



Outdoor Dining Manual



17575 Peak Avenue
(408) 310-4623
www.morganhill.ca.gov

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Program Overview

1.1

The Morgan Hill Outdoor Dining Manual was developed to provide citywide guidance and standards for outdoor dining in both private and public spaces. This program is meant to condense all existing outdoor dining policies, procedures and guidelines into one user-friendly manual.

The design and operating regulations outlined in the Manual address dining safety, accessibility, emergency access, maintenance and operations.

Outdoor dining applicants, architects and contractors should read this Manual in its entirety prior to submitting an application and refer to it regularly throughout the process.



Manual Outline

- Provide guidelines, standards and processes for outdoor dining on private property and in the public right-of-way



Length of Parklet Program

- Program launch June 1, 2022
- 7-years



Parklet Design

- AP&I Kit of Parts
- Standard Design Requirements
- DIY Menu



Parklet Deadlines

- Completed Semi-Permanent Parklet Applications are due October 1, 2022
- Deconstruction of non-compliant parklets must occur before January 31, 2023



Grant Funding

- Applications accepted July 1, 2022

Program Goals

1.2



- Foster Community Interaction
- Create Public Access and Spaces for All
- Promote Biking and Walkability
- Provide Unique Opportunities in the Public Sphere
- Increase Vibrancy in the Downtown



- Publish Citywide Standards for Outdoor Dining and Safety
- Simplify and Streamline Outdoor Dining Permits
- Grow Sales Tax and Support Sustainability
- Support Citywide Businesses

Timeline

1.3

May 4, 2022

Semi-Permanent Parklet and Grant Funding Program Presented to City Council.

June 1, 2022

Outdoor Dining Manual Published.
City Website Page Launched.
Existing Parklet Permit Holder Outreach.

July 1, 2022

Grant Program Goes LIVE.

October 1, 2022

Semi-Permanent Parklet Application Deadline.

December 31, 2022

Al Fresco Outdoor Dining Program Expires.

January 1, 2023

Signage, Fees, Permitting and Dining Enforcement Resumes.

January 31, 2023

Non-Compliant Parklet Deconstruction Deadline.

June 1, 2023

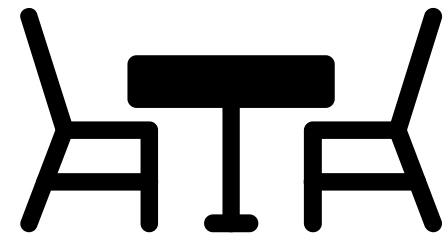
Semi-Permanent Parklet Conversion Completion Deadline.
Grant Program Deadline.



Palmerino's Italian Deli

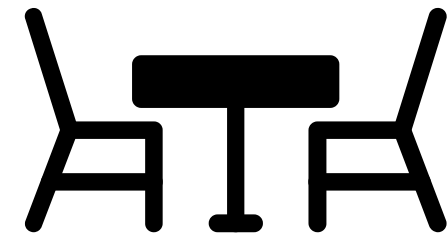
Types of Outdoor Dining

2.1



Public Sidewalk Cafe

Public Sidewalk Cafes are outdoor dining spaces located within the sidewalk area of the public right-of-way, that are associated with adjacent eating and drinking establishments.

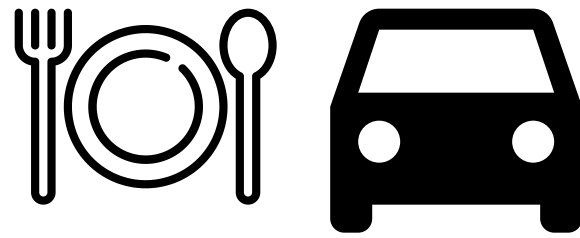


Private Sidewalk Cafe

Private Sidewalk Cafes are outdoor dining spaces located within the sidewalk area or adjacent landscaping area, located on private property such as a shopping center, that are associated with adjacent eating and drinking establishments.

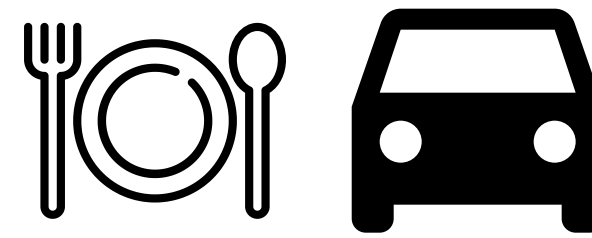
Types of Outdoor Dining

2.1



Public Parklet

Parklets are outdoor spaces created in formerly dedicated parking stalls, consisting of a semi-permanent extension of the existing curb into the parking lane to facilitate outdoor dining, public interaction, encourage pedestrian and bicycle transportation, and create a space for all.



Private Parklet

Private Parklets are outdoor spaces created in formerly dedicated private parking stalls, such as in a shopping center, consisting of a semi-permanent extension of the existing curb into the parking lane to facilitate outdoor dining, public interaction and shopping center activation.

Sidewalk Cafe Examples

Public Sidewalk Cafe



Rosy's at the Beach

Private Sidewalk Cafe



Yolked Extreme Breakfast

Public Parklet Examples



Maurizio's Italian Ristorante



Ladera Grill

Private Parklet Examples



Betto's Bistro

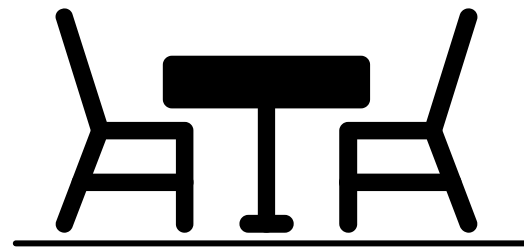


Margarita's Bar & Grill

Outdoor Dining Permits

Sidewalk Cafe

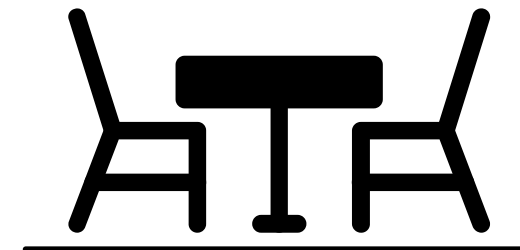
2.2



Public Sidewalk Cafe

- Encroachment Permit
- Letter of approval from property owner
- Proof of Insurance

APPROXIMATE COST:
Permit- \$716.10/every 3 years



Private Sidewalk Cafe

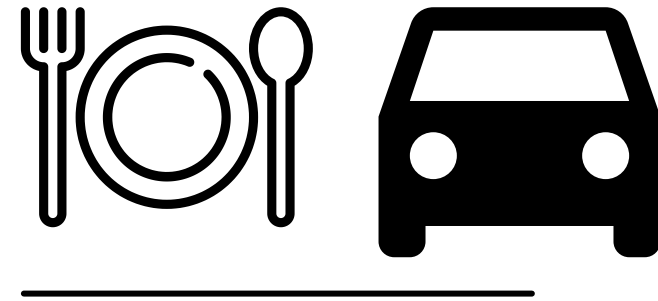
- Must comply with standards outlined in the Private Property Outdoor Dining Ordinance

APPROXIMATE COST:
Permit- none required

Outdoor Dining Permits

Parklet

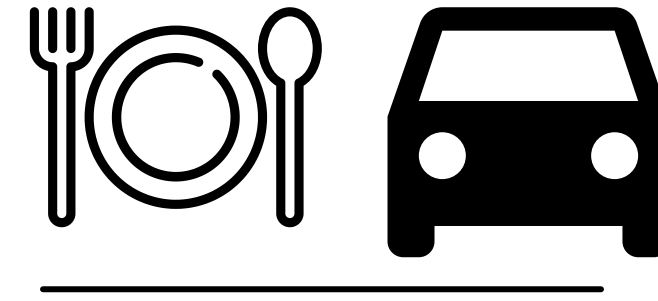
2.2



Public Parklet Dining

- Encroachment Permit
- Letter of approval from property owner
- Proof of Insurance

APPROXIMATE COST:
Permit- \$716.10/every 7 years
Security Deposit- \$1,000
Annual Rental Fee- \$1,000*
waived in 2023



Private Parklet Dining

- Outdoor Dining Clearance Permit
- Letter of approval from property owner
- Must comply with standards outlined in the Private Property Outdoor Dining Ordinance

APPROXIMATE COST:
Zoning Clearance- \$250
Administrative Use Permit- \$1,500
*Clearance Permit fee is applied to Administrative Use Permit Fee.

additional fees for building review and fire permit based upon design



Maurizio's

Parklet Design

3.1

A parklet is an extension of the sidewalk that repurposes parking spaces for the creation of public space. A parklet activates the street or parking lot by replacing one or more parking spaces with pedestrian oriented amenities such as seating, dining, and/or elements of play. Parklets must be stable, sturdy, and safe for users and pedestrians, maintain emergency access, and be accessible for people with disabilities.

Architecture Firm AP&I was contracted by the City in 2021 to create a Kit of Parts to include two parklet design alternatives. Parklet applicants can select from one of the AP&I Kit of Parts designs or create a unique design in compliance with all outlined DIY requirements. All parklet designs are based on industry and professional standards for safety and constructability. The number of parking spaces utilized is limited to each individual restaurant's storefront/footprint and property owner approval is required for both private and public right-of-way parklets.

These guidelines shall not be construed as authorizing or approving any improvements or uses of the public right-of-way that are inconsistent with applicable Federal, State, and Local statutes and regulations.

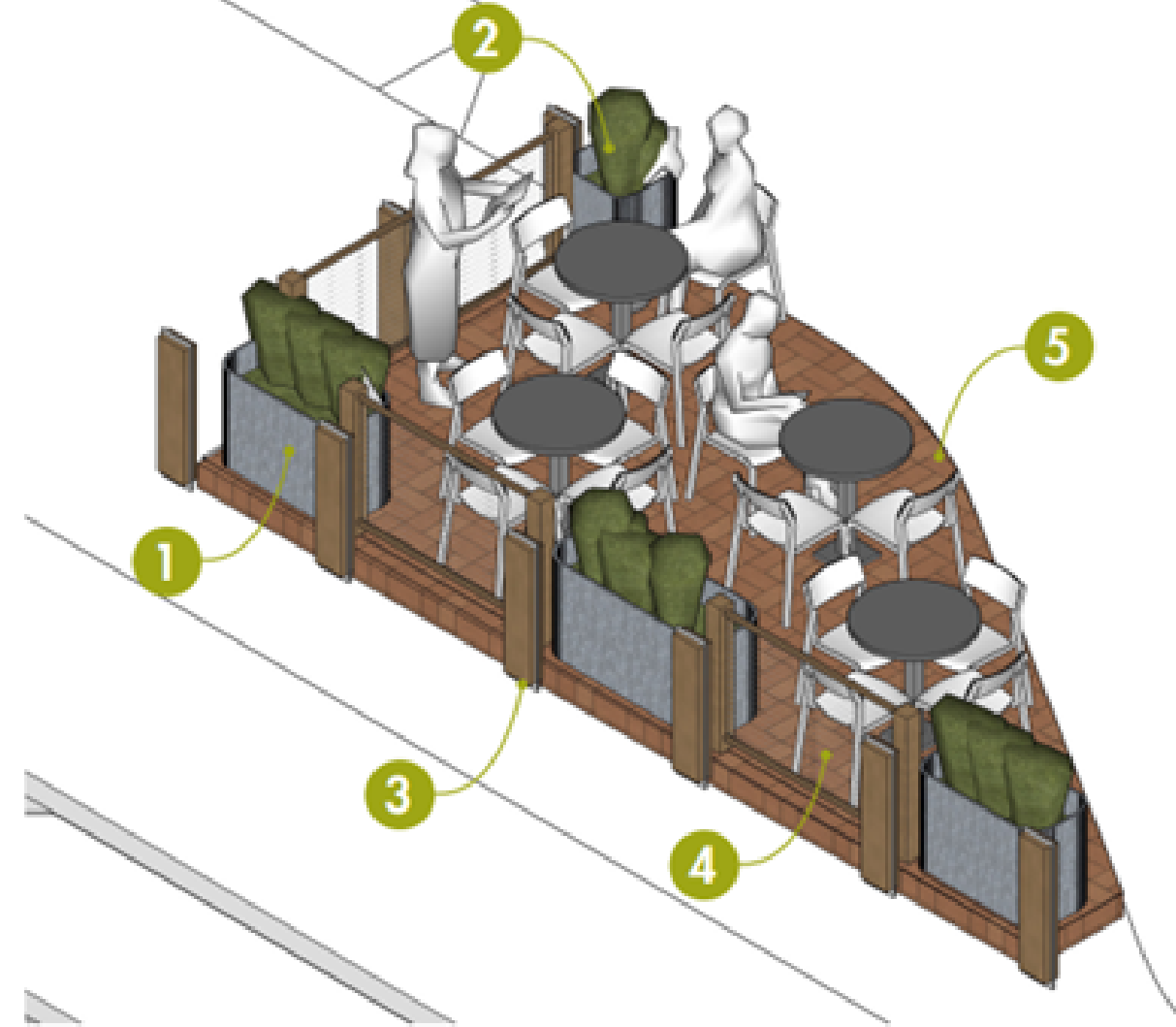
Agricultural Design



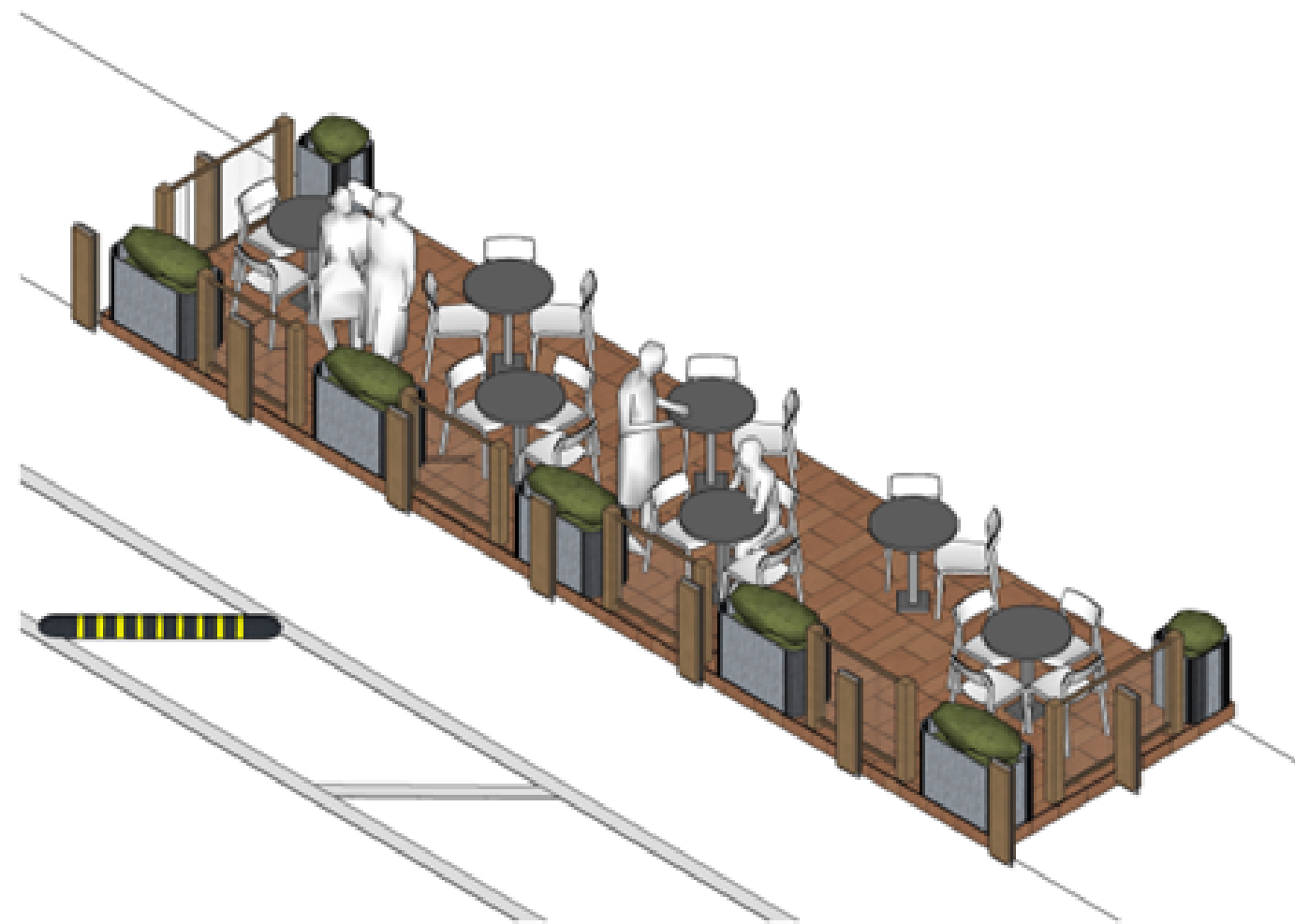
Option 1

Agricultural Design

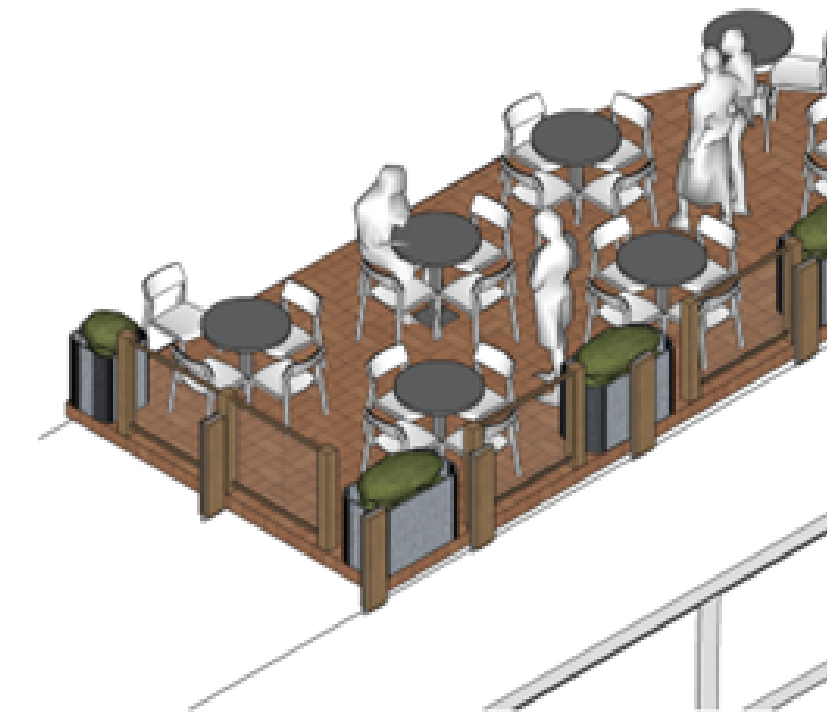




^Parklet abutting intersection bulb out (small size)



^Parklet at mid-block



^Parklet abutting intersection bulb



1 primary planter w/
reservoir
Behlen Country or equal



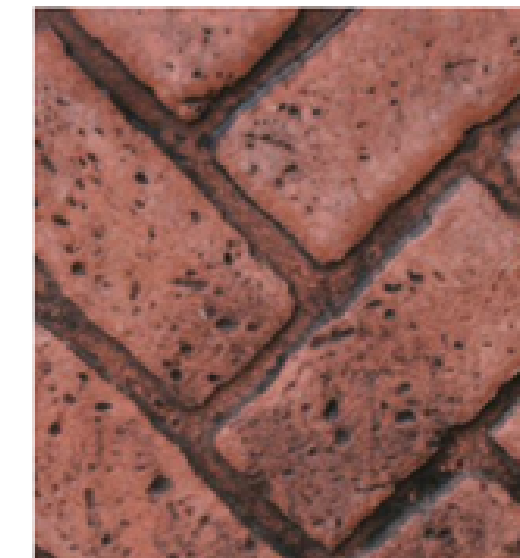
2 secondary planter w/
reservoir
repurposed wine barrel



3 bollard
TiberForm 2179-01
by Columbia Cascade
Company, or Equal



4 railing
framed hog wire
2x4" maximum
openings



5 parklet surface
brick stamped concrete
or other texture

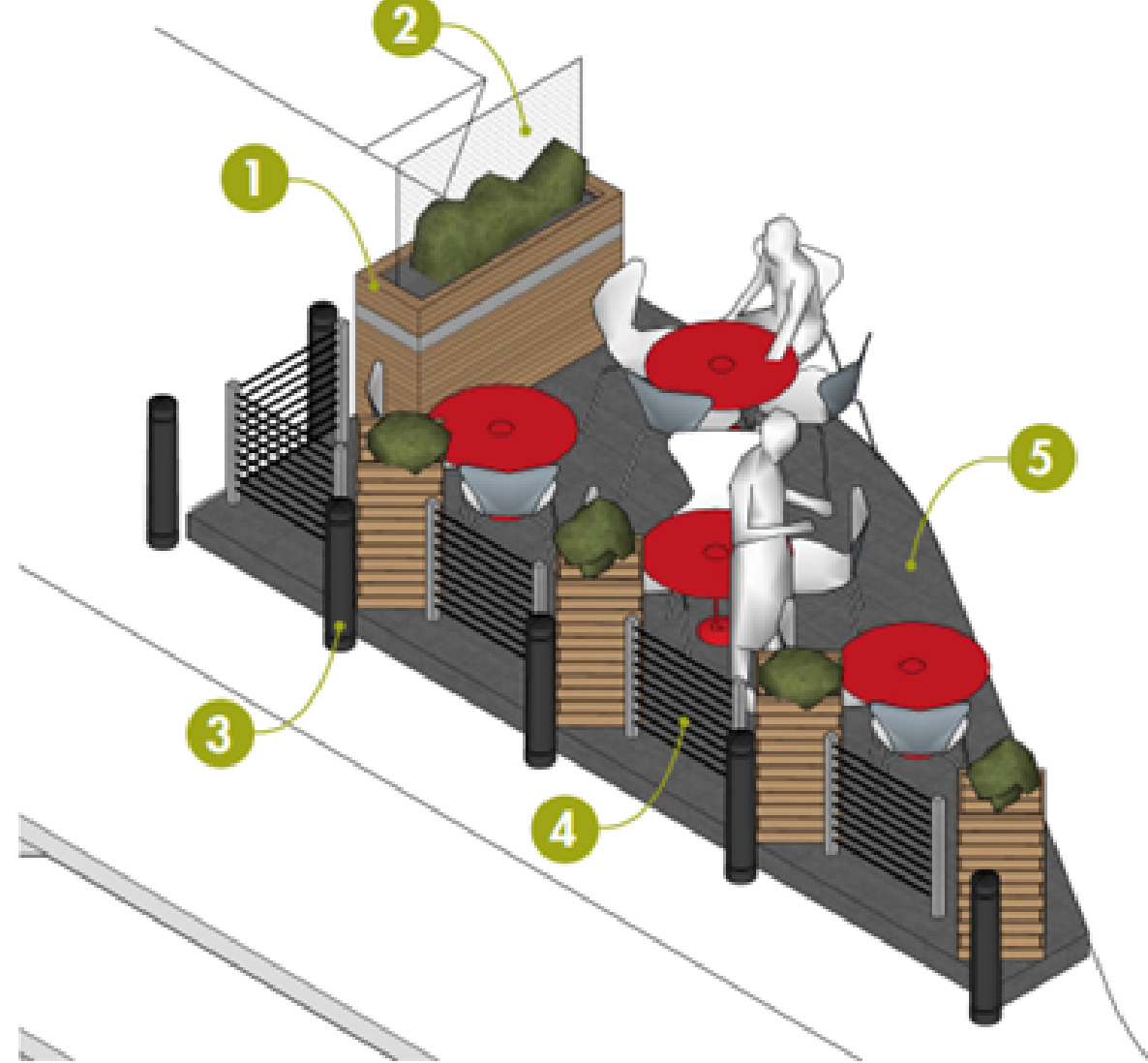
Industrial Design



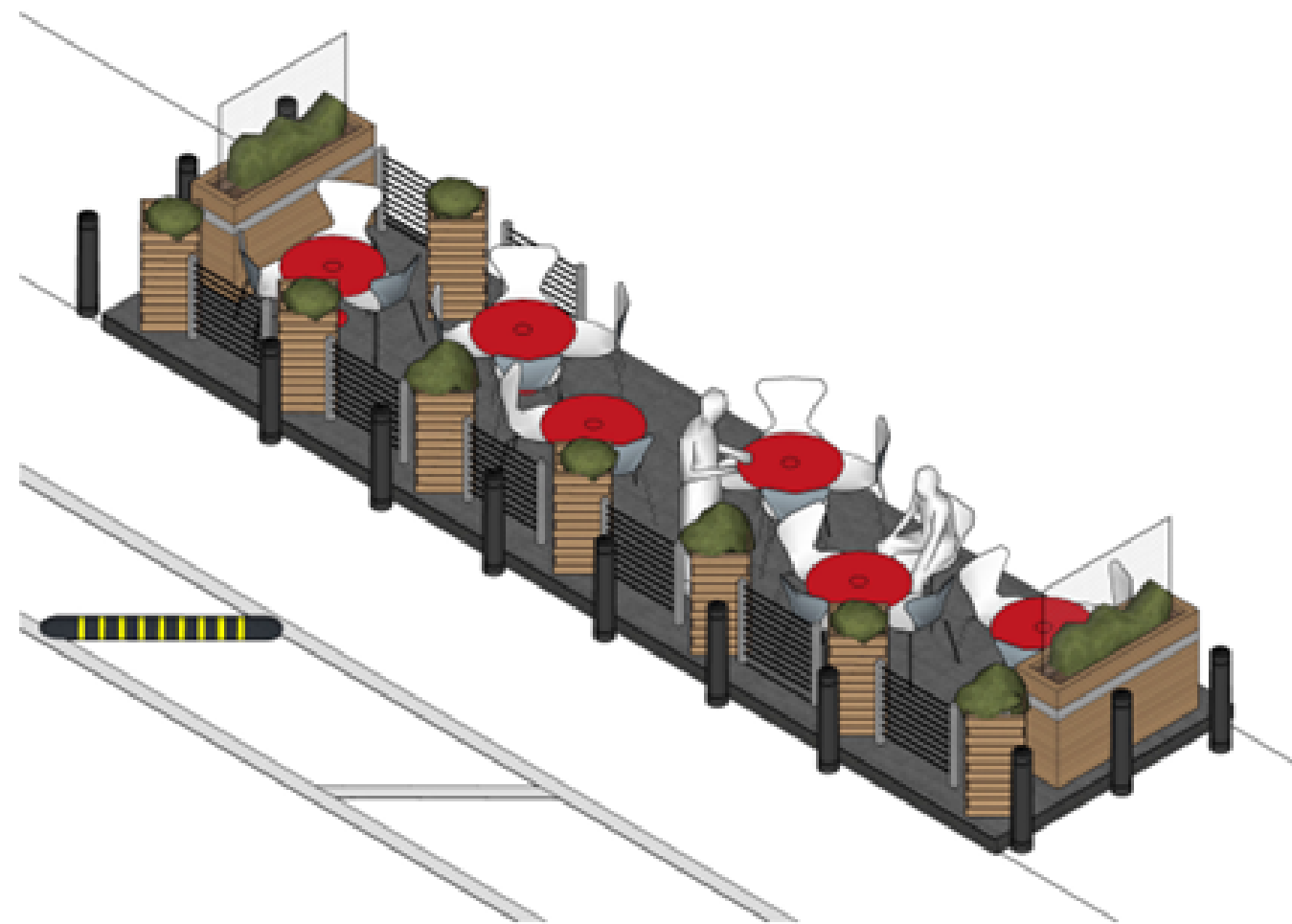
Option 2

Industrial Design

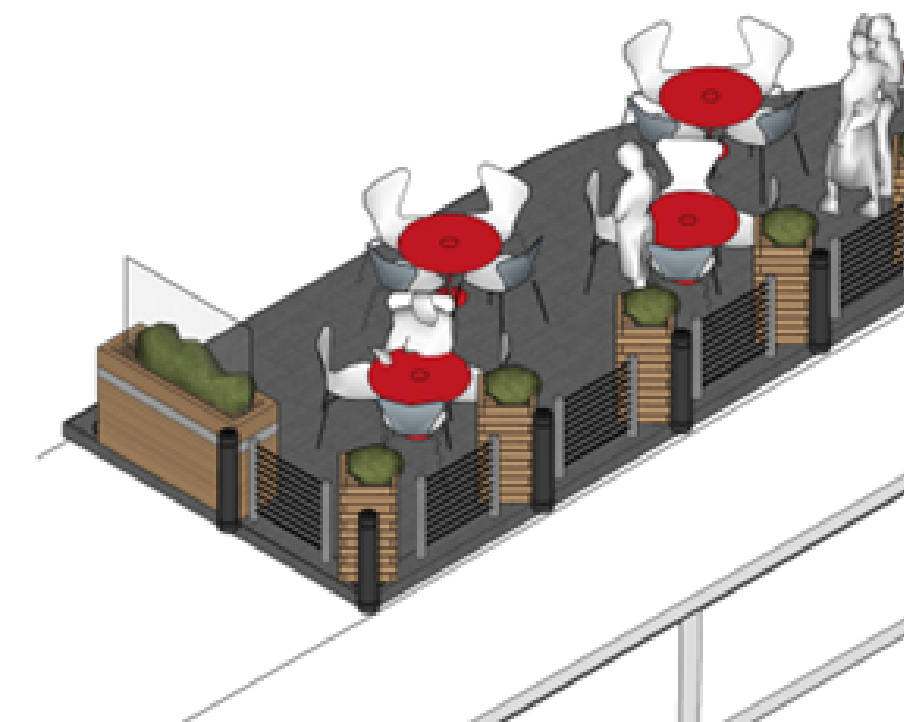




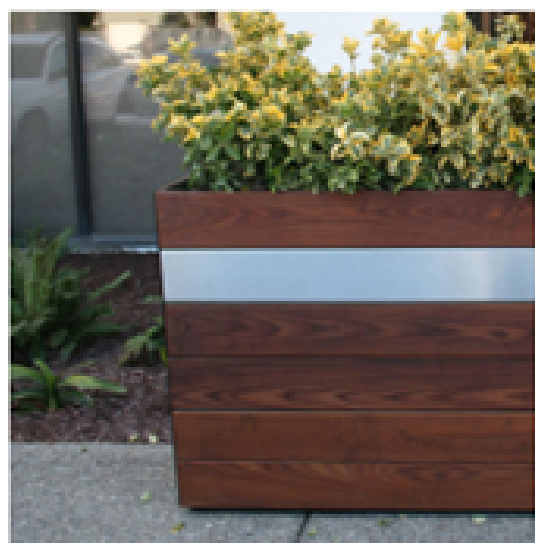
^Parklet abutting intersection bulb out (small size)



^Parklet at mid-block



^Parklet abutting intersection bulb out



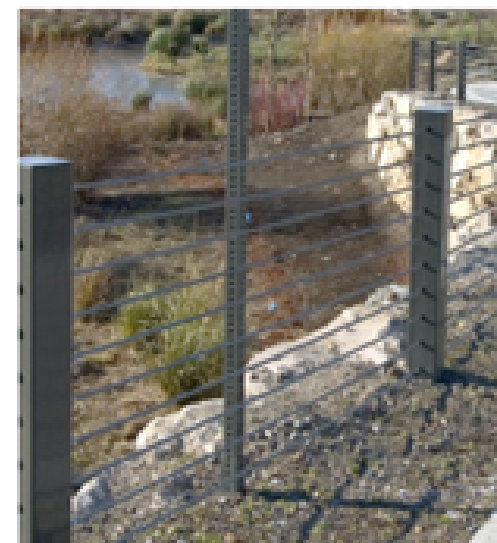
1 primary planter w/
reservoir
Boulevard mixed media
planter or equal



2 planter trellis
supported welded or
woven wire mesh



3 bollard
painted or anodized cast
aluminum or steel



4 railing
tensioned cable railing
3.5" maximum spacing

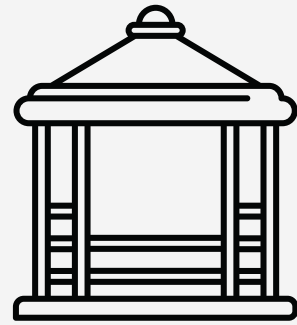


5 parklet surface
concrete pad with
salt finish



Design Requirements

3.2



- Complies with standards outlined in the California Building Code.
- Plans developed by a Professional Engineer or Licensed Architect.
- Built to approved plan by a licensed contractor.



- Shall not obstruct any utility or manhole covers.
- Must provide access to public utilities, access panels, valves, building standpipes, and other features.
- Must provide for proper street drainage.
- Space underneath and surrounding parklets shall be kept clean and shall be maintained free of debris and obstructions to allow for proper drainage.



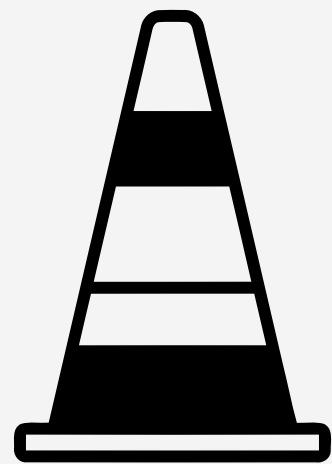
- Not permitted in an existing tow away, commercial loading, disabled parking, red, or white zones.
- Must have adequate clearance for automobiles to turn in and out of nearby driveways.
- Extend no more than 8-feet from the curb into the traffic lane.
- Shall not extend over the curb or onto the sidewalk.

Design Requirements

3.2



- Shall not obstruct access of emergency responders to fire exits or fire hydrants.
- Minimum 5-foot clearance around fire hydrants.
- Minimum 3-foot wide emergency access gap, with vertical and horizontal clearance, accessible by a removeable barrier, is required for every 20-feet of structure length.
- Must have a minimum 44-inch barrier opening.
- Must maintain clear sightline visibility above 42-inches.
- Cannot obstruct pedestrian view of crosswalks, bike lane and/or traffic signals.



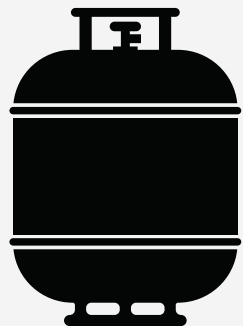
- A minimum 3-foot maximum 42-inch high barrier or railing consisting of approved safety mechanisms must be present on all (3) roadway facing sides. A clear, transparent, shatterproof vertical extension of the barrier can be added so long as the total barrier height does not exceed 5-feet.
- Barriers must not be solid but rather separated with slates and alternating openings.
- Traffic safety bollards are required to be placed every 15-feet around the perimeter of the parklet barrier, including at each parklet end and/or corner.
- A soft-hit post and yellow high intensity retro-reflective tape or reflectors are required at both ends of the parklet.

Design Requirements

3.2



- One minimum 2-A:10-B:C fire extinguisher shall be provided within 75-feet of travel distance and include a State Fire Marshall's Tag of annual service.
- Portable fire extinguishers shall not be obstructed or obscured from view and the extinguisher top shall be mounted between 3-feet to 5-feet above the floor.



- Propane cylinders (empty or full) cannot be stored indoors or within 5-feet of any building openings (e.g. doors, windows or vents).
- When not in use, propane cylinders (empty or full) should be stored in cylinder safety cages and away from high traffic areas.



- A "no smoking" sign must be placed in a conspicuous location.

Design Requirements

3.2



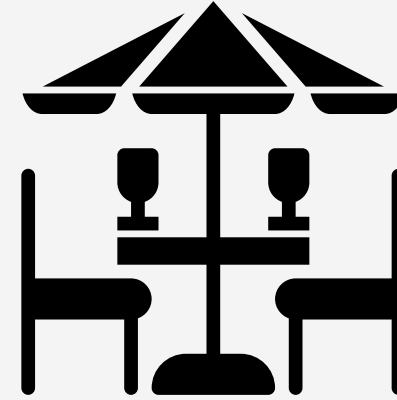
- Minimum 5-foot wide unobstructed route for pedestrian travel on the sidewalk.
- Minimum of 4-feet of setback from adjacent parking spaces.
- Minimum of 2-feet of setback between parklet and adjacent on-street travel lanes.
- Must be 10-feet away from the nearest intersection/street corner.



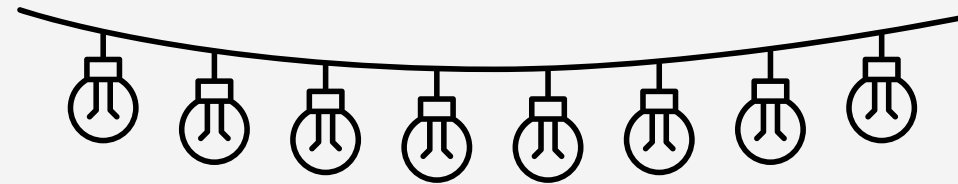
- Provide 5% or no less than one accessible table and one 30-inch X 48-inch clear space for wheelchair users. Where tables, counters and drink tables are provided, at least one of each feature shall be wheelchair accessible.
- Provide an accessible entrance a minimum of 48-inches wide and a wheelchair turning space of 60-inches in diameter.
- Minimum 4-foot maneuvering clearance is required from the front edge of wheelchair seating area to the table.
- An accessible path of travel shall connect the sidewalk to the entry, deck surface, wheelchair turning space and wheelchair resting space.
- Parklet platform deck must be flush with the sidewalk, with a 1/2 inch separation or less, and a maximum vertical height difference of 1/4 inch.
- A Maximum 2% cross slope on parklet surface in any direction.
- Parklet surface must be stable, firm, textured and slip-resistant.

Design Requirements

3.2



- Secure furniture overnight or when not in use.
- Store unsecured furniture and equipment after business hours.



- Enhanced lighting elements are a required component of parklet designs and must be energy efficient.
- All cables, cords, or wires used for lighting shall be run a minimum of 10-feet overhead.
- Lighting shall comply with the California Electrical Code.



- Keep all foliage healthy and replace deceased plants.
- Keep parklet free of debris, grime, and graffiti.
- Keep the parklet free of pests.
- Sweep out debris from under parklet on an as-needed basis to allow proper drainage.
- Adequately maintain all surfaces of the parklet so they are clean and safe for use.
- Keep any furniture clean- such as tables and chairs, and benches.
- Repair and/or replace tables, chairs, and other elements of the parklet as needed.

DIY Menu

Overhead Options

3.3



Open Air

No overhead cover. String lighting does not qualify as an overhead cover.



Umbrella

A device consisting of a circular or rectangular canopy of cloth on a folding metal frame supported by a central rod, used as protection against rain or sun.



Canvas Sail

A shade sail is a type of fabric awning that covers patios and outdoor dining areas. Canvas shades are prohibited from being attached directly to a building face. Materials must meet the flame propagation performance of Test Method 2 of NFPA 701 with an affixed label bearing the identification of size and fabric or material type.



Pillar and Roof

An overhead covering consisting of parallel posts and a roof that is either closed solid or opened through cross beams and rafters. Pillar and Roof designs can be made from wood, metal or a combination of each.

- A minimum clearance of 7-feet and maximum clearance of 10-feet is required

DIY Menu

Heater Options

3.3



Open Air

Heaters are approved in this setting as long as they are located a minimum of 5-feet from an exit and flammable materials.



Umbrella

Propane heaters are permitted if they are located a minimum of 5-feet away from an umbrella awning and electric heaters are permitted if they are located a minimum of 3-feet away from an umbrella awning.



Canvas Sail

Any heaters with open flame, open flame elements, or exposed heating elements are prohibited from being used underneath a canvas roof.

Electric heaters are permitted so long as they are located a minimum of 3-feet away from canvas and flammable materials.



Pillar and Roof

Any heaters with open flame, open flame elements, or exposed heating elements are prohibited from being used underneath a wooden pillar and roof.

Electric heaters are permitted so long as they are located a minimum of 3-feet away from canvas and flammable materials.

Propane and electric heaters are both allowed under a 100% metal composed pillar and roof.

- **A site plan with the desired location of each heater is required and must comply fully with California Fire Code Standards.**

DIY Menu

4-Lane Road

Required Safety Measure

3.3



Cement K-Rail
or Equivalent
(6,000 pound impact rating)



- Required traffic safety measure for a parklet located on a 4-lane road or a road with a speed limit greater than 25 mph.

DIY Menu

K-Rail Beautification

3.3



Beautification of k-rail traffic safety devices is encouraged. A rendering of your proposed artwork must be submitted with your parklet application and is subject to approval by the Development Services Director.

DIY Menu

2-Lane Road

Required Safety Measure Options

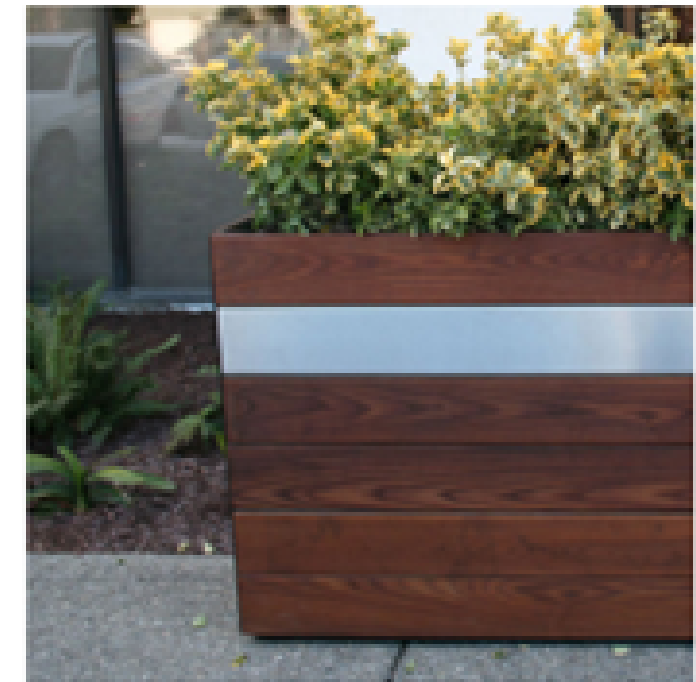
3.3



Bollard
(500 pound impact rating)



Decorative K-Rail



Planter Box Encasing
Bollard or Decorative K-Rail

- Required traffic safety measure for a parklet located on a 2-lane road and with a speed 25 mph or less.

Mobile Vendors

3.4



- Operate between the hours of 7AM-10PM
- Located at least 15-feet from a driveway and/or fire hydrant
- Located at least 100-feet from a bus stop, intersection or primary school
- If operating within 100-feet of a park, must vend on the same side of the street as the park
- Not allowed on the sidewalk or within 25-feet of a fire lane or "no parking" zone
- Not allowed within 300-feet of another mobile vendor, except where separated by public street
- Sidewalk Cafe or Parklet Permit required by "host business" if encroaching onto the sidewalk or adjacent parking spaces





Willard Hicks

Operational Requirements

4.1



Rinse out and clean debris from the area under their structure at least once a week.



Maintain the quiet, safety, and cleanliness of the sidewalk and parking lane space adjacent to parklet area.



Responsible for removing any structures when the Outdoor Dining Permit expires, or when participation in the program is no longer active.



If a parklet changes ownership, the permit holder will remove the parklet or transfer it to the new owner. A transfer requires the new operator to submit a new permit.



Maintain that the outdoor area is safe and free of trash, debris, graffiti at all times.



Noise levels comply with the permitted sound levels of the adjacent use.



All outdoor dining areas should promote a smoke-free and vape-free environment in accordance with state and local laws.



Ensure that the space occupied and the services offered under the permit comply with health guidelines, adhere to all accessibility laws and do not interfere with emergency responders' access.



Provide and maintain access to the City infrastructure.



Failure to properly and sufficiently maintain the cleanliness, safety, and accessibility of a parklet may be subject to violations and fines. If maintenance issues are not resolved, parklet operators may be required to remove the parklet at their own expense.

Permit Checklist

4.2

When all locational, design and operational requirements are met, the application is reviewed by the applicable City department.

	Public Sidewalk	Private Sidewalk	Public Parklet	Private Parklet
Encroachment Permit	X		X	
Zoning Clearance				X
Annual Rental Fee (waived in 2023)			X	
Property Owner Approval	X	X	X	X
Insurance	X		X	
Security Deposit (refundable)			X	
10-Day Posting			X	
Comply with Private Outdoor Dining Ordinance		X		X
Fire Permit *only if heaters included	X	X	X	X
Administrative Use Permit *if required by design				X

Permit

Cost

4.2

When all locational, design and operational requirements are met, the application is reviewed by the applicable City department.

	Public Sidewalk	Private Sidewalk	Public Parklet	Private Parklet
Encroachment Permit	\$716.10/ 3 years		\$716.10/ 7 years	
Zoning Clearance				\$250/ one-time
Annual Rental Fee (waived in 2023)			\$1000/ yearly	
Property Owner Approval	X	X	X	X
Insurance	X		X	
Security Deposit (refundable)			\$1000/ one-time	
10-Day Posting			X	
Comply with Private Outdoor Dining Ordinance		X		X
Fire Permit *only if heaters included	X	X	X	X
Administrative Use Permit *if required by design				\$1500/ one-time

Public Sidewalk Café

Permit Process

4.2

STEP 1

Outdoor Dining Application

Preliminary Application

Dimensional Site Plan

Proof of Insurance

Property Owner approval

Submit

Upload and Submit

econdev@morganhill.ca.gov

STEP 2

Food & Beverage

Obtain Health Department Permit

Obtain ABC Permit

APPROVAL

Respond to requests for additional information

Receive City approval notice

STEP 3

Fees

Encroachment Permit

Encroachment Fee

Submit

Upload and Submit

econdev@morganhill.ca.gov

Public Parklet Permit Process 4.2

STEP 1

Outdoor Dining Application

Preliminary Application
Dimensional Site Plan
Proof of Insurance
Property Owner approval

Submit

Upload and Submit
econdev@morganhill.ca.gov

STEP 2

Food & Beverage

Obtain Health Department
Permit
Obtain ABC Permit

APPROVAL

Respond to requests for
additional information
Receive City approval notice

STEP 3

Fees

Encroachment Permit
Encroachment Fee
Security Deposit

Submit

Upload and Submit
econdev@morganhill.ca.gov

Noticing

10-day notice to the public
posted in business window

Private Parklet Permit Process 4.2

STEP 1

Outdoor Dining Application

Preliminary Application
Dimensional Site Plan
Proof of Insurance
Property Owner approval

Submit

Upload and Submit
econdev@morganhill.ca.gov

STEP 2

Food & Beverage

Obtain Health Department
Permit
Obtain ABC Permit

APPROVAL

Respond to requests for
additional information
Receive City approval notice

STEP 3

Fees

Zoning Clearance or
Administrative Use Permit

Submit

Upload and Submit
econdev@morganhill.ca.gov

Code Enforcement

4.3



Live Entertainment Permit

- Issued by the Morgan Hill Police Department
- Active for one-year
- Enforcement begins May 1, 2022



Encroachment Permit Fees

- Sidewalk Dining \$716.10 every 3 years
- Parklet Dining \$716.10 every 7 years
- Enforcement begins January 1, 2023



Signage Ordinance

- Temporary signage is 3 days, 30 days or 3 months depending on sign type and material
- Pole, roof, portable and a-frame signs are not allowed
- Enforcement begins January 1, 2023



Building Code

- Code enforcement resumes
- Al Fresco expires December 31, 2022
- Enforcement with fines begins January 31, 2023



Food Trucks

- Must have a Morgan Hill Business License
- Obtain a California Seller's Permit
- Obtain a Santa Clara County Health Permit
- Occupy a location approved in the Mobile Vendor, Peddler and Solicitor Trifold
- Enforcement begins January 1, 2023



MOHI Social

Parklet Grant

5.1

Whether you are an existing parklet operator coming into compliance or a future parklet operator submitting your first application, the cost can range from \$10,000–\$90,000. A Parklet Grant Program was created to help businesses recover expenses for existing parklet conversions and new parklet construction.

The Parklet Grant Program will reimburse parklet applicants for traffic safety, beautification landscaping, and/or construction/architecture document related expenses. Grant reimbursements will be capped at \$5,000 per parklet operator and will be issued on a first come first serve basis once parklet construction is completed.



Eligibility

- Businesses operating an existing parklet or building a new parklet, in the public right-of-way.
- Businesses operating an existing parklet or building a new parklet on Private Property.



Funding Amount

- In January 2022, City Council allocated \$50,000 to support parklet development.
- Grants awarded at a maximum of \$5,000 per eligible parklet.



Use of Funds

- Grant dollars are approved to reimburse traffic safety components, beautification landscaping, and/or construction/architecture document fees.



Grant Timeline

- Applications accepted beginning July 1, 2022.



Have Questions?

Please direct all outdoor dining questions, applications and documentation to Economic Development Staff:

Development Services
ATTN: Economic Development Team
17575 Peak Ave.
Morgan Hill, CA 95037

(408) 310-4623
Brittney.Sherman@morganhill.ca.gov
www.choosemorganhill.com