



CITY OF MARTINEZ
Temporary Outdoor Restaurant/Retail Permit
Tent and/or Space Heater Application and Permit Addendum

Definition of “Tent”: An outdoor temporary covering or structure including but not limited to tents, canopies, or umbrellas.

TENTS MAY NOT BE PLACED OUTDOORS AT ANY TIME PRIOR TO APPROVAL OF THIS TENT APPLICATION AND PERMIT ADDENDUM (“APPLICATION”). THEREFORE, NO TENT SHOULD BE PURCHASED OR RENTED PRIOR TO APPROVAL OF THIS APPLICATION. INSTALLATION RESTRICTIONS, SAFETY AND FIRE REGULATIONS AND RESTRICTIONS, AND OTHER REQUIREMENTS MAY LIMIT THE ABILITY OF A TENT TO BE APPROVED IN A GIVEN LOCATION AND MAY RESTRICT THE SIZE OF A TENT. TENTS MAY NOT BE APPROVED IN ALL LOCATIONS.

I. General Tent and Space Heater Requirements and Conditions

- Prior to installation of a Tent, this Application must be approved. Prior to first use, a City inspection of the Tent and City Building Official signature at the bottom of this Application are required to ensure conformance with the Site Plan and all Application requirements. **Contact the City of Martinez Building Official at DScola@CityofMartinez.org or (925) 372-3565 to submit this Application**
- Tent legs must be weighted or anchored. **Applicant must work directly with the City Building Official (DScola@CityofMartinez.org or 925-372-3565) in order for the leg weighting/anchoring plan to be approved.**
- Space heaters are discouraged due to safety concerns. However, listed propane, gas, open-flame, and electric heaters will be considered and MAY be approved. **Applicant must work directly with the City Building Official (DScola@CityofMartinez.org or 925-372-3565) in order for a space heater to be considered for approval.**
NOTE: SPACE HEATERS MAY NOT BE PLACED OUTDOORS AT ANY TIME PRIOR TO THE APPROVAL OF THIS APPLICATION. THEREFORE, NO SPACE HEATER SHOULD BE PURCHASED OR RENTED PRIOR TO APPROVAL OF THIS APPLICATION.
- Tent openings must conform to the directives of the Contra Costa County Health Services Department.

- Tent legs may be placed onto sidewalk as long as Tent roof is level and provided that the required 48-inch unobstructed ADA access is provided on sidewalk. No portion of the Tent, Tent supports, weights, or other equipment or personal property may encroach into the 48-inch access.
- Food preparation is not permitted in the Tent or anywhere within the public right-of-way. Other operations may also be limited by Health and Safety requirements, fire regulations, etc.
- Tent size is limited by the allowable space, separation requirements, ability to adequately anchor, and other requirements. No particular Tent size is guaranteed. General Size guidelines which MAY be permissible include:
 - Up to 350 total square feet if less than 6 feet from any property line
 - Up to 700 total square feet if at least 6 feet from all property lines OR if this Application includes the “Optional” signature on Page 4
 - Potentially larger than 700 total square feet with City Building Official and County of Contra Costa Fire Protection District approval (contact CCCFD for permit application at (925) 941-3300 or info@cccfd.org)

Note: Total square footage equals all tents that are within 12 feet of each other (including adjacent tents used by a different business).

II. Conditions of Approval and Hold Harmless

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 Application, 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 acceptable forms as set forth in this Application in favor of City, its officials, officers, agents, employees and volunteers, prior to the effective date of the Permit.

APPLICANT SIGNATURE OF ACKNOWLEDGEMENT

If checked, additional conditions are included as attached.

III. Application Checklist

Approved City of Martinez No-Cost Temporary Outdoor Restaurant/Retail Permit.
Applications can be found here: www.cityofmartinez.org/depts/econdev/default.asp

Site Plan showing:

- Location of the Tent
- Tent dimensions (length, width, and height)
- How many Tent sides will be enclosed (no more than one of the four Tent sides can be enclosed, per the Contra Costa County Health Services Department)
- Location of tables, chairs, decorative items (i.e. planter boxes), and any other items proposed to be located within the tent footprint
- The boundary indicated in your Temporary Outdoor Restaurant/Retail Permit.
- Location of property lines (extended from the private property envelope into the public right-of-way) and the distance (in feet) of Tent from property lines
- Indicate how the Tent legs will be weighted or anchored
- Sidewalk, street, building frontages
- 48-inch ADA access on sidewalk
- Indicate proposed hours when the Tent will be up, including days of the week, hours, and whether you are requesting to keep the tent up overnight. **TENTS IN TRAFFIC LANES DURING STREET CLOSURES MAY ONLY BE UP DURING TEMPORARY OUTDOOR RESTAURANT/RETAIL PERMIT PROGRAM HOURS. REQUESTS TO KEEP TENTS UP OVERNIGHT IN NON-TRAFFIC LANES IS DISCOURAGED DUE TO SAFETY CONCERNS AND WILL BE CONSIDERED ON A CASE-BY-CASE BASIS WITH NO GUARANTEE OF APPROVAL.**

Copy of Tent “Product Listing” which includes Tent specifications and installation instructions

Insurance

Commercial General Liability Certificate of Insurance and Endorsements

- Commercial General Liability of at least \$1 million per occurrence
- Must cover the private premises as well as the City right-of-way
- The following Additional Insured ISO form endorsements in favor of the City for all liability arising out of the operations of the named insured and issuance of the permit, subject to review and approval of City Risk Management:

- 1) CG 20 01 04 13 (or equivalent)
- 2) CG 20 10 10 01 (or equivalent)
- 3) CG 20 12 04 13 (or equivalent)
- 4) CG 24 04 (or equivalent)

Workers Compensation Certificate of insurance

- Coverage as required by the State of California
- Must cover the private premises as well as the City right-of-way
- Waiver of subrogation endorsement in favor of the City of Martinez

If the total square footage of all tents that are within 12 feet of each other (including adjacent tents used by a different business) equal more than 700 square feet, a County of Contra Costa Fire Protection District permit must be attached. Contact CCCFD for permit application at (925) 941-3300 or info@cccfd.org

Provide flame performance certifications for the tent, flooring, and decorative materials used inside the tent (can be found in tent manual/specifications)

Information and signatures on pages 4 and 5

IV. Duration of Permit and Revocation

This Tent Permit Addendum is temporary with an unknown duration. The Tent Permit Addendum may be revoked or revised at any time. No physical alterations or permanent placement of any object is permitted in the public right-of-way pursuant to the Permit.

V. Applicant Information and Signatures

Business Owner Information

Business Name _____
 Business Owner Name _____
 Business Address _____
 Phone _____
 Email _____
 Signature _____

Property Owner Information

Name _____
 Address _____
 Phone _____
 Email _____
 Signature _____

Optional: permission from adjacent property owner(s) to place Applicant Tent closer than 6 feet from Applicant property line: I am the owner of a business or property adjacent the Applicant’s business, and I grant the Applicant permission to locate their Tent(s) less than six feet from their property line. I understand that if the total square footage of all tents that are within 12 feet of each other equal more than 700 square feet,

a Contra Costa Fire Protection District Permit is required. Therefore, if the Applicant's Tent is less than 6 feet from his/her property line, then that could potentially limit the size of my tent and/or necessitate a County of Contra Costa Fire Protection District should I wish to erect a Tent.

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 a second adjacent business owner and property owner ("Owners") also grant the Applicant permission to locate his/her tent(s) less than six feet from the Applicant's property line, please attach the information for those Owner(s) to this application.

City of Martinez Building Official

Signature

Printed Name

Contact the **City of Martinez Building Official** at DScola@CityofMartinez.org or (925) 372-3565 to submit this Application

If the total square footage of all tents that are within 12 feet of each other (including adjacent tents used by a different business) equal more than 700 square feet, then a **County of Contra Costa Fire Protection District (CCCFD) permit must be attached.** The CCCFD permit application may be obtained by calling (9215) 941-3300 or by email at info@cccfd.org