

DOWNTOWN MAIN STREET CLOSURE PROGRAM TEMPORARY USE OF CITY RIGHT-OF-WAY MESSAGE

The City of Pleasanton will temporarily close Main Street to vehicles on certain weekends to allow for an enhanced pedestrian environment and offer outdoor dining and retail. The City of Pleasanton will also allow some personal services, such as non-medical massage establishments, the opportunity to expand operations into the right-of-way while maintaining appropriate social distancing, consistent with activities allowed by the County of Alameda Health Order (Order). Temporary outdoor non-medical massage shall be permitted, subject to compliance with applicable state and local law, and the conditions specified on Page 2 of this agreement. To ensure pedestrian and emergency vehicle access, massage operations may only occur within defined "Allowed Activity Zones" on Main Street, as generally shown below, for each week the Main Street closure is activated by the City, from Fridays at 2:00p.m. to Sundays at 8:00p.m.

Location of Existing Business: _____
(Street Address, Suite. No) (Zip Code)

Massage Establishment Owner's Name (Print): _____

Name of Massage Establishment: _____

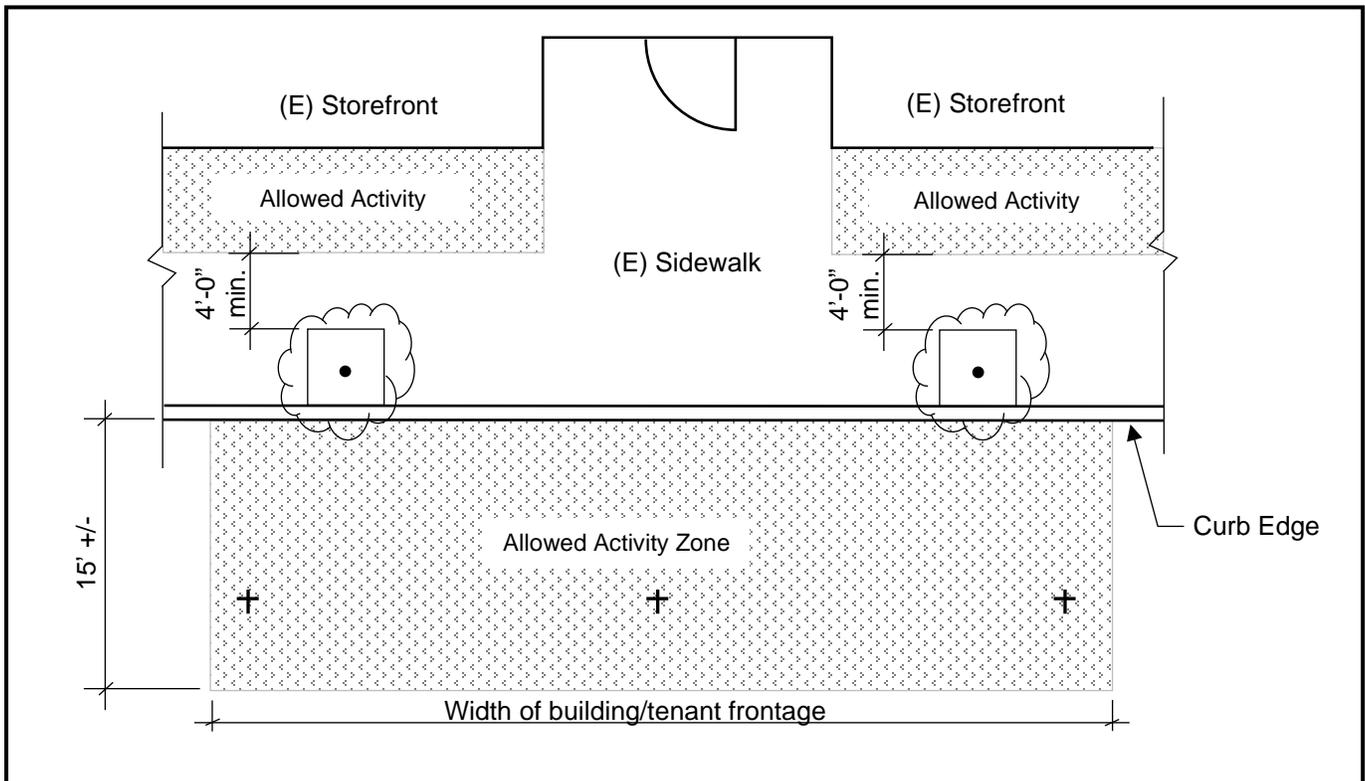
Bus. Phone: (____) _____ **Email:** _____

Mailing Address (if different from above): _____
(Address, City, State, Zip Code)

Total Number of existing client massage tables (indoor Pre-COVID;): _____

Number of proposed temporary outdoor massage tables: _____

Attach a site plan diagram, sketch or aerial photo of proposed setup



Please **check each box, sign and date below** to indicate you understand and will comply with the following regulations, and email to pod@cityofpleasantonca.gov.

- Applicant shall comply with all provisions of the Alameda County Order of the Health Officer, and as it may be amended or superseded, allowing non-medical massage providers to operate outdoors.
- Massage practitioners shall display their massage practitioner permits in an open and conspicuous place.
- Outdoor massage shall be allowed for three-months and may be extended if there is a continuing need for social distancing at the expiration of the three-month period. The temporary outdoor massage items shall be removed within three days of the expiration of the Order.
- The number of outdoor massage tables and chairs shall not be greater than the originally approved total number of tables and chairs inside the massage establishment.
- The only permitted furniture within the temporary outdoor massage areas are tables, chairs, and properly anchored umbrellas or temporary tent/shade structures. Any furniture within the temporary outdoor areas shall be properly secured or brought in at night. All temporary tents and shade structures shall comply with applicable Fire Codes.
- Temporary tents/shade structures shall be open on at least three sides and shall be located so as not to interfere with operations of other uses on the property or inhibit accessibility or emergency access.
- No heaters, smoking or open flames of any kind shall be permitted in or under temporary tents/shade structures and a State approved fire extinguisher shall be within 75-feet of each tent/shade structure.
- The temporary outdoor massage area shall be allowed for the duration of the Main Street closure program, or as it may be amended or superseded, from Fridays at 2:00 p.m. to Sundays at 8:00 p.m.
- A 4-foot unobstructed sidewalk clearance for pedestrians shall be maintained at all times from any furnishings, fencing, or similar barrier or object installed as part of the temporary outdoor massage area. Areas demarcated for Emergency Vehicle Access, driveways, and other areas not subject to closure shall also be kept clear of any obstructions.
- The temporary outdoor massage area shall not block access to or from a building and shall be located within the area fronting the establishment.
- No portion of the temporary outdoor massage area shall be permanently attached to the sidewalk or street. No temporary furniture, equipment, tent or shade structure may be installed prior to the street closure, and all temporary furniture, equipment, tent and shade structures shall be removed every Sunday prior to re-opening of Main Street to vehicular traffic.
- Permittee shall comply with all laws, statutes, regulations, ordinances and requirements now in force, or which may come into force, pertaining to the Public Property, including, but not limited to, providing and maintaining appropriate clearances and access compliant with the Americans with Disabilities Act (ADA) and Title 24 of the California Code of Regulations for the public sidewalk adjacent to the temporary outdoor massage area.
- Non-compliance with these regulations may result in a requirement to correct or revocation of this permit.
- Permittee shall hold harmless, defend, and indemnify the City, its officers, agents, and employees from and against all claims for liabilities, losses, penalties, fines, injuries to or death of any person, or damage to any property whatsoever, including without limitation, reasonable attorneys' fees and costs which the City may suffer or incur arising from or in any way connected to Permittee's use of the Public Property. If a legal action is brought to enforce the terms of this Application, or for matters arising out of Permittee's use of the Public Property, City shall be entitled to all costs, including reasonable attorneys' fees.
- Permittee shall obtain and maintain for the duration of this Agreement commercial general liability insurance with at least \$2,000,000 combined limit for bodily injury and property damage. Permittee shall also obtain Workers' Compensation Insurance as required by law.
- If a legal action is brought to enforce the terms of this Agreement, or for matters arising out of Permittee's use of the Public Property, City shall be entitled to all costs, including reasonable attorneys' fees.

I certify I have read, understand, and will comply with the regulations indicated above and that this approval applies to the existing business at the address listed above.

Business Owner's Signature **Date**

Business Owner's Name (Print)

(For Staff Use)