EXHIBIT C (RETAIL)
TEMPORARY OUTDOOR EXPANSION PERMIT
DESIGN AND OPERATIONAL STANDARDS

I. INTRODUCTION

A. The Temporary Outdoor Expansion Design and Operational Standards are adopted pursuant to Urgency Ordinance 20-1106U and further amended through Urgency Ordinance 20-1110U in order to establish specific design and operational criteria for temporary outdoor expansion on public and private areas.

B. An outdoor area for retail establishments to operate on public property adjacent to or directly accessible from the facility, limited to the sidewalk area encompassing the store frontage, where patrons may engage in physical activity.

C. These standards and procedures regulate the design and operation of temporary outdoor expansion areas associated with existing retail establishments. However, they do not provide information on all the government agency requirements for starting a new retail establishment or expanding an existing one. Business owners must secure the appropriate licenses and permits from the City of West Hollywood Planning and Development Services Department and Public Works Department.

A. Approved Temporary Outdoor Expansion Permits may be effective only for the duration of the Urgency Ordinance 20-1106U as amended through Urgency Ordinance 20-1110U.

D. These regulations apply to outdoor retail sale activities on public property.

II. APPLICATION PROCEDURE

A. An application for a Temporary Outdoor Expansion Permit shall be obtained from and submitted to the Planning and Development Services Department. Submittal requirements include a site plan drawn to scale to delineate the proposed outdoor area and the layout of furnishings and allowable amenities, as well as any other requirements outlined in the Temporary Outdoor Expansion application form.
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 West Hollywood named as Additionally Insured, prior to issuance of an encroachment permit as follows:

i. Per WHMC 11.28.080, the applicant shall, at its own cost and expense, procure and maintain in force policies of comprehensive public liability insurance in a combined single limit amount of at least one million dollars ($1,000,000.00) covering the applicant’s operations on the sidewalk. Such insurance shall be procured from an insurer authorized to do business in California, shall be subject to the approval in writing of the city, shall provide primary and not excessive coverage, shall name the city, its officers and employees, and the property owner as additional insureds and shall contain provisions that prohibit cancellation, modification, or lapse without thirty days’ prior written notice to the city.

ii. In addition, the applicant shall procure and maintain in force Worker’s Compensation insurance with statutory limits, and employer’s liability insurance with limits of not less than one million dollars ($1,000,000.00) per accident

C. Temporary signage may be included as part of outdoor retail areas.

III. OUTDOOR RETAIL SALES AREA

A. The outdoor retail sales area shall be permitted only public property adjacent to or directly accessible from the facility, limited to the sidewalk area encompassing the store frontage.

B. The final location and configuration of the outdoor retail sales area shall be subject to approval by the Director of the Planning and Development Services 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. All structures, barriers and/or equipment shall be temporary in nature. Items need to be removed each evening. Structures that are more permanent in nature are subject to further review by Building and Safety and may require additional permits.
V. STANDARDS OF OPERATION

A. Retail establishment management shall keep the outdoor retail sales area clear of litter, debris, trash, etc. Trash receptacles may be provided in the outdoor retail sales area.

B. At the end of each business day, establishments are required to clean (sweep and wash) the area in and around the outdoor retail sales 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.

C. Upon termination of either the Temporary Outdoor Expansion Permit or the Encroachment Permit, the Permittee or business representative shall immediately remove the barriers around the outdoor retail sales 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.

D. The allowable hours of operation for the outdoor expansion area are 8:00 a.m. to 10:00 p.m., per the City’s Noise Ordinance (WHMC 9.08.050). Outdoor amplification of music is not permitted.

VI. ENFORCEMENT OF REVOCABLE PERMIT

A. Notice of violation of the outdoor design standards or standards of operation shall be made in writing to the Permittee or manager or other representative of business by any Code Enforcement Officer, Sheriff Department Official, or Fire Department Official of the City. The Permittee or manager or other representative of business shall immediately cure the violation upon receipt of notice. If the violation is not cured within thirty (30) minutes after issuance of the notice to the Permittee or manager or other representative of business, unless otherwise specified, the Director may suspend or revoke the Temporary Outdoor Expansion Permit. Permittee or representative of business may otherwise be subject to administrative citations failing to comply with the notice of violation.

B. In the case of non-compliance with conditions of approval, substantial difficulties resulting from the Temporary Outdoor Expansion Permit issuance, or other unforeseen problems with the Temporary Outdoor
Expansion Permit, the Planning and Development Services Director has the right to reevaluate the permit or its conditions of approval; and, if the Temporary Outdoor Expansion Permit has created impacts to the neighborhood or area surrounding the retail establishment, or Sherriff or Code Enforcement problems, the Temporary Permit may be revoked.

C. This is a revocable permit that is intended to allow business expansion for social distancing in a manner that does not cause disturbances to surrounding properties. In the case where the activity is endangering jeopardizing, or otherwise constituting a menace to the public convenience, health, interest, safety, or the general welfare of persons residing or working in the vicinity of the proposed use, the Director of Planning and Development Services may revoke the Temporary Outdoor Expansion Permit.