



Temporary Encroachment Permit
Outdoor Seating in the Public Way
Standard Conditions of Approval

1. **Permit Validity.** This permit for outdoor seating in the public way is valid until **December 31, 2020** or until dine-in restaurant operations return to normal capacity, whichever occurs first.
2. **Liability Insurance.** A certificate of insurance and an endorsement for the term of the encroachment in the amount of **\$2,000,000** in combined single limit insurance for personal injury and/or property damage per occurrence and **\$4,000,000** in aggregate naming *“The City of Carmel-By-The-Sea, its elected officials, officers, agents and employees are additionally insured under the policy.”* The insurance shall be maintained for the duration of the public right-of-way encroachment. Failure to maintain liability insurance may result in revocation of the Encroachment Permit.
3. **Safety Protocols.** It is the applicant’s responsibility to be informed of, and comply with, all industry guidance for restaurants published by the Center for Disease Control (CDC), State of CA Governor’s Office and/or the Monterey County Health Officer.
4. **Safety Barrier.** For seating located in a parking space(s), or immediately adjacent to a roadway, a physical barrier must be provided between restaurant patrons and vehicles. The barrier must be approved by the City prior to the seating area being made available to the public and shall remain in place while the outdoor seating area is in use.
5. **Outdoor Seating Maintenance.** The applicant is responsible for sanitizing and disinfecting the outdoor seating area after each customer; providing a trash receptacle for use by patrons (separate from city trash receptacles); and, keeping the outdoor seating area clean and free of trash and debris.
6. **Number of Outdoor Seats.** Up to half of the permitted interior seats may be placed outside the restaurant (“standard allowance”). In addition to the “standard allowance”, for every one interior seat that is removed, two exterior seats may be provided. To request additional outdoor seating, please contact the Monterey Peninsula Water Management District (MPWMD), conserve@mpwmd.net.
7. **Outdoor Seating Location.** Outdoor seating may occur on the public sidewalk and/or in a parking space(s) located in front of, or adjacent to, the restaurant. Seating may not be placed in a loading zone or Americans with Disabilities Act (ADA) accessible parking space. Seating located on a public sidewalk shall maintain a 4 foot clear accessible path of travel.
8. **Outdoor Seating Layout.** The outdoor seating layout shall be established, and remain consistent with, the approved temporary encroachment permit. At no time shall the entry/exit to any tenant space, nor any public sidewalk, nor any path of travel providing emergency egress, be blocked by outdoor seating.
9. **Seating Area Use Regulations.** The outdoor seating area may be used for to-go/take-out orders and/or table service. At no time shall employees providing service to the tables obstruct or otherwise block the public sidewalk. Consumption of alcoholic beverages is NOT permitted. Music

(live or amplified), lighting, and/or signage of any type is NOT permitted, unless otherwise approved by the City. Plastic tables and/or chairs are NOT permitted.

10. **Public Infrastructure.** Permanent attachments to public infrastructure including, but not limited to, streets, sidewalks, curbs, trash cans, light poles, traffic signs, trees, bike racks, fire hydrants, etc. are NOT permitted. Damage to public infrastructure as a result of the outdoor seating may result in revocation of the encroachment permit.
11. **Modifications.** Any modifications to the outdoor seating area shall be submitted to the Community Planning & Building Department for approval.
12. **Other Permits and Approvals.** It is the applicant's responsibility to secure any applicable permits or approvals from other agencies including, but not limited to, Alcoholic Beverage Control (ABC), Monterey County Health Department, and/or the Monterey Peninsula Water Management District (MPWMD).
13. **Permit Revocation.** The City reserves the right to revoke the permit if it is determined the seating area poses a risk to public safety or if the terms of the permit are violated.
14. **Indemnification.** The applicant agrees, at his or her sole expense, to defend, indemnify, and hold harmless the City, its public officials, officers, employees, and assigns, from any liability; and shall reimburse the City for any expense incurred, resulting from, or in connection with any project approvals. This includes any appeal, claim, suit, or other legal proceeding, to attack, set aside, void, or annul any project approval. The City shall promptly notify the applicant of any legal proceeding, and shall cooperate fully in the defense. The City may, at its sole discretion, participate in any such legal action, but participation shall not relieve the applicant of any obligation under this condition. Should any party bring any legal action in connection with this project, the Superior Court of the County of Monterey, California, shall be the situs and have jurisdiction for the resolution of all such actions by the parties hereto.

*Acknowledgement and acceptance of conditions of approval.

Applicant Signature

Print Name Date

Once signed, please return to the Community Planning & Building Department.