

**Application Package
for
License for Sidewalk Dining
Adjacent to Eating Establishment**



**Community & Economic Development Department
Planning Division**

300 Forest Avenue, Pacific Grove, CA 93950
T :: 831.648.3190 • F :: 831.648.3184 • www.ci.pg.ca.us/cedd



CITY OF PACIFIC GROVE

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INSTRUCTIONS FOR FILING A SIDEWALK DINING LICENSE APPLICATION

PURPOSE:

Title 15 of the City of Pacific Grove Municipal Code, Chapter 15-16 provides the use regulations for sidewalk dining adjacent to eating establishments. The regulations as established in the Code are intended to encourage sidewalk cafes in the City of Pacific Grove, to provide for the creation of a more urban pedestrian environment, and to promote and protect the public health, safety, and general welfare.

These general goals include among others the following specific purposes:

1. To encourage and promote sidewalk dining as visual amenities which in turn intensify pedestrian activity and make the street life more attractive;
2. To preserve and enhance the character of the City of Pacific Grove; and
3. To ensure adequate space for pedestrians on the sidewalk adjacent to sidewalk dining establishments

SUBMITTAL REQUIREMENTS:

In relation to these goals, the following are **required** as part of the Sidewalk Dining License application package:

1. Pictures of the front of the building and front of immediately adjacent properties.
2. Development diagram set as described below;
3. Statement of purpose describing in detail how the use will be conducted and hours of operation
4. Signed agreement to defend, indemnify, save, and hold harmless the City and all of its officers, agents, or employees from any liability for damages resulting from any and all operations under a license granted pursuant to Title 15, Chapter 15.16.045 of the Pacific Grove Municipal Code.

INSURANCE:

In addition, **prior to approval** of the Sidewalk Dining License the applicant will be required to provide insurance coverage for the full term of the permit or any renewal thereof.

The insurance requirements are attached.

DEVELOPMENT DIAGRAM:

Four (4) sets of the development diagram are required. This diagram shall set forth, show, and delineated by the following:

1. All sheets shall be of uniform size 11"x17" is the maximum sheet size (sheets of larger size shall require prior approval before filing the application).
2. All sheets shall be numbered in proper sequence and numbers located in the lower right hand corner of each page.
3. All sheets shall be dated and adequate space provided for dates and nature of all revisions.

The following information is needed in the plan set:

- a. Name of eating establishment and description of use:
- b. Partial Site Plan drawn to scale and/or include the following dimensions/notations:
 1. Length of tenant space frontage
 2. Width of sidewalk between building & curb
 3. Location of nearby fire hydrants, utilities, sign poles, street trees, light poles, newspaper racks, and any other obstructions in the public right-of-way with dimensions to curb and building face
 4. Location and dimension of area to be occupied by proposed sidewalk café
- c. Use of all adjacent properties



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SCHEDULE:

The processing schedule is as follows:

1. Staff reviews the application and informs the Applicant if any additional plans, data, exhibits, or additional City permits are required.
2. Environmental Impact assessed. Projects are typically exempt.
3. Projects Manager will forward proof of insurance to City Attorney to verify adequate insurance coverage.
4. The application is considered by the Zoning Administrator who issues an administrative decision.
5. The decision of the Zoning Administrator at a duly noticed and held public hearing may be appealed to the Planning Commission.



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Permit & Request Application

Sidewalk Dining License Application

License# _____

Applicant Name: _____	
Mailing Address: _____	
Email: _____	Daytime Phone: _____

Project/Property Information	
Project Address: _____	
Establishment Name: _____	
Property Owner Name: _____	
Width of Sidewalk in Front of Establishment: _____	Width (linear feet) of Façade of Establishment: _____
Project Description: _____	

*Please attach diagram showing number of tables, seats, placement and dimensions from curb and all adjacent street furniture and landscaping (trees, benches, street lights, newspaper racks, etc)	

License Fee: \$ _____ Width of façade x depth of public sidewalk utilized = xxx sq. ft.; xxx sq. ft. x \$2.00 per sq. ft. = Annual License Fee

Permits / Insurance <input type="checkbox"/> Sidewalk Dining License <input type="checkbox"/> Encroachment Permit <input type="checkbox"/> Copy of Business License <input type="checkbox"/> Liability Insurance

An encroachment permit is required from the Building Department after Planning approval.

CERTIFICATION – I, the undersigned, under penalty of perjury, depose and certify that I am the applicant for this request, that the property owner approves this application and that all statements contained herein, including all documents and plans submitted in connection with this application, are true and accurate to the best of my knowledge.

_____	_____	_____	_____
Applicant Signature	Date	Owner Signature (Required)	Date



CITY OF PACIFIC GROVE

License # _____

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Permit & Request Application

Type of sidewalk dining (choose one) <input type="checkbox"/> Noneating establishment <input type="checkbox"/> Eating establishment, no alcohol sales <input type="checkbox"/> Eating establishment, alcohol served	Application Type: <input type="checkbox"/> New <input type="checkbox"/> Renewal <input type="checkbox"/> Modification
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Design Elements: Please provide pictures of proposed chairs, tables, dividers, walls, planters, heaters, umbrellas.

Outdoor Seating shall be subject to the following limitations pursuant to PGMC § 15.16.045:

15.16.045 Outdoor seating adjacent to eating establishments.

The Zoning Administrator shall have the authority to allow or condition placement of tables, chairs and benches on public sidewalks or similar areas adjacent to eating establishments within any commercial zoning district, subject to the following restrictions and conditions:

- (a) Tables, chairs and benches (collectively hereafter for convenience, “furniture”) shall not be placed so as to obstruct pedestrian traffic, with the minimum five (5’) foot unobstructed travel width of the sidewalk.
- (b) Furniture shall not be attached or otherwise affixed to the sidewalk, other furniture or any permanent structure or building.
- (c) The eating establishment placing the furniture shall provide proof of public liability insurance, naming the city as an additional insured, in the amount of \$1,000,000 subject to approval of the city attorney.
- (d) Seating shall be limited to the area immediately abutting the eating establishment.
- (e) Businesses placing furniture shall be responsible for keeping the furniture and immediately surrounding area clean and presentable at all times, and to this end shall promptly clean and remove all litter, spillage, and other materials resulting from use of the furniture.
- (f) Approved applications for placement of furniture may be revoked by the Zoning Administrator at any time, for violation of any of these restrictions and conditions.
- (g) Application for placement of furniture shall be made on a form provided by the Zoning Administrator. Denial of an application may be appealed to the Planning Commission.

SIDEWALK DINING INSURANCE REQUIREMENTS

Prior to commencing the sidewalk dining use, each Licensee shall obtain and maintain for the duration of the permit insurance against claims for injuries to persons or damages to property which may arise from or in connection with the sidewalk use permit and related work performed by the Licensee, his/her agents, representatives, employees or subcontractors including products and complete operations of the Licensee and premises owned, leased or used by the Licensee. The cost of such insurance shall be the responsibility of the Licensee.

INSURANCE

The Licensee shall furnish City Attorney a Certificate of Insurance showing there is in force the following valid policy showing the Licensee as the named insured and showing:

- **Commercial General Liability:** minimum \$1,000,000 combined single limit per occurrence for bodily injury and property damage including products and completed operations

ENDORSEMENTS

Commercial General Liability Certificate must be accompanied by the following endorsements:

- The City of Pacific Grove, its officers, employees, agents and contractors are named as additional insured.
- Thirty (30) day Notice of Cancellation or changes of coverage shall be given to the City of Pacific Grove.
- The insurance is primary insurance as respects the City, its officials, employees, agents and contractors. Any other insurance the City may have shall be considered excess insurance only.
- Coverage shall state that the Licensee's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

VERIFICATION OF COVERAGE

Prior to commencement of Sidewalk Dining, the Applicant shall furnish the City with Certificates of Insurance and Endorsements. Verification of Coverage is to be sent to:

City Attorney
City of Pacific Grove
300 Forest Avenue
Pacific Grove, CA 93950

These requirements are subject to amendment or waiver if so approved in writing by the City Attorney.

INDEMNITY AND RELEASE AGREEMENT BETWEEN CITY OF PACIFIC GROVE AND SIDEWALK DINING LICENSEE

In consideration and as a condition of the City of Pacific Grove issuing to Licensee that certain Sidewalk Dining License No. _____, submitted to the Community and Economic Development Department on _____ (the "Licensee"), to allow Licensee the opportunity to use a portion of that certain sidewalk in the manner described in the License, Licensee does hereby agree to all the following terms and conditions:

SECTION 1. Licensee agrees to and shall hold harmless, indemnify, and defend (with counsel acceptable to City) City and City's officers, employees, contractors, agents and representatives from and against any and all causes of action, claims, actions, demands, damages, losses, expenses, or liability, in law or equity, of any kind or nature whatsoever, including without limitation for injury or death to anyone or for any property damage, resulting from or related to any operation or activity undertaken pursuant to the License. The foregoing hold harmless and indemnity agreement shall apply in all cases regardless of whether there is any negligence or wrongdoing on the party of the City, excepting only the sole and willful active misconduct of the City, its officers, employees or agents.

Licensee also agrees that Licensee, its heirs, spouses, guardians, legal representatives, and assigns will not make a claim against, or sue, City of Pacific Grove, its officers, agents or employees for injury, death or property damage arising from negligence or other acts by the City of Pacific Grove, its officers, agents or employees, or as a result of acts of third-parties, as a result of activities undertaken pursuant to the License.

Licensee hereby releases and discharges City of Pacific Grove, its officers, agents and employees from all actions, claims or demands that Licensee, its heirs, guardians, legal representatives or assigns now have or may later have for injury, death or property damage resulting from activities undertaken pursuant to the License.

SECTION 2. Licensee agrees to and shall have and maintain the policies of insurance required by and in the manner required by the License.

SECTION 3. Licensee agrees to and shall comply with all applicable laws, ordinances, codes and regulations of the federal, state and local governments, including without limitation the License, in any activity Licensee undertakes or causes to be undertaken under or pursuant to the License.

SECTION 4. In the event that suit shall be brought by either party under this Agreement, the parties agree that venue shall be exclusively vested in the state courts of the County of Monterey, or where otherwise appropriate, exclusively in the United States District Court, Monterey, California.

APPROVED AS TO FORM:

City Attorney

“CITY”
CITY OF PACIFIC GROVE, a municipal
corporation

By: _____
Name: _____
Title: _____
Date: _____

“LICENSEE”

an _____

By: _____
Name: _____
Title: _____
Date: _____

DRAFT