



**Public Works Department  
Planning and Community Development Department**

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**OUTDOOR DINING PERMIT**

Business Owner's Name:		Business License Number:		Business License Exp. Date:	
Business Name/Doing Business As:			Business/Site Assessor's Parcel Number:		
Business/Site Address:					
Business Owner's Phone Number(s):			Business Owner's Email:		
Permittee's Name (If different than Business Owner above):					
Permittee's Mailing Address:					
Permittee's Phone Number(s):			Permittee's Email:		
Property Owner's Name:					
Property Owner's Mailing Address:					
Property Owner's Phone Number(s):			Property Owner's Email:		
Improvements/items included in Outdoor Dining Facility (check all that apply):					
<input type="checkbox"/> Café table and chairs		<input type="checkbox"/> Planter		<input type="checkbox"/> Bike rack(s)	
<input type="checkbox"/> Barrier/fencing		<input type="checkbox"/> Bench		<input type="checkbox"/> Umbrellas	
<input type="checkbox"/> Canopy/Awning		<input type="checkbox"/> Other: _____			
Type of Surface:					
<input type="checkbox"/> Bison/Buzon/Elevated Deck Systems/AWS <input type="checkbox"/> Pavers/brick over Sand <input type="checkbox"/> Poured in Place Concrete <input type="checkbox"/> Other: _____					
Note: Surface types other than those noted as approved surface types in the Program Guidelines and Poured in Place Concrete (recently approved as an allowed surface type by the Design Review Board) require approval by the Design Review Board and a separate Building Permit.					
Number of Parking Spaces Used: (round up for any partial use of parking space):			Are the parking spaces located entirely in front of the storefront associated with this permit? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Will electricity (e.g. lighting) or water (e.g. irrigation for plantings) be provided to the outdoor dining facility?					
<input type="checkbox"/> Electricity <input type="checkbox"/> Water <input type="checkbox"/> Electricity and Water					
Note: If water or electricity will be provided, a separate Utility Permit is required.					
Will the item(s) be removed at the close of business each day?					
<input type="checkbox"/> Yes <input type="checkbox"/> No (If no, application for and approval of a Minor Use Permit is required)					
Will the Outdoor Dining Facility include heaters?					
<input type="checkbox"/> No <input type="checkbox"/> Yes (If yes, approval from the Building Official and/or Fire Marshal is required)					
Will music be provided?					
<input type="checkbox"/> No <input type="checkbox"/> Yes (If yes, please describe type of music provided)					
Note: Some types of music require application for and approval of a Minor Use Permit.					
Is any signage proposed?					
<input type="checkbox"/> No <input type="checkbox"/> Yes (If yes, show this on the plans)					
Note: signage is limited to business name on umbrella fringe and requires approval of a Sign Permit.					

Will alcohol be served within the Outdoor Dining Facility?

No  Yes

Note: Serving alcohol is allowed only when in compliance with the requirements for alcoholic beverages included in the Program Guidelines and UCC section 6000(b). Information and documentation demonstrating compliance is required to be submitted as part of this application.

Is this Outdoor Dining Permit Application (check one):

New Application  Annual Renewal

### Submittal Requirements Checklist

(for additional information see the Outdoor Dining Program Guidelines):

- Outdoor Dining Permit** (Completed and Signed)
- Site Plan** (5 copies, see Program Guidelines for information required to be provided on the site plan)
- Furnishings Specifications/Details** (e.g. tables, chairs, umbrellas, heaters, planters, fencing/barriers, etc.)
- Lighting Plan** showing fixture and lamp type, location, and number
- Operational Schedule** (days, hours, and months of operation)
- Project Area Photos** (include adjacent buildings & windows to demonstrate impact on neighboring businesses)
- Evidence of Comprehensive Liability Insurance**
- Evidence of Workers Compensation**
- Hold Harmless Indemnification Agreement** (Signed)
- Copy of City of Ukiah Business License for the Restaurant associated with the Outdoor Dining Facility**
- Outdoor Dining Program Fee (\$250) /  Annual Renewal Fee (\$50)**
- Usage Fee** (Calculated at 25-cents per square foot times the square footage of the parking space(s) used. The fee is based on the total square footage of any parking space used. Partial use of a parking space is calculated based on the total square footage of the parking space since the parking space is rendered unusable).

**Please Note:** If the property owner is different than the business owner and/or permittee, a courtesy notice informing the property owner of the submittal of this application along with a copy of the completed application will be sent to the property owner. The intent of the courtesy notice is to inform the property owner of the application and to provide an opportunity for the property owner to review the application and plans. The notice to the property owner does not grant the property owner the ability to approve, deny, or place conditions on the permit.

I certify that the information provided in this application and associated plans and submittal documents are true and accurate to the best of my knowledge.

I hereby authorize employees of the City of Ukiah, the City's authorized agents, and persons with review or decision making authority for the permit to enter upon the subject property, as necessary, to inspect the premises, post notices, and process this application.

**Business Owner/Permittee Name:**

**Business Owner/Permittee Title:**

**Business Owner/Permittee Signature:**

**Date:**

## General Permit Requirements

1. All additional requirements applied to this permit (see below).
2. The outdoor dining facility shall be in conformance with the approved plans, specifications and details, and all conditions and requirements placed on the Permit for the outdoor dining facility.
3. The outdoor dining facility shall comply with California State accessibility standards and federal ADA requirements.
4. Permanent changes to the public right of way are not permitted. Any street, sidewalk, or City improvements, furnishings, and utilities damaged or destroyed by the outdoor dining use and/or facility shall be replaced to City standards with the cost borne by the permittee.
5. Furnishings and decorations shall not encroach beyond the permitted use area or overhang pedestrian or vehicular circulation paths.
6. All outdoor dining facility furnishings shall be maintained in a safe and clean condition. Furnishings shall be secured within the Outdoor Dining facility or stored indoors nightly.
7. The approved outdoor dining facilities shall be maintained in an attractive, clean (free from spills, litter and other debris) and safe manner.
8. No signage shall be allowed in the outdoor dining area except for the name of the establishment on an umbrella fringe and in compliance with this Section and UCC Division 3, Chapter 7 (Sign Ordinance, UCC Section 9224.8(D8)).
9. To minimize litter and debris, where table wait service is provided, or food is served to the customer on a tray to be taken and eaten on site in the dining area, plates, glasses, cups and silverware made of permanent (non-disposable) materials such as glass, ceramic, and metal shall be required. Beverage, or "cocktail" napkins are prohibited. The use of disposable food containers and utensils is permitted only where food is served to the customer "to go."
10. To minimize litter and debris, trash and refuse receptacles shall not be permitted within the area designated for the outdoor dining and the permittee shall remove trash and litter as they accumulate.
11. An outdoor dining installation in the street will impede regular mechanical street sweeper operations. The Permittee or his/her designee shall pick up all leaf litter and other debris up on the street, gutter, and drainage way areas adjacent to, and under, the outdoor dining installation on a weekly or as needed basis. Drainage ways shall be checked for blockages prior to, and after, rain events.
12. This Permit is valid from the date of permit approval to December 31. The applicant may be renewed as provided for in the Outdoor Dining Permit Program Guidelines.
13. An Outdoor Dining Program Permit is an interruptible privilege. The City may interrupt the operation of an outdoor dining use at any time due to anticipated or actual conflicts. Such conflicts may arise from, but are not limited to, scheduled festivals and similar events, parades or marches, repairs or upgrades to the street, sidewalk, utilities, or other public improvement within the public right of way, or demonstrations or emergencies occurring in the area. Outdoor dining uses shall be permitted to continue during special events unless the City of Ukiah specifically requests that the use temporarily discontinue for the duration of the event. Such request may include the removal of all use furnishings.
14. **Insurance Requirements:** The Business shall procure and maintain for the duration of the permit General Liability insurance against claims for injuries to persons or damages to property which may arise from or in connection with the right-of-way encroachment. The General Liability coverage and policy is to contain, or to be endorsed to contain, the following provisions:
  - A certificate of General Liability insurance in the minimum amount of \$2, 000,000 (**the amount of coverage for this specific permit is included in condition #17 below**) combined single limit per occurrence for bodily injury, personal injury and property damage. If commercial general liability insurance or other form with a general aggregate limit is used, either the general aggregate shall apply separately to this project/location or the general aggregate shall be twice the required occurrence limit.
  - The City, its officers, officials, employees, and volunteers and the property owner are to be covered as additional insured with respect to liability arising out of the public right-of-way encroachment owner, leased, hired, or borrowed by or on behalf of the Business; and with respect to liability arising out of right-of-way encroachment on behalf of the Business including materials, parts, or equipment in connection with such right-of-way encroachment. General liability coverage can be provided in the form of an endorsement to the Business's insurance, or as a separate owner's policy.
  - The Business's insurance coverage shall be primary as respect to the City, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, or volunteers shall be excess of the Business's insurance and shall not contribute with it.
  - The insurance policy required by this clause shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City.
  - Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in anywhere an agreement to indemnify the additional insured would be invalid under subdivision (b) of section 2782 of the Civil Code.
15. Outdoor Dining Program Permits are not transferable to a new owner and/or location.
16. Permittee agrees to waive any claim it might have against the City of Ukiah ("City") or its officers and employees for death to

any person, personal injury, or property damage, resulting from the use of City right-of-way for the right-of-way encroachment authorized by this permit. Permittee agrees to indemnify and hold the property owner and the City and their officers and employees harmless from and against any claim by any person or entity arising out of Permittee's activities under this permit, for damages resulting from the death of any person, personal injury, or property damage, including all costs associated with defending against any such claim, except for deaths, personal injuries, or property damage resulting solely and exclusively from the active negligence of the property owner and/or City or their officers or employees.

**Special Permit Conditions**

**17. The amount of insurance required for this permit by general permit requirement #14 is \$**

**I have read and agree to comply with all of the above.**

**Signatures for Indemnification Agreement and Agreement to Comply with Permit Requirements**

<b>Business Owner/Permittee Name:</b>	<b>Business Owner/Permittee Title:</b>
<b>Business Owner/Permittee Signature:</b>	<b>Date:</b>

**STAFF USE ONLY**

**Number of Parking Spaces Removed:**

**Special Conditions Applied to this Permit?**

Yes                       No

**Outdoor Heaters Approved as Part of this Permit?**

Yes                       No                       N/A

**Live or Non-Live Entertainment Included As Part of this Permit?**

Yes                       No      If yes, type of entertainment:

**Alcohol Service Approved as Part of the Permit?**

Yes                       No      If yes, ABC license number and license type:

**Business is open for at least the minimum number of days and hours (days, hours, and months of operation) required by the Outdoor Dining Program requirements adopted by the City Council?**

Yes                       No

<b>Comprehensive Liability Insurance</b> (policy # and expiration date):	<b>Evidence of Workers Compensation</b> (policy # and expiration date):
<b>Building - Reviewed and Approved by (signature &amp; date):</b>	<b>Public Works - Reviewed and Approved by (signature &amp; date):</b>
<b>Planning - Review and Approved by (signature &amp; date):</b>	<b>Other – Review and Approved by (signature &amp; date):</b>
<b>Risk Management - Review and Approved by (signature &amp; date):</b>	<b>Risk Management Insurance Coverage Requirement (Condition #17 above):</b>

<b>Amount of Usage Fee for this Permit:</b> \$	<b>Program Fee for the Permit (new/renewal):</b> \$	<b>\$ Total Fee for this Permit:</b>
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<b>Effective Date:</b>	<b>Expiration Date:</b>
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<b>Date Issued:</b>	<b>Issued By:</b>	<b>Outdoor Dining Permit Number:</b>
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# SAMPLE PLOT PLAN

