

ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY COUNCIL OF THE OF THE CITY OF SAN MARCOS, TEXAS AMENDING CHAPTER 74 OF THE SAN MARCOS CITY CODE BY ADDING AN ADDENDUM TO NEW ARTICLE 6 THAT ESTABLISHES PROCEDURES AND CRITERIA FOR THE GRANTING OF A TEMPORARY, REVOCABLE, LICENSES FOR SIDEWALK CAFÉS, PARKLETS, AND SIMILAR SPECIAL USES OF PUBLIC RIGHTS-OF-WAY AS A MEANS TO REACTIVATE DOWNTOWN FOLLOWING THE COVID-19 STAY AT HOME ORDERS OF 2020; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ANY CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. Chapter 74, Streets and Sidewalks, of the San Marcos City Code is hereby amended by adding an addendum to new Article 6 to read as follows: ~~(Added text is indicated by underlining. Deleted text is indicated by strikethroughs.)~~:

~~ARTICLE 6.~~SIDEWALK CAFÉS, TEMPORARY PARKLETS PROGRAM 2020 AND SIMILAR SPECIAL USES OF PUBLIC RIGHTS- OF-WAY

~~Sec. 74.199.~~ Definitions.

In this article:

~~*Neighborhood Gateway Feature* means an entrance to a neighborhood or development that provides a unique sense of identity, transition, and anticipation. These features should relate to the region's natural resources, scenic views, and local cultural heritage. Gateways identify entrance points to neighborhoods. The scale includes neighborhoods that may have entries for both pedestrian and vehicular traffic. Architecture, materials, and views may be highlighted to give residents not only a sense of identity and belonging, but pride in their community.~~

Parklet, Temporary means a small area of land within a public right-of-way temporarily dedicated for use by the public for commercial or rest, relaxation, recreation, beautification, entertainment, cultural, educational and other non-commercial activities and purposes, together with improvements, such as lighting, signage, paving, benches, sculpture, landscaping, barricades and fencing, in furtherance of such purposes. ~~Use of a parklet may not be reserved for the exclusive benefit of any private person or entity, including a licensee under this article for any for profit or commercial purposes.~~

Public right of way means a strip of land over which the city has authority used or intended to be used, wholly or in part by the city, as a public street or sidewalk, or for utility purposes.

Sidewalk means that portion of a public right-of-way, not including the street, that is paved for pedestrian traffic.

~~*Sidewalk-café* means an outdoor dining area that is:~~

~~(1) associated with a restaurant with kitchen facilities for the preparation of the food to be sold, the primary business of which is the on-premises sale of prepared food;~~

~~(2) is located on a sidewalk abutting and within the span of the façade of the restaurant;~~

~~(3) open to the air; and~~

~~(4) contains removable tables, chairs, planters or other appurtenances.~~

Street means that portion of a public right of way that provides primary vehicular access to adjacent land, whether designated as a street, highway, thoroughfare, parkway, throughway, avenue, lane, boulevard, road, place, drive or other similar designation, including areas designated for on-street parking.

~~*Streetscape Improvements Temporary Parklet Manual*~~ means a manual approved by the city manager or the city manager's designee that establishes technical standards or specifications for authorized improvements and uses under this article that may be supplemented by other technical standards approved by the city manager or the city manager's designee.

~~Sec. 74.200. Authorized Special Use Temporary Parklet Licenses.~~

~~(a) (a) —~~The city manager or the city manager's designee may grant a ~~temporary parklet~~ special use license for ~~a Temporary pParklet.~~

~~— use of public right of way in accordance with the requirements of this article for the following uses:~~

~~(1) neighborhood gateway features and landscaping;~~

~~(2) parklets under section 74.204(b);~~

~~(3) sidewalk cafés;~~

~~_____ (4) supportive or decorative columns, arches or other structural or decorative features; or~~

~~_____ (5) overhead, surface or subsurface encroachments, other than signs, not specified herein.~~

~~_____ (b) The city council may grant a special use license for a parklet under Section 74.204(a).~~

~~_____ (e) _____~~ All other improvements in or uses of a public right-of-way not specified in this article addendum may only be approved as specifically provided by other ordinances or by the city council, subject to applicable laws.

~~(b) _____~~

~~(c) _____~~ ~~(d) _____~~ A special use temporary parklet license granted under this article is a revocable grant of a privilege and is not a property right, nor conveyance of an interest in real property.

~~Sec. 74.201. Exceptions.~~

~~The following improvements, facilities or uses in a public right of way shall not require a special use license:~~

~~(1) trees and decorative landscaping, including landscaping, lighting, watering systems, and other appurtenances for the maintenance thereof, the plans for which are part of an approved site preparation permit for a subdivision;~~

~~(2) utility facilities for which the city has granted a franchise permitting such use of the public right of way; or~~

~~(3) improvements, facilities or uses specifically allowed by or for which an alternate approval process is established by zoning or other ordinances of the city, e.g. projecting signs, awnings, canopies, marquees or architectural elements of a building within the downtown SmartCode or successor zoning district.~~

~~Sec. 74.202. Requirements for special use licenses Temporary Parklet licenses.~~

~~(a) _____~~ *Uses and improvements not allowed.* No temporary parklet license may be granted under this article for:

- (1) any building or structure requiring a building permit, other than a neighborhood gateway feature, supportive or decorative column, arch or other structural or decorative feature of a building;
- (2) any improvement, facility or use, the installation or allowance of which would:
 - a. result in a violation of the Americans with Disabilities Act or any other applicable local, state or federal health or safety law or regulation;
 - b. unduly interfere with the free passage of vehicles on the street or of pedestrians on the sidewalk;
 - c. create a traffic hazard; unduly interfere with the safe and efficient operation of a utility facility;
 - d. create undue adverse impacts on adjacent property owners and businesses; or
 - e. block the sight visibility triangle at an intersection; or.
 - f. require the relocation of any utility or utility facility.

(b) *General requirements for all temporary parklet licenses.* A license applicable to permitted uses and improvements allowed under this article, shall include, as applicable:

- (1) all requirements set forth in the Streetscape Improvements Temporary Parklet Manual or other applicable technical standards and specifications with which the Licensee must comply;
- (2) terms and restrictions necessary to protect public use of the public right-of-way or the facilities and access needs of a public or private utility provider;
- (3) specifications for required clearances between the improvements and utility facilities, whether above ground, underground or overhead, as prescribed by applicable building and health and safety codes, franchise agreements or state or federal laws;
- (4) a requirement that the licensee pay the cost to relocate a utility facility or improvement in a public right-of-way in connection with

the installation of the improvements, if consent is granted for such relocation;

(5) authorization for the city or a utility provider to remove, without liability, all or part of the improvements if necessary to obtain access to an affected utility facility;

(6) provisions approved by the city attorney that require the licensee to indemnify, defend, hold harmless and release the city, its officers, agents, and employees from any and all claims, losses, damages, causes of action, suits, and liability of every kind, including all expenses of litigation for injury or death of any person, or for damage to any property, arising out of or in connection with licensee's use of public right-of-way;

(7) a provision specifying that the term or expiration date of the license shall not exceed August 14, 2020. ~~that is no greater than one year;~~

(8) a provision for termination of the license for violation of its terms, subject to notice of the violation and an opportunity to cure the violation within 10-5 calendar days after receipt of the notice, except that violation of the expiration date shall be addressed immediately.;

(9) a provision for termination of the license by the city without recourse before the end of the license term when necessary to implement a capital improvements or utility project, to address threats to public health or safety, or to mitigate adverse impacts to adjacent property owners and businesses caused by the improvement or use for which the license is granted; and

(10) a provision providing for the prompt removal of all improvements or cessation of uses upon termination of the license at the Licensee's expense, including the right of the city to remove improvements upon failure of the Licensee to do so and to recover the city's cost for such removal.

~~(c) — Other minimum design and installation standards.~~

~~(1) — The city manager or the city manager's designee shall approve a Temporary Parklet Streetscape Improvements Manual and any other technical standards or specifications for authorized improvements and uses under this article, which shall include:~~

- ~~a. — provisions to ensure a minimum width of unobstructed paved areas on a sidewalk available for passage by pedestrians and other users of the sidewalk of at least six feet;~~
- ~~b. — measures deemed necessary by the city manager or the city manager's designee to address public health, safety, sanitation and aesthetic concerns;~~
- ~~c. — requirements for maintenance, repair, litter and debris;~~
- ~~d. — requirements for the protection of persons and property from injury or damage;~~
- ~~e. — requirements for installation and anchoring to prevent or minimize damage to the surface of streets and sidewalks;~~
- ~~f. — requirements for the type of construction utilized to facilitate the expeditious removal of improvements; and~~
- ~~g. — requirements for the mitigation of adverse impacts on the public or adjacent property owners and businesses.~~

~~Sec.74.203. Security for Sidewalk Café Improvements.~~

~~*Security for Restoration.* Where a barrier device, screen or fence is installed to serve a sidewalk café, the applicant shall provide sufficient security to the city to pay for the costs of the safe and orderly removal of such barrier device, screen or fence and the restoration of the public sidewalk or other public improvements to a condition similar to that existing before the installation of the barrier device, screen or fence.~~

~~(1)*Amount of Security.* The security shall be in the amount of 125 percent of the cost estimate approved by the Engineering Director for the removal of the barrier device, screen or fence and restoration of the public sidewalk and any other public improvements.~~

~~(2)*Form of Security.* The security provided to the city shall be either a cash escrow (payment of funds directly with the Finance Department of the city to be held in escrow by the city) or letter of credit in a form acceptable to the city attorney.~~

~~Sec. 74.204. Requirements for Temporary Parklets.~~

- ~~(a) (b)Approval of Temporary Parklets by city manager. The city manager or the city manager's designee shall designate may approve applications for a temporary parklet that meets the established criteria.~~
- ~~(b) a) — Approval of parklets by city council. An application for approval of a parklet which does not meet the established criteria in a parking area of a street shall be considered by the city council after a public hearing on the application. Following the conclusion of the~~

public hearing, ~~t~~The city council may approve a license agreement that identifies the parklet area and any applicable restrictions, or deny the application.

~~(b) *Approval of parklets by city manager.* The city manager or the city manager's designee shall designate appropriate locations eligible for the installation of temporary parklets and may approve applications for a temporary parklet, in areas of right-of-way that are not designated or used for parking.~~

~~Sec. 74.205.~~ Smoking and alcohol restrictions applicable to Temporary Parklets, and sidewalk cafés.

(a) ~~Temporary~~ Parklets ~~and sidewalk cafés~~ approved under this article shall be subject to the same restrictions and prohibitions against smoking as are applicable to parks pursuant to Chapter 34, Article 5 of the San Marcos City Code, together with applicable enforcement remedies and penalties thereunder.

(b) It is unlawful for any person to publicly consume or display alcoholic beverages within a parklet. No person shall be issued a citation or arrested for an offense under this subsection unless the person has first been issued a verbal warning and given an opportunity to comply with this section.

(c) In addition to any other remedies and penalties that may be pursued for a violation of this section, the city manager or the city manager's designee may revoke a license issued under this article to a licensee that commits a violation under this section.

~~Sec. 74.206.~~ Insurance

(a) *Insurance for ~~Temporary~~ Parklets ~~and sidewalk cafés~~.*

(1) No special use license shall be granted for a temporary parklet or sidewalk café unless the licensee files with the city manager or city manager's designee a certificate of liability insurance or other proof of insurance in a form acceptable to the city's risk manager confirming that the applicant has procured the insurance required by this section. If the policy is not kept in full force and effect throughout the term of the license, the special use license shall automatically become void and the improvements must be removed at that time.

(2) The insurance policy shall be issued by an insurance company authorized to do business in the state. The policy shall provide in substance that the insurer will defend against all claims and lawsuits which arise and will pay any final judgment of a court of competent jurisdiction against the city, its officers, agents or

employees. The insurance shall provide coverage in an amount of not less than \$1,000,000.00 for each single occurrence. The minimum amounts of insurance coverage may be increased by the city when it is in the best interest of the public. The policy of insurance shall name both the licensee and the city as insured parties to the full amount of the policy limits.

~~(b) Insurance for other uses. For uses other than parklets or sidewalk cafés, the city manager or the city manager's designee shall establish applicable insurance requirements if insurance is determined to be necessary.~~

~~Sec. 74.207. Application.~~

(a) An application for a temporary parklet ~~special use~~ license under this article must be filed with the department designated by the city manager on a form approved by the city manager or the city manager's designee.

~~———— (b) ——— An application under this article must include:~~

~~(1) an application fee, if any, as established by separate ordinance or resolution of the city council;~~

~~(2) a map, survey, drawing, aerial photograph or similar information, provided at the applicant's expense, identifying the area of public right of way proposed to be used under a special use license;~~

~~(3) a survey and/or title commitment if the city manager or the city manager's designee determines that the information provided by the applicant is inadequate to identify the area subject to the proposed license, to clarify conflicts in boundary lines between the city's right of way and adjacent properties, to verify ownership the subject land area or the existence of easements and other encumbrances; and~~

~~(4) a detailed description, together with plans, specifications, photographs or illustrations of the proposed improvements or installation.~~

~~———— (c) ——— The application shall be delivered for comment to:~~

~~———— (1) ——— affected city departments;~~

~~(2) the owners of property or businesses abutting the proposed licensed area; and~~

~~———— (3) ——— affected utility providers.~~

~~Sec. 74.208. Provisions for parklets subject to review after one year.~~

~~In the month of August, 2016, the city council shall review and consider the provisions of this ordinance that allow for and relate to parklets to determine their effectiveness and impact on the community, and whether to continue, amend or repeal such provisions. The city council may also review this ordinance at any other time it deems appropriate. During this review period, no more than five licenses for parklets may be approved.~~

SECTION 2. In codifying the changes authorized by this ordinance, paragraphs, sections and subsections may be renumbered and reformatted as appropriate consistent with the numbering and formatting of the San Marcos City Code.

SECTION 3. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 4. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 5. This ordinance will take effect after its passage, approval and adoption on second reading and will remain in effect until August 15, 2020 except that any enforcement related to this ordinance will continue until resolved.

PASSED AND APPROVED on first reading on ~~August 18, 2015~~DATE.

PASSED, APPROVED AND ADOPTED on second reading on ~~September 1, 2015~~DATE.

~~Daniel Guerrero~~Jane Hughson

Mayor

Attest:

Approved:

~~Jamie Lee Pettijohn~~Tammy Cook

Michael J. Cosentino
Interim City Clerk

City Attorney



City of San Marcos Pilot Program City of San Marcos

STREETSCAPE IMPROVEMENTS TEMPORARY



Table of Contents

STREETSCAPE IMPROVEMENTS MANUAL

Parklets Introduction.....	3
Application.....	4
Design.....	6
Responsibilities of Permit Holders.....	9
Sidewalk Cafés	11
Neighborhood Gateway Features.....	16

SUPPLEMENTAL DOCUMENTS

Pilot Parklet Program Application Form.....	18
Parklet Checklist.....	21
Sidewalk Café Application.....	23
Sidewalk Café Checklist.....	25
Neighborhood Gateway/ Right-of-way Improvement Checklist.....	26

License and Maintenance Agreement Sample

Ordinance 15-01

PARKLETS INTRODUCTION

INTRODUCTION

In cities across the country, there is a movement afoot to reclaim and repurpose underutilized spaces for people through the use of parklets. Parklets are the reuse of on-street parking spaces or unused portions of right-of-way to provide amenities and green space for the general public. Parklets are intended as aesthetic enhancements to the streetscape and can incorporate seating, plantings, bike parking, and art, providing an economical solution to the need for increased public open space. The City of San Marcos has enacted a Temporary Pilot Parklet Program to provide an aesthetic enhancement to the downtown streetscape and provide businesses with additional visible service area as a means to reactivate downtown following the COVID-19 stay at home orders of 2020. to help promote economic vibrancy in downtown San Marcos in the aftermath of the COVID-19 pandemic. allowing 5 total parklets within a one-year period subject for review by the San Marcos City Council.

WHAT ARE PARKLETS?

Parklets are generally one or two parking spaces long and are built out of semi-permanent materials installed in a way that does not require reconfiguring the roadway or pouring concrete. By not requiring a concrete base, parklets are a fast and less expensive way for the City to bring sidewalk improvements to a neighborhood vibrancy to downtown. Parklets are used to encourage pedestrian oriented development and have been shown to increase the economic activity of the neighborhood. While parklets are funded and maintained by businesses, residents, and community organizations, they are intended to provide benefits to all uses of the public rights-of-way.

ORIGINS

The parklet initiative was first introduced in San Francisco in 2009 through a city-wide Park(ing) Day. The program encouraged citizens to design and install a temporary park within a parking space resulting in 975 “parks” in 162 cities across 35 countries and 6 continents. The San Francisco Planning Department led the initial effort to install a Parklet Pilot Program known as *Pavement to Parks*. In order to avoid a lengthy permit process, it defined this project as “removable” in character and implemented a unique design and construction guidelines manual.



BENEFITS & PURPOSE

Parklets have significant implications for cities. By increasing pedestrian activity and encouraging pedestrians to linger in an area longer parklets encourage economic growth. San Francisco's first parklet, sponsored by *Mojo Bicycle Café*, featured a simple design with bright red tables, silver chairs, and three bike racks. The results were impressive:

Parklets have the potential to increase commercial and residential occupancy, encourage pedestrian traffic, and highlight the character of the neighborhood.

- ❖ 37% rise in weekday evening pedestrian traffic;
- ❖ 14% increase in the number of people walking their bikes within the study area;
- ❖ 10% rise in positive public perception of the area's community character. As more cities and downtowns become aware of these advantages, it can be expected for parklets to continue to grow in popularity. With this, the trend of reclaiming space for people will continue to grow, one parking space at a time.

APPLICATION

PRE-APPLICATION

Prior to submitting an application, applicants are **required** to schedule an appointment with the Planning and Development Services department for a Pre-Development meeting with the Planning and Development Services Department to verify the viability of the location and proposed elements. Parklets should be proposed in areas where they are likely to be used and active. The results of the Pre-Development meeting do not guarantee approval of the Parklet location and design. To sign up for a Parklet Pre-Development meeting To schedule a meeting, please email planninginfo@sanmarcostx.gov with your top 3 dates/times of availability.

APPLICATION AND PROCESS

After the Pre-Development meeting, the applicant may begin the process of completing the application and supporting materials. Applications can be submitted online at www.mygovernmentonline.org. A completed application will include the following:

1. City of San Marcos Parklet Application
- ~~2. Application Fee submitted with Application~~
- ~~3-2.~~ 2. A map, survey, drawing, aerial photograph, site plan or similar information showing the footprint/outline of the proposed parklet, including dimensions of parklet, property lines, existing sidewalk width, existing parking stalls/alignment and all existing sidewalk furniture and obstructions; e.g. fire hydrants, utility poles, street trees, etc.
3. A description of type(s) of elements proposed to be placed in the parklet; e.g. tables, chairs, benches, planters/landscaping, bicycle parking, etc.
4. A detailed description of safety elements that will be installed adjacent to travel lanes and open parking spaces.
- ~~5. Final dimensioned site plan including all details, plant species, furniture types, etc.~~
- ~~6-5.~~ 5. City of San Marcos License and Maintenance Agreement, approved by the City Manager.
- ~~7-6.~~ 6. Proof of Insurance as required
- ~~8. Documentation of support from abutting property/business owners is required. Additional documentation of community support is encouraged.~~

~~The application package, including all supporting materials, should be submitted to the City of San Marcos Permit Center at www.mypermitnow.org. The application will be reviewed by City Staff to determine if the application meets all designated requirements. Additionally, reviewing staff will analyze aspects of the application and plans such as enhancement of streetscape, location, community support, and maintenance plan.~~



APPROVAL

Once City staff determines an application is complete and meets the standards set forth below, by the City of San Marcos Streetscape Improvements Manual, the Planning and Development Services Department will issue an ~~administrative~~ temporary parklet permit. ~~either approve the parklet administratively or forward the request and application to the City of San Marcos City Council for final approval.~~

~~Parklet applicants must work through the following outlined process in order to receive approval to begin the construction of a Parklet. There are two types of parklet approvals:~~

1. ~~**Approval of parklet by City Council:** An application for approval of a parklet in a parallel **parking area** of a street shall be considered by the City Council after a public hearing on the application. Parklets are only permitted in parallel parking spaces.~~
2. ~~**Approval of parklet Administratively:** The City Manager or the City Manager's designee shall designate appropriate locations eligible for the installation of parklets and may approve applications for a parklet in areas of right of way that are **not designated for parking.**~~

DURATION

Approved parklets will be permitted from the date the permit is issued until August 14, 2020. All parklet installations must be removed no later than August 15, 2020 in preparation for the Fall Semester at Texas State University. The owner of any parklet not removed on or before August 15, 2020 will be subject to immediate enforcement action. for [INSERT END DATE] one full year after their installation and must be designed for easy de-installation. All approved parklets are temporary installations and are subject to removal with any violation of the permit, maintenance, or general procedure. ~~Parklets are subject to annual review and must obtain a renewal permit and pay associated renewal fee.~~



DESIGN

The parklet design and location shall conform to the following design guidelines, as well as any additional standards made part of the approval of the individual parklet. Additional requirements and further details can be found in Ordinance [2020-XX2015-01](#).

1. LOCATIONS

Parklets are allowed in parallel or angled parking spaces or within unused right-of-way. There shall be no more than two parklets per block. Each parklet shall be limited to utilizing no more than two parking spaces;

2. CORNER LOCATIONS

The proposed parklet site shall be located at least one parking spot from a corner or protected by a bollard, sidewalk bulb-out, or other similar feature, if located at the corner.

3. SPEED LIMIT

Parklets are permitted where the posted speed limit is 30 mph or less. Streets with higher speed limits may be considered on a case-by-case basis.

4. STREET SLOPE

Parklets must be situated on streets with a running slope (grade) of five percent or less or provide a level surface to meet this grade.

5. BUFFERS & SAFETY ELEMENTS

Parklets shall be required to have a buffer to protect users from street traffic. Buffers can be either reflective tape, planters, durable seating, temporary railing/edging, or other visible, protective edging as approved by staff in the application process. ~~Traffic cones are not recommended but may be allowed on a case-by-case basis. soft hit posts, wheel stops, and depending on proposed location, may require edging such as planters, railings, or cables, to protect users from street traffic.~~ Parklets must be situated a minimum of 2 feet from the nearest edge of traveled way. Planters used as edging features are required to be large and durable, ~~and not easily removed.~~ All edging and buffering mechanisms will require City approval. ~~Parklets located in unused portions of right-of-way require curb stops per City specifications.~~

6. UTILITIES

Parklets shall not be allowed in front of a fire hydrant, or over a manhole, public utility valve, or cover. Curb and roadside drainage shall not be impeded by the parklet. If decking is being constructed, the decking platform

should allow for easy access underneath ~~the platform~~ and curbside drainage ~~shall~~may not be impeded. A gap of 6" should be maintained between the body of the deck and the ~~curb~~asphalt to facilitate the movement of water.

7. ADA REQUIREMENTS

All elements of Parklets shall be constructed and/or installed to conform to the applicable provisions, rules, regulations, and guidelines of the Americans with Disabilities Act (ADA).

8. DESIGN FOR EASY REMOVAL

Parklets are temporary in nature and must be designed for easy removal. All removable furniture must be locked or stowed each night.

9. PARKLET DECKING

Parklet decking must be flush with the curb and may not have more than ½" gap from the curb. If decking is installed, a minimum 36" ADA accessible entryway to the parklet must be maintained for all parklets. Platforms shall not exceed a 2% cross slope. Decking will need to be constructed of durable material capable of withstanding weather elements. Deck installation shall not t damage the sidewalk, street, curb, or any aspect of the public right-of-way. Due to the temporary nature of the parklet, any proposed decking shall not be allowed to be bolted into the asphalt.

10. EDGING

All proposed edging shall be visually permeable. Due to the temporary nature of the parklets, all edging or railing shall not be bolted to the asphalt. Therefore, any edging or railing will need to be removed each day so as not to blow away or fall when the parklet is not in use. The temporary railing shall be durable enough to stand on its own and should have a sturdy base.~~All rails must be capable of withstanding a 200-lb horizontal force.~~

~~11. MATERIALS~~

~~Materials should be high quality, durable, waterproof, and capable of withstanding heavy use and exposure to the elements. Loose particles such as sand or loose stone are not permitted within the parklet area. All furniture must be designed for outdoor use.~~

~~12-11.~~ VISUAL DESIGN

Parklet designs must maintain a visual connection to the street and not obstruct sight lines to existing businesses or roadway signage. While not visible from the sidewalk, the parklet's back is highly visible from across the street. Large blank walls, therefore, are discouraged.

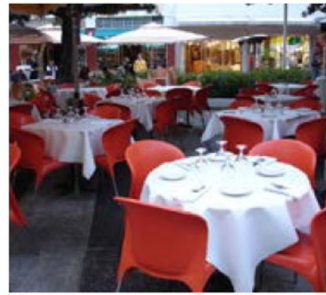
12. MATERIALS

Materials should be high quality, durable, waterproof, and capable of withstanding heavy use and exposure to the elements. Loose particles such as sand or loose stone are not permitted within the parklet area. All furniture must be designed for outdoor use. The following images outline allowed material and furniture types. Sofas as parklet furniture is prohibited.

MATERIALS

~~Tables, chairs, and outdoor appurtenances must be durable, waterproof, and able to withstand weather elements. All sidewalk café furniture and appurtenances must be maintained to the standards of the original permit for the duration and life of the sidewalk café. The following images outline allowed and prohibited material and furniture types:~~

Allowed materials: metals, sturdy plastic chairs, wood, sturdy recycled materials~~metals, finished grade wood, sturdy recycled materials~~



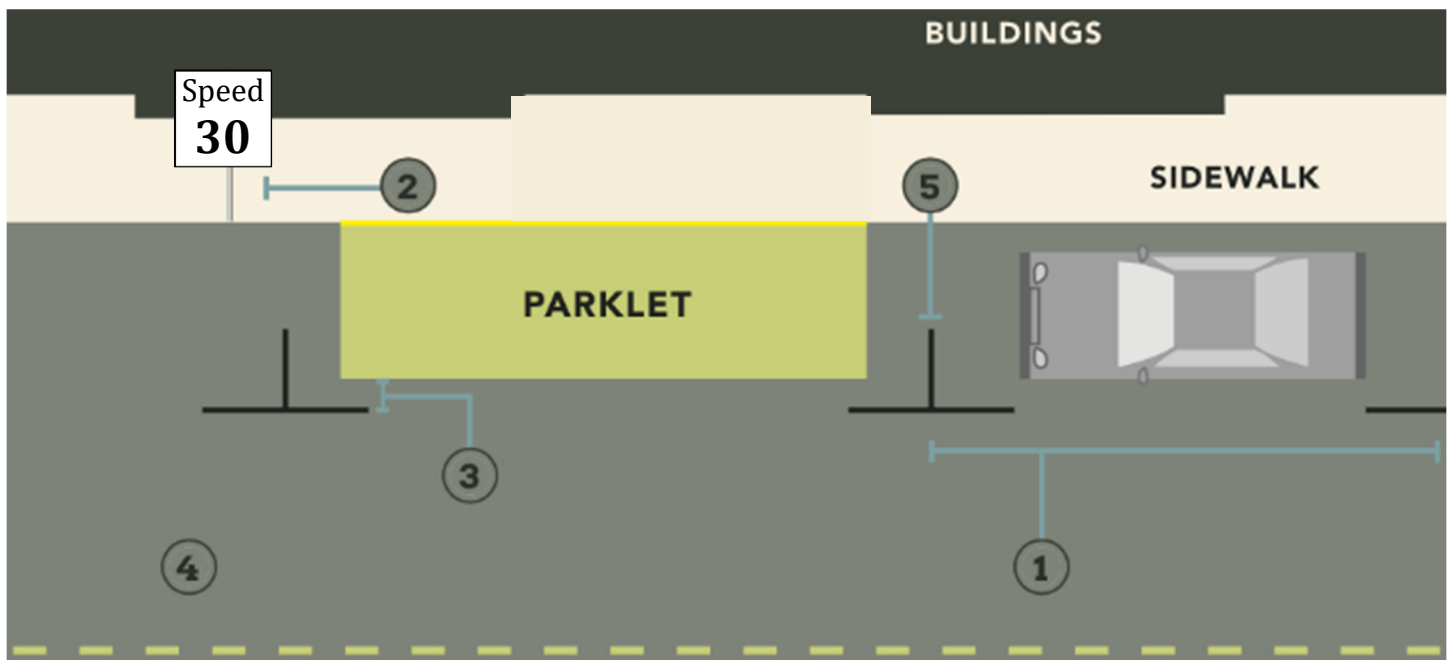
Prohibited materials: breakable plastics, unfurnished lumber, turf, sofas



DESIGN, cont.

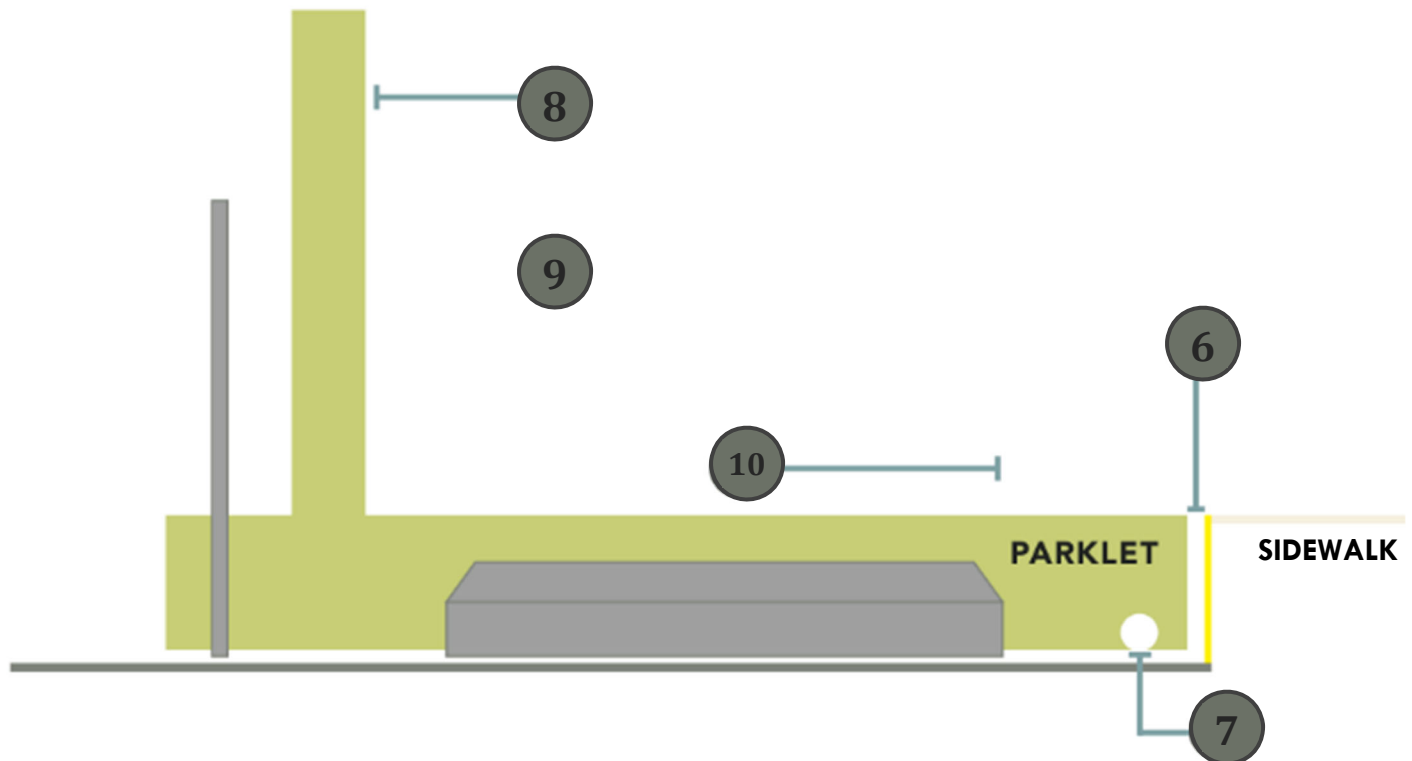
PLACEMENT GUIDELINES

Diagram of design standards.



1. Located at least one parking stall from a corner (*If located at corner, parklet must be protected by a bollard, sidewalk bulb-out, or other similar feature*).
2. In an area with a posted speed limit of 30mph or slower.
3. Minimum of 2 feet from the nearest edge of traveled way.
4. Street has a grade of no greater than 5%.
5. Buffer to protect users from street traffic. ~~Must have reflective tape, soft hit posts, wheel stops, and additional edging such as large planters to provide safety buffer.~~

DESIGN, cont.



6. If decking is installed, Parklet decking must be flush with the curb and may not have more than $\frac{1}{2}$ " gap from the curb. If this is impossible, the parklet must be ADA accessible. A minimum 36" ADA accessible entryway to the parklet must be maintained for all parklets.
7. The platform should allow for easy access underneath the platform and curbside drainage may not be impeded. A gap of 6" should be maintained between the body of the deck and the curb-asphalt to facilitate the movement of water.
8. All edging shall be visually permeable.
9. The temporary railing shall be durable enough to stand on its own and should have a sturdy base. ~~All rails must be capable of withstanding a 200 lb horizontal force.~~

RESPONSIBILITIES OF PERMIT HOLDERS

Parklets permit holders are responsible for the following. Additional requirements and further details can be found in Ordinance ~~2020-xx~~2015-01.

- ~~Keep parklet free and open to all members of the public.~~
- Keep parklet well maintained and in good repair with daily cleaning.
- Keep parklet free of debris, grime, and graffiti.
- Water and maintain all parklet vegetation.
- Provide pest control as needed.
- No ~~table service or~~ alcohol is allowed in the parklet.
- No smoking is allowed in the parklet.
- Amplified music is prohibited in the parklets.
- The City will provide each parklet with signage advertising the sponsoring business in order to be placed in the parklet. No advertising signage is allowed in or on the parklet. The parklet may include informational signs unless approved by ... (businesses may include informational signs such as "no smoking" or "no alcoholic beverages").
- ~~Provide trash and recycling receptacles~~ Permit holders are responsible for all maintenance within the sidewalk café.
- ~~The permit holder is responsible for ensuring all activities on the sidewalk stay within the approved area.~~
- If food service is proposed within the parklet:
 - The kitchen facilities must be a permitted Food Service Establishment in good standing.
 - ~~Food~~ Food trays, carts, receptacles for dirty dishes, etc. shall not be placed or stored on any portion of the sidewalk or parklet.
 - Non-disposable dishes, silverware, and linens must be used to prevent items from blowing off tables.
 - Cooking appurtenances are prohibited within the parklet.
- ~~Must use non-disposable dishes, silverware, and linens to prevent items from blowing off tables.~~
- ~~Sidewalk café must be free of debris, grime, and graffiti.~~
- ~~Planter boxes within sidewalk cafés must be watered and maintained.~~
- ~~Sidewalk café must contain~~ Any proposed removable tables, chairs, planters or other appurtenances that should be locked or stowed nightly according to City standards and best methods. Bolting of fence/barrier is allowed with City approval.
- ~~The permit holder must provide for at least one trash receptacle~~ and one recycle bin that is emptied during the day and every night.
- ~~No smoking in the sidewalk café.~~

TRASH & RECYCLING REQUIREMENTS

~~The permit holder is required to provide pre-approved~~ trash and recycling receptacles sufficient for the proposed use and is subject to the following requirements:

- Food service establishments must provide both receptacles which shall be no smaller than 10 gallons.

- Retail or other non-food service establishments must provide both receptacles, however a minimum size is not required.
- Receptacles must be emptied by the permit holder at any time they are visibly full.
- All waste and recycling generated within the parklet is the responsibility of the permit holder. This includes items that are blown from the parklet.
- Bin covers are encouraged.
- Black trash and blue recycling receptacles are encouraged.
- in accordance with recommended City standards. ~~Scheduled pick-up of receptacles will need to be contracted through the City.~~ Receptacles are encouraged to be designed creatively considering the design meets the following guidelines:
- Receptacles must be no larger than 18 gallons.
- Trash receptacles shall be black in color; recycle receptacles shall be blue in color.
- Shall be constructed of durable, waterproof materials.
- Shall include a cover.
- If the permit older does not currently have access to recycling facilities, the permit holder will need to work with city staff to find an accessible recycling facility.



Ex: appropriate color scheme



Ex: creative design



Ex: covered enclosure

ADDITIONAL RESOURCES

For additional information on parklet origins, design, and inspiration from other cities, please view the San Francisco Parklet Manual V.2, <http://pavementtoparks.sfplanning.org/parklets.html>.

DESIGN REQUIREMENTS

Sidewalk cafés must meet the following design requirements. Additional requirements and further details can be found in *Ordinance 2015-01*.

- ~~Must be associated with a restaurant with kitchen facilities for the preparation of the food to be sold, the primary business of which is the on-premises sale of prepared food.~~
- ~~The kitchen facilities must be a permitted Food Service Establishment in good standing.~~

- Must be located on a sidewalk abutting and within the span of the façade of the restaurant.
- Must not interfere with visibility for drivers at street corners.
- Must be open to the air.
- Must contain removable tables, chairs, planters or other appurtenances that should be locked or stowed nightly.
- Chairs, tables, and outdoor appurtenances must be durable, waterproof, and built to maintain weather.
- Must have a minimum of 6 feet clearance along sidewalk.
- Amplified music is prohibited in Sidewalk Cafés.
- Cooking appurtenances are prohibited within the sidewalk café.
- Propane heaters are allowed on a case-by-case basis subject to Fire Marshal approval.
- All elements of Sidewalk Cafés shall be constructed and/or installed to conform to the applicable provisions, rules, regulations, and guidelines of the Americans with Disabilities Act (ADA).
- Any proposed signage must comply with Sign Ordinance. Advertising on umbrellas sidewalk cafés is prohibited.

RESPONSIBILITIES OF PERMIT HOLDERS

Sidewalk cafés must meet the following requirements. Additional requirements and further details can be found in *Ordinance 2015-01*.

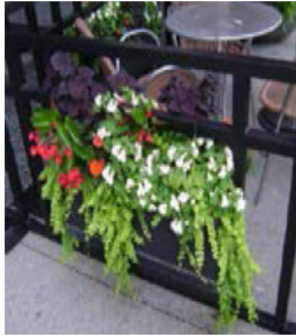
- Permit holders are responsible for all maintenance within the sidewalk café.
- The permit holder is responsible for ensuring all activities on the sidewalk stay within the approved area.
- Food trays, carts, receptacles for dirty dishes, etc. shall not be placed or stored on any portion of the sidewalk.
- Must use non-disposable dishes, silverware, and linens to prevent items from blowing off tables.
- Sidewalk café must be free of debris, grime, and graffiti.
- Planter boxes within sidewalk cafés must be watered and maintained.
- Sidewalk café must contain removable tables, chairs, planters or other appurtenances that should be locked or stowed nightly according to City standards and best methods. Bolting of fence/barrier is allowed with City approval.
- The permit holder must provide for at least one trash receptacle that is emptied during the day and every night.
- No smoking in the sidewalk café.

BARRIERS

If fences, planter boxes, or other barriers features are proposed surrounding the sidewalk café, ensure that they do not cause damage to the sidewalk and are constructed and artfully designed. Barriers help define the sidewalk café area while also maintaining transparency and aesthetic design.

- Fencing must not exceed 42" in height.
- Fencing must be generally transparent. Solid sheet fencing surfaces are not permitted.
- Fencing must be constructed of high-quality finish materials. Fencing should be constructed with a railing, rope, or other horizontal element; posts with pointed tops are not permitted.
- Landscaped planters may be used as a fencing device.
- Stand-alone fencing mechanisms must have a flat base. Rounded fence bases are prohibited.
- All fencing required for the purposes of on-premise consumption of alcohol will require TABC approval.
- All sidewalk café barriers and appurtenances must be maintained to the standards of the original permit for the duration and life of the sidewalk café.

Allowed barriers: planter boxes, movable pots, rod iron, flat footing



Prohibited barriers: chain link, unstable sectional fencing, waste receptacles, rounded barriers, cables.



MATERIALS & FURNITURE

Tables, chairs, and outdoor appurtenances must be durable, waterproof, and able to withstand weather elements. All sidewalk café furniture and appurtenances must be maintained to the standards of the original permit for the duration and life of the sidewalk café. The following images outline allowed and prohibited material and furniture types:

Allowed materials: metals, finished grade wood, sturdy recycled materials



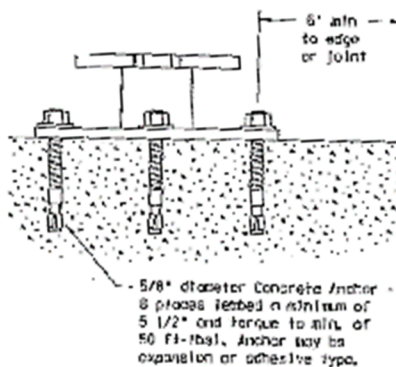
Prohibited materials: breakable plastics, unfurnished lumber, turf, sofas



INSTALLATION / REMOVAL

- Core drilling or setting of posts for sidewalk café fencing or additional apparatuses is prohibited.
- Bolting or stand-alone bases are permitted.
- Bolting must be **no greater than 2 inches in length and accompanied by an epoxy.**
- All bolts, bolting methods, and proposed layout of bolting location must be pre-approved by the City.
- If bolting of fencing is proposed, removal method will need to be submitted to the City for approval.
- If bolting is proposed, a surety bond will need to be submitted to the City for the estimated cost of removal in accordance with Ordinance 2015-01.
- Any bolting or damages to the sidewalk will need to be remediated. Sidewalk will need to be brought to original conditions.
- The below standard detail outlines City specifications

CONCRETE ANCHOR



Concrete anchor consists of 5/8" diameter stud bolt with UNC series bolt threads on the upper end, Heavy hex nut per ASTM A563, and hardened washer per ASTM F436. The stud bolt shall have a minimum yield and ultimate tensile strength of 50 and 75 KSI, respectively. Nuts, bolts and washers shall be galvanized per Item 445, "Galvanizing." Adhesive type anchors shall have stud bolts installed with Type III epoxy per AWS-6100, "Epoxyes and Adhesives." Adhesive anchors may be loaded after adequate epoxy cure time per the manufacturer's recommendations. Top of bolt shall extend at least flush with top of the nut when installed. The anchor, when installed in 4000 psi normal weight concrete with a 5 1/2" minimum embedment, shall have a minimum allowable tension and shear of 3900 and 3100 psi, respectively.

