



# CITY OF SAN MATEO PARKLET ENCROACHMENT PERMIT APPLICATION

February 4, 2022

# PARKLET ENCROACHMENT PERMIT

## GENERAL INFORMATION

The intent of the parklet program is to create sidewalk extensions that may be utilized by businesses during operating hours to offer outdoor dining and create economic vitality and vibrancy for residents and visitors. Parklets are a partnership between the City and local businesses to extend the sidewalk by converting parking spaces into an area for residents and visitors to passively recreate.

### Things to know before applying:

- The COVID-Temporary Outdoor Dining Encroachment program expires on April 30, 2022.
- Businesses who would like to retain existing parklets after April 30, 2022 must submit a permit application. Please review the full application and [Parklet Program Guidelines](#).
- A Parklet Encroachment Permit is required for parklet within the City right-of-way.
- Permit applicants must pay the Parklet Encroachment Permit Application fee and the Parklet Encroachment Permit fee (which is based on the number of parking spaces used for the parklet installations) and obtain the property owner's signature on the application before a Parklet Encroachment Permit can be issued.
- Proposed parklets may only be installed directly adjacent to the frontage of the business storefront requesting the parklet encroachment permit.
- Proposed parklets will be considered private space under the control of the permit holder/applicants. The permit holder is responsible for securing the parklet, any fixtures and furnishings, and will need to keep the area clean, free of litter, refuse and debris.
- Property owners may not charge rent for the proposed parklet located in the public right-of-way.
- Parklet Encroachment Permits are non-transferable. If there is a transfer of business owners, the new business owner will need to reapply for the parklet.
- Expiration date notwithstanding, the Parklet Encroachment Permit can be revoked in the event of noncompliance with a permit condition or not renewed by the City at any time.
- The permittee is responsible for removal of the parklet and restoration of the public right-of-way if and when the permit is revoked or not renewed. If the permittee fails to remove the parklet and restore the public right-of-way, the property owner will be responsible.

- Applicant is responsible for a one-time application fee, an annual parklet encroachment permit fee (based on the number of parking stalls), and a Fire inspection fee. The rates are defined in the [City of San Mateo Fee Schedule](#) and the [San Mateo Consolidated Fire Fee Schedule](#) and are updated annually.

**Parklet encroachment application must be submitted before the construction of any new parklet or the modification of any existing parklet permitted under the Temporary Outdoor Dining Encroachment Program. After April 30, 2022, businesses without a Parklet Encroachment Permit will need to remove their existing installations and return the parking spaces to their previous condition.**

# **PARKLET ENCROACHMENT APPLICATION DETAIL**

**Step 1:** Read City of San Mateo [Parklet Program Guidelines](#)

**Step 2:** Propose and submit Parklet Encroachment Permit Application with the following documents via email to [jchen@cityofsanmateo.org](mailto:jchen@cityofsanmateo.org) in **one pdf file**.

- Parklet Encroachment Permit Application Cover (See Page 5-6)
- Proposed Parklet Details (See Page 7)
- Insurance Documents – please follow City of San Mateo Standards for Insurance (See Pages 11-13)
- Proposed Parklet Plan Set with the following **required** information

**The City recommends that plans are prepared by licensed architect or engineer.**

- a. Site plan shall be **drawn to scale** on 11 x17 tabloid paper, include all pertinent dimensions and the following information:
  - 1. Location of the business frontage
  - 2. Dimensions of the parklet platform
  - 3. ADA accessibility measurements
  - 4. Set-backs from adjacent parking spaces and the adjacent traffic lane
  - 5. Show dimension of existing parking stalls and travel lanes in immediate area and in the proposed parklet
  - 6. Locations of traffic protection improvements such as wheel stops and posts or bollards
  - 7. Location of public utilities including any manhole covers, gutter drains, fire hydrants, and etc.
  - 8. Any adjacent installations on the sidewalk including parking meters, utility boxes, street signs, etc.
- b. Elevation drawing showing the following information:
  - 1. Height and design of platform railings/guards or edge buffers
  - 2. Storm water drainage
  - 3. Cross-section drawing of parklet
- c. Photos: The application should include at least 3 photos showing existing built parklet, if applicable, the proposed parking space(s) converted into a parklet, adjacent sidewalk and store frontage

- d. Materials palette showing the following information:
  1. Proposed materials for platform
  2. Proposed materials for railings or edge buffers
  3. Proposed furnishings

**STEP 3:** Staff will determine if the application is complete. If the application is not complete, the application will be deemed incomplete and returned to the applicant. The application will need to resubmit the full application with the missing documents or elements.

**STEP 4:** Once the application is deemed complete, the Applicant will be responsible for payment of one-time permit application fee to the City of San Mateo once the application is deemed complete, the annual permit encroachment fee which is based on the number of parking spaces included in the parklet, as well as an inspection fee from San Mateo Consolidated Fire as defined in the [SMCF Fee Schedule](#). The City permit application and annual permit encroachment fees are updated in the [City's Comprehensive Fee Schedule](#).

**STEP 5:** Review of Application. The City of San Mateo will review the full application and provide feedback on any design modifications required.

**STEP 6:** Permit Issuance: After the Parklet Encroachment Permit has been issued, the applicant may begin construction. The permit shall expire if work on the encroachment described within does not commence within 12 months from the date of approval. The final issued encroachment permit will include the permit number, issue date, project address, final approved parklet plans, scope of work, applicant contact information, and permit expiration date.

**STEP 7:** Inspections. Before the parklet can be occupied by the public for business use, the City will need to complete its inspections of the parklet. Applicant will need to contact the City to schedule final inspections from Public Works, San Mateo Consolidated Fire, and Building Department.

**CITY OF SAN MATEO**  
**PARKLET ENCROACHMENT APPLICATION COVER**  
**330 W. 20TH AVE SAN MATEO, CA 94403**  
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**APPLICANT INFORMATION**

Business Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

Valid City of San Mateo Business License Number: \_\_\_\_\_

Business Owner Name: \_\_\_\_\_

Contact Number \_\_\_\_\_

Alternate Contact Number \_\_\_\_\_

Email \_\_\_\_\_

Mailing address if different than Business Address:

\_\_\_\_\_

I hereby certify that I am the business owner at the property described and I approve of the action requested herein.

As the applicant, I agree to abide by the Parklet Guidelines, insurance requirements, and Public Works Parklet Encroachment Permit Conditions.

Print \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

**CITY OF SAN MATEO**  
**PARKLET ENCROACHMENT APPLICATION COVER**  
**330 W. 20TH AVE SAN MATEO, CA 94403**  
**(page 2/2)**

**PROPERTY OWNER INFORMATION**

Property Owner Name/Contact: \_\_\_\_\_

Property Owner Address: \_\_\_\_\_

Property Owner Phone: \_\_\_\_\_

Property Owner Email: \_\_\_\_\_

Business Name of Parklet: \_\_\_\_\_

Business Address of Parklet: \_\_\_\_\_

I am the property owner for the Permittee's business and I approve of the submittal of this application. I have read the Parklet Encroachment Permit Guidelines and Conditions of Approval. I understand that, if the Permittee fails to remove the parklet at the City's request, it will be my responsibility to remove the parklet.

Print \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

**CITY OF SAN MATEO**  
**PROPOSED PARKLET DETAILS**  
**330 W. 20<sup>TH</sup> AVE SAN MATEO, CA 94403**

1. Number of parking spaces requested: \_\_\_\_\_

(circle one) Perpendicular/Angled or Parallel

2. Do these parking spaces expand beyond your business' frontage? Yes /No

3. Color of Curb – White, Red, Blue, Green, None \_\_\_\_\_

4. Is the proposed parklet adjacent to a bike lane? Yes / No

5. What is the proposed use of the parklet?

\_\_\_\_\_

\_\_\_\_\_

6. Provide the hours of operation for the business: \_\_\_\_\_

7. Parklet Designer/Architect/Engineer/Construction Firm, if known

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Firm: \_\_\_\_\_

Phone Contact: \_\_\_\_\_

Email Contact: \_\_\_\_\_

**Please attach required parklet plan drawings and submittals to application cover and proposed parklet details.**



**CITY OF SAN MATEO**  
**PARKLET ENCROACHMENT PERMIT CONDITIONS**

1. Annual Renewal Required: Each parklet encroachment permit has a twelve-month term. An annual renewal fee is required and must be paid no later than one (1) year after the final approved permit date. Failure to pay the annual renewal fee will deem the permit expired which will result in the loss of rights to use the parklet in the public right-of-way.
2. Non-Transferrable: The permit is not transferrable in the case of a change in the ownership of the business. If the business ceases to operate for a period of over 30 days, the permit expires.
3. Failure to fully comply with the Parklet Program Guidelines, the City of San Mateo Municipal Code, City of San Mateo insurance requirements, approved construction drawings, the Americans with Disabilities Act, and Public Works Parklet Encroachment Permit Conditions will result in revocation of the permit and removal of the parklet at the business owner's or property owner's expense.
4. Responsible Party: No party other than the Permittee or its agent is authorized to work under this permit.
5. Acceptance of Provisions: Permittee understands and agrees that commencement of work authorized by the issuance of this permit shall constitute acceptance of the provisions of this permit and all attachments.
6. Allowed Hours of Work: Before starting work under the Encroachment Permit, the Permittee shall notify the City seventy-two (72) hours prior to initial start of work via email at [pwinspection@cityofsanmateo.org](mailto:pwinspection@cityofsanmateo.org), with the title of the email as follows, "(INSERT PERMIT NUMBER) Notice to Start". When work has been interrupted for more than five (5) working days, an additional 24-hour notification is required via email to [pwinspection@cityofsanmateo.org](mailto:pwinspection@cityofsanmateo.org) before restarting work unless a pre-arranged agreement has been made with the City. Construction activities are restricted to weekdays between 7:30 a.m. and 4:30 p.m. in the public right-of-way but may vary depending on scope and location. No set up or take down activities are allowed outside of these hours. Requests for work hours outside of the approved hours require submittal of a Work Hours Waiver Form. Materials delivery to and from the site are prohibited between the hours of 7:30 a.m. and 8:30 a.m., and 4:00 p.m. and 5:30 p.m. Haul routes are only allowed on the City Approved Truck Route Map (dated 2008).

7. Limits of Construction: It is understood that the limits of constructing the approved parklet are within the parking space outlined in the application. The Permittee shall be confined to the parking space at all times during the construction of the parklet. If for any reason, the Permittee will need to encroach into the vehicle travel lane and/or sidewalk require any disturbance to the flow of traffic, a traffic control plan will need to be submitted and approved by Public Works before work can continue. Email [pwencroachment@cityofsanmateo.org](mailto:pwencroachment@cityofsanmateo.org) for traffic control plan requirements.
8. Standards of Construction: All work shall be done in accordance with the most current Building Code Standards unless otherwise approved on the plans or in the permit.
9. Inspection and Approval by the City: All work shall be subject to monitoring, inspection, and approval by the City. All work must be inspected by the City prior to public use. The permittee shall request a final inspection and acceptance of the work. Acceptance of work cannot be issued until Public Works Department, Building Division and San Mateo Consolidated Fire have all approve their respective inspections.
10. Stormwater Pollution Prevention Program: Per City of San Mateo Municipal Code Chapter 7.39, Permittee shall implement and maintain measures to keep sediment, washwaters, equipment maintenance products, and other construction related materials debris from entering the storm drainage system. Dumping or discharge into the City's storm drainage system is prohibited. Measures to protect the storm drainage system shall be in place prior to start of work.
11. Making Repairs: In every case, the Permittee shall be responsible for restoring to its former condition as nearly as may be possible any portion of the City right- of-way, which has been damaged or otherwise disturbed by Permittee. The Permittee shall maintain the surface over facilities placed under any permit. If the right-of-way is not restored as herein provided for, and if the City elects to make repairs, permittee agrees by acceptance of permit to bear the cost thereof.
12. Clean Up Right-of-Way: Upon completion of the work, all brush, timber, scraps, material, etc., shall be entirely removed and the right-of-way shall be left in as presentable a condition as existed before work started.
13. Cost of Work: Unless otherwise stated on the permit or other separate written agreement, all costs incurred for work within the City right-of-way pursuant to this Encroachment Permit shall be borne by the Permittee, and Permittee hereby waives all claims for indemnification or contribution from the City for such work.

14. Maintenance of Right-of-Way: The Permittee agrees, by acceptance of a permit, to properly maintain any encroachment into the public right-of-way. This will require inspection and repair of any damage to City facilities resulting from the encroachment.
15. Future Moving of Installation: If the Encroachment Permit was issued at the request of the Permittee, it is understood that whenever Public Utilities or City construction, reconstruction or maintenance work in the public right-of-way requires the installation of the parklet to be moved, adjusted or relocated, the Permittee, at his/her sole expense, upon request of the of the Public Utilities or Public Works, shall comply with said request.
16. Utilization of Public Parking: By acceptance of permit, the Permittee agrees to pay for any additional utilization of any metered parking spaces for the use of debris boxes, shipping containers, storage of materials, prolonged parking of construction-related vehicles, or any usage of a metered parking space related to the encroachment permit, for as long as the parking spaces are not available for public use outside of the approved parklet footprint. The fees shall be based on the current fee schedule. For non-metered public parking spaces utilized during construction, the Permittee shall place temporary "No Parking" signs. These signs are available for purchase through the City's Public Works Department.
17. Indemnity: Permittee agrees to hold harmless and indemnify CITY, its elected and appointed officials, employees, and agents from and against any and all claims, loss, liability, damage, and expense arising out of Permittee's activity and use of the public right-of-way, except for those claims arising out of CITY's sole negligence or willful misconduct. Permittee agrees to defend CITY, its elected and appointed officials, employees, and agents against any such claims.
18. Insurance: Prior to permit issuance, Permittee agrees to provide the required insurance described in these Guidelines.
19. Parklet Removal: Parklet permit will be revoked if/when the business affiliated with the permit is sold or closed for longer than 30 days. If the parklet is not removed by 30 days after the close of operations the City has the right to remove the parklet and dispose of the materials and charge the permittee and/or property owner for the expense.

**CITY OF SAN MATEO  
STANDARDS FOR INSURANCE  
PARKLET ENCROACHMENT PERMIT**

Permittee shall procure and maintain for the duration of the contract 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.

#### Notice of Cancellation

Each insurance policy required above shall provide that coverage shall not be canceled, except with notice to City.

#### Waiver of Subrogation

Permittee hereby grants to City a waiver of any right to subrogation which any insurer of said permittee may acquire against City by virtue of the payment of any loss under such insurance. Permittee agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the City has received a waiver of subrogation endorsement from the insurer.

#### Acceptability of Insurers

Insurance is to be placed with insurers authorized to conduct business in the state with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City.

#### Self-Insured Retentions

Self-insured retentions must be declared to and approved by the City. At the option of the City, either: the permittee shall obtain coverage to reduce or eliminate such self-insured retentions as respects the City, its elected and appointed officials, employees, and agents; or the permittee shall provide a financial guarantee satisfactory to the City guaranteeing payment of losses and related investigations, claim administration, and defense expenses. The policy language shall provide, or be endorsed to provide, that the self-insured retention may be satisfied by either the named insured or City.

#### Verification of Coverage

Permittee shall furnish the City with original Certificates of Insurance including all required amendatory endorsements (or copies of the applicable policy language effecting coverage required by this clause) and a copy of the Declarations and Endorsement Page of the CGL policy listing all policy endorsements to City before

permitted activities begin. However, failure to obtain the required documents prior to the work beginning shall not waive the permittee's obligation to provide them. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements, required by these specifications, at any time.

#### Special Risks or Circumstances

City reserves the right to modify these requirements at any time, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.