



Temporary Private Property Outdoor Dining Application

The City of Gardena has implemented the following procedures and regulations to facilitate the re-opening of an eating establishments while granting them the ability to temporarily expand dining areas in order to comply with COVID-19 related public health and safety protocols and social distancing requirements. Any eating establishment seeking to expand its dining area within private property shall comply with the following:

Eligible Uses

- Eating establishments that are legally allowed to serve food in a sit-down format.

Application Process

- Complete this application form.
- For uses that have a legal right to serve alcohol, refer to Question 5 on the application form.
- Submit application form to the Planning Division within the Community Development Department via email at tempdining@cityofgardena.org.

Operating Standards

Private dining areas shall comply with the following standards at all times:

- Any outdoor portion of the site of an existing eligible use may be converted to dining area with approval of the landlord and subject to Health Department rules and regulations and the Americans with Disabilities Act (ADA) at all times.
- The subject establishment may perform outdoor cooking functions pursuant to all applicable Los Angeles County Department of Health policies.
- The hours of operation of any expansion shall be limited to the hours of operation for the associated indoor dining.
- Due to the expedited nature of the review associated with this permit, tents, heaters, and umbrellas/ shade structures over 400 square feet in total area shall not be approved under a Temporary Private Property Outdoor Dining on Private Property application.
- A permit is not transferable to any entity or person and is valid only as to the original applicant.
- Use, occupation and obstruction of the private property which is permitted under this application may be temporarily suspended, without prior notice or hearing, when, in the discretion of the Director of Community Development ("Director"), the police chief, or the fire chief, any such use, occupation or obstruction may interfere with public safety efforts or programs, street improvement activities, construction activities, cleaning efforts or other similar activities or with the health, welfare or safety of the citizens of the city.



DEPARTMENT of COMMUNITY DEVELOPMENT

1700 WEST 162nd STREET / GARDENA, CALIFORNIA 90247-3732 / WWW.CITYOFGARDENA.ORG / PHONE (310) 217-9530

- Any outdoor dining area on private property shall be kept in a good state of repair and maintained in a clean, safe and sanitary condition at all times. Regular cleanup of trash and debris shall be the responsibility of the business owner.
- The business owner of the dining area shall maintain designated ingress and egress points and shall keep them clear and accessible at all times. The private property outdoor dining area may be defined by placement of portable but sturdy fencing or other suitable dividers as required or approved by the Director.
- There shall be no covering over any part of the outdoor dining area on private property except for awnings attached to the abutting property, and approved pursuant to all city requirements, including, but without limitation, all requirements of Title 18 of the municipal code, and except for individual table umbrellas (not to exceed 400 square feet of area in total).
- Promoter-produced parties or events shall be prohibited. These events include private parties that involve third parties who profit from organizing and/or drawing attendees to the events.
- Customized lighting and sound system conducive of a nightclub atmosphere shall be prohibited at all times.
- Amplification of music shall be allowed subject to the approval of the Director and shall comply with the regulations of Chapter 8.36 (Noise) of the Gardena Municipal Code.
- Live entertainment and dancing shall be prohibited at all times.
- Smoking is prohibited in all private property outdoor dining areas. Violators may be subject to a fine.
- The site and surrounding area shall be maintained in a litter and graffiti free manner. Any graffiti that should appear on the site shall be removed within 48 hours.
- The Director may, in his or her sole discretion, place additional conditions upon the issuance of the permit in order to insure the protection of the rights of all adjoining property owners and the health, safety and welfare of the public.
- Permits shall be considered temporary and nonpermanent in nature, and permittee shall have neither property interest in nor any entitlement to the granting or continuation of any such permit. Permits may be terminated by the city, with or without cause, regardless of the nature and scope of financial or other interest in, or on account of the permit or the permitted use.
- All dining areas shall operate in compliance with all public health guidelines and protocols related to COVID-19, as issued and updated by the Public Health Officer.

The following additional standards shall apply to businesses serving alcohol:

- Prior to serving alcohol in a dining area, the business must possess both a valid on-sale alcoholic beverage license pursuant to Division 9, commencing with Section 23000, of the California Business and Professions Code of Type 41 (on-sale beer and wine eating place) or of Type 47 (on-sale general eating place), or of their successor types. Alcohol service shall be in compliance with all applicable regulations and guidance issued by the California Department of Alcoholic Beverage Control at all times.



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- The private dining area shall be located entirely within the private property and shall not encroach within any public right-of-way.
- A permittee serving alcohol within an outdoor dining area on private property shall post conspicuously within the dining area a sign which reads: "People consuming alcohol outside of this outdoor dining area are subject to arrest. Gardena Municipal Code Section 9.08.020.
- The last alcoholic beverage shall be served no later than one-half hour before closing.
- The establishment shall allow patrons of all ages, at all times.
- No cover charges, entry fees, or minimum drink orders shall be charged/required of patrons.
- Signs advertising brands and types of alcohol shall not be visible from the exterior of the premises. The display of alcoholic beverages shall be interior only (no outdoor display) at all times.
- The following preventive measures shall be undertaken to reduce the potential for alcohol related problems:
 - Food service shall remain available during all hours of operation; Rideshare service phone numbers shall be posted in a conspicuous location at all times in the area(s) where alcohol is served to customers;
 - All employees selling or serving alcohol shall be required to participate in an alcohol training program offered by the Alcoholic Beverages Control prior to the operation of selling/serving alcohol;
 - The availability of a variety of non-alcoholic beverages shall be made known, posted in a conspicuous location, and offered to customers. The operator shall provide a Designated Driver program and offer free non-alcoholic drinks to designated drivers.
- Operation of any outdoor dining on private property shall be subject to any other conditions which the director should find to be in the interest of the public health, safety or welfare.



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PLEASE TYPE OR FILL OUT COMPLETELY IN INK

PROJECT ADDRESS: _____ **DATE:** _____

BUSINESS/TENANT NAME: _____

APPLICANT/AGENT: _____

Phone: _____ Email: _____

Mailing Address: _____ City: _____ Zip: _____

PROPERTY OWNER NAME: _____

Phone: _____ Email: _____

Mailing Address: _____ City: _____ Zip: _____

PROPOSED OPERATIONS:

- 1) Is there currently private outdoor dining area? Yes No If yes, area occupied (square feet) _____
- 2) Proposed private outdoor dining area (square feet): ____; # of outdoor tables: ____ # of outdoor chairs: ____
- 3) Days in operation: M TU WED THUR FRI SAT SUN
- 4) Hours of operation: _____ (Note: Outdoor dining hours may not exceed regular business hours of associated indoor dining establishment.)
- 5) Do you currently have a legal right to serve alcohol? Yes No
- 6) Will all outdoor furniture abide by required social distancing requirements Yes No
- 7) Will parking spaces be used to accommodate outdoor dining area? Yes No If yes, then:

Provide an explanation for how you will provide parking for patrons and employees (include as separate attachment if necessary):

- 8) Will you be removing, reducing or relocating any ADA accessible spaces or ADA paths-of-travel to accommodate your dining area? Yes No If yes, then: Your site plan must show how the area will be restriped to comply with ADA and replace the spaces/path-of-travel lost.



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Project Address: _____ Business Name: _____

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INDEMNIFICATION

Applicant/Agent agrees to defend, indemnify, and hold harmless the City and its officers, contractors, consultants, employees, and commission members (collectively, "City") from any and all liability, loss, suits, claims, damages, costs, judgments and expenses (including attorney's fees and costs of litigation), including any appeals thereto (collectively, "proceeding") brought against the City with regard to any approvals issued in connection with the application(s) by the City, including any action taken pursuant to the California Environmental Quality Act. If Applicant/Agent is required to defend the City in connection with such proceeding, the City shall have and retain the right to approve counsel to so defend the City; and all significant decisions concerning the manner in which the defense is conducted; and any and all settlements, which approval shall not be unreasonably withheld. The City shall also have and retain the right to not participate in the defense, except that the City agrees to reasonably cooperate with Applicant/Agent in the defense of the proceeding. If the City's Attorney's Office participates in the defense, all City Attorney fees and costs shall be paid by Applicant/Agent. Further, Applicant/Agent agrees to defend, indemnify and hold harmless the City from and for all costs and fees incurred in additional investigation or study of, or for supplementing, revising, or amending, any document if made necessary by said proceeding.

CERTIFICATION

If you are not the owner of the property abutting the outdoor dining, you must obtain approval of this application from the legal or beneficial owner or his duly authority agent. Any person signing the approval as an agent shall furnish a written authorization. I hereby assume all responsibility for ensuring outdoor dining as indicated is consistent with the approved submittals and that I will take necessary corrective action if different from the approved submittals. I certify that I filled out this application completely and state that the above information is true. I certify that I have read this application in its entirety and agree to abide by city ordinances and State laws relating to temporary outdoor dining, and hereby authorize representatives of this city to enter upon the above-mentioned property for inspection purposes.

To the best of my knowledge, and under penalty of perjury, all information provided in this application is true and correct.

Property Owner Signature: _____ Date: _____

Property Owner Name (Please Print or Type): _____

Applicant/Agent (if different than owner) Signature: _____ Date: _____

Applicant/Agent Name (Please Print or Type): _____



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Project Address: _____ Business Name: _____

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Provide a **SITE PLAN** and include the following:

- Property lines
- Location of barriers, tables, chairs, trash receptacles and distance separation. Show compliance with all public health guidelines and protocols related to COVID-19, as issued and updated by the Public Health Officer.
- Location of patron entry and exit
- Location of parking lot with vehicular entry and exit
- The location of all utility connections to be used in the outdoor dining operation
- Location of planned electrical and mechanical equipment
- The existing and proposed pedestrian circulation pattern. Show compliance with ADA requirements.
- Location of existing ADA accessible parking spaces and ADA paths-of-travel. If modifications are proposed, include proposed locations (label all dimensions on plan).



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Proposed Site Plan: In the space below, or in a separate 8.5" x 11" attachment, please provide a drawing of the proposed outdoor dining area in accordance with the requirements on the previous page.