



Submit to: jkinkade@folsom.ca.us; or in-person at the CDD Planning Counter

APPLICATION FOR TEMPORARY OUTDOOR DINING PERMIT

NAME OF APPLICANT: _____

NAME OF RESTAURANT: _____

ADDRESS: _____

PHONE NUMBER: _____ E-MAIL: _____

DAYS AND HOURS OF OUTDOOR DINING OPERATION: _____

WILL ALCOHOLIC BEVERAGE BE SERVED IN OUTDOOR DINING AREA? ____ [YES] ____ [NO]

PLEASE ATTACH PHOTOGRAPH, DRAWING OR DEPICTION OF PROPOSED LOCATION AND LAYOUT WITH APPLICATION.

The undersigned applicant Restaurant seeks a temporary permit to use designated public space for temporary outdoor dining. The applicant understands and agrees that the permit, once issued, is subject to the following requirements:

- A. Except for the designated area, the use of public space shall not interfere with vehicular and pedestrian traffic, or access under the Americans with Disabilities Act.
- B. Temporary signage may be placed at or near the public spaces designated for outdoor dining purposes.
- C. The City reserves the right to determine on a case-by-case basis the suitability and appropriateness of the public space requested by the restaurant for outdoor dining.
- D. No permanent item or structure may be installed on City-owned public property.
- E. Temporary fencing not exceeding 3 feet tall shall be placed in a safe manner around the outdoor dining area.
- F. Dining tables shall be placed in a manner that observe six-foot social distance between groups of customers. Customers in the same household (or as specified within approved guidance documents) dining together are counted as one group and are exempt from this requirement while sitting at the same table(s).
- G. Restaurant shall comply with all applicable State, County and local laws and regulations pertaining to outdoor dining (including but not limited to sale and consumption of alcoholic beverages) and maximum capacities under this provision.

- H. No real property right is provided, given, or otherwise conveyed to any person or entity using City-owned public property for outdoor dining purpose. Any such use permitted hereunder shall cease upon termination of the local emergency, and the permittee shall return public property to the condition existing at the time of permit issuance.

- I. The applicant Restaurant shall maintain in full force and effect, at its sole cost and expense, Commercial General Liability insurance coverage for claims of bodily injury and property damage liability not less than \$1,000,000 for each occurrence , and if using City-owned public property, shall provide the City with an additional insured endorsement and primary and non-contributory endorsement naming the City of Folsom and its officers, agents and employees as additional insured.

- J. The applicant Restaurant shall indemnify, protect, defend, save and hold City, its officers, agents, and employees harmless from any and all claims or causes of action for death or injury to persons, or damage to property resulting from intentional or negligent acts, errors, or omissions of the Restaurant or its officers, employees, volunteers, and agents, or from any violation of any federal, state, or municipal law or ordinance, to the extent caused, in whole or in part, by the willful misconduct, negligent acts, or omissions of the Restaurant or its employees, subcontractors, or agents, or by the quality or character of the Restaurant’s operations. It is understood that the duty of Restaurant to indemnify and hold harmless includes the duty to defend as set forth in Section 2778 of the California Civil Code. Acceptance by City of insurance certificates and endorsements required under this Permit does not relieve Restaurant from liability under this indemnification and hold harmless clause. This indemnification and hold harmless clause shall apply to any damages or claims for damages whether or not such insurance policies shall have been determined to apply, and shall further survive the expiration or termination of this Permit. By execution of this Application, applicant Restaurant acknowledges and agrees to the provisions of this Section and that it is a material element of consideration.

- K. The intent behind our Temporary Outdoor Dining Permit is to make it easy for restaurants to temporarily expand their sitting capacity outside their indoor space. If you wish to serve alcoholic beverages outside of your premises, you will need to apply for the catering permit and pay a \$100 fee to the California Department of Alcoholic Beverage Control (ABC). Instructions for this process can be found at: <https://www.abc.ca.gov/abc-218-cv19-instructions/>

The City reserves the right to determine on a case-by-case basis the suitability and appropriateness of the public property requested by the Restaurant.

Dated: _____

Signature

Fee: NO FEE PERMIT

Print Name

The Community Development Department intends to process permits within 3 business days.