In response to the outbreak of COVID-19 and under regulations from the State of California and the County of Orange, various indoor business activities including gyms and fitness centers, personal care services, hair salons and barbershops and malls are no longer permitted in Westminster. In order to allow these retail operations to continue, businesses may temporarily convert portions of adjacent parking areas, walkways, or patios into customer service areas while adhering to state and local public health regulations.

The following instructions are intended to provide the necessary information for processing a Temporary Outdoor Business Permit application. To process an application expeditiously, the applicant must submit a complete and accurate application and all required materials as described in this application to the Planning Division.

Once approved, a Temporary Outdoor Business Permit is in effect for 60 days. This period may be renewed upon approval of a request to the Planning Division, and in accordance with all applicable State and local health orders. If you have any questions regarding this application and the submittal requirements, please contact the Planning Division.

WHAT'S INCLUDED IN THIS PACKET?

1	WHAT IS THE PROCESS?
2	WHAT DO I SUBMIT?
3	APPLICATION FORM
4	OPERATIONAL REQUIREMENTS AND RESTRICTIONS ACKNOWLEDGEMENT
5	PROPERTY OWNER AUTHORIZATION
6	SITE PLAN GUIDANCE
7	CARES ACT RELIEF APPLICATION

CONTACT INFORMATION

CITY HALL	8200 WESTMINSTER BLVD, WESTMINSTER, CA 92683
PLANNING DIVISION	714-548-3247 | planning@westminster-ca.gov
ORANGE COUNTY FIRE AUTHORITY	714-573-6254 | specialevents@ocfa.org
BUILDING DIVISION	714-548-3254

WHAT IS THE PROCESS?

To help you determine the process/permit required for your temporary outdoor business, refer to the table below.

The processing fee for a Temporary Outdoor Business Permit is **$165.00**, and is not inclusive of fees for any required building permit or fire permit. You may choose to submit a completed CARES Act Relief form (Page 10), and the processing fee will be waived.

OVER-THE-COUNTER REVIEW	SEPARATE BUILDING PERMIT REQUIRED	ADDITIONAL FIRE DEPARTMENT REVIEW REQUIRED
If your outdoor business area **only** includes the features listed below, then your application may be reviewed over-the-counter. Submit a completed application packet to the Planning Division.	If your outdoor business area includes any one of the features listed below, then you must apply for a Temporary Outdoor Business Permit through the Planning Division and a separate building permit through the Building Division. Contact the Building Division for specific submittal requirements.	If your outdoor business area includes any one of the features listed below, then your Temporary Outdoor Business Permit must also be reviewed by the Orange County Fire Authority (OCFA) and a Temporary Outdoor Business Permit may not be approved over-the-counter.
• **Seats** ≤ 49 • Moveable **barrier** height ≤ 3 ft • **Tent** size ≤ 400 ft^2 • **Tent** height ≤ 12 ft • No **electricity** required • No **gas** required • No **heaters** used	• **Seats** > 49 • **Tent** size > 400 ft^2 • **Tent** height > 12 ft • **Electricity or wiring** required • **Gas** required	• **Seats** > 49 • **Tent** size > 400 ft^2, w/ side walls • **Tent** size > 700 ft^2, w/o side walls • Multiple adjoining **tents** > 700 ft^2 • **Heaters** or open flames used

WHAT DO I SUBMIT?

To apply for a Temporary Outdoor Business Permit that is eligible for review over-the-counter, submit the following items to the Planning Division:

1. **Temporary Outdoor Business Permit Application** (Page 3).
2. **Operational Requirements and Restrictions Acknowledgement** (Pages 4-6).
3. **Property Owner Authorization** (Page 7).
4. **Site Plan** drawn on a sheet that is a minimum size 8½ -inches by 11-inches identifying the location of the temporary outdoor business area on the subject property. Aerial photos will be accepted. For more information on how to prepare a site plan, refer to the site plan guide (Page 8-9).
5. **CARES Act Relief Application** (Page 10). Submitting this application is optional.

CITY of WESTMINSTER

PLANNING DIVISION

TEMPORARY OUTDOOR BUSINESS PERMIT

PL – 114

CASE #

LOCATION

BUSINESS LICENSE NUMBER	BUSINESS NAME	LICENSE EXPIRATION DATE
ASSESSOR'S PARCEL NUMBER	STREET ADDRESS	

APPLICANT INFORMATION / BUSINESS OWNER

APPLICANT NAME			BUSINESS OWNER NAME		
APPLICANT ADDRESS			BUSINESS OWNER ADDRESS		
CITY	STATE	ZIP CODE	CITY	STATE	ZIP CODE
PHONE	FAX		PHONE	FAX	
MOBILE	E-MAIL (REQUIRED)		PHONE	E-MAIL (REQUIRED)	

OPERATIONAL INFORMATION

ANSWER THE FOLLOWING QUESTIONS.

1. How many seats will be provided in the outdoor business area? ..... [ ]
2. Will you use moveable barriers or fences that are 3 feet in height or less? ..... ☐ YES ☐ NO
3. Will you use a tent or canopy? If yes, answer the next 4 questions ..... ☐ YES ☐ NO
   a. How many tents or canopies will you use? ..... [ ]
   b. What is the size of each tent or canopy (in square feet)? ..... [ ]
   c. What is the height of each tent or canopy (in feet)? ..... [ ]
   d. Will any tent or canopy have side walls? ..... ☐ YES ☐ NO
4. Will parking stalls be used for outdoor business? If yes, answer the next question.... ☐ YES ☐ NO
   a. How many parking stalls will be used for outdoor business? ..... [ ]
5. Will the outdoor business area require electricity? ..... ☐ YES ☐ NO
6. Will the outdoor business area require gas? ..... ☐ YES ☐ NO
7. Will propane heaters be used? ..... ☐ YES ☐ NO

STAFF USE ONLY

OCFA REVIEW REQUIRED: ☐ YES ☐ NO	X Planning Division Signature	Date
BUILDING PERMIT REQUIRED: ☐ YES ☐ NO	X Building Division Signature	Date

OPERATIONAL REQUIREMENTS AND RESTRICTIONS ACKNOWLEDGEMENT

To ensure temporary outdoor business operates in a manner that maintains public safety and welfare, the business owner must comply with the operational requirements and restrictions listed below. The business owner shall read each operational requirement and restriction carefully; then initial each to acknowledge it has been read and understood, and will be implemented and enforced.

INITIALS	OPERATIONAL REQUIREMENTS AND RESTRICTIONS
	PERMITTED OPERATION
_____	1. Outdoor business areas shall be limited to the same type of approved service(s) that are typically performed indoors within the subject business.
_____	2. Land uses or services that were not approved by the Community Development Department through the original approved zoning review and business license shall not be permitted within the temporary outdoor business area.
_____	3. The maximum capacity in the outdoor business area shall not exceed 50% maximum business capacity (number of seats, stations or occupancy limit) inside the business establishment.
	LAND USE COMPATIBILITY
_____	4. Uses that generate excessive noise such as amplified music are not permitted in the outdoor business area.
_____	5. The outdoor business area shall not operate beyond the normal operating hours of the establishment, but no later than 10:00 PM.
_____	6. Barriers and furnishing must be maintained in good condition.
	VEHICULAR CIRCULATION AND SAFETY
_____	7. Outdoor business areas shall not encroach into drive aisles and fire lanes.
_____	8. Outdoor business areas shall maintain a two-foot setback from property lines.
_____	9. Furnishing within the outdoor business area shall be limited to tables, chairs, work stations and properly anchored umbrellas, unless specifically approved by the City.
_____	10. Furnishing shall not restrict motor vehicle sight lines.
_____	11. Permanently affixed barriers and furnishing shall not be permitted. All barriers and furnishing shall be easily movable.
_____	12. All barriers and/or fences shall not exceed three-feet in height.
_____	13. All barriers and/or fences shall be durable, fire safe, structurally sound, aesthetically pleasing, and compatible with adjoining improvements or structures.
	PEDESTRIAN SAFETY AND ACCESSIBILITY
_____	14. Temporary outdoor businesses located on the sidewalk and/or parking areas shall not obstruct pedestrian traffic, ADA access, emergency egress/exits, and shall be accessible.

INITIALS **OPERATIONAL REQUIREMENTS AND RESTRICTIONS**

_____ 15. A four-foot-wide unobstructed sidewalk clearance for pedestrians shall be maintained at all times from any appurtenance used as part of the temporary outdoor use and a two-foot clearance shall be maintained from the face of curb to any such appurtenance.

_____ 16. Outdoor business areas shall not be located in a handicap accessible parking space or associated loading/unloading (striped) area, unless specifically approved by the Building Division.

_____ 17. Outdoor business areas must be located directly adjacent to the establishment, and should not be located in an area that requires employees and patrons to cross active drive aisles.

_____ 18. Barriers and furnishing must be secured at the end of each business day in a way that does not impede public safety.

_____ 19. Raised platforms shall not be permitted.

BUILDING SAFETY

_____ 20. An electrical permit is required for generators, lights and electrical wiring. Inspection and approval is required prior to the opening of the outdoor business activity. All equipment are required to be U.L. listed/labeled and installed according to the listing. Please contact Building Division at (714) 548-3469 to obtain a permit and schedule inspections.

_____ 21. Tent/canopies larger than 400 square foot will require a Building permit. When submitting an application and plans for a permit include the manufacturer's listing and installation specifications/drawings, and the fire-retardant certificate.

FIRE SAFETY

_____ 22. All fire department regulations and standards concerning exterior lighting, tents, portable heaters and power shall be met.

_____ 23. Fire Department approval and permits shall be obtained for propane heaters and open flames, including candles.

_____ 24. Tents, portable heaters or other structures requiring a separate permit are not permitted unless specifically approved by the City.

PUBLIC HEALTH AND WELFARE

_____ 25. The area designated for the temporary outdoor use and operation shall be kept free from debris. Outdoor business areas shall not be cleaned and/or washed off with water to avoid runoff into any drainage system or storm drain.

_____ 26. The business shall comply with all applicable Federal, State, and Local laws, and all applicable COVID-19 related guidance. For example, the business shall comply with the Americans with Disability Act. Businesses shall also comply with all COVID-19 related guidance issued by the State of California and the County of Orange, as such guidance may be amended from time to time.

_____ 27. The operation and use of the outdoor business area must comply with all applicable State and local health orders including directives from CAL/OSHA.

INITIALS **OPERATIONAL REQUIREMENTS AND RESTRICTIONS**

PERMIT TERMS

_____ 28. Any modification to the approved site plan requires submittal of a modified site plan to the Community Development Department for review.

_____ 29. Time Limits: The Temporary Outdoor Business Permit is valid for a period not to exceed 60 days from full execution by the City, unless extended in writing by the City; or 30 days from the date that the restrictions pertaining to business operations contained within state and local health orders, as amended, are lifted, whichever occurs sooner.

_____ 30. Termination: The City of Westminster reserves the right to terminate or temporarily suspend this Temporary Outdoor Business Permit at any time, for any reason, including but not limited to noncompliance with the terms and conditions of the permit, or the use threatens the public health, safety, and welfare, such as storm events, crowds in excess of permitted capacity, construction, and modifications to the statewide declaration of public health emergency.

_____ 31. A copy of this permit must be kept on site at all times.

_____ 32. The applicant shall defend, indemnify and hold harmless the City, its officials, agents and employees for any claims arising out of or relating to the issuance of the Temporary Outdoor Business Permit.

_____ 33. The City reserves the right to perform a more detailed review of each Temporary Outdoor Business Permit once the requested temporary use is in operation, and the applicant expressly acknowledges that different or additional conditions may be imposed based on the City's subsequent review, including the possibility of the permit being modified or revoked by the City.

BUSINESS OWNER DECLARATION

I hereby certify under penalty of perjury that all statements herein are true and correct to the best of my knowledge and I am fully authorized by the property owner to apply for this permit. I understand that any false statements or omissions may result in denial of this permit.

I further acknowledge that I agree to fully comply with all regulations set forth by the City of Westminster as they relate to the issuance of the Temporary Outdoor Business Permit.

X **X**

Business Owner Name (Print) **Business Owner Signature** **Date**

PROPERTY OWNER AUTHORIZATION

I declare that I am the legal owner of record of the land specified in this application. As the owner, I hereby affirm under penalty of perjury that the foregoing statements, facts and attachments are true and correct.

I declare that I shall defend, indemnify and hold harmless the City, its officials, agents and employees for any claims arising out of or relating to the issuance of the Temporary Outdoor Business Permit.

Further, I declare that I fully understand and authorize all actions proposed within this application and the plans, and authorize the foregoing applicant or agent to act on my behalf on all matters relating to this application, including negotiations, discussions and communications with staff from the City of Westminster. This authorization shall remain valid until invalidated in writing.

In accordance with Government Code Section 65105, I further acknowledge that in the performance of their functions, City personnel may enter upon any land and make examinations and surveys, provided that the entries, examinations, and surveys do not interfere with the use of the land by those persons lawfully entitled to the possession thereof.

☐ *If the property owner is not the applicant, check here if the owner would like to receive copies of all correspondence between the city and applicant.*

X	X	
Property Owner Name (Print)	**Property Owner Signature**	**Date**

WHAT IS A SITE PLAN?

A site plan is a top-down view of a property. For a permit that is eligible for review over-the-counter, the site plan must include, at a minimum, the following information:

1. The address and unit number of the subject site.
2. Business name.
3. The location of the subject tenant space.
4. The boundaries of the outdoor business area with dimensions.
5. Existing site features such as landscaping and walkways.

The primary objective of a site plan is to identify the exact location of the subject tenant space and the temporary outdoor business area within the context of the overall property.

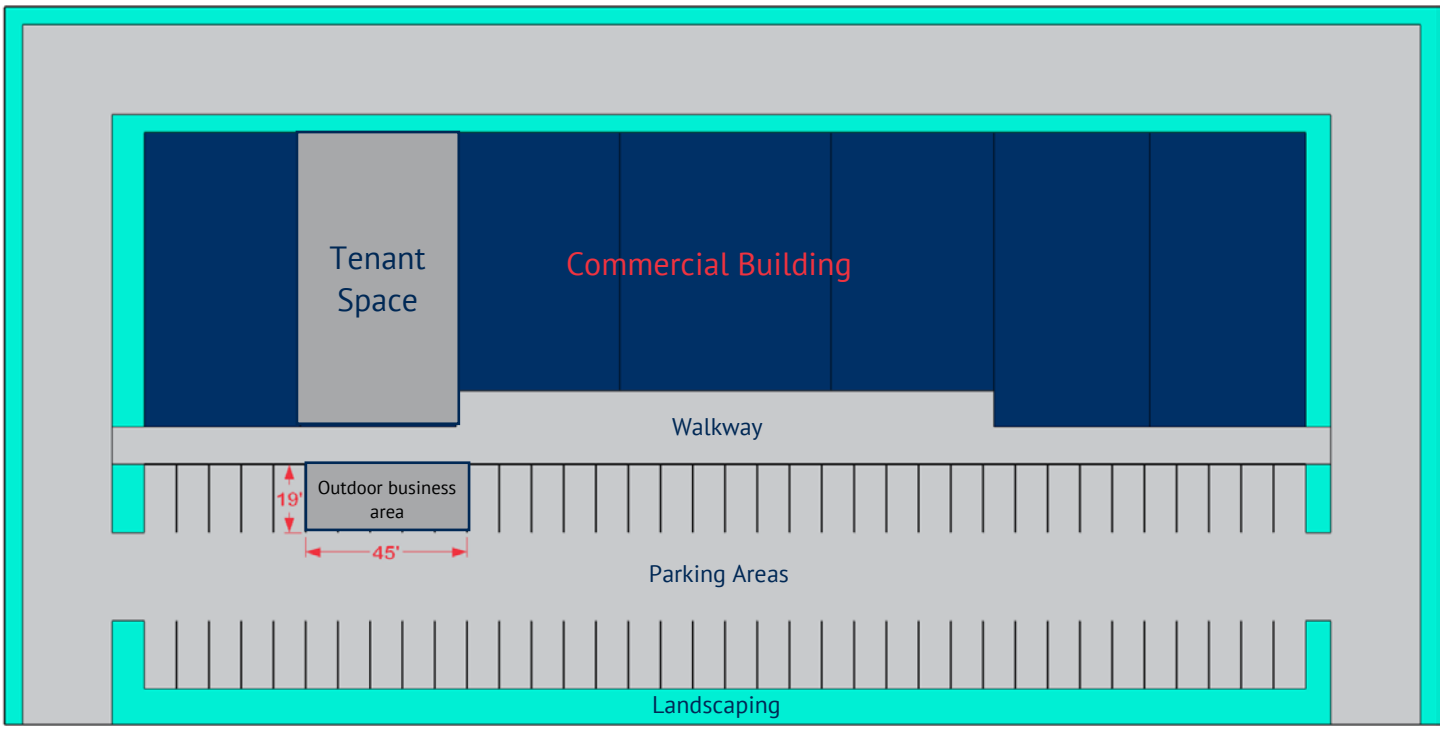
HOW DO I PREPARE A SITE PLAN?

You may prepare a site plan in one of the following ways:

1. Draw a plan by hand. It may be as simple as the site plan seen below.
2. Print out an aerial image from an online map (e.g., Google Maps, Bing Maps, Mapquest, etc.) and edit it by hand or by using image editing software.
3. Ask the property owner or manager if there is a site plan of the property that is available, which you may edit by hand.

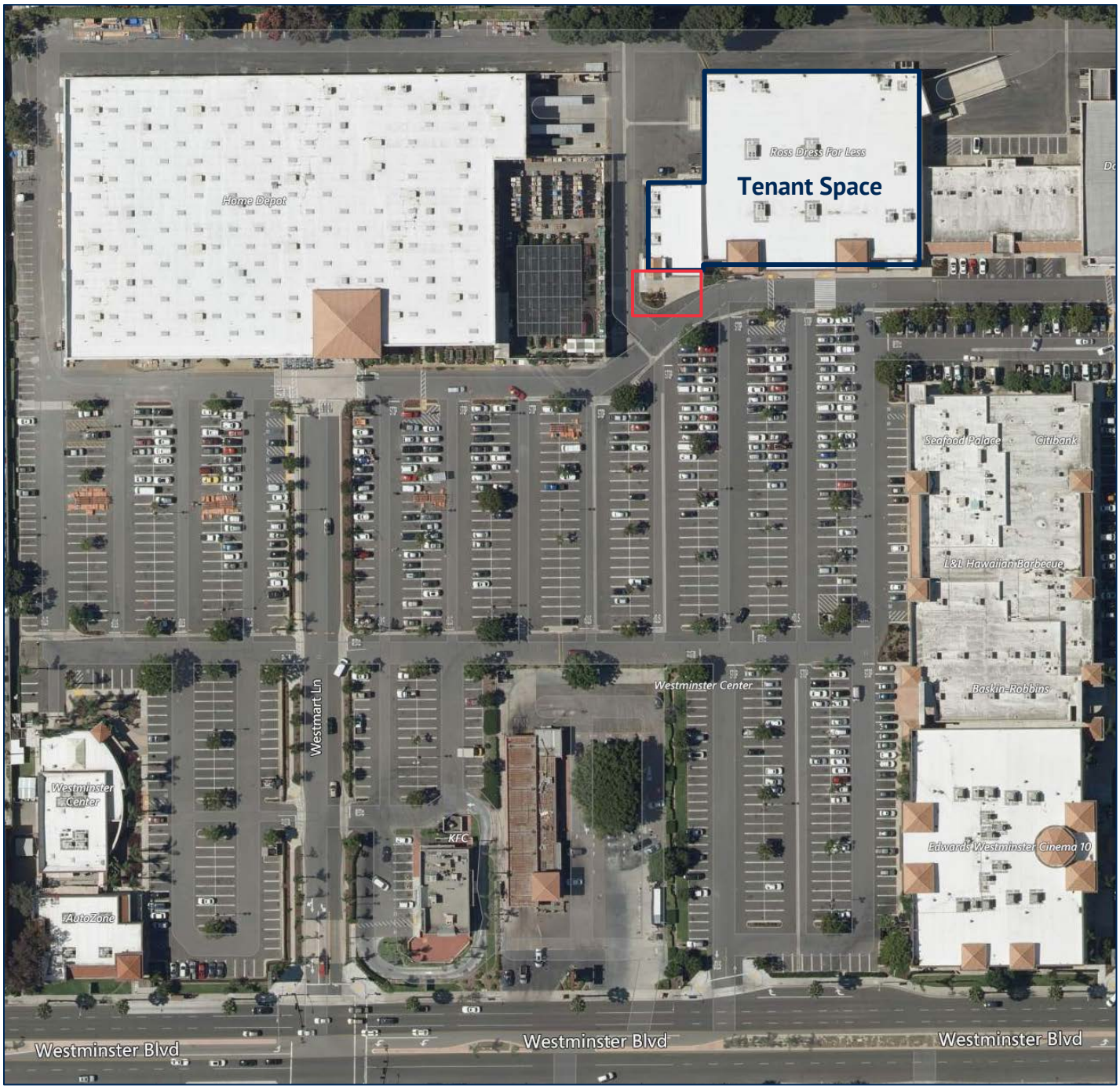
If one of the options above is not feasible, contact the Planning Division and staff would be happy to assist you.

EXAMPLE SITE PLAN 01



EXAMPLE SITE PLAN 02

FOR REFERENCE ONLY



BUSINESS NAME
JANE'S BEAUTY SALON
BUSINESS ADDRESS
13579 WESTMINSTER BLVD

City of Westminster
Small Business Assistance Program

CARES ACT RELIEF APPLICATION
Temporary Use Permit/Encroachment Permit Fees for Outdoor Business Applications

BUSINESS/OWNER INFORMATION	
Name of Business	
Address of Business	
Phone Number	Email Address
Owner Name	Co-Owner Name

BUSINESS INCOME INFORMATION	
In the month of April – June 2020 as compared to April – June 2019, have you had a revenue loss due to COVID-19? ☐ Yes ☐ No	Please provide an estimated % of revenue loss during this period.
Please provide a brief explanation of the adverse economic effects COVID-19 has had on your business:	

ACKNOWLEDGEMENT AND CERTIFICATION

Acknowledgement: I/We understand that this application is to request business assistance from the City of Westminster through CARES ACT funds awarded to the City. This assistance is for fees for a Temporary Outdoor Business Permit Application and is based solely upon the information that I/We have provided in this application.
Certification: I/We certify that the information provided in this application is true and complete to the best of my/our knowledge as of the date set forth opposite my/our signatures(s) in this application and acknowledge my/our understanding that any intentional or negligent misrepresentation(s) of the information contained in this application may result in civil liability and/or criminal penalties.

By signing below, I/we certify that the above statements are true and correct to the best of my/our knowledge. I/We understand that a false statement may disqualify me/us from benefits.

Owner Signature	Date	Co-Owner Signature	Date