



City of Woodland
Community Development Dept.
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Appendix I - Rules & Regulations for Temporary Outdoor Dining/Use permit

These Regulations pertain to the “Temporary Outdoor Dining/ Use Permit Application”. The Applicant of this Permit consents to have read and agreed to the stipulations detailed within this document.

The City reserves the right to determine on a case-by-case basis the suitability and appropriateness of the public or private property requested by the Applicant Business. This permit is valid until the local COVID-19 emergency is terminated (and thereupon the public or private property must return to its original condition at the applicant's expense) or a permanent/long term outdoor use permit is adopted by the City. The City reserves the right to terminate any permit at an earlier date due to non-compliance with the following requirements.

Within this document:

- “Applicant” means the business applying for the permit.
- “Outdoor Use Area” means the entire zone used by applicant, including a Parklet, if relevant.
- “Parklet” means a structurally sound Outdoor Use Area within a public parking stall.

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

1) Insurance:

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

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

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

- 4) **Alcohol and Beverage Control (ABC) Regulations:** The Applicant shall comply with all applicable State and County laws and regulations pertaining to outdoor dining/use (including, but not limited to sale and consumption of alcoholic beverages) under this provision. Permittees shall furthermore comply with all applicable California Alcoholic Beverage Control ("ABC") regulations regarding alcohol use for their operations within extended outdoor space. Permittees are solely responsible for securing a valid ABC license to allow/extend business operations within the Outdoor Use Area. A Permit does not constitute approval by the ABC or City of alcohol use in the Outdoor Use Area.

- 5) **Sanitation and social distancing:** While in effect, The Applicant is responsible for adhering to all sanitation and social distancing standards as outlined in the State of California COVID-19 Guidance for Dine-in Restaurants and Retail establishments.

- 6) **Waste management:** The Applicant is responsible for maintaining the Outdoor Use Area free of trash and debris throughout the day. The Applicant is required to provide and install at least one of its own trash receptacles within the designated area and shall be emptied by the Applicant as

needed throughout the day. City-owned trash receptacles nearby the Applicant's Outdoor Use Area shall furthermore be monitored for waste associated with business activity and emptied by the Applicant as needed throughout the day. City staff will be responsible for emptying these trash cans at the normal allotted frequency.

- 7) **Hours of operation:** Unless hours of operation are expressly extended or restricted by the permit, hours of operation for the Outdoor Use Area shall coincide with normal business hours of operation.
- 8) **Cost:**
- a) The cost of the setup, maintenance, and future remove of the Outdoor Use Area shall be borne by the Applicant.
 - b) The cost associated with stolen or vandalized items used in the Outdoor Use Area shall be borne by the Applicant. The City is not liable for any stolen or vandalized materials within the Outdoor Use Space, and therefore highly recommends locking all equipment when not in use.
- 9) **Materials, furniture, and decorative elements:** Materials used within Outdoor Use Space must be durable, load resistant (when relevant), weather resistant, easy to clean, but must **not be permanently anchored into City property**. Applicant must keep area attractive, clean, and be able to easily repair or replace any broken parts within a timely manner.
- a) Shade structures such as umbrellas shall be well anchored so as not to blow into drive aisles or walkways. Shade structures must have a minimum 7' clear height from the sidewalk at all times. Canvas, canvas umbrellas, and pergola wooden or metal structures are permitted. Shade structures are subject to additional review/approval by the Community Development Department prior to installation.
 - b) Picnic tables, round/square tables, high top seating, or any other outdoor use tables are permitted given that they are made from either wood or metal. Unless authorized by the City of Woodland, indoor tables should not be used for outdoor seating.
 - c) Electrical wiring running along ground should be avoided, but if necessary, must be secured according to ADA requirements.
 - d) LED lighting is required for all lighting.
 - e) All decorative additions such as wine barrels or plants are subject to additional review/approval by the Community Development Department prior to installation. All plants must be maintained in good health by applicant.
 - f) Temporary signage may be placed at or near the Outdoor use Area, provided that such signs do not block, impede or otherwise interfere with the roadway or sidewalk and the safe travel of vehicles and pedestrians (compliant with ADA standards). Signage shall be well anchored so as not to blow into the roadway or walkways.
 - g) If **encroachment onto sidewalk or parking space extends to a neighboring storefront**, it is up to the **Applicant to consult and receive approval from its neighboring businesses**.

10) **PARKLET-SPECIFIC REQUIREMENTS:**

a) **General:**

- i) Each Applicant may use two to three parking spaces for its Parklet (unless otherwise approved in writing by the City). The Applicant may collaborate with neighboring businesses to build joint Parklets.
- ii) Parklets are not permitted to occupy any space marked and designated for ADA parking.
- iii) Parklets are not permitted to be installed in areas marked with red curb for no parking near intersections.

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

- i) Each parking space measures approximately 7'5" wide x 22" long.
- ii) The curb is 5 ½-7 ½" high from the street.
- iii) Vertical barrier elements must be a minimum of 32" high and a maximum of 36" high.
- iv) Shade structures must have a minimum 7' clear height from the sidewalk at all times.
- v) Outdoor Use Space may extend past the parking stalls and encroach onto sidewalk if a minimum clear 4-foot ADA-compliant path is maintained between the use space and the storefront.

c) **Base/Platform Requirements:**

- i) The Parklet base should be a freestanding structural foundation that rests on the street surface and should be able to withstand 100 lbs. per square foot at a minimum. The base should not be permanently attached to the street, curb, or adjacent planting strip.
- ii) All base surfaces should be slip resistant. Authorized materials include metal, wood (pressurized/weather resistant wood is highly recommended), and AstroTurf (contact the City of Woodland to enquire about the availability of AstroTurf for donation).
- iii) The applicant must be able to allow access to underground utilities beneath the parklet within 24 hours. It is therefore strongly recommended for the Parklet to be built in easily removable sections.
- iv) Gutters must remain free of obstruction, must maintain proper gutter flow and must be kept clean by applicant, including parking spaces immediately adjacent to parklet. Screens shall be added to the ends of the Parklet gutter zones to reduce the amount of debris entering the gutter. The side of the base along the street side should be elevated at least ½ from the pavement to allow rainwater to flow underneath the base to the gutters. It is recommended that parklet design allow for ease of access to gutter beneath the parklet base for debris removal.
- v) No more than a maximum horizontal gap of ½ inch and maximum vertical height discrepancy of ¼ inch between the curb and the base is allowed.

d) **Perimeter/Enclosure Requirements**

- i) K-rails along with other safety buffers, such as heavy planters or filled wine barrels that can withstand a minimum of 200 lbs. of horizontal force must be placed along the sides of the Parklet that are exposed to vehicle traffic and/or parking.
- ii) K-rails may be provided by the City upon request. If provided, the applicant shall agree to assume all maintenance for the k-rail units and must replace if gone missing or irreparable.
- iii) The Parklet must have a continuous perimeter enclosing the k-rails within the Parklet's design along the perpendicular and parallel edges to the street. The enclosure shall be placed in

- a manner to ensure small children and/or pets cannot enter the adjacent travel way, and k-rails must be completely enclosed so that they are out of sight from all angles.
- iv) The Parklet's design shall be created such that a wheel stop can be installed along the sides perpendicular to traffic. Wheel stop shall be installed by City, at its discretion. If installed, the wheel stop shall be placed on the end mark/tee of its immediate adjacent parking stall. A clear distance of 4 feet shall be provided from the wheel stop's placement to the nearest point of the Parklet.
 - v) The Parklet's barrier must have retroreflective elements such vertical delineators or applied retroreflective tape to ensure visibility facing the street.
 - vi) Appropriate LED lighting, such as string lights, shall be provided in the parklet during business hours and furthermore remain illuminated throughout the night for safety. Lighting must be connected to a timer.
 - vii) Roofing must be pre-approved by the City.

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

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

Figure 1: Parklet setup

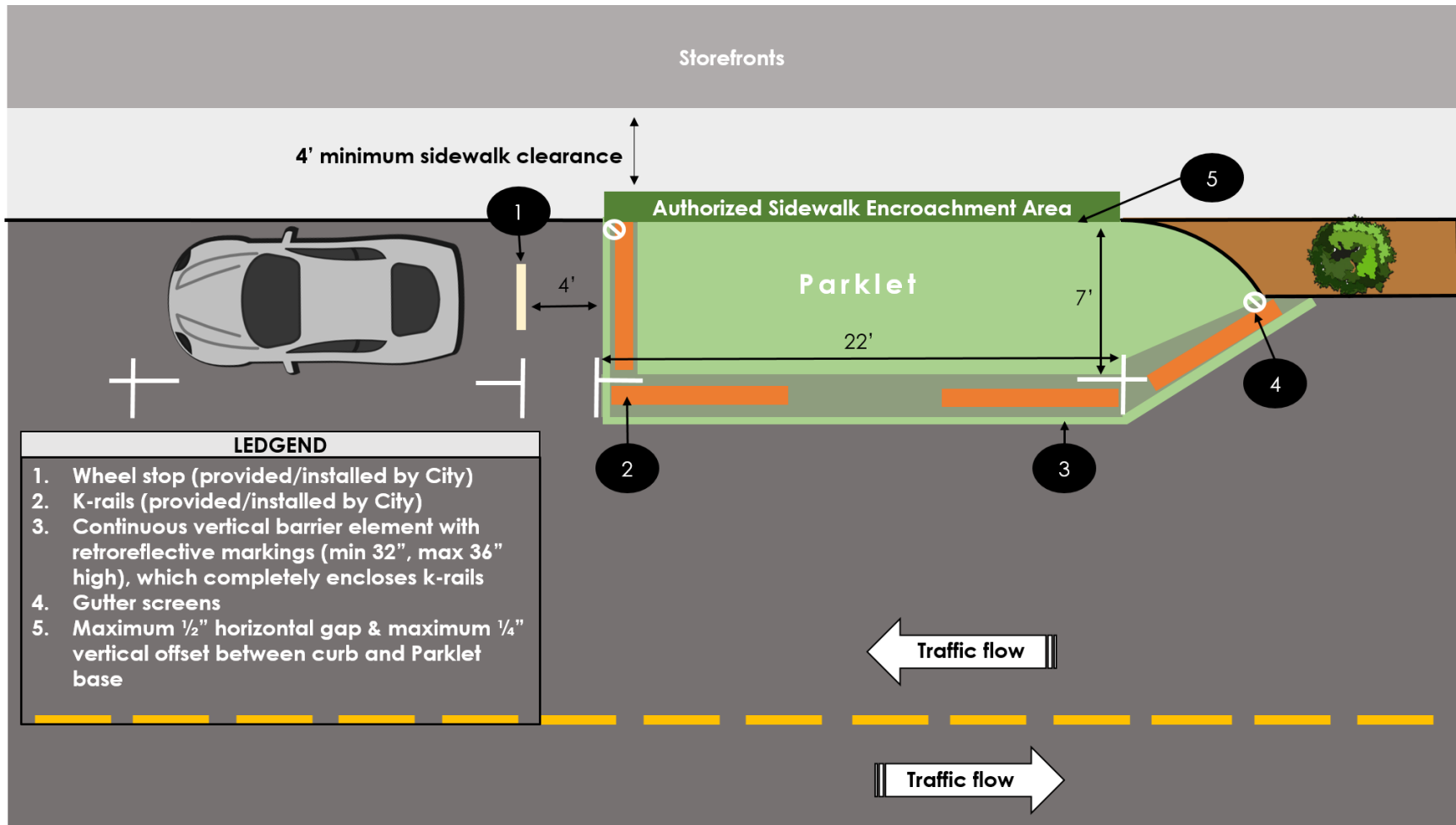


Figure 2: Wheel stop guidance

