



APPLICATION FOR TEMPORARY OUTDOOR DINING PERMIT

NAME OF APPLICANT: _____

NAME OF RESTAURANT: _____

ADDRESS: _____

PHONE NUMBER: _____ EMAIL: _____

DAYS AND HOURS OF OUTDOOR DINING OPERATION: _____

WILL ALCOHOLIC BEVERAGE BE SERVED IN OUTDOOR DINING AREA?

YES NO

The applicant shall submit the following information with the Community Development Department for review (FMC 12.25). Please submit your application and payment using the City's online permitting system, eTRAKiT (<https://etrakit.folsom.ca.us/etrakit/>) or email the City of Folsom Planning Division in the Community Development Department at planningepc@folsom.ca.us.

- Completed and signed Temporary Outdoor Dining Permit Application Form
- Temporary Outdoor Dining Permit Application Fee (\$280.00)
- A detailed and scaled site plan that shows the following information:
 - Site address and Assessor's Parcel Number (APN)
 - Fencing or barrier for the proposed outdoor dining area
 - Outdoor area for proposed dining footprint and square footage, provide dimensions to property lines and show all front, side and rear building setback lines, finished outdoor dining elevations
 - Tree locations (if present on site)
 - Fire lanes
 - Handicapped accessible pathways and parking spaces
 - Parking area (including number of parking spaces)
 - Drainage inlets (if present)
 - Colors and materials photo sample
- Floor Plan that shows the furnishings, planting, lighting, or other amenities included in the proposed outdoor dining area.
- Accessibility Plan that shows how the proposed outdoor dining area meets required ADA accessibility standards
- Construction Details
- Photographs of the project site taken within 30 days prior to the application submittal

The undersigned applicant seeks a temporary permit to use designated City of Folsom public property for temporary outdoor dining. The applicant understands and agrees that the permit, once issued, is subject to the following requirements:

- A. The use of City-owned public property shall not interfere with vehicular and pedestrian traffic, emergency services, or access under the Americans with Disabilities Act.
- B. The City reserves the right to determine the suitability and appropriateness of the public property requested for outdoor dining.
- C. No permanent item or structure may be installed on City property or attached to a building.
- D. Appropriate building materials for the proposed outdoor dining area shall include but are not limited to wood and painted metal. Materials such as plastic, plywood, and chain link are not permitted.
- E. Temporary fencing not exceeding 3 feet tall to separate the outdoor dining area from vehicular and pedestrian traffic shall be placed in a safe manner around the outdoor dining area. Exceptions may be granted for taller fencing if required by other outside agencies such as Alcohol and Beverage Control (ABC).
- F. Permittee shall comply with all applicable State and County laws and regulations pertaining to outdoor dining (including but not limited to sale and consumption of alcoholic beverages).
- G. Tents and membrane structures having an area in excess of 400 square feet shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the Fire Code Official (more information can be found here: <https://www.folsom.ca.us/government/fire/forms-fee-schedule>).
- H. Open flame heating apparatuses shall not be permitted. Use of an electrical heating apparatus shall only be permitted upon approval from the Fire Department.
- I. All electrical appliances and cords used in the outdoor dining area shall be rated for outdoor use and wet locations. All cords (electrical or others) from the permanent business location to the temporary outdoor dining area shall be placed in a safe manner if crossing walkable areas.
- J. Permittee shall bear the responsibility of cleaning and maintaining the outdoor dining facility and any areas impacted by its use.
- K. No real property right is provided, given, or otherwise conveyed to any person or entity using public property for outdoor dining purpose.

- L. Permit issued shall cease upon cancelation of the permit, and the permittee shall return public property to the condition existing at the time of permit issuance within seven calendar days of receiving cancelation notice.
- M. In case of a hazardous situation or condition that cannot be reasonably mitigated, the Fire or Police Chief may cause the suspension of the Temporary Outdoor Dining Permit until they determine that the hazardous situation or condition is no longer a threat to the public health or safety.
- N. The permittee 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 Folsom and its officers, agents and employees as additional insured.
- O. The permittee 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 permittee or its employees, subcontractors, or agents, or by the quality or character of the permittee's work. It is understood that the duty of permittee 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 permittee 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 submitting this Application, the applicant acknowledges and agrees to the provisions of this Section and that it is a material element of consideration.

The permit issued is temporary, modifiable and cancelable at any time upon notice to the permittee. The permit is valid for 12 months upon issuance unless canceled, and renewable subject to verification of compliance of the permit conditions by the Community Development Department. Application for a Temporary Outdoor Dining Permit and Encroachment Permit is required for permit renewal, along with payment of applicable permit fees.

Dated: _____

Signature

Print Name

Restaurant Business Name