



Downtown Encroachment Permit Guidelines

City of Carpinteria



The City of Carpinteria regulates public right-of-way encroachments through Title 12.08 of the Carpinteria Municipal Code. The provisions of the Municipal Code establish the authority and process for allowing certain types of encroachments that are determined to be necessary or beneficial to the public interest and can be conducted in a manner that will not jeopardize public health and safety. In order to carry out the provisions of the Municipal Code, Encroachment Guidelines will be adopted by the City Council and updated from time to time.

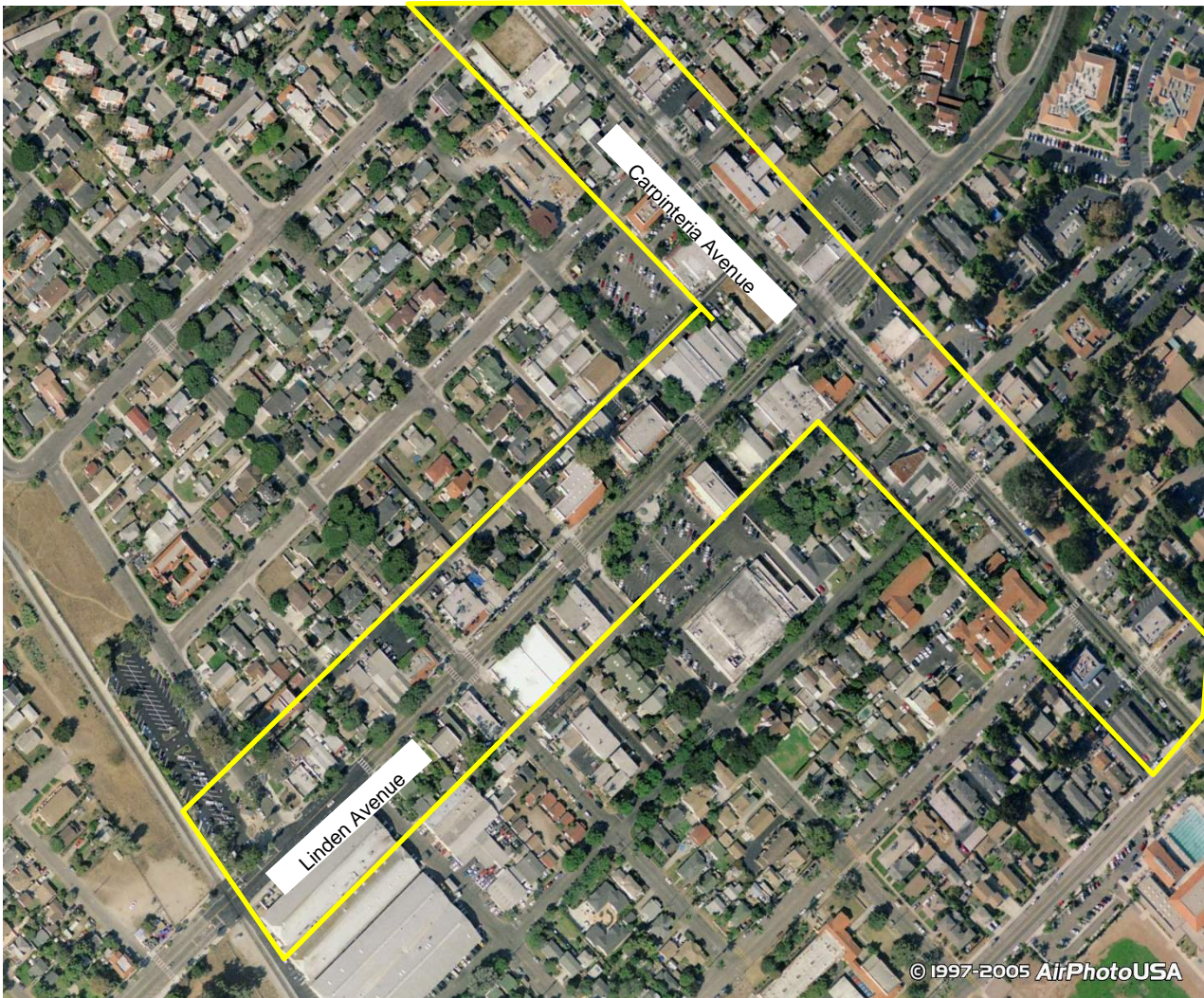
Public Works
5775 Carpinteria Avenue
Carpinteria, CA 93013

Phone: 805-684-5405 ext. 405 or 445
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Encroachment Defined:

The City defines an encroachment as any item, good, material or merchandise placed on a City street or right-of-way. For the purposes of these Guidelines, the encroachments addressed are those of a commercial nature that occur near or adjacent to the storefronts of businesses in the Downtown "T."

Downtown "T" Area Map:



Purpose:

The purpose of the Downtown “T” Encroachment Guidelines is to promote safe and attractive use of the public areas in the Downtown District. The City also aims to maintain and preserve existing public facilities and properties. The Guidelines are intended to assist applicants and business owners in establishing attractive and safe encroachments that benefit both the Downtown business community and the citizens that enjoy those public spaces.

Organization:

The Guidelines are organized as follows:

- **General Guidelines**
- **Location and Dimensions**
- **Maintenance and Operational Standards**
- **Colors and Materials**
- **Outdoor Displays**
- **Umbrellas and Outdoor Furniture**
- **Planters and Landscaping**
- **Other Types of Encroachments**
- **Permit Holder Requirements**

The following sections include references to the City of Carpinteria Municipal Code and General Plan. All applicable policies, standards and guidelines are shown in italics.

GENERAL GUIDELINES

The City’s interest in reviewing applications for encroachment permits relates to the safety and well being of the public and the promotion of the Downtown as a vital and attractive pedestrian district. The City’s goal is to maintain the highest standards of accessibility and safety while achieving an attractive and functional design. In general, allowed encroachments should compliment public use and improvements. In no case shall encroachments be permitted which serve to exclude the public from any public sidewalk or street.

Items permitted to encroach in the City right of way shall comply with all requirements of the Municipal Code and General Plan. The City will deny any Encroachment Permit that it determines does not comply with these Guidelines or any other standard or regulation set forth by the City.

Location and Dimensions

Encroachments may be allowed where it can be determined by the City that the encroachment would not result, individually



Figure 1 - Sidewalk café located near building to allow safe pedestrian access.

or cumulatively, in a narrowing of the sidewalk such that important functional attributes of the Downtown, (e.g., ability of pedestrians to stroll side-by-side and to pass comfortably for significant stretches, lingering and window-shopping) are not jeopardized. The location and dimensions of any item located in a public place shall meet the minimum Guidelines set forth in this Guidebook and any other local, state or federal law or regulation.

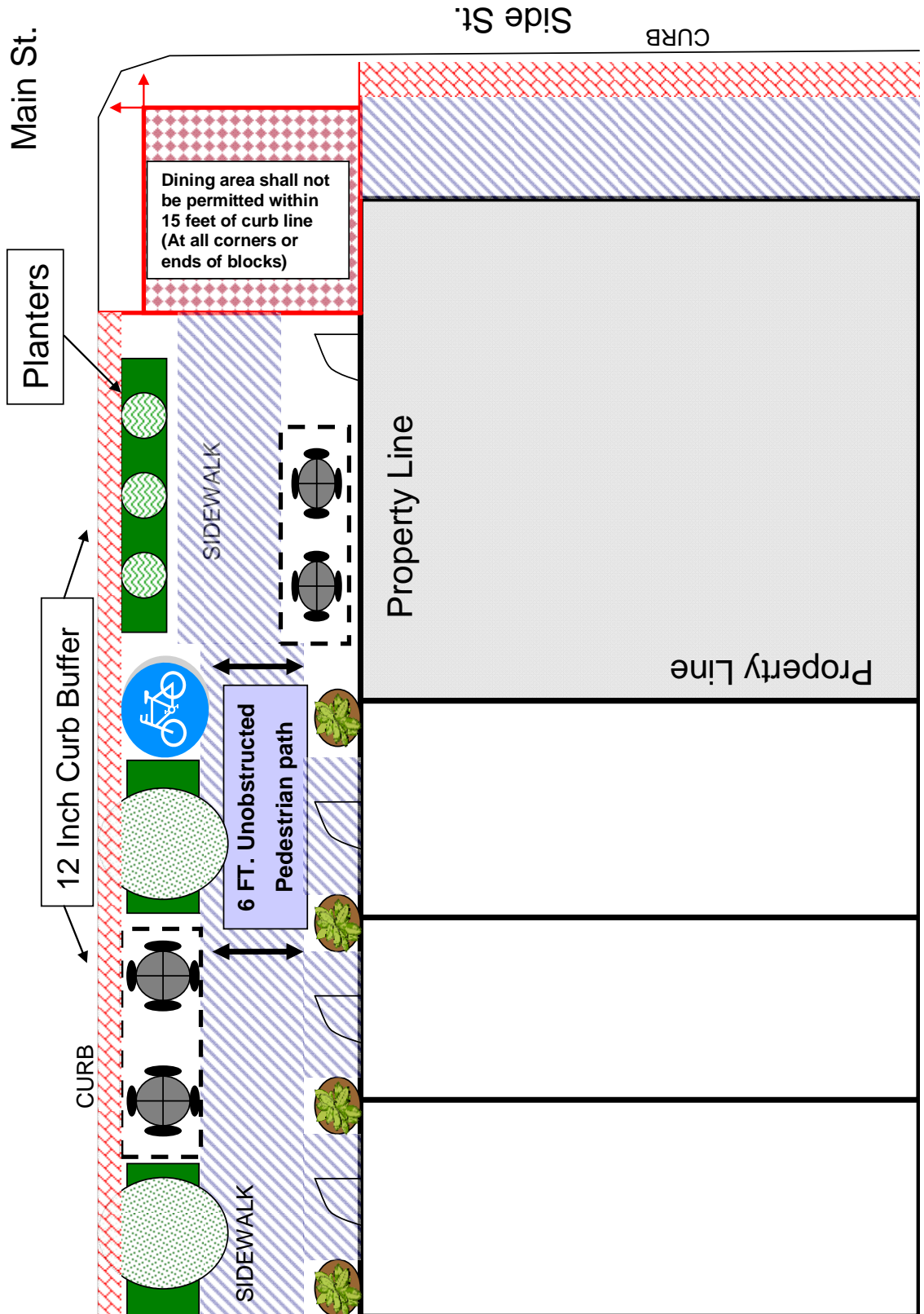


Figure 2 - Example of sidewalk café that respects the pedestrian pathways required

- ^ **DEG1** - Encroachments shall be allowed so as to maintain a clear path of no less than six feet. The City Manager may permit paths of travel of no less than four feet in instances where safe access can be determined. (See Figure 1)
- ^ **DEG2** - Encroachments shall not block safe access to businesses, parking spaces, bike stalls, or other spaces required by local, state or federal building or safety codes.
- ^ **DEG3** - Encroachments shall not encroach into the areas near corners of sidewalks or where crosswalks are present. This area shall be defined with a 15 foot area, beginning near the crosswalk or curb cuts. (See Figure 2)
- ^ **DEG4** - Tables shall not exceed 42 inches in width at the greatest dimension.
- ^ **DEG5** - Chairs shall not extend into the required accessible walkway at any time. Chairs must be at a scale appropriate to the size of the table or space available for seating.
- ^ **DEG6** - Portable outdoor heating de-



Figure 3 - Table, chairs and umbrella constructed of durable painted metal.



Figure 4 - Table, and chairs constructed of durable painted material

vices are prohibited. Permanently mounted heating devices shall be reviewed by the Public Works Director for safety and aesthetics and require

separate building permit review.

- ^ **DEG7**— The Public Works Department may require the Architectural Review Board to review any items placed in the City Right-of -Way that are not clearly consistent with these guidelines.

Maintenance and Operational Standards

- ^ **DEG8** - Maintenance of sidewalk encroachments shall be the sole responsibility of the permit holder.
- ^ **DEG9** - Any item permitted to be placed in the City Right of Way shall be maintained in a safe manner so as not to obstruct pedestrian access to public sidewalks, access ramps or doorways. Movable items, like chairs, shall be positioned to prevent obstruction of access routes at all times. The permitted item shall be, if moved by patrons, relocated to the appropriate location at all times.
- ^ **DEG10** - All materials shall be well maintained without stains, rust, tears or discoloration. Materials that show signs of significant wear/age shall be replaced.

- ^ **DEG11** - Umbrellas shall be constructed of durable fade resistant materials.

Colors and Materials

The types of materials placed on City sidewalks shall portray a well maintained and aesthetically appealing streetscape. The variety of uses that exist in the Downtown require a cohesive Guideline of allowed materials, colors and variation of items permitted in the common commercial area.

- ^ **DEG12** - All items located on the public sidewalk shall be constructed of durable materials appropriate for use in the public rights-of-way. Folding chairs, light weight materials, deteriorated, U.V. damaged, splintered or other similar furniture will not be approved or placed in the rights-of-way. Sealed or painted metal or wood tables are recommended.
- ^ **DEG13** - Permitted encroachments shall be complimentary in material, color and design to the buildings they serve and are adjacent to.

- ^ **DEG14** - Table cloths, umbrellas and similar materials used as part of an encroachment, shall be clearly described in the project application (material samples may be required). All materials shall be painted, stained, etc., in a solid color; stripes and patterns are discouraged.
- ^ **DEG15**— Street furniture shall not contain signs, advertising, or logos. (See Figure 5)

Outdoor Displays

- ^ **DEG16** - Sales racks shall not be permitted within the City right of way.
- ^ **DEG17** - Outdoor displays shall be limited to single items or object displays or a few examples of items or goods sold in the store and must comply with all other standards of these Guidelines.

Umbrellas and Outdoor Furniture

- ^ **DEG18** - Umbrella shades shall have approved solid colors. Patterns and stripes are discouraged.
- ^ **DEG19** - Umbrellas shall be installed and maintained so as to provide pedestrian

clearance by maintaining seven (7) feet of clearance from the sidewalk to the lowest edge of the umbrella. Umbrellas shall not exceed a maximum height of nine (9) feet from the base to the top portion of the pole.

Planters and Landscaping

- ^ **DEG20** - The use of pots and other planters should be kept to a minimum and used against buildings to accent openings. Planters shall not be used to define seating areas or otherwise cordon off public sidewalk for private use.
- ^ **DEG21**—Planters shall be of a variety and maintained so as to not drain onto the sidewalk or street.
- ^ **DEG 22** - Plant material shall be of high quality and shall be maintained in viable condition at all times.
- ^ **DEG23** - Debris or litter caused by planters or nearby landscaping shall be maintained or cleaned by the responsible business or property owner. Debris, stains or litter shall

be cleaned or removed by the responsible business or property owner.

- ^ **DEG24** - Planters and landscaping shall be trimmed to maintain the required six foot clearance required by DEG1.

Other Types of Encroachments

- ^ **DEG25** - Other types of encroachments, not anticipated in these Guidelines, may be considered and permitted by the City, but must comply with the purpose and intent of these Guidelines.

Annual Permit Holder Requirements

- ^ **Complete the appropriate Encroachment Permit Application and submit the appropriate application fees, and or renewal fees.**
- ^ **Description** - Detailed written description that includes the number, style and type of material to be included in the Encroachment Permit.
- ^ **Diagram** - Scale drawing showing proposed Encroachments in relation to existing sidewalk, business frontage, parking, or landscape areas.
- ^ **Images** - Applicant shall provide photographs of the proposed material/furniture.
- ^ **Maintenance Agreement** - Applicant shall agree to maintain the area near the permitted area clean and free of all trash and litter. Applicant shall also maintain the sidewalk and trash containers provided by the City that serve the business.
- ^ **Trash Agreement** - Applicant shall empty the trash bins nearest their business to prevent overflow.
- ^ **Pedestrian Access** - Applicant shall maintain the required pedestrian access set forth by the permit, these guidelines or any other safe access requirements.
- ^ **Indemnification and Insurance** - Issuance of an encroachment permit shall be contingent upon the applicant signing the City indemnification/hold harmless agreement. The applicant shall also provide proof of insurance in accordance with Municipal Code §12.37. Minimum coverage limits shall be established by the City at the time of application.