



City of  
**MONTEBELLO**  
CALIFORNIA

---

**STANDARDS AND PROCEDURES FOR  
TEMPORARY OUTDOOR DINING PERMITS**

**FOR INFORMATION CONTACT:**

Joseph Palombi

City of Montebello Planning and Community Development Department

Telephone Number: (323) 887-1200

Email: [jpalombi@cityofmontebello.com](mailto:jpalombi@cityofmontebello.com)

Website: <https://www.cityofmontebello.com/forms-applications.html>

**DATED JANUARY 26, 2021**

## **I. PREFACE**

On March 16, 2020, pursuant to Resolution No. 20-22, the City Council issued a proclamation declaring the existence of a local emergency due to the novel coronavirus, COVID-19 pandemic. As a result, the City Council authorized the City Manager to serve as the Director of Emergency Services pursuant to Chapter 2.48 et seq. of the Montebello Municipal Code (“MMC”).

Since March 16, various supplemental orders have been issued by the State of California and the Los Angeles County Department of Public Health, as well as a number of our neighboring communities, including the City of Los Angeles.

On May 26, 2020, the Los Angeles County Department of Public Health announced its “Reopening Safer at Work and in the Community for Control of COVID-19: Moving the County of Los Angeles through Stage 2 of California’s Pandemic Resilience Roadmap” (“County Order”). The County of Los Angeles is following the State of California’s phased re-opening that progressively designates sectors, businesses, establishments or activities that may reopen or resume, with necessary modifications to protect the public health and safety, and to lower the risk of transmission of COVID-19.

On June 24, 2020, the City Council authorized the City Manager, as the Director of Emergency Services, to establish and approve guidelines and standards for temporary outdoor dining permits for eating establishments within the City of Montebello.

On July 8, 2020, the City Manager established the Standards and Procedures for Temporary Outdoor Dining Permits to promote public health and safety as well as support economic vitality for restaurants and eating establishments as a result of recent orders issued by Governor Newsom.

On January 26, 2021, the City Manager extended the permits established under the Standards and Procedures for Temporary Outdoor Dining Permits in an effort to address the continued challenges related to the COVID-19 pandemic. Therefore, the City’s Temporary Outdoor Dining Program and related permits issued under the Program have been extended through December 31, 2021. This extension is intended to continue to promote public health and safety as well as support economic vitality for restaurants and businesses as a result of recent orders issued by Governor Newsom and the County of Los Angeles. Nothing in the City of Montebello Standards and Procedures for Temporary Outdoor Dining Permits shall be interpreted to amend or supersede any orders issued by the State of California or the County of Los Angeles.

## **II. INTRODUCTION**

1. Pursuant to public orders, the MMC and these Standards and Procedures, outdoor dining will be permitted within temporarily closed public-right-of-way, parking areas, and adjacent outdoor areas through execution of a Temporary Outdoor Dining Permit. Temporary outdoor dining areas are designated areas where patrons may consume food and/or beverages provided by an adjacent food service establishment and/or bonafide restaurant. Such establishments may either provide sit down table service in the temporary outdoor dining area consisting of tables, chairs, or other furnishings to properly adhere to all current social distancing requirements.

2. These Standards and Procedures are intended to encourage outdoor dining and help create and maintain a safe and dynamic business environment that benefits the customer, the business, and the City.
3. These Standards and Procedures regulate the design and operation of temporary outdoor dining areas conducted in the public right-of-way and adjacent to existing eating establishments, pursuant to a Temporary Outdoor Dining Permit. In addition, the City will make available temporary tents/canopies for establishments to utilize during the COVID-19 pandemic.
4. These Standards and Procedures should not be interpreted to allow uses and/or activities that are currently not permitted under the City's zoning regulations and/or approved entitlements (e.g. conditional use permits). These Standards and Procedures do not provide information on all government agency requirements for starting a new restaurant or eating establishment. Business owners must secure appropriate licenses and permits from the State Alcoholic Beverage Control Board, Los Angeles County Health Department, and the City of Montebello Planning Division, Building and Safety Division, Fire Department, Public Works, and the Finance Department's Business License Division.
5. The approved business shall be responsible for maintaining the temporary outdoor dining areas to ensure they are clean and presentable during the duration of the Temporary Outdoor Dining Permit.
6. Upon termination of the Temporary Outdoor Dining Permit, the Permittee shall immediately remove the temporary barriers around the temporary outdoor dining area and return the public right-of-way to its original condition or a condition deemed acceptable by the Director of Planning and Community Development, and remove all personal property, furnishings, lighting, umbrellas, and equipment from the public right-of-way and/or adjacent areas.

### **III. APPLICATION AND TERM OF PERMIT**

1. An Application for a Temporary Outdoor Dining Permit must be filed with the Planning and Community Development Department. The Planning Division will be responsible for maintaining the application records.
2. An Application for a Temporary Outdoor Dining Permit shall include:
  - a. Application
  - b. Site Plan with the following detail:
    - i. The designated temporary outdoor dining area with dimensions to clearly identify the permitted area. Size and font must be legible.
    - ii. Identify and properly label all protective barriers and proposed furniture and appurtenances requested to be placed within the proposed permit area.
    - iii. Provide north arrow, street name, business address, and business name.
    - iv. All temporary outdoor dining areas must adhere to American with Disabilities Act ("ADA") accessibility requirements.
  - c. Provide required insurance prior to permit issuance.

3. The Applicant (Permittee) shall obtain and maintain in force during the life of the Temporary Outdoor Dining Permit comprehensive general liability, broad form property damage and blanket commercial liability insurance in amounts and coverage as determined by the City and specified in the application package. Failure to maintain general liability insurance is grounds for revocation of permit.
4. The Applicant (Permittee) shall obtain and maintain in force for the life of the Temporary Outdoor Dining Permit Worker's Compensation insurance in an amount established by the State. Failure to maintain Worker's Compensation insurance is ground for revocation of permit.
5. The Planning and Community Development Department shall obtain the concurrences of all applicable City departments/divisions before approving any Temporary Outdoor Dining Permit. Planning staff shall attempt in good faith to assist the applicant in resolving any problems with the application.
6. The Temporary Outdoor Dining Permit shall not become effective until the permit is approved by all parties.
7. All work within the temporary outdoor dining areas shall be in accordance with the approved Permit. Said temporary outdoor dining areas shall be maintained consistent with the terms of the Permit.
8. Businesses applying for a Temporary Outdoor Dining Permit must be in good-standing with the City, have a valid business license, no pending health or code enforcement matters proceeding, and not delinquent in the payment of any business license fees or taxes owed the City.
9. Temporary Outdoor Dining Permits are not transferable, delegable or assignable. In the event of a transfer of the business, the transferee must submit an application to the Planning Division to obtain a new permit prior to the effective date of the transfer.
10. The City Manager shall approve all applications for Temporary Outdoor Dining Permits.

#### **IV. TERM OF PERMIT**

1. Unless terminated earlier pursuant to Section IV.2, below, a Temporary Outdoor Dining Permit shall remain in effect until December 31, 2021, unless extended or amended by the City Manager.
2. The City Manager or designee may terminate any Temporary Outdoor Dining Permit immediately, without notice, if it is determined that the outdoor use is creating a hazard to public health, safety, or welfare. Otherwise, a Temporary Outdoor Dining Permit may be terminated, with or without cause, upon 10-days' notice to Permittee.

## **V. DESIGN STANDARDS**

The following design standards shall apply to any temporary outdoor dining area approved pursuant to a Temporary Outdoor Dining Permit:

### **A. City-Controlled Property**

As used herein, City-controlled property shall include parking areas, sidewalk areas, paved to City standards, and public right-of-way between the outside boundary of the dining area and any obstruction, including but not limited to parking meters, street trees, landscaping, street lights, bus benches, and curb lines.

1. Parking areas shall be restricted with barriers with a minimum eight foot (8'-0") distance from the nearest street curb, with a minimum four foot (4'-0") wide unobstructed pedestrian passageway. Said barrier to curb distance may be reduced if the City Manager or designee determines there are unique circumstances along the subject street frontage, but at no time shall pedestrian passageway be less than four feet (4'-0") in width.
2. The temporary outdoor dining areas shall be accessible to the disabled in accordance with ADA standards. The buildings adjacent to the outdoor dining and retail sales areas shall maintain building egress as defined by the Uniform Building Code and State of California Title 24 Disabled Access Standards.

### **B. Private Property**

1. In addition to these Standards and Procedures, the temporary outdoor dining area included in the Temporary Outdoor Dining Permit shall be accessible by the disabled in accordance with ADA standards. The temporary outdoor dining area shall be setback from the adjacent curb line and shall maintain an ADA accessible pedestrian pathway of four feet (4'-0") in width within the area and accessible from the crosswalks.

### **C. Dining Area**

1. The final configuration of the temporary outdoor dining area shall be subject to approval by the City Manager or designee as recommended by the Director of Planning and Community Development or designee, who shall consider public safety and compliance with the MMC relative to the specific location.
2. The designated temporary outdoor dining area shall contain only tables, chairs, umbrellas or other weather protection devices, planters, trash receptacles, stanchions or other approved barriers, portable k-rails, heaters and menu boards.
3. Establishments that serve alcoholic beverages in the temporary outdoor dining area shall provide a physical barrier that meets the requirements of the California Department of Alcoholic Beverage Control (it is the responsibility of the applicant to research and verify design compliance with the Alcoholic Beverage Control prior to submitting an

application to obtain a Temporary Outdoor Dining Permit). Sales or consumption of alcoholic beverages shall not be permitted in retail sales areas.

#### **D. Barriers**

If physical barriers are used to enclose the temporary outdoor dining areas, the barriers shall conform to the following:

1. Barriers shall conform to the City's installation standards and be removable however, they are not required to be removed when the business closes each day, but shall be capable of being removed without any special tools, if need be.
2. Any modification(s) to the surface of the temporary outdoor dining area including but not limited to City-controlled property or public right-of-way, such as borings for recessed sleeves are prohibited.
3. Barriers shall not exceed three feet-six inches (3'-6") in height.
4. Barriers shall not enclose any handicapped-use ramp or corresponding threshold, or other improvement within the sidewalk or street with the exception of a pull box and/or vault cover as may be permitted by the applicable public utility.
5. Landscaped barriers are allowed if deemed acceptable by the City Manager or designee.
6. Signage or lighting elements attached to the barrier are prohibited.
7. The use of any plastic, fabric or other material to further enclose the temporary outdoor dining area is prohibited.

#### **E. Furniture, Canopies, Lighting and Signs**

The furniture and other equipment, including loaner equipment, to be used within the temporary outdoor dining area shall be as follows:

1. The design, materials, and colors used for chairs, tables, racks, shelving, umbrellas, trash receptacles and other fixtures shall not include any lettering or graphics.
2. Umbrellas shall not project beyond the barriers of the temporary outdoor dining area.
3. One (1) free-standing menu board may be displayed, which shall have no more than two (2) faces with a total surface area of six (6) square feet of area per face, and shall not be placed higher than five (5) feet above the sidewalk.
4. Heaters shall be of a uniform design and color, shall not project beyond the physical limits of the temporary outdoor dining area, and may require written approval by the Fire Marshal prior to their installation.

5. All lighting shall be directed onto the subject site and fixed in such a direction as to not impact abutting uses and traffic.
6. All temporary canopies and tents shall be properly secured and approved by the Building Division prior to installation.
7. The City will provide two options for owners/operators to borrow loaner tables and loaner umbrellas (Please see Attachment A) on a first come first serve basis. These loaner tables and loaner umbrellas must be used in the designated outdoor dining area. The owner(s) and operator(s) of the establishment with an approved outdoor dining area will be responsible for any replacement cost associated with the loss or damage of the loaner tables, loaner chairs, and/or loaner umbrellas. All loaner equipment issued by the City must be returned upon termination of the Temporary Outdoor Dining Permit.
8. The City will provide loaner canopies and loaner tents on a first come first serve basis. These loaner canopies and loaner tents must be approved by the Building Division prior to installation. Owner(s) and operator(s) of the establishment with an approved outdoor dining area will be responsible for any replacement cost associated with the loss or damage to the loaner tents and loaner canopies. All loaner equipment issued by the City must be returned upon termination of the Temporary Outdoor Dining Permit.
9. Lighting fixtures shall be free standing and shall be of a uniform design and color.

## **VI. OPERATION**

1. Outdoor dining shall be operated in a manner that meets all requirements of the Los Angeles County Health Department and other applicable regulations.
2. Outdoor dining shall be continuously supervised by management and shall be operated in such a manner so as not to create a public nuisance.
3. Management shall keep the temporary outdoor dining area clear of litter, merchandise that has fallen on the ground, food scraps, and soiled dishes and utensils at all times. Trash receptacles shall be provided in temporary outdoor dining areas used for consuming take-out items.
4. The applicant shall be responsible for maintaining the public right-of-way adjacent to the outdoor dining or retail sales area so as to keep it free of litter, including any closed curbside parking area.
5. At the end of each business day, establishments are required to clean (sweep and remove all debris) the area in and around the temporary outdoor dining area and remove any debris placed in an enclosed trash receptacle. No debris shall be swept, washed, or blown into the sidewalk, gutter or street.
6. Establishments with an existing alcohol license permitted to serve on-site alcohol from the California Department of Alcoholic Beverage Control will be permitted to serve

alcohol to accompany meals with the Temporary Outdoor Dining Permit subject to compliance with the COVID-19 Temporary Catering Authorization Application (Form ABC-218 CV19).

7. Outdoor dining areas shall open no earlier, and close no later, than the restaurant's permitted hours of operation.
8. Temporary outdoor dining areas must comply with all State and local regulations that restrict smoking.

**VII. ENFORCEMENT**

1. All plans, permits, and conditions of approval for the temporary outdoor dining area approved by the City Manager or designee shall be kept on the premises at all times and shall be produced for inspection immediately upon request by officers, agents or inspectors of the City's Code Enforcement Division, Planning Division, Engineering Division, Building Division, Fire Department, Police Department, or any other governmental enforcement agency.
2. Notwithstanding the allowance to install temporary private improvements via these outdoor dining standards, the tenant and/or property owner shall provide the City and all its representatives with reasonable and immediate access to any part of the temporary outdoor dining area for the purpose of conducting official City business.
3. Any violation of these Standards and Procedures for Temporary Outdoor Dining Permits may result in the termination of the Temporary Outdoor Dining Permit and are subject to the penalties and remedies set forth under Chapter 1.12 of the MMC. The City retains the right to terminate a Temporary Outdoor Dining Permit upon 10-days' notice, regardless of compliance with these Standards and Procedures. In the event the City Manager or designee determines there is a hazard to public health or safety, the Permit may be immediately terminated, without notice, at the sole discretion of the City Manager or designee.

City Manager Approval:



Date:

1/26/2021



**ATTACHMENT A**



