



City of Seal Beach Main Street Outdoor Uses Guide

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Seal Beach Main Street Outdoor Uses Guide

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MAIN STREET OUTDOOR PROGRAM

The Main Street Outdoor Use Program aims to revitalize and enhance the vibrancy of Main Street by transforming sidewalks and public spaces into vibrant outdoor walkways and dining areas. This initiative seeks to provide businesses along Main Street (“Main Street Establishments”) with potential for minor decorative enhancements, signage, outdoor display of merchandise, and potential for limited additional outdoor seating for dining, which will help to attract customers and foster a lively and engaging atmosphere on the Main Street sidewalks.

PROGRAM OVERVIEW

The expansion of outdoor accessory uses, such as the limited use of sidewalk dining areas, is an effective strategy to not only support local businesses, but to activate the public realm by creating pedestrian-oriented spaces worth walking to and spending time in. The City of Seal Beach supports the expansion of outdoor uses through this program to invigorate our local economy while maintaining a pedestrian friendly Main Street. This guidebook serves to help local businesses and community members understand the goals, operating policies, design standards, and permitting processes for establishing outdoor uses in the public right-of-way within Main Street.

PROGRAM GOALS

**SUPPORT
LOCAL
BUSINESSES**

**PROMOTE
WELCOMING
PLACES**

**BE ACCESSIBLE
AND
EQUITABLE**

**ATTRACT NEW
BUSINESS**

**INCREASE
VISITOR
SATISFACTION**

**MAINTAIN A
UNIQUE VISUAL
EXPERIENCE**

PROGRAM FOCUS

The Main Street Outdoor Use Program is designed to revitalize the frontages of ground-floor businesses located on Main Street. The program encourages these establishments to expand their frontage by setting up outdoor uses, such as dining areas, benches, potted plants, outdoor display of merchandise, and sidewalk signs, creating a welcoming environment for visitors. The program aims to enhance the overall aesthetic appeal of Main Street, while also providing businesses with an opportunity to increase their visibility and attract more foot traffic. The focus on dining outdoors emphasizes the al fresco atmosphere, allowing visitors to savor their meals amidst natural elements and enjoy a more relaxed setting.

WHAT IS ALLOWED

The Main Street Outdoor Use Program permits property and business owners who have ground-floor establishments to have certain permitted items at their respective locations (more details about these items will be shared later on in the guidebook).

- Tables
- Chairs
- Benches
- Potted Plants
- Business Signage
- Umbrellas
- Heaters
- Outdoor Display of Merchandise (such as clothing racks, shelves, and dress forms)

ELIGIBILITY AND PERMITTING PROCESS

WHO IS ELIGIBLE TO APPLY

Eligible applicants are the fronting property and business owners in the Main Street area with ground-floor Main Street Establishments in a manner compatible with pedestrian traffic and surrounding uses that will abide to the operating requirements of this guidebook and comply with all State Alcoholic Beverage Control.

ELIGIBILITY REQUIREMENTS

The placement of permitted items at their respective locations must be contained within the frontage of an existing or proposed Main Street Establishment approved for on-premises seating and incidental to the operation of the business. Installations must be able to retain a minimum of eight feet of unobstructed clear width for pedestrian travel, including any existing obstacles such as street furniture, bicycle racks, trees, and utilities with permitting items (tables, chairs, benches, potted plants, signage, umbrellas, outdoor merchandise, and heaters).

PERMITTED DINING

PERMITTED LOCATION

The temporary placement of tables and chairs on public right-of-way will be permitted based off the frontage for an existing or proposed allowed tenant along Main Street. Tables and chairs must be in the storefront while maintaining eight feet of unobstructed sidewalk. Tables and chairs can be located abutting the frontage wall, or located against the edge of the roadway. Tables and chairs must be placed at least two feet from the edge of the roadway/curb, while also maintaining the eight feet of unobstructed sidewalk. If a neighboring business agrees to allow a neighboring restaurant to use a portion of its storefront space, the restaurant can extend its dining area by a maximum of one foot into the neighboring property, with submission of Neighboring Owner Consent Form as part of the application. The permitted dining locations are as follows:

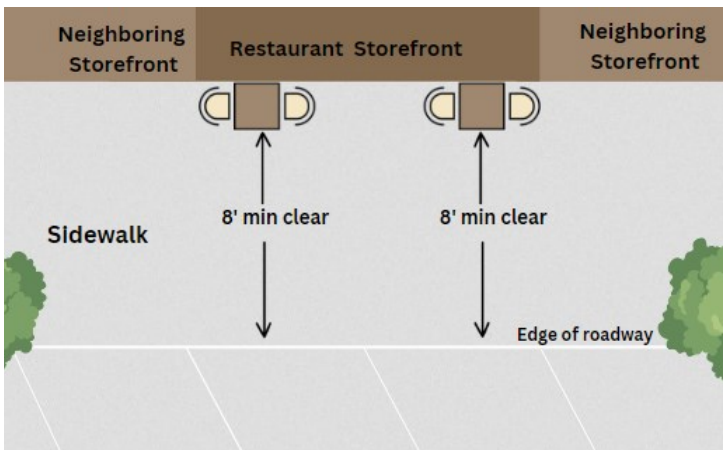


Figure 1 Permitted Dining Location Example—
Two Top Tables Adjacent to Storefront

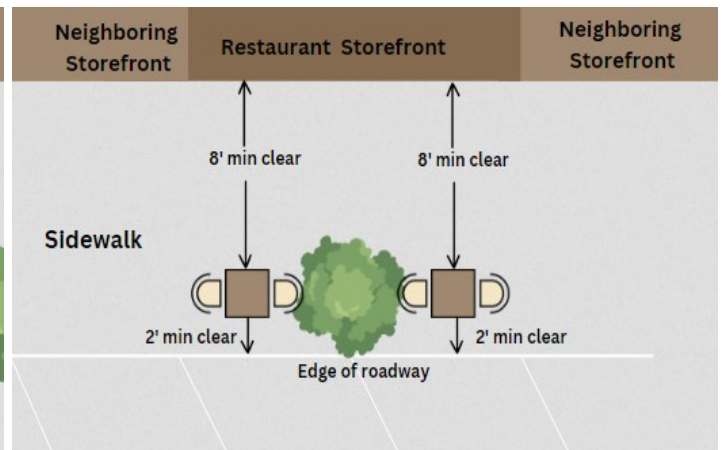


Figure 2 Permitted Dining Location Example—
Two Top Tables Adjacent to Edge of Roadway

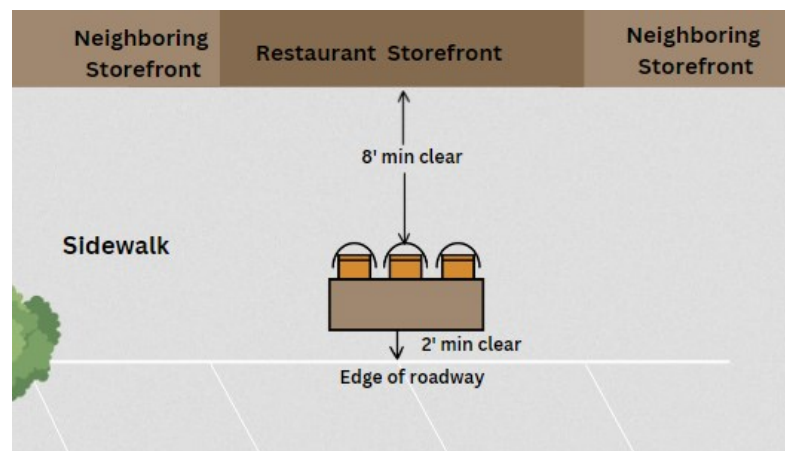


Figure 3 Permitted Dining Location Example—
Bench Seating Adjacent to Roadway

PERMITTED FIXTURES

Tables and chairs shall be limited to one row. Tables shall be a maximum of 30 inches in depth by 30 inches in length for two top tables, and 15 inches in depth by 60 inches in length for tall tables. Tables must be commercial grade and have ADA-compliance. Applicants seeking to place tall tables and bench seating against the edge of the roadway must ensure that their design complies with the Main Street regulations, ADA-compliant, and be at least two feet from the edge of the roadway/curb. The specific requirements and permits may vary by location, so it is advisable to consult with the Community Development Department for accurate guidance.

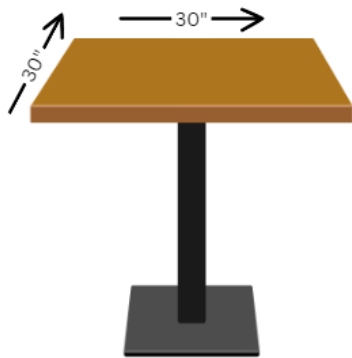


Figure 4—Permitted Two Top Table A

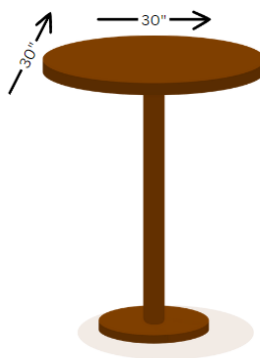


Figure 6—Permitted Two Top Table B

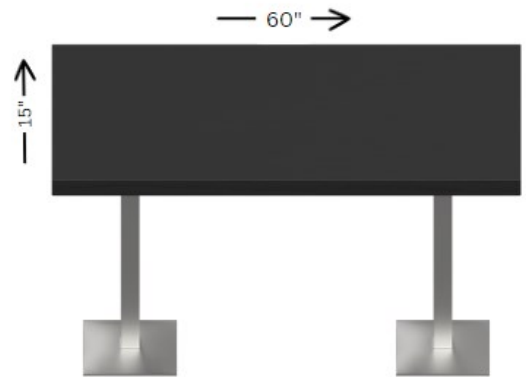


Figure 5—Permitted Tall Table

FRONTAGE

Each existing or proposed Main Street Establishment will have a maximum number of tables in their storefront based off the frontage linear feet.

30" X 30" TABLES		
FRONTAGE LINEAR FEET	MAX NUMBER OF TABLES	MAX NUMBER OF CHAIRS
25 ft	2	4
37.5 ft	3	6
50 ft	4	8

60" X 15" TABLES		
FRONTAGE LINEAR FEET	MAX NUMBER OF TABLES	MAX NUMBER OF CHAIRS
25 ft	1	3
37.5 ft	2	6
50 ft	3	9

A-FRAME SIGNS

A-Frame signs shall be located so as to allow at least eight feet clearance for pedestrian passage along a pedestrian walkway. Each business located on Main Street will be allowed one A-Frame sign per storefront. A-Frames should be placed on the same sidewalk side as outdoor tables and chairs. The A-Frame may have two faces, not exceeding 36 inches in height and 24 inches in width.



Figure 7—Permitted A-Frame Storefront

Figure 8—Permitted A-Frame Curbside

GREENERY

Greenery elements are encouraged along Main Street for all property and business owners. All landscaping elements such as potted plants and similar features shall be located so as to allow at least eight feet clearance for pedestrian passage along a pedestrian walkway. Landscaping shall not obstruct pedestrian cross traffic and can be placed along an abutting wall of a storefront and allowed along the edge of the walkways, greenery placed shall allow at least eight feet clearance at all times. Landscape materials shall be selected, placed on a site, and maintained. Businesses on corner lots cannot have greenery elements exceed a maximum height of 30 inches within traffic safety visibility area, except for trees with the lowest portion of their canopy maintained at a minimum height of seven feet above grade.

BENCHES

Benches may be added to the sidewalk as either memorial benches or non-memorial benches. Memorial benches shall follow the process of Section C, Policy 11 of the Main Street Specific Plan, separate of this outdoor use program. For information on memorial benches contact our Public Works Department at: (562) 431—2527 x 1414.

Non-memorial benches may be added per these guidelines. Benches must be placed along the wall of a storefront, allowing at least eight feet of clearance for pedestrians to pass through. Each business is allowed one bench per storefront, this does not include City installed memorial benches. Businesses with City installed memorial benches outside their storefront are allowed to have one additional bench, as long as the eight feet of clearance for pedestrians is maintained. The maximum width of the bench should not exceed 72 inches, and all bench designs must be approved by the City.



Figure 9—Permitted Greenery & Bench

OUTDOOR MERCHANDISE

Outdoor displayed merchandise must be related to the business at the site. Outdoor display fixtures should be of good quality, compatible with the surrounding buildings, and maintained to enhance the area. Displays may not exceed specific dimensions and must comply with accessibility standards (found in General Standards for Outdoor Merchandise). Merchandise displays must be able to retain a minimum of eight feet of unobstructed clear width for pedestrian travel, including any existing obstacles such as street furniture, bicycle racks, trees, and utilities. Displays may not be used for extra storage and must be removed during non-business hours.

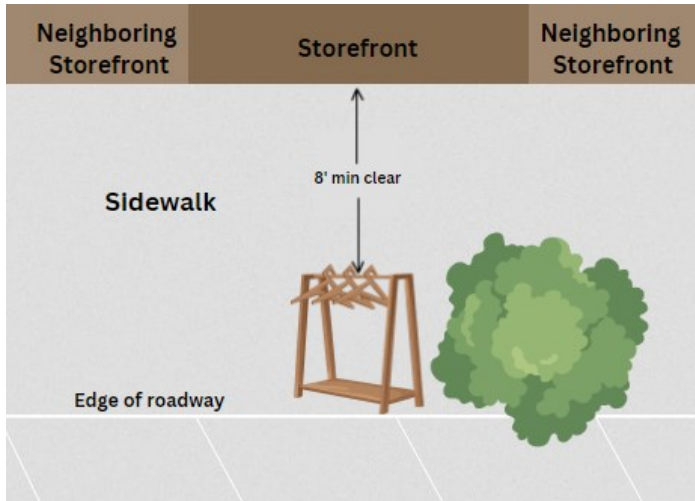


Figure 10—Permitted Outdoor Merchandise Curbside

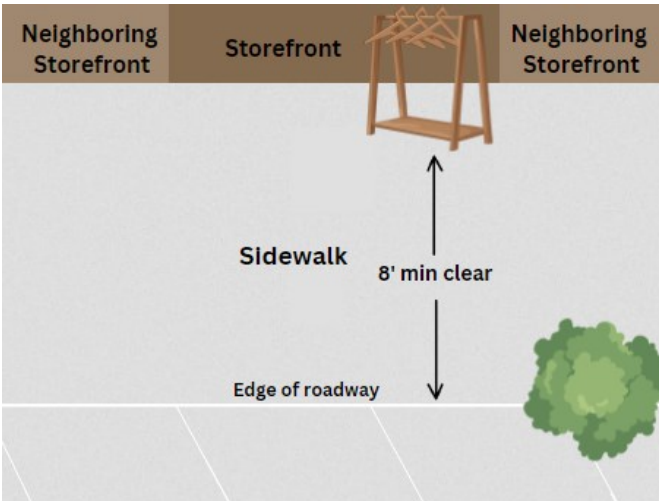


Figure 11—Permitted Outdoor Merchandise Storefront

OUTDOOR MERCHANDISE FIXTURES

Outdoor merchandise displays fixtures (e.g. tables, shelves, and dress forms) are limited to the same dimensional requirements and maximum number as are the dining tables as shown in Table 3 of the Main Street Specific Plan (e.g. two 30” x 30”, or one 15” x 60” fixture(s) are allowed for 25 feet of linear frontage).

OUTDOOR DISPLAY OF MERCHANDISE		
FRONTAGE LINEAR FEET	MAX NUMBER 30 x 30	MAX NUMBER 15 x 60
25 ft	2	1
37.5 ft	3	2
50 ft	4	3

PROCESS OVERVIEW

CONSIDERING AN OUTDOOR ACCESORY USE

- Review Main Street Guide and Application Checklist
- Identify location
- Confirm with City staff if location is eligible
- Prepare plans of proposal
- Obtain written approval from property/business owner(s)



SUBMIT AN APPLICATION FOR A MAIN STREET OUTDOOR USE PERMIT

- Submit a completed Main Street Application Checklist to the Planning Department
- Include site plans, site photos and design details
- Pay Main Street Outdoor Use Permit fee/Encroachment Fee if applicable



APPLICATION REVIEW

- Application reviewed by applicable City Departments
- Site Visit by the Community Development Inspector
- Respond to City comments as needed



APPROVAL OF APPLICATION

- Approval by Community Development Director



MAIN STREET OUTDOOR USE INSTALLATION

- Install outdoor use once permit has been paid, issued and displayed in the business window



POST – INSTALLATION

- Inspection required by Community Development
- Maintain and operate in-use areas pursuant to the site plan
- Pay annual permit fees each following year
- Disassemble/remove installation (if applicable) at end of use or if permit is revoked by City

MAIN STREET APPROVAL PROCESS AND POST-INSTALLATION

This sections describes how an application will be evaluated including issues such as table design, installation, maintenance plan, safety, etc.

FEES

Applicants will be required to pay the Main Street Dining permit fee each fiscal year (July 1st—June 30th). The permit fee is under the City Master Fee Schedule, Planning Fees Section 26, In-House Planning Staff. The permit fee will cover the City review of the Main Street Dining application and quarterly inspections of each dining site location. The current City Master Fee Schedule is available on the City’s website at: <https://www.sealbeachca.gov/Departments/Finance/Financial-Reports-Documents>.

INSTALLATION

Applicants will be notified by the Community Development Department once an application is approved. A permit will be issued to an applicant once the permit fee is paid (if applicable) and design layout is approved by the Community Development Department. The permit must be displayed in participating storefront windows and can be easily visible at all times.

POST—INSTALLATION

Following installation, applicants shall request an inspection for compliance with Community Development. This section describes what is necessary to know after an installation is approved, including what is expected for maintenance, operation requirements, permit renewal processes, and the City’s authority to revoke a permit if not in compliance with operating requirements.

MAINTENANCE

All Main Street outdoor areas must be maintained by the applicant in clean and safe conditions at all times, including sweeping and cleaning of dining locations, and appropriate provisions for trash disposal. Owners of approved dining areas are responsible for upholding these standards at all times.

PERMIT EXPIRATION OR CHANGE OF OWNERSHIP

Main Street outdoor permits will be valid for a one-year term. The permit shall automatically expire on June 30th of each year. Applicants wishing to renew an expired permit shall submit a renewal form with appropriate fees prior to June 30th. Permits may not be transferred to new business owners at the same address. Any business that has a change in ownership shall be subject to City approval of a new application.

INSTALLATION REMOVAL

The City retains the right to revoke or suspend the permit upon written notice to the permit holder for any cause, regardless of conformance with these provisions. Situations that may merit suspension or revocation include, but are not limited to:

1. Emergencies, necessary construction, or area maintenance at the discretion of the Community Development Director;
2. Suspension, revocation, or cancellation of any necessary health permit(s) or failure to comply with Alcoholic Beverage (ABC) permits/regulations;
3. Failure to comply with the outdoor use site plan;
4. Failure to comply with the operating requirements of the approval;
5. Failure to comply with any relevant Conditional Use Permit (CUP);
6. Failure to address administrative citations or other municipal code infractions, or repeated citations/ infractions;
7. Failure to maintain a valid business license.
8. Failure to maintain space in a clean and safe condition at all times, including sweeping and cleaning of outdoor use locations, with appropriate provisions for trash disposal.

Within 24 hours of receipt of written notice of revocation or suspension, regardless of any appeal of the action, the operation shall cease and the installation operator shall restore the permit area to the condition existing prior to the placement of the outdoor facilities or to a condition acceptable by the Community Development Director.

If pursuant to the above requirements, permit areas that are not restored to order in the time specified by the City, the City may remove any and all facilities installed within the right-of-way. Reimbursement of City costs for said removal shall be the responsibility of the permit holder.

DESIGN GUIDELINES

DESIGN STANDARDS

Path of travel for pedestrians (eight feet of unobstructed space) shall be maintained free and clear of any existing obstacles including any street furniture, trees and tree wells, and utilities, and tables and chairs are to be placed at least two feet from the edge of the roadway. Applicant/permittee is responsible for compliance with all alcohol license requirements, if applicable. Applicants are advised to work directly with ABC to understand alcohol service regulations on the sidewalk. With the design standards, please note the sidewalk size restrictions may limit the amount of Main Street Establishments able to serve alcohol on the public right-of-way.

OTHER DESIGN CONSIDERATIONS

OUTDOOR HEATERS

Portable gas (LPH) heating appliances are only permitted for Main Street outdoor dining areas. Heating appliances cannot be located beneath or closer than 10 feet to canopies/tents, and five feet to similar combustible materials per California Fire Code. Propane tanks may be stored on site, but must be in an approved enclosed area of the installation to the satisfaction of the Building and Safety Department and Orange County Fire Authority. Heaters may not obstruct the required eight feet pedestrian path of travel.

UMBRELLAS AND OTHER TEMPORARY COVERINGS

Umbrellas and temporary coverings are only permitted for Main Street outdoor dining areas. Where umbrellas and awnings are used, a vertical clearance of at least seven feet above the sidewalk must be maintained and eight feet of unobstructed clear space for pedestrian travel. The placement, color, style and type of coverings shall be consistent with and complement the design and appearance of the affected building.

MAIN STREET OUTDOOR USES OPERATING REQUIREMENTS

Main Street dining permit holders are required to comply with the following operating standards:

- Permittees are required to comply with all State Alcoholic Beverage Control (ABC) Board requirements when permit include the sale of alcohol.
- Hours of sidewalk operation shall not begin prior to 7:00 a.m. nor extend later than 10:00 p.m.
- Eight feet of unobstructed clear space of travel for pedestrians shall be maintained free and clear of any existing obstacles (street furniture, utilities, etc.) to the satisfaction of the Community Development Director. Such clear pathway shall link continuously with pathways on each side of the property and shall allow a minimum clear space of eight feet at all times. These minimum widths are to ensure compliance with ADA standards and reduce liability concerns due to shifting tables, wait staff or other obstructions which can reduce the effective width.
- Tables and chairs placed at the edge of the roadway shall allow for at least two feet from the edge of the curb to the start of the table or chair.
- Where umbrellas and awnings are used, a vertical clearance of at least seven feet above the sidewalk must be maintained and eight feet clear path of travel.
- Items within the Main Street approved outdoor use areas may not be left when not in use or past 10:00 p.m., except for greenery and benches, unless property is secured to the satisfaction of the Community Development Director.

- Outdoor uses shall be confined to the area shown on the approved site plan and shall not interfere with building egress.
- Outdoor uses must be maintained in a clean and safe condition at all times with appropriate provisions for trash disposal.
- The City has the right to revoke or suspend an outdoor use permit if the outdoor use areas are not maintained in clean and safe conditions at all times, including sweeping and cleaning of outdoor use locations, with appropriate provisions for trash disposal.
- The operation must meet all required County Health Department standards, obtain any necessary permits and service to the areas shall be conducted in a safe manner at all times.
- The permit issued shall not be transferable in any manner, unless approved by the City with submittal of a new application reflecting new ownership.
- Main Street dining operations shall in no way interfere with access to City utilities.
- Smoking shall be prohibited in the dining areas.
- Issuance of the Main Street outdoor use permit shall not permit or allow the placement of any permanent or temporary structure or improvement on public or private property in violation of any state or federal accessibility law, including the Americans with Disability Act, or prohibit or suspend immediate code enforcement action deemed necessary by the Building Official, City Engineer, or any other authorized enforcement official of the City, to remedy or abate: a dangerous condition or activity; any activity presenting imminent threat or harm to the health, safety or welfare of the community; any violation of state or federal accessibility law; or any unauthorized activity on private property or in the public right-of-way. Permit holders are responsible for ensuring accessibility and ADA compliance of their Main Street dining areas.
- All propane cylinders used for outdoor gas heaters shall be stored and secured pursuant to regulations in the California Code of Regulations and California Fire Code. Cylinders placed in the public right-of-way shall be safely secured and locked with the heater enclosure or stored in vented safety cages or cabinets in a flat area that does not collect water and is adequately shielded from pedestrian and motor vehicle traffic.
- Outdoor merchandise, such as clothing racks, clothing shelves, freestanding mannequins, and dress forms are to be displayed in a neat and orderly manner with shall allow a minimum clear space of eight feet at all times.
- Low quality display tables such as milk crates, card tables, plywood boxes, and pallets are not permitted along Main Street.

GENERAL STANDARDS FOR OUTDOOR MERCHANDISE



PURPOSE AND INTENT

The purpose of these standards is to improve the pedestrian environment on Main Street by allowing businesses to creatively use outdoor spaces to showcase their products. This aims to enhance the public realm, create a pleasant shopping experience, and maintain and improve the town's unique character.

The outdoor display of merchandise provides retailers with an opportunity to attract and inform the public about the products available inside. It is important to note that the outdoor display is not intended to sell clearance or discarded items, or accommodate freestanding businesses or mobile vendors. The main goal of outdoor displays is to bring life to sidewalks and pedestrian areas by promoting businesses that cater to pedestrians.

STANDARDS

- A. Outdoor merchandise displays as accessory uses to lawfully established retail businesses are subject to the General Standards for Outdoor Merchandise Displays.
- B. The type of merchandise displayed in an outdoor merchandise display shall be limited to the type of merchandise sold by the business at the site.
- C. An outdoor merchandise display must be located directly adjacent to the retail business to which it is an accessory use.
- D. Outdoor merchandise display fixtures shall be compatible with the character of the adjacent buildings and with the applicable design guidelines of Main Street. Merchandise displays utilizing card tables, cardboard cartons, plastic milk crates, plywood boxes, or pallets are not permitted. Freestanding mannequins and dress forms are allowed.
- E. Outdoor merchandise display fixtures shall be of good quality, durable materials and construction, and shall be maintained in such a manner as to enhance the Main Street area. Outdoor merchandise displays shall be organized and maintained in an orderly and attractive manner at all times.
- F. Outdoor merchandise display fixtures may not be bolted into the ground or fastened to streetlights, trees, or other street furniture. All merchandise and merchandise display fixtures must be removed during non-business hours.

GENERAL STANDARDS FOR OUTDOOR MERCHANDISE

- G. Outdoor merchandise display fixtures (e.g. tables, shelves, and dress forms) are limited to the same dimensional requirements and maximum number as are the dining tables as shown in Table 3 of the Main Street Specific Plan (e.g. two 30" x 30", or one 15" x 60" fixture(s) are allowed for 25 feet of linear frontage).
- H. Outdoor merchandise displays shall not serve as extra storage space for materials that do not fit inside the store, nor be bulk item displays.
- I. No sound amplification device, musical instrument or sound reproduction device shall be operated or used in conjunction with outdoor merchandise displays.
- J. Any outdoor lighting associated with outdoor merchandise displays shall be approved by the Community Development Director.
- K. All displays shall allow a minimum 8 foot unobstructed passageway from the exterior border of the merchandise display to the interior edge of the curb of the adjacent street, or to any curb ramp or crosswalk, or to any other fixed obstruction (i.e. light pole, trees, etc.) at all times.
- L. Outdoor displays not meeting these standards may be permitted subject to approval of a Conditional Use Permit by the Planning Commission on a case-by-case basis via a Conditional Use Permit at a public hearing.
- M. If the Community Development Director makes a determination that a business is violating the provisions of these standards, the Director will provide notice to the business owner and property owner that there is a violation. The business owner may choose to modify the outdoor display to meet the General Standards for Outdoor Merchandise Displays, or may choose to appeal the Director's Determination to the Planning Commission. Otherwise the City will commence code enforcement proceedings, including applicable fines.



MAIN STREET OUTDOOR USE PERMIT CHECKLIST

Applications for Main Street Outdoor Use Permit in the public right-of-way shall include the following:

- ☐ Business Information
- ☐ Project Description
- ☐ Photos of Existing Site
- ☐ Project Site Plan/Conceptual Rendering
- ☐ Encroachment Permit

Checklist items for Main Street Outdoor Use Permit applications are described in further detail below. Planning Application forms and checklist materials are available on the City's website at: www.sealbeachca.gov/Departments/Community-Development/Planning-Development/Planning-Forms

APPLICANT/BUSINESS INFORMATION

Provide business information, contact information for the applicant and entity responsible for maintaining/operating the outdoor use area, and signatures authorizing the application and liability release agreement (an agreement wherein the recipient of the permit agrees to hold the City harmless from liability arising from the operating of the outdoor use area, if within public right-of-way). Businesses are responsible for ensuring they have an active Seal Beach business license issued to the business owner.

PROJECT DESCRIPTION

Provide a brief cover letter with a description of the proposed installation. Describe intended operating plan, including activity proposed within space, proposed hours of operation, and maintenance plans. All Main Street Outdoor Use applications should include a description of the type, color and material proposed for outdoor furnishings, such as tables, chairs, barrier systems, planters, signs, benches, and outdoor merchandise displays.

PHOTOS OF EXISTING SITE

Applicants should include at least two photos showing the proposed location for the Main Street use area. The photos should show the proposed dining area or outdoor merchandise space and any unusual characteristics of the site.

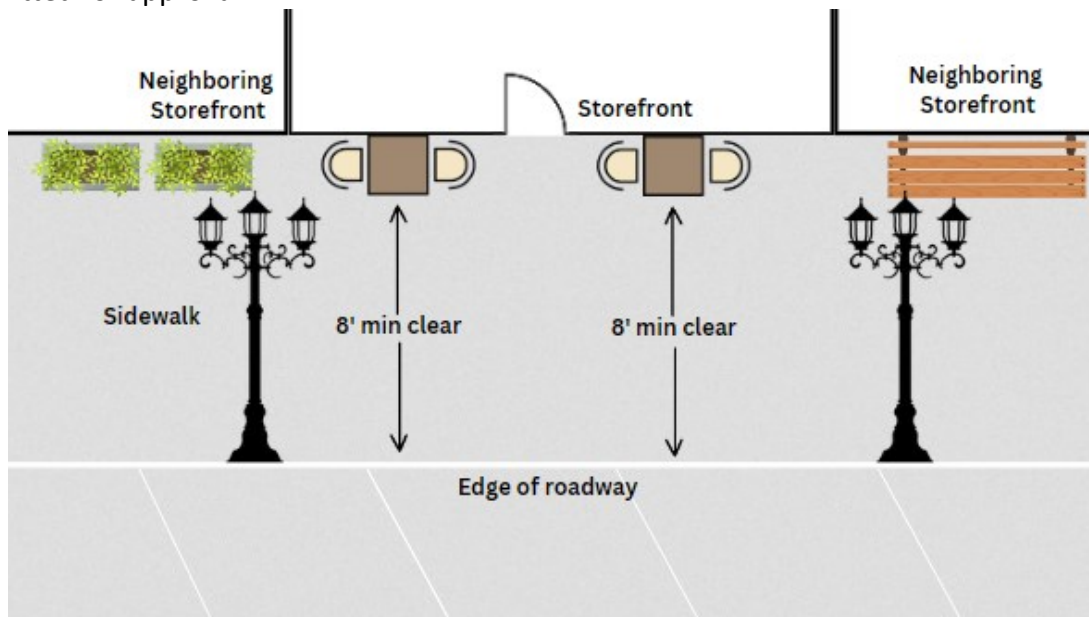
PROOF OF LIABILITY INSURANCE

Prior to approval of Main Street Outdoor Use Permit for installations in the public right-of-way, applicants will also need to provide proof of liability insurance meeting City standards, including naming the City as additionally insured for the term of the permit approval.

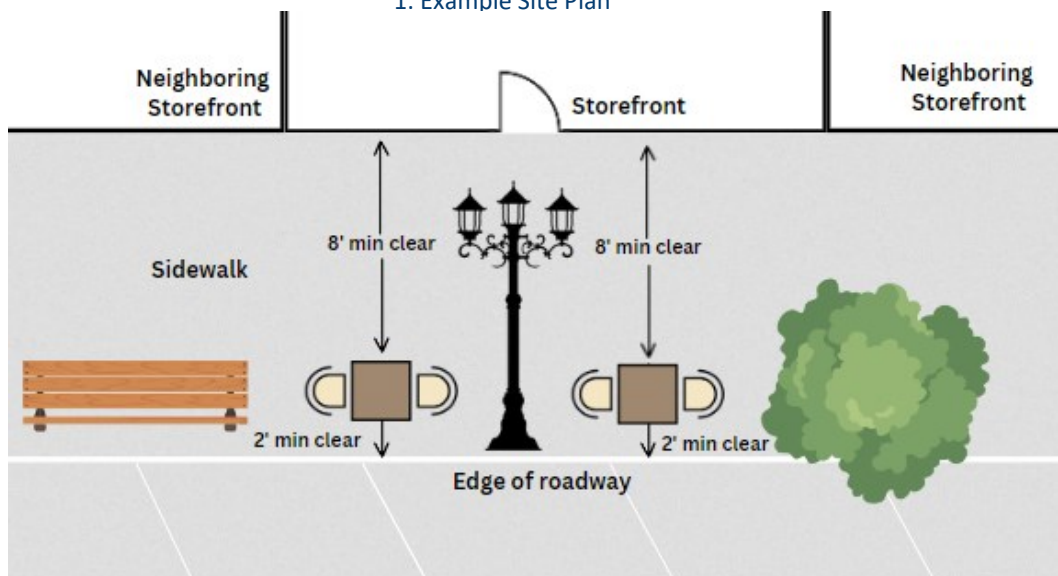
MAIN STREET OUTDOOR USE PERMIT CHECKLIST

PROJECT SITE PLAN / CONCEPTUAL RENDERING

Provide a site plan for the proposed installation, drawn to scale. This can be done by hand or digitally. Applicants are not expected to have professional plans drawn. Plans should identify distance to nearest curb, location of any adjacent utilities, street furniture, lighting and landscape features. Plans should also identify the number, size and configuration of tables and chairs proposed, type of barrier system to be used if alcohol will be served (Alcohol Beverage Control compliant) sidewalk clearances and obstructions in the vicinity and other furnishings to be included in the dining area. For outdoor merchandise, plans should identify the size and configuration of the outdoor displays. Multiple configurations may be submitted for approval.



1. Example Site Plan



2. Example Site Plan

MAIN STREET OUTDOOR USE PERMIT CHECKLIST

Main Street Outdoor Use permit holders are required to comply with the following operating standards. **Please read the following carefully and initial each section to indicate your understanding and agreement:**

- _____ Permittees are required to comply with all State Alcoholic Beverage Control (ABC) Board requirements.
- _____ Hours of sidewalk operation shall not begin prior to 7:00 a.m. nor extend later than 10:00 p.m.
- _____ Eight feet of unobstructed clear space of travel for pedestrians shall be maintained free and clear of any existing obstacles (street furniture, utilities, etc.) to the satisfaction of the Community Development Director. Such clear pathway shall link continuously with pathways on each side of the property and shall allow a minimum clear space of eight feet at all times. These minimum widths are to ensure compliance with ADA standards and reduce liability concerns due to shifting tables, wait staff or other obstructions which can reduce the effective width.
- _____ Tables and chairs placed at the edge of the roadway shall allow for at least two feet from the edge of the curb to the start of the table or chair.
- _____ Where umbrellas and awnings are used, a vertical clearance of at least seven feet above the sidewalk must be maintained and eight feet clear path of travel.
- _____ Items within the Main Street outdoor use areas, except for benches and greenery, may not be left when not in use or past 10:00 p.m., unless property is secured to the satisfaction of the Community Development Director.
- _____ Outdoor use areas shall be confined to the area shown on the approved site plan and shall not interfere with building egress.
- _____ Outdoor use areas must be maintained in a clean and safe condition at all times with appropriate provisions for trash disposal.
- _____ The City has the right to revoke or suspend an outdoor use permit if the outdoor use areas are not maintained in clean and safe conditions at all times, including sweeping and cleaning of outdoor use locations, with appropriate provisions for trash disposal.
- _____ The operation must meet all required County Health Department standards, obtain any necessary permits and service to the areas shall be conducted in a safe manner at all times.
- _____ The permit issued shall not be transferable in any manner, unless approved by the City with submittal of a new application reflecting new ownership.
- _____ Main Street dining operations shall in no way interfere with access to City utilities.
- _____ Smoking shall be prohibited in the dining areas.

MAIN STREET OUTDOOR USE PERMIT CHECKLIST

- _____ Issuance of the Main Street outdoor use permit shall not permit or allow the placement of any permanent or temporary structure or improvement on public or private property in violation of any state or federal accessibility law, including the Americans with Disability Act, or prohibit or suspend immediate code enforcement action deemed necessary by the Building Official, City Engineer, or any other authorized enforcement official of the City, to remedy or abate: a dangerous condition or activity; any activity presenting imminent threat or harm to the health, safety or welfare of the community; any violation of state or federal accessibility law; or any unauthorized activity on private property or in the public right-of-way. Permit holders are responsible for ensuring accessibility and ADA compliance of their Main Street dining areas.
- _____ All propane cylinders used for outdoor gas heaters shall be stored and secured pursuant to regulations in the California Code of Regulations and California Fire Code. Cylinders placed in the public right-of-way shall be safely secured and locked with the heater enclosure or stored in vented safety cages or cabinets in a flat area that does not collect water and is adequately shielded from pedestrian and motor vehicle traffic.
- _____ Outdoor merchandise, such as clothing racks, shelves, and dress forms are to be displayed in a neat and orderly manner with shall allow a minimum clear space of eight feet at all times.
- _____ Low quality display tables such as milk crates, card tables, plywood boxes, and pallets are not permitted on public property along Main Street.

MAIN STREET OUTDOOR USE LIABILITY RELEASE AGREEMENT



This Liability Release Agreement (“Agreement”) is made and

entered into as of _____ [DATE]

by and between: _____ [BUSINESS NAME]

_____ [INSERT TYPE OF ENTINTY]

e.g., a California corporation, a California limited liability company,
and/or individual , with its principal place of business at

_____ [ADDRESS]

(“Establishment’), and The City of Seal Beach (“City”).

WHEREAS, Establishment desires to enter the Main Street Outdoor Use Program; and

WHEREAS, Establishment desires to ensure the safety and maintenance of the outdoor use location.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, both herby agree as follows:

TERMS

I hereby certify that I am the owner of duly authorized representative of the Establishment describe above. The Establishment understands and acknowledges that there are risks and dangers that it, its property, and its representatives, employees, agents, customers, and vendors, as well as members of the public, and others may encounter by the establishment’s choice to operate an outdoor use area, including but not limited to exposures to defects on the premises, inclement weather, conditions caused by inclement weather, theft, vandalism, and vehicles.

Therefore, in consideration of the mutual promises contained herein, for being permitted by the City of Seal Beach (“City”), pursuant to the ordinances, rules and regulations of the City, to operate outdoor uses in and on the public sidewalk and/or other public right-of-way, and for other good and valuable consideration, the sufficiency of which hereby acknowledged, the Establishment agrees and understands that:

1. **Assumption of Risk.** The operation of the outdoor use involves and may expose all participants to the risk of bodily injury, death personal injury and/or property damage, and there are risks associated with such activity. The Establishment is voluntarily participating in the outdoor use. The Establishment’s operation of the outdoor use shall be at the Establishment’s sole risk, and the Establishment hereby assumes any and all risks of bodily injury, death, property damage and/or personal injury of any kind suffered by the Establishment or by any other person or entity arising out of, connected with and/or as a result of the Establishment’s operation of an outdoor use, except to

MAIN STREET OUTDOOR USE LIABILITY RELEASE AGREEMENT

the extent arising out of the gross negligence or willful misconduct of the City.

2. **Hold Harmless and Indemnification.** To the fullest extent permitted by law, the Establishment, each of its owners thereof, and its transferees, successors and assignees, agree to and shall indemnify, defend, and hold harmless the City of Seal Beach and each of its officials, officers, employees, agents, volunteers and those City agents serving as independent contractors in the role of City officials, from and against any and all liabilities, claims, demands, suits, actions, damages, causes of action, proceedings, judgments, and losses of any nature whatsoever, known or unknown, of every type and nature whatsoever, whether actual or threatened, including but not limited to fees of attorneys, accountants, and other professionals and all costs associated therewith, consequential damages, and reimbursement of attorneys' fees and costs of defense, in law or in equity, whether actual, alleged or threatened, to persons or property, including but expressly not limited to, bodily injury, death, personal injury, property damage, or otherwise, arising out of, related to or in connection with (a) the Establishment's participation in an outdoor use; the Establishment's use or occupancy of any portion of the public sidewalk and/or public right-of-way and/or arising from or in any manner connected to the condition of such premises, and/or the furnishing or supplying of any work, services, materials, equipment, or supplies by the Establishment in connection with the Establishment's participation in an outdoor use or the outdoor use permit; or the violation of the outdoor use program requirements, violation or breach of any conditions of the outdoor use permit and/or outdoor use program rules, regulations and ordinances by the Establishment, any of its officers, directors, officials, employees, agents, invitees, guests, employees, or anyone in, on or about the premises invited by and/or with the permission and consent of the Establishment, with respect to the premises or the operations, activities or services, of any nature whatsoever, of outdoor uses; except that such duty to defend, indemnify and hold harmless shall not include loss or damage to the extent arising from the sole negligence, gross negligence, or willful misconduct of the City, its officers, officials, agents, employees, volunteers, or those City agents serving as independent contractors in the role of City officials.
3. **Insurance Requirements.** The Establishment must provide and maintain, at their own expense, a policy of liability insurance that meets the following criteria:
 - **Policy Coverage:**
 - **General Liability Insurance:** Coverage for bodily injury, personal injury, and property damage arising from the vendors activities, with a minimum coverage amount of \$1,000,000 per occurrence and \$2,000,000 aggregate.

MAIN STREET OUTDOOR USE LIABILITY RELEASE AGREEMENT

- **Additional Insured:**
 - The policy must name the City of Seal Beach, its officers, employees, and agents as additional insureds.
- **Waiver of Subrogation:**
 - The policy must include a waiver of subrogation clause in favor of the City of Seal Beach, its officers, employees, and agents.
- **Proof of Insurance:**
 - A valid certificate of insurance, along with the endorsement naming the City as an additional insured, must be submitted with the application. The certificate must indicate that the insurer will provide at least 30 days' notice to the City before any cancellation or modification of the policy.
- **Insurance Maintenance:**
 - The establishment must ensure that the insurance coverage remains in effect for the entire duration of the permit. Any lapse in coverage or failure to maintain the required insurance shall be grounds for permit revocation.

I HAVE CAREFULLY READ THIS AGREEMENT AND FULLY UNDERSTAND ITS CONTENTS AND AGREES TO BE BOUND BY IT. I AM AWARE THAT THIS IS A RELEASE OF LIABILITY AND A CONTRACT BETWEEN THE ESTABLISHMENT AND THE CITY OF SEAL BEACH. THE UNDERSIGNED REPRESENTS IT HAS FULL AUTHORITY TO EXECUTE THIS RELEASE ON BEHALF OF HIS/HER OWN BEHALF AND ON BEHALF OF THE ESTABLISHMENT.

I declare under penalty or perjury under the laws of the State of California that the foregoing is true and correct.

Executed this _____ day of _____, 20____,

at _____, California.

SIGNATURE: _____

PRINT NAME: _____

TITLE: _____

MAIN STREET NEIGHBORING BUSINESS CONSENT FORM

TO BE COMPLETED BY MAIN STREET OUTDOOR USE OWNER



Business Name: _____

Business Address: _____

Business License No: _____

DATE: _____ SIGNATURE: _____

PRINT NAME: _____

TITLE: _____

TO BE COMPLETED BY NEIGHBORING BUSINESS OWNER

I _____ (NAME), am the legal owner of the property located at _____ (ADDRESS) which is an adjoining property to the business noted above. I have no objection to granting my consent for the above named business to use one foot of my business property for permitted outdoor uses.

DATE: _____ SIGNATURE: _____

PRINT NAME: _____

TITLE: _____



MAIN STREET OUTDOOR USE RENEWAL FORM

Main Street Outdoor Use renewal includes:

- ☐ Completion of Outdoor Use Renewal Form
- ☐ Any changes since your original outdoor use submission
- ☐ Annual permit fee (Planning Fees Section 26, In-House Planning Staff)

The fee schedule is available on the City's website at: <https://www.sealbeachca.gov/Departments/Finance/Financial-Reports-Documents>

Forms and materials are available on the City's website at: www.sealbeachca.gov/Departments/Community-Development/Planning-Development/Planning-Forms

BUSINESS INFORMATION

Business Name: _____

Business Address: _____

Business License No: _____

Owner/Operator Name: _____

Contact Phone: _____

Email Address: _____

OUTDOOR USE CHANGES

Your initial outdoor use permit included, among other items:

- Business and Contact Information
- Description of proposed installation
- Photos of proposed outdoor use area
- Site plan

Each year, the business owner is required to report any changes to this information before renewal permit can be issued.

CHOOSE ONE:

☐ **NO**, there have been **NO CHANGES** to the outdoor use plan or information since the last time I paid the annual permit fee.

☐ **YES**, there have been **CHANGES** to the outdoor use plan or information since the last time I paid the annual permit fee. *Updated forms showing all changes must accompany this renewal form.*

APPLICANT STATEMENT

I hereby certify under penalty of perjury under the laws of the State of California that I am the owner and/or duly-authorized representative of the owner of the above-named business, and that I am responsible for the daily operations, cleaning and maintenance of the Main Street outdoor use location. I hereby acknowledge that I have received, and read all Main Street Outdoor Use requirements as set forth in the Main Street Outdoor Use Guide, insurance requirements, Outdoor Use permit operational conditions, and all other provisions of the Seal Beach Municipal Code, and shall abide by all terms, provisions and conditions set forth therein; and I further fully understand that noncompliance with said requirements may result in citations, fines and/or the loss of this permit.

DATE: _____ SIGNATURE: _____

PRINT NAME: _____

TITLE: _____

OFFICE USE ONLY:

DATE RECEIVED: _____ FISCAL YEAR: _____ ACTIVE BUSINESS LICENSE: Yes ☐ No ☐

RENEWAL FEE PAID: Yes ☐ No ☐ STAFF INITIALS: _____