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APPLICATION FOR TEMPORARY OUTDOOR DINING PERMIT

On May 26, 2020, the Placer County Board of Supervisors approved an urgency ordinance (Ordinance No. 6020-B) to temporarily reduce regulations pertaining to implementation of outdoor dining areas located within unincorporated Placer County to assist with economic recovery from the COVID-19 crisis.

During the period of this urgency ordinance, established restaurants and mobile food vendors may be permitted to temporarily establish outdoor eating areas by zoning clearance using this application.

Please fill out the information below including all supplemental information requested. Submit your completed application and all supplemental application materials by email to Retail-recovery@placer.ca.gov. Within 5 business days you will receive a written response to approve your proposal or request additional information, if required.

In addition to the provisions described above, the urgency ordinance has temporarily reduced or suspended other requirements of County Code pertaining to signage and outdoor retail display areas to facilitate economic recovery from the COVID-19 crisis. The complete text of the urgency ordinance provisions are included with this application beginning on page 4.

Applicant/Owner Information
Name of Applicant:
Name of Property Owner (if different):
Name of Restaurant or Mobile Food Facility:
Address:
Telephone Number:
Email Address:

Proposal Information

- 1. List days and hours of proposed outdoor dining operation.

[Empty text box for proposal information]

- 2. List the total square footage of indoor restaurant dining space, total number of tables and

guest seats normally located within restaurant, and amount of indoor guest seating lost to implementation of State Department of Health social distancing requirements. If restaurant is a mobile food facility list "N/A".

3. List the total square footage of outdoor food service area proposed including total number of tables, guests per table and total number of guest seats proposed. List all outdoor dining services that are proposed. For example, if outdoor food service area would be limited to establishment of a drive-up kiosk to serve take-out customers and food delivery services only, describe the kiosk and its operation. If outdoor food service area would include dine-in services, please describe including service of alcoholic beverages, if applicable.

4. Describe proposed location of outdoor dining area. If proposed outdoor dining area would be located on a sidewalk, be advised that Americans with Disability Act access provisions apply and an accessible path of travel must be maintained. If the outdoor dining area would be located within a parking lot or parking area, please describe provisions that will be put in place to ensure customer service areas are delineated from parking and circulation areas and how they will be protected from encroachment. For example, use of haybales, cones, temporary barricades or temporary fencing not exceeding four feet tall, and any temporary structures such as non-permanent canopy structures. List the number of parking spaces proposed to be utilized for the temporary outdoor dining area.

5. **Site Plan:** Provide a Site Plan, site photographs and photographic key to show the location(s) and configuration of temporary facilities described above. The site plan should be drawn to scale and show adequate detail so that a person not familiar with the site or proposal would understand how and where temporary improvements would be implemented.
6. **Owner Authorization Required:** If applicant is not the property owner, provide owner signature below or separate letter of authorization from property owner stating their

agreement to temporary establishment of outdoor dining area.

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

**Applicant: Please read all of the following, and sign and date below.**

The undersigned applicant seeks a temporary permit to use outdoor space for temporary outdoor dining. The applicant understands and agrees that the permit, once issued, is subject to the following requirements:

- A. The use of public space and/or parking area shall not interfere with vehicular and pedestrian traffic, or access under the Americans with Disabilities Act.
- B. Temporary signage may be placed at or near the spaces designated for outdoor dining purposes in accordance with the provisions of this urgency ordinance.
- C. The County reserves the right to determine, on a case-by-case basis, the suitability and appropriateness of the outdoor space requested for outdoor dining use in accordance with the provisions of this urgency ordinance.
- D. No permanent structures or surface improvements, such as a new or enlarged concrete patio area, shade structure, building or other improvements that are permanent in nature shall be constructed or installed.
- E. Temporary barricades, fencing not exceeding four feet tall, cones or similar approved protective temporary barricades or structures may be required to be placed around the outdoor dining area to ensure safe site operations.
- F. Any approved temporary canopies, pop-ups or similar approved shade structures shall be temporary in nature and shall be affixed to the ground by temporary means, such as tying off to temporary anchor bolts, to ensure safe operations in the event of wind gust.
- G. Dining tables shall be placed in a manner that observe at least six-foot social distance between groups of customers in accordance with the most recent directive of the California Department of Public Health. Customers in the same household dining together are counted as one group and are exempt from this requirement while sitting at the same table(s).
- H. Restaurant shall comply with all applicable State and County laws and regulations pertaining to outdoor dining (including, but not limited to sale and consumption of alcoholic beverages) under this provision including the then most current directive of the State Department of Alcoholic Beverage Control (ABC).
- I. No real property rights granted or conveyed to any person or entity receiving approval of a temporary outdoor dining area in accordance with the provisions of this Urgency Ordinance. Any such use permitted hereunder shall cease no later than termination of the Urgency Ordinance. The County reserves the right, in its sole discretion during the pendency of the County local emergency, to terminate or extend any permit issued hereunder, with or without cause. Upon termination of any permit granted hereunder, the permittee shall return the outdoor space to the condition existing at the time of permit issuance.
- J. The applicant shall, upon written request of the County, defend, indemnify, and hold harmless the County of Placer, the County Board of Supervisors, and its officers, agents, and employees, from any and all actions, lawsuits, claims, damages, or costs, including attorney's fees awarded by an approval to implement an outdoor dining area in accordance with the terms of Urgency Ordinance 6020-B. The applicant shall, upon written request of the County, pay or, at the County's option, reimburse the County for all costs for preparation of an administrative record required for any such action, including the costs of transcription, County staff time, and duplication. The County shall retain the right to elect to appear in and defend

any such action on its own behalf regardless of any tender under this provision. This indemnification obligation is intended to include, but not be limited to, actions brought by third parties to invalidate any determination made by the County under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) for the Project or any decisions made by the County relating to the approval of the Project. Upon request of the County, the applicant shall execute an agreement in the form approved by County Counsel incorporating the provision of this condition.

I hereby attest that the information provided in this application is a true and correct representation to the best of my abilities. I have read all information included in this application and hereby attest my agreement to the provisions stated herein.

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

### **Urgency Ordinance 6020-B Full Text**

**Section 1:** Placer County Code Chapter 17, Article 17.56, Section 17.56.160 is amended on an interim uncodified basis for the effective period of this ordinance as follows:

#### **17.56.160 Outdoor retail sales.**

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F. Outdoor Display Accessory to a Retail Use. Any approved retail establishment may display products for sale outdoors, subject only to zoning clearance (no MUP or CUP is required) and provided that the outdoor display:

1. Occupies an area no larger than ~~ten~~ **one hundred (100)** percent of that establishment's gross floor area devoted to retail sales within the building; and
2. Does not occupy ~~any~~ **more than twenty (20) percent of the** required parking area or any public right-of-way; and
3. Does not, in the opinion of the Placer County department of public works or the sheriff's department, interfere with safe vehicular access to and from the site, emergency vehicle access, or pedestrian access; and
4. Is directly adjacent to the building which houses the retail establishment.

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**Section 2:** Placer County Code Chapter 17, Article 15.56, Section 17.56.190 is amended on an interim uncodified basis for the effective period of this ordinance as follows:

#### **17.56.190 Restaurants.**

A. Outdoor Eating Areas. When restaurants and bars are allowed by Sections 17.06.030 et seq., (Allowable land uses and permit requirements) in the zone applicable to a site, any proposed outdoor eating areas are subject to the requirements of this section.

1. Permit Requirement. Outdoor eating areas shall be subject to those permit requirements established by this chapter for the restaurant or bar with which said areas are associated, where

the outdoor eating area also conforms to the requirements of this section, **except for those zoning districts requiring approval of a minor use permit or conditional use permit, where outdoor eating areas shall be allowed with approval of an administrative approval.**

Outdoor eating areas that do not conform to the requirements of this section (such as hot dog stands, shaved ice vendors, etc.) may be authorized by **administrative** ~~minor use permit~~ approval, **which shall include written approval from the California Alcoholic Beverage Control if alcohol is served.** [see also Section 17.56.160(E) (Sales from Vehicles).]

2. Parking. Off-street parking shall be provided for use by patrons of the outdoor eating area at a ratio of one parking space per one hundred (100) square feet of outdoor eating area or one parking space per four seats within an outdoor eating area, whichever is more restrictive (See Section 17.54.060, Parking space requirements by land use). **However, the required parking for the outdoor eating area may be reduced by one parking space per one hundred (100) square feet of indoor eating area not in use.**

B. Restaurants within the Office-Professional Zone District. Restaurant and bar uses incidental and accessory to an office use shall be allowed only if:

1. The office building or complex of buildings on the same site has twenty thousand (20,000) square feet or more of leaseable space.

2. The principal entrance shall be from inside the office building.

3. The floor area of the restaurant shall not exceed one thousand (1,000) square feet or fifteen (15) percent of the total floor area of the building, whichever is greater.

**Section 3:** Placer County Code Chapter 17, Article 17.54, Section 17.54.170, subsections (C)(2)(o) and (p) are amended on an interim uncodified basis for the effective period of this ordinance as follows:

### **17.54.170 Signs.**

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o. Temporary Sales and Events. Banners, signs or decorative materials for an event conducted pursuant to Sections 17.56.160(C), 17.56.160(D) and 17.56.160(G) (Outdoor retail sales), or grand openings of a new facility on the same site. Such banners, signs and materials are limited to a maximum aggregate area of one hundred (100) square feet per site ~~and a maximum time of forty five (45) days per year.~~ Uses permitted under Section 17.56.300 (Temporary Uses) are limited to a maximum aggregate area of one hundred (100) square feet per site of banners, signs or decorative materials or as otherwise provided by the use permit.

p. Window Signs. Temporary window signs, either painted with water-soluble paint, or constructed of paper, cloth or similar expendable material, ~~provided the total area of such signs is not more than twenty five (25) percent of the window area, and provided that such signs are in place no longer than thirty (30) days in any sixty (60) day period.~~

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**Section 4:** Placer County Code Chapter 17, Article 17.54, Section 17.54.170, subsection (D) is amended on an interim uncodified basis for the effective period of this ordinance as follows:

D. Prohibited Signs and Sign Materials. The following signs and sign materials are prohibited,

as well as any other sign or sign materials that are not consistent with the provisions of this ordinance; **provided, however, signs described by subsections (1), (4) and (7) below shall be permitted without a sign permit subject to compliance with the standards set forth herein and with all other applicable provisions of this Section 17.54.170, including but not limited to size, area, setback, illumination, and construction and maintenance.**

1. "A"-frame Signs. On-premises or off-premises signs with two or more pieces of any rigid material whatsoever joined at the top so as to form an "A" when viewed in profile, which are not permanently affixed to the ground or a building, and which are otherwise consistent with the definition of a sign.

2. Animated Signs. Signs with any moving, rotating, flashing, or otherwise animated light or component, except for time and temperature displays and electronic changeable copy signs with cycle rates longer than three seconds, and traditional barber poles.

3. Hazardous Signs. Any sign that creates a traffic safety hazard by interfering with a driver's sight distance.

4. Inflated/Lighter-Than-Air Signs. (Except as provided in Section 17.54.180(C)(2)). **Blimps, balloons and similar lighter-than-air or inflated advertising devices shall be subject to the following requirements:**

- a. Only one such device is allowed for each business;**
- b. The device shall not have lighting or electronic displays;**
- c. The longest dimension of the inflated device shall not exceed fifteen (15) feet; and**
- d. The device shall not interfere with any public utility structure or facility.**

5. Obsolete Signs. Any sign or sign structure identifying a use or activity that has not occupied the site for more than six months.

6. Off-premises Signs. Except as provided by Section 17.54.190, any off-premises sign that directs attention to a business, service, product, or entertainment not sold or offered on the premises on which the sign is located, including but not limited to billboards and other off-premises outdoor advertising signs.

7. Portable Signs. Signs not permanently affixed to the ground, an approved support structure or a building. **A portable sign shall not (1) interfere with vehicle sight distance, or (2) obstruct the accessible path of travel along a pedestrian sidewalk or pathway. The number of portable signs allowed on each site shall be limited to one per business. A portable sign shall not exceed twenty (20) square feet in area.**

8. Signs on Public Property. Signs within a public road right-of-way, or placed on any other public property, except when placed on such property by the public agency having jurisdiction.

9. Signs on Natural Features and Other Structures. Signs affixed to or painted on trees, rocks, or other natural features, or on utility poles, street sign poles, traffic signal equipment and poles, or garbage receptacles.

10. Signs Without Permits. Any sign without an approved sign permit, unless specifically exempt per subsection (C)(2) of this section.

11. Simulated Traffic Signs. Any sign that simulates or imitates in color or design any traffic sign or signal, or uses words, symbols or characters that may interfere with, mislead or confuse pedestrian or vehicular traffic.

12. Vehicle Signs. Signs on vehicles, including trailers, when a vehicle is parked or stored on property for the purpose of identifying a business or advertising a product on the same site or a different site, unless the sign is permanently fixed to the vehicle, and the vehicle is used by the business to conduct its daily operations on a regular basis.

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**Section 5:** The Board hereby declares, based on the findings set forth above, that there is an immediate need to preserve the public peace, health and safety constituting the urgency for adoption of a 90-day extension to this ordinance pursuant to Government Code sections 25123(d) and 65858. Accordingly, this ordinance is extended an additional ninety (90) days and shall remain in full force and effect until **October 8, 2020**, unless otherwise repealed or extended.

**Section 6:** The Director of the Community Development Resources Agency is authorized to waive the administrative approval application fee and directed to adopt such administrative procedures as may be necessary to implement this ordinance.

**Section 7:** The Clerk is directed to publish this ordinance, or a summary thereof, within fifteen (15) days in accordance with Government Code section 25124.