

MEETING DATE: 11/03/08

AGENDA ITEM: Adoption of a Resolution Approving Revised Outdoor Dining Standards and Procedures on the Public Right-of-Way, and Adoption of a Resolution Revising the Outdoor Dining Fee Schedule.

ATTACHMENTS

	<u>Pages</u>
1. Resolution No. 2008- Adopting New Outdoor Dining Standards and Procedures.	1.
Exhibit 'A' of Resolution No. 2008-: <i>Draft Revised Outdoor Dining Standards on Public Right-of-Way and Procedures for Outdoor Dining License Agreements.</i>	2-14.
2. Sample Application Packet (subject to revision upon approval of revised Standards).	15-34.
3. Resolution R2008- Establishing New Outdoor Dining Permit Fees.	35-36.

Attachment 1

RESOLUTION NO. 2008-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CULVER CITY, CALIFORNIA, ADOPTING THE NEW
OUTDOOR DINING STANDARDS AND PROCEDURES AND
RESCINDING RESOLUTION NO. 96-R008.**

WHEREAS, the City Council has enacted procedures in Chapter 9.08 of the Culver City Municipal Code to permit the use of City sidewalks for outdoor dining under certain circumstances; and

WHEREAS, the Municipal Code requires the City Council to establish standards and procedures for the design and operation of outdoor dining areas by adoption of a Resolution; and

WHEREAS, the City Council desires to update these standards and procedures.

NOW, THEREFORE, the City Council of the City of Culver City, California, DOES HEREBY RESOLVE as follows:

SECTION 1. The Outdoor Dining Standards and Procedures, attached hereto as Exhibit A and incorporated herein by reference, are hereby approved and shall be effective on the date of the adoption of this Resolution.

SECTION 2. Resolution No. 96-R008 is hereby rescinded.

Approved and Adopted this _____ day of October, 2008.

D. SCOTT MALSIN, Mayor

ATTEST:

APPROVED AS TO FORM:

Martin Cole, City Clerk

Carol Schwab, City Attorney

Exhibit A

Outdoor Dining Standards
Draft 17 October 2008
Page 1

OUTDOOR DINING STANDARDS AND PROCEDURES ON THE PUBLIC RIGHT-OF-WAY

Draft 17 October 2008

**PUBLIC WORKS DEPARTMENT / Engineering Division
and
COMMUNITY DEVELOPMENT DEPARTMENT / Planning Division**

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I. INTRODUCTION

- A. An outdoor dining area is a place on the public sidewalk where patrons may consume food and/or beverages provided by an adjacent food service establishment. Such establishments may either provide table service in the outdoor dining area or sell take-out items consumed in the outdoor dining area.
- B. The Outdoor Dining Standards and Procedures are intended to encourage appropriate outdoor dining activities that will help create and maintain a dynamic business area that is of benefit to the customer, the business, and the City. Use of the public right-of-way for outdoor dining activities may only occur pursuant to an Outdoor Dining License Agreement. As provided in Section 9.08.035(C) of the Culver City Municipal Code, the City Engineer is authorized to approve an Outdoor Dining License Agreement application and to execute an Outdoor Dining License Agreement on behalf of the City. As a revocable, annually-renewed permit process, the Outdoor Dining License Agreement is intended to be made available to restaurants – and other select commercial uses citywide as may be approved by the City Engineer and as recommended by the Community Development Director or designee – so as to increase the floor area of their business by placing tables, chairs and other related improvements within the adjoining public right-of-way provided the standards contained herein are maintained in addition to all other applicable rules and regulations as may be listed in the Culver City Municipal Code (CCMC).
- C. These standards and procedures regulate the design and operation of outdoor dining areas in the public right-of-way in Culver City and do not apply to outdoor dining on private property. In addition, they do not provide information on all government agency requirements for starting a new restaurant or expanding an existing one. Business owners must secure the appropriate licenses and permits from the State Alcoholic Beverage Control Board, Los Angeles County Health Department, and the City of Culver City Planning Division, Building Safety Division, Fire Department, Engineering Division, and the Finance Department's Business Tax Division.
- G. Outdoor Dining License Agreements are not transferable, delegable or assignable. In the event of a transfer of the business, the transferee shall apply to the City Engineer for a new License Agreement prior to the effective date of the transfer.
- H. Upon termination of the Outdoor Dining License Agreement, the licensee shall immediately remove the barriers around the outdoor dining area, return the sidewalk to its original condition or a condition deemed acceptable by City Engineer, and remove all personal property, furnishings, and equipment from the sidewalk.

II. APPLICATION AND RENEWAL PROCEDURE

A. Application Procedure

1. A Sidewalk Café Application Packet for an Outdoor Dining License Agreement may be obtained from, and must be submitted to, the Culver City Engineering Division of the Public Works Department.
2. A Sidewalk Café Application Packet, when submitted, shall include all necessary exhibits. The required seating layout plans shall be drawn to scale in an 8 1/2 inch by 11 inch format.
3. An application fee in an amount determined by resolution of the City Council shall be paid at the time the application is submitted to the Engineering Division. Application fees shall be prorated to reflect payment in full for the remaining months of the calendar year and the month during which the Outdoor Dining License Agreement is to become effective.
4. The Applicant (Licensee) shall obtain and maintain in force during the life of the Outdoor Dining License Agreement comprehensive general liability, broad form property damage and blanket contractual liability insurance in a combined single limit amount, per claim and aggregate, of at least one million dollars (\$1,000,000) covering the applicant's operations on the sidewalk. Such insurance shall name, on a Special Endorsement form, the City, its elected officials, appointed boards, officers, agents and employees as additionally insured. A Certificate of Insurance shall contain provisions that prohibit cancellation, modification, or lapse without thirty (30) days prior written notice to the City. Both the Certificate of Insurance and the completed standard Special Endorsement form shall be submitted with the completed application for an Outdoor Dining License Agreement. Failure to maintain general liability insurance is grounds for revocation of permit.
5. The Applicant (Licensee) shall obtain and maintain in force for the life of the Outdoor Dining License Agreement Worker's Compensation insurance with statutory limits, and employer's liability insurance with limits of not less than one million dollars (\$1,000,000) per accident.
6. A maintenance deposit, in an amount determined by the City Engineer to be adequate to pay for the replacement of the sidewalk paving and any fixtures within the outdoor dining area, shall be paid to the City at the time the Outdoor Dining License Agreement is executed. It is the responsibility of the Licensee to maintain sidewalk paving and fixtures within the outdoor dining area in the condition they are in at the time of licensing. The Licensee shall be responsible for any repairs required as a result of the Licensee's use of the area. Upon termination of the License Agreement and inspection of the paving and fixtures by the Engineering Division, the deposit shall be refunded to the Licensee less any offset for repairs.

7. Engineering Division staff shall obtain the concurrence of all applicable City staff including, but not limited to, the City Attorney's Office and Planning Division before approving any Outdoor Dining License Agreement. Engineering staff shall attempt in good faith to assist the applicant in resolving any problems with the application.
8. The Outdoor Dining License Agreement shall not become effective until the license agreement is signed by all parties, including the property owner, all required documents and exhibits are submitted to the Engineering Division, and all monies due are paid to the City.
9. Only after the Licensee has received a copy of the executed license agreement and after all of the above required application procedures are completed to the satisfaction of the Engineering Division shall any construction of the subject outdoor dining area or any work in the public right-of-way begin. All work within the public right-of-way related to the outdoor dining area shall be in accordance with the approved license agreement. Once all work has been completed, the Licensee shall request a final inspection from the Engineering Division. Only after having received approval of a final inspection shall the Licensee allow public access to the subject outdoor dining area. Said outdoor dining area shall be permanently maintained consistent with the terms of the license agreement.

B. Renewal Procedure

1. All Outdoor Dining License Agreements shall expire on December 31st of each calendar year. Renewal fees shall be due in full no later than the last day in February of each year. Late payments shall be delinquent and are subject to late payment penalties as prescribed by resolution of the City Council.
2. It shall be the Licensee's responsibility to submit renewal form(s) and payment in full.

III. DESIGN STANDARDS

The following design standards shall apply to any outdoor dining area within the public right-of-way:

A. Sidewalk

As used herein, pedestrian path or pedestrian passageway means a continuous obstruction-free sidewalk area, paved to City standards, 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, public art, and curb lines.

1. In the Downtown Zone (CD), the barriers (or the outermost boundary of the permitted dining area in the absence of barriers) shall be 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 both the City Engineer and the Community Development Director or designee determines there are unique circumstances along the subject street frontage, but at no time shall the pedestrian passageway be less than four feet (4'-0") in width.
2. For all areas outside of the Downtown Zone (CD), at no time shall the pedestrian passageway be less than four feet (4'-0") in width.
3. The outdoor dining area shall be accessible to the disabled in accordance with ADA standards. The buildings adjacent to the outdoor dining area shall maintain building egress as defined by the Uniform Building Code and State of California Title 24 Disabled Access Standards. Disabled access standards may be incorporated into the Outdoor Dining License Agreement.

B. Dining Area

1. The maximum dimensions of an outdoor dining area shall be limited as follows:
 - a. The outdoor dining area shall not exceed the width of the tenant space along the street-facing property line.
 - b. When an outdoor dining area is located on a corner, the outdoor dining area shall not be permitted within five feet (5'-0") of the corner of the building along both frontages. When an outdoor dining area is located adjacent to a driveway or an alley, the outdoor dining area shall not be permitted within five feet (5'-0") of the driveway or alley. These requirements may be modified at the discretion of the City Engineer in locations where the sidewalk adjacent to the proposed outdoor dining area is wider than usual or where the perimeter of the building has an unusual configuration.
 - c. The final configuration of the outdoor dining area shall be subject to approval by the City Engineer as recommended by the Community Development Director or designee, who shall consider public safety and municipal code compliance relative to the specific location.
2. The outdoor dining area shall only contain tables, chairs, umbrellas or other weather protection devices, planters, trash receptacles, stanchions or other approved barriers, heaters and menu boards.

3. Establishments that serve alcoholic beverages in the outdoor dining area shall provide a physical barrier that meets the requirements of this document and of the Alcoholic Beverage Control Board (it is the responsibility of the applicant to research and verify design compliance with the Alcoholic Beverage Control Board prior to submitting an application for an Outdoor Dining License Agreement).

C. Parking

Applicants shall submit a parking plan consistent with the CCMC.

D. Grade

All portions of the outdoor dining area shall be fully compliant with the Building Code and shall be located at the same elevation as the adjoining public right-of-way unless otherwise expressly approved by the City Engineer.

E. Barriers

No barrier shall be required if the applicant proposes to limit the outdoor dining area to one row of tables and chairs abutting the wall of the establishment and if no alcohol will be served. Chairs must remain parallel to the building. The permitted size of the outdoor dining area shall be determined by measuring from the building to the outside table edge and from four feet (4'-0") beyond the outermost table edges in a straight line parallel to the building. All other clearances, standards and restrictions in this Section (III) shall apply.

Unless subject to the above conditions, outdoor dining areas shall be surrounded by a physical barrier conforming to the following:

1. Barriers shall conform to the City Engineer's installation standards and be removable. Barriers need not be removed each evening, but shall be capable of being removed, if need be, through the use of recessed sleeves and posts, or by wheels that can be locked into place, or by other such means as will allow removal if necessary.
2. Any modification(s) to the surface of public sidewalks, such as borings for recessed sleeves, shall be approved in advance by the City Engineer.
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, street tree or tree well, street light or other improvement within the public right-of-way with the exception of a pull box and/or vault cover as may be permitted by the City Engineer or applicable public utility.

5. Barriers shall not enclose any historic plaque, public art or similar improvement unless deemed acceptable by the City's Public Art and Historic Preservation Coordinator and a clear continuous pedestrian pathway not less than four feet (4'-0") in width is provided to and from such improvements and the edge of the outdoor dining area.
6. Barriers shall be of a wrought iron, metal, wooden, open rail and/or metal cable design.
7. Barriers shall be of a color consistent with or complementary to the subject building facade.
8. Signage or lighting elements attached to the barrier shall be prohibited.
9. Other barrier materials and components (i.e., landscape planters) may be used if deemed acceptable by both the City Engineer and the Community Development Director.
10. The use of any plastic, fabric or other material to further enclose the outdoor dining area shall be prohibited with the exception of wind and/or sun screens as described in Section G below.

F. Furniture, Lighting and Signs

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

1. The design, materials, and colors used for chairs, tables, umbrellas, trash receptacles and other fixtures shall be of a uniform design, not include any lettering or graphics and should complement the architectural style and colors of the building facade and any street furniture.
2. Umbrellas shall not project beyond the barriers of the 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 feet (5'-0") above the sidewalk. Menu boards shall not be placed outside of the approved outdoor dining area. Sandwich-board displays shall be prohibited.
4. Portable heaters or wall mounted heaters shall be of a uniform design and color, shall not project beyond the physical limits of the outdoor dining area, and require written approval by the Fire Marshal prior to placement within the outdoor dining area.

5. All exterior lighting shall be directed onto the subject site and be of a maximum height and fixed in such direction as to not impact abutting uses and traffic.
6. Lighting fixtures shall be either wall mounted or free standing and shall be of a uniform design and color.
7. Lighting fixtures in outdoor dining areas require an electrical permit from the Building Safety Division and shall be installed by a licensed electrician.

G. Awnings

Awnings are not included in the Outdoor Dining License Agreement, but require a permit from the Community Development Building Safety Division and must meet all Building Safety Division and Planning Division requirements. The installation of awnings within outdoor dining areas shall be permitted as follows:

1. Awnings must be attached to the building facade.
2. Awning support elements attached onto the top of sidewalk shall be prohibited.
3. The design, materials, and colors used for awnings shall be of a uniform design and solid color, and should complement the architectural style and colors of the building facade and street furniture.
4. Wind and/or sun screens attached to an awning may be permitted, but are limited to a durable clear plastic material devoid of any patterns, markings and/or text, and must be constructed in such manner as to be easily detached through the use of grommets, zippers, or other quick-release fastening devices.
5. Signage, if provided, shall be as permitted in the CCMC and be subject to a sign permit from the Planning Division prior to installation.

H. Landscaping

The use of landscaping within the outdoor dining area is encouraged either as part of the barrier or within the outdoor dining area. Said landscaping shall be provided as follows:

1. Landscape elements shall not exceed three feet six inches (3'-6") in height (i.e., landscaping and planter box heights combined) measured from the top of sidewalk, and shall not project beyond the physical limits of the outdoor dining area.

2. Landscaping elements and plants shall be of species absent of any thorns or other components that may be harmful to pedestrians.
3. Planter boxes, if used, shall be uniform in size and shape and be of a color consistent with or complementary to the subject building facade. Potted plants shall have saucers or other suitable systems to retain seepage and be elevated to allow for air flow of at least one inch (1") between saucer and sidewalk.
4. Landscape elements shall include use of an irrigation and drainage system as deemed acceptable by the City Engineer that does not drain across any part of the right-of-way or sidewalk.

IV. STANDARDS OF OPERATION

- A. Outdoor dining areas shall be operated in a manner that meets all requirements of the Los Angeles County Health Department and other applicable regulations.
- B. Outdoor dining areas shall be continuously supervised by management. Patrons are prohibited from disturbing customers or passersby on the adjacent right-of-way by loud, boisterous, and unreasonable noise, offensive words or disruptive behavior.
- C. Restaurant management shall keep the outdoor dining area clear of litter, food scraps, and soiled dishes and utensils at all times. Trash receptacles shall be provided in outdoor dining areas used for consuming take-out items.
- D. The applicant shall be responsible for maintaining the public right-of-way adjacent to the outdoor dining area so as to keep it free of litter, including any curbside and onsite parking area.
- E. At the end of each business day, establishments are required to clean (sweep and mop) the area in and around the outdoor dining area and remove the debris to a closed receptacle. No debris shall be swept, washed, or blown into the sidewalk, gutter or street.
- F. If disposable materials are used, the establishment shall comply with all applicable City recycling programs.
- G. Plants shall be maintained and replanted as needed to maintain a vibrant appearance.
- H. Awnings and umbrellas shall be washed whenever dirty and a minimum of twice per year.

- I. Unamplified musical instruments or sound reproduction systems are permitted in outdoor dining areas, but shall be maintained at sufficiently low volumes so as not to unduly intrude on neighboring businesses, residents, or users of the public right-of-way beyond the outdoor dining area. Licensees must maintain in good standing any entertainment permit required by the City.
- J. Sale of alcoholic beverages in outdoor dining areas shall comply with Section 17.400.015 of the CCMC.
- K. There shall be no exterior signage, including images directed to the exterior of the site from the interior, announcing the availability or sale of specific alcoholic beverage brands.

V. NON-CONFORMING USES

Existing outdoor dining areas in operation prior to the effective date of these standards via a valid Outdoor Dining License Agreement may stay in place in their existing format during the remaining term of the license agreement. Thereafter, the following shall be required:

- A. For those existing locations where the current Licensee is seeking approval of an extension to a current License Agreement, all improvements not in compliance with these new standards shall be modified at the sole cost to the current Licensee and said extension to the current License Agreement shall not be extended until written confirmation has been issued by the City Engineer and Community Development Director or designee as to the completion of all required modifications; and
- B. For those existing locations where a new Licensee is seeking approval of a new License Agreement, all improvements not in compliance with these new standards shall be modified at the sole cost to the new Licensee and said new License Agreement shall not be issued until written confirmation has been issued by the City Engineer and Community Development Director or designee as to the completion of all required modifications.

VI. MODIFICATIONS AND EXTENSIONS

A Licensee may submit to the Engineering Division an application to either modify and/or extend an existing Outdoor Dining License Agreement as follows:

A. Modifications to Existing Outdoor Dining License Agreements

No modification and/or change to any component of an approved License Agreement shall occur unless the Licensee has submitted a prior written request to the City Engineer outlining the proposed modification(s) with all applicable

revised documents, attachments and fees. Only after said modification(s) have been approved by the City Engineer and all required revision(s) to the License Agreement and/or the subject exhibits and payment of applicable fees have been completed to the satisfaction of the Engineering Division shall said modification(s) be performed.

B. Extensions to Existing Outdoor Dining License Agreements

Prior to expiration of the initial term of approval, subsequent one (1) year extensions may be considered by the City following the Licensee's filing with the Engineering Division for such extension request – with all required updated forms, attachments and fees – no less than thirty (30) days prior to the then current License Agreement expiration date. All terms and conditions of the current License Agreement shall be subject to review and revision as may be deemed appropriate by the City Engineer including, but not limited to, the following:

1. The length and depth of the outdoor dining area;
2. The clearance width of the abutting public sidewalk;
3. The public improvements located within the outdoor dining area;
4. The location, type and number of components within the outdoor dining area (i.e., barricade, tables, chairs, umbrellas, heaters and landscaping); and,
5. The amount of insurance coverage, outdoor dining license fee, maintenance deposit, and all other fees either existing and/or to be established in the future by applicable City Council action may be increased.

VII. ENFORCEMENT

- A. All plans, permits and conditions of approval for the outdoor dining area approved by the City 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 Enforcement Services Division, Planning Division, Engineering Division, Building Safety Division, Police Department, or any other governmental enforcement agency.
- B. Notwithstanding the allowance to construct private improvements within the public right-of-way 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 outdoor dining area while in the course of conducting official city business.

- C. Notice of violation of the outdoor dining design standards or standards of operation shall be made in writing to the Licensee by any Code Enforcement Officer, Public Works Inspector, or Building Inspector of the City. A copy of the notice shall be filed with the City Engineer. The Licensee shall immediately cure the violation upon receipt of notice. If the violation is not cured within ten (10) days after issuance of the notice to the Licensee, the City Engineer may suspend or revoke the License Agreement.
- D. The City retains the right to revoke an Outdoor Dining License Agreement upon thirty (30) days notice, regardless of compliance with these provisions.

Culver CITY

SIDEWALK CAFÉ APPLICATION PACKET

February 2007

If the business is located in the Downtown Overlay Zone or in the East Washington Overlay Zone (see maps on reverse), it is possible that the application fee for the sidewalk café will be reimbursed by the Culver City Redevelopment Agency and the maintenance deposit will be waived. For more information on this please see the Redevelopment Agency.

However, even if the business is not in one of these areas, it is not hard to get permission to operate a sidewalk café and bring the excitement of outdoor dining to the customers!

As an added plus, it now costs less and takes less time for restaurants in all areas of the City to obtain permission to serve alcoholic beverages with meals.

In addition, throughout the City, parking requirements for smaller restaurants have been reduced and relaxed, making it easier to provide the parking the business needs. In the Downtown Overlay Zone and the East Washington Overlay Zone, parking requirements have been even further reduced.

See the Planning Division for more information about parking requirements or on-site alcohol sales.

To complete the application, follow the simple steps below:

- _____ 1. Fill out the application form on Page 1.
- _____ 2. Draw a plan of the sidewalk as it is existing and then draw a plan of the proposed outdoor dining area. Instructions for this drawing are on Page 1 and an example appears on Page 3.
- _____ 3. Draw or take a picture of the outside of the building where you plan to have the sidewalk café.
- _____ 4. Get pictures of the tables and chairs and any other fixtures you plan to use. Make an equipment list showing the number of tables, number of chairs and number of any other items you will be using in the sidewalk café.
- _____ 5. Bring the completed application form, the pictures, and the equipment list to the Engineering counter at City Hall.
- _____ 6. There is a \$500 charge for the one-time application fee. Once again, if the business is in the Downtown Overlay Zone or the East Washington Overlay Zone, it is possible to have the fee reimbursed by the Culver City Redevelopment Agency. The Engineering Division staff has information about how to request reimbursement.

When the application has been approved, the Engineering Division will inform the applicant.

The Outdoor Dining Permit must be pulled directly from the Engineering Division and the following will be required at the time of issuance:

1. Check for a maintenance deposit in the amount of \$400.00. If your business is in the Downtown Overlay Zone or the East Washington Overlay Zone, it is possible that the maintenance deposit will be waived.
- _____ 2. Check for annual sidewalk café license fee in the amount specified in your license agreement (\$5.00 per square foot of sidewalk area, per year).

This fee will be collected annually by the Engineering Division of the Public Works Department. Initially, it will be pro-rated from the time your license agreement is signed until the end of the year. After that, a bill for this annual fee will be sent to you each December. If your business is in the Downtown Overlay Zone or the East Washington Overlay Zone, you can be reimbursed by the Culver City Redevelopment Agency for this cost. Engineering staff has information about requesting reimbursement for this fee.

- _____ 3. Certificate of insurance obtained from your insurance agent, showing that you have insurance of at least \$1,000,000 covering your sidewalk café.
- _____ 4. Special endorsement form (attached), filled out and signed by your insurance agent.
- _____ 5. Signed license agreement form (attached).
- _____ 6. Provide a check for a one-time Sewer Facility Charge (SFC) fee. This fee is required for all indoor and outdoor dining facilities. It is generated by both the City of Culver City and the City of Los Angeles for sewage usage and is calculated by the number of seats and the square footage of the dining facility.

Any questions on this application or on the procedures for obtaining a sidewalk café license agreement, please call (310) 253-5600 and City staff will help you.

APPLICATION FOR SIDEWALK CAFÉ LICENSE AGREEMENT

Application is hereby made for a revocable License Agreement to operate an Outdoor Dining Facility on the public sidewalk in accordance with standards and procedures adopted by the City of Culver City. (Please type or print. Return completed application to the Engineering Division).

Date _____

Name of Restaurant _____
Address of Restaurant _____
Phone _____ Culver City Business Tax Certificate # _____

Applicant's Name _____
Mailing Address _____
Zip _____ Phone _____ Fax _____

Property Owner's Name _____
Mailing Address _____
Zip _____ Phone _____ Fax _____

Please include a drawing or photograph of the building where you propose to locate the sidewalk café, as well as drawing(s) or photograph(s) of the tables, chairs, umbrellas and any of the fixtures you propose to use in the sidewalk café area.

On a separate sheet please draw a plan of your proposed sidewalk café. Use the drawing shown on Page 3 as an example. Your drawing should be drawn to a scale no smaller than one-eighth inch one foot ($1/8" = 1'$) and should show all of the following:

- a. The location of sidewalk café in relation to the building, the entrance to the building, any adjacent businesses and their entrance locations;
- b. The dimensions and total square footage of the proposed sidewalk café.
- c. Details of the sidewalk café, such as awnings, lighting, signs, planters, barriers, and the arrangement of tables and chairs.
- d. The location of the curb line and of any landscaping, trees, tree wells, parking meters, bus shelters or bus benches, trash receptacles, bike racks, utilities (including fire hydrants, light poles, water meters, gas meters), newspaper racks, mail boxes, and any other permanent or semi-permanent sidewalk or parkway obstruction that might affect or be affected by the proposal.

SPECIAL ENDORSEMENT
CITY OF CULVER CITY

Notwithstanding any inconsistent expression in the policy to which this endorsement is attached, or in any other endorsement now or hereafter attached thereto, or made a part thereof, it is agreed that the policy shall and does:

1. Include the City of Culver City, its officers and employees as additional insureds in the policies described on the attached Certificate of Insurance as they may be held liable for injuries, death or damage to property arising out of or in connection with the contract executed by the named insured and the City. It is further agreed that this policy shall be primary and noncontributing with any other insurance available to the City of Culver City, and each of their officers and employees, and includes a severability of interest clause; and
2. Provide any general aggregate limit shall apply separately to the above subject contract; and
3. Provide the naming of the additional insureds as herein provided shall not affect any recovery to which such additional insureds would be entitled under this policy if not named as such additional insureds; and
4. Provide the additional insureds named herein shall not be held liable for any premium or expense of any nature on this policy or any extension thereof; and
5. Provide the provisions of the policy shall not be changed, suspended, cancelled or otherwise terminated as to the interest of the additional insureds named herein without first giving thirty (30) days written notice thereof to the City Attorney of the City of Culver City addressed as follows:

City Attorney
City of Culver City
9770 Culver Boulevard
Culver City CA 90232-0507

This endorsement is effective _____, 20____, when signed
Representative of _____, and when issued
to City shall be valid and form part of Policy(ies)
(Name Insurance Company)
No. _____, insuring _____

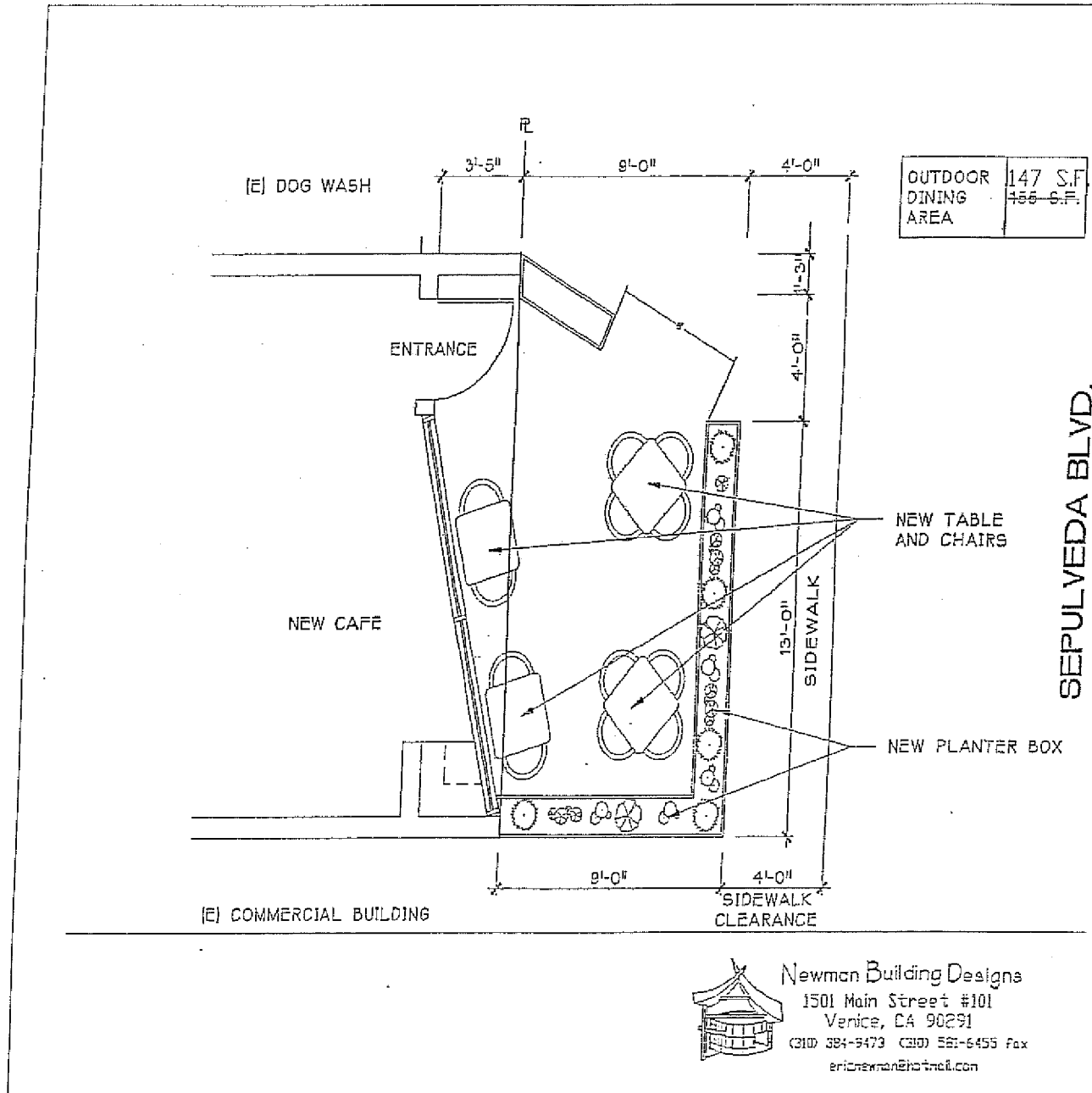
(Name of Insured)
expiring on _____, and shall be in the same amount for
the same coverage as the Policy(ies) to which it is attached.

NAME OF AGENT OR BROKER

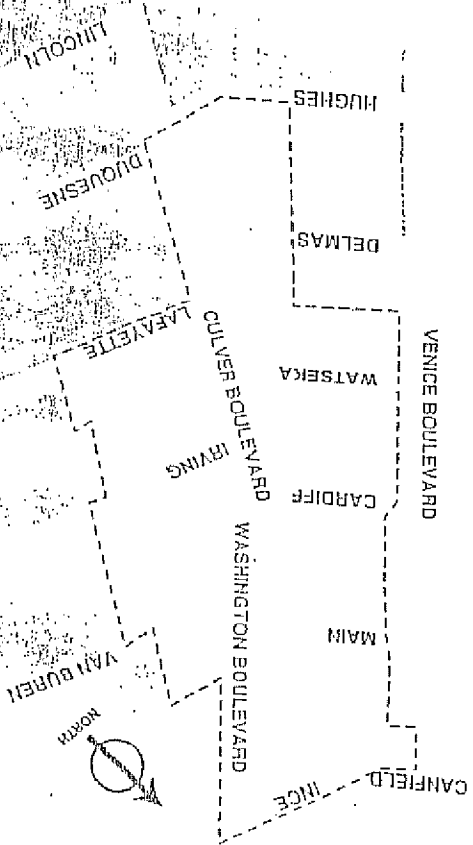
Address _____

By _____
(Authorized Representative)

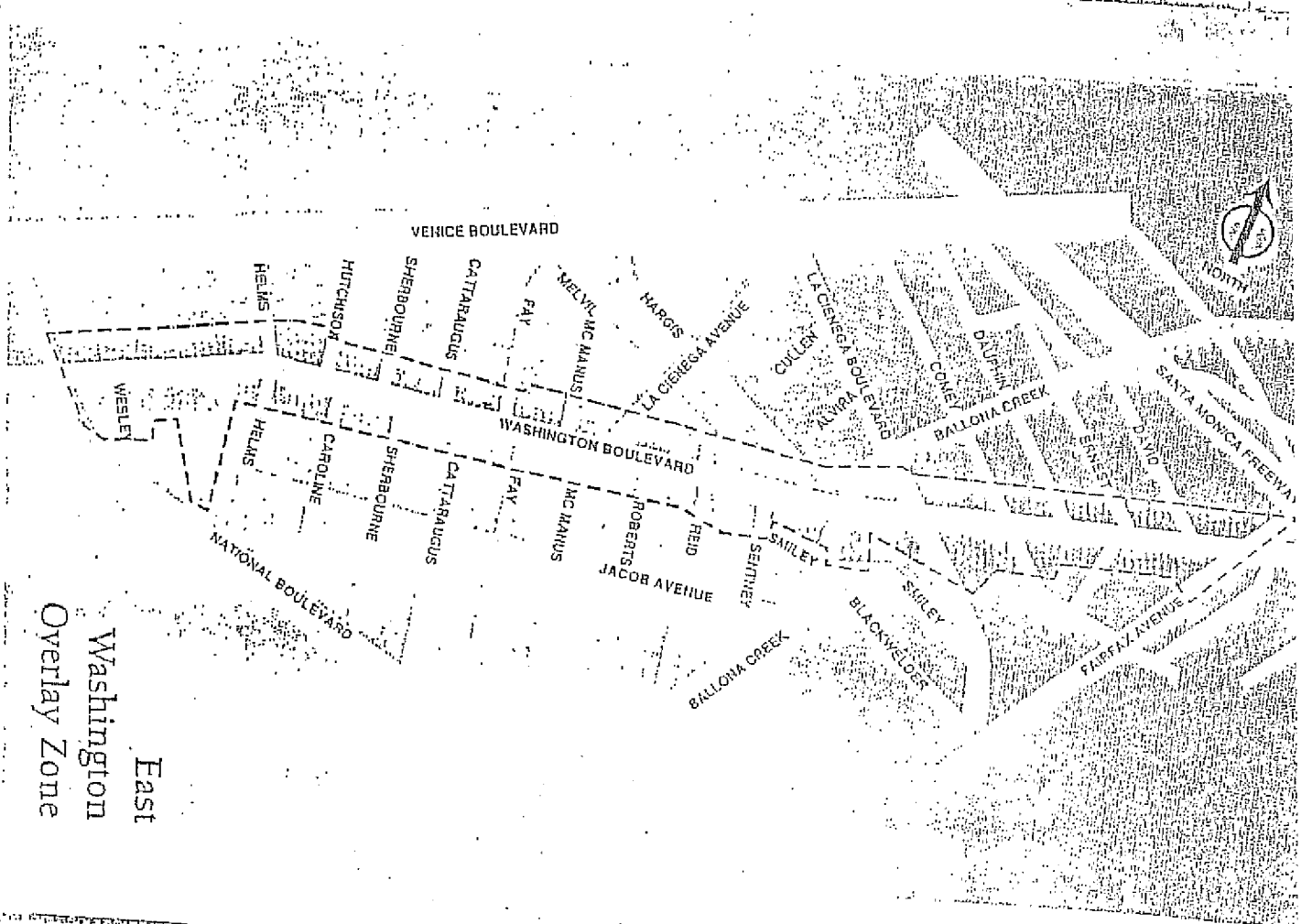
EXAMPLE



Downtown Overlay Zone



East
Washington
Overlay Zone



ORDINANCE NO. 94-015

AN ORDINANCE OF THE CITY OF CULVER CITY,
CALIFORNIA, AMENDING CHAPTER 30 OF THE CULVER
CITY MUNICIPAL CODE TO ADD ARTICLE V.A THERETO,
RELATING TO USE OF STREETS FOR OUTDOOR DINING.

WHEREAS, the City has been actively been engaged in commercial
revitalization and business promotion strategies and efforts, including an effort to
encourage the establishment of restaurants and provide a pedestrian-friendly urban
environment;

WHEREAS, establishment of outdoor dining areas in Culver City will
promote the public interest; and

WHEREAS, the adoption of administrative standards and procedures
for the establishment and operation of outdoor dining areas by resolution of the
City Council, and the establishment of a streamlined process for obtaining
permission to operate an outdoor dining establishment will serve the public
interest.

NOW, THEREFORE, the City Council of the City of Culver City,
California, DOES HEREBY ORDAIN as follows:

SECTION 1. Chapter 30 of the Culver City Municipal Code is hereby
amended by adding a new Article V.A, to read:

ARTICLE V.A. USE OF STREETS FOR OUTDOOR DINING

Section 30-58.1. Purpose.

The purpose of this Article is to authorize the administrative licensing
of outdoor dining areas in areas where the establishment of outdoor dining will
promote commercial revitalization and business opportunities in a manner that is
consistent with the public welfare and safety.

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1 (c) After revocation or termination of an Outdoor Dining License
2 Agreement, failure to remove all fixtures and equipment or to return the sidewalk
3 to its original condition, or both, shall be a nuisance affecting the public safety and
4 is prohibited.

5 Section 30-58.5. Use of Sidewalk for Outdoor Dining Prohibited.

6 Notwithstanding any other provisions of this Code, it shall be
7 unlawful for any person to use the sidewalk for outdoor dining without a valid
8 Outdoor Dining License Agreement.

9 SECTION 2. This Ordinance shall take effect thirty (30) days from the
10 date of its adoption and prior to the expiration of fifteen (15) days from the
11 adoption hereof the City Clerk, pursuant to Government Code Section
12 36933(c)(1), shall cause a summary of this Ordinance to be published in the
13 Evening Outlook along with the record of the vote for approval and adoption and
14 shall post a certified copy of the full text of this Ordinance along with the
15 record of the vote thereon.

16 APPROVED and ADOPTED this 9th day of May, 1994.

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ATTEST:

Tom Crunk
TOM CRUNK,
City Clerk

OOOUTDOOR

Albert Vera
ALBERT VERA, Mayor
City of Culver City, California

APPROVED AS TO FORM:

Norman Y. Herring
NORMAN Y. HERRING
City Attorney

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RESOLUTION NO. 96-R 008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF CULVER CITY, CALIFORNIA, ADOPTING THE
NEW OUTDOOR DINING STANDARDS, PROCEDURES
AND FEES AND RESCINDING RESOLUTION NO. 94-
R037.

WHEREAS, the City Council has enacted revisions to Chapter 30
of the Culver City Municipal Code to permit the use of sidewalks for outdoors
dining under certain circumstances; and

WHEREAS, the provisions of the new Culver City Municipal
Section 30-58.2 require the City Council to establish standards and procedures
for the design and operation of outdoor dining areas by adoption of a Resolution;
and

WHEREAS, the fees established by this Resolution reflect the cost
of the services provided.

NOW, THEREFORE, BE IT RESOLVED that the City Council of
the City of Culver City, hereby:

1. The Outdoor Dining Standards and Procedures, attached
hereto as Exhibit "A" and incorporated herein by reference, are hereby approved
and shall be effective on the date of the adoption of this Resolution.

2. The following fees shall be paid in connection with
application for any operation of outdoor dining areas:

Application fee	500.00 \$50.00
Outdoor Dining License Fee	5.00 \$3.00 per square foot (Annually).
Sidewalk Maintenance Deposit	As determined by the Public Works Director/City Engineer to replace sidewalk pavement and fixtures, but not less than the sum of \$200.00. 400.00

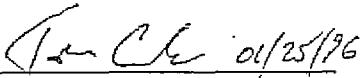
1 3. The fees established in Section 2 of this Resolution shall
2 remain in effect until amended by the City Council.

3 4. Resolution No. 94-R037 is hereby rescinded.

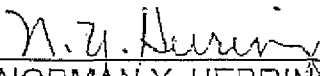
4
5 APPROVED and ADOPTED this 8th day of January, 1996.

6
7 
8 STEVE GOURLEY
9 MAYOR, CITY OF CULVER CITY

10 ATTEST:

11 
12 TOM CRUNK, *Processing delayed by*
13 City Clerk *City Attorney's Office*

14 APPROVED AS TO FORM:

15 
16 NORMAN Y. HERRING
17 City Attorney

18 (Routdoor)
19 vi

EXHIBIT H-1(continued)
(Effective July 9, 2007)

Minor Permit Fees and Charges (Ministerial Projects) - continued

Site Development Permit:

Inspection	\$ 90.00/per hr. – 2 hr. min
Plan check	\$145.00/per hr. – 1 hr. min
Traffic plan review, if required	\$125.00/per hr. – 1 hr. min

Crane Permit:

Inspection	\$ 90.00/per hr. -- 2 hr. min
Traffic plan review, if required	\$125.00/per hr. – 1 hr. min
Parking meter rental, if required	
Street Lane Closure Permit, if required	
Refundable Deposit	\$400.00

Outdoor Dining Permit¹¹:

Application fee	\$500.00
Outdoor Dining License fee	\$5.00 per square foot (annually)
Sidewalk Maintenance Deposit	As determined by the Public Works Director/City Engineer to replace sidewalk pavement and fixtures, but not less than the sum of \$400.00

Permit Extension

Issuance	\$45.00
Inspection	\$90.00 per hr. – 1 hr. min

Records Research
Research

\$125.00 per hr. – 1 hr. min

Transportation Permit (State mandated fee):

\$16.00 one way
\$32.00 two way
Issuance fee not charged

Truck/Haul Route Permit:

Permit Review	\$145.00 per hr. – 1 hr. min
Inspection, if required	\$ 90.00 per hr – 1 hr. min

Note: The above permits may also require multiple minor permit issuance with associated fees and charges.

¹¹ Outdoor Dining Fees are not subject to waiver.

EXHIBIT A TO RESOLUTION NO. 96-R008
OUTDOOR DINING STANDARDS AND PROCEDURES

I. INTRODUCTION.

- A. The Outdoor Dining Standards and Procedures were developed to encourage appropriate outdoor activities in the public right-of-way, to ensure that the space used for outdoor dining in the public sidewalk will, at all times, serve a public purpose, and to ease the process for obtaining permission to operate an outdoor dining facility. Outdoor dining on the public sidewalk may occur only pursuant to an Outdoor Dining License Agreement
- B. An outdoor dining area is a place on the public sidewalk where patrons may consume food and/or beverages provided by an adjacent food service establishment. Such establishments may either provide table service in the outdoor dining area or sell take-out items consumed in the outdoor dining area.
- C. Establishments serving alcoholic beverages that apply for an Outdoor Dining License Agreement shall meet the additional requirements of the State of California Alcohol Beverage Control Board. Sale of alcoholic beverages in outdoor dining areas shall comply with Section 37-7.5 of the Culver City Municipal Code.
- D. These standards and procedures regulate the design and operation of outdoor dining areas in Culver City. However, they do not provide information on all the government agency requirements for starting a new restaurant or expanding an existing one. Business owners must secure the appropriate licenses and permits from the State Alcohol Beverage Control Board, Los Angeles County Health Department, the City of Culver City Planning Division, Building Safety Division, and Business License Office.
- E. Outdoor Dining License Agreements are not transferable, delegable or assignable. In the event of a transfer of the business, the transferee shall apply to the City Engineer for a new License Agreement prior to the effective date of the transfer.
- F. These regulations do not apply to outdoor dining on private properties.
- G. All space used for outdoor dining on the public sidewalk shall be added to the gross square footage of the food service establishment when calculating parking requirements, as specified in Section 37-89.1 of the Culver City Municipal Code, except as otherwise provided in said section or in Section 37-71.5(f) of the Culver City Municipal Code (Downtown Overlay Zone).

II. APPLICATION PROCEDURE.

- A. An application form for an Outdoor Dining License Agreement may be obtained from and should be returned to, the Engineering Division.
- B. An application fee in an amount determined by resolution of the City Council shall be paid at the time the application is submitted to the Engineering Division.
- C. The Applicant (Licensee) shall obtain and maintain in force during the life of the Outdoor Dining License Agreement comprehensive general liability, broad form property damage and blanket contractual liability insurance in a combined single limit amount, per claim and aggregate, of at least one million dollars (\$1,000,000) covering the applicant's operations on the sidewalk. Such insurance shall name, on a Special Endorsement form, the City, its elected, appointed boards, officers, agents and employees as additional insureds. A Certificate of Insurance shall contain provisions that prohibit cancellation, modification, or lapse without thirty (30) days prior written notice to the City. Both the Certificate of Insurance and the completed standard Special Endorsement form shall be submitted with the completed application for an Outdoor Dining License Agreement.
- D. The Applicant (Licensee) shall obtain and maintain in force during the life of the Outdoor Dining License Agreement Worker's Compensation insurance with statutory limits, and employer's liability insurance with limits of not less than one million dollars (\$1,000,000) per accident.
- E. Engineering Division staff shall obtain the concurrence of the Building Safety Division and the Planning Division before approving any Outdoor Dining License Agreement. If there are any problems with the application, Engineering Division staff shall assist the applicant in resolving them.
- F. As provided in Section 30-58(a) of the Culver City Municipal Code, the City Engineer is authorized to approve an outdoor dining License application and to execute an Outdoor Dining License Agreement on behalf of the City. The License Agreement will specify the amount of the Outdoor Dining License fee to be paid by the applicant in accordance with resolution by the City Council.
- G. A maintenance deposit, in an amount determined by the City Engineer to be adequate to pay for the replacement of the sidewalk paving and any fixtures within the outdoor dining area, shall be paid to the City at the time the Outdoor Dining License Agreement is executed. It is the responsibility of the Licensee to maintain sidewalk paving and fixtures within the outdoor dining area in the condition they are in at the time of licensing. The Licensee shall be responsible for any repairs required as a result of the Licensee's use of the area. Upon termination of the License Agreement and inspection of the paving and fixtures by the Engineering Division, the deposit shall be refunded to the Licensee less any offset for repairs.

III. OUTDOOR DINING SITES.

- A. A clear, continuous pedestrian path not less than four feet (4') in width shall be required for pedestrian circulation outside of the outdoor dining area, provided that the City Engineer may require more than four feet (4') to protect the public safety. As used herein, pedestrian path means a continuous obstruction-free sidewalk area, paved to City standards, 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, public art, and curb lines.
- B. An outdoor dining area may incorporate street trees or street furniture, provided that the required pedestrian path is maintained outside of the outdoor dining area.
- C. When an outdoor dining area is located on a corner, the outdoor dining area shall not be permitted within five feet (5') of the corner of the building, along both frontages. When an outdoor dining area is located adjacent to a driveway or an alley, the outdoor dining area shall not be permitted within five feet (5') of the driveway or alley. These requirements may be modified at the discretion of the City Engineer in locations where the sidewalk adjacent to the proposed outdoor dining area is wider than usual or where the perimeter of the building has an unusual configuration.
- D. The floor of the outdoor dining area shall be at the same level as the sidewalk, and no alterations to the sidewalk or coverings on the sidewalk shall be permitted, unless otherwise expressly approved by the City Engineer.
- E. The outdoor dining area shall be accessible to the disabled. The buildings adjacent to these dining areas shall maintain building egress as defined by the Uniform Building Code and State of California Title 24 Disabled Access Standards.
- F. At the discretion of the City Engineer, and with the written consent of the next door business owner and property owner, an outdoor dining area may be located on the sidewalk adjacent to a business that is next door to the business that operates an outdoor dining facility.
- G. The final location and configuration of the outdoor dining area shall be subject to approval by the City Engineer, who shall consider public safety issues unique to the pedestrian and vehicular needs of the specific location.

IV. DESIGN STANDARDS.

- A. The design of the dining area should be compact, to suggest intimacy, and should promote a visual relationship between the dining area and the surrounding pedestrian areas.
- B. Establishments that serve alcoholic beverages in the outdoor dining area shall provide a physical barrier that meets the requirements of this document and of the Alcohol Beverage Control Board. (It is the responsibility of the applicant to research and verify design compliance with the Alcohol Beverage Control Board prior to filing an application for an Outdoor Dining License Agreement.)
- C. No barrier shall be required if the applicant proposes to limit the outdoor dining area to one row of tables and chairs abutting the wall of the establishment and if no alcohol will be served.
- D. Barriers should complement the building facade as well as any street furniture.
- E. Barriers shall conform to the City Engineer's installation standards and be removable. Barriers need not be removed each evening, but shall be capable of being removed, if needed, through the use of recessed sleeves and posts, or by wheels that can be locked into place.
- F. Any modification to the surface of public sidewalks, such as borings for recessed sleeves, shall be approved by the City Engineer.
- G. Barriers shall be able to withstand inclement outdoor weather and one hundred (100) pounds of horizontal force at the top of the barriers when in their fixed positions.
- H. The height of any barrier shall not exceed six feet (6'). Any portion of a barrier below three feet, six inches (3'6") may be made of non-transparent material. Any portion of a barrier above three feet, six inches (3'6") must be made of transparent material.
- I. The use of awnings or free-standing canopies over the outdoor dining area is permitted, provided they do not interfere with street trees. No portion of an awning or free-standing canopy shall be less than eight feet (8') above the sidewalk. Awnings and free-standing canopies may extend up to six feet (6') from the building front or cover up to fifty percent (50%) of the outdoor dining area, whichever is less. A building permit must be obtained prior to installation of an awning.
- J. Outdoor lighting may be installed on the facade of the building or in the dining area in front of the facade. Lighting shall be installed by a licensed electrician and requires an electrical permit from the Building and Safety Division.
- K. Tivoli lights, table lamps and candles are encouraged. The use of any candles shall comply with State of California Fire Code and applicable Culver City requirements.

- L. The design, materials, and colors used for chairs, tables, umbrellas, awnings and other fixtures should complement the architectural style and colors of the building facade and any street furniture.
- M. An Historic Preservation Certificate of Appropriateness shall be required prior to attaching any lights, awnings, or physical barriers to an historic structure that has been designated "landmark" or "significant" by the City Council.
- N. Flowering plants are encouraged.
- O. Notwithstanding anything in the Culver City Municipal Code, signs and logos shall be permitted on umbrellas in outdoor dining areas.

V. STANDARDS OF OPERATION.

- A. Restaurant management is responsible for running and operating the outdoor dining area and shall not delegate or assign that responsibility. Outdoor dining areas shall be continuously supervised by management. Patrons are prohibited from disturbing customers or passersby on the adjacent right-of-way by loud, boisterous, and unreasonable noise, offensive words or disruptive behavior.
- B. Restaurant management shall keep the outdoor dining area clear of litter, food scraps, and soiled dishes and utensils at all times. Trash receptacles shall be provided in outdoor dining areas used for consuming take-out items.
- C. When the establishment stops serving for the day, further seating in the outdoor dining area shall be prohibited and the outdoor dining area must close when those patrons already seated in it leave.
- D. At the end of each business day, establishments are required to clean (sweep and wash) the area in and around the outdoor dining area and remove the debris to a closed receptacle. No debris shall be swept, washed, or blown into the sidewalk, gutter or street.
- E. If disposable materials are used, the establishment shall comply with all applicable City recycling programs.
- F. Plants shall be properly maintained and stressed or dying plants shall be promptly replaced. Because plant fertilizers contain materials that can stain the pavement, water drainage from any plants onto the adjacent right-of-way shall not be allowed. Potted plants shall have saucers or other suitable systems to retain seepage and be elevated to allow for air flow of at least one inch (1") between saucer and sidewalk.
- G. Awnings and umbrellas shall be washed whenever they are dirty and, in any event, no less than two times each year.

- H. All plans and permits for the outdoor dining area approved by the City shall be kept on the premises for inspection at all times when the establishment is open for business.
- I. Outdoor dining areas shall be operated in a manner that meets all requirements of the Los Angeles County Health Department and other applicable regulations.
- J. Unamplified musical instruments or sound reproduction systems are permitted in outdoor dining areas, but shall be maintained at sufficiently low volumes so as not to unduly intrude on neighboring businesses, residents, or users of the public right-of-way beyond the outdoor dining area.
- K. Restaurant management may permit smoking in the outdoor dining area without the segregation of air streams as required by Chapter 27 of the Culver City Municipal Code. Management may also prohibit smoking in the outdoor dining area.
- L. Upon termination of the Outdoor Dining License Agreement, the Licensee shall immediately remove the barriers around the outdoor dining area, return the sidewalk to its original condition, and remove all personal property, furnishings, and equipment from the sidewalk. Any personal property remaining on the premises shall be removed pursuant to the laws of the State of California.

VI. ENFORCEMENT.

- A. Notice of violation of the outdoor dining design standards or standards of operation shall be made in writing to the Licensee by any Code Enforcement Officer, Public Works Inspector or Building Inspector of the City. A copy of the notice shall be filed with the City Engineer. The Licensee shall immediately cure the violation upon receipt of notice. If the violation is not cured within ten (10) days after issuance of the notice to the Licensee, the City Engineer may suspend or revoke the License Agreement.
- B. The City retains the right to revoke an Outdoor Dining License Agreement upon thirty (30) days notice, regardless of compliance with these provisions.

Attachment 3

RESOLUTION NO. 2008-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, ESTABLISHING NEW OUTDOOR DINING PERMIT FEES AND RESCINDING THAT PORTION OF EXHIBIT H-1 OF RESOLUTION NO. 2008-R048 WHICH ESTABLISHED THE 2008-2009 OUTDOOR DINING FEES.

WHEREAS, pursuant to the California Constitution, the Charter of the City of Culver City, the Culver City Municipal Code and other applicable federal, state and local laws, the City of Culver City is able to charge fees for services which do not exceed the costs for providing such services; and,

WHEREAS, on November 3, 2008, the City Council of the City of Culver City conducted a duly noticed meeting regarding proposed amendments to its Outdoor Dining Permit fees; and,

WHEREAS, after providing an opportunity to be heard and considering all information before it, the City Council of the City of Culver City approved the amending of said fees.

NOW, THEREFORE, the City Council of the City of Culver City, California, DOES HEREBY RESOLVE as follows:

1. Page 49 of Exhibit H-1 of Resolution No. 2008-R048 which establishes the Outdoor Dining Permit fees is hereby amended to read as follows:

Outdoor Dining Permit (Outdoor Dining Fees are not subject to waiver)

Application Fee	\$500.00
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Outdoor Dining License Fee	\$12 per sq. ft. (annually)
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1 Sidewalk Maintenance Deposit \$400.00 (As determined by the
2 Public Works Director/City Engineer to replace sidewalk pavement and fixtures, but not
3 less than the sum of \$400.00.)

4 2. The fees established herein shall be effective on January 1, 2009.

5 Approved and Adopted this _____ day of _____, 2008.
6

7 _____
8 D. SCOTT MALSIN, Mayor

9 ATTEST:

APPROVED AS TO FORM:

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11 _____
12 Martin Cole, City Clerk
A08-00437

13 _____
14 Carol Schwab, City Attorney
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