

## COVID-19 Temporary Outdoor Dining Program

### Parklet Guidelines For Restaurants Located in Unincorporated Los Angeles County

#### A. Purpose

As Los Angeles County moves toward recovery during the COVID-19 emergency, social (physical) distancing measures aimed at curtailing the spread of the virus prevent restaurants from operating at full capacity. To counter these limitations, many jurisdictions across the country have repurposed street parking spaces as parklets to provide additional dining space.

This document outlines the eligibility criteria, applicant requirements, and design and construction guidelines for restaurant owners interested in obtaining a temporary permit from Public Works to utilize on-street parking spaces as an outdoor dining space for the exclusive use of the restaurant and its patrons.

#### B. Eligibility Criteria

1. Applicants will be eligible for a temporary parklet permit only if:
  - a. They are the owner of a restaurant that is within an unincorporated County community along a roadway maintained by the County.
  - b. The roadway frontage of the restaurant or a nearby business meets the Temporary Parklet Location Eligibility criteria described in Section B.2.
  - c. If the requested temporary parklet is in front of another business, the applicant must submit written support from that business. Written support may be in the form of a letter or e-mail.
2. Temporary parklet location eligibility. A temporary parklet must be located:
  - a. In an unincorporated County community.
  - b. On a public roadway maintained by Public Works.

- c. Within existing on-street parking spaces (two parallel or four diagonal parking spaces minimum), so that vehicle lanes always remain open.
- d. On streets that have a posted speed limit of 25 miles per hour or lower. Streets with higher posted speed limits may be considered on a case-by-case basis.
- e. On streets that have no more than two lanes in each direction (left-turn lanes or bike lanes do not count toward the total number of lanes).
- f. Such that at least 50 feet between the street corner and the parklet exists, if the existing on-street parking is not protected by curbs.
- g. Such that the parklet does not prevent vehicles from using nearby driveways.
- h. Such that the parklet is not within 15 feet of a fire hydrant or catch basin/drain.
- i. Such that the parklet does not block access to public utilities, utility access holes, access panels, valves, building standpipes, and other features.
- j. Located outside of any areas currently marked or signed as a passenger or commercial loading zone, no stopping anytime, or an accessible parking zone.
- k. For temporary parklets proposed to be in an on-street, time-limit parking (e.g., 15-minute parking) space the applicant must submit written support from surrounding businesses that may utilize the space. Written support may be in the form of a letter or e-mail.
- l. Such that routine waste collection and delivery services can be accommodated.

### **C. Applicant Requirements**

In consideration of Public Works issuing a temporary parklet permit, the applicant must comply with the following conditions for the entire duration during which the temporary permit is valid:

1. Maintain a valid County business license.
2. Maintain a valid County health permit.
3. Maintain a minimum \$1,000,000 per occurrence limit for Commercial General Liability insurance policy naming the County as an additional insured.

4. Agree to defend, indemnify, and hold harmless the County, its supervisors, elected officials, public officials, appointed officers, employees, agents, and volunteers as against, and in regard to any demands, claims, actions, lawsuits, proceedings, averments, allegations, verdicts, judgments, settlements, orders, rulings, costs, expenses, and/or fees, including attorney's fees and expert witness fees, arising from injuries and/or damages allegedly caused by, or related to, the conduct of applicant, its employees or agents, including without limitation, negligent or tortious conduct, under this temporary permit and/or in breach or violation of this temporary permit that conduct may include without limitation, placement, use, or maintenance of outdoor dining furnishings, and equipment.
5. Ensure that only dining furnishings and equipment that are 42 inches in height or less are placed within the footprint of the temporary parklet.
6. Maintain a minimum 5-foot-wide path, along the sidewalk for pedestrian access at all times.
7. Ensure compliance with applicable then-current Americans with Disabilities Act (ADA) requirements.
  - If the temporary parklet is intended to be on the road pavement, the applicant shall design and construct, or place an ADA compliant, nonslip, ramp from the sidewalk level to the road.
  - As an alternative, the applicant may design and construct an elevated nonslip platform to extend the sidewalk area into the road.
  - Refer to Section F for ramp and platform guidelines. Any elevated surfaces must be adequately equipped with appropriate fall protection (e.g., handrails).
  - A permittee may also meet these requirements by applying for a temporary sidewalk dining permit and providing ADA accommodation on the sidewalk, so that the same service and experience (outdoor dining) is accessible to those with disabilities without requiring a ramp or platform into the parklet area.
8. Ensure that authorized temporary parklet dining furnishings and equipment are arranged in such a way to protect the health, safety, and general welfare of the public and do not interfere with other establishments. The placement of furnishings shall be consistent with the then current health officer's orders in effect.
9. Ensure that temporary parklet dining furnishings and equipment are not attached to the pavement, curb, gutter, sidewalk, and do not damage this infrastructure.
10. Provide on-going maintenance of the parklet to ensure it is safe for the public to use.

11. Remove any graffiti in the temporary parklet within 48 hours. Vulgar graffiti (i.e., profane, obscene, or hateful) shall be removed within 24 hours.
12. Ensure that dining within the temporary parklet only occurs between the hours of 6 a.m. and 11 p.m.
13. Ensure alcoholic beverages are served in the public right-of-way only if the existing establishment:
  - a. Is authorized to sell alcoholic beverages by a valid Conditional Use Permit or is deemed approved pursuant to Los Angeles County Code Section 22.140.030 (Alcoholic Beverage Sales) and;
  - b. Has obtained a COVID-19 Temporary Catering Authorization from the California Department of Alcoholic Beverage Control.
  - c. Consumption of alcoholic beverages must occur in compliance with all the requirements of the underlying approval, including hours of operation.
14. Expressly acknowledge that the County may revoke the temporary permit without hearing at any time in the County's sole discretion, for any reason, including without limitation, noncompliance, unsafe conditions, or discontinuation of the Program.
15. Ensure that outdoor dining complies with the Los Angeles County Department of Public Health's Guidance for Outdoor Dining During COVID-19 State Order.
16. Ensure that food preparation is not conducted within the temporary parklet.
17. Ensure that the provided temporary permit is displayed prominently on the temporary parklet.
18. Ensure that the temporary parklet remains clean and free from any food or beverage spillage or trash.
19. Ensure compliance with Section E (Traffic Safety Barrier) of these guidelines.
20. Ensure compliance with Section F (ADA Ramp or Elevated Platforms) of these guidelines (if applicable).

#### **D. Available Design and Installation Options**

Applicants may choose to have Public Works design and install K-rail type traffic safety barriers around the proposed parklet area (Option 1), or the applicant may choose to hire an engineer and a contractor to design and install K-rail or another acceptable traffic safety barrier at the parklet site (Option 2). These options are summarized in Table D-1 and further described in Sections D.1 and D.2.

**Table D-1**

	<b>Option 1: Public Works Designs and Installs Traffic Safety Barriers</b>	<b>Option 2: Applicant Designs and Installs Traffic Safety Barriers</b>
<b>Application and Plan Submittals</b>	<ul style="list-style-type: none"> <li>• Applicant submits application and site plan showing parklet layout.</li> </ul>	<ul style="list-style-type: none"> <li>• Applicant submits application and:               <ol style="list-style-type: none"> <li>1. Site plan showing parklet layout</li> <li>2. Traffic design plans* for the traffic safety barriers.</li> </ol> </li> <li>* Must be signed and stamped by a licensed professional engineer in the State of California</li> </ul>
<b>Application and Plan Reviews</b>	<ul style="list-style-type: none"> <li>• Public Works reviews and approves application and site plan showing parklet layout.</li> </ul>	<ul style="list-style-type: none"> <li>• Public Works reviews, approves application, and:               <ol style="list-style-type: none"> <li>1. Site plan showing parklet layout.</li> <li>2. Traffic design plans for the traffic safety barriers.</li> </ol> </li> </ul>
<b>Installation</b>	<ul style="list-style-type: none"> <li>• Public Works installs K-rail per traffic design plans furnished by Public Works type traffic safety barriers and any necessary signing and striping.</li> <li>• Applicant installs ADA compliant, nonslip ramp (if parklet is proposed on the road pavement) or elevated platform (to extend the sidewalk).</li> <li>• Applicant provides parklet furnishings.</li> </ul>	<ul style="list-style-type: none"> <li>• Applicant's contractor installs traffic safety barriers and any necessary signing and striping</li> <li>• Applicant installs ADA compliant, nonslip ramp (if parklet is proposed on the road pavement) or elevated platform (to extend the sidewalk)</li> <li>• Applicant provides parklet furnishings</li> </ul>
<b>Inspection</b>	<ul style="list-style-type: none"> <li>• No Inspections are required.</li> </ul>	<ul style="list-style-type: none"> <li>• Public Works inspects the traffic safety barriers.</li> </ul>

## 1. Option 1 – Public Works Designs and Installs Traffic Safety Barriers

This section outlines the process for an applicant interested in obtaining a temporary parklet permit and having Public Works design and install the necessary traffic safety barriers associated with the temporary parklet. Under this option, Public Works would produce a traffic design plan and install K-rail type traffic safety barriers and any necessary roadway signing and striping. ADA compliant, nonslip ramp (if parklet is proposed on the road pavement) or elevated platform (to extend the sidewalk) design and construction would be the responsibility of the applicant.

Under this option, no inspections by Public Works would be necessary.

### a. Application Process (Option 1)

To be considered for a temporary parklet permit, the applicant must submit an online application to Public Works through the County's Electronic Permitting and Inspections portal, EPIC-LA.

- i. Cost. Depending on the characteristics and usage of the road, parklets may take different forms and vary in cost and scale. Restaurant owners interested in installing a parklet may contact Public Works at (626) 458-3901 to obtain more information and an estimated cost. Payment of fees and/or a deposit may be necessary.
- ii. Application submission materials. Applicants shall provide the following during the application process:
  1. Acknowledgment agreeing to the Applicant Requirements described in Section C.
  2. Description of the temporary parklet dining furnishings and equipment (e.g., tables, chairs, etc.).
  3. Dimensioned site plan depicting the location of the proposed temporary parklet along with all pertinent existing roadway features, including without limitation, the following:
    - a. Sidewalk
    - b. Parking stalls
    - c. Adjacent bicycle lane or vehicular travel lane
    - d. Location of existing utility pullboxes in the sidewalk and in the street
    - e. Location of catch basins/drains
    - f. Existing stopping/parking restrictions
    - g. Nearby Driveways

- h. Permanent above-ground street fixtures, such as utility poles, streetlights, parking meters, electrical boxes, fire hydrants, and newspaper stands

The site plan should also depict the proposed layout of the outdoor parklet dining furnishings and equipment and location of any ADA compliant, nonslip ramp (if parklet is proposed on the road pavement) or elevated platform (to extend the sidewalk).

- 4. Evidence of Commercial General Liability Insurance with a minimum of \$1,000,000 per occurrence limit, naming the County as an additional insured.
- 5. A copy of the restaurant's valid health permit.
- 6. Letters of Support from adjacent businesses, residents and/or tenants where the proposed parklet is located along their street frontage. Public Works may require, in its sole discretion, that the applicant provide additional letters of support from additional parties. This written support may be in the form of a letter or e-mail (if applicable).

b. Review and Implementation Process (Option 1)

- i. Review of Application and Site Plan. Upon receipt of a completed application and deposit (if applicable), Public Works will ensure that the applicant provided all required documentation and will review the site plan showing the proposed location for the temporary parklet to ensure it meets the minimum eligibility criteria.
- ii. Design and Installation of Traffic Safety Barriers. Once the application and site plan has been reviewed and approved, Public Works will prepare traffic design plans and install K-rail type traffic safety barriers at the temporary parklet site.
- iii. Construction of Ramp or Platform. Once the traffic safety barriers have been installed Public Works will notify the applicant and provide a temporary permit certificate and associated conditions. The applicant will then be able to construct/place a temporary ADA compliant, nonslip ramp (if parklet is proposed on the road pavement) or elevated platform (to extend the sidewalk). Construction of the ramp or platform may not commence until the traffic safety barriers have been installed.
- iv. Occupying the Temporary Parklet. Once the applicant constructs the temporary ramp or platform between the traffic safety barriers and

the curb, the applicant may occupy the space pursuant to the Applicant Requirements described in Section C.

- v. Temporary Permit Certificate. Public Works will issue a temporary permit to the applicant that includes project conditions that must be abided by as well as a certificate that must be displayed prominently in the parklet. The certificate will include a permit number and contact information for the general public to report concerns. The applicant bears the sole responsibility to arrange the authorized parklet dining furnishings and equipment pursuant to the site plan provided at the time of application. Should an alternate layout be necessary or desired, the applicant shall provide a new site plan to Public Works.

## 2. Option 2 – Applicant Designs and Installs Traffic Safety Barriers

This Section outlines the process for an applicant interested in obtaining a temporary parklet permit and hiring an engineer and contractor to design and install the necessary traffic safety barriers associated with the temporary parklet. Under this option, the applicant would need to submit traffic design plans signed and stamped by a licensed professional engineer in the State of California for review and approval by Public Works. The plans need to call for the installation of appropriate traffic safety barriers and any necessary signing and striping. While K-rail, water barriers, or two fiberglass 800 pounds (minimum) planters will be considered as appropriate, other Caltrans recognized traffic safety barriers may be considered as noted in Section E. The applicant is responsible for the implementation of the approved plans.

ADA compliant, nonslip ramp (if parklet is proposed on the road pavement) or elevated platform (to extend the sidewalk) design and construction would also be the responsibility of the applicant. Inspection of the ramp or elevated platform is not necessary.

### a. Application Process (Option 2)

To be considered for a temporary parklet permit, the applicant must submit an online application to Public Works through the County's Electronic Permitting and Inspections portal, [EPIC-LA](#).

- i. Cost. Depending on the characteristics and usage of the road, parklets may take different forms and vary in cost and scale. Restaurant owners interested in installing a parklet may contact Public Works at (626) 458-3901 to obtain more information and an estimated cost. Payment of fees and/or a deposit may be necessary.
- ii. Application submission materials. Applicants shall provide the following during the application process:



1. Acknowledgment agreeing to the Applicant Requirements described in Section C.
2. Description of the temporary parklet dining furnishings and equipment (e.g., tables, chairs, etc.).
3. Dimensioned site plan depicting the location of the proposed outdoor parklet along with all pertinent existing roadway features, including without limitation, the following:
  - a. Sidewalk
  - b. Parking stalls
  - c. Adjacent bicycle lane or vehicular travel lane
  - d. Location of existing utility pullboxes in the sidewalk and in the street
  - e. Location of catch basins/drains
  - f. Existing stopping/parking restrictions
  - g. Nearby driveways
  - h. Permanent above-ground street fixtures, such as utility poles, streetlights, parking meters, electrical boxes, fire hydrants, and newspaper stands

The site plan should also depict the proposed layout of the outdoor parklet dining furnishings and equipment and location of the required ADA compliant, nonslip ramp (if parklet is proposed on the road pavement) or elevated platform (to extend the sidewalk).

4. Evidence of Commercial General Liability Insurance with a minimum of \$1,000,000 per occurrence limit, naming the County as an additional insured.
5. A copy of the restaurant's valid Health Permit.
6. Letters of Support from adjacent businesses, residents and/or tenants where the proposed parklet is located along their street frontage. Public Works may require, in its sole discretion, that the applicant provide additional letters of support from additional parties. This written support may be in the form of a letter or e-mail (if applicable).
7. Detailed traffic design plans signed and stamped by a licensed professional engineer in the State of California, showing the location of any proposed traffic safety barriers signing, and/or striping.

b. Review and Implementation Process (Option 2)

i. Review of Application, Site Plan, and Traffic Design Plans. Upon receipt of a completed application and deposit (if necessary), Public Works will ensure that the applicant provided all required documentation and will review the site plan showing the proposed location for the temporary parklet to ensure it meets the minimum eligibility criteria. Concurrently Public Works will also review the traffic design plans submitted by the applicant.

ii. Construction and Inspection:

Upon plan approval, the County will issue the applicant an encroachment permit to begin construction of the traffic safety barriers and to construct/place a temporary ADA compliant, nonslip ramp (if parklet is proposed on the road pavement) or elevated platform (to extend the sidewalk) at the location. Construction of any proposed ramps or platforms shall not begin until the appropriate traffic safety barriers have been installed. Once installed, the applicant shall schedule with Public Works an inspection of the traffic safety barriers.

iii. Occupying the Temporary Parklet. Once the applicant installs the traffic safety barrier per an approved plan, has it inspected by Public Works, and constructs the temporary ramp or platform between the traffic safety barriers and the curb, the applicant may occupy the space pursuant to the Applicant Requirements described in Section C.

iv. Temporary Permit Certificate. Public Works will issue a temporary permit to the applicant that includes project conditions that must be abided by as well as a certificate that must be displayed prominently in the parklet. The certificate will include a permit number and contact information for the general public to report concerns. The applicant bears the sole responsibility to arrange the authorized parklet dining furnishings and equipment pursuant to the site plan provided at the time of application. Should an alternate layout be necessary or desired, the applicant shall provide a new site plan to Public Works.

**E. Traffic Safety Barriers**

Parklets shall be designed to protect the occupants from an errant vehicle.

a. The permittee shall utilize one of the following traffic safety barriers:

- i. Concrete Jersey barrier (or K-rail)
  - ii. Water-filled Jersey barrier
  - iii. Minimum two fiberglass 800 pound (minimum) planters on the upstream side of the parklet
  - iv. Other Caltrans recognized traffic safety barriers may be considered
- b. Retroreflective material shall be used on the upstream end and along the barriers.

## **F. ADA Ramp or Elevated Platforms**

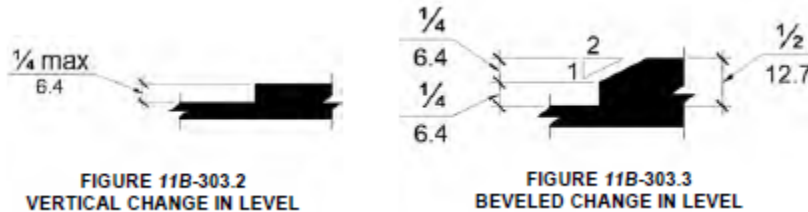
Parklets must be accessible as required by ADA. A permittee may also meet these requirements by applying for a temporary sidewalk dining permit, so that the same service and experience (outdoor dining) is provided on the sidewalk without requiring a ramp or platform into the parklet area. If a ramp or platform is needed the permittee shall be responsible for all aspects of the design and installation.

The following guidance should be applied when designing and constructing platforms.

- a. Platform decking should not exceed the curb height.
- b. Ramps and platform surfaces shall be structurally sound, constructed of wood or composite material, and nonslip. The applicant shall frequently inspect the condition of the platform to ensure the safety of the public is maintained.
- c. Where outdoor seating is provided on a platform, it should not be on a slope greater than two percent.
- d. Parklet platform must be flush with the curb and may not have more than a 1/2-inch gap from the curb.
- e. If a platform is installed, a vertical feature, such as K-rail or water barriers, or a railing shall enclose the perimeter of the parklet. A vertical feature is not required on the side of the parklet adjacent to the curb.
- f. Platforms with perimeter railings: The perimeter railings shall be continuous side and end railing 36-42 inches high with any openings no larger than 4 inches wide. If cable is used, such rail should have a solid rail at the top and bottom, which shall be at least 5 inches.
- g. Open perimeter railings are encouraged to reduce the risk of high winds moving the parklet.
- h. Where the elevated platform surface exceeds 4 inches in a vertical dimension above the adjacent surfaces (or road surface), there shall be warning curbs at

least 6 inches in height above the platform deck. Guardrails or planter boxes can be used as warning curbs.

- i. The maximum vertical difference between the curb and the parklet decking should not exceed 1/4-inch. However, greater changes in vertical distance from 1/4-inch to 1/2-inch high can be accommodated by a constructing beveled edge with a slope not steeper than 2:1.



- j. Ramps and platforms shall not block access to public utilities, utility access holes, access panels, valves, building standpipes, and other features.
- k. Ramps and platforms shall allow for low-flow water runoff through the gutter.
- l. Ramps and platforms should be designed such that rodents and pests can be cleared.

## **G. Temporary Permit Expiration, Revocation, Notification, and Impoundment**

1. Temporary Permit Expiration. The temporary parklet permit shall automatically expire on September 30, 2020. Public Works may choose to extend this date, depending on, among other things, the health officer's orders that are in effect at the time of expiration.
2. Revocation. Public Works reserves the right to revoke the temporary permit before its expiration date, at any time, for any reason, including without limitation, noncompliance, unsafe conditions, or discontinuation of the Program.
3. Notification. Public Works will notify the permittee of the temporary permit revocation by the preferred method of contact noted on the application. Upon notification of revocation, the permittee shall immediately cease the use of the public right-of-way for outdoor dining purposes and remove the parklet and all parklet furnishings and equipment from the public right-of-way.
4. Impoundment. If the permittee fails to cease the use of the public right-of-way upon notification of revocation as described in Section G.3, Public Works may, in its sole discretion, impound the parklet and all parklet furnishings and equipment pursuant to Los Angeles County Code Section 16.27.120.

Furthermore, Public Works may, in its sole discretion, impound any component of the parklet including such furnishings and equipment without any advance notice

to the permittee if they constitute an immediate threat to the health, safety, or welfare of the public. Public Works shall not be held responsible for damages to furnishings and equipment upon impoundment and may impose an impound fee to the permittee.

#### **H. Enforcement**

The following contact information will be on the temporary parklet permit certificate that must be prominently displayed at the restaurant for the public. If a concern is reported, the responsible County department will investigate.

- General Program Information:  
Public Works, Transportation Planning and Programs Division, at (626) 458-3901
- Pedestrian access or encroachments:  
Public Works, Land Development Division, at (626) 458-4921
- Food safety:  
Public Health, Environmental Health Division, at (888) 700-9995
- Social (Physical) Distancing:  
Public Health, Environmental Health Division, at (888) 700-9995
- Noise:  
Public Health, Environmental Health Division, at (888) 700-9995

#### **I. Evaluation**

Restaurant operators will be provided a survey inviting feedback on the COVID-19 Program. The County will utilize feedback from restaurant operators to inform future Public Works programs.

#### **J. Additional Information**

Additional information regarding temporary parklets, including frequently asked questions, visit <https://pw.lacounty.gov/outdoor-dining>.

#### **K. Guideline Updates**

This guideline is intended to be a living document, and periodic updates may be made at the Public Works' sole discretion. Participants will be notified by e-mail of any changes to the Program that may affect their use of the County road right-of-way.