



Preparing Outdoor Areas for Winter Weather

Rules, Process, & Guidelines for Outdoor Business Areas

Including Dining, Retail, Recreation, and Other Outdoor Business Areas

City of Palo Alto
October 2020

Limiting the Spread of COVID-19

The COVID-19 pandemic continues to present challenges and disruptions to previous ways of conducting business. To decrease the risk of spreading COVID-19, the Santa Clara County Health Department created rules, guidelines, and protocols; many of which emphasize conducting activities outdoors where the risk of spreading COVID-19 decreases.

In addition to the Health Orders and related protocols and guidelines issued by the Santa Clara County Health Officer, Governor Gavin Newsom developed a Blueprint for a Safer Economy. The Blueprint contained a 4-tier, color-coded system for regulating activities in each county across the state of California. The County Health Orders and State Blueprint co-exist, with the stricter of the two governing what activities are/are not allowed, and the manner in which those activities are allowed to be carried out.

Palo Alto Outdoor Business

In an effort to sustain the local provision of goods and services, the Palo Alto City Council allowed businesses to operate outside when the conduct can comply with state and county health orders and other rules. This includes authorizing use of public streets for dining, waiving of architectural review and fees for sidewalk encroachment permits, authorizing use of public and private parking lots for outdoor business activities, and allowing display of retail merchandise on public sidewalks and streets.

Purpose of This Document

This document provides rules and guidance regarding how outdoor spaces can be adapted for winter weather. Topics covered include lighting, heating sources, and coverings for outdoor spaces. Through these rules and guidance, the City hopes to facilitate the continued vibrancy and operation of Palo Alto's business districts and shopping centers through outdoor operations.

These rules and regulations must be followed.

Failure to comply with the mandatory provisions in this document will constitute a violation of the encroachment permit and/or the Palo Alto Municipal Code.

A request for deviation from any of these rules must be:

- (1) submitted in writing for consideration in advance of installation and**
- (2) approved in writing by the appropriate City Department in advance of installation.**

Failure to have deviations approved in advance may require removal of the installation at the owner's expense and/or levying of fines or penalties.

Lighting & Electrical

The lighting requirements apply to all outdoor business areas that were (1) permitted under a Public Works encroachment permit since March 2020, and/or (2) permitted under rules developed to permit an outdoor business area in a public parking lot since March 2020, and/or (3) permitted under rules allowing outdoor business areas in private parking lots since March 2020.

Additional regulations may apply, especially for tents and canopies that are permitted through the Fire Department.

- 1) Any and all outdoor lighting or electrical appliances used outdoors must be rated for outdoor use.
- 2) Any and all outdoor lighting needs to be connected to a GFCI electrical outlet receptacle. A building permit is required for installation of GFCI receptacles or permanent electrical.
- 3) Solar powered lighting may reduce or eliminate the need to connect lights to electric receptacles.
- 4) Any extension cords and/or electrical cords used to power outdoor lighting must be rated for outdoor use.
- 5) No electrical cords shall cover public sidewalks at grade or egress paths. Electrical power cords can run overhead. Such cords shall be at least 8 feet above the sidewalk or adjacent grade.
- 6) Lighting or electrical appliances shall not be connected to City of Palo Alto power receptacles including City streetlights.
- 7) The City strongly recommends lighting to be lower in height to limit impact to drivers and other passersby.
- 8) Light shall be directed to shine upon the permitted dining and/or retail area. Less than 0.5-foot candles shall extend beyond the permitted outdoor business area.
- 9) Some example of acceptable lighting methods includes those listed and pictured below. ***This list and photographs are exemplary, not exhaustive.***
 - a. Faux candles and/or another tabletop lighting
 - b. String lighting that might be affixed to railings, canopy posts, or other permit-holder owned property
 - c. Shielded, lightweight fixture secured under canopy frame, that directs light downward
 - d. Landscape lighting such as down-lit wall/fence areas
- 10) Any proposed lighting should be indicated on an encroachment permit application, this may include location of the lighting, cut sheets describing the technical specifications of the lighting.



Mini Lights on Balcony



Heating Sources

For Tents, Canopies, and Other Coverings

- 1) **TENTS REQUIRING A PERMIT** - For tents, including tents where a Fire permit is not required, only electric heaters are allowed. All other fuel sources for heating, such as propane heaters, must be outside the tent.
- 2) **GAS-POWERED HEATERS** - Awning and roof coverings may have electric heaters or gas-powered heaters, such as propane-powered heaters. Regulations for these heaters are as follows:
 - 3) **CLEARANCE** - Any propane heater, other type of gas heater, or open flame must have a clearance of 3 feet above and on all sides.
 - 4) **FLAME RETARDANT FABRIC** - Flame retardant fabric is not required for awnings or roof coverings but is highly recommended to enhance the safety of the fabric.
 - 5) **ELECTRIC POWER SOURCE** - Electric heaters shall be powered by an establishment's own source of electricity. No electric cords shall run across the grade of the sidewalk.
 - 6) **NO HEATERS IN PARKLET BUFFER** - No heater of any kind shall be placed in the 2ft parklet buffer that separates an outer parklet edge from the traffic lane.

Storage of propane tanks

- 1) Unused propane or fuel tanks shall be stored outdoors in a secured area; **not** stored inside the restaurant. **Such secured area must be identified in any encroachment permit application.**
- 2) Propane storage shall be located private property.
 - a. For propane tank storage standards please refer to: <http://www.unidocs.org/fire/un-048.pdf>
 - b. Extra propane tanks shall not be stored inside, blocking exits, or near the public way. Palo Alto Fire Department (PAFD) suggests either using exchange delivery service or Blue Rhino type storage cage.
- 3) Maximum allowable quantity of tanks is 500 lbs. (25 tanks).

Further Guidance for Heaters

- 1) Heaters must be secured and stabilized to prevent tipping over.
- 2) Heaters shall be placed on flat surfaces. Heaters shall not be placed on sloped surfaces.
- 3) **For further questions regarding propane or gas-powered heaters, please contact Shannon Ford at fire@cityofpaloalto.org or (650) 329-2184.**

Tents & Canopies

- 1) **OPEN ON THREE SIDES - Tents and canopies must be open on three sides.**
 - a. Regardless of the size of any tent or canopy, the tent or canopy must be open on three sides. This requirement is in place to allow air to flow freely beneath the tent or canopy.
 - b. This requirement has been instituted by the Santa Clara County Health Officer.
- 2) **TENT OR CANOPY OVER PARKLET**
 - a. If a tent or canopy is covering a parklet, no part of the tent or canopy shall extend beyond the permitted parklet area.
 - b. No part of the tent or canopy shall cover or be located in the 2-foot buffer zone at the outer edge of the parklet.

Tents Requiring a Permit:

- 1) More than 700 sq. ft. of aggregate tent area (e.g. 7 - 10'x10' tents) without sides or more than 400 sq. ft. of aggregate tent area (e.g. 4- 10' x 10' tents) with one or more sides, shall be treated as a "tent requiring a permit."
- 2) Tents requiring a permit—tents which meet or exceed these dimensions—must refer apply for and receive a permit through the City's Fire Department.
- 3) **For tents requiring a permit, please refer to:**
 - a. <http://cityofpaloalto.org/civicax/filebank/documents/74139>
 - b. <http://cityofpaloalto.org/civicax/filebank/documents/78615>

Smaller Tents, Not Requiring a Permit:

- 1) A tent of less than the 700 square feet without sides or 400 square feet with at least one side does not require a permit.
- 2) **If a tent(s) not requiring a permit are not taken down and stored at the conclusion of each business day, such tent(s) must be weighed down.**
 - a. The weight shall be equal to 10 pounds per square foot of tent area.
 - b. One way to achieve the above stated weight is through using a barrel filled with a certain amount of water which equals the necessary weight. Other methods of weighting are also acceptable.

Awning

Any awning installed based on the requirements of this document is *temporary*. The awning must be removed by or before September 6, 2021 (Labor Day 2021).

- 1) **Definition of Awning:** The Palo Alto Municipal Code defines "awning" as "a shelter supported entirely from the exterior wall of a building and composed of a collapsible frame covered completely with nonrigid material."
 - a. This definition applies, except that an awning used to cover an outdoor business area may also have supports in addition to the support provided by the building to which the awning is attached.

- 2) **Outdoor business areas covered by an awning must be open on the sides.**
 - a. Santa Clara County requires outdoor areas to be open on three sides.
 - b. Where an awning is installed at attached to a building, one side of the outdoor area is "covered" by the building itself. Therefore, the remaining three sides of the awning must remain open and cannot be covered.

- 3) **Generally Applicable Standards**
 - a. An awning may be installed to cover **platform parklets only**. At-grade parklets are not eligible for installing an awning.
 - b. **A new encroachment permit application must be submitted.**
 - c. **Any awning installed based on the requirements of this document is *temporary*. The awning must be removed by or before September 6, 2021 (Labor Day 2021).**
 - d. An awning application must include plans designed and stamped by a licensed engineer.
 - i. The plans shall include calculations and other supporting information demonstrating that the proposed awning and support structures can sustain anticipated wind load, uplift, is sufficiently anchored, and overall will be a safe structure that satisfies these guidelines.
 - e. Awning shall not extend beyond any outer edge of the parklet platform.
 - f. **Anchoring**
 - i. An awning cannot be anchored to the roadway.
 - ii. An awning can be anchored to the building and cover the sidewalk
 - g. **Sidewalk**
 - i. Though covered by an awning, sidewalks shall remain open to the public.
 - ii. An accessible path of travel of 5 feet minimum width shall be maintained on the public sidewalk.
 - iii. The height and angle of the awning shall maintain at least an 8-foot clearance over the public sidewalk.
 - h. **Fabric**
 - i. **Flame retardant fabric is highly recommended.** A certificate from the manufacturer certifies the fabric is flame retardant.

- ii. Other fabrics are acceptable.
 - iii. **An awning shall be of a solid color.**
 - 1. An awning's color shall be of jewel tones (deep rich colors such as emerald, sapphire, etc.) or muted tones.
 - 2. No neon colors are allowed.
 - 3. No patterns are allowed.
 - 4. Any other patterns or colors will require architectural review.
 - iv. No lettering, numbers, logos, images, or other designs are allowed on the awning.
 - v. If letters, numbers, logos, images, or other designs are desired, the applicant must use the City's standards awning review process, which requires architectural review.
- i. Banners & Signage on the Parklet**
- i. In lieu of signage on the awning, a platform parklet permit holder may install up to two banners on the parklet enclosure (each parklet end, or one on the side and one at the end).
 - ii. Banners may display the name of the establishment, hours of operation, phone number, website, or other messaging intended to alert passersby to the name of the establishment and the goods or services provided.
 - iii. The maximum banner dimensions shall be 2.5' x 4' (at parklet end), 2.5' x 6' on side.
 - iv. Any banner shall be attached to the enclosure and shall be no higher than the enclosure.

Simplified Application Review for Uplift Local Awning

- 1) Complete an encroachment permit application and indicate "Awning" on the no-fee application.
 - a. Current parklet permit holders must submit an additional awning application.
- 2) Applications must be submitted to pwecips@CityofPaloAlto.org.
- 3) City staff will route the application for review. Reviewing departments include Building, Fire, Planning, with ultimate permit approval by Public Works.

“Roof”

- 1) A roof may be installed to cover **platform parklets only**. At-grade parklets are not eligible for installing a roof structure.
- 2) **A new encroachment permit application must be submitted.**

Generally Applicable Standards

- 1) **Roof shall not extend over the public sidewalk.**
- 2) **Roof’s outer edges shall not extend beyond the footprint of the parklet platform.**

Side Coverings

- 1) Roofs shall **not** be attached to a building
- 2) **Red Tier** - 1 side of the parklet can be covered; 3 sides of the parklet must remain open to allow for air flow. **Orange Tier** – 2 sides of the parklet can be covered; 2 sides of the parklet must remain open to air flow.
- 3) Side coverings must of transparent material, such as plastic.
- 4) Any alternative covering designs require additional review and approval.

Structural Integrity

- 1) Applicants who seek to install solid roof coverings over platform parklets must submit licensed engineer-designed and stamped plans for City review.
- 2) The plans must include:
 - a. Roof framing plan
 - b. Horizontal and vertical bracing system
 - c. Engineer evaluation to ensure the structure will be secured and not uplift during storm event.
 - i. Post and connection to platform and/or street
 - ii. Anchoring – If mounted to the street, then no more than 6” anchoring into the pavement; exceptions made on a case-by-case basis. Anchoring to the street will be limited; anchoring to the platform is strongly advised. The street shall be restored to its original condition to the satisfaction of the Public Works Inspector upon removal of the parklet.

Slope

- 1) Roof shall slope towards the street to ensure rainwater drains into the street.
- 2) Gutters and rain leaders are required.

Roof materials

- 1) Roof framing can be of wood.
- 2) Roofing can be nearly any material except copper.
 - a. It is recommended, though not required, that roof covering be made of a non-combustible material.
 - b. Examples of acceptable materials include:
 - i. Metal, including aluminum material
 - ii. Corrugated plastic
 - iii. Fabric, of a solid color with no lettering, no patterns, logos, images, or other designs.
 - c. Roof material shall be of a solid, uniform color.
- 3) Air Venting can be provided but is not required. Vents can help reduce heat build-up and decrease wind uplift

Minimum/Maximum Height

- 1) The roof shall be a minimum height of 8 feet.
- 2) The roof shall be no more than 12 feet in height.

Process

- 1) Complete an encroachment permit application and indicate “roof” on the application.
- 2) Current parklet permit holders must submit an additional roof application.
- 3) Applications must be submitted to pwecips@CityofPaloAlto.org.
- 4) City staff will route the application for review. Reviewing departments include Building, Fire, Planning, with ultimate permit approval by Public Works.