



# City of Westlake Village Outdoor Dining Program Requirements

The Westlake Village City Council desires to allow restaurants the opportunity to transition their temporary outdoor dining areas that were allowed because of the pandemic to an ongoing arrangement. The Outdoor Dining Program allows outdoor dining areas to continue operating indefinitely, subject to the requirements below and subject to periodic review and renewal through the Temporary Use Permit process.

The purpose of these requirements is to provide a simple and streamlined process to allow restaurants and breweries to continue operating their outdoor dining areas while adequately addressing safety, accessibility, and aesthetic issues associated with outdoor dining.

Please note that these requirements do not apply to permanent outdoor dining patios that are approved and permitted as part of the restaurant.

## **Approval Process**

- Outdoor dining areas are approved administratively by the Planning Director through the Temporary Use Permit (TUP) process (\$150 application fee).
- TUPs for outdoor dining will be approved for a period of 12 or 24 months as deemed appropriate by the Director. Assuming no problems arise from the operation of the outdoor dining area, the TUP would be renewed for additional 12- or 24-month periods.
- Any decisions by the Director regarding the approval or denial of a TUP or conditions imposed by the TUP may be appealed to the City Council.
- The property owner or management company must approve the TUP application and outdoor dining area plan before submittal to the City.

## **Location**

Outdoor dining areas must be located as follows:

- On private property
- In a pedestrian circulation area or vehicle parking area
- Immediately adjacent to the restaurant it serves

Outdoor dining areas may not be located in any of the following:

- Within a public right-of-way
- Within a disabled parking space or disabled path of travel
- Within a driveway, drive aisle, backup area, loading area, or passenger loading area
- Within a landscape area or planter (other than grass areas)
- Within a designated tow-away zone or fire lane or in front of any curb painted red, yellow, or white
- Over a utility vault, manhole cover, storm drain inlet, or other utility
- In any location or manner that hinders or obstructs access to utilities, vaults, access covers or panels, valves, backflow devices, fire hydrants, standpipes, or other such features
- In any location or manner that hinders or obstructs building ingress and egress
- In any location or manner that obstructs or alters the drainage of the site

- In any location deemed by the Director to cause a threat to the health, safety, or welfare of persons using the outdoor dining area or in the vicinity of the outdoor dining area

#### **Size**

- An outdoor dining area may only occupy pedestrian circulation areas or parking spaces located immediately adjacent to the restaurant it serves.
- An outdoor dining area may not extend in front of another business unless there are circumstances that make it impractical to locate the area entirely in front of the restaurant it serves.
- An outdoor dining area may not occupy more than four parking spaces.

#### **Barriers**

- If located in a pedestrian circulation area, an outdoor dining area is not required to have barriers except as required by the Department of Alcoholic Beverage Control, if applicable.
- If located in a vehicle parking area, an outdoor dining area must be separated from surrounding parking spaces and vehicle circulation areas by a barrier designed to prevent a vehicle from entering the dining area. Examples of such barriers include concrete rails, water barriers, and bollards.
- When abutting a parking space, at least 12 inches must be provided between the edge of the parking space and the outside face of the barrier to provide space to open car doors.
- All barriers other than bollards must be fully concealed on all sides using wood, fencing, real or artificial foliage, or other means such that the barriers are not visible.
- If bollards are used as a barrier, fencing or planter boxes must be used to fill the gaps between the bollards.
- Bollards, planter boxes, and screening materials must consist of colors and materials that are consistent with the architecture, colors, and materials of the building.
- Barriers must be no shorter than 36 inches measured from the ground or floor surface inside the dining area and no taller than 42 inches measured from the ground outside the dining area. If desired, Plexiglas or a similar transparent shatterproof material may be placed on top of the barriers up to a maximum height of six feet measured from the ground or floor surface inside the dining area.

#### **Accessibility**

- An outdoor dining area must be situated such that a pedestrian pathway at least 48 inches wide is maintained outside the dining area.
- The layout of outdoor dining areas, including but not limited to spacing, aisle width, occupancy, accessibility, and exiting, must comply with the Americans with Disabilities Act and California Title 24.

#### **Shade Structures and Umbrellas**

- An outdoor dining area may be fully or partially covered by a tent, canopy, or umbrellas.
- Tents and canopies must be of a type and quality that is intended for extended outdoor use. Tarps, steel pipes, and other such temporary materials are not allowed.
- Tents, canopies, and umbrellas must be properly weighted and secured. Weights and tie-downs must be of a type and quality that is intended for extended outdoor use.

- If located in a parking area, the supports and bases of all tents, canopies, umbrellas, and tiedowns must be located upon or inside the barrier. Tents, canopies, umbrellas, tie-downs, and support components may not extend across or over the barrier.
- The bottom of all tents, canopies, and umbrellas must be at least 80 inches above the ground or floor of the dining area.
- If a tent or canopy has side walls or flaps, the material must be transparent above a height of 42 inches.
- Colors of tents, canopies, and umbrellas must match or complement the color of the building.
- Tents, canopies, and umbrellas must be regularly maintained and cleaned and kept free of tears, fading, and stains.
- Tents, canopies, and umbrellas must comply with all Building Code and Fire Code requirements, including obtaining a building permit when required.

#### **Lights and Heaters**

- Outdoor dining areas must be appropriately lighted if operating after daylight hours.
- Lights may be mounted on or hung from tables, barriers, tents, canopies, or umbrellas. Lights may also be mounted on or strung from poles.
- Propane heaters are allowed but must be located at least five feet away from any umbrella, foliage, or other flammable object or material.
- Electric heaters are allowed but must be located at least three feet away from any umbrella, foliage, or other flammable object or material.
- To use electric lights or heaters, an electrical outlet must be available within or immediately adjacent to the outdoor dining area. Electrical cords may not be run from buildings to the outdoor dining area, or otherwise across or over a pedestrian or vehicle pathway. Gasoline powered generators are not allowed.
- Aside from propane heaters, no open flame is allowed in an outdoor dining area for lighting, heating, cooking, or any other purpose.

#### **Aesthetics**

- An outdoor dining area located in a parking area may be located on a raised platform to match the height of the adjacent sidewalk. The platform and space under the platform must be fully screened by barriers.
- All platforms, barriers, tables, chairs, planters, fencing, decking, and other items must be portable and capable of being removed. No items may be permanently affixed or installed.
- No cooking or food preparation may occur in an outdoor dining area. Equipment, furniture, and appliances used for the storage, preparation, or cooking of food are not allowed.
- Tables and chairs must be designed and intended for outdoor commercial use.
- Furniture colors must match or complement the building colors and materials.
- No signs are allowed in outdoor dining areas, including but not limited to signs printed on or hanging from umbrellas or barriers.
- Self-service dining areas must have at least one container each for trash, recyclables, and organic waste for use by customers.

#### **Operations and Noise**

- An outdoor dining area must be managed, operated, and maintained as an integral part of the restaurant it serves.

- The indoor dining area must be open and available for seating whenever the outdoor dining area is open.
- Outdoor dining areas may only operate between the hours of 7 AM and 10 PM unless otherwise approved through the TUP.
- No amplified sound or live entertainment of any kind is allowed in an outdoor dining area.
- No dance floor or stage is allowed in an outdoor dining area.

#### **Parking**

- No additional parking is required for outdoor dining areas.
- An outdoor dining area may occupy up to four parking spaces without regard to parking requirements.
- If the Director determines that the removal of parking spaces may result in inadequate parking supply, or if multiple restaurants within the same shopping center apply for an outdoor dining area, the Director may require the use of valet parking or other steps to mitigate any potential parking impacts.

#### **Alcoholic Beverages**

- The ABC permit holder must apply to ABC and obtain approval of a premises expansion to serve alcoholic beverages in an outdoor dining area.
- The outdoor dining area must provide physical barriers meeting ABC requirements.
- Food service must be available in the outdoor dining area whenever alcohol is available.
- Outdoor dining areas may not have a bar or any other area dedicated primarily to alcohol service.