

**CITY OF SAN MATEO**  
**RESOLUTION NO. \_\_\_\_\_(2022)**

**APPROVE AMENDMENTS TO THE PARKLET PERMIT PROGRAM GUIDELINES AND THE SIDEWALK AND  
PEDESTRIAN MALL OUTDOOR DINING PERMIT PROGRAM AND AUTHORIZE THE CITY MANAGER TO MAKE  
MINOR ADMINISTRATIVE AMENDMENTS TO THESE PROGRAM GUIDELINES**

WHEREAS, the City of San Mateo adopted Parklet Permit Program Guidelines on June 21, 2021 to allow for outdoor dining in commercial districts in public parking spaces through a Parklet Encroachment Permit; and

WHEREAS, the City of San Mateo adopted a Sidewalk and Pedestrian Mall Outdoor Dining Permit Program on March 21, 2022 to expand the existing sidewalk dining permit to include outdoor dining installations on the City's Pedestrian Malls on B Street; and

WHEREAS, the Parklet Permit Program Guidelines and the Sidewalk and Pedestrian Mall Outdoor Dining Permit Program are collectively referred to herein as "the Guidelines;" and

WHEREAS, the Guidelines have been amended to make clarifications to the requirements related to ADA access, the application process, and other minor clarifications; and

WHEREAS, further administrative updates may be needed to the Guidelines to ensure that they remain current; and

WHEREAS, City staff requests the authority to make minor administrative updates to the Guidelines with the approval of the City Manager; and

WHEREAS, any significant substantive changes to either or both of the Guidelines will require City Council review and approval.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF SAN MATEO, CALIFORNIA, HEREBY  
RESOLVES that:

1. In accordance with California Environmental Quality Act (CEQA) Guidelines, the amendments of the Parklet Program Guidelines and the Sidewalk and Pedestrian Mall Outdoor Dining Program are categorically exempt from CEQA as an "existing facility," because activity undertaken in accordance with the amendments will consist of a minor alteration to an existing City street (CEQA Guidelines Section 15301).
2. The City Council adopts the amended Parklet Permit Program Guidelines attached as Exhibit A to this resolution.
3. The City Council adopts the amended Sidewalk and Pedestrian Mall Outdoor Dining Program attached as Exhibit B to this resolution.
4. The City Council authorizes the City Manager to approve minor administrative updates to either or both of the Guidelines.
5. This Resolution shall take effect immediately upon its adoption.

EXHIBIT A

# City of San Mateo Parklet Program Guidelines



**As Revised  
October 17, 2022**

# Parklet Program Guidelines

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## I. Introduction

The City of San Mateo has developed a Parklet Program that allows for parklet installations in most commercial areas of the City.

The Parklet Program Guidelines outline the requirements for parklet installations. Due to the unique circumstances of each proposed parklet location, these are guidelines and specific elements may not be required in all cases. Similarly, there may be instances where City staff requires additional design elements not covered in these guidelines. The City of San Mateo will review the parklet permit applications, approving parklets that meet the design requirements and traffic safety standards as established by the Municipal Code and the California Manual on Uniform Traffic Control Devices (CA MUTCD).

All parklet installations require a [Parklet Encroachment Permit](#) from the City of San Mateo. Plans must be submitted by the business sponsor and permits must be issued by the City prior to any construction or modifications occurring. The parklets will be subject to both a one-time permit application fee, as well as an annual permit fee as defined in the [City Fee Schedule](#) and an inspection fee from San Mateo Consolidated Fire as defined in the [SMCF Fee Schedule](#).

## II. Location and Setback Criteria

Parklets are generally allowed in commercial districts along the curbside on public streets where on-street parking spaces exist. However, parklets are not allowed along El Camino Real because it is a State-controlled roadway and is not under the City's jurisdiction. Parklets are not allowed along the two blocks in the Pedestrian Mall, B Street between 1<sup>st</sup> and 3<sup>rd</sup> Avenues.

Parklets can be considered in commercial districts where there are or would be space(s) for on-street parallel, angled, or perpendicular parking, including spaces with metered or unmetered parking. Parklets are not allowed in ADA/handicap parking spaces or red curb zones. Parklets proposed in loading zones and in 24-minute parking spaces will be considered on a case by case basis.

### A. Location Criteria

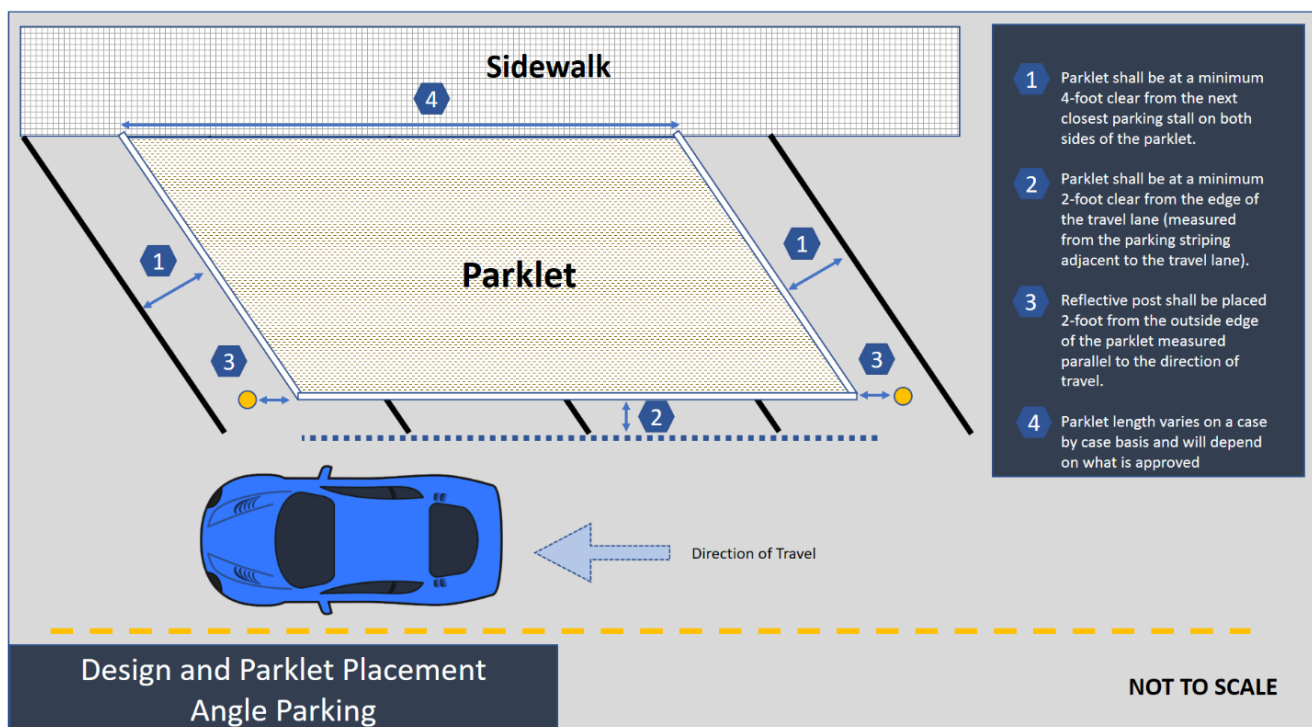
- **Adjacency to Storefront** - Parklets may only be installed along the frontage of the storefront that is applying for the parklet. Parklets are not allowed to use the frontage of adjacent storefronts to expand their territory. However, minor encroachments on adjacent storefront frontages may be allowed depending on the dimensions of the parking stalls being used for the parklet installation. Parklets shared with adjacent businesses will be considered on a case-by-case basis. The shared parklet area cannot exceed the frontage for the combined businesses.
- **Maximum Parking Stalls** - A maximum of two parallel parking spaces or four perpendicular or angled parking spaces shall be used for each parklet.
- **Parallel parking spaces** - Parklets located in parallel parking spaces can be the length of one or two parallel parking spaces. A 4-foot inner buffer is required when adjacent to another parallel parking space. A 2-foot buffer is required when adjacent to a driveway, motorcycle parking, or a bicycle corral.

# Parklet Program Guidelines

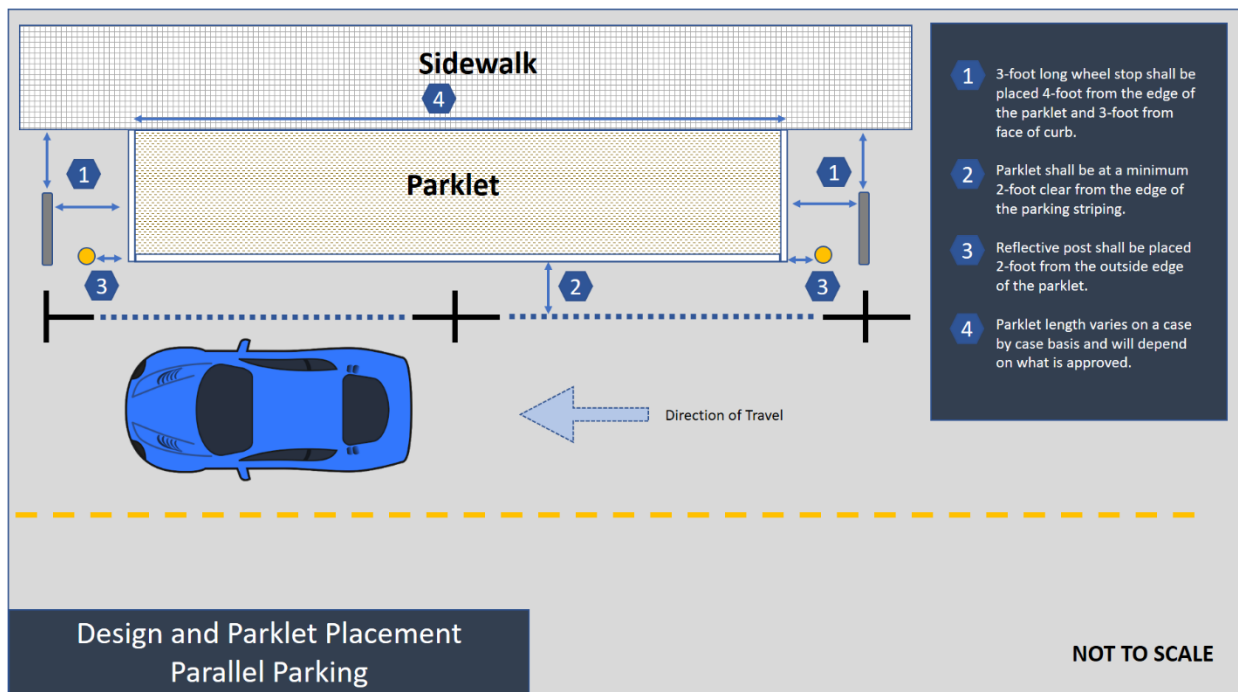
- **Perpendicular and angled parking spaces** - Parklets located in perpendicular or angled parking spaces can utilize a maximum of two to four combined parking spaces. The edge of the parklet must be set back 4 feet from the adjacent parking space on either side.
- **Corner locations** - Parklets located adjacent to intersection crosswalks shall provide 25-foot setbacks from the nearest crosswalk. Parklets that cannot meet these setback requirements may be considered on a case by case basis based on whether sight distance and safety can be maintained. In addition, storefronts located at corner locations may only have one parklet.
- **Fronting driveways** - Parklets may be installed in front of a driveway if the applicant owns the property served by the driveway or obtains written permission from the property owner. If the driveway has been abandoned or no longer provides access to off-street parking, the driveway may be levelled as part of the conditions for the parklet project. Parklets may not obstruct driveways or entrances to City-owned parking facilities.

## B. Parklet Setbacks

- **Travel Lane Setback** – Parklets shall have a 2-foot minimum setback from the travel lane measured from the parking striping adjacent to the travel lane (see Design and Parklet Placement diagrams below for more information).
- **Side Setback** - Parklets shall have a 4-foot minimum side setback to the nearest parking space (see Design and Parklet Placement diagrams below for more information).



# Parklet Program Guidelines



## C. Other Location Criteria

- **Utilities** - Parklets may not be constructed over or obstruct utility access panels, manhole covers, storm drains, or fire hydrants. A minimum clearance of 8 feet from storm drains and manhole covers will be required to allow for maintenance access. Parklets proposed under overhead utility lines will be required to meet the minimum distance requirements as established by the CPUC. Parklets that block the outlet of a sidewalk underdrain will be required to ensure the outlet is functional and flowing. Be sure to take a thorough inventory of utility access covers in your proposed parklet area by checking under parked cars. Parklet sponsors must provide for access to any City or public utility company that may have underground conduits beneath the constructed parklet. Access to utilities may require that a parklet sponsor temporarily remove all or a portion of the constructed parklet. Parklet sponsors are responsible for the cost of re-installing and restoring any damage to the parklet.
- **Bike Lanes** – Parklets cannot obstruct a bicycle lane or path.
- **Parklet Width** – Parklets must stay within the designated parking stall area.
- **Fire Hydrants** - Fire Hydrants shall not be blocked. A 15-foot clearance from the hydrant (7.5-foot each side) along the curb shall be maintained. A 3-foot buffer around the hydrant on all sides should also be maintained.
- **Fire Department Connections (FDCs)** – To maintain access to FDCs, 5-foot wide openings should be provided between every 2 adjacent parklets (and no more than 75-feet apart).

# Parklet Program Guidelines

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## III. Parklet Design Elements

Parklets generally consist of the following key elements:

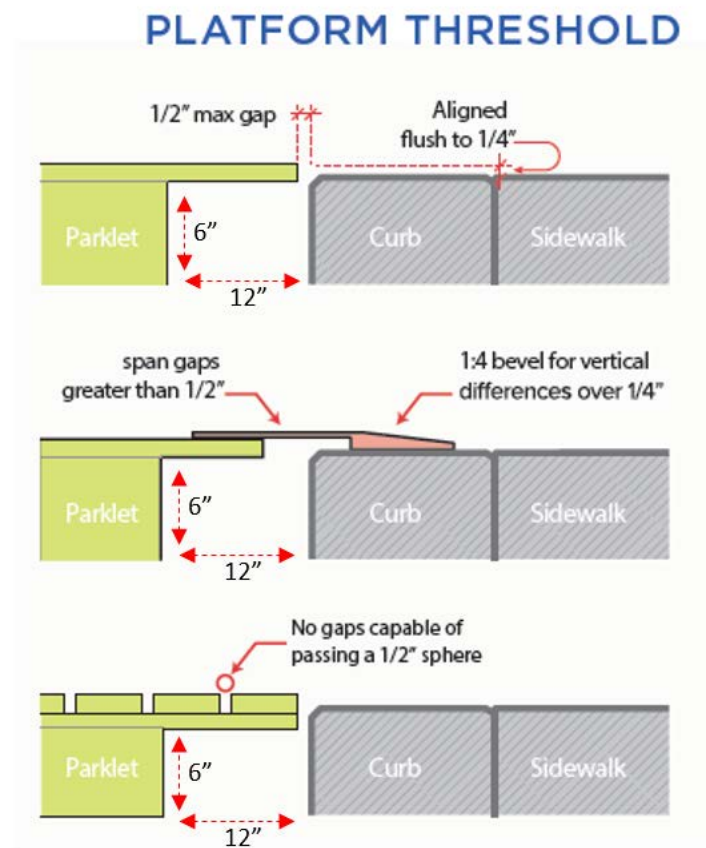
- A) **Platform** that allows the parklet to serve as an extension of the sidewalks.
- B) **Railings or enclosures** that demarcate the exterior of the parklet from the street and surrounding parking spaces.
- C) **Traffic safety protections** to reduce the potential for auto-related damage.
- D) **Furnishings and fixtures**.

### A. Platform 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.
- **Maintenance access** - Parklets must be designed to provide access under the platform to allow for maintenance (i.e. repairs or clearing debris). If the platform base is not a solid mass, access can be provided through access panels, removable pavers, or other means.
- **Platform Threshold** - The platform threshold must be flush and even with sidewalk and 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 structures 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.). An exception to this is that wheel stops for traffic protection must be bolted to the roadway as described in the Traffic Protection section of these Guidelines.

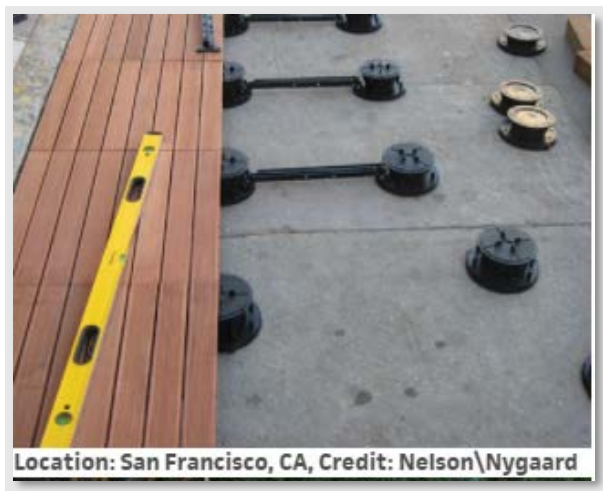
## Parklet Program Guidelines

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Source: San Francisco Parklet Manual

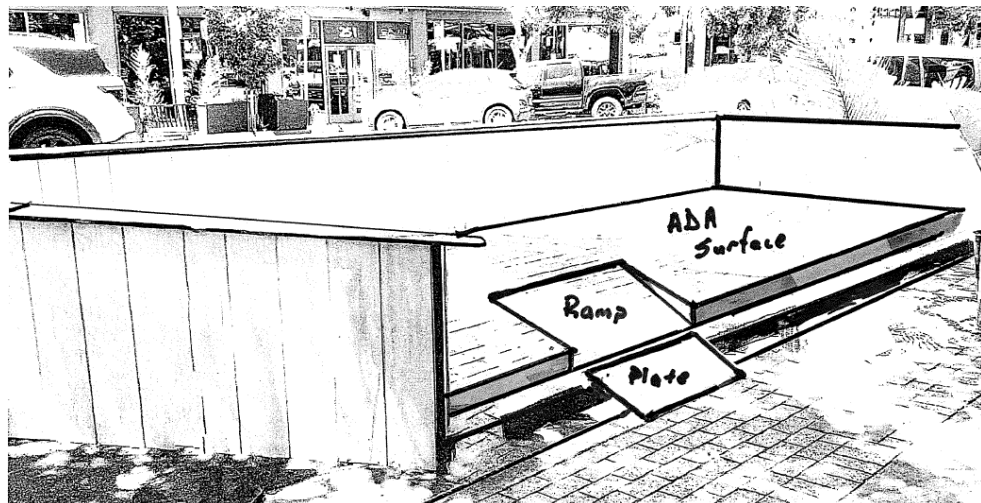
- **Sub-structure** - Designs for the sub-structure of a parklet vary and depend on the slope of the street and overall design for the structure. The sub-structure must accommodate the crown of the road and provide a level surface for the parklet. "Bison pedestals" (pictured below) spaced under the surface and of different heights are a common application. Another method is to provide steel sub-structure and angled beams.



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- **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.
  - Accessible Platform Surface: The portion of the parklet platform connected by the accessible path of travel to the wheelchair turning space and wheelchair resting space must be level. The accessible platform surface maximum cross slope (perpendicular to the sidewalk or curb) and running slope (parallel to the curb) cannot exceed a ¼ inch rise per foot in any direction.
  - Note that given the crown of the street in many locations, in order to achieve an ADA compliant platform surface, the parklet platform may need to be higher than the adjacent sidewalk (as opposed to being flush with the sidewalk) and will require a ramp for access. (See the picture below for an example of how this can be achieved.)
  - Accessible entry: Shall be a minimum of 48 inches wide.
  - Accessible path of travel: It must connect the sidewalk to the accessible entry, platform surface, wheelchair turning space and wheelchair resting space.
  - Wheelchair turning space: Shall be 60 inches in diameter and located entirely within the platform; a 12-inch maximum overlap on the curb and sidewalk is acceptable.
  - Wheelchair landing: A 30- by 48-inch clear floor area. It's permitted to overlap with the Wheelchair Turning Space by 24 inches maximum in any orientation.



## B. Parklet Railings/Enclosures

The parklet railing/enclosure marks the boundary between the parklet and the street or sidewalk. It should serve as a safe edge while also being visually appealing, permeable, and inviting. The following standards and guidelines should inform your design.

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- Stable and sturdy enough not to fall over or be pushed over (must withstand 250-lbs of force).
- Edge Buffers: the parklet should have an edge as a buffer from the street. This can take the form of planters, railing, cabling, or some other appropriate enclosure.
- Openings in rails must prevent passage of 4-inch sphere.
- Height: The height should not exceed 36 inches from the parklet platform floor to the top of the railing.
  - If you wish to install wind barriers taller than 36 inches, the use of transparent materials like acrylic, plexiglass, plastic films, etc. is required. Posts to secure the transparent wind barrier is allowed around the material (both horizontally and vertically) but shall not exceed 2.5 inches in diameter.
  - If transparent wind barrier materials are used, the height of the railing, including the transparent materials and any top rail, should not extend more than 6 feet from the floor platform.
  - Any vertical posts securing the transparent wind barriers should have a minimum spacing of 6 feet apart on center to allow for adequate sight distance.
- Visibility: The enclosure should not block the view of conflicting movements of traffic, including pedestrian traffic, nor block the view of traffic control devices such as traffic signs, traffic signals, and other traffic warning devices.
- All railings/enclosures must have retro-reflective reflectors or retro-reflective tape on the corners of the parklet facing the travel lane such that they are visible by vehicle traffic at night.
- Roofs, trellises, and tent shade structures are not allowed. The use of sail-style shades and retractable canopies may be considered but will require additional fortifications for support which will require additional staff review. Engineering calculations may be required as supporting documentation.

## C. Traffic Protections

Parklets are required to provide the traffic protections outlined in this section of the guidelines.

- **Wheel Stops** -- To help protect against moving traffic and parking cars, parklets in parallel parking spaces must be buffered using a wheel stop at a distance of 4-foot from the parklet and 3-foot from the face of curb (see Design and Parklet Placement diagrams on Page 3 and 4 for additional detail). This buffer may also serve as a space for adjacent property owners to accommodate curbside trash collection. Parklets located in angled and perpendicular parking spaces do not require a wheel stop unless otherwise specified during the application review process. Applicants are required to repair any damages to the roadway caused by the installation of the parklet or wheel stops if later removed. Any repairs shall be performed under a separate encroachment permit and in accordance with applicable City standards for roadway construction.

Wheel stops may be purchased from any vendor but must meet these specifications:

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- 3 feet long
  - Black rubber with yellow stripes
  - Mounted with bolts
  - Installed 4 feet from outside ends of Parklet which occupies parallel parking spaces
  - Installed 3 feet from the curb
- **Posts or Bollards** -- Parklets shall have vertical elements that make them visible to traffic, such as flexible posts or bollards both with retroreflective tape. One possible measure are safe hits posts (as shown in the picture below). These vertical elements shall be placed 2 feet from the edge of the parklet on both sides of the parklet not adjacent to the travel lane. Structural bollards may be required if deemed necessary by the City.
- **Travel Lane Clearance** -- Parklets shall provide a minimum 2-foot clearance from the edge of the travel lane (measured from the parking striping adjacent to the travel lane) to ensure safe separation from traffic.



## D. Furnishings and Fixtures

All furnishings and fixtures must be designed to be weighted down for wind protection. Items may need to be stored inside the business during periods of high winds. Please ensure that the weights used do not create tripping hazards for pedestrians.

- **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 foliage, or any other flammable object or material. Heaters are not allowed under umbrellas but can be placed near them if clearances are maintained.
- **Umbrellas** - Umbrellas shall be fire-retardant, pressure-treated or manufactured of fire-resistant material. No portion of an umbrella shall be less than eighty (80) inches above the parklet platform.
- **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. If the cords cross above

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the sidewalk, they must provide a minimum clearance of 10 feet above the sidewalk and the platform of the parklet. The use of adapters is prohibited. Businesses are not allowed to tap into existing City electrical connections such as twinkle light outlets or streetlight poles. Generators are not allowed in association with parklets.

- **Lighting** – Lighting is encouraged and may be provided through electrical connections to the building. Solar powered lighting is strongly encouraged. Lighting shall not be directed towards the roadway to unintentionally cause glare for vehicles. Light strings must be hung to allow for a minimum clearance of 10 feet above the sidewalk and the platform of the parklet.
- **Signage** – Signs are allowed provided the sign area does not exceed 6 square feet (24 inches by 36 inches). Illuminated signage is not allowed. Sign copy is limited to business identification, except that if the parklet is meant to serve the general public, signage should reflect such. If the parklet is meant to serve as restaurant seating, signage should correlate in design with the signage on the primary building.

## IV. Operational Standards

- **Private Control** – Parklets will be considered private space under the control of the permit holder. The permit holder is responsible for securing the parklet and any fixtures and furnishings contained within it during hours when the associated business is not in operation.
- **No Outdoor Food Preparation** – Outdoor food preparation is not permitted. No heating, cooking or open flames are permitted in a parklet. Hotpots, barbecues or other heating of food in the public right of way is not allowed.
- **No Open Flames** - Candles and open flames are not allowed on the parklets.
- **Alcohol Service** – Restaurants and food establishments licensed by the State of California will be permitted to sell and allow on-premise consumption of alcoholic beverages. Alcohol service is only allowed under full-service conditions and alcoholic beverages consumed in parklets are not allowed to be provided in to-go containers. Establishments that serve alcoholic beverages in the parklet area shall be required to meet all requirements of the Alcoholic Beverage Control Board and any other federal, state, or local laws and regulations governing the sale and consumption of alcoholic beverages.
- **Site Maintenance** – Parklets 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 by the permittee. Such cleaning shall be in accordance with the City's [Storm Water Management and Discharge Control Program](#), which prohibits any discharge other than rain water into the storm water drainage system.
- **ADA Compliance** – Parklet seating areas must comply with all requirements of the Americans with Disabilities Act (ADA) and provide sufficient clearance and walkway space to allow safe access and egress.
- **Hours of Operation** – The parklet shall adhere to the same approved hours of operation as the associated business.

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- **Safety Inspections** – The City will be making periodic safety inspections and reserves the right to require adjustments or removal of any elements, if deemed unsafe.

## V. Permit Requirements

### A. Permit Submittal Requirements

A Parklet Encroachment Permit is required for all parklet installations. Permit applications must be submitted prior to the construction of any new parklet.

The following submittals are required:

- Plan sets are required. It is recommended that plans are prepared by a design professional, such as an architect or engineer. The submitted plans should show the proposed layout of the parklet including:
  - The parklet location (business frontage, site address, parking space number, etc.)
  - Dimensions of parking stalls, parklet structure including platform, railings, stormwater access, and traffic travel lanes in immediate area and in the proposed parklet.
  - Traffic protection measures and dimensions of the setbacks from adjacent parking spaces and adjacent traffic lane.
  - Location of any adjacent public utilities in the street including curb drains, manhole covers, water shut-off valves, sidewalk utility boxes, streetlight poles, parking meters, gutter drains, fire hydrants, parking meters, and etc.
  - Plans must demonstrate ADA accessibility and show dimensions of required clearances
- Materials palette – Use color photo samples to demonstrate:
  - Materials and plants to be used on platform
  - Railing materials
  - Platform materials
  - Proposed sail shades or retractable canopies
- A valid City of San Mateo Business Tax Certificate, sometimes referred to as a business license.
- Evidence of current insurance coverage including a Certificate of Liability Insurance and Endorsements

Prior to submitting a parklet application and paying the fee for the permit review, businesses should first schedule a pre-submittal meeting with the City to go over their proposed submittal to ensure that their application is complete and is consistent with these guidelines.

# Parklet Program Guidelines

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## B. Failure to Maintain

Parklet sponsors who fail to properly and sufficiently maintain the cleanliness, safety, and accessibility of their parklet may be subject to violations and fines. If maintenance issues are not resolved, the City may revoke the encroachment permit and parklet sponsors may be required by the City to remove the parklet at their own expense.

## C. Utility Maintenance and Public Safety Emergencies

Because parklets may sit atop buried utilities, there may be instances where your parklet will need to be removed to access a utility beneath it. In the event of necessary utility maintenance or the unlikely event of a utility failure such as a gas leak or water main break that threatens public safety, the City or utility owner may remove parklets with little or no notice. Parklet sponsors are responsible for the cost of re-installing and restoring any damage to the parklet.

## D. Parklet Removal

If for some reason the parklet sponsor decides no longer wants to maintain a parklet, the parklet sponsor is responsible for notifying the City and removing it at the parklet sponsors' own expense. Immediately upon removal the parklet area shall be cleaned and restored to its previous condition to the satisfaction of the City.

## For More Information:

For questions or additional information regarding these Parklet Program Guidelines or the Parklet Encroachment Permit application, please contact:

Jennifer Chen, Economic Development Manager

[jchen@cityofsanmateo.org](mailto:jchen@cityofsanmateo.org)

(650) 522-7009



## 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 1<sup>st</sup> and 3<sup>rd</sup> 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 1<sup>st</sup> and 3<sup>rd</sup> 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](mailto: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, 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, pressure-treated 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 may not be extended above the City right-of-way. 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.

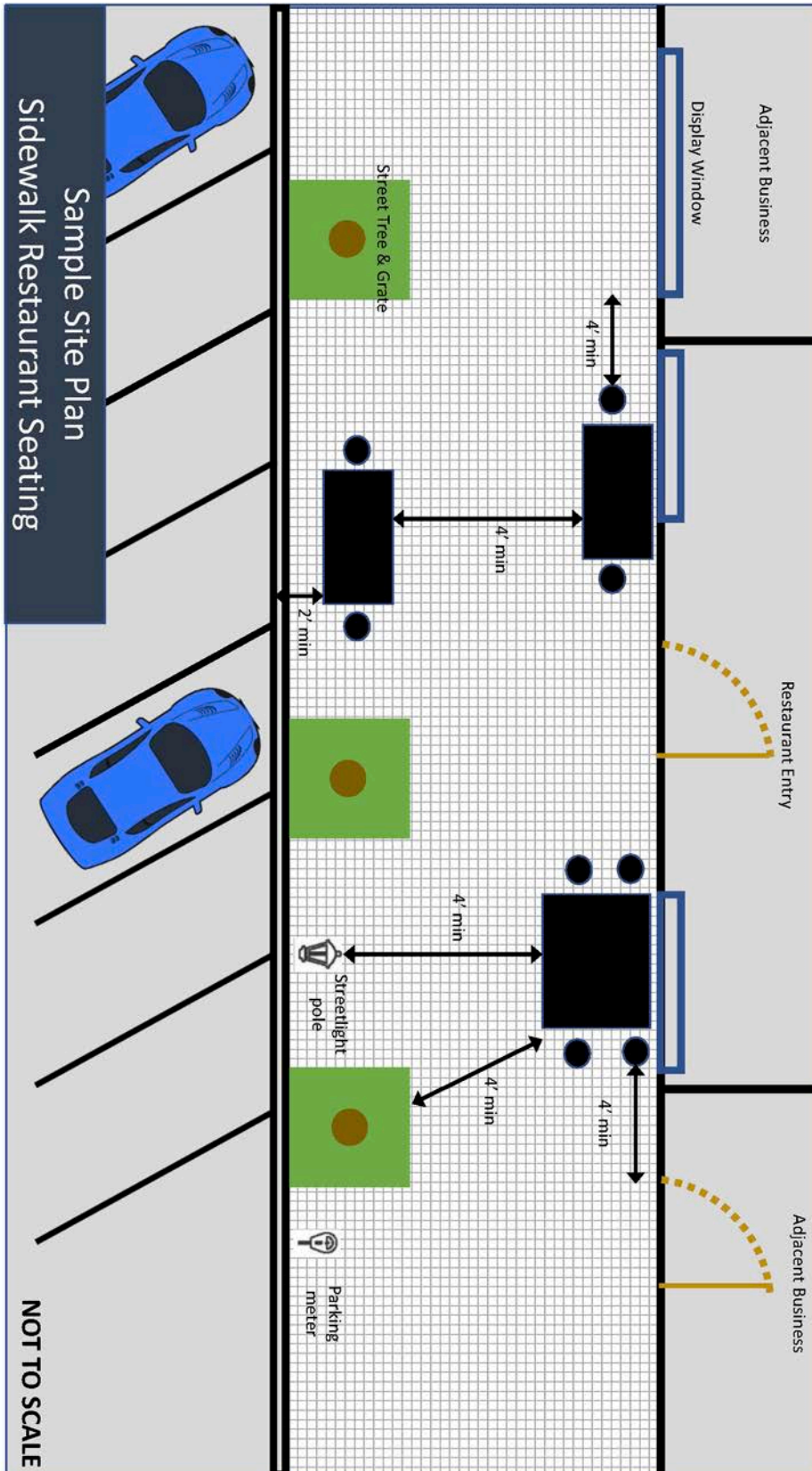
#### **10. Additional Provisions for Outdoor Seating Located on the Pedestrian Mall:**

Businesses located along the pedestrian mall on B Street between 1<sup>st</sup> and 3<sup>rd</sup> Avenues will be required to meet these additional conditions of use.

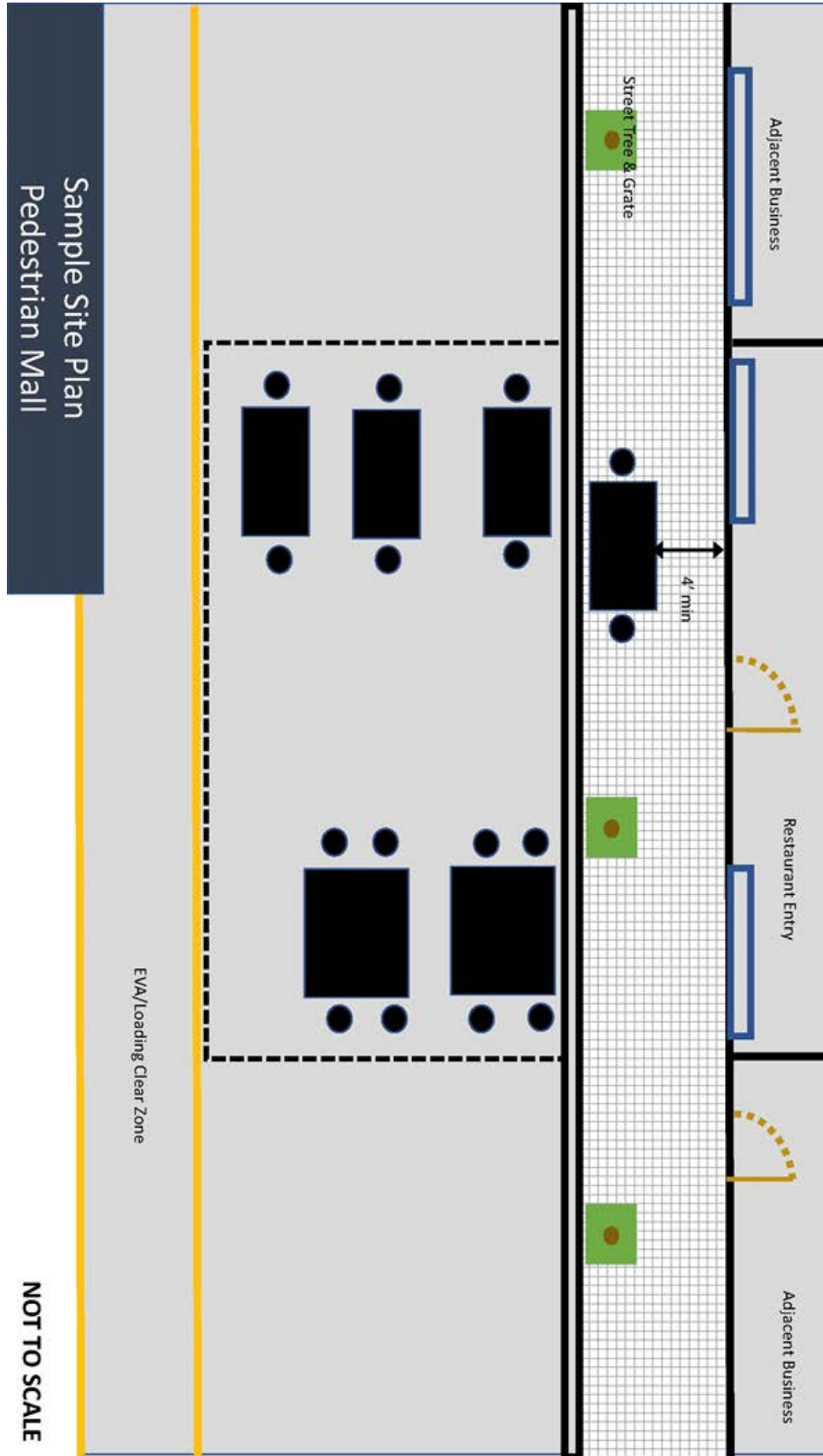
- **No Permanent Structures Allowed.** Businesses located in the pedestrian mall are not allowed to build any permanent structures. However, platforms will be allowed, provided that they can be designed to be easily removed upon 72 hours advance notice and stored off-street to allow for maintenance and 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](mailto:pwencroachment@cityofsanmateo.org) Public Works Department City of San Mateo  
330 W. 20<sup>th</sup> Avenue San Mateo, CA 94403

**QUESTIONS MAY BE ANSWERED BY EMAILING OR CALLING:**  
[ichen@cityofsanmateo.org](mailto: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](mailto:pwinspection@cityofsanmateo.org) 650-522-7000 Ext. 6900 to schedule an inspection.***

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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