

# How to Obtain a Sidewalk Café Encroachment Permit

Sidewalk cafés provide an opportunity for restaurants, bars, and food service providers, such as bakeries, delicatessens, and similar establishments, to expand their dining/food services.

All sidewalk cafés require issuance of a revocable Sidewalk Café Encroachment Permit by the City Engineer to ensure uses conform to all Municipal Code requirements and development standards.

Sidewalk Café Encroachment Permits allow outdoor restaurant seating, including accessory on-sale (on-premise) alcohol sales, within a portion of the public right-of-way (sidewalk) under specified conditions and requirements.

## Where are they allowed?

Sidewalk cafes are generally limited to areas where the sidewalk width is a minimum of 10 feet, as measured from the curb face to the street property line, and traffic speeds are posted for 35 MPH or less due to the street design or designation.

Sidewalk cafés shall only be established in conjunction with and adjacent to ground floor business occupancies such as restaurants, bars, and similar uses as approved by the City Engineer. See attached Sidewalk Café Ordinance Summary for more requirement details.

## Are other permits required?

Depending on your proposal, other permits such as Building Permits, County of Monterey Environmental Health Permits, State Alcohol Beverage Control (ABC) Licenses, etc. may be required. It is recommended that you contact these agencies at the beginning of the process, prior to submitting your application to the City.

## What is the process for obtaining a Sidewalk Café Encroachment Permit?

The following steps will generally apply to process an application for a Sidewalk Café Encroachment Permit:

**Step 1:** *Obtain an application from:*

*City of Salinas  
Permit Center  
65 W. Alisal Street  
Salinas, CA 93901*

**Step 2:** *Complete the Encroachment Application, Operational Statement and provide all items listed on the “Sidewalk Café Permit Checklist”.*

**Step 3:** *Submit the completed application packet as outlined in Step 2 along with the \$300 application fee to Permit Center. (Waived for Downtown District until 10/4/17)*

**Step 4:** *Your application will be reviewed by applicable City Departments to determine if the project conforms to City regulations.*

**Step 5:** *When the plans have been found to meet all applicable City regulations, the Sidewalk Café Encroachment Permit will be approved. A copy of the approved Sidewalk Café Encroachment Permit will be mailed to the applicant or the applicant may request to be notified by phone and arrange to pick it up in person from the Permit Center.*

**Step 6:** *Any required Building Permits, Sign Permits, etc. may be applied for after approval of the Sidewalk Café Encroachment Permit.*

## How to obtain more information?

Call the Permit Center at 758-7251 or come visit our offices located at 65 West Alisal Street.

## Standard Permit Conditions

- Notwithstanding any of the provisions in this permit, all improvements and uses shall comply with all other ordinances and regulations of the City of Salinas and all local, state, and federal laws and regulations.
- No further development other than that shown on this permit or attached exhibits shall be allowed unless or until the City Engineer has approved an amendment to this permit
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- Use of the property shall be conducted in such a way that it does not constitute a nuisance to the use and enjoyment of surrounding properties or the public. Any permittee, person, firm, corporation, whether as principal, agent, employee or otherwise, violating, causing or maintaining the violation of any of the provisions of this Permit shall be guilty of a misdemeanor or an infraction, as charged.
- Permittee shall maintain the Public Right of Way in a manner satisfactory to the City Engineer, and shall maintain such in good repair, and in a clean, safe and slightly condition and Permittee's sole expense, all to the satisfaction of the City Engineer.
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- Pursuant to Salinas City Code Section 1-8.1: Civil action enforcement, and Section 1-8.2: Liability for costs, permittee shall reimburse the City of Salinas for all costs and expenses (including but not limited to fees and charges of architects, engineers, attorneys, and other professionals, and court costs) incurred by the City in enforcing the provisions of this Permit.
- The applicant(s) shall defend, indemnify, and hold harmless the City of Salinas and any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the City, its boards, commissions, agents, officers, or employees to attack, set aside, void, or annul, the approval of this project/use. The City shall promptly notify the applicant(s) of any such claim, action, or proceeding. The City shall cooperate in the defense. Nothing contained in this condition shall prohibit the City from participation in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith.
- Permittee shall obtain and maintain throughout the term hereof, public liability and property damage insurance as follows:

### **General Liability:**

<b>Combined Single Limit Per Occurrence</b>	<b>\$1 million</b>
<b>General Aggregate</b>	<b>\$2 million</b>

(The policy shall cover on an occurrence or an accident basis, and not on claims made basis)

Such insurance, shall name City and its officers, agents, and employees as additional insureds by endorsement, and shall not be cancelable or subject to modification without at least thirty (30) days written notice to City. The insurance policy shall stipulate that the insurance policy will operate as primary insured for the aforementioned services, operations, or during the use of City property or City approved permit and that no other insurance affected by the City or other named insured will be called upon to contribute to a loss covered thereunder. The policy shall contain no special limitations or the scope of protection afforded to the City, its officers, employees, and agents. The insurance company affording coverage shall be an insurance organization admitted by the Insurance Commissioner to transact business of insurance in the State of California.

Permittee shall present a certificate of insurance or other acceptable written evidence of such insurance and shall, on an annual basis, provide acceptable evidence of renewal of coverage.

This permit shall be revocable by City as provided in Article V, Section 30-42 of the City Code, as the same may be amended from time to time. Within thirty (30) days after receiving notice from City of revocation of this permit, Permittee shall, upon demand from the City, as his/her sole cost and expense, remove all improvements installed by Permittee pursuant to the permit, and shall restore the premises as nearly as practicable to its condition prior to such installation.

For Salinas City Center District Sidewalk Café Incentive Program participants, design standards and product specifications requirements for furniture, fixtures and enclosures will be relaxed for the one-year period of the Incentive Program. This does not apply to awnings and signage. At the time of annual renewal inspection, these design and manufacturer specification standards will be re-evaluated based on the Main Street Streetscape Design Master Plan. Permit renewal may require furniture, fixture and modifications to be in compliance with the Streetscape Master Plan.

**SUMMARY OF SIDEWALK CAFÉ ORDINANCE  
SECTION 30-45.1 SALINAS CODE OF ORDINANCES**

<b>Location</b>	<ul style="list-style-type: none"> <li>• Commercial Zones</li> </ul>
<b>Primary Criteria/Applicability</b>	<ul style="list-style-type: none"> <li>• Sidewalk width: minimum of 10 feet</li> <li>• Traffic speed: maximum of 35 mph</li> <li>• Consumption of food and/or beverages in conjunction with a ground floor business</li> <li>• Must be directly in front of the building/tenant space</li> <li>• Permitted sidewalk café area will be based on ability to maintain a generally straight, 6-foot clear path of travel.</li> <li>• Must be set back 3-feet from the curb, if adjacent to the street.</li> <li>• Must maintain 3-foot clear space around fire hydrants &amp; FDCs</li> <li>• Same hours of operation as business</li> </ul>
<b>Design Standards</b>	<ul style="list-style-type: none"> <li>• Café shall not obstruct access to any building/tenant space.</li> <li>• Furnishings shall: <ul style="list-style-type: none"> <li>○ be moveable, high quality, commercial grade and manufactured for outdoor use</li> <li>○ complement the architectural character of the building and surrounding fixtures</li> <li>○ not extend beyond the designated perimeter of the sidewalk café</li> </ul> </li> <li>• Perimeter/area of the café shall be defined by a railing, fencing, and/or landscaping is required unless waived by city engineer</li> <li>• Enclosures shall: <ul style="list-style-type: none"> <li>○ not exceed 42 inches in height</li> <li>○ be high-quality, fire resistant material</li> <li>○ complement the architectural character of the building and surrounding fixtures</li> <li>○ if gated, specific hardware may be required</li> </ul> <p>May have windscreen up to 5 feet in height</p> </li> <li>• Awnings, canopies and signage are subject to the design standards of the Zoning Code.</li> <li>• If proposing lighting, a Lighting Plan meeting ordinance criteria must be submitted with the application.</li> <li>• Must comply with Storm water requirements</li> </ul>
<b>Maintenance</b>	<ul style="list-style-type: none"> <li>• Café facilities and furnishings to be in an orderly, clean and sanitary condition at all times. This includes tables, chairs, awnings, canopies, umbrellas and landscaping planters and boxes.</li> <li>• At least one covered outdoor trash container shall be provided during operation.</li> <li>• All non-permanent fixtures are to be removed at the end of each business day.</li> </ul>
<b>Other Regulations</b>	<ul style="list-style-type: none"> <li>• No amplified sound.</li> <li>• Outdoor heaters and fire pits meeting Fire Code are allowed.</li> <li>• Must comply with all federal state, and local laws including, but not limited to, those regulating the sale, service, and consumption of alcohol or food</li> </ul>
<b>Encroachment Permit</b>	<ul style="list-style-type: none"> <li>• Submit Encroachment Permit Application and Operational Statement with the following items: (Please see Permit Submittal Checklist for more details.) <ul style="list-style-type: none"> <li>○ Sketch of proposed improvements</li> <li>○ Pictures/Manufacturer specifications for fixtures</li> <li>○ Contractor Liability Insurance (construction)</li> <li>○ General Liability Insurance (permanent)</li> <li>○ Fee: \$300.00</li> </ul> </li> <li>• Permit to be processed within 5 days</li> </ul>

	<ul style="list-style-type: none"> <li>• Permit expires after one year unless renewed.</li> <li>• Permit shall not be affected by changes in ownership, however, General Liability Insurance must be provided must be provided by new owner.</li> </ul>
<b>Insurance Liability Requirements</b>	<ul style="list-style-type: none"> <li>• A comprehensive general liability and property damage insurance or commercial general liability insurance covering all operations is required.</li> <li>• The insurance shall be provided and maintained at the limits and amounts and in a form and manner set forth by the City as a standard condition of the Permit.</li> </ul>
<b>Permit Modifications</b>	<ul style="list-style-type: none"> <li>• <u>Minor</u> changes may be considered by the City Engineer prior to installation of any such changes at the site.</li> <li>• <u>Major</u> changes will require submission of an application for a new Sidewalk Café Encroachment Permit.</li> </ul>
<b>Annual Inspection</b>	<ul style="list-style-type: none"> <li>• Term of permit may be extended with payment of a renewal fee covering the required annual inspection.</li> <li>• Fee: \$100.00</li> </ul>

**Note:** This is a summary that outlines the major provisions of the Sidewalk Café Ordinance. It does not cover all details of the full Ordinance. Depending on the proposed project, other requirements may apply.



# CITY OF SALINAS

DEVELOPMENT ENGINEERING, A division of the Public Works Department  
 65 West Alisal Street | Salinas, CA 93901 | 831-758-7251 | www.ci.salinas.ca.us

## Sidewalk Café Permanent Encroachment Permit Application

APPLICATION #

<b>Property Address for Permit:</b>	Date:
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***PROPERTY INFORMATION:***

Property Owner's Name:	Email:
Address:	Phone:
City/State/Zip Code:	
Assessor's Parcel Number:	Zoning:

***APPLICANT:***

Business Name:		
Name of Contact Person:		
Address:		
Phone:	Fax:	Email:

***SIDEWALK CAFÉ DETAILS***

Number of Tables:
Number of Chairs:
Number of Benches:
Number of Trash Receptacles:
Will you be serving alcohol: Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, ABC license # (copy of lic. req'd):
City Business License Number:
Expiration Date:

***ENCROACHMENT***

Area of Encroachment (sf):
Enclosed: Yes <input type="checkbox"/> No <input type="checkbox"/>
Umbrella(s): Yes <input type="checkbox"/> No <input type="checkbox"/> ; If Yes, Number:
Planter(s): Yes <input type="checkbox"/> No <input type="checkbox"/> ; If Yes, Number:
Will tables/chairs/etc. be stored indoors after hours daily? Yes <input type="checkbox"/> No <input type="checkbox"/>

\_\_\_\_ Applicant shall provide the City with liability insurance naming the City as additional insured, with endorsement sheet prior to issuance of a permanent encroachment permit.

\_\_\_\_ I understand the operator and/or contractor shall conform with the all permit requirements and regulations of the City of Salinas

_____ BUSINESS OPERATOR	_____ SIGNATURE	_____ DATE
_____ PROPERTY OWNER	_____ SIGNATURE	_____ DATE

Other Depts/Jurisdictions ( <i>STAFF: circle all that apply</i> ): Traffic   Streets   Urban Forestry   Building   Planning   Fire
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**OPERATIONAL STATEMENT**

Your Operational Statement must be written in permanent ink or typed. Please use a separate sheet(s) of paper if you require more space for your answers.

1. What is name and type of existing business/use that the sidewalk café will be operated in conjunction with?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. What are the proposed days and hours of operation?

Monday \_\_\_\_\_ Tuesday \_\_\_\_\_ Wednesday \_\_\_\_\_ Thursday \_\_\_\_\_  
Friday \_\_\_\_\_ Saturday \_\_\_\_\_ Sunday \_\_\_\_\_

3. Will you have live entertainment? Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, indicate type and whether amplification will be used? \_\_\_\_\_

Hours of entertainment: Monday \_\_\_\_\_ Tuesday \_\_\_\_\_ Wednesday \_\_\_\_\_  
Thursday \_\_\_\_\_ Friday \_\_\_\_\_ Saturday \_\_\_\_\_ Sunday \_\_\_\_\_

4. Will alcohol be served for on-site consumption? Yes \_\_\_\_\_ No \_\_\_\_\_

5. Will outdoor heaters, fire pits/places, or any other type of lighting or heating device with an open flame be used? Yes \_\_\_\_\_ No \_\_\_\_\_

6. What are the existing businesses or land uses located to the north, south, east, and west?

North \_\_\_\_\_

South \_\_\_\_\_

East \_\_\_\_\_

West \_\_\_\_\_

7. Is this part of a larger project that was previously reviewed by the City?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Sidewalk Café Encroachment Permit Submittal Checklist

**All information is required as noted:**

Applicant	City use only	Application requirements:
		<b>Note:</b> The term “subject parcel” below refers to the parcel of the business that the sidewalk café will be operated in conjunction with is located.)
		<b>a) Application completed and signed by:</b> Business Operator Property Owner of subject parcel
		<b>b) Operational Statement - Sidewalk Café Encroachment Permit.</b> Provide 1 copy.
		<b>c) Site Plans drawn “to scale” and legible.</b> Plans must be fully dimensioned and no smaller than 8 ½ inches by 11 inches or no larger than 11 inches by 17 inches. Use permanent ink. Provide 3 copies.
		Show the general layout of the subject parcel and the right-of-way (sidewalk area) as follows
		North arrow (north at top if feasible.)
		Address of subject parcel and name of business.
		All property lines and lot dimensions and easements of the subject parcel (that are adjacent to the sidewalk café.)
		Show the sidewalk frontage of the building or tenant space serving the proposed sidewalk café and all abutting buildings or tenant spaces. Include the width (the distance measured from the street curb to street property line) and the length dimensions of these areas.
		Dimension the distance between the perimeter of the sidewalk café and the doorway entrance to abutting buildings/tenant spaces (a minimum of 6’ unobstructed is required.)
		Dimension the perimeter/boundary of the sidewalk café.
		Dimension the distance between any obstruction or improvement in the right-of-way and the sidewalk café area (include those both in the street and sidewalk along the street frontage of the site). Include any utilities (boxes) and public improvements (especially those that could affect or be affected by the applicant’s proposal) such as bus stops, benches, trees, lights, planters, landscaping, trash receptacles, bicycle racks, other street furniture, newspaper racks, street, curb, on-street parking, and any other potential sidewalk obstruction.)
		Dimension existing and proposed pedestrian movements in the right-of-way (sidewalk). Include disabled access.
		The location of access/doorways (including emergency access points and fire escapes). A minimum of two feet is required on each side of the entrance doorway serving the sidewalk café and the related business occupancy.
		Show and identify the location and dimensions of all proposed umbrellas, outdoor furniture, enclosures, windscreens, awning/canopies, overhead appurtenances, lighting, heaters/fireplaces/fire pits, landscaping planters or boxes, trash receptacles, and any other materials to be placed in the sidewalk café area.



			<p>Show the direction and extent of swing of any gates and the projection or movement of any objects placed within the sidewalk café area. No object (such as chair, tables, umbrellas, etc.) shall be permitted to project beyond the delineated perimeter of the sidewalk cafe.</p>
			<p><b>d) Fixture and Furniture Specifications</b>  Provide details and samples (such as cut sheets/photos) of all furniture, lighting, landscaping planters, awnings/canopies, umbrellas, fencing, enclosures, etc. Include all materials, exterior colors and finishes, and design.</p>
			<p>For enclosures, show height and method of attachment (if applicable) to the sidewalk.</p>
			<p>If landscape planters are proposed, indicate the type and size of plant materials, irrigation details, and the dimensions of planters including height.</p>
			<p><b>e) Photographs.</b> Provide photographs of the subject parcel's existing street frontage where the sidewalk café will be located (include the frontage of abutting buildings/tenant spaces.)</p>
			<p><b>f) Exterior building elevations.</b> Provide eight (8) copies. Only required if exterior building modifications are proposed (e.g. the installation of awnings, change in location of window or door, building lighting.)</p>
			<p><b>i) Insurance Liability Coverage.</b> Provide three (3) copies of policy. (Includes Contractor's insurance if applicable)</p>