



MORGAN HILL a| FRESCO

Guide for Temporary Outdoor Dining & Retail Activation

www.morganhill.ca.gov

“Morgan Hill al Fresco”

TEMPORARY OUTDOOR DINING & RETAIL ACTIVATION

The Morgan Hill al Fresco program is an opportunity for restaurants and retailers to safely reopen during the COVID-19 pandemic by utilizing new or additional outdoor space for dining or displaying retail merchandise, while meeting physical social distancing requirements. Morgan Hill al Fresco is a great way to expand square footage, add liveliness to city streets, and promote business recovery!

Businesses wishing to use on-street parking spaces, sidewalks, or other public spaces, can apply for a temporary encroachment permit from the City of Morgan Hill. It is fast, easy, and FREE!

- ✔ City of Morgan Hill Temporary Encroachment Permit Application
Required with Application:
 - Supplemental Diagram
 - Liability Insurance (coverage reduced for on-street spaces!)To qualify for streamlined response:
 - No structure (decking) required—no Building Permit needed!
 - If new space is in sidewalk area, space must allow for pedestrian access
 - All spaces must be compliant with Fire Code and ADA requirements
 - If the new space is in the street, space must be safely closed off to traffic with a protection device certified by a structural engineerSubmission and Review:
 - Submit application, insurance, photos, and diagram to Hilary.Holeman@morganhill.ca.gov
 - 1-3 day review period, depending on the need to review traffic safety measures

Additionally, all businesses need to obtain and conform with all governmental rules and regulations:

- ✔ [Santa Clara County Public Health Social Distancing Guidelines](#)
- ✔ Temporary Catering Permit from the [Department of Alcoholic Beverage Control](#) (if selling alcohol)

For questions, please contact the Morgan Hill al Fresco Liaison,
Hilary.Holeman@morganhill.ca.gov or (408) 310-4656





“Morgan Hill al Fresco”

Temporary Encroachment Permit Application

Name of Business:

Physical Address of Business:

Name of Applicant:

Phone:

Email:

Name of On-Site Manager:

Phone:

Email:

Business Website:

Business Hours:

Are you expanding your outdoor space? Yes No

Are you adding temporary structures (tents, canopies) to your outdoor space? Yes No

How many temporary structures (tent, canopies) are you adding and how big are they?

Explain how will the temporary structure be anchored? (weights, ropes, braces, etc.)

Are you adding heating devices? Yes No

Temporary Structures (tents and canopies)

- Temporary structures must be weighted, anchored, or secured to the ground, but cannot screw, cut or drill into the public right of way (i.e. on streets or sidewalks)
- Temporary structures less than 100 square feet require a minimum of 40 lbs. of anchor weight per leg
- Temporary structures larger than 100 square feet must be installed by a licensed tent vendor or structural calculations provided to the City
- Temporary structures covering an aggregate of over 700 square feet without walls or 400 square feet with a single wall, will require the Fire Marshal to permit and inspect
- If heating devices will be used under the structure, structure shall have a fire-resistant certification or flame certification showing material is fire-rated or noncombustible
- Temporary outdoor structures must have at least 50% of the sides open to allow airflow
- Layout of temporary outdoor structures must be shown on encroachment application diagram

Heating Devices under tents and canopies

- Heating equipment must be shown on encroachment permit application diagram
- Propane heaters are not allowed inside/under tents or canopies
- Propane heaters must always be outside tents or canopies and kept 3 feet from combustible materials
- Heating devices must be listed for the application and used in accordance with applicable Code and Standards
- Fire Marshal will inspect heating devices in tents and canopies of all sizes
- Extension cords must be protected by a Ground Fault Circuit Interrupter and covered in compliance with American with Disabilities Act (ADA)

Access & Safety Requirement Checklist (check each box to certify that you adhere to the following requirements):

- Dining, retail activity, and merchandise display area must be limited to the width of the business
- For use of the public sidewalk, a minimum, unobstructed width of five (5) feet must be permanently maintained for public pedestrian passage. Furnishings and merchandise shall not be placed in a manner that obstructs access to this pedestrian passage.
- No items shall block visibility for required street signs, crosswalks, and intersections
- Heating equipment and other related components used under tents or canopies shall be installed in accordance with the California Mechanical Code and shall be approved by the fire code official
- Heating equipment shall be unplugged or disconnected for overnight storage, and employees shall be trained in proper installation of fuel tanks and in detecting leaks
- Enclosed areas with heating devices must have clearly marked entrances and exits
- Businesses must have sufficient fire extinguishers to cover indoor and outdoor spaces
- Restaurants will need inclement weather plans in writing and trained staff to prevent any injuries in storms or other unsafe situations
- The area shall be maintained in a sanitary condition free from litter, infestation from pests and the storm drain must be kept clear
- Access to building fire protection equipment and sidewalk fire hydrants must be kept clear
- No stacking of furnishings in outdoor areas

Description of Encroachment: Briefly describe the type of the encroachment requested.

For example: if you wish to add café tables in parking spaces or on the sidewalk, list the number and description of tables and chairs. In addition, if the site is in the street and impedes vehicular and/or pedestrian traffic, appropriate barriers and traffic plans need to be certified by a structural engineer.



Site Plan:

Attach a simple diagram with dimensions showing the layout of the outdoor space, including, but not limited to:

- where furnishings will be placed with a minimum of 6 feet between tables
- location and size of temporary structures
- location and type of anchor system for temporary structures
- location, type, and power source for heaters

Certificate of Liability Insurance & Endorsement:

Attach (1) a certificate of Liability Insurance and (2) an endorsement form which names the “City of Morgan Hill, its’ elected officials, officers, employees, agents, volunteers and representatives” as “Additionally Insured”. The general liability coverage of the policy must be for at last One Million Dollars (\$1,000,000.00).

Property Owner Permission: The property owner has given applicant permission for improvements described in application.

Initials_____

I have a current and valid Morgan Hill Business License

Initials_____

Additional Requirements:

I certify that my business is adhering to all governmental rules, regulations and requirements in operation of my business, including but not limited to those rules established by the County Department of Environmental Health, County Department of Public Health, and the State Department of Alcoholic Beverage Control for both ongoing operations and those issued specifically for the COVID-19 shelter in place orders.

I agree Initials _____

I understand that the City’s acceptance of this encroachment permit application does not constitute approval be the City. Furthermore, I understand that any person who does or causes to be done any improvement or encroachment work of any kind within the City’s right-of-way without first having obtained a permit therefore, is in violation of Municipal Code Section 12.08.040 and therefore deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than \$1,000.00 or by imprisonment in the county jail for not more than six months, or by both fine and imprisonment, per Municipal Code Section 12.08.150.

I agree Initials _____

Applicant agrees to provide the City required documentation for tent structure calculations, fire resistance certifications, vendor permission to use heaters, acknowledges that temporary tent structure(s) and heating device(s) will meet local and state codes, and will obtain necessary insurance and hold the City of Morgan Hill harmless in the event of a structure failure.

I agree Initials _____

Applicant Signature

Print Name

Date

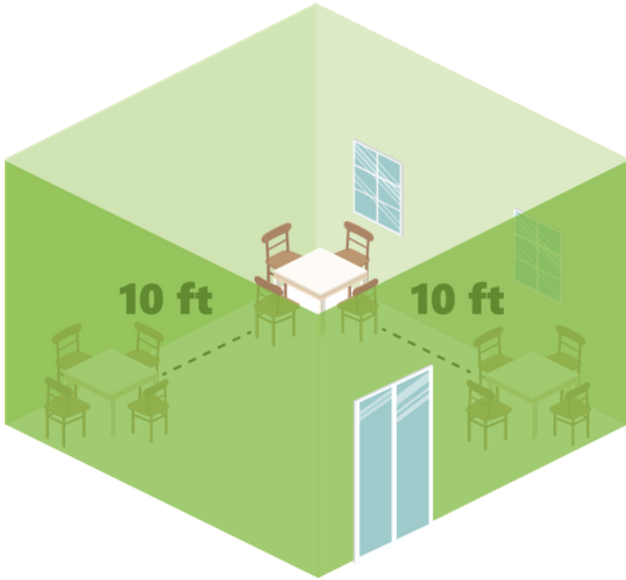


SAMPLE SITE PLAN

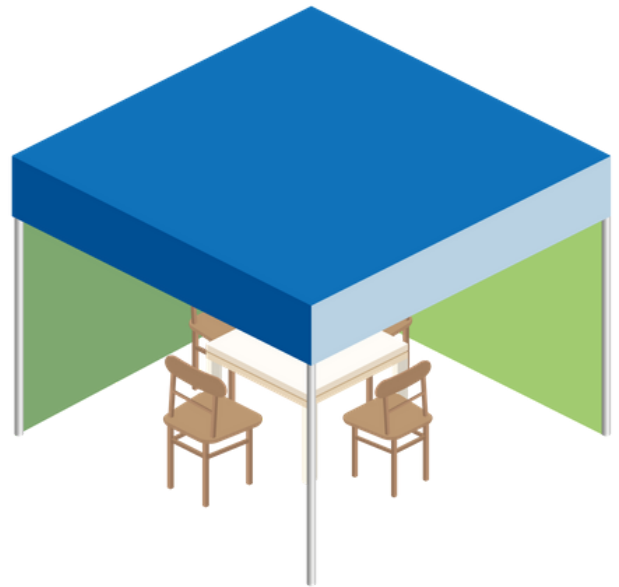
Attach a simple diagram with dimensions showing the layout of the outdoor space, including, where furnishings, tents, and heaters will be placed. This can be a hand drawing on a 8.5" x 11" sheet of paper.

Please e-mail completed application, site drawing, and insurance to hilary.holeman@morganhill.ca.gov

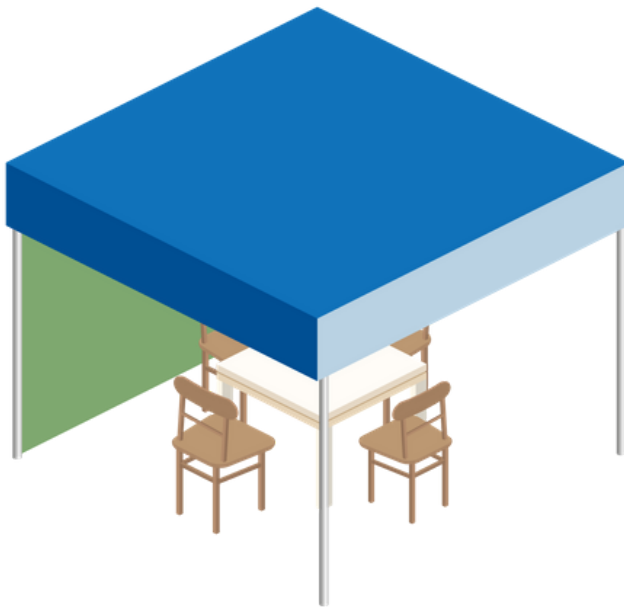
EXAMPLES OF ALLOWED Outdoor Dining Configurations



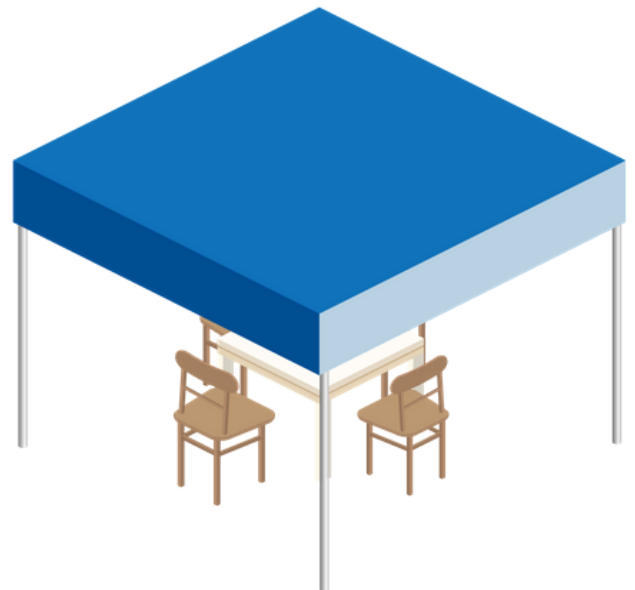
**4 SIDES
NO TOP**



**2 SIDES
WITH TOP**



**1 SIDE
WITH TOP**



**NO SIDES
WITH TOP**

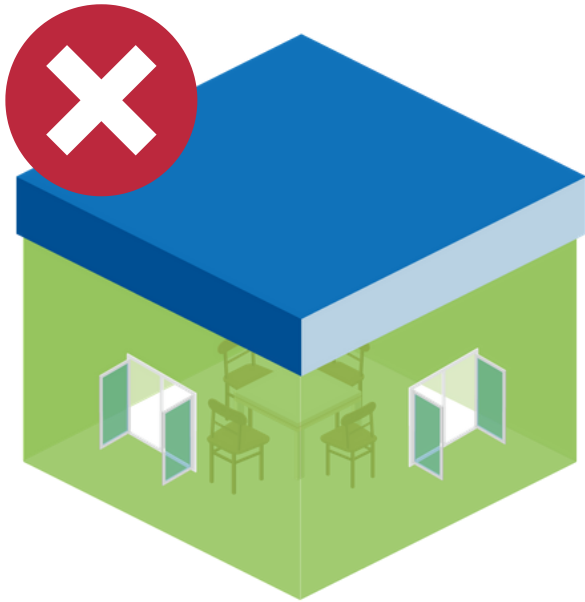
These are examples only.

Please see the FAQ page for the exact definition of an outdoor facility:

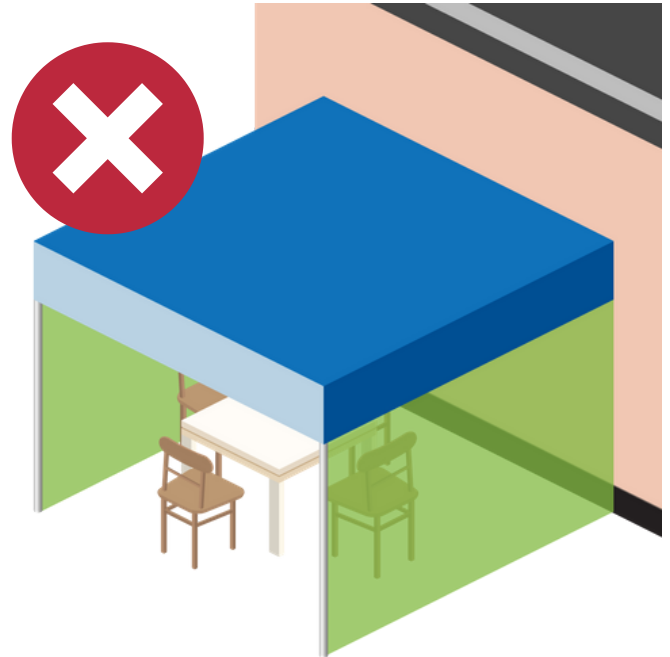
www.sccgov.org/cv19business

EXAMPLES OF PROHIBITED

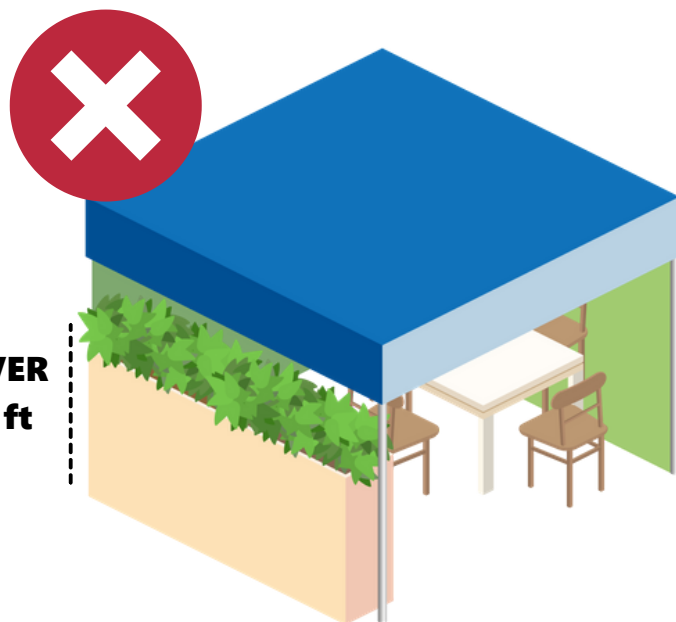
Outdoor Dining Configurations



**4 SIDES
PLUS
WINDOWS**



**2 SIDES
PLUS
BUILDING SIDE**



**2 SIDES
PLUS WALL OR
BARRIER TALLER
THAN 4 FEET**

These are examples only.

Please see the FAQ page for the exact definition of an outdoor facility:

www.sccgov.org/cv19business