



CITY OF
PALO
ALTO

Architectural Review Board

Staff Report (ID # 14596)

Report Type:	Action Items	Meeting Date: 7/21/2022
Summary Title:	Permanent Parklet Program Standards Discussion and Direction	
Title:	Architectural Review Board (ARB) Hearing to Consider the Proposed Parklet Operation and Design Standards, with Particular Focus on the Design and Aesthetic Standards. The ARB may Modify the Standards and/or Recommend Adoption by the City Council.	
From:	Jonathan Lait	

Recommendation

Staff recommend that the Architectural Review Board (ARB) take the following action(s): Review and consider the proposed Parklet Operation and Design Standards, with particular focus on the design and aesthetic standards. Staff propose ARB recommend the City Council adopt the proposed Parklet Operation and Design Standards.

Report Summary

In 2020, Palo Alto joined cities throughout the Bay Area—and indeed the nation—by expanding opportunities for outdoor dining in response to the COVID-19 pandemic, including a pilot parklet program. On April 19, 2021,¹ the Council directed staff to “Develop a permanent parklet program with the input of the Architectural Review Board.”

On May 5, 2022, City staff presented draft standards for the permanent parklet program to ARB.² On May 9, 2022, staff presented to the City Council to consider and provide feedback on

¹ Action Minutes: <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/city-council-agendas-minutes/2021/04-19-21-ccm-action-minutes.pdf>

² Staff Report: www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/architectural-review-board/2022/arb-05.05.2022-public-agenda.pdf

the program.³ Both meetings resulted in a robust discourse and valuable feedback. Afterwards, the ARB assembled an ad-hoc committee consisting of board member Peter Baltay and board member Yingxi Chen. The ad hoc committee met on June 1, 2022, to discuss the draft standards.^{4,5}

The revised draft standards attached incorporate feedback from the ad hoc committee, City Council, and further revisions by staff as the permanent program has continued to develop. Staff hope the robust discussion can lead to a recommendation for approval to the City Council.

Background

Parklets During and After the Pandemic

Throughout the United States outdoor dining became an important aspect of life during the COVID 19 pandemic. For many restaurants, offering outdoor dining allowed them to remain open and endure the pandemic. For customers, particularly in California and the Bay Area, outdoor dining became a way to enjoy the company of others with decreased risk of spreading COVID. Palo Alto, like many cities, allowed parklets for the very first time in order to aid local businesses and provide a place for residents to gather. While imperfect, the pilot parklet program was well received by local residents, patrons, and restaurateurs.

Legislative History

On June 23, 2020, the City Council adopted Ordinance No. 5500, which temporarily permitted businesses, such as restaurants, retail, and personal services to operate outdoors on both public and private property in lieu of normal zoning and parking requirements.

Ordinance 5500 was adopted as an emergency ordinance based, in part, on the presence of restrictions prohibiting many indoor business operations due to the COVID-19 pandemic and associated Public Health guidelines.⁶ At the same time, the City Council approved Resolution 9909, which provided additional implementation guidelines for the pilot parklet program.

On April 19, 2021, the City Council directed staff to develop a permanent parklet program. Simultaneously, Council directed staff to draft a resolution extending the pilot parklet program to December 31, 2021. That ordinance passed on June 22, 2021. On September 13, 2021, the

³ Staff Report: www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/architectural-review-board/2022/arb-05.05.2022-public-agenda.pdf

⁴ Meeting Agenda: www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/architectural-review-board/2022/arb-06.01.2022-agenda-packet.pdf

⁵ ARB ad hoc committee Meeting Recording:

https://cityofpaloalto.zoom.us/rec/share/Uh4CMXb3YF5nSqwv8n5UWgP1RNH4wjwOGLBzRsXjvdHAeAkvhxH20yzwwD1_Ue7a.-mRMl2w8FQMoWtyu

⁶ Adopted by Palo Alto City Council on June 23, 2020;

<https://www.cityofpaloalto.org/files/assets/public/agendasminutes-reports/reports/city-manager-reports-cmrs/year-archive/2020/id-11439.pdf>.

program was extended again to a new sunset date of June 30, 2022 to allow time to finalize the permanent program.⁷

On May 9, 2022, the City Council received an update on the permanent program's development and provided feedback on the draft permanent parklet standards.⁸ The Council also extended the temporary program to the end of 2022, allowing for ARB, staff, and the community to continue to refine the permanent program. The full motion and action minutes from the Council meeting are available in the footnote section.⁹

Pilot Parklet Guidelines and Draft Permanent Parklet Standards

The pilot parklet guidelines¹⁰ were developed focused on reducing risk and maximizing safety for parklet patrons, motorists, and pedestrians. Due to the emergency nature of their development, aesthetic considerations were not included. While expedient, the design and subsequent implementation of the pilot guidelines has led to a plethora of parklet designs and operations.

In contrast, the draft permanent parklet standards are being developed to focus on both the safety and aesthetics of parklets in Palo Alto. The objective is for the permanent standards to better serve the program's intended purpose of adding vibrancy to the public realm and enhancing the civic experiences of diners, pedestrians, motorists, and cyclists.

Discussion:

⁷ Staff report: <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/citycouncil-agendas-minutes/2021/09-september/20210913/20210913pccsm-amended-linked-final-council-qa.pdf>

⁸ Staff report: www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/city-council-agendas-minutes/2022/20220509/20220509pccsmamended-linked.pdf. The City Council unanimously approved a motion to:

- A. Adopt the interim ordinance and resolution extending the temporary program to December 31, 2022;
- B. Update the guidelines for new temporary parklets and incorporate into the permanent ordinance the following:
 - a. Prohibit use of vinyl, tents or canopies;
 - b. Prohibit parklets from blocking handicapped or curb ramps
 - c. State a preference for plants as barriers;
 - d. Shift to a maximum of 36" in enclosure height;
 - e. Consider pre-approved designs as part of the permanent ordinance;
 - f. Until adoption of a permanent ordinance, property owners do not have the right to determine the use of the public space in front of their properties; and
- E. Research and return with more information on electric heating options for the permanent ordinance.

⁹ <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/city-council-agendas-minutes/2022/20220509/20220509amccs.pdf>

¹⁰ Pilot Parklet Guidelines: <https://www.cityofpaloalto.org/files/assets/public/city-manager/communicationsoffice/uplift-local/updated-parklet-guidelines-3.17.2022.pdf>

This section highlights specific aesthetic and design aspects of the draft parklet standards. The text below incorporates their updates since both the City Council and ad hoc committee meetings. The aspects that address design and aesthetics have been pulled out of the full standards and placed in the discussion section. The full standards are also attached with track changes shown to illustrate the differences since the last ARB review (Attachment A).

Draft Parklet Standards - Design & Aesthetic Considerations

Platform:

1. Parklets shall be constructed with quality materials and shall be of natural durable wood (such as redwood, cedar, etc.), preservative treated wood, or other engineered material suitable for exterior conditions.

Enclosure:

1. For user safety, parklets are required to include a continuous enclosure along the parklet's edge adjacent to the travel lane and parking spaces. The sidewalk edge of the parklet may be enclosed or open.
 - a. All parklets in which alcoholic beverages are served shall be enclosed as required by the California Department of Alcoholic Beverage Control.
2. The continuous enclosure shall include a periodic barrier, which may be planters or other heavy material, along the parklet edge.
 - a. The periodic barrier shall weigh at least 500 lbs when filled with soil, sand, water, or concrete.
3. The periodic barrier shall be placed at least every 6 feet along the parklet edge parallel to the travel lane.
 - a. The periodic barrier shall measure at least 16 inches in depth, and a height of at least 36 inches and no more than 38 inches measured from the surface of the platform.
4. The enclosure must be at least 36 inches in height and no more than 38 inches in height, measured from the surface of the platform.
5. Enclosure materials must be high-quality, durable, and non-reflective including but not limited to hardwood, steel, concrete planters, etc.
 - a. Materials that are not permitted: particle board, vinyl, soft plastic or tarps. Street facing colors used on the exterior of the enclosure must be matte-finish paint or opaque stain.
6. Parklets shall integrate and/or incorporate vegetation into the enclosure (edge treatment) at least every six (6) feet.
 - a. The height of any plants contained within planters in setback or planters serving as a parklet platform enclosure shall not exceed 6".
 - b. Plant material shall not impede or hinder pedestrian and vehicular visibility.

Roofs:

1. Height

- a. The roof shall be a minimum height of 8 feet provided the adjacent sidewalk is at least 8 feet wide. If the adjacent sidewalk is less than 8 feet wide, the applicant will need to consult with the Palo Alto Fire Department
 - b. A parklet roof shall measure no taller than 12 feet, as measured from the platform grade.
2. Materials
- a. Rooftop material may be of plywood sheathing, polycarbonate sheets, or sheet metal.
 - i. If plywood sheathing is used, it must be painted or stained.
 - ii. Materials that are not permitted: particle board, vinyl, soft plastic or tarps.
 - b. If fabric shade sails or similar fabric coverings are proposed, the fabric cover shall be limited to being overhead of the parklet. The fabric shall not cover the sides of the parklet.
 - c. All fabric coverings shall be of all-weather and flame retardant materials.
 - d. Roof material may be a solid uniform material or open construction (i.e., trellis, pergola, etc.)
 - e. All exposed wood is required to be treated for exposure to weather.

Furniture and Fixtures:

1. Materials
 - a. Parklet furnishings and fixtures must be high-quality, durable, outdoor-rated, and non-reflective including but not limited to: Hardwood, steel, concrete, etc.
 - i. Materials that are not permitted: particle board and vinyl.
2. Umbrellas
 - a. Permitted Umbrella Types:
 - i. Table Umbrella
 - ii. Tilting Umbrella
 - iii. Off-set/ Cantilever Umbrella
 - b. No portion of an umbrella shall extend beyond the edge and/or enclosure of the parklet on any side.
 - c. No umbrella shall obstruct the view from the street between three (3) and eight (8) feet, measured from the street, from any side.
3. Signage
 - a. Parklet signage is limited to six (6) square feet and shall be limited to the name of the business and shall be non-illuminated and non-reflective. Letters shall be no taller than 15".
 - b. Businesses are permitted one (1) sign on their parklet, total.
 - c. Signs must be affixed to the outermost portion of the parklet enclosure no higher than 36" from the street grade.
 - d. No form of advertising is permitted to be painted or mounted on any surface or area of the parklet.
 - e. Any existing parking signs installed adjacent to the parklet must be covered with opaque plastic; such coverage or illegibility shall occur only in manners approved

by the City of Palo Alto through its Department of Public Works and/or its Office of Transportation.

4. Street Furniture
 - a. Street furniture including tables, chairs, benches, etc. shall be all-weather, and of a high-quality material.
5. Landscape
 - a. Vegetation shall be comprised of native, low-water use, and drought tolerant plants.
 - b. No plants shall have thorns, spikes, or sharp edges.
 - c. Poisonous or invasive plants are not permitted.

Lighting:

1. If installing permanent lighting, an electrical permit shall be obtained and shall comply with permanent wiring methods as outlined in the adopted California Electrical code.
2. The following types of lighting and fixtures are permitted:
 - a. String lights;
 - b. Solar powered and/or rechargeable battery powered table lights; and
 - c. Overhead light fixtures for parklets with roofs.
 - d. The use of electrical adaptors and power strips are prohibited.
3. All lighting must be rated for exterior use, listed, and carry a product certificate for its intended use by a recognized electrical testing laboratory.
4. Lighting must be LED only.
5. Lighting shall be limited to the parklet area and not encroach into any portion of the public sidewalk.
6. Lighting shall be of the lowest intensity and energy use adequate for its purpose. Light shall be designed to focus illumination downward to avoid excessive illumination above the light fixture with a maximum of 100 watts or 1600 lumens, whichever is greater, per fixture.
7. Applicants interested in lighting should consider solar-powered lighting that uses a rechargeable battery.

Heaters:

1. Only electric heaters are allowed on parklets.
 - a. Electric heaters must be an outdoor approved type.
 - b. Electric heaters must be located on the parklet in accordance with the manufacturer's recommendations.
 - c. Electric heaters must be placed at least 5 feet away from any combustible materials.
 - d. Electric heaters may not be used or stored under a tent, canopy, or umbrella.
2. A fire extinguisher is required to be mounted within sight and have appropriate signage per the Fire Code.
3. Propane is not permitted to be used for heaters.

4. Any new electrical circuits required for heating require an electrical building permit (see ‘Power Supply’ above). Any electrical equipment must be listed and carry a product certificate for its intended use by a recognized electrical testing laboratory.

Analysis

This section reviews the topics and recommendations discussed at the ad hoc committee, as well as staff revisions since the City Council meeting on May 9, 2022. In addition, this section answers questions raised at the ARB meeting on May 5, 2022. Some of the ad hoc committee recommendations differ from the ARB’s “straw poll” recommendations made on May 5, 2022.

Program Approach & Intent: Indoor vs. Outdoor Space

The ad hoc committee and staff recommend the parklet standards be created with the intention of creating a semi-public, outdoor dining space.

The intent of the program gives shape to parklet policy. Fundamental to the policy is the question of whether the parklet program is intended to facilitate the construction of semi-public, outdoor spaces or if the program’s intent is to create semi-private, indoor spaces.

Some City Council members indicated their preference for a program that creates an outdoor *al fresco* dining experience. The ad hoc committee concurred with this perspective. The committee felt the program’s intent and purpose is to support the vibrancy of the public realm and enhance the civic experience for diners, pedestrians, motorists, and cyclists. To achieve this intended purpose, parklet design should be centered on enhancing the public realm and not extending the private, indoor dining experience outside.

Heaters: Electric vs. Propane

Considering the Council discussion, staff’s recommendation, and comments from the public, the ad hoc committee recommends that propane heaters should not be permitted at parklets.

The type of heaters permitted under the permanent program garnered significant discussion at the ARB and Council meetings. The core considerations were the feasibility of propane heaters, compliance with safety regulations, the expense of electric heaters and associated electrical panel upgrades, and the City’s goal of reducing greenhouse gas emissions. Building on the prior topic, the role of heaters in creating outdoor dining space versus creating indoor dining space also factored into the discussions. The ad hoc and Council reasoned that if parklets represent an opportunity for outdoor dining, instead of indoor space, then at certain times of year dining outdoors may be less desirable than other times.

At the City Council meeting on May 9, 2022, staff recommended prohibiting the use of propane heaters at all parklets. Staff expressed concern over the persistent failure of current parklet permit holders to safely operate and store propane in accordance with fire safety standards.

Council also suggested that relatively low cost, electric patio heaters can provide warmth more efficiently while also reducing ghg emissions.

Restaurateurs during public comment and correspondence noted concerns over both the expense of upgrading electric panels to supply power to electric heaters and the possible length of time the permitting and panel upgrade may require. Peter Baltay, of the ad hoc committee, spoke with a local electrician who indicated the costs to upgrade panels and supply power to the parklet may be about \$8,000. While this is clearly one estimate from a professional, it gave some indication that the expense may be tolerable as part of a long-term investment in a parklet. Likewise, City staff recognize the need for the panel upgrades and parklet construction to happen as concurrently as feasible. Staff are committed to facilitating the concurrent permitting to the extent feasible.

While power supply represents a substantial investment, physical electric heaters themselves are not very expensive. Considering the current electricity rates in Palo Alto, the ad hoc committee felt that electric heaters are likely more cost effective in the long term compared to propane heaters. It is also important to note the ad hoc committee strongly considered the environmental benefit electrical heaters present over propane. Given the proposed permanent parklet program is being considered for a long time horizon, propane gas heaters may have a considerable cumulative impact on greenhouse gas emissions.

Overhead Electrical Connection to Parklets

Recommend connecting electrical power supply overhead.

Some ARB members raised the topic of connecting the power supply beneath the sidewalk. The Public Works Department does not support allowing private utility connections under the sidewalk. Further, the cost to a merchant to connect utilities under the sidewalk was, estimated by the previously referenced contractor, to be approximately \$20,000 compared to \$3,000 for overhead connection. The ad hoc found this cost to be prohibitively expensive.

The ad hoc committee noted that the National Code includes many standards for how to extend wiring over the sidewalk the permanent program can reference.

Enclosure height

Recommendation to lower parklet enclosure height to a minimum of 36 inches, as measured from the platform surface.

Overall, the ad hoc committee agreed with the ARB and City Council's recommendation that the enclosure height standard be lowered to 36 inches. However, they suggested the standard should allow for additional 2-inch variance from an absolute minimum of 36 inches up to 38 inches. Being mindful of construction conditions, the ad hoc committee felt the same variation allowed for stair handrails is appropriate for the parklet standards.

Sidewalls and Side Coverings

Recommend that sidewalls and side coverings not be allowed on parklets.

The ad hoc committee emphasized the importance of having a visual connection across the street. This visual connection for parklet patrons, for pedestrians, and for motorists is essential. The visual connection maintains vibrancy and a sense of place.

The ad hoc committee recognized the ARB's support for parklet's use of plexiglass or transparent shades to mitigate patrons' exposure to natural elements. However, keeping in line with the overall program approach of outdoor dining, the ad hoc committee concluded that no side walls should be permitted in the permanent program standards.

The ad hoc committee felt that prohibiting sidewalls was important to facilitate visual connections that allow parklets to enhance the vitality of the public realm. Moreover, from a safety perspective, maintaining the visual connection from the street to the sidewalk is important for motorist and pedestrian visibility. Overall, the ad hoc committee felt that increasing the liveliness of Palo Alto streets outweighs some of the benefits patrons receive from sidewalls.

Following the same line of thinking, the ad hoc committee recommended that the enclosure not extend along the parklet edge that is adjacent to the sidewalk. It was noted that businesses serving alcohol may be required to have a large portion of the sidewalk-facing parklet edge enclosed in order to comply with state Alcoholic Beverage Control (ABC) rules. The prohibition on sidewalk parklet edges would not apply in these situations. If the full ARB concurs, the parklet standards can be updated.

Colors

Recommend no restriction on colors on parklets.

The ad hoc committee considered several options for color standards including requiring neutral-colored permanent structures, requiring colors be consistent with restaurant branding or existing design. However, considering the ARB's majority preference for not restricting colors, as well as the ability for the City to enforce parklet's colors, the ad hoc committee recommends the parklet standards do not restrict colors.

Materials

Recommend prohibiting use of particle board, vinyl, soft plastic, or tarps.

To further reduce the possibility for "tent-like" structures on parklets, the ad hoc committee suggested that vinyl materials be prohibited. In addition, the committee suggested that if fabric is used, it may only be used only as an overhead covering. Any overhead fabric must be flame retardant and outdoor rated.

The ARB and ad hoc committee recognized a desire to prevent any fire hazards, while also allowing flexibility for shade sails and other simple overhead coverings besides hard roofing.

They also wanted to ensure that the standards do not allow a situation, like that observed on California Avenue, where a number of tents, with sidewalls on all sides and overhead coverings, have been erected. The ARB and ad hoc found the Cal Ave situation unattractive and it further undermines the visual connections that are important to the parklet program's success.

Further, the ad hoc committee recommended that parklet materials must be high-quality, durable, and outdoor rated, as required by the building code.

Uses in the 4-foot end setback

Recommend not allowing any uses in the 4-foot setbacks.

The ARB suggested locating bike parking or waiting areas within the 4-foot setback between the parklet edge and adjacent parking spaces. This 4-foot setback is in place for safety and recommended by NACTO national standards for parklets. Staff do not recommend that bikes or waiting areas be allowed here. The purpose of this buffer is to allow space for a vehicle to overrun or overhang the wheel stop without bodily injury to parklet patrons or other pedestrians. By intentionally placing persons in this space, the purpose of the setback is undermined.

In light of this discussion, the ad hoc committee recommended the standards make it clear that no amenities (such as seating, bike parking, waiting area) be permitted within the setbacks.

Bike Parking

The Council, ARB, and ad hoc expressed interest in providing more bike parking adjacent to or in coordination with parklets. The Office of Transportation is considering if and how to facilitate additional bike parking into the permanent parklet program. However, the Office of Transportation requires more time to assess how to operationalize this objective in conjunction with parklets.

More attractive alternatives for delineator and/or wheel stops

Recommend wheel stops and delineators meet national or state standards.

The ad hoc committee recommended that wheel stops and delineators need to meet the national or state safety standard. The standards do not need to prescribe aesthetic or design standards beyond the safety standards already in place. Please note that the designs available may still not meet the ARB's desires to be "more attractive", as the standards also prescribe allowable colors, shapes, and heights.

Landscaping & Planting

Recommend maintaining the proposed requirement to have plantings and/or vegetation every 6 feet on the parklet.

The full ARB and ad hoc committee felt that incorporating plants into parklet design has a substantial impact on the visual quality and success of parklets. Considering the value plants

provide to parklets, the ad hoc committee recommended that plants in the periodic barriers should be required.

Amplified Sound & Televisions

Recommend not allowing amplified sound and/or outdoor televisions.

The ad hoc committee noted that in addition to prohibiting amplified sound, the installation and use of televisions should also be prohibited. Even if a television is silent, they could obstruct the visual connection between street and sidewalk, impairing motorist, cyclist, and pedestrian visibility and disrupting the character of the street.

Response to Questions from May 5, 2022, ARB Meeting

- *Can the “distance from manhole cover” be more flexible for applicants?* This distance is required to allow access to utilities underground and to allow clearance for equipment related to this work. This distance cannot be reduced.
- *Can the parklet roof height be reduced to an 8 foot minimum not 9 foot minimum?* After review with the Fire Department, the minimum roof height is lowered to 8 feet.
- *Can electrical connections to parklets be placed under the sidewalk?* As noted above, Public Works does not allow or recommend allowing private utility connections under the public sidewalk.
- *Can staff provide appropriate lumens and / or other easily identifiable characteristics of lighting?* Yes, the standards have been updated with guidance around the brightness of lighting to prevent flood lighting.
- *Can clearance to street trees be more flexible for an applicant?* Urban Forestry, part of the Public Works Department, reviewed the proposed standards again and continued to recommend the vertical and horizontal clearances. The proposed standards were amended to more specifically indicate that the horizontal clearances are intended to prevent trampling of tree roots and apply to tree wells that are flush with the ground.
- *Can we allow other uses on parklets?* The standards were amended to allow retail and exercise uses at parklets. Council members indicated they did not want parklets to become extensions of office uses.

Zoning Compliance¹¹

The permanent parklet program and the associated parklet permit will be managed and overseen by the City of Palo Alto Public Works Department as this program addresses space within the public right-of-way. The permit will be routed to other departments (i.e., building, transportation, etc.) as needed for review.

¹¹ The Palo Alto Zoning Code is available online: http://www.amlegal.com/codes/client/palo-alto_ca

As mentioned above, the parklet program is and will be available to any lawfully existing restaurant use on a street with a speed limit of 25 miles per hour or lower. All proposed guidelines are consistent with comparable zoning standards for this use and intensities.

Consistency with the Comprehensive Plan, Area Plans and Guidelines¹²

The Comprehensive Plan includes Goals, Policies, and Programs that guide the physical form of the City. The Comprehensive Plan provides the basis for the City's development regulations and is used by City staff to regulate building and development and make recommendations on projects. Further, ARB Finding #1 requires that the design be consistent and compatible with applicable elements of the Palo Alto Comprehensive Plan.

On balance, this project and set of design guidelines is consistent with the policies in the Comprehensive Plan and therefore fulfills the goals of the Plan as well. The permanent parklet program supports the following major themes of the comprehensive plan: maintaining and enhancing community character, reducing reliance on the automobile, and meeting residential and commercial needs.

Below are some of the Comprehensive Plan goals and policies that support the development of parklets and provide guidance for how they might support the achievement of Comprehensive Plan goals. When the Comp Plan was developed and adopted, parklets were not allowed in Palo Alto and may not have been imagined. So, there are not direct goals or policies that speak to creating parklets, but there are tangential areas.

- GOAL L-1 A compact and resilient city providing residents and visitors with attractive neighborhoods, workplaces, shopping districts, public facilities and open spaces.
- GOAL L-4 Inviting pedestrian scale centers that offer a variety of retail and commercial services and provide focal points and community gathering places for the city's residential neighborhoods and employment districts.
- Program L4.4.1 Study the feasibility of using public and private funds to provide and maintain landscaping and public spaces such as parks, plazas, sidewalks and public art within commercial areas.
- Policy L-4.7 Maintain and enhance the University Avenue/Downtown area as a major commercial center of the City, with a mix of commercial, civic, cultural, recreational and residential uses. Promote quality design that recognizes the regional and historical importance of the area and reinforces its pedestrian character.
- Policy L-4.8 Ensure that University Avenue/Downtown is pedestrian-friendly and supports bicycle use. Use public art, trees, bicycle racks and other amenities to create an

¹² The Palo Alto Comprehensive Plan is available online:
<http://www.cityofpaloalto.org/gov/topics/projects/landuse/compplan.asp>

environment that is inviting to pedestrians and bicyclists.

- GOAL L-6 Well-designed buildings that create coherent development patterns and enhance city streets and public spaces.
- Policy L-6.1 Promote high-quality design and site planning that is compatible with surrounding development and public spaces.
- Policy L-6.6 Design buildings to complement streets and public spaces; to promote personal safety, public health and well-being; and to enhance a sense of community safety.

Multi-Modal Access & Parking

Pending further review, comment by the public, and approval by City Council, permanent parklet permits will be initially assessed during an open application review period with a set deadline. Once the deadline closes, all applications will be reviewed holistically in order to determine potential impact on loading zones and/or public amenities such as bike racks, street furniture, etc. The implementation of the permanent parklet program will create a small reduction in the overall number of on-street parking spaces, however, it will not reduce required loading zone spaces and currently existing public amenities.

Environmental Review

Staff will determine the required CEQA analysis of the permanent parklet program going forward as part of the Council's future actions.

Public Notification, Outreach & Comments

The Palo Alto Municipal Code requires notice of this public hearing be published in a local paper at least ten days in advance. Notice of a public hearing for this project was published in the *Daily Post* on July 8, 2022, which is 13 days in advance of the meeting.

Report Author & Contact Information

Hannah Chan Smyth, Consulting Planner
(510)-251-8210 ext. 1029
hchansmyth@up-partners.com

ARB¹³ Liaison & Contact Information

Jodie Gerhardt, AICP, Planning Manager
(650) 329-2575
jodie.gerhardt@cityofpaloalto.org

Attachments:

- Attachment A: Draft Permanent Parklet Standards (Redline) (PDF)

¹³ Emails may be sent directly to the ARB using the following address: arb@cityofpaloalto.org

DRAFT PALO ALTO PERMANENT PARKLETS PROGRAM

I. Introduction

The City of Palo Alto has developed a Permanent Parklet Program that will allow for parklet installations in eligible areas of Palo Alto. The program is designed with the intended purpose of supporting the vibrancy of the public realm and enhancing the civic experience of diners, pedestrians, motorists, and cyclists.

The following standards outline the requirements for parklet installation including, location, materials, and design. The City of Palo Alto will review all parklet permit applications and will only approve parklets that are able to meet the standards. Due to the unique circumstances of each proposed parklet location, some parklets may require additional review by key departments (as outlined).

All parklets—including installations previously installed under the pilot parklet program—will require a new Permanent Parklet Permit from the City of Palo Alto. Application requirements are outlined in Section IV (A) Submittal Requirements.

Parklets are permitted in conjunction with legally existing and permitted eating and drinking establishment uses as well as commercial uses including retail and fitness establishments. Any and all business activity must be contained within the parklet space and not encroach into the sidewalk, public right-of-way, or roadway.

II. Glossary

Due to the unique design and placement of parklets, there are several terms with distinct meanings that should be understood in order to implement the standards.

1. Enclosure—Protective barrier that follows the parklet edge.
2. Parklet Platform Edge—The outermost edge of the parklet platform, perimeter of parklet area (subtracting required setbacks).
3. Parklet Footprint—The total area within the parklet edge that can be utilized by a project applicant.
4. Platform—Base of the parklet that is at grade with the sidewalk.
5. Travel Lane—Portion of the street with active automobile traffic. ↴

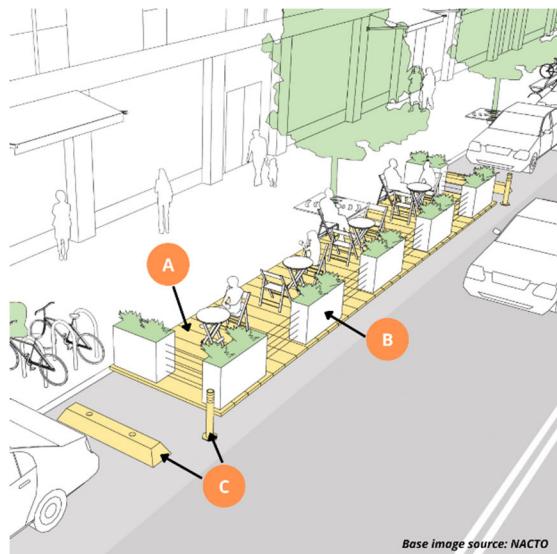


Figure 1: Key Terms

III. Location and Setback Requirements

A. Location

The location of a parklet is dependent on the eligibility criteria, which varies based on the type of parking space a parklet will occupy (parallel parking spaces, angled spaces, and non-standard spaces).

1. *Eligibility*
 - a. Parklets are only permitted on streets with speed limits of 25 mph or less.
 - b. Parklets are generally permitted on streets with a running slope (grade) of five percent or less.
 - c. Parklets cannot be installed in any portion of a non-existing travel lane at any time.
 - d. When located near an intersection, parklets must be located at least 20 feet from the rear most boundary of a crosswalk at the nearest intersection of the street corner. Exceptions will be considered on a case-by-case basis.
 - e. In the event a restricted area (i.e., loading zone) is being proposed to be used as space for a parklet, the Office of Transportation shall meet with the applicant to evaluate relocation of the restricted area. Relocation of the restricted area may not be possible.

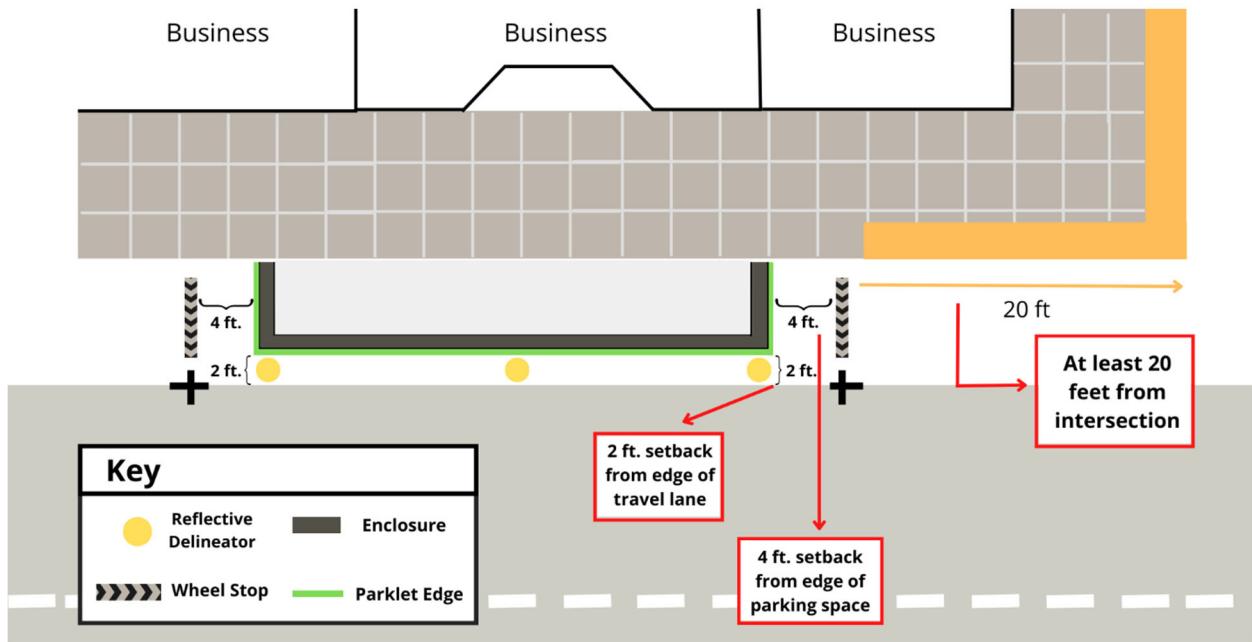


Figure 2: Dimensions of a Parallel Parking Space Parklet

2. Parallel Parking

- a. For parallel parking spaces, the parklet structure must be set back 48 inches (4 feet) from adjacent marked parking spaces.
- b. It is recommended, though not required, that a parklet consist of at least two contiguous parallel parking spaces.
- c. A parklet's outer [The platform](#) edge shall be 2 feet back from the outer edge of the parking space it occupies. For all parallel parking spaces located on public streets within the City of Palo Alto, this shall be 2 feet from the exterior edge (closest to traffic) of marked parking T's ([where they exist](#)). This is shown in Figure 2A.
- d. [In no case shall a parklet be placed within the 2-foot area measured from the outer edge of the parking space.](#) These 2 feet shall be kept clear at all times. The only objects which shall lawfully occupy this space are reflective delineator posts, or their equal.
- e. [Parallel parking spaces typically measure 8 feet wide by 20 feet long. The dimensions of a parklet in one parking space could be 6 feet wide and 12 feet long. This is because of the Given the above mentioned 2 feet offset/foot setback from the outer edge of the parking space, and the 4-foot setbacks from the adjacent parking spaces-creating buffer space for wheel stops \(if no tree wells are present on the adjacent areas\), the dimensions of a parklet in one parking space would be 6 feet wide x 12 feet long.](#) (Figure A).
- e. [Parallel parking space measurements may vary across the City of Palo Alto. As a result of this variation, some parklets may measure less than 6 feet wide. If the existing parking stall width is less than 8 \(eight\) feet, the parklet shall be 2 feet less than the parking stall width.](#)
- f. Parklets located in the downtown area that are between a bulb-out tree planter do not

require a 4 foot setback from the adjacent parking spaces.

- g. ~~Variations notwithstanding, in no case shall a parklet be placed within the 2-foot area measured from the outer edge of the parking space.~~

3. Angle Parking Spaces

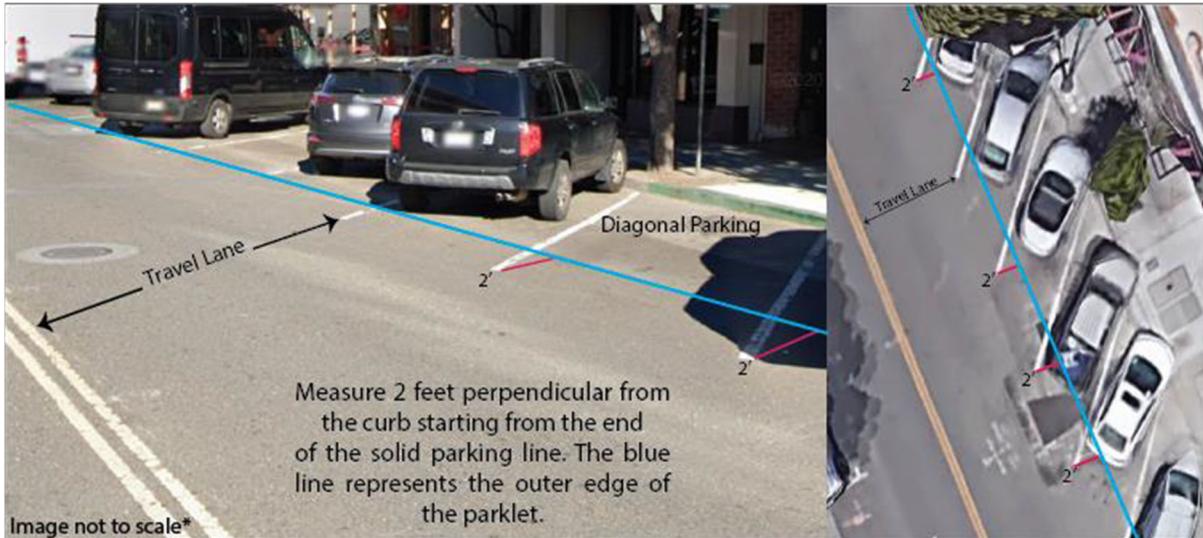


Figure 3: Angle Parking Space Parklet Dimensions

- a. A parklet in an angle parking space shall consist of at least two contiguous angles parking spaces.
- b. A parklet ~~platform's outer edge~~ shall be ~~32~~ feet back from the ~~outer rear~~ edge of the existing angled parking space. For angled parking spaces located on public streets within the City of Palo Alto, this shall be ~~32~~ feet from the exterior edge (closest to traffic) of the marked parking stall. This is shown in Figure 3B.
- c. ~~In no case shall a parklet be placed within the 3-foot area measured from the rear edge of the parking space. These 3 feet shall be kept clear at all times. The only objects which shall lawfully occupy this space are reflective delineator posts, or their equal.~~
- d. ~~Offset from neighboring parallel space may be need? For angled parking spaces, the edge of the parklet must be set back 3 feet from the adjacent parking space on either space.~~

4. Non-Standard Spaces

1. A non-standard parking space is an angle or parallel space that does not meet the City of Palo Alto's standard width or length for parking spaces. For parallel parking spaces, the standard dimensions are XX. For angle parking spaces, standard dimensions are XX.
2. ~~Angled parking space measurements may vary across the City of Palo Alto. As a result of this variation, some parklets may measure less than the standard XX feet wide. If the existing parking stall width is less than XX () feet, the parklet shall be 3 feet less than the parking stall width.~~
- 2.3. ~~A parklet proposed in angled parking spaces that do not meet the City of Palo Alto's standard depth for angle parking spaces may only be eligible for parallel parking space~~

parklets. For any non-standard parking space, the Office of Transportation staff, in partnership with Public Works, will review plans for such sites; this may include a site visit. The additional review will help maximize the parklet while maintaining an adequate travel lane.

3.4. For non-standard angled diagonal and perpendicular parking spaces, the edge of the parklet structure must be set back 3 feet 36 inches from the adjacent parking space on either side. (This applies to all angle parking spaces along University Avenue as nearly all are substandard).

4. In the event a restricted area (i.e., loading zone) is being proposed to be used as space for a parklet, the applicant shall consider the relocation of this restricted area as part of their design and work with OOT prior to application submittal to determine relocation placement.

B. Parklet Setbacks

5. Adjacent Setbacks

- a. All parklets are required to include 4-foot setbacks from adjacent on-street parking spaces. This setback shall be delineated by a concrete wheel stop affixed to the street (see 'Traffic Safety' below).
- b. All parklets are required to include 2-foot setback from adjacent driveways.
- c. The parklet shall be set back at least 9 feet from the adjacent building(s) with no part of the parklet extending over the curb or sidewalk.
- c. Parklets are prohibited in front of active driveways, on street curves, or hills where horizontal or vertical sight-distance is a safety issue as determined by the Office of Transportation.
- d. The setback may not contain seating.

6. Setback Area/Sidewalk Area

- a. The setback may not contain seating or any other objects.
- b.a. Neither the construction nor operation of the parklet shall interfere with, obstruct, or otherwise diminish the adjacent sidewalk and pedestrian path of travel.
- e.b. **All walkways and sidewalks shall maintain at least 8 (eight) feet clear, unobstructed path of travel.**
- c. If an 8 foot clear, unobstructed path of travel cannot be maintained, then sidewalk dining may not occur in conjunction with a parklet. A parklet cannot operate in conjunction with sidewalk dining. Eligible applicants must elect to operate a parklet or sidewalk dining. This ensures sidewalks remain open and available for pedestrian travel.

c.

D.C. Other Location Criteria

1. *Proximity to Utilities and Public Facilities*

- a. Parklets must not block public utilities, bus stops, driveways, telecommunication vaults, or other in-ground infrastructure.

- i. Parklets shall not be placed over gas main or gas services due to potential hazards.
- b. Parklets located next to alleys (as defined under PAMC 18.04.030(a)8) must be set back 5 (five) feet from the outside edge of the driveway as measured from the curb face/gutter flowline.
- c. Parklets shall be placed no closer than 50 linear feet from a bus stop loading zone.
- d. Parklets shall be placed no closer than 15 linear feet from fire hydrants.
- e. Parklets shall not be placed no closer thanwithin a 5 foot-foot radius of a from manhole covers to allow for maintenance access.
- f. Parklets shall be placed no closer than 5 linear feet from a storm drain catch basin. in each direction. Parklet construction and design must allow access to the catch basin and shall not obstruct the catch basin.
- g. In the event that a parklet location is in conflict with public infrastructure (i.e., public signage, benches, etc.) the applicant shall work with the Office of Public Works and/or Office of Transportation prior to submittal to determine relocation. In the event a proposed parklet location is in conflict with public infrastructure (i.e., public signage, benches, etc.), the Public Works Department shall meet with the applicant to evaluate relocation of the infrastructure. Relocation of any infrastructure may not be possible.

8-

2. Fire Safety

- a. No portion of the parklet or associated seating shall block FDC or associated equipment.
- b. Business address shall be visible from the street and cannot be fully obstructed by the parklet and associated materials.

3. Street Trees

- a. Any portion of the proposed parklet must maintain the following clearances from existing street trees:
 - b.-a. Horizontal clearance equal to a two-foot radius around the tree well. This does not apply to raised tree wells.
 - a. Vertical clearance of 3 feet measured from the highest point of the parklet (if proposing a parklet with a roof).
 - b.
 - c. At no time shall there be materials placed in the tree well area or within City planters.
 - e. To discourage patrons from stepping on tree wells and possibly damaging tree roots, where needed, a railing shall be installed on the parklet platform adjacent to the tree well. This will alter the path patrons travel, limiting persons stepping on the tree roots.
 - b.

4. Bike Facilities

- c. Bicycle racks or other bicycle facilities shall not be removed, made unusable, or otherwise disturbed or obstructed by the construction of a parklet.
 - i. Any parklet design that proposes such disruption shall require review by and approval of the Office of Transportation. Relocation of an existing bicycle facility may be subject to additional fees.
- d. Applicants are encouraged to incorporate bike parking into their parklet design.

5. *Accessibility*

1. The sidewalk and parklet path of travel must comply with the appropriate Americans with Disabilities Act (ADA) and California Building Code (CBC) chapter 11B accessibility provisions.
2. The parklet path of travel must comply with CBC chapter 10 exiting requirements.

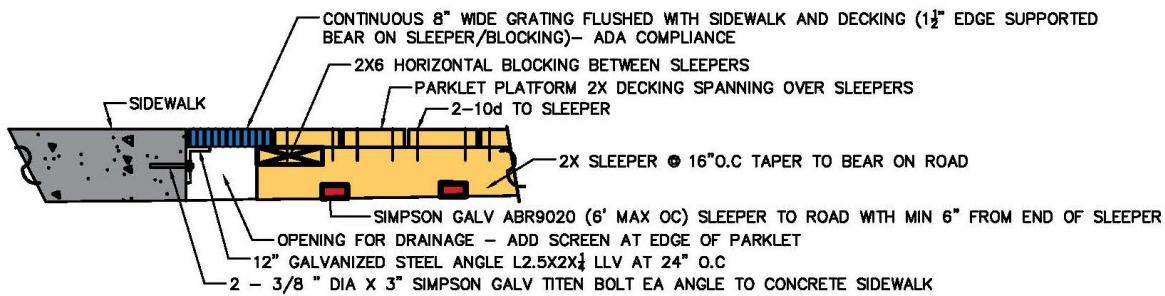
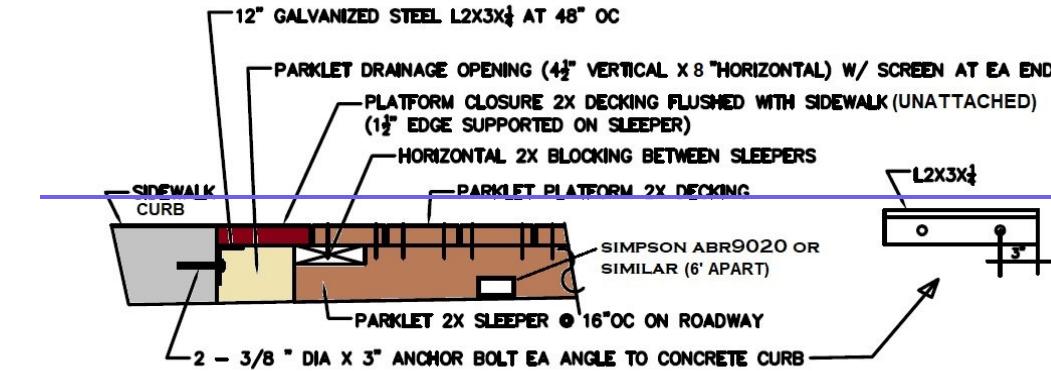
IV. Parklet Design

The following guidelines describe both the safety and design requirements for parklet applications including standards for:

- A. Platform
- B. Enclosure
- C. Traffic Safety
- D. Furnishings & Fixtures

A. Platform

1. *Structural*
 - a. Parklets shall be constructed with quality materials and shall be of natural durable wood (such as redwood, cedar, etc.), preservative treated wood, or other engineered material suitable for exterior conditions.
 - b. The parklet platform must support 100 pounds per square foot of live load.
 - c. All fastening hardware and fasteners adjacent to and into preservative treated wood must be made of one of the following: hot-dipped zinc coated galvanized steel, stainless steel, silicon bronze, or copper.
2. *Drainage & Ventilation*
 - a. The underside of the platform shall be constructed to allow for seasonal drainage.
 - b. Adequate cross ventilation shall be installed to allow for the surface to dry within 12 –24 hours.
 - c. Openings under the platform shall be screened with corrosion-resistant material with a maximum one quarter inch mesh.
 - d. Parklets shall not impede the flow of curbside drainage. The parklet design shall include a 4-1/2"x 8" clearance from sidewalk curb along the entire length of the parklet. Openings at either end of the parklet shall be covered with screens to prevent debris buildup beneath the parklet and in the gutter. The closure 2x decking can be removable for easy access for under platform inspection as needed. See Figure 4 for suggested platform attachment design details.
3. *Platform Attachment*



PARKLET-SIDEWALK DRAINAGE DETAIL (NTS)

Figure 4: Suggested Platform Attachment Design

[Note: Figure 4 is subject to changes based on discussions with Building and Public Works departments. This image is illustrative only.]

- a. The parklet shall be anchored to the City street and/or curb. Any anchoring proposed into the public street will require USA markings and additional staff review. Platform system shall be anchored at maximum 6'-0 apart in each direction to the roadway to avoid movement during an earthquake. See Figure 4 above.
- b. The anchor shall be installed perpendicular to the curb.
- c. The manner of anchoring shall be through a pre-drilled hole into the curb and a concrete anchor bolt.
- d. Limit anchoring to 6-12 inches embedment.

4. Roofs

- a. Structural
 - i. Complete roof framing plan, which includes horizontal and vertical bracing, is required to be submitted with structural calculations. [A licensed architect and/or landscape](#)

- architect, and aA civil and/or structural engineer, shall sign the plan and associated calculations.
- ii. All connector hardware and fasteners shall be resistant to corrosion and listed as compatible to the framing material.
 - iii. Roof may be a solid uniform material or open construction (i.e., trellis, pergola, etc.)
 - iv. Roofs shall not be attached or connected to a building.
 - v. Roof shall slope toward the street to ensure rainwater drains into the street.
 - vi. Gutters and rain leaders are required.
 - vii. Roofs shall not extend over the public sidewalk.
 - viii. Roof's outer edges along the travel lane may extend 6 inches beyond parklet footprint at 8 feet or above to allow for attachment of the rain leaders and gutters only.
- b. Height
- i. The roof shall be a minimum height of 89 feet provided the adjacent sidewalk is at least 8 feet wide. If the adjacent sidewalk is less than 8 feet wide, the applicant will need to consult with the Palo Alto Fire Department
 - ii. A parklet roof shall measure, but no taller than 12 feet, as measured from the platform grade.
- c. Materials
- i. Rooftop material -may be of plywood sheathing, polycarbonate sheets, or sheet metal.
Roof framing maybe of one neutral tone such as natural or stained wood, or painted brown, black, beige, or other earth tones.
 - i. If plywood sheathing is used, it must be painted or stained.
 - ii. Fabric roofing is not allowed.
 - iii. If fabric shade sails or similar fabric coverings are proposed, the fabric cover shall be limited to the top portion of the parklet and not extend to additional sides perpendicular to the street or sidewalk. All fabric coverings shall be of all-weather and flame retardant materials excluding vinyl.
 - iv. Roof material may be a solid uniform material or open construction (i.e., trellis, pergola, etc.)
 - iv. All exposed wood is required to be treated for exposure to weather.

5. Design

- a. Platform decking materials shall be of one consistent material and be of a neutral tone such as natural or stained wood or painted brown, black, beige, or other earth tones.

6.5. Accessibility

- a. The parklet shall comply with the Americans with Disabilities Act (ADA).
- b. The surface of the parklet platform must be flush with the adjacent sidewalk with a maximum gap of one quarter inch and one quarter inch vertical tolerance.
- c. A minimum 4-foot-wide accessible path of travel and 5-foot diameter turnaround space must be maintained within the parklet.
- d. Any abrupt changes in elevation exceeding 4 inches along an accessible path of travel shall be identified by 6-inch-tall warning curbs.
- e. Parklets shall utilize outdoor grade reflective tape to mark changes in grade.
- f.

E.D. Enclosures

1. Dimensions & Load

- a. For user safety, parklets are required to include a continuous barrier enclosure along the parklet's edge adjacent to the travel lane and parking spaces to bolster parklet user safety. The barrier shall be located on the outermost edge of the platform on all sides adjacent to the travel lane and the parklet ends. The sidewalk edge of the parklet may be enclosed or open.
 - a.i. All parklets in which alcoholic beverages are served shall be enclosed on all sides of the parklet edge, as required by the department of alcoholic beverage control.
- b. This continuous enclosure shall include a periodic barrier, which may be planters or other heavy material, along the parklet edge.
 - i. The periodic barrier shall weigh at least 500 lbs, and when filled with soil, sand, water, or concrete weighs 500 lbs.
 - ii. The periodic barrier shall be placed along the edge perpendicular to traffic and spaced at least every 6 feet along the parklet edge parallel to the travel lane.
 - iii. The periodic barrier shall measure at least 16 inches XX [still under deliberation, to be determined] in depth, and a height no shorter than of at least 36 inches and no more than 38 inches 36 inches and no higher than 42 inches measured from the street level surface of the platform.
- c. The enclosure must be at least 36 inches in height and no more than 38 inches in height, measured from the surface of the platform. Comply with the California Building Code for guardrails, this includes but is not limited to guardrail gaps (smaller than a 4 inch sphere) and height (42 inches).
- d. Any gaps in the enclosure shall be smaller than a 4-inch sphere.
- e. The Enclosure must be capable of withstanding at least 200 pounds of horizontal force.

2. Emergency Access

- a. A minimum 3-feet-wide emergency gap, with vertical and horizontal clearance, is required for every 20 feet of enclosure length.
- b. The gap must be kept clear of any tables, chairs, bike racks, poles, or other elements.
- c. The barrier in the emergency access gap must be easily removable by emergency personnel or provide a latch or hinge that allows easy access.

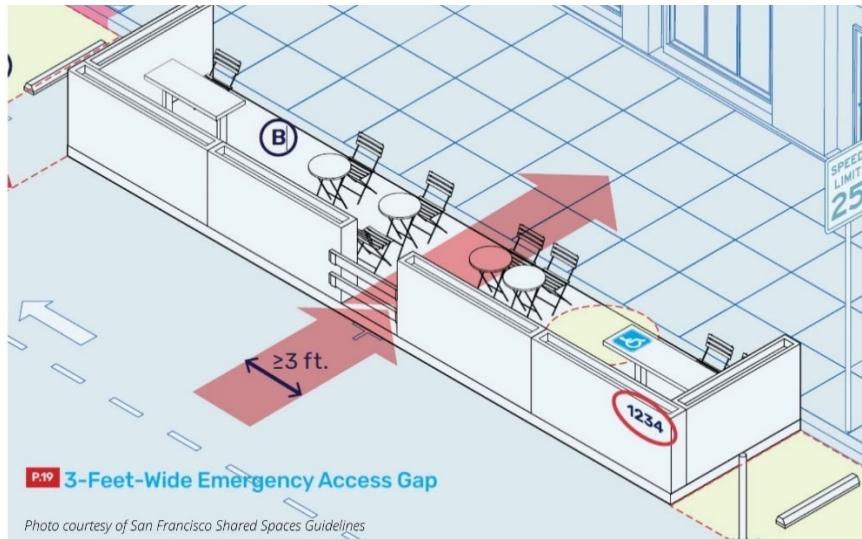


Figure 5: Example Emergency Access

2.3. Design

- a. Enclosure materials must be high-quality, durable, and non-reflective including but not limited to hardwood, steel, concrete planters, etc.
 - a. Materials that are not permitted: Aluminum, particle board, and vinyl, soft plastic or tarps.
 - b. The continuous enclosure must be a neutral tone such as natural or stained wood, or painted brown, black, beige, or other earth tones, or be made of steel, iron (wrought or cast), or other non-reflective, all-weather proofed metals.
 - c. Street facing colors used on the exterior of enclosure must be matte-finish paint or opaque stain.
 - d. Parklets shall integrate and/or incorporate vegetation into the enclosure (edge treatment) at least every six (6) feet.
 - a. The height of any plants contained within planters in setback or planters serving as a parklet platform enclosure shall not exceed 6".
 - b. Plant material shall not impede or hinder pedestrian and vehicular visibility.
 - c. No plants shall have thorns, spikes, or sharp edges.
 - d. Poisonous or invasive plants are not permitted.



Figures above illustrate compliant examples of a parklet enclosure.

F-E. Traffic Safety

1. *Wheel Stops*

- a. When a parklet is adjacent to active parallel parking spaces, a wheel stop must be installed. The wheel stop shall measure 3 feet long by 4 inches high. It shall be constructed of concrete or rubber.



Figure 6: Wheel Stop

b. Affixing Wheel Stops

- i. Drilled-in Wheel stops: A permittee will need USA clearance to anchor a wheel stop into the road.

c. Location

- i. The wheel stop shall be placed one foot from the curb at the edge of the front parking space.
- ii. A wheel stop shall be placed one foot from the curb at the edge of the rear parking space.
- iii. Wheel stops shall be placed four feet from the parklet structure.

d. Exceptions

- i. Parklets extending the length between two in-street tree wells, as on University Avenue, may omit wheel stops.

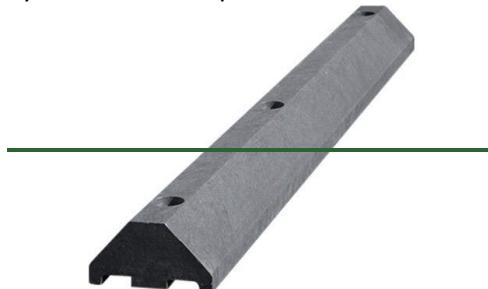


Figure 5: Wheel Stop

2. *Reflective Delineators*

- a. The parklet shall include installation of the California Manual of Uniform Traffic Control Devices (MUTCD) approved delineator posts or flexible bollards. [Examples of these devices are illustrated in Figures 7 and 8.](#)



Figure 7: Reflective Delineator (Left Travel Lane)



Figure 8: Reflective Delineator (Right Travel Lane)

- b. Location
 - i. Delineator posts shall be surface mounted to the roadway via epoxy and/or glue down methods unless approved otherwise.
 - ii. Reflective delineators must be installed at the outside corners of the parklet. The channelizers or posts must align with the end of the platform and not encroach on the travel lane.
 - iii. Additional delineators must be placed every 20 (twenty) feet in the 2 foot buffer zone along the lane of travel—but not in the lane of travel.
- c. Dimensions
 - i. Right side of travel lane - Delineators shall be 42 inches high and white with white reflective bands for use on the right side of a travel lane.
 - ii. Left side of travel lane – Delineators shall be 42 inches high and be white with yellow reflective bands if used on the left edge of a travel lane.
- d. Maintenance
 - i. Maintenance of the delineator posts shall be the responsibility of the Permit holder.
 - ii. Permittee shall replace any missing or damaged delineators within 24 hours of a delineator's failure or within 24 hours' notice from the City.

Examples of these devices are illustrated in Figures 6 and 7.



Figure 6: Reflective Delineator (Left Travel Lane)



Figure 7: Reflective Delineator (Right Travel Lane)

3. Travel Clearance

- a. Parklets shall provide a minimum 2-foot clearance from the edge of the travel lane (measured from the parking striping adjacent to the travel lane) to ensure safe separation from traffic.

G.F. Furnishings & Fixtures

1. Materials

- a. Parklet furnishings and fixtures must be high-quality, durable, outdoor-rated, and non-reflective including but not limited to: Hardwood, steel, concrete, etc.
 - i. Materials that are not permitted: Aluminum, particle board, and vinyl.
- b. Parklet design and materials shall match the colors, textures, and design of the accompanying business storefront.
- c. Parklets shall utilize outdoor grade reflective tape to mark changes in grade.

2. Electrical Power Supply

2.

- a. No power cords or conduits are allowed under the sidewalk.
- b. Power cords between the building and the parklet shall be limited to one (1) cord at each end of the entire parklet space and shall not be adjacent, above, below or attached to any part of a fire escape.
 - a. No extension cords shall be permitted for fixed lighting or heaters
- c. A weatherproof electrical outlet may be installed on the exterior of the building at a minimum of 10 feet above the walking surface for decorative lighting purposes only. Fixed cables may be used to support the light's cord and it shall be easily unplugged by fire department personnel.
- d. Parklet power source shall not be pulled from city sidewalk lighting or supported by tree
- e. Generators are not allowed in association with parklets.
- a. Propane is not permitted to be used for heaters.
- b. Electrical power supply to the parklet, including receptacle outlets, shall comply with permanent wiring methods as outlined in the adopted California Electrical code.
- c. Applicants must apply and obtain the appropriate electrical permit with a maximum of one conduit per parklet.

- d. No power cords or conduits are allowed under the sidewalk. All electrical conduits shall be installed overhead, with a minimum height of 10 feet at the lowest point. Overhead conductors shall be properly sized and supported.
- e. Generators are not allowed in association with parklets.
- f. Parklet power source shall not be pulled from city sidewalk lighting or supported by trees.

3. Lighting

- a. If installing permanent lighting, an electrical permit shall be obtained and shall comply with permanent wiring methods as outlined in the adopted California Electrical code.
- b. The following types of lighting and fixtures are permitted:
 - i. String lights;
 - ii. Solar powered and/or rechargeable battery powered table lights; and
 - iii. Overhead light fixtures for parklets with roofs (permit required)
- c. The use of electrical adaptors and power strips are prohibited.
- d. All lighting must be rated for exterior use, listed, and carry a product certificate for its intended use by a recognized electrical testing laboratory.
- e. Lighting must be LED only.
- f. Lighting shall be limited to the parklet area and not encroach into any portion of the public sidewalk.
- g. Lighting shall be of the lowest intensity and energy use adequate for its purpose and be designed to focus illumination downward to avoid excessive illumination above the light fixture with a maximum of 100 watts or 1600 lumens, whichever is greater, per fixture.
- h. Applicants interested in lighting should consider solar-powered lighting that use a rechargeable battery.

3.4. Heaters

- a. Only electrical heaters are allowed on parklets.
 - i. Electric heaters must be an outdoor approved type
 - ii. Electric heaters must be located on the parklet in accordance with the manufacturer's materials.
 - iii. Electric heaters must be placed at least 5 feet away from any combustible materials.
 - iv. A fire extinguisher is required to be mounted within sight and have appropriate signage per the Fire Code.
- b. Propane is not permitted to be used for heaters.
- c. Any new electrical circuits required for heating require an electrical permit from the Building Department (see 'Power Supply' above). Any electrical equipment must be listed and carry a product certificate for its intended use by a recognized electrical testing laboratory.
- a. Parklets without Roofs
 - i. Electric space heaters are permitted if they are an outdoor approved type, are located in accordance with the manufacturer's recommendations.
 - ii. Heaters must be placed at least 5 feet away from any combustible materials.
 - iii. Heaters may not be used or stored under a tent, canopy, or umbrella.
 - iv. A fire extinguisher is required to be mounted within sight and have appropriate signage per the Fire Code.
 - v. Heaters must maintain at least 6 feet of clearance from any portion of street tree.
- b. Parklets with Roofs

- i. Any new electric circuits required for heating and lighting require an electrical permit from the Building Department (see 'Power Supply' above). Any electrical equipment must be listed and carry a product certificate for its intended use by a recognized electrical testing laboratory.
- ii. Permanently mounted electric heaters must follow all manufacturer's instructions and applicable code requirements.
- iii. A fire extinguisher is required to be mounted within sight and have appropriate signage per the Fire Code.

4. Lighting

- a. Outdoor lighting, such as decorative string lights are allowed if parklet permit holders can connect this lighting to a GFCI protected branch circuit properly sized to accommodate the additional load.
- b. Listed exterior rated extension cords must be sized properly for the anticipated load and not create tripping hazards. Extension cords shall not extend over any part of the sidewalk at grade.
- c. Extension cords are not to be a substitute for permanent wiring.
- d. If utilized, extension cords shall be installed overhead with a minimum height of 10 feet at the lowest point. No cords can extend under the parklet floor or any floor coverings.
- e. The use of electrical adapters and power strips are prohibited. All lighting and extension cords must be rated for exterior use, listed, and carry a product certificate for its intended use by a recognized electrical testing laboratory.
- f. Lighting must be LED only.
- g. Lighting shall be limited to the parklet area and not encroach into any portion of the public sidewalk.
- h. Low Voltage Wiring (such as might be used for speakers, though please note amplified music is not allowed)
- i. All low voltage wiring must be installed per the adopted California electrical code.

5. Umbrellas

- a. Permitted Umbrella Types:
 - i. Table Umbrella
 - ii. Tilting Umbrella
 - iii. Off-set/ Cantilever Umbrella
- b. No portion of an umbrella shall extend beyond the edge and/or enclosure of the parklet on any side.
- c. No umbrella shall obstruct the view from the street between three (3) and eight (8) feet, measured from the street, from any side.

6. Signage

- a. Parklet signage is limited to six (6) square feet and shall be limited to the name of the business and shall be non-illuminated and non-reflective. Letters no taller than 15".
- b. Businesses are permitted one (1) sign on their parklet, total.
- c. Signs must be affixed to the outer most portion of the parklet enclosure no higher than 36" from the street grade.
- d. No form of advertising is permitted to be painted or mounted on any surface or area of the parklet.
- e. Any existing parking signs installed adjacent to the parklet must be covered with opaque

plastic; such coverage or illegibility shall occur only in manners approved by the City of Palo Alto through its Department of Public Works and/or its Office of Transportation.

7. Seating & Furniture

- a. Accessibility
 - i. The establishment must provide 5% accessible seating for each type of seating provided (table, booth, etc.) or a minimum of 1 seat per type, whichever is greater, in an outdoor seating area where the slope is no greater than 2% in any direction.
 - ii. Such ADA accessible areas shall include a clear path of travel to the seating and a 60" diameter turnaround area.
 - iii. Such ADA accessible seating shall be provided at an accessible height which includes:
 - i. Table surface between 28 to 34 inches high.
 - ii. At least 27 inches of space from the floor to the bottom of the table.
 - iii. Knee clearance extends at least 19 inches under the table.
 - iv. Total clear floor area of 30 inches by 48 inches per seat.
 - iv. Such ADA accessible seating shall be of the same size and appearance as the establishment's other outdoor seating.
- b. Street Furniture
 - i. Street furniture including tables, chairs, benches, etc. shall be all-weather, and of a high-quality material.



Figures above illustrate street furniture examples.

8. Landscape

- a. Vegetation shall be comprised of native, low-water use, and drought tolerant plants.
- b. No plants shall have thorns, spikes, or sharp edges.
- c. Poisonous or invasive plants are not permitted.

V. Operational Standards

9. Private Control

10. Parklets will be considered under the control of the permit holder. The permit holder is responsible for securing the parklet and any fixtures and furnishings contained within it at all times, including during hours when the associated business is not in operation. Staff continue to develop language regarding the private control of this area under the terms of the permit.

a.

11-10. Alcohol Service

- a. Parklets that serve alcoholic beverages shall include appropriate fencing or other barriers to delineate the space and adhere to Alcohol Beverage Control (ABC) regulations.
- b. All physical requirements of ABC should be reflected in the design submitted for review.
- c. **[Note: the following is still in discussion and a clear process is yet to be determined]** A Conditional Use Permit (CUP) Amendment is required to allow alcohol service at a parklet.
- d. A restaurant with existing CUP for alcohol service must submit an application to Planning and Development Services to amend the existing CUP to expand alcohol service to parklet.
- e. The CUP Amendment must be approved before alcohol service is allowed at a parklet.

12-11. Site Maintenance

- a. Parklets shall be maintained free of litter and debris.
- b. The parklet area and adjacent sidewalk shall be scrubbed and mopped to remove any food or drink stains on a daily basis by the permittee.

13-12. Hours of Operation

- a. The parklet shall adhere to the same approved hours of operation as the associated business.
- b. Note: In the CN or CS zone districts, a CUP is needed to operate/activities between the hours of 10:00 p.m. and 6:00 a.m. and approval conditions for operations during these hours are to ensure the operation is compatible with the abutting (or within 50 feet of) residential property.

13. Bathroom Occupancy

- a. Parklets with 14 or less seats (as described on the submitted Floor Plan) will not trigger seat recount toward bathroom occupancy.
- b. For parklets with 15 or more seats, staff will need to assess if the associated business has enough restrooms to service all of the establishments patrons inside and outside. The assessment of restroom facilities needed will include all proposed parklet seating and indoor seating.

VI. PERMIT APPLICATION REQUIREMENTS

A. Submittal Requirements

1. **Site Plan**—Site plan shall be drawn to scale on 11 x17 tabloid paper, include all pertinent dimensions and the following information:
 - a. Location of the business frontage
 - b. Dimensions of the parklet platform
 - c. ADA accessibility measurements
 - d. Setbacks from adjacent parking spaces and the adjacent traffic lane
 - e. Locations of traffic protection improvements including wheel stops, reflective delineators, etc.
 - f. Location of public utilities including any manhole covers, gutter drains, fire hydrants, and FDCs, light poles, etc. (and distances to parklet)
 - g. Any adjacent installations on the sidewalk including parking meters, utility boxes, street signs, bike racks, street furniture, etc. (and distances to parklet)
 - h. Existing parking space striping
 - i. Crosswalks, bus stops, driveways (and distances to parklet)
 - j. Width of sidewalk

- k. Planters (if applicable)

2. Floor Plan

- a. Floor Plan of the proposed parklet showing the following information:
 - i. Total number and location of tables and seats and/or benches on parklet
 - ii. Dimensions of tables, seats, and benches on parklet

2.3. Elevations

- a. Elevation drawing showing the following information:
- b. Height and design of platform railings/guards or edge buffers
- c. Height and design of roof (if applicable)
- d. Heating, lighting, other electrical equipment
- e. Power connection (show distance from ground to overhead wire)
- f. Storm water drainage
- g. Cross-section drawing of parklet

3.4. Construction Drawing/Calculation

- a. Structural drawings
- b. Structural calculations (if applying for parklet with roof)
- c. heating, lighting, other electrical equipment
- d. electrical power connection/source

4.5. Pictures of proposed site—The application should include at least 3 photos showing existing built parklet, if applicable, the proposed parking space(s) converted into a parklet, adjacent sidewalk and store frontage

5.6. List of all materials and equipment proposed

- a. Materials palette showing the following information:
 - i. Proposed materials for platform
 - ii. Proposed materials for railings or edge buffers
 - iii. Proposed furnishings
 - iv. Roof material (if applicable)
- b. Equipment sheet including:
 - i. Image of equipment
 - ii. Any manufacturer instructions
- c. Planters
- d. Type of plants

6.7. Parklet Information:

- a. Number of parking spaces requested
- b. Perpendicular or angled spaces
- c. Color of curb
- d. Proposed use of parklet
- e. Business hours of operation
- f. Parklet Designer/ Architect/ Engineer/ Construction Firm contact (if applicable)
- g. Signage (if applicable)

7.8. Business Information

- a. Business Address
- b. City of Palo Alto Business License Number

8.9. Business Owner Information

9.10. Property Owner Information (if different than applicant)

10.11. Insurance Documents

11.12. Letter(s) of Support - If the proposed parklet extends beyond the applicant's storefront,

the applicant shall obtain letters of support from the neighboring ground-floor building owner(s) and tenant(s). [Draft template to be provided, still being drafted by staff].

12.13. Indemnity Acknowledgement

B. Failure to Maintain

A parklet sponsor who fails to properly and sufficiently maintain the cleanliness, safety, and accessibility of their parklet may be subject to violations and fines. If maintenance issues are not resolved, the City may revoke the encroachment permit and the parklet sponsor may be required by the City to remove the parklet at their own expense.

C. Utility Maintenance & Public Safety

Because a parklet may sit atop buried utilities, there may be instances where a parklet will need to be removed to access a utility beneath it. In the event of necessary utility maintenance or the unlikely event of a utility failure such as a gas leak or water main break that threatens public safety, the City or utility owner may remove parklets with little or no notice. Parklet sponsors are responsible for the cost of re-installing and restoring any damage to the parklet.

In instances of advanced notice (such as street repaving, planned maintenance, etc.), the parklet sponsor may need to remove and reinstall the parklet at their sole expense. If the sponsor cannot remove the parklet, the City will remove the parklet.

D. Parklet Removal

If for some reason the parklet sponsor decides no longer wants to maintain a parklet, the parklet sponsor is responsible for notifying the City and removing it at the parklet sponsors' own expense. Immediately upon removal the parklet area shall be cleaned and restored to its previous condition to the satisfaction of the City.

E. Permit Fees, Permit Charges, and Deposit

[Note: Fee methodology for annual or monthly leasing fee is still to be determined in addition to any resulting fee for ongoing program management].