



**CITY OF SIERRA MADRE**

**OUTDOOR DINING RESOURCE GUIDE**

# Contents

General Requirements .....	2
Tier 1: Use of Private Property.....	3
General Conditions .....	3
Tier 2: Standard Sidewalk Dining .....	4
General Conditions .....	4
Design Standards .....	4
Tier 3: Enhanced Sidewalk Dining.....	5
General Conditions .....	5
Design Standards .....	5
Tier 4: Street Patios .....	6
General Conditions .....	6
Design Standards .....	7
Appendix A.....	8
Standard and Enhanced Sidewalk Dining:.....	8
Insurance and Operational Requirements .....	8
Appendix B.....	10
Street Patio Dining: Insurance and Operational Requirements .....	10

# General Requirements

The City of Sierra Madre encourages restaurants, as much as practical, to prioritize use of private property using the tier system below when considering your outdoor dining options:

## Tier 1: Private Property

Use of private parking lots or other private space to accommodate outdoor dining.

## Tier 2: Standard Sidewalk Dining

Available public space which meets the needs of the business and does not restrict or remove public parking or expand use in front of adjacent businesses or buildings.

## Tier 3: Enhanced Sidewalk Dining

Available public space which meets the needs of the business and does not restrict or remove public parking, but may expand use in front of adjacent businesses or buildings in compliance with the Enhanced Sidewalk Guidelines.

## Tier 4: Street Patios

Available public space which meets the needs of the business and does restrict or remove public parking.

# Tier 1: Use of Private Property

Use of outdoor private property, such as modifying private parking lot spaces to accommodate outdoor dining, is permitted for all restaurants.



## General Conditions

Use of private property for outdoor dining is dependent on the following conditions:

1. Businesses must receive consent from the property owner prior to operating on outdoor private property.
2. Hours of operation for the outdoor dining space shall be limited to the hours of operation for the associated indoor dining.
3. Temporary tent or canopies on private property over 120 square feet are subject to building and safety codes.

# Tier 2: Standard Sidewalk Dining

Restaurants may be permitted to offer outdoor dining on the sidewalk area, limited to the frontage of the restaurant building. With standard sidewalk dining, restaurants may not encroach on to the frontage of adjacent businesses or buildings.



## General Conditions

Standard Sidewalk Dining approval is dependent on the following conditions:

1. A Sidewalk Dining Encroachment Permit must be submitted and approved by the City.
2. The Sidewalk Encroachment Permit will not be transferable.
3. A permit renewal fee shall be paid annually to the City for public right-of-way occupied for sidewalk dining.
4. The applicant acknowledges the City's ownership of the encroachment area as depicted in the site plan. The applicant shall not encroach into any area outside of the restaurant building's frontage. The applicant shall not install any permanent fixtures on public property without express approval from the City.
5. During the term of the permit, permittee shall carry, maintain, and keep in full force and effect insurance against claims for death or injuries to persons or damages to property. Insurance requirements (specified within Appendix A)

## Design Standards

- A five-foot continuous walkway for pedestrian use is required.
- Objects placed on the patios and sidewalk must be attended by wait staff continuously.
- Objects placed on the patios and sidewalk must be removed and/or locked at end of operating hours.
- Umbrellas are permissible with a 7' clearance over the designated pedestrian walkway.
- Sails/Kite style shade are permissible, carport style tents or canopies with plastic sides will not be allowed.



# Tier 3: Enhanced Sidewalk Dining

Enhanced sidewalk dining options may be approved for restaurants to expand their dining area in front of adjacent buildings, with written consent from these neighbors.



## General Conditions

Enhanced Sidewalk Dining approval is dependent on the following conditions:

1. In order to enhance sidewalk dining, an Encroachment Permit must be obtained by the property owner or business owner from the Department of Public Works. The permit will indicate various conditions for occupancy of the sidewalk.
2. The Sidewalk Encroachment Permit will not be transferable.
3. A permit renewal fee shall be paid annually to the City for public right-of-way occupied for outdoor dining.
4. The applicant acknowledges the City's ownership of the encroachment area as depicted in the site plan and shall not encroach onto any space outside of the permitted area. The applicant shall not install any permanent fixtures on public property without express approval from the City.
5. Insurance requirements (specified within Appendix A).

## Design Standards

- A five-foot continuous walkway for pedestrian use is required.
- Objects placed on the patios and sidewalk must be attended to by wait staff continuously.
- Objects placed on the patios and sidewalk must be removed and/or locked at end of operating hours.
- Umbrellas are permissible with a 7' clearance over the designated pedestrian walkway.
- Sails/Kite style shade are permissible, carport style tents or canopies with plastic sides will not be allowed.

# Tier 4: Street Patios

Patio dining that utilizes the public right-of-way shall be limited to restaurants that provide table service. Table service means food is customarily delivered by a server and items are bussed and cleaned by restaurant staff during and after the meal is complete. Outdoor patio dining is not guaranteed; approval is dependent upon location, feasibility, parking availability, storm drain access and other factors.



## General Conditions

Outdoor dining patio approval is dependent on the following conditions:

1. Application for utilizing the public right-of-way for outdoor dining must be submitted to the Department of Public Works with a proposed dining area plan.
2. An Outdoor Dining Permit must be obtained by the property owner or business owner, with property owner's permission. The permit will indicate various conditions and requirements regarding occupancy.
3. The Outdoor Dining Permit will not be transferable.
4. A permit renewal fee shall be paid annually to the City for public right-of-way occupied for outdoor dining.
5. Insurance requirements (specified within Appendix A).

## Design Standards

- A five-foot continuous walkway for pedestrian use is required.
- Objects placed on the patios and sidewalk must be attended to by wait staff continuously.
- Objects placed on the patios and sidewalk must be removed and/or locked at end of operating hours.
- Umbrellas are permissible with a 7' clearance over the designated pedestrian walkway.
- Sails/Kite style shade are permissible, carport style tents or canopies with plastic sides will not be allowed.



# Appendix A

## Standard and Enhanced Sidewalk Dining: Insurance and Operational Requirements

### A. Insurance requirements.

- 1) During the term of this permit, applicant shall carry, maintain, and keep in full force and effect insurance against claims for death or injuries to persons or damages to property in the following amounts:
  - i. General liability insurance not less than the amount set by ordinance or City Council resolution per occurrence for harm to both person and property.
  - ii. Workers compensation in an amount equal to state statutory requirements.
  - iii. Employer's liability insurance not less than the amount set by ordinance or City Council resolution per occurrence.
- 2) At all times during the term of this permit, Applicant shall maintain on file with the City's Risk Manager a certificate or certificates of insurance showing that the required policies are in effect in the required amounts and naming the City and its officers, employees, agents and volunteers as additional insureds.
- 3) All of the policies required herein shall contain an endorsement providing that the policies cannot be canceled or reduced except on thirty days' prior written notice to the City. The applicant agrees to require its insurer to modify the certificates of insurance to delete any exculpatory wording stating that the failure of the insurer to mail written notice of cancellation imposes no obligation, and to delete the word "endeavor" with regard to any notice provisions.
- 4) The insurance provided by the applicant shall be primary to any coverage available to City. Any insurance or self-insurance maintained by City and/or its officers, employees, agents or volunteers, shall be in excess of applicant's insurance and shall not contribute to it.
- 5) All insurance coverage provided pursuant to this permit shall not prohibit applicant, and applicant's employees, or agents, from waiving the right of subrogation prior to a loss. Applicant hereby waives all rights of subrogation against the City.
- 6) Procurement of insurance by applicant shall not be construed as a limitation of applicant's liability or as full performance of applicant's duties to indemnify, hold harmless and defend.
- 7) The insurance carrier must be placed with a company or companies licensed to do business in California.

- 8) The applicant shall be responsible for timely reimbursement of any deductible amount for any claim or suit which may be presented.

**B. Operational requirements.**

- 1) At all times during the term of this permit, the applicant shall possess a valid city business license.
- 2) Smoking is prohibited in all permitted sidewalk and outdoor patio dining areas.
- 3) This permit is valid for one year from the date of issuance. In its sole and absolute discretion, the City may interrupt or terminate this permit at any time. The City, acting through the Director of Public Works, may prohibit the operation of sidewalk dining at any time due to anticipated or actual problems, conflicts, or emergencies. Such problems and conflicts may arise from but are not limited to, scheduled festivals and similar events, or parades or marches, or repairs to the street and/or sidewalk, or from demonstrations or emergencies occurring in the area. To the extent possible, the permittee shall be given prior written notice of any time period during which the operation of the sidewalk dining will be prohibited by the City.
- 4) Businesses may be permitted to expand use in front of adjacent businesses or buildings with the written consent of the neighboring businesses. General conditions, design standards, and operational standards would apply to the extended space. The business encroaching on the neighboring space is responsible for the maintenance and upkeep of the dining space as well as the disassembly of the dining furniture and space at the end operation hours.
- 5) Permittee shall notify the city immediately if there is any defect or hazard on public property in or near the sidewalk dining area.
- 6) Approval of this permit pursuant to SMMC 12.12.030 does not constitute an approval or issuance of a permit under any other provision of the Municipal Code or applicable local, state or federal law. For example, on-site sale of alcoholic beverages is subject to an approved conditional use permit and a valid license by the California Department of Alcoholic Beverage Control.
- 7) This permit for the use of public sidewalks for dining purposes shall be granted solely for the purpose specified herein. Any changes, modifications or revisions to the approved use shall be subject to approval by Director of Public Works.
- 8) Applicant shall comply with subsection D of Section 12.12.030 of the Sierra Madre Municipal Code and any other applicable provisions of the code.
- 9) This permit shall not become effective until all applicable conditions of approval for the permit have been met. All conditions of approval shall be observed throughout the duration of the permit.

# Appendix B

## Street Patio Dining: Insurance and Operational Requirements

### A. Insurance requirements.

- a. During the term of this permit, applicant shall carry, maintain, and keep in full force and effect insurance against claims for death or injuries to persons or damages to property in the following amounts:
  - i. General liability insurance not less than the amount set by ordinance or City Council resolution per occurrence for harm to both person and property.
  - ii. Workers compensation in an amount equal to state statutory requirements.
  - iii. Employer's liability insurance not less than the amount set by ordinance or City Council resolution per occurrence.
- b. At all times during the term of this permit, Applicant shall maintain on file with the City's Risk Manager a certificate or certificates of insurance showing that the required policies are in effect in the required amounts and naming the City and its officers, employees, agents and volunteers as additional insureds.
- c. All of the policies required herein shall contain an endorsement providing that the policies cannot be canceled or reduced except on thirty days' prior written notice to the City. The applicant agrees to require its insurer to modify the certificates of insurance to delete any exculpatory wording stating that the failure of the insurer to mail written notice of cancellation imposes no obligation, and to delete the word "endeavor" with regard to any notice provisions.
- d. The insurance provided by the applicant shall be primary to any coverage available to City. Any insurance or self-insurance maintained by City and/or its officers, employees, agents or volunteers, shall be in excess of applicant's insurance and shall not contribute to it.
- e. All insurance coverage provided pursuant to this permit shall not prohibit applicant, and applicant's employees, or agents, from waiving the right of subrogation prior to a loss. Applicant hereby waives all rights of subrogation against the City.
- f. Procurement of insurance by applicant shall not be construed as a limitation of applicant's liability or as full performance of applicant's duties to indemnify, hold harmless and defend.
- g. The insurance carrier must be placed with a company or companies licensed to do business in California.
- h. The applicant shall be responsible for timely reimbursement of any deductible amount for any claim or suit which may be presented.

## B. Operational Requirements.

- a. At all times during the term of this permit, the applicant shall possess a valid city business license.
- b. Smoking is prohibited in all permitted sidewalk and outdoor patio dining areas.
- c. Violations of the provisions of the Patio Dining Permit or its design and operations standards can result in the termination of the Permit. Upon termination, Permittee shall remove all personal property, furnishings, and equipment from the outdoor dining area, at no cost to the City.
- d. This permit is valid for one year from the date of issuance. In its sole and absolute discretion, the City may interrupt or terminate this permit at any time. The City, acting through the Director of Public Works, may prohibit the operation of outdoor dining at any time due to anticipated or actual problems, conflicts or emergencies. Such problems and conflicts may arise from but are not limited to, scheduled festivals and similar events, or parades or marches, or repairs to the street and/or sidewalk, or from demonstrations or emergencies occurring in the area. To the extent possible, the permittee shall be given prior written notice of any time period during which the operation of the sidewalk dining will be prohibited by the City.
- e. The Permittee will pay, on an annual basis, and prior to the permit expiration date specified on the Permit, an amount based upon a fee determined by the City as outlined in the City's general fee schedule. Failure to pay the annual fee prior to the deadline date will cause a lapse in the Permit which terminates the use of the outdoor dining area, and may require the application and processing of a new permit.
- f. The Permittee must file a report with the City annually. The report form will be supplied to the applicant by the City. The report must be submitted prior to the Patio Dining Occupancy Permit expiration date. Failure to file the annual report prior to the permit expiration date will result in a lapse in the Permit, which will terminate the Permittee's privilege to operate the outdoor dining area. A new application to restore the use of the outdoor dining area will have to be filed with the City.
- g. These guidelines provide general rules for the issuance and compliance with the Patio Dining Permit. However, no permit will be issued to the extent the Director of the Department of Public Works determines that to do so would infringe upon the property rights of the abutting and nearby property owners or would be inconsistent with the primary purposes of public travel on the sidewalk.