

Community Development Department
Planning & Housing Services
1017 Middlefield Road
P.O. Box 391
Redwood City, CA 94064



Telephone: (650) 780-7234
Facsimile: (650) 780-0128
TDD: (650) 780-0129
Website: www.redwoodcity.org

Sidewalk Cafe Permit Application

Date Submitted: _____ Permit #: _____

Applicant Information

Applicant: _____	Business Name: _____
Mailing Address: _____	
City/State/Zip Code: _____	
Phone: _____	Email: _____
Business License #: _____	ABC License #: _____

Property Information

Property Address for Permit: _____	
Property Owner's Name: _____	
Phone: _____	Email: _____
Mailing Address (if different): _____	
City/State/Zip Code: _____	

Description of Proposed Sidewalk Café - Specify the operations of the business (i.e. restaurant, bar, retail) and include hours of operation. List all proposed furniture and quantities (i.e. nine heat lamps). _____ _____ _____ _____

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SIDEWALK CAFÉ PERMIT SUBMITTAL CHECKLIST

Submittals:

- Application Form (completed and signed)
- \$270 Fee Payment
- Site Plan (scaled - i.e. 1/8" = 1'0" - and must show 5'0" clearance path)
- Photograph of Furniture (every object to be placed in the right-of-way)
- Conditions of Approval (signed)
- Proof of Business Tax Receipt/Business License *
- Insurance Requirements
 1. Completed Hold Harmless Agreement (Form provided the City)
 2. Insurance Certificate* (Attachment A)
 3. Insurance Endorsement Form* (Attachment B)

If alcohol will be served in the café area, the café operator must:

- Submit copy of ABC License*

If café area is proposed to extend beyond the storefront, café operator must:

- Submit a letter indicating permission to use the right-of way from the property owner of the neighboring building.
- Submit a letter indicating permission from the neighboring business operator.

* annual update required

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SIDEWALK CAFÉ PERMIT INSURANCE REQUIREMENTS

Site Address: _____

Applicant: _____

Business Name: _____

Permit #: _____ Issued on: _____

The complete insurance submittal requires the three one-page documents listed below:

HOLD HARMLESS AGREEMENT

Permittee hereby agrees to indemnify and save harmless the City of Redwood City ("City"), its Council, officers, boards, commissions, agents and employees of and from any and all claims, suits or actions of every name, kind and description which may be brought against City, its Council, officers, boards, commissions, agents, or employees by reason of any injury to or death of any person or damage suffered or sustained by any person or corporation, caused by, or alleged to have been caused by, any act or omission to act, negligent or otherwise, of Permittee, its officers, agents or employees in connection with the use and/or occupancy of the area subject to the Sidewalk Café Permit issued to Permittee (the "Permitted Area").

The duty of Permittee to indemnify and save harmless, as set forth herein, shall include a duty to defend as set forth in Section 2778 of the California Civil Code; provided, however, that nothing herein shall be construed to require Permittee to indemnify City, its Council, officers, boards, commissions, agents and employees against any responsibility or liability in contravention of Section 2782 of the California Civil Code.

Permittee, at its sole cost and expense, shall acquire and maintain in full force and effect throughout the term of this Agreement Workers' Compensation, employer's liability, and commercial general liability insurance coverage relating to Permittee's use and occupancy of the Permitted Area covering City's risks in form subject to the approval of the City Attorney.

Dated: _____

Signature (Owner of Business) _____

INSURANCE CERTIFICATE (See Attachment A)

The minimum amounts of coverage corresponding to the aforesaid categories of insurance per insurable event shall be as follows:

<u>Insurance Category</u>	<u>Minimum Limits</u>
Workers' Compensation	Statutory minimum.
Employer's Liability	\$1,000,000.00 per accident for bodily injury or disease.
Commercial General Liability	\$1,000,000.00 per occurrence for bodily injury, personal injury and property damage.

Any deductibles or self-insured retentions must be declared to, and approved by City. At the option of City either Permittee's insurer shall reduce or eliminate the deductibles or self-insured retentions with respect to City, its Council, commissions, boards, committees, officers, employees and agents or Permittee shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

GENERAL LIABILITY ENDORSEMENT (See Attachment B)

Concurrently with the execution of this Sidewalk Café Permit, Permittee shall furnish City with certificates and copies of information or declaration pages of the insurance required hereunder and, with respect to evidence of commercial general liability insurance coverage, original endorsements that state:

- a) Precluding cancellation or reduction in coverage before the expiration of thirty (30) days after City shall have received written notification of cancellation or reduction in coverage by certified mail, return receipt requested; and
- b) Naming City, its Council, commissions, boards, committees, officers, employees and agents as additional insured; and
- c) Providing that Permittee's insurance shall be primary insurance relating to Permittee's work hereunder with respect to City, its Council, commissions, boards, committees, officers, employees and Agents, and further providing that any insurance or self-insurance maintained by City for itself, its Council, commissions, boards, committees, officers, employees and agents shall be excess of Permittee's insurance and shall not be contributory with it."; and
- d) The permittee agrees to a waiver of subrogation for any worker's compensation.

Insurance submittal requires all three documents signed and dated.

ATTACHMENT A INSURANCE CERTIFICATE

CERTIFICATE OF INSURANCE	ISSUE DATE:
Producer: [Name and Address of Insurance Agent]	This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend or alter the coverage afforded by the policies below.
Insured: [Name and Address of Business] (APPLICANT MUST HAVE AN ACTIVE REDWOOD CITY BUSINESS LICENSE)	COMPANIES AFFORDING COVERAGE Co. Letter "A" Name of Insurance Company/Broker Co. Letter "B" Name of Insurance Company/Broker Co. Letter "C" Co. Letter "D" Co. Letter "E" <div style="text-align: right;">(INSURANCE COMPANY MUST HAVE AN "A-" RATING OR BETTER)</div>

Coverage
 This is to certify that the policies of insurance listed below have been issued to the insured named above for the policy period indicated, notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain. The insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies. Limits shown may have been reduced by paid claims.

Co. Letter	Type of Insurance	Policy No.	Effective Date	Exp. Date	Limits	
A	General Liability: Commercial Occurrence	ABC123 [GENERAL LIABILITY, EACH OCCURENCE MUST BE \$1,000,000]	Current Date	Current Date	General Aggregate	\$1,000,000
					Products-Comp/Op Agg.	
					Personal & Adv. Injury	
					Each Occurrence	\$1,000,000
					Fire Damage (any 1 fire)	
					Medical Exp (any 1 person)	
	Auto Liability: Any Auto All owned autos Scheduled autos Non-owned Auto					
	Excess Liability Other than Umbrella form					
B	Worker's Comp & Employer's Liability [EMPLOYERS LIABILITY, PER ACCIDENT FOR BODILY INJURY OR DISEASE]	BCD123	Current Date	Current Date	<input checked="" type="checkbox"/> Statutory Limits	\$1,000,000
					Each accident	
					Disease-policy limit	
					Disease-each employee	

Description of Operations/Locations/Vehicles/Special Items:
 (Provide project address & name & description.) Add the following: The City of Redwood City, its council members, officers, boards, commissions, employees and agents are named as **additional primary insureds**. See attached endorsements pursuant to the written contract.

Certificate Holder: City of Redwood City Community Development Department P.O. Box 391 Redwood City, CA 94064	Cancellation: It is understood and agreed that in the event of cancellation of the policy for any reason , including non-payment of premium, 30 days written notice will be sent to the certificate holder named on the left. Authorized Representative: <div style="text-align: right;">[SUBMIT ORIGINAL SIGNED CERTIFICATE]</div>
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**ATTACHMENT B
GENERAL LIABILITY ENDORSEMENT**

INSURED (CONTRACTOR): _____

POLICY NUMBER: _____ **EFFECTIVE DATE:** _____ **EXP. DATE:** _____

INSURER: _____

THIS ENDORSEMENT CHANGES THE POLICY, PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED — OWNERS, LESSEES OR CONTRACTORS

This endorsement modifies insurance provided under the following: COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE (ENDORSEMENT HOLDER)

The City of Redwood City, its Council members, commissions, committees, boards, officers, employees, and agents as additional insureds.

Description of Operations: _____

Location of Operations: _____

(If no entry appears above, the information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

WHO IS AN INSURED (Section II) is amended to include as an insured the person or organization shown in the Schedule, but only with respect to liability arising out of "your work" for that insured by or for you.

Modifications to ISO form CG 20 10 11 85:

1. **This insurance shall be primary** as respects the insured shown in the schedule above, or if excess, shall stand in an unbroken chain of coverage excess of the Named Insured's scheduled underlying primary coverage. In either event, any other insurance maintained by the Insured scheduled above shall be in excess of this insurance and shall not be called upon to contribute with it.
2. Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subdivision(b) of Section 2782 of the Civil Code.
3. The permittee agrees to a **waiver of subrogation** for any worker's compensation claim.

[SUBMIT ORIGINAL SIGNED ENDORSEMENT]

Signature of Authorized Representative (Required) (Date) (Telephone No.)

(Organization)

(Address)

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CONDITIONS OF APPROVAL FOR SIDEWALK CAFÉ PERMITS

The application for Sidewalk Cafe Permit is subject to the following conditions of approval below:

I. Sidewalk Café Layout & Furniture

- A. The outdoor seating area shall conform to the plans submitted to the City. The tables and chairs and other furniture shall be configured as shown on the approved site plan. No permanent changes are allowed (including but not limited to, bolting fencing or tables to the ground).
 1. The proposed café furniture will be placed adjacent to the storefront separated by the pedestrian walkway or immediately along the building.
 2. Any alcohol service must be within the perimeter railings.
 3. Tables and chairs shall match. Small square or round tables shall seat no more than four people. Use of larger tables may be granted by the City provided that all clearance requirements are met.
 4. Moveable barriers and fences shall be shown on the site plan. Fences shall be black unless otherwise approved.
 5. Individual canvas or other non-vinyl umbrellas of a compatible design shall be permitted during operational hours and shall not extend into the 5'-0" pedestrian pathway.
 6. Menu boards, both portable and wall-mounted, shall be subject to Sign Permit approval and shall comply with the City Code Section 33A, Article 2.
 7. All trash/recycling receptacles shall be commercial grade as determined by the City. Trash receptacles shall be made of durable material and painted to match the existing façade or furniture. The number and location of trash receptacles shall be determined by the City and shall comply with the public right-of-way access code.
 8. No damaged furniture including heaters is permitted in the café area at any time.

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9. No furniture may be stored within the café area at any time.
- B. Any modifications to said approved plans shall be submitted to Planning Services for review and approval.
1. Any changes including, but not limited to the addition of tables, chairs, umbrellas, heaters, windscreens, planters shall be submitted prior to any change of the original issuance of a Sidewalk Café Permit.
 2. The installation of unapproved site furniture for any amount of time is cause for cancellation of permit.
- C. Any utility service (i.e. electric or gas) to the sidewalk café must be indicated on the site plan and requires approval by the City.

II. Sidewalk Cafe Operation & Maintenance of the Right-of-Way

- A. Café furniture shall not be secured to lampposts, streetlights, trees or any other public street furniture.
- B. All approved café furniture shall be properly maintained and cleaned regularly and be placed to allow pedestrians to move safely in the sidewalk at all times.
- C. The applicant shall comply with all applicable Fire and Building codes at all times. Per the Redwood City Fire Department:
- a. No more than three portable heaters with tanks (tank size shall not exceed 5 gallon) per restaurant are permitted at any given time.
 - b. Any requests for additional heaters shall be approved by the Fire Department. Contact Bureau of Fire Prevention at 780-7400.
 - c. Heaters with propane tanks that are not in use shall be stored inside in accordance with the following conditions:
 - i. Do not store in exit ways
 - ii. Do not store in basement or below grade
 - iii. Do not store near open flame equipment
 - iv. All tanks shall be disconnected from heaters when stored indoors
 - d. No spare tanks shall be permitted on the premises at any time unless approved by the Fire Department
- D. The café operator shall be responsible for maintaining safe 5-foot pedestrian path along the sidewalk adjacent the café area.

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1. The operator must request patrons to relocate if they are obstructing the pedestrian path(s).
2. All minimum distances and clearance requirements at all times as follows:
 - a. A 2-foot buffer between the edge of sidewalk and the perimeter of the outdoor dining area at all times; and
 - b. A 5-foot clear path along the public right-of-way at all times; and
 - c. All crosswalks shall be allowed to intersect with the clear 5-foot pedestrian path at all times; and
 - d. A minimum 5-foot clear path from any entrance/exit door. This includes all emergency exits and other doorways (Ordinance 33A.21). This clearance may overlap with the 5-foot pedestrian path.
- E. A café operator with a current ABC license and approval may only serve alcohol within approved perimeter railings.
- F. The café operator shall be responsible for the proper maintenance of the café area at all times, including properly disposing of all trash generated by the operation. The café operator shall be held responsible for emptying and cleaning all trash receptacles within the operating business café area.
- G. Cleaning the sidewalk within the café area is required.
 1. Tree grates within or directly adjacent to the café area shall be cleaned regularly.
 2. The café area shall be dry swept daily and pressure washed quarterly or more frequently as needed.
 3. The café operator shall comply with all State and local regulations related to water disposal including the National Public Discharge Elimination System (NPDES) and the California Storm Water Quality Association (CASQA) as follows:
 - a. *Pollution Prevention*
 - Use dry cleaning methods whenever practical for surface cleaning activities.
 - Use the least toxic materials available (e.g. water-based paints, gels or sprays for graffiti removal).
 - b. *Surface Cleaning*

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- First, sweep (dry clean) sidewalk and parking areas to minimize cleaning with water. Sweep, collect, and dispose of debris and trash before washing with water.
 - Second, before wet cleaning (or pressure washing), block the storm drain (or inlets) with waddles (netted hay rolls).
 - Third, create a dam to collect debris and allow only water into inlet.
- H. Any damage to the sidewalk, driveway apron, curb, gutter and/or adjacent pavement that is located within the frontage of the project shall be repaired in accordance with Redwood City Engineering Standards.
1. The damage must be repaired prior to the occupancy or continuation of occupancy and outdoor seating.
 2. An Encroachment Permit is required to work on the public right-of-way before any repair work.
- I. It shall be the responsibility of the applicant to maintain consent of the outdoor dining furniture in front of the adjacent retail tenant spaces. In the event that the adjacent business owner revokes consent, all associated furniture shall be removed from in front of the tenant's space within 5 days and sidewalk must be cleaned by café operator.

III. Compliance

- A. Sidewalk Café Permits are subject to inspections.
1. All non-compliance issues are subject to fines.
 2. Where the City finds any conditions unsatisfactory, the City reserves the right to hire a contractor to perform task and back charge (including all administrative costs) the café operator.
- B. Failure to comply with the conditions of approval will result in termination of the sidewalk café permit and any use of the right-of-way by the business operator. An administrative fee no less than \$250.00 will apply.
- C. Yearly renewal is based on compliance.
- D. This permit is revocable within 30 days if non-compliance is recorded.
- E. Where a Sidewalk Café Permit has not been used within one (1) year from the date of granting, either by beginning of construction of the improvements or by the

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initiation of the activity which is the subject of the Sidewalk Café Permit, said Sidewalk Café Permit shall automatically terminate and be of no further effect.

IV. Permit Renewal

A. It is the responsibility of the Sidewalk Café Operator to submit current insurance documents, business license (and ABC license if applicable) and fee annually. Failure to do so shall automatically terminate the permit and be of no further effect. All right-of-way shall be cleared within 5 days of notice.

B. The submittals for a required for renewal are as follows:

1. Insurance Documentation

- a. Hold Harmless Agreement (Form provided by City)
- b. Insurance Certificate (See Attachment A)
 - i. A current \$1,000,000 liability insurance policy naming the City of Redwood City as additional insured shall be on file with the City in order to operate an outdoor sidewalk café at all times.
 - ii. A copy of the insurance certificate and endorsement shall be submitted to the City annually in order to retain the Sidewalk Café Permit.
- c. Endorsement (See Attachment B)
 - i. A copy of the endorsement shall be submitted to the City annually in order to retain the Sidewalk Café Permit.

2. Business Tax

- a. A copy of the current business tax shall be submitted to the City. In order to retain the Sidewalk Café Permit, it shall be the responsibility of the operator to maintain the business tax.

3. Alcohol License

- a. Only applicable if the restaurant operator serves alcohol.
- b. The café shall comply with all applicable laws, local ordinances, and health codes regarding the sale and service of food and beverages including alcohol to the public.

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- c. Prior to serving alcohol, the café operator shall obtain the appropriate license from the Alcohol and Beverage Control (ABC). This permit is for outdoor dining purposes only. In the event that ABC requires layout modifications to the approved, the applicant shall submit revised layout to the Zoning Administrator for review and approval.
- d. A copy of the current ABC license shall be submitted to the City. In order to retain the Sidewalk Café Permit and serve in the sidewalk café area, it shall be the responsibility of the operator to maintain the license.

V. Signature

I acknowledge the Conditions of Approval and will adhere to the conditions outlined above.

Dated: _____

Signature (Owner of Business) _____