



Emergency Policy Regarding Outdoor Business Operations During the COVID-19 Pandemic Emergency

Planning and Development Department
2600 Fresno Street, 3rd Floor, Rm 3076
Call (559) 621-8277 for an appointment or visit www.fresno.gov for
information

Policy and Procedure No.

C-009

Date:

July 20, 2020

Target Audience:

City staff and the general public.

Purpose:

During the Covid-19 Pandemic Emergency, the City of Fresno Planning and Development Department is adopting this policy applicable to non-restaurant businesses which are unable to operate at full capacity within indoor premises for an extended period of time, to temporarily utilize outdoor areas on private property in order to accommodate and retain patronage while ensuring compliance with CDC recommendations for distancing and provide protections to the public to reduce spread of the virus.

This Policy outlines the City of Fresno Planning and Development Department, Development Services (Planning) Division procedures for purposes of conducting outdoor business operations on private property during the Covid-19 pandemic emergency.

- * *These provisions do not apply to use of public rights-of-way. If proposed to be located in the public right-of-way, an encroachment from the Public Works Department is required.*
- * *For outdoor dining for food & beverage type businesses, please see Policy No. C-008 Covid-19 Emergency On-Site Outdoor Dining for further information.*

Policy:

Application Not Required:

When outdoor business operations are proposed pursuant to this policy, the property owner and business operator shall assume all responsibility for ensuring and maintaining compliance with these provisions and requirements.

Standards and Regulations:

- Relationship to Main Use. The outdoor operational area shall be directly related to a business occupying a primary structure on the subject parcel.
- Outdoor business operations shall be provided in accordance with the following requirements:
 - Property owner authorization is required and shall be kept on-site and made readily available to City Officials upon request (see sample authorization form included herein below).
 - Proper social distancing shall be maintained at all times (operational areas may be demarcated with tape or barriers as necessary to ensure proper distancing);
 - Businesses shall follow any additional State and County requirements in effect at the time (including allowable businesses and/or prohibitions against gatherings of persons); and,
 - All employees must wear masks and wash hands frequently.

* *NOTE: Further regulations may be issued by the City Manager, with approval by the*

Police Chief and City Attorney.

- Locations. Outdoor operations shall occupy a fixed and delineated location that does not disrupt normal function of the site or its circulation and does not encroach upon driveways, obstruct required pedestrian walkways or paths-of-travel (as described herein below) or required landscaped areas.
 - For parking lots, parking stalls may be used subject to the following;
 - Exclusive outdoor operational areas for independent businesses shall retain a minimum of one vacant parking stall between outdoor operational areas.
 - No disabled person parking stalls may be used.
- Outdoor operational areas shall not disrupt normal circulation of the site. The outdoor operational area shall not encroach upon driveways, interfere with required pedestrian and vehicular access, points of ingress/egress (including but not limited to fire lane or fire access ways) or easements;
 - Clear paths of travel and walkways shall be provided and maintained in accordance with American with Disabilities Act (ADA) and California Code of Regulations, Title 24, Part 2 California Building Code requirements.
 - A four foot pedestrian pathway shall be maintained and not blocked by the outdoor operation area.
 - Outdoor operation areas shall not obstruct sight distance or otherwise create hazards for vehicle or pedestrian traffic.
- Shade covers, including umbrellas, tents, and/or awnings to protect patrons from inclement weather are permitted.
 - Shade covers shall be properly anchored or weighted to prevent overturning due to wind or weather.
 - A building permit is required for any temporary tent or canopy larger than 120 square feet.
- Hours of operation. Outdoor operational areas shall not be permitted to exceed allowable hours of operation for the respective business.
- Noise. Compliance with all applicable noise standards of the Fresno Municipal Code shall be required.
- Merchandise. Only merchandise generally sold at the business shall be permitted to be displayed outdoors.
- Signs. Additional signs, beyond those normally allowed for the subject use shall not be provided as a result of the outdoor operational area.
- Refuse/Litter. The operator shall provide waste removal and shall be responsible for collecting trash and recycling in outdoor areas each day operations occur.
- Transactions/Point-of-Sale. All sales shall occur as part of the normal business activity of the establishment, via a register or hand-held device.
- If complaints are received regarding outdoor operations, the Planning and Development Department Director may impose other conditions that would ensure the operation of the proposed outdoor area in an orderly, efficient and safe manner (this may include submittal of a zone clearance application with additional exhibits or documentation for review and approval prior to resuming outdoor operations.

Documents & Fresno Municipal Code Sections Referenced in this Policy/Procedure:
[Covid-19 Emergency On-site Outdoor Dining Policy C-008](#)

Review and Responsibility:

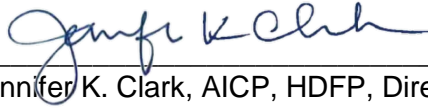
Review and Responsibility:

The property owner and business operator shall assume all responsibility for ensuring and maintaining compliance with these provisions and requirements.

Forms (attached):

[Owner Authorization Form](#)

Signature:



Jennifer K. Clark, AICP, HDFP, Director

Dated: 7/29/2020