



City of Kingsburg

1401 Draper Street, Kingsburg, CA 93631-1908
(559) 897-5821 Fax: (559) 897-5568

Michelle Roman
Mayor

Laura North
Mayor Pro Tem

COUNCIL MEMBERS
Sherman Dix
Vince Palomar
Jewel Hurtado

Alexander J. Henderson
City Manager

June 4, 2020

City of Kingsburg Restaurant Business Owner:

Fresno County and the City of Kingsburg have moved into Stage 2.5 of the State's roadmap to recovery. While we know this includes the return to dine-in eating, we also know that following social distancing protocol likely requires the removal of some tables and consequently reduces your number of diners. As part of Kingsburg's local economy recovery program, businesses may expand dining areas to certain areas of property not typically permitted for business activity such as: private outdoor areas, parking lots, public rights-of-way, and parklets.

If you do decide to utilize outdoor space the following stipulations must occur:

- The space may be used during normal business operating hours.
- Tables must be separated by 6 feet.
- Maintain ADA and pedestrian access.
- The space must be well maintained and portable, if possible.

The City will ease permit requirements and waive processing fees so that businesses can quickly apply for these temporary spaces. The program eases the following requirements from June 3, 2020 to Dec. 31, 2020:

1. Expanded temporary use of parking lots, sidewalks and public/private spaces (with review and approval)
2. Waived Permit Fees
3. Streamlined permitting
4. Additional guidance regarding ADA compliance, hours of operation, etc.

If you have an ABC alcohol license, they have a process for expanding serviceable areas that would require the business to submit a new temporary design, fill out a temporary catering application (<https://www.abc.ca.gov/wp-content/uploads/forms/ABC218CV19.pdf>), and pay a \$100 fee. Multiple licensees can also share outdoor area but must also share responsibility for it.

If you are interested in expanding your services to outdoor dining, please consider design and layouts that would be feasible for your business. Contact Economic Development Coordinator Jolene Polyack at jolene@polyack.com or 559-284-2421 for more information.

Respectfully,

Alexander J. Henderson; ICMA-CM
City Manager
City of Kingsburg



Kingsburg City Hall

1401 Draper Street
 Kingsburg, CA 93631
 Phone 559-897-5821
 Fax 559-897-5568

Outdoor Dining Application

Applicant Information	For Office Use Only Permit # _____ New/Renewal _____
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Name of Applicant:	
Business Name:	
Project Address:	
Phone:	Fax:
Applicant Signature:	
Property Owner Name (if different):	
Address:	Prop. Owner Approval:
Phone:	Email:

TO BE COMPLETED BY APPLICANT	TO BE COMPLETED BY CITY STAFF		
The following items are required to process an Outdoor Dining Application.	YES	NO	N/A
<input type="checkbox"/> City of Kingsburg Business License			
<input type="checkbox"/> Valid Insurance Policy (naming City as additional insured)			
<input type="checkbox"/> Located in City right-of-way			
<input type="checkbox"/> Fresno County Health Department Approval			
<input type="checkbox"/> CA ABC Permit (if alcohol is to be served)			
<input type="checkbox"/> Permit Fee (\$50.00 first; \$40.00 renewal)			
<input type="checkbox"/> Detailed Project Description (including hours of use)			
<input type="checkbox"/> Scaled sketch plan of Outdoor Area & Barrier (Size of tables must be shown)			
<input type="checkbox"/> Photos, a brochure, or architectural drawing of proposed furniture			

A. DESIGN REQUIREMENTS

- Furniture: All furniture (e.g. tables, chairs, stands) shall be durable, well maintained, and of high quality, suitable for outdoor use.
- Design Material: The design materials and colors used for the furniture, lighting, and other fixtures (including umbrellas and awnings) shall be generally consistent with both the architectural style and colors used on the building's façade and the quality of fixtures of the commercial area.
- Lighting: Lighting of the outdoor dining area shall be incorporated into the façade of the building and shall compliment the style of the building. Lights on the buildings shall not be glaring to pedestrians and should illuminate only the outdoor dining area and the activities within.
- Heating Appliances: Shall be listed and comply with 2007 California Fire Code Sections 603.5 and 603.6 and be approved by the Fire Department.

B. SITE PLAN

Include a scaled site plan drawn according to the following instructions:

1. Review the attached Kingsburg Municipal Code Section 12.10.010 for outdoor dining areas before preparing your site plan.
2. Draw the site plan on 8 ½ X 11(or larger if preferred) inch paper. Make the scale large enough to show all details clearly. Submit a copy with the application. In some cases, additional copies will be necessary. The following should be shown on the site plan.
 - a) Address of the subject property.
 - b) Date, north arrow and scale of the drawing.
 - c) Dimensions of the exterior boundaries of the outdoor dining area.
 - d) Show all adjacent streets, roads, or alleys.
 - e) Locate and give dimensions of all existing and proposed furniture and seating areas.
 - f) Show sidewalk clear area for pedestrians (min. 4ft. width required).
 - g) Show all fences, walls, barriers, railings and landscaping; their locations, heights, materials and/or type (required if alcohol is served) (not required if alcohol is not served).
 - h) The applicant should include any additional information that may be pertinent or helpful concerning this application.

C. LIABILITY & INSURANCE:

I will defend, indemnify and save harmless the City of Kingsburg and its officers and employees from any and all loss, liability, damages, or judgments resulting from any claims made against any of them for injury to person(s) or property by reason of, or in connection with, the operation of any outdoor dining facility on a public sidewalk or pedestrian right of way or for injury to person(s) or property by reason of or occurring on the premises occupied by the outdoor dining facility. I further agree to repair any damage caused to the sidewalk, pedestrian right of way or any public utility in the operation of the outdoor dining facility at my expense.

D. CERTIFICATION

Applicant Statement

I declare that the foregoing is true and correct and that I understand the regulations and requirements of Kingsburg Municipal Code Section 12.10.010 for Outdoor Dining Areas.

Signature of Applicant

Name (Print)

FOR DEPARTMENT USE ONLY

Is a copy of the certificate of insurance in the amount of \$1,000,000 with the City of Kingsburg named as additional insured required and attached? Yes _____ No _____

Is a copy of a fully executed Indemnity Agreement attached? Yes _____ No _____

Approved _____ Date _____ Initials _____

Denied _____ Date _____ Initials _____

Approved with the following conditions:

Date _____ Initials _____

RESOLUTION NO. 2020-035

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KINGSBURG TO ALLOW TEMPORARY OUTDOOR DINING ON CITY OWNED PROPERTY AND CITY RIGHT-OF-WAY AND PRIVATE PROPERTY

WHEREAS, there exists a local emergency in the City of Kingsburg ("City") pursuant to Resolution No. 2020-22, approved by the City Council on March 23, 2020, where the City declared a local emergency due to the COVID-19 pandemic; and

WHEREAS, the California Department of Public Health ("DPH"), the Fresno County Health Department and the Governor's Executive Order 27-20, establish guidelines for social distancing, elimination of non-essential gatherings and isolation for specific individuals, in order to prevent transmission of COVID-19. These actions resulted in the suspension of dine-in services at all restaurants in Kingsburg; and

WHEREAS, on May 21, 2020, Fresno County received certification from the State of California that Fresno County could move into Stage 2.5 of the Governor's reopening plan for nonessential business and services which allows for dine-in services to resume in restaurants with specific guidance and social distancing protocols which will reduce the total number of tables and chairs and limit business activity in dine-in restaurants; and

WHEREAS, the City of Kingsburg wishes to closely partner with local businesses in order to ensure the safe return to regular economic activity,

NOW, THEREFORE, BE IT RESOLVED, that the Kingsburg City Council hereby authorizes the City Manager to allow outdoor dining on City owned property and City right-of-way and on private property under the following circumstances:

CITY OWNED PROPERTY AND CITY RIGHT-OF-WAY

1. City-owned public properties (sidewalks, parklets, parking lots, and other public rights-of-way) designated by the City Manager (collectively "City Property") may be used temporarily for outdoor dining during the pendency of the local emergency, subject to the following requirements:
 - A. Restaurants desiring to use City Property for outdoor dining shall submit an application, on forms approved by the City ("Application"), with photographs, drawing or depiction of the proposed location and layout, and such outdoor dining. The City may approve, approve with conditions or deny any Application, in the City's sole discretion. If an Application is approved, the City will issue a temporary, no-cost permit allowing the use of the City Property for outdoor dining as identified in the Application, in accordance with the City's approval of the Application.
 - B. The City reserves the right to determine on a case-by-case basis the suitability and appropriateness of the use of the City Property identified in the Application.

- C. The use of City Property must comply with the provisions of the Americans with Disabilities Act and all other applicable laws, regulations and ordinances.
- D. No permanent item or structure shall be installed on City Property.
- E. Temporary fencing not exceeding three (3) feet in height shall be placed in a safe manner around the outdoor dining area on the City Property.
- F. Dining tables shall be placed in a manner that complies with six-foot (6'-0") social distancing between groups of customers.
- G. A minimum four (4' 0") foot wide path of travel shall be provided and maintained along all pedestrian walkways from the public right-of-way and/or parking lot to all building entrances. No outdoor dining use shall obstruct this path of travel in any manner, regardless of the width of the sidewalk.
- H. Hours of operation for outdoor dining shall coincide with the hours of operation for the corresponding restaurant for which the Application is granted.
- I. Temporary signage may be utilized to designate the portion of the City Property used for outdoor dining.
- J. Restaurants shall comply with all applicable State and County laws and regulations pertaining to outdoor dining (including but not limited to sale and consumption of alcoholic beverages).
- K. If a parking lot/area will be used for the outdoor dining, a temporary physical, visible barrier shall be erected to separate the outdoor dining area from the remainder of the parking/ area.
- L. No real property right is provided, given, or otherwise conveyed to any person or entity using City Property for outdoor dining purposes. All temporary use of City Property for outdoor dining shall terminate as determined by the City Manager but not later than termination of the City local emergency identified in this Resolution. Upon termination, permittee shall return City Property to the same condition existing on the date of permit issuance. The City reserves the right, in its sole discretion, to terminate or extend any permit issued pursuant to this Resolution, with or without cause. Upon termination of any permit issued pursuant to this Resolution, the permittee shall return the City Property to the same condition existing on the date of permit issuance.

PRIVATE PROPERTY

2. The requirement to obtain Site Plan Review approval from the City for outdoor dining on private property is temporally suspended during the pendency of the local emergency identified in this Resolution, subject to the following requirements:

A. Written permission from the private property owner must be provided to the City Manager.

B. Outdoor dining on private property shall comply with all the same requirements for the use of City Property as identified in paragraphs C thru K, inclusive, above.

3. This Resolution shall automatically terminate on December 31, 2020, or on the date the City's declared local emergency identified in this Resolution is rescinded, whichever is earlier.

I, Abigail Palsgaard, City Clerk of the City of Kingsburg, do hereby certify that the foregoing resolution was duly passed and adopted at a regular meeting of the Kingsburg City Council held on the ___ day of June 2020, by the following vote:

Ayes:	Councilmembers:
Noes:	Councilmembers:
Absent:	Councilmembers:
Abstain:	Councilmembers:

Abigail Palsgaard, City Clerk
City of Kingsburg