



City of San Bruno Private Property Outdoor Dining Regulations and Permit Program

Draft for City Council Review at the January 24, 2023 Meeting

The City of San Bruno has developed these to Private Property Outdoor Dining Standards to regulate outdoor dining areas located on private property. Outdoor dining on public property is regulated by the City of San Bruno Parklet Standards. A Private Property Outdoor Dining Facility Permit is required to be reviewed and approved by the Community and Economic Development Director. A building permit reviewed and issued by the Building Division may also be required, subject to the requirements of the California Building Code and Fire Code.

Applications and all required materials and fees, including plans must be submitted to the City Planning Division and approved prior to any permits being issued. Restaurants will be required to obtain letters of authorization by the property owner where the business is operated.

I. Location Criteria

- Outdoor dining shall be located entirely on private property.
- Outdoor dining is permitted in zoning districts that permits restaurants and food service uses.
- Outdoor dining shall be incidental to and associated directly with an indoor restaurant or food service uses.

II. Design and Use Criteria

A. Delineating Fencing or Walls

- If fencing is desired, it shall be no more than three (3) feet in height, except Outdoor Dining Areas adjacent to residential districts shall provide a solid fence or wall (6-foot high) separating the dining from the residential use.
- Fences and walls shall be decorative in nature to the satisfaction of the Community and Economic Development Director. Acceptable materials include wrought iron, tubular steel, wood, and decorative masonry.
- An appropriate protection measure, such as a curb or wall, shall be installed to buffer vehicle circulation and parking from the Outdoor Dining Areas.

B. General Requirements

- Outdoor Dining Areas shall only include tables, chair and benches, and structures and equipment for weather protection.
- The Outdoor Dining Area shall comply with all applicable City Zoning Code requirements.
- The Outdoor Dining Area shall comply with all applicable provisions of the Building and Fire Codes.

- The Outdoor Dining Area shall comply with all applicable local, federal, and state provisions of the Americans with Disabilities Act (ADA) and disabled access requirements of the California Building Code.
- No outdoor preparation of food or beverages is permitted in Outdoor Dining Areas, except as permitted for outdoor barbeques pursuant to California Health and Safety Code, Article 9, Section 27641.
- Any sales and/or consumption of food and/or alcoholic beverages shall be in compliance with the provisions of any federal, state, and/or local laws and regulations governing the sale and consumption of alcohol.
- Outdoor Dining Areas shall not obstruct or restrict access to public utilities (i.e. Water, Fire, Storm Drain, PG&E, Telecommunications) or grease traps/interceptors.
- Tables, chairs and any other furniture/fixtures placed within Outdoor Dining Areas shall not obstruct or block access to fire protection equipment (i.e. fire hydrant, emergency exit doors). The Fire Department will review and approve the separation distance from the fire protection devices to the Outdoor Dining Area prior to its operation.
- When off-street parking and Outdoor Dining Areas are in close proximity, a safety barrier or buffer distance shall be provided to protect people and property from potential vehicle impact. The Outdoor Dining Area shall not affect vehicle ingress and egress, emergency access, or loading zones.
- Hours of operation are limited to that of the restaurant.

C. Maintenance Requirements

- All exterior surfaces within the Outdoor Dining Area shall be easy to maintain and shall be kept clean at all times by the business owner/operator.
- Trash and recycling receptacles shall be provided and the Outdoor Dining Area shall be kept free of litter and other debris at all times of use.

D. Furnishings and Fixtures

- Portable Heaters – Maintain required clearances in accordance with the instruction manual (Usually 18” but can be up to 3 feet). Heaters are not allowed under a tent or membrane structure including fabric overhangs, umbrellas, or a roof/ trellis structure but can be placed near them if clearances are maintained. All heating equipment shall comply with the California Fire Code.
- Umbrellas - Umbrellas are allowed provided there are not heating devices under them. All umbrellas shall be taken down and stored indoors at the close of each business day. The umbrellas must be kept in good shape, maintained, and replaced if fading occurs or if damaged.

- Heating devices may be placed near the umbrellas provided they are given adequate clearance per the appliance instructions.
- Candles and open flames are not allowed in Outdoor Dining Areas.
- Electrical connections – All wiring and electrical cords must be all weather, exterior rated, GFCI protected. Cords must not create tripping hazards on walking surfaces.
- Lighting – Lighting is encouraged and may be provided through electrical connections to the building (see above). Solar powered lighting is strongly encouraged. Lighting shall not be directed towards any adjacent roadways to unintentionally cause glare for vehicles.
- Generators are not allowed in association with Outdoor Dining Areas.
- All fixtures, furniture and structures, including but not limited to tables, chairs, and umbrellas, used in an Outdoor Dining Area shall be located entirely on private property.
- All fixtures, furniture and structures used in the Outdoor Dining Area shall be of substantial construction to withstand outdoor use, and maintained in good condition, quality and repair at all times. No stackable plastic chairs or similar shall be used.
- Permits may be required for temporary tents canopy, or membrane structures from the San Bruno Fire Department.

III. Parking Requirements

- Off-site parking is required for Outdoor Dining Areas based on the parking requirements in City of San Bruno Municipal Code Section 12.100.030 Off-street parking requirements.
 - a) One (1) off-street parking space is required per 100 square feet of public floor area for eating and drinking establishments.
 - b) The first 200 square feet of Outdoor Dining Area public floor area is exempt from the requirement to provide off-street parking.
 - c) Payment of parking in-lieu fees may be permitted pursuant to Section 12.100.040 (I) 2.
- Outdoor Dining Areas may not displace any required off-street parking spaces, including but not limited to ADA, visitor, employee, and resident parking stalls. Payment of parking in-lieu fees to remove required off-street parking for the restaurant use and replace these with an Outdoor Dining Area may be permitted pursuant to Section 12.100.040 (I) 2.

IV. Permit Requirements

A. Permit Submittal Requirements

A Private Property Outdoor Dining Facility Permit is required to be submitted to the City of San Bruno Planning Division and then reviewed and approved by the Community and Economic Development Director. Permit applications must be submitted and the Permit approved prior to the issuance of a Building Permit (if required) allowing for the construction of any Outdoor Dining Facility.

The following submittals are required for the Private Property Outdoor Dining Facility Permit at a minimum. Additional requirements will be included in the application.

- A letter of authorization by the restaurant business property owner.
- Plans showing the proposed layout of the Private Property Outdoor Dining Facility including the facility dimensions, location, adjacent businesses, structures, walls/fences, etc.
- Plans demonstrating ADA accessibility and show dimensions of required clearances.
- Elevations showing the proposed outdoor dining area and all related dimensions.
- Materials palette – Use color photo samples to demonstrate:
 - Wall or fence materials
 - Covering materials
- Application and permit fees.

B. Appeals on Permit Actions

Appeals of actions by the Community and Economic Development Director on Private Property Outdoor Dining Facility Permits are governed by San Bruno Municipal Code Section 12.78.060 Appeals.

C. Revocation of Permits

Revocation of Private Property Outdoor Dining Facility Permits are governed by San Bruno Municipal Code Section 12.78.080 Revocation.