



OUTDOOR RESTAURANT SEATING AND MERCHANDISE DISPLAY ENCROACHMENT PERMIT GUIDELINES

Thank you for your interest in applying for an outdoor restaurant seating and merchandise display permit in the City of San Mateo. Outdoor dining can be a great way to encourage walking, add liveliness to city streets and promote local economic development. Restaurant seating located on public sidewalks (in public right-of-way) may be allowed, subject to meeting the development standards and conditions listed below along with approval of an **Encroachment Permit** (attached) from the Department of Public Works. The City has put together the following key information to assist you with the sidewalk dining permit process.

The following documents and fees are required in order to process a permit for outdoor seating in the City of San Mateo:

- Outdoor Restaurant Seating and Merchandise Display Encroachment Permit Application
- Annual Encroachment Fee (according to the current Adopted Comprehensive Fee Schedule)
- Certificate of Liability Insurance
- Site Plan Drawing (3 copies)
- Photographs of the front of the business

OUTDOOR RESTAURANT SEATING AND MERCHANDISE DISPLAY ENCROACHMENT PERMIT REQUIREMENTS:

1. **Review the Following Conditions of Use:** Outdoor restaurant or café seating located on public sidewalks must meet certain standards and conditions of use. (Details in Chapter 27.87 of the San Mateo City Charter and Municipal Code at <http://qcode.us/codes/sanmateo/>). Please read below to see if proposed site meets these requirements:

- **Clearance.** Review sample site plan attached. Any outdoor table and seating must maintain a minimum sidewalk clearance and pedestrian through zone of **4-feet** from any physical obstruction. This includes light poles, parking meters, fire hydrants, news racks, trees, or other barriers and entryways or display window of adjacent businesses, unless authorized by the adjacent business. Table or seating may be placed near curb if there is a minimum of **2-feet** clearance to the curb.
- **Seating Area.** Shall be approved as part of the encroachment permit and designed to be decorative, durable, removable and minimize tripping hazards.
- **Other Limitations.** Tables, seating and any approved physical barriers to mark the seating area are the only items permitted to be located on the sidewalk. These items shall be removed from the public sidewalk at the close of business each day. Other items, such as bus stops, are not permitted on the public sidewalks.
- **Site Maintenance.** Sidewalk seating areas shall be maintained free of litter, refuse and debris. The area shall be scrubbed and mopped to remove any food or drink stains on a daily basis.

Such cleaning shall be in accordance with the City's Storm Water Management and Discharge Control Program, which prohibits any discharge other than storm water into the storm water drainage system. Failure to maintain the site shall be cause of termination of the encroachment permit.

If the proposed site meets the requirements of the San Mateo Charter and Municipal Code, complete the following:

- 2. Outdoor Restaurant Seating and Merchandise Encroachment Permit.** Fill out Permit Application. Attached to this packet, available online or in person at City Hall.
- 3. Application Fee.** The applicant is responsible for the one-time fee. Fees are non-refundable. Amount is set forth in the Comprehensive Fee Schedule.
- 4. Term.** The permit is valid for a maximum of one year. Applicant must re-apply annually.
- 5. Termination.** The City reserves the right to terminate the permit without cause.
- 6. Certificate of Liability Insurance.** Applicants shall provide commercial general liability (or comprehensive) and property damage insurance providing endorsements showing the City of San Mateo as additional insured on the policy. See attached insurance standards.

Encroachment Permits issued shall be valid only during the term of liability insurance coverage. **It is the applicant's responsibility to submit updated insurance documents prior to the expiration date and annual fee. Failure to do so will result in revocation of the permit.**
- 7. Include Site Plan Drawing.** In order to review applications in a timely manner, please submit 3 copies of the plan drawn to scale, no smaller than 11" x 17". Plans may be drawn by hand. A sample site plan is attached. Please include the following:
 - Identify location of business
 - Label the property
 - Show any existing sidewalk obstructions (fire hydrants, trees, light poles, bike racks, utilities, newspaper racks, fixed/built-in seating, utility boxes etc.)
 - Show the proposed seating layout
 - Provide accurate dimensions
 - Photographs of the business frontage
- 8. Submit Completed Application and Fee.** Please submit all documents and fee to the Public Works counter at San Mateo City Hall at 330 West 20th Avenue, San Mateo, CA 94403 between 8am and 4pm.

For More Information: Questions or additional information regarding the Outdoor Restaurant Seating and Merchandise Display Encroachment Permit process, please contact Public Works at (650) 522-7300.

Attachments: Sample Site Plan
 Insurance Standards

**CITY OF SAN MATEO-DEPARTMENT OF PUBLIC WORKS
OUTDOOR RESTAURANT SEATING & MERCHANDISE DISPLAY ENCROACHMENT PERMIT
APPLICATION (Page 1 of 2)**

Business Name _____ San Mateo Business License Number _____	
Address _____	Contact Phone _____
City _____ Zip _____	Alternate Phone _____
Email address _____	Type of business _____
Contact Person _____	

1. **Property Owner Contact** _____
2. **Property Owner Phone/email** _____ / _____
3. **Signature of Property Owner** The owner understands and agrees to comply with all conditions of this application for an encroachment permit for Outdoor Restaurant Seating & Merchandise Display in accordance with the City of San Mateo Municipal Code Chapters 17.08 and 27.87 and other local, state and federal laws governing accessibility as they apply to this permit.

_____	_____
Signature of Owner	Date

4. Describe where the tables and chairs will be placed

Please include the following attachments:

- Site Plan (does not need to be done by architect, a simple drawing is adequate)
- Photographs of the business frontage
- Evidence of Commercial General Liability (or Comprehensive) and property damage Insurance for one year endorsing the City of San Mateo as additional insured with the City's address as the certificate holder. Insurance must be updated annually or the permit will be revoked. Insurance must meet the attached standards or a permit will not be issued.
- Payment in the amount of \$349 in the form of a check, money order or credit card.

**CITY OF SAN MATEO-DEPARTMENT OF PUBLIC WORKS
 OUTDOOR RESTAURANT SEATING & MERCHANDISE DISPLAY ENCROACHMENT PERMIT
 APPLICATION (Page 2 of 2)**

COMPLETE AND SUBMIT APPLICATION TO:

**Public Works Department
 City of San Mateo
 330 W. 20th Avenue
 San Mateo, CA 94403**

**QUESTIONS MAY BE ANSWERED BY EMAILING OR CALLING:
jdulik@cityofsanmateo.org or 650 522.7336**

Once the encroachment permit is issued, the permittee must notify the Public Works inspector 48 hours prior to the initial start of work. Call (650) 522-7522 Ext. 6900 to schedule an inspection.

I _____ hereby affirm that
 (Name)

1. I am not prohibited by any lease or rental agreement from placing tables and chairs on the sidewalk in front of my place of business and I agree to abide by the conditions and restrictions of Municipal Code Chapter 17.08.
2. I will abide by all regulations and conditions set forth in the actual encroachment permit.
3. There shall be no liability on the City or upon any of its officer, agents or employees for any damage by the permittee from any cause arising out of permitted activities. Furthermore, I agree to indemnify, defend and hold harmless the City of San Mateo and its officers and employees from any liability arising out of permitted activities.
4. I understand that it is my responsibility to update insurance prior to expiration and pay annual fee. Failure to do so will result in revocation of the encroachment permit.

 (Name)

 (Date)

Signature of Applicant/Authorized Agent *The applicant understands and agrees to comply with all conditions of this application for an encroachment permit for outdoor restaurant seating and merchandise display in accordance with the City of San Mateo Municipal Code Chapters 17.08 and 27.87 and other local, state and federal laws governing accessibility as they apply to this permit.*

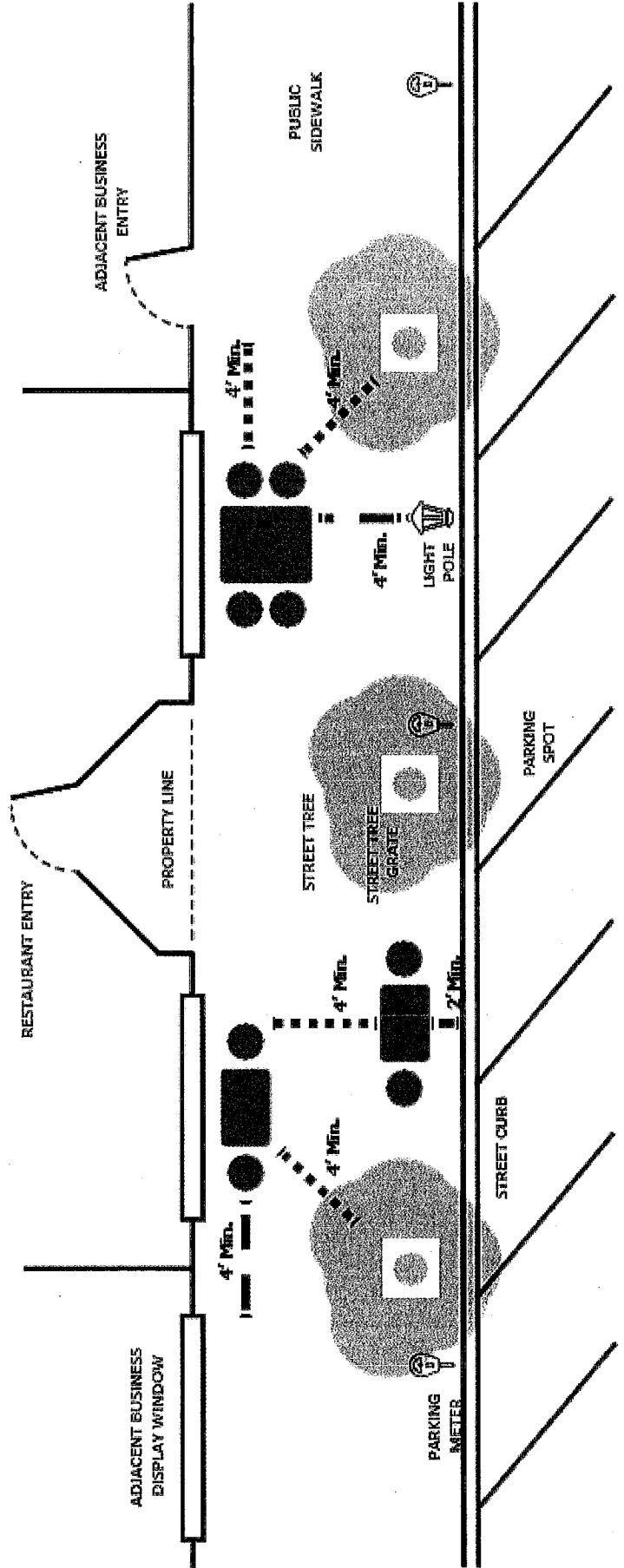
 Signature of Authorized Applicant/Authorized Agent

 Date

Reviewed and approved by Public Works staff		Reviewed and approved by Public Works Inspector	
Name	Date	Name	Date

Sample Site Plan

Sidewalk Tables and Chairs



4' minimum clearance from outer extent of seating to all obstacles and to the display windows and doorways of adjacent businesses; and 2' minimum clearance from outer extent of seating to the curb.

Plans submitted for Outdoor Restaurant Seating and Merchandise Display Encroachment Permit shall show:

- (1) Complete and accurate dimensions of sidewalk width;
- (2) Distance from outer extent of seating to all obstacles and to the display windows and doorways of adjacent businesses; and
- (3) Distance from outer extent of seating to the curb.

This sample site plan is not to scale.

CITY OF SAN MATEO
DEPARTMENT OF PUBLIC WORKS
330 West 20th Avenue San Mateo, CA 94403 (650) 522-7300
(650) 522-7301 fax

STANDARDS FOR INSURANCE
OUTDOOR RESTAURANT SEATING AND MERCHANDISE DISPLAY

Applicant shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the Applicant's operation and use of the public right-of-way. The cost of such insurance shall be borne by the Applicant.

MINIMUM SCOPE AND LIMIT OF INSURANCE Coverage shall be at least as broad as:

1. **Commercial General Liability (CGL):** Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury **with limits no less than \$1,000,000 per occurrence**. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit.
2. **Workers' Compensation:** Workers' Compensation insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance **with limits of no less than \$1,000,000 per accident** for bodily injury or disease. (for Applicants with employees).
3. **Property Insurance:** Property insurance against all risks of loss to any tenant improvements or betterments, at full replacement cost with no coinsurance penalty provision.

If the Applicant maintains broader coverage and/or higher limits than the minimums shown above, the City of San Mateo requires and shall be entitled to the broader coverage and/or higher limits maintained. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the City of San Mateo.

Insurance **MUST** be primary with regards to the City and name the City of San Mateo as an **additional insured** using the following wording **EXACTLY**, and insurance certificate **MUST** show:

"THE CITY OF SAN MATEO, ITS ELECTED AND APPOINTED OFFICIALS,
EMPLOYEES AND AGENTS ARE NAMED AS ADDITIONAL INSURED."

- Must have 30-day cancellation clause.