

## Gilroy Temporary Outdoor Dining Registration for City Right of Way

The City of Gilroy has developed a program to temporarily allow restaurants and cafes to operate in outdoor settings adjacent to their business. For restaurants that don't have access to privately owned outdoor space, such as many of our downtown restaurants, this may include use of city sidewalks or plazas. The program aims to assist restaurants with quickly reopening in a manner consistent with local and state health and safety directives. Restaurants intending to provide outdoor seating in City right of way must implement all criteria below immediately and register with the City no later than 10 days after opening. Please carefully read and initial next to each criteria signifying compliance.

### GENERAL

\_\_\_\_\_ Temporary outdoor dining ends on May 31, 2021 or 30 days after county orders allow sit-down dining without distancing restrictions, whichever is sooner.

\_\_\_\_\_ Applicant shall comply with all applicable county and state health orders including distancing and sanitation requirements for customers and employees. County information can be found here <https://www.sccgov.org/sites/covid19/Pages/public-health-orders.aspx#explained>

\_\_\_\_\_ Do you have property owner/land lord/property manager consent for outdoor dining?  
 Yes    No

Property Owner Name: \_\_\_\_\_

Property Owner Phone: \_\_\_\_\_

\_\_\_\_\_ Does your outdoor seating affect an adjacent business (i.e., extend in front of their property?)  
 Yes    No  
If yes, do you have adjacent business and property owner/land lord/property manager consent for your proposal?  
 Yes    No

Adjacent Business Owner Name: \_\_\_\_\_

Adjacent Business Owner Phone: \_\_\_\_\_

Adjacent Property Owner Name: \_\_\_\_\_

Adjacent Property Owner Phone: \_\_\_\_\_

- \_\_\_\_\_ If outdoor music is provided, it shall be as muted background music.
- \_\_\_\_\_ No real property right is provided, given or otherwise conveyed to any person or entity using public property for outdoor dining purpose. Any such use permitted hereunder shall cease on May 31, 2021 or as otherwise determined by the city. Permittee shall return public property to the condition existing at the time of permit issuance.
- \_\_\_\_\_ To the fullest extent permitted by law, Owner shall defend, through counsel approved by City (which approval shall not be unreasonably withheld), indemnify and hold harmless City, its officers, representatives, agents and employees against any and all suits, damages, costs, fees, claims, demands, causes of action, losses, liabilities and expenses, including without limitation attorneys' fees, arising or resulting directly or indirectly from any act or omission of Owner or Owner's assistants, employees or agents, including all claims relating to the injury or death of any person or damage to any property.

## **DESIGN & SET-UP**

- \_\_\_\_\_ Entrances and exits to the business and the outdoor dining area shall be maintained to Fire, Building Code and ADA standards.
- \_\_\_\_\_ Outdoor seating areas on sidewalks or walkways must maintain a four-foot (4') wide path of travel and must be free and clear of any temporary or permanent objects including occupied chairs, tables, light poles, fire hydrants, trees, or other barriers. The area may be adjacent to the curb if there is a two-foot (2') minimum clearance to the curb.
- \_\_\_\_\_ Comply with all rules and regulations required by State Department of Alcohol Beverage Control. Apply for [a COVID-19 temporary catering authorization](#) with the [California State Department of Alcohol Beverage Control](#).
- \_\_\_\_\_ If perimeter barriers used, barrier shall generally be temporary and movable fixtures. The barriers shall be of a durable material and ideally reflect the architectural character of the building. Small planter boxes, post and cable or picket style fencing may be used to define the boundary of the outdoor dining area. No chain link fencing, chicken wire or cyclone fencing.

## **EQUIPMENT & MATERIALS**

- \_\_\_\_\_ The furnishings of the outdoor dining shall consist of movable tables and chairs, including movable planters and pots and portable space heaters if used. Furnishings shall not be bolted or chained to the sidewalk or other permanent fixtures such as streetlights.
- \_\_\_\_\_ Outdoor furniture shall be made of safe, sturdy, and durable material and ideally reflect the architectural character of the building. Furniture shall be

maintained in a safe and clean condition at all times. Outdoor furnishings must be removed or secured nightly.

\_\_\_\_\_ Individual canvas or other non-vinyl umbrellas are permitted. Umbrellas shall be designed for outdoor commercial use and shall be well maintained. Umbrellas shall maintain a clearance as to not obstruct pedestrian flow or obstruct any street signs or traffic signals. Each umbrella may include the name/logo of the dining establishment but shall not include any other form of product advertising or messages.

\_\_\_\_\_ All added lighting shall be shielded to prevent glare to pedestrians and vehicle traffic.

## **SAFETY MEASURES**

\_\_\_\_\_ Fire access (roadways, driveways) and water supply (fire hydrants) shall remain accessible at all times. Maintain clear access to all exits.

\_\_\_\_\_ The minimum fire-extinguisher requirement shall be one 2A-10BC rated portable unit in such locations so that maximum floor-travel distance does not exceed 75 feet to the nearest extinguisher from any portion of the outdoor dining areas. Existing fire extinguishers that are within 75 feet from the new dining areas are an approved method.

\_\_\_\_\_ All exterior curtains, tents, awnings and decorations, shall be Flame Retardant treated in accordance with the California Code of Regulations Title 19 Article 8 and 9 and the 2019 California Fire Code Chapter 8.

\_\_\_\_\_ Tents shall meet the State Fire Marshal Flame Resistance requirements and have a SFM Certification Seal attached to the tent material. A TENT PERMIT is required from the Fire Department for all tents that exceed 400 square feet in area.

\_\_\_\_\_ Will you have portable gas-fired heating appliances located in your temporary outdoor dining area?  Yes  No

\_\_\_\_\_ Outdoor food preparation shall be prohibited.

## **MAINTENANCE**

\_\_\_\_\_ The sidewalk area in and adjacent to the outdoor dining area shall be steam cleaned or pressure washed on at least a monthly basis and well maintained at all times.

\_\_\_\_\_ Trash receptacles shall be maintained and the sidewalk shall be kept clear of debris at all times.

Business Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

Business Owner Name (please print): \_\_\_\_\_

Phone: \_\_\_\_\_ email: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Within 10 days, please submit the following. Take a picture or scan documents to [outdoordining@cityofgilroy.org](mailto:outdoordining@cityofgilroy.org)

- \_\_\_\_\_ A copy of the above criteria initialed, signed and dated
- \_\_\_\_\_ A site plan or photo(s) that shows the outdoor dining area. Site plan or images should show adjacent store/building frontages including doorways. Site plan or images should provide sufficient detail to demonstrate compliance with applicable criteria above including four foot wide clear path of travel and location of furniture. For site plan examples, [click here](#).

*Please note that the City reserves the right to determine on a case-by-case basis the suitability and appropriateness of the outdoor seating plan requested by the restaurant. The City recognizes that every situation and property is unique and we are committed to working with our restaurants to find solutions that protect the health and safety of all involved and comply with applicable laws and orders. For any questions or concerns, please email [outdoordining@cityofgilroy.org](mailto:outdoordining@cityofgilroy.org) or call (408)846-0451.*