



Community Development Department
Planning Division
760 Mattie Road • Pismo Beach, CA 93449
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planning@pismo-beach.org

Temporary Outdoor Dining Area Certification

Business Address: _____ **Business Name:** _____

Business Owner _____

Address: _____

City, State, and Zip Code: _____

Phone: _____ **Fax:** _____ **Email:** _____

ITEMS REQUIRED TO BE SUBMITTED FOR TEMPORARY DINING AREA CERTIFICATION APPROVAL

1. Site Plan, including:
 - a. Location and set-up for all temporary outdoor dining, including dimensions, exits, and maximum number of occupants, demonstrating at least six-foot separation between occupants not sharing the same table;
 - b. Temporary delineation/fencing;
 - c. Parking to remain; and
 - d. Waiting area.
2. Floor Plan:
 - a. Seating plan of existing dining area; and
 - b. Seating plan of physically distanced dining area.
3. Payment of Processing Fee (\$159).

CONDITIONS REQUIRED FOR TEMPORARY OUTDOOR DINING AREA CERTIFICATION

1. Permittee hereby agrees to indemnify and save harmless the City of Pismo Beach ("City"), its Council, officers, boards, commissions, agents and employees of and from any and all claims, suits or actions of every name, kind and description which may be brought against City, its Council, officers, boards, commissions, agents, or employees by reason of any injury to or death of any person or property damage suffered or sustained by any person or corporation, caused by, or alleged to have been caused by, any act or omission to act, negligent or otherwise, of Permittee, its officers, agents or employees in connection with the use and/or occupancy of the area subject to the Temporary Outdoor Dining Area Certification issued to Permittee. The duty of Permittee to indemnify and save harmless, as set forth herein, shall include a duty to defend as set forth in Section 2778 of the California Civil Code; provided, however, that nothing herein shall be construed to require Permittee to indemnify City, its Council, officers, boards, commissions, agents and employees against any responsibility or liability in contravention of Section 2782 of the California Civil Code. Permittee, at its sole cost and expense, shall acquire and maintain in full force and effect throughout the term of this Permit commercial general liability insurance coverage relating to Permittee's use and occupancy of the permitted area covering City's risks in form subject to the approval of the City Attorney. Permittee acknowledges that the Certification associated with this liability waiver may be revoked at any time without notice should the Permittee fail to abide by City ordinances,

TEMPORARY OUTDOOR DINING AREA CERTIFICATION

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resolutions, or other regulations.

2. **EFFECTIVE DATE:** This Temporary Outdoor Dining Area Certification shall become effective upon City approval.
3. **EXPIRATION DATE:** This Temporary Outdoor Dining Area Certification shall remain in effect from the effective date for a period of three (3) months, or until State or County health orders are modified to allow indoor dining without restriction, whichever comes first. This Certification may be extended, fee free, upon written request for successive three (3) month periods. Notwithstanding the foregoing, The City reserves the right, in its sole discretion during the pendency of the City local emergency, to terminate or extend any Certification issued hereunder, with or without cause.
4. **OCCUPANCY LIMITATIONS:** Total dining occupancy of indoor dining and temporary outdoor dining, when reconfigured to maintain required physical distancing, may not exceed that previously established for the use. Outdoor dining occupancy may not exceed fifty percent of the lowest occupancy load on the certificate of occupancy for the business. Unless otherwise permitted by State or County health orders, no more than ten patrons may be seated as a single party.
5. **PARKING REQUIRED:** Onsite parking requirements remain as required under the underlying Zoning Code requirements and shall be balanced with reduced dining occupancy due to physical distancing requirements.
6. **PHYSICAL BARRIER REQUIREMENTS:** Dining areas located on private parking lots directly adjacent to the business they serve may be permitted and may require, at City discretion for protection of health and safety, water-filled or concrete K-rail, fencing, or other temporary delineation dependent upon configuration of temporary dining facilities and onsite parking.
7. **TENTS:** No tents of any kind may be used in conjunction with this Temporary Outdoor Dining Area Certification.
8. **COMPLIANCE WITH ALL FEDERAL, STATE, AND LOCAL REQUIREMENTS:** The Permittee shall comply with all federal, state, and local requirements including, but not limited to, those permanently and temporarily implemented by the California Department of Public Health, California Department of Alcoholic Beverage Control, federal and state ADA requirements, and the County of San Luis Obispo Health Agency.

By signing below, I agree that I have read, understand, and will comply with all the above conditions at all times for the duration of the Temporary Outdoor Dining Area Certification.

Business Owner Signature

Date

FOR CITY USE ONLY – CERTIFICATION NO. _____

APPROVING SIGNATURE

POSITION/TITLE

EFFECTIVE DATE