EXHIBIT A (RESTAURANTS) TEMPORARY OUTDOOR EXPANSION PERMIT DESIGN AND OPERATIONAL STANDARDS

I. INTRODUCTION

- A. The Temporary Outdoor Expansion Design and Operational Standards are adopted pursuant to Urgency Ordinance 20-1106U and further amended through Urgency Ordinance 20-1110U 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, on-street parking spaces in permitted areas, 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 may be effective only for the duration of the Urgency Ordinance 20-1106U as amended through Urgency Ordinance 20-1110U.
- 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, on- street parking spaces in permitted areas, 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.

- i. Use of on-street curbside parking spaces shall be limited to commercial businesses with store frontages on residential streets.
 Businesses that have an existing parklet may not expand the existing parklet to include additional adjacent on-street parking spaces.
- 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. All structures, barriers, and/or equipment shall be temporary in nature. Establishments that serve alcoholic beverages in the outdoor dining area shall provide a temporary, removable 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. Restaurants on property abutting or adjacent to commercially zoned property are permitted to operate in the permitted outdoor expansion area from 8:00 A.M. to 12:00 A.M., Sunday through Thursday, and from 8:00 A.M. to 1:00 A.M., Friday and Saturday. Restaurants on property abutting, adjacent to, or across an alley from residentially zoned property are permitted to operate in the permitted outdoor expansion area from 8:00 A.M. to 11:00 P.M. Monday through Sunday.

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 or manager or other representative of business by any Code Enforcement Officer, Sherriff Department Official, or Fire Department Official of the City. The Permittee or manager or other representative of business 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 or manager or representative of business, unless otherwise specified, the Director may suspend or revoke the Encroachment Permit and the Temporary Outdoor Expansion Permit. Permittee or representative of business 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.
- C. This is a revocable permit that is intended to allow business expansion for social distancing in a manner that does not cause disturbances to surrounding properties. In the case where the activity is endangering jeopardizing, or otherwise constituting a menace to the public convenience, health, interest, safety, or the general welfare of persons residing or working in the vicinity of the proposed use, the Director of Planning and Development Services may revoke the Temporary Outdoor Expansion Permit.