

## Exhibit B

# OUTDOOR RETAIL DESIGN AND OPERATIONAL STANDARDS

## I. INTRODUCTION

- A. The Outdoor Retail Design and Operational Standards are adopted pursuant to Executive Order 20-XX in order to establish specific design and operational criteria for temporary outdoor dining on public and private areas.
- B. An outdoor retail area is a place on the public sidewalk, public parking stalls, public metered parking spaces, private areas including parking stalls where business owners may display merchandise and patrons may purchase merchandise displayed provided by an adjacent or nearby a retail establishment.
- C. These standards and procedures regulate the design and operation of temporary outdoor retail areas. However, they do not provide information on all the government agency requirements for starting a new retail establishments or expanding an existing one. Business owners must secure the appropriate licenses and permits from the, the City of Hermosa Beach Community Development Department, Public Works Department, and Business License Office.
- D. Approved Temporary Outdoor Retail Permits shall be affective for the duration of the State of California's Emergency Orders for Covid-19. This Temporary Permit will expire immediately upon County and State approval to reopen at capacity levels established prior to the Covid-19 pandemic limits.
- E. These regulations apply to outdoor retail on private property and the public right-of-way.

## II. APPLICATION PROCEDURE

- A. An application for a Temporary Outdoor Retail Permit shall be obtained from the Community Development Department. A site plan drawn to-scale shall accompany the application form. The plan shall delineate the proposed outdoor area and the layout of furnishings and allowable amenities.
- B. An encroachment permit shall be required for outdoor areas in the public right-of-way. Proof of Certificate of liability insurance shall be provided to the Public Works Department, with the City of Hermosa

Beach named as Additionally Insured, prior to issuance of an encroachment permit.

- C. A Temporary Sign Permit Application shall be submitted in conjunction with the Temporary Outdoor Dining Permit only if temporary signage shall be displayed in the outdoor area. No additional fee shall be paid for the Temporary Sign Permit.
- D. Review of Temporary Outdoor Retail Permits shall be expedited. Applications that do not require review from other Departments (Public Works and/or the Police Department) will be further expedited

### III. OUTDOOR DINING SITES

- A. The outdoor retail area shall be permitted in public sidewalks, public street parking or private areas including parking lots adjacent to or nearby the business. If the business has on-site parking, a portion of the private parking may be used for outdoor dining/seating.
- B. The maximum area of either private or public areas (or combined area) may not exceed the area needed to compensate for the loss of capacity of the interior area of the business due to social distancing requirements.
- C. The buildings adjacent to these dining areas shall maintain building egress as defined by the California Building Code and Title 24 Disabled Access Standards.
- D. The final location and configuration of the outdoor retail area shall be subject to approval by the Director of the Community Development Department, who shall consider public safety issues and maintenance of minimum clearances to comply with ADA requirements and the safety and convenience of pedestrians and customers.

### IV. DESIGN STANDARDS

- A. Outdoor areas in the public right-of-way may be required to provide a physical barrier to the satisfaction of the Community Development Director and the Public Works Director. Physical barriers may be required for the safety for patrons.
- B. Barriers shall conform to the Public Works Director's installation standards and be removable. Barriers need not be removed each evening, but shall be capable of being removed; if imbedded into the

pavement they must be fixed through the use of recessed sleeves and posts, otherwise by wheels that can be locked into place or weighted in place. No signs or banners of any kind shall be placed, displayed or erected on barriers

- C. Retailers with an existing license from the California Department of Alcohol Beverage Control (ABC) to sell alcohol, shall not permitted to be displayed in the outdoor sales area.
- D. The appearance should be made attractive with potted plants or other decorative elements to provide an enhanced and inviting outdoor environment.
- E. No additional parking shall be required for the outdoor area. To the extent feasible, if existing parking is available, parking spaces should continue to be available to customers. Parking approval will be determined on a case-by-case scenario.

#### V. Standards of Operation

- A. Management is responsible for operating and maintaining the outdoor retail area and shall not delegate or assign that responsibility. Outdoor areas shall be continuously supervised by management to ensure social distancing guidelines are being met.
- B. Management shall keep the outdoor area clear of litter and food scraps.
- C. At the end of each business day, establishments are required to clean (sweep and wash) the area in and around the outdoor area and remove the debris to a closed receptacle. No debris shall be swept, washed, or blown into the sidewalk, gutter or street in conformance with the City's storm water quality regulations.
- D. Upon termination of the Outdoor Retail Permit, the Permittee shall immediately remove the barriers around the outdoor dining area, return the sidewalk to its original condition, and remove all personal property, furnishings, and equipment from the sidewalk. Any personal property remaining on the premises shall be removed pursuant to the laws of the State of California.
- E. The allowable hours of operation will be reviewed on a case-by-case basis, but in no case shall the hours of operation exceed the business's normal operation hours or be open after 11:00 p.m.

#### VI. ENFORCEMENT

- A. Notice of violation of the outdoor retail design standards or standards of operation shall be made in writing to the Permittee by any Code Enforcement Officer, Public Works Inspector, Building Inspector, Police Department Official, or Fire Department Official of the City. A copy of the notice shall be filed with the Public Works Director. The Permittee shall immediately cure the violation upon receipt of notice. If the violation is not cured within ten (10) days after issuance of the notice to the Permittee, the Director may suspend or revoke the Encroachment Permit.
- B. In the case of non-compliance with conditions of approval, substantial difficulties resulting from the Temporary Permit issuance, or other unforeseen problems with the Temporary Permit, the Community Development Director has the right to reevaluate the permit or its conditions of approval; and, if the Temporary Permit has created neighborhood, Police or Code Enforcement problems, the Temporary Permit may be revoked.