



PARKLET PERMIT APPLICATION

Please use this form to submit your application for a permanent parklet permit. Applications and attachments may be submitted either in person at the City's Economic Development Department (337 Locust Street) or via email to outdoordining@santacruzca.gov.

For additional information on the City of Santa Cruz Parklet Program, please review Santa Cruz Municipal Code (SCMC) Chapter 5.83 and the City of Santa Cruz Parklet Guidelines.

Section 1. Permittee Business Owner Information	
Business Owner(s) Name(s): _____	Business Name: _____
Business Address: _____	Mailing Address: _____
Primary Contact Name: _____	Email: _____
Phone: _____	24-Hour Emergency Phone: _____

Section 2. Property Owner Information and Permission to File		
Property Owner(s) Name(s): _____	Phone: _____	
Property Owner(s) Mailing Address: _____	Email: _____	
<p>The undersigned, as the legal owner or authorized agent of the owner of real property ("Owner") designated for use, as specified above, hereby consents to Permittee's use of the outdoor space adjacent to Owner's property at the specified location, in compliance with the Permit requirements and authorize the filing of parklet permit application with the City of Santa Cruz.</p>		
_____	_____	_____
Property Owner Signature	Print Name	Date

Section 3. Business Information	
Current Lease Expiration Date: _____	Business License Number: _____
Days and Hours of Operation: _____	
Type of business: <input type="checkbox"/> Restaurant <input type="checkbox"/> Bar, Winery, Brewery	<input type="checkbox"/> Other: _____
Do you have an existing Temporary Outdoor Expansion Permit? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> I don't know	

Section 4. Parklet Operational Information	
Parklet Days of Operation: _____	Parklet Hours of Operation: _____ <i>(Parklets are prohibited from remaining open past 11:00pm.)</i>
Will alcohol be served? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, what type? <i>(Check all that apply)</i> <input type="checkbox"/> Beer <input type="checkbox"/> Wine <input type="checkbox"/> Hard Liquor	
The California Department of Alcoholic Beverage Control (ABC) regulates alcohol service on premises adjacent to a business. If your business serves alcohol, please attach a copy of your ABC Authorization.	

Section 4. Parklet Operational Information Cont'd

Will the parklet use parking spaces that encroach on neighboring business frontage? Yes No

If yes, provide consent from neighboring business:

The undersigned, as the legal owner or authorized agent of the owner of _____ (neighboring business) ("Owner") designated for use, as specified above, hereby consents to Permittee's use of the outdoor space adjacent to Owner's business at the specified location, in compliance with the Permit requirements.

Neighboring Business Owner Signature

Print Name

Date

Section 5. Parklet Design Information

How many parking spaces are needed for the parklet? _____

If requesting more than 2 parking spaces, please check all that apply:

- Outdoor dining area cannot be designed without extending beyond the immediately adjacent parking spaces due to road and parking space layout.
- Extending the outdoor dining area will not have significant impact on adjoining businesses. **Requires finding by the permit officer and permission of the neighboring business.*

What type of parking spaces will be used? Parallel Diagonal Perpendicular Unmarked

If Unmarked, please indicate dimensions in linear feet: ____ (L) x ____ (W)

Which of the following furniture items will be used on the parklet? For each item of furniture indicated below, please attach a catalogue/brochure sheet or provide a website link to an online product page.

- Tables Chairs Portable Heaters Umbrellas
- Solar or Battery Lights Shade Sail Other (please specify here): _____

Which parklet design option are you constructing? **Pre-approved and custom design options are in the Parklet Guidebook.*

- Pre-approved Design Custom Design Retrofit of Existing Temporary Parklet

Section 6. Parklet Construction and Traffic Control Information

Will construction of parklet impact public parking spaces on streets or parking lots? Yes No

If yes, you must receive Temporary No Parking/Tow-Away Permit and post "Temporary No Parking" signs for affected parking **72 hours** in advance.

Does the parklet construction require detours or closure of streets, bicycle lanes or sidewalk? Yes No

If yes, a plan showing staging of construction materials and vehicles and a pedestrian, bike, and vehicle detour plan is required and is subject to review and approval.

**City reserves the right to require installation of site-specific Traffic Control Devices when deemed necessary for public safety.*

Permittee shall not commence construction activities prior to receiving an approved parklet permit, Temporary No Parking/Tow-Away Permit. Permittee agrees to notify the Economic Development Department at 831-420-5157 at least 72 hours prior to commencing any construction activities under this permit. _____ (initials)

Permittee acknowledges that they have read and understand the Parklet Design Standards and Operational Standards contained within the Parklet Permit Guidelines. _____ (initials)

Section 7. Submittal Checklist		
Attached	NA	
<input type="checkbox"/>	---	Site Plan
<input type="checkbox"/>	---	Catalogue of Materials
<input type="checkbox"/>	<input type="checkbox"/>	ABC Authorization Form
<input type="checkbox"/>	---	Insurance Documentation
<input type="checkbox"/>	---	Trespass Letter of Authority
<input type="checkbox"/>	<input type="checkbox"/>	Traffic Control Plans
<input type="checkbox"/>	---	Parklet Permit Application Fee (<input type="checkbox"/> <i>Permittee requesting a fee waiver</i>)
<input type="checkbox"/>	---	Annual Parklet Permit Fee

Section 8. Permittee Acknowledgment	
<p>1. Permittee hereby acknowledges that Permittee has read and understands the Parklet Permit General Conditions (contained herein), City of Santa Cruz Parklet Guidelines, and SCMC Chapter 5.83. Permittee further agrees that all work shall conform to the Parklet Permit General Conditions, Parklet Guidelines, and SCMC Chapter 5.83.</p> <p>2. Permittee acknowledges that this permit is for a one-year term. The permit will automatically renew on an annual basis upon payment of annual permit fee and inspection by the permit officer verifying compliance with Santa Cruz Municipal Code.</p> <p>3. Permittee agrees to pay the Parklet Permit Application Fee of \$500, the Annual Inspection Fee of \$250, the Annual Permit Fee of \$2,000 for each metered parking space or \$5.88 per square foot of unmetered parking spaces, and any other additional costs to be charged at the applicable city staff's hourly rate set forth in the City's Unified Master Fee Schedule.</p> <p>4. Permittee certifies that (1) the information provided herein is true, accurate, and complete, and that no material information has been omitted; (2) Permittee has read, understands, and agrees to all of the terms and conditions relating to this Permit, and further agrees to comply with all applicable regulations, permits, and other requirements under federal, state, or local laws; (3) upon issuance of this Permit, all of the terms and conditions are legally binding on the Permittee, Permittee's heirs, representatives, agents, and successors; and (4) the undersigned is authorized to sign and accept all of the terms of this Permit.</p> <p>5. This Permit may be signed in counterparts, which all together shall constitute one and the same original instrument.</p> <p>6. A scanned, electronic, or other copy of a party's signature shall be legally valid as an original.</p>	
_____	_____
Permittee Signature	Date
_____	_____
Print Permittee Name	Business Name

PARKLET PERMIT GENERAL CONDITIONS

1. Use of Public Right-of-Way. Permittee shall maintain the parklet and surrounding area in good repair, and in a clean, safe and sightly condition at Permittee's sole expense, all to the satisfaction of the Director of Economic Development. Permittee shall perform work in the right-of-way using reasonable care so as to not damage property or unreasonably interfere with use of the right-of-way by the public. City reserves the right to seek from Permittee any fees and costs relating to inspection, maintenance and/or repair of the right-of-way, and/or related to this permit as set forth in Santa Cruz Municipal Code ("SCMC") Chapter 5.38.
2. Acceptance of Provisions. It is understood and agreed by Permittee that commencement of any work authorized by the issuance of this permit shall constitute acceptance of these general conditions, special conditions for approval, and any other applicable permit requirements and all attachments.
3. Permit on Site. Permittee shall keep this permit, and all related documents and attachments to this permit, on site at all times and shall provide the permit to any City representative or any law enforcement officer upon request.
4. "As-Is" Condition of Premises. Permittee acknowledges that it recognizes the uniqueness of the public parking spaces and public right-of-way and accepts them in their current and disclosed "AS IS, IN ITS CURRENT CONDITION, WITH ALL FAULTS" condition existing on the date of execution of parklet permit, subject to all applicable municipal, county, or state laws, ordinances and regulations affecting the use of the parking spaces. Permittee acknowledges that they have satisfied themself, by their own independent investigation, that the parking spaces and public right-of-way are suitable for its intended use and neither the City of Santa Cruz nor its agents or representatives have made any representation or warranty as to the present or future suitability of the parking spaces for the conduct of Permittee's business.
5. Americans With Disabilities Act (ADA). Modifications to the property must comply with the Americans With Disabilities Act (ADA) or any other local, state or federal law or regulation regarding the accessibility of the property by disabled individuals. Permittee shall be fully responsible for the cost thereof. Permittee acknowledges and expressly accepts full responsibility for compliance with the requirements of the Americans with Disabilities Act (ADA) and any other local, state, or federal law or regulation regarding the accessibility of the parklet by disabled individuals. Permittee agrees to release, indemnify, defend, and hold City, its officials, officers, employees, agents and volunteers, harmless from and against any violations thereof and any and all liabilities, suits, causes of action, judgments, demands and claims for damages, including all reasonable costs of any litigation and attorney's fees and expenses, arising from Permittee's failure to fully comply with all such laws or regulations.
6. Indemnification. Permittee shall defend, indemnify and hold the City, its officials, officers, employees, and volunteers ("City Parties") harmless from any and all loss, claim, cost, liability, or expense (including attorneys' fees) and from any judgments or damages to any person or property (collectively, "Claims") arising out of, either directly or indirectly, or in connection with Permittee's activity, and/or the use of the public right-of-way by the Permittee, its officers, directors, employees, agents, or others acting on Permittee's behalf or under Permittee's authority or control ("Permittee Parties") in any way related to the parklet permit. Permittee shall further defend, indemnify, and hold the City Parties harmless from and against any Claims arising out of or in connection with City's issuance and/or revocation of said permit to the fullest extent permitted by law.
7. Certificate of Approval. Upon completion of the construction and installation of the parklet, and satisfaction of a final inspection by the city and compliance with applicable building and health and safety requirements, the City will issue a certificate of approval. A certificate of approval shall be required before a parklet can be occupied or used.
8. Insurance. Permittee shall obtain and maintain throughout the term hereof:
 - a) Commercial General Liability insurance in a minimum amount of \$1,000,000 per occurrence and \$2,000,000 in the aggregate, including products and completed operations, property damage, bodily injury, personal and advertising injury. Such insurance shall be endorsed to name City and its officials, officers, employees, agents, and volunteers as additional insureds, and to provide written notice of cancellation to the City.
 - b) Worker's Compensation as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease. The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the City of Santa Cruz.
 - c) The insurance requirements must be met prior to commencing any work or activity related to this permit. Permittee shall present a certificate of insurance along with all necessary endorsements and insurance coverage shall be primary. If Permittee maintains broader coverage and/or higher limits than the above minimum, City shall be entitled to the broader coverage and/or higher limits maintained by Permittee.
 - d) Any insurance or self-insurance maintained by City shall be excess of the Permittee's insurance and shall not contribute with it.
 - e) Permittee shall include all contractors and subcontractors as insureds under the insurance policies or shall furnish separate certificates and endorsements for each contractor and subcontractor. Permittee shall require and verify that its contractors and subcontractors maintain all of the insurance requirements stated herein and that the contractors and subcontractors name the City, its officials, officers, employees, agents, and volunteers as additional insureds on the CGL policy.

9. Traffic Controls. All parklet construction shall be planned and carried out so that there will be the least possible inconvenience to the traveling public. Adequate provisions shall be made for the protection of the public. Warning signs, lights, safety devices and other measures required for public safety shall conform with the most recent edition of the California Manual on Traffic Control Devices. All traffic control plans shall be reviewed and approved by the City prior to implementation. Notwithstanding the foregoing, any liability related to failure to provide adequate traffic control measures is Permittee's sole responsibility.
10. Revocation. The Parklet Permit may be modified or revoked if the Permittee fails to follow the obligations expressed in these conditions, or if one or more of the circumstances listed in SCMC 5.83.100 exist. Upon revocation of this permit, Permittee shall, at their sole cost and expense, remove the parklet and all encroachments and/or improvements installed by Permittee pursuant to this permit, and shall restore the right-of-way to its prior condition.
11. City Authority Over Parklet: The City shall at all times retain exclusive authority over the public right of way, including the parklet. The city shall have the right to perform any and all acts of construction and maintenance in the public right of way, including the parklet to advance public health, safety or welfare.
12. Parklet Removal. The City may remove, or require Permittee to remove the parklet under any of the circumstances listed in SCMC 5.83.090. In case of emergency, the city may remove the parklet without prior notice to the Permittee. The Permittee is responsible for the cost of removing, reinstalling, and restoring any damage to the parklet.
13. No Transfer. This permit is not transferable. Only Permittee is authorized to have a parklet.
14. Parklet Modification. No modifications to the parklet after issuance of the parklet permit are allowed unless a new parklet permit application is submitted and is reviewed and approved by the permit officer.
15. Term. This permit is effective for one year starting the day of approval.
16. Renewal. Parklet Permits are renewed on an annual basis upon inspection by the permit officer verifying Permittee's compliance with permit conditions and the payment of the annual renewal fee.
17. Hours of Construction Work/Holidays: All construction work shall be performed on weekdays between the hours of 7:00 AM and 6:00 PM, unless otherwise specified by this permit or as approved by the Director of Economic Development. To reduce traffic congestion and disruption to businesses, parklet construction is not permitted on the following dates in the downtown or business district areas, unless due to an emergency or other special circumstances approved by the Director of Economic Development: Memorial Day weekend, Fourth of July weekend, Labor Day weekend, Thanksgiving weekend (Weds.-Fri.), the weekend before Christmas, and the period extending from December 22nd through December 26th.
18. Cost of Construction and Maintenance. Unless otherwise stated on the permit or other separate written agreement, all costs incurred to construct and to maintain the parklet pursuant to this permit is the responsibility of the Permittee, and Permittee hereby waives all claims for indemnification or contribution from the City for such work.
19. Minimum Review Time. Permittee must allow a minimum of 15 business days (excluding City/Federal holidays) to process a Parklet Permit to allow the Director of Economic Development to consult with affected city departments and other affected agencies.
20. Compliance with All Laws. Permittee agrees that all activities of Permittee, Permittee's employees, and agents will be carried out in compliance with all applicable federal, state and local laws, including but not limited to SCMC Chapter 5.83, and including obtaining other required permits and licenses, including the City's business license, and payment of all applicable fees.

ACKNOWLEDGMENT

Permittee acknowledges that the undersigned is authorized to sign and agrees to accept all of the above terms of this Permit and that the terms of this Permit are legally binding on Permittee, Permittee's heirs, representatives, agents, and successors. A scanned, electronic, or other copy of a party's signature shall be legally valid as an original.

_____/_____/_____/_____
 Print Name of Applicant - Permittee Signature Business Name Date

