

# **GUIDELINES** **for Temporary Outdoor Dining Parklets**

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2022-2023

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City of San Clemente



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# Outdoor Dining Authorization

For 2022-2023

AB 61 and SB 314 were signed into law in 2020 and became effective January 1<sup>st</sup> of 2022. These bills allow for temporary outdoor dining to continue for one year beyond the end of the state's end to the California state of emergency due to Covid-19 or December 31, 2023, whichever comes first. They enable local agencies to establish ordinances that provide more direct parameters for their outdoor dining programs. At their regular meeting on March 15, 2022, the City Council decided to....

## Approvals are Temporary

The City of San Clemente reserves the right to remove parklets and clear the right-of-way at its sole discretion. Please contact the City at [OutdoorDining@San-Clemente.ORG](mailto:OutdoorDining@San-Clemente.ORG) for pre-approval of your parklet design. Once a parklet following the above guidelines is approved and completed, submit photos from different angles to [OutdoorDining@San-Clemente.ORG](mailto:OutdoorDining@San-Clemente.ORG) with the business name and address in the subject line.

The coronavirus pandemic has caused unprecedented disruption in our community and created significant challenges for businesses. Restaurants in particular have had to navigate changing standards and public health regulations related to capacity limits and restrictions on indoor dining. The state legislation recognized that outdoor dining brings a measure of stability to this business sector and allows increased patronage from clients who feel more comfortable dining in an outdoor environment.

At the conclusion of this program, any permitted temporary dining areas must remove their parklet and restore the parking and sidewalk area to its original condition. If you have questions or need additional guidance, please send an email to [OutdoorDining@San-Clemente.ORG](mailto:OutdoorDining@San-Clemente.ORG).

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# Eligibility

Parklets may only be established:

- On sidewalks where the public path of travel is greater than 10' in width. In these cases, the parklet may occupy 40% of the width of the sidewalk.
- On streets where the posted speed limit is 25 miles per hour or slower.
- On private property in areas that do not obstruct required paths of travel and do not remove more than 5 parking spaces or 50% of parking attributed to the business (whichever is less).
- A maximum of 42 parking spaces (14 businesses) may be used on Avenida Del Mar. This equates to 29% of the on-street parking stock (143 spaces) for Avenida Del Mar, but only 4% of the downtown public parking stock (1014 spaces)
- No more than 6 consecutive parking spaces may be occupied on Ave. Del Mar
- Businesses may submit joint applications for shared spaces

Participating businesses are required to enter into a parking reduction agreement with the City which incorporates a monthly fee of (\$). Collected funds will be used by the City to support the Trolley operations and other programs that support mobility improvements within the City.

## Parklet Specifications

This section describes the size, configuration, design, and accessibility standards for outdoor dining areas that are built on public parking areas (“parklets”). Many of these standards will also apply to dining on private property. See “Private Property Dining Area Specifications” for additional information.

### Design Goal

The City desires to find a balance between a cohesive street scene while also allowing room for individual business character in parklets. The street-facing portions will require a consistent design that provides a clean and safe delineation from traffic while the decks may incorporate different colors, plants, or other features to distinguish the different operators of those spaces.

## Dimensions

Avenida Del Mar has an 80' right of way (ROW), which includes the street (54') and adjacent sidewalk areas (~8'/ea), which include curbs, driveway aprons, and parkway tree planters. Outdoor dining on Del Mar may not use sidewalk areas. The parklets may be established on-street and occupy 14' of space out from the curb in areas where "angle-in" parking fronts the business. Beyond the 14' parklet, the business is also responsible for constructing the standard 3-foot "buffer zone" which includes plants and traffic rated protection for the dining areas. Parklets may occupy 3 angle-in parking spaces per business.

Businesses with frontage along parallel parking space areas may only occupy 2 parking spaces, approximately 40 lineal feet. They must also provide the standard 3' buffer zone treatment, which leaves approximately 5-feet for a parklet deck. All parklets must be constructed a minimum of 2-feet off center of parking stripes to allow for egress from vehicles that park in adjacent stalls.

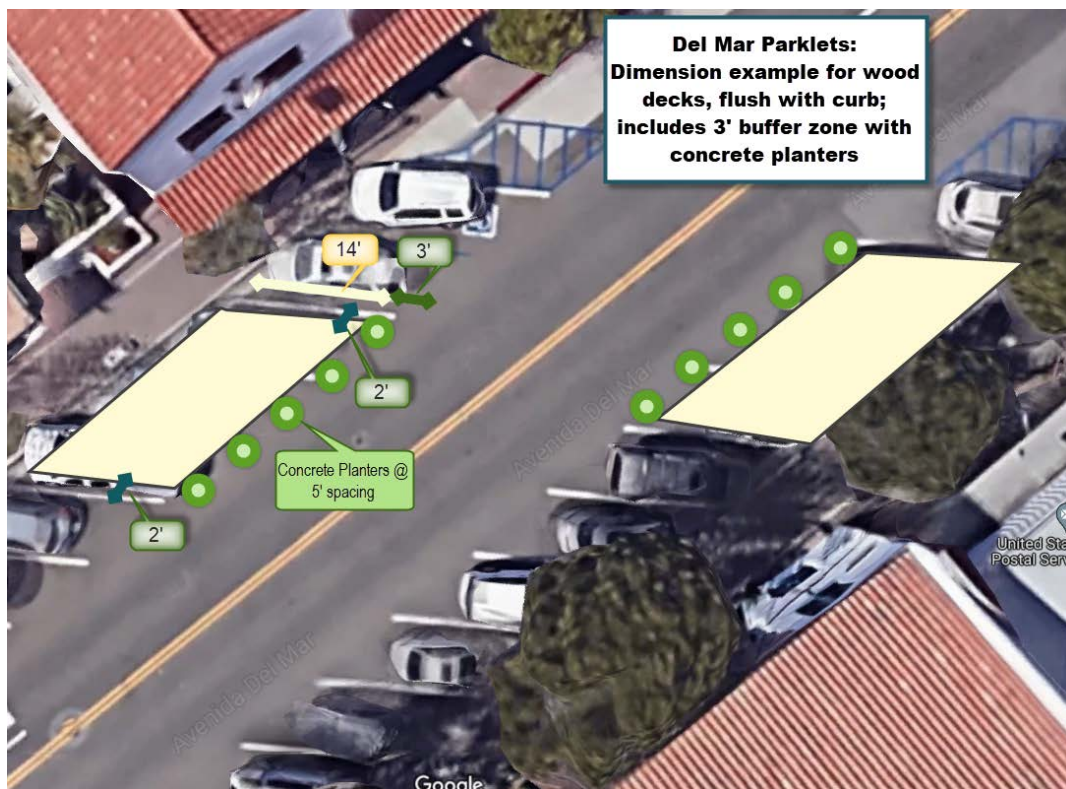


Figure 1: Del Mar Dimension Example

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## Buffer Zone

The 3-foot buffer zone is intended to have a consistent appearance and set a regular edge and rhythm. This area will be characterized by traffic rated concrete planters, which should be set at 5' intervals. The first planter should be set at the corner nearest adjacent oncoming traffic, with subsequent planters spaced every 5-feet. A yellow reflective strip or button should be placed at the top edge of each planter. For a parklet that uses 3 parking spaces, (6) planters would be required. Planters should incorporate the following drought tolerant plant palette: [pending]. Plants must be kept in a healthy condition and are the responsibility of the business owner.



Figure 2 - Sample Concrete Planter

## Configuration

Each parklet must be surrounded on the three street-adjacent sides with a barrier to establish the boundaries of the parklet. The barrier on the traffic side should not allow pedestrians to pass through directly into traffic. The interface with the public sidewalk should be flush so that the dining area is accessible.

## Curbs & Storm Flow

Large volumes of water may flow down some streets during rain events. These guidelines require businesses to maintain drainage along the street and gutter lines at all times. Parklets cannot obstruct public utilities or interfere with drainage or storm drains. All parklets must be designed and built outside of the gutter lines in order to accommodate storm flows. If a parklet is constructed on a platform, the platform must be entirely above the gutter. Business owners are fully responsible for assuring that their existing platforms and other outdoor features are constructed and maintained in a manner that allows the free flow of water and does not result in flooding.

## ADA Spaces

A business may request to use an area marked for ADA parking as a part of their parklet area but is responsible for any fees as determined by Public Works and/or

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Maintenance related to creation of a replacement temporary ADA stall at an alternate location.

## Design, Materials, and Accessories

The following design guidelines were prepared in cooperation with the San Clemente Design Review Subcommittee (DRSC). These guidelines are intended to improve the design and aesthetics of parklets and are intended to:

- ✓ Reduce visual clutter
- ✓ Create a standardized street interface
- ✓ Improve safety and visibility
- ✓ Provide for some flexibility and individualization amongst the different businesses
- ✓ Encourage low maintenance furniture, plants, and accessories
- ✓ Encourage dark sky friendly illumination

### **Deck Surfaces**

Parklets on the public street require platform/deck construction in order to be raised to the height of the adjacent sidewalk. Decks must be constructed of wood. Decks must leave 6" by 6" clear adjacent to the curb to allow for storm water flow.

### **Approved Barrier Materials**

The 3-side perimeter barrier should be constructed with wood, polywood, or dark iron pickets. Integration of natural concrete or terracotta planters is also permitted. Barrier should be only semi-private (no solid surfaces) so that police services may maintain visibility into the areas.

### **Furniture**

Outdoor dining areas should use simple patio furniture designs. Plastic or vinyl furniture is prohibited.



*Figure 3: Sample perimeter lighting at Rancho Capistrano Winery*

### Lighting

Where lighting is used, it should be placed at a low level - in plantings or along barrier fencing. Overhead lighting is discouraged. All lighting should be white with a temperature rating of 3500k (warm white). Lighting should be set on a timer or unplugged after business hours. It should be shielded and directed downward.

### Shade and heat

Only round market umbrellas may be used for shade. Each parklet may use a maximum of three umbrellas. 8-9' umbrella sizes are recommended. Low height (under 5') infrared heaters are strongly preferred. Portable propane heaters over 6-feet tall are acceptable, but a business may not use more than two on any parklet.



*Figure 4: Market umbrellas and heaters at Pronto Italian Deli*

### Encouraged Elements

- ✓ Natural wood with dark stains or paint
- ✓ Drought tolerant plants under 3-feet in height
- ✓ Solar powered lighting
- ✓ Business colors used in furniture (chairs, umbrellas, etc)
- ✓ Menu sign affixed to barrier at sidewalk edge, not to exceed 2'x2'
- ✓ Edge lighting and downward angled lighting

### Discouraged Elements

- ✗ Pop-up tents (except in limited circumstances on private property)
- ✗ Overhead elements
- ✗ Lattice (wood or plastic)
- ✗ Plastic or vinyl fences, trellises, or furniture
- ✗ Excessive decoration
- ✗ Elevated string lighting
- ✗ Tall walls, plants or other accessories over 5-feet in height
- ✗ Banner signs

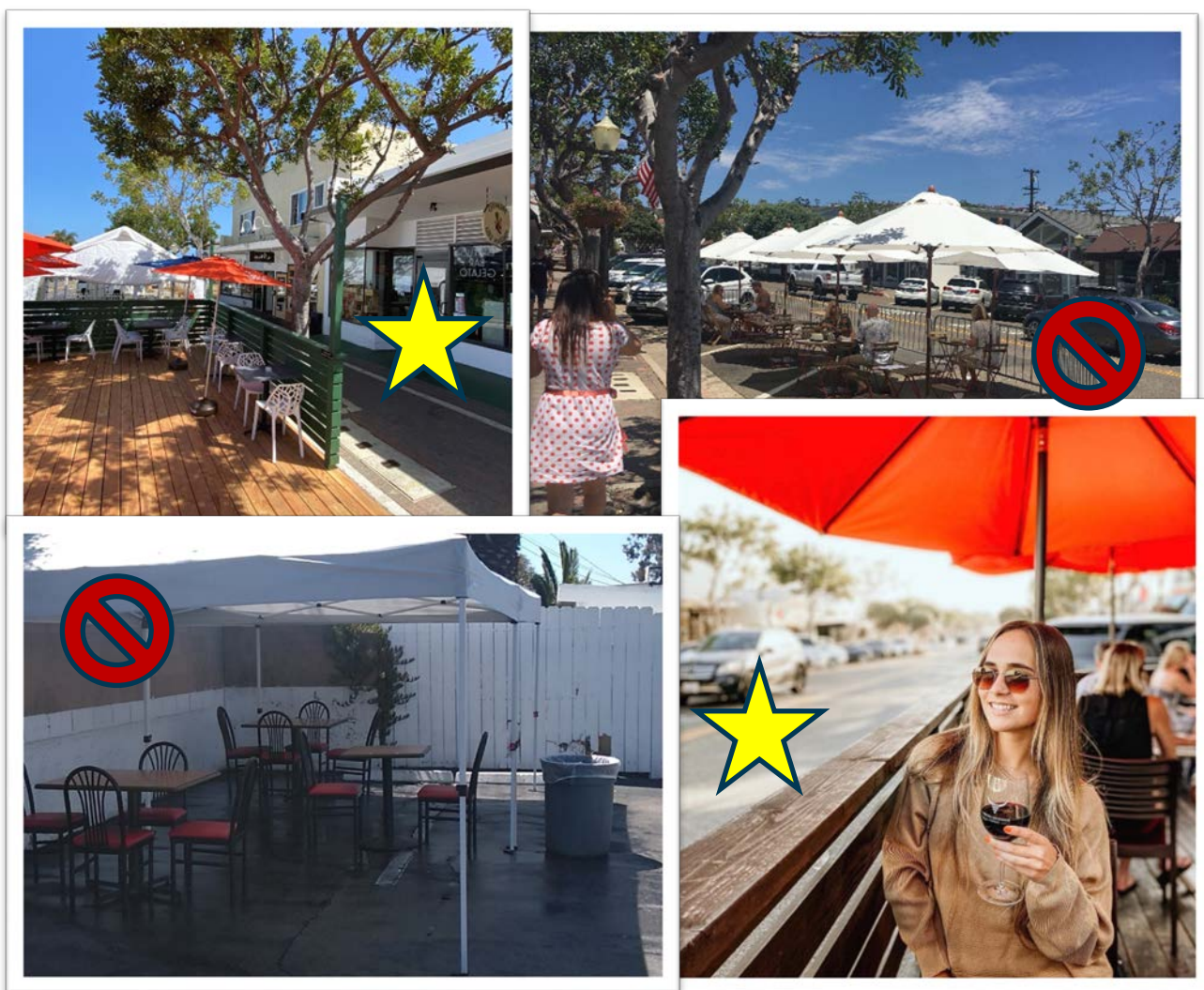


Figure 5: Examples of Encouraged and Discouraged Parklet Elements



## Accessibility

It is the responsibility of each restaurant operator to provide outdoor dining in full compliance with the Americans with Disabilities Act (ADA) and the California Building Code Standards (CBC). The requirements listed below were developed as part of the overall Parklet guidelines in order to assist restaurant operators with meeting these compliance requirements. Nothing contained herein shall replace or diminish any of the requirements under the ADA or CBC.

**For beverage and dining establishments, at least 5% of the seating spaces and 5% of the standing spaces shall be accessible. All accessibility requirements are subject to inspection. Accessible spaces must meet the following requirements:**

- ✓ Table surface between 28 to 34 inches high.
- ✓ At least 27 inches of space from the floor to the bottom of the table.
- ✓ Knee clearance extends at least 19 inches under the table.
- ✓ Total clear floor area of 30 inches by 48 inches per seat.
- ✓ Minimum distance of 4 feet to the nearest obstruction.
- ✓ International Symbol of Accessibility displayed at the table.
- ✓ Maintain an accessible path of travel to the table.

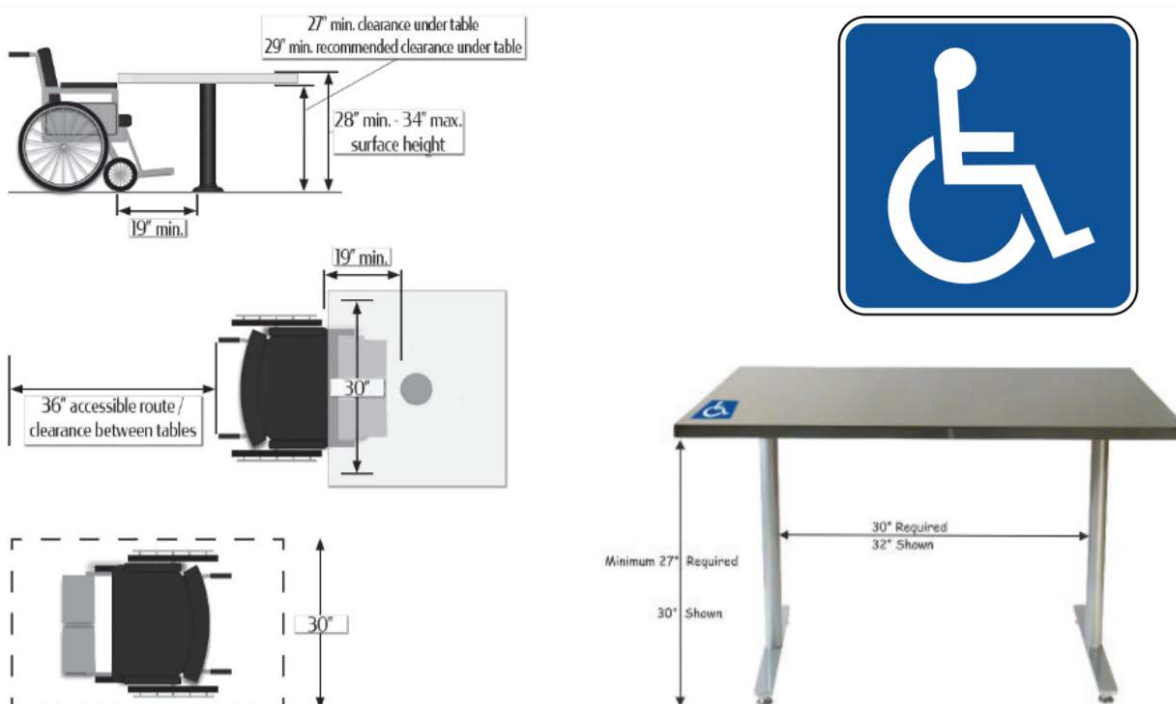


Figure 6: Accessibility Standards

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## Insurance Requirement for Dining Areas on Public Property

The City requires Commercial General Liability, personal injury and property damage liability, with minimum combined liability limits of One Million Dollars (\$1,000,000) per occurrence. Any deductible or self-insured retention in excess of Five Thousand Dollars (\$5,000) shall be declared to the City and requires the prior approval. An additional insured endorsement to the general liability policy is required and shall name and list the City of San Clemente, its officials, officers, employees, agents and volunteers as additional insured. It is the responsibility of the business owner to maintain current insurance. Lapsed insurance may constitute grounds for termination of any parklet permit.

## Orange County Fire Association Requirements

- Exits and aisles leading to exits shall not be obstructed at any time.
- Exits shall terminate to an approved Public Way.
- Fire department access, roadways and gates shall remain unobstructed at all times in order to allow emergency vehicles access for firefighting purposes.
- A method of controlling parked cars shall be maintained to keep a 20 foot clearance from the exterior patios
- Temporary railings shall be adequately braced and anchored to withstand the elements of weather and/or collapse.
- A currently tagged fire extinguisher (min. 2A 10BC ) shall be present within 75 feet of travel distance
- All fire protection equipment shall be maintained in an operative condition.
- Temporary Patio areas shall not be located within 20 feet of property lines, buildings, parked vehicles or internal combustion engines.
- Clearance around fire protection equipment shall be maintained. (Fire hydrants, Fire department connections, and Outside Stem & Yolk's)
- Generators shall be separated from tents and canopies by a minimum of 20 feet and isolated from the public by fencing or other means. Permits may be required from the City Building Department.
- Flaming food, drinks, and candles are prohibited.

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## Pollution Prevention Requirements

- Outdoor eating and drinking venues must adhere to water pollution prevention practices to prevent trash, debris, food residue and other wastes from entering the storm drain system. The applicant is responsible for cleaning the permitted area. Clean-up activities must be in compliance with all pertinent City codes, including the Storm Water Runoff Control Ordinance, SCMC 13.040.
- When cleaning outdoor eating/drinking spaces follow these best management practices (BMPs):
  - Do not hose down any outdoor eating/drinking area.
  - Use dry cleanup methods, such as sweeping and hand removal, to clean up debris.
  - Have materials (absorbent pads, material, rags, mops, brooms, and/or dust pans) on-site to immediately clean-up spilled/edible materials such as beverages, ice cream or food.
  - Periodically clean all outdoor eating/drinking areas of waste material during the operation.
  - Trash, debris, food residue and other wastes must be removed at the conclusion of each day.
  - Place and regularly service temporary waste and recycling receptacles near outdoor eating/drinking areas for patrons to conveniently dispose of/recycle waste material. This will help prevent the overflow of nearby City trash and recycling receptacles.
  - Any water used for cleaning purposes must be collected and disposed of appropriately.
  - At no time shall waste or wastewater enter the City's storm drain system, which includes gutters and storm drain catch basins.
  - Train employees about pollution prevention best management practices (BMPs).
  - It is the responsibility of the eating/drinking establishment owner/operator to prevent pollution and institute employee training on a daily basis.

## Department of Alcoholic Beverages Requirements

The business owner is responsible for obtaining any required approvals from the CA ABC, such as a Temporary Catering Authorization.<sup>1</sup>

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<sup>1</sup> <https://www.abc.ca.gov/abc-218-cv19-instructions/>