



RIGHT OF WAY USE APPLICATION E-12

Development Services Land Development Engineering 1635 Faraday Avenue 442-339-2750 www.carlsbadca.gov landdev@carlsbadca.gov

Application Type (Check one): [ ] \*Curb Café [ ] Newsrack [ ] Outdoor Display [ ] \*Sidewalk Café
\*Curb/Sidewalk café only: Will the curb café parking spaces or sidewalk café be directly in front of your business? [ ] No [ ] Yes
If no, this application must be submitted with an acknowledgement letter from the property owner and affected business owner

Operating Business Name:
Business Address:
Location of use: Assessor Parcel No:

Property Owner Name Business Owner Name
Contact Name:
Company Name:
Mailing Address:
City, State, Zip:
Phone Number:
E-mail address:
I certify that I am the Property Owner for the subject business location and that all of the above information is true and correct to the best of my knowledge. I support the applicant's request for a permit to place the subject property on the public sidewalk. I also consent to an encroachment agreement being recorded on the title to my property if conditioned for the applicant.
Signature Date

Applicant Representative (if different than Business Owner) Additional comments
Contact Name:
Company Name:
Mailing Address:
City, State, Zip:
Phone Number:
E-mail address:
I certify that I am the representative for the business and that all of the above information is true and correct to the best of my knowledge.
Signature Date

CITY USE ONLY DATE STAMP APPLICATION RECEIVED

CITY USE ONLY: PROJECT NO. PD PERMIT NO. ROW
[ ] SITE PLAN
[ ] CERTIFICATE OF INSURANCE
[ ] CURB/SIDEWALK CAFÉ ACKNOWLEDGEMENT

**Indemnification, Insurance and Compliance Requirements for Village/Barrio Area Right-of-Way Use Permits**

*Certification Statement:*

I certify that I am the **Business Owner** of the subject business and that all the above information is true and correct to the best of my knowledge. I agree to accept and abide by any conditions placed on the subject project as a result of approval of this application and to comply with all applicable federal, state, and local laws, including public health orders. I agree to indemnify, hold harmless, and defend the City of Carlsbad and its officials and employees from all claims, damage or liability to persons or property arising from or caused directly or indirectly by the installation or placement of the subject property on the public sidewalk and/or the operation of the subject business on the public sidewalk pursuant to this permit unless the damage or liability was caused by the sole active negligence of the City of Carlsbad or its officials or employees. I have submitted a Certificate of Insurance to the City of Carlsbad in the amount of **two million dollars** issued by a company which has a rating in the latest "Best's Rating Guide" of "A-" or better and a financial size of \$50-\$100 million (currently class VII) or better which lists the City of Carlsbad as "additional insured" and provides primary coverage to the City. I also agree to notify the City of Carlsbad thirty days prior to any cancellation or expiration of the policy. The notice shall be delivered to:

City Engineer  
City of Carlsbad  
1635 Faraday Avenue  
Carlsbad

The insurance shall remain in effect for as long as the property is placed on the public sidewalk or the business is operated on the public sidewalk. These indemnification, insurance and compliance requirements are conditions of the issuance of this right-of-way use permit. I understand that an approved right-of-way use permit shall remain in effect only while outdoor displays are permitted within the Village/Barrio Area at the subject business location and the permittee remains in compliance with the permit and its conditions.

*Acknowledgement Statement:*

Curb cafés are temporary structures on public streets. The City Engineer may require their temporary or permanent removal to accommodate street or other infrastructure improvements or maintenance or to ensure adequate public parking is maintained. Sidewalk cafés and outdoor displays are subject to the City Engineer's discretion and use may be altered or revoked as necessary to preserve adequate right-of-way purpose and public safety and I agree to remove all improvements authorized by this permit by the date specified by the City Engineer.

Signature \_\_\_\_\_ Date: \_\_\_\_\_

Print Name \_\_\_\_\_

*Certification Statement:*

I certify that I am the **Property Owner** for the subject business location and that all the above information is true and correct to the best of my knowledge. I support the applicant's request for a permit to place the subject property on the public sidewalk. I understand that an approved right-of-way use permit shall remain in effect only while outdoor displays are permitted within the Village/Barrio Area at the subject business location and the permittee remains in compliance with the permit and its conditions.

Signature \_\_\_\_\_ Date: \_\_\_\_\_

Print Name \_\_\_\_\_