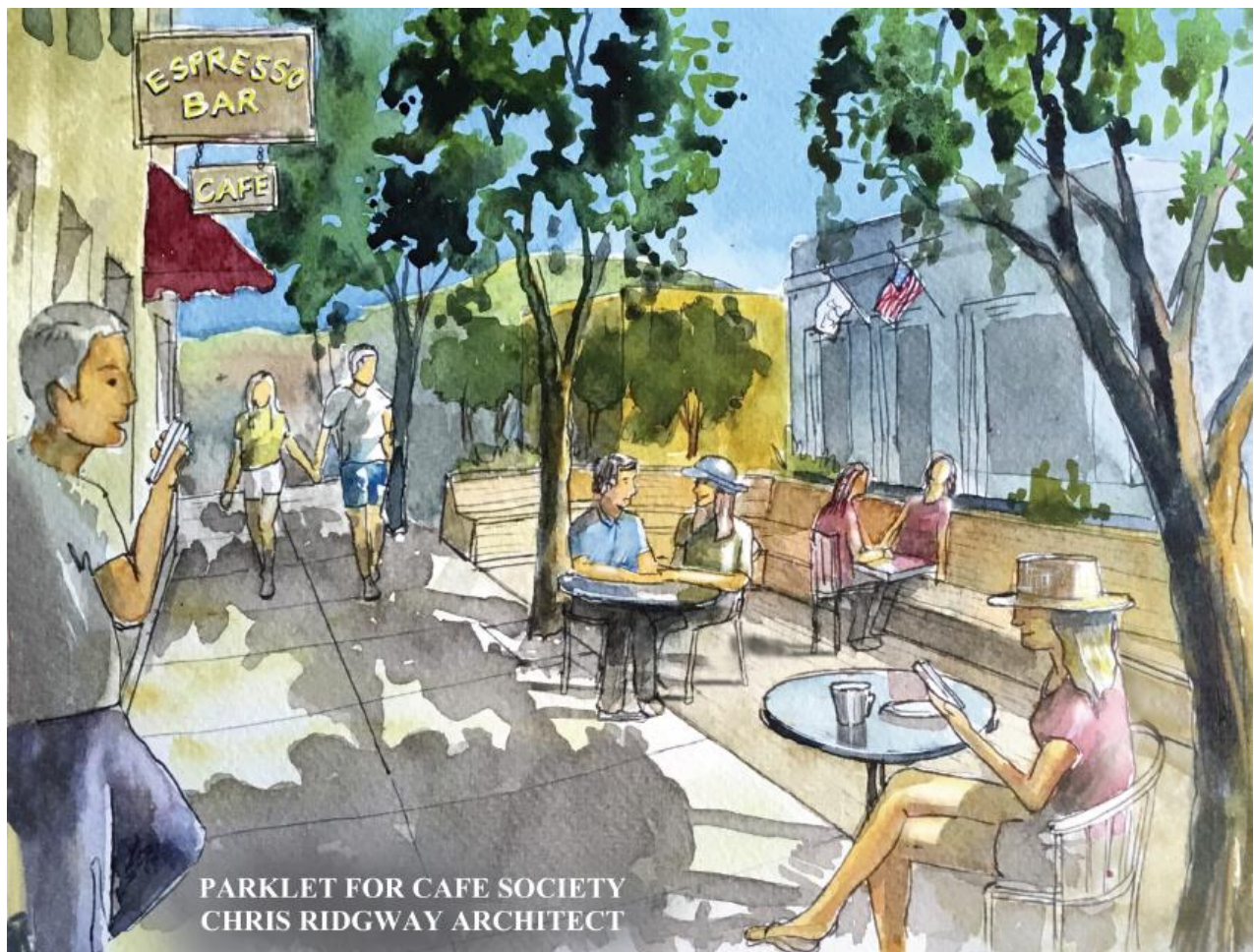




***Planning Commission Public Hearing Draft
April 26, 2022***

City of Half Moon Bay

Downtown Sidewalk and Parklet Activities Program



Rendering of parklet concept for a Main Street business, designed by Chris Ridgway, Architect

DRAFT

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Background

The Downtown Sidewalk and Parklet Activities Program allows the following types of outside dining, activity, and display uses in public space within Heritage Downtown:

Sidewalk Cafés: Dining areas on a sidewalk along the frontage of an eating or drinking establishment.

Parklets: Portions of streets, often including street side parking spaces, repurposed for other uses through sidewalk extensions and other treatments, that provide areas for seating, landscaping, and outside dining.

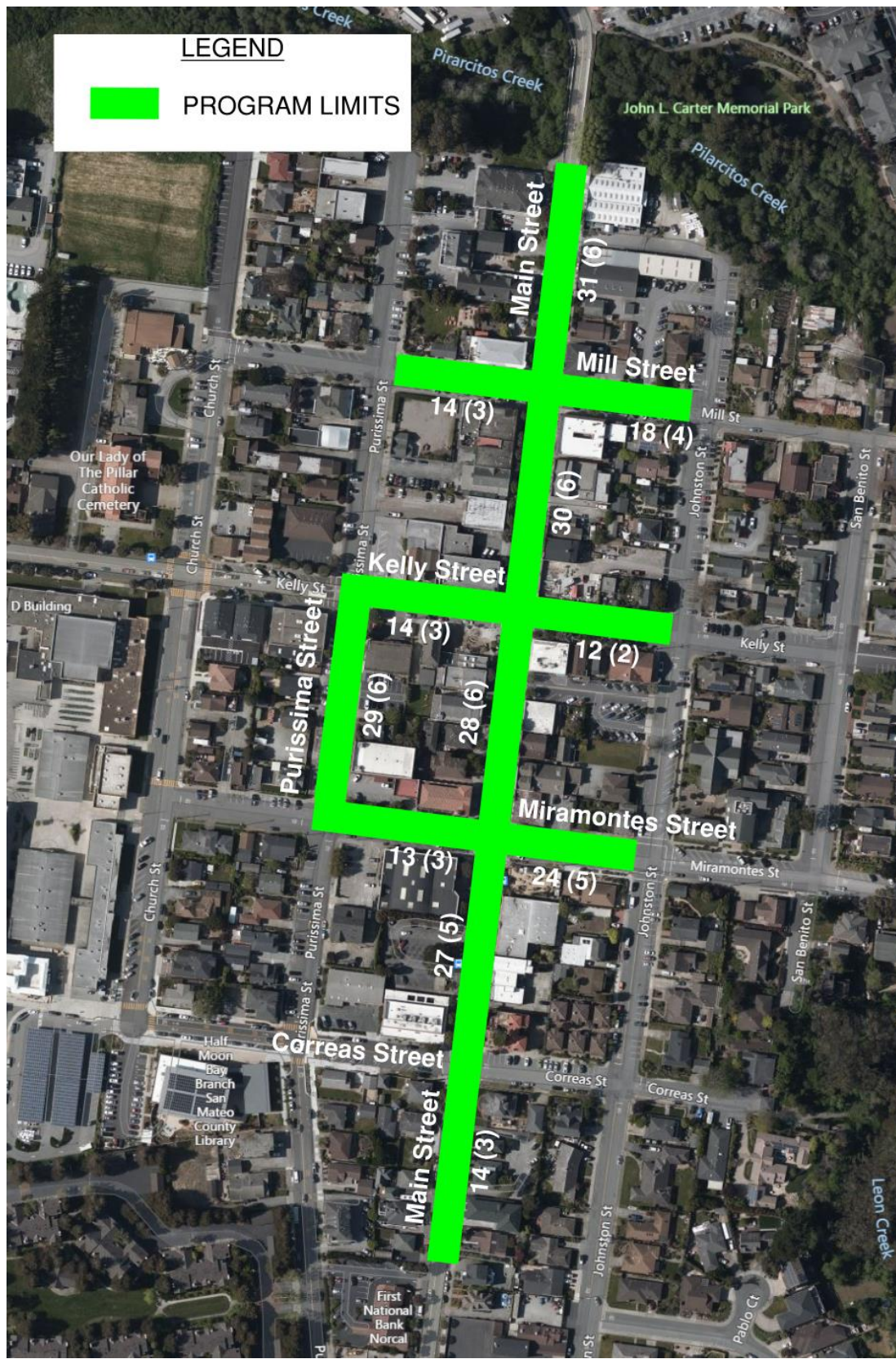
Activities and Display: Limited retail display and/or landscape planters on the sidewalk; small-scale recreation activities such as outdoor reading rooms, chess, building sets, puzzles, art, or bocce ball in a parklet configuration.

This Downtown Parklet and Sidewalk Activities Program supports local business with a straightforward Compliance Review process and fulfills the following additional objectives:

- Enhance and vitalize Downtown for visitors and residents
- Complement the aesthetics of Heritage Downtown
- Improve safety and comfort for pedestrians
- Aid in traffic calming along Main Street and throughout Downtown
- Encourage “park once and walk” Downtown visitation patterns
- Maintain adequate public parking
- Protect the City’s rights-of-ways
- Allow for public use of the space outside business hours
- Retain and enhance accessibility in the Heritage Downtown

On **DATE**, the Half Moon Bay Planning Commission approved a Coastal Development Permit (PDP 21-072) for this Program. The Program establishes design guidelines and installation requirements, includes a review process that provides for public notification, and requires a renewable license agreement for use of the public-right-way. The Program also mandates insurance and indemnification to further protect the public health and safety.

The Program area is centered on Heritage Main Street (Main Street between the Main Street Bridge and Correas Street) and additional blocks immediately adjacent to this area. Businesses participating in the Program are referred to as “Participants” in this document. The Program area is presented in the following map.



Program Area Map

Program Intent and Guidelines:

The Parklet and Sidewalk Activities Program intends to provide numerous opportunities for qualifying businesses to expand into the public right-of-way in a manner that benefits the business and the use of public space throughout Heritage Downtown. Options include use of the sidewalk for dining, small retail displays, and landscaping; and use of public street-side parking spaces for dining and other compatible activities in parklet installations. The Program Intent and Guidelines are meant to provide a framework for these uses by defining the area where such uses may be located and encouraging high quality design elements. The Program Guidelines allow flexibility with respect to location and type of use while retaining and enhancing accessibility in the Downtown.

Program Intent and Guidelines are meant to generate the highest quality design solutions including durable materials and other features that will enhance the experience of visiting Heritage Downtown while also supporting the needs of local business. These guidelines are not intended to limit creativity, architectural expression, or other factors for potential parklets or sidewalk activities; but are intended to bring about designs that are most suited to the particular business, location on the street, etc. Parklets and sidewalk activities are therefore encouraged to:

- Embrace sustainability through use of renewable natural and recycled materials; avoiding virgin plastic design materials where possible
- Contain decorative, living, and low maintenance plantings
- Match or accent the colors and design of the tenant storefront
- Include pedestrian-oriented signage and/or menu boards
- Provide portable heating, festival lighting and windscreens or shade structures for day and nighttime use
- Maintain existing street trees
- Provide bicycle parking spaces, where practicable

The following photographs present examples of sidewalk and parklet improvements with a range of uses and activities that illustrate the Program Intents and Guidelines.

Sidewalks



Figure 1. Example of Sidewalk Café (Half Moon Bay)

This sidewalk café maintains adequate room for tables and chairs on both sides of the dedicated pedestrian zone. The café tables are small and the business actively manages the placement of tables and chairs to maintain a minimum 4-foot wide pedestrian zone.



Figure 2. Example of Sidewalk Retail Display (Half Moon Bay)

This retail display is compatible with the storefront displays and is located near the business entrance which invites pedestrians to browse outside, and perhaps be more inclined to enter the business to continue shopping.

Parklets



Figure 3. Example of Public Use Parklet (San Francisco)

This parklet is open for public use and incorporates natural materials and drought tolerant plantings. The design is flexible and could accommodate a range of uses including dining and other activities.



Figure 4. Example of Public/Private Use Parklet (Sausalito)

This parklet incorporates several businesses, includes coordinated planters, and is primarily used by the adjacent sponsoring business for dining; however, the seating could be made available for public use outside business hours.



Figure 5. Example of Parklet for Activities (Philadelphia)

This parklet is open to the public and provides space for activities other than dining.

Installation Requirements and Allowed Activities:

Requirements for sidewalk and parklet installations and allowed activities are presented in this section.

Sidewalk - Installation and Activities:

Location and Configuration:

Use of the sidewalk is limited to the business frontage. In the case of corners, the sidewalk area may include two frontages. Due to the narrowness of Downtown sidewalks, and the need to maintain ADA access, in most cases sidewalk uses must be located on one side of the sidewalk **either** immediately adjacent to the storefront **or** adjacent to the curb (not **on** the curb). Sidewalk uses may be located on both sides of the sidewalk only if a “pedestrian zone” of adequate width (at least 4 feet) can be maintained and if it can be demonstrated that the proposed layout will not interfere with ADA access. Access to the sidewalk from streetside parking spaces must also be maintained. Configuration options are demonstrated in the following figures:

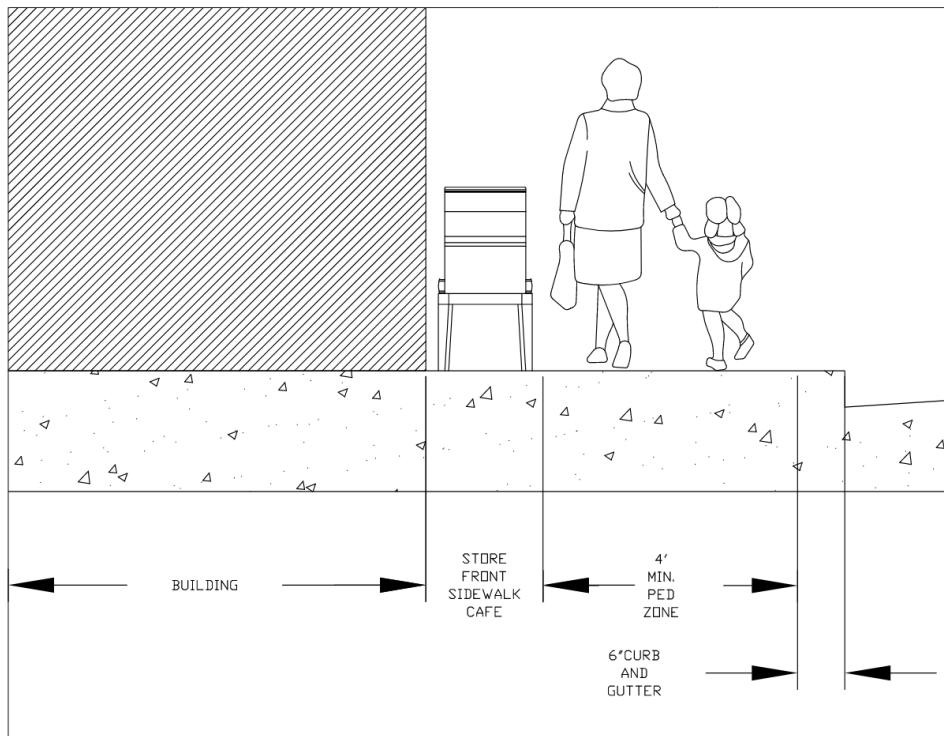


Figure 6. Example Cross Section of Storefront Sidewalk Café

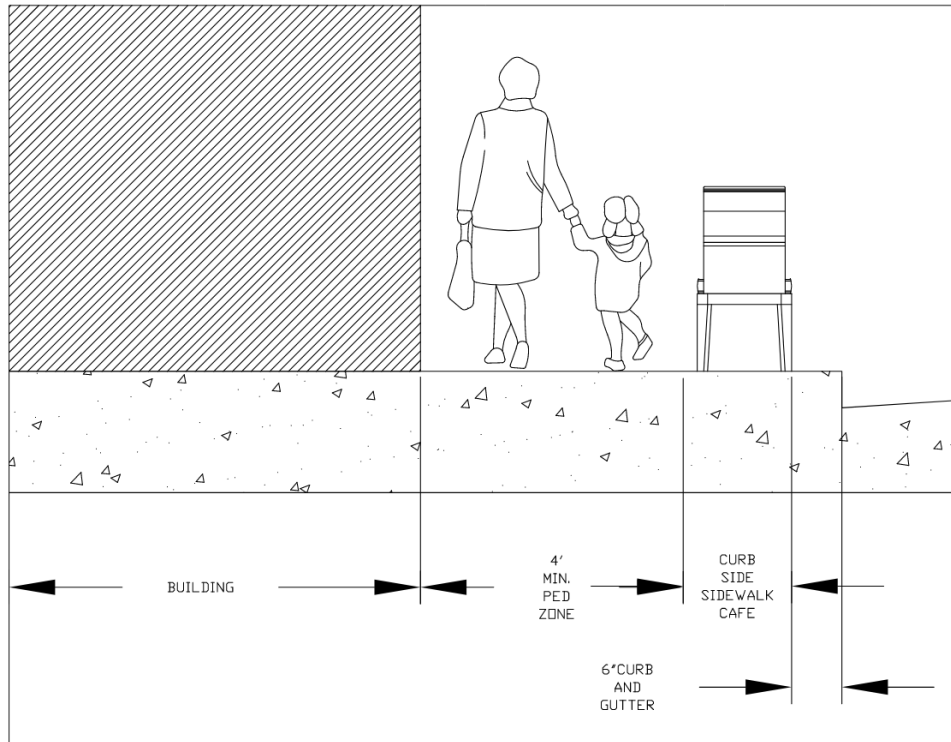


Figure 7. Example Cross Section of Curb Side Sidewalk Café

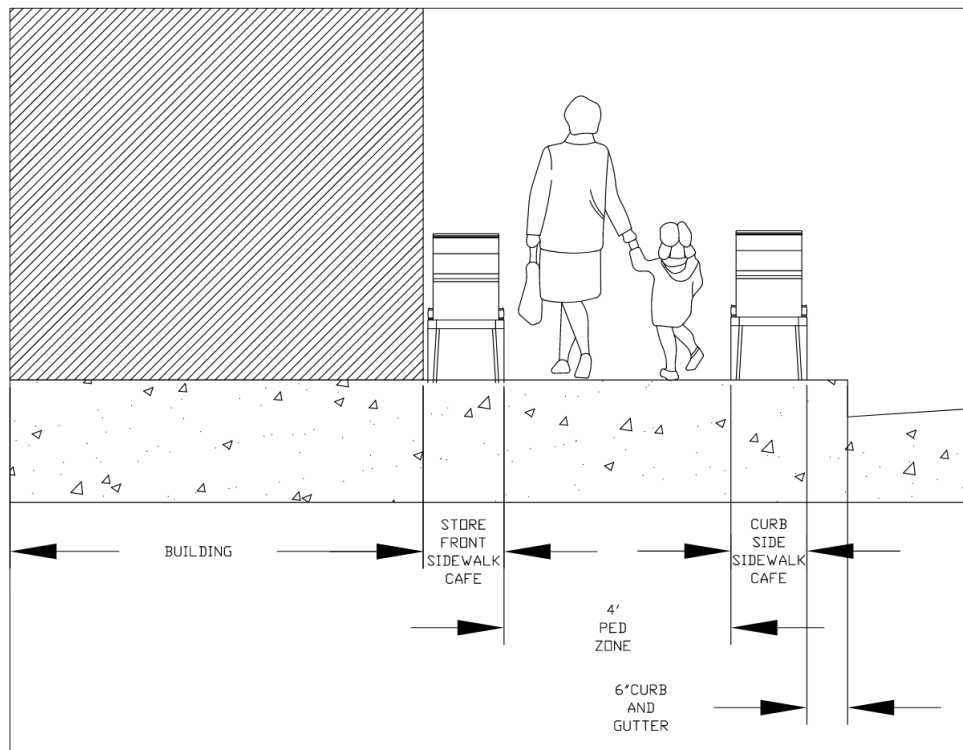


Figure 8. Example Cross Section of both Storefront and Curb Side Sidewalk Café

Allowed Sidewalk Activities:

- Dining: Dining areas must be associated with the adjacent sponsoring eating and/or drinking establishments.
- Retail Displays: Displays of goods for sale must be associated with the adjacent sponsoring retail business and consist of merchandise consistent with the retailer's inventory. Displays may consist of shelving, racks, etc. not to exceed 5 feet in height.
- Street Furniture: Planters, benches, bike racks, dog watering stations, and other street furniture should generally be located immediately adjacent to the storefront unless a curbside location is more practical for the particular location. Planters, benches and furnishings should be made available to the public at all times. Fixtures and furnishings shall not be permanently affixed to the sidewalk.

Public Access:

- Accessibility/ADA: Installations must maintain a minimum 4-foot-wide path of travel along the sidewalk and compliant accessible access to the business entrance at all times.
- Pedestrian Safety: Businesses must provide pedestrian safety awareness training for all staff. Pedestrians will always be given the right-of-way over business service activities (e.g. let pedestrians pass before waiting on a table).
- Special Events: Access shall be in accordance with the specific provisions contained in the approved License Agreement. Businesses may be required to relinquish some or all use of the sidewalk space for special events; e.g. during parades, temporary removal of sidewalk café tables and chairs may be required to allow room for public viewing from the sidewalk.

Parking:

- Accessible Parking: Installations shall accommodate path of travel from compliant accessible parking spaces, as well as standard parking spaces, to the sidewalk.
- EV Parking: Installations shall not interfere with ease of use of parking spaces designated as EV charging station spaces.

Safety:

- Sight Lines: Installations shall be located so as to maintain sight lines necessary for safe parking and turning movements and visibility of pedestrians and cyclists and comply with Half Moon Bay Engineering Standard SI-19 "Minimum Clear Sight Triangles."
- Emergency Response and Utilities: Installations shall not interfere with access to fire hydrants, fire standpipes, utility panels, and meters.
- Fire and Building Codes: Installations are subject to building and fire code review regardless of whether a Building Permit is required. Review will consider emergency access, tents, overhead elements, and portable heaters.

Furnishings and Fixtures:

Fixtures and furnishings shall not be permanently affixed to the sidewalk.

- **Lighting:** Café festival lights or similar low intensity lighting is encouraged. Other types of light fixtures such as pole lights, sconces, etc. shall comply with “dark skies compatible” standards.
- **Heaters:** Stand heaters and overhead heaters require Fire Marshall review and shall not be placed in any location not pre-approved for such use.
- **Umbrellas and Canopies:** Overhead elements such as umbrellas and canopies must not interfere with sidewalk passage or parking. A minimum above sidewalk height of 8 feet is required.
- **Street Furniture:** Street furniture, including benches, bike racks, planters, etc. shall be commercial grade. Furnishings shall not be permanently affixed to the sidewalk.
- **Fencing:** Generally, fencing is discouraged for sidewalk uses due to the narrowness of City sidewalks. In the event that fencing is required, such as to comply with Alcohol Beverage Control (ABC) conditions, or deemed appropriate to improve safety, fencing shall be no more than 3 feet in height, substantially transparent (at least 50% open). Fencing shall not be bolted or otherwise permanently affixed to street or sidewalk.
- **Street Trees:** Street trees may not be removed to accommodate sidewalk uses. The participant will be responsible for replacing street tree(s) in cases where street trees are missing or have significantly declined as a result of these activities. Owners shall water and maintain any street tree immediately abutting the sidewalk activity.
- **Signage:** Signage should be pedestrian oriented and must conform to the City’s Sign Ordinance. Signage may include menu boards. Generally, illuminated signage should be halo or indirectly lit.

Maintenance and Operations:

- **Maintenance – Sidewalk, Curb and Gutter:** The entire sidewalk, curb, and gutter area in front of the sponsoring business shall be maintained, at all times, free from litter, spills, tripping hazards, etc.
- **Service Access:** The installation shall accommodate access for business servicing including solid waste pick-up and deliveries
- **ABC License:** The sponsoring business shall abide by Alcohol Beverage Control (ABC) requirements, as applicable.
- **Hours of Operation:** Hours of operation shall comply with the City’s Noise Ordinance, 8:00 AM - 10:00 PM, unless specifically authorized in writing by the City for a special event.
- **Music and Sound Amplification:** Activities shall comply with the City Noise Ordinance. Where applicable, an amplified sound permit may be required for live and/or recorded music or other amplified activities. Broadly, pursuant to Section 9.23.020 of the Municipal Code, amplified sound shall be controlled at all times so that it does not constitute an unreasonably disturbing noise.

- Habitat Buffers: The installation shall maintain adequate buffers in the case of the presence of protected habitat areas.
- Food-ware: Any eating or drinking business shall utilize only reusable food-ware for outside use and shall otherwise comply with all provisions of the City's Disposable Foodware Ordinance.
- Trash, Recycling, and Composting: For eating and drinking businesses offering to-go options and not providing table service, the sponsoring business shall provide clearly marked bins for trash, recycling, and composting.

It shall be the obligation of the Participant to ensure compliance with the Coastal Development Permit for the Downtown Sidewalk and Parklet Activities Program and business-specific License Agreement. The City will monitor activities and complaints and seek corrective action where necessary.

Parklet - Installation and Activities:

Location and Configuration:

Parklets are located on the streetside of the curb edge, typically within street side parking spaces. Use of parking spaces must be aligned with the business frontage, along the curb line where on-street parking is located (parallel or diagonal). Where parking spaces do not specifically align with the business frontage, an off-set will be considered to allow for the parklets to be of a width up to the frontage length of the sponsoring business. On corner sites, parking spaces on only one side of the frontage may be converted to parklet space. Parklets may not obstruct bike lanes.

A maximum of 20% of the streetside parking spaces on the affected block front may be converted into parklet space within the Program Area as presented on Page 2 of this program. The most recent parking inventory is included in the “References” section of this Program.

Parklets are to be built on a foundation such that the finished floor of the parklet, typically decking, is flush with the sidewalk grade to allow storm water flow and accessible path of travel for employees and patrons. Parklet foundations must be removable; poured concrete foundations are prohibited.

Configuration options are demonstrated in the following figures:

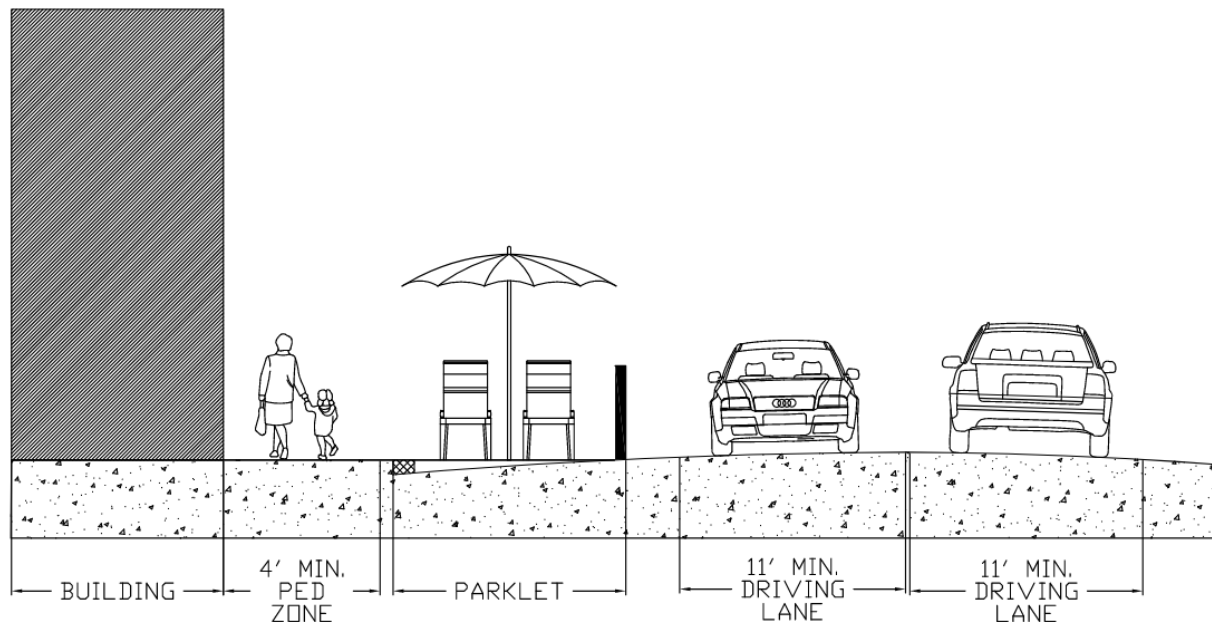


Figure 9. Example Cross Section of Parklet

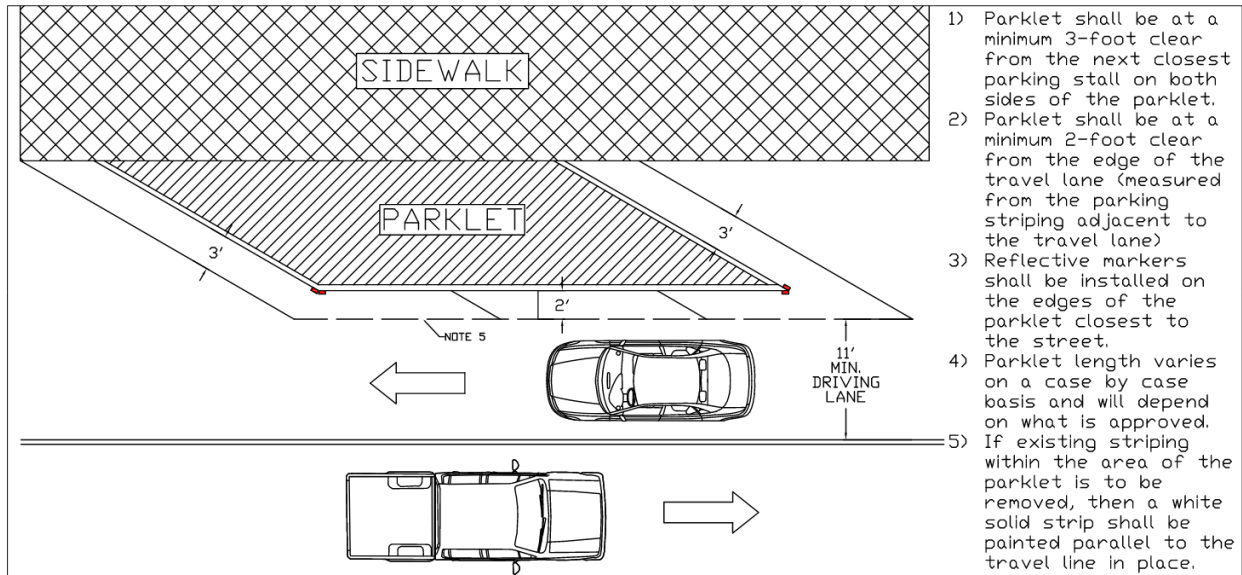


Figure 10. Example of Parklet Placement in Angled Parking Stalls

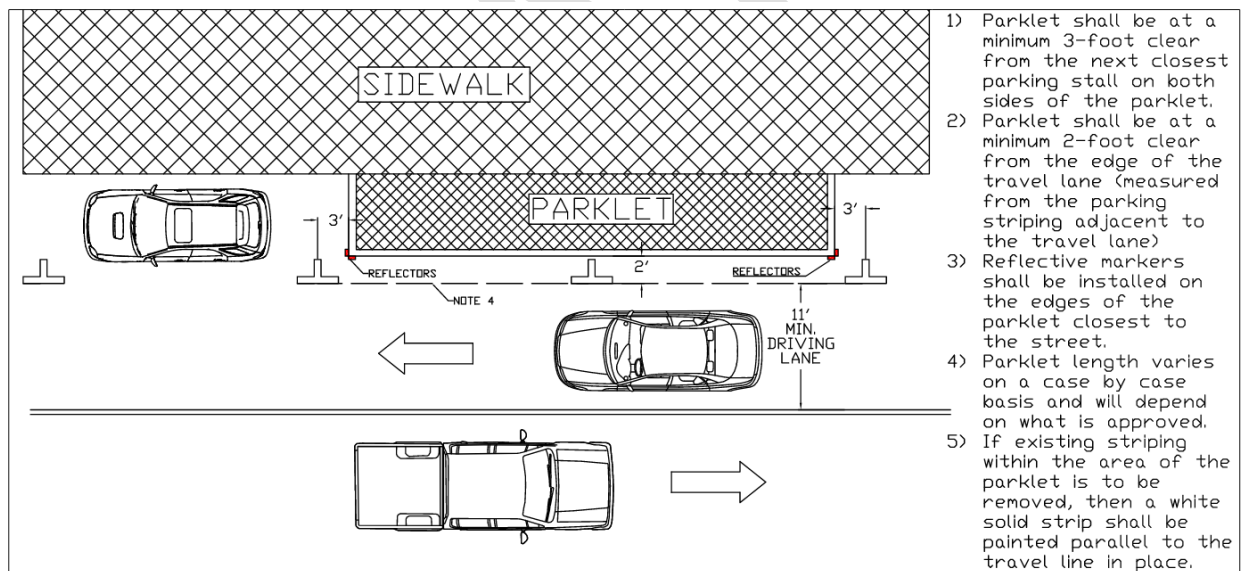


Figure 11. Example of Parklet Placement in Parallel Parking Stalls

Allowed Parklet Activities:

- Dining: Dining areas must be associated with the adjacent sponsoring eating and/or drinking establishments.
- Other Activities: Any other proposed parklet activities must be fully contained within the parklet space and compatible with the parklet's location in and adjacent to pedestrian, bicycle, and vehicle rights-of-way. Incompatible activities include those involving throwing objects, utilizing materials that could become windborne, or other activities where there is a reasonable likelihood that the activity will disrupt ADA, pedestrian, bicycle, or automobile travel.
- Street Furniture: Planters, benches, bike racks, dog watering stations, and other street furniture may be included within the parklet installation. Fixtures and furnishings shall not be permanently affixed to the street or sidewalk.

Public Access:

- Accessibility: Generally, parklet installations and activities occur on the streetside of the curb and will therefore maintain the sidewalk for public access in accordance with applicable accessibility standards.
- Pedestrian Safety: Businesses must provide pedestrian safety awareness training for all staff. Pedestrians will always be given the right-of-way over business service activities (e.g. let pedestrians pass before waiting on a table).
- Special Events: Parklets established by private businesses allowing for public use during non-business hours may be used during special events exclusively by the business if the business hours normally coincide with the timing of the special event.

Parking:

- Accessible Parking Spaces: In the event that a parklet will utilize an on-street accessible parking space(s), the sponsoring business shall provide replacement accessible street parking, equivalent in number of spaces and quality of access. The inability to provide equivalent quality accessible parking space(s) will result in required design changes and/or denial.
- Parking Management: Adjacent businesses demonstrating impact due to the reduction of parking spaces near their storefront may request special parking provisions for parking spaces that are not included in the parklet area, such as short-term or other parking allowances. The City Engineer and Community Development Director may approve such allowances on a case-by-case basis. The sponsoring business shall contribute to the cost of signage for these provisions.
- Employee Parking Plan (for parklets proposed on Main or Mill Street): The parking plan shall indicate parking areas for the peak work shift. Parking areas may be on private property or public streets where there is adequate parking supply during peak periods as demonstrated in the City's parking occupancy surveys.

Safety:

- Setbacks: Vehicle through lanes shall be maintained with a minimum 11-foot width. Parklets shall be setback from vehicle lanes and parking spaces as follows:
 - Minimum Setback from traffic through lane:
 - Angle and 90-degree spaces: 2 feet, treated with pavement markings
 - Parallel spaces: 2 feet, treated with pavement markings
 - Minimum setback from adjacent parking space: 3 feet, to allow for door swing, access to sidewalk, and room for turn movements for parallel parking.
- Perimeter barriers: Barriers shall be installed around the entire perimeter of the parklets and shall be able to withstand at least 250 pounds of force.
- Corner reflectors: High visibility reflectors shall be mounted on perimeter barriers and/or mounting poles providing drivers with at least 150 feet of visibility in approaching a parklet.
- Sight Lines: Installations shall be located so as to maintain sight lines necessary for safe parking and turning movements and visibility of pedestrians and cyclists and comply with Half Moon Bay Engineering Standard SI-19 "Minimum Clear Sight Triangles."
- Emergency Response and Utilities: Installations shall not interfere with access to fire hydrants, utility panels, and meters.
- Fire and Building Codes: Building Permits are required for all parklet installations.

Furnishings and Fixtures:

Fixtures and furnishings shall not be permanently affixed to the sidewalk, curb, or gutter.

- Lighting: Café festival lights or similar low intensity lighting is encouraged. Other types of light fixtures such as pole lights, sconces, etc. shall comply with "dark skies compatible" standards.
- Heaters: Stand heaters and overhead heaters require Fire Marshall review and shall not be placed in any location not pre-approved for such use. Portable stand heaters are preferred.
- Umbrellas and Canopies: Overhead elements such as umbrellas and canopies must not interfere with sidewalk passage. A minimum above sidewalk height of 8 feet is required.
- Arbors and Trellises: Arbors, trellises and other overhead or vertical structures shall use commercial grade building materials. Structural calculations for arbors and trellis shall be included with the Building Permit application. These structures may not be permanently affixed to the street, but will need to be attached to the parklet foundation.
- Street Furniture: Street furniture, including benches, bike racks, planters, etc. shall be commercial grade. Planters incorporated in perimeter barriers shall also comply with safety requirements.
- Fencing: Fencing shall be no more than 3 feet in height. Fencing incorporated in perimeter barriers shall also comply with safety requirements. Fencing shall not be permanently bolted or otherwise affixed to the street or sidewalk.

- **Street Trees:** Street trees may not be removed to accommodate parklet uses. The participant will be responsible for replacing street tree(s) in cases where street trees are missing or have significantly declined as a result of these activities. Owners shall water and maintain any street tree immediately abutting the sidewalk activity. Owners shall water and maintain any street tree immediately abutting a parklet.
- **Signage:** Signage should be pedestrian oriented and must conform to the City's Sign Ordinance. Signage may include menu boards. Parklets that are open to the public during off-business hours shall be posted with City approved signage indicating that the space is open to the public. Generally, illuminated signage should be halo or indirectly lit.

Maintenance and Operations:

- **Maintenance – Parklet, Sidewalk, Curb and Gutter:** The entire parklet, sidewalk, curb, and gutter area in front of the sponsoring business shall be maintained at all times, free from litter, spills, tripping hazards, etc.
- **Service Access:** The installation shall accommodate access for business servicing including solid waste pick-up and deliveries.
- **ABC License:** The sponsoring business shall abide by ABC requirements, as applicable.
- **Hours of Operation:** Hours of operation shall comply with the City's Noise Ordinance, 8:00 AM - 10:00 PM, unless specifically authorized in writing by the City for a special event.
- **Music and Sound Amplification:** Activities shall comply with the City Noise Ordinance. Where applicable, an amplified sound permit may be required for live and/or recorded music or other amplified activities. Broadly, pursuant to Section 9.23.020 of the Municipal Code, amplified sound shall be controlled at all times so that it does not constitute an unreasonably disturbing noise.
- **Habitat Buffers:** The installation shall maintain adequate buffers in the case of the presence of protected habitat areas.
- **Food-ware:** Any eating or drinking business shall utilize only reusable food-ware for outside use and shall otherwise comply with all provisions of the City's Disposable Foodware Ordinance.
- **Trash, Recycling, and Composting:** For eating and drinking businesses offering to-go options and not providing table service, the sponsoring business shall provide clearly marked bins for trash, recycling, and composting.
- **Stormwater Management:** The installation shall either maintain at least 6 feet of clearance from stormwater inlets; or be constructed such that all or a portion of the parklet can be quickly removed for the sake of servicing the inlet. All parklet foundations shall allow drainage to flow appropriately under the parklet's finished flooring.

It shall be the obligation of Participant to ensure compliance with the Coastal Development Permit for the Downtown Sidewalk and Parklet Activities Program and business-specific License Agreement. The City will monitor activities and complaints and seek corrective action where necessary.

Special Cases - Installation and Activities

Combined Installations – Sidewalk and Parklet Activities:

Use of the public right-of-way may include both sidewalk area and parklet installation. Such combination approaches can be accommodated in this program. All the above requirements would be applied to each portion of the use. Because such combination could lead to perceived privatization of the space, the following additional conditions are required for combination sidewalk/parklet installations:

- No part of the pedestrian zone may be reduced to less than 5 feet, other than where such permanent encroachments already exist.
- The parklet must allow for public use during non-business hours.

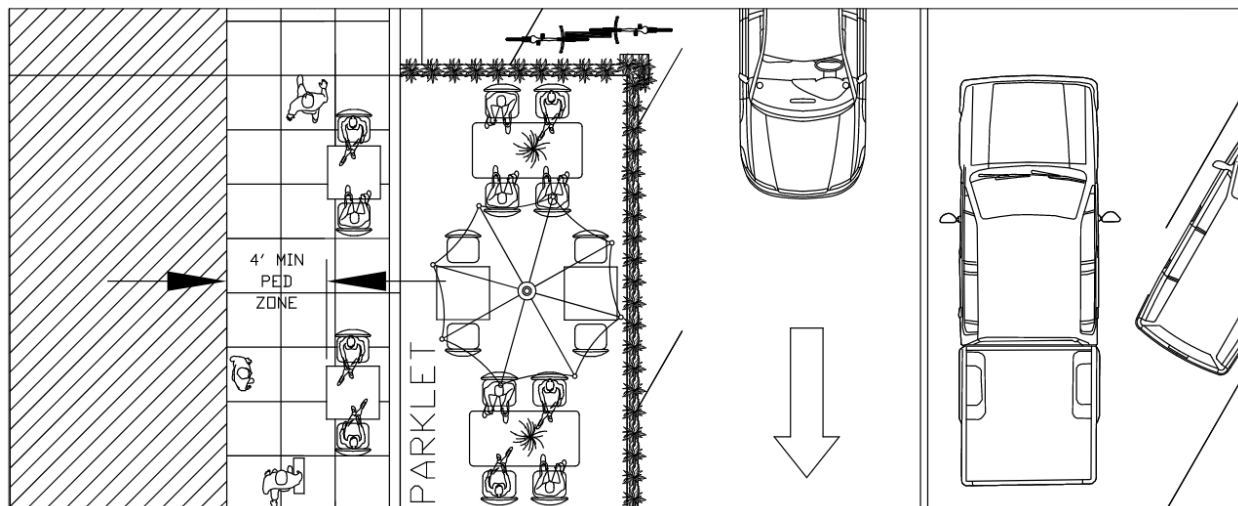


Figure 12. Example Site Plan of Parklet and Sidewalk Use for Dining

Public Installations

The City may install a parklet anywhere in the right-of-way for public use. In such a case, the parklet would comply with the design requirements presented above, but the adjacent business(es) would not be sponsoring the installation. The City would fund, install, and maintain the facility similar to a public park.

City Parking Lots

City parking lots located within the Program Area may be considered for uses similar to those allowed in this program for sidewalks and parklets. Use of space in City parking lots shall be subject to applicable requirements for sidewalk and parklet installation and activities. Design review and annual license agreements and fees apply. For use of City parking space by private

businesses, the business must have immediate access to the parking lot area. It shall be the responsibility of participant to ensure accessible parking is available to use and overall parking area. Participant shall also ensure accessible path of travel is maintained to their use and to other users of the parking lot.

Private Parking Lots

Use of private parking lots for outside uses are not subject to this program. Such proposals can be assessed and processed for permits pursuant to the standards of Title 18 of the Municipal Code, Chapter 18.07 Commercial Land Use (Commercial-Downtown, Commercial-Residential) and Chapter 18.36 Parking Standards, as applicable. Most such uses would require a Coastal Development Permit. It shall be the responsibility of participant to ensure accessible parking is available to use and overall parking area. Participant shall also ensure accessible path of travel is maintained to their use and to other users of the parking lot.

Short-Term Installations and/or Activities

Short-term installations and/or activities for outdoor uses in Heritage Downtown and the Commercial-Downtown Zoning District, whether in the public right-of-way or on private property, are not subject to this program. Instead, most short-term proposals can be assessed by the Community Development Director according to Title 18 of the Municipal Code, Chapter 18.07 Commercial Land Use (Commercial-Downtown, Commercial-Residential), section 18.07.025 Use regulations, A-11.b. or A-27.b, as may be amended from time to time. Encroachment permits are required for such uses to take place in the public right-of-way, even on a temporary basis.

Program Administration – Compliance Review

Review Process: The administrative Compliance Review process includes the following steps:

1. **Pre-Application - Determination of Eligibility:** Prior to submitting an application for Compliance Review, the prospective Participant shall request a determination of eligibility from the Community Development Department through an over-the-counter pre-application. To determine eligibility, the prospective Participant shall submit information about the business location, describe the intended use of the public right-of-way, and address the following:
 - a. **Parklet and Sidewalk Café Program Boundaries:** Participants must have an eligible business located within the Program area depicted in the Program Area Map.
 - b. **Parking Converted to Parklet Area:** A maximum of 20% of the streetside parking spaces on the subject block front may be converted into parklet space. The most recent Parking Inventory is included in the References section of this Program. The Program allows for multiple parklets per block if the combined spaces occupied by parklet area do not exceed the 20% threshold. Administrative Compliance Review will be conducted upon a first-come, first-served basis. Approvals will be granted according to the order in which Compliance Review is fulfilled.
 - c. **Eligible Businesses:** The Participant seeking outside use of the public right-of-way must be a permitted or conditionally permitted use in good standing consistent with the range of uses allowed in Heritage Downtown including eating and/or drinking establishments, retail businesses, and art galleries; personal services, professional services, and office uses (including medical and real estate offices) are not eligible businesses.
 - d. **Allowed Outside Uses:** The outside use shall be related to the sponsoring adjacent eligible business. A brief description of the outside use shall indicate the types of improvements that will be proposed, the number of customers/staff who will use the space, etc. The outside use may consist of sidewalk and/or parklet space for eating/drinking, retail display, or other compatible activities.
 - e. **Location of Outside Uses:** The location of the proposed use shall be generally outlined on a site plan or aerial photograph and shown to conform to the Design Requirements.
2. **Application – Compliance Review:** Participants with eligible businesses may proceed with the application process.
 - a. **Application Form and Fee:** Available from the Community Development Department
 - b. **Application Materials:**
 - i. **Plans:** Must be scaled and dimensioned, professionally prepared by a licensed civil engineer, landscape architect, and/or architect as applicable:
 - a.) **Site Plan:** Including the following:

- i.) Accessibility provisions including ADA and California Title 24
 - ii.) Drainage Plan
 - iii.) Landscape Plan
 - iv.) Location of all site furnishings
 - v.) Elevations with signage, if proposed.
 - ii. Title 24 compliance
 - iii. Signage plan, if new signage is proposed
 - iv. Cutsheets for all site furnishings, including but not limited to:
 - a.) Electrical/fueled elements: lighting, heaters, etc.
 - b.) Trash, recycling, composting containers
 - c.) Signage and menu boards
 - d.) Overhead elements: canopies, umbrellas, etc.
 - v. Site photos: business frontage and aerial view
 - vi. Construction schedule
 - vii. Property owner permission
 - viii. Current Business License
 - ix. ABC License, if applicable
 - x. Employee parking plan (for parklets proposed on Main or Mill Street)
3. Compliance Review Process:
- a. City and Local Agency Review
 - i. Compliance with Coastal Development Permit PDP 22-XXX: Community Development
 - ii. Safety review: Coastside Fire Protection District, City Engineer (drainage, traffic, etc.)
 - b. Architectural Advisory Committee Review (AAC): Design review by the AAC for parklets is mandatory; design review by the AAC for sidewalk uses is at the discretion of the Community Development Director. Typically, the AAC's design review will consider the following:
 - i. Design compatibility
 - ii. Colors and materials
 - iii. Furnishings
 - iv. Signage
 - v. Other design elements
 - c. Notification:
 - i. Site posting within seven days of application receipt
 - ii. Mailed notices to property owners within 100 feet of the property on which the business is located at least 10 days in advance of AAC review.
4. Final Compliance Review Determination: Upon completion of Step 3, the Community Development Director, with a recommendation from the City Engineer, shall make a final determination.

- a. Approval – Compliance with PDP 22-XXX: Will incorporate the following:
 - i. Confirmation of eligibility as demonstrated in the pre-application/Zoning Verification review.
 - ii. Evidence of compliance with PDP 22-XXX conditions of approval, which ensures compliance with the California Coastal Act, the Half Moon Bay Local Coastal Program (LCP), the Half Moon Bay Engineering Standards, the Half Moon Bay Bicycle and Pedestrian Master Plan and its Guidelines, and other applicable City requirements.
 - iii. Contingent upon securing a License Agreement and Building Permit
 - b. Other Determinations:
 - i. Potential Approval – Amendment to PDP 22-XXX: In cases where the proposal is found to be in substantial but not full conformance with PDP 22-XXX, the matter will be deferred to the Half Moon Bay Planning Commission for public hearing review where the Planning Commission shall consider amendments to the Program for the particular case and/or more broadly.
 - ii. Denial: Applications will be denied if found to be out of conformance with PDP 22-XXX, the California Coastal Act, specific LCP policies and regulations, and/or City Engineering standards.
5. License Agreement: Subsequent to successful compliance review, and prior to issuance of the Building Permit and/or operation, the Participant is required to enter into a License Agreement with the City of Half Moon Bay, subject to review and approval by the City Council. A template of the agreement is provided in the References section of this Program. The agreement includes the following:
- a. Indemnification: The Participant shall indemnify and hold harmless the City.
 - b. Proof of Insurance: Participant shall provide a Certificate of Insurance naming the City of Half Moon Bay as additional insured on all policies required by the License Agreement. Participant shall maintain liability and property damage insurance with a minimum of \$2,000,000 bodily injury, \$2,000,000 property damage for each occurrence, and \$2,000,000 comprehensive general liability insurance, and which may be increased from time to time by the Public Works Director.
 - c. Standard License Agreement Conditions of Approval:
 - i. The City of Half Moon Bay will evaluate the license agreement and the outside use of the right-of-way on an annual basis to ensure that all conditions of approval are met and that the outside space is regularly maintained by the Participant.
 - ii. Term and Revocation: While the agreement will establish a reasonable term, typically of up to three years at a time, the City reserves the right to alter conditions of approval or revoke a License for an individual installation at any time necessary for public health and safety or other public need.
 - iii. License agreement annual fee, refer to current City of Half Moon Bay Master Fee Schedule for sidewalk and parklet space fee rates. Parklet space made available

for public use during business off-hours shall be charged 50% of the standard fee.

- iv. Removal and Restoration: Upon termination or revocation of the License Agreement, Participant shall remove the installation in whole and restore the public right-of-way to the satisfaction of the City Engineer.

6. Building Permit: Building Permit review shall include plan check, and inspections before, during, and upon completion of the installation. The plans shall include all of the following unless not applicable for a specific case:

- a. Site Plan
- b. Elevations
- c. Signage, if new proposed
- d. Accessibility including ADA provisions and California Title 24
- e. Title 24 compliance
- f. Drainage Plan
- g. Landscape Plan
- h. Location and cutsheets of all site furnishings, including but not limited to:
 - i. Electrical/fueled elements: lighting, heaters, etc.
 - ii. Trash, recycling, composting containers
 - iii. Signage and menu boards
 - iv. Overhead elements: canopies, umbrellas, etc.
- i. Construction Staging Plan, as applicable, including but not limited to:
 - i. Materials and construction staging area
 - ii. Pedestrian access plan to maintain sidewalk access during construction
 - iii. Traffic control (flagger, etc.)
 - iv. Site control measures to protect water quality

References

Parklet and Parking Inventory

This page will be updated as parklets are approved and installed, and/or removed.

Placeholder: Sample Parklet Tracking Table

Block/Lot	Total Parking Capacity (Spaces)	20% Parking Capacity (Spaces - rounded)	Parking Spaces Used (Spaces) (%)	Remaining Capacity for Parklet (Spaces)
300 Block Main Street: • Fattoria* • Barterra*	31	6	5 16%	1
400 Block Main Street	30	6	0%	6
500 Block Main Street	28	6	0%	6
600 Block Main Street	27	5	0%	5
700 Block Main Street: • Sacrilege**	14	3	1 7%	2
500 Block Mill Street	14	3	0%	3
600 Block Mill Street	18	4	0%	4
500 Block Kelly Avenue	14	3	0%	3
600 Block Kelly Avenue	12	2	0%	2
500 Block Miramontes Street	13	3	0%	3
600 Block Miramontes Street	24	5	0%	5
500 Block Purissima Street	29	6	0%	6
City Hall Parking Lot: • Nano's**	27	5	3 11%	2
TOTALS:	281	57	9 3%	48

*Preprogram approvals

**Pending future program application; currently under License Agreement

Coastal Development Permit Conditions of Approval

Placeholder for Coastal Development Permit Conditions

DRAFT

Template License Agreement

**LICENSE AGREEMENT FOR TEMPORARY USE OF THE PUBLIC RIGHT OF WAY
FOR SIDEWALK OR PARKLET ACTIVITIES
AND USE BY AND BETWEEN
THE CITY OF HALF MOON BAY AND
_____ (hereinafter referred to as “Licensee”)**

THIS AGREEMENT is dated _____, 2022, ("Effective Date"), by and between THE CITY OF HALF MOON BAY, a municipal corporation and _____ (licensee).

RECITALS

WHEREAS, _____ (Licensee) is the tenant of the property located _____, Half Moon Bay, California 94019, and THE CITY OF HALF MOON BAY (hereinafter referred to as “Licensor”) controls the public-right-of-way located in front of _____ in the City of Half Moon Bay, California (hereinafter referred to as the “Property”); and

WHEREAS, Licensee seeks to acquire the right to enter upon Licensor’s Property, more particularly described in the attached Exhibit A (“Property and Improvements”), which is incorporated by reference, for the purpose specified in Paragraph 1 below.

WHEREAS, Licensor desires to provide Licensee with access to and temporary use of the public right-of-way indicated on the attached plans, more particularly described in the attached Exhibit A, by way of a license agreement for purposes specified in Paragraph 1 below, subject to the terms and limitations set forth herein.

NOW, THEREFORE, the parties to this License Agreement, upon the mutual execution and delivery of this Agreement, plus other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and in consideration of the covenants Licensee and Licensor express herein, agree as follows:

1. Use. Licensors hereby grants to Licensee, its agents and contractors, a nonexclusive, revocable license (the “License”) to enter upon and use the public right-of-way described in Exhibit A and the right to install, construct, maintain, modify, repair and remove the Improvements identified in Exhibit A including storage of construction materials, subject to the terms and conditions herein, for the purpose of developing a (sidewalk use area/temporary parklet within __ parking spaces) along _____ (business address).

2. Term. This License shall commence _____, 20XX (“Commencement Date”) and shall continue for __ years until _____, 20XX (“Term”), unless extended by separate written agreement.

3. Consideration. As total consideration for this License, Licensee shall pay to Licensors on an annual basis starting one year after the Commencement Date __ (“Annual Fee”). This fee was determined as follows:

- Sidewalks: The City Master Fee Schedule flat fee is \$_____.
- Parklets: The City Master Fee Schedule fee rate per parking space or an equivalent area of 200 square feet is \$_____. The Improvements (Exhibit A) would occupy __ vehicle parking spaces or equivalent area.
 - The Improvements are proposed for exclusive use by the Licensee, and therefore the fee is \$_____; or
 - The Improvements are proposed for nonexclusive use by the Licensee, allowing for public access during non-business hours; the provision of public access allows for a reduced fee rate by fifty percent, and therefore the fee is \$_____; or

Therefore, Licensee shall pay Licensors \$_____ per year, due on __ each year (“Due Date”).

4. Conditions Applicable to License. This License is subject to all existing covenants, conditions, reservations, contracts, leases, licenses, easements, encumbrances, restrictions and rights of way with respect to the Property, whether or not of record. Licensee agrees to pay all costs incurred by Licensors in enforcing the terms of this License, including reasonable attorney’s fees and costs, and that the Licensors may record such costs as a special assessment against the Licensee’s property or as a lien on that property if Licensee fails to pay such costs within thirty (30) days of Licensors providing Licensee with an invoice detailing such costs. Failure to make such payments shall also be grounds for revocation of this License.

5. No Transfer or Assignment. This License is personal to Licensee. Any attempt to transfer or assign this License shall terminate it.

6. Permits and Regulations. Licensee shall be responsible for securing any required approvals, permits and authorizations from any federal, state or local agencies. Licensee shall comply with all terms and conditions of all applicable laws, regulations and permits including, but not limited to, successful completion of Compliance Review and adherence to the conditions of approval in Planning Commission Resolution P-_____ approving Coastal Development Permit for the Downtown Sidewalk and Parklet Activities Program (date). No material modification, upgrading, or reconstruction of the Improvements covered by this License is authorized without prior approval by Licensor. Notwithstanding the foregoing, the Licensor's prior written approval shall not be required for maintenance or repair of the Improvements or in the case of emergency. Nothing contained herein limits Licensee's obligations to obtain and comply with any additional City permitting requirements.

For Parklets with public access allowed, include this term:

7. Public Use During Off-Business Hours. Licensee shall be responsible for maintaining public access to the parklet Improvements during off-business hours for no cost to the public.

8. Stormwater Maintenance. The Licensee is responsible for maintaining the existing nature of stormwater. Stormwater, sediment, and debris shall be maintained and clear of the Improvements throughout the duration of the License.

9. Repair and Restoration.

a. If Licensee, its agents or contractors cause any damage to the Property in connection with the exercise of this License, Licensee shall, at no cost to Licensor, repair and restore the Property to its original condition prior to and as a condition of Licensee's ongoing use of the Property pursuant to this License.

b. Licensee shall remove the Improvements and restore the Property to its pre-License condition at no cost to the City prior to the expiration of this License, or within ten (10) days of the earlier termination of Licensee's rights hereunder. The restoration work must be completed to the satisfaction of the Public Works Director or designee and may include street resurfacing; sidewalk, curb, and/or gutter repair; street tree maintenance or replacement; striping, etc. If

Licensee has not completed removal of the Improvements within the specified time, Licensor shall have the right to remove the Improvements and restore the Property to its pre-license condition, and Licensee agrees to reimburse Licensor for the costs incurred. Licensor retains the right to extend or waive deadlines, such as in the event that a subsequent tenant seeks to maintain the Improvements under a new license agreement.

c. In the event that repair and/or restoration work described in this License is performed following the termination of this License, the Licensee's Indemnity and Insurance obligations in paragraphs 11 and 12 shall continue until repair and restoration is completed as provided herein.

10. Breach and Cure. In the event that Licensee breaches any of its obligations under this License, Licensor shall send Licensee written notice specifying the nature of such breach. Licensee shall have ten (10) days from the receipt of such notice within which to cure such breach. If more time is reasonably required for Licensee's performance, then Licensee shall notify Licensor in writing of its proposed schedule for performance and commence performance within such ten (10) day period; thereafter, Licensee shall diligently proceed to completion. If Licensee fails to cure or to commence cure within such ten (10) day period, then Licensor shall have the right to terminate this License immediately by serving Licensee with written notice of termination. Licensor shall have all rights and remedies available under California law including, but not limited to, actions for damages and specific performance for any breach of Licensee's obligations hereunder.

11. Modifications; Entire Agreement. This License supersedes any and all prior understandings and agreements, whether written or oral, between the parties with respect to the subject matter of this License. No alteration or variation of this License shall be valid unless made in writing and signed by Licensor and Licensee.

12. Notice. Any notice required hereunder shall be in writing and shall be addressed as follows:

Licensor: City of Half Moon Bay
501 Main Street
Half Moon Bay, CA 94019

with a copy to:

Licensee: _____

Attn: _____

with a copy to:

or to such other address as either party may indicate in a written notice to the other. All notices and communications given under this License Agreement shall be deemed to have been duly given and received: (i) upon personal delivery, or (ii) as of the third business day after mailing by United States certified mail, return receipt requested, postage prepaid, addressed as set forth above, or (iii) the immediately succeeding business day after deposit (for next day delivery) with Federal Express or other similar overnight courier system, or (iv) 24 hours after e-mail transmittal with confirmation of receipt and followed by personal delivery, United States mail, or overnight delivery as specified in this Paragraph.

14. Indemnification and Hold Harmless.

To the fullest extent permitted by law, Licensee shall hold harmless, defend (with counsel agreed to by Licensor), and indemnify Licensor and its officers, officials, agents, employees, and volunteers (collectively and/or individually "Licensor") from and against any and all liability, claim, loss, damage, expense, costs (including, without limitation, costs, attorneys' fees, and expert fees of litigation) of every nature including but not limited to claims for loss or damage to any property, or for death or personal injury, arising out of, related to, or in connection with this License, or the failure of the same to comply with any of the obligations contained in this Agreement, except such loss or damage which was caused by the sole negligence or sole willful misconduct of Licensor. Licensee's duty to defend applies immediately, whether or not liability is established. An allegation or determination that persons other than Licensee, including City, are responsible for the claim does not relieve Licensee from its separate and distinct obligation to immediately defend Licensor as stated herein.

15. Insurance.

Licensee shall procure and maintain at all times liability and property damage insurance with a minimum of \$2,000,000 (two million dollars) bodily injury, and \$2,000,000 (two million dollars) property damage for each occurrence, and \$2,000,000 (two million dollars) comprehensive general liability insurance in full force and effect for the duration of this Agreement. Licensee shall provide a Certificate of Insurance evidencing same, to Licensor prior to exercising their rights and duties under this Agreement. Licensor shall be named as an additional insured on all policies required by this License Agreement.

Licensee shall require its contractor(s) who are responsible for undertaking the work specified in Paragraph 1 to procure and maintain statutory limits of workers' compensation insurance coverage, motor vehicle liability insurance, and a minimum of \$1,000,000 (one million dollars) employer's liability insurance for the duration of this License.

IN WITNESS WHEREOF, the parties have executed this License Agreement the day and year first above written.

LICENSOR:

LICENSEE:

THE CITY OF HALF MOON BAY

Attn: _____

By: _____,

By: _____

City Manager

Its: _____

ATTEST:

Attn: _____

By: _____,

By: _____

City Clerk

Its: _____

APPROVED AS TO FORM:

By: _____,
City Attorney

Exhibit A, Property and (Sidewalk/Parklet) Improvements