



PUBLIC WORKS

Engineering Services Division
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ENCROACHMENT PERMIT INFORMATION

When are Encroachment Permits required?

An Encroachment Permit is required whenever private structures will be placed under, on, or over property in which the City has property rights, such as rights of way, utility easements, or owned property. These permits are required regardless of any other approvals, such as building permits or Planning Department entitlements.

Below is a list of the types of Encroachment Permits:

Non-Residential

Type	Description
Standard	Awnings, sidewalk closures, pedestrian protection structures, structural or architectural features, etc.
Short-Term	Sidewalk/street/alley encroachments, unloading of materials, etc. lasting 5 days or less.
1-Day	Sidewalk or lane closure lasting 1 day or less.
Minor	Placement of dumpster or restaurant tables & chairs within downtown districts.

Residential:

Type	Description
Standard	Architectural, structural, decks, spas, etc. in a Public Utilities Easement (PUE) or City right-of-way (ROW).
Fence, Dumpster or Storage Container	Placement of a fence in a PUE or ROW, dumpster or storage container in ROW *

* Insurance not required

How much does the permit cost?

Fee is based on the current year's Municipal Fee Schedule. For the current Fiscal Year Adopted Municipal Fee Schedule, please see:

<https://www.paloalto.gov/Departments/Administrative-Services/City-Budget>

When are Temporary Leases required?

A *Temporary Lease* is required when the property is owned by the City fee-simple, such as parks or parking lots. This lease is required regardless of any other approvals, such as building permits or Planning Department entitlements.

A *Temporary Lease* is subject to fees determined by Real Estate, although most such fees are set to match encroachment permit fees.

How long are these permits & leases good for?

Encroachment Permits and *Temporary Leases* are either temporary or indefinite. Debris boxes, tables on the sidewalk, and such are, by their nature, temporary. "Hot tubs" in utility easements and awnings on buildings are long-term. However, the City retains the right to require that the encroachment be removed upon thirty days notice. Failure to comply may result in the City removing the encroachment and placing a lien on the benefitted property for expenses.

Who takes out the permit or lease?

Permits or leases are taken out in the name of the person or organization which will control the encroachment, normally the owner or tenant of the property benefiting from the encroachment. Permanent architectural structure encroachment permits must be issued to the property owner since the owner will be ultimately responsible for it when the tenant vacates. Certain "work-related" encroachments might be issued to a contractor or sub-contractor. For instance, permits for contractor's debris boxes or drill rigs would be issued to the contractor. It may take more than one permit to do a job. For instance, a contractor installing water monitoring wells might need a permit to use its drill rig on a City parking lot, while the contractor's client will need another permit for the long-term encroachment of the well.

The Palo Alto Municipal Code requires that permits for restaurant tables or florist's displays on the sidewalk have the property owner's written permission. This should be provided at application submission.

What is required to apply?

An application/permit form and submittal instructions may be obtained by reaching out to Public Works Engineering at pwecips@paloalto.gov

General requirements include the following:

- Signed application form.
- A reasonably accurate drawing showing the location and nature of the encroachment, along with any supporting documents that will make the application self-explanatory.
- A traffic control plan to MUTCD standards if any pedestrian or vehicular traffic is impacted.
- Insurance certificate.
<https://www.paloalto.gov/files/assets/public/v/2/public-works/engineering-services/webpages/forms-and-permits/insurance-certificate-submission-requirements-revised-2021.pdf>



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Why is insuring the City necessary? Doesn't it have its own insurance?

Should someone suffer an injury because of the permitted work activities, and a lawsuit is filed, it is likely that the plaintiff will name the City as one of the defendants, because the work is on City-controlled property with City approval. Because the City is named as an additional insured, the applicant's insurance company will be required to defend the City, relieving the City of the burden and cost of defending itself, or of going to the expense of having itself removed from the suit.

How long does it take?

If the work is very simple and doesn't impact on any existing trees or utilities, it may be possible to issue the permit the same day. In general, though, it is necessary for other City departments to review for possible impact in their areas of responsibility. For instance, the Utility Department may find it necessary to recommend against issuance of a permit for the construction of a pool deck over an easement containing an underground power line.

It could take two weeks or more to get all departmental reviews done.

There are two items that cause the greatest delays in permit approval:

- Insurance documents that do not conform to all of the requirements listed above, and
- Failure to provide an adequate traffic control plan when the permitted activity will impact pedestrian or vehicular traffic.

What happens if I sell the property?

The Permittee has a contractual relationship with the City and may remain responsible for the encroachment after the property is sold. To make this simpler, the City may request a more formal permit or temporary lease which will be recorded with the County Recorder, thereby becoming legal notice to successors in interest, and passing the obligation on to the purchaser. There is no additional charge for this.

This publication is intended to be an informal means of informing the public about a City process. Although it is assumed the information provided is accurate, the sheet is not intended to create any sort of legal obligation on the City's part. The actual process is governed by City ordinances, regulations and procedures, and the reader should make specific inquiry to the City for specific cases.