



SIDEWALK AND PEDESTRIAN MALL OUTDOOR DINING PERMIT PROGRAM

As revised October 2022

Outdoor dining is a great way to add liveliness to City streets and support local business operations. To that end, the City has created programs allowing businesses to expand their operations with additional restaurant seating in the public right-of-way, which includes City sidewalks and streets. The City has created two distinct programs to provide food service businesses the opportunity to expand a portion of their operations outside directly in front of their business frontage:

- Sidewalk and Pedestrian Mall Outdoor Dining Encroachment Permit – This permit allows ground floor food service businesses to provide outdoor seating and related furnishings in the following areas if the applicant meets certain City standards and conditions of use:
 - Commercial district areas on sidewalks (except when fronting El Camino Real).
 - The pedestrian mall on B Street between 1st and 3rd Avenue.
- Parklet Encroachment Permit – This permit allows food service businesses to construct seating areas in on-street parking spaces directly in front of their business. Parklets are allowed in all commercial districts except along El Camino Real. Parklet Encroachment permits are not allowed inside the pedestrian mall (B Street between 1st and 3rd Avenue). If you are interested in expanding your business into the on-street parking area, please review the City's [Parklet Program Guidelines](#) and [Parklet Encroachment Permit Application](#).

Sidewalk and Pedestrian Mall Outdoor Dining Encroachment Permits are not available to food service businesses located in private shopping centers or businesses along El Camino Real because these locations are not under the City's control. Terms and Conditions for such permits are listed below and may be updated by staff from time to time as appropriate.

Food service businesses interested in offering outdoor dining along a sidewalk or within the Pedestrian Mall must include all submittal requirements listed below, submit a Sidewalk and Pedestrian Mall Encroachment Permit Application and receive approval prior to placing any furnishings in the public right-of-way.

For More Information. Questions or additional information regarding the Sidewalk and Pedestrian Mall Outdoor Dining and Parklet Programs, please contact Jennifer Chen, the City's Economic Development Manager at (650) 522-7009.

Sidewalk and Pedestrian Mall Outdoor Dining Encroachment Permit Application Submittal Requirements

The following documents and fees are required in order to process a permit for use of the sidewalk or pedestrian mall for outdoor dining:

1. **Sidewalk and Pedestrian Mall Encroachment Permit Application**

2. **Site Plan Drawings and Photos of Business Frontage.**

Site plan drawings may be drawn by hand and must include the following information (see sample drawings provided as Attachment 1):

- Label the location of the business on diagram and storefront boundaries.
- For sidewalk outdoor dining only: Show existing sidewalk obstructions (fire hydrants, trees, light poles, bike racks, utility boxes, manholes, newspaper racks, etc.) and dimensions between obstructions.
- For pedestrian mall outdoor dining only: show the location of the emergency access lane.
- Show the layout of all proposed furnishings (planters, tables, chairs, umbrellas, heaters, fencing, etc.)
- Photographs of the business frontage

Photographs of the proposed sidewalk dining set-up may be submitted instead of a site plan drawing but the applicant should still specify the distances between obstructions .

3. **Application Fee.** The applicant is responsible to pay the annual permit fee prior to permit expiration. Fees are non-refundable. The current fee amount (\$385.10 as of July 1, 2022) is set forth in the City's Comprehensive Fee Schedule.

4. **Certificate of Liability Insurance.** Applicants shall provide proof of commercial general liability (or comprehensive) and property damage insurance and endorsements showing the City of San Mateo as additional insured on the policy and stating that the insurance is primary. See attached insurance standards requirements. Encroachment Permits issued shall be valid only during the term of liability insurance coverage. Applicants are responsible to submit updated insurance documents prior to the expiration date and annual fee. Failure to do so will result in revocation of the permit.

Please submit all documents electronically by sending an email to pwencroachment@cityofsanmateo.org or in person at the Public Works counter at San Mateo City Hall at 330 West 20th Avenue, San Mateo, CA 94403 between 8am to 12pm and 1pm to 4:30pm.

Sidewalk and Pedestrian Mall Outdoor Dining Encroachment Permit

Terms and Conditions:

1. General Conditions of Use. Outdoor seating proposed on public sidewalks and within the pedestrian mall areas must meet the following terms and conditions:

- **Comply with Chapter 17.08 and 27.87 of the San Mateo Municipal Code and other local, state and federal laws governing accessibility.**
- **Adjacency to Storefront.** Outdoor seating must be located along the frontage of the storefront applying for the permit. Businesses will only be allowed to use a portion of the adjacent business owner's frontage to expand their outdoor dining area if they obtain a letter from the current adjacent business owner stating that they have agreed to allow their frontage to be used. Permission to use the space in front of an adjacent business can be revoked by that adjacent business at any time.
- **Sidewalk Clearance.** Outdoor seating areas 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, FDCs, and other fire-related appurtenances, news racks, trees, entryways of adjacent businesses, or other barriers. Tables or seating may be placed near the curb if a minimum of 2-foot clearance to the curb is maintained. Tables or seating shall not be placed within the gutter.
- **ADA Accessibility.** All seating areas must conform to the applicable provisions, rules, regulations and guidelines of the [California Building Code](#) (Title 24, Chapter 11b) and Americans with Disabilities Act.
- **Outdoor Cooking Not Allowed.** No outdoor cooking is allowed. Examples of types of foods that is considered outdoor cooking are hotpots, table-top barbeques, raclettes, fondues, and similar. In addition, outdoor restaurant busing stations are not allowed.
- **Live Music.** No amplified lived music is allowed without a Special Community Events permit from the City of San Mateo.

2. Furnishings. All outdoor furnishings (tables, chairs, umbrellas, planters, fencing, etc.) must be heavy enough to withstand high winds in order to protect guests and pedestrians. All furnishings may need to be stored inside the business from time to time to accommodate maintenance, cleaning, special events, or during periods of inclement or hazardous weather. Please ensure that weights used to anchor fixtures and furnishing do not create tripping hazards for pedestrians.

- **Bolting Not Allowed.** At no time shall any seating, tables, or umbrellas be bolted or affixed in any way to the public sidewalk, roadway, landscaping, or any structure (including but not limited to: buildings, fire hydrants, street trees, streetlights, parking meters, or traffic poles, etc.).
- **Fences/Railings/Stanchions.** Businesses wanting to mark the boundary between the outdoor seating area and pedestrian path of travel are allowed only if the materials can easily be removed at the request of the City for special events and/or required maintenance. The height of these installations should not exceed 36 inches from the ground to the top of the railing, fencing or stanchions.
- **Umbrellas.** Umbrellas shall be fire-retardant or manufactured of fire-resistant material. No

portion of an umbrella shall be less than eighty (80) inches above the ground.

- **Canopies Not Allowed.** Tents, canvas, roofs, shade structures are not allowed on the sidewalk or in the pedestrian malls.
- **Portable Heaters.** Space heaters are permitted if they are an outdoor approved type, are located in accordance with the manufacturer's recommendations, and are located at least 2 feet from the edge of any umbrella canvas, any tree foliage, and any other flammable object or material. Heaters are not allowed directly under umbrellas but can be placed near them if clearances are maintained.
- **Electrical connections.** All wiring and electrical cords must be exterior rated, GFCI protected, and UL listed. Cords must not create tripping hazards on the sidewalk and must be hung to allow for a minimum clearance of 10 feet above the sidewalk. The use of generators are prohibited. Businesses are not allowed to tap into existing City electrical connections such as twinkle light outlets or streetlight poles. Utilization of existing City electrical connections shall be cause of termination of the permit.

3. Site Maintenance. Outdoor 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 or complaints received by the City related to lack of cleaning or upkeep shall be cause of termination of the permit.

4. Notice for Removal. The City and/or utility companies may need to access the sidewalk or pedestrian mall area for maintenance, repairs, events, and/or other purposes. While the City and/or utility companies will try to give a 72-hour advance notice, it may not be possible when dealing with emergency repairs. Additionally, the City will not cover business losses related to the loss of seating or business interruptions due to construction.

6. Transfer. Applicant may only use the dining area for their business. Applicant may not lease/rent or receive funds for the seating area to another operator.

7. Term. The permit is valid for a maximum of one year. Applicant must renew permits annually and pay for permit fees and update insurance information.

8. Certificate of Liability Insurance. Applicants must provide proof of commercial general liability (or comprehensive) and property damage insurance including endorsements showing the City of San Mateo as an additional insured on the policy and stating that the insurance is primary with regard to the City of San Mateo. The detailed insurance standards are provided in Attachment 2 to these Terms and Conditions. It is the applicant's responsibility to update insurance prior to permit expiration. Failure to do so will result in revocation of the encroachment permit.

9. Termination. The City reserves the right to terminate the permit without cause. In addition, the permit may be revoked due to failure to comply with the terms and conditions of the permit.

10. Additional Provisions for Outdoor Seating Located on the Pedestrian Mall:

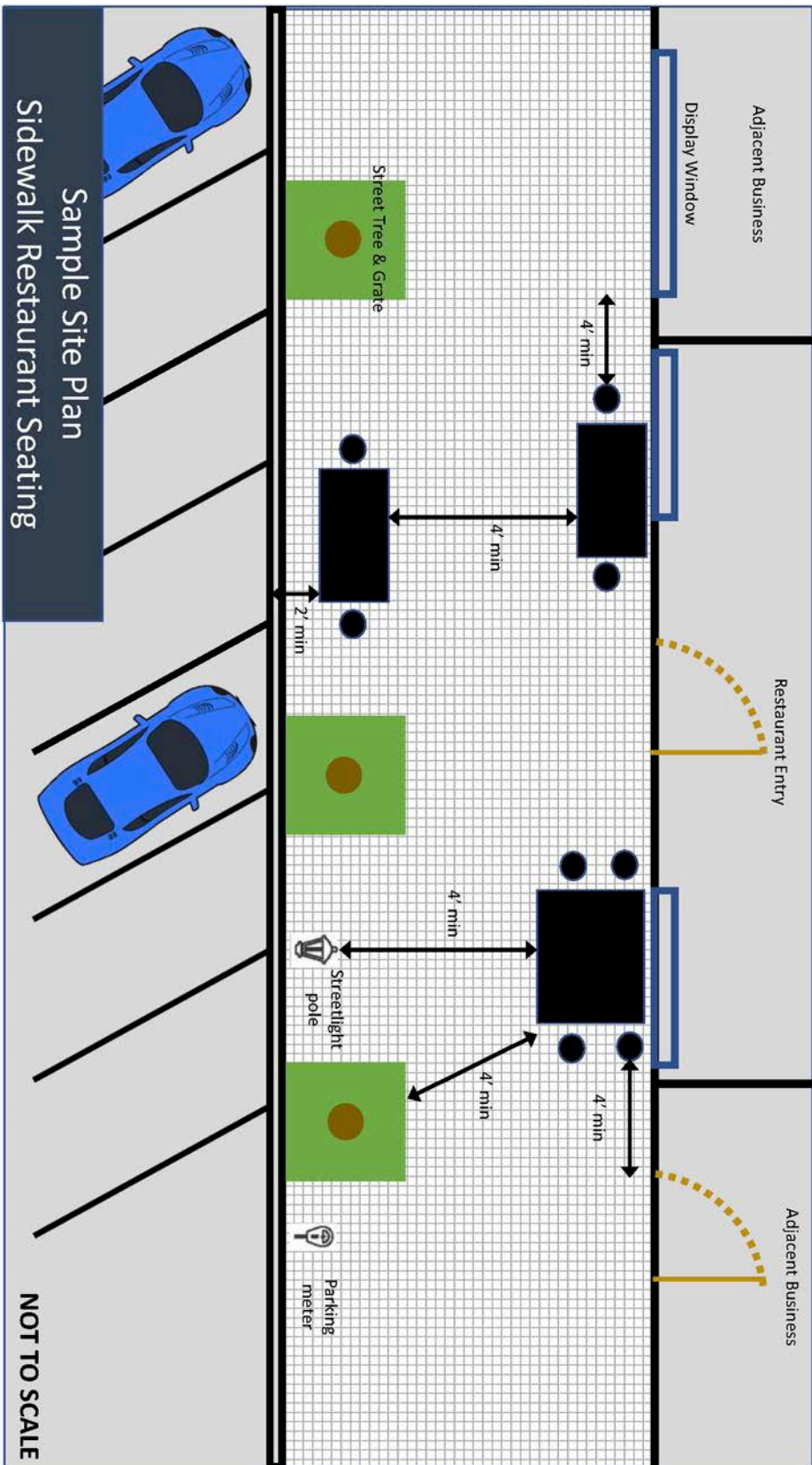
Businesses located along the pedestrian mall on B Street between 1st and 3rd Avenues will be required to meet

these additional conditions of use.

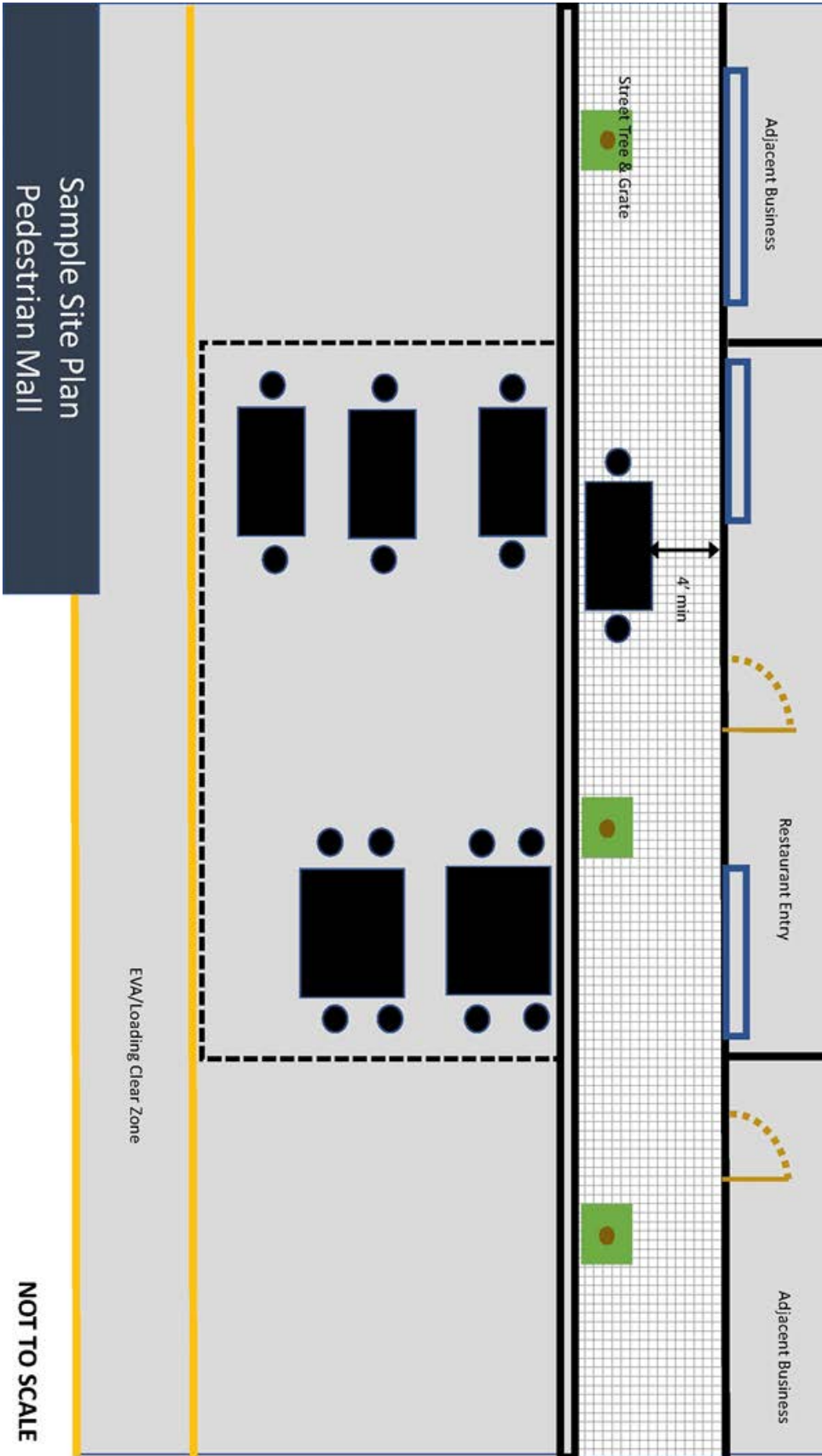
- **No Permanent Structures Allowed.** Businesses located in the pedestrian mall are not allowed to build any permanent structures. However, platforms will be allowed, provided that they can be designed to be easily removed upon 72 hours advance notice and stored off-street to allow for maintenance and City-sponsored events. Platforms must meet the following design criteria:
 - **Materials** - Platforms must be constructed from durable materials that can withstand wear and tear of elements. Pouring concrete for parklet platforms is not allowed. You may use concrete pavers on a platform structure instead. Surface materials must be textured or treated with a non-skid coating to ensure a safe walking surface. Loose particles, such as sand or loose stone, are not permitted.
 - **Platform Threshold** - The platform threshold must not leave a gap greater than 1/2 inch, nor a vertical separation greater than 1/4 inch.
 - **Drainage** - Platforms should allow for curbside drainage flow. A 6-inch height by 12-inch width minimum clear gutter space must be provided along the entire length of the proposed platform. Openings at either end of the parklet may be covered with screens to prevent debris buildup beneath the platform and in the gutter. It is the responsibility of the parklet permittee to clean the cover or screen to prevent any backup of storm water. All parklets must provide access through the parklet platform or threshold to the gutter adjacent to the curb.
 - **Bolting Not Allowed** - At no time may platforms be bolted or affixed in any way to the roadway or any structure (including but not limited to: buildings, fire hydrants, street trees, streetlight, parking meters, or traffic poles, etc.).
 - **ADA Accessibility** - All accessibility elements of the proposed platform shall be designed, constructed and/or conform to the applicable provisions, rules, regulations and guidelines of the California Building Code and Americans with Disabilities Act. Given the slope of the street, platforms may need to be raised above the height of the sidewalk in order to meet the ADA cross-slope requirement of no more than a ¼ inch rise per foot.
- **Canopies Not Allowed.** Tents, canvas, roofs, shade structures are not allowed in the pedestrian mall even if they are temporary/removable. Umbrellas are the only forms of shade protection allowed.
- **ADA Considerations.** Due to the slope of the street within the pedestrian mall, restaurants placing dining facilities in the pedestrian mall may also need to have tables available on the sidewalk in order to satisfy ADA accessibility requirements. It is the permittee's responsibility to ensure ADA compliance.
- **Maintenance and Special Events.** When the City or other utilities need to perform street maintenance or when City-sponsored events are planned, the City will provide businesses with 72 hours advance notice to remove all furnishings from the pedestrian malls. If a business does not comply its encroachment permit will terminate and the City will remove the furnishings at the permit-holders expense and the furnishings will not be returned. Businesses wanting to host a special event will need to apply for a [Special Community Events permit](#) from the City.

Emergency Access Lane. The center access lane must be kept clear at all times for emergency vehicles access and for short-term commercial vehicle loading, which is allowed from 1 am to 10 am daily. Please note that the City intends to expand the center lane to a total width of 16 feet as part of the proposed pedestrian mall improvements that are currently being designed.

Attachment 1
Sample Site Plan (1 of 2)
Sidewalk Dining



Sample Site Plan (2 of 2)
Pedestrian Mall Outdoor Dining Plan



Attachment 2
CITY OF SAN MATEO
STANDARDS FOR INSURANCE
SIDEWALK AND PEDESTRIAN MALL OUTDOOR DINING ENCROACHMENT PERMIT

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

MINIMUM SCOPE AND LIMIT OF INSURANCE

Coverage shall be at least as broad as:

Commercial General Liability (CGL): Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including liquor liability coverage, products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than \$2,000,000 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.

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 \$2,000,000 per accident for bodily injury or disease. (for Applicants with employees).

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 Permittee 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.

OTHER INSURANCE PROVISIONS:

The insurance policies are to contain, or be endorsed to contain, the following provisions:

Additional Insured Status

The City, its elected and appointed officials, employees, and agents, are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the permittee including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the Permittee's insurance (at least as broad as ISO Form CG 20 10).

Primary Coverage

For any claims related to this permit, the Permittee's insurance coverage shall be primary insurance coverage at least as broad as ISO CG 20 01 04 13 as respects the City, its elected and appointed officials, employees, and agents. Any insurance or self-insurance maintained by City, its elected or appointed officials, employees, or agents shall be excess of the Permittee's insurance and shall not contribute with it.

Liquor Liability

If Permittee will be supplying alcoholic beverages, the general liability insurance shall include liquor liability coverage covering the sale of alcohol. Permittee must have a valid liquor sales license.

Notice of Cancellation

Each insurance policy required above shall provide that coverage shall not be canceled, except with 30 days' prior written notice to City.

Waiver of Subrogation

Permittee hereby grants to City a waiver of any right to subrogation which any insurer of said permittee may acquire against City by virtue of the payment of any loss under such insurance. Permittee agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the City has received a waiver of subrogation endorsement from the insurer.

Acceptability of Insurers

Insurance is to be placed with insurers authorized to conduct business in the state with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City.

Self-Insured Retentions

Self-insured retentions must be declared to and approved by the City. At the option of the City, either: the permittee shall obtain coverage to reduce or eliminate such self-insured retentions as respects the City, its elected and appointed officials, employees, and agents; or the permittee shall provide a financial guarantee satisfactory to the City guaranteeing payment of losses and related investigations, claim administration, and defense expenses. The policy language shall provide, or be endorsed to provide, that the self-insured retention may be satisfied by either the named insured or City.

Verification of Coverage

Permittee shall furnish the City with original Certificates of Insurance including all required amendatory endorsements (or copies of the applicable policy language effecting coverage required by this clause) and a copy of the Declarations and Endorsement Page of the CGL policy listing all policy endorsements to City before permitted activities begin. However, failure to obtain the required documents prior to the work beginning shall not waive the permittee's obligation to provide them. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements, required by these specifications, at any time.

Special Risks or Circumstances

City reserves the right to modify these requirements at any time, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

**CITY OF SAN MATEO-DEPARTMENT OF PUBLIC WORKS
SIDEWALK AND PEDESTRIAN MALL OUTDOOR DINING 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. Describe where the tables and chairs will be placed _____

4. If you are located in the pedestrian mall, do you plan to include a platform as part of your installation? _____

Please include the following attachments:

1. Site Plan- Drawn to scale, no smaller than 8.5" by 11". Plans may be drawn by hand or dimensions may be provided over printed photographs. Sample site plans are attached for reference.
Please include the following information on the site plan:
 - Label the location of the business on diagram and storefront boundaries.
 - For sidewalk outdoor dining only: Show any existing sidewalk obstructions (fire hydrants, trees, light poles, bike racks, utility boxes, manholes, newspaper racks, etc.) and dimensions between obstructions.
 - For pedestrian mall outdoor dining only: show the location of the emergency access lane.
 - Show the proposed layout of all proposed furnishings (planters, tables, chairs, umbrellas, heaters, fencing, etc.)
 - Photographs of the business frontage
2. 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.
3. Payment in the amount of **\$385.10** in the form of a check, money order or credit card. All credit card transactions will incur a 3% non-refundable service charge.

**CITY OF SAN MATEO-DEPARTMENT OF PUBLIC WORKS
SIDEWALK AND PEDESTRIAN MALL OUTDOOR DINING ENCROACHMENT PERMIT
APPLICATION (Page 2 of 2)**

**COMPLETE AND SUBMIT APPLICATION TO: pwencroachment@cityofsanmateo.org Public Works Department City of San Mateo
330 W. 20th Avenue San Mateo, CA 94403**

**QUESTIONS MAY BE ANSWERED BY EMAILING OR CALLING:
ichen@cityofsanmateo.org or 650 522.7009.**

Once the encroachment permit is issued, the permittee must notify the Public Works inspector 72 hours prior to the initial start of work. Contact pwinspection@cityofsanmateo.org 650-522-7000 Ext. 6900 to schedule an inspection.

1. I _____ [insert name] hereby affirm that I have notified my landlord that I will be placing table and chairs in the pedestrian mall and have confirmed that I am not prohibited by any lease or rental agreement from placing furnishings in front of my place of business and I agree to abide by the conditions and restrictions of Municipal Code Chapter 17.08 and 27.87.
2. I agree to abide by and the terms and conditions attached to the encroachment permit and all other applicable laws and regulations.
3. I agree to hold harmless and indemnify the City of San Mateo (CITY), its elected and appointed officials, employees, and agents from and against any and all claims, loss, liability, damage, and expense arising out of Applicant’s activity, except for those claims arising out of CITY’s sole negligence or willful misconduct. I agree to defend CITY, its elected and appointed officials, employees, and agents against any such claims.

Signature of Applicant *I understand and agree to comply with all conditions of this application for a Sidewalk and Pedestrian Mall Outdoor Dining encroachment permit for outdoor restaurant seating 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

Date

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