



**City of Riverside  
Temporary Outdoor Flex Space Permit Program  
for Restaurants**

**Guidelines and Procedures**

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**Temporary Outdoor Flex Space Permit Program for Restaurants**

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## Temporary Outdoor Flex Space Permit Program for Restaurants

### I. Program Overview

In anticipation of Riverside County moving ahead into Recovery Stage 2 per the State’s Resilience Roadmap, the City of Riverside has developed a program to allow outdoor dine-in restaurants in the public rights-of-way and on private land while adhering to public safety and physical distancing requirements. This program only applies to businesses identified by the State of California as “lower risk businesses.” For more information visit <https://covid19.ca.gov/roadmap/#stage-2>

To promote public safety, the following shall be applicable to all outdoor dine-in restaurants that anticipate utilizing the Temporary Outdoor Flex Space Permit. All outdoor dine-in restaurants that use the Temporary Outdoor Flex Space Permit Program must follow the guidance in the COVID-19 Industry Guidance for Dine-In Restaurants found here: <https://covid19.ca.gov/pdf/guidance-dine-in-restaurants.pdf>.

The City of Riverside’s Temporary Outdoor Flex Space Permit Program has been established to ensure businesses have the greatest ability to operate successfully through Stage 2 and 3 of the State’s Resilience Roadmap. The following four Temporary Outdoor Flex Space Permit categories have been identified:

**A. Category 1 – Outdoor dining on private property with no potential conflicts with pedestrian and vehicular activity**

On private property, outdoor dining may occur where vehicular activity does not occur and the dining area does not reduce, impede or eliminate any exiting from buildings or fire access required on site. Proposed outdoor dining on private property shall provide an accessible route to the outdoor dining space and provide accessible seating as required by law.

A self-certification by the dine-in restaurant must be provided to the City with a complete application, photos and a site plan or map clearly depicting the dining area in accordance with the Category 1 Self Certification Checklist

The dine-in restaurant may start serving customers immediately upon submittal to the City. The City reserves the right to audit the submission of any application to ensure compliance as required to maintain health, safety and accessibility.

**B. Category 2- Outdoor dining on public sidewalk/plazas with no potential conflicts with pedestrian and vehicular activity**

Outdoor dining with access to sidewalks/plazas including, but not limited to the Main Street Pedestrian Mall, where there is no potential conflict with pedestrians or vehicular activity, may be established with City or property owner consent in accordance with guidelines published by California Department of Public Health.

A determination for approval/denial or the need for modifications will be made within 2 business days from the date of complete application submittal.

**C. Category 3 – Outdoor dining that may otherwise be designated for vehicular use such as private alleys, private parking spaces, or private parking lots**

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With property owner consent, private parking spaces, as required with any entitlement, may be converted to outdoor dining, when the parking lot is located on the same parcel. The proposed conversion must comply with public safety standards for emergency rescue, fire access, building ingress/egress including disabled access, and physical distancing requirements. Additionally, no accessible parking or route of travel for disabled persons may be repurposed for outdoor dining use. In some cases, the drive aisle may be used if approved by the City.

Landscaping and required buffer areas for the off-site parking spaces, shall not be used as expanded converted use for outdoor dining. There shall be no parking required for outside seating in these areas.

A determination for approval/denial or the need for modifications will be made within 7 business days from the date of complete application submittal.

### D. **Category 4 – Outdoor dining on City roadways, alleyways and rights-of-way**

Outdoor dine-in restaurants may expand operating space in designated portions of the public rights-of-way. These include City roadways, alleyways and rights-of-way having a posted speed limit of 35 miles-per-hour (mph) or lower. The proposed use of the public right-of-way shall ensure ADA pedestrian paths are maintained, review impacted utilities, and assess impacts to metered parking stalls, bike lanes, bus stops, travel lanes, and other roadway amenities.

For use of parking spaces within the right-of-way, without a full road closure, City's Temporary Parklet Program shall apply.

A determination for approval/denial or the need for modifications will be made within 14 business days from the date of complete application submittal.

## II. **Requirements**

To obtain a Temporary Outdoor Flex Space Permit:

1. All minimum disabled access standards in accordance with state law and the Americans with Disability Acts (ADA) must be met.
2. All fire access and exit discharge to the public way shall be maintained at all times, including, but not limited to Fire Department connections and control valves, fire extinguishers, fire sprinkler risers, hydrants and fire lanes.
3. For any outdoor dining on publicly owned lands, each establishment must provide a General Liability Insurance Certificate providing evidence of general liability insurance coverage in the minimum amount of \$1,000,000 combined single limit, \$2,000,000 aggregate AND an additional insured endorsement naming the City of Riverside, its officers, employees and agents' as additional insured. \$1,000,000 Liquor Liability if the event is selling alcohol. \$1,000,000 Liquor Host if the event is distributing alcohol at no charge. This document must be submitted with the application for the Temporary Outdoor Flex Space Permit.

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4. No more than 50% of the combined indoor dining space occupant load of the restaurant shall be accommodated outside.
5. Outdoor Dining Elements and Features
  - a) Outdoor dining activities shall:
    - (1) Maintain adequate pedestrian separation of at least 6 (six) feet;
    - (2) Maintain unobstructed access to public utilities, building entrances and exits, crosswalks, bus stops and transit entrances;
    - (3) Maintain pedestrian and traffic safety;
    - (4) Support aesthetic compatibility with surrounding area; and
    - (5) Be undesignated and allow local restaurant and business patrons to utilize Main Street Pedestrian Mall tables and seating area on a first come, first served basis
  - b) The width of the extended outdoor dining is restricted as follows:
    - (1) Shall not exceed the width of any sidewalk frontage of the applying property.
    - (2) Applicants may coordinate together, extending their premise in a joint application without exceeding the maximum outdoor occupancy limits as required by this policy.
  - c) A clearly marked, unobstructed, and durable pedestrian path, that meets required accessibility standards, of no less than six (6) feet, shall be maintained for each sidewalk outdoor dining and shall adhere to the following standards:
    - (1) The path can be taped, cordoned or signed to clearly show the path.
    - (2) The minimum distance of the pedestrian path shall be measured from the portion of the sidewalk outdoor dining boundary which is nearest either the nearest curb or the nearest obstruction.
    - (3) Sidewalk outdoor dining shall maintain a clearance of six (6) feet around the corners of other sidewalk outdoor dining measured in radius.
  - d) Pedestrian Access
    - (1) No tables, or chairs, umbrellas or other fixtures shall be permitted within six (6) feet of a pedestrian crosswalk or corner curb cut.
    - (2) 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.
    - (3) A minimum, clear and unobstructed twenty (20) feet fire lane shall be maintained at all times.
    - (4) There shall be a minimum of forty (40) inches in distance separating the edge of a table or chair to a fire department connection.

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- e) Signage
  - (1) Signage shall be placed on the restaurant premises informing customers that, with proper State of California Alcohol Beverage Control permits:
    - (a) Any alcohol purchased for consumption in the outdoor flex space, must be consumed within the designated and barriered area.
    - (b) Any alcohol purchased to go, must be taken from the restaurant in a closed container.
  - (2) Any signage within the public right-of-way cannot contain advertising, branding and the like.
- f) Lighting
  - (1) Appropriate lighting of the sidewalk dining space is required if operating outside of daytime hours.
  - (2) When visible from the adjacent roadway, lighting shall be steady-state, and not 'blink' or 'flash'.
- g) Barriers
  - (1) Use of landscaping and planters is permissible, however these materials should not be permanently affixed to any public rights-of-way.
  - (2) Use of removable barriers to define the sidewalk dining space is permissible.
- h) Food Preparation
  - (1) No cooking or open flames are permitted in the outdoor dining area.
  - (2) No food preparation, plastic food displays, food storage, or refrigeration apparatus shall be allowed on the public right-of-way.
- i) Umbrellas
  - (1) Umbrellas shall be secured, fire-retardant, pressure-treated and/or manufactured of fire-resistant material.
  - (2) No portion of an umbrella shall be less than six (6) feet, eight (8) inches (eighty (80) inches) above the sidewalk.
- j) Tents and Membrane Structures shall obtain pre-requisite permits as required by the City.
- k) Raised Elements
  - (1) Any raised element shall not obstruct visibility of an existing roadway sign or traffic signal.
  - (2) Raised elements of outdoor dining shall not obstruct sight distance at intersections and driveways
- l) Each outdoor dining shall be responsible for trash removal and clean-up in all

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cases.

- m) All Category 4 applications, in addition to all applications necessitating traffic control or pedestrian detours within the public right of way, may be required to comply with criteria generally reserved for Encroachment Permits and/or Street Opening Permits as deemed appropriate by the Public Works Department, including but not limited to: performance of work by a CA Contractor holding an appropriate and valid license and submittal of traffic control plans.

### III. Cost and Expiration

- A. There is no initial cost for the initial Temporary Outdoor Flex Space Permit.
- B. All Temporary Outdoor Flex Space Permits shall expire ninety (90) days from issuance or until the end of the Emergency Declaration, whichever is greater.
- C. Temporary Outdoor Flex Space Permits may be extended up to ninety (90) with an extension application submitted per the requirements above or until the end of the Emergency Declaration.

### IV. Removal of Outdoor Dine-In Restaurants

- A. The City reserves the right to remove a sidewalk dining/retail space that:
  - 1. 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; or
  - 2. A business violates the requirements of the Temporary Outdoor Flex Space Permits Program or Federal, State and Local orders.
- B. 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.
- C. 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.

### V. County Health Department

All outdoor dining shall meet County Health Department requirements.

### VI. Alcoholic Beverages

- A. Restaurants and food establishments licensed by the State of California Alcohol Beverage Control will be permitted to sell and allow on-premise consumption of alcoholic beverages within expanded outdoor dining on private property, on immediately adjacent sidewalks, within parklets and outdoor dining that have been closed to traffic by the City of Riverside.

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- B. The proper permit is required from the State of California Alcohol Beverage Control to sell alcohol beverages on the outdoor dining.
- C. 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.
- D. The applicant is responsible for managing these barriers and removing them when necessary.
- E. Outdoor dine-in restaurants using public rights-of-way for outdoor dining shall comply with the following closing times:
  - 1. Thursday through Saturday – close at 11:00 PM
  - 2. Sunday through Wednesday – close at 10:00 PM
- F. Dine-in restaurants not currently permitted to sell alcohol will not be affected by this requirement.