



**COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

P.O. Box 1609, Mammoth Lakes, CA 93546
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 Email: planning@townofmammothlakes.ca.gov Website: www.townofmammothlakes.ca.gov

TEMPORARY OUTDOOR DINING PERMIT

- *Town Offices Business Hours: Monday - Friday 8:00 am - 12:00 noon, 1:00 pm - 5:00 pm*
- *Incomplete applications will not be accepted.*

Property/Business:

Property Address: _____ Assessor Parcel Number: _____

Name of Business: _____

Applicant/Owner Contact Information:

<i>Applicant/Agent Name</i>			<i>Property Owner (if different from Applicant)</i>		
<i>Email Address</i>		<i>Phone Number</i>	<i>Email Address</i>		<i>Phone Number</i>
<i>Mailing Address</i>			<i>Mailing Address</i>		
<i>City</i>	<i>State</i>	<i>Zip</i>	<i>City</i>	<i>State</i>	<i>Zip</i>

Description of Use:

(Including layout of proposed seating area, number of tables and chairs, access to seating area, colors, materials and dimensions, proposed hours of operation, proposed maintenance plan)

All Applications Must Include:

- Complete Application Form
- Signature(s) of applicant and property owner(s) where temporary outdoor seating is being requested.
- Payment of fees: \$98.00
- Site Plan; including without limitation:
 - Property lines and adjoining street frontages
 - Location and dimensions of proposed seating area, including internal and external access points and pedestrian walkways
 - Location and type/use of adjacent buildings and structures on the property
 - Location and dimensions of proposed tables and chairs, fencing and umbrellas
 - Number and dimensions of available parking stalls

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Outdoor dining shall be subject to the following standards per [Municipal Code 17.52.220](#):

- A. Accessory Use.** A temporary outdoor dining area that is accessory and incidental to a restaurant with indoor seating on-site may be allowed pursuant to the following standards. Temporary dining areas shall not be allowed for more than 90 days in a calendar year.
- B. Alcoholic beverage sales.** Outdoor dining areas serving alcoholic beverages shall meet and be in compliance with the requirements of the State Alcohol Beverage Control Board, and the following standards:
1. The dining area shall be accessible from the inside of the restaurant only, unless the Director waives this requirement in circumstances where this is not feasible or practical;
 2. The dining area shall be clearly defined with a physical barrier. It shall clearly be a part of the restaurant it serves; and
 3. The dining area shall be supervised by a restaurant employee to ensure conformance to laws regarding on-site consumption of alcoholic beverages.
- C. Design and use compatibility.** To ensure compatibility with surrounding uses and a high standard of design quality, the following standards shall be implemented:
1. The outdoor dining area shall be located directly adjacent to the food service establishment which it serves; however, if this is impractical or infeasible, the Director may approve an alternate location;
 2. Outdoor dining areas and associated structural elements such as awnings, covers, furniture, umbrellas, or other physical elements shall be compatible with the overall design of the main structure(s);
 3. The use of awnings, plants, umbrellas, and other human scale elements is encouraged to enhance the pedestrian experience. Certain structural elements may require a building permit.
 4. Outdoor dining areas' impact to surrounding uses shall be considered and mitigation measures may be required.
 5. Outdoor dining areas shall not obstruct pedestrian traffic.
- D. Setbacks and snow removal.**
1. Outdoor dining areas may be located in setback areas but shall maintain a minimum five foot setback to property lines; however, no outdoor dining area shall encroach into a setback abutting a residential zone.
 2. When an outdoor dining area is located in a required front and street side yard setbacks area and operated between November 1 and April 30, the subject property shall participate in a snow removal maintenance district and shall have a snow removal plan approved by the Public Works Director.
- E. Clean-up and maintenance.** Outdoor dining areas shall be kept in a clean condition and free of litter and food items that constitute a nuisance to public health, safety, and welfare.
- F. Parking.** The outdoor dining area shall not cause any adverse impacts to surrounding parking or traffic flow.
- G. Sidewalk seating in the Town's right-of-way.** An outdoor dining area may be allowed within the Town right-of-way subject to approval of an encroachment permit by the Director and Public Works Director, provided the following standards, in addition to those listed above, are met:
1. The outdoor dining area does not interfere with vehicular or pedestrian movement or wheelchair access to, through, and around the site on which the outdoor dining area is located;
 2. A minimum access width of six feet shall be maintained along all sidewalks and building entrances accessible to the public. The Public Works Director may require additional minimum access width for high use pedestrian areas;
 3. Outdoor dining areas, including those that do not serve alcohol, shall be separated from the clear pedestrian passage area on the public sidewalk and/or pedestrian walkway by a temporary barrier that is removed when not in use;
 4. All tables, chairs, umbrellas, and other elements located in the Town right-of-way shall be removed when not in use and during snow events;

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5. All businesses with outdoor dining areas in the Town right-of-way shall, prior to the issuance of an encroachment permit, furnish proof of insurance and shall indemnify and hold harmless the Town from any action or expense that may occur as a result of an outdoor dining area being located on any sidewalk or Town right-of-way, satisfactory to the Town Attorney; and
6. All businesses with outdoor dining areas in the Town right-of-way shall enter into a maintenance agreement with the Town for maintenance of all portions of the Town right-of-way used and approved by the Director and Public Works Director for outdoor dining.

Waiver and Release Agreement

On behalf of _____ ("Business"), I certify that the Business will comply with the Town of Mammoth Lakes ordinances and conditions of approval relative to this Temporary Outdoor Dining Permit; that the Business take full responsibility for seeing that the outdoor dining area is in full adherence and compliance with these ordinances and conditions; that the Business will indemnify, defend and hold harmless the Town, its officials, officers, employees, volunteers, and agents from any and all claims for damages, death, personal injury or property damage arising out of, related to, or in any way connected with the outdoor dining area. I HAVE READ THIS WAIVER AND RELEASE CAREFULLY. I UNDERSTAND AND VOLUNTARILY ASSUME THE RISKS INVOLVED. I WARRANT AND REPRESENT THAT I HAVE THE AUTHORITY TO ACT ON BEHALF OF THE ORGANIZATION OR BUSINESS AS SET FORTH HEREIN.

I CERTIFY UNDER PENALTY OF PERJURY that I am: ___legal owner(s) of the subject property (all individual owners must sign as their names appear on the deed to the land), ___ authorized to sign on behalf of the owner(s) (proof of authorization to sign must be provided), AND THAT THE FOREGOING IS TRUE AND CORRECT.

▶ _____
Date Name (Print) and Signature of Property Owner or Agent

▶ _____
Date Name (Print) and Signature of Property Owner or Agent

(For Staff Use Only)

Date Received: _____ Permit Number: _____

Approved Denied Expires On: _____

Date Signature of Staff

Name (Print) of Staff