



## ONGOING PARKLET PROGRAM – AGREEMENT & GUIDELINES

### INTRODUCTION

In 2022, Healdsburg City Council approved the Ongoing Parklet Program (OPP) with the aim towards increasing activity and vibrancy in the downtown area. This program serves to provide some businesses the privilege of extending their operation to some public outdoors spaces on an ongoing basis under these guidelines **effective January 1, 2026**.

Any work on public property must have an Encroachment Permit and your Parklet Permit allows you to encroach into the public right-of-way. Parklets that require use of private property need to obtain permission from the property owner, follow these guidelines, and may require additional permits.

Please review the following Ongoing Parklet Program - Agreement & Guidelines as it provides requirements and timelines for applicants. All applicants must complete a parklet permit application, provide all required supplementary materials, and sign this document confirming that they understand all the necessary requirements in building, operating, and maintaining an outdoor parklet in the City of Healdsburg. Please note that these guidelines are subject to change. If you have any questions regarding the program, please contact Engineering Technician, Scott Mann at [smann@healdsburg.gov](mailto:smann@healdsburg.gov) or by calling 707.547.0556.

### ELIGIBLE BUSINESSES

The following criteria apply:

- Your proposed parklet is in the downtown area.
- You are applying as a restaurant, tasting room, or retail business.
- All permits for your business location are up-to-date and in good standing.
- Your business does not currently have outdoor seating space or private parking lot available

Each request for a parklet is unique and will require individual review and approval. Businesses wanting to establish a parklet should recognize that the program is ongoing in nature and is renewable annually; having been issued Parklet Permit does not assume that you may continue to operate a parklet in perpetuity. All businesses should evaluate the costs and benefit of maintaining an outdoor parklet along with any design and installation costs. **Permits may be terminated, revoked, or amended at any time at the sole discretion of the City Manager.**

Merchants who only use the sidewalk to display wares, or other businesses that put out a small table or bench but do not provide service to those seating areas, will not be considered a parklet. They will be required to follow outdoor display guidelines or maintain an annual encroachment permit with current insurance and indemnity.

### PROGRAM LIMITATIONS

The following program limitations will apply:

- The Ongoing Parklet Program cannot permit more than 60 3.5%5% of the total 1,416 available on-street and off-street public parking stalls in the downtown core as defined by the 2017-18 parking study conducted by Walker Parking Consultants, which equates to roughly 5070 parking stalls.
- Parklet requests will be reviewed based on the overall number in the downtown core and concentration of nearby parklets.
- The Ongoing Parklet Program may undergo a thorough program review in **2028** for possible modification or termination as determined by Healdsburg City Council.

## ACTIVATION

The Ongoing Parklet Program intends to increase vibrancy in the downtown area. To achieve this purpose businesses are **required** to activate their parklet and show consistent use of their parklet in **all** of the following ways:

- Parklet owners must detail their plan for activating their parklet space on their permit application.
- Parklet must be in use for a minimum of 5 days a week.
- Parklet must be made available to customers during all hours of business operation.
- Parklet owners are responsible for activating their parklet space to ensure its regular use.

As part of the regular inspection process, the City will note usage levels to be used as data when determining possible parklet renewal. Consideration will be made if the weather at time of inspection is not conducive for outdoor use.

If a parklet changes ownership, the new owner must activate the parklet within 30 days of the change of ownership. Activation means making the parklet available for public use in a form acceptable to the City. Failure to do so will result in the City requiring immediate removal of the parklet.

## DEFINITIONS

<b>Adjacent Business</b>	A business that shares one or more common walls with another business or is located next door on either side of another business (i.e., if separated by a walkway, alley, driveway, etc.).
<b>Canopy</b>	A structure or architectural projection of rigid construction over which a covering is attached that provides weather protection, identity or decoration, and may be structurally independent or supported by attachment to a building on one end and by not less than one stanchion on the outer end.
<b>Closed Sidewall</b>	Any side covering, drape, wall, screen, partition, tarp, fence or other vertical obstruction, other than posts, poles or other narrow support elements, that are between 42"-90" in height of canopy.
<b>Opening, or Open Sidewall</b>	For the purposes of these guidelines, an "opening" is an unobstructed area that allows for the free passage of outside air and is no less than 48".
<b>Outdoors</b>	A space located outside the confines of an enclosed building that allows for ample outside air circulation.
<b>Parklet</b>	A parklet is a small portion of public space (i.e., parking stalls, sidewalk, or public right-of-way) that has been reappropriated to serve as an extension of one or more commercial businesses and incorporates non-permanent materials and amenities.
<b>Partial Obstruction</b>	For the purposes of these guidelines, a "partial obstruction" is any vertical obstruction, including, but not limited to, vertical materials, fabrics, tarps, partitions, screens, fences, planters, railings, water walls and similar vertical obstructions or elements that are under or within 5' of the perimeter of a canopy are less than 42" in height from the ground or floor on which it rests and is provided with not less than 48" of clear opening height above the obstruction.
<b>Tent</b>	A structure, enclosure, umbrella structure or shelter, with or without sidewalls or drops, constructed of fabric or pliable material supported by any manner except by air or the contents that it protects.

## ENCROACHMENT INTO PUBLIC RIGHT-OF-WAY

Encroachment Permits shall be required for building and dismantling a Parklet. All requirements for obtaining an Encroachment permit are listed in the Public Works section of the City of Healdsburg website.

For the purpose of the ongoing encroachment of the right of way the Parklet Permit will stand in lieu of an Encroachment Permit.

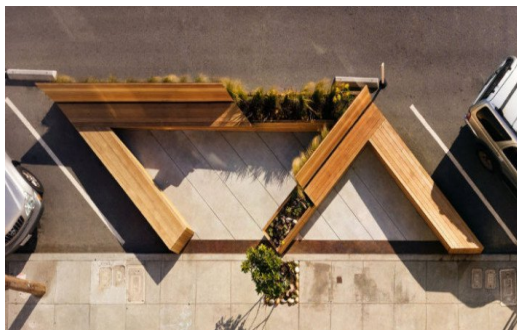
## ALLOWABLE CONFIGURATIONS



### **Parallel Parklet:**

These parklets utilize parallel parking spaces. Parklets typically are limited to a business's frontage but can extend further if supported by neighboring businesses. The approximate depth of usable space from the curb is 7' (or to within 1.5' of the outside edge of the parking stall striping). No part of a Parklet can extend beyond parking striping

Sidewalk seating may be incorporated into a parallel parklet layout or design.



### **Diagonal Parklet:**

These parklets utilize diagonal parking spaces. Parklets typically are limited to a business's frontage but can extend further if supported by neighboring businesses. The approximate depth of usable space from the curb will vary but is typically 17' (or to within 1.5' of the outside edge of the parking stall striping). Parklets cannot extend beyond parking striping.

Sidewalk seating may be incorporated into a parallel parklet layout or design.



### **Sidewalk Parklet:**

These parklets use sidewalk areas adjacent to the business that allow space for outdoor dining, beverage service, or retail. You must always keep a 5048" walkway open for pedestrians and not allow customers to move chairs or tables to infringe on the public walkway.

Merchants who only use the sidewalk to display wares, or other businesses that put out a small table or bench but do not provide service to those seating areas, will not be considered a parklet. They will be required to maintain an annual encroachment permit with current insurance and indemnity.



### **Realignment Parklet:**

This approach utilizes parking spaces to create a safe reroute for pedestrians to travel out and around the service area of the sidewalk allowing full seating and use of the sidewalk area. Sidewalk extensions must accommodate accessibility requirements. Sidewalk extensions need to be a minimum of 48" in depth from the curb and need to be ADA compliant.

**Note:** The above configurations are not exclusive as every location is unique and will require individual review. The City will determine the public space allowed for each business and the appropriate configuration. See *Appendix B* for sample layout and *Appendix C* for sample designs.—

## **USE OF PRIVATE PROPERTY**

Nothing in your permit relieves a business from any obligations or laws requiring consent of adjacent property owners for use of private property. Businesses seeking to operate outdoors shall obtain consent of any private property owners whose property will be used for outdoor operations; A signature from the property owner is required for a permit.

## **CANOPIES Roof**

## General Guidelines:

- All canopies/Roofs require a Building Permit and must be inspected.
- Canopies/Roofs must be rigid and have a fire-resistant certification or flame certification showing material in compliance with either California State Fire Marshal with approved seal or meets NFPA 701 flame retardant standards.
- Canopies/Roofs shall not be installed within 5' of buildings unless approved by the fire code official.
- If heating devices are used under canopies, the fire code official must provide an inspection. The use of propane heaters requires a permit from the fire code official.
- The layout or a diagram of outdoor canopies must be shown on the permit application.
- Canopy/Roof installations shall not obstruct fire apparatus access to existing buildings or fire protection appurtenances (e.g., fire hydrants, FDC's, etc.).
- Areas open to the public under canopies must be made accessible to individuals with disabilities. The head clearance under canopies is 90' (ideally 96').
- **There shall be a clearance of not less than 3'5" always surrounding the parklet, including adjacent parklets.**
- Outdoor canopies open to the public must have openings to allow airflow as provided in these guidelines. The combined sidewall area (all 4 sides) shall not have less than 50% of clear unobstructed opening at all times.
- If the building address is obstructed by a canopy, applicant must provide addressing that is visible from the public street and must be approved by the fire code official.
- Canopy/Roof shall be properly anchored or ballasted in accordance with manufactures guidelines, structural calculations or as otherwise approved by the fire code official. The formula  $[L \times W) \times 5\text{lbs} = \text{total ballast required}]$  may be used to determine total ballast for canopies.
- The following weights for filled water barrels may be used for providing ballasts:
  - Water barrels top tied only = 192 lbs. each
  - Water barrels top tied and bottom strapped to leg = 336 lbs. each
- Canopy permits are revocable by the fire code official for non-compliance with these guidelines.

**IMPORTANT: Temporary tenting is not allowed. No exceptions.**

## HEATING DEVICES

Outdoor heaters and elements that use electricity or propane fuel can help to make your parklet more comfortable throughout the year. Heating features are allowed in parklets but will require an additional permit from the Fire Department. Please note the following for all heating types:

- The location and type of all heating equipment must be shown on your permit application diagram/drawing.
- The fire code official or their designee will inspect all heating devices regardless of size.
- Heating appliances must be listed and used in accordance with manufactures guidelines, these guidelines, and the California Building Standards Code.



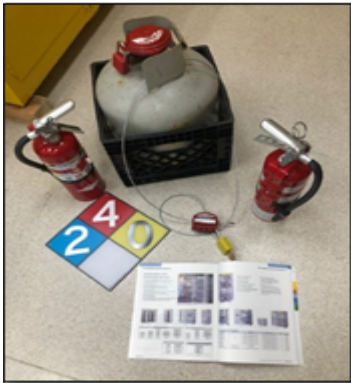
### Portable Electric Space Heaters.

Portable, electric space heaters are allowed when operated only in locations for which they are listed. Portable, electric space heaters shall be located at least 3' from any combustible materials, including sidewalls, ceilings, umbrellas, and all other combustible materials.



**Portable Outdoor Gas-Fired Heaters (i.e., propane or natural gas).** Portable outdoor gas-fired heating appliances for businesses may only be used when Fire Department requirements are met and the canopy is provided with one side that is completely open, and the combined sidewall area (all 4 sides) is not less than 50% of clear unobstructed opening as determined by the fire code official. A propane permit must be obtained by the fire code official prior to the installation and use of portable outdoor gas-fired heating appliances within a canopy.

Portable outdoor gas-fired heating appliances are not permitted within 3' horizontal and vertical distance from sidewalls, ceilings, canopies, or buildings and shall be kept a minimum of 5' horizontal distance from exits of canopies or buildings.



### Liquid Petroleum (LP) Gas (*Propane*):

- Propane shall be stored and used in accordance with the California Fire Code and must be stored within the parklet.
- A propane permit has been issued by the Fire Department
  - Electronically report and apply for a Hazardous Materials CUPA permit [online](#).
  - Tanks installed in listed appliances or alone may be stored in a secured location outside the business.
  - Tanks not installed on or in listed appliances shall be in milk crates or similar stabilization containers, nested, or secured top and bottom
  - The portable outdoor listed appliances can be secured by nesting them in the center of the parklet with the propane turned off, the access doors facing in and chained together to prohibit tampering.
  - Storage shall not be within 10' of ventilation intakes, doors, windows or ignition sources
  - Storage areas shall be posted "No Smoking or Open Flame"
  - Propane shall not be used inside buildings at any time.
- Propane tanks used shall not exceed 5-gallon water capacity.
- The permitted number of propane tanks shall not exceed five (5) tanks total (in use and in storage at any one time - empty tanks are considered full and count towards total).
- Propane tanks shall be adequately protected to prevent tampering, damage by vehicles or other hazards and shall be in an approved location not less than 5' from canopy, sidewalls, and ceilings. Propane tanks shall be located not less than 5' from a means of egress (exit).

Propane cylinder valve lock, NFPA 704 diamond, fire extinguisher with maintenance tag, cable lock, milkcrate, propane cabinets.

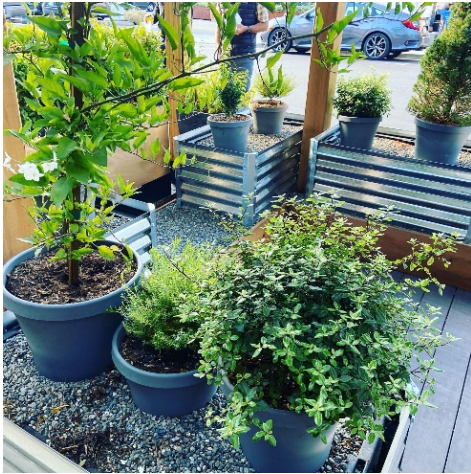
## LIGHTING



Lights can be a wonderful way to create ambiance within the parklet. Lights can be installed within the parklet and over the sidewalk by incorporating a post element into your parklet design railing treatment.

- Lighting is allowed but may require a permit, depending on what you propose. Self-contained low-voltage systems, such as solar or battery-powered lights, **are strongly recommended**.
- Lighting is limited to the structural elements of the parklet and cannot be attached to public trees, light poles, or other City-owned infrastructure.
- Lighting shall be placed in a manner and brightness level to avoid distraction to drivers.
- They are at least 7.5' feet high to allow vertical clearance for pedestrians.
- Do not include any lighting that is blinding to passing traffic.
- Due to Healdsburg's historic downtown buildings, some sites will require more creative solutions so as not to damage structures.
- Please include a lighting plan with your parklet paperwork. It must include specific locations of anchor points, type of wall anchors proposed for installation, size of lateral cabling, and where the electricity is being drawn from (interior of building or exterior of building).
- Additional detailing will be required for the proposed construction of the overhead lighting support system to show how lateral bracing is provided.
- All lighting must meet electrical code and energy code requirements. All lighting types, lighting controls and the routing of the electrical should be clearly indicated on an electrical plan.
- All lighting and cords must be UL listed for outdoor use and warm in color (no bright LEDs). All outdoor electrical must be cord and plug connected using a Ground Fault Circuit Interrupter (GFI) electrical receptacle.
- Cords or wiring at ground level must be covered or installed to prevent trip hazards. Overhead wiring may be permitted under certain situations with approval.
- If in the opinion of the City that the lights are a distraction, applicant shall modify as necessary at their own expense.
- At no time should any business tap into City-owned power or any other public utility.

## MAINTENANCE & LANDSCAPING



Being approved for a parklet is a great privilege and responsibility. Parklet owners are responsible for ensuring their parklet is kept in like-new condition including:

- Exposed wood is stained, sealed, or otherwise treated for ongoing outdoor use.
- Measures taken to prevent weathering or discoloration in wood or sidewalls.
- Regularly clean parklet and the surrounding areas that accumulate trash and leaves.
- Regularly inspecting decking, hinges, sidewalls, ramps, connections points, railings, etc. to comply with guidelines.
- Ensure parklet lighting such as bistro lights are replaced when burnt-out.

Due to the location of parklets, street-sweepers are unable to access the area. The garbage will attract vermin, and the leaves will cause slipping hazards, particularly when wet. Parklet owners are responsible for cleaning and maintaining all interior and exterior areas surrounding your parklet where street sweepers cannot reach, including your neighbor's frontage. To assure contaminants do not enter our waterways, no sweeping into any drainage or planter, debris must be properly disposed in an appropriate receptacle [of parklet owner](#).

Landscaping must follow the 50% visibility rule allowing pedestrians and cars the ability to see traffic. All landscaping must comply with Fire safety

standards.



## SEATING



Parklets that incorporate seating can be integrated in a variety of creative ways. These seats can be a part of the structure, planters, or creative features within the parklet. Seating and tables can also be movable as well. This seating can be removed and stored at the end of the day or locked with cables to the parklet structure.

**Seating must comply with ADA requirements and is the full responsibility of the Parklet owner.**

## SIDEWALLS: THE 50% RULE

By always adhering to the 50% Rule, parklet owners will meet several sightline, air flow, and parklet design requirements. The bulleted items below define the 50% Rule:

- Use of sidewalls are permitted **only when...**
  - **The parklet is in active use**
  - **During times of direct sunlight, rain or heavy wind**
- The combined sidewall area (all 4 sides) shall not have less than 50% of clear unobstructed openings around your parklet.
- You can include columns and other vertical elements into your parklet design.
- Continuous opaque walls between 42”-90” that block views into the parklet from the surrounding streetscape are prohibited.
- The parklet should have a notable, defined edge along the side of the parklet facing the roadway and adjacent parking stalls. Depending on the context, the edge should be between 30” and 42” in height.
- Temporary vertical obstructions, such as mesh screens, between 42” and 90” from the pavement shall be considered a **“closed sidewall”**.
- Vertical obstructions 42” or less in height shall be considered **“partial obstructions”** and shall be allowed for the purposes of determining **“sufficient outside air movement”**.
- A minimum clear **“opening”** height of not less than 48”, shall be provided above any partial obstructions to provide **“sufficient outside air movement”**.
- Variations from these guidelines may be approved on a case-by-case basis when the intent of the State and County guidelines are met and the variations are approved by the Department of Public Health and the fire code official. (An example of a variation might include fans or other devices that increase sufficient outside air movement to a space that might not otherwise meet all the criteria mentioned above.)
- All temporary sidewall material/fabric, placement, and attachment method must be pre-approved as part of your Parklet Permit.



### Closed sidewall

(Non-permanent. Only permitted during times of direct sunlight, heavy wind, or rain. All temporary sidewalls and sidewall material must be pre-approved



Parklets may not be used to hang banners, promotional material, or any other type of signage without prior approval from the City. A professional design proof may be required.

At no time should any business attach, affix, or secure, any signage to any power pole, tree, streetlamp, or other City-owned piece of infrastructure without prior approval. Signs should be modest in size and be in character with the materials, colors, and details of the parklet and associated business. Signs shall not impact sight lines and shall not obstruct the public right-of-way.

Parklets blocking their address must provide their numerical address on the street facing side of their parklet so that it is easily viewable from the roadway. A self-reflective address sign on the parklet with individual numbers that are at minimum 4" in height.

## CONSTRUCTION

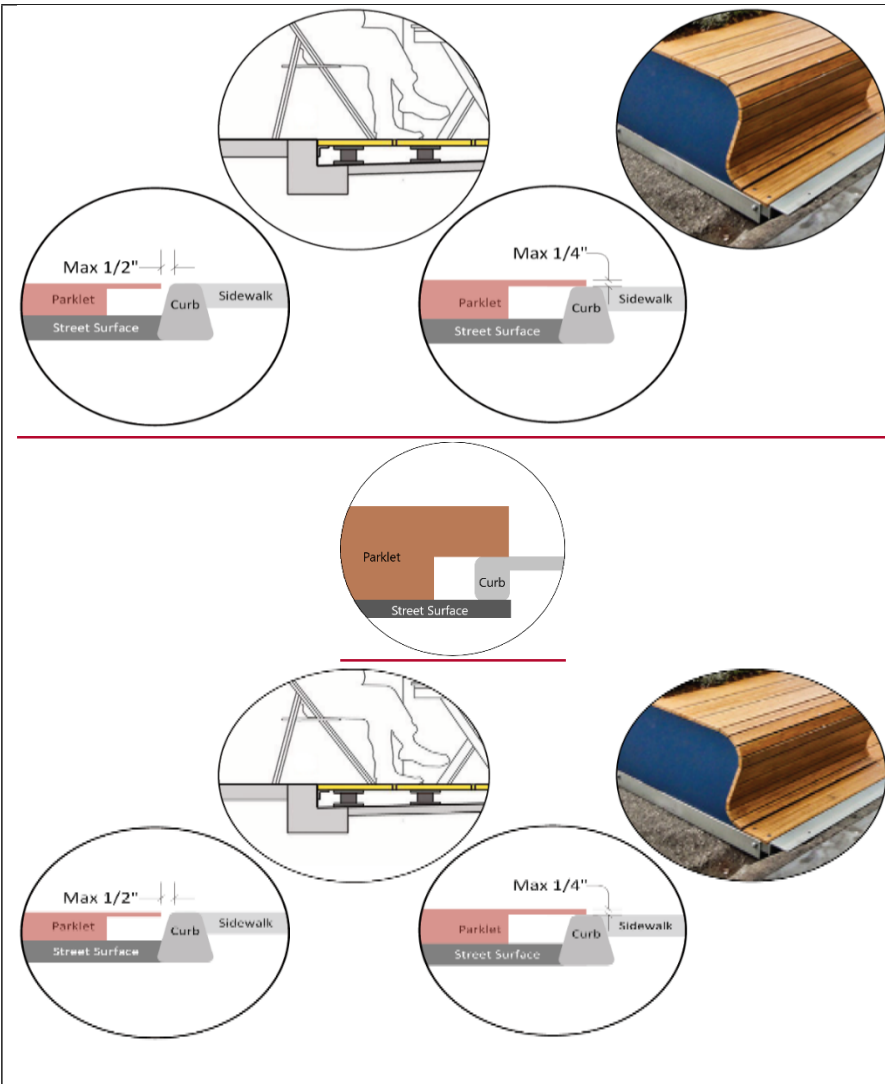


No permits will be approved on City streets without the installation of an approved deck. The parklet frame should be a freestanding structural foundation that rests on the street surface or curb. No features or structural components may be permanently attached to the street, curb, or adjacent planting strip. Businesses cannot leave materials within the public right of way outside your parklet, including during construction. At no time should any business attach, affix, or secure, any sign, private equipment to any power pole, tree, streetlamp, or other City-owned piece of infrastructure. Parklets must be freestanding and no attachment to any existing building structure or piece of infrastructure (private or public) is permitted without approval. All parklets must have a continuous boundary defining special parklet area.

Upon receiving your Parklet Permit, construction must be completed in a timely manner and not continue for more than 3 weeks from your start date. After work has started, continual progress on your parklet must be made to comply with the conditions of your permit. Any construction lasting more than 3 weeks will require the installation of construction fencing at the permit holder's coordination and risk possible revocation of permit. Additionally, drilling into the sidewalk or pavement is not allowed. When your permit expires, businesses will need to repair any damage to public property. The City will require an additional encroachment permit to correct any damage.

## CURB INTERFACE

Updated:



- Parklet design shall allow for stormwater flow and drainage along the curb. **Approval of Parklet Permit does not relieve owner of responsibility for creating and maintaining proper drainage under all circumstances.**
- The top of the decking shall be flush with the curb (no more than 1/2" horizontal gap), level with the adjacent sidewalk (no more than 1/4" vertical deviation) and must be accessible at several locations by pedestrians.
- The parklet must have a seamless connection to the existing curb to meet ADA requirements. In certain situations, a ramp may be required to meet ADA requirements.
- Parklets can be designed with the parklet sitting on top of the curb only if an ADA compliant ramp is installed.
- Nothing can be drilled or affixed to the curb.
- **Parklet owner, at their own expense, must repair any damage to the curb caused by the Parklet at the time of removal of the Parklet.**

## PUBLIC UTILITY



A parklet shall not block or encumber the working space around storm water drainage, fire hydrants, transit stops, driveways, manholes, or public utility valves/covers. At no time should any business tap into City-owned power, water, or any other public utility.

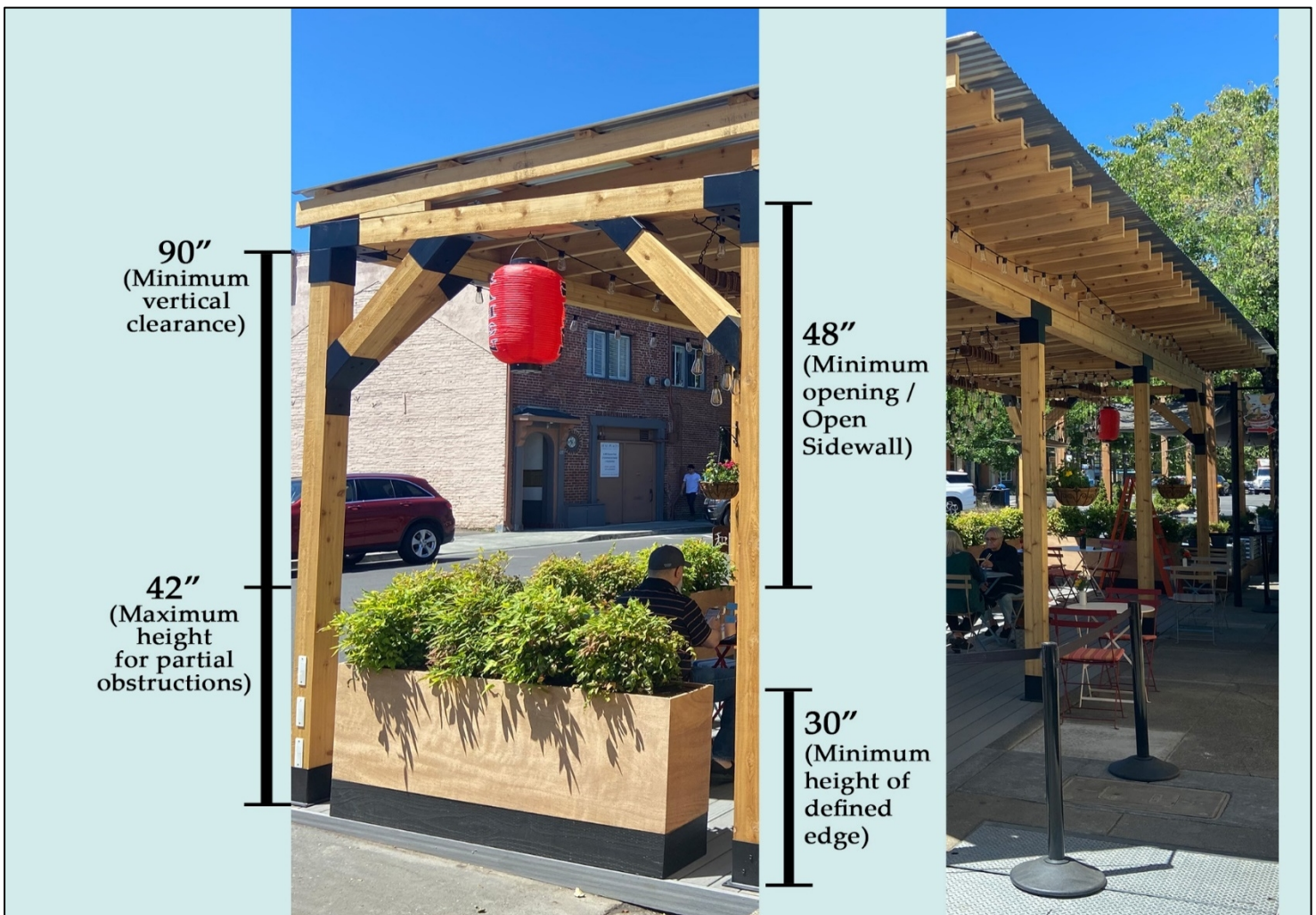
## ROAD BARRIERS

Vehicle deterrents such as heavy planters, filled wine barrels, or other heavy objects shall be installed within the parking space adjacent to the traffic lane no more than 6' apart along the street side perimeter of the parklets. Additional vehicle deterrents shall be installed on the edges of the parklet. Vehicle deterrents such as planters, wine barrels, or other objects **MUST** be filled with water, soil, sand, gravel, or other heavy material and be installed within the parking space adjacent to the traffic lane or adjacent parking sides. All vehicle deterrents shall be located entirely within the approved parking space(s), and design and placement must be approved by City staff.

Reflective tape or markers are required at the corners of the parklet and, depending on location, along the length of the parklet to alert drivers, cyclists, and others. In low light conditions or rainy days, drivers unfamiliar with the parklets need a clear warning of these unexpected objects in the parking area.

## SIGHT LINE

- The parklet design must ensure visibility to passing traffic and pedestrians and not create a visual barrier.
- The parklet shall maintain a visual connection to the street. Continuous opaque walls higher than 42" that block views into the parklet from the surrounding streetscape are prohibited.
- A minimum overhead clearance of 90" (preferably 96") must be provided for any parklet that includes a canopy, umbrella, or similar element, to avoid creating a visual barrier and to provide adequate clearance for people.
- The parklet should have a notable, defined edge along the side of the parklet facing the roadway and adjacent parking stalls. Depending on the context, the edge should be between 30" and 42" in height on the street side.
- The parklet shall not encroach on the travel way.
- Traffic deterrents must be connected to create a perimeter that deters individuals from entering the traffic lane from the parklet. This can be accomplished via a railing, planter, pony fence, roping, or other similar apparatus. A continuous barrier is also required for ABC purposes.
- Generally, parklets must be located at least one parking stall away from a street corner. Applicants requesting a parklet located on a corner will undergo a thorough review and sight line evaluation, based on specific location and intended use, to determine if the presence of the parklet at a specified location will cause a safety hazard.
- Parklet shall not create an unsafe condition by limiting necessary line of sight from driver to signage, traffic, or pedestrians.
- Parklet location must comply with California Daylighting law AB 413 – prohibits parklets within 20ft of approach side of marked or unmarked crosswalk and 15ft of approach side of marked or unmarked crosswalk with curb extensions (Bulb outs)



GENERAL PERMIT PROCESS

**STEP 1:** Applicant submits permit application via e-mail to:

Scott Mann, Engineering Technician  
[smann@healdsburg.gov](mailto:smann@healdsburg.gov)  
707.547.0556

**STEP 2:** Permit Coordinator collects all application materials and provides initial review of application.

- Completed application with required signatures
- Detailed Map / Layout
- Initialed and signed Parklet Permit - Agreement & Guidelines
- Proof of Liability Insurance with Endorsement
- ~~Proof of ABC license to extend alcohol service to parklet (if serving alcohol)~~
- Any supplemental materials, photos, maps, layouts, or permits

**STEP 3:** Permit Coordinator routes completed application to City staff for review/approval, as needed.

**STEP 3a:** The City may request a virtual or on-site meeting with the applicant to review request.

**STEP 4:** Permit Coordinator assembles all conditions and requirements into a permit packet for applicant to sign.

**STEP 5:** If permit is approved, the Permit Owner Pays Fee

**STEP 6:** Permit Coordinator signs and issues Parklet Permit.

**STEP 7:** Annual renewal invoices issued to current parklet permit holders on December 1<sup>st</sup>

**STEP 8:** First Installment of annual fees due by January 31<sup>st</sup>

**STEP 9:** Second installment of annual fees due by June 30<sup>th</sup>

**IMPORTANT:**

Any business wishing to be permitted for a parklet must apply for a Parklet Permit and comply with these updated guidelines regardless of previous permit status.

**ASSOCIATED FEES & COSTS**

## Annual Parklet Fees:

- Administrative Fee: \$219.07 per month
  - Fee supports the cost of city staff to monitor and administer the program.
- Rental Fee: \$1.64 per square foot per month
  - Fee covers the private use of right-of-way made inaccessible to the public by the parklet, including street, sidewalk, or other public right-of-way.
  - Official parklet size will be determined by the City based on approved layout and the amount of right of way being made inaccessible by the parklet. The chart below outlines sample fees based on various parklet sizes; each parklet will have its own unique size based on its individual layout:

<b>SAMPLE PARKLET SIZE</b>	<b>ANNUAL RENT</b>	<b>ADMINISTRATIVE FEE - ANNUAL</b>	<b>TOTAL ANNUAL FEE</b>
100 sq. ft.	100 sq. ft. x \$1.64 x 12 months	\$2,628.84	\$4,596.84
352 sq. ft.	352 sq. ft. x \$1.64 x 12 months	\$2,628.84	\$9,556.20
678 sq. ft.	678 sq. ft. x \$1.64 x 12 months	\$2,628.84	\$15,971.88

- Payment Due Dates: Annual fees will be billed on December 1<sup>st</sup> each year with separate invoices representing the two equal installments. The first installment is due on or before January 31<sup>st</sup>. The second installment is due on or before June 30<sup>th</sup>.
- Proration: Annual fees on new permits issued after January 31<sup>st</sup> of a given year are eligible to be prorated. Prorated fees will be calculated based on the number of months remaining in the permit year from the date of applicant signature on permit packet. For the purpose of proration, any partial months will be rounded up.

## Late Payment Fee

A late payment fee of \$137.59 will be assessed if payment is not received by close of business on the due date, or close of business on the Monday following the due date if it occurs when City Hall is not open. The late payment fee of \$137.59 will continue to be assessed every 30 days until paid or until the payment is over 90 days late at which time the parklet permit will be revoked.

## Guidelines Violation Fee

If your parklet is found in violation of any of the Ongoing Parklet Permit guidelines, including failure to provide current proof insurance, you will be issued a notice of violation. Parklet owners will then have 15 days to remedy the violation before a guidelines violation fee of \$137.59 will be assessed. If an owner is unwilling or incapable for removing their parklet or repairing damage, they will be charged on a time and

material basis for City staff or city paid contractor to do the work. If that amount is greater than the deposit, the owner will be charged the difference. If less than the deposit, the remainder will be returned to the owner.

**All fees are subject to increase annually on July 1<sup>st</sup> by the Consumer Price Index - All Urban Consumers for the San Francisco-Oakland-San Jose area, as calculated by the U.S. Department of Labor, for the month of April.**

**Other potential fees:** (Not collected by the City of Healdsburg, amounts may change)

- CUPA certification (training required to handle propane under outdoor canopies; roughly \$400 annually)
- California Department of Alcohol and Beverage Control – Extension of existing alcohol license
- Any professional designs (required for a building permit)
- Additional fees may apply depending on parklet use.

**Other costs:**

- The business constructing the parklet is fully responsible for all construction and setup costs, operations and maintenance, full liability release and indemnification, and provision of insurance.
- Any damage, repair, replacement, or preventative maintenance.
- The business shall remove a parklet, or portion of a parklet, at its own cost, if necessary for public utility or street maintenance/repair purposes, as determined by the City. This may include full removal of the parklet installation to access below ground, street level, or above ground utilities, trees, and other City infrastructure.
- The business shall be responsible for repairing any damage caused to the street/curb/gutter/sidewalk as a result of the parklet, once the parklet is removed.

## TERMINATION OF PERMIT

**Applicant:** Applicant can terminate their parklet permit at any time due to business closure, relocation, or other causes. There are no refunds for permit fees already paid. Applicant must submit a written notice of termination within 15 days of ceasing to activate the parklet in accordance with activation terms outlined. The applicant is required to remove the parklet or provide new ownership information within 60 days of termination notice.

**City:** City may terminate a parklet permit due to failure to pay fees timely. City may deny parklet renewal if activation standards are not being met or if violations remain uncorrected. The city will provide written notice to the applicant 30 days prior to renewal or termination. The applicant is required to remove the parklet within 60 days of receiving notification of permit termination.

In accordance with the Parklet Removal Deposit, in the event a parklet needs to be removed, the city will retain the deposit until the Parklet has been completely removed, any damage to City infrastructure has been repaired, and parking has been returned to the public. Once the Parklet owner has completed the removal to the satisfaction of the City the deposit will be returned. If an owner is unwilling or incapable of removing their parklet or repairing damage, they will be charged on a time and material basis for City staff or city paid contractor to do the work. If that amount is greater than the deposit, the owner will be invoiced for the additional costs and payment will be due within 60 days of written notification. If the cost of the City removing the parklet is less than the deposit, the balance will be refunded to the applicant within 60 days of completion of the work.

## NEIGHBOR NOTIFICATION AND COMPLAINTS

All permit applicants MUST notify all adjacent businesses and provide details of their parklet plan prior to submitting their application. Any immediately adjacent business to a permitted parklet has the right to revoke their support at any time. A neighboring business that has any concerns or issues is encouraged to resolve the matter independently and diplomatically with the permit holder. If a resolution cannot be found, the adjacent business may contact the permit coordinator in writing to file an official grievance for determination and/or direction on the matter. Non-adjacent businesses may also provide a complaint in writing which will be included in the permit holder's file and re-reviewed upon renewal. The permit coordinator will determine any applicable action based on a written complaint.

## MAP & LAYOUT REQUIREMENTS

In your permit application, you will be asked to include a ***detailed*** drawing / visual representation of the area in which your proposed outdoor activities will take place. To assist us by providing a thorough review of your map / layout you will be asked make note of the following:

### ***Boundaries & Equipment:***

- Clearly define the boundaries of your proposed footprint and identify the names of any neighboring businesses
- Your **ENTIRE** parklet, including wine barrels, planters, and barricades, must fit within the parking area (painted white tic marks must be visible or as approved in your permit).
- Label street names of any adjacent streets
- Include all improvements, structures, equipment, and/or materials (i.e., tables, dividers, barriers, etc.)
- Identify all permanent public fixtures within your proposed footprint (i.e., sidewalks, trees, fire hydrants, benches, etc.)
- Indicate a minimum 48" path of ADA compliant travel
- Details of construction of platform if used to create flat surface
- Details of hand railing if a drop off is created by platform
- Details at connection point to curb or note to be created "flush with curb"
- Details of any ramp or other device to allow wheelchair access
- Vertical clearance of 7' minimum required from walking surface (i.e., if patio umbrellas are used)
- Vertical clearance of 7.5' minimum required from walking surface (i.e., if canopy is installed)
- Details on use of any gaps between parklet and adjacent parking (i.e., bike parking, planters, etc.); gaps over 4' may require additional road barrier protection provided by the parklet applicant.
- Show continuous boundary defining parklet area.

See *Appendix B* for helpful information on site plans. Professional drawings are required for all Building Permits.

## INSURANCE & INDEMNITY REQUIREMENTS

### Indemnity

The undersigned applicant is twenty-one years of age or over. I have read and understand the information provided in the Ongoing Parklet Permit - Agreement & Guidelines and will abide by all applicable requirements. The applicant agrees that they will be responsible for the use and care of city property. Applicant agrees to indemnify and save harmless the City of Healdsburg, its officers, agents and employees and against any and all loss, damage and/or liability that may be suffered or incurred by the City of Healdsburg, its officers, agents and employees, and against any and all claims, demands and causes of action that may be brought against the City of Healdsburg, its officers, agents and employees, caused by, arising out of or in any way connected with the use by the undersigned of the City of Healdsburg facility or the exercise of the privilege herein granted, except that arising out of the sole negligence of the City. I hereby declare that I have read and understand and agree to abide by and to enforce the rules, regulations, and policies affecting the use of the facilities. I understand that vague and/or incomplete applications will delay the approval process.

### MINIMUM SCOPE AND LIMIT OF INSURANCE

Coverage shall be at least as broad as:

1. Commercial General Liability (CGL): Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than \$2,000,000 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit.

2. Workers' Compensation insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease.

(Not required if Permittee provides written verification that it has no employees)

If the Permittee maintains broader coverage and/or higher limits than the minimums shown above, the City requires and shall be entitled to the broader coverage and/or higher limits maintained by the Permittee. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the City.

### Other Insurance Provisions

The insurance policies are to contain, or be endorsed to contain, the following provisions:

The City, its officers, officials, employees, and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the Permittee including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the Permittee's insurance at least as broad as one of the following ISO ongoing operations Forms: CG 20 10 or CG 20 26 or CG 20 33 (not allowed from subcontractors), or CG 20 38; **and** one of the following ISO completed operations Forms: CG 20 37, 2039 (not allowed from subcontractors), or CG 20 40.

### Primary Coverage

For any claims related to this contract, the Permittee's insurance coverage shall be primary insurance coverage at least as broad as ISO CG 20 01 04 13 as respects the City, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, or volunteers shall be excess of the Permittee's insurance and shall not contribute with it.

### Notice of Cancellation

Permittee shall provide immediate written notice if (1) any of the required insurance policies is terminated; (2) the limits of any of the required policies are reduced; (3) or the deductible or self-insured retention is increased. In the event of any cancellation or reduction in coverage or limits of any insurance, Permittee shall forthwith obtain and submit proof of substitute insurance.

### Waiver of Subrogation

Permittee hereby grants to City a waiver of any right to subrogation which any insurer of said Permittee may acquire against the City by virtue of the payment of any loss under such insurance. Permittee agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the City has received a waiver of subrogation endorsement from the insurer. However, the Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the City for all work performed by the Permittee, its employees, agents and subcontractors.

**Self-Insured Retentions**

Self-insured retentions must be declared to and approved by the City. The City may require the Permittee to provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention. The policy language shall provide, or be endorsed to provide, that the self-insured retention may be satisfied by either the named insured or City.

**Acceptability of Insurers**

Insurance is to be placed with insurers authorized to conduct business in the state with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City.

**Verification of Coverage**

Permittee shall furnish the City with original Certificates of Insurance including all required amendatory endorsements (or copies of the applicable policy language effecting coverage required by this clause) and a copy of the Declarations and Endorsement Page of the CGL policy listing all policy endorsements to City before access is allowed. However, failure to obtain the required documents prior to the access being allowed shall not waive the Permittee's obligation to provide them. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

**Subcontractors**

Permittee shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Permittee shall ensure that City is an additional insured on insurance required from subcontractors.

**Special Risks or Circumstances**

City reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

**Minimum Scope of Insurance:**

Permittee shall obtain and all times during duration of this Agreement maintain coverage at least as broad as:

- Insurance Services Office Commercial General Liability coverage (occurrence form CG 0001).
- Workers' Compensation insurance as required by the State of California and Employer's Liability insurance (for Permittees with employees).
- Property insurance against all risks of loss to any tenant improvements or betterments.

**Permittee shall maintain limits no less than:**

**General Liability:** \$2,000,000 per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

**Worker's Compensation Insurance:** Proof of Workers Compensation and Employers Liability insurance as required by any applicable law, regulation or statute, including the provisions of Division IV of the Labor Code of the State of California, and any act or acts amending it. Worker's compensation insurance must be for Statutory Limits and must cover the full liability of the Permittee. The Permittee's Employer's Liability Insurance must be in an amount no less than \$1,000,000.00 per occurrence.

**Deductibles and Self-Insured Retentions:**

Any deductibles or self-insured retentions must be declared to and approved by the City. At the option of the City, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the City, its officers, officials, employees and volunteers; or the Permittee shall provide a financial guarantee satisfactory to the City guaranteeing payment of losses and related investigations, claim administration and defense expenses.

**Other Insurance Provisions:**

- The general liability policy is to contain, or be endorsed to contain, the following provisions:
- The City, its officers, officials, employees and volunteers are to be covered as insureds with respect to liability arising out of ownership, maintenance or use of the premises/property owned by or leased to the Permittee.
- The Permittee's insurance coverage shall be primary insurance as respects the City, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees or volunteers shall be excess of the Permittee's insurance and shall not contribute with it.
- Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled,

except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City.

**Acceptability of Insurers:**

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII unless prior approval is received from the City Attorney.

## INSURANCE CHECKLIST

Below you will find a helpful Liability Insurance & Endorsement Checklist for providing us a Certificate of Insurance AND Endorsement that meet our requirements:

### **Certificate of Insurance (COI):**

- Correct name and address of permit applicant is listed on the COI (must match the applicant/business name on the Parklet Permit Application).
- Limits need to be \$2,000,000.00 or greater.
- "The City of Healdsburg, it's officers, officials, employees, and volunteers" need to be listed.

Proof of Worker's Compensation. the Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the City for all work performed by the Permittee, its employees, agents and subcontractors.

The application says that you need to provide proof of Workers' Comp Insurance as required by the State of California and Employer's Liability Insurance. When we refer to proof we are stating that your need to show us that you have Workers Comp but that you don't have to provide the Workers' Comp Waiver of Subrogation, which we normally require.

### **Additionally Insured General Liability Endorsement:**

- "The City of Healdsburg, it's officers, officials, employees, and volunteers" need to be listed.
- Additionally insured or 'Per Written Contract' needs to be listed.
- Contains Primary and Non-contributory language.
- The GL Policy number added to the endorsements or the form numbers added to the certificate page in the description. Something that connects all these documents together.

Please provide the above requirements and checklist to your insurer and confirm that they have provided all information contained in the checklist before submitting your insurance documents. Providing insurance documents that do not meet the City's minimum requirements may delay your permit approval. It is the responsibility of the permit holder to ensure that the City has your most current insurance information on file.

## ADDITIONAL PERMITS & REQUIREMENTS

The City shall only enter into a parklet agreement that authorizes activities which are consistent with City, State and County guidelines. Nothing in this permit shall authorize a particular business to operate outside unless that business is authorized to operate with approval of the City of Healdsburg. All businesses must be in full compliance with all City, State, and County requirements.

### Nothing relieves a business from the requirement to:

- Obtain a Building Permit for outdoor activities if a building permit would otherwise be required, nor does this relieve a business from complying with all provisions of the Building Code, including but not limited to, maximum occupancy requirements. City staff will determine if your parklet construction requires a building permit as part of their review of your permit application.
- Undergo design review for exterior alterations if such design review is required pursuant to any historic property standards.
- Obtain any and all [California Department of Public Health](#) (CDPH) permits required for outdoor food service / food safety.
- Obtain an alcohol license extension from [California Department of Alcohol and Beverage Control](#). Since the City of Healdsburg does not administer this permit, if you hold a Temporary ABC COVID-19 Catering Permit, your license may not align with the duration of your Parklet Permit. Please ensure you that you have the proper alcohol permit(s) to extend your existing alcohol license into a permitted parklet area. The number to ABC's local office in Santa Rosa is 707-576-2165 if you have any questions.
- Adhere to the laws and regulations set forth in the [Americans with Disabilities Act of 1990](#) (ADA). As the business and parklet owner, you are responsible for understanding and meeting the requirements of the Americans with Disabilities Act (ADA). You must always keep a 48" walkway open for pedestrians, do not allow customers to move chairs or tables that infringe on the public walkway. See Appendix A for additional guidance.
- Obtain all permits and follow all requirements found in the California Building Standards Code and the California Fire Code including electronically reporting and applying for a Hazardous Materials [Certified Unified Program Agencies](#) (CUPA) permit if using Liquid Petroleum (LP) Gas (Propane).

Information provided above is not an exhaustive listing of permits and parklet requirements. Permit requirements are subject to change, additional permits may be required, and holders of a Parklet Permit must conform to all updated permit requirements, guidelines, laws, and ordinances.

## PARKLET INSPECTION

Once your approved permit is issued, your parklet is subject to regular inspection by City staff without notice. Inspection results will be provided to you along with any notations, corrective measures, and timeline for completing any issues. Timeline for each corrective measure will be contingent on the safety risk posed. Permit holders will need to confirm all corrective measures in writing and provide pictorial evidence if required. To assist parklet owners with ensuring guideline compliance, *Appendix E* offers a helpful Self-Inspection Checklist.

If on subsequent inspections, previously identified issues persist, the permit review team will review the violation and determine appropriate action. **Permits may be terminated, revoked, or amended at any time at the sole discretion of the City Manager.** [Any work required of the owner that is not completed after proper notice may be completed by the City at owners expense.](#) Please see section on "Violations" for additional information.

## ADDITIONAL TERMS & CONDITIONS

Please read and understand the following permit terms & conditions:

- Permittee agrees to accept all responsibility for loss or damage to any person, property, or entity and to indemnify, hold harmless, and defend and release the City of Healdsburg, its agents, and employees from and against any and all liability actions, claims, damages, costs, or expenses which may be asserted by any person, property, or entity, including Permittee, arising out of or in connection with the willful act or negligence of Permittee engaging in the activities associated with this Agreement, whether or not there is concurrent negligence on the part of the City, but excluding liability due to the sole active negligence or sole willful misconduct of the City.
- Permittee hereby grants to the City the right to remove or relocate said improvements and to come upon Permittee's land to effect said removal or relocation if deemed necessary by the City and/or a Utility. Permittee waives any claim or right he/she/it may have for inverse condemnation, damages, or loss of income or business resulting from said removal.
- Permittee shall comply with all applicable local, State, and Federal laws and regulations at all times during the effective period of this agreement, including but not limited to laws regarding the obstruction of vehicular traffic, the Americans with Disabilities Act, and County health laws regarding provision of food services.
- If Permittee's proposed activities encroach into public right-of-way and/or a public easement, Permittee shall procure and maintain for the duration of this Agreement, and furnish proof along, with this Agreement, insurance against claims for injuries to persons or damages to property which may arise from or in connection with this Agreement, as set forth in this section. **It is the responsibility of the permit holder to ensure that valid insurance remains on file with the City.**
- Permittee understands and agrees that this permit confers no vested rights to any ongoing or continued activities, and any and all activities authorized by this Agreement. All improvements, structures and installments approved pursuant to this Agreement shall be removed in their entirety upon expiration of this Agreement.
- This Agreement is non-transferable. Only the permittee with whom this Agreement was entered shall be permitted to engage in the activities authorized herein.
- This instrument contains the entire agreement between the parties relating to the rights herein granted and the obligations herein assumed.

Permit holders must agree to the following:

- I understand that this program is ongoing and will expire in accordance with these guidelines, unless otherwise amended by City Council.
- I understand that my parklets should be functional, safe, welcoming, aesthetically pleasing, and meet all municipal and parklet guideline requirements.
- I will adhere to all Sonoma County Health Services orders and requirements.
- I will adjust my outdoor plan if the City identifies safety, ADA, or logistical issues after this permit is issued.
- I accept all risk related to loss or damage of any outdoor furnishings.
- I will always leave room for ADA access (minimum of 48" unobstructed clearance) and for appropriate pedestrian flow and will be responsible for allowing all ADA requirements.
- I will leave Fire Department connections, fire hydrants, and designated red zones unobstructed.
- I will train staff on the location of the nearest fire extinguisher to the outdoor space.
- I will assure that exits for my business and adjoining businesses remain unobstructed.
- I will not cook outdoors.
- I am not prohibited by any lease or rental agreement from expanding my business outdoors in front of my business.
- I understand the City reserves the right to update, amend, or otherwise change these guidelines at any time.
- I understand that amplified sound is not permitted in any parklet area.
- I understand that parklets must be made assessable during all hours of business operation, if requested by a customer.
- I understand that smoking is prohibited in all parklets.
- I understand that Parklets cannot be sublet or transferred in anyway.
- I understand that I must remove my parklet upon vacating the location
- I understand that if I vacate the location and do not remove my parklet I will be held liable for any cost associated with the removal of the parklet.

## VIOLATIONS

To operate in an outdoor public area, you must hold a valid Parklet Permit and following all guidelines herein. Any violation of this permit may include termination of specific parklet amenities (lighting, sidewalks, heating devices, etc.) if improperly used, a cease in parklet service/operation until violations are corrected, or revocation of permit and parklet removal depending on the severity, quantity, or ongoing nature of the violation(s). Parklets with reported violations that remain uncorrected are [subject to violation fee and](#) not eligible for annual renewal.

Violation of any local, State, or Federal law shall constitute an imminent threat to the public health and is hereby declared to be a public nuisance and shall be subject to enforcement as such; violations may result in the immediate termination of your Parklet Permit and the cessation of any authorized activities. **Permits may be terminated, revoked, or amended at any time at the sole discretion of the City Manager.**

## APPEAL

Any applicant who is denied a Parklet Permit, whose parklet concept does not conform to these guidelines, or whose permit has been revoked for any purpose, may appeal. All appeals must be made to the City Manager within 30-days of notice of denial or revocation. The appellant shall attach a written statement describing the circumstances of the appeal and include any evidence that he/she would like to be reviewed for consideration. A response will be delivered within 30-days to the applicant.

## SIGNATURE

THE UNDERSIGNED AGREES THAT THE PROPOSED ACTIVITIES DESCRIBED ABOVE SHALL BE IN ACCORDANCE WITH AND SUBJECT TO THIS AGREEMENT'S TERMS AND CONDITIONS, CITY OF HEALDSBURG **RESOLUTION NO. 20-2022** AND ALL OTHER APPLICABLE LOCAL, STATE AND FEDERAL LAWS.

**Applicant signature:**

**Date:**