



CHECKLIST FOR SUBMITTAL - TEMPORARY MASTER LICENSE FOR NEW OR EXPANDED OUTDOOR OPERATIONS RESTAURANT/RETAIL USES

SUBMITTAL REQUIREMENTS. The following information is required for a complete application. Please contact the Planning Division to schedule a meeting to review this checklist, if you have any questions, and confirm specific requirements. Once complete, submit your digital application package with plans via email to zoning@cityofconcord.org

- 1. APPLICATION FORM.** Provide the name and contact information for the property owner, the applicant, and any consultant involved with this application. The signature of the applicant/business owner and the property owner or a letter authorizing submittal of this application by the property owner is required.
- 2. WRITTEN STATEMENT.** Written justification to support your application request.

PLAN SUBMITTAL REQUIREMENTS. All applications and plan submittal packages shall be submitted digitally to the Planning Division e-mail address above, as described below.

Plans shall be fully dimensioned and are encouraged to be drawn at a consistent scale throughout all plans. Formatted for printing to 11" x 17."

The following plans comprise a development plan set:

- 3. SITE PLAN.** Plan shall be completely dimensioned and are encouraged to be drawn at a consistent scale of 1"= 10' scale or larger, with scale noted, a graphic bar scale, and north arrow. Plans shall include the following:
 - a. Identification of Outdoor Operations Area, dimensioned property lines, adjacent street names, parking areas and drive aisles, and vicinity map.
 - b. The location and use of all existing and proposed structures and improvements, equipment, and conditions related to the proposed project. If relevant to the site, include without limitation any and all poles, posts, pedestals, traffic signals, towers, streets, sidewalks, pedestrian ramps, driveways, curbs, gutters, drains, manholes, fire hydrants, equipment cabinets, antennas, cables, trees, and other landscape features.
 - c. Location of all furniture, umbrellas, potted plants, menu board, fencing or other barriers defining the area, and any proposed lighting.
 - d. Show improvements immediately surrounding the restaurant/retail use such as the entrance to the restaurant/retail store, entrances to neighboring units, walkways, the curb and sidewalk, and parking areas. Indicate name(s) of adjacent street.
 - e. Dimensions between tables, potted plants, fencing or other barriers, and dimensions to adjacent property lines.

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- f. Site Plan Summary Table with the following information:
 - Square footage of the Outdoor Operations Area, including outdoor dining area, merchandise display area, and/or curb-side pickup area.
 - Amount of proposed seating.
- g. Location and type of existing and/or proposed exterior lighting, both fixed to the building and free standing, and any and all lights for circulation, security, landscaping, building accent, or other purpose.
- 4. FURNITURE DETAILS.** If available, include brochures, webpage, or color photos of proposed tables, chairs, umbrellas, planters, barriers and menu board.
- 5. PHOTOS.** Several photos of the proposed Outdoor Operations Area to be used for dining, merchandise display, and/or curbside pickup shall be submitted.
- 6. SERVICE OF ALCOHOLIC BEVERAGES.** Service and consumption of alcoholic beverages requires a license by the Department of Alcoholic Beverage Control within the area of the Special Outdoor Operations Area (Sec. 18.200.190). **Please indicate whether you plan to serve alcoholic beverages within the Outdoor Operations Area on the application and acknowledgement form.**
- 7. ACKNOWLEDGEMENT FORM.** Included on pages 3 and 4 of Application.
- 8. TEMPORARY ENCROACHMENT PERMIT APPLICATION.** Only necessary if area of outdoor operations is within the public right of way (ROW). Not required if on private property.

STAFF USE ONLY

DATE OF SUBMITTAL:

STAFF ATTENDING:

DATE OF REVIEW MEETING:

ADDITIONAL ITEMS REQUIRED:

PLEASE CALL THE PLANNING DIVISION AT (925) 671-3152 FOR ANY QUESTIONS.

08/25/2020



Application for Temporary Master License for New or Expanded Outdoor Operations Restaurant/Retail Uses

(For use of Public Right-of-Way – also submit a Temporary Encroachment Permit Application)

Application Number _____ (for staff use) Permit Fee Waived by City
Application to be filled out by business owner and property owner

Legal name of business			
Physical (business) address	City	State	Zip
Business Owners Name	Phone	Email	
Signature of Applicant/Business Owner			Date

24-HOUR CONTACT INFORMATION:

Business Contact's Name and Position (Please Print)	Signature		
Date	Phone (24HR)	Email	

PERMISSION FROM PROPERTY OWNER:

Property Owner's Name	Property Owner Address	City/State/ZIP
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PROPERTY OWNER'S AFFIDAVIT: I hereby certify under penalty of law that I am the owner of the above-referenced property and authorize the temporary outdoor restaurant/retail operations as described herein.

TYPE OF APPLICATION (check all that (apply):

<input type="checkbox"/> Restaurant, Micro-Brewery <input type="checkbox"/> Retail Business	<input type="checkbox"/> Outdoor Operations	<input type="checkbox"/> Sidewalk Encroachment	<input type="checkbox"/> Parking Area Modification
	<input type="checkbox"/> Street closure (Identify Streets):		

Application is hereby made for a Temporary Master License to operate an outdoor business subject to the City Manager's (or designee) sole consideration and approval and in accordance with standards set by the State of California, Contra Costa Health Services, and in compliance with City of Concord Municipal Codes, regulations and guidance.

Property Owner's Signature	E-Mail address	Date
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WRITTEN STATEMENT FROM BUSINESS OWNER: *(Please provide a detailed description. Example: "Expansion of outdoor patio by 300 sq. ft. to include six additional tables..." or "Expansion of business outdoors to facilitate retail pick-up area and two carousels of sunglasses for retail sales,...")*

ADDITIONAL INFORMATION:

See Next page for required Acknowledgement Form

ACKNOWLEDGEMENT FORM FOR TEMPORARY MASTER LICENSE FOR NEW OR EXPANDED OUTDOOR OPERATIONS

New or Expanded Outdoor Operations are temporarily allowable as accessory commercial uses and are exempt from the standard permitting requirements and conditions regulating temporary uses and structures, outdoor sales and displays, and outdoor sidewalk cafes and outdoor seating areas pursuant to Development Code Sections 18.200.160, 18.200.190 and 18.200.200. Temporary master license approvals allow eligible properties and businesses to create or expand outdoor areas for temporary uses such as dining, merchandise display, and pick-up areas subject to the following criteria:

- 1. Businesses Eligible for Temporary Master License for New or Expanded Outdoor Operations.** The following types of businesses are eligible to submit an application for a license for New or Expanded Outdoor Operations: Full service and limited service restaurants, microbreweries that serve food and retail businesses. Such businesses acknowledge that the license is for a **limited duration**, and operations will be required to cease and the Outdoor Operations Area restored back to its original state within 30 days upon resumption of normal business operations, as stipulated by Contra Costa Health Services.
- 2. Location.** The New or Expanded Outdoor Operations associated with the business shall be conducted entirely within the approved expanded area adjacent to the business, and in coordination with any previously approved sidewalk café or outdoor cafe permit for outdoor dining. In areas outside of downtown, outdoor eating areas shall be located at least 100 feet from a residential dwelling. Approvals and conditions associated with existing outdoor café/sidewalk café permits shall remain in effect.
- 3. Outdoor Operations Area.** The business owner acknowledges that they have coordinated with adjacent business owners regarding the delineation of their Outdoor Operations Area, as shown on the plans for submittal. Boundaries on-site shall be consistent with the business owner's site plan submitted with their approved application.
- 4. Clients or Customers.** No clients or customers shall be permitted in the approved Outdoor Operations Area of the business outside of the hours of operation between 7:00 a.m. and 10:00 p.m. The business shall finish taking food orders for seated customers prior to 9:30 p.m.
- 5. Parking.** The Outdoor Operations Area shall not eliminate or encroach into parking areas unless authorized by the property owner. Adequate on-site parking and safe vehicular circulation must be provided to serve all businesses on the property. A vehicle used in conjunction with a business shall be parked in compliance with all applicable parking requirements for the business, and not within the Outdoor Operations Area.
- 6. Appearance.** The commercial appearance of the property at which the business is conducted shall be maintained in a professional manner, with proper sanitation, and regular collection of trash and recycling, as appropriate. The Outdoor Operations Area shall be cleared of all equipment and in no case shall they be used for outdoor storage of any kind during non-operating hours. All Outdoor Operations must cease and be restored to normal operations within 30 days of the Contra Costa Health Services order allowing full resumption of indoor restaurant and retail business operations.
- 7. Lighting.** Outdoor areas operating during evening hours shall provide adequate lighting to ensure that improvements and furniture do not become hazardous to pedestrians.
- 8. Temporary Signage.** New signage is limited to the City's requirements for temporary banners (Section 18.180.120(A)2, unless superseded by the City's Concord Forward Action Plan. However, in association with the Temporary Master License, temporary banners may remain in place up to 30 days after the Contra Costa Health Services orders are lifted for indoor restaurant and retail operations, allowing full resumption of business operations.
- 9. Storage.** No equipment, parts, materials, supplies, merchandise, refuse, or debris shall be stored outdoors in the area of the Outdoor Operations Area. Equipment, materials, supplies, or merchandise shall be stored within the commercial facility.

10. **Deliveries.** Deliveries shall be coordinated to occur outside of normal peak business hours to reduce conflicts and nuisance issues due to delivery truck circulation, loading/unloading, and idling.
11. **Nuisances.** No special outdoor operations associated with a business shall be conducted in a manner which creates a public nuisance under state law or under the Concord Municipal Code. Without limiting the foregoing, a business shall not create noise, odor, dust, vibration, smoke, electrical disturbance, or any other interference with adjacent uses of neighboring property. There shall be no excessive use of, or unusual discharge into, anyone or more of the following utilities: water, sanitary sewers, electrical, garbage, or storm drains.
12. **Insurance and Indemnification.** For insurance, if in Public ROW, refer to "Item 4 – Temporary Encroachment Permit Application, No. 11". Indemnification – The Licensee, for himself, his contractors, and employees, agrees to save, indemnify and hold harmless the City of Concord or its representatives from all liabilities and claims for damages by reason of injury or death to any person or persons, or damage to property from any cause whatsoever while in, upon or in any way connected with the work covered by this Encroachment Permit, and does further agree to defend the City in any claim arising out of or as a result of the work done under this permit.
13. **Compliance with Other Requirements.** The business shall comply with all other applicable state laws and city ordinances, including any local and state licensing requirements.
14. **Service of Alcoholic Beverages.** Service and consumption of alcoholic beverages requires a license by the Department of Alcoholic Beverage Control. Please indicate whether you plan to serve alcoholic beverages within the Outdoor Operations area. If yes, provide your ABC License # _____.

By signing this form, the business owner acknowledges that the outdoor operations are accessory and temporary to the property's use as a restaurant and/or retail use, that it will comply with the criteria stated herein, and that any violation of said criteria will result in possible rescission of license approval, fines, penalties or legal action.

I, _____, acknowledge that the proposed Temporary Master License for New or Expanded Outdoor Operations is accessory to the primary use as a commercial business, that it will comply with the criteria stated herein, and that any violation of these restrictions may result in possible fines, penalties or legal action.

CERTIFICATION:

I hereby certify that the statements furnished above, and in the attached exhibits, present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge. It is the Business Owner's sole responsibility to obtain approval from the property owner or property manager to conduct New or Expanded Outdoor Operations on the property. The property owner or property manager of record will be notified of any violations related to the Temporary Master License for New or Expanded Outdoor Operations.

(Please retain a copy of this permit for your records along with your business license, and any ABC license. You may be requested to present these records to the City of Concord for verification purposes.)

Business Owner Signature

Date