



**Downtown Martinez  
Temporary Outdoor Personal Services**

**ROW Encroachment Permit**

**Permit Application**

Name of Business \_\_\_\_\_

Address of Business \_\_\_\_\_

Barber Shop/Beauty Salon

Nail Salon

Massage Services

**Business Owner Information**

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

Signature \_\_\_\_\_

**Property Owner Information**

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

Signature \_\_\_\_\_

I have read the Downtown Martinez Temporary Outdoor Personal Services ROW Encroachment Permit Guidelines, attached, and understand that each such Guideline constitutes a condition of approval of this Encroachment 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 FOR THE RESPECTIVE BUSINESS TYPE. 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](mailto:cratcliffe@CityofMartinez.org)

1. Certificate of Insurance and endorsements for commercial general liability coverage for the business, including the area of the City right of way to be used for the outdoor personal services, in a coverage amount no less than \$1 million per occurrence in a form acceptable to the City and naming the City of Martinez as an “Additional Insured”. Certificate of Insurance evidencing worker’s compensation coverage as required by the California Labor Code, including a waiver of subrogation endorsement in favor of the City.
2. Copy of 2020 City of Martinez Business License. If the business does not already have one, a business license can be applied for by emailing [Martinez@hdlgov.com](mailto:Martinez@hdlgov.com) or calling (925) 273-7439. Calling will be faster.
3. Describe the services that the business is proposing to provide outdoors (Outdoor Personal Service Operations). Note that such Outdoor Personal Service Operations cannot include services that are not appropriately licensed and permitted for the business to conduct indoors.
4. Provide a plan showing the area of the right-of-way (sidewalk or street) that is proposed to be designated as the encroachment area to be used for Outdoor Personal Service Operations, (Encroachment Area) including all sidewalk and street space desired to be used, identification of entry and exit points and designating with dimensions the mandatory 4-foot path of travel. Identify all sources of electrical power and all connections. Identify the path of all electrical power as well as how and where all power cords will be secured. Include in your description all items that you plan to place in the Encroachment Area, i.e. chairs, tables, supplies, brooms, canopies, or other items.
5. **Optional:** You may also use a space immediately adjacent to your existing business frontage, with the property owner(s) and business owner(s) permission.

I am the owner of a business or property adjacent to the Applicant’s business, and I grant the Applicant permission to use the  sidewalk and/or  parking space within my business 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”) grants the Applicant permission to use the sidewalk and/or parking space along the Owner’s business frontage, please attach the information for that additional Owner(s) to this application.

**The City reserves the right to immediately revoke, without notice, any Downtown Martinez Temporary Outdoor Personal Services ROW Encroachment Permit in case of revised applicable COVID-19 Regulatory Requirements, non-compliance with conditions or approval, or as determined in the sole judgment of the City to be necessary for the immediate preservation of public health, safety or welfare or in the event of an emergency.**

**CONDITIONS AND REQUIREMENTS FOR ISSUANCE OF ENCROACHMENT PERMIT AND CONDUCT OF OUTDOOR PERSONAL SERVICE OPERATIONS**

The following conditions and requirements apply to the issuance of Downtown Martinez Temporary Outdoor Personal Services ROW Encroachment Permits (Permit) and the conduct of all Outdoor Personal Service Operations pursuant to said Permit.

All Permits and Outdoor Personal Service 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 Permit Conditions/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>

1. **All PERMITEES MUST ADHERE TO THE FOLLOWING CONDITIONS AND ATTACHED GUIDELINES.**

All Guidelines constitute conditions of approval of this Permit.

2. **LIABILITY AND INSURANCE**

Conduct of all Outdoor Personal Service Operations shall be in accordance with the Martinez Municipal Code and all other applicable codes including, but not limited to the Applicable COVID-19 Regulatory Requirements. 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 worker's compensation, disability or other employee benefit acts, or the terms, applicability or limitations of any insurance held by applicant or the condition of the Right of Way. The applicant shall file with the City certificates evidencing Commercial General Liability insurance coverage in the minimum required amount and endorsements in a form acceptable to the City, prior to the effective date of the Permit. The City shall be included as an additional insured by separate endorsement. In addition, the applicant shall provide certificates evidencing worker's compensation coverage for all employees as required by the California Labor Code with a waiver of subrogation endorsement in favor of the City.

3. **TYPES OF PERSONAL SERVICE USES ALLOWED OUTDOORS ARE LIMITED TO:**

- Barber Shops and Beauty Salons: as directed and permitted by State and County agencies.
- Nail Salons: as directed and permitted by State and County agencies.
- Massage Services: As directed and permitted by State and County agencies.  
Note: Staff and Clients of outdoor massage must be fully clothed at all times.

4. **ENCROACHMENT AREAS WHERE OUTDOOR PERSONAL SERVICE OPERATIONS MAY BE LOCATED MUST COMPLY WITH ALL OF THE FOLLOWING:**

a) All Applicable COVID-19 Regulatory Requirements for location.

b) May only be located:

- i. On the sidewalk immediately adjacent to and up to the maximum frontage of the existing business, provided that at least four feet of width for access on the sidewalk 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.; AND/OR
- ii. In the parking spaces on the street immediately adjacent to and up to the maximum width of the frontage of the business; AND/OR
- iii. In addition, to the sidewalk and street of the frontage of the business, the applicant business may use the sidewalk or parking space(s) within the frontage of a business immediately adjacent to the applicant business, subject to that business owner(s) and property owner(s) approval and signature on this application.

5. **DURATION OF THE PROGRAM**

The Downtown Martinez Temporary Outdoor Personal Services ROW Encroachment Permit Program is a temporary program with a limited duration. The Program may be discontinued and/or the Permit may be revoked or revised at any time. Any Permit issued under this program is only valid from the date of issuance of such Permit until the date that the State of California, the County of Contra Costa or the City of Martinez issue, amend or rescind public health or emergency orders related to COVID-19 which either: (1) end the state of emergency; (2) permit Barbershop, Beauty Salon, Nail Salon, or Massage Service businesses to operate indoors; or (3) Barbershop, Beauty Salon, Nail Salon, or Massage Service businesses are prohibited by orders, rules, regulations and/or guidelines issued by any department of the State of California, the County of Contra Costa, or the City of Martinez from continuing to operate outdoors.

ADDITIONAL CONDITIONS ATTACHED (*Staff Use Only*)  Yes  No

All applicant submittal materials are attached as part of this Permit and are incorporated herein by reference.

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

All provisions of the Guidelines attached constitute conditions of approval of this Permit.

**All power connections and installations have been installed in accordance with applicable requirements.**

By: \_\_\_\_\_  
*Building Division Inspector*  
*Photos attached*

Date of Inspection: \_\_\_\_\_

**PERMIT APPROVED**

By: \_\_\_\_\_  
*City Engineer or Designee*

Date: \_\_\_\_\_

Please Note: The applicant is responsible for adhering to Federal, State, local laws, rules regulations and requirements, including all **Applicable COVID-19 Regulatory Requirements** applicable to their specific business type, including all social distancing requirements and shall at all times maintain a 4-foot clear path of travel on the sidewalk.

**Downtown Martinez**  
**Temporary Outdoor Personal Services ROW Encroachment Permit Guidelines**

The City of Martinez Downtown Martinez Temporary Outdoor Personal Service Operations ROW Encroachment Permit 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 Thursday, August 13, 2020, the Program is designed to permit Personal Service providers in Martinez (described below) to locate outside in designated areas of the Downtown Martinez rights-of-way parallel to and along the business frontage (or with consent adjacent business frontage(s) on the same block within the Right-of-Way on the sidewalk or in designated parking spaces, adjacent to their business.

Such activity will be allowed by Encroachment Permit only for the following specified hours and days of the week: 3:00 p.m. to 10:00 p.m. on Thursdays, Fridays; 8:00 a.m. to 10:00 p.m., and on Saturdays, unless otherwise amended. 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 Tuesday prior to the Thursday – 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.**

**CONDITIONS AND REQUIREMENTS FOR ISSUANCE OF ENCROACHMENT PERMIT AND OPERATION**

**The following requirements apply to the issuance of an encroachment permit for and the conduct of all Outdoor Personal Service Operations. 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>**

**1. ELIGIBILITY**

Personal Services, defined as: Barber Shops, Beauty Salons, Nail Salons and Massage Services, may apply for a Downtown Martinez Temporary Outdoor Personal Service Operations ROW Encroachment Permit on within the Right of Way on public property to conduct outdoors the business operations otherwise legally permitted at the applicant premises (Outdoor Personal Service Operations). These permits shall be available only for those current tenants of a commercial building and shall not be available to mobile businesses, or on vacant property, or fronting on property without commercial tenants.

**2. LOCATION**

**Designated area where the outdoor Personal Service spaces may be located and maximum size of each Encroachment Area.**

- i. On the sidewalk up to the maximum width of the frontage of the applicant 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. The four-foot space must be located on the curb side of the sidewalk.
- ii. 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 immediately adjacent and on the same block as the applicant business subject to the immediately adjacent business owner(s) and property owner(s) approval and signature on the application.
- iii. 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.

**3. DESIGNATED STREETS WHICH UPON WHICH AN ENCROACHMENT PERMIT FOR OUTDOOR PERSONAL SERVICES MAY BE LOCATED:**

- Main Street between Alhambra and Court Streets
- A business not located in this area may request a Downtown Martinez Temporary Outdoor Personal Service Operations ROW Encroachment Permit Outdoor in the sidewalk and parking space(s) in front of their business or a parking lot immediately adjacent to the business.



#### 4. SAFETY AND ACCESSIBILITY

- A. All Outdoor Personal Service Operations shall be consistent with Applicable COVID-19 Regulatory Requirements. Outdoor Personal Service Operations must, at all times, be conducted in accordance with all applicable federal, state and local law rules and regulations and Applicable COVID-19 Regulatory Requirements applicable to the specific type of business being conducted, including, but not limited to, number of patrons, disinfectants, the wearing of masks, chair spacing, use of shared materials, staff hygiene, and social distancing.
- B. If the Encroachment Area is immediately adjacent to a restaurant with outdoor seating that is open at the same time, a solid barrier must be erected between the Outdoor Personal Service Operations and the outdoor seating at the restaurant. Where an outdoor restaurant use is located immediately adjacent and on both sides of a proposed Outdoor Personal Service Operation, a Permit may not be issued for that location.
- C. Temporary barriers not exceeding three (3) feet in height shall be placed in a safe manner around the Encroachment Area. Such barriers shall be subject to the approval of the Public Works Department.
- D. The applicant is responsible for providing their own tables, chairs, canopies/tents (which must be properly weighed down/secured), and any other seating and storage and 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.  
  
**The street must be cleared within one hour following the Program closing.** No chairs, tables, supplies, brooms, canopies, or other items 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.
- E. A temporary accessible ramp from curb to Encroachment Area is required if a grade separation exists and a permanent ramp is not already readily available subject to the Public Work Director's approval.
- F. Accessible parking stalls, accessible van loading areas, and associated paths of travel shall not be impeded by Outdoor Personal Service Operations.
- G. Extension cords or other equipment shall be located so as not to present a trip hazard and not impede paths of travel. All extension or other power cords

and connections shall be elevated above 7 feet in height or secured with an approved durable covering to prevent tripping. The City of Martinez Building Division must approve all power connections and installations.

- H. No permanent item or structures shall be installed in the Encroachment Area.
- I. Temporary canopies or tents must comply with fire requirements, as well as State and County requirements to have no more than one enclosed side.
- J. Hours of operation for Outdoor Personal Service Operations shall not exceed the Program Hours and days set forth herein.
- K. Encroachment Area shall be maintained free of trash and debris at all times.
- L. All Outdoor Personal Service Operations shall be conducted in accordance with all OSHA standards.

**5. DAYS AND HOURS OF PERMITTED OUTDOOR PERSONAL SERVICES OPERATIONS**

**Outdoor Personal Services Operations are limited to the following days and times, unless amended by special Conditions of Approval.**

- Thursday 3:00 p.m. to 10:00 p.m.
- Friday 3:00 p.m. to 10:00 p.m.
- Saturday 8:00 a.m. to 10:00 p.m.