



## **APPLICATION FOR TEMPORARY OUTDOOR DINING AREA IN A MUNICIPAL LOT**

The City of Pasadena has implemented the following procedures and regulations to facilitate the re-opening of dining establishments while granting them the ability to temporarily expand dining areas in order to comply with COVID-19 related public health and safety protocols and social distancing requirements. Any dining establishment seeking to expand its dining area into a City-owned (municipal) parking lot shall comply with the following:

### **Eligible Uses**

- Businesses that are legally allowed to serve food in a sit-down format (does not include drive-through establishments).

### **Application Process**

- Complete this application form.
- Obtain a valid Certificate of Insurance with an endorsement for the City of Pasadena, see requirements attached.
- For uses that obtain a legal right to serve alcohol, refer to Question 5 on the application form and contact Planning staff for further direction on alcohol regulations.
- Submit copy of food menu, if alcohol will be served in outdoor dining space.
- Submit application form and Certificate of Insurance via online portal at <https://www.cityofpasadena.net/planning/permit-center/covid-19-reopening/>.

### **Operating Standards**

Dining areas in municipal lots shall comply with the following standards at all times:

- The dining area shall maintain adequate distance from all utilities and public infrastructure (e.g. public signs, fire hydrants, etc.) at all times. Access must be made available to manhole covers and other utility access or control devices in the event maintenance or repair is required.
- The temporary dining area shall not be located in a manner which interferes with the flow of pedestrians or other traffic.
- The maximum height of any obstruction shall be 3 1/2 feet and all such obstructions shall be entirely portable and maintain at all times an ADA accessible path or ingress or egress point
- A permit may be issued only to businesses legally permitted to operate in the City of Pasadena. The hours of operation shall be limited to the hours of operation for the associated indoor dining.
- Due to the expedited nature of the review associated with this permit, tents, heaters, umbrellas, and shade structures over 400 square feet in area may not be approved under a this permit application.
- A permit is not transferable to any entity or person and is valid only as to the original applicant.
- Use, occupation and obstruction of the municipal lot which is permitted under this application may be temporarily suspended, without prior notice or hearing, when, in the discretion of the director, the police



## **APPLICATION FOR TEMPORARY OUTDOOR DINING AREA IN A MUNICIPAL LOT**

chief, or the fire chief, any such use, occupation or obstruction may interfere with public safety efforts or programs, street improvement activities, construction activities, cleaning efforts or other similar activities or with the health, welfare or safety of the citizens of the city.

- The dining area shall be kept in a good state of repair and maintained in a clean, safe and sanitary condition at all times. Regular cleanup of trash and debris shall be the responsibility of the applicant.
- The dining area shall maintain designated ingress and egress points and shall be kept clear and accessible at all times. Restaurant-specific dining areas in municipal lots (where the applicant is a restaurant) may be defined by placement of portable but sturdy fencing or other suitable dividers as required or approved by the director within the designated area.
- No food preparation, plastic food displays, food storage, or refrigeration shall be allowed in the public right-of-way.
- There shall be no modification of the texture of the surface of the municipal lot floor.
- Dining areas in municipal lots are considered temporary and must be furnished in a way to be cleared within one hour without leaving damage or impacting the street.
- Trash receptacles should be portable, lined, well-maintained and kept in sanitary condition. Trash shall be removed at the end of the day.
- Tables and chairs adequately spaced to ensure a minimum (more is better) of 6 feet between individuals at different tables. Tables and chairs are constructed of a material that is smooth and easily cleanable (plastic, metal), and disinfected after each use.
- Landscaping in movable planters must be maintained to avoid growth that may interfere with visibility or accessibility.
- All landscaping and potted trees shall be well-maintained and kept free of litter and debris.
- Advertising is not permitted.
- The on-street dining area shall be located in a manner which will not interfere with visibility, vehicular or pedestrian mobility or access to city or public utility facilities. The determination of whether an on-street dining area or any part thereof interferes shall be made by the Director of Transportation or their designee at the time of application based on the characteristics of each proposed site.
- There shall be no covering over any part of the dining area except for individual table umbrellas.
- Promoter-produced parties or events shall be prohibited. These events include private parties that involve third parties who profit from organizing and/or drawing attendees to the events.
- Customized lighting and sound system conducive of a nightclub atmosphere shall be prohibited at all times.



## APPLICATION FOR TEMPORARY OUTDOOR DINING AREA IN A MUNICIPAL LOT

- Amplification of music shall comply with the regulations of Chapter 9.36 (Noise Restrictions) of the Pasadena Municipal Code.
- Live entertainment and dancing shall be prohibited at all times.
- Smoking is prohibited in all permitted dining areas in municipal lots. Violators may be subject to a fine.
- The Director of Transportation may, in his or her sole discretion, place additional conditions upon the issuance of the permit in order to insure the protection of the public rights-of-way and the rights of all adjoining property owners and the health, safety and welfare of the public.
- Permits shall be considered temporary and nonpermanent in nature and permittee shall have neither property interest in nor any entitlement to the granting or continuation of any such permit.
- Permits may be terminated by the city, with or without cause, regardless of the nature and scope of financial or other interest in, or on account of the permit or the permitted use.
- All dining areas in municipal lots shall operate in compliance with all public health guidelines and protocols related to COVID-19, as issued and updated by the Public Health Officer.

The following additional standards shall apply to businesses serving alcohol:

- Prior to serving alcohol in a dining area in a municipal lot, the business must possess both a valid on-sale alcoholic beverage license pursuant to Division 9, commencing with Section 23000, of the California Business and Professions Code of Type 41 (on-sale beer and wine eating place) or of Type 47 (on-sale general eating place), or of their successor types. Alcohol service shall be in compliance with all applicable regulations and guidance issued by the California Department of Alcoholic Beverage Control at all times.
- **In addition to a Type 41 or a Type 47 license, the business must also obtain a COVID-19 Temporary Catering Authorization from the California Department of Alcoholic Beverage Control ([Form 218](#) and [Form 253](#)).** These forms must be submitted directly to ABC. Additional information regarding these forms is available at: <https://www.abc.ca.gov/abc-218-cv19-instructions/>
- Alcohol may be served in dining areas in municipal lots only to the extent that a valid permit is otherwise in effect.
- The dining areas in municipal lots shall be defined by a physical barrier designed to control ingress and egress which shall be reviewed and approved by the Director of Transportation.
- A permittee serving alcohol within dining areas in municipal lots shall post conspicuously within the dining area a sign which reads: "People consuming alcohol outside of this designated dining area are subject to arrest. PMC Section 9.24.010."
- The last alcoholic beverage shall be served no later than one-half hour before closing of the abutting business.



## **APPLICATION FOR TEMPORARY OUTDOOR DINING AREA IN A MUNICIPAL LOT**

- The establishment shall allow patrons of all ages, at all times.
- No cover charges, entry fees, or minimum drink orders shall be charged/required of patrons.
- Signs advertising brands and types of alcohol shall not be visible from the exterior of the premises. The display of alcoholic beverages shall be interior only (no outdoor display) at all times.
- The following preventive measures shall be undertaken to reduce the potential for alcohol related problems:
  - Food service shall remain available during all hours of operation;
  - Rideshare service phone numbers shall be posted in a conspicuous location at all times in the area(s) where alcohol is served to customers;
  - All employees selling or serving alcohol shall be required to participate in an alcohol training program offered by the Alcoholic Beverages Control prior to the operation of selling/serving alcohol;
  - The availability of a variety of non-alcoholic beverages shall be made known, posted in a conspicuous location, and offered to customers. The operator shall provide a Designated Driver program and offer free non-alcoholic drinks to designated drivers
- The site and surrounding area shall be maintained in a litter and graffiti free manner. Any graffiti that should appear on the site shall be removed within 48 hours.
- Any other conditions which the director should find to be in the interest of the public health, safety or welfare.
- Alcohol can only be sold in the same transaction as a meal which is prepared in-house. The facility must have a current public health permit, and approval from the Health Department for the proposed menu.



APPLICATION FOR TEMPORARY OUTDOOR DINING AREA IN MUNICIPAL LOT

PLEASE TYPE OR FILL OUT COMPLETELY IN INK

PROJECT ADDRESS or Street segment: DATE:

BUSINESS/TENANT NAME:

APPLICANT/AGENT:

Phone: Email:

Mailing Address: City: Zip:

PROPERTY OWNER NAME:

Phone: Email:

Mailing Address: City: Zip:

PROPOSED OPERATIONS:

- 1) Proposed dining area (square feet); # of outdoor tables; # of outdoor chairs:
2) Days in operation: M TU WED THUR FRI SAT SUN
3) Hours of operation: (Note: Dining hours may not exceed regular business hours of associated indoor dining establishment.)
4) Do you currently have a legal right to serve alcohol in the dining areas in municipal lots? Yes No
5) Will all outdoor furniture abide by required social distancing requirements? Yes No

INSURANCE: See insurance requirements attached.

Table with 3 columns: For Office Use Only (Case #, Date Accepted, Received By), Site Plan (Provided and Complete, Not Provided/Complete), Liability Insurance (Provided, Not Provided), Indemnification/Certification (Completed, Not Completed)



## APPLICATION FOR TEMPORARY OUTDOOR DINING AREA IN MUNICIPAL LOT

Project Address: \_\_\_\_\_ Business Name: \_\_\_\_\_

*PLEASE TYPE OR FILL OUT COMPLETELY IN INK*

### INDEMNIFICATION

Applicant/Agent agrees to defend, indemnify, and hold harmless the City and its officers, contractors, consultants, employees, and commission members (collectively, "City") from any and all liability, loss, suits, claims, damages, costs, judgments and expenses (including attorney's fees and costs of litigation), including any appeals thereto (collectively, "proceeding") brought against the City with regard to any approvals issued in connection with the application(s) by the City, including any action taken pursuant to the California Environmental Quality Act. If Applicant/Agent is required to defend the City in connection with such proceeding, the City shall have and retain the right to approve counsel to so defend the City; and all significant decisions concerning the manner in which the defense is conducted; and any and all settlements, which approval shall not be unreasonably withheld. The City shall also have and retain the right to not participate in the defense, except that the City agrees to reasonably cooperate with Applicant/Agent in the defense of the proceeding. If the City's Attorney's Office participates in the defense, all City Attorney fees and costs shall be paid by Applicant/Agent. Further, Applicant/Agent agrees to defend, indemnify and hold harmless the City from and for all costs and fees incurred in additional investigation or study of, or for supplementing, revising, or amending, any document if made necessary by said proceeding.

Applicant/Agent (if different than owner) Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant/Agent Name (Please Print or Type): \_\_\_\_\_



## APPLICATION FOR TEMPORARY OUTDOOR DINING AREA IN MUNICIPAL LOT

Project Address: \_\_\_\_\_ Business Name: \_\_\_\_\_

*PLEASE TYPE OR FILL OUT COMPLETELY IN INK*

Provide a **SITE PLAN** and include the following:

- Property lines, footprint of municipal lot, footprint of proposed dining area
- Location of barriers, tables, chairs, trash receptacles and distance separation. Show compliance with all public health guidelines and protocols related to COVID-19.
- 6' social distance measured from backs of chairs. Distance is not measured from table edge.
- Location of patron entry and exit
- Location of planned electrical and mechanical equipment
- Locations of all above-surface improvements such as street light and sign poles, trees and tree wells, parking payment kiosks, news racks, electric vehicle charging stations, and trash receptacles.
- The existing and proposed pedestrian circulation pattern. Show compliance with ADA requirements.



**PASADENA DEPARTMENT OF TRANSPORTATION**

[www.cityofpasadena.net/transportation](http://www.cityofpasadena.net/transportation)

**APPLICATION FOR TEMPORARY OUTDOOR DINING AREA IN MUNICIPAL LOT**

Project Address: \_\_\_\_\_ Business Name: \_\_\_\_\_

*PLEASE TYPE OR FILL OUT COMPLETELY IN INK*

**Proposed Site Plan:** In the space below, or in a separate 8.5" x 11" attachment, please provide a drawing of the proposed dining area in accordance with the requirements on Page A-7.

< Insurance Requirements >

Rev: 8/6/20

Pg. A - 8





# OUTDOOR DINING PERMIT INSURANCE REQUIREMENTS

**PLEASE WORK WITH YOUR INSURANCE REPRESENTATIVE(S) TO PROVIDE SUFFICIENT PROOF OF COVERAGE AS REQUIRED HEREIN. IF THE DOCUMENTATION PROVIDED IS INSUFFICIENT, IT WILL DELAY THE ISSUANCE OF THE PERMIT.**

Name of Company: \_\_\_\_\_

Project Location: \_\_\_\_\_

**Project location is not mandatory on the insurance documents. Including the project address on your insurance certificate will limit its validity to that location only, and cannot be used Citywide for future projects.**

Job Description: \_\_\_\_\_

- 1. PLEASE PROVIDE ALL SIX (6) DOCUMENTS LISTED BELOW IN ONE PACKAGE.**
- 2. PLEASE SUBMIT THESE IN ONE (1) PDF WHEN ALL DOCUMENTS ARE READY, ALONG WITH THIS COMPLETED FORM. THEY WILL BE FORWARDED TO OUR CITY ATTORNEY'S OFFICE FOR FURTHER REVIEW AND FINAL APPROVAL.**

A.  **General Liability:** Minimum limit of \$1,000,000 per occurrence, with "City of Pasadena, its Council Members, Commissioners, officers, employees, and agents" as Certificate Holder.

**A1.  Additional Insured Endorsement form(s)** Naming as Additional Insured: "City of Pasadena, its Council Members, Commissioners, officers, employees and agents". Alternatively, a blanket endorsement allowing for the same additional insured coverage as required per written contract is also acceptable.

Acceptable form numbers include: CG 20 12;

or both of these forms: CG 20 10 XX XX (for *ongoing* operations) **AND** CG 20 37 XX XX (for *completed* operations).

**A2.  Endorsement Waiver of the Right of Subrogation for General Liability** against the "City of Pasadena..." or "as required per written contract."

**A3.  Liquor Liability:** If the permittee will be supplying and/or selling alcoholic beverages, the general liability insurance shall include liquor liability coverage. Permittee must have a valid liquor sales license and liquor liability insurance covering the sale of alcohol. If the permittee is using another vendor to supply alcohol that vendor must have liquor liability coverage.

B.  **Worker's Comp and Employer's Liability** in statutory amounts. A separate certificate may be submitted.

**B1.  Endorsement Waiver of the Right of Subrogation for Worker's Comp** against the "City of Pasadena..." or "as required per written contract."

**NOTE:** All endorsements must reference the applicable policy numbers and effective dates. A statement on an insurance certificate will not be accepted in lieu of the actual endorsements required herein.

The Specification or Request for Insurance may be amended by the City, to require less or greater requirements depending on the potential risk involved.

Turn-around time for insurance review and approval is **approximately three (3) working days**.

Insurance review and approval must be completed before a can be issued.

**Submit via application portal along with all six documents:**

**[www.cityofpasadena.net/reopening-permits](http://www.cityofpasadena.net/reopening-permits)**

**Include this completed form with your insurance submittal.**

**OTHER CRITICAL INCLUSION:**

If the permittee maintains broader coverage and/or higher limits than the minimums shown above, City requires and shall be entitled to the broader coverage and/or the higher limits maintained by the permittee. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage required, which are applicable to any given loss, shall be available to City.

Permittee's insurance coverage shall be primary and non-contributory insurance coverage at least as broad as ISO CG 20 01 04 13 as respects City, its City Council, its officers, officials, employees, agents, and volunteers.

The City of Pasadena shall be given 30 days written notice of cancellation or material change. The certificate submitted will not be approved if it contains "best effort" modifiers or if it relieves the insurer from responsibility for failure to give notice.

Insurance is to be placed with insurers authorized to conduct business in the state of California with a current A.M. Best's rating of no less than A:VII.

**SAMPLE**

for Endorsement forms

**Note: These samples are for reference purposes only.**

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADDITIONAL INSURED –  
STATE OR POLITICAL SUBDIVISIONS – PERMITS**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

**State Or Political Subdivision:**

City of Pasadena, its Council Members, Commissioners, officers, employees and agents  
100 N. Garfield Ave.  
Pasadena, CA 91101

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**WAIVER OF TRANSFER OF RIGHTS OF RECOVERY  
AGAINST OTHERS TO US**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

**Name of Person or Organization:**

City of Pasadena  
100 N. Garfield Ave.  
Pasadena, CA 91101