



City of Clearlake

14050 Olympic Drive, Clearlake, California 95422
(707) 994-8201 FAX (707) 995-2653

TEMPORARY USE PERMIT APPLICATION

TO APPLY:

1. Submit completed application form.
2. Submit one (1) site plan.
3. Submit the appropriate fee according to the City of Clearlake Fee Schedule:
 - _____ Event/temp business more than 3 days
 - _____ Event/temp business less than 3 days
 - _____ Public Property (parks, r-o-w, etc) -No Charge

Description of Temporary Use:

Address of Use:

Assessor's Parcel Number:

Days/Hours of Operation:

Nonprofit Organization?

Business License No.

Yes

No

Application must be signed by the legal owner or his legally authorized agent. Such signature attests that the signatory affirms the information furnished in this application is true; he has legal ownership or legal agency with the right to dispose of and utilize the parcel(s); moreover, that he and any cosigners affirm that they will abide by the conditions and obligations legally required and will inform any assigns of their continuing responsibilities.

Applicant's Name:

(if firm, name of firm)

Phone No:

Applicant's Mailing Address:

Applicant's Signature:

email:

Property Owner's Name:

email:

Property Owner's Mailing Address

phone#

Property Owner's Signature:

=====

STAFF USE ONLY

FILE NO. TUP-_____ Initial Study No. _____ Fees: \$ _____

Date Rec'd: ___/___/___ Rec'd By: _____ Receipt No: _____

Existing Use _____ Zone _____ Related Files _____

PUBLIC HEARING:

Plng. Director ___/___/___

Plng. Commission ___/___/___

ENVIROMENTAL REVIEW:

_____ Required; _____ Exempt (Sec. 153 ____, Class _____)

APPROVAL: By _____ Date ___/___/___

Conditions: None Noted on Approval Plan Attached to Approved Plan

FOR INFORMATION ON THE SPECIFIC REGULATIONS FOR ALLOWED TEMPORARY USES, PLEASE OBTAIN A COPY OF THE "TEMPORARY USE PERMIT INFORMATION SHEET" FROM THE PLANNING DEPARTMENT OR CONTACT THE PLANNING DEPARTMENT AT (707) 994-8201.

REVIEW OF TEMPORARY USE PERMIT APPLICATION

1. **All additional requirements applied to this permit (see below).**
2. Businesses desiring to utilize public or private property beyond that which is otherwise permitted shall submit a no-fee Temporary Use Permit Application in a form approved by the City Manager, which shall include a description of proposed use and a drawing/depiction of the proposed location and layout.
3. The Director of Community Development or his designee may approve and issue the permit without providing notice of or conducting a hearing on the application otherwise required of a use permit application.
4. The City reserves the right to determine on a case-by-case basis the suitability and appropriateness of the use requested by the business. The requested use shall have limited impact on other businesses operating in close proximity.
5. The City may impose Conditions of Approval on any temporary use that is deemed reasonable and necessary to promote the safe and orderly use of the property and assure compatibility with surrounding land use.
6. The use area and any furnishings shall be maintained in an attractive, clean (free from spills, litter and other debris) and safe manner. During non-operational hours, furnishings shall be secured within the use area or stored indoors.
7. Businesses must comply with all local, state and federal laws, regulations, and guidelines governing the temporary use including public health orders. Food vendors/Restaurants must maintain a food facility permit from the County of Lake Environmental Health Division, and alcoholic beverage sales are not permitted without a license, permit or other legally authorized approval issued by the California Department of Alcohol and Beverage Control.
8. The business must have a valid sellers' permit issued by the State Board of Equalization and a City of Clearlake business license.
9. Temporary signage may be placed to designate and/or advertise the use; signs shall not be dangerous or hazardous to vehicles or pedestrians.
10. The use of property shall not interfere with vehicular and pedestrian traffic, or access under the Americans with Disabilities Act.
11. No permanent item or structure may be installed except for that which may be permitted through the normal building and planning process.
12. Any such temporary use permitted shall cease upon termination of the City's emergency order allowing such use, and the business shall return the property to the condition existing at the time of permit issuance.
13. Any street, sidewalk, or City improvements, furnishings, and utilities damaged or destroyed by use and/or facility shall be replaced to City standards with the cost borne by the business.
14. No real property right is provided, given, or otherwise conveyed to any person or entity using City-owned property as provided herein.
15. A temporary use permit in the public right-of- away is an interruptible privilege. The City may interrupt the operation of a temporary use at any time due to anticipated or actual conflicts.
16. The City reserves the right to suspend temporary use if a business fails to comply with any of the requirements.
17. Temporary Use Permits are not transferable to a new owner and/or location.
18. **Insurance Requirements (for use of City-owned property only):** The Business shall procure and maintain for the duration of the permit General Liability insurance against claims for injuries to persons of damages to property which may arise from or in connection with the right-of-way encroachment. The General Liability coverage and policy is to contain, or to be endorsed to contain, the following provisions:
 - A certificate of General Liability insurance in the minimum amount of \$1, 000,000 (**Higher limits may apply with high-risk activities**) combined single limit per occurrence for bodily injury, personal injury and property damage. If commercial general liability insurance or other form with a general aggregate limit is used, either the general aggregate shall apply separately to this project/location or the general aggregate shall be twice the required occurrence limit.
 - The City, its officers, officials, employees, and volunteers and the property owner are to be covered as additional insured with respect to liability arising out of the public right-of-way encroachment owner, leased, hired, or borrowed by or on behalf of the Business; and with respect to liability arising out of right-of-way encroachment on behalf of the Business including materials, parts, or equipment in connection with such right-of-way encroachment. General liability coverage can be provided in the form of an endorsement to the Business's insurance, or as a separate owner's policy.
 - The Business's insurance coverage shall be primary as respect to the City, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, or volunteers shall be excess of the Business's insurance and shall not contribute with it.
 - The insurance policy required by this clause shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City.
 - Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in anywhere an agreement to indemnify the additional insured would be invalid under subdivision (b) of section 2782 of the Civil Code.
19. Permittee agrees to waive any claim it might have against the City of Clearlake ("City") or its officers and employees for death to any person, personal injury, or property damage, resulting from the use authorized by this permit. Permittee agrees to indemnify and hold the property owner and the City and their officers and employees harmless from and against any claim by any person or entity arising out of Permittee's activities under this permit, for damages resulting from the death of any person, personal injury, or property damage, including all costs associates with defending against any such claim, except for deaths, personal injuries, or property damage resulting solely and exclusively from the active negligence of the property owner and/or City or their officers or employees.