

RESOLUTION 22-__

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX ADOPTING PARKLET STANDARDS

WHEREAS, in June of 2020, the Town began allowing outdoor dining and retail uses in response to COVID-19 restrictions, via temporary encroachment permits (TEPs) for businesses needing to use the public right of way, and temporary use permits (TUPs) for businesses using their own outdoor private spaces; and

WHEREAS, due to the interim and emergency nature of these TEPs and TUPs, requirements for businesses engaging in outdoor dining and retail uses were minimal and variable, and there was no fee associated with the program; and

WHEREAS, on July 6, 2022, the Town Council adopted Resolution No. 22-53, extending the expiration date for all outdoor dining TEPs and TUPs to December 15, 2022; and

WHEREAS, members of the Town, including many local business owners, have expressed support for making permanent the Town's commercial outdoor parklet program, with additional guidelines and permitting requirements to clarify and simplify the standards for authorized outdoor dining and retail uses; and

WHEREAS, the Town, pursuant to the police powers delegated to it by the State Constitution, has the authority to enact laws that promote the public health, safety, and general welfare of its residents.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Fairfax that the Town Council hereby adopts the following Parklet Standards ("Standards") for the administration of the Parklet Program ("Program"):

SECTION 1. Recitals.

The recitals above are each incorporated by reference and adopted as findings of the Town Council.

SECTION 2. Purpose and Intent.

It is the purpose and intent of the Standards to set forth certain safety guidelines, applicable to commercial outdoor parklet activities located within the Town of Fairfax, in order to promote the health, safety, and general welfare of residents and businesses within the Town and encourage development of a pedestrian-friendly urban environment.

SECTION 3. Applicability.

The provisions of the Standards shall apply to all parklet uses within the Fairfax town limits, regardless of whether such parklet use is in the public right-of-way or on private property.

SECTION 4. Standards Adopted.

The Town Council hereby adopts the safety standards established herein as the “Fairfax Parklet Standards,” attached hereto as **Exhibit A.**

SECTION 5. Compliance with CEQA.

This resolution was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines (the Guidelines), and the environmental regulations of the Town. The Town Council hereby finds that this resolution is not subject to CEQA because its adoption not a “project” pursuant to Sections 15060(c)(2) and 15060(c)(3) of Title 14 of the California Code of Regulations. Specifically, this resolution only sets forth safety standards applicable to permitted outdoor business uses, which will not result in a direct or reasonably foreseeable indirect physical change in the environment.

BE IT FURTHER RESOLVED that any and all amendments to the Standards, as deemed necessary from time-to-time, shall be adopted by resolution of the Town Council.

The foregoing Resolution was duly passed and adopted at a Special Meeting of the Town Council of the Town of Fairfax held in said Town on the 3rd day of August 2022, by the following vote:

- AYES:
- NOES:
- ABSENT:

Stephanie Hellman, Mayor

Attest:

Michele Gardner, Town Clerk

EXHIBIT A

Fairfax

Parklet

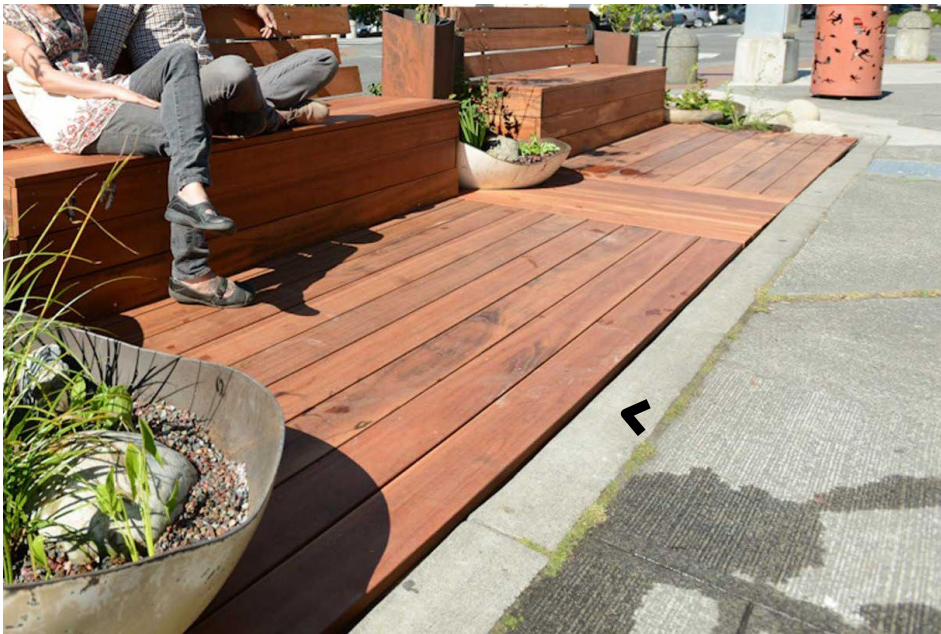
STANDARDS

August 3, 2022

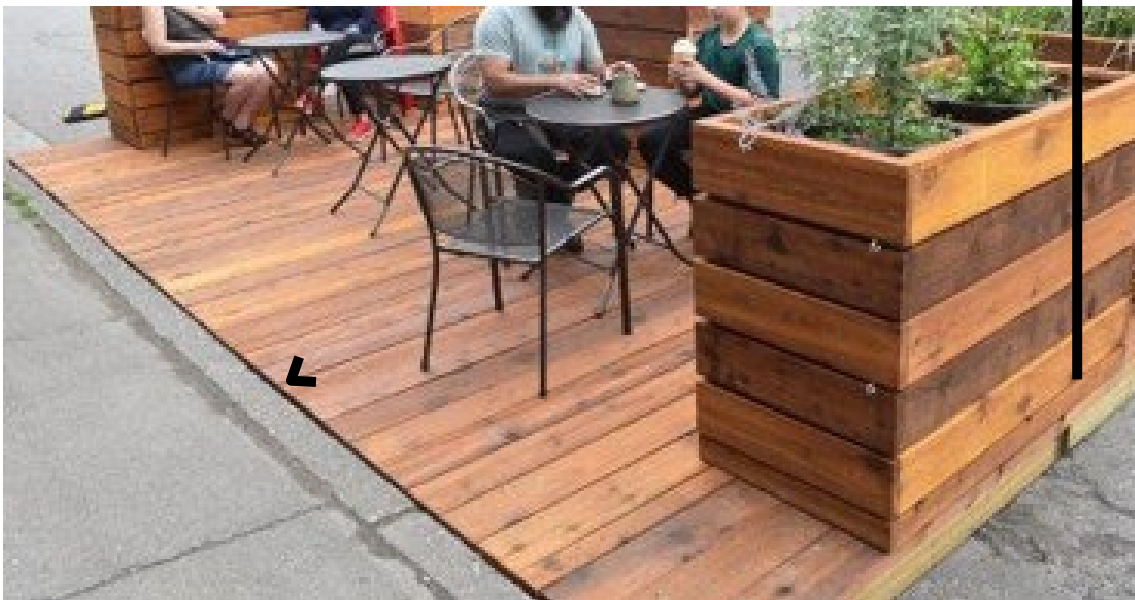
INTRODUCTION

It is the purpose and intent of these Standards to set forth certain safety guidelines, applicable to commercial outdoor parklet activities located within the Town of Fairfax, to promote the health, safety, and general welfare of residents and businesses within the Town and encourage development of a pedestrian-friendly urban environment. A parklet is an extension of the sidewalk into the public right-of-way within a commercially zoned district in the Town to allow dining and/or other permitted commercial activities. To locate a parklet in the Town of Fairfax, one must comply with these Standards, and obtain a parklet permit from the Planning and Building Department, an encroachment permit from the Public Works Department, any applicable Building and Fire Department permits and approvals, and comply with all applicable County, State, and Federal laws.

AREA SURFACE



Deck flush with sidewalk
compliant with accessibility requirements



Deck Surface

- Must install a deck flush with sidewalk surface
 - If no raised curb exists, Outdoor Dining Structure may be located on asphalt/concrete Deck surface shall be constructed of a

composite decking product of blended wood and plastic fibers, with a stain and texture to match any wood planters or railings.

- Structural wood (posts and joists) shall be constructed of Stress-Grade Structural Joists & Planks No. 1-3 softwood lumber.

PARKLET DESIGN SPECIFICATIONS

Parklet Location and Lines of Sight

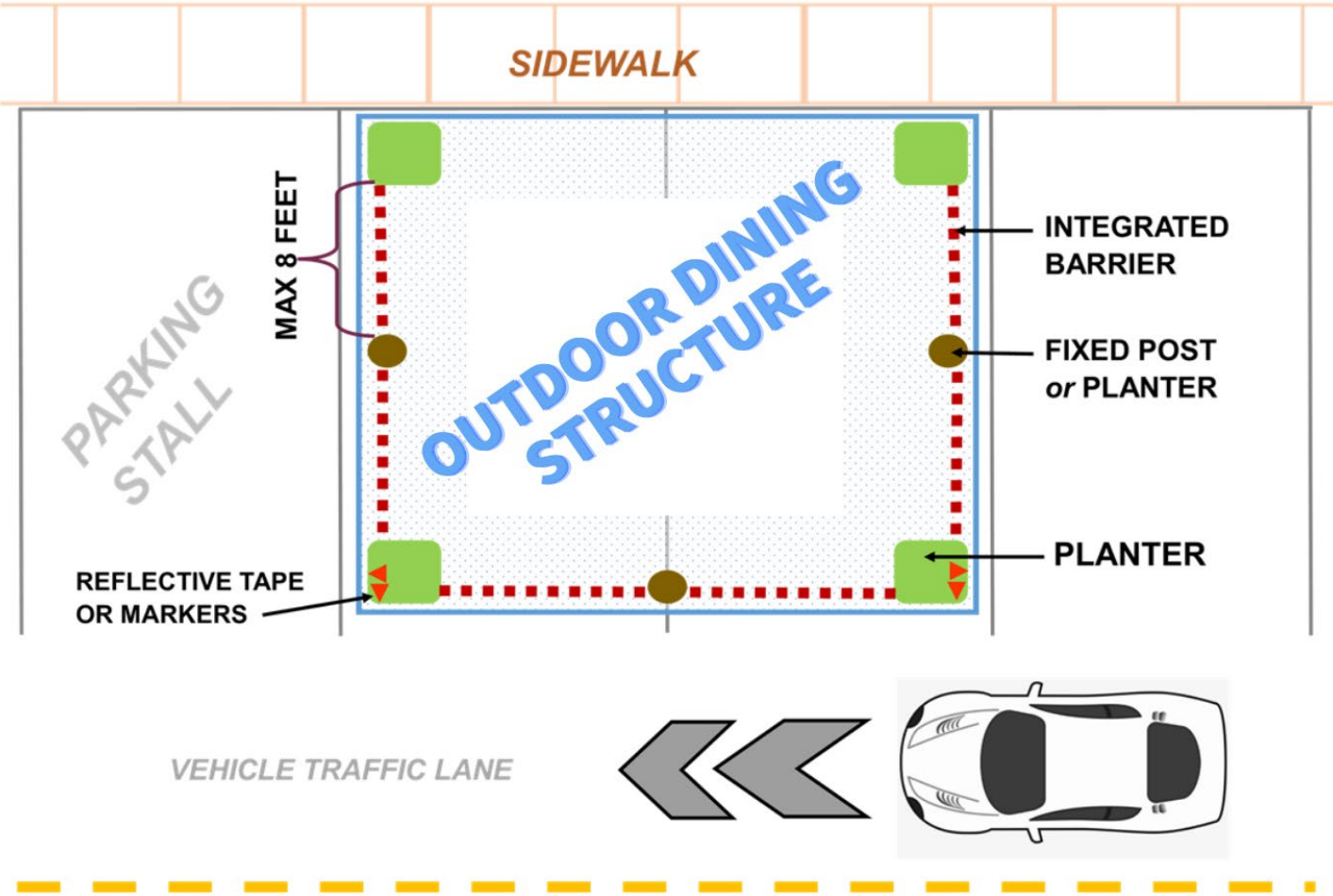
- A parklet may not block or obstruct fire hydrants or public utilities. Additionally, fire and emergency access is required by either providing a 5-foot wide opening from the street to the walkway every two adjacent parklets, or by providing a door in the middle of an individual parklet. All parklets must satisfy the California Fire Code and related fire safety requirements.
- Parklets may not interfere with the visibility of pedestrians, bicycles, or vehicles. Corner locations and parklets adjacent to a crosswalk or driveways must provide sufficient lines of sight to ensure safety based on the particulars of each case. Generally, a parklet should be setback one parking space length (approximately 20 feet) at an intersection and a minimum of two feet from a driveway curb-cut. Parklets must be setback at least 1 foot from the edge of the adjacent lane of travel, and setback from adjacent parking spaces as necessary for safety and access purposes, depending on the site. Protective barriers around a parklet should not exceed 42 inches in height.
- Parklets shall not block visibility of pedestrians and vehicles from the street to the buildings and vice versa.

Parklet Design and Maintenance

- Parklet area must be accessible for all patrons. The platform must comply with applicable ADA and related legal requirements, including maintaining an accessible entry, wheelchair turning space, and wheelchair landing.
- The design of a parklet includes four main components: 1) a platform to serve as an extension of the adjacent sidewalk; 2) railings that visually and physically define the parklet exterior; 3) traffic safety protections; and 4) furnishings and fixtures to serve customers or members of the public.
- Maximum vertical and horizontal difference between deck surface and curb/sidewalk shall not exceed 1/4".
- Cross-slope not to exceed $\pm 1.5\%$ in any direction.

- Platforms must be constructed to withstand wear, tear, and weather and treated with a non-skid coating. Outdoor carpeting/artificial grass, and poured concrete platforms, are prohibited. The platform threshold must be flush with the sidewalk or ramped, as appropriate for safety. The parklet must provide adequate access under the platform to allow for maintenance, repair, and gutter clearing. All platforms must provide adequate curbside drainage flow and may not block gutters.
- Deck surface shall be constructed of a composite decking product of blended wood and plastic fibers, with a stain and texture to match any wood planters or railings. Additional requirements are as follows:
 - Removable access panels on 3 sides that face traffic and parking for maintenance and cleaning;
 - Deck sides running across drainage or gutter pathways must provide continuous open pathway for water, screened with 1/4" mesh;
 - Openings shall be minimized and no larger than necessary; and,
 - Mesh screens must be cleaned and maintained to facilitate proper drainage.
- Deck surface installed in Tree Wells shall provide access to any planter areas supporting trees to ensure access to lighting, electrical outlets & boxes, and tree irrigation.
- All exposed wood surfaces shall be treated with waterproofing deck sealer not less than every 12 months.
- Landscaping is encouraged but must be well maintained and not obstruct lines of sight.

AREA DELIMITER SITE PLAN



- Materials on each outside corner at edge of vehicle traffic lane shall have California Type Q object markers on outside edges facing traffic lanes and parking stalls. Parklets should have a notable, defined edge along the street front and adjacent parking stalls, which can include planters, railings, or similar improvements.

Railings must be sufficiently stable (capable of withstanding 200-lbs. of force), and at least 36 inches in height and not exceed 42 inches in height, unless otherwise appropriate based on the site considering safety. Railings may not block the view of vehicle or pedestrian traffic, nor block traffic signals. Railings should be visually appropriate and may not consist of lattice (wood or plastic,) or plastic or vinyl.

- Parklets shall provide a minimum one-foot clearance from the lane of travel, as measured from the parking striping adjacent to the lane of travel. Parklets shall have vertical elements to make them visible to traffic, which may consist of posts or bollards, both which require reflective tape. Structural bollards may be required if deemed necessary for safety. Wheel stops in parklets located in parallel parking spaces may be required if appropriate and necessary for the safety of the site.
- Street addresses of adjacent buildings must be visible.
- If applicable, barrier height and spacing subject to California Alcohol Beverage Control rules and regulations.

SHADE STRUCTURE



Roof or Umbrella Specifications

- Roofs or overhead shade structures are permitted only if they permit visibility to and from the street for nearby businesses, parklet patrons, pedestrians, bicyclists, and vehicles. Such structures must be constructed in a sturdy and safe manner. Signs and advertisement are not permitted on fixed overhead structures.
- Umbrellas must be fastened/secured in concrete base and removed from flexible space outside of business hours.

- Printing, graphics or text on umbrella shall identify only the business holding the Parklet permit.

FURNITURE



Furniture Specifications

- Restaurant-quality wrought iron, wood, steel, or cast aluminum permitted Plastic or composite material prohibited.
- Seat covers, cushions, tablecloths, or other cloth material shall be removed outside of business hours.
- Furniture and covers/cushions must be matching/consistent within the structure.
- Vinyl tablecloths are prohibited.
- Printing, graphics or text on furniture or items may only identify the business holding the outdoor dining permit.

LIGHTING



Hanging lights or banners affixed only to poles or other structures that are anchored to Outdoor Dining Structure frame - not to street trees or street lights.



Lighting & Pole Specifications

- Hanging lights, self-standing lamps, or lights on tables permitted:
 - Hanging lights/banners must be hung so that there is a minimum height of 8 feet above the deck surface;
 - Hanging lights shall not be affixed to street trees, street lights, street signs, or other public infrastructure; and,
 - Fluorescent or high-pressure sodium lights prohibited

HEATING & CLIMATE CONTROL

Heater

- Gas and Propane heaters are prohibited.
- Electric heaters are allowed and must comply with all safety requirements.
- Top of heaters must maintain minimum clearance, as required for safety, below any street tree canopy and/or branches.
 - Trees may not be pruned by applicant.

Other Climate Control

- Tents, collapsible shade canopies, and misters are prohibited. Self-standing fans are permitted.