

OUTDOOR DINING DESIGN GUIDELINES

The intent of the flexible zone is to provide for curbside parking or outdoor dining within the existing parking stalls along Main Street between Acacia Avenue and Nourse Street. The purpose of the Outdoor Dining Design Guidelines is to provide interested restaurants with the outdoor dining program requirements.

Applications are to be submitted to the City of Ripon Planning Director no later than February 1st each year. The Planning Director will approve, conditionally approve, or deny the permit request, and shall provide written notification of the action taken to the applicant no later than March 1st. Permits are not transferrable and may be revoked if any business does not follow the program requirements stated herein.

General Standards:

A single restaurant's use of the flexible zone for outdoor dining is limited to (i) the set (2) of parking spaces between fixed city planters in front of the applicant's building and the area between the face of the bottom riser of the curb and the back edge of the parking space marking and (ii) is available during the months of April, May, June, July, August, September, and October of each year the program is in place.

Handicap stalls shall not be used for outdoor dining.

All outdoor dining uses shall maintain ingress/egress and pedestrian circulation pursuant to Uniform Building Code, American with Disabilities Act, 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 four foot wide access in a direct and straight path to the building entrance clear and unimpeded for ingress and egress.
- Maintain a minimum four 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 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 side of the use area to define the use area and protect users from vehicular traffic. **Planters shall be put in place, planted, maintained, and removed by the applicant (see furnishing standards below for site plan requirements).**

Permanent changes to the flexible zone or sidewalk area shall not be 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.

All outdoor dining area furnishings shall be maintained in a safe and clean condition. Flexible zone use furnishings may be secured within the flexible zone use area, or stored indoors nightly.

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

Signage shall be subject to the provisions of this Program.

Tablecloths are permitted to be cloth only. Vinyl tablecloths are not permitted. Tablecloths shall be brought indoors nightly and shall be clean when placed outside each day.

Trash receptacles, consistent with the 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 beverage to the public.

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

Hours of Operation:

Hours of operation shall be limited to the hours of operation of the associated eating establishment. However, no outdoor dining area shall be used after 10:00 p.m.

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.

Tables and Chairs:

Tables and chairs shall be of the same or a similar and compatible design. Plastic or resin tables and chairs are prohibited. All tables and chairs within a use area shall be of the same or compatible color. Bright, reflective, and fluorescent colors are prohibited. The following is a list of the permitted material:

- 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.

Umbrellas and Umbrella Stands:

Table center and freestanding umbrellas are permitted. 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. The following is a list of the permitted material:

- Umbrellas: Canvas only. Vinyl or plastic umbrellas are prohibited.
- Stands: Case Aluminum, wrought iron, fabricated steel, or wood

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 connections cannot interfere with accessibility or create any sort of hazard.

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 and vehicle traffic. Planters shall be selected with a size and weight that provides a safe barrier for those dining within the flexible zone. 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 one-half the length of the side of the use area, beginning at the valley gutter.

Fencing:

If fencing is proposed it 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.

Signage Standards:

Permitted signage for outdoor dining uses shall not count toward the businesses aggregate signage under the provisions of Title 16, Chapter 16.172 of the Ripon Municipal Code; however, shall be consistent with the design standards contained therein. All signage shall apply to the associated business only; no generic advertising, such as apply 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 façade, or may be placed on a portable support with an overall height not to exceed 4 feet. The design of the 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 sign, electrical signs, illuminated signs, and other signage not specifically permitted herein are prohibited.

INSURANCE REQUIREMENTS & HOLD HARMLESS AND INDEMNIFICATION

The permittee agrees to purchase and maintain for the duration of this permit insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of this Permit by the Permittee, the Permittee's officers, employees, agents, or assigns.

MINIMUM SCOPE OF INSURANCE:

Coverage shall be at least as broad as:

1. Insurance Services Office Commercial General Liability coverage (occurrence form CG 0001).
2. Workers' Compensation insurance as required by the State of California and Employer's Liability insurance.

MINIMUM LIMITS OF INSURANCE:

Permittee shall maintain limits not less than:

1. General Liability: \$1,000,000 (One Million Dollars) per occurrence for bodily injury, personal injury and property damage.
2. Employer Liability: \$1,000,000 (One Million Dollars) per accident for bodily injury or disease.
3. Workers' Compensation statutory to the State of California.

DEDUCTIBLES AND SELF-INSURED RETENTIONS:

Any deductibles or self-insured retentions must be declared to and approved by the City's Risk Manager.

OTHER INSURANCE PROVISIONS:

The general liability policy shall contain and be endorsed to contain the following provisions:

1. The City of Ripon, its officials, employees, agents and designated volunteers are to be covered as insureds as respects: liability arising out of the activities performed by or on behalf of this Permit. The coverage shall contain no special limitations on the scope of protection afforded to the City of Ripon, its officials, employees, agents or volunteers.
2. For any claims related to this Permit, the Permittee's insurance shall be primary insurance as respects the City of Ripon, its officials, employees, agents or volunteers. Any insurance of self-insurance maintained by the City of Ripon, its officials, employees, agents and volunteers shall be excess of the Permittee's insurance and shall not contribute to it.
3. Any failure to comply with reporting or other provisions of the Permittee's policies, including breaches of warranties shall not affect coverage provided to the City of Ripon, its officials, employees, agents or volunteers.
4. The Permittee's insurance shall apply separately to each insured against who claim is made or suit is brought, except with respect to the limits of the insurer's liability.
5. Each insurance policy required by this clause shall be endorsed to state that the coverage shall not be reduced, suspended, voided or canceled except after thirty (30) days written notice by certified mail, return receipt, has been given to the Planning Director.

ACCEPTABILITY OF INSURERS:

Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

VERIFICATION OF COVERAGE:

Permittee shall furnish to the Planning Director, original Certificate of Insurance and endorsements affecting coverage required by this clause. All certificates and endorsements shall be received and approved before a Permit becomes effective.

HOLD HARMLESS AND INDEMNIFICATION

Permittee agrees to and shall defend, indemnify and hold the City of Ripon, its officials, employees, agents and volunteers harmless from and against any and all losses, liability, and damage, including reasonable attorney's fees and/or court costs arising out of the performance of this Permit.

Permittee's name – Printed _____

Permittee's Signature _____ Date _____