

## Master Design Program- Outdoor Dining

The intent of the flexible zone is to provide for curbside parking. Alternatively, the flexible zone, along with the adjacent sidewalk area, may be used for outdoor dining uses, subject to City approval. An individual application may be made for the use of a portion of the flexible zone and/or sidewalk area for outdoor dining use by an individual fronting ground floor restaurant use subject to the provisions of the Downtown Specific Plan. Approval of an application for outdoor dining use shall be granted to the applicant only and shall not be transferable. Beyond the requirements for approval of an individual application, the number of parking spaces converted to outdoor dining use shall be limited to 25 percent of all parking spaces on First Street between M Street and Maple Street including J Street, K Street, and McLeod Street between First and Second Street. However, parking spaces on L Street and on Livermore Avenue shall not be converted to outdoor dining use due to the lack of diagonal parking and higher vehicular speeds. In addition, the City reserves the right to limit the number of parking spaces that may be converted to outdoor dining use based on the cumulative effect of the loss of parking spaces on a block by block basis.

**Allocation of the Flexible Zone:** Allocation of the flexible zone for outdoor dining use shall be based on frontage between the extended property lines of the building in which the associated fronting ground floor storefront restaurant use is an occupant. Where more than one-half of the total square footage of a parking space is located between the extended property lines, an application for allocation of that parking space may be made by the owner or tenant of such use. Where one-half or less of the total square footage of a parking space is located between the extended property lines, an application for allocation of that parking space may be made by the owner or tenant of such use, but shall require the written agreement of the affected underlying property owner, to the extent practicable, and neighboring tenant, at no compensation, and shall be conditionally allocated until such time the affected adjacent ground floor storefront restaurant use requests and is approved for allocation of the flexible zone fronting their use. In such circumstance, the extended property line will become the dividing mechanism between the two allocated uses, and 15 days notice shall be given to vacate any previous conditional allocation that is outside a uses property line extensions.

**Allocation of the Sidewalk Area:** Allocation of the sidewalk area for outdoor dining uses shall be based on frontage between extended property lines (on corner lots this applies to both frontages), and shall meet the

following standards:

Outdoor dining uses shall be limited to an area beginning at the building wall or sidewalk steps and extending into the sidewalk area, provided that a minimum five-foot sidewalk corridor is maintained.

If the fronting ground floor storefront at the southeast corner of First Street and J Street is occupied by a restaurant, use of the paved area that surrounds the specimen tree at the southwest corner of the Plaza may be requested. Outdoor dining uses shall not be permitted directly adjacent to the semi-circular steps providing access from the sidewalk to the turf area of the Plaza.

Where directly adjacent (not separated by structures or landscape features) to a City park or plaza (other than the plaza located at the southwest corner of First Street and Livermore Avenue), outdoor dining uses may request the use of paved areas within the park or plaza that are part of or connected to a sidewalk or pedestrian pathway, provided that a minimum five-foot sidewalk/pathway corridor is maintained.

**General Standards:**

Outdoor dining uses may request to use the sidewalk area, flexible zone, or both. Outdoor dining uses within the flexible zone shall use the entire area between the lowest face of curb and the back edge of the valley gutter. In the flexible zone, outdoor dining use operators may propose to use a parking space located completely outside of their extended property lines and in front of an adjacent business with the written agreement of the underlying property owner and adjacent business owner, at no compensation. In the sidewalk area, outdoor dining uses may propose to extend in front of an adjacent business outside of their extended property lines with the written agreement of the underlying property owner and adjacent business owner, at no compensation. In no case, shall such extension be permitted to block the display windows or signage of the adjacent business. In the flexible zone, only one additional parking space may be requested from one side of an applicant's extended property lines. The maximum number of parking spaces that may be converted to outdoor dining is two per restaurant use. An outdoor dining use may be located directly adjacent to another outdoor dining use, where the extended property line will become the dividing mechanism between the two allocated uses.

All outdoor dining uses shall meet ADA requirements.

All outdoor dining uses shall maintain ingress/egress and pedestrian circulation pursuant to Uniform Building Code and Uniform Fire Code; and shall comply with the following minimum requirements (the City reserves the right to require larger clearance, ingress/egress, and pedestrian corridors depending upon the circumstances pertaining to the use area):

- Maintain a minimum five foot wide access in a direct and straight path to the building entrance clear and unimpeded for ingress and egress.
- Maintain a minimum five foot wide sidewalk corridor for general pedestrian circulation adjacent to the use.
- Maintain a minimum 15-foot radius from street corner intersections, measured from the back of curb.
- Within the sidewalk and flexible zone areas, the City may require a minimum five-foot clearance adjacent to City street trees and furnishings, to allow for use of trash containers and benches by the general public, and to allow access for maintenance of planters, trellis structures, street lights and other street furnishings by City maintenance crews. City staff will review each applicant's site plan to determine if additional access or clearance is required.

Within the flexible zone, planters constructed of sturdy, durable, and attractive materials consistent with this Program shall be placed within the flexible zone adjacent to the valley gutter and along the sides of the use area to define the use area and protect users from vehicular traffic. Planters shall be provided, put in place, planted, maintained, and removed by the City.

Permanent changes to the flexible zone or sidewalk area shall not be permitted. Fencing and furnishings shall not be affixed to the sidewalk, flexible zone or any City street furnishing or improvement. No decking or stages are permitted. Any flexible zone, sidewalk, or City improvements, furnishings, and utilities damaged or destroyed by the outdoor dining use shall be replaced to City standards with the cost borne by the use operator.

Furnishings and decorations shall not encroach beyond the permitted use area or overhang pedestrian or vehicular circulation paths.

Outdoor dining uses shall comply with all rules and regulations set forth in the Outdoor dining Guidelines.

Outdoor dining uses within the sidewalk area shall be required to operate for a minimum of 4 hours per day, and outdoor dining uses within the flexible zone shall be required to operate for a minimum of 8 hours per day, 6 days a week as weather permits.

All outdoor dining area furnishings shall be maintained in a safe and clean condition. All sidewalk use furnishings shall be stored indoors nightly. Flexible zone use furnishings may be secured within the flexible zone use area, or stored indoors nightly. Furnishings shall not be stacked outside at any time.

All outdoor dining use areas shall be maintained in an attractive, clean (free from spills, stains, litter and other debris) and safe manner.

Signage shall be subject to the provisions of this Program.

Table linens and tableware shall comply with the Outdoor Dining Guidelines.

Trash receptacles, consistent with this Program, shall be required for all outdoor dining use areas where food is served "to go" with disposable containers, utensils and napkins. The applicant shall be responsible for maintaining the use area and trash receptacles in a clean and tidy manner, including emptying the receptacle daily, or more

frequently if needed in high use areas, into the primary restaurant trash receptacle serving the business for proper disposal.

If an outdoor dining use offers alcoholic beverage service, such use operator shall be duly licensed by the State Department of Alcoholic Beverage Control and shall conform to the requirements of such license.

Outdoor dining uses shall comply with all applicable laws and regulations regarding the sale and service of food and beverages to the public.

Outdoor dining use area fencing and furnishings shall be removed immediately upon the permanent closure of the associated business.

**Furnishing Standards:**

All outdoor dining furnishings shall be of commercial grade and designed for outdoor use. All furnishings shall be properly maintained and cleaned regularly. All furnishings shall meet the following standards:

Tables and Chairs for Outdoor Dining

Tables and chairs shall be of the same or a similar and compatible design. Plastic or resin tables and chairs are prohibited.

Materials- Permitted:

Table and Chair Framework: Wrought iron, fabricated steel, cast aluminum, cane or teak.

Chair Seat: Wrought iron, fabricated steel, cast aluminum, cane, teak or rattan.

Table Top: Solid tops of slate, marble, granite, faux stone, wrought iron, embossed aluminum, teak,

tempered glass, and mesh tops of wrought iron and aluminum are permitted. Plastic, resin, and plain metal table tops are not permitted.

Sizes- Permitted:

Table Dimensions: Smaller tables allow for greater layout flexibility and maximize the number of tables that can be placed in the use area. Maximum permitted table sizes are:

Square: 28"

Rectangular: 36" x 24"

Round: 30"

Table Height: Standard cafe' height (up to 30") tables are permitted. Bar height tables (over 30") are not permitted.

All tables and chairs within a use area shall be of the same or compatible color. Bright, reflective, and fluorescent colors are prohibited.

Umbrellas and Umbrella Stands

Table center and freestanding umbrellas are permitted.

Materials - Permitted:

Umbrellas: Canvas only. Vinyl or plastic umbrellas are prohibited.

Stands: Cast aluminum, wrought iron, fabricated steel, or wood.

All umbrella panels shall be of the same solid color. A complementary solid color may be used for trim (such as piping). Patterns (floral, stripes, etc.) and fluorescent colors are prohibited.

### Lighting

Under umbrella lighting (directional or tube) and table top lighting (candles or other low level light sources) are permitted.

Lighting shall create a soft glow directed at the tabletop or cart surface. Lighting shall not create glare or fall outside of the use area. To provide for a warm glow, lighting sources shall be of warm white light (2700 to 3200 degrees Kelvin). Cool white lighting can create a harsh glare and is prohibited. Bare bulb neon, backlit signage, colored lights, blinking or "chasing" lights are prohibited. Lighting not approved by the City shall be removed immediately.

### Portable Heaters

Standing portable propane heaters are permitted, subject to review and approval by the Fire Department. Electric or fuel heaters other than propane are prohibited.

### Trash Receptacles

Trash receptacles shall be of an appropriate size in relation to the use area and of materials and design compatible with other use furnishings.

### Planters

Planters are required as a buffer between outdoor dining uses within the flexible zone area. Planters are to be provided and placed by the City of Livermore, however must be shown on the submitted site plan based on the following dimensions:



Rectangular planters are 24" wide x 36" long.

Round planters are 24" in diameter (to be used at corners and in-between rectangular planters).

Where adjacent to a parking space divider that does not contain a tree or trellis, planter placement shall observe a 1 foot setback from the dividing line between parking spaces. Planters adjacent to a parking space divider that contains a tree or trellis may be placed in-line with such tree or trellis. Planters shall be spaced approximately 6" to 12" apart along the street frontage and sides of the use area.

City maintenance staff shall plant and maintain (including water) the planters provided by the City for outdoor dining uses within the flexible zone.

#### Fencing

Fencing shall be designed of wrought iron or cast aluminum and shall not exceed 36" in height. If alcoholic beverages are to be served, fencing shall meet the requirements of the use associated license issued by the State Department of Alcoholic Beverage Control.

#### Other Decorative Items

Padded fabric chair pads are permitted, shall be brought indoors nightly, and shall be clean when placed outside each day.

Tabletop flower arrangements, centerpieces, and candles are permitted and shall be brought in nightly.

Streamers, balloons, banners, and other decorative items not specifically permitted herein are prohibited.

**Signage Standards:**

Permitted signage for outdoor dining uses shall not count toward the businesses'- aggregate signage under the provisions of Chapter 6 of the Downtown Specific Plan; however, shall be consistent with the design standards contained therein. All signage shall apply to the associated business only; no generic advertising, such as applying to and/or provided by, for example, beer, soft drink, ice cream or other third party vendor sponsors shall be permitted.

Signage for outdoor dining uses is limited to umbrella signs and menu boards as defined below.

**Umbrella Signs:** Each umbrella may display the name of the business twice on opposite panels, or may display the name of the business once and the business logo once, each on opposite panels. Lettering shall not exceed 6 inches in height and logos shall not exceed one square foot. Total signage on each umbrella shall not exceed 10 percent of the area of the umbrella.

**Menu Boards:** Menu boards are limited to no more than 2' by 2' in size. Paper menus shall be mounted behind clear plastic covers. Chalk boards are also permitted. Menu boards may be mounted to the building facade, or may be placed on a portable support with an overall height not to exceed 4 feet. The design of menu board supports or frames shall utilize decorative metal or other high quality materials that relate to the design of other furnishings within the use area.

Banner signs, electrical signs, illuminated signs, and other signage not specifically permitted herein are prohibited.