



City of Palo Alto

Public Works Engineering

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https://www.cityofpaloalto.org/gov/depts/pwd/forms_and_permits

Commercial Sidewalk Encroachments: Outdoor Eating Areas

What is a Commercial Sidewalk Encroachment?

A commercial sidewalk encroachment is specifically defined as using a portion of a public sidewalk for uses such as outdoor sales and display areas of flower and plant shops, and outdoor eating areas. These encroachments are only allowed on public sidewalks in areas of the city-zoned community commercial, service commercial, neighborhood commercial and commercial downtown. An approved *Encroachment Permit* is required prior to commencing these encroaching activities. This permit is required regardless of any other approvals, such as building permits or Architectural

Review Board approvals. This handout specifically addresses the permitting for placement of tables and chairs associated with an outdoor eating area as more completely described in Palo Alto Municipal Code 12.12.020

Who is the permit issued to?

Encroachment Permits are issued to the person, tenant or business that will control the encroachment, normally the business benefiting from the encroachment. The Palo Alto Municipal Code requires that permits for restaurant tables on the sidewalk also have the property owner's written approval.

What is the process for obtaining a permit?

The approval process for these encroachments has two steps as described below:

STEP ONE: Architectural review process by the Planning Division

- The architectural review process is started by submitting an application for an "ARB Minor Project with Staff Approval" to the Planning Division (by appointment only).
- This review is to look at the proposed use and also the proposed materials, colors and style for the tables, chairs, umbrellas, railing, and flower pots.
- Contact the Planning Division at (650) 329-2441, or visit their website at <https://www.cityofpaloalto.org/gov/depts/pln> for an application and other required submittal information.

STEP TWO: Application for and issuance of an *Encroachment Permit* by the Public Works-Engineering Division

- Once the above architectural review process has resulted in an approval, a permit application form for the *Encroachment Permit* must be submitted to the Public Works-Engineering Division (see the above address).
- When turning in the application, the applicant must provide scaled plans and elevations on sheets no larger than 11"x17". The plans must show the sidewalk and all existing facilities such as signs, trees, bike racks, garbage receptacles, benches, street lights, and news racks, as well as all proposed encroachments.
- Submission of a conforming insurance certificate is required by the Permittee. Please visit our website at http://www.cityofpaloalto.org/gov/depts/pwd/forms_and_permits for information regarding insurance certificate submission requirements, or contact the Public Works-Engineering Division at (650) 329-2151.

How long does this approval process take?

Step One, the architectural review phase, may take one month for a response from the Planning Division. This response may be approval, denial or notice of incomplete. This review process is kept at the staff level and a formal appearance at the Architectural Review Board is usually not required.

Step Two, the *Encroachment Permit* issuance phase, could take two weeks or more to get all departmental reviews done, although most permits are approved within five to ten working days. Often the delay is due to an improperly conforming insurance certificate.

What is the cost for the permitting of the encroachment?

- The application fee is to be paid to the Planning Division for architectural review along with other minor costs such as microfilming of plans, records management fee, etc.
- The permit fee for the Encroachment Permit is a one-time fee for the indefinite encroachment of the furniture.
- Fees are based on the current year's Municipal Fee Schedule. For the current Fiscal Year Adopted Municipal Fee Schedule, please see <https://cityofpaloalto.org/gov/depts/asd/budget.asp>.

What happens if I sell the business and/or leave the storefront?

Since the Permittee is the responsible party for the encroachments, if business ownership changes, the permit becomes void. It is not transferable to the next tenant of the storefront.

Some important design requirements to consider for a successful permit application:

- There must be a minimum of 8 feet clearance between an occupied table and chair setup and any obstructions that exist on the sidewalk. These sidewalk obstructions may be tree wells, street lights, permitted news rack facilities, and other immovable facilities that exist on the sidewalk frontage. For design purposes, an "occupied" chair is one that is located a minimum of two feet away from the table.
- No placement of tables and chairs may be made in front of an adjacent business storefront. The proposed outdoor eating area must be contained directly in front of the storefront.
- The proposed furniture must be of a durable quality and material. Plastic resin-type furniture is generally not allowed.

This publication is intended to be an informal means of informing the public about a City process. Although it is assumed the information provided is accurate, the sheet is not intended to create any sort of legal obligation on the City's part. The actual process is governed by City ordinances, regulations and procedures, and the reader should make specific inquiry to the City for specific cases.