

City of Sonora Outdoor Use Encroachment Permit Development Standards and Design Guidelines

Adopted by the City Council on XX/XX/XXXX (Resolution No. XXXXXX)



Parklet on Washington

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Introduction

Background

On December 2, 2013, Vision Sonora, a collaboration between the City of Sonora (“City”), the California Department of Transportation (“Caltrans”), and the Tuolumne County Transportation Council, was adopted by the Tuolumne County Transportation Council. Funded by a grant from Caltrans awarded to the Tuolumne County Transportation Council and sub-allocated to the City, the Vision Sonora project was initiated to provide the City with a plan for a more vibrant community by directing physical improvements in the City’s right-of-way.

Vision Sonora provides public facility recommendations to facilitate business expansion in the City’s Historic Downtown areas. To this end, the Vision Sonora plan includes the following goals, policies and objectives:

- **Strengthen Sonora’s Identity History** – Improve gateways and corridors to enhance Sonora’s unique character and sense of history.
- **Attract and Welcome Visitors** – Improve tourism marketing strategies and provide more information for visitors.
- **Create Places to Enjoy** – Create new public spaces as well as several smaller gathering spaces and pedestrian streets.
- **Boost Downtown Appeal and Commerce** – Increase pedestrian activity in historic downtown core through streetscape improvements and new public spaces.
- **Enable Pedestrian and Bicycle Travel** – Create better connections for walking and biking, as well as a better pedestrian environment.
- **Take Care of Locals** – Tourism, Local Economy, & Community – Create a better quality of life for Sonora’s residents by strengthening the economy, providing for resident health and well-being promoting use of the historic downtown core, and encouraging local arts and culture.

To implement Vision Sonora goals, policies and objectives, and to accommodate business demand for outdoor use, a ministerial approval process for the issuance of encroachment permits in the City’s right-of-way for fronting private businesses has been established.

Purpose

This document provides development standards and design guidelines consistent with *Vision Sonora* for the establishment of outdoor uses including parklets, thereby allowing the extension of outdoor private commercial uses tied to brick-and-mortar establishments into the City's right-of-way. Right-of-way uses include those permitted in the *Tourist and Administrative, Commercial, General Commercial and Planned Development Zone Districts*. Examples include but are not limited to outdoor dining, commercial display, pop up shops, art installations, outdoor music, outdoor landscape planters, commodities for sale, and similar uses.

Commercial Encroachments and Parklets

Commercial encroachments are any commercial use of the public right-of-way. These can include but are not limited to display of merchandise, sidewalk sales, and outdoor dining areas.

The following definitions will apply in the interpretation of these City of Sonora Outdoor Use Encroachment Permit Development Standards and Design Guidelines ("Design Guidelines"):

"Outdoor dining" is defined as a use of an adjacent, outside area by a food or beverage establishment for the same eating and drinking activities that occur within the establishment. The outdoor dining area may be located in the public right-of-way in accordance with these guidelines.



Example of sidewalk Outdoor Dining

"Outdoor display area" is defined as the area in which goods are placed outside a building for display or sale purposes, and in conjunction with permanent commercial uses located inside adjacent buildings. The display area may be located in the public right-of-way or on private property in accordance with these guidelines.



Example of "Outdoor Display"

Commercial encroachments like these are not complex and do not typically require the construction of barriers or platforms.

"Parklets" are outdoor seating and use areas and associated facilities (often temporary) that extend into the public street and may be placed on a deck and include an enclosure. They

are typically used for additional seating for restaurants and similar outdoor uses. A request for a parklet will need to be presented to and approved by the City of Sonora Planning Commission initially. Parklets intersect with street traffic and can be more complex due to the need for traffic barriers and platform structures. This type of improvement may also require a License Agreement with the City.

When located in the public right-of-way, commercial encroachments require an encroachment permit issued by the City's Community Development Department, before their establishment. When they are located on private property, no encroachment permit will be required; however, the facilities shall comply with these Design Guidelines.



Encroachments such as A-frame signs, tables, chairs, and landscaping affixed to the right-of-way requires an Encroachment Permit.

Outdoor Use Encroachment Permit Program Goals

Enhance Pedestrian Enjoyment

By providing aesthetically pleasing and accessible seating and gathering spaces, the Outdoor Use Encroachment Permit Program seeks to make the City's commercial districts more business, pedestrian-friendly and enjoyable. The use of the City's right-of-way and establishment of parklets will add to the City's already vibrant community spaces by offering shaded seating, landscaping, and on-street dining.

Support Restaurants, Small Businesses and Active, Social Streets

The private use of the City's right-of-way and establishment of parklets may include the elimination of existing parking. By converting parking spaces into outdoor seating areas, parklets offer additional dining, retail and social spaces, which can attract more customers and increase business visibility. The expansion of usable space is particularly valuable for small businesses that rely on foot traffic. The Outdoor Use Encroachment Permit Program aims to improve the City's public spaces for all by



Example of Outdoor Dining Spaces

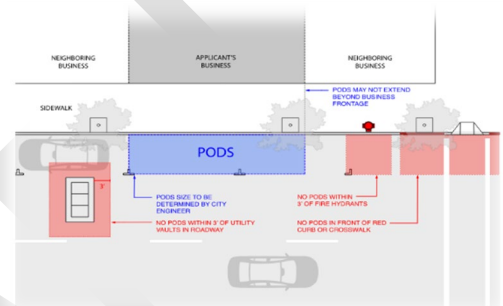
establishing public/private partnerships for the City's restaurants, taprooms, breweries and small businesses.

Development Standards

This section details the specific rules and regulations that all right-of-way and parklet uses shall comply with to contribute positively to the public realm. These standards include key aspects such as location, traffic safety, and accessibility. By following these standards, the City can create right-of-way and parklet uses that are not only visually appealing but also safe and accessible for all community members.

Location

1. Commercial encroachment uses shall be located directly fronting or adjacent to the commercial establishment it serves, as shown. Encroachments are not allowed to use the frontage of adjacent storefronts to expand their territory. Encroachments shared with adjacent businesses may be filed through a joint application and will be considered on a case-by-case basis. The shared encroachment area cannot exceed the frontage of the combined businesses. Parklets may be located in parking spaces directly fronting the retail businesses they serve.
2. No more than one-third the width of the sidewalk shall be utilized for display and sale of merchandise on any City sidewalk. No more than one half of the sidewalk shall be utilized for outdoor dining on any City sidewalk, where at least 8 feet exists between face of curb and storefront. There shall be left at all times at least four feet of width of such sidewalk for use by pedestrian traffic; provided, that, if any such sidewalk is at any place five feet or less in width, no part of such sidewalk shall be used for any display or sale of merchandise, or be obstructed in any other manner.
3. A single-space parklet may not exceed more than 18 feet of curb length. A single business may not occupy more than two on-street parking spaces or 36 feet. Parklet



Example of adjoining/fronting use with Permitted Outdoor Dining Structure (PODS)/Parklet.



Example of outdoor display exceeding 80% of store frontage and sidewalk.

annual fees for the rental of these spaces are based on single space dimensions of nine feet by eighteen feet and will be adjusted accordingly should a larger parklet be proposed.

4. Parklets shall be limited to public streets with a posted limit of 25 miles per hour or less, except where curved street sections with limited visibility exist. In these instances an improvement will not be considered safe and therefore not viable.
5. Commercial encroachment uses shall be located no closer than 3 feet from all surface utilities including man-holes, water meters, water valve covers, underground vaults, and fire hydrants.
6. Commercial encroachments and parklets shall not block or restrict access to City-maintained street trees.
7. Parklets shall not be located in Americans with Disabilities Act (ADA) accessible parking spaces or their loading zones.
8. Where parking spaces are not delineated, the parklet may extend the length of the business frontage up to a maximum of 40 feet.
9. No more than one-third the width of the sidewalk may be utilized for display and sale of merchandise on any city sidewalk.
10. All outdoor displays shall be placed so as not to obstruct business entrances, pedestrian pathways and driveways.
11. Outdoor displays shall be placed so that the clear sidewalk space for passage of pedestrians is at least four feet.
12. Outdoor displays shall be placed so as to not interfere with the reasonable use of storefront windows for display purposes by adjacent businesses.
13. Outdoor displays shall not unreasonably obstruct the visibility of other businesses.
14. Outdoor displays shall not create a vehicle or pedestrian hazard.
15. All outdoor displays shall be limited to artwork and pottery, flowers and plants, general merchandise related to the adjoining business or other items which are determined by the Community Development Director to be consistent with the intent of these Encroachment Permit Standards and Guidelines.



Linoberg converted into a pedestrian space

16. All outdoor displays shall be maintained in a clean, neat and attractive condition, and in good repair at all times.
17. Outdoor displays shall not include signage or contain advertising materials unless specifically allowed herein.
18. Outdoor displays shall be limited to the hours of operation of the originating business.
19. Outdoor displays shall be limited to no more than one-third the width of the sidewalk shall be utilized for display and sale of merchandise on any City sidewalk. No more than one half of the sidewalk shall be utilized for outdoor dining on any City sidewalk, where at least 8 feet exists between face of curb and storefront. There shall be left at all times at least four feet of width of such sidewalk for use by pedestrian traffic; provided, that, if any such sidewalk is at any place five feet or less in width, no part of such sidewalk shall be used for any display or sale of merchandise or be obstructed in any other manner. Only one outdoor display is permitted for each business.
20. The design and configuration of outdoor displays shall be attractive, compatible with the architecture of the building and incorporate themes, colors, and materials that are consistent with the standards herein.



Example of un-maintained landscaping planter box which has attracted cigarette butts.

Accessibility

1. All parklets and commercial encroachment accessibility features shall meet the relevant federal, state, and local accessibility laws, including the California Building Code and the Americans with Disabilities Act.
2. Parklets and other commercial encroachments shall not block sidewalk access or required accessible paths of travel as required under the California Building Code. Seating enclosures on private parking lots and/or in shopping centers shall not block or encroach upon drive aisles.
3. The ADA accessible path of travel shall connect the sidewalk to an accessible entry, platform surface, wheelchair turning space, and wheelchair resting space.
4. Accessible entry routes to parklet or other commercial encroachment shall be a minimum of 48 inches wide.



Example of A-Frame potentially infringing on path of travel.

5. The top of a parklet platform shall be flush with the sidewalk grade. A cover, expansion joint, or other type of connector between the parklet surface and curb may also be required, if necessary, to provide a safe transition surface.

Traffic Safety (Parklets)

This section applies to parklets and similar structures that would use a City parking space. This section does not apply to commercial encroachments limited to use of the City sidewalk.

1. Parklets shall provide a buffer between users and the adjacent traffic lane. This may take the form of planters, railings, cabling, or another appropriate buffer that is structurally fortified to meet the approval of these Design Guidelines.
2. Parklets shall be subject to structural standards to ensure a minimum level of crash safety, which shall be either incorporated into the parklet design or provided by using crash barriers. If crash barriers are used, they shall be either positioned on the inside of the enclosure and subsequently screened from view with a solid enclosure or just outside the wall. If placed outside the parklet, the barrier should be enclosed within a wooden box structure built around it. Potted plants or a planter box shall be placed on top of the box.
3. Traffic barricades weighing a minimum of 1,000 pounds shall be placed at the ends of the parklet and parallel to the driving lane where oncoming traffic enters. Examples of traffic barricades include but are not limited to bollards placed on the platform, planters meeting the weight requirement, concrete barricades, etc. that comply with the California Manual on Uniform Traffic Control Devices guidelines.
4. Parklets shall not protrude, cantilever, or otherwise encroach within the adjacent travel lane or bicycle lane.
5. All Parklets shall maintain the following minimum setbacks to ensure traffic safety, emergency access, and access for services.
 - a. 20-foot setback from any street corner.
 - b. 18-inch separation from Class 2 (Striped) bicycle lanes.
 - c. 15-foot setback from the centerline of the street.
 - d. 10-foot setback from driveways.
 - e. For Parallel parking spaces:
 - i. Parking wheel stops shall be placed four feet from the end of each side of the parklet and shall be affixed to the road surface.
 - ii. Reflective, flexible post delineators shall be placed two feet from each of the parklet's streetside corners.

- f. The City Engineer may require specific barrier placement and materials based on traffic volume and road conditions determined through the application review process. The City Engineer may also provide variances from the distances provided herein based on characteristics of the specific application submitted for review.

Platforms / Structures (Parklets)

The standards for platforms and structures only apply to commercial encroachments proposing to build a parklet or similar structure, where topography demands for ADA compliance. Other encroachments such as outdoor sales and dining areas are not required to adhere to these guidelines.

1. Parklets shall be built with materials that are consistent with the architectural style of the surrounding area. Designs should reflect a gold rush architectural style. Where appropriate, parklets should incorporate materials and styles consistent with the adjacent building façade.
2. Parklets shall be designed so as not to negatively impact existing street drainage. Water shall be able to flow freely off the street surface and along any existing gutter.
3. Parklets shall not be permanently affixed to the right-of-way in any manner. Bolting or anchoring the enclosure to the roadway, curb, gutter, or sidewalk is prohibited.
4. Parklet railings or fence panels shall be visually “permeable” with a maximum height of 42-inches and a minimum height of 36 inches.
5. Poles, canopy supports, or roofs may not exceed eight feet in height above grade.
6. The platform surface shall be built of materials that prevent mold and allow easy access to the space underneath the platform surface, which shall be accessible for maintenance through access panels, removable flooring, or other methods.
7. Public spaces including parklets shall incorporate soft scape features including planter boxes and pots into the public space and parklet design.
8. For shopping centers on private property, an encroachment permit is not required. However, improvements within the public spaces and parklet designs shall be consistent with these Design Guidelines and the architectural character of the center they are located in.

Design Principles

This section outlines the design principles for the physical improvements and structures within the City's right-of-way. These improvements include but are not limited to: outdoor furniture and seating; shades and umbrellas; lighting; heating facilities and signage. By adhering to these design principles, the City aims to create aesthetically pleasing public spaces that reflect the City's historic charm while providing functional and inviting spaces for the community.



Examples of Preferred Seating Types

Furniture and Seating

1. Commercial encroachments may include permanent and/or moveable seating.
2. No televisions will be allowed within commercial encroachments.
3. All furniture shall be durable and of sufficiently sturdy construction so as not to blow over in the wind.



Examples of Prohibited Seating Types

4. All furniture and fixtures shall be maintained in good visual appearance, without visible dents, tears, corrosion, fading, or chipped or peeling paint.
5. Tables and chairs may be a dark or earth-tone color, or a natural unpainted material such as wood or metal.
6. No bright colored or white plastic chairs or tables are permitted.
7. Upholstered furniture is permitted but may not have any fluorescent or strikingly bright or vivid colors.
8. All chairs used within a single commercial encroachment shall have a visually similar design, construction, and color.
9. Requests for outdoor speakers will be evaluated as part of an encroachment application but need to be associated with outdoor dining or other approved activity.



Example of approved seating and planters.

Heating

1. Heating devices shall be limited to propane heaters with automatic fall shut-off protection. Electrical/open flame heating units are prohibited.
2. Propane tanks shall be secured, used, and stored in a manner approved by the City Fire Department.

Prohibited heating unit types



Shade

1. Tents and other temporary shade structures are not permitted.
2. Any fabric, membrane shade, or other weather protection, including umbrellas, shall be constructed of fire-resistant materials and stamped with the California State Fire Marshal seal.
3. Portable umbrellas are permitted in outdoor spaces provided they do not obstruct the public right-of-way or walkway, subject to the following requirements.

Preferred heating unit types



Preferred Umbrella Types

- a. Umbrellas shall be free of advertising and product names, wording, logos, drawings, or similar identifying characteristics.
- b. Umbrella fabric shall be of one solid color and shall not have fluorescent or other strikingly bright or vivid color.
- c. Umbrella fabric shall be canvas type and suitable for outdoor use.



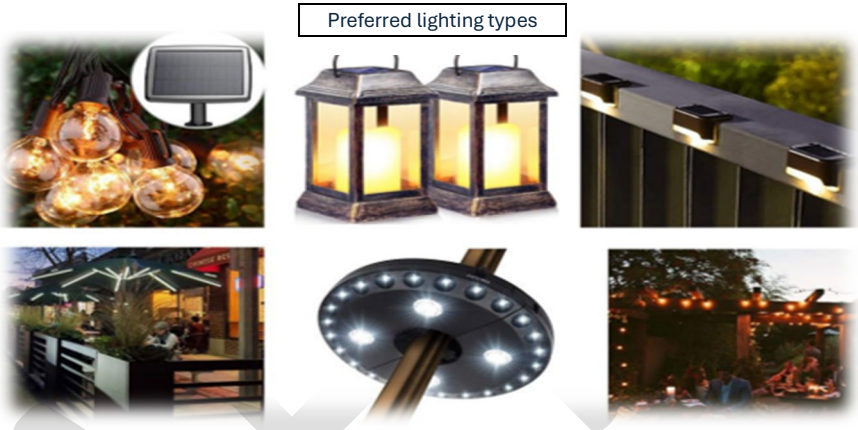
Restricted Umbrella types

- d. All parts of any umbrella shall be contained entirely within the outdoor use or parklet.
- e. When extended, the umbrella shall measure at least 7 feet above the surface of the outdoor use or parklet area.

- f. Umbrellas shall have a maximum height of 10 feet above the surface of the outdoor use or parklet area in order not to cause visual barriers to nearby businesses.

Lighting

- Lighting is required for outdoor dining areas where food will be served during the evening hours. The lighting fixtures shall be decorative and complement the architectural character of the building and area. Lights mounted on the building shall not cause direct glare or other visual obstruction to pedestrians or vehicle drivers along the street and public walkway and shall illuminate only the sidewalk area.



- All lighting elements shall be properly rated for outdoor use.
- Solar or battery powered lighting is recommended due to ease of installation and use.
- Moveable solar and battery powered lights such as tabletop lights are permitted so long as they are secured outside of operating hours. No open flame devices are permitted.
- Electrical connections will be allowed if the connections meet all National Electrical Code (NEC) requirements and do not negatively affect the aesthetic appearance of the public space or parklet.
- All lighting shall be securely hung over the public space or parklet area or affixed to railings. No lighting is permitted to extend over the sidewalk or street unless otherwise approved by the City.
- Lighting shall not be permitted to cast directly into vehicular or pedestrian traffic or otherwise interfere with vehicular traffic.
- No open flame lighting such as torches, candles, or lanterns are permitted.



Signage

1. Signage shall comply with the provisions of the City's zoning ordinance (Sonora Municipal Code [Section 15.28](#)). No extra or additional signage is permitted solely as a result of having a permitted outdoor space or parklet.

Preferred Signage Types



2. Temporary signage such as A-frame signs and banner signs as shown shall not be permitted.

Prohibited Signage Types



3. Signage shall be designed to complement the design of the outdoor seating area or Parklet and shall not be made of vibrant or bright colored materials.

4. Outdoor seating areas, dining areas, and parklets shall have at least one prominent "No Smoking" sign.



Examples of approved A-Frame Signs and Sign Locations.

Operation

Maintenance

1. All commercial encroachments shall be maintained in a clean and orderly fashion. Daily removal of garbage and debris, cleaning of flooring, surfaces, and rails are required.
2. At least one permanent trash receptacle shall be maintained and serviced in the outdoor space or parklet.
3. Patrons of the outdoor spaces or parklet shall not be permitted to sit on the parklet railings or edges nor balance food or drinks on railings or edges.
4. Securing furniture and other moveable items at night is required.
5. Smoking is prohibited within outdoor spaces and parklets.
6. Use of outdoor spaces and parklets shall be consistent with the regular hours of operation for the business they are associated with and in no event shall operate past 10 p.m.
7. Parklets shall be closed or gated when not in use.
8. Street maintenance, paving, resurfacing, utility undergrounding, or related work is periodically required of the City. In such instances, the Parklet's operator shall be required to remove the enclosure at their own expense until the work is complete.
9. Parklets shall be maintained so as not to restrict access to solid waste collection. No garbage receptacles or garbage shall be allowed in the public right-of-way or placed in locations that may impact neighboring businesses.
10. Parklets shall be maintained so leaf litter and other debris do not gather and obstruct the flow of water against or under the parklet.



Example of un-maintained landscaping planter box.



Example of approved trash receptacle, bench and A-Frame Sign design and location.

Dining and Alcohol

1. A sign shall be posted in a conspicuous place at the entrance and exit of the parklet onto any public areas, saying "NO ALCOHOLIC BEVERAGES PAST THIS POINT."

2. Borders shall be placed between outdoor seating areas and public space to provide separation between alcohol service areas and public areas.
3. When alcohol service is available, an employee shall monitor activity within the outdoor use or parklet area on a regular basis, but no less than once every thirty (30) minutes.
4. Operators shall obtain the appropriate license from the State Department of Alcohol Beverage Control (ABC) prior to serving.
5. Outdoor food preparation including barbecues, hot pot, grills, hot plates, open flame cooking, and heating of food is prohibited in outdoor spaces and parklets.
6. Outdoor dining areas shall be operated in a manner that meets all requirements of the health department and all other applicable regulations, laws, ordinances and standards.

Other requirements

1. An encroachment permit may impose reasonable conditions of approval to ensure that outdoor dining and display areas operate in a manner that is not detrimental to the public health, safety and welfare; are consistent with all applicable codes, policies, and guidelines; and enhance the image, appearance and vitality of the area in which the use is located. This includes but is not limited to authority to regulate the design, layout, materials, colors, quality and appearance of outside dining and display areas; to require security deposits, insurance and other reasonable financial guarantees; and to prescribe operating terms which the permittee shall follow.
2. The City reserves the right to temporarily suspend the encroachment permit because of anticipated or actual conflicts in the use of sidewalk areas due to street repairs, parades, festivals, maintenance and other similar activities.
3. All encroachment permits require evidence of public liability insurance naming the City as also insured.

Outdoor Music/Performances/Speakers

Outdoor music and other live performances are desired in Sonora. Hours of operation shall be in accordance with the hours of operation of the associated food or beverage establishment and the Sonora Municipal Code.

- a. All musical equipment shall be set up in a safe manner, avoiding obstruction of sidewalks.
- b. Cable covers or mats shall be used to cover any cables to prevent the creation of tripping hazards.
- c. Outdoor music or performances are not permitted prior to 7 AM or past 10 PM, regardless of the adjacent business hours, to minimize disturbances.
- d. Music shall be kept at a reasonable volume so as not to disturb nearby businesses or residences.
- g. The playing of musical instruments on the City's right-of-way not associated with an adjacent brick and mortar store is prohibited from including amplified sound.
- h. Musicians shall not display any signage requesting tips or donations.
- i. Businesses with speakers mounted to the building should offer outdoor dining or other amenities serving the public.
- j. Music shall not contain profanity and volume shall be set to a background sound/ambiance level.
- k. Noise levels or activity that does not follow these Design Guidelines may be deemed a public nuisance. Complaints from surrounding businesses, residences or City representative will be addressed by the most appropriate City department.
- l. Activities operating under a Special Event Permit or other City permitted activity may be exempt from some or all of these requirements.



Street Musician

Administration

Permit Procedures

Encroachment Permit:

An **encroachment permit** shall be secured through the City's Community Development Department before the establishment of any outdoor space or parklet in the public right-of-way. An application fee, as adopted by City Council Resolution, shall be paid upon application submittal. Application and encroachment permit fees will be determined based on whether the intended use is: 1) a parklet with fixed improvements; 2) sidewalk dining with removable improvements; or 3) other outdoor uses with no physical improvements.

The encroachment permit is not transferable. Any new business shall reapply for an encroachment permit and demonstrate compliance with all applicable provisions of these Design Guidelines.

Building Permit:

A **building permit** shall be secured through the City's Building Department before the installation of a parklet or any similar structures. Consult with the City Building Department regarding application requirements, fees, and review timeframes.

Use of public space policy

Businesses that obtain encroachment permits for the use of public space for dining, beer garden, live music or other exclusive use of City right of way shall enter into a license agreement with the City of Sonora. The agreement shall outline the terms and conditions for the use of the public area, ensuring compliance with City regulations. Additionally, use fees will accompany agreements of this nature.

Penalties for noncompliance

Failure to comply with the conditions of the encroachment permit may result in administrative citation in accordance with the Sonora Municipal code. Noncompliance with the conditions of the encroachment permit will be grounds for revocation of the permit. If the permit is revoked, the parklet shall be removed immediately at the owner's expense.