

City of Palo Alto

Temporary Outdoor Dining Guidelines

Under Council's June 23, 2020 [Urgency Interim Ordinance](#), the City of Palo Alto allows local restaurants to temporarily create or expand outdoor dining areas. The expansion and services provided therein must comply and be consistent with the July 2, 2020 Santa Clara County Shelter-in-Place Order. Permit holders must also comply with any updates to this Order or other directives issued by the County Health Officer. The City Council report of June 23, 2020 is viewable here: <https://www.cityofpaloalto.org/civicax/filebank/documents/77353>

General Guidelines

1. Restaurant owners and operators shall read and comply with the current Emergency Orders issued by the [State of California](#) and County of [Santa Clara Health Officer in effect](#). For guidance specific to restaurants as of July 2, 2020, see:
 - [Conditions for Outdoor Dining in Santa Clara County](#) (Item No. 7)
 - [Social Distancing Protocols for Businesses in Santa Clara County](#)
 - [Guidance for Dine-in Restaurants in California](#)

Generally Applicable Guidelines

2. Outdoor dining areas shall comply with accessibility (ADA) requirements. A minimum four-foot (4'-0") wide path of travel shall be maintained along all pedestrian walkways from the parking lot and/or public right-of-way to all public building entrances.
3. Tables, chairs, umbrellas, or other temporary objects shall be located to not obstruct the entrance to any building or fire safety equipment, impede the flow of pedestrian or vehicle traffic, or create a hazardous condition (such as a tripping hazard).
4. Outdoor storage or preparation of food or beverages is not permitted.
5. Access to indoor restroom must be provided; portable toilets are not permitted.
6. Operating hours for outdoor dining areas shall be consistent with but no greater than the indoor operating hours. A restaurant within 50 feet of a residential use must possess or obtain a Conditional Use Permit to enable late night hours; **otherwise outdoor service shall not begin prior to 6 am or end after 10 pm (per PAMC 18.23.040).**
7. Entertainment events and all forms of amplified sound are not allowed in conjunction with temporary outdoor dining.
8. Restaurant operators shall maintain the cleanliness and appearance of all outdoor dining areas. Except for any tents, furniture or display racks, all loose items and products shall be brought inside the business tenant space at close of business to diminish vandalism or clutter. Appropriate waste collection containers shall be provided, and all areas shall be regularly cleaned pursuant to the current County Public Health Officer Order, as amended. It is the responsibility of the tenant to implement this requirement on a regular basis.
9. Each restaurant may post one sign with a maximum area of four (4) square feet in the temporary outdoor dining area. No advertising shall be allowed except the restaurant's name and logo. No architectural review is required, but a plan for signage with City rights of way must be submitted with an encroachment permit.
10. Restaurants with a valid Conditional Use Permit (CUP) and Alcoholic Beverage Control (ABC) license for on-site sale of alcohol may sell alcohol in outdoor dining spaces in conjunction with a meal, as allowed by ABC, **without having to amend the valid CUP (suspend PAMC 18.42.090).** Bar areas shall remain closed to customers until such time as the County's Order enables bars reopening. The California Department of Alcoholic Beverage Control (ABC) has additional information at: <https://www.abc.ca.gov/abc-218-cv19-instructions/>.

11. Any fabric awnings or coverings should be fire retardant and comply with applicable Fire Codes. The use of tents, temporary shelters, or coverings for outdoor dining shall require review and approval by the Palo Alto Fire Department in accordance with current regulations and fees.
12. Facilities open for outdoor dining must offer takeout or delivery.
13. Heating devices, such as propane heaters, may be utilized for day or night time operations. Storage of propane canisters shall be in conformance with required Fire Codes.

Private Property & Private Parking Lots

14. A business may expand into common areas and standard parking spaces of the private property on which the business is located - with some restrictions - to establish or increase outdoor dining areas.
15. The restaurant owner or operator shall obtain written authorization from the property owner for the use of private sidewalks or other areas for outdoor dining. In general, outdoor dining areas may be located on sidewalks or patio areas immediately adjacent to the front of the restaurant. Dining area on public rights-of-way/City sidewalk area requires approval of an Encroachment Permit.
16. Tenants in shopping centers with multiple restaurants shall work with management and other tenants to equitably allocate the available sidewalks and patios for temporary outdoor dining.
17. Removable barriers, such as stanchions, retractable belts, plants, or screens no more than three feet (3'-0") in height, may be used to separate outdoor dining areas from the *pedestrian* path of travel. For dining areas on public sidewalks and streets, additional safety measures may be required to receive approval of an Encroachment Permit (see Parklet Standards).
18. Up to 50% of non-ADA parking spaces may be considered for temporary outdoor dining. Use of more than 50% of non-ADA spaces may be allowed for parking lots with less than 10 parking spaces but will require additional review time. Proposals that do not block, alter, or encroach upon parking lot drive aisles will receive streamlined review.
19. Lighting is allowed for night time operations. Such lighting shall not disrupt surrounding properties or create vehicle or pedestrian circulation issues. For private property dining, any extension cords used to provide power to the expanded area shall be securely fastened to the ground to avoid tripping hazards or impeding accessibility. Any extension cord used for lighting should also be "rated for outdoor use".
20. In private parking lots, substantial safety barriers such as temporary walls, concrete or water-filled K-rails or "Jersey Barriers", landscape planters, or other approved continuous barrier (with a 3-foot emergency access gap) shall be installed to protect outdoor seating areas from vehicles and distinguish these areas from active parking spaces.

Public Sidewalks, Streets, and Rights of Way

21. Dining areas on public property (City sidewalk area, public streets) require approval of an Encroachment Permit issued by Public Works.
22. Lighting is allowed. For dining in City rights of way, no extension cords may be placed across public sidewalks or streets (however, lights and extension cords rated for exterior use may be allowed if business owner can connect lighting to a source of power they provide).
23. No furniture, fixture, or equipment shall be permanently affixed to a City sidewalk or street (see Parklet Standards for ways to affix parklets to City sidewalks and streets).

Public Property (Sidewalks, Streets) Encroachment Permits – An Encroachment Permit is required prior to placing tables and chairs on public property. The application can be found [here](#). These applications will be reviewed and, if approved, issued by the Department of Public Works. For parklet proposals, please email pwecips@cityofpaloalto.org to apply for an Encroachment Permit.

Application and Registration

Private Property - Prior to setting up tables and chairs for temporary outdoor dining on private property, restaurant owners shall submit a completed registration form (application) for review and approval by the City of Palo Alto Planning and Development Services Department. No fee will be charged for this review, and same-day approval is anticipated for most applications. The application is available [HERE](#) (PDS webpage to be created). Please email cityofpaloalto.org/outdoor-dining **if you have questions**. Please submit a completed application to outdoor.dining@cityofpaloalto.org. Staff will contact the applicant if additional information is needed. A complete application will include the following:

- a. A detailed description of the proposed outdoor seating area and operations. Please read the application form carefully for details and provide all requested information. Incomplete forms will be returned to the applicant. As directed on the form, please describe the size, layout, and general location of the proposed outdoor dining area. Please see [form](#) for details.
- b. The restaurant owner or manager shall obtain and verify authorization from the property owner for the creation of expansion of any outdoor dining area. Tenants within the same shopping center may agree to share available sidewalks or plazas in front of multiple businesses.
- c. Planning staff will review applications for registration of Temporary Outdoor Dining areas in the order that they are received. Staff will send an email to confirm approval or request additional information. The restaurant owner and property owner will receive copies of the confirmation email.

Questions? Email Outdoor.dining@cityofpaloalto.org

Note: Outdoor dining as described in these Guidelines is a temporary program subject to immediate termination if (1) required by orders of the State, County or City, or (2) the Shelter-in-Place orders are lifted. If the County Public Health Officer Order allowing outdoor dining is rescinded or the City of Palo Alto determines that these Guidelines no longer apply, the City will notify the property owner and tenant that the expansion area shall be returned to its pre-existing purpose. The area shall be returned to its pre-existing condition within 30 days of such notice.