

*the*  
**BOULEVARD**  
El Cajon Boulevard Business Improvement Association

3727 El Cajon Boulevard San Diego, CA 92105  
(619) 283-3608

# PROW

Public Right of Way Enhancement Program



**A Permit Program enabling El Cajon Boulevard Businesses to Place  
Temporary Outdoor Dining in the Public Right of Way.**

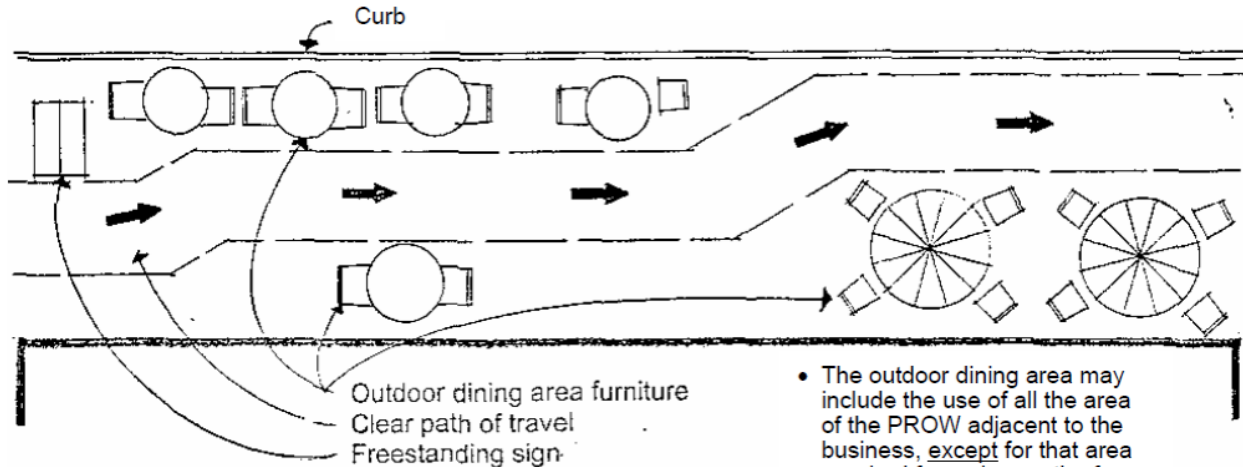
## **PURPOSE AND INTENT OF THE PROGRAM**

The purpose of the Public Right of Way Enhancement Program (PROW) is to promote the growth and income of café's and restaurants by encouraging the use of portions of the public right-of-way between the curb and the adjacent property line. The program seeks to create an environment that encourages pedestrian traffic and increases the vitality of the street. It will also encourage beautification of the streetscape with the option of landscaping in planter boxes and pots.

**The PROW is a program of the City of San Diego. It is not the intent of the PROW to set aside existing or future City, State, or Federal regulations regarding public health, safety and accessibility in the public right-of-way.** A businesses fronting on the public right-of-way that are located on the first floor will be allowed to locate amenities in the public right-of-way by obtaining a PROW permit from the El Cajon Boulevard BIA. Enhancements may be placed only in the PROW directly in front of the Business Owner's storefront. Enhancements that do not comply with the General Requirements, Standards, and Conditions of this Program are not allowed.

## **OUTDOOR DINING AREA STANDARD**

1. Businesses licensed to serve food and/or beverages are permitted to have an outdoor dining area that complies with the standards of this program.
2. The sale of **alcoholic beverages** in an outdoor dining area requires a City of San Diego **sidewalk café permit** and licensing by the Department of Alcoholic Beverage Control. **Alcohol cannot be sold or consumed in outdoor dining areas permitted under this program.**
3. The hours of operation of the outdoor eating area shall not exceed those of the primary use.
4. An outdoor dining area may include the use of all the area in the PROW adjacent to the business except that area required for the clear path of travel or clear area adjacent to street furniture, such as bus benches or utility boxes and that area of the PROW within two feet of the curb. Exception: the area within two feet of the curb may be used if the parking is head-on. (Illustration VI-B).
5. Permanent lighting complying with City and accessibility standards and installed with electrical permits may be provided for the PROW. The lighting shall be attached to the building.



- The outdoor dining area may include the use of all the area of the PROW adjacent to the business, **except** for that area required for a clear path of travel, including path of travel to street furniture such as bus stops and utility boxes as well as the entrance to the restaurant.
- See also illustrations III-A through III-E.

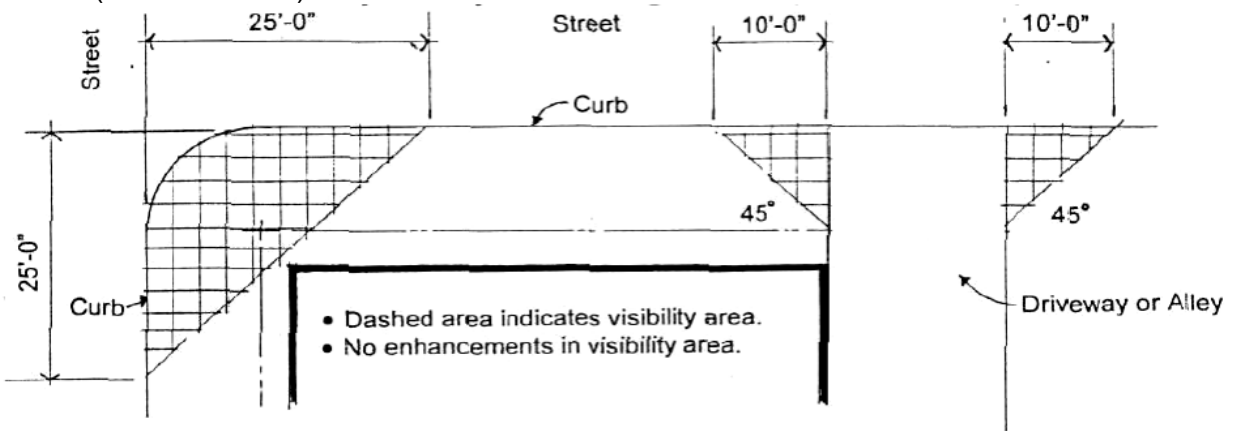
**Illustration VI-B- Location of Outdoor Dining Area in the Public Right of Way**

This illustration exhibits the specific requirements of the enhancement standards and is intended only as an aid.

6. Enhancements shall be placed so as to maintain a clear path of travel that has (a) a minimum width of 4'-0", (b) no more than thirty-degree changes of direction for travel along the PROW itself and (c) no travel onto private property except for access to and egress from a specific business, area, or location.

7. Tables and chairs shall be metal, wood, durable plastic, or other approved material, and must be in good condition and not require repair. Umbrellas must be in good condition, be fire-treated, and not require repair.

8. Enhancements shall be placed so as not to block or obstruct vehicular visibility areas, including but not limited to the 25'-0" visibility triangle required at the intersection of any two streets (Illustration III-A) and the 10'-0" visibility area required at a driveway or alley intersecting a street (Illustration III-A).



**Illustration III-A: Visibility Areas**

This illustration exhibits the specific requirements of the enhancement standards and is intended only as an aid.

## **Application Form**

### **PUBLIC RIGHT-OF-WAY ENHANCEMENT PROGRAM**

The person(s), business company, or corporation applying for participation of this program shall be hereby named as the "applicant".

#### **PERMIT CONDITIONS:**

1. Only those businesses fronting on the Public Right-of-Way and located on the first floor may participate in this Program.
2. Enhancements may be placed only in the Public Right-of-Way directly in front of the Business' storefront.
3. Enhancements that do not comply with the General Requirements, Standards, and Conditions of this Program are not allowed.
4. This application is subject to written approval by the El Cajon Boulevard (BIA) having jurisdiction.
5. Approval by the El Cajon Boulevard (BIA) allows for temporary use of the public right-of-way as set forth in the General Requirements, Standards, and Conditions of this Program.
6. Displays without approval of an application are not allowed.
7. The applicant(s) shall provide evidence of having **one million dollars of liability insurance** naming the City of San Diego, the El Cajon Boulevard (BIA), the property owner, and their agents, officers, and employees as additional insured. The applicant(s) shall maintain the policy continuously. The City of San Diego and the El Cajon Boulevard (BIA) shall be given ten day notice prior to the cancellation of the policy. **Cancellation of a Business Owner's insurance policy immediately voids participation in the Program.** A Business Owner shall show upon request by any City official or El Cajon Boulevard (BIA) employee that he has insurance as required by the Program. Each El Cajon Boulevard (BIA) shall establish and use a system of spot checking through the duration of the Program.
8. The applicant shall provide two copies of a scaled drawing of the proposed enhancement/ use. The drawing shall be no smaller than 8.5" x11" no larger than 11" x 17". The drawing shall indicate the curb and property lines, all existing and proposed obstructions (traffic signs, traffic lights, street lights, bus benches, fire hydrants, etc.), and location of proposed outdoor area furniture. Applicants for any business located at a corner property or a street-to-street property shall provide information of both street frontages.
9. The applicant shall provide two copies of a photograph or photographs of the area of the proposed enhancement. The photograph(s) shall include the entire area of the enhancement as well as the adjacent property to each side. Applicants for any business located at a corner property or a street-to-street property shall provide photographs for both street frontages.

10. The applicant shall attend a free training demonstration provided by the El Cajon Boulevard (BIA) prior to displaying an outdoor dining area.

11. The applicant shall provide the El Cajon Boulevard (BIA) with a curb-to-property line card obtained from the **City Records Department (second floor of 1222 First Avenue, (619) 446-5200)**.

12. This application - is not transferable.

## **ENFORCEMENT AND DUE PROCESS:**

1. Streetscape enhancements that do not comply with the provisions of this Program are not permitted.

2. Initial enforcement shall be conducted by the El Cajon Boulevard (BIA) having jurisdiction. The El Cajon Boulevard (BIA) shall keep records of contact and shall report their disposition to the community's Planning Committee in a timely fashion.

3. The Business Owner shall remove or relocate, at Business Owner's own expense, any enhancement within three days after notice by the El Cajon Boulevard (BIA), within three days after notice by the El Cajon Boulevard (BIA) under direction from the City, within two days after direct notice from the City by request of the El Cajon Boulevard (BIA), or within two days after direct notice by the City (through a City official or by letter) when immediate response is not possible. If the Business Owner fails to remove or relocate the enhancement in the required time and manner, or if deemed necessary by the City, the City may cause such work to be done and charge the Business Owner for the cost of the work, at the sole discretion of the City, without further notice to the Business Owner. The City also has the 221 authority to order that any enhancement be immediately removed or relocated to protect the life/health/safety of the public.

4. When the El Cajon Boulevard (BIA) efforts to gain voluntary compliance fail and all deadlines have expired, a written notice will be given to the Business Owner that his participation in the Program has been canceled. Notice of this will be forwarded to the NCCD (Neighborhood Code Compliance Department) for investigation and action. At that time, copies of El Cajon Boulevard (BIA) records of all attempts at voluntary compliance will be forwarded to the NCCD. The violator may then be subject to civil penalties, abatement, and/or judicial remedies.

## **GENERAL INFORMATION**

1. Business Name

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2. Business Address

\_\_\_\_\_  
Street Number                      Street Name    Suite No.    Zip Code

3. Owner's Name(s)

\_\_\_\_\_  
Printed Name                      Title

4. Business Phone No. \_\_\_\_\_

5. E-mail address: \_\_\_\_\_

6. Property Owner's Name \_\_\_\_\_

7. Property Owner's Phone Number \_\_\_\_\_

**SPECIFICATIONS OF ENHANCEMENT**

- A copy of this application and its drawings shall be kept on file at El Cajon Boulevard (BIA) office for public viewing.
- A notice of this application and plans shall be kept on file at the business site. The notice at the site shall be posted in a window for public viewing.
- Changes to the plans shall be submitted to the El Cajon Boulevard (BIA) for approval.
- Signature(s) below indicate that the applicant has read this application form and the General Requirements, Standards, and Conditions of this Program and agrees to comply with them. "Enforcement and Due Process" is hereby made part of this application.

\_\_\_\_\_  
Applicant's Printed Name    Applicant's Signature    Date

\_\_\_\_\_  
El Cajon Boulevard (BIA) President's Signature    Date

**PROW Process**

1. Any businesses interested in applying for a PROW permit will seek training from an El Cajon Boulevard BIA staff member
2. The business owner will gather every item on the checklist and submit their package to the El Cajon Boulevard BIA
3. Once the business owner has submitted their application, they may be required to attend a Design Committee meeting

4. The Design Committee will review the proposal and vote on a recommendation to the board
5. At the El Cajon Boulevard BIA board meeting, a final decision will be made as to whether or not to approve the applicant for an annual permit
6. Permit fee **(\$200)** will be collected annually, on a certain date
7. Staff will photograph each business throughout the year to make sure it remains in compliance
8. The design committee will annually recommend the renewal of all businesses with a PROW permit
9. The board will annually vote to renew each business PROW permit

**PROW Approval Checklist**

- Check or Money Order for Annual Fee **(\$200)**
- Completed and Signed Application
- Copy of City of San Diego Business Tax Certificate
- Insurance Requirements Certified -naming City of San Diego and El Cajon Boulevard BIA as additionally insured
- Two Copies of Scale Drawings as required
- Two copies of photographs as required
- Attend Design Committee Meeting as required (scheduled after we review drawings)
- Curb-to Property Line Card as required from City Records Department

**Signatures below certify that ALL of the above requirements have been submitted and documented by the El Cajon Boulevard Business Improvement Association.**

Business Name

\_\_\_\_\_

Business Address

\_\_\_\_\_

Business Representative Name

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Business Authorized Signature

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Date

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**El Cajon Boulevard BIA**

Approving Signature

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Date

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