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Considerations for Converting Outdoor Spaces into Temporary Seating Spaces

Based on the 2018 I-Codes

October 20, 2020

Considerations for Converting Outdoor Spaces into Temporary Seating Spaces

As restaurants, bars, and similar establishments across the United States resume operations at reduced capacity under COVID-19 restrictions, many are looking for ways to convert outdoor spaces into temporary seating to offset the mandated reductions to the indoor occupancy loads. The Code Council offers some insight for consideration of ways in which code officials and Authorities Having Jurisdiction (AHJ) can help protect employees, customers, and communities. While these items are intended to decrease the spread of COVID-19, they focus more on the code related issues that may be impacted while utilizing outdoor spaces for seating areas. The outdoor seating concept is designed to enable restaurant and similar-type facilities the ability to increase their service and customer base at occupancy levels near or at the otherwise normally permitted numbers.

These considerations are meant to supplement – **not replace** – any state, county, local, territorial, or tribal health and safety laws, rules, and regulations with which businesses must comply.

The COVID-19 global pandemic is challenging federal, state, county and local government officials to think and lead in real-time as events are unfolding. One of the challenges code officials are currently facing is to strike the delicate balance between community life safety and the rapidly evolving needs stemming from COVID-19. This document is a resource to help maintain maximum flexibility in administering and enforcing the codes while at the same time continuing to ensure the health, safety, and welfare of people in their communities during the response to, and recovery from, COVID-19.

First and foremost, all applicable enforcement departments need to be involved in the review and ultimately any decisions pertaining to permitting additional seating areas which may or may not include the construction and erection of any structures, whether temporary or permanent. Consultation and agreement between Building, Health (food safety & social distancing), Fire Prevention/Fire Marshal, Public Works and Zoning is paramount for successful implementation of new and innovative, and even non-traditional seating arrangements. Further, other state, county or local agencies may need to be included depending on how the locality's enforcement of these facilities is structured and what spaces are being impacted.

TEMPORARY VS. PERMANENT

While the intent of this guidance is to address temporary seating areas, it is necessary to clearly define the time period that any associated structures will be set in place, and not just used. The International Building Code (IBC) clearly requires that temporary structures are only to be erected for a period of less than 180 days per Section 3103. Further, temporary tents, umbrella structures and other membrane structures must comply with the International Fire Code (IFC) and again be erected for a period of less than 180 days. If these structures, including tents and other membrane structures, are to be erected for a period of 180 days or greater, they are not temporary structures and must comply with the IBC, IFC and all other applicable codes and standards as referenced. With the specific time periods given above it is also important to note that under IBC Section 108 the building official is authorized to grant extensions for demonstrated cause.

LOCATION

This guidance covers temporary outdoor seating areas that are located outside of a structure's building envelope, and includes sidewalks, patios, decks, lawns, parking areas, or other outdoor spaces. The following

should be taken into consideration when determining where to locate temporary outdoor seating:

- Temporary outdoor seating should be located so as not to negatively impact the existing accessible parking spaces or accessible routes.
- Temporary outdoor seating areas should be separated from designated food and beverage pick-up locations.
- Temporary outdoor seating should be separated from adjacent automobile travel lanes by an approved barrier or adequate separation distance.
- Access to fire hydrants, fire department connections for automatic sprinkler systems, and entrances and exits of all buildings cannot be obstructed at any time by barriers or seating.

ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY

State, county and local permits may be required for encroachment onto a public right-of-way. In addition, depending on the proposed new layout, construction documents may be required to be submitted for the AHJ's review and approval. The construction documents should include a site plan indicating the location and quantity of the temporary outdoor seating and information delineating the means of egress and the projected total occupant load.

Chapter 32 of the International Building Code (IBC) addresses the structures that encroach a public right-of-way. Many communities are increasing the use of awnings, canopies, marquees and tents on sidewalks, parking lots or other green spaces to better accommodate additional seating capacity for restaurants and bars. Careful consideration needs to be taken and all the required AHJ must review the proposed new layouts for approval.



Chapter 32 of the IBC is a ready resource to help code officials ensure that these structures are located safely, have adequate access for emergency vehicles, maintain sufficient security, provide required accessibility, facilitate traffic flow, and will withstand common natural hazards, including wind, fire, snow, ice and rain loads.

OCCUPANT LOADS AND MEANS OF EGRESS

In general, outdoor seating is being added to offset reduced occupant loads within existing structures due to current social distancing requirements. The overall occupant load of both existing and the proposed new seating areas, along with the use of temporary or permanent structures, must be taken into consideration when evaluating the overall effect on fire safety, means of egress, accessibility, light, ventilation, bathroom and sanitary requirements.

Chapter 10 of the IBC addresses occupant loads for areas having fixed seating and areas without fixed seating and should be utilized to determine a baseline occupant load for a temporary outdoor seating area. Where fixed seating is used, occupant load is determined by the number of fixed seats installed. However, more than likely, these temporary seating areas will not be utilizing fixed seating and, as such, the occupant load would

be determined per IBC Section 1004.5. Local COVID-19 capacity reductions should be applied, just as they are to the current indoor seating areas. Then a baseline occupant load can be established for the temporary outdoor seating area.

If both the indoor and outdoor spaces are intended to be used by occupants either inside or outside of the building, the means of egress requirements should be based on the sum of the occupant loads inside the building space together with the outdoor seating areas. If the outside seating areas increase the number of occupants above the facility's original designated occupant loads, several factors may change. All doors leading to outdoor spaces should be of sufficient width to accommodate any additional occupant loads created by the outdoor seating area. Exit signs and adequate egress illumination should also be considered. These requirements are covered in Section 1008 of the IBC. Again, noting that in most cases, the temporary outdoor seating is designed to simply help get the occupant loads back to, or near, the originally designed occupant loads.

As always, social distancing should be adhered to in all cases based upon the jurisdictions applicable health guidelines. This is especially important in waiting spaces or areas. Queuing of patrons in confined spaces is not recommended.

ACCESSIBILITY

Section 1009 of the IBC requires all accessible spaces to be provided with not less than one accessible means of egress and where more than one means of egress is required by Section 1006.2 or Section 1006.3 from any accessible space, each accessible portion of the space shall be served by not less than two accessible means of egress.

The proposed locations of the temporary seating areas, and any associated structures, will need to be reviewed in relation to existing structures and how accessible entrances, accessible routes and accessible means of egress will be met to serve both the existing and proposed seating areas.

Section 1104 of the IBC requires that at least one accessible route connect accessible buildings, facilities, elements and spaces on the same site. Where changes in elevation are encountered temporary ramps may need to be used. In this case, the ramps need to comply with ICC A117.1 and be constructed in place, not stored and set in place when needed by a user.

Section 1105 of the IBC requires at least 60% of all public entrances to be accessible. Section 1108.2.9 specifies that dining and drinking areas, whether interior or exterior must be accessible and on an accessible route with some given exceptions. Further where dining surfaces are provided for the consumption of food or drink at least 5%, but not less than one must be accessible, distributed throughout the facility, and on the level accessed by an accessible route. For temporary seating areas equal access to accessible dining and drinking areas should be provided, however, noting that existing site constraints will need to be taken into consideration.

Dependent on where these temporary seating areas and associated structures are located, such as parking areas or grass yard areas, the walking surface may need to be examined to verify these accessible routes and accessible means of egress are provided with suitable accessible walking surfaces that comply with ICC A117.1.

WEATHER RESISTANCE

Consideration should be given to limiting the size of canopies, umbrellas or awnings. All of these structures should be provided with an adequate means to resist wind, rain or other similar loads. Where additional

restraints are used to help secure items that are subject to wind, they must be properly placed and not dangling in the air. Temporary tents or membrane structures must further comply with IFC Section 3103.9 which covers structural aspects for tents.

FIRE PREVENTION

Fire ratings and protective measures are important, as the associated requirements are typically based on the risk associated with the building's occupancy and use. Expanding or adding outdoor seating areas can sometimes present an increased challenge.

If the outdoor seating areas include awnings, canopies, umbrellas, marquees or tents on sidewalks, parking lots or green spaces, consideration should be given to the following:

- The combustibility rating of the materials used should be evaluated and approved for the intended use. Both permanent and temporary tents and membrane structures must comply with flame propagation performance, including required labeling, and a certification affidavit per the International Fire Code Section 3104.1
- The spacing between temporary tents or membrane structures must further comply with IFC Section 3103.8.2 which requires that these structures be at least 20 feet from lot lines, buildings, other tents or membrane structures, parked vehicles or internal combustion engines with some given exceptions.
- Approved portable fire extinguishers should be provided and placed in locations approved by the fire code official.

PLUMBING, MECHANICAL, FUEL GAS AND ELECTRICAL SYSTEMS

Existing plumbing, mechanical and electrical system designs may not be adequate for added outdoor seating in some cases.

While in general, outdoor seating is being used to offset reduced occupant loads within existing structures, the overall occupant load of both existing and proposed outdoor seating areas must be taken into consideration and its effect on light, ventilation, bathrooms and sanitary requirements.

Plumbing

Where the toilet rooms provided in an existing structure will serve the anticipated occupant load of both the indoor spaces and proposed outdoor seating areas:

- IPC Table 403.1 footnote d. requires seasonal outdoor seating and entertainment areas to be included when determining the minimum number of toilet facilities required.
- Travel distance should be considered.

Mechanical and Fuel Gas

Proposed designs for temporary climate control of the outdoor spaces should meet the minimum requirements of the International Mechanical Code (IMC), International Fuel Gas Code (IFGC), and International Fire Code (IFC). All equipment and appliances must be listed and labeled for the intended use and installed in accordance with the codes and the installation instructions.

Typically, food cooking and preparation would remain within the existing structures. However, if outdoor assembly events will be using cooking appliances or devices, per IFC Section 3106.5, they are not to be used within 20 feet of a tent or membrane structure unless these designated cooking tents are approved by the fire code official and not occupied by the public. Further, where cooking appliances are protected with an automatic fire-extinguishing system in accordance with IFC Section 904.12, allowance is given for tents or structures.

Additionally, operational requirements are provided in IFC Section 3107 that pertain to temporary and permanent tents and membrane structures.

- Heating and cooking equipment, including related components, must be installed per the International Mechanical Code (IMC), International Fuel Gas Code (IFGC) and approved by the building and fire code official.
- Gas, liquid and solid fuel burning equipment that is designed to be vented must be vented to outdoor air per the IMC and IFGC. Where vents or flues are installed, all portions of the tent or membrane structure must be no less than 12 inches away from any flue or vent.
- Cooking and heating equipment must be located at least 10 feet from exits or combustible materials.
- Designated “cooking-only” tents, with sidewalls or drops, must be separated by other tents or membrane structures by no less than 20 feet.
- Electrical heating and cooking appliances must comply with NFPA 70.
- LP-gas storage, handling and use along with the use of LP-gas equipment must comply with IFC Chapter 61 and the IFGC

Electrical

When connected to public utility power or generator sources, outdoor seating areas or temporary tent and membrane structures will need to comply with the NFPA 70. Additional requirements are provided in Chapter 31 of the IFC for other electrical related provisions.

- IFC Section 3103.12.6 requires exit signage for temporary tents or membrane structures where an exit serves an occupant load of 50 or more. Further, these exit signs are required to be internally illuminated or externally illuminated. Where the exit signs are externally illuminated two separate circuits, one of which must be separate from all other circuits, is required for occupant loads of 300 or less. Two separate sources of power, one being an approved emergency system must be provided where the occupant load exceeds 300.
- IFC Section 3103.12.7 requires means of egress illumination with a light intensity of not less than 1 foot-candle at the floor level for temporary tents and membrane structures while occupied. Further this means of egress illumination must be supplied from a separate circuit or source of power.
- IFC Section 3107.16 requires generators or other internal combustion power sources to be separated from tent or membrane structures by a minimum of 20 feet and isolated from the public with fencing or an enclosure.

SUMMARY

Implementation should be guided by what is safe, feasible, practical, acceptable, and tailored to the needs of each community.

ADDITIONAL RESOURCES:

www.cdc.gov/coronavirus/2019-ncov/community/organizations/business-employers/bars-restaurants.html

[cdn.ymaws.com/www.illinoisrestaurants.org/resource/resmgr/2020v2/Resource Guide to Outdoor Di.pdf](http://cdn.ymaws.com/www.illinoisrestaurants.org/resource/resmgr/2020v2/Resource_Guide_to_Outdoor_Di.pdf)

www.tampagov.net/sites/default/files/lul-guidebook-phase-3-2020-08-20-rev.pdf

www.sccgov.org/sites/covid19/Pages/mandatory-directives-outdoor-dining.aspx

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