

CITY OF SAN MATEO
RESOLUTION NO. ____ (2023)

**APPROVING AMENDMENTS TO VARIOUS OUTDOOR DINING ENCROACHMENT PERMIT PROGRAM
STANDARDS AND ADDING PEDESTRIAN MALL PARKLET PLATFORM ENCROACHMENT FEES TO THE MASTER
COMPREHENSIVE FEE SCHEDULE FOR THE FISCAL YEAR 2023-2024**

WHEREAS, the City of San Mateo adopted a permanent Parklet Permit Program 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 City of San Mateo wishes to allow businesses within the Pedestrian Mall to construct Parklet Platforms and will require a Pedestrian Mall Parklet Platform Encroachment Permit; and

WHEREAS, the City created a Pedestrian Mall Parklet Platform Encroachment Permit along with a new set of standards to allow businesses to construct parklet platforms within the Pedestrian Mall; and

WHEREAS, the City made administrative updates to the standards for the Parklet Encroachment Permit and Sidewalk and Pedestrian Mall Furnishings Encroachment Permit to clarify the distinction between the various outdoor dining permit programs and standards; and

WHEREAS, the City needs to add the Pedestrian Mall Parklet Platform Encroachment Permit application and annual fees to the City's Master Comprehensive Fee Schedule; and

WHEREAS, further administrative updates may be needed to the standards for the various outdoor dining permit programs to ensure that they remain current; and

WHEREAS, City staff requests the authority to make minor administrative updates to the standards for the various outdoor dining permit programs with the approval of the City Manager; and

WHEREAS, any significant substantive changes to the standards for the various outdoor dining permit programs 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 to the Outdoor Dining Parklet Program Standards and Permits are categorically exempted from CEQA under the category of "existing facility" because it consists of a minor alternation to the operation of an existing City Street involving negligible or no expansion of the former use. (CEQA Guidelines Section 15301).

2. The amendments to the Comprehensive Fee Schedule to include permit fees for the parklets in the Pedestrian Mall is not a project subject to CEQA, because it is a government administrative activity which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. (CEQA Guidelines Section 15378(b)(4).)
3. The City Council adopts the creation of the Pedestrian Mall Parklet Platform Encroachment Permit standards attached as Exhibit A.
4. The City Council adopts the administrative updates to the Parklet Encroachment Permit standards, attached as Exhibit B, and Sidewalk and Pedestrian Mall Furnishings Encroachment Permit standards, attached as Exhibit C, to this resolution.
5. The City Council adopts the amendments to the Comprehensive Fee Schedule for Fiscal Year 2023-2024 to add the Pedestrian Mall Parklet Platform Encroachment application review fee and the annual fee attached as Exhibit D and Exhibit E to this resolution.
6. The City Council authorizes the City Manager to approve minor administrative updates to any of the various outdoor dining permit program standards.
7. All outdoor dining installations must adhere to the standards for the various outdoor dining permit programs.
8. This resolution shall take effect immediately upon its adoption.



Outdoor Dining Pedestrian Mall Parklet Platform Standards

FOR FOOD SERVING BUSINESSES LOCATED
WITHIN THE PEDESTRIAN MALL
B STREET BETWEEN 1ST AND 3RD AVENUES

July 2023

I. Introduction

Outdoor dining adds liveliness to City streets and supports local businesses. To that end, the City has created programs allowing businesses to expand their operations with additional seating in the public right of way, which includes City sidewalks and streets. The City of San Mateo created three distinct programs in order to provide the most flexibility for outdoor dining. All of the programs allow food service businesses the opportunity to expand a portion of their operations outdoors, directly in front of their business:

- A. PEDESTRIAN MALL PARKLET PLATFORM ENCROACHMENT PERMIT– Allows ground-floor food service business **located within the Pedestrian Mall** (*B Street between 1st and 3rd Avenue*) to construct a dining platform in the closed street directly in front of their business.
- B. PARKLET ENCROACHMENT PERMIT – Allows ground-food service businesses **located outside the Pedestrian Mall** (*B Street between 1st and 3rd Avenue*) to construct a dining platform within on-street parking spaces directly in front of their business. Parklets are allowed City-wide in commercial districts (except along El Camino Real, shopping centers, or private parking lots).
- C. SIDEWALK AND PEDESTRIAN MALL FURNISHINGS ENCROACHMENT PERMIT – Allows ground-floor food service businesses to provide outdoor seating and related furniture along the **sidewalk in commercial districts and inside the street within the Pedestrian Mall** (*B Street between 1st and 3rd Avenue*) Sidewalk dining is not allowed along El Camino Real. This permit is not required for furnishings provided on parklet platforms or in conjunction with a parklet permit.

All three programs require an Encroachment Permit from the City of San Mateo. Encroachment permits are not available to food service businesses located in shopping centers or businesses on El Camino Real, because these locations are not under the City's control. Only food service businesses with storefronts may apply for encroachment permits to serve food or drinks.

This set of standards apply to only businesses in the **Pedestrian Mall** (B street from 1st Avenue to 3rd Avenue) wishing to build a **parklet platform**. Due to the unique circumstances of each proposed parklet platform location, there may be instances where City staff requires additional design elements not covered in these standards. The City of San Mateo will review the application and will approve submittals that meet the requirements set forth by these standards.

Plans must be submitted by the business sponsor and permits must be issued by the City prior to any construction or modification. The Pedestrian Mall Parklet Platform applications will be subject to a one-time permit application review fee, 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

The following criteria are for food service businesses that want to build parklet platforms along the two blocks in the **Pedestrian Mall** (*B Street between 1st and 3rd Avenues*). For businesses that wish to create an outdoor dining area without a platform on the closed street or sidewalk, please apply for the [Sidewalk and Pedestrian Mall Furnishings Encroachment Permit](#).

A. Location Criteria

- **Agency to Storefront** – Parklet platforms or decks may only be installed along the frontage of the storefront applying for the permit. Platforms are not allowed to use the frontage of adjacent storefronts to expand their territory without written consent from the adjacent business owner.
- **Shared Parklet Platforms** -- Adjacent storefronts may apply for a shared parklet platform or extension of a platform and will be considered on a case-by-case basis. The shared or extended parklet platform cannot exceed the frontage for the combined businesses.
 - **Consent terms** – Adjacent businesses must provide consent on an annual basis for parklet platforms to extend to neighboring frontage.
 - **Change of adjacent business owner** – If the adjacent business ownership change, the consent carries through the existing annual period and the adjacent owner must inform the new owners of the existence of this consent
 - **Annual written renewal** – adjacent business must affirm the use of their storefront during the annual renewal period for the parklet platform. If the renewal is not granted, it is the sole responsibility of the parklet owner to make any required adjustments to the parklet dimensions.

B. Parklet Platform Setbacks

- **Emergency Vehicle Lane Setback** – Emergency vehicle lane must be free of parklet platforms and associated outdoor dining furnishings at all times.
- **Parklet Width** – Parklet platforms may be built up to the emergency vehicle lane.

C. Other Location Criteria

- **Utilities** – If a parklet platform is constructed over utilities assets such as but not limited to valves, access panels, or manholes, it should be noted on the plans and a hatch opening needs to be created for access. Parklet platforms proposed under overhead utility lines will be required to meet the minimum distance requirements as established by the CPUC. Parklet platform sponsors must provide access to any City or public utility company that may have underground conduits beneath the constructed parklet platform. If there is a maintenance need or an emergency, any parklet platforms covering utilities will be required to be removed and restored at the owner's expense.
- **Storm Drains** – A minimum clearance of 4 feet from each side of the storm inlets/catch basins will be required to allow for maintenance access.

- **Sidewalk Underdrains** –Parklet platforms that block the outlet of a sidewalk underdrain will be required to ensure the outlet is functional and flowing. Take a thorough inventory of utility access covers in the proposed parklet platform area.
- **Fire Hydrants** – Parklet platforms cannot be built in front of Fire Hydrants. A 15-foot clearance from the hydrant (7.5- foot each side) along the curb shall be maintained. A 3-foot circumference 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 platform (and no more than 75-feet apart).

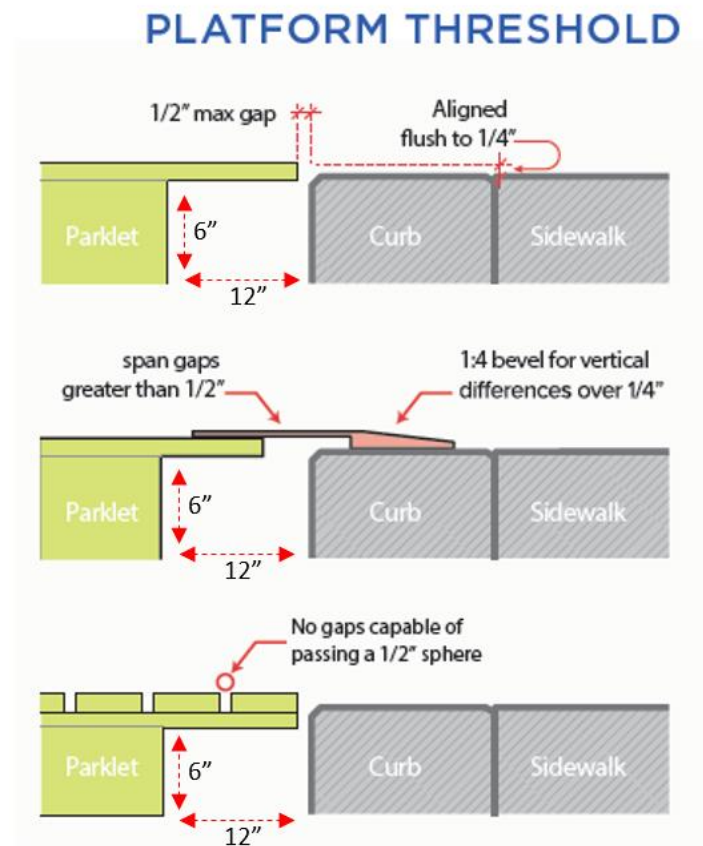
III. Parklet Platform Design Elements

Parklet platforms generally consist of the following key elements:

- A) A **Platform** that allows a level dining area to serve as an extension of the sidewalks.
- B) **Railings or enclosures** that demarcate the exterior of the parklet from the emergency vehicle access lane and surrounding business dining areas.
- D) **Furnishings and fixtures** that are property of the businesses used in day-to-day operations such as tables, chairs, and heaters.

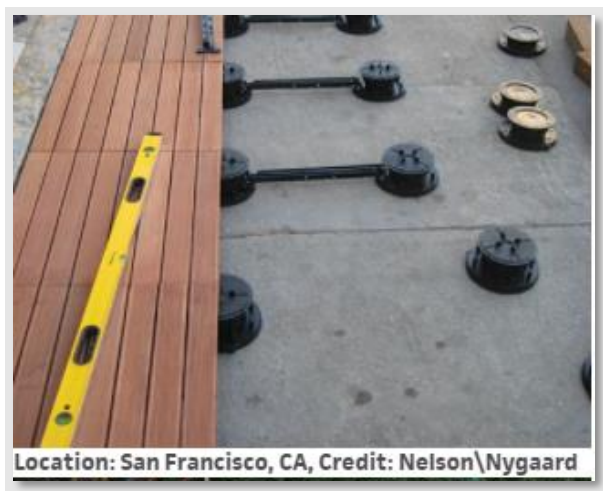
A. Platform Design Criteria

- **Materials** – Parklet 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** – Parklet platforms must be designed to provide access underneath 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 parklet 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** – Parklet platforms shall 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 platform may be covered with screens to prevent debris buildup beneath the platform and in the gutter. It is the responsibility of the parklet platform permittee to clean the cover or screen to prevent any backup of storm water. All parklet platforms 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.).



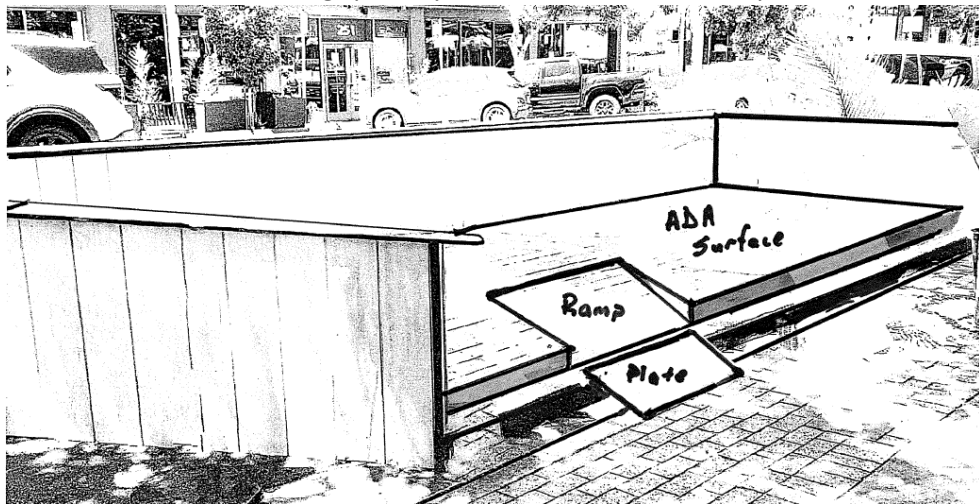
Source: San Francisco Parklet Manual

- **Sub-structure** - Designs for the sub-structure of a parklet platform 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.



Location: San Francisco, CA, Credit: Nelson\Nygaard

- **ADA Accessibility** - All accessibility elements of the proposed platform shall be designed, constructed and/or conform to the applicable provisions, rules, regulations and standards of the California Building Code and Americans with Disabilities Act. ADA rules change periodically and it is the responsibility of the Owner with the outdoor dining platform to keep up with the changes and modify as necessary.
 - **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 $\frac{1}{4}$ inch rise per foot in any direction.
 - **Street Crown** - 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-inch 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 Platform Railings/Enclosures

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

- Stable and sturdy enough not to fall over or be pushed over (must withstand 250-lbs of force).
- The parklet platform should have an edge as a buffer from the emergency vehicle access lane. This can take the form of planters, railing, cabling, or some other appropriate enclosure.
- Openings in rails must prevent passage of 4-inch sphere.
- 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.
- Parklet platforms near corners and intersections 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 platform such that they are visible by pedestrians 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.

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 outdoor-use approved, used accordance with the manufacturer's recommendations, and located at least 2 feet from the edge of any umbrella canvas, any foliage, or any other flammable objects or materials. Heaters are not allowed under umbrellas but can be placed near them if clearances are maintained.
- **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 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 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 any outdoor dining encroachment permit.
- **Lighting** – Lighting is encouraged and may be provided through electrical connections to the building. Solar powered lighting is strongly encouraged. Light strings must be hung to allow for a

minimum clearance of 10 feet above the sidewalk and the platform of the parklet. Lighting cannot be attached or wrapped around City trees, signposts, light poles, or other City assets.

- **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 if the parklet platform is meant to serve the general public, signage should reflect such. If the parklet platform is meant to serve as restaurant seating, signage should correlate in design with the signage on the primary building.

IV. Operational Standards

- **Private Control** – Parklet platforms will be considered private space under the control of the permit holder. The permit holder is responsible for securing the parklet platform 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 any outdoor dining area. 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 for any outdoor dining area.
- **Alcohol Service** – Restaurants and food establishments licensed by the State of California’s Alcohol Beverage Control (ABC) 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 parklet platforms are not allowed to be provided in to-go containers. Establishments that serve alcoholic beverages in the parklet platform 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** – Parklet platforms 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 rainwater into the storm water drainage system.
- **ADA Compliance** – Parklet platform 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 platform shall adhere to the same approved hours of operation as the associated business.
- **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 platform Encroachment Permit is required for all installations. Permit applications must be submitted prior to the construction of any new parklet platform.

The following submittals are required:

- Plan sets are required. Plans shall be drawn to scale and the minimum page size for submittals are 11 x 17 ledger paper. 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 platform including:
 - The parklet platform location (business frontage and site address).
 - Dimensions of outdoor dining structure including platform, railings, stormwater access, and tress in the immediate area and in the proposed parklet platform.
 - Location of any adjacent public utilities in the street including curb drains, manhole covers, water shut-off valves, sidewalk utility boxes, streetlight poles, gutter drains, fire hydrants, mailboxes, 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 platform 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 standards. After review, the City may still require additional documents, drawings, or information.

B. Failure to Maintain

Parklet platform 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 platform sponsors may be required by the City to remove the parklet platform at their own expense.

C. Street Repaving & Utility Maintenance and Public Safety Emergencies

The City needs to repave the street every few years and because parklet platforms may sit atop buried utilities, there may be instances where your parklet platform will need to be removed to maintain the street or access the utility beneath it. In the event of necessary street infrastructure or 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 platforms with little or no notice. Parklet platform sponsors are responsible for the cost of re-installing and restoring any damage to the parklet platform.

D. Parklet Platforms Removal

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

E. Parklet Platforms are Nontransferable

If a business changes ownership and the new business wants to continue with the permit, the new business must submit a new application, pay fees, and provide insurance to the City within 30 days of ownership change.

For More Information:

For questions or additional information regarding these Pedestrian Mall Parklet Platform Program Standards or the Pedestrian Mall Parklet Platform Encroachment Permit application, please contact:

Jennifer Chen, Economic Development Manager

jchen@cityofsanmateo.org

(650) 522-7009



Outdoor Dining Citywide Parklet Program Standards

For Food Serving Businesses Located
in Commercial Districts
outside of the Pedestrian Mall

**As
Revised
July 2023**

Parklet Program Standards

I. Introduction

Outdoor dining adds liveliness to City streets and supports local businesses. To that end, the City has created programs allowing businesses to expand their operations with additional seating in the public right of way, which includes City sidewalks and streets. The City of San Mateo created three distinct programs in order to provide the most flexibility for outdoor dining. All of the programs allow food service businesses the opportunity to expand a portion of their operations outdoors, directly in front of their business:

- A. PEDESTRIAN MALL PARKLET PLATFORM ENCROACHMENT PERMIT– Allows ground-floor food service business **located within the Pedestrian Mall** (*B Street between 1st and 3rd Avenue*) to construct a dining platform in the closed street directly in front of their business.
- B. PARKLET ENCROACHMENT PERMIT– Allows ground-food service businesses **located outside the Pedestrian Mall** (*B Street between 1st and 3rd Avenue*) to construct a dining platform within on-street parking spaces directly in front of their business. Parklets are allowed City-wide in commercial districts (except along El Camino Real, shopping centers, or private parking lots).
- C. SIDEWALK AND PEDESTRIAN MALL FURNISHINGS ENCROACHMENT PERMIT – Allows ground-floor food service businesses to provide outdoor seating and related furniture along the sidewalk in commercial districts and **inside the street within the Pedestrian Mall** (*B Street between 1st and 3rd Avenue*) without building a flat platform. Sidewalk dining is not allowed along El Camino Real. This permit is not required for furnishings provided on parklet platforms or in conjunction with a parklet permit.

All three programs require an [Encroachment Permit](#) from the City of San Mateo. Encroachment permits are not available to food service businesses located in shopping centers or businesses on El Camino Real, because these locations are not under the City's control. Only food service businesses with brick and mortar storefronts may apply for encroachment permits to serve food or drinks.

This set of standards applies to only businesses who wish to build a **parklet in a commercial district outside of the Pedestrian Mall** (B Street between 1st & 3rd Avenue). Due to the unique circumstances of each proposed parklet location, there may be instances where City staff requires additional design elements not covered in these standards. The City of San Mateo will review the application and will approve submittals that meet the requirements set forth by these standards.

Plans must be submitted by the business sponsor and permits must be issued by the City prior to any construction or modification. The Parklet applications will be subject to a one-time permit application review fee, 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](#).

Parklet Program Standards

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 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/accessible 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

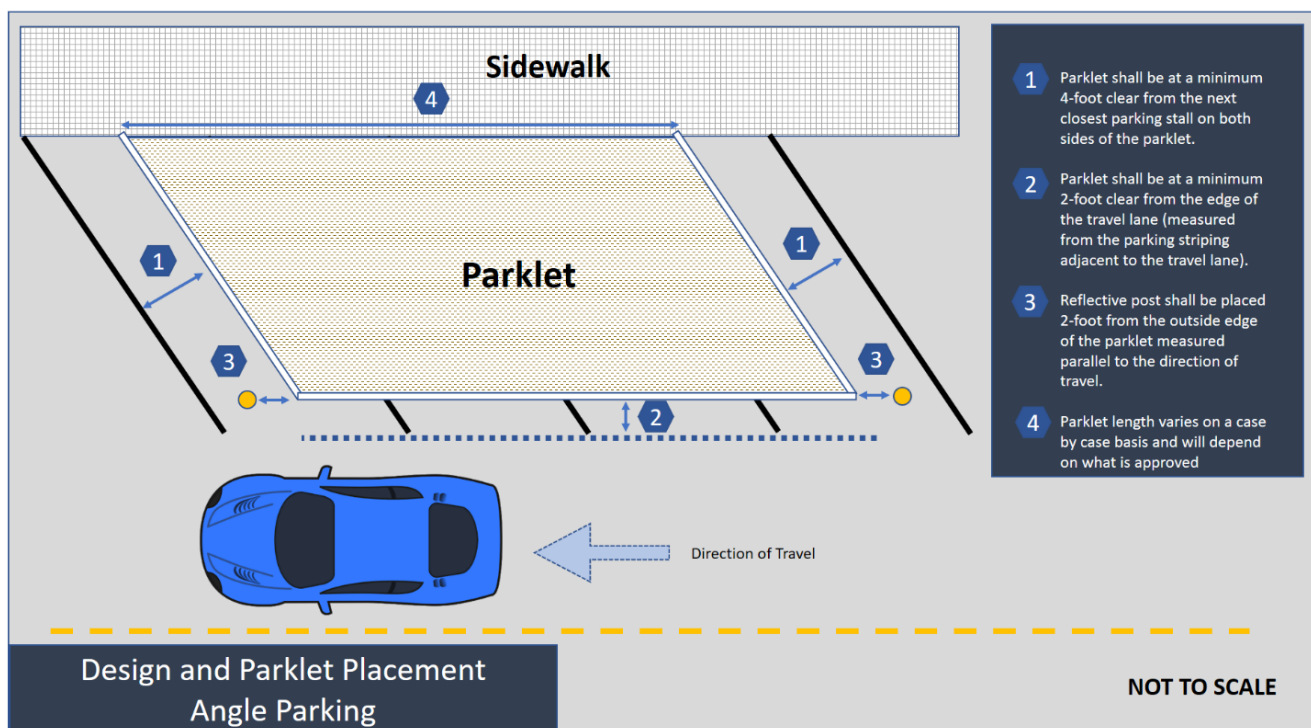
- **Adjacency to Storefront** - Parklets may only be installed along the frontage of the storefront that is applying for the parklet. Parklets are not allowed to use the frontage of adjacent storefronts to expand their territory unless they receive the written consent of the adjacent business. However, 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.
 - **Consent terms** – Adjacent business must provide consent on an annual basis for the parklet to extend to neighboring frontage.
 - **Change of adjacent business owner** – If the adjacent business ownership change, the consent carries through the existing annual period and the adjacent owner must inform the new owners of the existence of this consent.
 - **Annual written renewal** – adjacent business must affirm the use of their storefront during the annual renewal period for the parklet. If the renewal is not granted, it is the sole responsibility of the parklet owner to make any required adjustments to the parklet dimensions.
- **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.
- **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.

Parklet Program Standards

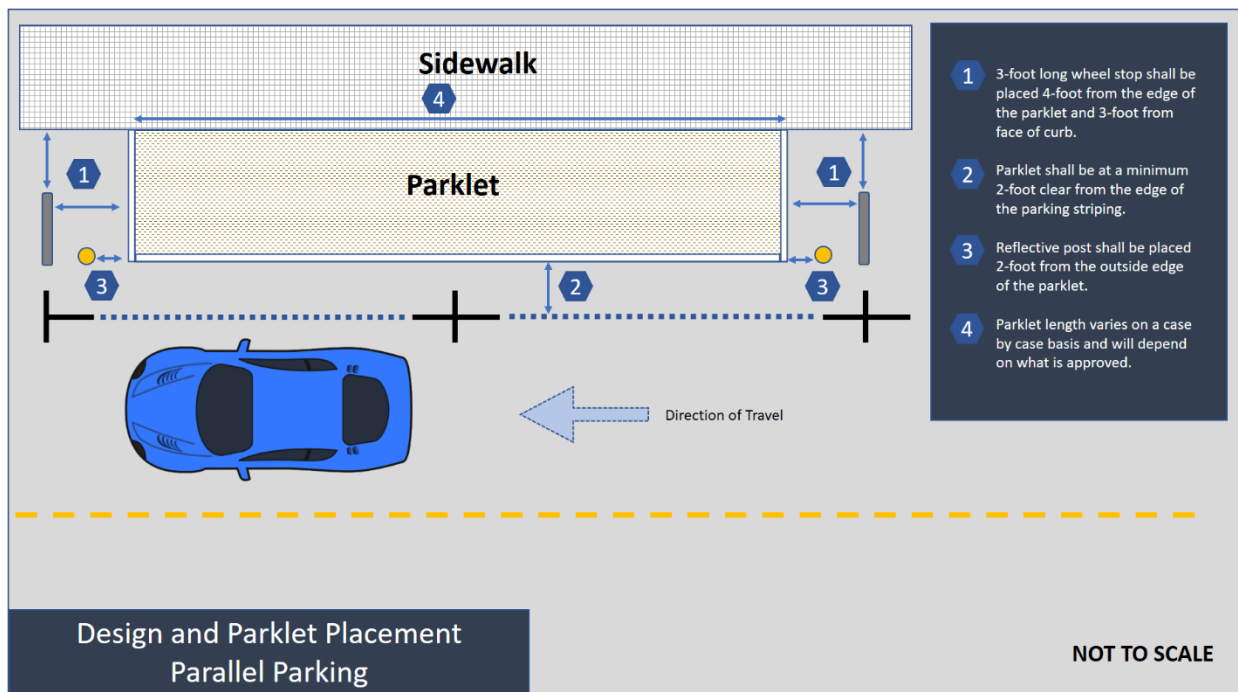
- **Fronting driveways** - Parklets may be installed in front of a driveway if the driveway has been abandoned or no longer provides access to off-street parking. The driveway may be leveled as part of the conditions for the parklet project. Parklets may not obstruct driveways or entrances to City-owned 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 Standards



C. Other Location Criteria

- **Utilities** – If a parklet is constructed over utility assets, such as but not limited to valves, access panels, or manholes, it should be noted on the plans and a hatch opening needs to be created for access. Parklets proposed under overhead utility lines will be required to meet the minimum distance requirements as established by the CPUC. Parklet sponsors must provide access to any City or public utility company that may have underground conduits beneath the constructed parklet. If there is a maintenance need or an emergency, any parklet covering utilities will be required to be removed and restored at the owner's expense.
- **Storm Drains** – A minimum clearance of 4 feet from each side of the storm inlets/catch basins will be required to allow for maintenance access.
- **Sidewalk Underdrains** – 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.
- **Bike Lanes** – Parklets cannot obstruct a bicycle lane or path.
- **Parklet Width** – Parklets must stay within the designated parking stall area.
- **Fire Hydrants** – Parklet platforms cannot be built in front of Fire Hydrants. 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 Standards

III. Parklet Design Elements

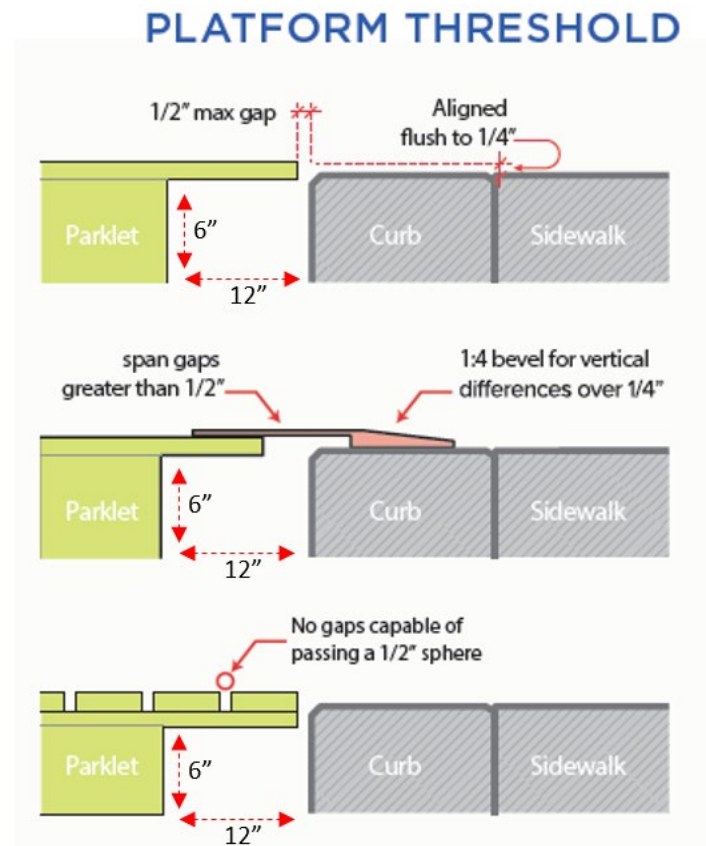
Parklets generally consist of the following key elements:

- A) 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** that are property of the businesses used in day-to-day operations such as, but not limited to, tables, chairs, umbrellas, and heaters.

A. Platform Design Criteria

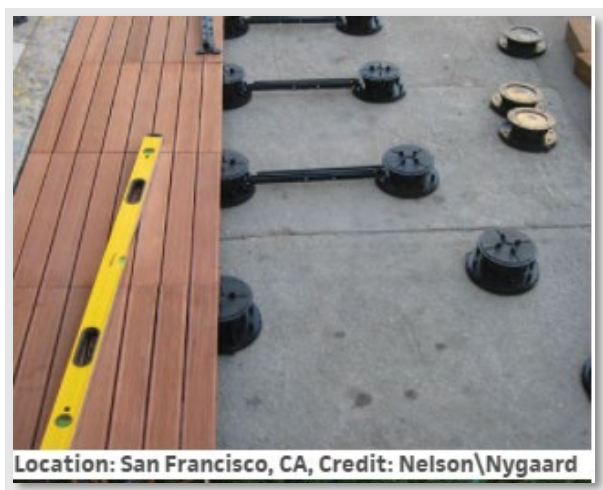
- **Materials** - Platforms must be constructed from durable materials that can withstand wear and tear of elements. Pouring concrete for parklet platforms is not allowed. You may use concrete pavers on a platform structure instead. Surface materials must be textured or treated with a non-skid coating 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 stormwater. 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, streetlights, 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 Standards.

Parklet Program Standards



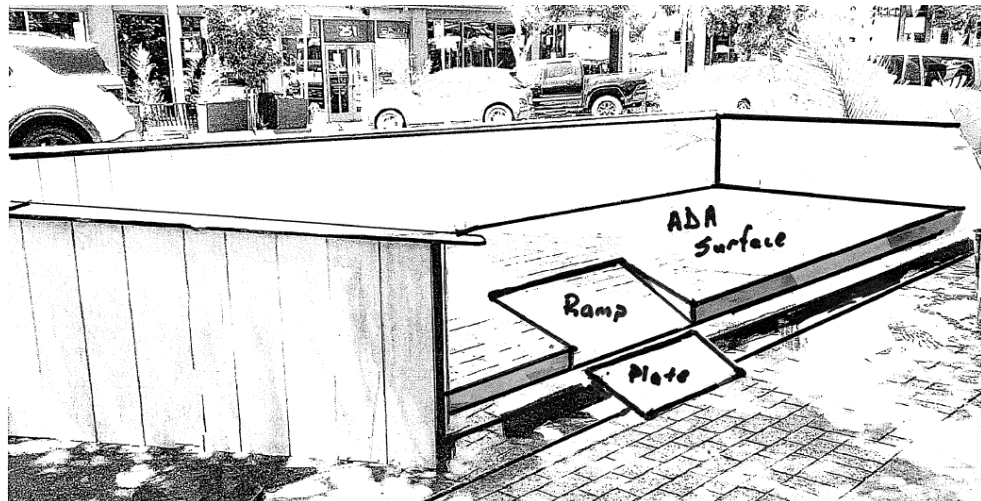
Source: San Francisco Parklet Manual

- **Sub-structure** - Designs for the sub-structure of a parklet platform 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.



Parklet Program Standards

- **ADA Accessibility** - All accessibility elements of the proposed platform shall be designed, constructed and/or conform to the applicable provisions, rules, regulations and standards 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 $\frac{1}{4}$ inch rise per foot in any direction.
 - Street Crown — 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— The accessible path of travel 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-inch by 48-inch clear floor area. It's permitted to overlap with the wheelchair turning space by 24 inches maximum in any orientation.



Parklet Program Standards

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.

- Stable and sturdy enough not to fall over or be pushed over (must withstand 250-lbs of force).
- 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.
- 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. Glass, tempered glass, and frosted materials or similar materials are prohibited as wind barriers. 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 the center to allow for adequate sight distance.
- 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 to 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 standards.

- **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 4 and 5 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

Parklet Program Standards

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:

- 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 is 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.

Parklet Program Standards

- **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 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 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 80” as measured from the parklet platform. Lighting cannot be attached or wrapped around city trees, light posts, sign poles, or other City assets.
- **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 Alcoholic Beverage Control (ABC) 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 ABC 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 rainwater into the stormwater drainage system.

Parklet Program Standards

- **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.
- **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. Plans shall be drawn to scale and the minimum page size for submittals are 11 x 17 ledger paper. 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 the immediate area and in the proposed parklet.
 - Traffic protection measures and dimensions of the setbacks from adjacent parking spaces and adjacent traffic lanes.
 - 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, 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 the 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

Parklet Program Standards

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 standards.

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. Street Repaving & Utility Maintenance and Public Safety Emergencies

The City needs to repave the street every few years and because parklets may sit atop buried utilities, there may be instances where your parklet will need to be removed to maintain the street or access the utility beneath it. In the event of necessary street infrastructure or 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 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.

E. Parklets are Nontransferable

If a business changes ownership and the new business wants to continue with the permit, the new business must submit a new application, pay fees, and provide insurance to the City within 30 days of the ownership change.

For More Information:

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

Jennifer Chen, Economic Development Manager
jchen@cityofsanmateo.org
(650) 522-7009



Outdoor Dining
Sidewalk and Pedestrian Mall
Furnishings
Standards and Application

As Revised
June 2023

I. Introduction

Outdoor dining adds liveliness to City streets and supports local businesses. To that end, the City has created programs allowing businesses to expand their operations with additional seating in the public right of way, which includes City sidewalks and streets. The City of San Mateo created three distinct programs in order to provide the most flexibility for outdoor dining. All of the programs allow food service businesses the opportunity to expand a portion of their operations outdoors, directly in front of their business:

- A. PEDESTRIAN MALL PARKLET PLATFORM ENCROACHMENT PERMIT– Allows ground-floor food service business **located within the Pedestrian Mall** (*B Street between 1st and 3rd Avenue*) to construct a dining platform in the closed street directly in front of their business.
- B. PARKLET ENCROACHMENT PERMIT– Allows ground-food service businesses **located outside the Pedestrian Mall** (*B Street between 1st and 3rd Avenue*) to construct a dining platform within on-street parking spaces directly in front of their business. Parklets are allowed City-wide in commercial districts (except along El Camino Real, shopping centers, or private parking lots).
- C. SIDEWALK AND PEDESTRIAN MALL FURNISHINGS ENCROACHMENT PERMIT– Allows ground-floor food service businesses to provide outdoor seating and related furniture **along the sidewalk in commercial districts** and **in the street within the Pedestrian Mall** (*B Street between 1st and 3rd Avenue*) as applicable. Sidewalk dining is not allowed along El Camino Real. This permit is not required for furnishings provided on parklet platforms or in conjunction with a parklet permit.

All three programs require an Encroachment Permit. Encroachment permits are not available to food service businesses located in shopping centers or businesses on El Camino Real, because these locations are not under the City's control. Only food service businesses with storefronts may apply for encroachment permits to serve food or drinks.

This set of standards applies to only businesses wishing to place furnishings on a **City sidewalk** or within the **Pedestrian Mall (B Street Between 1st and 3rd Avenue)** that are not being done in conjunction with the building of a parklet platform. Due to the unique circumstances of each proposed outdoor dining location, there may be instances where City staff requires additional design elements not covered in these standards. The City of San Mateo will review the application and will approve submittals that meet the requirements set forth by these standards.

Plans must be submitted by the business sponsor and permits must be issued by the City prior to any placement of dining furniture. The Sidewalk/Pedestrian Mall Furnishings permit will be subject to 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. 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 Furnishing 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 or pedestrian mall 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 (\$408.21 as of July 1, 2023) 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.

III. 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:

- **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.
 - **Consent terms** – Adjacent businesses must provide consent on an annual basis for the seating area to extend to neighboring frontage.
 - **Change of adjacent business owner** – If the adjacent business ownership change, the consent carries through the existing annual period and the adjacent owner must inform the new owners of the existence of this consent.
 - **Annual written renewal** – adjacent business must affirm the use of their storefront during the annual renewal period. If the renewal is not granted, it is the sole responsibility of the permit owner to make any required adjustments to the dimensions for outdoor dining.
- **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 standards 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 are 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 live 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, or shade structures are not allowed on the sidewalk.
- **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 and **cannot** be attached or wrapped around existing trees, light posts, sign poles, or other City assets. The use of generators is 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 the 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 swept, 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 stormwater into the stormwater drainage system. Failure to maintain the site or complaints received by the City related to lack of cleaning or upkeep shall be cause for termination of the permit.

4. Notice for Removal. The outdoor furnishings may need to be removed to allow for the City and/or utility companies to access the sidewalk or pedestrian mall area for maintenance, repairs, special 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 or special events.

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. If a business changes ownership and the new business wants to continue with the permit, the new business must submit a new application, pay fees, and provide insurance to the City within 30 days of ownership change.

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), workers compensation, 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.

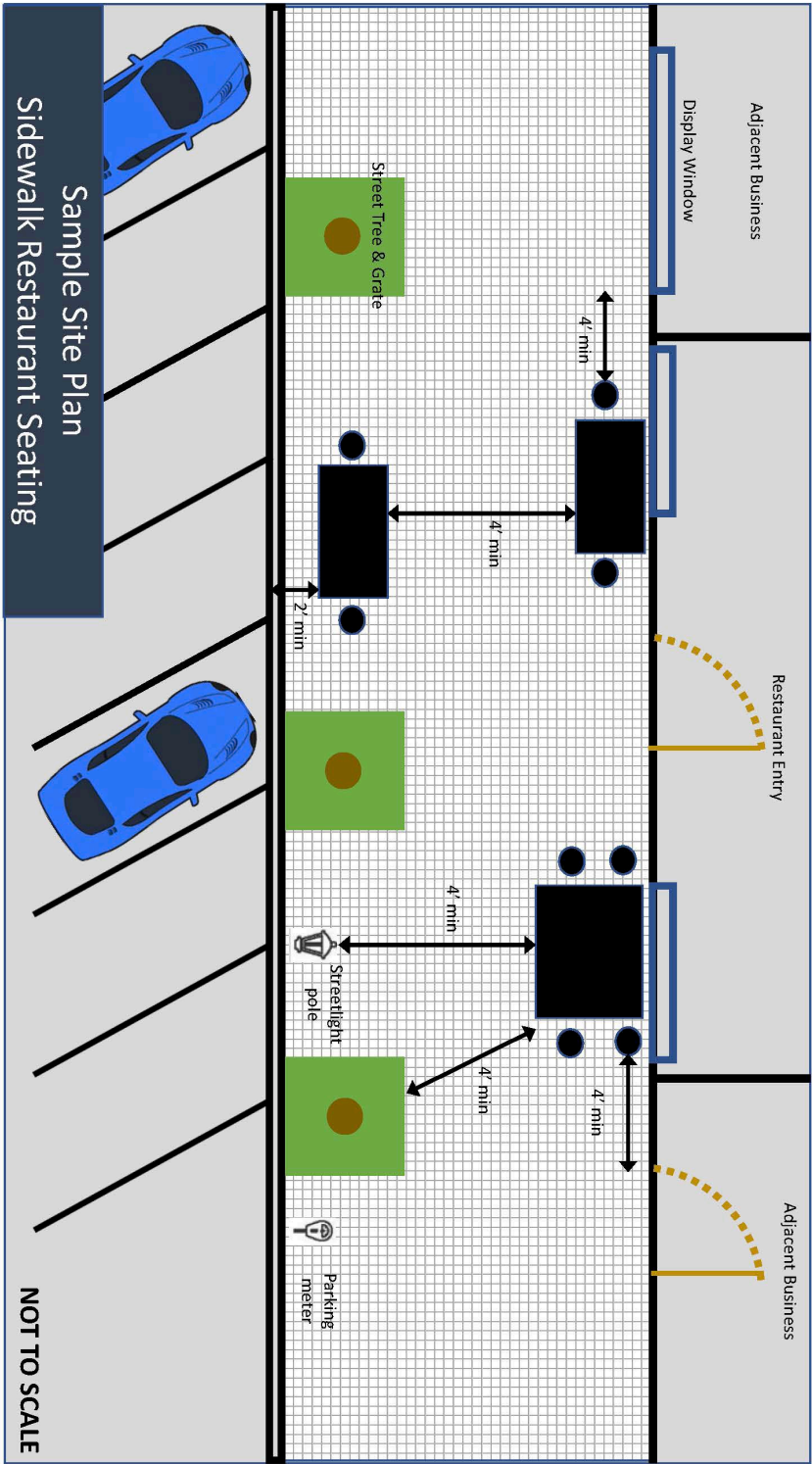
10. Additional Provisions for Outdoor Seating Located on the Pedestrian Mall:

- **Canopies Not Allowed.** Tents, canvas, and roofs 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 in the street 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 with this condition, its encroachment permit may be terminated 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 vehicle access and for short-term commercial vehicle loading, which is allowed from midnight to 10 am daily.

Attachment 1

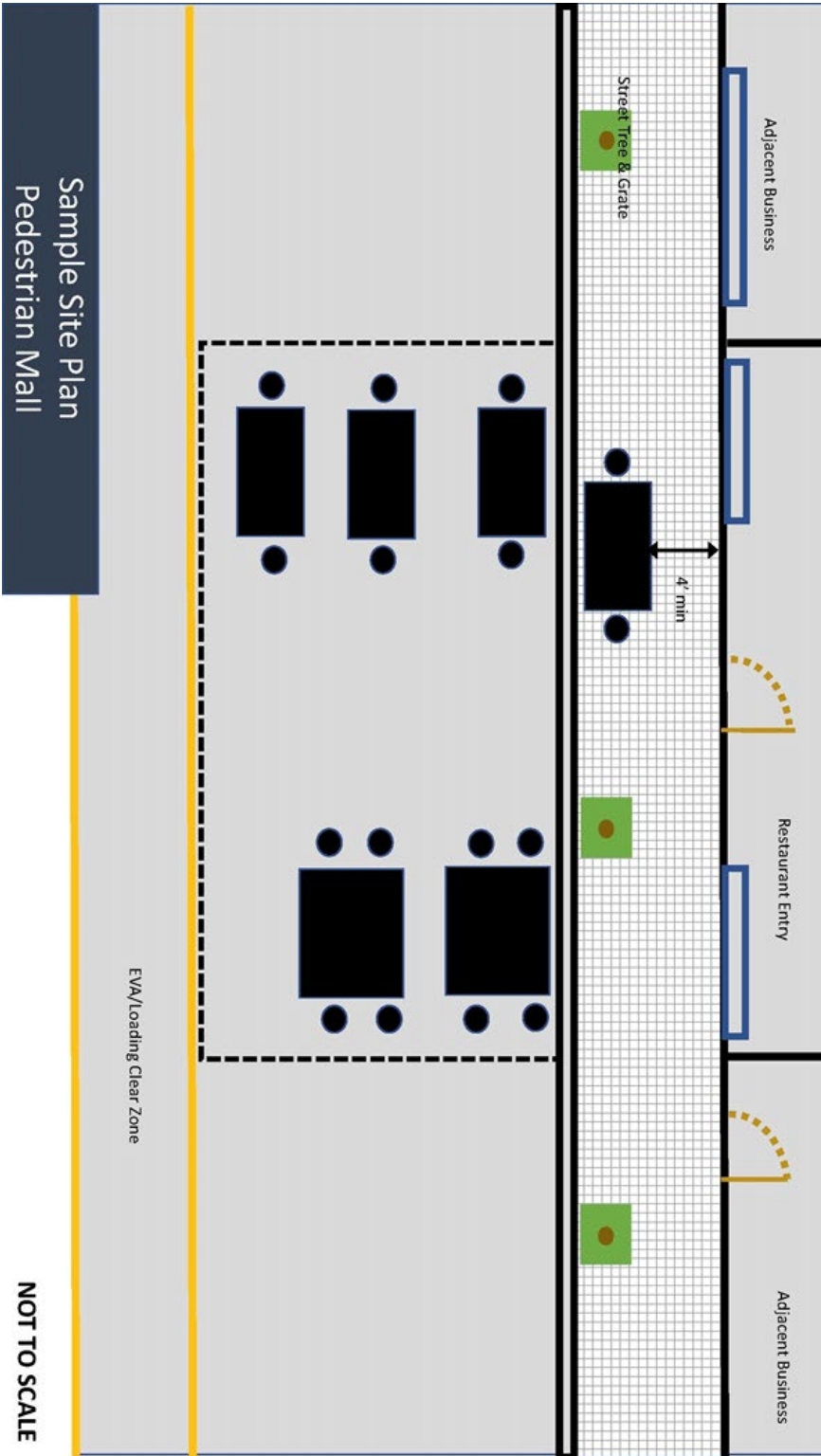
Sample Site Plan (1 of 2)

Sidewalk Dining Site Plan



Sample Site Plan (2 of 2)

Pedestrian Mall Closed Street Dining Site Plan



Attachment 2

CITY OF SAN MATEO

STANDARDS FOR INSURANCE

SIDEWALK AND PEDESTRIAN MALL FURNISHINGS 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 \$1,000,000 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.

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

Alcohol Service – Restaurants and food establishments licensed by the State of California Alcohol Beverage Control (ABC) 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 parklet platforms, sidewalks, and parklets are not allowed to be provided in to-go containers. Establishments that serve alcoholic beverages 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.

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 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.

Application on the following pages

PERMIT APPLICATION

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

Property Owner Contact: _____

Property Owner Phone/email: _____

Describe where the tables and chairs will be placed _____

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 \$408.21 in the form of a check, money order, or creditcard. All credit card transactions will incur a 3% non-refundable service charge.

Sidewalk & Pedestrian Mall Furnishings Standards & Application

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.

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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 sidewalk and/or 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 Furnishings 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

NEW USER FEES

A

DEPARTMENT:
Public Works

DESCRIPTION OF SERVICES	REFERENCE		UNIT	FEE
	PAGE #	ITEM #		
Pedestrian Mall Parklet Platform Encroachment Permit Application Fee	10.2	A (11)	Per Permit application	\$530.00
JUSTIFICATION: The Pedestrian Mall Parklet Platform Encroachment Permit Application Fee is a one-time fee submitted at the time of initial application for a Pedestrian Mall Parklet Platform Encroachment Permit and is intended to cover the staff time and resources spent reviewing and inspecting a new parklet platform installation within the Pedestrian Mall.				
			2023-2024 (include CPI adjustment)	

NEW USER FEES

A

DEPARTMENT:

Public Works

DESCRIPTION OF SERVICES	REFERENCE		UNIT	FEE
	PAGE #	ITEM #		
Pedestrian Mall Parklet Platform Encroachment Permit Fee	10.2	A (11)	Per Annual Renewal Fee	\$408.21
JUSTIFICATION: The Pedestrian Mall Parklet Platform Encroachment Permit Fee is an annual fee required to be paid by parklet sponsors to provide compensation for parklet platform installations within the Pedestrian Mall.				
(INCLUDE this revenue in your projections for 2023-2024.)			2023-2024 (include CPI adjustment)	
			General Fund: \$4,100 Special Fund: \$	