



**Downtown Martinez
Temporary Outdoor Restaurant Seating/Retail Display**

Permit Application

Name of Business _____

Address of Business _____

Restaurant, Coffee Shop

Bar/Brewery

Retail Shop

Business Owner Information

Name _____

Address _____

Phone _____

Email _____

Signature _____

Property Owner Information

Name _____

Address _____

Phone _____

Email _____

Signature _____

I have read the Downtown Martinez Temporary Outdoor Restaurant Seating/Retail Display Guidelines, attached, and understand that each such Guideline constitutes a condition of approval of this Permit and that non-compliance with any of these will result in revocation of the encroachment permit and /or enforcement action by the City of Martinez.

IMPORTANT: CHECK THE MOST RECENT CONTRA COSTA HEALTH SERVICES REGULATIONS REGARDING INDOOR/OUTDOOR OPERATIONS AND ALCOHOL SERVICE. The City has no control over these regulations, which change frequently. You are responsible for adhering to these regulations.

REQUIRED INFORMATION/DOCUMENTS

Submit this application, including the following documents, electronically to cratcliffe@CityofMartinez.org

- 1) Active Certificate of Insurance Information showing commercial liability coverage for the additional area of at least \$1 million per occurrence and the City of Martinez listed as an “Additional Insured”
- 2) Copy of 2020 City of Martinez Business License. If you do not already have one, you can obtain one by emailing Martinez@hdlgov.com or calling (925) 273-7439. Calling will be faster.
- 3) Describe how you plan to use the Outdoor Seating/Retail Display space (including both the sidewalk and street space). Include in your description all items that you plan to place in the space, i.e. tables, chairs, canopies, plants, planter boxes, and any other seating, display, decorative, or other items. If you are a retail store, please indicate what items you plan to sell.
- 4) **Optional:** I am the owner of a business or property on the same block as the Applicant’s business, and I grant the Applicant permission to use my sidewalk and/or street space within my storefront frontage:

Name of Adjacent Business _____
Address of Adjacent Business _____
Adjacent Business Owner Name _____
Phone _____
Email _____
Adjacent Business Owner Signature _____
Adjacent Property Owner Name _____
Adjacent Property Owner Signature _____

If more than one business owner (“Owner”) on the same block as the Applicant’s business grants the Applicant permission to use the Owner’s sidewalk and/or street space within their storefront frontage, please attach the information for that Owner(s) to this application.

The City reserves the right to immediately revoke, without notice, any permit for Temporary Outdoor Restaurant Seating/Retail Display in case of revised Applicable COVID-19 Regulatory Requirements, non-compliance with conditions or approval, requirements for the immediate preservation of public health, safety or welfare or in the event of an emergency.

CONDITIONS OF APPROVAL

LIABILITY AND INSURANCE – Application shall be in accordance with the Martinez Municipal Code and other applicable codes. Except for City’s sole negligence, willful misconduct or active negligence, applicant agrees to indemnify, defend, release and save harmless City, its officials, officers, agents and employees from and against any and all claims, liabilities, actions, damages or penalties by any person including applicant, his/her employees and agents for any personal injury, death or damage to property from any cause whatsoever arising out of or in connection with the issuance of this permit, the activities of Permittee, his/her employees, officers, officials, guests, contractors, invitees and agents and/or work and/or activities permitted pursuant to this permit. Applicant shall so indemnify City regardless of: City’s approval of plans or inspection, any limitation on the amount or type of damages or compensation payable by or for applicant under workers compensation, disability or other employee benefit acts, or the terms, applicability or limitations of any insurance held by applicant. The applicant shall file with the City certificates of required insurance coverage and endorsements in the City’s standard acceptable form, prior to the effective date of the Permit. The City shall be included as an additional insured by certificate or separate endorsement.

Other than on premises alcohol sales, nothing will be sold in the Right-of-Way that requires an ID to establish age in order to purchase.

ADDITIONAL CONDITIONS ATTACHED (<i>Staff Use Only</i>) <input type="checkbox"/> Yes <input type="checkbox"/> No

Any additional Conditions are attached hereto as Exhibit A and are incorporated herein by reference.

PERMIT APPROVED

By: _____
City Engineer or Designee

Please Note: Upon approval of permit, City Staff will provide a map of approved encroachment area and mark the designated areas on the street. The applicant is responsible for adhering to Federal, State, ABC and **COVID-19 Regulatory Requirements** applicable to their specific business type, including all social distancing requirements and shall at all times maintain the and maintain a 48-inch clear path of travel on the sidewalk and 17 ft. emergency access in the street.

**Downtown Martinez
Temporary Outdoor Restaurant Seating/Retail Display
Guidelines**

The City of Martinez Downtown Martinez Temporary Outdoor Restaurant Seating/Retail Display Program (“Program”) has been developed to help downtown business owners maintain and re-establish the operation of their businesses while maintaining compliance with the COVID-19 restrictions prescribed by the orders of the Contra Costa County Health Officer. Effective Friday, July 10, 2020, the Program is designed to permit restaurants and retail establishments in Downtown Martinez (described below) to locate restaurant seating and outdoor display of merchandise in designated areas of the Downtown Martinez rights-of-way parallel to and along the business frontage or other business frontage(s) on the same block with permission, or in a parking lot adjacent to their business. Such activity will be allowed by permit only for the following specified hours and days of the week: 3:00 p.m. to 10:00 p.m. on Fridays; 8:00 a.m. to 10:00 p.m. on Saturdays; and 10:00 a.m. to 10:00 p.m. on Sundays on Estudillo Street only, until further notice. There is no fee for the application. **In order to expedite your business’ eligibility to participate in the Program, complete applications must be submitted to the City by noon on the Wednesday prior to the Friday – Saturday timeframe during which a downtown business wishes to conduct such outdoor operations. No fee, Encroachment Permits implementing the Program will be issued in accordance with Chapter 12.04 of the Martinez Municipal Code.**

I. CONDITIONS AND REQUIREMENTS FOR ISSUANCE OF ENCROACHMENT PERMIT AND OPERATION

The following requirements apply to the issuance of an encroachment permit for and the operation of Downtown Martinez Temporary Outdoor Restaurant Seating/Retail Display. All Permits and operations are subject to the most current order of the Health Officer of Contra Costa County and the COVID-19 Industry Guidance for the operation of the particular business published by the California Department of Public Health and CAL OSHA (“Applicable COVID -19 Regulatory Requirements”). Nothing in these Guidelines shall permit any activity or operation contrary to the Applicable COVID-19 Regulatory Requirements.

Refer to the most recent County Health order here:

<https://www.coronavirus.cchealth.org/health-orders>

Allowed uses of the outdoor seating/retail display spaces.

- For restaurants: seating can be provided for patrons within the area designated in the permit. Food and drinks must be prepared on-site in the building premises.

Food preparation shall not be permitted anywhere within the right of way, sidewalk or in the outdoor seating area.

- For retail shops: merchandise can be placed on tables or on the ground in the designated area identified in the permit.

Designated streets which may be used for the outdoor seating/retail displays.

- Main Street between Alhambra and Court Streets
- Estudillo between Marina Vista Avenue and Escobar Street
- A business not located in one of these areas may request an Outdoor Seating/Retail Display area in the parking space(s) in front of their business or a parking lot adjacent to the business.

Designated area where the outdoor seating/retail display spaces may be located and maximum size of each area.

- On the street (as designated below) up to the maximum width of the frontage of the business.
- Note: An emergency access lane of at least 17 feet on one side of the street must be maintained at all times. The 17 feet must be free of any obstructions, such as but not limited to Flex spaces. Permittees are required to maintain adequate ADA and emergency access.
- On the sidewalk up to the maximum width of the frontage of the business, provided that at least four feet of width for access is maintained as a clear path of travel for pedestrians at all times. The four feet must be free of any obstructions, such as but not limited to: trees, poles, parking meters, trash containers, tables, chairs, merchandise, display areas, etc. For outdoor seating, the four foot space must be located on the curb side of the sidewalk.
- In addition, to the street and/or sidewalk of the frontage of the business, the applicant business may use the sidewalk or street space(s) within the frontage of a business on the same block subject to that business owner(s) and property owner(s) approval and signature on this application.

Operation of outdoor dining and retail display is limited to the following days and times, unless amended by Conditions of Approval.

- Friday 3:00 p.m. to 10:00 p.m.
- Saturday 8:00 a.m. to 10:00 p.m.
- Sunday 10:00 a.m. to 10:00 p.m. **(Estudillo Street designated area only)**

Duration of the Program.

The Downtown Martinez Temporary Outdoor Restaurant Seating/Retail Display Program is a temporary program with an unknown duration. The Program may be discontinued and/or the Permit may be revoked or revised at any time. **No physical alterations or permanent placement of any object is permitted in the right-of-way pursuant to the Program.**

II. REQUIREMENTS FOR OUTDOOR DINING AND ALCOHOL SALES

Refer to the most recent County Health order here:

<https://www.coronavirus.cchealth.org/health-orders>

Please be advised that these regulations change frequently and are not controlled by the City. All permittees are advised to thoroughly review the most recent Applicable COVID-19 Regulatory Requirements and must at all times comply with same.

All restaurants providing outdoor dining must provide their own tables and chairs.

The applicant is responsible for providing their own tables, chairs, canopies/tents (which must be properly weighed down/secured), and any other seating and retail display items. The applicant is responsible for setting up and removing items, and ensuring that none of these items are left on the sidewalk or on the street outside of the Program days/hours of Friday at 3:00 p.m. to Saturday at 10:00 p.m., and on the designated area of Estudillo Street only, from 10:00 a.m. to 10:00 p.m. on Sunday.

Tables, chairs, and umbrellas may remain in the parking space(s) immediately adjacent to the permitted outdoor dining or retail area when not in use **ONLY during the Program hours. The street must be cleared within one hour following the Program closing.** No such tables, chairs and/or umbrellas may block access otherwise required to be maintained pursuant to these guidelines, or be stored in such a manner as to cause a hazard of any kind. Notwithstanding any provision hereof, the City is not responsible for any damaged or stolen items.

Bars and Alcohol Sales are Subject to Additional Permitting and are Limited.

Alcohol sales are subject to very specific regulations not controlled by the City. Authorization to sell alcohol outdoors in conjunction with this encroachment permit application is subject to approval of the California Department of Alcohol and Beverage Control (“ABC”). Each ABC licensee that intends to participate in the event(s) will need to complete an ABC 218, ABC 253 and submit payment to ABC of \$100.00. All alcohol sales must be conducted in strict compliance with the most current regulations of the Contra Costa Health Services Department and the California Department of Alcoholic Beverage Control (“ABC”). See ABC Regulations here: <https://www.abc.ca.gov/law-and-policy/coronavirus19/>

III. REQUIREMENTS FOR OUTDOOR RETAIL

Refer to the most recent County Health order here:

<https://www.coronavirus.cchealth.org/health-orders>

Please be advised that these regulations change frequently and are not controlled by the City. All permittees are advised to thoroughly review the most recent Applicable COVID-19 Regulatory Requirements and must at all times comply with same.