



# **City of Riverside**

## **Sidewalk Café Program**

### **Guidelines and Procedures**

**Date: February 21, 2023**

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**Sidewalk Café Program**

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## Sidewalk Café Program

### **1. Program Overview**

The City of Riverside wishes to provide restaurants with a program facilitating use of the Public Right of Way for outdoor dining purposes. The Sidewalk Café Program (Program) is intended to allow flexible use of the Public Right of Way while maintaining consistent and safe operations for restaurant patrons.

### **2. Cost and Expiration**

- A. Sidewalk Café program participants are required to apply for a City of Riverside Encroachment Permit and are responsible for any fees & charges associated with the review and issuance of the Encroachment Permit. Fees and charges will be waived for Category 1 program participants.
- B. All Encroachment Permits issued for Sidewalk Cafés expire one (1) year after issuance and must be renewed on an annual basis at no cost to the permit holder; revisions to the Encroachment Permit / configuration will require a new application.
- C. Encroachment Permits issued for Sidewalk Cafés are non-transferrable and expire upon a change in ownership of the associated facility.
- D. Restaurants with an active Temporary Outdoor Flex Space Program permit (for outdoor dining purposes only) at the end of the Emergency Declaration shall have until April 28<sup>th</sup> 2023 to apply for a one-time extension which shall expire one year (365 days) after the end of the Emergency Declaration. Restaurants which receive a one-time extension shall secure and comply with the requirements of any necessary permits and/or approvals prior to the expiration of the one-time extension in order to continue operation of an outdoor dining area established under the Temporary Outdoor Flex Space Program.

### **3. Program Categories, Review and Eligible Applicants**

Restaurants with frontage along a public sidewalk or plaza that is contiguous with the restaurant's building face (e.g. not separated by parking or a landscaped setback) are eligible to apply for participation in the Sidewalk Café Program. Categories of eligible applicants include:

- A. Category 1 (Small-scale Sidewalk Cafés): Sidewalk Cafés that deploy a single row of tables against the building's frontage and do not include a raised barrier are considered Category 1 participants. Such participants will be required to apply through the Sidewalk Café Program for a no-fee encroachment permit.
- B. Category 2: Any other Sidewalk Café will be considered a Category 2 participant and will be required to apply through the Sidewalk Café Program for an encroachment permit. Category 2 applicants will also be required to participate in a City staff review process to ensure Program compliance and facilitate discussion of the Sidewalk Café configuration.

### **4. Requirements for all Sidewalk Cafés**

#### A. Operations

- (1) For all outdoor operations as approved by this Program, the hours of operation shall include:
  - a. Thursday through Saturday – close at 12:00AM.
  - b. Sunday through Wednesday – close at 11:00PM.

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### (2) Gatherings, Live Performances and Entertainment

- a. Outdoor operations that include amplified music or live entertainment shall be consistent with Title 7- Noise; such operations may be subject to an Entertainment Permit.

### B. ADA Compliance

- (1) All minimum disabled access standards in accordance with state and federal law, including but not limited to the Americans with Disability Acts (ADA) must be met.
- (2) A clearly marked, unobstructed, and durable pedestrian path of travel that meets minimum required accessibility standards, of no less than four (4) feet in width, shall be maintained for each sidewalk and shall adhere to the following standards:
  - a. The accessible route can be marked, cordoned, or signed to clearly show the path of travel adjacent the Sidewalk Café
  - b. The minimum four (4) feet wide dimension of the pedestrian path shall be measured from the outdoor operation at the portion of the sidewalk which is either the nearest inside face of curb or the nearest obstruction.
- (3) The Sidewalk Café area shall maintain a minimum 44-inch aisle width throughout the space and provide a minimum 5% accessible seating for each type of seating provided.

### C. Fire Requirements

- (1) All fire access and exit discharge to the public way shall always be maintained, including, but not limited to Fire Department connections and control valves, fire extinguishers, fire sprinkler risers, hydrants and fire lanes.
- (2) Access to fire hydrants, fire hose connections for sprinkler systems, and entrances and exits of all buildings shall not be obstructed at any time by fixtures, barriers, or seating.
- (3) [Category 2 Sidewalk Cafés Only] A minimum of one (1) 2A:10BC fire extinguisher shall be placed in a conspicuous location located along normal paths of travel. Placement shall not exceed 75 feet of travel distance. Sidewalk Café.
- (4) A minimum, twenty (20) feet clear, and unobstructed fire lane shall always be maintained.
- (5) There shall be a minimum of forty (40) inches in distance separating the edge of the outdoor operations to a fire department connection.

### D. Improvement Restrictions and damages in the Public Right-of-Way

- (1) For Category 1 Sidewalk Cafés, Sidewalk Cafés in Public Plazas, and for Sidewalk Cafés on the Main Street Pedestrian Mall: No improvements may be permanently affixed to any public rights-of-way.
- (2) For Category 1 Sidewalk Cafés: No physical modification of the right-of-way shall occur.

### E. Occupant Load

- a. Any occupant capacity added through the Sidewalk Café program will be considered as part of the participant's cumulative occupant load and must be approved by the Building Official and Fire Marshal.
- b. Any approved outdoor occupant load must demonstrate minimum compliance with all adopted state or local building codes and standards that apply, including the minimum require plumbing

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fixtures for restroom facilities, exiting, fire and life safety features, and similar health and safety regulations that may be impacted by such spaces, along with the requirements of these guidelines and procedures.

- c. No additional parking will be required for increased occupant load resultant from a permitted Sidewalk Café.

### **F. Pedestrian Circulation Requirements**

- (1) No fixtures, tables, chairs, umbrellas, or other fixtures shall be permitted within six (6) feet of a pedestrian crosswalk or corner curb cut.
- (2) Outdoor operations shall maintain unobstructed access to public utilities, vehicular driveways, building entrances and exits, crosswalks, bus stops and transit entrances to maintain pedestrian and traffic safety.

### **G. Width of Outdoor Operations**

- (1) Operations shall not exceed the frontage length of the applicant tenant/lease space.
- (2) Applicants may coordinate with adjacent property owners/tenants to extend their outdoor operations to the adjacent property building and sidewalk frontage.
- (3) If a Joint Application is submitted to extend the outdoor operations beyond a building or sidewalk frontage, the maximum outdoor occupancy limits as required by this policy cannot be exceeded.

### **H. Signage**

- (1) For all Sidewalk Cafés, any signage, barriers, coverings or other furnishings within the public right-of-way cannot contain advertising, branding, and the like.
- (2) If the business serves alcohol, signage shall be placed on the premises informing customers that, with proper State of California Alcohol Beverage Control permits:
  - a. Any alcohol purchased for consumption in the Sidewalk Café must be consumed within the designated and barriered area.
  - b. Any alcohol purchased for off-site consumption must be taken from the premises in a closed container.

### **I. Lighting**

- (1) Appropriate lighting of the outdoor operations is required if operating at night.
- (2) When visible from the adjacent roadway, lighting shall be steady-state, and not 'blink' or 'flash'.
- (3) Lighting shall be oriented away from adjacent properties including, but not limited to, adjacent residential uses, streets, parking lots and/or public rights-of-way.
- (4) All exterior lighting shall comply with the provisions of Chapter 19.556 (Outdoor Lighting) of the Zoning Code.

### **J. Tents and Membrane Structures shall not be allowed as part of Sidewalk Cafés.**

### **K. Heaters**

- (1) The following shall apply to all gas or propane heaters:
  - a. Gas and propane heaters are PROHIBITED within any tent or membrane structure.

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- b. The use of gas or propane heaters in any outdoor operation not located within a tent or membrane structure shall be in accordance with their listing and the adopted fire and building codes. Please contact the City Fire Department for requirements.
- (2) The following shall apply to all electric heaters:
- a. Electric heaters may be permitted within tent or membrane structures provided:
    - i. Their installation is in accordance with the adopted fire and building codes, including the manufacturers listing and its recommendations; and
    - ii. The business must submit the manufacturer specifications (e.g., listed for outdoor use, distances noted and followed relating to tables/chairs/fabric, etc.) to the Fire Department for approval.
  - b. Electric heaters shall be listed and labeled by UL or other NRTL listing with over-temperature protection, and maintain clearances as required by the manufacturer but in no case less than 3 feet from any person or combustible material; and
  - c. The power supply for electric heaters shall utilize a single listed outdoor extension cord rated for the amperage and include GFCI protection or be provided with temporary power supply approved by the Building Official.
- L. Food Preparation
- (1) No cooking or open flames are permitted within Sidewalk Cafés  
No food preparation, plastic food displays, food storage, or refrigeration apparatus shall be allowed in Sidewalk Cafés
- M. Umbrellas
- (1) Umbrellas shall be secured, fire-retardant, pressure-treated and/or manufactured of fire-resistant material.
  - (2) No portion of an umbrella canopy or horizontal stand-off arm shall be less than six (6) feet, eight (8) inches (eighty [80] inches) above the sidewalk.
  - (3) Umbrellas shall be removed at the end of each day.
- N. Raised Elements
- (1) Any raised element shall not obstruct visibility of an existing roadway sign or traffic signal.
  - (2) Raised elements of outdoor operations shall not obstruct sight distance at intersections and driveways
  - (3) Occupied raised elements shall be accessible in accordance with state and federal disabled access laws
- O. Solid and Liquid Waste Disposal
- (1) The business shall ensure that solid and liquid waste are disposed appropriately with solids going in waste bins and wastewater discharged to the sewer, such as through a sink or toilet.
  - (2) Releases of waste to the environment, such as to the gutter or storm drain, are strictly prohibited.

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- (3) Approval of the means and methods of discharging solid and liquid waste by the City of Riverside does not relieve the operator of the establishment from conforming to the Federal, State, County, and City's Health standards.
- (4) The City reserves the right to request the operator/owner of the establishment to make changes or relinquish the current use if deemed necessary.
- (5) The business shall be responsible for removal of trash and clean-up in all cases.

### P. Insurance Requirements

- (1) For any Sidewalk Café participant, each establishment must provide a General Liability Insurance Certificate providing evidence of general liability insurance coverage in the minimum amount of \$1,000,000 combined single limit, \$2,000,000 aggregate AND an additional insured endorsement naming the City of Riverside, its officers, employees and agents' as additional insured.
- (2) The applicant will also be required to provide a waiver of subrogation in favor of the City of Riverside.
- (3) \$1,000,000 Liquor Liability if the event is selling alcohol. \$1,000,000 Liquor Host if the event is distributing alcohol at no charge.
- (4) The General Liability Insurance Certificate must be submitted with the application for each Sidewalk Café.

### Q. Barriers

- (1) Removable barriers are recommended for Category 2 Sidewalk Cafés, but fixed barriers may be considered outside of the Pedestrian Mall and pedestrian plazas.
- (2) Use of landscaping and planters as barriers for Category 2 Sidewalk Cafés is permissible.

R. The business shall be responsible for removal and secure storage of all portable barriers, fixtures, tables, chairs, umbrellas etc. each evening at closing.

S. An Encroachment Permit is required to activate a Sidewalk Café. Applicants maybe required to comply with criteria generally reserved for Encroachment Permits and/or Street Opening Permits as deemed appropriate by the Public Works Department, including but not limited to: performance of work by a CA Contractor holding an appropriate and valid license and approval of traffic control plans.

T. A Certificate of Appropriateness (COA) is required for all Sidewalk Café locations within a historic district or on the site of a City Landmark or Structure of Merit. The COA will review the compatibility of proposed barriers with the historic district and/or structure.

## **5. Public Plaza & Main Street Pedestrian Mall Requirements**

- A. In order to facilitate special event programming and other needs in the interest of the Public, Sidewalk Cafés within Public Plazas or along the Main Street Pedestrian Mall may not affix any barrier or fixture to the public right of way and will be obligated to condense or remove the Sidewalk Café with 24 hour written notice. Staff will endeavor to provide a 72-hour notice under normal operating conditions.
- B. Sidewalk Cafés shall not extend further than 25' into the Main Street Pedestrian Mall or a Public Plaza and may not obstruct the emergency vehicle pathway.
- C. Because a Sidewalk Café along the Main Street Pedestrian Mall or within a Public Plaza may create longer walking routes for pedestrians, such Sidewalk Cafés must present a letter of agreeance from

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each adjacent property owner of record consenting to the proposed Sidewalk Café configuration prior to approval of the Encroachment Permit

- D. The proposed footprint of all Sidewalk Cafés within Public Plazas or along the Main Street Pedestrian Mall will be reviewed to ensure that the emergency vehicle pathway remains unobstructed and that pedestrian flow is not excessively impacted by the proposed footprint.

### **6. Other City of Riverside Requirements**

Separate building and/or construction permits are required for any onsite infrastructure to include but not be limited to electrical, mechanical, or plumbing in support of the outdoor operation.

### **7. County Health Department Requirements**

- A. All businesses shall meet applicable County Health Department requirements.

### **8. State of California Requirements**

- A. Any State of California requirements shall be met.
- B. Alcohol Beverage Control
  - (1) Establishments licensed by the State of California Alcohol Beverage Control will be permitted to sell and allow on-premise consumption of alcoholic beverages where permitted.
  - (2) Establishments that serve alcoholic beverages in the Sidewalk Café shall provide a physical barrier that meets the requirements of the Alcoholic Beverage Control Board.
  - (3) The Applicant is responsible for managing these barriers and removing them when necessary.
  - (4) Dine-in restaurants not currently permitted to sell alcohol will not be affected by this requirement.

### **9. Removal of Outdoor Operations**

- A. The City reserves the right to remove any outdoor operations that:
  - (1) Creates an obstruction to, or causes congestion of, pedestrian or vehicular traffic due to existing conditions on the surrounding public right-of-way if it finds the installation represents a danger to the health, safety, or general welfare of the public; or
  - (2) A business violates the requirements of the Temporary Outdoor Flex-Space Permits Program or Federal, State and Local orders.
- B. Violation of Requirements
  - (1) For any violation of this Program, a first, verbal warning will be given to the owner and/or manager of the outdoor operations.
  - (2) If the violation continues, no matter the timeframe, a second warning will be given in writing to the owner and/or manager of the outdoor operations.
  - (3) If the violation continues following the written warning, no matter the timeframe or the Category, the outdoor operations Permit will be rescinded, and the outdoor operations and/or any use of the City's right of way (if applicable) must cease.



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- C. The City may require the removal, temporary or permanent, of any outdoor operation when redevelopment or improvements of the street or sidewalk, or utility repairs necessitates such action, or the permittee fails to comply with the criteria set forth in existing City ordinances.
- D. Any costs incurred by the City for removal or storage of outdoor operations equipment shall be the responsibility of the business. The City is not responsible for any damages or loss of equipment removed pursuant to this subsection.