



TEMPORARY OUTDOOR BUSINESS PERMIT

This permit is for the allowance of various business activities to be conducted temporarily outdoors, in accordance with state orders and in the interest of allowing some relief due to circumstances caused by the COVID-19 virus. This following information provides the regulatory process required by the City of Seal Beach to allow temporary outdoor business activity. Additional requirements may be imposed by County, State or Federal agencies. The City will closely monitor government policy changes, Center of Disease Control (CDC) guidelines, government mandates, and Public Health directives and provide on-site and online support to businesses and property owners.

OUTDOOR BUSINESS LOCATIONS:

The locations available for temporary outdoor business activity are limited to private property and public sidewalks within the Main Street business corridor. Other public property locations may be considered on a case by case basis and preliminary discussion with City staff is encouraged prior to application submittal for this option.

GENERAL REQUIREMENTS:

Each business may apply for one temporary outdoor business space. This space shall be actively used for retail display and providing services that cannot be conducted or are encouraged to be outdoors due to COVID-19.

Location: The temporary outdoor business activity area must be set up in an area that can properly accommodate such a use. The activity area shall be located on the same property or within close proximity to the business. However, certain activities or services may be able to locate at a greater distance when deemed necessary (e.g. fitness class in park).

ADA Access: The temporary outdoor business activity area shall not interfere with access under the Americans with Disabilities Act. A minimum 5-foot clear hardscape unobstructed ADA access must be maintained on all public sidewalk/walkway areas and a minimum 4-foot clearance for all private sidewalk/walkway areas.

Merchandise, Fixtures and Furnishings: All equipment, merchandise, tables, chairs, equipment, etc. shall be removable, maintained in good visual appearance and condition at all times. Pop-up umbrellas and canopies must be secured at all times to ensure safety. The placement of all items within the activity area shall adhere to all applicable social distancing requirements.

Hours: Unless hours of operation are expressly extended or restricted by the permit, hours of operation shall be limited to daylight hours only.

Permit Duration: Temporary outdoor business activity permits shall expire at the end of the Statewide Declaration of Public Health Emergency unless extended by the Seal Beach City Council.

Miscellaneous Items:

- A temporary outdoor business activity shall be consistent with the permitted use indicated on the existing Seal Beach business license for businesses located in a commercial or industrial zoned area.
- All merchandise, tables, chairs, and equipment shall be moved indoors or properly secured when business is not in operation. No outdoor storage is permitted.

- Umbrellas, canopies and other decorative material shall be fire-retardant, pressure-treated or manufactured of fire-resistant material. No portion of an umbrella or canopy shall be less than six (6) feet, eight (8) inches (eighty (80) inches) above any surface and shall not extend beyond the temporary outdoor business area.
- Signage associated with the temporary outdoor business activity area shall be identified with the permit.
- The temporary outdoor business activity shall not create offensive noise or odors.
- Smoking and vaping shall be prohibited within the temporary outdoor business activity areas.

** A full list of operating standards are provided below.*

The City reserves the right to modify or remove a temporary outdoor business activity area that (i) creates an obstruction to, or causes congestion of, pedestrian or vehicular traffic due to existing conditions on the surrounding public right-of-way if it finds the installation represents a danger to the health, safety or general welfare of the public (ii) a business violates the requirements of the temporary outdoor business activity permit or any applicable State, County or Local orders.

The City may require the temporary or permanent removal of the temporary outdoor business activity area when redevelopment or improvements of the street or sidewalk, or utility repairs necessitates such action, or the permittee fails to comply with the criteria set forth in existing City ordinances. Any costs incurred by the City for removal or storage of merchandise, tables, chairs and other equipment shall be the responsibility of the business. The City is not responsible for any damages or loss of equipment removed pursuant to this subsection.



Permit Number: _____

City of Seal Beach

211 8th Street, Seal Beach, CA 90740

Phone (562)-431-2527

Sealbeachca.gov

APPLICATION FOR TEMPORARY OUTDOOR BUSINESS PERMIT

Legal Name of Business			
Business Address	City	State	Zip
Business Owner's Name		Phone	Email

24-HOUR CONTACT INFORMATION:

Business Contact's Name and Position		Signature
Date	Phone (24-hour)	E-mail

PERMISSION FROM PROPERTY OWNER:

Property Owner's Name	Property Owner Address	City/State/Zip	
Property Owner's Signature (confirming affidavit below)	Date	Phone	Email

Application is hereby made for use of a temporary outdoor business activity area during the COVID-19 pandemic. I/We _____ (Name & Organization) hereby certify that the above information is complete and I/we will be responsible for adhering to all conditions of approval and providing all applicable permits and accessibility in accordance with standards set by State, Federal and local laws.

Signature of Applicant	Date
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APPLICATION SUBMITTAL CHECKLIST

- Written permission and signature from property owner (*if applicable*).
- Copy of City of Seal Beach Business License.
- Executive summary of your business (scope of business).

- Site Plan with accurate, dimensioned, scaled drawings showing the area proposed for temporary outdoor business, business storefront, storefronts adjacent to the business, sidewalks, and streets. Size and font must be legible.
 - Delineate and dimension the area proposed for the permit.
 - Show and label all proposed furniture and appurtenances requested to be placed within the proposed permit area.
 - Provide north arrow, scale, street name, business address, and business name.

Community Development <input type="checkbox"/> Approved <input type="checkbox"/> Denied	Date: _____	Comments: _____ _____
Planning <input type="checkbox"/> Approved <input type="checkbox"/> Denied	Date: _____	Comments: _____ _____
Building: _____	Date: _____	Comments: _____
Public Works: _____	Date: _____	Comments: _____ <input type="checkbox"/> Emailed
Police: _____	Date: _____	Comments: _____ <input type="checkbox"/> Emailed
OCFA: _____	Date: _____	Comments: _____ <input type="checkbox"/> Emailed

TEMPORARY OUTDOOR BUSINESS STANDARDS, please each standard, identifying that they have been reviewed.

- Permittee shall erect no permanent structure within the temporary outdoor business area.
- Business must be in good-standing with the City, have a valid business license, no pending code enforcement matters, and not be delinquent in the payment of any business license fees or taxes owed the City.
- All areas utilized for temporary outdoor business must be made safe for customer use.* Applicant acknowledges that temporary outdoor business area is within a space not originally intended for such use. Surface conditions, weather and other outdoor elements may provide certain risks or limitations that the business is aware of and acknowledges.
- Temporary outdoor business areas shall be properly delineated. Owner shall maintain at all times during use and ensure dining area does not exceed delineated area.
- No tents or canopies are allowed within the temporary outdoor business area without prior City approval.
- Temporary outdoor business areas must adhere to and maintain *ADA accessibility* while in use.
- Temporary outdoor business areas must be operated in compliance with all applicable *State and County Health Guidelines*, as well as any orders and guidance issued by state and local health officers; as they may be modified from time to time.
- Temporary outdoor business areas shall open no earlier and close no later than the regular business hours except the areas must close by dark.
- There shall be no permanent installations of chairs, tables, canopies, etc.
- Temporary outdoor business areas must completely remove or secure all merchandise, tables, chairs, and other equipment at the end of each business day.
- Temporary outdoor business areas shall be kept clean of all trash, debris, spills, etc. at all times during use.
- Smoking and vaping shall be prohibited within the temporary parklet dining area.
- Use of electrical cords shall be secured at all times so as to prevent trip hazards and ensure ADA compliance.
- Placement of merchandise or any activity on a public sidewalk shall require a minimum unobstructed sidewalk width of no less than 5 feet.
- No portable generators shall be used without prior City approval.

REFUSAL OR REVOCATION OF PERMIT: Violation of any provision of this permit, or any federal, state, county or local health regulations shall be grounds for revocation of the encroachment permit.

Signature of Applicant

Date

SITE PLAN SUBMITTAL CHECKLIST

Site Plan shall be an accurate, dimensioned drawing showing the business storefront, storefronts adjacent to the business, and the full sidewalk, street, and parking area in the proposed permit area. Size and font must be legible.

- Delineate and dimension the area proposed for the permit.
- Show and label all proposed merchandise locations, furniture and/or appurtenances requested to be placed within the proposed permit area.
- Provide north arrow, scale, street name, business address, and business name.
- Provide all property plans on plan.

How to Create a Site Plan

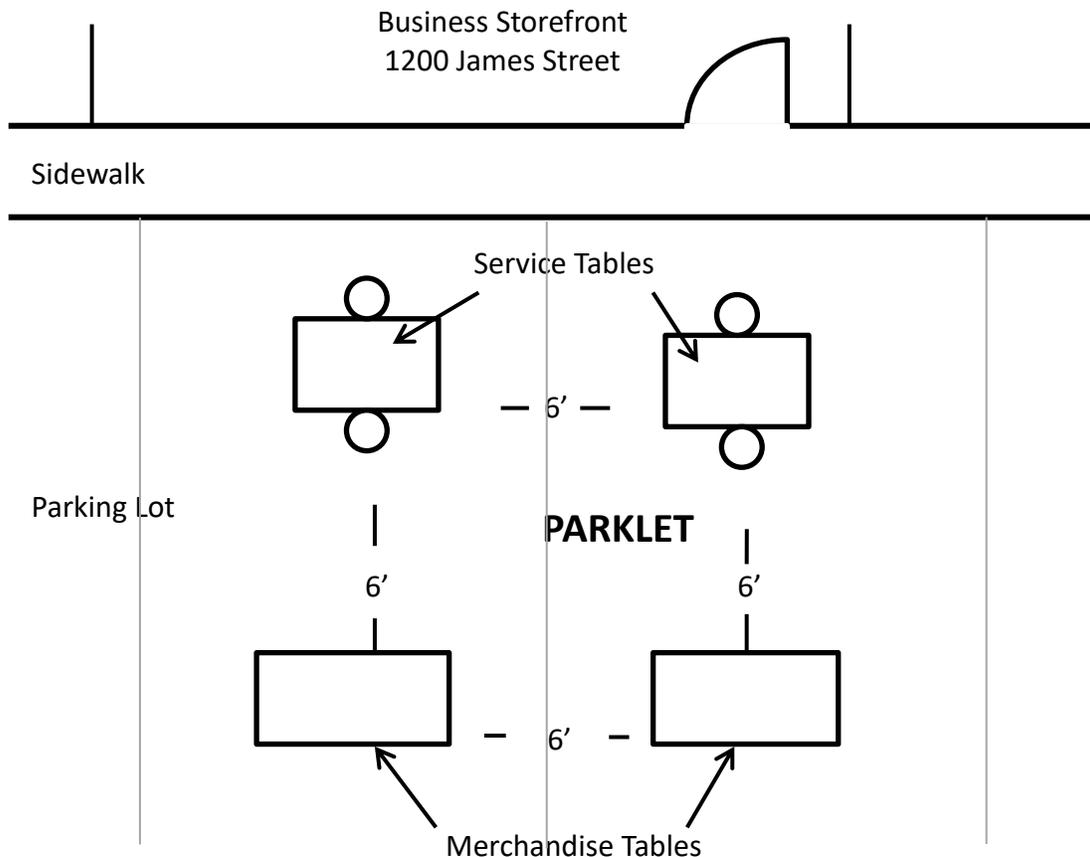
The following steps will help you create the needed site plan.

Step 1. Using Google Maps, take a screenshot of your business and the area immediately surrounding it. Make sure that the location of the restaurant can be determined from the image (i.e. Show a major street or landmark). Either print the image on a 8"x11" (or larger) paper or edit the image in Word, PowerPoint, Publisher, or Acrobat for clarity.

Step 2. Clearly outline the area which you wish to use for your outdoor dining area.

Step 3. Show the locations of all tables which are to be used. Ensure that the tables have adequate space between them to allow for social distancing measures.

EXAMPLE



ASSUMPTION OF RISK/RESPONSIBILITY

(complete for use of public space)

Owners and operators of any business operating in a temporary outdoor business area shall have the sole and exclusively obligation to ensure necessary approvals from property owners, other establishments and the City prior to use, and shall bear all risks and liabilities associated with operating in a temporary outdoor business area. As a condition to operating, and as a condition to being issued a Temporary Outdoor Business Permit, business must agree to defend, indemnify, and hold the City harmless for any liabilities of any kind relating to or arising from operating in a temporary outdoor business area. Businesses are solely and exclusively responsible for procuring and coordinating all operational aspects associated with a temporary outdoor business area, including but not limited to obtaining consent from property owners, adjacent establishments, and insurance providers.

To the maximum extent permitted by law, _____ (“Permittee”) hereby knowingly assumes any risk and cost of operating pursuant to the Temporary Outdoor Business Permit. Permittee shall defend, indemnify, and hold the City of Seal Beach, its officials, officers, employees, agents, and independent contractors serving the role of City of Seal Beach officials (collectively “Indemnitees”) free and harmless from any and all claims, demands, causes of action, costs, expenses, liabilities, losses, damages, or injuries, in law or equity, to government entities, property or persons, including wrongful death (collectively “Claims”) in any manner arising out of or incident to the Permittee’s use of the permitted Temporary Outdoor Business Permit area, including regarding any acts or omissions of Permittee or its employees or agents in connection with the temporary site use, operation, or maintenance of the Temporary Outdoor Business Permit area, including without limitation the payment of all consequential damages, attorneys’ fees, and other related costs and expenses, except for such Claims arising solely out of the active negligence or willful misconduct of the Indemnitees. With respect to any and all such Claims, Permittee shall defend the Indemnitees at Permittee’s own cost, expense, and risk with counsel acceptable to the City and shall promptly pay and satisfy any judgment, award, or decree that may be rendered against the Indemnitees. Permittee shall reimburse indemnitees for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided. Permittee’s obligation to indemnify shall not be restricted to insurance proceeds, if any, received by Permittee or Indemnitees or insurance policy limits. All duties of Permittee in this paragraph shall survive termination or expiration of the Temporary Outdoor Business Permit. The rights granted by the permit are not assignable. Permittee shall provide with this permit a photograph of the public right-of-way area of use (attached here-to as Exhibit A) and proof of insurance satisfying all requirements of Exhibit B attached hereto.

EXHIBIT A

Insert/Attach Picture of Outdoor Business Space
(complete for use of public space)

Exhibit B
Proof of Insurance

LIMITS OF NO LESS THAN:

Commercial General Liability: \$2,000,000 per limit claim (serving more than 500 persons/day)
\$1,000,000 per limit claim (serving less than 500 persons/day)
\$4M Aggregate

Workers Compensation (Statutory): \$1,000,000 (or Exempt because no employees)

Additional Insured Endorsement: The City must be named additional insured on the standard industry form (ACORD 25 form or similar) and an endorsement form using the following language: *“The City of Seal Beach, its officers, agents and employees are included as additional insured on all policies except Workers’ Compensation.”*

Endorsement must state that coverage is primary insurance. Insurer shall be admitted to do business in California and shall have a current AM Best rating of A-VII or better.

If alcohol is served: Full Liquor liability AND submission of an ABC liquor license Insurance Affording Coverage Including Insurer’s NAIC number on ACORD 25 form or similar.