



City of Placerville

Development Services Department

3101 Center Street, Placerville, CA 95667

Planning (530) 642-5252 · Building (530) 642-5240 · Code Compliance (530) 642-5579

APPLICATION FOR TEMPORARY SIDEWALK DINING PERMIT

The City of Placerville is issuing no cost Temporary Sidewalk Dining Permits for restaurants that have space available to use public property and make use of City right-of-way. The requirements are listed in this permit application

NAME OF APPLICANT: _____

NAME OF RESTAURANT: _____

ADDRESS: _____

PHONE NUMBER: _____

BUSINESS LICENSE NUMBER: _____

DAYS AND HOURS OF OUTDOOR DINING OPERATION: _____

PLEASE ATTACH PHOTOGRAPH(S), DRAWING OR DEPICTION OF PROPOSED LOCATION, PICTURES OF FURNITURE LAYOUT (SITE PLAN), AND FURNITURE WITH APPLICATION; AND PROOF OF REQUIRED LIABILITY INSURANCE.

The undersigned applicant Restaurant seeks a temporary use permit to use designated public space (City-owned public property / rights-of-way) for temporary outdoor dining. The applicant understands and agrees that the permit, once issued, is subject to the following requirements:

- A. The use of City property (public space) shall not interfere with vehicular and pedestrian traffic, or access under the Americans with Disabilities Act (ADA).
- B. No permanent item or structure shall be installed on City-owned public property.
- C. Any temporary outdoor dining area fencing shall be placed in a safe manner and not exceed three (3) feet in height.
- D. Dining tables shall be placed as required by the El Dorado County Public Health Officer.

Sidewalk dining furniture shall be of quality design and materials constructed of metal and/or wood. All sidewalk dining furniture shall be removed from the right-of-way following business closure.

- E. A minimum four (4' 0") foot wide path of travel shall be provided and maintained along all pedestrian walkways from the public right-of-way and/or parking lot to all public building entrances. The minimum four-foot pathway of unobstructed passageway shall be measured from the dining area to edge of curb or to any obstruction including, but not limited to, light standards, benches, street trees, trash containers, and newsracks. No outdoor use may obstruct this required pedestrian clearance in any manner, regardless of the width of the sidewalk.

Should the width of the sidewalk be of inadequate width to provide for the minimum 4-foot pathway, the Restaurant may make application with the Engineering Department to install an extension of the sidewalk, or boardwalk, over the business frontage parking stall. Construction plans shall be submitted with an encroachment permit subject to review and approval of the City Engineer.

Placement of sidewalk dining furniture found not in compliance with these minimum standards shall be subject to the immediate removal by the City.

- F. Hours of operation for outdoor uses shall coincide with the hours of operation for the corresponding business with which the outdoor use is granted.
- F. All forms of speaker amplification associated with the outdoor dining provided under this permit process shall be prohibited.
- G. Smoking and/or vaping of any substance shall not be permitted within any sidewalk dining or seating area authorized pursuant to this permit.
- H. Restaurant shall comply with all applicable State and County laws and regulations pertaining to outdoor dining (including, but not limited to sale and consumption of alcoholic beverages) under this provision.
- I. 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 City-owned public property to the condition existing at the time of permit issuance.
- J. 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 shall provide the City with an additional insured endorsement and primary and non-contributory endorsement naming the City of Placerville and its officers, agents and employees as additional insured.
- K. The applicant Restaurant shall indemnify, protect, defend, save and hold City of Placerville, 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 work. 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.

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 for outdoor dining.

This permit shall remain in effect until (1) no longer needed by permittee, (2) the COVID-19 Proclamation of a State of Emergency is rescinded, or (3) is revoked by the City of Placerville. Revocation may occur as a result of a violation of the Placerville Municipal Code or if not in compliance with permit conditions.

Dated: _____ Applicant Signature: _____

Print Name: _____

FOR OFFICE USE ONLY:

☐ Approved

☐ Denied

Date: _____ Signature: _____

Pierre Rivas, Director
Development Services Department

File No. _____