

City of Albuquerque Temporary Outdoor Dining *Frequently Asked Questions*

- Do I need a permit or approval to add restaurant tables to the sidewalk in front of my business?
 - YES, a permit is required, and any planned sidewalk expansion must preserve the ADA-required 4-foot path for pedestrians and wheel chairs. If the sidewalk is on public right of way you must obtain a permit. If the sidewalk is in front of your restaurant on private property, you must obtain the Temporary Outdoor Dining Area permit.
- Do I need to get approval to take over a public parking space in front of my business?
 - YES, a permit is required.
- Can I use my restaurant parking lot space for outdoor dining?
 - YES, a Temporary Outdoor Dining Area permit and inspection of the space is required.
- How do I request closure of the street adjacent to my business?
 - You must apply for and secure a Special-Events permit from the Cultural Services department.
- What if I don't know my businesses' capacity or occupancy load, how do I calculate the allowable 50%? Does the 50% rule apply to both inside and outdoors?
 - The Fire Marshal will help you to determine your indoor and/or outdoor occupancy load. A separate occupancy load applies to Temporary Outdoor Dining Areas and must be determined/approved by the Fire Marshal as part of the permit application.
- How does the "6-foot rule" work for restaurant seating?
 - Each table setting needs to be 6' from other tables measured from the back of each chair, chair-to-chair.
- Will I be required to remove the sidewalk seating or parklet I install in front of my restaurant after the COVID emergency response ends?
 - NO. Sidewalk dining and installed parklets are intended to remain after COVID responses end. permits for outdoor dining in a public right of way will remain in effect for 10 years. Properly permitted, these outdoor dining additions are part of the city's efforts to enhance walkability and quality of life for city streets and neighborhoods.
- How much of my parking lot can I dedicate to outdoor dining, with an approved permit?
 - Up to 25% of the allotted parking square footage can be converted to outdoor dining area.
- Are there costs associated with expanding/creating outdoor dining areas for my restaurant?
 - YES. The City has waived ALL application fees (typically \$500), but when right-of-way (sidewalks, parking spots, streets) are being used, an annual fee of \$2.50 per square foot applies and must be paid at the time of filing an application for use. If the outdoor dining area is on private property there is no annual fee. The owners/requesting entity must also provide liability insurance in the amount of \$1 million naming the City of Albuquerque as additionally insured if any public right of way is being used.
- Can I put up temporary structures to provide protection from the sun for my customers?
 - YES. Tents, umbrellas, and other shade structures are permitted, given that they conform to established fire regulations and do not impede necessary sight lines on sidewalks and streets.
- Can I serve alcohol in an outdoor dining area?
 - In order to expand any alcoholic beverage service to a private outdoor dining area you must first request a temporary footprint expansion with the State of New Mexico Alcohol Control Board using this form:

http://www.rld.state.nm.us/uploads/files/Alcohol%20and%20Gaming/Temporary%20Change_Expansion%20of%20Liquor%20Licensed%20Premises%20due%20to%20COVID%205-28-20.pdf.

- Can I cook or prepare food in an outdoor dining area?
 - NO. Cooking and food preparation are not allowed in outdoor dining areas (sidewalks, parking lots, parklets). The only exception is if a special events permit is secured to close a city street AND a temporary food service permit is granted by the City of Albuquerque Environmental Health Department.
- What's the difference in required permits for expanding outdoor dining to a private space like a parking lot or sidewalk vs. a public right of way like a parklet or city sidewalk?
 - For any outdoor dining expansion on private property, a Temporary Outdoor Dining Area permit is required from the Fire Marshal's Office. For any outdoor dining expansion to a public right of way, a permit is required from the Planning Department.