

CITY OF SAN MATEO
RESOLUTION NO. ____ (2021)

ADOPTING REVISED GUIDELINES FOR OUTDOOR DINING DURING THE COVID-19 EMERGENCY

WHEREAS, the Governor of California has declared a state of emergency due to the COVID-19 pandemic;
and

WHEREAS, outdoor restaurant dining, when allowed by State Health Orders, has provided critical economic relief to restaurant businesses in the City of San Mateo; and

WHEREAS, the City of San Mateo wishes to accommodate outdoor dining in the downtown area, when allowed by Health Orders, in order to enable restaurants to provide service to patrons in a safe manner in accordance with State COVID-19 guidelines; and

WHEREAS, the City of San Mateo adopted a resolution on June 29, 2020 adopting temporary outdoor dining guidelines during the COVID-19 emergency to be in place through October 19, 2020; and

WHEREAS, due to the continuing pandemic, the City extended the outdoor dining guidelines multiple times, most recently adopting a resolution on June 22, 2021 extending the guidelines through December 31, 2021; and

WHEREAS, the City now wishes update and extend the outdoor dining guidelines through April 30, 2022;
and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN MATEO, CALIFORNIA, HEREBY FINDS AND RESOLVES that:

1. In accordance with CEQA Guidelines Section 15378(b)(5), adoption of these outdoor dining guidelines is not a "project" subject to CEQA, because it is an administrative activity that will not result in direct or indirect physical changes to the environment.
2. The City Council adopts the updated Outdoor Dining During COVID-19 Guidelines attached as Exhibit A to this resolution.
3. All outdoor dining installations must adhere to the updated Guidelines.
4. This Resolution shall take effect immediately upon its adoption and terminate at midnight on April 30, 2022, unless extended by Resolution of the City Council.

CITY OF SAN MATEO GUIDELINES FOR EXPANDED OUTDOOR DINING DURING COVID-19 EMERGENCY



As Revised October 18, 2021

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Preface

The City of San Mateo has developed these guidelines for outdoor dining to assist our restaurant businesses in providing expanded seating capacity in the public right-of-way and on private spaces for in-person restaurant dining, as allowed for by the State of California and San Mateo County COVID-19 Health Orders (Health Orders). These guidelines are temporary in nature and will only be in place until April 30, 2022. After that time, restaurants seeking to continue outdoor dining will need to apply for a [permanent parklet encroachment permit](#) from the City of San Mateo.

The City of San Mateo will be allowing temporary outdoor dining to occur on sidewalks, in public parking spaces, on closed street segments, and/or in parking spaces in privately owned shopping centers. Specific guidelines for each of these locations are outlined in this guidebook.

State of California Requirements

The State of California permits Outdoor Dining, except for when a Regional Stay at Home Order is in effect. General requirements are listed below.

- Operators are required to follow any health orders and/or guidance required by the State or County for business operations.
- Tables must be arranged to ensure that no customer is sitting within six feet of any other customer at a separate table.
- Outdoor dining parklets must follow the [State's Guidance for Temporary Structures for Outdoor Business Operations](#) for allowed enclosures which require that no more than 50% of the structure's perimeter has impermeable walls, allowing sufficient, unrestricted outdoor air movement resulting in cross-ventilation.

Temporary Outdoor Restaurant Dining Encroachment Permit

The City has developed a no-fee streamlined encroachment permit application for temporary outdoor dining. The intent of this permit is to be temporary in nature and to be in place until April 30, 2022.

A permit will be required only under the following specific circumstances:

- Any restaurant providing alcohol service to their patrons.
- Restaurants creating dining areas in public on-street parking spaces outside of the City-created common dining areas in Downtown San Mateo.
- Restaurants building any sort of custom structure for their outdoor dining area including platforms and/or railings.

A permit is not required for any restaurant:

- Providing sidewalk dining without alcohol service.
- Using the common dining areas created by the City in public on-street parking spaces or on closed streets in Downtown San Mateo and not building a custom structure and not providing alcohol service.

The following documents are required in order to process a permit for outdoor seating in the City of San Mateo:

- Temporary Outdoor Restaurant Dining Encroachment Permit Application

- Certificate of Liability Insurance and Endorsements
- Site Plan diagram of proposed outdoor dining lay-out

The [Temporary Outdoor Restaurant Dining Encroachment Permit](https://www.cityofsanmateo.org/3307/Outdoor-Dining) application is available on the City's website (<https://www.cityofsanmateo.org/3307/Outdoor-Dining>).

General Guidelines for all Outdoor Dining Areas

The following general guidelines apply to all areas:

- **Adequate Clearance for Social Distancing.** Any outdoor table and seating must maintain a minimum sidewalk clearance and pedestrian through zone of **6-feet** from any physical obstruction to allow pedestrians to maintain adequate social distancing when passing by patrons seated at a table. The physical obstruction includes light poles, parking meters, fire hydrants, news racks, trees, or other barriers and entryways or display window of adjacent businesses, unless authorized by the adjacent business.
- **Seating Area Allowance for Social Distancing.** The seating provided shall allow for patrons to maintain a minimum 6-foot social distance from the nearest group of other patrons seated in the same area. Measured from the back of the chair at one table to the back of the chair at the adjacent table while diners are seated.
- **Temporary Fixtures.** Tables, seating, umbrellas, heating lamps, planters, platforms or flooring to achieve ADA compliance, and any approved physical barriers to mark the seating area are the only items permitted in the public right-of-way. These items must be designed to be weighted down for wind protection and be removable. Please ensure that the weights used do not create tripping hazards for pedestrians.
- **No Outdoor Food Preparation.** Outdoor food preparation is not permitted. No heating, cooking or open flames are permitted in the outdoor dining space.
- **Alcohol Service.** Restaurants and food establishments licensed by the State of California will be permitted to sell and allow on-premise consumption of alcoholic beverages. A [Temporary Outdoor Dining Encroachment Permit](https://www.cityofsanmateo.org/3307/Outdoor-Dining) is required for outdoor dining with alcohol service in the public right of way, which includes on the sidewalk or in parklets. The seating area for restaurants providing alcohol service must be physically separated from any adjacent outdoor dining areas of other establishments by a barricade or other means of separation. Alcohol service is only allowed under full-service conditions and alcoholic beverages consumed in the outdoor dining premises are not allowed to be provided in to-go containers. Establishments that serve alcoholic beverages in the outdoor dining area shall be required to meet all requirements of the Alcoholic Beverage Control Board and any other federal, state, or local laws and regulations governing the sale and consumption of alcoholic beverages. Visit the [ABC website](#) for their specific COVID-19 regulatory updates.
- **Space Heaters.** Space heaters are permitted if 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.
- **Site Maintenance.** Outdoor seating areas shall be maintained free of litter, refuse and debris. The area shall be scrubbed and mopped to remove any food or drink stains on a daily basis by the permittee. Such cleaning shall be in accordance with the City's [Storm Water Management and](#)

[Discharge Control Program](#), which prohibits any discharge other than storm water into the storm water drainage system.

- **ADA Compliance.** Outdoor seating areas must comply with all requirements of the Americans with Disabilities Act (ADA), including providing sufficient clearance and walkway space to allow safe access and egress and ADA accessible seating.
- **Tents or Umbrellas.** Umbrellas and other decorative material shall be fire-retardant, pressure-treated or manufactured of fire-resistant material. No portion of an umbrella shall be less than six (6) feet, eight (8) inches (eighty (80) inches) above the sidewalk. The use of tents in excess of 400 square feet will require a Tent & Temporary Membrane Structures Permit from the San Mateo Consolidated Fire Department. To request more information contact them at (650) 522-7900.
- **Hours of Operation.** The outdoor dining areas shall adhere to the same approved hours of operation as the existing restaurant.
- **Safety Inspections.** The City will be making periodic safety inspections and reserves the right to require adjustments or removal of any elements, if deemed unsafe.

Sidewalk Dining

Sidewalk dining involves the placement of tables and chairs in the public sidewalk area. The City of San Mateo is allowing sidewalk dining to occur **only** where the sidewalk is wide enough to allow for pedestrians to pass by the outdoor seating while still maintaining adequate social distancing of at least 6 feet and when it complies with all ADA requirements.

Businesses with adequate spacing to accommodate social distancing can temporarily use sidewalks for additional restaurant seating purposes.

Areas that have adequate width to accommodate sidewalk dining include:

- 25th Avenue
- Baldwin Avenue
- 4th Avenue
- 3rd Avenue (between Ellsworth and El Camino)
- B Street between 4th and 5th Avenue



Restaurants wishing to provide sidewalk dining in other areas of the City not listed above should contact staff for an evaluation of whether the sidewalk width at their location is adequate to comply.

A [Temporary Outdoor Restaurant Dining Encroachment Permit](#) is required for any restaurant that provides alcohol service to their sidewalk dining area. All other restaurants wishing to use their sidewalk area during this time will not be required to obtain a permit.

B Street Pedestrian Mall Dining

The City has closed segments of B Street between 1st and 3rd Avenues to create pedestrian malls and allow for outdoor dining and increased public open space. This street closure will continue after the end of the COVID-19 pandemic and the effective date of these guidelines. Businesses using the outdoor spaces on these street segments will not be allowed to have non-removable fixtures (including parklet structures or large-scale tents) after April 30, 2022. No new construction is allowed without City consent

Restaurants located along the pedestrian mall segments may use the portion of the street in front of their business, up to the marked emergency access lane. This lane must be kept clear at all times. Businesses along this segment are allowed to use the emergency access lane between 1 a.m. and 10 a.m. for deliveries or other business-service needs.

Restaurants that are providing alcohol service on the pedestrian mall street segments will be required to get a [Temporary Outdoor Restaurant Dining Encroachment Permit](#) and meet the following conditions:

- Businesses serving alcohol must provide evidence of insurance and list the City of San Mateo as additional insured.
- Businesses serving alcohol outdoors can only do so as allowed by the terms of their own ABC License.
- The dining areas of businesses serving alcohol must be clearly separated from those of adjacent restaurants through some sort of barrier within the common space. Suggested barriers include additional barricades, planters, or roped off areas. These barriers must still allow for ADA access to other portions of the common parklet area.

On-Street Parking Space Dining Areas (Parklets)

Parklets are dining areas located in on-street parking spaces in the public right-of-way. These dining areas have become commonplace in many urban areas.

Downtown Common Parklets:

The City of San Mateo designated communal parklets in on-street parking space areas in certain locations in the Downtown.



The following specific conditions apply to these areas:

- No permit is required for use of these areas for restaurants that are **not** providing alcohol service.
- Restaurants using these areas will need to provide their own furniture for use of by the patrons and will be responsible for securing their furniture when not in use.
- Restaurants cannot construct any structure within these spaces without first obtaining a [Temporary Outdoor Restaurant Dining Encroachment Permit](#).
- Restaurants must ensure that a minimum 3-foot ADA path of travel is maintained throughout these common parklet areas for patrons to access tables provided by any restaurant using the area.
- Restaurants that are providing alcohol service will be required to get a [Temporary Outdoor Restaurant Dining Encroachment Permit](#) (at no cost) and meet the following conditions:
 - Businesses serving alcohol must provide evidence of insurance and list the City of San Mateo as additional insured.
 - Businesses serving alcohol outdoors can only do so as allowed by the terms of their own ABC License.

- The dining areas of businesses serving alcohol must be clearly separated from those of adjacent restaurants through some sort of barrier within the common space. Suggested barriers include additional barricades, planters, or roped off areas. These barriers must still allow for ADA access to other portions of the common parklet area.

Custom Parklets or Other Parklet Areas

The City of San Mateo provided barricades to designate parklets in public parking spaces in other areas of the City not served by the common parklet areas. The City has developed [Parklet Program Guidelines](#) for restaurants interested in sponsoring a parklet after the temporary COVID 19 emergency order has ended. Please review these standards prior to developing a plan for a custom parklet. All custom parklets must be reviewed by the City to ensure they meet safety standards prior their construction.

A no-fee [Temporary Outdoor Restaurant Dining Encroachment Permit](#) will be required to approve parklets outside of the common parklet areas or for any custom built parklet. The City must review and approve of these parklets before they are constructed.

The following specific conditions apply to these areas:

- All parklets constructed after October 18, 2021 will need to comply with the adopted [Parklet Program Guidelines](#) but may still be eligible for the no-cost permit during the time period of that these temporary guidelines are in place. In order to apply for a permit, the restaurant will need to provide a site plan showing the proposed layout of the area.
- All custom built parklets must conform with the [State's Guidance for Temporary Structures for Outdoor Business Operations](#) for allowed enclosures which require that no more than 50% of the structure's perimeter has impermeable walls, allowing sufficient, unrestricted outdoor air movement resulting in cross-ventilation.
- Restaurants using these areas will need to provide their own furniture for use of by the patrons and will be responsible for securing their furniture when not in use.
- Any structures built in the right-of-way will need to be removed within 30 days of a business ceasing to operate.
- Restaurants that are providing alcohol service will be required to meet the following conditions:
 - Restaurants that are providing alcohol service must provide evidence of insurance and list the City of San Mateo as additional insured.
 - Restaurants that are providing alcohol service must meet all requirements of the Alcoholic Beverage Control Board and any other federal, state, or local laws and regulations governing the sale and consumption of alcoholic beverages.

Private Parking Lot Dining Areas

Private parking lot areas refer to shopping centers, strip malls, and stand-alone commercial properties that have their own designated parking area. The City of San Mateo suspended requirements restricting the provision of outdoor dining, minimum parking standards as codified in Municipal Code 27.64.160 Sections 2, 9(c), 9(f), and planning application conditions of approval related to parking and outdoor

dining through **November 15, 2021**, unless otherwise extended. Suspending these requirements will temporarily allow restaurants to provide outdoor dining in their respective private parking lots. Arrangements for outdoor dining must be worked out with the property owner for each location. The City would not be a party to discussions or arrangements concerning the leasing or use of outdoor space on private property.

The following specific conditions apply to these areas:

- Restaurants must have the permission of the property owner in order to use the parking space areas.
- The parking lots must still comply with all ADA standards, including ADA paths of travel and adequate provision of handicapped parking spaces pursuant to California Building Code Section 11B.
- Restaurants that are providing alcohol service must meet all requirements of the Alcoholic Beverage Control Board and any other federal, state, or local laws and regulations governing the sale and consumption of alcoholic beverages.
- Access to fire hydrants, fire hose connections for sprinkler systems, and entrances and exits of all buildings shall not be obstructed at any time by barriers or seating. The twenty (20) feet fire lane shall not be obstructed at any time. There shall be a minimum of forty (40) inches in distance separating the edge of a table or chair to a fire department connection.
- Consideration should be given to maintaining adequate parking supply on-site to prevent spillover parking in adjacent residential areas.
- Driveway entrances and exits shall always remain unobstructed.
- Temporary outdoor lighting in compliance with California Green Building Code Light Pollution standards is allowed. Lighting shall be turned off whenever the restaurant is closed and/or the outdoor dining area is not in use.
- All items installed to support outdoor dining shall be temporary in nature and removed at such the time the City so orders. Upon removal of these items, the site shall be restored to its previous condition within 48 hours.
- Restaurant patrons shall have access to the restroom(s) affiliated with the subject restaurant.

For More Information:

For Questions or additional information regarding these Outdoor Dining Guidelines or the Temporary Outdoor Restaurant Dining Encroachment Permit application, please contact:

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