



## CITY OF OROVILLE

# Temporary Outdoor Business Operations



## TEMPORARY OUTDOOR DINING AND BUSINESS OPERATION GUIDELINES

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## Preface

On March 4, 2020 Governor Newsom issued a State of Emergency as a result of the threat of COVID-19, and on March 12, 2020, through Executive Order N-25-20, he directed all residents to heed any orders and guidance of state and local public health officials. Subsequently, on March 19, 2020, Governor Newsom issued Executive Order N-33-20 directing all residents to heed the State Public Health Officer's Stay-at-Home order which requires all residents to stay at home except for work in critical infrastructure sectors or otherwise to facilitate authorized necessary activities.

On April 14th, the State presented the Pandemic Roadmap, a four-stage plan for modifying the Stay-at-Home order. Stage 2 of the roadmap allows the opening dine-in restaurants and retail establishments with certain restrictions. On May 8, 2020, under the direction of the Butte County Public Health Office, Oroville restaurants are now able to provide in-dining service for restaurants who can meet the mandated six feet of separation between table setups. The recovery roadmap also encouraged the use of outdoor dining space.

To support these efforts and the safe return of dining out, the City of Oroville has established criteria to allow restaurants and retailers to utilize their outdoor space.

## Program Overview

This outdoor dining and business program has been established to ensure restaurants and retailers have the greatest ability to operate successfully through the recovery process.

Restaurants with access to private sidewalks 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, 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 an overabundance of disabled parking and receives approval from the city'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 General Business License.

For questions regarding this program, please contact the Planning Division at (530) 538-2430 or by email [planning@cityoforoville.org](mailto:planning@cityoforoville.org).

## 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

Businesses are required to complete a COVID-19 Temporary Use Permit. 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 (5) feet.
  - The minimum distance of the pedestrian path shall be measured from the boundary of the dining 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. Temporary use areas must not interfere with vehicular traffic.
4. Maintain unobstructed access to fire lanes, fire hydrants, fire hose connections, and entrances and exits of all buildings.
5. Businesses must comply with all local, state and federal laws, regulations and guidelines governing the temporary use, including public health orders and industry-specific COVID-19 requirements.

Operation and appearance

1. The temporary use area must be maintained in an attractive, clean and safe manner.
2. Trash receptacles shall be provided during operating hours. During nonoperating hours all furnishings or other items shall be secured or stored inside.
3. Patron safety shall be considered when designing outdoor spaces and set-up within travel lanes or shall be prohibited.
4. Appropriate lighting of the sidewalk dining space is required if operating outside of daytime hours.
5. Use of removable barriers (planters, fencing, etc.) to define the dining space is permissible but should not be permanently affixed in such a manner that the site could not be restored to its original condition. No permanent item or structure may be installed expressly to facilitate the proposed temporary use.
6. No heating, cooking or open flames are permitted in the sidewalk 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.
7. No food preparation, plastic food displays, food storage, or refrigeration apparatus shall be allowed on the public right-of-way.
8. Umbrellas shall be no less than six (6) feet, eight (8) inches above the ground.

1. The following requirements shall apply to use of tents, umbrellas or shade structures:
  - Tents / shade structure may not be fully enclosed.
  - No part of structure shall encroach into the public rights-of-way 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:
      - 5-gallon bucket full of water, sand, or concrete
      - 4" PVC pipe at least 36" long filled with concrete
      - Large commercially available tent weights
      - Sandbags or salt bags 40lbs or heavier

### **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, on immediately adjacent sidewalks, within parklets and dining areas that have been closed to traffic by the City of Oroville provided that the establishment has completed all licensing requirements. 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 Approvals and Requirements**

Prior to implementing this program at your business location, all licensing requirements of the California Department of Alcoholic Beverage Control (ABC), Butte County Environmental Health Department, and any other legally authorized department must be obtained and maintained.

If the business is using City-owned property or the public right-of-way, the business shall provide the City with a Certificate of Insurance in the amounts required by the City Administrator and Additional Insured Endorsement naming the City of Oroville as additionally insured.

### **Program Period**

A Temporary Use Permit, if granted, shall remain in effect for sixty (60) days from the date of issuance. After the initial 60 days the applicant may request an extension every 60 days, only so long as the Declared Local Emergency is in effect, which can be rescinded by the City Administrator or City Council at any time or for any reason including such times where the Local Emergency remains in effect.

At the conclusion of the program, the outdoor space shall be restored to the condition that existed prior to granting the Temporary Use Permit.



# City of Oroville

Planning Division - Community Development Department

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DIRECTOR

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[www.cityoforoville.org](http://www.cityoforoville.org)

TRAKIT#:

## COVID-19 TEMPORARY USE PERMIT

(Please print clearly and fill in all that apply)

|                                |                          |  |        |
|--------------------------------|--------------------------|--|--------|
| <b>APPLICANT'S INFORMATION</b> |                          | Project's:   |        |
| Name:                          |                          | Name:  |        |
| Address:                       |                          | Company:   |        |
| Phone:                         |                          | Address:   |        |
| Email:                         |                          | Phone:   |        |
| Is the applicant the Owner?    | <input type="checkbox"/> | If applicant is <b>Not</b> the owner, please provide owner /agent authorization on the reverse side. | Email: |

The City of Oroville has implemented the following procedures and regulations for businesses to re-open, or stay open by granting them the ability to temporarily expand business operations in order to comply with COVID-19 related public health and safety protocols and social distancing requirements. Any establishment looking to expand business with temporary outdoor operations shall comply with the following, plus any required specific condition:

1. A drawing / sketch must be submitted showing where seating or display of goods will be located.
2. Businesses must comply with all local, state, and federal laws, regulations and guidelines governing the temporary use, including public health orders and industry-specific COVID-19 requirements.
3. **All licensing requirements of the California Department of Alcoholic and Beverage Control (ABC), Butte County Environmental Health Department, and any other legally authorized department must be obtained and maintained.**
4. No permanent item or structure may be installed expressly to facilitate the proposed temporary use.
5. The temporary use area must be on or adjacent to the same parcel or an adjacent parcel owned or controlled by the applicant.
6. Businesses / applicants must provide written approval by the landlord if the business owner and property owner are not one and the same.
7. The temporary use area must be maintained in an attractive, clean and safe manner. Trash receptacles shall be provided during operating hours. During nonoperating hours all furnishings or other items shall be secured or stored inside.
8. If the business is using City-owned property or the public right of way, the business shall provide the City with a Certificate of Insurance in the amounts required by the City Administrator and Additional Insured Endorsement naming the City of Oroville as additionally insured.
9. Any street, sidewalk or other City improvements shall be returned to the City in the condition that existed prior to granting the Temporary Use Permit.
10. The temporary use permit and written owner permission shall be available for inspection at all times.
11. The City of Oroville reserves the right to determine on a case-by-case basis the suitability and appropriateness of the temporary use requested by the business in the Temporary Use Permit Application. The requested use and temporary use area must have limited impact upon other businesses operating in proximity.
12. A Temporary Use Permit is an administrative permit, which may be approved or issued without providing notice of or conducting a hearing on the application as may otherwise be required in the Use Permit process.
13. The City may impose conditions of approval and set timelines for compliance that are deemed reasonable and necessary to ensure safe and orderly use of the property and ensure compatibility with surrounding land uses if appropriate.
14. A Temporary Use Permit is an interruptible privilege. The City may interrupt operation of the temporary use and suspend or revoke the Temporary Use Permit at any time. The issuance of a Temporary Use Permit does not provide, give or otherwise convey any real property rights or interest to any person or entity.
15. **A Temporary Use Permit, if granted shall remain in effect for (60) sixty days from date of issuance. After the initial 60 days the applicant may request an extension every 60 days, only so long as the Declared Local Emergency is in effect, which can be rescinded by the City Administrator or City Council at any time or for any reason including such times where the Local Emergency remains in effect.**

Detailed Description / Sketch of Use. Attach more pages if needed:

**APPLICANT'S SIGNATURE**

I hereby certify that the information provided in this application is, to my knowledge, true and correct.

|            |       |  |
|------------|-------|--|
| Signature: | Date: |  |
|------------|-------|--|

**OFFICE USE ONLY**

|              |         |  |
|--------------|---------|--|
| Approved By: | Date:   |  |
| Payment:     | Number: |  |

**AGENT AUTHORIZATION**

To the City of Oroville, Department of Community Development

|                |               |
|----------------|---------------|
| NAME OF AGENT: | PHONE NUMBER: |
| COMPANY NAME:  | EMAIL:        |
| ADDRESS:       | CITY/ST/ZIP:  |

AGENT SIGNATURE:

Is hereby authorized to process this application on my/our property, identified as Butte County Assessor Parcel Number (s):

This authorization allows representation for all applications, hearings, appeals, etc. and to sign all documents necessary for said processing, but not including document (s) relating to record title interest.