



**Public Works
Engineering Division**

Increase your visibility, grow your business, and let your customers enjoy the diverse and inclusive City of Berkeley with outdoor commerce.

Five easy steps for a Sidewalk Seating Permit with City of Berkeley:

1. Create a site plan
2. Provide certificate of liability insurance
3. Pay Permit Fee
4. Pay Outdoor Commerce Use Fee (if applicable)
5. Submit attached application

Note: A business must already be permitted as a commercial establishment with the City of Berkeley before applying for a sidewalk seating permit and conducting outdoor commerce.

Permit Service Center
1947 Center St. 3rd floor
Berkeley, CA 94704
510-981-7500 TDD 7450
permits@cityofberkeley.info

SIDEWALK SEATING APPLICATION

Outdoor Commerce - Planters - Benches

APPLICATION INFORMATION:

Application #:	New Application	Renewal
Address:		
Business Name:		
Applicant Name:	Berkeley BUS Lic #:	
Address:		
Email:		Phone #:
# Tables:	# Chairs:	# Benches:
Hours of Occupancy:	From	to
ABC License (if applicable):		Mon Tue Wed Thur Fri Sat Sun
Issued during COVID-19 Emergency? <input type="checkbox"/> No <input type="checkbox"/> Yes	Date Issued: _____ (Month, Year)	
Number of parking spaces occupied (if applicable): _____		

SUBMITTAL REQUIREMENTS CHECKLIST:

Dimensioned and Scaled Site Plan, showing all street furniture, trees, vaults, curb cuts, and any other elements that are in the public right-of-way.

The Site Plan must show a six (6) foot minimum path of travel for pedestrians. The path of travel must be in the accessible sidewalk area, and cannot include the portion of the public right-of-way reserved for street furniture.

Provide details regarding proposed tables, chairs, street furniture or benches. For purposes of determining space required for chairs, please use an area of 24" x 24". Show proposed location of the tables, chairs, planters, or benches on your Site Plan.

Proof of Insurance naming City of Berkeley as Additional Insured. For Sidewalk Seating, including Outdoor Commerce installations in the parking lane, minimum liability coverage is \$1 million.

For Office Use Only	Approved	Denied
# of Tables:	Insurance Carrier:	
# of Chairs:	Insurance Policy #:	
# of Benches:	Telephone #:	
Lineal Feet:	Insurance Expiration:	

CONDITIONS OF APPROVAL

1. Prior to placement of seating, the permittee shall demonstrate possession of liability insurance in the amount of at least one million dollars (\$1,000,000). Said insurance shall name the City of Berkeley as Additional Insured and shall be in a form acceptable to the City Attorney.
2. The permittee explicitly agrees to hold the City, its officers and employees harmless from any liability, claims, suits or actions for any and all damages alleged to have been suffered by any person or property by reason of the permittee's installation, operation, maintenance or removal of Outdoor Commerce Installation, Sidewalk Seating, Street Furniture, Benches and/or Planters.
3. The permittee shall be responsible for, and exercise reasonable care in the inspection, maintenance, and cleanliness of the area affected by any object(s) permitted by this Section, including any design requirements hereafter enacted, from the building frontage to the curb, parking lane, or street area.
4. The permittee shall restrict any objects permitted under this Section to the approved location(s) and configuration. Outdoor Commerce Sidewalk Seating installations shall remain in the location and configuration shown on the approved site plan, and ensure compliance with all applicable laws.
5. When any objects permitted under this Section are found to be in conflict with existing or proposed facilities or improvements owned, maintained, or operated by the City, or any existing or proposed City design plans, those objects shall, upon written demand of the City Manager or their designee, be removed or relocated in such a way as to eliminate the conflict.
6. The permittee shall monitor and control the use of the Sidewalk Seating so as to prevent disturbance of the surrounding neighborhood.
7. A commercial establishment that proposes to serve alcoholic beverages within a sidewalk seating outdoor commerce area shall comply with the standards established by the State of California Department of Alcoholic Beverage Control. The area shall be: physically defined and clearly part of the commercial establishment it serves; and be supervised by a commercial establishment employee to ensure compliance with laws regarding the on-site consumption of alcoholic beverages. No alcoholic beverages shall be served to the Outdoor Commerce Sidewalk Seating area without a permit from Alcohol Beverage Control.
8. At least half of the seats shall be wheelchair accessible. Accessible tables shall have clear floor space with minimum dimensions of 30 inches by 48 inches, maximum height of 34 inches, and minimum knee space of 27 inches high, 30 inches wide and 19 inches deep.
9. All Outdoor Commerce Sidewalk Seating components shall be stored in a secure location when not in use.
10. The permittee shall regularly inspect and clean the Sidewalk Seating and/or Outdoor Commerce installation and that portion of the public sidewalk adjacent to the establishment. A waste receptacle shall be provided.
11. Sidewalk Seating Permits are not transferable, and must be renewed annually.
12. If permittee is occupying any metered parking spaces, permittee shall pay an Outdoor Commerce Use Fee at the time of application and upon annual renewal of this permit.
13. Additional Conditions:

Applicant Name

Applicant Signature

Date