

City of Milpitas

Temporary Outdoor Dining Guidelines

The City of Milpitas will allow local restaurants to temporarily create or expand outdoor dining areas consistent with the current Santa Clara County Shelter-in-Place Order dated July 13, 2020.

This allowance for temporary outdoor seating will remain in effect until the County Health Officer lifts or modifies the Shelter-in-Place Order, or as directed by the Milpitas City Council.

General Guidelines

1. Restaurant owners and operators shall read and comply with the current Emergency Orders issued by the [State of California](#) and County of [Santa Clara Health Officer](#).

For guidance specific to restaurants, see:

- [Mandatory Directive for Outdoor Dining, Wineries, Bars, And Smoking Lounges](#)
- [Social Distancing Protocols for Businesses in Santa Clara County](#)
- [Guidance for Dine-in Restaurants in California](#)

2. Outdoor seating arrangements shall limit the number of patrons at a single table to no more than six (6) individuals, all of whom must be from the same household or living unit. Members of separate households or living units are not allowed to dine at the same table.
3. Outdoor seating arrangements shall maintain a minimum six-foot (6'-0") social distance between all members of separate households or living units. For clarity, patrons who are members of the same household or living unit and seated together at a table do not need to be six feet apart. Patrons from different households or living units may not be seated at the same table.
4. Outdoor dining areas shall comply with ADA access requirements. A minimum four-foot (4'-0") wide path of travel shall be maintained along all pedestrian walkways from the parking lot and/or public right-of-way to all public building entrances.
5. The restaurant owner or operator shall obtain written authorization from the property owner for the use of private sidewalks or other areas for outdoor dining. In general, outdoor dining areas may be located on sidewalks or patio areas immediately adjacent to the front of the restaurant.
6. Tenants in shopping centers with multiple restaurants shall work with management and other tenants to equitably allocate the available sidewalks and patios for temporary outdoor dining.
7. Tables, chairs, umbrellas, or other temporary objects shall be located in a manner that does not obstruct the entrance to any building or fire safety equipment, impede the flow of pedestrian or vehicle traffic, or create a hazardous condition (such as a tripping hazard).
8. Removable barriers, such as stanchions, retractable belts, plants, or screens no more than three feet (3'-0") in height, may be used to delineate outdoor dining areas from the pedestrian path of travel.
9. No furniture, fixture, or equipment shall be permanently affixed to the sidewalk.
10. Outdoor storage or preparation of food or beverages is not permitted.
11. Access to indoor restroom must be provided; portable toilets are not permitted.

12. Operating hours for outdoor dining areas shall be consistent the indoor operating hours.
13. Entertainment events and all forms of amplified sound are not allowed in conjunction with temporary outdoor dining.
14. Restaurant operators shall maintain the cleanliness and appearance of all outdoor dining areas.
15. Each restaurant may post one sign with a maximum area of four (4) square feet in the temporary outdoor dining area. No advertising shall be allowed except the restaurant's name and logo.
16. Alcohol may be sold to patrons in conjunction with a meal but may not be sold independently. Bar areas shall remain closed to customers. The California Department of Alcoholic Beverage Control (ABC) has additional information at: <https://www.abc.ca.gov/abc-218-cv19-instructions/>.
17. The use of tents, temporary shelters, or coverings for outdoor dining shall require review and approval by the Milpitas Fire Prevention Division in accordance with current regulations and fees.
18. Parking areas immediately adjacent to the restaurant (head-in parking) may be considered for temporary use as outdoor dining if no other options are available. Each restaurant shall maintain the minimum number of parking spaces required for available seating. Total outdoor seating area shall not exceed the original occupancy of the restaurant.
19. Substantial safety barriers such as temporary walls, concrete or water-filled K-rails, or landscape planters shall be installed to protect outdoor seating areas from vehicles.
20. Facilities open for outdoor dining must offer curbside pickup, takeout, or delivery alternatives.

Application and Registration

Prior to setting up tables and chairs for temporary outdoor dining, restaurant owners shall submit an application for review and approval by the City of Milpitas Planning Department. No fee will be charged for this review, and same-day approval is expected for most applications. The application is available at: www.ci.milpitas.ca.gov/planningdepartment. Please submit a completed application to outdoor.business@ci.milpitas.ca.gov, and staff will contact the applicant if additional information is needed. A complete application will include the following:

- a. A detailed description of the proposed outdoor seating area and operations. Please read the application form carefully for details and provide all requested information. Incomplete forms will be returned to the applicant. As directed on the form, please describe the size, layout, and general location of the proposed outdoor dining area. See form for details.
- b. The restaurant owner or manager shall obtain and verify authorization from the property owner for the creation of expansion of any outdoor dining area. Tenants within the same shopping center may agree to share available sidewalks or plazas in front of multiple businesses.
- c. Planning staff will review applications for registration of Temporary Outdoor Dining areas and send an email to confirm approval or request additional information. The restaurant owner and property owner will receive copies of the confirmation email.

Questions? – Please call 408-586-3279 or email outdoor.business@ci.milpitas.ca.gov