



COUNTY OF EL DORADO

TEMPORARY OUTDOOR PROGRAM

Preface

On January 30, 2020, the World Health Organization declared the outbreak of COVID-19 a “public health emergency of international concern”. On March 12, 2020, the County’s Public Health Officer declared a state of emergency in El Dorado County due to COVID-19 health and safety impacts. On March 17, 2020, the Board of Supervisors adopted Resolution 051-2020 ratifying the Declaration of a Local Health Emergency by the Public Health Officer due to an imminent and proximate threat to the public health from introduction of COVID-19. On March 19, 2020, Governor Newsom issued Executive Order N-33-20 ordering all residents “to immediately heed the current State public health directives. These health directives are intended to help open businesses in a safe and practicable way and to protect the public while the COVID-19 crisis abates.

Program Overview

This outdoor dining/retail program has been established to ensure restaurants and retailers have the greatest ability to operate successfully through the recovery process. Restaurants and retail establishments with access to private walkways or private parking may utilize these areas for dining activities in accordance with guidelines published by California Department of Public Health:

<https://covid19.ca.gov/pdf/guidance-dine-in-restaurants.pdf> (Dine-in Restaurants)

With property owner consent, up to 50% of private parking spaces counted for required parking may be converted to outdoor dining space or retail space when the lot is immediately adjacent to the parent property. The proposed converted use must comply with public safety standards for emergency rescue, building access, and physical distancing requirements. Additionally, no parking for disabled persons may be repurposed for restaurant use unless the site has additional disabled parking spaces sufficient to meet minimum requirements and receives approval from the County’s Building Official. Landscaping and required buffer areas for the off-site parking spaces shall not be used as expanded converted use for restaurants operations. There shall be no parking or outside seating in these areas.

To participate in the program, the business must have a valid El Dorado County General Business License. For questions regarding this program, please contact the Planning Department at (530) 621-5355 or by emailing: planning@edcgov.us.

Property Owner Approval

Businesses should consult with the property owner in advance of utilizing outdoor space. The use of the outdoor space shall be authorized by the property owner and be in compliance with owner’s requirements.

General Requirements

While no permit from the County of El Dorado is required to utilize these temporary guidelines, the use of the outdoor space shall meet the requirements listed below.

Outdoor activities shall:

1. Maintain the minimum accessibility requirements of the Americans with Disability Act (ADA).
2. Provide adequate pedestrian flow with a clearly marked, unobstructed, and durable pedestrian right-of-way, also known as a "pedestrian path" that meets required accessibility standards, of no less than six (6) feet. The minimum distance of the pedestrian path shall be measured from the boundary of the dining or sales area to the nearest obstruction i.e., tables, chairs, bus stop shelters, newsstands, existing planters, or similar. No tables, chairs, umbrellas or other fixtures shall be permitted within six (6) feet of a pedestrian crosswalk.
3. Maintain unobstructed access to fire lanes, fire hydrants, fire hose connections for sprinkler systems, bike paths and entrances and exits of all building. There shall be a minimum of 40 inches in distance separating the edge of a table or chair to a fire department connection.

Operation and appearance

1. Outdoor area shall be aesthetically compatible with surrounding area.
2. Patron safety shall be considered when designing outdoor spaces and set-up within travel lanes or shall be prohibited.
3. Appropriate lighting of the outdoor space and any associated walkways is required if operating outside of daytime hours.
4. Use of removable barriers (planters, fencing, etc.) to define the dining space or retail space is permissible but should not be permanently affixed in such a manner that the site could not be restored to its original condition. At no time shall any barriers be within the public rights-of-way, including the public sidewalks.
5. No heating, cooking or open flames are permitted in the outdoor dining area. However, space heaters are permitted provided that they are an outdoor approved type, are located in accordance with the manufacturer's recommendations, and are located at least two (2) feet from the edge of any umbrella canvas, any foliage, or any other flammable object or material.
6. No food preparation, plastic food displays, food storage, or refrigeration apparatus shall be allowed on the public right-of-way, including the public sidewalks.
7. Umbrellas shall be no less than six (6) feet, eight (8) inches (80 inches) above the ground.
8. Temporary signs are allowed for the duration of this program in compliance with County Zoning Code Section Sec. 130.36.050 (Temporary Signs). Allowed temporary signs for restaurants and retailers are summarized in Table 130.36.050.1 of the Zoning Code:

Table 130.36.050.1 Allowed Temporary On-Site Sign Standards

Sign Type	Number Allowed	Max. Area	Max Height	Minimum Setback from Right-of-Way
Banner	1 Sign (any type) per establishment per street frontage	50 sf	Roofline	5 feet behind face of curb, outside of right-of-way
Feather Banner		30 sf	12 feet	
A-Frame		8 sf	4 feet	
Sign Twirler	1 per establishment, on legal parcel establishment	12 sf	8 feet	5 feet

Use of Tents, Shade Structures or Umbrellas

1. The following requirements shall apply to use of tents, umbrellas or shade structures ("Shade Structures"):
 - A property may have more than one Shade Structure but each Shade Structure must adhere to social distancing requirements between and within the structures
 - No part of a Shade Structure shall encroach into the public rights-of-way, including public sidewalks, or designated path of travel.
 - All legs must be weighted to a minimum of 40lbs and meet the following:
 - Weights must be securely attached to canopy roof and canopy leg separately.
 - Ropes and straps should be high quality.
 - Bungee or rubber straps are prohibited.
 - Weights must be on the ground and not dangling.
 - Weights and lines must not pose a hazard and be clearly visible. Items that make acceptable weights:
 1. 5-gallon bucket full of water, sand, or concrete
 2. 4" PVC pipe at least 36" long filled with concrete
 3. Large commercially available tent weights
 4. Sandbags or salt bags 40lbs or heavier

Operation Hours

Establishments utilizing temporary outdoor dining or retail sales shall comply with the following closing times:

- Friday through Saturday – close by 11:00 PM
- Sunday through Thursday – close by 10:00 PM

Alcoholic Beverages

Restaurants and food establishments licensed by the State of California will be permitted to sell and allow on-premise consumption of alcoholic beverages within expanded dining areas on private property and on immediately adjacent private walkways, in accordance with the terms of their license from the California Department of Alcoholic Beverage Control. Establishments

that serve alcoholic beverages in the outdoor dining area shall provide a physical barrier that meets the requirements of the Alcoholic Beverage Control Board. The applicant is responsible for managing these barriers and removing them when necessary.

Other Agency Approval

Each business is responsible for obtaining any additional regulatory approvals necessary to allow outdoor dining or retail sales. Prior to implementing this program at your business location, please contact, at a minimum, the following agencies for information regarding any necessary permits:

El Dorado County Fire District: (530) 644-9630, or appropriate Fire District

Sheriff's Department: (530) 621-5655

Environmental Management: (530) 573-5300

Planning and Building Ombudsman: (530) 621-5352

Health and Human Services: (530) 642-7300

Businesses located within the Tahoe basin must adhere to the **Tahoe Regional Planning Agency Guidance Memo Regarding Temporarily Expanding Restaurant Outdoor Seating in Response to COVID-19 Social Distancing Requirements.**

Program Period

Unless extended by the County of El Dorado, this program will terminate on April 1, 2021. Businesses desiring to continue with outdoor dining beyond April 1, 2021, will be required to obtain any required permits from the County of El Dorado and servicing agencies. At the conclusion of the program, the outdoor space shall be restored to its original condition.

Date: May 27, 2020

To: MOU Partners

From: Brandy McMahon, AICP, Local Government Coordinator

Tahoe Regional Planning Agency Guidance Memo Regarding Temporarily Expanding Restaurant Outdoor Seating in Response to COVID-19 Social Distancing Requirements

In response to Social Distancing Requirements put in place by the States of Nevada and California to stop the spread of COVID-19, Tahoe Regional Planning Agency (TRPA) staff has prepared this memo to provide guidance when working with restaurant owners/managers seeking to add additional outdoor seating to meet social distancing requirements.

In the Tahoe Region, restaurants may temporarily add additional tables outdoors to meet social distancing requirements and protect public health and safety. Outdoor tables shall first be located on existing hard coverage (patios, decks, parking lots, walkways, etc.) and then if additional area is required placed on lawns. Restaurant owners/managers shall ensure that parking is not negatively impacted if tables are placed in parking lots and shall make sure adequate access remains for ingress/egress and adequate pedestrian and bike/vehicle circulation is maintained. The total number of tables temporarily relocated outside cannot exceed the number of previously permitted tables (the number of tables reasonably accommodated within existing indoor and outdoor dining areas with Commercial Floor Area). Thus, if 10 tables are removed from a dining area to meet social distancing requirements, a maximum of 10 tables may be temporarily relocated outside. Temporary signage that addresses social distancing requirements may also be located at a restaurant. Temporary signage shall be an appropriate size and scale to the restaurant use.

Once social distancing requirements are lifted by the States of California and Nevada, or within two years of the date of this memo (May 27, 2022), whichever occurs first, restaurants in the Tahoe Region must come back into conformance with TRPA regulations.

The Agency shares the community's concerns for the health and safety of the public and staff during this health crisis and appreciates the opportunity to work through the issues.

If you have questions regarding this memo, please contact Brandy McMahon, AICP, Local Government Coordinator, at (775) 589-6274 or bmcmahon@trpa.org.