

# TEMPORARY OUTDOOR EXPANSION PERMIT APPLICATION

The Temporary Outdoor Expansion Area for Social Distancing authorizes the use of property for service area that is adjacent to the subject property.

“Adjacent areas” include, but are not limited to:

- Outdoor areas that are accessible from the subject property but not currently permitted as service area;
- Outdoor areas under the control of the subject property owner/leasee and one or more other businesses;
- Parking lots;
- Sidewalks and other public thoroughfares that are closed to public access during the period of service;
- Other areas within close proximity to the subject property that are immediately accessible to the subject property owner/leasee, and that are secured by and under the control of the subject property owner/leasee, at the discretion of City staff.

**All Temporary Outdoor Expansion Areas must be clearly delineated and designed to fully comply with all California state COVID-19 Guidance. Please read the application below for additional requirements.**

**1. \_\_\_ TEMPORARY OUTDOOR EXPANSION PERMIT APPLICATION**

This form completed and signed by the Applicant, Business Owner, and Property Owner.

**2. \_\_\_ ENCROACHMENT PERMIT FOR OUTDOOR DINING**

This form completed and signed by the Applicant, Business Owner, and Property Owner, if expanding outdoor footprint into the public right-of-way.

**3. \_\_\_ SITE PLAN OF TEMPORARY OUTDOOR EXPANSION AREA DIAGRAM**

- Show lot dimensions of the outdoor area, including adjacent buildings, streets, sidewalks, tree wells, and permanent structures.
- Site plan should include any existing and approved outdoor dining areas, and the proposed temporary outdoor expansion area, including all seating and pickup/ take out queuing areas. Designate separate food delivery pick up zone if applicable.
- Show location of all temporary structures, including staff stations, utensil and hand washing stations, temporary barriers, shade structures, trash cans and recycling bins, valet stand, etc.
- Show the dimensions and type of barrier used to delineate the temporary outdoor dining service area. Paths of travel shall be a minimum of an unobstructed 4 feet to accommodate ADA accessibility.

**TEMPORARY OUTDOOR EXPANSION PERMIT APPLICATION**

**GENERAL INFORMATION**

**PROPERTY ADDRESS:** \_\_\_\_\_

**DEVELOPMENT TYPE:** SINGLE BUILDING      MULTI-TENANT      OTHER:

**Unit #.** \_\_\_\_\_      **APN:** \_\_\_\_\_

**BUSINESS NAME:** \_\_\_\_\_

**BUSINESS ADDRESS:** \_\_\_\_\_

**CITY:** \_\_\_\_\_ **STATE:** \_\_\_\_\_ **ZIP:** \_\_\_\_\_

**BUSINESS PHONE:** \_\_\_\_\_ **BUSINESS EMAIL:** \_\_\_\_\_

**APPLICANT / CONTACT:** \_\_\_\_\_

**APPLICANT ADDRESS:** \_\_\_\_\_

**CITY:** \_\_\_\_\_ **STATE:** \_\_\_\_\_ **ZIP:** \_\_\_\_\_

**APPLICANT PHONE:** \_\_\_\_\_ **APPLICANT EMAIL:** \_\_\_\_\_

**PROPERTY OWNER:** \_\_\_\_\_

**COVID-19 OPERATIONAL POINT PERSON:** \_\_\_\_\_

(Should match LA County Public Health Reopening Protocol)

**PHONE:** \_\_\_\_\_ **EMAIL:** \_\_\_\_\_

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## **BUSINESS INFORMATION**

**BUSINESS TYPE:** \_\_\_ BAR \_\_\_ DINE-IN RESTAURANT

**HOURS OF OPERATION:** \_\_\_\_\_

**ALCOHOL:** \_\_\_ NONE \_\_\_ ON-SITE CONSUMPTION

### **CUSTOMER QUEUEING AREAS\*:**

- DOES THIS BUSINESS OFFER CURBSIDE PICKUP/ TAKEOUT? \_\_\_ **YES** \_\_\_ **NO**
- DOES THIS BUSINESS TAKE RESERVATIONS? \_\_\_ **YES** \_\_\_ **NO**
- DOES THIS BUSINESS DELIVER? \_\_\_ **YES** \_\_\_ **NO**

If "Yes" was selected for any of the questions above, please ensure that there is a space(s) designated for customer/ delivery person queueing and that space is included in the total service area calculation.

### **PROPOSED PROJECT DESCRIPTION (PROVIDE ADDITIONAL PAGES IF NECESSARY):**

#### **1. DESCRIBE THE PROPOSED TEMPORARY OUTDOOR EXPANSION AREA:**

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Submit a site plan indicating where the outdoor expansion is located. If you plan to use the sidewalk and/or parking please indicate what design scenario (Exhibit B) you intend to use.

#### **2. PROPOSED TEMPORARY OUTDOOR EXPANSION AREA:**

**OUTDOOR SQUARE FOOTAGE:** \_\_\_\_\_ SQ. FT.

#### **3. TEMPORARY STRUCTURES:**

TEMPORARY BARRIERS (#) \_\_\_\_\_ (TYPE): \_\_\_\_\_ (HEIGHT): \_\_\_\_\_

TEMPORARY FREE STANDING UMBRELLAS (#) \_\_\_\_\_ (HEIGHT): \_\_\_\_\_

OTHER TEMPORARY STRUCTURES: (DESCRIBE NUMBER AND SIZE): \_\_\_\_\_

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TEMPORARY LIGHTING: \_\_\_ No \_\_\_ Yes, describe: \_\_\_\_\_

#### **4. ON-STREET PARKING SPACES IMPACTED: \_\_\_ No \_\_\_ Yes, Number of Spaces: \_\_\_\_\_**

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5. **OFF-STREET PARKING SPACES IMPACTED:** \_\_\_\_ No \_\_\_\_ Yes, Number of Spaces: \_\_\_\_\_

## **INDEMNIFICATION CLAUSE**

The applicant, property owners, and their successors in interest, shall hold the City of West Hollywood, its officers, agents, and employees free and harmless from any claims for damages to persons or property including legal fees and costs of defending any actions or suits thereon, including appeals therefrom, which may result from granting this permit.

**PROPERTY OWNER SIGNATURE:** \_\_\_\_\_

**PROPERTY OWNER NAME (PRINT):** \_\_\_\_\_

**DATE:** \_\_\_\_\_

## **APPLICANT STATEMENT**

I certify that I am presently the legal owner of the above-described business. Further, I acknowledge the filing of this application and certify that all of the information on the application is true and correct. I grant permission to the City to conduct site visits necessary to investigate the proposed project. (If the undersigned is different from the legal property owner, then a letter of authorization must accompany this form.) I agree to comply with these regulations and any other local, state, and federal regulation that my relation to this proposed business.

**APPLICANT SIGNATURE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

## **CONDITIONS OF APPROVAL**

1. The approval of this Temporary Outdoor Expansion Application is for the use described in the application, no development is permitted as part of this approval.
2. Encroachment Permit
  - a. Prior to operation of the expanded outdoor area, an encroachment permit must be obtained from the Department of Public Works.
3. Noise
  - a. Must comply with noise ordinance and all noise related conditions of existing approvals.

## TEMPORARY OUTDOOR EXPANSION PERMIT APPLICATION

- b. All noise is subject to West Hollywood's Noise Ordinance found in WHMC 9.08.050. The project applicant and property owner acknowledge receipt of the City's Noise Ordinance and agree to comply with the provisions at all times. Violation of the Noise Ordinance shall be cause for revocation of the permit and may result in denial of permits requested for the subject property in the future.
  - c. If any agent of the City requests that the noise level be reduced, applicant shall ensure immediate compliance.
  - d. Noise shall not be plainly audible at a distance of five feet of any residential dwelling unit after 10:00 p.m.
- 4. Parking and Access**
- a. Emergency access to the site for first responders shall be maintained at all times.
  - b. A minimum of one opening shall be provided on the enclosure on the public sidewalk side of the space. Enclosed outdoor areas shall maintain an opening of 48" minimum. Access openings shall be kept clear of furnishings. Gates, while not preferred, shall not open outwards into path of travel or walk zone.
  - c. Fire Code compliance is required for egress purposes within the permit area.
  - d. Any obstructions on a sidewalk must permit at least 4' of unobstructed area of walk zone.
  - e. Permit areas shall not enclose or make any utility access points inaccessible.
- 5. Temporary Structures and Structure Placement**
- a. Shade structures are limited to free-standing umbrellas which shall be ground-mounted and shall not be attached to the building (per Fire Code requirements, and Building Code, as applicable).
  - b. All materials and structures should be easily movable and temporary.
- 6. General**
- a. Approval of this Temporary Outdoor Expansion permit does not eliminate the need for other permits, licenses, or certificates required. Additional permits may include, but not be limited to Encroachment Permit, Alcohol Beverage Control COVID-19 Temporary Catering Authorization Application (Form ABC-218 CV19) , LA County Fire Dept., and LA County Dept. of Public Health (food), and any other regulation.
  - b. This permit shall be kept on site and produced to any agent or employee of the City of West Hollywood on request. Applicant shall not deviate from this permit without prior written approval.
  - c. All operations and service conducted within the Temporary Outdoor Expansion Area will be consistent and in accordance with CA Department of Public Health and Los Angeles County Department of Public Health codes and requirements.
  - d. An approved worksite-specific COVID-19 prevention plan will be posted at the Temporary Outdoor Expansion Area at all time.
- 7. Termination**
- a. This approval may be terminated for any of the following reasons:

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- i. For any violation of the ABC Act, or for violation of other applicable laws, rules, ordinances, and other directives pertaining to business activities conducted on the premises and temporary outdoor expansion area;
  - ii. If operation of the temporarily authorized area is inconsistent with State or local public health directives, including social distancing directives or guidance; or
  - iii. If in the discretion of the Department continuance of the temporary authorization will negatively impact the public's health, safety, or welfare.
- b. Upon notification, termination of this approval will require the removal of all structures in the Temporary Outdoor Expansion Area within no more than 72 hours.
- i. Notice of violation of the outdoor design standards or standards of operation shall be made in writing to the Permittee by any Code Enforcement Officer, Sherriff Department Official, or Fire Department Official of the City. The Permittee shall immediately cure the violation upon receipt of notice. If the violation is not cured within thirty (30) minutes after issuance of the notice to the Permittee, unless otherwise specified, the Director may suspend or revoke the Encroachment Permit and the Temporary Outdoor Expansion Permit. Permittee may otherwise be subject to administrative citations failing to comply with the notice of violation.
  - ii. In the case of non-compliance with conditions of approval, substantial difficulties resulting from the Temporary Outdoor Expansion Permit issuance, or other unforeseen problems with the Temporary Outdoor Expansion Permit, the Planning and Development Services Director has the right to reevaluate the permit or its conditions of approval; and, if the Temporary Outdoor Expansion Permit has created impacts to the neighborhood or area surrounding the restaurant, or Sherriff or Code Enforcement problems, the Temporary Permit may be revoked.

### 8. Special Conditions:

- a. \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

# TEMPORARY OUTDOOR EXPANSION PERMIT APPLICATION

## ACCEPTANCE OF CONDITIONS AFFIDAVIT

The undersigned applicant(s) and property owner(s) acknowledge and agree to abide by all terms and conditions of Temporary Outdoor Expansion Permit Application Number \_\_\_\_\_ for the business located at \_\_\_\_\_.

\_\_\_\_\_

Date Signature of Applicant

\_\_\_\_\_

Print Applicant's Name

\_\_\_\_\_

Date Signature of Property Owner/Manager

\_\_\_\_\_

Print Property Owner/ Manager's Name

**EXHIBIT A**  
**TEMPORARY OUTDOOR EXPANSION DESIGN**  
**AND OPERATIONAL STANDARDS**

**I. INTRODUCTION**

- A. The Temporary Outdoor Expansion Design and Operational Standards are adopted pursuant to Urgency Ordinance 20-1106U in order to establish specific design and operational criteria for temporary outdoor expansion on public and private areas.
- B. An outdoor dining area is a place on both public and private property adjacent or near a business, including but not limited to the public sidewalk, public right-of-way, public parking spaces, public metered parking spaces, private parking stalls, or other private areas, where patrons may consume food and/or beverages provided by an adjacent and nearby food service establishment.
- C. Establishments serving alcoholic beverages that apply for a Temporary Outdoor Expansion Permit shall meet the additional requirements of the State of California Alcohol Beverage Control Board ABC-218 CV19 and any subsequent requirements.
- D. These standards and procedures regulate the design and operation of temporary outdoor expansion areas associated with existing businesses. However, they do not provide information on all the government agency requirements for starting a new restaurant or expanding an existing one. Business owners must secure the appropriate licenses and permits from the State Alcohol Beverage Control Board, Los Angeles County Health Department, the City of West Hollywood Planning and Development Services Department and Public Works Department.
- E. Approved Temporary Outdoor Expansion Permits shall be effective for the duration of the Urgency Ordinance 20-1106U.
- F. These regulations apply to outdoor dining on private property and the public right-of-way.

**II. APPLICATION PROCEDURE**

- A. An application for a Temporary Outdoor Expansion Permit shall be obtained from and submitted to the Planning and Development Services Department. Submittal requirements include a site plan drawn to scale to delineate the proposed outdoor area and the layout of furnishings and allowable



amenities, as well as any other requirements outlined in the Temporary Outdoor Expansion application form.

- B. An encroachment permit shall be required for outdoor areas in the public right-of-way. Proof of Certificate of liability insurance shall be provided to the Public Works Department, with the City of West Hollywood named as Additionally Insured, prior to issuance of an encroachment permit as follows:
  - i. Per WHMC 11.28.080, the applicant shall, at its own cost and expense, procure and maintain in force policies of comprehensive public liability insurance in a combined single limit amount of at least one million dollars (\$1,000,000.00) covering the applicant's operations on the sidewalk. Such insurance shall be procured from an insurer authorized to do business in California, shall be subject to the approval in writing of the city, shall provide primary and not excessive coverage, shall name the city, its officers and employees, and the property owner as additional insureds and shall contain provisions that prohibit cancellation, modification, or lapse without thirty days' prior written notice to the city.
  - ii. In addition, the applicant shall procure and maintain in force Worker's Compensation insurance with statutory limits, and employer's liability insurance with limits of not less than one million dollars (\$1,000,000.00) per accident.
- C. If the food establishment has an existing license from the California Department of Alcohol Beverage Control (ABC), the food establishment must obtain a temporary permit from both the City of West Hollywood and ABC. Applicants shall adhere to ABC conditions of approval prior to serving alcohol.
- D. Temporary signage may be included as part of outdoor dining areas.

### III. OUTDOOR DINING SITES

- A. The outdoor dining area shall be permitted on public and/or private property, including the public right way, sidewalks, public street parking, parking areas or other private property located near or in close proximity to the business. If the business has on-site parking, the private parking may be used for outdoor dining/seating. Parking does not need to be added or replaced.
- B. The final location and configuration of the outdoor dining area shall be subject to approval by the Director of the Planning and Development Services Department, who shall consider public safety issues and maintenance of

minimum clearances to comply with ADA requirements and the safety and convenience of pedestrians and customers.

#### IV. DESIGN STANDARDS

- A. Establishments that serve alcoholic beverages in the outdoor dining area shall provide a physical barrier that satisfies these Standards and of the Alcohol Beverage Control Board if alcohol is to be served.
- B. Barriers shall conform to the Public Works Director's installation standards and be removable. Barriers need not be removed each evening, but shall be capable of being removed; if imbedded into the pavement they must be fixed through the use of recessed sleeves and posts, otherwise by wheels that can be locked into place or weighted in place.
- C. No additional parking shall be required for the outdoor dining.

#### V. STANDARDS OF OPERATION

- A. Restaurant management is responsible for operating and maintaining the outdoor dining area and shall not delegate or assign that responsibility. Outdoor dining areas shall be continuously supervised by management to ensure social distancing guidelines are being met.
- B. Outdoor dining areas are limited to dine-in customers being served from the restaurant (i.e. they cannot be destinations for take-out food and beverages). Alcohol can only be served to customers in conjunction with a food order.
- C. Restaurant management shall keep the outdoor dining area clear of litter, food scraps, and soiled dishes and utensils at all times. Trash receptacles shall be provided in outdoor dining areas used for consuming take-out items.
- D. At the end of each business day, establishments are required to clean (sweep and wash) the area in and around the outdoor dining area and remove the debris to a closed receptacle. No debris shall be swept, washed, or blown into the sidewalk, gutter or street in conformance with the City's storm water quality regulations.
- E. Upon termination of the Outdoor Dining Encroachment Permit, the Permittee shall immediately remove the barriers around the outdoor dining area, return the sidewalk to its original condition, and remove all personal property, furnishings, and equipment from the sidewalk. Any personal property remaining on the premises shall be removed pursuant to the laws of the State of California.

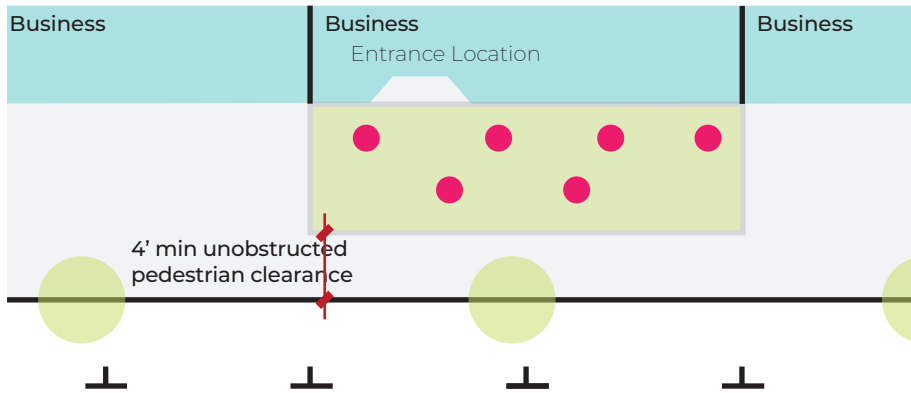
- F. The allowable hours of operation are 8:00 a.m. to 10:00 p. m., per the City's Noise Ordinance (WHMC 9.08.050). Restricted hours may be applied if the outdoor dining is located immediately adjacent to residential uses. Outdoor amplification of music is not permitted.

VI. ENFORCEMENT OF REVOCABLE PERMIT

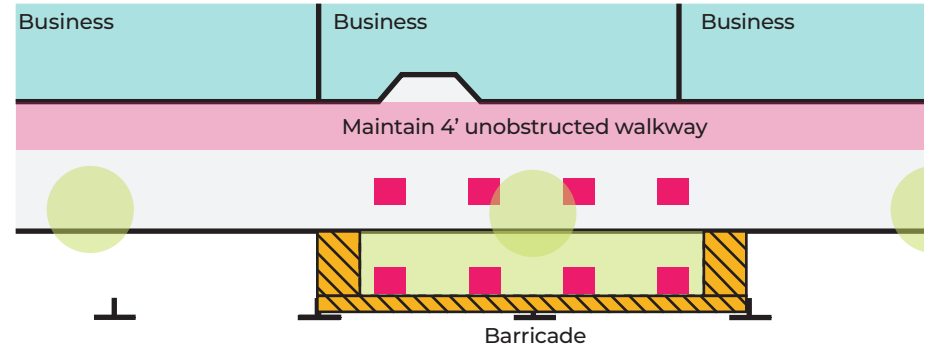
- A. Notice of violation of the outdoor design standards or standards of operation shall be made in writing to the Permittee by any Code Enforcement Officer, Sherriff Department Official, or Fire Department Official of the City. The Permittee shall immediately cure the violation upon receipt of notice. If the violation is not cured within thirty (30) minutes after issuance of the notice to the Permittee, unless otherwise specified, the Director may suspend or revoke the Encroachment Permit and the Temporary Outdoor Expansion Permit. Permittee may otherwise be subject to administrative citations failing to comply with the notice of violation.
- B. In the case of non-compliance with conditions of approval, substantial difficulties resulting from the Temporary Outdoor Expansion Permit issuance, or other unforeseen problems with the Temporary Outdoor Expansion Permit, the Planning and Development Services Director has the right to reevaluate the permit or its conditions of approval; and, if the Temporary Outdoor Expansion Permit has created impacts to the neighborhood or area surrounding the restaurant, or Sherriff or Code Enforcement problems, the Temporary Permit may be revoked.

EXHIBIT B - Temporary Street Cafe - On-Street Parking/ Sidewalk Scenarios

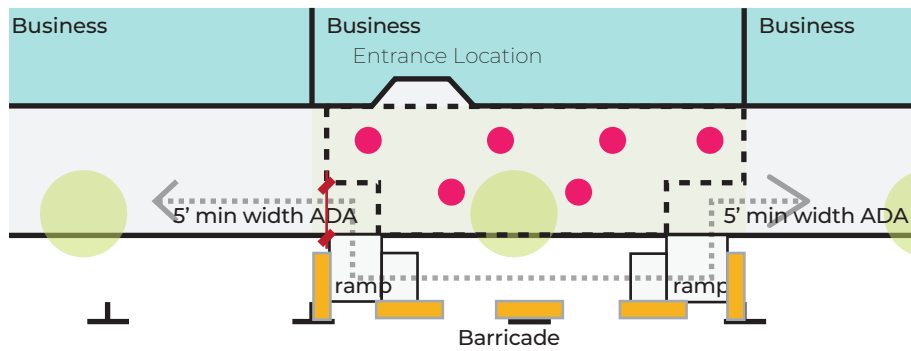
A - Sidewalk only (for wide sidewalk zones)



B - Traditional Parklet



C - Pedestrian Ramp Scenario



D - Pedestrian Deck Scenario

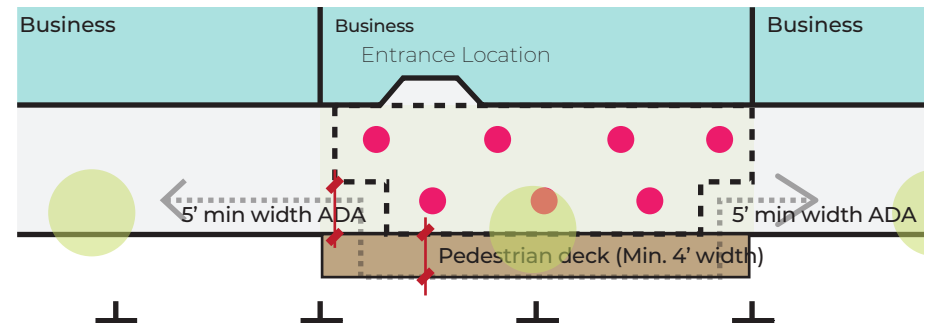
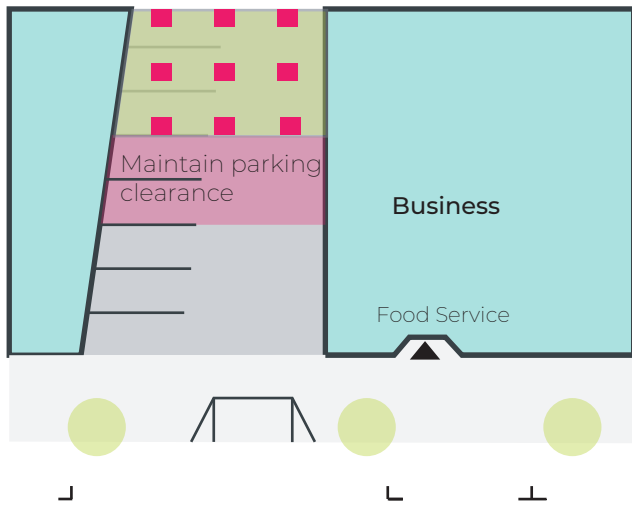
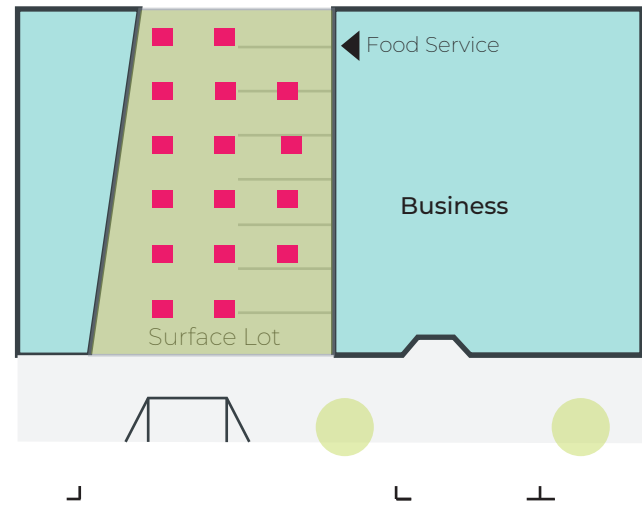


EXHIBIT B - Temporary Street Cafe - Private Surface Parking Lot Scenarios

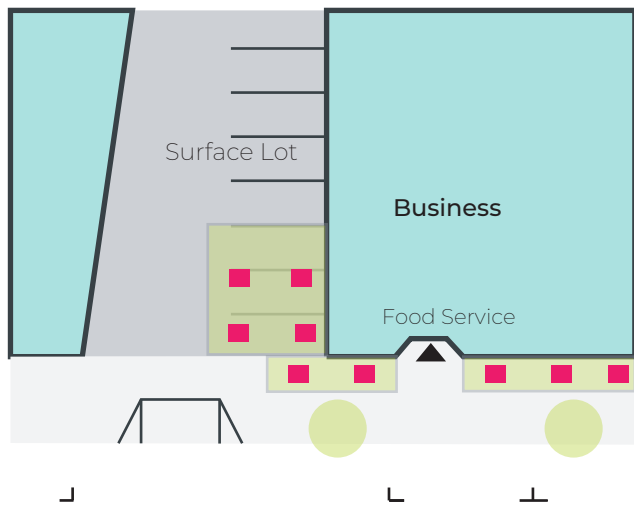
A - Partial Use



B - Full Use



C - Partial Sidewalk/ parking lot combo



D - Side and Rear Lot Combo

