

COUNTY OF ALAMEDA

COVID-19 RELIEF TEMPORARY USE GUIDELINES FOR USE OF SIDEWALK

Alameda County Board of Supervisors has authorized approval of an Urgency Ordinance Amending Chapter 12.08, Relating to the "Roadway Ordinance" and a Resolution to Implement a Temporary Permit Program for Use of Sidewalks within County Right of Way during the COVID-19 Emergency. The purpose of this guideline is to provide applicants a list of application requirements and certain standards and requirements that must be adhered to prior to issuance of any encroachment permit into the County right of way.

I. APPLICATION REQUIREMENTS

- ☐ Certificate of Insurance naming County as additional insured in the amount of \$1,000,000 and maintain workers compensation insurance to statutory requirements.
☐ Signed copy of completed COVID-19 Relief Conformance Checklist.
☐ Site plan or aerial photo identifying the location and dimensions of the proposed outdoor activity area, any fire hydrants located immediately adjacent to the proposed area, and any proposed physical structures, such as barriers, tents/canopies, signage, tables and chairs.
☐ If the application is acceptable, the authorized operator/agent will need to sign an encroachment permit.

After your COVID-19 Relief Temporary Use Encroachment Permit is approved, Alameda County may schedule an on-site meeting to ensure all aspects of the use are in accordance with the Conformance Checklist. It is the applicant's responsibility to comply with all relevant laws.

II. PROJECT INFORMATION

Type of Temporary Use: _____
(Example: Outdoor Dining; Outdoor Merchandise Display; etc.).

III. AUTHORIZATION AS OPERATOR/AGENT

OPERATOR/AGENT: In signing this application, I certify that I am the Operator of record, or an Authorized Agent of the Operator, and that I have full legal capacity to, and hereby do, authorize the filing of this application. I understand that there is a Conformance Checklist for the proposed temporary use that must be adhered to in addition to any applicable Federal, State, or County requirements for operation. I agree to comply with all parts of the Conformance Checklist. I understand that the proposed temporary use shall not be established prior to issuance and signing of a Temporary Use Encroachment Permit from the Alameda County Public Works Agency.

Name: _____ Title: _____

Business Name: _____ Business Phone: _____

Cell Phone _____

Business Address: _____

Email: _____ Website: _____

Operator Signature: _____ Date: _____

Operator Name: _____ Phone: _____
(if different from above) Email: _____

Property Owner Name: _____

Property Owner Address: _____

Property Owner Phone: _____

Property Owner Email: _____

Property Owner Signature: _____

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COVID-19 Conformance Checklist

Instructions: Please check one of the following boxes for each row to confirm if your proposed temporary outdoor use will comply (yes), not comply (no), or is not applicable (N/A) with the requirements and standards associated with temporary outdoor activities. Public Works may, in its discretion, place additional conditions on the issuing a permit in order to ensure the protection of the public right-of-way and the public.

General Operating Requirements			
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Timeframe: The temporary outdoor activities will be limited to the duration set forth in the temporary permit for sidewalk use, with a maximum duration of 18 months or until December 31, 2021, whichever is sooner, and subject to the Agency's earlier termination.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Intensification of Use: The temporary outdoor activities will not result in an increase in general intensity of the business beyond what is currently permitted (e.g., a restaurant will have the same or lower seating capacity).
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Cessation of Use: The encroachment shall be allowed only as a revocable license, shall be personal to the Permittee and not transferable or assignable. The temporary outdoor activities and all associated encroachments will be removed, and the area returned to its previous condition when the permit terminates.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Hours of Operation: The temporary outdoor activities will not exceed normal hours of operation, and in no case shall start earlier than 7:00 a.m. or extend beyond 11:00 p.m. Set-up and break-down will occur no earlier than 6:30 a.m. nor later than 11:30 p.m.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Nuisance: No nuisance may be created by the encroachment or temporary use.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Amplified Sound and Noise: The temporary outdoor activities will adhere to the Alameda County noise ordinance. No excessive noise will be audible off-site at any time in accordance with Alameda County Sheriff Service requirements.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Restrooms: Compliance with Retail, Health, and Food Codes.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Permanent Changes: No permanent changes to the area will be made, such as bolting items to the ground or other street furnishings except and required for Tents and Canopies as listed below.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Waste & Debris: Adequate waste receptacles will be provided both within and around the temporary outdoor activities. The business operator will be responsible for daily pick-up of discarded and wind-blown waste, and debris at the premises and in the surrounding areas. Trash capture devices and storm drain inlets will always be kept clean of trash and debris (i.e., no paper napkins or menus in the inlets).
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Pedestrian & Vehicular Safety: Temporary outdoor activities within areas accessible by vehicles will be clearly identified and delineated with traffic control measures (i.e., barricades, cones, signs, etc.) to ensure separation of pedestrians and vehicles without blocking pedestrian or vehicular access.

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			Messaging on all temporary directional or parking lot signs will be clear and legible. The applicant must provide a continuous, straight, unobstructed path at least 5 feet wide within the public right way for passage of pedestrians and to ensure ADA access.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Vehicle Access and Pedestrian Movement: All facilities associated with the temporary outdoor activities will not obstruct pedestrian movement on the sidewalk, existing vehicular access will remain open, driver’s sight distance will not be obstructed, utility access points will remain accessible, fire protection appliances or fire lanes will not be blocked, building entrance will be kept clear, and will not cause pedestrian traffic to be shifted into driveway or fire lane aisles. Facilities may not obstruct a bus stop, or red or blue curb zone. Facilities may not use a traffic lane, unless specifically authorized by a lane closure.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Stormwater Management: No areas of typical patterns of water flow for storm water (i.e. gutter pan, low spots, etc.) will be blocked and no tables and chairs will be placed in areas that may pond or flood.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Exits: Fenced in areas will be provided with a clear exit path(s).
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Accessible Parking: Existing accessible parking stalls are not blocked and will remain useable by authorized vehicles.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Access: The area will maintain accessible openings and travel paths as required by the California Building Code, the Fire Code, and the Americans with Disabilities Act.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Property Damage: All public or private property will be restored to its prior condition or better at the sole cost of the permit applicant within 30 days of termination of the permit.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Merchandise: All merchandise will be stored inside the building when the business is closed.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Prohibitions: The following items and activities are not allowed under the encroachment permit: <ul style="list-style-type: none"> • Flames of any type; • Advertising; • Alcohol consumption, unless in compliance with ABC regulations; • Smoking; and • Storage of materials or equipment.
Other Regulatory Agency Requirements			
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Electrical Equipment: All new or temporary electrical equipment should be submitted to the Alameda County Building Inspection Department for review and approval.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Heaters: All fixed or portable heaters should be submitted to the Alameda County Fire Department for review and approval.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Tents/Canopies: Tents open on all sides with a cumulative total floor area of 700 sf or less and/or tents with one side or more in excess of 400 square feet require a separate review, approval, and issuance of a fire code operational permit by the Alameda County Fire Department (ACFD) to ensure compliance with 2019 California Fire Code Requirements as adopted by the County of

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			Alameda. Tents, canopies, and/or umbrellas will be secured to the ground to avoid wind lift.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Department of Alcohol Beverage Control Approval: Any applicable permits/approvals from the California Department of Alcohol Beverage Control (www.abc.ca.gov) will be obtained prior to sale of alcoholic beverages in the area beyond the licensed footprint.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Alameda County Health Care Services Agency – Environmental Health Department: Any applicable permits/approvals from the Alameda County Environmental Health Department will be obtained prior to commencement of the temporary activity (Phone number: 510-567-6700).
Indemnification and Compliance with the Law			
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Indemnification: To the fullest extent permitted by law, the permittee shall defend, indemnify, and hold harmless the County of Alameda and its agents, officers, and employees from any loss, damage, injury, cost, expense (including attorney’s fees), liability, claim, action, or proceeding against the County of Alameda or its agents, officers, or employees relating to the encroachment or the temporary use provided, however, this duty shall not apply to injuries or damages for which the County has been found in a court of competent jurisdiction to be solely liable by reason of its own negligence, recklessness or willful misconduct..
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Compliance with the Law: The permittee shall comply with all other applicable laws, including, without limitation, County ordinances, State and Federal laws, orders and regulations, the California Retail Food Code, the California Alcoholic Beverage Control Act and regulations and notices issued by the Department of Alcoholic Beverage Control (ABC), the Fire Code, the Building Code, the Americans with Disabilities Act (ADA), and orders by the County or State Health Officer,.

By signing below, I certify that I have read this application and the above information is correct

Signature: _____ Date: _____

STAFF USE ONLY

Signature: _____ Title: _____ Date: _____

Staff comments (where “no” responses are recorded, how has this been resolved):