



City of Woodland
Community Development Dept.
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Appendix I - Rules & Regulations Citywide Parklet Program Permit for restaurant / café establishments

Program validity:
May 2022-November 2024

These Regulations pertain to the “Citywide Parklet Program Permit Application”. The Applicant of this Permit consents to have read and agreed to the stipulations detailed within this document.

The City reserves the right to determine on a case-by-case basis the suitability and appropriateness of the public property requested by the Applicant Business for a parklet. The City reserves the right to terminate any permit at any time due to non-compliance with the requirements outlined in this document and the Application. Additionally, issuance of a permit does not grant a vested right to continue operation of a parklet. The City may decline to renew a permit or terminate the Citywide Parklet Program at any time. Upon notification that a permit will not be renewed by the Applicant Business, or upon notification from the City that a permit will be terminated due to non-compliance, the Applicant Business shall have 30 days to remove the parklet from the premises and restore the road right-of-way to its original condition, at the cost of the Applicant Business. Furthermore, and applicable to all Applicant businesses unless a permit extension has been approved by City Council, at the end of the Citywide Parklet Program's validity on November 1, 2024, the Permittee shall remove the parklet from the premises and restore the road right-of-way to its original condition by 5pm that day, at the cost of the Applicant business.

Within this document:

- “Applicant” means the business-to-consumer restaurant / café (“food”) establishment applying for the permit.
- “Parklet” means a structurally sound outdoor use area within a public parking stall.

The applicant understands and agrees that the permit, once issued, is subject to the following requirements:

- 1) **Encroachment Permit:** As a condition to receipt of a Parklet Program Permit, the Applicant must also secure a long-term encroachment permit in accordance with Chapter 12.08 and specifically Section 12.08.090 of the Woodland Municipal Code. Applications for the Citywide Parklet Program Permit and the long-term encroachment permit may be processed concurrently. Encroachment Permit fees shall be waived by the City.

2) **Insurance:**

- a) Applicant - The Applicant shall maintain in full force and effect, at its sole cost and expense, Commercial General Liability insurance coverage for claims of bodily injury and property damage liability not less than \$1,000,000 for each occurrence. It shall provide the City with an Additional Insured Endorsement and primary and non-contributory endorsement **naming the City of Woodland and its officers, agents and employees as additional insured**, and clearly identifying additional areas of policy coverage including the address and location description (including measurements) of outdoor patio/dining space and/or parklet. The City of Woodland can provide sample language to include within endorsement, as needed.
- b) Contractor – If construction for the parklet is performed by a Contractor, the Contractor shall provide proof of commercial general liability, automobile insurance, and workers compensation insurance (if applicable) to the City in amounts and with policies, endorsements and conditions required by the City for the Services. Please contact the City for these requirements.

3) **Indemnification:** The applicant shall indemnify, protect, defend, save and hold City, its officers, agents, and employees harmless from any and all claims or causes of action for death or injury to persons, or damage to property resulting from intentional or negligent acts, errors, or omissions of the Business or its officers, employees, volunteers, and agents, or from any violation of any federal, state, or municipal law or ordinance, to the extent caused, in whole or in part, by the willful misconduct, negligent acts, or omissions of the business or its employees, subcontractors, or agents, or by the quality or character of the Business's work. It is understood that the duty of Business to indemnify and hold harmless includes the duty to defend as set forth in Section 2778 of the California Civil Code and including attorney's fees. Acceptance by City of insurance certificates and endorsements required under this Permit does not relieve Applicant from liability under this indemnification and hold harmless clause. This indemnification and hold harmless clause shall apply to any damages or claims for damages whether or not such insurance policies shall have been determined to apply and shall further survive the expiration or termination of this Permit. By execution of this Application, the Applicant Business acknowledges and agrees to the provisions of this Section and that it is a material element of consideration. The City reserves the right to determine on a case-by-case basis the suitability and appropriateness of the public property requested by the Applicant.

4) **Americans with Disabilities Act (ADA):** The Parklet Area itself must have ADA compliant access and furthermore shall ensure ADA compliance in the immediate adjacent public right-of-way, unless circulation is otherwise rerouted at the discretion and approval of the City. In particular, a minimum four-foot (4'0") wide path of travel must be maintained along all pedestrian walkways from the Parklet to all storefronts, regardless of the width of the sidewalk. This provision additionally applies during the installation/construction phase of the proposed patio/parklet.

5) **Alcohol and Beverage Control (ABC) Regulations:** The Applicant shall comply with all applicable State and County laws and regulations pertaining to outdoor dining/use (including, but not limited to sale and consumption of alcoholic beverages) under this provision. Applicants shall furthermore comply with all applicable California ABC regulations regarding alcohol use for their operations

within extended outdoor space. Applicants are solely responsible for securing a valid ABC license to allow/extend business operations within the Parklet. A Permit does not constitute approval by the ABC or City of alcohol use in the Parklet.

- 6) **Sanitation and social distancing:** While in effect, The Applicant is responsible for adhering to all health and safety standards as outlined by State of California and Yolo County.

- 7) **Waste management:** The Applicant is responsible for maintaining the Parklet Area free of trash and debris at all times. The Applicant is required to provide and install at least one of its own trash receptacles within the designated area and shall be emptied by the Applicant as needed throughout the day. City-owned trash receptacles nearby the Applicant's Parklet Area shall furthermore be monitored for waste associated with business activity and emptied by the Applicant as needed. City staff will be responsible for emptying these trash cans at the normal allotted frequency.

- 8) **Hours of operation:** Unless hours of operation are expressly extended or restricted by the Permit, hours of operation for the Parklet Area shall coincide with normal business hours of operation.

- 9) **Cost:**
 - a) The Applicant shall be responsible for an annual renewal fee to the City of \$500 per parking space. Per discretion of the City, no parklet may exceed two parking spaces in a row, regardless of the businesses it serves. The renewal process, shall include both the renewal fee, as well as a City-conducted review of the parklet structure. The initial application and renewals shall be submitted to the City by September 1st of every year, with prorated monthly fees, as applicable.
 - b) The cost associated with stolen or vandalized items (i.e. tables, chairs, etc.) and / or materials of the Parklet (i.e. roofing, flooring, etc.) shall be borne by the Applicant, and repaired/replaced within **14 days** of written notice from the City. The City is not liable for any stolen or vandalized materials associated with the Parklet, and therefore highly recommends locking all equipment when not in use.

- 10) **Materials, furniture, and decorative elements:** Materials used in association with the Parklet must be durable, load resistant (when relevant), weather treated and weather resistant, and easy to clean. **Applicant must keep area attractive, clean, and be able to easily repair or replace any broken / damaged components at their own cost within 14 days of written notice from the City.**
 - a) Permanent roofing shall not obstruct adjacent business' storefronts and shall be subject to inspection/approval by the City. Shade structures such as umbrellas shall be well anchored so as not to blow into drive aisles or walkways. Shade structures must have a minimum 7' clear height from the sidewalk at all times. Canvas, canvas umbrellas, and pergola wooden or metal structures are permitted. Roofing and shade structures are subject to additional review/approval by the Community Development Department prior to installation.

- b) Round bistro tables, high top seating, or any other tables are permitted given that they are made from metal, weather resistant or treated wood. Wooden tables shall be properly sealed (i.e. wood stain/varnish) to ensure longevity, cleanliness, and attractiveness. Unless authorized by the City of Woodland, indoor tables should not be used for outdoor seating. ADA seating must be ensured.
- c) Electrical wiring running along ground should be avoided, but if necessary, must be secured according to ADA requirements. Power to the parklet must be drawn exclusively from the Applicant's business – the Applicant shall not draw power from City lamp posts.
- d) LED lighting is required for all lighting.
- e) The parklet must have plants or other greenery to improve overall aesthetic. Plant selection and placement is subject to review/approval by the Community Development Department prior to installation. All plants must be maintained in good health by Applicant.
- f) Heaters and misters are subject to review by the City prior to installation.
- g) Temporary signage may be placed at or near the Parklet Area, provided that such signs do not block, impede or otherwise interfere with the roadway or sidewalk and the safe travel of vehicles and pedestrians (compliant with ADA standards). Signage shall be well anchored so as not to blow into the roadway or walkways.
- h) If **encroachment onto sidewalk or parking space extends to a neighboring storefront**, the **Applicant must consult with, and receive written approval from its neighboring businesses and property owner (if different from business owner)**. This written approval is to be submitted by the Applicant to the City, who will re-verify approval with the neighboring business in question.

11) **PARKLET-SPECIFIC REQUIREMENTS:**

a) **General:**

- i) Parklet design must be submitted to the City for consideration before construction. The Applicant must notify the City of renovations, furniture, or additional components that were not part of the original Parklet design for approval (prior to implementation).
- ii) Parklets that partially or fully encroach on adjacent business' storefront must receive written confirmation from the affected business owner and property owner (if different). Failure to obtain written consent from the affected business means that the parklet must not extend past the property line of Applicant business' storefront.
- iii) Parklets are not permitted to occupy any space marked and designated for ADA parking.
- iv) Parklets are not permitted to be installed in areas marked with red curb for no parking near intersections.
- v) Activity outside of the scope of the Applicant's business activity, including but not limited to live or amplified sound within the Parklet area is subject to City approval. Depending on the activity, the activity may also be subject to a Special Events Permit.

b) **Measurements (see diagram):**

- i) Each parking space measures approximately 7'5" wide x 22" long.
- ii) The curb is 5 ½-7 ½" high from the street.
- iii) Vertical barrier elements must be a minimum of 32" high and a maximum of 36" high. Plants and greenery may surpass this height requirement if written consent is given to the Applicant by the City.
- iv) Shade structures must have a minimum 7' clear height from the sidewalk at all times.

- v) The Parklet may extend past the parking stalls and encroach onto sidewalk if a minimum clear 4-foot ADA-compliant path is maintained between the use space and the storefront.

c) **Base/Platform Requirements:**

- i) The Parklet base should be a freestanding structural foundation that rests on the street surface and should be able to withstand 100 lbs. per square foot at a minimum. If the base is to be permanently attached to the street, curb, or adjacent planting strip, the applicant must first obtain written confirmation from the City.
- ii) Wood decking (pressure treated/weather resistant wood), or other ADA compliant decking, per the written approval of the City, shall be used as the Parklet's base. It shall be properly sealed (i.e. wood stain/varnish) to ensure longevity, cleanliness, and attractiveness.. Routine staining/treating of wooden decking is required of applicant at its own cost.
- iii) The applicant must be able to **allow access to underground utilities beneath the parklet within 24 hours**, at the cost of the Applicant business. It is therefore strongly recommended for the Parklet to be built in easily removable sections.
- iv) Gutters must remain free of obstruction, must maintain proper gutter flow and must be kept clean by applicant, including parking spaces immediately adjacent to parklet. Screens shall be added to the ends of the Parklet gutter zones to reduce the amount of debris entering the gutter. The side of the base along the street side should be elevated at least ½ from the pavement to allow rainwater to flow underneath the base to the gutters. It is recommended that parklet design allow for ease of access to gutter beneath the parklet base for debris removal. The City shall conduct periodic gutter checks. If debris is detected, the Applicant business shall have 24 hours to clear the debris/obstructions.
- v) No more than a maximum horizontal gap of ½ inch and maximum vertical height discrepancy of ¼ inch between the curb and the base is allowed.

d) **Perimeter/Enclosure Requirements**

- i) K-rails along with other safety buffers, such as heavy planters or filled wine barrels that can withstand a minimum of 200 lbs. of horizontal force must be placed along the sides of the Parklet that are exposed to vehicle traffic and/or parking.
- ii) K-rails may be provided by the City upon request. If provided, the applicant shall agree to assume all maintenance for the k-rail units and must replace if gone missing or irreparable. In particular, the Applicant must be able to have easy access to the k-rails in order to refill them with water (as water levels diminish over time).
- iii) The Parklet must have a continuous perimeter enclosing the k-rails within its design along the perpendicular and parallel edges to the street. The enclosure shall be placed in a manner to ensure small children and/or pets cannot enter the adjacent travel way, and k-rails must be completely enclosed so that they are out of sight from all angles.
- iv) Damages, including dented or broken perimeter walls or roofing must be replaced or repaired at the cost of the Applicant, within **14 days of written notice from the City**.
- v) Plexiglas or other barriers shall not be installed unless written consent is given by both the City and any business owner (if visibility to said business owner's storefront could be hindered).
- vi) The Parklet's design shall be created such that a wheel stop can be installed along the sides perpendicular to traffic. Wheel stop shall be installed by City, at its discretion. If installed, the wheel stop shall be placed on the end mark/tee of its immediate adjacent parking

- stall. A clear distance of 4 feet shall be provided from the wheel stop's placement to the nearest point of the Parklet.
- vii) The Parklet's barrier must have retroreflective elements such vertical delineators or applied retroreflective tape to ensure visibility facing the street.
 - viii) Appropriate LED lighting, such as string lights, shall be provided in the parklet during business hours and furthermore remain illuminated throughout the night for safety. Lighting must be connected to a timer.
 - ix) Roofing must be pre-approved by the City before installation.

12) **Overview of prohibited activity within outdoor use space (unless otherwise approved in writing by City):**

- a) Consumption of alcohol except in compliance with a valid ABC license
- b) Advertising from outside vendors
- c) Amplified sound (ambient background music allowed)
- d) Smoking
- e) Storage of food trays or carts
- f) Gas or diesel generators

Figure 1: Parklet setup

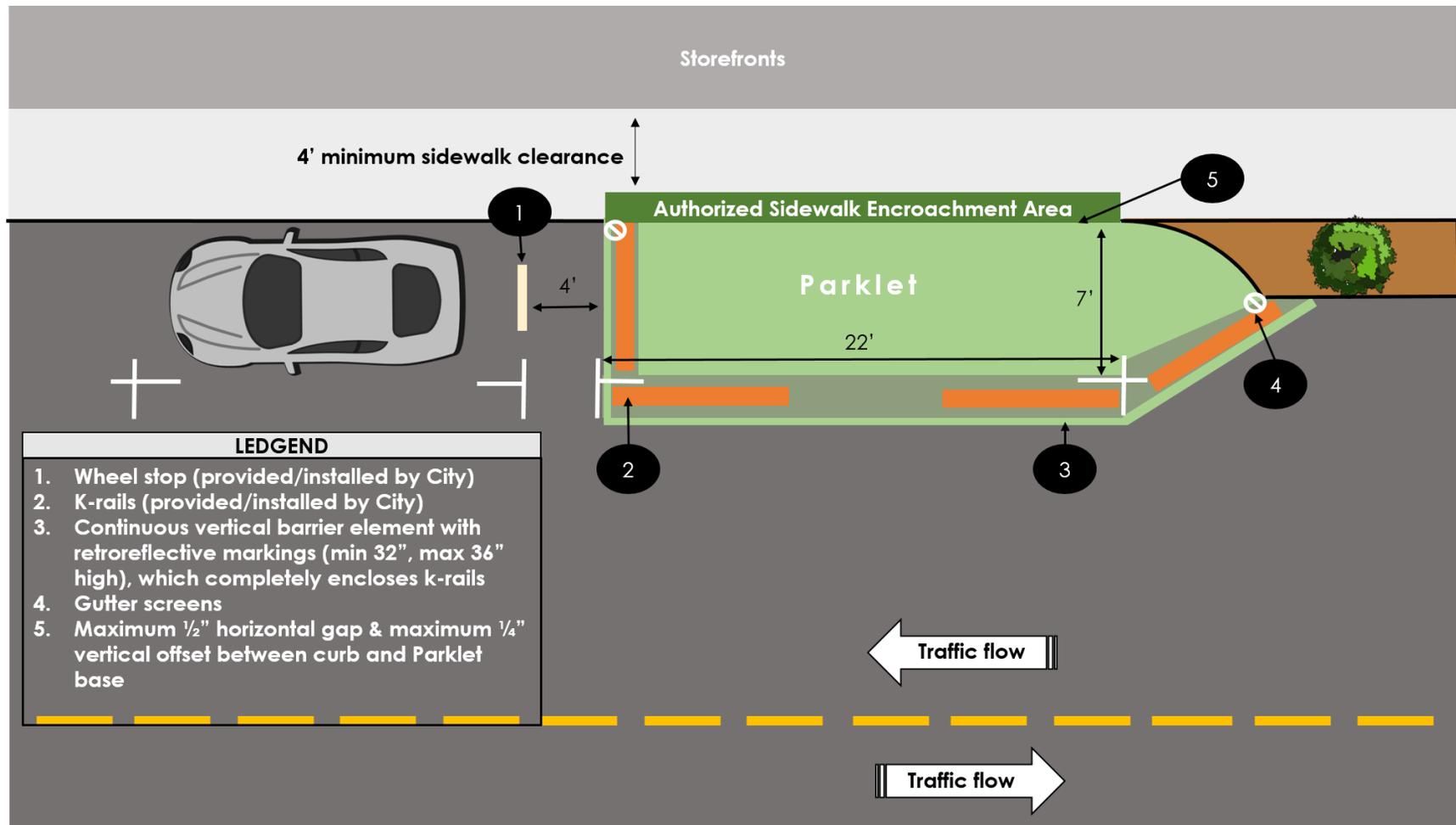


Figure 2: Wheel stop guidance

