

# OUTDOOR DINING PROGRAM PACKET

## PART 1

**INSTRUCTIONS:** Please follow these instructions upon submittal of the following application packet and consistent with the requirements of the Downtown Zoning Code.

Prior to submitting an application, it is advised that the business owner consult with the City of Ukiah Public Works Department regarding the location of utilities, fire hydrants, etc. Due to utility location and emergency vehicle clearance, not all locations may be appropriate for the Outdoor Dining Program.

Outdoor Dining structures shall not obstruct stormwater runoff and must be readily removable for maintenance of pavement, sidewalk, curb, gutter and utilities.

An application for Outdoor Dining shall include the following:

1. A completed and signed general application and encroachment permit application.
2. Five (5) copies of a dimensional site plan (drawn to scale) that includes the following (maximum size 24" x 36")
  - A. Address
  - B. The underlying right-of-way and parking spaces and the location of items adjacent to the use area.
  - C. An outline of the area proposed for outdoor dining facility and the location of any existing and adjacent outdoor dining uses.
  - D. The proposed layout of all use furnishings, including, but not limited to, tables, chairs, umbrellas, heaters, planters, fencing, signage, etc.
  - E. The proposed electrical connections to serve the use – if electrical service is requested.
  - F. The proposed circulation to and from the outdoor dining use and the associated business, general pedestrian circulation, and building ingress/egress.
  - G. Location of all buildings and structures adjacent to the outdoor dining use, including the building proposing the use.
  - H. Location, type and height of any barriers surrounding the outdoor dining use.
  - I. Line of sight from indoor dining area, demonstrating the ability to appropriately supervise the outdoor dining area
  - J. The location of any City utility infrastructure, including manholes, fire hydrants, valves, storm drain outlets, and similar.
3. Specifications for the design, colors, and materials of all proposed furnishings including but not limited to tables, chairs, umbrellas, heaters, planters, fencing, etc., demonstrating that all furnishings are of commercial grade and designed for outdoor use and consistent with the requirements of the Downtown Zoning Code.
4. A lighting plan, including under umbrella, table lighting, and any other lighting proposed, showing fixture and lamp type and locations. (Installation of new lighting may require a permit.)

5. An operational schedule including hours, days, and months (outdoor dining shall be required to operate for a minimum of 8 hours per day, 6 days per week as weather permits).
6. Photos of the project area, including adjacent buildings and windows, to demonstrate impact on neighboring businesses.
7. Insurance Requirements: A certificate of General Liability insurance in the amount of \$1,000,000.00 combined single limit per occurrence for bodily injury, personal injury and property damage. If commercial general liability insurance or other form with a general aggregate limit is used, either the general aggregate shall apply separately to this project/location or the general aggregate shall be twice the required occurrence limit.
  - A. The certificate shall be accompanied by an "Additional Insured Endorsement" which names the City of Ukiah, its officers, employees, agents and volunteers as additional insured.
  - B. Indicates that the policy is primary with respect to the city and that any insurance or self-insurance maintained by the city shall be in excess of the Named insured's Insurance and not contribute with it. Example of preferred form #GC 2012 07 98-State of political subdivisions.
  - C. Indicates that the city will be notified within 30 days of Insurance cancellation of within 10 days of non-payment.
8. A copy of the applicant's approved City of Ukiah business license.
9. Fees, Charges and Deposits
  - A. Outdoor Dining Program Permit Fee of \$250 (due upon approval of Outdoor Dining Program application; one-time fee when new plans are submitted)
  - B. Usage Fee of 25 cents per square foot per month (due upon approval of Outdoor Dining Program application, to be invoiced monthly by City). In the event that Usage Fees are increased, said increase on an existing permit may be no more than 2% per year with a maximum increase of 10%.
  - C. Annual renewal fee of \$50 for administration and inspection.

## **GENERAL REQUIREMENTS**

The applicant must demonstrate that the proposed use will not block the display windows or signage of the adjacent business(s).

Applications for Outdoor Dining Program permits will be handled through the encroachment permit process when consistent with the design guidelines specified in the Outdoor Dining Program Guidelines and Section 5.080 of the Downtown Zoning Code.

An Outdoor Dining Permit shall be valid from the date of the application to December 31<sup>st</sup> through the end of the same application year, beginning on January 1st and ending on December 31st.

Permits for subsequent years will be issued on a first come basis, except that the holders of a permit for the prior year will be given priority over new applicants. Each year, the applicant shall

1 submit a complete application for an Outdoor Dining Program Permit as defined above. If no  
2 changes to the project are proposed, plans are not required for renewal. An inspection may be  
3 required by the Public Works Department. If the project is deemed to be out of compliance with  
4 the Guidelines, the permit may be denied or conditionally approved.

5  
6 Outdoor Dining Program Permits are not transferable to a new owner and/or location. However,  
7 a new owner of a business with an existing permit may re-apply for the program as a renewal.

8  
9 An Outdoor Dining Program Permit is an interruptible privilege. The City may interrupt the  
10 operation of an outdoor dining use at any time due to anticipated or actual conflicts. Such  
11 conflicts may arise from, but are not limited to, scheduled festivals and similar events, parades  
12 or marches, repairs to the public right of way, or demonstrations or emergencies occurring in the  
13 area. Outdoor dining uses shall be permitted to continue during special events unless the City of  
14 Ukiah specifically requests that the use temporarily discontinue for the duration of the event.  
15 Such request may include the removal of all use furnishings.

16  
17 Within the program boundaries, a maximum of 26 parking spaces may be utilized for outside  
18 dining.

## PART 2

### Outdoor Dining Program Guidelines

**Purpose:** The purpose of the Outdoor Dining Program Guidelines is to create an enhanced quality and consistent pattern of outdoor dining facilities that reflect the unique character of downtown Ukiah. The Downtown Zoning Code allows for sidewalk cafes (on public property) and outdoor dining (on public property), and a pilot project starting in 2011 demonstrated the feasibility of outdoor dining facilities. These guidelines are consistent with the goals, policies, and actions of the General Plan.

**Program Boundaries:** The boundaries of the Outdoor Dining Program are as follows: East/West – Main Street/Oak Street, North/South – Henry Street/Clay Street. (Commercial Core Properties)

**Allocation of the Public Right of Way (Parking Space(s)):** Allocation of the public right of way for outdoor dining use shall be based on frontage between the extended property lines of the building in which the associated fronting ground floor storefront restaurant use is an occupant. Where more than one-half of the total square footage of a parking space is located between the extended property lines, an application for allocation of that parking space may be made by the owner or tenant of such use. Where one-half or less of the total square footage of a parking space is located between the extended property lines, an application for allocation of that parking space may be made by the owner or tenant of such use, but shall require the written agreement of the affected underlying property owner, at no compensation, and shall be conditionally allocated until such time the affected adjacent ground floor storefront restaurant use requests and is approved for allocation of the public right of way for their use. In such circumstance, the extended property line will become the dividing mechanism between the two allocated uses, and 15 days notice shall be given to vacate any previous conditional allocation that is outside a uses property line extensions.

In order to ensure safety and the unrestricted use of adjacent parking spaces, there must be a minimum of 18" between the outdoor dining structure and the adjacent space(s). However, if two Outdoor Dining facilities are immediately adjacent to each other, the 18" space between them will not be required.

Restaurants situated on street corners may utilize parking on one street only.

**Accessibility Requirements:** The outdoor dining facility shall comply with California State accessibility standards and federal ADA requirements.

**Permanent Changes to Public Right of Way:** Permanent changes to the public right of way are not permitted. Any street, sidewalk, or City improvements, furnishings, and utilities damaged or destroyed by the outdoor dining use and/or facility shall be replaced to City standards with the cost borne by the permittee.

**Use Area:** Furnishings and decorations shall not encroach beyond the permitted use area or overhang pedestrian or vehicular circulation paths.

**Maintenance and Security:** All outdoor dining facility furnishings shall be maintained in a safe and clean condition. Furnishings shall be secured within the Outdoor Dining facility or stored indoors nightly.

All outdoor dining facilities shall be maintained in an attractive, clean (free from spills, litter and other debris) and safe manner.

**Food and Beverages:** Service of food and beverages shall comply as follows:

Outdoor dining facility may only serve food and nonalcoholic beverages prepared or stocked for sale at the adjacent indoor restaurant; provided, however, that the service of alcoholic beverages for on-premise consumption by customers within the outdoor dining facility may be authorized by the Planning Director and Police Department if each of the following requirements are met:

1. The business operating the outdoor dining facility is duly licensed, or prior to the service of any alcoholic beverage will be duly licensed by state authorities to sell alcoholic beverages for consumption within the outdoor dining area.
2. The authorized outdoor dining facility is identified in a manner which will clearly separate and delineate it from the areas of the sidewalk that will remain open to pedestrian traffic.
3. One or more signs, as approved as part of the encroachment permit, are posted during all times the outdoor dining facility is in operation, which shall give notice to the customers that the drinking of alcoholic beverages or the carrying of any open container which contains an alcoholic beverage is prohibited and unlawful outside the delineated outdoor dining facility.

**Closure of Business:** Outdoor dining use area furnishings shall be removed immediately upon the permanent closure of the associated business.

**Signage:** No signage shall be allowed in the outdoor dining area except for the name of the establishment on an umbrella fringe and in compliance with this Section and UCC Division 3, Chapter 7 (Sign Ordinance, UCC Section 9224.8(D8)).

**Portable Heaters:** Outdoor heaters are allowed subject to Fire and Building Code compliance.

**Trash Receptacles:** To minimize litter and debris, trash and refuse receptacles shall not be permitted within the area designated for the outdoor dining and the permittee shall remove trash and litter as they accumulate. Trash and/or refuse containers may be authorized within the outdoor dining area or adjacent sidewalk areas with Zoning Administrator approval of a Minor Use Permit.

**Food Service:** To minimize litter and debris, where table wait service is provided, or food is served to the customer on a tray to be taken and eaten on site in the dining area, plates, glasses, cups and silverware made of permanent (non-disposable) materials such as glass, ceramic, and metal shall be required. Beverage, or "cocktail" napkins are prohibited. The use of disposable food containers and utensils is permitted only where food is served to the customer "to go."

**Music/Entertainment:** Non-live music and/or speakers may be authorized with Zoning Administrator approval of a Minor Use Permit.

## **DESIGN STANDARDS**

All outdoor dining furnishings shall be of commercial grade and designed for outdoor use. Due to the proximity of traffic flow, consideration shall be given to minimizing potential driver distraction.

All furnishings shall be properly maintained and cleaned regularly.

### **Barriers**

Railings shall be designed of steel, treated wood, cast aluminum or similar material and shall not exceed 48" in height. Large planters may also be used as barriers, and must be properly

maintained with live, healthy plants year-round. Removable posts or stanchions are prohibited.

Reflectors shall be placed on the corners closest to traffic to improve visibility.

If alcoholic beverages are to be served, fencing shall meet the requirements of the use associated license issued by the State Department of Alcoholic Beverage Control (ABC).

**“Open” Appearance:** Perimeter enclosures with a height of between 36” and 48” must be at least 50 percent open (see-through) in order to maintain visibility of street level activity.

**Examples of permitted barriers:**



*Wrought iron*



*Planter boxes with live plants*

**Examples of barriers that are not permitted:**



*Fabric insert*



*Rope barrier with metal stanchions*

**Patio Surface:** Pre-approved patio surfaces include framed brick/paver/stone tile over sand base with a barrier to prevent sand leakage, ensuring a minimum of 18” gutter clearance from curb, or prefabricated pedestal deck system from an approved or comparable manufacturer. (Approved manufacturers include Bison, Buzon, Elevated Deck Systems, and AWS.) All work performed in the public right of way must be performed by a licensed CA contractor with \$1 million liability insurance.

## Seating

Tables and chairs shall be of commercial grade and designed for outdoor use. All furnishings shall be properly maintained and cleaned regularly.

Benches and/or bar-style seating may be incorporated into the design.

### Materials, Colors, and Design – Permitted:

- Tables and chairs shall be of the same or a similar and compatible design.
- Framework: Steel, cast aluminum, cane or teak or similar material.
- Chair seat: Steel, cast aluminum, cane, teak, rattan or similar material.
- Color: All tables and chairs within a use area shall be of the same or compatible color.
- Table top: Solid tops of slate, marble, granite, faux stone, steel, embossed aluminum, teak, tempered glass, and mesh tops of steel and aluminum or similar material are permitted. .
- Table Top Dimensions: Square 28", Rectangular 36" x 24", round 30".
- Table Height: Standard café height up to 30".

### Materials, Colors, and Design – Prohibited:

- Plastic and resin tabletops are prohibited.
- Bright, reflective, and fluorescent colors are prohibited.

## Examples of permitted furniture types



*Metal chairs, durable tables*



*Wood/metal tables and chairs*



## Examples of furniture types that are not permitted



*Plastic, fluorescent colors*

*White plastic/resin furniture*

### Umbrellas and Umbrella Stands

Table center and freestanding umbrellas are permitted.

Umbrellas shall be secured with a minimum base of not less than 60 pounds and shall leave a vertical clearance of seven feet from the patio surface.

#### Materials and Colors:

- Umbrellas: All umbrella panels shall be of the same or complementary solid color(s). Fluorescent colors are prohibited. Vinyl or plastic umbrellas are prohibited.
- Permitted Stands: Cast aluminum, fabricated steel, wood, or similar material.

**Lighting:** Under umbrella lighting (directional or tube) and tabletop lighting (candles or other low level light sources) are permitted. Lighting shall create a soft glow directed at the tabletop or cart surface. Lighting shall not create glare or fall outside of the use area. Bare bulb neon, backlit, colored lights, blinking or “chasing” lights are prohibited.

#### Other Decorative Items

- Padded fabric chair pads are permitted, shall be brought indoors nightly, and shall be clean when placed outside each day.
- Tabletop flower arrangements, centerpieces, and candles are permitted and shall be brought in nightly.
- Streamers, balloons, and banners are prohibited.
- Other decorative items not specifically permitted herein are prohibited.
- Furnishings and decorations shall not encroach beyond the permitted use area or overhang pedestrian or vehicular circulation paths.

### EXCEPTION TO THE GUIDELINES

**Zoning Administrator:** Exception(s) to these guidelines may be authorized with Zoning Administrator approval of a Minor Use Permit.

**Design Review Board:** The Planning Director may refer any application to the Design Review Board for review and recommendation on applications that may be inconsistent with the Design Standards.