

COVID-19 TEMPORARY CATERING AUTHORIZATION APPLICATION

Before completing this application, please review Form ABC-218 CV19 Instr. for important information regarding the COVID-19 Temporary Catering Authorization.

Instructions: Indicate the license number this temporary authorization will apply to in the appropriate box and then complete sections #1 and #2. Once complete, submit to the local ABC office with a non-refundable payment in the amount of \$100.00. Acceptable forms of payment are business/personal check, cashiers check or money order. You must also submit Form ABC-253 which clearly identifies where the area is in relation to the existing licensed premises. If you are entering into an agreement with another person/entity for meal service, you must also submit a copy of the agreement or contract which establishes the details of this business relationship. Incomplete or inaccurate applications may result in delay or denial of the application request. If approved, a COVID-19 Temporary Catering Authorization will be sent to you via the email address you provide below. If you do not have a valid email address, the authorization will be mailed to your premises.

LICENSE NUMBER

RECEIPT NUMBER (FOR ABC USE ONLY)

TOTAL FEE

SECTION 1 (Application Details And Licensee Acknowledgment)

| | | | |
|--|--|---|-------------------------|
| 1. LICENSEE NAME(S) (If an individual, first name, middle name, last name.) | | 2. CONTACT PERSON | 3. CONTACT PHONE NUMBER |
| 4. LICENSED PREMISES ADDRESS | | 5. EMAIL ADDRESS | |
| 6. DESCRIPTION OF EXPANDED AREA (Adjacent suite, sidewalk, parking lot, etc.) You must also complete and submit Form ABC-253 which identifies where the expansion is in relation to the existing premises. | | | |
| 7. DESCRIPTION OF HOW THE EXPANDED AREA WILL BE DELINEATED (Theater style stanchions and rope, temporary fencing, etc.) | | | |
| 8. WILL THE EXPANDED AREA BE SHARED WITH ANY OTHER PERSON <input type="checkbox"/> Yes <input type="checkbox"/> No | | 9. ARE YOU CONTRACTING WITH ANOTHER PERSON FOR MEAL SERVICE (If yes, you must attach a copy of the agreement) <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| 10. DO YOU HAVE LEGAL AUTHORITY TO USE THE REQUESTED AREA <input type="checkbox"/> Yes <input type="checkbox"/> No | | 11. WHAT IS YOUR LEGAL AUTHORITY TO USE THE AREA (Valid lease, rental contract, city permit, etc.) | |

IN COMPLETING THIS APPLICATION FOR A COVID-19 TEMPORARY CATERING AUTHORIZATION, I ACKNOWLEDGE ALL OF THE FOLLOWING:
Check all of the boxes below. Failure to acknowledge all of the below may result in delay or denial of the application

- The requested expansion and its intended operation is and must remain consistent with state and local health and safety directives. Additionally, I have forwarded a copy of this application request to the appropriate local law enforcement agency.
- This authorization is limited to service of those alcoholic beverages authorized by the applicant license type.
- If approved, the authorization will be limited to service of alcoholic beverages during times in which bona fide meals are being served in the expanded area, whether by us or another person/entity under agreement with us.
- Except as to any conditions that the Department has determined will not be enforced under other Notices of Regulatory Relief, any operating conditions in place for the existing licensed premises will apply to the temporarily expanded area.
- If the Department determines that operation of the temporarily expanded area is contrary to public health, safety, or welfare, new or additional operating conditions may be added to the authorization at the time of or after its issuance.
- If the temporarily expanded area is being shared with other ABC licensees, we will be held jointly responsible for any violations that may occur within the shared area.
- If approved, the authorization may be canceled by the Department for reasons including, but not limited to: 1) upon termination of the temporary program granting the issuance of this authorization; 2) for violations of any law, rule, ordinance, or directive pertaining to business activities conducted on the premises and expanded area; 3) for negatively impacting nearby residents; 4) upon objection by local law enforcement; 5) if in the discretion of the Department continuance of the permit will negatively impact the public health, safety, or welfare.

SECTION 2 (Licensee Declaration And Signature)

I declare under penalty of perjury that to the best of my knowledge these statements are true and correct.

LICENSEE SIGNATURE

DATE SIGNED

SECTION 3 (FOR ABC USE ONLY)

| | | | |
|--|---|---|--|
| ABC-253 ATTACHED <input type="checkbox"/> Yes <input type="checkbox"/> No | MEAL PROVIDER CONTRACT REQUIRED <input type="checkbox"/> Yes, attached <input type="checkbox"/> No | IS MEAL PROVIDER A LICENSEE ALSO <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A | APPLICATION APPROVED <input type="checkbox"/> Yes <input type="checkbox"/> No |
| APPROVAL /DENIAL BY (ABC Official Name) | | ABC OFFICIAL SIGNATURE | DATE SIGNED |

COVID-19 TEMPORARY CATERING AUTHORIZATION INFORMATION

Purpose of a COVID-19 Temporary Catering Authorization

The COVID-19 Temporary Catering Authorization is intended to assist qualified hospitality businesses with reopening in a manner that is consistent with local and state health and safety directives. This specifically includes temporarily expanding the licensed area of a qualified business to accommodate patrons while abiding by social distancing guidelines and directives.

Who May Obtain a COVID-19 Temporary Catering Authorization

Any licensee with on-sale retail privileges may qualify for a COVID-19 Temporary Catering Authorization. A Caterer's Permit (Type 58) is not required to qualify for this authorization. The COVID-19 Temporary Catering Authorization authorizes the on-site consumption of those alcoholic beverages for which the licensee has on-sale privileges; on property that is adjacent to the licensed premises, that is under the control of the licensee, and where bona fide meals are being served. For purposes of the COVID-19 Temporary Catering Authorization, bona fide meals may be prepared and served by the licensee or any other person or business under an agreement with the licensee.

A COVID-19 Temporary Catering Authorization will only be considered for those businesses located in counties which have loosened restrictions on "in-person dining". Applications submitted for counties which are not currently allowing this type of activity will be returned.

Acceptable Locations for a COVID-19 Temporary Catering Authorization

Qualified businesses may apply for a COVID-19 Temporary Catering Authorization that temporarily expands their existing licensed premises to include an area that is adjacent to the licensed premises, under the control of the licensee, and where bona fide meals are being served. If approved, the authorization will be limited to service of alcoholic beverages during times in which meals are being served in the expanded area, whether by the licensee or another person under agreement with the licensee. Adjacent areas under the control of the licensee include, but are not limited to:

- indoor areas that are accessible from within the licensed premises but not currently licensed;
- outdoor areas that are accessible from the licensed premises but not currently licensed;
- indoor and outdoor areas under the control of the licensee and one or more other businesses;
- parking lots;
- sidewalks and other public thoroughfares that are closed to public access during the period of service;
- other areas within close proximity to the licensed premises that are immediately accessible to the licensee, and that are secured by and under the control of the licensee, at the discretion of the Department.

In all areas approved under the COVID-19 Temporary Catering Authorization, the licensee may exercise only those privileges authorized by the licensee's license and shall comply with all provisions of the ABC Act pertaining to the conduct of on-sale premises. Violations of these provisions, as well as the terms and conditions of the COVID-19 Temporary Catering Authorization, may be grounds for suspension or revocation of the licensee's license, as though the violation occurred on the licensed premises. The COVID-19 Temporary Catering Authorization may be immediately canceled by the Department if any violations occur within the temporarily authorized area or within the permanently licensed premises.

If the temporarily authorized area is being utilized by one or more other licensees, all licensees sharing the area will be jointly responsible for compliance with all applicable laws and rules pertaining to their respective licenses and authorizations and for any violations that may occur within the shared common temporarily authorized area. If at any point a licensee wants to terminate its liability for a shared area, it must cancel its COVID-19 Temporary Catering Authorization.

How to Apply for a COVID-19 Temporary Catering Authorization

If you are a qualified business, you may apply for a COVID-19 Temporary Catering Authorization by submitting a completed COVID-19 Temporary Catering Authorization Application (Form ABC-218 CV19) to your nearest ABC office. You must also submit a Supplemental Diagram (Form ABC-253) which clearly identifies where the requested area is in relation to the existing licensed premises. If you are entering into an agreement with another person/entity for meal service, you must also submit a copy of the agreement or contract which establishes the details of this business relationship. The fee for a COVID-19 Temporary Catering Authorization is \$100.00. This fee is non-refundable regardless of whether the application is approved or denied.

Depending on the circumstances involving the temporary expansion you are requesting, the office accepting the application may also require that you submit additional forms. Each qualified licensed location may apply for only one COVID-19 Temporary Catering Authorization. However, a single authorization may include multiple adjacent areas under the licensee's control. Prior to submitting this application, it is your responsibility to:

- ensure you have legal authority to use the area(s) requested;
- ensure the temporary expansion request has the approval of applicable local agencies (i.e., zoning, law enforcement);
- ensure the temporary expansion request is being made in accordance with applicable city, county, and state guidelines regarding social distancing and the legality of your business being open for in-person service (This may vary by jurisdiction);
- ensure the temporary expansion request will not negatively impact the surrounding area (i.e., residences, nearby businesses).

Failure to do any of the above may result in denial of the application; or an immediate cancellation of the authorization if one has been issued and any of the above is subsequently determined to have not been met.

If your application for a COVID-19 Temporary Catering Authorization is approved, the approving office will send you a COVID-19 Temporary Catering Authorization via email. If you prefer, the authorization can be sent to you via U.S. mail as opposed to email. The authorization must be kept on-site along with the diagram of where the temporarily expanded area is in relation to the existing licensed premises (Form ABC-253). Pursuant to the Notice of Regulatory Relief which allows for the issuance of a COVID-19 Temporary Catering Authorization, businesses located in counties that have lifted restrictions on in-person dining may begin operating in the requested area(s) upon submission of a completed application and payment of the \$100 fee. However, please note that if the application is subsequently denied you will have to cease operation in the requested area(s) and will not be entitled to a refund. If your application for a COVID-19 Temporary Catering Authorization is denied, you will be notified of the denial along with the reason(s) which resulted in its denial.

If, after issuance of a COVID-19 Temporary Catering Authorization, you want to make changes to the temporarily authorized area(s) or add an additional area, you will need to complete and submit a new application and payment in the amount of \$100. If approved, the new authorization will replace the existing authorization on file.

Additional Information

If approved the COVID-19 Temporary Catering Authorization may be canceled as follows:

- for reasons indicated previously in this document;
- upon the termination of this COVID-19 Temporary Catering Authorization program;
- for any violation of the ABC Act, or for violation of applicable laws, rules, ordinances, and other directives pertaining to business activities conducted on the premises and expanded area;
- for disturbance of the quiet enjoyment of nearby residents;
- upon objection by local law enforcement;
- if operation of the temporarily authorized area is inconsistent with State or local public health directives, including social distancing directives or guidance;
- if in the discretion of the Department continuance of the COVID-19 Catering Authorization will negatively impact the public's health, safety, or welfare.

Canceled COVID-19 Temporary Catering Authorizations will not be refunded.

Alcohol Beverage Control (ABC)

COVID-19 Links

ABC Website

<https://www.abc.ca.gov/>

ABC COVID-19 Webpage with revised regulations

<https://www.abc.ca.gov/law-and-policy/coronavirus19/>

FAQ about COVID-19 Temporary Catering Authorization (Expansion)

<https://www.abc.ca.gov/law-and-policy/coronavirus19/frequently-asked-questions/>

COVID-19 Temporary Catering Authorization Application

<https://www.abc.ca.gov/wp-content/uploads/forms/ABC218CV19.pdf>