



## **PURPOSE**

This policy establishes guidelines for Parklets within the city of Phoenix public right-of-ways by providing a formal mechanism for residents, neighborhood associations and businesses to develop parklets that enhance pedestrian use of streets.

## **DEFINITION**

Parklets are public or private seating platforms that convert curbside parking spaces into vibrant community spaces.

## **BACKGROUND**

A parklet is made by converting two or more curbside parallel parking spaces (or three to four angled parking spaces) into a platform with an attractive seating area. Parklets provide green/open spaces on the city streets to help mitigate the urban heat island effect and create new seasonal pedestrian spaces that improve the quality of life in Phoenix neighborhoods and commercial corridors. Parklet designs are accessible and inclusive; inviting pedestrians, bicyclists, and shoppers to linger, relax, and socialize. Each parklet may have a distinct, site specific design that reflects the neighborhood's unique character.

## **APPROPRIATE LOCATIONS AND DESIGN PARAMETERS**

Parklets are urban amenities appropriate for narrow, actively pedestrian streets with slower speed limits. Parklets will only be allowed in the Phoenix Downtown Code area and Grand Avenue frontage from Van Buren Street to Roosevelt Street, within the public right-of-way. View [Parklet Approved Area Map](#). The following factors need to be considered while planning to submit an application for a parklet:

### Location

- Shall generally be located in an area that demonstrates a high-level of pedestrian activity and/or where narrow and congested sidewalks prevent installation of traditional sidewalk cafes.
- Shall be permitted on streets with a posted speed limit of 25 mph or less and slopes below 5 percent. Other locations, such as Grand Avenue between Van Buren and Roosevelt Street, will be considered on a case-by-case basis. Additional safety measures may be required on streets that exceed a 25 mph speed limit.
- May be located near a range of business types and need not be limited to dining or other food related establishments. Applicant business or residence must have doors and windows facing the parklet location.
- Must not be closer than the required minimum distances from various public facilities/vertical utilities in the right-of-way such as: 5 feet minimum clearance from vertical utilities,

loading zones, driveways, ramps, or accessible parking spaces; 60 feet minimum to any bus stop or shelter; and 15 feet minimum from any fire hydrants.

### Design

- Parklet platform and rails shall be designed for assembly occupancy. Platform shall be limited to a maximum 6 feet of width with mandatory 3 foot rails and no permanent roof structure. Parklet shall not inhibit the adequate drainage of stormwater runoff.
- Parklet floor must be flush with the curb to create a safe extension of the sidewalk.
- Parklet platform must be level using the substructure to account for the curvature of the street, design must allow for easy access underneath the platform, and curbside drainage may not be impeded.
- Parklet must be buffered using “wheel stops” at a desired distance of 4 feet from the Parklets and one foot from the curb at the edge of front and back parking spaces. Must also be buffered using reflective “soft hit posts” that align with the end of the platform, not in the travel lane (click here to see drawing showing standard safety measures). Other safety measures may be required depending on the parklet location.
- Parklets must include some vertical elements (planters, posts, anchored removable umbrellas, etc.) to be visible to passing vehicles; however these must not obstruct driver views.
- If parklet seating is fixed, 20% of the seating must be accessible
- Parklets should be finished with high quality, durable materials that can withstand the desert summer sun and heat.
- Parklets should be treated with a graffiti resistant coating or designed with graffiti deterrent surfaces and materials. View [Anti-Graffiti Recommendations](#).
- A minimum of one “Public Parklet” or “Private Parklet” sign must be installed on the structure for optimum visibility. If the parklet is private, a sign with the business name may be placed on the parklet structure or on umbrellas or other shade structures associated with the parklet.

### **PARKLET USE AND ACCESS**

Parklets can be used in one of two ways: open seating for the public, or private seating controlled by the business and used for serving food and non-alcoholic beverages only. If the parklet seating is controlled by the business and used for serving food and beverages, an annual rental fee is required. Parklets adjacent to residences must be open seating for the public. Parklets can also be used as part of a separate temporary use or special event permit. Access to the Parklet shall be maintained during the business hours of the sponsoring adjacent business or, in residential areas, during the time frames designated on the encroachment permit.

### **APPLICATION PROCESS:**

Following is the sequence of steps for Parklet approval and installation:

- A. Identify location for proposed Parklet
- B. Submit a [Parklet Fact Finding Application](#) to city staff to determine if the location is appropriate for a Parklet. Fact Finding Application must include a dimensioned drawing of proposed Parklet showing entire block of street and including intersections and any utilities, driveways, loading zones, ramps, fire hydrants, bus stops, and manholes.
- C. The Fact Finding Application is free and will be reviewed by staff from Planning & Development, Street Transportation, and Water Services departments.
- D. Once the location has been approved by City staff, submit a full [Parklet Application Package](#) to Planning & Development at the second floor of City Hall. The application will include plans, project description, certificate of insurance, and petition with signatures of adjacent property owners and 51% of the remaining property owners on the block in support of the parklet. Application fee is due at time of submittal.
- E. City will review and approve parklet plan and supporting documents and create permit
- F. Obtain permits, sign maintenance agreement, and pay applicable fees (includes cash bond for emergency removal of parklet, removal of parking meters, annual right-of-way rental fee if private, and any additional fees for right-of-way work required to accommodate parklet)
- G. Construct parklet in accordance with approved plans and in coordination with Street Transportation Department for traffic management, restriping, and removal of parking meters
- H. Obtain inspection approval and certificate of completion prior to opening parklet to the public

### **ENCROACHMENT PERMIT AND INSURANCE REQUIREMENTS**

An encroachment permit is required for minor encroachments in public right-of-way. Minor encroachments are considered surface or aerial use encroachments that are easily removable. Encroachments in the right-of-way must be covered by liability insurance. The insurance certificate shall satisfy the following:

- A. Submit the certificate as part of the Parklet Application Package. The applicant is responsible for maintaining a current policy and submitting the updated policy on an annual basis to the City. Applicant's failure to supply current insurance documentation shall result in the permit being revoked.
- B. Declare the limits of coverage: Single family-owned residential use \$300,000; all other uses \$2,000,000.
- C. The City of Phoenix must be named as an additional insured on applicant's insurance policy. The applicant will be required to save and hold harmless the City of Phoenix.

An encroachment permit requires the right-of-way be used only in accordance with the purposes and plans as approved by the City. The permit is subject to an annual fee and does not convey exclusive rights to the right-of way. The permit is subject to all laws, ordinances, codes, and other regulations and cannot be issued in violation of the intent of such laws, ordinances, codes, and regulations. The applicant has no recourse against the City for any loss, costs, expenses, or damages arising out of any of the conditions or provisions of the permit.

Encroachment permits are non-transferable. Change of ownership will require notification to the City and the new property owner will be responsible for entering into a new permit. If a new permit is not recorded, the property owner will be responsible for removing the encroachment at their cost. The permit is revocable by either the City or the applicant. Notification and proof of encroachment removal must be made prior to revocation. The encroachment shall be removed within 30 days of revocation of the permit.

**PUBLIC OUTREACH/ NEIGHBORHOOD SUPPORT:**

Applicant is required to obtain support from adjacent property owners. Applicant must circulate a petition and obtain signatures of support from any owner(s) of property which Parklet will front, any immediate adjacent property owners on the same side of the street, and 51% of the remaining property owners on the block. View [Parklet Location Petition](#).

**PARKLET FEE SCHEDULE:**

<u>Description</u>	<u>Fee</u>
<b>Initial Fees</b>	
Initial Fact Finding for location approval	Free
Application/Permit Fee	\$500
Parking Meter Removal	\$300 per meter
Right-of-Way Rental fee for Private Parklet	\$ 10 per square foot
Additional Costs (if applicable) *	\$150 to \$500
Cash Bond for Emergency Removal	\$500
<b>Ongoing Annual Fees</b>	
Encroachment Permit Fee (renewed annually)	\$380
Rental Fee for Private Parklet	\$10 per square foot

\*any sign changes, striping, loading zone, landscape, etc. that must be done to accommodate Parklet

**RELOCATION, REMOVAL, AND TERMINATION OF THE AGREEMENT:**

The parklet permit will not be revoked for a minimum of three years unless certain unforeseen conditions occur. In the event of such an emergency, the applicant shall, upon request of the City, relocate the Parklet, and/ or remove the Parklet, including any furniture and structures, either publicly or privately owned. The applicant will absorb all costs and expenses necessary for performance of such relocation/removal work. Both the City and applicant may terminate the encroachment permit upon thirty (30) days written notice to the non-terminating party at

any time, with or without cause. Applicant shall be required to vacate the parklet and leave space in a clean condition, clear of all property and debris, and restore the parklet area to the satisfaction of the City within thirty (30) days after termination. At that time, the applicant may request a refund of the bond posted at time of construction. If applicant fails to relocate and/or remove the Parklet and restore the area to its original condition, the City shall have the right and privilege to use the applicant's bond to remove the Parklet and restore the area to its original condition.

**MAINTENANCE, MONITORING AND ENFORCEMENT:**

The Parklet must be well maintained, clean, and kept in good repair in compliance with the maintenance agreement signed by the applicant. City staff will monitor and enforce proper maintenance and appropriate use of parklets. Applicant will be advised if parklet is found to be out of compliance with maintenance agreement and/or allowable uses. Misuse of the parklet, safety issues, and/or lack of maintenance will be grounds for the City to revoke the permit and require removal of the parklet. View [Parklet Maintenance Agreement](#).