



City of Santa Rosa

Temporary Use of the Public Right-of-Way for Parklets

Purpose

The purpose of this document is to describe the requirements and guidelines associated with the use of the public right-of-way for the construction of temporary Parklets. Temporary Parklets will be allowed adjacent to any legal restaurant use when the installation can be performed in a manner consistent with the requirements highlighted within this document.

The temporary program is intended to support outdoor dining, with or without table service, incidental to a public eating establishment. Parklets will not be permitted to incorporate any advertising, amplified sound, or the consumption of alcohol except in conjunction with a public eating establishment with a valid California Alcoholic Beverage Control license.

In addition to providing an additional option for the expansion of seating areas in response to social distancing requirement, the City will also be using the temporary installations as a pilot program for the development of a formal permanent Parklet program. The Planning and Economic Development Department will work closely with the applicant throughout the process to determine if the selected location is suitable for a permanent installation.

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Definitions

- A. "Parklet" means a temporary, non-structural platform constructed within the traveled portion of right-of-way that replaces one or more parallel, perpendicular, or diagonal parking space and all associated furnishings. A platform may be built to bring the grade of the sidewalk out into the street. Once the platform is installed, furnishings such as tables, chairs, benches, bike parking, and/or landscaping may be placed on the platform. Parklets must be placed in the Curb Zone as described in *Figure 1 - Frontage Zones*.
- B. "Through Zone" means the unobstructed area of sidewalk where primary pedestrian circulation occurs. The Through Zone shall always remain free and clear of physical obstructions.
- C. "Frontage Zone" means the sidewalk area between the Through Zone and the front of the adjacent property/building that may accommodate pedestrian oriented activities.
- D. "Furnishing Zone" means the area between the Through Zone and the Curb Zone where streetscape amenities such as planter boxes, streetlights, and tree wells are typically located.
- E. "Curb Zone" means the area located between the Furnishing Zone and the vehicular or bicycle travel lane and defines the boundary between the pedestrian realm and the roadway. The Curb Zone only exists in areas that contain parallel, perpendicular, or diagonal public parking along the curb line.

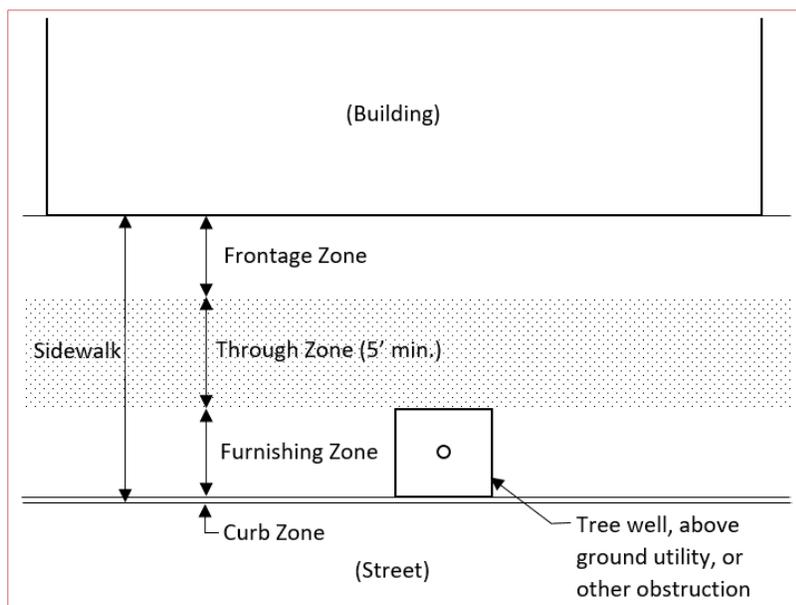


Figure 1 - Frontage Zones

Permit Requirements

The installation and operation of a Parklet shall be performed under an encroachment permit pursuant to [Chapter 13.04 of the Santa Rosa City Code](#). The Permittee will be responsible for all requirements contained in the permit, as well as any applicable codes, policies, and standards associated with the use of the public right-of-way or any public sidewalk easements.

Duration of Temporary Use

Encroachment permits for the construction of a temporary Parklet will be issued for a period extending 12 months from the date of final construction inspection. Parklet proposals permitted under this program may have the option to retain the use in a more permanent fashion through a separate permitting process in the future, at which time additional requirements and fees may be assessed. The Planning and Economic Development Department will work closely with the applicant through the review of the temporary encroachment permit to determine if the location selected will potentially be eligible for a permanent installation through future processes. All elements of the Parklet must either be removed or converted to a permanent installation prior the expiration date on the permit.

Insurance Requirements

The permittee, or the contractor, performing the work will be required to secure a policy of broad form commercial general liability insurance by an insurer acceptable to the City covering both construction of the Parklet, as well as the ongoing operation. The policy shall, by endorsement, name the City of Santa Rosa, its officers, agents, employees, and volunteers as additional insured and shall protect them from claims for personal injury, death, or property damage suffered by third persons and arising out of the work performed pursuant to the permit or the manner of installation or construction. Workers' Compensation insurance shall also be maintained to meet minimum state requirements. Additional details regarding the insurance requirements can be obtained [here](#). It is possible that the business currently has the required liability and Workers' Compensation insurance amounts in place and the only requirement may be to name the City as an additional insured under the liability insurance. A sample insurance document with the appropriate endorsements can be viewed [here](#).

Placement

Parklets shall be placed adjacent to the eating establishment that has the same operator. All efforts should be made to keep the Parklet within the width of the commercial space that contains the eating establishment.

Design Requirements

Accessibility	<ul style="list-style-type: none">• All seating areas that are required to be accessible shall maintain compliance with accessibility requirements outlined in the Americans with Disabilities Act (ADA).• Access to any features afforded to customers shall be provided to those with access needs. (Access to restrooms, pay stations, or any other features must be provided in an equivalent fashion).• Click here to review a guidance document associated with accessibility standards as they apply to restaurant seating.
Public Utilities	<ul style="list-style-type: none">• Access to all surface utilities, such as sewer manholes, water meter boxes, water valve covers, and underground vaults shall be maintained at all times.

	<p>Any proposed improvements shall maintain a 5’ separation from all surface utilities, covers, and structures. The City may need to access surface utilities for routine and emergency operations and maintenance activities. In the event the City needs to access infrastructure, the applicant will assure immediate access. The City will not be responsible for any impacts to the applicant’s ability to provide service during these activities.</p> <ul style="list-style-type: none"> • Attempts should be made to maintain a 5’ separation from placement of Parklet features over any underground utilities, such as water and sewer mains. The excavation of underground utilities may be needed to maintain infrastructure, address emergency situations, or to support routine replacement programs. The permittee must accept the responsibility of relocating any portions of the seating area that may impede operations, maintenance, or construction activities within the public right-of-way. Under an emergency, the applicant may be provided with little or no notice to remove any items prior to the commencement of emergency construction processes. The City will not accept responsibility for the damage or replacement of any items that City staff are required to remove from the public right-of-way to accomplish necessary maintenance, repair, or reconstruction activities. The City will not be responsible for any impacts to the permittee’s ability to provide service during these activities.
<p>Fire</p>	<p>Seating</p> <ul style="list-style-type: none"> • Installation of any materials used as barriers or temporary walls/partitions for permanent seating shall comply with flammable finish requirements. Fabrics and similar materials will have flame spread certification. <p>Lighting – Lights, heating, and generators</p> <ul style="list-style-type: none"> • Emergency egress lighting may be required if maximum occupancy exceeds 50 persons. • Heating devices shall remain a minimum of 5’ from all combustible materials including the structure and sanitary sewer manholes. The use of propane shall require an operational permit from the Fire Department. • The use of generators shall meet all requirements of the CFC. The power units must remain a minimum of 5’ from all combustible materials, including the structure. <p>Fire Extinguishers, temporary tents or membrane structures, and access to important features</p> <ul style="list-style-type: none"> • Extinguishers with a 2A:10B:C rating must be located for every 75’ of travel distance. A minimum of one is required. • Tents, canopies, or groupings of greater than 400 square feet in size require an operational permit from the Fire Department. • Access shall remain for all existing fire appliances including, but not limited to, hydrants, standpipes, extinguishers, alarm panels, utility shut offs, and alarm pull stations. <ul style="list-style-type: none"> a) Minimum of 15’ either side of a fire hydrant shall remain unobstructed between the fire hydrant and the fire apparatus

	<p>access roadway and unobstructed 3' behind.</p> <p>b) Fire Department Connections (FDC) for standpipe systems and fire sprinkler systems shall be provided with a minimum 7.5' unobstructed clearance either side and in front and unobstructed 3 feet behind.</p>
Traffic	<ul style="list-style-type: none"> • Installations will only be allowed on active public streets with a speed limit of 25 miles per hour or less and with a trip volume of less than 5,000 vehicles per day. Current traffic counts are available here. • The proposal should focus on straight street sections and avoid areas where curves exist. • All portions of seating areas shall maintain the following clearances: <ul style="list-style-type: none"> • 25' from any existing public street intersections. • 20' from any existing driveway or alley connections, unless otherwise approved by the Traffic Engineer. • 1' minimum clearance from any adjacent vehicular travel lanes on installations proposed in parallel parking areas. • 2' minimum clearance from any adjacent vehicular travel lanes on installations proposed in diagonal or perpendicular parking areas.
Drainage	<ul style="list-style-type: none"> • Decking material, planter boxes, or any other improvements that rest on the street surface shall be constructed and placed in a manner that does not negatively impact existing drainage patterns. Features will need to be incorporated into the design that allow water to free flow off of the street surface and through any existing gutter.
Maintenance and Operations	<ul style="list-style-type: none"> • Movable furniture (i.e. tables, chairs, umbrellas, etc.) and equipment shall either be removed from the Parklet area and any other portion of the public right-of-way during non-business hours or secured in such a way as to allow full and continued use by the public. • The Parklet area shall be maintained in good condition, and all landscaping shall be kept in good health. Any dead or dying plants should be promptly removed and replaced. • Permittee is required to submit a maintenance plan for keeping the space free of litter and graffiti.
Construction	<ul style="list-style-type: none"> • Bolting or anchoring the Parklet into the roadway surface, gutter, or curb shall not be permitted. • The cross slope on the Parklet surface may not exceed 2% in any direction. • Parklet decking should be flush with the curb with a maximum horizontal gap of 0.5 inches. Vertical separations between 0.25 inches and 0.5 inches high shall be beveled with a slope not steeper than 25%. • Soft hit posts, wheel stops, and reflective elements are required on the outside corners of both sides of the Parklet. • Access panels to maintain the gutter and area underneath the Parklet shall be required.

California Alcoholic Beverage Control (ABC)

Applicants shall comply with all applicable ABC regulations regarding alcohol use for their establishment within the Parklet. The issuance of an encroachment permit does not constitute any ABC or Zoning approvals for alcohol use by the City. Applicants are solely responsible for securing a valid ABC license to allow/extend business operations within the encroachment area.

Placement in Paid Parking Areas

Parklets placed in any paid public parking areas will be required to pay an upfront fee to the Parking Division covering the use of the spaces. The applicant may contact the Parking Division at srparking@srcity.org to discuss fee calculation and payments.

Sewer and Water Connection Fee Agreement

The expansion of a restaurant through the addition of seating areas typically triggers an increase in sewer and water use and results in the required payment of one-time connection fees. Additional utility fees will not apply to any temporary uses proposed under this program. Fees will be deferred to the point in which the seating area becomes permanent. The permittee shall be required to execute an agreement with the Water Department prior to issuance of the encroachment permit recognizing the deferral of the fee payment.

Application Process

1) Application submittal

All applications shall be submitted digitally through the City's [online encroachment permit submittal portal](#).

- a) **Application Form:** All Applicants shall complete the encroachment permit application form. Applications may be denied for the following reasons:
 - (1) The application is incomplete.
 - (2) Requirements listed in this document are not met.
 - (3) Any application may be denied at the discretion of the Director.

- b) **Construction Plans:** The site plan, drawn to scale, shall show the following information (with as much detail as possible to aid in the City's review of the application):
 - 1) Show the proposed footprint of the Sidewalk or Street Seating area including dimensions (length and width).
 - 2) Show and list elements proposed within the plan including tables, chairs, planter boxes, awnings, umbrellas, fences etc.
 - 3) Show the location of existing parking meters.
 - 4) Show and label:
 - i. Approximate property lines
 - ii. Existing building(s) including doorway location(s)
 - iii. Width of business frontage
 - iv. Name and address of business
 - v. Name and address of adjacent businesses
 - vi. Sidewalk widths
 - vii. Indicate color of any painted curbs
 - viii. Street name(s)
 - ix. Dimensions of adjacent parking stalls (only needed for Street Seating)
 - x. All surface structures within 20 feet of the proposed location (e.g., fire hydrants, parking meters, poles, signs, street trees, manholes, utility covers, storm drain inlets, bike racks, streetlights, other outdoor seating areas, etc.)
 - xi. Location and dimensions associated with any existing or proposed accessible seating.
 - xii. Any barrier indicators for items protruding into the path of travel (see accessibility guidance document)
 - xiii. Construction details

- c) **Maintenance Plan:** Submit a narrative describing maintenance activities intended to keep the seating area clean and inviting for the community. The plan should address maintenance, cleaning procedures, landscaping maintenance (if applicable), as well as graffiti abatement and pest control.

- d) **Statement of Purpose:** Provide a statement of purpose describing in detail how the Parklet will be used and hours of operation (particularly the hours that the Parklet will be occupied).

- e) Site Pictures: Provide pictures of the current site conditions at the proposed location. At a minimum, pictures should include the following viewpoints:
- Looking down the parking area/parallel to the curb from each side of the proposed location.
 - Perpendicular to the proposed location, including how the location is situated in relation to adjacent properties.
- f) Insurance Certificates:
- i. Applicant's Insurance (Sidewalk Seating): \$1,000,000 General Liability naming the City of Santa Rosa as additional insured.
 - ii. Contractor's Insurance (construction): \$1,000,000 each for General Liability, Automobile Liability, and Worker's Compensation & Employer's Liability. The City of Santa Rosa shall be named as additional insured.

2) Plan Review and Approval

The Planning and Economic Development Department will review the proposal in coordination with the Fire, Water, Parking and Transportation and Public Works Departments and Divisions in order to ensure that the proposal is consistent with all applicable codes and guidelines. Applicants may receive additional comments which will need to be incorporated into the final plan prior to permit approval. Revisions and resubmittals may be required.

3) Permit Issuance

Once the proposal is deemed "approved," City staff will contact the permittee to make payment arrangements for the permit processing fee. The permittee will only be required to pay the \$128.00 encroachment permit processing fee as described in the [current fee schedule](#). All fees can be paid online, and City staff will provide instructions regarding the payment process during the plan review phase. Any applicable Parking fees must be paid prior to permit issuance. Agreements with the Water Department regarding demand fees must be executed prior to issuance. Once all necessary items have been addressed, the permit will be sent to the permittee for digital signature and final execution.

4) Construction

The permittee, or contractor performing the work, will be required to comply with all construction notifications and schedule inspections as specified on the issued permit.

5) Monitoring and Compliance

It is the responsibility of the permittee to ensure that the Parklet always remains in compliance with the conditions of the permit. Regular maintenance activities should be performed per the required maintenance plan. The area should be kept clean and inviting for members of the public.