



**Temporary Outdoor Operations for Restaurant and  
Retail Operations on Private Property  
Permit Application**

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

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

Restaurant, Coffee Shop

Retail Shop

**Business Owner Information**

**Property Owner Information**

Name \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

Email \_\_\_\_\_

Signature \_\_\_\_\_

Signature \_\_\_\_\_

I have read the 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 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 [mkavanaugh-lynch@CityofMartinez.org](mailto:mkavanaugh-lynch@CityofMartinez.org)

- 1) Certificate(s) of insurance and endorsements as follows:
  - A. Commercial General Liability of at least \$1 million per occurrence and naming the City as additional insured for all liability arising out of the operations of the named

insured and the issuance of the permit. Coverage shall be at least as broad as ISO forms, CG20 10 10 01, CG20 01 04 13, CG 24 04 and CG 20 12 04 13.

B. Workers Compensation Coverage as required by the state of California including a waiver of subrogation endorsement in favor of the City of Martinez.

- 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](mailto: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. 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. Please provide a drawing and a written description of the use of the area and hours and days of operation.

**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. 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 forms as identified above, prior to the effective date of the Permit.

Other than on premises alcohol sales, nothing will be sold in the designated outdoor space 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
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Any additional Conditions are attached hereto as Exhibit A and are incorporated herein by reference.

**PERMIT APPROVED**

By: \_\_\_\_\_  
*City Manager or designee*

Please Note: 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.

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

The City of Martinez Temporary Outdoor Restaurant Seating/Retail Display Program (“Program”) has been developed to help 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, October 2, 2020, the Program is designed to permit restaurants and retail establishments in designated areas adjacent to existing indoor business on a walkway, outdoor space or parking lot or adjacent to other business frontage(s) with permission of the adjacent business owner. Property owner consent is also required. Such activity will be allowed by permit only for the following hours and days of the week specified in the permit. **No fee implementing the Program will be issued in accordance with Executive Order xxxxx.**

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

**The following requirements apply to the issuance of a permit for and the operation of 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 outdoor use area.
- For retail shops: merchandise can be placed on tables or on the ground in the designated area identified in the permit.

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

- 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.
- In a parking area immediately adjacent to the front of the business for the width of the business. For outdoor seating, Permittees are required to maintain adequate ADA and emergency access and appropriate area delineation/protection.
- In addition, to the sidewalk and/or parking area of the frontage of the business, the applicant business may use the sidewalk or parking space(s) within the frontage of a business on the same building frontage 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 to the times and days stipulated in the Conditions of Approval.**

**Duration of the Program.**

The Temporary Outdoor Restaurant Seating/Retail Display Program is a temporary program with an unknown duration. The Program may be discontinued and 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 parking area outside of the permitted days/hours of operation.

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.**