



## Introduction:

The parklet program was developed as a long-term program to allow parklets citywide following the success of the temporary outdoor expansion program created in June 2020 in response to pandemic business restrictions. The parklet program provides businesses with a streamlined and low-cost process to permit their outdoor dining areas in public parking spaces. The program was developed based on feedback from businesses and the community gathered through surveys, community meetings, and in person meetings and has resulted in a program that provides:

- A one-time permit application
- An easy and straight forward permitting process
- Low permit costs
- Flexibility with parklet materials and design aesthetics

This guidebook provides information on all the program details to guide businesses through the application process and provides an overview of the responsibilities of operating a parklet including the parklet design standards and operating requirements, design options, and the permitting process for retrofits of existing temporary parklets, pre-approved designs, and custom designs.

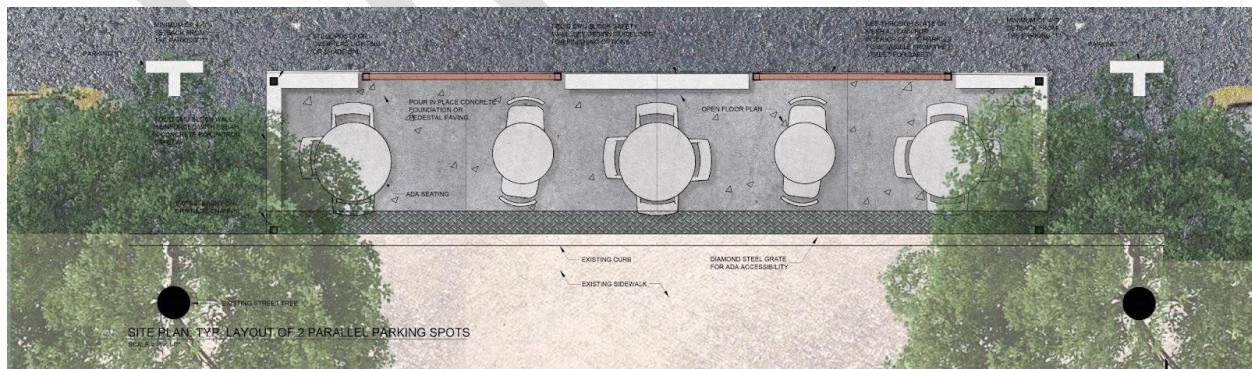
Parklets have proven to enhance the streetscape and provide opportunities for more outdoor dining spaces throughout the City of Santa Cruz and we look forward to many businesses participating in this program.

## Use & Location:

Parklets may only be used by food and drinking establishments for the purpose of providing outdoor dining.

### *Size and Location*

1. Parklets may only be constructed on streets with speed limits of twenty-five miles per hour or lower.
2. The parklet must be located at least one parking space or twenty feet from any corner.
3. The parklet shall not be located in front of a fire hydrant, above a fire hydrant shut-off valve or over utility or manhole covers.
4. The parklet shall not replace blue zones designated for disabled parking.
5. The parklet length may consist of two parking spaces maximum per business and the parking spaces shall be located in front of the adjacent business. The parklet may be allowed to exceed the parking space maximum or extend beyond the business street frontage if:
  - a. Due to the road and parking space layout, the outdoor dining area cannot be designed without extending beyond the immediately adjacent parking spaces;
  - b. Extending the outdoor dining area will not have significant impact on adjoining businesses as determined by the permit officer and with permission of the neighboring business; and
6. For parallel parking spaces:
  - a. The parklet may occupy the full width of the parking stall and shall provide 4-foot setbacks from each end of the parking space. Exceptions may be considered based on-site conditions and with written approval of the City Engineer.



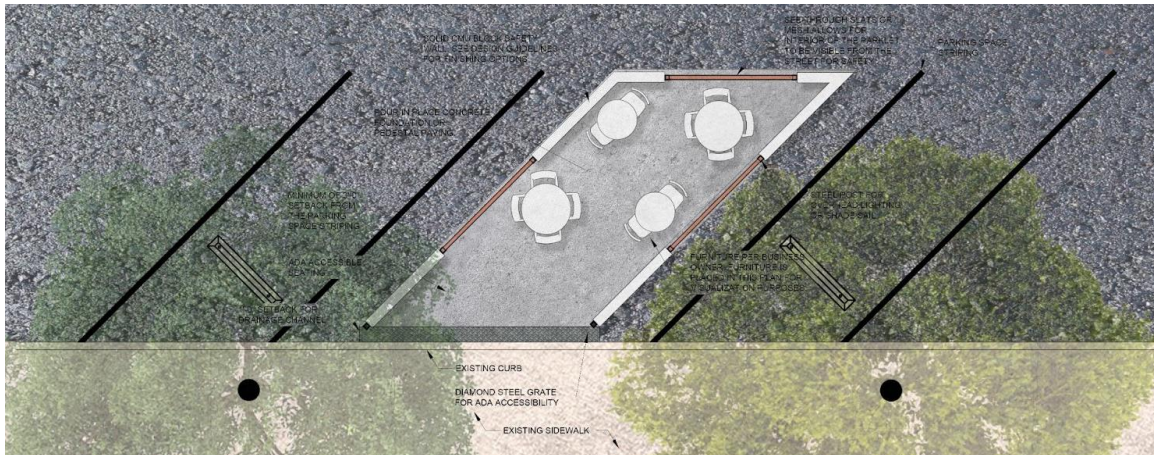
7. For angled and perpendicular spaces:
  - a. The parklet may occupy the full width of the parking spaces between the curb and travel lane and shall provide a 3-foot setback on each end adjacent to other





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parking spaces. Exceptions may be considered based on-site conditions and with the written approval of the City Engineer.



8. Where parking spaces are not delineated, the parklet may extend the length of the business frontage but may not exceed 40 feet in length. Exceptions may apply consistent with 5.a and 5.b above.
9. The parklet shall not block any portion of the bike or drive lane nor the view of conflicting movements of traffic, including pedestrian traffic. The parklet shall not block the view of traffic control devices such as traffic signs, traffic signals, and other traffic warning devices.

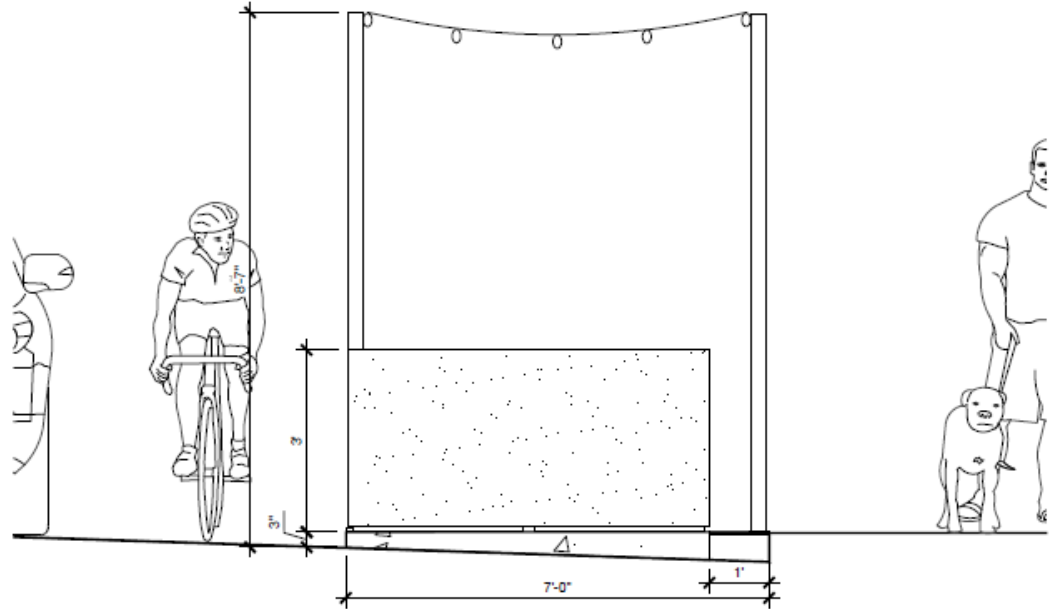
## Design Standards

1. Traffic Safety Requirements
  - a. Reflective elements shall be installed at the outside corners of the structure.
  - b. Soft hit posts shall be installed at the outside edges of the structure.
  - c. Traffic barricades weighing a minimum of 1,000 lbs must be placed on the ends of the parklet and parallel to the driving lane where oncoming traffic enters. Examples of traffic barriers include, but are not limited to, bollards placed on the platform, planters meeting the weight requirement, concrete barricades, etc. which comply with Caltrans MUTCD guidelines.
2. Platform Design Requirements
  - a. Bolting or penetrating the surface of the curb, sidewalk, or roadway in any way shall not be permitted.



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- b. Parklet platforms should utilize materials that are easy to clean and maintain. Poured concrete or steel framed decks are encouraged. Wood is allowed but encouraged to be pressure treated to protect lifespan.



### SITE ELEVATION

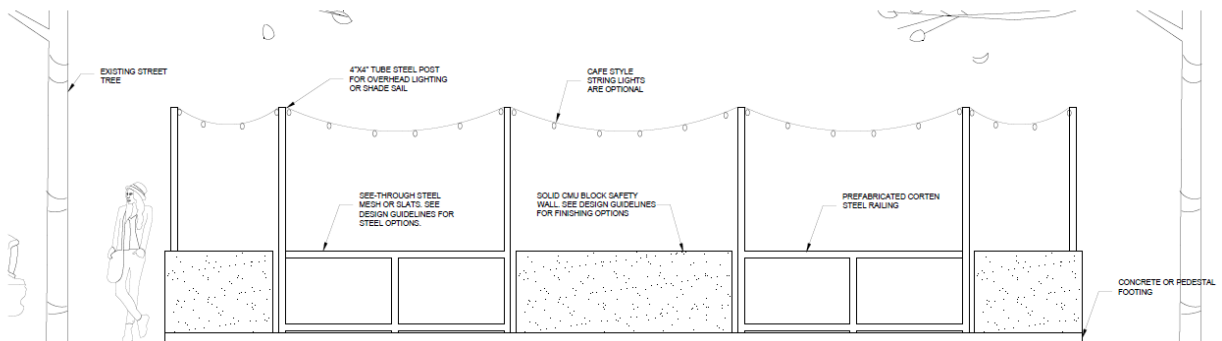
SCALE =  $\frac{1}{2}$ " = 1'-0"

- c. The top of a parklet platform shall be flush with the sidewalk grade. A cover, expansion joint, or other type of connector between the parklet surface and curb may also be required if necessary to provide a safe transition surface.
  - a. If the platform base is not solid, the space underneath the platform surface must be accessible for maintenance through access panels, removable pavers, or other method. Platforms should be designed to prevent collection of debris underneath the structure and all openings below the platform should be sealed to prevent rodent access.
  - b. The platform shall not impede the flow of curbside drainage and shall not be constructed over a storm drain. A minimum clearance of 6 inches high and 12 inches wide of clear flow line must be maintained between the face of the curb and the platform.
  - c. The edge of the platform may bridge over the curb no more than 6 inches from the face of the curb to provide storm drain clearance
  - d. The parklet shall be designed as an extension of the sidewalk with multiple points of entry.
  - e. The parklet shall have an enclosure, structure, edge, or other buffer between parklet users and the adjacent traffic lane on all three sides. This may take the



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- form of planters, railings, cabling, or other appropriate buffers that are structurally fortified and attached to the platform.
- f. The exterior walls shall be a minimum of thirty-six inches and maximum of forty-two inches tall and shall be designed to allow for the ability to see inside the parklet during all hours. Continuous opaque walls are not permitted.
  - g. The exterior walls shall be designed to discourage sitting on the railings.
  - h. The top edge of the exterior walls shall be designed to prevent the resting of food and drinks.
  - i. Wind barriers may be installed on top of the exterior walls and shall be constructed of transparent materials like acrylic, plexiglass, plastic films, etc. If transparent materials are used, the height of the railing, including the transparent materials, shall not extend more than 6 feet from the floor of the platform.



### 3. Lighting, Shade, and Furnishings Requirements

- a. Overhead elements which include support posts, lighting, umbrellas, and shade sails shall provide a minimum vertical clearance of eighty-four inches above grade. Materials for umbrellas and shade sails shall meet NFPA 701, CPAI-84 standards. No fixed or solid roof structures are allowed.
- b. All lighting and heating elements must be properly rated for outdoor use.
- c. Portable outdoor heaters are allowed with appropriate permitting and inspection by the fire department pursuant to Santa Cruz Municipal Code Chapter 19.05. All heaters shall be listed and approved by UL, FM or other approved testing agencies. Propane heaters shall not be placed under any flammable materials such as umbrellas and shade sails and may only be used with proper spacing and a permit from the fire department pursuant to Santa Cruz Municipal Code Chapter 19.05.



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- d. Only listed and approved portable outdoor gas-fired heating appliances (propane heaters) utilizing a fuel gas container that is integral to the appliance shall be used.
  - e. Propane heaters shall not be located beneath, or closer than 5 feet to combustible decorations and combustible overhands, awnings, sunshades, or similar attachments.
  - f. Propane heaters shall not be located within 5 feet of exits or exit discharges.
  - g. All lighting must be securely hung over the parklet area and may not extend over the sidewalk, shine into the street or otherwise interfere with vehicular travel. Battery or solar powered lighting elements are permitted within the parklet area.
  - h. There shall be no electrical fixtures or features within the parklet area.
  - i. Parklets may include permanent or movable seating. All movable furniture shall be locked in place or removed from the public right-of-way during non-operating hours.
  - j. The design may include ample low planting areas that utilize native, drought-tolerant plants. Plantings can be used to discourage seating in areas such as the tops of walls. Plantings shall not exceed one foot in height.
  - k. Signage or other advertising matter shall not be installed on or within the parklet, with the exception of one sign displaying the business name or logo no greater than 6 square feet in area, and a notice of private property/no trespassing no greater than one square foot in area. Use of sandwich board signs are prohibited at all times.
4. Accessibility Requirements
- a. All accessibility elements of the parklet shall be designed, constructed and/or conform to the current and applicable provisions, rules, regulations and guidelines of the federal, state, and local laws and regulations governing accessibility requirements including the California Building Code and Americans with Disabilities Act.
  - b. The platform surface shall be flush with the grade of the adjacent sidewalk with a minimum gap of one-half inch ( $\frac{1}{2}$ " ) and a maximum vertical height difference of one-quarter inch ( $\frac{1}{4}$ " ).
  - c. The portion of the parklet platform connected by the accessible path of travel to the wheelchair turning space and wheelchair resting space must be level. The accessible platform surface maximum cross slope (perpendicular to the sidewalk or curb) and running slope (parallel to the curb) cannot exceed 2%.



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- d. The accessible path of travel must connect the sidewalk to the accessible entry, platform surface, wheelchair turning space and wheelchair resting space.
- e. Accessible entryways to a parklet shall be a minimum 60 inches wide.
- f. Wheelchair turning spaces shall:
  - i. Be 60 inches in diameter
  - ii. Located entirely upon the platform
  - iii. Provide a maximum 12-inch overlap on the curb and sidewalk

## Application Requirements:

Businesses must complete a parklet permit application for all parklet installations. Business will submit an application to request a parklet permit for the following parklet types:

1. Retrofit of Temporary Parklet: Permanent approval of an existing temporary parklet in compliance with the permanent guidelines.
2. Pre-approved Design Parklet: Approval of construction of a parklet using a City issued pre-approved design.
3. Custom Design Parklet: Approval of construction of a parklet using a custom design created by a licensed design professional.

All applications will be required to provide the following information:

- Basic Business Owner & Property Owner Information
- Drawing of the parklet area by a licensed design professional showing:
- Location of parklet on the street, relationship to sidewalk, dimensions of parklet, and entrances/exits.
  - Layout of all parklet furniture, fixtures, signage, support posts, lighting, plantings, trash receptacles, etc.
  - Letter of approval from neighbors if parklet encroaches on adjacent business' frontage.
- Staff will review the application to approve or request modifications consistent with the ordinance and guidelines.
- Once application is approved, staff will issue the parklet permit that outlines annual fees, standard operational requirements, and annual inspection.
- Once the permit is issued, businesses will begin construction of their new parklet or modifications to their existing parklet and staff will complete a final inspection to issue a certificate of approval prior to operation of the permanent parklet.



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# Application Checklist:

- Business Information:
  - Business name and contact information
  - Property owner name, contact information, and signature authorizing the business to apply for a parklet
  - Hours of operation of the parklet
  - Valid City of Santa Cruz business license tax certificate
  
- Site Plan
  - Applications shall include a site plan drawing of the proposed parklet location and thirty feet along the sidewalk in either direction prepared by a licensed design professional (architect, landscape architect, or engineer) that complies with the design guidelines promulgated by the Director of Economic Development.
  - The drawing shall provide details showing: the parklet's relationship to the building, sidewalk and street; the dimensions of the parklet; all doorways and access points; the width of sidewalk (distance from curb to building face and property line); existing and projected pedestrian traffic movements; the location of utilities that might affect or be affected by the application proposal; and any parking meters, bus stops, benches, trees, landscaping, trash receptacles and other street furniture, or any other potential sidewalk obstructions in the vicinity.
  - The drawing of the parklet shall show its intended use, any furniture or display stands, fixtures, signs, canopies and other overhead appurtenances, landscaping and planters, trash receptacles, and any other matter to be placed in the parklet.
  
- Neighbor Authorization
  - Applications for a parklet that includes an area located in front of a neighboring business shall provide a completed neighbor authorization form from the adjacent business owner(s) providing permission to install the parklet in that location.
  
- Catalogue of Materials
  - Applications shall include a catalogue/brochure sheet or provide a website link to an online product page for all furnishings and materials used in the parklet including but not limited to railings, platform materials, tables, chairs, umbrellas, lights, signage, plants, and heaters.
  
- Proof of Insurance





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- All Permittees shall maintain during the term of the parklet permit, insurance against claims for injuries to persons or damages to property which may arise in connection with the permit and any act or omission related to the parklet by Permittee, its employees, contractors, and subcontractors.
    - Permittee shall furnish the City with a certificate of Commercial General Liability (CGL) insurance policy of \$1 Million per occurrence and \$2 Million in the aggregate, including products and completed operations, property damage, bodily injury, personal and advertising injury.
    - Such CGL insurance shall be endorsed to name the City, its officers, officials, employees, agents, and volunteers as additional insureds, and to provide City with prior written notice of cancellation. Such insurance coverage shall be endorsed to be primary coverage as respects City.
    - Any insurance or self-insurance maintained by City shall be excess of the Permittee's insurance and shall not contribute with it.
    - If Permittee maintains broader coverage and/or higher limits than the minimums shown above, City requires and shall be entitled to the broader coverage and/or higher limits maintained by permittee.
    - Permittee shall include all contractors and subcontractors as insureds under the insurance policies or shall furnish separate certificates and endorsements for each contractor and subcontractor. Permittee shall require and verify that its contractors and subcontractors maintain all of the insurance requirements stated herein and that the contractors and subcontractors name the City, its officials, officers, employees, agents, and volunteers as additional insureds on the CGL policy.
  - Permittee shall also maintain a Workers' Compensation policy as required by the State of California with Statutory Limits, and Employer's Liability Insurance with a policy limit of not less than \$1,000,000 per accident for bodily injury or disease. The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the City of Santa Cruz.
- ABC Authorization
- Establishments that serve alcoholic beverages in the parklet area shall be required to meet all requirements of the Alcoholic Beverage Control Board and any other federal, state, or local laws and regulations governing the sale and consumption of alcoholic beverages.
  - Proof of application and/or approval for ABC authorization for alcohol service in the parklet area must be submitted with the parklet application. Approval by ABC must be obtained prior to operation of the parklet.



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# Permit Review Process:

The parklet permit may be approved or conditionally approved by the permit officer based on findings that the application meets all of the following requirements:

1. The application is deemed complete;
2. The proposed parklet complies with all applicable parklet guidelines;
3. The applicant has agreed in writing to comply with the terms and conditions of the permit;
4. All applicable fees have been paid;
5. All other applicable requirements of the parklet ordinance (SCMC 5.83) have been satisfied;
6. The proposed construction plan and schedule will not unduly interfere with the public's use of the public right-of-way;
7. The proposed parklet is in compliance with all applicable local, state, and federal laws and regulations; and
8. The proposed parklet does not pose a threat to public health, safety or welfare.

Applicants will be notified of the status of the application and the decision notice will include any conditions of approval or any reasons for denial.

### **The following conditions of approval shall apply to all parklet permits:**

1. Comply with fire, safety, and emergency access requirements;
2. Comply with all applicable state and federal laws, including the federal Americans with Disabilities Act of 1990 (42 U.S.C. Section 120101 et seq.) or successor statute, applicable labor laws, and all applicable health and safety requirements;
3. Agree to comply with the operating standards set forth in section 5.83.070 of the parklet ordinance;
4. Provide proof of satisfaction of the insurance requirements as established by the city;
5. Agree to indemnify, defend, and hold harmless the city and designated city agents for any claims arising out of the use, accessibility, and operation of the parklet or in any way related to the parklet permit;
6. Present a valid city business license issued pursuant to chapter 5.04 of the Santa Cruz Municipal code;
7. Demonstrate compliance with all requirements of the Alcoholic Beverage Control Board and any other federal, state, or local laws and regulations governing the sale and consumption of alcoholic beverages, if applicable;
8. Obtain all other applicable city permits, including but not limited to a concrete permit, an electrical permit, as part of the approval process for the parklet permit; and any other applicable regulatory approvals required by local, state, or federal agencies; and



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9. Comply with any additional conditions and restrictions as the permit officer deems necessary for the enforcement and administration of the parklet ordinance and to protect the public safety, health, welfare and enjoyment.

### **Approval to Construct Parklet and Certificate of Approval:**

1. The approval of the parklet permit authorizes the applicant to construct and install a parklet with a licensed contractor. The parklet permit may be revoked if construction does not begin within one year of the permit's issuance absent a showing of good cause (See definition of Good Cause below).
2. Upon completion of the construction and installation of the parklet, and satisfaction of a final inspection by the city and compliance with applicable building and health and safety requirements, the city will issue a certificate of approval. A certificate of approval shall be required before a parklet can be occupied or used.

The parklet permit may be revoked if the parklet does not pass final inspection, does not meet the requirements for a certificate of approval, and permittee does not correct the deficiencies in a timely manner as required by the city

**Good Cause:** A parklet permit may be revoked if construction does not begin within one year of the permit's issuance absent a showing of good cause. Good cause shall include, but not be limited to:

- The delay is caused by abnormal weather conditions or unforeseeable events which are beyond permittee's control and not due to permittee's negligence;
- Labor strikes or labor shortages;
- Delay in securing funding which is not due to permittee's negligence and is beyond permittee's control; or
- Delayed availability of materials, which is beyond permittee's control and not due to permittee's negligence.

## Parklet Program Fees:

1. Application Fee:
  - a. Preapproved and Retrofitted Parklet: \$500
  - b. Custom Design Parklet: \$500 plus additional actual costs relating to processing the permit will be charged at the applicable city staff's hourly rate set forth in the City's Unified Master Fee Schedule.
2. Economic Development Parklet Annual Inspection Fee: \$250
  - a. The parklet shall, at a minimum, be inspected annually by the economic development department, or other enforcement officials as necessary, for compliance with the



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parklet guides, operating standards, and any permit conditions, to ensure that the parklet is maintained in good condition and does not create a nuisance to pedestrians or adjacent businesses. The annual inspection fee will take effect at the beginning of the second year of the parklet permit and every year thereafter.

- b. The city may conduct periodic safety inspections of the parklet and reserves the right to require adjustments or modifications to the parklet, or removal of any parklet elements, if the city, in the city's sole discretion, determines that such elements are unsafe, poorly designed, create access issues, pose a public nuisance, pose a threat to public health, safety, or welfare, or do not comply with the permit conditions of approval.
3. Annual Permit Fee:
    - a. Annual Permit Fee for Metered parking spaces: \$2,000 per space
    - b. Annual Permit Fee for Unmetered parking spaces: \$5.88 per square foot
  4. Appeal Fee: \$519

Additional Costs: To be charged at the applicable city staff's hourly rate set forth in the City's Unified Master Fee Schedule.

## Operating Standards:

Parklets shall comply with all operational requirements below, including but not limited to:

1. Parklets may only be used by food and drinking establishments for the purpose of providing outdoor dining areas.
2. Outdoor dining is the only activity allowed in the parklet consistent with the business' regular hours of operation; and in no event past 11:00 p.m. Parklets shall be closed or gated when not in use.
3. Live entertainment and amplified sound is prohibited within the parklet.
4. Only those licensed by the Alcohol Beverage Control Board of the State of California and approved by the city may serve and allow on-premise consumption of alcoholic beverages in the parklet.
5. Outdoor food preparation including but not limited to hotpots, barbecues, or other heating of food, is prohibited in the parklet. Open flame cooking is prohibited in the parklet.
6. The permittee shall maintain the parklet and parklet area in a clean, sanitary, and attractive condition at all times. Elements that are visually or structurally degraded shall be replaced expeditiously.
7. Parklets shall be maintained free of litter, refuse and debris. The permittee is responsible for furnishing and servicing at least one permanent trash receptacle in the parklet.



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8. The parklet platform shall be scrubbed and mopped daily to remove any food or drink stains. All cleaning shall be in accordance with the City's Storm Water Best Management Practices.
9. Permittee shall maintain and repair the parklet at its sole expense during its placement in the public right-of-way.
10. The business owner shall submit a trespass Letter of Authority with the Santa Cruz police department prior to operation of the parklet.
11. Patrons of the parklet shall not be permitted to sit on or place food or drinks on the edges or railings of the parklet.
12. Smoking is prohibited within parklets.

Permittee must correct any failure to comply with any of the operational requirements or other parklet guidelines within a reasonable time period as specified by the city's notice to take corrective action. If permittee fails to comply within the specified time the city may take any action it deems necessary, which may include the city performing the corrective action and charging permittee for any associated costs, including administrative costs and attorneys' fees; and the city's right to revoke the parklet permit.

### City Authority and Removal of Parklet:

- a. The City shall at all times retain exclusive authority over the public right of way, including the parklet. The city shall have the right to perform any and all acts of construction and maintenance in the public right of way, including the parklet to advance public health, safety or welfare.
- b. The permittee, at their own expense, shall temporarily or permanently remove all parklet improvements and shall restore the public right-of-way to the standards of the public works department if one or more of the following circumstances exist:
  1. Upon reasonable prior notice to the permittee by the city, if the city determines that temporary or permanent removal is necessary for utility repair and maintenance, streetscape, for other improvements within the parklet location, or for any other reason that is in the interest of public health, safety, or welfare;
  2. If the business ceases operation and/or if the parklet remains inactive or abandoned for a continuous period of 6 months or more within a one-year period; or
  3. Upon the expiration, termination or revocation of the parklet permit.
- c. In the case of situations involving immediate peril or hazard to the public health, safety or welfare based on the city's discretion, the city may require permittee to remove the parklet and the city may also remove any of the parklet improvements without prior notice to the





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permittee. The permittee is responsible for the costs of removal, and the costs of re-installing the parklet and restoring any damage to the parklet improvements if the city approves re-installing the parklet after the peril or hazard is no longer present.

### **Denial, Suspension or Revocation of Parklet Permit.**

The permit officer may deny, suspend or revoke the parklet permit or application for the parklet permit if one or more of the following circumstances exist:

1. The applicant submits an incomplete application;
2. The applicant has made a false, misleading, fraudulent or material misrepresentation in their application for a permit, in the information required to be submitted to the city, or in response to inquiries by the city;
3. The applicant has failed to obtain permission from the property owner to operate the parklet;
4. The permittee expanded or altered the parklet from what was set forth in the parklet permit;
5. The parklet has been abandoned for a continuous period of 6 months or more within a one-year period;
6. The permittee fails to comply with any of the provisions of the parklet ordinance;
7. The parklet has become a host for a public nuisance or illegal activity or, poses a threat to public health, safety or welfare;
8. The permittee has been issued a notice of violation or citation associated with the business or parklet;
9. The permittee has violated local, state or federal law;
10. The permittee has breached any condition, requirement, or restriction of the parklet permit;
11. Utility repair and maintenance, streetscape, utility or other improvements within or adjacent to the parklet are required, making the parklet not practical or feasible;
12. The parklet interferes with a city project which seeks to protect and promote public health, safety and welfare; or
13. The parklet interferes with vehicular or pedestrian use of the public right-of-way.



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If the permit officer denies, suspends or revokes a parklet permit, the permittee shall be informed in writing of the grounds for denial, suspension, or revocation, within ten (10) calendar days of such determination and the permittee shall cease operations in accordance with the notification provided to the permittee.

### Transferability & Modification:

**Non-Transferable:** Parklet permits are not assignable or transferable. A new parklet permit shall be required whenever the permittee is no longer associated with the operation or ownership of the parklet; or the permittee is deemed to have abandoned the parklet; or the parklet permit has been revoked.

**Modifications to Parklet:** No modifications to the parklet after issuance of the parklet permit are allowed unless a new parklet permit application is submitted and is reviewed and approved by the permit officer.

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