



**City of Santa Clara**  
Community Development Department  
1500 Warburton Ave.  
Santa Clara, CA 95050  
www.santaclaraca.gov

Planning Division: 408-615-2450  
Email: [Planning@santaclaraca.gov](mailto:Planning@santaclaraca.gov)

## Permit Application for Outdoor/ Sidewalk Dining

### **General Requirements:**

1. The operator of the outdoor dining area will submit an Outdoor Dining compliance form (Permit) to the City to verify adherence to the following criteria, including authorization from the property owner of the affected private property.
2. Outdoor dining shall be associated with a legally established/permitted food service venue (restaurant or café) on an adjacent or near adjacent property.
3. The outdoor dining area shall displace no more than 50% of the existing parking spaces.
4. The outdoor dining area will be operated in conformance with other regulatory requirements including the Building Code, the city business tax certificate, the Department of Alcoholic Beverage Control, and Santa Clara County Health Department.
5. The outdoor dining area is not located within 40 feet of a single-family residential use, except on the ground floor of mixed-use developments, where outdoor dining can be located adjacent to the restaurant uses.
6. The outdoor dining area may encroach into the public right-of-way (but not including roadways), provided that a minimum clear sidewalk width of 48" is maintained. A separate Encroachment Permit is not required for such outdoor dining area encroachments.
7. A minimum clear exit width of 48" from all building exits to the public right-of-way must be maintained.
8. All required driveways and vehicular circulation must be kept clear.
9. Access is maintained for utility boxes, water hydrants, and any other equipment per City standards.
10. Any chairs, tables, umbrellas, etc. placed within the public right-of-way must be removed from the sidewalk at the end of each business day.
11. Any new structures, plumbing, mechanical, or electrical work will be subject to Building Permit requirements. Separate Building Permit(s) must be obtained as applicable.
12. All outdoor dining areas must be maintained and kept clean of litter.
13. By signing this permit application, the applicant acknowledges that this permit is issued pursuant to the City Manager's authority as Director of Emergency Services and is intended only to respond to the local emergency, and that as such, the authorization is temporary, and may be revised or revoked at any time without further notice.
14. Proof of insurance will need to be provided to the satisfaction of the City's Risk Manager for any case where dining will occur on public property including the public right-of-way.
15. The applicant shall enter into an agreement in a form approved by the City Attorney that indemnifies the City in the event injuries or damages occur on City property or the public right-of-way.
16. There is no fee for this Permit.

### **Provide a floor plan drawn to scale of the proposed outdoor dining area, indicating:**

1. The associated building front, including all windows and doors.
2. The locations of all proposed table and chair locations.
3. Indicate all the required clearances noted above.
4. Indicate the proposed fire extinguisher locations. Note the size and type of fire extinguishers. A minimum of one new fire extinguisher is required.
5. Indicate any proposed railing or planter locations. Provide to scale drawings of the plans and elevations of all proposed railings.
6. Identify any portions of the public right-of-way which will be utilized as outdoor dining.
7. Identify any parking area that will be utilized as outdoor dining and provide a parking analysis to demonstrate that the project will maintain at least 50% of existing parking spaces.

### **Additional Information**

The outdoor dining permit application is reviewed by the Community Development Department, Planning Division, which will conduct coordination with other City Departments or divisions if required. If you have questions regarding their review, you may contact the staff directly to discuss the application.

An outdoor dining permit may be revoked by City staff at any time.

An issued outdoor dining permit scope of work cannot be revised; a new outdoor dining permit application must be made for any significant changes proposed.



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## Permit Application for Outdoor/ Sidewalk Dining

Permit Number(s)		Project Address	
Date Received		Time Period Requested for Outdoor/ Sidewalk Dining	

Area of Work:

Full	Partial	Revision	Phase #
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The undersigned hereby applies for an outdoor/ sidewalk permit for the areas indicated on the outdoor/ sidewalk application plan attached for the above address.

Job contact person/ Responsible party		Company name	
Address		Telephone number	
Job contact signature		Email address	
Field contact person		Telephone number	

Owner name/ title		Telephone number	
Address		Email address	

Application received by:	Fee due (consult with Planning Division staff)	Approved by (Inspector signature):
Reviewed for compliance by:		Notified via:
		Date:

\*If the job contact is not the property owner, provide a letter of authorization with the property owner's signature.

**CITY OF SANTA CLARA, CALIFORNIA  
OUTDOOR DINING PERMITEE  
RELEASE OF LIABILITY / INDEMNIFICATION FORM**

DATE \_\_\_\_\_

BUSINESS NAME ("PERMITTEE") \_\_\_\_\_

NAME OF AUTHORIZED REPRESENTATIVE \_\_\_\_\_

TITLE \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE/ZIP \_\_\_\_\_

TELEPHONE \_\_\_\_\_ EMAIL \_\_\_\_\_

Permittee is legally established/permitted food service venue in the City of Santa Clara (the "Business"), and has submitted a Permit Application for Outdoor / Sidewalk Dining to utilize City property and/or public rights-of-way (collectively, "Public Property") as authorized by City Council Resolution adopted June 9, 2020. Permittee is required to complete this form as a condition of permit issuance.

Permittee hereby releases the City, its City Council, officers, employees, volunteers, and agents, from any and all claims, obligations, causes of action, and liability of any kind, arising from the operation of Permittee's Business and the use of Public Property. This release is intended as a full and complete release covering any possible claims, contingent or otherwise, involving personal injury or property damage which may arise in connection with the operation of the Business and the use of Public Property.

This release includes, although it is not specifically limited to, any claim for any injuries or damages which the undersigned may suffer in connection with the operation of the Business or the utilization of Public Property. The consideration for this release is the permission granted by City to the Permittee to operate the Business and utilize Public Property.

To the extent permitted by law, Permittee agrees to protect, defend, hold harmless, and indemnify City, its Council, officers, employees, volunteers and agents, from and against all claims, injury, liability, loss, cost, and expense ("Claims"), arising out of, occurring by reason of, or in any way connected with Permittee's operation of the Business and the use of Public Property, including any injury to or death of any person or damage to or destruction of any property occurring in, on or about the Public Property, except solely to the extent of Claims resulting directly from the sole negligence or willful misconduct of City or City's authorized representatives.

Signature of Permittee's Authorized Representative: \_\_\_\_\_