



Town of Tiburon

1505 Tiburon Boulevard
Tiburon, California 94920

(415) 435-7390

www.townoftiburon.gov

planning@townoftiburon.gov

TOWN OF TIBURON SIDEWALK DINING GUIDE & APPLICATION

Program Overview

This Program Guide outlines the requirements and procedures for existing and proposed downtown food and beverage establishments seeking authorization to provide sidewalk dining within the public right-of-way pursuant to Tiburon Municipal Code (TMC) Chapter 19B. Applicants must submit a complete application package, including all required documentation and the applicable application fee, to the Town of Tiburon for review and consideration. Waypoint Pizza, Squalo Vino, The Caviar Company, Salt & Pepper, Luna Blu, and Caffè Acri are exempt from the initial application fee pursuant to Town Council resolution.

Approved sidewalk dining areas within the public right-of-way are authorized through a Sidewalk Dining Permit. Permits are subject to annual review for compliance with the operational standards established in this Program Guide and Tiburon Municipal Code Section 19B, Sidewalk Dining. Unless otherwise determined during the annual review, permits will be renewed upon payment of the annual renewal fee established by Town Council resolution.

Town staff will conduct an annual inspection, along with periodic monitoring throughout the year, to verify that approved sidewalk dining areas, including all required paths of travel, entrances, and exits, continue to conform to the approved site layout. Sidewalk dining areas must remain compliant with all applicable accessibility requirements, including, but not limited to, the Americans with Disabilities Act (ADA), Chapter 11B of the California Building Code, and the Tiburon Municipal Code.

Inspections conducted by the Town are performed solely for the benefit of the Town and the public. Business owners should not rely on any Town inspection as evidence that a sidewalk dining area is safe or fully compliant with applicable accessibility standards, codes, or laws. Responsibility for maintaining compliance at all times remains with the permit holder. **Business owners are strongly encouraged to engage the services of a Certified Access Specialist.**

Sidewalk Dining operators shall be responsible for the maintenance and removal of all items placed within the public right-of-way, whether removed voluntarily or at the Town's direction, and for the repair of any resulting damage. If the permittee fails to perform such work, the Town may do so and recover all associated costs from the permittee.

SIDEWALK DINING AREA STANDARDS

Location and Accessibility

- Must maintain at least a 4-foot-wide minimum clearance along the sidewalk to provide an accessible circulation path along the existing public right of way. Cane detectable barriers must be located on either side of the accessible circulation path to prevent visually impaired pedestrians from walking directly into furniture, fixtures, or diners.
- Shall provide access to and throughout the seating areas that meets minimum requirements for accessibility based on the Americans with Disabilities Act 2010 Accessibility Standards, the [California Building Code \(CBC\), Chapter 11B – Accessibility](#), and all other applicable accessibility standards and guidelines, as amended from time to time.
- Business owners are strongly encouraged to engage the services of a Certified Access Specialist. The Town does not guarantee that a dining area designed in accordance with Town standards will comply with applicable disability access laws.
- Must provide and maintain accessible outdoor seating and dining tables in compliance with all applicable accessibility requirements, with no fewer than five percent (5%) of all outdoor dining tables and seating locations being accessible.
- Shall provide a site plan with layout of tables and chairs, including a disability access plan¹.
- Plans must include sufficient information to verify compliance with accessibility requirements for routes leading to and through the dining area, including clear width, running slope, cross slope, vertical transitions, protruding objects, headroom clearances, and openings along the path of travel.
- If sidewalk dining is proposed in front of a neighboring business, the property owners must submit an agreement, subject to the Director's approval, that includes but is not limited to sidewalk dining area design, location, hours of use by each business, maintenance plan, and insurance obligations.

Umbrellas

- Must be secured with umbrella stand(s).
- Shall have a headroom clearance of 80" minimum high.

Other Requirements

- Businesses must include area in ABC license if applicable.
- Abide by all other restrictions placed by the Town of Tiburon that may not be outlined in this guide.
- No private garbage cans, bus stations, or dish collectors may be in dining areas.

SUBMITTAL REQUIREMENTS

- ☐ Completed Tiburon Sidewalk Dining Permit Application which includes the following:
- ☐ Certificate of liability insurance per the attached insurance requirements
- ☐ Provide verification of an updated permit from Marin County Environmental Health for additional outdoor seating.
- ☐ If applicant proposes to sell or serve alcohol as a part of its sidewalk dining activities, submit proof of a liquor liability coverage endorsement or policy.
- ☐ Layout plan for the proposed sidewalk dining area with the following minimum requirements:
 - Property lines including width of business frontage
 - Existing buildings including doorway locations and dimensions
 - Name and address of business and adjacent businesses
 - Sidewalk widths
 - Dimensioned layout of tables and chairs including disability access plan
 - Placement and height of umbrellas
 - Show locations of fire department required fire extinguishers
- ☐ One-time initial Town application fee as listed in the Town's adopted fee schedule to cover the costs of reviewing the initial application and approval of the sidewalk dining. An additional fee for the applicable Fire District review may be required (for initial applications only). Waypoint Pizza, Squalo Vino, The Caviar Company, Salt and Pepper, Luna Blu, and Caffè Acri are exempt from the initial application fee.
- ☐ The annual sidewalk dining renewal fee as listed in the Town's adopted fee schedule **(for annual renewals only)**.

Once the application is complete, submit electronically to:

Town of Tiburon
Community Development Department
planning@townoftiburon.gov

Sidewalk dining permits are valid for a period of one year and must be renewed annually.

¹ The Town is not responsible for determining whether the disability access plan complies with the Americans with Disabilities Act or other applicable disability access laws. Every business owner that participates in the dining area program is strongly encouraged to engage the services of a Certified Access Specialist.



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SIDEWALK DINING PERMIT APPLICATION

BUSINESS INFORMATION

Business name: _____

Business type: _____ Business license number: _____

Physical address: _____

Brief Project description: _____

BUSINESS OWNER INFORMATION

Name: _____

Phone number: _____ Email: _____

Mailing address: _____

Signature: _____ Date: _____

PROPERTY OWNER INFORMATION (if different)

Name(s): _____

Phone number: _____ Email: _____

Mailing address: _____

Signature: _____ Date: _____

By signing the Sidewalk Dining Permit Application, the applicant(s) acknowledge(s) having read and understood the Town of Tiburon Sidewalk Dining Guide and Chapter 19B (Sidewalk Dining) of the Tiburon Municipal Code and agrees to comply with all standards, terms, conditions, and requirements contained therein, as well as all other applicable local, state, and federal laws and regulations.

MINIMUM INSURANCE REQUIREMENTS FOR SIDEWALK DINING

Minimum Scope of Insurance. Permittee shall obtain and at all times during duration of this Sidewalk Dining Permit maintain coverage at least as broad as:

- (a) Insurance Services Office Commercial General Liability coverage (occurrence form CG 0001).
- (b) Workers' Compensation insurance as required by the State of California and Employer's Liability insurance (for Permittees with employees).
- (c) Property insurance against all risks of loss to any tenant improvements or betterments.

Permittee shall maintain limits no less than:

- (a) General Liability: **\$1,000,000** per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
- (b) Employer's Liability: **\$1,000,000** per accident for bodily injury or disease.
- (c) Property Insurance: Full replacement cost with no coinsurance penalty provision.

Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions must be declared to and approved by the Town. At the option of the Town, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the Town, its officers, officials, employees and volunteers; or the Permittee shall provide a financial guarantee satisfactory to the Town guaranteeing payment of losses and related investigations, claim administration and defense expenses.

Other Insurance Provisions. The general liability policy is to contain, or be endorsed to contain, the following provisions:

- (a) The Town, its officers, officials, employees and volunteers are to be covered as insureds with respect to liability arising out of ownership, maintenance or use of the premises/property used for Sidewalk Dining.
- (b) The Permittee's insurance coverage shall be primary insurance as respects the Town, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the Town, its officers, officials, employees or volunteers shall be excess of the Permittee's insurance and shall not contribute with it.
- (c) Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled, except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the Town.

Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII.