

# Outdoor Seating Program

Design Guidelines and Development Standards



DANVILLE  
CALIFORNIA

# Town of Danville

## Outdoor Seating Program

Design Guidelines and Development Standards

Adopted October 4, 2022

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# 1. Introduction

## 1.1 About this Document

This document provides design and development standards and guidelines for the establishment of extended temporary outdoor restaurant seating in the Town of Danville. The document also provides an overview of the permitting process. This document has been prepared pursuant to Town Council Ordinance No. 2022-05, which allows extended outdoor seating until January 2, 2025.

## 2. What are Parklet and Outdoor Seating Enclosures?

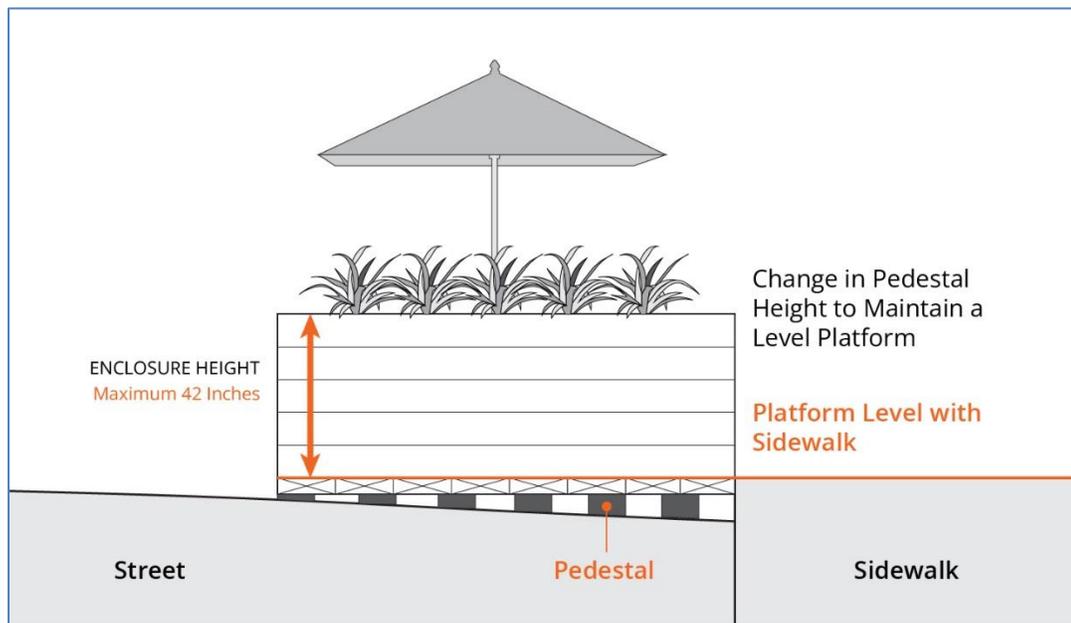
Parklets are temporary on-street outdoor restaurant seating areas that do not extend further than eight feet into the public right-of-way. Outdoor seating enclosures are temporary outdoor restaurant seating areas located on private property.

### 2.1 Design

Parklets and enclosures must be either a modular parklet design approved by the Town or a custom design. Restaurant operators are allowed to customize their parklet but must comply with basic elements and requirements contained within these Guidelines. Tents or temporary shade structures are no longer allowed. The basic design elements include:

- a. Custom parklets must be built with materials that are consistent with the downtown area. Where appropriate, incorporate materials and styles which are consistent with the architectural style of the adjacent building façade.
- b. For shopping centers, enclosure design should be consistent with the architectural character of the center and subject to Town review.
- c. Parklet railings or fence panels shall be visually 'permeable' with a maximum height of 42-inches (to limit visual obstruction) and a minimum height of 36 inches (for safety). Poles, canopy supports, or roofs may not exceed eight feet in height from grade.
- d. Parklet and enclosures may have either solid roofs, sails or umbrellas consistent with these guidelines (Figures 2 and 3).
- e. A single-space parklet may not exceed more than 22 feet of curb length. A single restaurant may not occupy more than three on-street parking spaces, or 66 feet. Parklet annual fees are based on single parklet dimensions of 8' x 22' and will be adjusted accordingly should a larger parklet be proposed.

- f. A parklet may occupy up to a maximum of 80% of the restaurant's lot frontage, provided there are no other limiting factors such as proximity to fire hydrants, driveways, or intersections.
- g. It is highly encouraged that parklets incorporate soft scape features including planter boxes and pots into the parklet design.
- h. The top of a parklet platform shall be flush with the sidewalk grade. A cover, expansion joint, or other types of connectors between the parklet surface and curb may also be required if necessary to provide a safe transition surface. The platform surface must be built of materials that prevent mold and allow easy access to the space underneath the platform surface must be accessible for maintenance through access panels, removable flooring, or other methods (Figure 1).



*Figure 1: Example of Parklet Elevation*

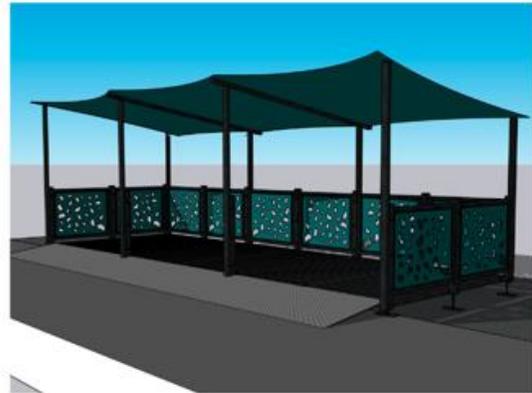


Figure 2: Examples of Prefabricated Parklets (Source: Modstreet.com and Archatrak.com)



Figure 3: Examples of Custom Parklets (Source: Meristem, City of Milwaukie, Pop-up Patio, Thomas Porter Architects)

## 2.2 Lighting

- a. Solar or battery power lighting is recommended. (Figure 4). Electrical connections will only be allowed if the connection meets all building code requirements and does not negatively affect the aesthetic appearance of the parklet. No televisions are allowed within parklets.

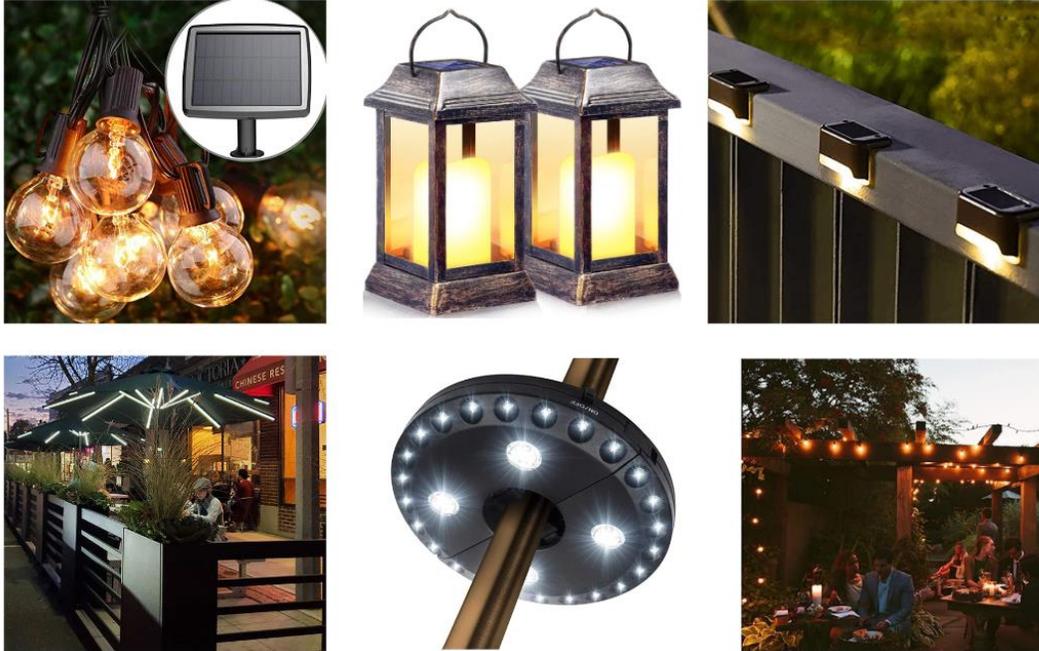


Figure 4: Examples of Battery or Solar Powered Lighting

## 2.3 Safety

- a. Parklets shall be limited to public streets with a posted limit of 25 miles per hour or less, curved street sections with limited visibility and shall comply with corner sight distance requirements as defined in the Town's Municipal Code (Figure 7).
- b. Parklets shall be subject to structural standards to ensure a minimum level of crash safety, which could be incorporated into the parklet design or provided by using crash barriers. If crash barriers are used, they shall be either positioned on the inside of the enclosure and substantially screened from view with a solid enclosure or just outside the wall. If placed outside the parklet, the barrier should be enclosed within a wooden box structure built around it. Potted plants or a planter box shall be placed on top of the box (Figures 5 and 6).



*Figure 5: Vehicle Barrier Screening Example*

- c. A parklet shall have an enclosure, structure, edge, or other buffer between parklet users and the adjacent traffic lane. This may take the form of planters, railings, cabling, or another appropriate buffer that is structurally fortified to meet the approval of the Town.
- d. Parklets shall not protrude, cantilever, or otherwise encroach within the adjacent travel lane or bicycle lane.
- e. All parklets must maintain the following minimum setbacks to ensure traffic safety, service access, and emergency access (Figure 4):
  - I. 25-foot setback from the street corner and comply with all requirements of the Town's Sight Distance Triangle Ordinance requirements (Figure 5).
  - II. 18-inch separation from Class II (striped) bicycle lanes.
  - III. 15-foot setback from the street centerline.
  - IV. 10-foot setback from driveways, alley connections, and trash pick-up areas, unless otherwise approved by the Town.
  - V. 15-foot separation from fire hydrants and power poles.
  - VI. *Safety Buffer*. For streets with parallel parking:
    - i. Parking wheel stops shall be placed four feet from the end of each side of the parklet and affixed to the pavement.
    - ii. Reflective, flexible post delineators shall be placed two feet from each of a parklets streetside corner.
- f. Any fabric, membrane shade, or other weather protection, including umbrellas, shall be constructed of fire-resistant treated material. Heat lamps are limited to propane heaters only, electrical heating units are prohibited within parklets.

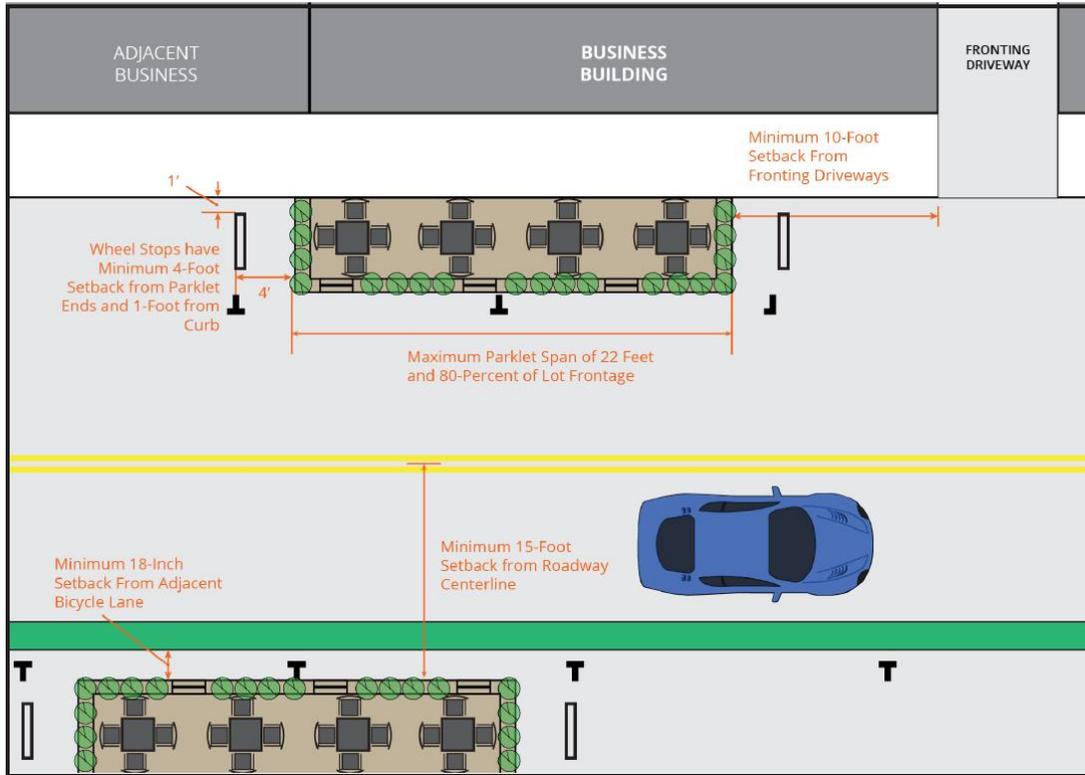


Figure 6: Horizontal Clearance Requirements

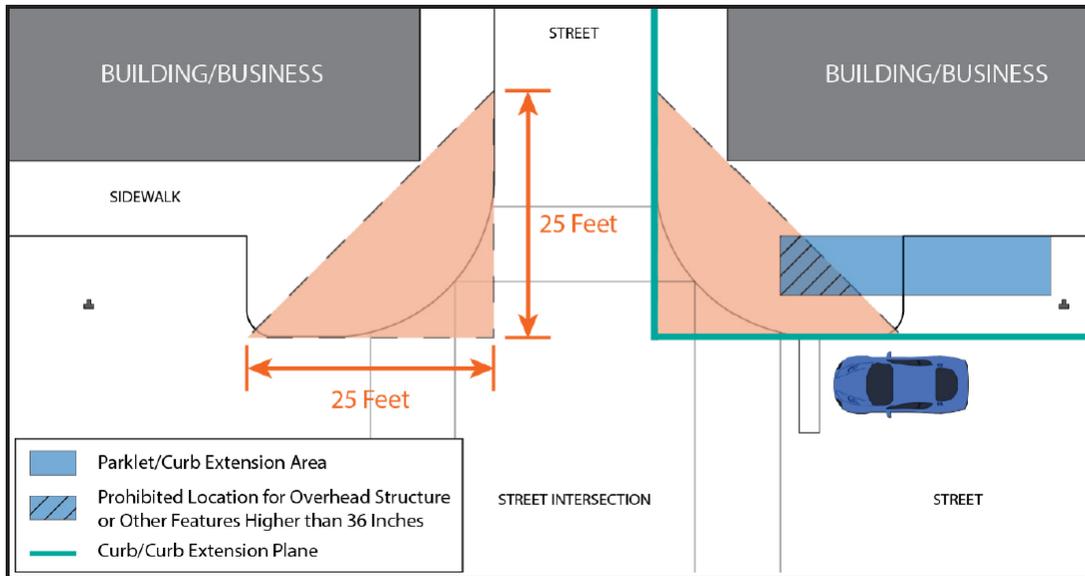


Figure 7: Corner Sight Distance Requirements

## 2.4 Accessibility

- a. Seating enclosures on private property may not block sidewalk access or required accessible paths of travel as required under Chapter 11, Section 1 by of the California Building Code. Seating enclosures on private parking lots and/or in shopping centers shall not block or encroach upon drive aisles (Figure 8).



Figure 8: Vertical and Horizontal Clearance Requirements

- b. Outdoor seating enclosure on private property, including shopping centers, shall not encroach into drive aisle.

## 2.5 Maintenance

- a. Daily maintenance is required of the restaurant operator, including removing garbage, cleaning the floor and rails, and securing elements of the parklet at night. Floors must include a surface material that prevents mold and allows for easy cleaning. For all parklets that are removed and replaced with a new conforming parklet, the operator shall be required to steam clean the pavement area under the parklet prior to installing a new parklet.
- b. Bolting or anchoring a parklet or components of an enclosure into the roadway surface, curb, gutter, or sidewalk is strictly prohibited.
- c. Parklets and enclosures shall be designed in a manner that does not negatively impact existing drainage patterns. Features shall be incorporated into the design that allows water to flow freely off the street surface and along any existing gutter. Business and/or property owners shall be required to remove any debris that accumulates against their parklet. The areas on, under, and around the parklets must be clear of leaves and debris, which may require the restaurant operator or property

owner to blow underneath the parklet or enclosure (Figure 9).

- d. Parklets shall not block access necessary to maintain the canopy of Town-maintained Street trees.
- e. Parklets and enclosures shall maintain a minimum five-foot separation from all surface utilities, such as sewer manholes, water meter boxes, water valve covers, underground vaults, and fire hydrants.
- f. The Town reserves the right to require the removal of any parklet, at the expense of the restaurant owner, as may be required to allow for street maintenance such as paving, or other utility or infrastructure work.
- g. All garbage bins shall be located within approved garbage enclosures. Garbage bin areas, enclosures, and pick-up areas shall be maintained to allow easy access by the garbage collection provider. No garbage shall be kept in public parking lots or in the public right-of-way or placed in locations that cause impacts to neighboring businesses.

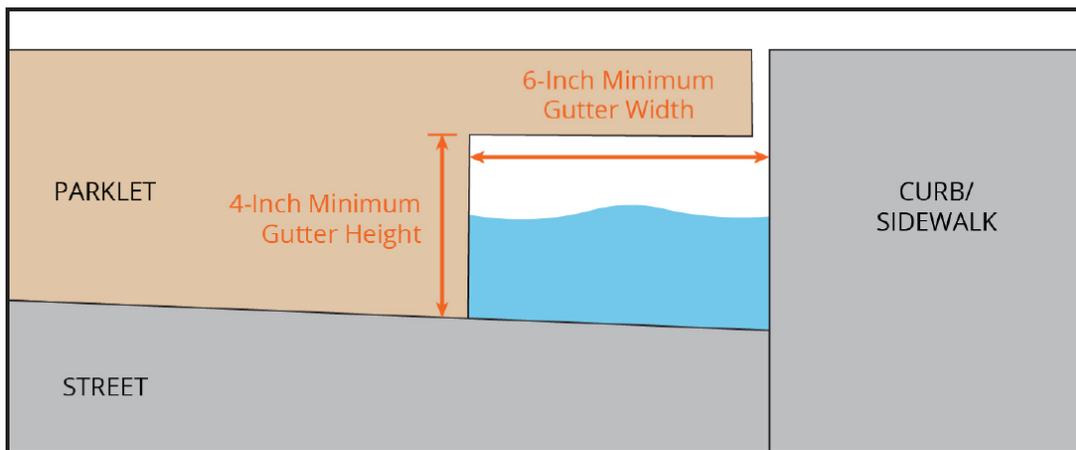


Figure 9: Gutter Screen to Prevent Debris Buildup

## 2.6 Other Regulations

- a. *Seating Capacity.* Extended temporary outdoor seating shall be limited to a 100 percent match of the gross interior restaurant floor area.
- b. *Outdoor Music and Entertainment.* Any proposed outdoor music and entertainment may not be amplified and is subject to review and approval from the Chief of Planning.
- c. *Signs and Advertising.* Outdoor seating parklets and enclosures shall be subject to all applicable provisions of the Town's zoning ordinance, including the Town's Sign Control Ordinance (Municipal Code Section 32-98), and health and safety requirements for restaurants.

## 2.7 Town Permitting and Review Process

Town permits, permit submittal requirements, and Town review processes are as follows:

- a. *Planning Division:* A Temporary Land Use Permit is required from the Town's Planning Division. A streamlined ministerial review process will be followed for applications utilizing Town-approved modular parklets or where the proposed custom parklet is found to be consistent with these Design Guidelines. If a proposed custom enclosure is not consistent with the guidelines, it will be subject to a more formal design review process. Submittal requirements include:
  - i. The Town's Standard Application Form.
  - ii. Drawings showing the proposed architecture and details of the proposed enclosure including, materials, potted plants, and dimensions.
  - iii. A dimensioned site plan showing the proposed size of the enclosure, the location of the enclosure relative to street corners and driveways, and nearby infrastructure such as sewer manholes, water meter boxes, water valve covers, underground vaults, and fire hydrants.
  - iv. Application fee of \$160.00
- b. *Building Division:* A Building Permit is required from the Town's Building Division. Custom enclosures without a solid roof and Town-approved modular parklets do not require engineered drawings. Parklets or enclosures with a solid roof will require an engineered drawings. The building permit review process will be streamlined (five-day review) for all proposed parklets that are consistent with these Design Standards and when a complete building permit submittal is received.

An \$250 application fee will be collected to partially recover the cost of plan review and inspection services to ensure compliance with conditions of approval and building code compliance. This is a one-time cost for each application.

- c. All restaurant operators proposing structures within the public right-of-way will need to provide evidence of public liability insurance naming the Town as also insured.

## 2.8 Rental Rates

Rates for the use of public right-of-way shall equal 25% of the current average \$4.00 per square foot restaurant lease rate in Danville. As a result, the following

lease rates, collected on an annual basis, shall apply for the two-year term allowed under this Ordinance.

<b>Parklet Size</b>	<b>Market Land Lease Rate</b> (average \$4.00/SF)	<b>Proposed Parklet Rate</b> (25% of average or \$1.00/SF)
1 On-street Parking Space (176 SF)	\$704/month	<b>\$176/month</b>
2 On-street Parking Spaces (352 SF)	\$1,408/month	<b>\$352/month</b>
3 On-street Parking Spaces (528 SF)	\$2,112/month	<b>\$528/month</b>

The first payment shall be due at the time of application submittal. All subsequent payments shall be due to the Town at the beginning of each year that the parklet is to be utilized.

For questions regarding design guidelines please contact Chief of Planning, David Crompton. (925) 314- 3349.

For questions regarding building permit applications, please contact Chief Building Official Stacey Gill. (925) 314-3370.

## **2.9 Penalties for Non-Compliance**

Failure to comply with these conditions of approval will result in the following penalties and may result in the immediate revocation of the Temporary Land Use Permit. In addition, the following citation schedule will be followed:

- i. \$100 – first offense
- ii. \$200 – second offense
- iii. \$500 – third offense
- iv. Fourth offense - permit will be revoked and the parklet or enclosure will be removed at the owner’s expense.