



City of Santa Rosa

Placement of Temporary Outdoor Restaurant Seating - Public Right-of-Way

Purpose

The purpose of this document is to describe the requirements and guidelines associated with the temporary addition or expansion of outdoor seating needed to offset any loss of internal seating areas due to restrictions under the Sonoma County Health Order. Temporary Sidewalk Seating will be allowed adjacent to any legal restaurant use when the installation and placement of the seating can be performed in a manner consistent with the requirements highlighted within this document. This document focuses on the placement of temporary seating within the public right-of-way, which is the area that covers any public sidewalks and roadways. [Click here](#) for information regarding the placement of temporary outdoor seating areas within private property.

The program is intended to support outdoor dining, with or without table service, incidental to a public eating establishment. All elements associated with the seating area must be easily removable and shall only include items such as chairs, tables, foldable awnings, and umbrellas. Easily removable fencing or barriers will also be allowed if needed for any alcohol service allowed under a valid California Alcoholic Beverage Control (ABC) license. Seating areas will not be permitted to incorporate any advertising, amplified sound, or the consumption of alcohol, except in conjunction with a public eating establishment with a valid California ABC license.

The Planning and Economic Development will be prioritizing the review of all encroachment permit applications associated with this program and most permits will be issued within 1-2 working days from the date of application submittal. City staff are available to review any preliminary proposals and site visits, implementing social distancing requirements, can be arranged to review specific site constraints. Contact the Planning and Economic Development Department at 707-543-3080 or economicdevelopment@srcity.org to discuss preliminary proposals or to arrange a site visit.

Definitions

- A. "Sidewalk Seating" means easily removable tables and chairs, as well as related appurtenances such as temporary fencing and barriers, small rolling planters, umbrellas, and awnings that are intended for the purposes of customer seating and/or consumption of food or beverage by patrons when such is located adjacent to an eating establishment having the same operator.

- B. "Through Zone" means the unobstructed area of sidewalk where primary pedestrian circulation occurs. The Through Zone shall always remain free and clear of physical obstructions. The through Zone should maintain a 5' width wherever possible. The width may reduce to 4' around obstructions.
- C. "Frontage Zone" means the sidewalk area between the Through Zone and the front of the adjacent property/building which may accommodate pedestrian oriented activities.
- D. "Furnishing Zone" means the area between the Through Zone and the Curb Zone where streetscape amenities such as planter boxes, streetlights, and tree wells are typically located.
- E. "Curb Zone" means the area located between the Furnishing Zone and the vehicular or bicycle travel lane and defines the boundary between the pedestrian realm and the roadway. The Curb Zone only exists in areas that contain parallel, perpendicular, or diagonal public parking along the curb line.

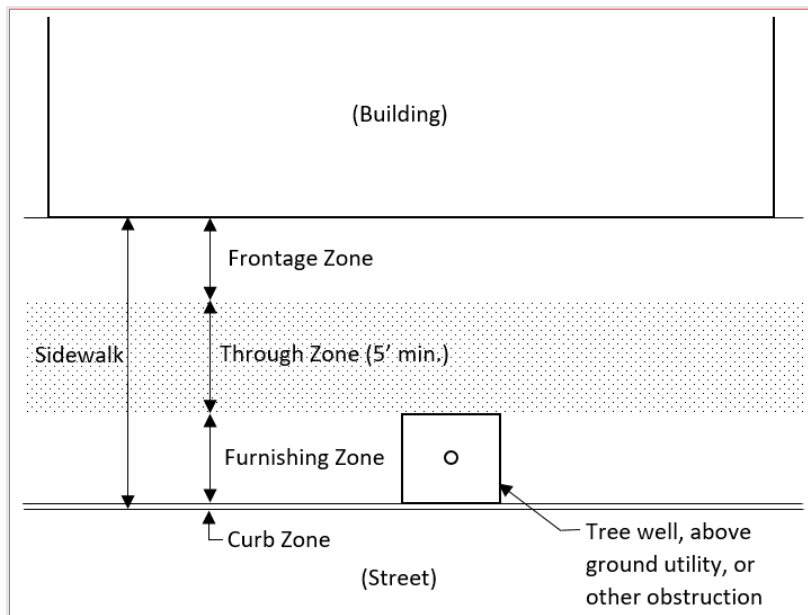


Figure 1 - Frontage Zones

Permit Requirements

The installation and operation of Sidewalk Seating shall be performed under an encroachment permit pursuant to [Chapter 13.04 of the Santa Rosa City Code](#). The permittee will be responsible for all requirements contained in the permit, as well as any applicable codes, polices and standards associated with the use of the public right-of-way or any public sidewalk easements.

Insurance Requirements

The permittee, or the contractor performing the work, will be required to secure a policy of broad form commercial general liability insurance by an insurer acceptable to the City covering both construction of the Outdoor Seating, as well as the ongoing operation. The policy shall by endorsement name the City of

Santa Rosa, its officers, agents, employees, and volunteers as additional insured and shall protect them from claims for personal injury, death, or property damage suffered by the third persons and arising out of the work performed pursuant to the permit or the manner of installation or construction. Workers' Compensation insurance shall also be maintained to meet minimum state requirements. Additional details regarding the insurance requirements can be obtained [here](#). It is possible that the business currently has the required liability and Workers' Compensation insurance in place and the only requirement may be to name the City as an additional insured under the liability insurance. A sample insurance document with the appropriate endorsements can be viewed [here](#).

Placement

Sidewalk Seating shall be placed adjacent to the eating establishment that has the same operator and shall be restricted to the width of the commercial space that contains the eating establishment. Sidewalk Seating areas may extend across the frontage of the adjacent business if written permission is obtained from the adjacent property owner and business operator. Sidewalk Seating may be placed in the Frontage and Furnishing Zones, as described in *Figure 1 - Frontage Zones*. Sidewalk Seating may also be placed in the Curb Zone if ADA requirements can be met and protective measure can be put in place to protect occupants from adjacent vehicle traffic.

Design Requirements

<p>Accessibility</p>	<ul style="list-style-type: none"> • All seating areas that are required to be accessible shall maintain compliance with accessibility requirements outlined in the Americans with Disabilities Act (ADA). • Access to any features afforded to customers shall be provided to those with access needs. (Access to restrooms, pay stations, or any other features must be provided in an equivalent fashion.) • Click here to review the Outdoor Seating and Accessibility Guidelines
<p>Public Utilities and Fire</p>	<ul style="list-style-type: none"> • All components associated with the seating area shall maintain a clearance of at least 3' from all hydrants and fire department connections. This separation will also apply to all above ground utility structures and access lids such as sewer manholes, water valve covers, meter box lids, and utility vault covers. Components that create additional difficulties during an emergency removal process such as umbrellas, fences, and non-rolling planters shall maintain a 5' separation from the utility and fire protection items highlighted above.
<p>Traffic</p>	<p>The requirements below only pertain to seating areas placed on the street side of the curb:</p> <ul style="list-style-type: none"> • Installations will only be allowed on active public streets with a speed limit of 25 miles per hour or less and with a trip volume of less than 5,000 vehicles per day. Current traffic counts are available here. • The proposal should focus on straight street sections and avoid areas where curves exist. • All portions of seating areas shall maintain the following clearances: <ul style="list-style-type: none"> ○ 25' from any existing public street intersections. ○ 20' from any existing driveway or alley connections, unless otherwise approved by the Traffic Engineer. ○ 1' minimum clearance from any adjacent vehicular travel lanes on

	<p>installations proposed in parallel parking areas.</p> <ul style="list-style-type: none"> • 2' minimum clearance from any adjacent vehicular travel lanes on installations proposed in diagonal or perpendicular parking areas. • Temporary fencing should be placed in-between the seating area and the travel lane to prohibit occupants from inadvertently entering the travel lane. • Reflective material and safety cones with reflective rings shall be placed at the corners of the seating area that border the travel lane.
Maintenance and Operations	<ul style="list-style-type: none"> • Any movable furniture (i.e. tables, chairs, umbrellas, etc.) and equipment not secured within fencing shall be removed from the public right-of-way during non-business hours.

Duration of Temporary Use

Encroachment permits issued under this program will allow the operation of the temporary Sidewalk Seating to commence for a period not to exceed 12 months from the date of permit issuance. The temporary use shall terminate or reduce in scale earlier than the 12-month period if the Sonoma County Health Order is rescinded or amended to remove social distancing requirements that apply to the interior seating areas of restaurants. The temporary program is intended to provide a replacement option to any existing indoor or outdoor seating lost to social distancing requirements. The program cannot result in an exceedance in the occupancy levels that were approved with the original use. In the event that social distancing requirements are relaxed prior to the expiration of the encroachment permit, the applicant will be granted a maximum 30-day window from the date of the rescinded or amended Health Order to reduce the seating approved under the permit to offset the total count of any interior or permanent exterior seats regained. Any additional time granted cannot allow the permit to exceed the maximum 12-month timeframe.

Placement in Paid Parking Areas

Sidewalk seating placed in any paid public parking areas may be required to pay an upfront fee to the Parking Division covering the use of the spaces. The applicant may contact the Parking Division at srparking@srcity.org to discuss fee calculation and payments.

California Alcoholic Beverage Control (ABC)

Applicants shall comply with all applicable ABC regulations regarding alcohol use in any outdoor seating areas associated with the establishment. The issuance of an encroachment permit does not constitute any ABC or Zoning approvals for alcohol use by the City. Applicants are solely responsible for securing a valid ABC license to allow/extend business operations within the encroachment area.

Application Process

1) Application submittal

All applications shall be submitted digitally through the City's [online encroachment permit submittal portal](#).

- a) Application Form: All applicants shall complete the encroachment permit application.
- b) Site Plan: The site plan shall show the following information (with as much detail as possible to aid in the City's review of the application). The plan may be hand drawn on 8 ½" x 11" paper:
 - 1) Show the proposed footprint of the Sidewalk or Street Seating area including dimensions (length and width).
 - 2) Show and list elements proposed within the plan including tables, chairs, awnings, umbrellas, fences etc.
 - 3) Show any protective measures being implemented if the proposal is occupying street parking areas.
 - 4) Show and label:
 - i. Approximate property lines
 - ii. Existing building(s) including doorway location(s)
 - iii. Width of business frontage
 - iv. Name and address of business
 - v. Name and address of adjacent businesses
 - vi. Sidewalk widths
 - vii. Street name(s)
 - viii. All surface structures within 15 feet of the proposed location (e.g., fire hydrants, parking meters, poles, signs, street trees, manholes, utility covers, storm drain inlets, bike racks, streetlights, other outdoor seating areas, etc..).
 - ix. Location and dimensions associated with any existing or proposed outdoor accessible seating.
 - x. Any barrier indicators for items protruding into the path of travel (see accessibility guidance document).
- c) Adjacent Property Owner Approval: This requirement only applies to proposals that involve the expansion of any Sidewalk Seating along the frontage of the adjacent unit or building. Submit a written statement from any adjacent property and business operator confirming the approval to place the installation in an area that is beyond the width of the associated eating establishment
- d) Site Pictures: Pictures of the current site conditions at the proposed location. At a minimum, pictures should include the following viewpoints:
 - Looking down the sidewalk/parallel to the curb from each side of the proposed location.
 - Perpendicular to the proposed location, including how the location is situated in relation to adjacent properties.

e) Insurance Certificates.

- i. Applicant's Insurance (Sidewalk Seating): \$1,000,000 General Liability naming the City of Santa Rosa as additional insured.
- ii. Contractor's Insurance (construction): \$1,000,000 each for General Liability, Automobile Liability, and Worker's Compensation & Employer's Liability. The City of Santa Rosa shall be named as additional insured.

2) **Permit Issuance**

Once the permit application is deemed "approved," City staff will contact the permittee and arrange for the payment of the permit processing fee. The permittee will only be required to pay the \$128.00 encroachment permit processing fee, as described in the [current fee schedule](#). All fees can be paid online, and City staff will provide instructions regarding the payment process during the plan review phase. Any applicable Parking fees must be paid prior to permit issuance. Once all necessary items have been addressed, the permit will be sent to the permittee for digital signature and final execution.

3) **Construction**

The permittee, or contractor performing the work, will be required to comply with all construction notifications and schedule inspections as specified on the issued permit.

4) **Monitoring and Compliance**

It is the responsibility of the permittee to ensure that the seating areas always remain in compliance with the conditions of its permit. The area should be kept clean and inviting for members of the public.