



Streamlined Process for On-Street Dining Projects

Introduction:

The City of San Rafael is simplifying the process for restaurant owners to build On-Street Dining projects fronting their place of business. These On-Street Dining projects would be located within existing parking stalls on the street, and when built, they inspire increased pedestrian activity and a vibrant street life within our Downtown, which is critical in creating a destination where residents and visitors want to patron, stay, and shop.

To provide clearer direction to applicants, this handout was created to formalize and streamline the previously-developed, informal review process.

Application Process:

The Community Development Department is the lead department overseeing On-Street Dining applications, so the process will start when the initial application and an Outdoor Dining License Agreement is filed with them. Community Development will coordinate with the Department of Public Works, referring a set of plans for their review. Both departments will perform a review of the proposed On-Street Dining project and provide feedback, focusing on design and constructability. Once major issues from the review are addressed and complete application is provided, the City will discuss the proposal with other department representatives and determine if any changes are needed for more technical compliance. Afterwards, Building Permits and a temporary encroachment permit will need to be applied for within our Building Division and Public Works Department, respectively. Once issued, construction may begin.

See the table below for a more detailed look:



Steps		Permit(s) or Documents Required to be Submitted	Responsible Department/ Division	What They're Looking For:
Application Intake	<p>1. Submit Plans & Documentation to Planning</p> <p>Location: 1400 Fifth Avenue, Top Floor San Rafael, CA 94901</p>	<ul style="list-style-type: none"> ❖ Plans (Full-sized, 24" x 36", or reduced size, 11"x17", 6 Copies Total) ❖ Outdoor Dining License Agreement ❖ Approval by Neighboring Interests ❖ Property Owner Consent 	Community Development/ Planning Division	Overall design, integration with public realm, fencing, public outreach and noticing, insurance requirements
			Department of Public Works	Construction feasibility, traffic related issues, sight lines and visibility, drainage, maintenance needs
City Review and Approval	<p>2. Internal City Review at Development Coordinating Committee</p>	<ul style="list-style-type: none"> ❖ Review and Preliminary Approval ❖ Notifications sent by City 	Development Coordinating Committee <i>(Public Works, Planning, Fire, Economic Development, Building, Parking Services)</i>	Administrative review
Building Permit	<p>3. Submit Approved Plans to the Building Division</p> <p>Location: 1400 Fifth Avenue, Top Floor San Rafael, CA 94901</p>	<ul style="list-style-type: none"> ❖ Building Permit (and/or Electrical or Plumbing Permit) 	Building Division	Safety, compliance with applicable codes and regulations, ADA accessibility, inspections



Steps		Permit(s) or Documents Required to be Submitted	Responsible Department/ Division	What They're Looking For:
Encroachment Permit	4. Obtain a Minor Continuing Encroachment permit <i>Contact Public Works at (415) 485- 3355 for more information</i>	<ul style="list-style-type: none"> ❖ Traffic Control plan ❖ Contractor's Insurance ❖ Copy of Approved Plan ❖ Certificate of Insurance 	Department of Public Works	Public safety during and after the installation within the Right-of-Way, limit conflicts, inspections, removal and restoration
	Construction!			

Fees:

Most fees for On-Street Dining projects have been waived for the time being. Below is a breakdown of most of the fees should they be collected in the future:

Department/Division	Permit Type	Cost
Community Development/ Planning	Outdoor Dining License Agreement	\$564
Public Works	Minor Continuing Encroachment Permit	\$368
Total:		\$932

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Note that a Building Permit would be required to build the On-Street Dining project, and the cost to apply for the ***Building Permit is not waived.*** If you would like an estimate of the Building Permit fees, please have ready a total valuation for the project and contact the Building Division at (415) 485-3367. Please also contact the Building Division for any general questions related to applying for a Building Permit.

Approval by Neighboring Interests:

To maintain a streamlined process, the applicant must also seek input from the two immediately adjacent storefront businesses as well as the adjacent property owners for their feedback. Letters of support obtained by the applicant are highly encouraged from nearby business owners, residents, and other stakeholder groups. Note that this is **in addition** to the required City Notice below. While approval from each adjacent tenant business and/or property owner is not required to approve the On-Street Dining



application, it is highly recommended for the City to process the application request more efficiently.

Approval and/or comments from adjacent business and/or property owners can be in the form of a letter stating their:

- Name
- Relationship (business owner or property owner)
- Business address in question
- References to the On-Street Dining proposal
- Date
- Signature
- Comments and/or approval regarding the proposed On-Street Dining project

It is strongly encouraged that applicants contact business owners and property owners early on to ensure their feedback is heard and considered before fully designing the On-Street Dining project.

City Notice:

Notices by the City will be mailed to adjacent properties and tenants of the proposed On-Street Dining project to solicit neighborhood feedback. Please note that for the City Notice, adjacent businesses and property owners may include businesses and property owners across the street. The notice must also be posted on-site for 15 calendar days. All comments and feedback received during the noticing period will be considered before a decision is made by the Development Coordinating Committee whether to move the On-Street Dining application forward along in the process.

Any appeals filed within 5 business days of the decision after the noticing period concludes would go the City Manager or their designee for a final decision. Contact the Planning Division at (415) 485-3085 for more information regarding noticing and appeals.

Insurance & Performance Bonds:

The applicant shall provide the City with the following:

- Certificate of Insurance naming the City of San Rafael as additional insured with general liability coverage of not less than \$1 million
- To ensure proper removal and restoration of the Right-of-Way, the property owner or business owner shall be a signatory on the agreement and encroachment permit as guarantor for the removal and restoration.
- All required documentation required for the issuance of the permit

**Concentration of On-Street Dining Projects:**

To limit the potential impact these On-Street Dining areas may have, no more than four (4) On-Street Dining projects spread throughout Downtown taking up no more than eight (8) cumulative parking stalls would be allowed, with no single On-Street Dining project occupying more than two (2) parking stalls. The maximum number of On-Street Dining projects allowed in the three identified sub-districts are also capped at two to evenly distribute these projects (see attached map for more information). The City will continue to observe the limits to the number of allowed On-Street Dining projects to decentralize the potential impacts to the Downtown area. Please contact the [Economic Development Department](#) at (415) 485-3134 for more information on the concentration of On-Street Dining projects in Downtown.

General Standards & Maintenance Requirements:

The applicant shall provide maintenance for the On-Street Dining project as follows:

- Keep all plants in good health
- Keep the area free of graffiti, debris and grime
- Adequately maintain the surface
- Area shall be maintained in a sanitary condition free from litter, infestation from pests and the drainage shall be kept clear
- As necessary and at the direction of the City Engineer, the Applicant may be required provide access, such as for maintenance purposes
- 15' clearance is to be maintained from fire hydrants
- Building fire equipment such as Post Indicator Valves and Fire Department Connections cannot be obstructed or concealed by landscape or furnishings
- In the event of a business vacancy, the property owner will be responsible for adequately maintaining the On-Street Dining area until a new business owner resumes responsibility over the space
- If in the event the On-Street Dining project has not been adequately maintained and/or has become a nuisance, the City will hold the business and/or property owner fully responsible for abatement costs, which may potentially include the full removal of the On-Street Dining structure
- Requests for removal of the On-Street Dining project by the business and/or property owner must be made through the City

Required Forms:

1. Outdoor Dining License Agreement
2. Street Dining Sub-District Map
3. Minor Continuing Encroachment Permit