



# CITY OF EL PASO DE ROBLES

*"The Pass of the Oaks"*

## *Temporary Outdoor Dining/Sidewalk Usage*

The City of Paso Robles's Temporary Outdoor Dining/Use Permit provides an opportunity for restaurants to safely reopen by utilizing new or additional outdoor space for dining, while meeting physical social distancing requirements and safety protocols. The program allows for the following expanded outdoor dining areas:

- Expansion of restaurant activity on sidewalks where 4 feet (4') of clearance is maintained next to the expansion area.
- Use of closed Parking Lane or Street Lane for business usage (when and if available on your block).

**PLEASE ATTACH A PHOTOGRAPH, DRAWING OR DEPICTION OF PROPOSED LOCATION AND LAYOUT OF OUTDOOR DINING AREA WITH SUBMISSION OF AN APPLICATION, INCLUDING NUMBER OF TABLES, SHADING AND/OR BARRIER DEVICES, AND TRASH RECEPTACLES AS APPLICABLE.**

NAME OF APPLICANT: \_\_\_\_\_

NAME OF RESTAURANT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_ EMAIL: \_\_\_\_\_

DAYS AND HOURS OF OUTDOOR DINING OPERATION: \_\_\_\_\_

The undersigned Applicant/Restaurant seeks a temporary use permit to use designated public or private space for temporary outdoor dining. The applicant understands and agrees that the permit, once issued, is subject to the following requirements:

- A. The permit payment of \$393 is deferred until 30 days after the end of the State's COVID-19 emergency declaration.
- B. The outdoor dining area shall not interfere with vehicular and pedestrian traffic, or access under the Americans with Disabilities Act unless circulation is otherwise rerouted at the discretion and approval of the City.
- C. No permanent item or structure shall be installed on City-owned public property.
- D. Long term use of public space requires separate Council approval and an encroachment permit.

- E. Temporary Fencing on the Sidewalk is generally not allowed. However, the City Engineer may require/approve temporary fencing to address safety or other issue.
- F. The Applicant/Restaurant is responsible for adhering to the State of California COVID-19 Guidance for Restaurants providing outdoor dining, takeout, drive-thru and delivery and all other applicable State and San Luis Obispo County Health Orders and directives.
- G. 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. No outdoor use may obstruct this required pedestrian clearance in any manner, regardless of the width of the sidewalk.
- H. Hours of operation for outdoor uses shall coincide with the hours of operation for the corresponding business with which the outdoor use is granted.
- I. All forms of speaker amplification associated with the outdoor dining provided under this order shall be prohibited; any additional lighting fixtures shall be included in the provided layout of the space.
- J. Applicant/Restaurants serving alcohol in an expanded license area are responsible for obtaining approval of a COVID-19 Temporary Catering Authorization from the State of California Department of Alcoholic Beverage Control.
- K. Applicant/Restaurant is responsible for maintaining an outdoor environment free of trash and debris throughout the day. All trash and debris in and around the outdoor dining area shall be disposed of each night and trash receptacles emptied each night.
- L. Proposed shade/covering devices such as umbrellas shall be well anchored so as not to blow into drive isles or walkways.
- M. The City reserves the right to determine on a case-by-case basis the suitability and appropriateness of the public or private space requested by the business for outdoor dining use.
- N. No real property right is provided, given, or otherwise conveyed to any person or entity using City-owned public property for outdoor dining purposes. Any such use permitted hereunder shall cease upon termination of the local emergency or as otherwise directed by the City, and the permittee shall return City-owned public property to the condition existing at the time of permit issuance.
- O. 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 Paso Robles and its officers, agents and employees as additional insured with this application.

- P. The Applicant/Restaurant shall indemnify, protect, defend, save and hold City, 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 Applicant/Restaurant for outdoor dining. This permit shall remain in effect until the local COVID-19 emergency is terminated, unless otherwise terminated in writing by the City at an earlier date due to non-compliance with the above provisions. Public or private property under this permitting program must return to its original condition upon conclusion of its use for outdoor dining once the COVID-19 emergency is terminated.

\_\_\_\_\_  
Signature of Business Owner

\_\_\_\_\_  
Signature of Property Owner (if private property)

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

*Applications can be submitted via email to: [engineering@prcity.com](mailto:engineering@prcity.com). Please attach a photograph, drawing or depiction of proposed location and layout of outdoor dining area, including the number of tables, shade and/or barrier devices, and trash receptacles as applicable. Contact David Athey, City Engineer, with any questions regarding the Temporary Outdoor Dining/Use Permit application, or to arrange drop-off of an application, (805) 237-3860.*

**-CITY STAFF USE ONLY:**

---

Community Dev.  YES    DATE \_\_\_\_\_ Signature: \_\_\_\_\_

City Engineer     YES    DATE \_\_\_\_\_ Signature: \_\_\_\_\_

Fire Department Approval Required?     YES     NO

Additional Conditions Required?     YES     NO **(If YES, see below)**

Proof of Insurance Provided?     YES

**ADDITIONAL CONDITIONS REQUIRED:**