

## **I. PROGRAM OVERVIEW**

The Outdoor Operations Grant Program (“Program”) aims to assist local eating and drinking establishments and retail establishments in the City of Dublin looking to establish or enhance outdoor seating and operations. The Program seeks to reimburse a variety of eligible expenses related to permanent outdoor operations incurred by the business.

The Program offers a grant of up to \$50,000 for businesses with approved Planning permits for outdoor operation improvements that are permanent in nature. Additionally, the Program may waive permit fees which include Staff time associated with processing a permit related to outdoor operations. The Program will accept applications on a first-come, first-served basis while funds are available.

This Program is available to eligible business owners within City limits. The long-term objective is to promote outdoor operations as an avenue to support business traffic and long-term health.

## **II. PROGRAM COMPONENTS**

### **A. Outdoor Operation Grant**

This grant provides for reimbursement of up to Fifty Thousand dollars (\$50,000) for permanent outdoor operation installation or improvements with no match requirement. Projects must be completed within 12 months of grant approval or Building Permit issuance.

Grant proceeds are to be used for labor and materials directly related to the outdoor operation installation or improvements. Tools may not be purchased with grant funds, but tool rental is allowable.

All improvements completed through the Program are considered “public work” as that term is used in Section 1720 of the California Labor Code. In accordance with Labor Code section 1720 et seq., prevailing wages shall be paid for all improvements. Use of volunteer labor is not allowed. All estimates and payments for construction and installation of outdoor operation installations and improvements shall include prevailing wages, and shall otherwise comply with the provisions of Sections 1773.8, 1775, 1776, 1777.5, 1777.6 and 1813 of the California Labor Code and all other applicable laws and regulations with respect to prevailing wages. Participants in the Program are responsible for ensuring that the improvements are in compliance with the Prevailing Wage Law.

Disbursement of grant proceeds to approved applicants will be in a reimbursement payment issued after the City deems the project complete, and upon the submission of invoices and proof of payment, and subject to approval of those invoices and proofs of payment by Staff. Construction shall be completed within 120 days after the City issued Notice to Proceed. If the project extends beyond the scheduled completion date, prior Staff approval is required.

Applications will be reviewed on a case-by-case basis as Program funding allows.

#### **a. Fee Exemption**

Applicants for this Program are exempt from planning and building permit fees by the City Manager, who is authorized to waive City fees associated with this Program. This fee exemption does not apply to fees mandated by the State of California including, but not limited to, the Strong Motion Instrument program fee and the California Green Building fees. The fee exemption will be deducted from the balance of the grant.

### **III. ELIGIBILITY**

#### **A. Eligible Applicants**

Business owners in commercially zoned property locations are eligible to apply for assistance. Eligible establishments:

- a. Must be physically located in the City of Dublin
- b. Must apply for a Site Development Review Waiver (SDRW) or Site Development Review (SDR) for outdoor seating/operations
- c. Must possess a valid City of Dublin Business License
- d. Must be in good standing with the City
- e. Must be an eating or drinking establishment (i.e., restaurant, bakery, bar, brewery, café, coffee/tea, etc.)
- f. Must Not be a corporately owned chain/franchise store
- g. Must Not be a home-based business or hotel

#### **B. Eligible Types of Improvements**

All improvements shall conform to City Building Codes, Zoning Ordinance, and applicable Design Guidelines. Eligible improvements include, but are not limited to:

- Construction of outdoor dining or gathering spaces
- Furniture
- Shade sails, umbrellas, and other weather protection
- Signage and non-affixed structures
- Lights, heaters, safety barricades, etc.
- Physical improvements to install a patio, deck, shade structure, wheelchair-accessible ramp, etc.
- Dublin San Ramon Services District sewer capacity fees (considered on a case-by-case basis)
- Cost of architecture/design services, etc. (limit of up to \$5,000)

Additional improvements that are deemed to be consistent with the intent of the Program will be reviewed and approved/disapproved on a case-by-case basis.

### **IV. Grant Process**

A. Community Development Review. Applicants will meet with representatives from Planning to review the permit process and answer any questions the applicant may have. At that time, the applicant should determine if they need to complete a Site Development Review application or Site Development Review Waiver. If a business owner intends to apply for a grant, Staff will set up a project account to charge Staff time to.

- i. Depending on the scope and complexity of the project, applicants may also have to connect with representatives from Building, Fire, and/or Public Works and the

Dublin San Ramon Services District to understand the entitlement process and associated fees.

- B. Planning Application Submittal. The applicant is responsible for submitting a complete planning application and project plans prepared by a licensed professional through the Planning Division.
- C. Apply for Grant Funds. The applicant shall submit a completed grant application detailing all exterior improvements and an itemized estimate of the total project cost. Be as specific as possible. The project list may contain improvements beyond what would be funded by the grant. All proposed project elements must be approved by the Community Development Director or their designee prior to being accepted into the Program.
- D. Review Process. All grant applications will be reviewed by Staff and then brought before the City Council Economic Development Committee to select grant awardee.
- E. Grant Determination and Grant Funds Reserved. Upon selection of a grant awardee, an agreement will be signed between the applicant and City, and the funds will be reserved.
- F. Building Permit Approval (as applicable). If a Building Permit is required, the applicant is responsible for submitting plans that meet all Code requirements through the Building Division.
- G. Complete Work. After receiving all required approvals and permits the applicant shall complete the improvements within twelve (12) months from building permit issuance or for non-building permit projects, from the agreement execution date. The applicant shall be responsible for contacting Staff to request an extension if necessary; an extension is not guaranteed.
- H. Submit invoices, receipts, and proof of payment. Disbursement of grant proceeds to approved applicants will be in a reimbursement payment issued after City deems the project complete. All reimbursement requests must include proof of payment and other supporting documentation, as deemed necessary by the City (i.e. invoices, cancelled checks, etc.), sufficient to demonstrate to the City's satisfaction that all improvement costs have been paid. Grant funds must be used within one year of approval or funds will be forfeited.

## **V. FUNDING**

Funding for this Program is appropriated by the Dublin City Council as part of its budget process. There is no guarantee of the amount of funds that will be appropriated each year. Funds for the Program are available on a first-come, first-served basis. If funds are exhausted at the time of application submittal, Staff will retain the application. If additional funds become available, Staff will contact applicants in the order applications were received.

The City of Dublin reserves the right to cancel or modify this Program at any time prior to grant approval, without notice. Continuation of the Program is subject to sufficient funding as appropriated by the Dublin City Council.

## **VI. IMPLEMENTATION WORK**

All improvements shall conform to the City of Dublin Building Codes, Zoning Ordinance, and applicable Design Guidelines. Proposed remodels are required to comply with Chapter 8.104 of the

Site Development Review Chapter of the Zoning Ordinance. Project improvements commenced prior to the City's issuance of a Notice to Proceed are not eligible for this Program.

Staff will be available to work with approved applicants to assist in the coordination of the project and may carry out periodic inspections.

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I, \_\_\_\_\_ have read and received a copy of these guidelines.  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature