



# TEMPORARY OUTDOOR DINING PERMIT

This permit is for the allowance of temporary outdoor dining only, in accordance with state orders and in the interest of allowing restaurants some relief due to circumstances caused by the COVID-19 virus. This following information provides the regulatory process required by the City of Seal Beach to allow temporary outdoor dining activity and locations. Additional requirements may be imposed by a County, State or Federal agency. The City will closely monitor government policy changes, Center of Disease Control (CDC) guidelines, government mandates, and Public Health directives and provide on-site and online support to businesses and property owners.

## OUTDOOR DINING/SEATING LOCATIONS:

- Public sidewalk space in front of a restaurant (Must maintain a 5-foot hardscape clearance for pedestrians).
- Private property (within a parking lot, private sidewalk or other acceptable site) in proximity to a building occupied by a restaurant.

## GENERAL REQUIREMENTS:

Prior to operation, a physical inspection of the outdoor dining area will be required. Temporary outdoor dining permits may be revoked at any time if the requirements herein or stated on the permit are not met or upheld during operation. The restaurant establishment is solely responsible for the arrangement or removal of all the physical elements within the outdoor dining area and restoration of the property to its existing condition upon the termination or expiration of this permit.

**Location:** The outdoor dining area must be set up in an area that can properly accommodate such a use and may not expand the width of the applicant restaurant's storefront/face; provided, however, that expansions beyond the restaurant storefront/face or property boundaries will be permitted if the affected adjacent property owner(s) consent in writing to this expansion. Extending in existing private parking areas will be considered on a case-by-case basis only if no other opportunities exist for providing outdoor dining. Should private parking areas be proposed, the outdoor dining areas shall not extend into existing drive aisles, fire lanes or fire access roadways. Vehicular and pedestrian circulation must be maintained. Dining tables shall be placed in a manner that observes at least six-foot social distance between groups of customers.

**ADA Access:** The outdoor dining area shall not interfere with access under the Americans with Disabilities Act. A minimum 5-foot clear hardscape unobstructed ADA access must be maintained on all public sidewalk/walkway areas.

**Perimeter:** If proposed on a public sidewalk, the dining area shall be defined by either temporary perimeter barriers (stations, planters, etc.) or by adhesive tape markings that can be removed when the temporary outdoor dining permit expires.

If proposed within existing private parking areas, temporary perimeter barriers shall surround the outdoor dining area and properly separate the dining activity from adjacent activities and pedestrian traffic. The barrier shall be removable and not exceed 36 inches in depth with the primary intent of the barrier being to provide protection to diners.

**Fixtures & Furnishings:** All tables, chairs, umbrellas, lighting and other accessories used in the outdoor dining area shall be removable, maintained in good visual appearance and condition at all times, and arranged within the perimeter barrier. Pop-up umbrellas must be secured to ensure safety. Fixtures and furniture placed on public sidewalks shall be secured or removed in order to prevent use

outside of permitted hours. The placement of tables and chairs shall adhere to all applicable social distancing requirements. Additional information can be found at <https://covid19.ca.gov/pdf/guidance-dine-in-restaurants.pdf>.

**Hours:** Unless hours of operation are expressly extended or restricted by the permit, hours of operation for outdoor uses on private property shall coincide with their normal hours of operation. Hours of operation for temporary outdoor dining on public sidewalks shall conclude at 10:00 p.m.

**Permit Duration:** Temporary Outdoor Dining Permits issued shall automatically expire thirty (30) days after the end of the Statewide Declaration of Public Health Emergency unless sooner terminated.

**Serving and Consumption of Alcohol:** Restaurants and food establishments licensed by the State of California will be permitted to sell and allow on-premise consumption of alcoholic beverages within expanded dining areas following approval of an ABC Temporary Catering Permit. A copy of the permit and verification of approval shall be furnished to the City of Seal Beach prior to providing service.

**Miscellaneous Items:**

- The temporary outdoor dining shall be an accessory use to the indoor dining facility.
- Appropriate lighting of the sidewalk dining/retail space is required if operating outside of daytime hours.
- No heating, cooking or open flames are permitted in the sidewalk dining/retail 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.
- No food preparation, plastic food displays, food storage, or refrigeration apparatus shall be allowed on the public right-of-way.
- 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 (eighty (80) inches) above the sidewalk.
- Temporary outdoor dining areas on public sidewalk shall not use glass or breakable dishes.
- Exit doors and pathways shall not be obstructed or impeded by temporary outdoor dining tables, chairs, umbrellas or other items associated with the outdoor dining.
- Signage associated with the temporary outdoor dining shall be identified with the permit.

*\* A full list of temporary outdoor dining operating standards are provided below.*

The City reserves the right to modify or 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 the health, safety or general welfare of the public (ii) a business violates the requirements of the temporary outdoor dining permit or State, County and Local orders.

The City may require the temporary or permanent removal of the sidewalk dining/retail 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 costs incurred by the City for 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.



TUP Number: \_\_\_\_\_  
**City of Seal Beach**  
211 8th Street, Seal Beach, CA 90740  
Phone (562)-431-2527  
Sealbeachca.gov

## APPLICATION FOR TEMPORARY OUTDOOR DINING PERMIT

Legal Name of Business			
Business Address	City	State	Zip
Business Owner's Name		Phone	Email

### 24-HOUR CONTACT INFORMATION:

Business Contact's Name and Position		Signature
Date	Phone (24-hour)	E-mail

### PERMISSION FROM PROPERTY OWNER:

Property Owner's Name	Property Owner Address	City/State/Zip	
Property Owner's Signature (confirming affidavit below)	Date	Phone	Email

PROPERTY OWNER'S AFFIDAVIT: I hereby certify under penalty of law that I am the owner of the above-referenced property and authorize the temporary outdoor restaurant operations as described herein.

Location of Temporary Outdoor Dining Area (check all that apply):

<input type="checkbox"/> Outdoor Operations	<input type="checkbox"/> Public Right of Way - sidewalk	<input type="checkbox"/> Private Parking Area
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Application is hereby made for a temporary permit to operate an outdoor dining area. I/We \_\_\_\_\_ (Name & Organization) hereby certify that the above information is complete and I/we will be responsible for adhering to all conditions of approval and providing all applicable permits and accessibility in accordance with standards set by State, Federal and local laws.

Signature of Applicant	Date
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## Site Plan Submittal Checklist

- ☐ Written permission and signature from property owner (*if applicable*).
- ☐ Copy of City of Seal Beach Business License.
- ☐ Copy of Approved COVID-19 Temporary Catering Authorization Application (*If applicable*).
- ☐ Executive summary of your business (scope of business).
- ☐ Site Plan with accurate, dimensioned, scaled drawings showing the business storefront, storefronts adjacent to the business, and the full sidewalk, street, and parking area in the proposed permit area. Size and font must be legible.
  - Delineate and dimension the area proposed for the permit.
  - Show and label all proposed furniture and appurtenances requested to be placed within the proposed permit area.
  - Provide north arrow, scale, street name, business address, and business name.

Community Development	Date: _____	Comments: _____
<input type="checkbox"/> Approved <input type="checkbox"/> Denied _____		_____
Planning	Date: _____	Comments: _____
<input type="checkbox"/> Approved <input type="checkbox"/> Denied _____		_____
Building: _____	Date: _____	Comments: _____
Public Works: _____	Date: _____	Comments: _____
		<input type="checkbox"/> Emailed
Police: _____	Date: _____	Comments: _____
		<input type="checkbox"/> Emailed
OCFA: _____	Date: _____	Comments: _____
		<input type="checkbox"/> Emailed
<input type="checkbox"/> Outdoor Operations	<input type="checkbox"/> Sidewalk Closures	<input type="checkbox"/> Parking Area Modification

**OUTDOOR OPERATING STANDARDS, please check ☒ next to each standard, indicating that they have been reviewed.**

- ☐ Permittee shall erect no permanent structure within the temporary outdoor dining area.
- ☐ Restaurants must be in good-standing with the City, have a valid business license, no pending health or code enforcement matters, and not be delinquent in the payment of any business license fees or taxes owed the City.
- ☐ No more than 50% of the combined indoor dining space occupant load of the restaurant shall be accommodated outside.
- ☐ Temporary outdoor dining areas within sidewalks and public rights-of-way shall at all times maintain adequate and unobstructed pedestrian flow of at least 5 feet, access to public utilities, crosswalks, bus stops, and other required entrances/exits, access to fire hydrants and fire hose connections.
- ☐ Fire lanes 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 provided upon issuance and before alcohol can be served in the temporary outdoor dining area.
- ☐ *All areas utilized for temporary outdoor dining must be made safe for dining* by using signage and/or barriers, and, when applicable, 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.
- ☐ Temporary outdoor dining areas within sidewalks and public rights-of-way shall delineate the dining area with tape, stations, planters or other devices that clearly represent the dining area consistent with the approved permit. Owner shall maintain at all times during use and ensure dining area does not exceed delineated area.
- ☐ No tents or canopies are allowed within outdoor dining areas without prior City approval.
- ☐ Temporary outdoor dining areas must maintain *ADA accessibility* into and within dining areas, and must ensure that fire and emergency exits at-all-times remain accessible and free from obstruction.
- ☐ Restaurants must operate temporary outdoor dining areas in compliance with all applicable *State and County Health Guidelines*, as well as any orders and guidance for restaurants issued by local health officers; as they 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, except temporary dining areas using public right of way shall close by no later than 10:00pm.*
- ☐ There shall be no permanent installations of chairs, tables, canopies, etc., within the public right-of-way.
- ☐ No food preparation, food displays, food storage, or refrigeration apparatus shall be allowed within the public right-of-way.
- ☐ Temporary outdoor dining shall be an accessory use to the indoor dining facility.
- ☐ Appropriate lighting of the temporary outdoor dining space is required if operating outside of daytime hours.
- ☐ No heating, cooking or open flames are permitted in the sidewalk dining/retail 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.
- ☐ Temporary outdoor dining areas must completely remove or secure all tables, chairs, and other equipment at the end of each business day so as to prevent use outside of business hours.
- ☐ Temporary outdoor dining areas shall be kept clean of all trash, debris, spills, etc. at all times during use.
- ☐ No utilities (overhead wiring/light fixtures, electrical cords, electrical outlets, etc.) will be allowed within the public right-of-way.

REFUSAL OR REVOCATION OF PERMIT: Violation of any provision of this permit, or any federal, state, county or local health regulations shall be grounds for revocation of the encroachment permit.

Signature of Applicant

Date

## SITE PLAN SUBMITTAL CHECKLIST

- ☐ Complete electronic set of the entire permit application package as defined in this document. *Hard copies may be requested by the City as needed.*
- ☐ Written permission and signature from property owner. *(If applicable)*
- ☐ Copy of Alcohol Beverage Control (ABC) COVID-19 TEMPORARY CATERING AUTHORIZATION APPLICATION. *(If applicable)*
- ☐ Site Plan with accurate, dimensioned, drawings showing the business storefront, storefronts adjacent to the business, and the full sidewalk, street, and parking area in the proposed permit area. Size and font must be legible.
  - Delineate and dimension the area proposed for the permit.
  - Show and label all proposed furniture and appurtenances requested to be placed within the proposed permit area.
  - Provide north arrow, scale, street name, business address, and business name.
  - Provide all property plans on plan.
- ☐ For public sidewalk or right-of-way use, complete ASSUMPTION OF RISK/RESPONSIBILITY document, including proof of insurance.

### How to Create a Site Plan

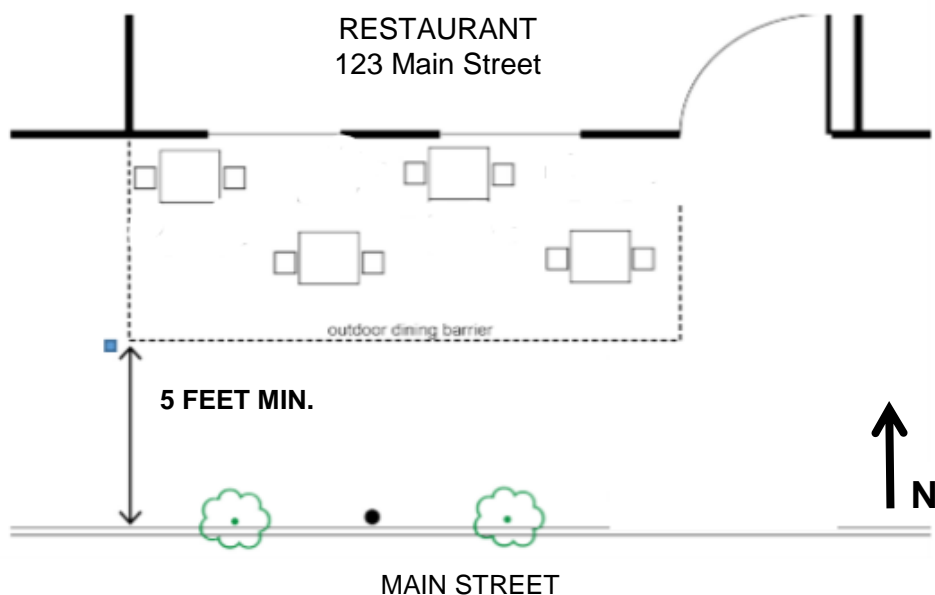
The following steps will help you create the needed site plan.

**Step 1.** Using Google Maps, take a screenshot of your business and the area immediately surrounding it. Make sure that the location of the restaurant can be determined from the image (i.e. Show a major street or landmark). Either print the image on a 8"x11" (or larger) paper or edit the image in Word, PowerPoint, Publisher, or Acrobat for clarity.

**Step 2.** Clearly outline the area which you wish to use for your outdoor dining area. Write in the dimensions of the proposed dining area and the width of the sidewalk (if the sidewalk is being used for dining)

**Step 3.** Show the locations of all tables which are to be used. Ensure that the tables have adequate space between them to allow for social distancing measures.

### SAMPLE SITE PLAN



## **ASSUMPTION OF RISK/RESPONSIBILITY**

*(complete for public sidewalks/right-of-way use)*

Owners and operators of any business operating in a temporary outdoor dining area 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 being issued a Temporary Outdoor Dining Permit Application, restaurants must agree to defend, indemnify, and hold the City harmless for any liabilities of any kind 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.

To the maximum extent permitted by law, \_\_\_\_\_ (“Permittee”) hereby knowingly assumes any risk and cost of operating pursuant to the Temporary Outdoor Dining Permit. Permittee shall defend, indemnify, and hold the City of Seal Beach, its officials, officers, employees, agents, and independent contractors serving the role of City of Seal Beach officials (collectively “Indemnitees”) free and harmless from any and all claims, demands, causes of action, costs, expenses, liabilities, losses, damages, or injuries, in law or equity, to government entities, property or persons, including wrongful death (collectively “Claims”) in any manner arising out of or incident to the Permittee’s use of the permitted Temporary Outdoor Dining Permit Area, including regarding any acts or omissions of Permittee or its employees or agents in connection with the temporary site use, operation, or maintenance of the Temporary Outdoor Dining Permit area, including without limitation the payment of all consequential damages, attorneys’ fees, and other related costs and expenses, except for such Claims arising solely out of the active negligence or willful misconduct of the Indemnitees. With respect to any and all such Claims, Permittee shall defend the Indemnitees at Permittee’s own cost, expense, and risk with counsel acceptable to the City and shall promptly pay and satisfy any judgment, award, or decree that may be rendered against the Indemnitees. Permittee shall reimburse indemnitees for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided. Permittee’s obligation to indemnify shall not be restricted to insurance proceeds, if any, received by Permittee or Indemnitees or insurance policy limits. All duties of Permittee in this paragraph shall survive termination or expiration of the Temporary Outdoor Dining Permit. The rights granted by the permit are not assignable. Permittee shall provide with this permit a photograph of the public right-of-way area of use (attached here-to as Exhibit A) and proof of insurance satisfying all requirements of Exhibit B attached hereto.

## **EXHIBIT A**

**Insert/Attach Picture of Encroachment Space**



## **Exhibit B**

### **Proof of Insurance**

#### **LIMITS OF NO LESS THAN:**

Commercial General Liability:   \$2,000,000 per limit claim (serving more than 500 persons/day)  
  \$1,000,000 per limit claim (serving less than 500 persons/day)  
  \$4M Aggregate

Workers Compensation (Statutory): \$1,000,000 (or Exempt because no employees)

Additional Insured Endorsement: The City must be named additional insured on the standard industry form (ACORD 25 form or similar) and an endorsement form using the following language: *“The City of Seal Beach, its officers, agents and employees are included as additional insured on all policies except Workers’ Compensation.”*

Endorsement must state that coverage is primary insurance. Insurer shall be admitted to do business in California and shall have a current AM Best rating of A-VII or better.

If alcohol is served: Full Liquor liability AND submission of an ABC liquor license Insurance Affording Coverage Including Insurer’s NAIC number on ACORD 25 form or similar.