



DUBLIN
CALIFORNIA

CITY OF DUBLIN
COMMUNITY DEVELOPMENT DEPARTMENT

COVID-19 RELIEF TEMPORARY USE PERMIT APPLICATION

The Dublin City Council has authorized the waiver of certain Zoning Ordinance requirements to facilitate business operations, including long-term temporary outdoor seating for eating and drinking establishments, affected by COVID-19 and the related public health orders. The purpose of this application is to request a Temporary Use Permit that facilitate business operations but may deviate from certain development standards established by the Zoning Ordinance provided they are temporary in nature and do not increase the general intensity of use.

I. APPLICATION REQUIREMENTS

- Application Fee¹
- Certificate of Insurance naming City of Dublin as additional insured in the amount of \$1,000,000.
- Signed copy of completed COVID-19 Relief Conformance Checklist.
- Site plan or aerial photo identifying the location and dimensions of the proposed outdoor activity area, any fire hydrants located immediately adjacent to the proposed area, and any proposed physical structures, such as barriers, tents/canopies, signage, tables and chairs.

If your COVID-19 Relief Temporary Use Permit is approved, the City may schedule an onsite meeting to ensure all aspects of the use are in accordance with the Conformance Checklist and applicable laws.

II. PROJECT INFORMATION

Type of Temporary Use: _____
(Example: Outdoor Seating; Outdoor Merchandise Display; etc.)

III. AUTHORIZATION AS OPERATOR/AGENT

OPERATOR/AGENT: In signing this application, I certify that I am the Operator of record, or an Authorized Agent of the Operator, and that I have full legal capacity to, and hereby do, authorize the filing of this application. I understand that there is a Conformance Checklist for the proposed temporary use that must be adhered to in addition to any applicable Federal, State, County and/or City requirements for operation. I agree to comply with all parts of the Conformance Checklist. I understand that the proposed temporary use shall not be established prior to receiving approval of a Temporary Use Permit from the Community Development Department. I also acknowledge that applications may be approved, conditionally approved, or denied, and that the City has sole discretion to modify or revoke a Temporary Use Permit at any time for any reason.

Name: _____ Title: _____

Business Name: _____ Phone: _____

Business Address: _____

Email: _____

Signature: _____ Date: _____

Operator Name: _____ Phone: _____

(if different from above)

Email: _____

¹ The City will be offering an American Rescue Plan Act (ARPA) funded grant to pay application fees on behalf of eating and drinking establishments. No application fee is required until the ARPA Budget is exhausted or September 30, 2022, whichever occurs first.

COVID-19 Temporary Use Permit Conformance Checklist

Instructions: Please check one of the following boxes for each row to confirm if you and/or your proposed temporary outdoor use, as applicable, will comply or do agree (yes), not comply or disagree (no), or is not applicable (N/A) with the requirements and standards associated with temporary outdoor activities. If you check “No,” please contact the City to clarify how your proposal may be brought into compliance, or what additional permits are required.

General Operating Requirements				
1.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Timeframe: The duration of permitted temporary outdoor activities will be limited to the timeframe of public health orders of the federal, state, or county government designed to slow the transmission of COVID-19, or September 30, 2022, whichever occurs first. All activities authorized under this application will be temporary in nature and granted solely to enable businesses to operate in compliance with social distancing. Operator/Agent understands and agrees that permitted temporary outdoor activities confer no vested rights to any ongoing or continued activities.
2.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Intensification of Use: The temporary outdoor activities will not result in an increase in general intensity of the business beyond what is currently permitted (i.e., the restaurant will have the same or less seating capacity).
3.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Cessation of Use: The temporary outdoor activities and all associated improvements, structures, and installations will be removed, and the area returned to its previous condition within 10 days of the end of state and county health orders regarding social distancing and COVID-19, or September 30, 2022, whichever occurs first.
4.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Hours of Operation: The temporary outdoor activities will comply with the hours of operation allowed under any existing use permit or, in the absence of an existing use permit, will start no earlier than 9:00 a.m. or extend beyond 11:00 p.m. Set-up and break-down will occur no earlier than 8:00 a.m. nor later than 11:30 p.m.
5.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Nuisance: The temporary outdoor activities will be conducted without causing a nuisance (such as noise or odors) to adjacent properties.
6.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Amplified Sound: Loudspeakers and amplified music will comply with the requirements of any existing use permit or, in the absence of an existing use permit, will be limited to between 10:00 a.m. and 9:00 p.m. No excessive noise will be audible off-site at any time in accordance with Dublin Police Service requirements.
7.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Restrooms: Restroom facilities will be made available to patrons.
8.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Permanent Changes: No permanent changes to the area will be made, such as bolting items to the ground or other street furnishings.
9.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Parking: No more than 20 percent of the required parking for an eating and drinking establishment will be occupied by temporary outdoor seating.

10.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Umbrellas: Umbrellas will have no more than two colors. Logos or the name of the eating and drinking establishment may be printed on the canvas. No logos for products sold within the eating and drinking establishment will be printed on the canvas.
Public Works Department Requirements				
11.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Waste and Debris: Adequate waste receptacles will be provided both within and around the temporary outdoor activities. The business operator will be responsible for daily pick-up of discarded and wind-blown waste, and debris at the premise and the surrounding areas. Trash capture devices and storm drain inlets will always be kept clean of trash and debris (i.e., no paper napkins or menus in the inlets).
12.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Safety Measures: Temporary outdoor activities within areas accessible by vehicles will be clearly identified and delineated with traffic control measures (i.e., barricades, cones, signs, etc.) to ensure separation of pedestrians and vehicles without blocking pedestrian or vehicular access. Messaging on all temporary directional or parking lot signs will be clear and legible.
13.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Vehicle Access and Pedestrian Movement: All facilities associated with the temporary outdoor activities will not obstruct pedestrian movement on walkways, existing vehicular access will remain open, driver's sight distance will not be obstructed, fire protection appliances or fire lanes will not be blocked, building entrance will be kept clear, and pedestrian traffic will not be shifted into driveway or fire lane aisles.
14.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Stormwater Management: No areas of typical patterns of water flow for storm water (i.e., gutter pan, low spots, etc.) will be blocked and no tables and chairs will be placed in areas that may pond or flood.
Building and Safety Division Requirements				
15.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Private Property: All temporary outdoor activities will be located on private property and will not encroach into the public right-of-way.
16.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Exits: Fenced in areas will be provided with a clear exit path(s).
17.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Electrical Equipment: A building permit will be obtained for new or temporary electrical equipment (including the installation of extension cords or lights). Extension cords will not be used in lieu of permanent wiring. All exterior receptacles will be provided with Ground Fault Protection.
18.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Portable Heaters: Portable heaters will not be installed, or used.
19.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Fire Safety: Access to fire hydrants, Fire Department connections for automatic sprinkler systems, and entrances and exits of all buildings will not be obstructed at any time by barriers or seating.
20.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Securing Temporary Structures: Tents, canopies, and/or umbrellas will be secured to the ground to avoid wind lift.

21.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Automobile Travel Lane Separation: Temporary outdoor activities will be separated from adjacent automobile travel lanes by an approved barrier or adequate separation distance.
22.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Accessible Parking and Accessible Routes: Existing accessible parking spaces and accessible routes will not be blocked and will remain useable by authorized vehicles.
23.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Access: Access to temporary seating or display will be accessible as required by the California Building Code and the Americans with Disabilities Act. Accessible route will be a minimum of 48-inches wide with a 5% slope with a 2% cross slope.
Code Enforcement Requirements				
24.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Property Damage: All public or private property will be restored to its prior condition upon completing the temporary use with associated costs borne by the Operator/Agent.
25.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Merchandise: All merchandise will be stored inside the building when the business is closed.
Other Regulatory Agency Requirements				
26.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Tents/Canopies: A separate review, approval, and issuance of a fire code operational permit by the Alameda County Fire Department (ACFD) will be obtained for tents open on all sides with a cumulative total floor area of 700 square feet or more and/or tents with one side or more in excess of 400 square feet to ensure compliance with 2019 California Fire Code Requirements as adopted by the City of Dublin. (Phone number: 925-833-6606)
27.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Department of Alcohol Beverage Control Approval: Any applicable permits/approvals, such as a Temporary Catering Authorization approval, from the California Department of Alcohol Beverage Control will be obtained prior to sale of alcoholic beverages in the area beyond the licensed footprint. (www.abc.ca.gov)
28.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Alameda County Health Care Services Agency – Environmental Health Department: Any applicable permits/approvals from the Alameda County Health Department will be obtained prior to commencement of the temporary activity (Phone number: 510-567-6700).
29.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Dublin San Ramon Services District: Any applicable permits/approvals from the Dublin San Ramon Services District will be obtained prior to use of outdoor seating. (www.dsrds.com ; Phone Number: (925) 828-0515)
30.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Indemnification: The Operator/Agent will defend, indemnify, and hold harmless the City of Dublin (including its elected officials, officers, employees, agents, and volunteers) from and against any and all claims (including litigation, demands, damages, liabilities, costs, and expenses, including court costs, interest, and attorney’s fees) at any time arising out of or in any way connected with the City’s review and/or approval of this Temporary Use Permit and/or any actions pursuant to the Temporary Use Permit taken by the Operator/Agent (except only for those claims arising from the City’s sole negligence, willful

				misconduct, or active negligence, as defined by California Civil Code Section 2782).
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By signing below, I certify that I have read this application and the above information is correct to the best of my abilities. I agree to comply with all applicable federal, state, county, and city government laws.

Signature: _____ **Date:** _____

For additional resources for small businesses, please visit the City's [COVID-19 Business Resource Guide](#).

-----**STAFF USE ONLY**-----

Signature: _____ **Date:** _____

Title: _____ **PLCD-** _____

Staff comments (where “no” responses are recorded, how has it been demonstrated that the activity will not be detrimental):

Outdoor Seating Examples

The following are good examples of outdoor seating for reference.



Examples of sidewalk dining

Examples of outdoor dining in a private plaza/courtyard (top) and along a sidewalk (above)