') foot.
 - b. No staking of tents is permitted in the public right-of-way.
 - c. All tent legs must be weighted on each leg and have a minimum of forty (40) pounds.
 - d. Weights must be securely attached to canopy roof and canopy leg separately.
 - i. Ropes and straps should be high quality.

- ii. Bungee or rubber straps are prohibited.
- e. Weights must be on the ground and not dangling.
- f. Weights and lines must not pose a hazard and be clearly visible.
- g. For maximum safety, tents should be secured as soon as they are put up, and brought down as soon as the weight is removed.
 - i. Do not leave unsecured tents unattended at any time.
- h. Heaters of any kind shall not be used under the tents or umbrellas.
- i. Smoking is prohibited under tents and shade structures.
- j. Tents must not have closed walls in place while open to the public, and all sides should be open for air flow.
- k. Items acceptable to be used to weighted anchors:
 - i. Five (5) gallon bucket full of water, sand, or concrete.
 - ii. Four (4") inches PVC pipe at least thirty-six (36") inches long filled with concrete.
 - iii. Large commercially available tent weights.
 - iv. Sandbags or salt bags forty (40) pounds or heavier.
 - v. Requirements for tents larger than ten (10') foot by ten (10') foot.
 - 1. Shall only be placed on private property or city parks (not sidewalks or streets).
 - 2. Must comply with IFIA (Industrial Fabrics Association International) Tent Book.
 - 3. Shall be inspected prior to occupancy by the Fire Chief.

Sanitation

1. The outdoor seating area shall be maintained free of trash and other debris.