



City of West Hollywood
California 1984

City of West Hollywood

Department of Public Works Engineering Division

OUTDOOR DINING ENCROACHMENT PERMIT OVERVIEW

Pursuant to Ordinance 91-310, West Hollywood Municipal Code Chapter 11-28, any usage of the public right-of-way for outdoor dining purposes shall only be authorized by the issuance of an Outdoor Dining Encroachment Permit from the Department of Public Works, Engineering Division. Said permits are revocable in nature, and thus are subject to revocation at any time upon determination by the City of West Hollywood Department of Public Works.

To obtain a permit, the applicant shall submit directly to the Planning Department (Planning@weho.org) the following items:

1. Completed Outdoor Dining Encroachment Permit Applicant Form (attached hereon). The form shall be signed by the applicant and the property owner prior to submittal. Incomplete application will result in rejection of the application. Copy of Business License and copy of Property Deed shall also be submitted.
2. 8"x11.5" exhibit, titled "Exhibit A", that is the legal description of the private parcel requesting use of the public right-of-way. Narrative only.
3. 8"x11.5" exhibit, titled "Exhibit B", prepared by a professional surveyor, licensed in the State of California, documenting the area of encroachment of the public right-of-way. The document shall include the legal description of the area in narrative form and in survey map form. The surveyor shall stamp and sign each page, and his name, company name, address, and phone number shall be visible on each page.
4. 8"x11.5" drawing, titled "Exhibit C", of the requested outdoor dining usage of the public right-of-way area. Drawing shall detail the frontage of the applicant's café or restaurant facing the sidewalk area requested for use as outdoor dining. The drawing shall indicate the location of doorways, width of sidewalk (distance from curb to building face), location of trees, tree wells, parking meters, bus shelters and/or bus stop signage, traffic signals, sidewalk benches, trash receptacles, bike racks, utility boxes, fire hydrants, light fixtures, parking and street signs, and any other semi-permanent sidewalk obstruction which may affect or be affected by the proposal. The drawing shall delineate the area requested for use as an outdoor dining area and indicate the total square footage of the affected public right-of-way area and exact dimensions of the proposed outdoor dining area. The drawing shall indicate all objects proposed to be installed by the applicant, such as tables, chairs, railings, etc. The drawing shall indicate via dimensions, that the ADA required clear pedestrian passageway is provided for the remaining public sidewalk.
5. Proof of building permit approval by the Building & Safety Department for any proposed element of the outdoor dining area encroaching into the public right-of-way, that is physically attached to the onsite buildings or structures, such as awnings, trellis, signs, etc. Depending on the proposed element, a separate additional Encroachment Permit & Covenant, issued by the Department of Public Works, documenting the specific element may be required prior to final approval of the Outdoor Dining permit. City staff will notify you upon review of the application.

6. Certificates of Insurance showing procurement and maintenance in force policies of commercial general liability insurance in an amount not less than one million dollars (\$1,000,000.00) per occurrence, two million dollars (\$2,000,000) general aggregate, for bodily injury, personal injury, and property damage to cover the operations of the outdoor dining. Such insurance shall be procured from an insurer authorized to do business in California, shall be subject to the approval in writing of the city, shall provide primary and not excessive coverage, shall name the city, its officers and employees, and the property owner as additional insureds and shall contain provisions that prohibit cancellation, modification, or lapse without thirty days' prior written notice to the city. Each general liability insurance policy shall be issued by insurers possessing a Best's rating of no less than A-:VII. In addition, procurement and maintenance in force Worker's Compensation insurance with statutory limits, and employer's liability insurance with limits of not less than one million dollars (\$1,000,000.00) per accident.

To obtain a permit for a previously permitted site, due to a change in tenant or property owner, the applicant shall instead submit directly to the Engineering Department (outdoordiningpermit@weho.org). The applicant shall be required to also submit a copy of the prior Administrative Permit and stamped approved Site Plan issued by the Planning Department in order to proceed directly to the Engineering Department. If applicant does not have these, then applicant shall submit for a new permit directly to the Planning Department, as mentioned at the top.

Next Steps

1. Upon completion of satisfactory review of the submitted materials, City staff will send the applicant an invoice for the Outdoor Dining Encroachment Permit Application Review Fee, which shall be required to be paid in order to proceed.
2. If any portion of the applicant's proposed outdoor dining installation impacts the public right-of-way infrastructure, such as but not limited to, drilling into the sidewalk for mounting or securing purposes, City staff will prepare an Outdoor Dining Encroachment Permit security document, to cover the cost to restore the public right-of-way infrastructure upon revocation or withdrawal of the permit. The applicant shall furnish the security in order to proceed.
3. City staff will send the applicant an invoice for the initial prorated operating fee, which shall be required to be paid in order to proceed. The fee is a proration that includes through the end of the current calendar year. The fee is \$0.50 per square foot per month for non-alcohol serving businesses, and \$1.00 per square foot per month for alcohol serving businesses.
4. City staff will send the applicant an Encroachment Permit & Covenant which shall authorize the use of the public right-of-way for the outdoor dining activities. The applicant shall deliver one original wet ink signed and notarized set to City staff.
5. Upon completion of all of the above, the applicant shall then apply for a Construction Encroachment Permit that shall authorize the actual contractor operations to install the objects. Application shall be made online at <https://www.weho.org/city-government/city-departments/public-works/engineering/right-of-way-goals-and-requirements/encroachment-permits> The Applicant shall upload all above materials into the portal application.



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CITY OF WEST HOLLYWOOD

OUTDOOR DINING ENCROACHMENT PERMIT APPLICANT FORM

RESTAURANT INFORMATION

Alcohol: Non-Alcohol:

Name: _____

Address: _____

City/State/Zip: _____

Phone No.: _____ Emergency No. _____

Email Address: _____

Business License #: _____ Expiration Date: _____

APPLICANT INFORMATION

Name: _____

Address: _____

City/State/Zip: _____

Phone No.: _____

Email Address: _____

PROPERTY OWNER (Responsible Party)

Name: _____

Address: _____

City/State/Zip: _____

Phone No.: _____ Emergency No. _____

Email Address: _____

PROPERTY OWNER'S DECLARATION

I consent to operation of an outdoor dining facility within the public right-of-way sidewalk frontage of my property.

I shall hold the City of West Hollywood, its officers, agents, and employees free and harmless from any claims for damages to persons or property including legal fees and costs of defending any actions or suits thereon, including appeals therefrom, which may result from granting this permit.

Property Owner Name: _____

Property Owner Signature: _____ Date: _____

Applicants Name: _____

Applicant's Signature: _____ Date: _____