



AGENDA

SPECIAL JOINT MEETING OF THE PLANNING COMMISSION AND ECONOMIC DEVELOPMENT COMMITTEE

December 4, 2024 at 7:30 p.m.

Staff Liaison
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City Council Chambers, El Cerrito City Hall
10890 San Pablo Avenue
El Cerrito, CA 94530

7:30 p.m. CONVENE SPECIAL MEETING

1. **ROLL CALL – Planning Commission:** Chair Joy Navarrete; Vice Chair Erin Gillett; Members Daniel Hamilton, Leslie Mendez, Michael Norwood, Abhijeet Singh, and Nathan Tinclair
Economic Development Committee: Chair Jean Shrem; Vice Chair Eric Wright; Members Mark Figone, George Gager, Sandra Mayithara, Kevin Schenthal, and Patrick Swen
2. **ORAL COMMUNICATIONS FROM THE PUBLIC**
Remarks are typically limited to three minutes per person, and may be on anything within the subject matter jurisdiction of the body. Remarks on non-agenda items will be heard first, remarks on agenda items will be heard at the time the item is discussed.
3. **COMMISSIONER COMMUNICATION/CONFLICT OF INTEREST DISCLOSURE**
This time on the agenda is reserved for Commissioners to disclose communications from individuals regarding specific agenda items or to state a potential conflict of interest in relation to a specific agenda item
4. **STUDY SESSION – PERMANENT OUTDOOR DINING AND RETAIL ORDINANCE**
Applicant: City of El Cerrito
Location: Citywide
Request: Planning Commission and Economic Development Committee study session on the permanent Outdoor Dining and Retail Ordinance.
CEQA: This Ordinance is exempt from review under the California Environmental Quality Act (CEQA) because the proposed program will not result in a direct or reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15060(c)(2)) and it can be seen with certainty that there is no possibility that the ordinance will have a significant impact on the environment (CEQA Guidelines Section 15061(b)(3)).
5. **STAFF COMMUNICATIONS**
Informational reports on matters of general interest, presented by City staff.
6. **ADJOURNMENT**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Sean Moss at (510) 215-4330. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title I).

Any writings or documents provided to a majority of the members regarding any item on this agenda will be made available for public inspection.



Community Development Department
Planning and Building Division
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PLANNING COMMISSION AND ECONOMIC DEVELOPMENT COMMITTEE
STAFF REPORT
December 4, 2024

STUDY SESSION: PERMANENT OUTDOOR DINING AND RETAIL ORDINANCE

DETAILS

Applicant: City of El Cerrito

Location: Citywide

Request: Planning Commission and Economic Development Committee study session on the Permanent Outdoor Dining and Retail Ordinance.

CEQA: This Ordinance is exempt from review under the California Environmental Quality Act (CEQA) because the proposed program will not result in a direct or reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15060(c)(2)) and it can be seen with certainty that there is no possibility that the ordinance will have a significant impact on the environment (CEQA Guidelines Section 15061(b)(3)).

EXECUTIVE SUMMARY

On July 31, 2020, the City Council adopted a Temporary Outdoor Dining and Retail Program in El Cerrito to enhance business recovery during the COVID-19 pandemic and to allow businesses flexibility in responding to public health mandates and best practices. In December 2022, the City Council adopted an Urgency Ordinance extending the Temporary Outdoor Dining and Retail Program.

In 2024, City staff commenced an effort to create a permanent Outdoor Dining and Retail ordinance to replace the interim ordinance in order to continue the benefits of the program which supports numerous city goals, including attracting pedestrian activity, and increasing residential population to foster community, supporting businesses, and creating places of interest. During this process, staff determined that additional feedback was needed from community stakeholders, including the business community, to ensure that the permanent regulations met the needs of local businesses, while implementing the City Council's vision for a vibrant public realm in our City.

Staff are currently evaluating organizational changes to the ordinance that create distinct processes for outdoor uses based on whether the installation is removable or permanent. City Staff will review comments given by the Planning Commission, the Economic Development Committee, and the public, and will take them into consideration for development of the permanent ordinance. Staff anticipates returning to the Planning Commission and City Council for consideration of the permanent ordinance in the first quarter of 2025.

City staff requests that the Planning Commission and Economic Development Committee review the Draft Ordinance and provide feedback to staff.

Background

On March 13, 2020, the El Cerrito City Council enacted a Local Emergency due to the global COVID-19 pandemic via Resolution No. 2020-12 (Local Emergency).

Subsequently, the County of Contra Costa Health Officer issued a Shelter in Place public health order (SIP Order) due to COVID-19 on March 17, 2020. That order resulted in the multi-month closure of many of the County's local businesses. Governor Gavin Newsom issued a statewide stay at home order on March 19, 2020. These responses were necessary to protect public health.

On July 31, 2020, the City Council adopted Resolution 2020-42 amending the Local Emergency to approve a Temporary Outdoor Dining and Retail Program (Program) in El Cerrito to enhance business recovery during the COVID-19 pandemic and to allow businesses flexibility in responding to public health mandates and best practices. As part of the Program, three categories of outdoor dining and retail activities were established: 1) Use of outdoor private property; 2) Use of public sidewalks; and 3) Use of public parking spaces. The Program provided flexibility by waiving existing requirements that limited the use of outdoor space, and provided a one-stop, no-cost platform to apply for and obtain a permit consistent with published guidelines. The City's current provisions in the Municipal Code regulate outdoor dining and retail, temporary uses, parking requirements, signage, and encroachments into the public right of way, including streets and sidewalks. The Program waived the processes and requirements established for these uses and in their place established the Temporary Outdoor Dining and Retail Permit.

On September 20, 2022, the City Council adopted Resolution 22-74 to end the Local Emergency effective December 31, 2022, at 11:59 pm. Given that the Local Emergency provided authority to enact temporary emergency measures, including this Program, staff began exploring mechanisms to continue to allow local businesses to operate outdoor dining and retail activities. On December 6, 2022, the City Council adopted Ordinance 22-04 which established a similar Temporary Outdoor Dining and Retail Program outside the declared Local Emergency. On January 17, 2023 the City Council adopted Ordinance 23-01 which extended the Temporary Outdoor Dining and Retail Program Ordinance. This Ordinance was set to expire on December 5, 2024. On November 19, 2024, the City Council adopted Ordinance 2024-04 which further extended the program.

In 2024, City staff commenced an effort to develop a permanent Outdoor Dining and Retail ordinance to replace the interim ordinance in order to continue the benefits of the program which supports numerous city goals, including attracting pedestrian activity to foster community, supporting businesses, and creating places of interest. Community Development staff coordinated an internal working group including representatives from the Planning Division, Building Division, Engineering Division, Operations and Environmental Services Division, and Fire Department in order to evaluate the regulations currently in place as part of the Temporary Program. With feedback from this group, staff began creating a draft of the permanent ordinance. During this process, staff determined that additional feedback was needed from community stakeholders, including the business community, to ensure that the permanent regulations met the needs of local businesses, while implementing the City Council's vision for a vibrant public realm in our City. City staff coordinated tonight's meeting as a part of this outreach process.

City staff will be conducting additional engagement of stakeholders in the coming months.

Analysis

Previous Zoning Ordinance Requirements

Prior to the COVID-19 pandemic and the creation of the Temporary Outdoor Dining and Retail Program, Sections 19.20.150 and 19.20.160 of the El Cerrito Municipal Code (ECMC) regulated outdoor dining uses in the public right of way and outdoor retail sales, respectively.

Outdoor dining in the public right of way previously required an Administrative Use Permit and Administrative Design Review approval. Both applications required approval by the Zoning Administrator. Development standards in ECMC Section 19.20.150 included: minimum paths of travel for pedestrians, maximum table sizes, additional signage requirements, and the prohibition of outdoor dining in a street or alley. This process also required a hold harmless agreement and an encroachment permit for uses in the public right-of-way. Pursuant to Section 19.20.150(C)(8), an Administrative Use Permit approval for outdoor dining was valid for an initial one-year period. However, one could apply for an unlimited term renewal unless the Zoning Administrator deemed that a limited term was appropriate.

Section 19.20.160 similarly established requirements for outdoor retail sales. Under this section of the Municipal Code, any display and sale of merchandise that was conducted on a limited basis required approval of a Temporary Use Permit pursuant to Section 19.35.020, whereas the permanent outdoor display of merchandise required the approval of a Conditional Use Permit. Outdoor retail sales needed to be located completely on private property and could not be located in the public right-of-way. This section also required that the activity areas needed to be appropriately screened from adjacent public rights-of-way and residential districts, and that the location of the merchandise needed to occupy a fixed, specifically-approved location that did not encroach upon parking spaces, driveways, pedestrian walkways, or required landscaped areas.

If a business is located in within the San Pablo Avenue Specific Plan (SPASP) area, then it is subject to the standards of the San Pablo Avenue Specific Plan. Under the SPASP, as updated in December of 2022, if an outdoor dining use is proposed along a public right of way frontage, it does not require any additional Zoning approval but would still be subject to an Encroachment Permit if located in the public right of way. If an outdoor dining use is proposed in an area which is not along a public right of way frontage, then an Administrative Use permit is required. The SPASP makes no reference to outdoor retail sales uses, leaving in place the provisions of Section 19.20.160 of the Zoning Ordinance. To date, these revised standards have not been applied, as the Temporary Outdoor Dining and Retail Program is still in effect.

Temporary Outdoor Dining and Retail Program

In light of the COVID-19 pandemic and the declared local emergency, the intent of the Temporary Outdoor Dining and Retail Program was to provide more flexibility by waiving the existing requirements that limited the use of outdoor space, and to provide a streamlined, expedited, no-cost way to apply for and obtain a permit. Under the Temporary Outdoor Dining and Retail Program businesses could submit a permit application at no cost for the following categories of outdoor dining and outdoor retail activities:

1. Use of Outdoor Private Property: Any sidewalks, plazas, or parking lots located on private property, including any that are part of a shopping center.

2. Use of Public Sidewalks: Public sidewalks are adjacent to public streets and building frontages.
3. Use of Public Parking Spaces: Public parking spaces are all parking on public streets that are not on Caltrans state right-of-way, which is San Pablo Avenue south of Cutting Boulevard.

As part of the temporary program, applicants needed to adhere to the Outdoor Dining & Retail Program Guidelines (Attachment 2) which addressed requirements relating to ADA compliance, adequate clearances, temporary furnishings, temporary signs, food preparation, site maintenance, solid waste, hours of operation, driveways, fire safety, emergency access, electrical extension cords, space heaters, and fire and building code compliance. The City Manager was authorized to amend the Guidelines for changes that are consistent with and in furtherance of the Program. In order for a business to apply for permit under this program, the applicant needed to submit a site plan, a pedestrian control plan (if using the sidewalk), ABC approval (if outdoor alcohol consumption was proposed), a certificate of insurance, and an acknowledgement of the various terms and conditions of the program. If adequate application materials were provided, the permit was automatically approved with minimal review from City staff.

Since the initial implementation of the Outdoor Dining and Retail Program, a total of eleven businesses applied for and received temporary permits. Some of the businesses that were granted permits were seeking temporary activities needed to respond to the global COVID-19 pandemic and have now ceased outdoor activities. Other businesses are still operating periodic outdoor activities.

Proposed Changes

As mentioned above, under the Temporary Program, there are categories of outdoor dining and outdoor retail activities which are dependent on the proposed location of the activity. Staff are currently evaluating organizational changes to the ordinance that create distinct processes for outdoor uses based on whether the installation is removable or permanent. If an applicant is proposing an installation that is temporary in nature and easily removable, then many of the same processes and requirements would apply as under the temporary program. The proposed process would still be a streamlined review of the materials to ensure compliance with the guidelines.

If an applicant is proposing installations that are permanent in nature and are not easily removable, then they would still need to meet many of the same requirements as the removable installations with the additional requirement that either Tier I Design Review would be required if the installation is located in the San Pablo Avenue Specific Plan area, or Administrative Design Review for all other areas. As part of this ordinance, staff is proposing the creation of a complaint process, in which the Zoning Administrator may review the Outdoor Seating or Outdoor Retail use at a noticed public hearing if there three substantiated complaints from three different properties within 300 feet of an Outdoor Seating or Outdoor Retail use within one calendar year concerning location, noise, hours of operation, or required clearances.

Under the original Temporary Program, outdoor food preparation was previously prohibited. Staff have received feedback from business that they are interested in sponsoring temporary food stall popups in front of their business. Under the Urgency Ordinance extension that was adopted by the City Council on November 19, 2024, the language prohibiting outdoor food preparation was removed and standards for outdoor food preparation were put in place. These standards include requiring a business license with the City, approval from the Contra Costa County Department of Environmental Health, and that the business selling preparing food outdoors is the same or is in coordination with the business that received the Outdoor Dining & Retail Permit. The proposed ordinance is structured in such a way that

many of the operating requirements are referenced in the Outdoor Seating & Retail Program Guidelines, which staff are proposing that these guidelines can be updated by staff.

Next Steps

City Staff will review comments given by the Planning Commission, the Economic Development Committee, and the public and will take them into consideration for the permanent ordinance. In addition, staff will undertake various outreach activities with local businesses including the El Cerrito Chamber of Commerce to solicit feedback. Staff anticipates returning to the Planning Commission and City Council for consideration of the permanent ordinance in the first quarter of 2025.

Attachments

1. Outline of proposed Permanent Outdoor Dining and Retail Program parameters
2. Existing Temporary Outdoor Dining & Retail Program Guidelines

19.20.150 - Outdoor Seating Uses and Outdoor Retail Sales

Outdoor Dining Uses and Outdoor Retail Sales shall be located, developed, and operated in compliance with the following standards:

A. Removable Outdoor Seating and Outdoor Retail Uses.

Requirements:

1. Adequate Clearance.
2. ADA Compliance.
3. Temporary Furnishings: Temporary furnishings shall not block visibility for required street signs, crosswalks, and intersections.
4. Location: Only on existing business frontage
5. Temporary Signs. Maximum of one free-standing menu or merchandizing board.
6. Site Maintenance.
7. Hours of Operation: Same as business
8. Noise: Compliance with standards in the Municipal Code.
9. Driveways. Driveways must be kept clear.
10. Fire Safety and Emergency Access.
11. Electrical Extension Cords: Must comply with Program Guidelines (Note: Existing Temporary Program Guidelines have been provided as an example in Attachment 2. Guidelines to be updated for Permanent Program).
12. Space Heating: Must comply with Program Guidelines (Note: Existing Temporary Program Guidelines have been provided as an example in Attachment 2. Guidelines to be updated for Permanent Program).
13. Fire and Building codes.
14. County and State Requirements.
15. Private Property. Must be on private property with property owner authorization.
16. Public Right-of-Way. Requirements for the use of the Public Right-of-Way:
 - i. Hold Harmless Waiver.

ii. Certificates of Insurance.

B. Non-Removable Outdoor Seating and Outdoor Retail Uses. Non-removable outdoor seating must comply with standards in Section A and following:

1. Design Review. Must submit a design review application.
2. Encroachment Permit: Required for use of the Public Right-of-Way.

C. Complaints. Upon receiving three substantiated complaints the Zoning Administrator shall review the use at a noticed public hearing.

1. **Complaint Procedures.** A complainant shall first submit a written complaint to the business owner. If the business owner fails to respond to the concerns, the complaint may then be submitted to the Planning Division.
2. **Substantiated Complaint.** A complaint is considered substantiated if the operator has failed to respond and City Staff can confirm the complaint. Complaints are limited to the standards for hours, noise, location and required clearances.



Outdoor Dining & Retail Program Guidelines

If you are a business owner and want to use the outdoor private and/or public space in proximity to your business, the City has created a streamlined no-fee Outdoor Dining & Retail Permit Application for **three** categories of outdoor dining and business activities: **Use of Outdoor Private Property, Use of Public Sidewalks, and Use of Public Parking Spaces.**

The guidelines, including general and specific standards, for each of three categories are described below. Please review the guidelines before moving forward with the Outdoor Dining & Retail Permit Application.

General standards for Outdoor Dining and Business Activities (These general standards apply to all applications. Also review the specific standards listed in the three categories below.)

- **Adequate Clearance** – Permanently maintain a minimum sidewalk clearance and pedestrian through zone of 4 feet, and preferably 5 feet, from any physical obstruction including light poles, news racks, trees, benches or other barriers. Furnishings and merchandise shall not be placed in a manner that obstructs access to this pedestrian clearance.
- **ADA Compliance** - Outdoor seating and business activity areas must comply with all requirements of the Americans with Disabilities Act (ADA). Outdoor dining and business activity areas shall not utilize parking spaces required by ADA or interfere with the path of travel for the parking stalls. Outdoor activities must be conducted in a manner that would facilitate immediate removal of any obstruction of an accessible path of travel identified by a member of the public.
- **Temporary Furnishings** -Tables, seating, umbrellas, space heaters, planters, solid waste receptacles, racks, shelving for merchandize, other temporary furnishings needed to provide business services, and platforms or ramps to achieve ADA compliance, and physical barriers to mark the outdoor activity area are the only items permitted. These items must be designed to be weighted down so as not to be blown by the wind or easily tipped over and must be removable. Temporary furnishings shall not block visibility for required street signs, crosswalks, and intersections. No stacking or storage of furnishings in outdoor areas. If a tent or other barricade is used, exits must be clearly marked if the point of entry and exit is controlled.
- **Temporary Signs** - A maximum of one (1) free-standing menu or merchandizing boards may be displayed, which shall have no more than two (2) faces. Temporary signs may have a maximum total surface area of six (6) square feet per face and can be up to 42 inches tall by 30 inches wide. Free-standing signs must not encroach on the pedestrian right of way or the accessible path.

- **Outdoor Food Preparation** - Outdoor food preparation is permitted only under the following circumstances: (1) Food must be prepared by the business that received the Outdoor Dining & Retail Permit or by a business preparing and selling food in coordination with the business that received the Outdoor Dining & Retail Permit. (2) The business preparing food must have a permit to do so from Contra Costa County Public Health. (3) The business preparing food must have a business license from the City. No open flames (including candles) are permitted.
- **Site Maintenance** - The area shall be maintained in a sanitary condition free from litter, debris and infestation from pests, and the storm drain must be kept clear. At the end of each business day, establishments are required to clean (sweep and mop) the area in and around the outdoor use area. No debris shall be swept, washed, or blown into the sidewalk, gutter or street. Any discharge other than storm water into the storm water drainage system is prohibited.
- **Solid Waste** – All solid waste generated by the operation, including garbage, green waste and recycling, must be properly disposed of in receptacles provided and serviced by the business. City on-street trash and recycling receptacles shall not be used.
- **Hours of Operation** - The outdoor dining and business activity areas shall adhere to the same approved hours of operation as the existing business.
- **Driveways** - All driveways and drive aisles must be kept clear.
- **Fire Safety and Emergency Access** - All building exits, exit pathways and fire drive aisles must be kept clear. Access to building fire protection equipment (PIV, FDC, Riser) and sidewalk fire hydrants must be kept clear. A fire extinguisher inside the building must be quickly accessible and located no more than 75' (path of travel) from the furthest point of outside occupancy to the location inside the building with no locked doors. If patio heaters are going to be used, a fire extinguisher must be mounted outside with a sign and easily accessible.
- **Electrical Extension Cords** - All electrical outside must utilize heavy duty extension cords (minimum 14 gauge wire) plugged into GFCI receptacles. Cords cannot be in an area subject to damage or creating a trip hazard. Any electrical cords that cross drive aisles shall be protected, e.g. by a commercial raceway or 2x4 boards. At a minimum, any electrical cords that cross pedestrian paths of travel shall be taped down. Cords cannot be hung overhead by themselves unless supported by other means (e.g. attached to a cable). Any change in elevation to facilitate electrical on the ground must meet ADA standards.
- **Space Heater** - Space heaters are permitted if they are an outdoor approved type, are located in accordance with the manufacturer's recommendations, and are located at least two (2) feet from the edge of any umbrella canvas, any foliage, or any other flammable object or material. Use of electric space heaters (instead of fossil fuel powered space heaters) is encouraged due to the reduced carbon emissions and the City of El Cerrito's Climate Action Plan goals.
- **Fire and Building codes** - Comply with all applicable Fire and Building codes at all times.
- **Temporary Use** – This Program only allows temporary use during the duration of the interim urgency ordinance and must discontinue and all materials and tables shall be removed when the interim urgency ordinance expires. Applicant agrees to discontinue use and remove any temporary improvements within 48 hours or notification by the City.
- **County and State Requirements** - Prior to use, applicant shall contact Contra Costa County Health and, if planning to serve alcohol outdoors, California Department of Alcohol Control (ABC) and comply with any requirements/ clearances.
- **Private Property Owner** – For use of outdoor private property such as plazas and parking areas, applicant is responsible to consult and receive authorization of your landlord (the

property owner) for the temporary use, including the size and location of the temporary use. Prior to filing an application, please contact your landlord and confirm their agreement for your plan to use parts of the parking lot and exterior of the building for this temporary use. The City will not be a party to discussions or arrangements concerning the leasing or use of outdoor space on private property. City approval of the temporary outdoor use does not replace or supersede any private lease or contractual agreements between your business and the property owner/landlord or property owner's authority for use of their land/site.

New Alcohol Beverage Control (ABC) Regulatory Relief

ABC's COVID-19 Temporary Catering Authorization authorizes on-sale privileges to a property that is adjacent to the licensed premises so long as the property is under the control of the licensee, and where bona fide meals are being served and in accordance with state and local health and safety directives. [Learn more.](#)

Restaurants that wish to expand their permitted alcohol sales may do so by filing both of the following forms:

- [ABC Form 218 CV19 \(Temporary Catering Authorization\)](#)
- [ABC Form 253 Supplemental Diagram and the COVID Social Distancing Protocol Appendix](#)

These forms may be turned into an [ABC office](#) via mail or in person. A check or money order of \$100 will be accepted, no credit card payments.

General Application Requirements: In order to apply for a temporary outdoor dining & retail permit, you will need to have the following information ready before you complete the application form:

- *ABC Approval (only if you plan to serve alcohol outside)* – If alcohol is sold and served, you will be asked to upload proof of California Department of Alcoholic Beverage Control (ABC) approval. More ABC information: <https://www.abc.ca.gov/ninth-notice-of-regulatory-relief/>
- *Certificates of Insurance* - General Liability insurance is required, in an amount not less than \$1,000,000. Additional requirements apply for use of the public right-of-way as described below.

Use of Outdoor Private Property

Description: Any sidewalks, plazas or parking lots located on private property, including any that are part of a shopping center. The City of El Cerrito is temporarily suspending requirements restricting the provision of outdoor dining and business activities, minimum parking standards, and planning application Conditions of Approval related to parking and outdoor business. Suspending these requirements will temporarily allow restaurants and businesses to conduct outdoor dining and business activities in their respective private sidewalks, plazas, and parking lots.

Specific Standards: In addition to the general standards listed above, the following standards will be required to be met while the temporary outdoor dining/retail on private property:

- Dining and business activity area must be limited to the property on which the business is located.

- Restaurant patrons shall have access to the restroom(s) affiliated with the subject restaurant.

Additional Application Requirements: Property Owner Information - You will need to enter basic contact information for the property owner.

Fill out on-line application. Automatic permit, no fee.

Use of Public Sidewalks

Description: Public sidewalks are adjacent to public streets and building frontages.

Specific Standards: In addition to the common standards listed above, the following standards apply to a Use of Public Sidewalks:

- Dining and business activity area must be limited to the street frontage width of the business, unless reviewed and specifically approved by the City and adjacent business(es).
- Temporary furnishings shall not be secured to streetlights, trees or any other public street furniture.

Additional Application Requirements: Additional Insured Endorsement - An endorsement naming the City of El Cerrito and its officers, employees and agents as additional insureds is required.

Fill out on-line application. Automatic permit, no fee.

Use of Public Parking Spaces

Description: Public parking spaces are all parking on public streets that are not on Caltrans state right-of-way, which is San Pablo Avenue south of Cutting Boulevard. These are on streets in business districts such as Fairmount Avenue, Central Avenue, Stockton Avenue, Moeser Lane, Potrero Avenue and Knott Avenue. Parking spaces on Caltrans State right-of-way must follow Caltrans permitting process.

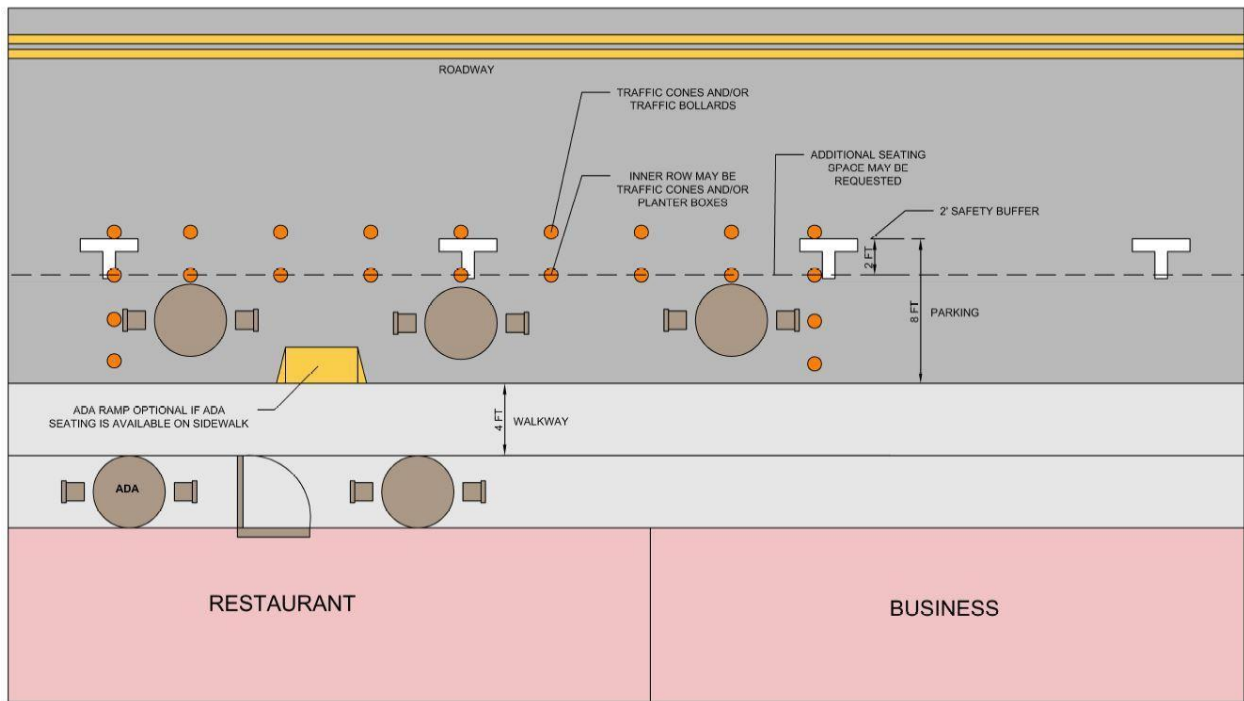
Specific Standards: In addition to the general standards listed above, the following standards apply to a Use of Public Parking Spaces

- Traffic control (traffic cones, posts) must be at least 28" tall, meet [California Manual on Uniform Traffic Control Devices standards](#) and be placed at the edges of the parking space. Traffic control must include reflection if parking space is to be utilized at night. A secondary barrier (traffic cones, planter boxes, posts with rope, etc.) must be placed 2 feet in from the external barrier — maintaining a 2-foot buffer between customers and vehicle traffic at all times. Water filled traffic rated barriers will be required to be used on San Pablo Avenue.
- Patio umbrellas may be used in the parking space. Umbrellas or shade structures may not intrude beyond the inner barrier of the 2-foot buffer zone, and they may not interfere with driver or pedestrian visibility of store signage, street signs, or traffic signals.
- Temporary furnishings shall not be secured to streetlights, trees, or any other public street furniture.
- Alternately, short-term parking for curbside pick-up can be implemented using temporary parking restriction signs available from the City. Signs will be available for

pick-up at City Hall. Businesses should use temporary posts or similar to install the signs on curb fronting their business.

Additional Application Requirements:

Site Plan and Traffic and Pedestrian Control Plan - You must submit a Site Plan showing the layout of the outdoor space and any improvements, structures and/or materials to be used to facilitate outdoor activities, including where furnishings or merchandise will be placed, and a Traffic and Pedestrian Control Plan ensuring the safety of customers and employees engaged in approved outdoor activities in public rights-of-way, and accounting for accessible pedestrian access through the area or improvements subject to this application.



This diagram is provided for illustration purposes only.

- Applicant may request to utilize any parking spaces fully within their store frontage. Parking spaces partially within a business' storefront can be requested for outdoor dining on a case by case basis. **No spaces other than those fully or partially in front of business will be made available for use under this permit.**

Fill out on-line application. Application requires staff review prior to approval.