



City of Morro Bay

Public Works Department
955 Shasta Ave
Morro Bay, CA 93442
(805) 772-6261
www.morro-bay.ca.us

Blanket Encroachment Permit Application For Outdoor Dining and Sales

This application is intended to specify requirements to approve temporary uses on public property allowing the phased re-opening of local businesses in a way that **promotes safe social distancing**. Upon approval, the Blanket Encroachment Permit will allow businesses to operate, within the Public Right of Way, under special conditions in a way that protects the public health, safety, and welfare of the City, its Citizens, and visitors.

Note to Applicants:

- This document is intended to provide minimum requirements for obtaining a Blanket Encroachment Permit for operating under special conditions during the Coronavirus public health crisis. Some applications may require additional information not listed here, as determined by the City Engineer.
- You are responsible for the accuracy and completeness of all application materials. Incorrect or incomplete information may result in a delay or denial of your application
- All application materials become the property of the City of Morro Bay and are subject to public review.
- All applications materials must be clear and legible. Faxes, poor reproductions, and cluttered or confusing drawings will not be accepted.

Business Name and Address: _____

Assessor's Parcel Number (APN): _____

Existing Use: _____

Project Description: _____

Proposed days and hours of operation: _____

Applicant: _____

Applicant Address: _____ City: _____ State: _____ Zip: _____

Applicant Phone number: _____ Email: _____

Property Owner: _____

Property Owner Address: _____ City: _____ State: _____ Zip: _____

Property Owner phone number: _____ Email: _____

By signing and submitting this application, the Applicant:

1. Acknowledges that acceptance of this application does not imply approval/authorization of this request and that this application may be denied or that conditions may be attached to this approval to assure compliance with applicable Municipal Code requirements.
2. Agrees to comply with the State of California and/or County of San Luis Obispo recommendations for business reopening and social distancing for as long as those orders remain in effect. County Reopening Link: <https://www.emergencyslo.org/en/reopening.aspx>
3. Understands that any failure to adhere to the State's or County's guidelines will result in disciplinary action which may include, but not be limited to, the immediate suspension of the Permit.
4. Understands that permit approval for the new outdoor seating/retail or other special operating conditions will last for a maximum of 6-months from permit issuance with the ability extend the permit for an additional 6-months at the discretion of the City Engineer.
5. Understands that the use of public property is at my own risk and agrees to defend, indemnify, release and hold harmless the City, its City Council, boards, commissions, officers and employees from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to the blanket encroachment permit activities. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, or proceeding whether incurred by the permittee, City, and/or the parties initiating or bringing such proceeding.
6. Agrees to comply with all requirements of Resolution 48-20, Exhibit A as approved by the Morro Bay City Council on June 9, 2020.
7. Declares under penalty of perjury that the foregoing statements and answers and all the data information, documents and evidence herewith submitted are to the best of the Applicant's knowledge and belief, true and correct.

Applicant's signature: _____ Date _____

Property owner's signature: _____ Date _____

Blanket Encroachment Permit Submittal Requirements

General Requirements

Three copies of all application materials for Planning, Public Works, and Fire Department review and an electronic copy. **Site plans should be minimum of 8.5"x11"**. Applications and plan may be submitted electronically via email to: Pamela Newman, Assistant Engineer; pnewman@morrobayca.gov

Note these are the minimum submittal requirements. Additional information may be required to fully evaluate your application following initial review by staff. If you have any questions, please contact Engineering staff prior to submitting an application.

Fee: No Fee required

Site Plan (may be hand-drawn or a satellite image with information overlaid)

- Clear dimensioned site plan showing north arrow and scale
- Label all street names and abutting streets on site plan
- Specified Areas for the uses, such as patios, entryways, onsite sidewalks, parking lots, etc.
- Locations and dimensions of all:
 - Outdoor dining tables that comply with social distancing requirements. Refer to San Luis Obispo Reopening plan for guidance: <https://www.emergencyslo.org/en/reopening.aspx>
 - Outdoor sales areas
 - Bench and Planter locations
 - Required outdoor trash receptacles
 - Pedestrian walkways (maintaining a minimum of 4' of sidewalk access)
 - Vehicle entry and exit paths, etc.
 - Distance from existing structures
 - Location of required outdoor trash receptacles
 - *

Other Required Information

- Written narrative of business operation and proposed concept for social distancing
- Plan for collection and disposal of all trash and recycling generated from business operations. Disposal shall not be in public trash or public recycle facilities.
- Proposed signage, including size of each sign, proposed location, and method of attachment or display.
- City of Morro Bay business license.
- Applicant shall be required to enter into an agreement with the City to indemnify, defend and hold harmless the City of Morro Bay, and its officers, agents and employees. The indemnification language will be included in the Blanket Encroachment Permit. The applicant shall also be required to obtain liability insurance, naming the City as additional insured in the following amounts: \$1,000,000 per occurrence and \$2,000,000 in aggregate. The form of this agreement shall, as reasonably determined by the City, meet the City's need to provide for full indemnification to the City for the authorized activity.

Resolution 48-20, EXHIBIT A

GUIDELINES FOR BLANKET ENCROACHMENT PERMIT ISSUANCE FOR LIMITED USE OF THE PUBLIC RIGHT OF WAY AND SIDEWALKS WITHIN THE CITY'S FOUR COMMERCIAL DISTRICTS

Permitted Items:

The following items are allowed on public rights-of-way subject to the requirements herein:

1. Tables and chairs
2. Benches
3. Planters
4. Retail sales Items
5. Trash receptacles

Fee:

There is no fee associated with the Blanket Encroachment Permit Process.

Site Plan and Indemnification Required Prior to Placement of Items:

1. A site plan shall be prepared prior to locating any items on public sidewalks or within a public right of way, or other public space. The plan shall be submitted to the Public Works Department for review and approval. The site plan shall include the following:
 - a. Dimensions of the building frontage
 - b. Locate and dimension all items to be placed as part of the permit
 - c. The location of all existing frontage improvement, including any existing planters, utility poles, planter areas, bike racks, fire hydrants, benches, trash receptacles and existing chairs and tables located along the building frontage of the applicants business and adjacent businesses.
 - d. Location of all doorways, and driveways
2. The applicant shall enter into an agreement with the City to indemnify, defend and hold harmless the City of Morro Bay, and its officers, agents and employees. The applicant shall also be required to obtain liability insurance, naming the City as additional insured in the following amounts: \$1,000,000 per occurrence and \$2,000,000 in aggregate. The form of this agreement shall, as reasonably determined by the City, meet the City's need to provide for full indemnification to the City for the authorized activity.

General Location Criteria (applies to all permits):

1. Minimum 4-foot wide, unobstructed path of travel for pedestrians shall always be maintained along sidewalks .
2. Nothing shall be placed that will block access to or interfere with entering and existing any business.

3. Nothing shall be placed that will interfere with parked vehicles or access to parked vehicles

Planter Location Criteria:

1. Planters may be placed either against the front of the building or at, or near the curb

Tables and Chairs:

1. May be placed only adjacent to the building or along the right of way edge
2. Placement of tables and chairs may extend beyond the width of the building frontage for the applicant business with written authorization of the adjoining business/property owner.
3. Permitted items placed in the right of way shall always be clearly visible to pedestrians, including after dark. If permitted items are difficult to see after dark they shall be removed at or before dusk each night.
4. Shall be placed to provide a minimum of 6 feet of separation to maintain social distancing for as long as required by State, County, or City Order related to COVID-19.
5. Businesses placing tables and chairs in the right of way shall also provide outdoor trash receptacles.

Retail Sale Items:

1. May be placed only adjacent to the building
2. Permitted retail merchandise placed in the right of way shall be clearly visible to pedestrians and shall be removed from the right of way at the close of business each day.

Benches:

1. May be placed against the building frontage, adjacent to tree wells or at or near the curb and may not exceed eight feet in length
2. If multiple benches are placed, they must be a minimum of six feet apart from other benches and other tables and chairs

General Use Criteria:

1. Businesses placing benches, tables and/or chairs may designate them for customer use only.
2. Permitted items remaining in the right of way after dark shall be readily visible to pedestrians.

General Maintenance Criteria:

1. Any item placed in the public right of way shall be maintained for appearance and safety.
2. The owner, or other responsible party in charge of the business shall ensure prompt removal of all debris, refuse or trash.
3. Planters shall be maintained with live plants at all times. Dead or dying plants shall be removed and replaced as necessary to maintain an attractive appearance.