



City of  
**Santa  
Monica**

SANTA MONICA MUNICIPAL CODE  
CHAPTER 6.40 ADMINISTRATIVE  
REGULATIONS

July 29, 2021

- I. **Scope.** These administrative regulations (“Regulations”) are established pursuant to Santa Monica Municipal Code (“SMMC”) Section 6.40.040.
- II. **Definitions.** The definitions in SMMC Section 6.40.001 apply to the words and phrases used in these Regulations. In addition, for purposes of these Regulations, the following terms have the following meanings:
  - A. “Boardwalk” means the elevated platform installed by the City in the public parking space(s) (other than accessible parking spaces) or loading space located in the public right-of-way that are adjacent to each other for the purposes of providing unobstructed pedestrian access along the east side of Ocean Avenue immediately adjacent to restaurants utilizing the full width of the sidewalk for outdoor dining purposes as authorized by these Regulations.
  - B. “Permitted space” means the public property area that is the subject of a Santa Monica Outdoors pilot program permit issued to an eligible business and licensing agreement entered into between an eligible business and the City.
  - C. “Pilot program parklet” means a City-installed parklet, as part of the Parklet Pilot Program approved by Council, in the public right-of-way adjacent to its operator’s principal place of business.
  - D. “Temporary furnishings” means the furnishings placed by the eligible business in the permitted space. Temporary furnishings are limited to movable tables, chairs, floor coverings, bookcases, exercise equipment, garment racks, displays of merchandise, planter boxes, umbrellas or canopies that are secured and maintain a minimum 7-foot height clearance for sidewalk or pedestrian passage, electric cordless lighting, and other temporary décor.

### III. **Issuance of Permits and Licensing Agreements**

- A. **Director Authorization to Issue Permits.** The Director is authorized to issue Santa Monica Outdoor pilot program permits and enter into licensing agreements on such terms as the Director deems necessary and to require the submission of additional information or supporting data to ensure protection of public health, welfare, and safety of the City, including, but not limited to, a site plan.
- B. **Director Retains Discretion.** The Director retains the discretion to decline to issue a Santa Monica Outdoor pilot program permit or enter into a licensing agreement for any reason, including, but not limited to, if the location of the public property area that would be subject to the permit and licensing agreement interferes with a planned or future City project.

- C. **Specific Santa Monica Outdoors Pilot Program Application Requirements.** To obtain a Santa Monica Outdoors Pilot Program and enter into a licensing agreement, the business must qualify as either an eligible business or restaurant. In addition, the restaurant or eligible business must meet the following requirements to apply for and obtain a Santa Monica Outdoors pilot program permit and enter into a licensing agreement for the uses identified below:

1. **Parklet Use.**

- a) An eligible business may obtain a Santa Monica Outdoors pilot program permit for use of a parklet only in streets that have (i) a speed limit of 25 miles per hour or less, (ii) a speed limit of 30 miles per hour and either a Class II or IV bikeway, as those terms are defined by California State & Highway Code Section 890.4, or (iii) a speed limit of 30 miles per hour without a Class II or IV bikeway, so long as the City has authorized a parking lane closure and the City has implemented additional design or safety specifications.
- b) A pilot program parklet may serve as a parklet in accordance with and during the term of Chapter 6.40.
- c) In the event the eligible business seeks to use parking or loading spaces in front of an adjacent or neighboring tenant space(s) or building(s) for the parklet, the eligible business shall obtain prior written consent from the property owner or tenant of the adjacent or neighboring building and furnish such consent to the City with its application for a Santa Monica Outdoors Pilot Program permit. For the purposes of clarity, consent is not required if the parking or loading space is substantially (i.e., greater than 50%) located in front of the eligible business. If a tenant has granted consent under this subsection, nothing in these Regulations relieves that tenant from any obligation or laws relating to any consent required of the property owner. If the eligible business is unable to obtain consent from the property owner or tenant of the adjacent or neighboring building, the eligible business shall, with its application for a for a Santa Monica Outdoors Pilot Program permit: (i) explain the reason why it was unable to obtain consent and (ii) provide proof that it has provided written notice to the tenant or property owner on a form to be provided by the City of the eligible business's intent to utilize the parking or loading space as a parklet and that the tenant or property owner may contact the City within the next 5 business days after receipt of the notice regarding the proposed parklet. The City shall not act on any application

to utilize the adjacent or neighboring parking or loading space as a parklet until after the 5 business day period has expired. Any decision of the City thereafter to enter into a licensing agreement and issue a Santa Monica Outdoors pilot program permit for a parklet in front of an adjacent or neighboring tenant space(s) or building shall be final.

2. **Promenade Outdoor Dining Area Use.** Only a restaurant that operates out of a physical location on the Third Street Promenade is eligible to obtain a Santa Monica Outdoors pilot program permit for use of the Promenade outdoor dining area.
3. **Promenade Satellite Outdoor Dining Area.**
  - a) Only a restaurant that operates out of a physical location in the area bounded by the east side of Second Street, south side of Wilshire Boulevard, west side of 4th Street and north side of Broadway is eligible to obtain a Santa Monica Outdoors pilot program permit for use of the Promenade satellite outdoor dining area.
  - b) As part of any application to utilize the Promenade satellite outdoor dining area, the restaurant must submit a letter of support from Downtown Santa Monica, Inc. ("DTSM"). The absence of either a letter or support from DTSM are factors that the City may consider in determining whether to issue a Santa Monica Outdoors Pilot Program permit and enter into a licensing agreement with the eligible business.
4. **Main Street Satellite Space Use.**
  - a) Only an eligible business other than a restaurant or a bar/night club/lounge may obtain a Santa Monica Outdoors pilot program permit for use of the Main Street satellite space.
  - b) As part of any application to utilize the Main Street satellite space, the eligible business must submit a letter of support from the Main Street Business Improvement Association ("MSBIA"). The absence of either a letter or support from the Main Street Business Improvement Association is a factor that the City may consider in determining whether to issue a Santa Monica Outdoors Pilot Program permit and enter into a licensing agreement with the eligible business.
  - c) The eligible business shall obtain prior written consent from the property owner or tenant of the adjacent or neighboring building of the Main Street satellite space and furnish such

consent to the City with its application for a Santa Monica Outdoors Pilot Program permit. If a tenant has granted consent under this subsection, nothing in these Regulations relieves that tenant from any obligation or laws relating to any consent required of the property owner. If the eligible business is unable to obtain consent from the property owner or tenant of the adjacent or neighboring building, the eligible business shall, with its application for a for a Santa Monica Outdoors Pilot Program permit: (i) explain the reason why it was unable to obtain consent and (ii) provide proof that it has provided written notice to the tenant or property owner on a form to be provided by the City of the eligible business's intent to utilize the Main Street satellite space and that the tenant or property owner may contact the City within the next 5 business days after receipt of the notice regarding the proposed use of the Main Street satellite space. The City shall not act on any application to utilize the adjacent or neighboring parking or loading space as the Main Street satellite space until after the 5 business day period has expired. Any decision of the City thereafter to enter into a licensing agreement and issue a Santa Monica Outdoors pilot program permit for the Main Street satellite space in front of an adjacent or neighboring tenant space(s) or building shall be final.

**5. Main Street Closure Area Use.**

- a) Eligible businesses applying for a Santa Monica Outdoors Pilot Program for the Main Street closure area shall be prioritized such that first priority shall be given to Main Street businesses located on the closure blocks, second priority shall be given to businesses within the Main Street commercial area, and third priority shall be given to other eligible businesses located elsewhere in the City.
- b) As part of any application to utilize the Main Street closure area, the applicant must submit a letter of support from MSBIA. The absence of either a letter or support from MSBIA are factors that the City may consider in determining whether to issue a Santa Monica Outdoors Pilot Program permit and enter into a licensing agreement with the eligible business.

- D. **Designation of Certain Permitted Spaces.** The following locations for either, as applicable, eligible business or dining activities on the Pier, Promenade outdoor dining area, Promenade satellite outdoor dining area, Promenade satellite outdoor dining are designated below. The

designation of such areas does not relieve a restaurant or eligible business from applying for a Santa Monica Outdoors pilot program permit and entering into a licensing agreement with the City. The City reserves the right to further adjust the boundaries of the dining or eligible business activity areas following inspection by the Fire Marshal.

1. The portions of the Pier designated as permissible locations for outdoor dining and eligible business activity are reflected in Attachment A.
2. The portions of the sidewalk or roadway in the Third Street Promenade that are designated for Promenade outdoor dining area use are reflected [here](#).
3. The portions of roadway in the Third Street Promenade that are designated as Promenade satellite outdoor dining area are identified as "Section C," "Section E," "Section F," and "Section G" [here](#).
4. The portions of roadway designated as permissible locations for outdoor dining and eligible business in the Promenade satellite outdoor dining area are identified in Attachment B as "Parklet Area – Expanded (Private Business)". The City, in its sole and complete discretion, may utilize either Alternative 1 or Alternative 2 for any given weekend when use of the Main Street closure area is available.

- E. **Temporary Accessory Use and No Vested Rights.** Eligible business activity authorized by Chapter 6.40 and these Regulations shall be conducted as a temporary accessory use to a legally established business that is located adjacent to the permitted space. Nothing in Chapter 6.40 or these Regulations, or any permits issued pursuant to Chapter 6.40, shall be considered an entitlement or permit for permanent use of the permitted space, including, but not limited to, a permit for outdoor dining and seating area, as that term is defined by Santa Monica Municipal Code Section 9.51.030(B)(9), confer any vested rights to any ongoing or continuing activities beyond the expiration of Chapter 6.40, or any permits issued pursuant to Chapter 6.40, or to permanently modify any applicable provisions of the City of Sana Monica Comprehensive Zoning Ordinance, Divisions 1 through 5 of Article IX of the Santa Monica Municipal Code, including, but not limited to, parking requirements and maximum floor area ratio, which (other than requirements for accessible parking) have been temporarily suspended by Interim Zoning Ordinance Number 2674 (CCS) to the extent necessary to accommodate the temporary uses authorized by Chapter 6.40 and these Regulations.

**IV. Generally Applicable Terms and Conditions for Santa Monica Outdoors Pilot Program.** An eligible business that has obtained a Santa Monica Outdoors pilot program permit and entered into a licensing agreement with the City shall comply with the following terms and conditions regardless of whether the Santa Monica Outdoors pilot program permit is for use of Main Street closure area, Main Street satellite space, a parklet, the Promenade outdoor dining area, the Promenade satellite outdoor dining area, or a sidewalk for either, as applicable, outdoor dining or business activities:

- A. The Santa Monica Outdoors pilot program permit shall be displayed by the eligible business during business hours.
- B. An eligible business shall maintain insurance at coverage limits, and with conditions thereon determined necessary and appropriate from time to time, as determined by the Risk Manager and name the City of Santa Monica as an additional insured.
- C. An eligible business may place a single, non-permanent sign with the eligible business's name and, if the eligible business is a restaurant, a menu within the permitted space.
- D. An eligible business shall comply with all applicable Federal, State, and City laws, rules, and regulations, including, but not limited to, the requirement to have a current business license, the noise restrictions in SMMC Chapter 4.12 of this Code, the protection of public trees in compliance with SMMC Chapter 7.40 of this Code, compliance with the Americans with Disabilities Act ("ADA"), and compliance with any public health orders issued by the State or County of Los Angeles.
- E. An eligible business may utilize a canopy within the permitted space so long as there is compliance with the following conditions:
  - 1. A canopy with all sides open shall (a) not exceed 700 square feet in the aggregate, (b) be sufficiently secured to meet wind load requirements, (c) if used in connection with an electric heater, provide at least 3 feet of clearance from the heater to top of the canopy or any other combustible material, (d) not be used in close proximity of a propane heater, unless the propane heater is placed outside of and at least 5 feet away from the canopy; and (e) not be placed within 12 feet of any building. Multiple canopies placed side by side will be considered a single canopy for purposes of calculating the 700 square feet in the aggregate, unless each canopy is placed at least 12 feet apart from one another.
  - 2. A canopy with one or more sides down shall (a) not exceed 400 square feet in the aggregate, (b) be sufficiently secured to meet wind load requirements, (c) if used in connection with an electric

heater, provide at least 3 feet of clearance from the electric heater to the top or sidewall of the canopy or any other combustible material, (d) not be used in close proximity to a propane heater, unless the propane heater is placed outside of and at least 5 feet away from the canopy or a duct-style propane heater is utilized and is placed outside of and at least 5 feet away from the canopy, and (e) not be placed within 12 feet of any building. Multiple canopies placed side by side will be considered a single canopy for purposes of calculating the 400 square feet in the aggregate, unless each canopy is placed at least 12 feet apart from one another.

3. Any canopy in compliance with subsections IV(E)(1) or IV(E)(2) that exceeds 120 square feet may not be utilized for more than 180 consecutive days.
  4. Any canopy that does not meet either the square footage or the 12-foot distance from a building requirements set forth in subsections IV(E)(1) or IV(E)(2) may only be utilized if a special event permit is obtained from the Santa Monica Fire Department and there is compliance with the conditions stated in such a permit, which may vary from the terms of these Regulations.
- F. Propane or electric heaters may be utilized in the permitted space so long as the eligible business complies with the heater requirements in subsection IV(E) if such heaters are used in connection with a canopy. In addition, propane heaters may only be utilized in the permitted space so long as the eligible business (1) has an existing or obtains a propane heater permit from the Santa Monica Fire Department, (2) complies with the Santa Monica Fire Department's Fire Prevention Policy Number 1-9 on Portable Propane Heaters, (3) secures or removes the propane heater(s) every day upon closing of the business, (4) does not place a propane or electric heater within 6 feet of a public tree; and (5) does not place a propane or electric heater within 5 feet of any other combustible material, including an umbrella. Any use of a propane or electric heater is subject to inspection by the Fire Marshal and the terms of such use may be modified by the Fire Marshal if, in his sole and complete discretion, he determines such modifications are in furtherance of public safety.
- G. Table lamps using liquid fuel, candles, or any fixtures other than a propane heater using an open flame are not permitted. Decorative lighting plugged into a legal outlet is permitted, provided that such lighting is strung overhead, maintains a 7-foot height clearance for sidewalk or pedestrian passage, and the electrical cord is not placed on the sidewalk, or if it is not feasible to string the lighting overhead, any extension cord must be covered with a flat and bright extension cord cover that is ADA accessible.



- H. If the physical location of the eligible business is adjacent to the permitted space, the eligible business may temporarily affix lighting fixtures to the exterior portion of the building occupied by the eligible business facing the permitted space, provided that any such lighting meets applicable California Electrical Code standards and any required building permits are obtained.
- I. An eligible business shall provide and maintain adequate pedestrian access on the adjacent sidewalk or, if the permitted space is located on the Promenade, the roadway, which is considered to be no less than five (5) feet of unobstructed access.
- J. Barriers are not permitted, except for temporary barriers required by ABC pursuant to the Fourth Notice of Regulatory Relief issued on May 15, 2020, or any amendments or successors thereto, or barriers installed for a parklet as part of the design and safety specifications. Any such temporary barriers, if used, must be removed every day upon closing of the outdoor dining service.
- K. The eligible business must not attach any object, including a temporary barrier, canopy, lighting, or other temporary furnishing, to a public tree.
- L. All merchandise or services displayed in the permitted space shall be of the same types ordinarily sold indoors at the associated eligible business.
- M. Temporary furnishings, signs, propane heaters, and temporary barriers used in the permitted space shall not block any portion of the full width of any legal exit from the building or any exit path from such legal exit to the public right of way. A minimum of a 44-inch wide exit path is required to be maintained from each legal exit from the building to the public right of way.
- N. All forms of speaker amplification are prohibited.
- O. No structure or enclosure to accommodate the storage of trash or garbage shall be erected or placed on, adjacent to, or separate from permitted space on the public sidewalk or right-of-way. The permitted space shall be kept clear of litter at all times and must be cleaned (swept and mopped) with all litter removed each day upon closing of the outdoor dining service or business activities. The permitted space shall be maintained by the eligible business, at its sole cost, in a clean and orderly manner at all times. All food or drink spills must be immediately removed from the street and sidewalk areas, as applicable.
- P. Except as provided in Section V(E) (regarding specific terms and conditions for the Main Street closure area), hours of operation of the permitted space shall not exceed the hours of operation of the associated

eligible business, subject to limitations on alcohol sales set forth in all applicable permits, license, and regulations.

- Q. The eligible business must at all times use due care in its operation of the permitted space to avoid causing or creating any damage to public property. The eligible business shall immediately inform the City of any actual or potential damage to public property in the permitted space, and the eligible business must reimburse the City within 30 days of receiving a written request for any all costs to repair such damage, if caused by the eligible business.
- R. The eligible business's use of the permitted space is temporary and does not constitute an abandonment, whether express or implied, by the City of any of its rights associated with the statutory and customary purposes and use of any operations in the public rights-of-way.
- S. The City maintains the right to verify the square footage of the permitted space and to make periodic inspections of the permitted space at any time and without notice to the eligible business.
- T. The eligible business shall, (1) in the event of an emergency, as determined by the City, immediately remove any temporary furnishings, signs, heaters, and temporary barriers; or (2) if not an emergency, remove any temporary furnishings, signs, heaters, and temporary barriers within 48 hours of the City's written request. If the eligible business fails to timely remove its temporary furnishings, signs, heaters, or temporary barriers as required by this subsection, the City may, at the eligible business's expense, remove the temporary furnishings, signs, heaters, and temporary barriers and recover its costs for its work from the eligible business.
- U. The City reserves the right to modify the portions of the permitted space that may be utilized for outdoor eligible business activities, including eliminating portions for outdoor eligible business activities entirely, through amendments to these Regulations. Any eligible business utilizing such portions of permitted space for outdoor eligible business activities shall, as applicable, modify or cease their outdoor eligible business activities operations no later than 10 days after the Director has provided written notice to the eligible business of the amended Regulations.
- V. The City reserves the right to terminate or suspend immediately any Santa Monica Outdoors pilot program permit if the City determines that there is an emergency situation that poses a risk to the public health, safety, or welfare. In such a case, City will provide written notice of termination or suspension as soon as reasonably possible.

- W. Except as provided in Section V(E) (regarding specific terms and conditions for the Main Street closure area), either the City or the eligible business may at any time, without cause, terminate the Santa Monica Outdoors Pilot Program licensing agreement on 30 days' prior written notice to the other party.
- X. In addition to the foregoing terms and conditions, a restaurant shall also comply with the following terms and conditions.
  - 1. Only to the extent authorized by the ABC, including through issuance of a COVID-19 temporary catering authorization, alcohol may be served in outdoor dining areas by restaurants that: (a) have obtained and are operating under a license to sell alcoholic beverages from ABC; and (b) have obtained and are operating under a Conditional Use Permit or Alcohol Exemption issued by the City, or are operating as an existing alcohol outlet without a Conditional Use Permit pursuant to Section 9.31.040 of the Santa Monica Municipal Code. Sales shall be conducted in accordance with all requirements and conditions set forth in such licenses and permits, as may be modified by any Notices of Regulatory Relief issued by ABC, Interim Zoning Ordinance Number 2674 (CCS) and any successors thereto.
  - 2. Permitted spaces used by restaurants are for sit-down food and beverage service only; no stand-up service is permitted.

**V. Terms and Conditions Applicable to Specific Santa Monica Pilot Program**

**Uses.** In addition to the general terms and conditions set forth in Section IV above, an eligible business that has obtained a Santa Monica Outdoors pilot program permit and entered into a licensing agreement with the City shall comply with the following terms and conditions that are specific to the type of use identified in the eligible business's application for a Santa Monica Outdoors pilot program permit:

**A. Sidewalk Use**

- 1. In the event the eligible business seeks to use sidewalk space in front of an adjacent tenant space(s) or building(s), the eligible business shall obtain prior written consent from the property owner or tenant of the adjacent building and furnish such consent to the City upon request. If a tenant has granted such consent, nothing in these Regulations relieves that tenant from any obligation or laws relating to any consent required of the property owner.
- 2. Except as provided in subsection V(A)(5) below, all temporary furnishings, other than tables and chairs, shall be removed every day upon closing of the eligible business. Any tables and chairs not

removed upon closing of business shall be secured against the building and leave at least five (5) feet of unobstructed access on the sidewalk.

3. Lighting fixtures may be temporarily affixed to the exterior portion of the building occupied by the eligible business facing the outdoor eligible business activity, provided that any such lighting meets applicable California Electrical Code standards and any required building permits are obtained.
4. The eligible business shall not construct a deck or other structure on the sidewalk.
5. For restaurants immediately adjacent to the boardwalk, the following terms and conditions shall apply:
  - a) The restaurants may utilize the entire sidewalk adjacent to the restaurant for outdoor dining (i.e., the width of the public sidewalk between the property line and back of street curb, and adjacent to a Boardwalk) without regard to having to maintain 5 feet of unobstructed access on the sidewalk.
  - b) The restaurant shall place a temporary barrier, such as a planter, that is at least 17 inches high and no higher than 3 feet to separate the outdoor dining area from the sidewalk.
  - c) Any use of a barrier or a planter shall not block access to any fire hydrant and must leave at least 5 feet of unobstructed access to any such fire hydrant.
  - d) Temporary furnishings, including tables and chairs, need not be removed each day upon closing of business. To the extent the restaurant leaves out such temporary furnishings overnight, the restaurant bears all risks related to any damage to or loss of temporary furnishings.
  - e) The boardwalk adjacent to the restaurant shall be maintained by the restaurant, at its sole cost, in a clean and orderly manner at all times. The restaurant shall keep the boardwalk adjacent to the restaurant clear of litter at all times and swept with all litter removed each day upon closing of the outdoor dining service. The maintenance obligations of the restaurant shall not extend to repair of the boardwalk. However, the restaurant shall notify the City within 48 hours of any conditions the restaurant observes on the boardwalk that need repair.

**B. Parklet Use**

1. The construction of and use of a parklet pursuant to a Santa Monica Outdoors pilot program permit shall comply with the design and safety specifications in Section VI of these Regulations. Because a pilot program permit has already been constructed in accordance with design and safety standards, a pilot program parklet need not comply with the additional terms and conditions in Section VI.
2. Other than a deck installed in compliance with the design and safety specifications set forth in Section VI below, all temporary furnishings, other than tables and chairs, shall be removed every day upon closing of the eligible business. Any tables and chairs not removed upon closing of business shall be (a) secured in the parklet and (b) removed at the close of business during the weekdays of the first full week of each month for street cleaning, if the parklet is located on a block where the City has authorized the parking lane closure for an entire City block or segments thereof.
3. The eligible business shall clean and maintain under and around any deck, platform, or any other structure constructed in the parklet.
4. The eligible business shall (a) in the event of an emergency, as determined by the City, immediately remove any traffic barriers or deck installed by the eligible business; or (b) if not an emergency traffic barriers or deck installed by the eligible business within 48 hours of the City's written request. If the eligible business fails to timely remove its temporary furnishings, traffic barriers, or deck as required by this subsection, the City may, at the eligible business's expense, remove such furnishings, barriers, and deck from the parklet and recover its costs for its work from the eligible business.
5. The construction of a deck in the parklet—the design and safety specifications for which are set forth in Section VI below—does not confer any vested rights to any ongoing or continuing activities or use of deck beyond the expiration of Chapter 6.40. The City reserves the right to require the eligible business to remove the deck in the parklet following the expiration of Chapter 6.40 for any reason.
6. No structure other than a deck or traffic barriers that conforms to the design and safety specifications in Section VI may be constructed or placed in the parklet.

**C. Promenade Outdoor Dining Area Use**

1. In the event a restaurant seeks to use Promenade outdoor dining area space in front of an adjacent or neighboring tenant space(s) or building(s), the restaurant shall obtain prior written consent from the property owner or tenant of the adjacent or neighboring building and furnish such consent to the City upon request. If a tenant has granted such consent, nothing in these Regulations relieves that tenant from any obligation or laws relating to any consent required of the property owner.
2. All temporary furnishings, other than tables and chairs, shall be removed every day upon closing of the outdoor dining service. Any tables and chairs not removed upon closing of business shall be secured against the building and leave at least five (5) feet of unobstructed access on the sidewalk.
3. The restaurant shall not construct a deck or other structure on the sidewalk or roadway.

**D. Promenade Satellite Outdoor Dining Area Use**

1. The restaurant must monitor and supervise the Promenade satellite outdoor dining area at all times during the restaurant's business hours, including, but not limited to, ensuring that at least one agent of the restaurant is present at each Promenade satellite outdoor dining area at all times during the restaurant's business hours while the Promenade satellite outdoor dining area is open to patrons.
2. Temporary furnishings need not be removed each day upon closing of business. To the extent the restaurant leaves out such temporary furnishings overnight, the restaurant bears all risks related to any damage to or loss of temporary furnishings.
3. Temporary furnishings, signs, propane or electric heaters, and temporary barriers used in the Promenade satellite outdoor dining area shall not block any portion of the full width of any legal exit from the Promenade satellite outdoor dining area or any exit path from such legal exit to the public right of way. A minimum of a 44-inch wide exit path is required to be maintained from each legal exit from the Promenade satellite outdoor dining area to the public right of way.
4. Promenade satellite outdoor dining areas are for sit-down food and beverage service only; no stand-up service is permitted.
5. The restaurant shall not construct a deck or other structure in the Promenade satellite outdoor dining area.

6. The restaurant must comply with any waste management plan approved by the Director through these Regulations.

**E. Main Street Satellite Space Use**

1. No alcohol service or consumption is permitted in the Main Street satellite space.
2. All temporary furnishings shall be removed every day from the sidewalk portion of the Main Street satellite space upon closing of the eligible business. Temporary furnishings in the parking lane portion of the Main Street satellite space need not be removed each day upon closing; except, however, temporary furnishings shall be (a) secured in the Main Street satellite space and (b) removed at the close of business during the weekdays of the first full week of each month for street cleaning. To the extent the eligible business leaves out temporary furnishings overnight in the parking lane portion of the Main Street satellite space, the eligible business bears all risks related to any damage to or loss of temporary furnishings.
3. The eligible business must monitor and supervise the Main Street satellite space at all times during the eligible business's business hours, including, but not limited to, ensuring that at least one agent of the eligible business is present at each Main Street satellite space at all times during the eligible business's business hours while the Main Street satellite space is open to patrons.
4. The eligible business must comply with any waste management plan approved by the Director through these Regulations.
5. The eligible business shall not construct a deck or other structure in the Main Street satellite space.

**F. Main Street Closure Area Use**

1. The Main Street closure area shall be available for use by a restaurant or eligible business on July 24-25, 2021, August 21-22, 2021, September 18-19, 2021, and October 16-17, 2021. However, the Director shall have discretion to eliminate any of the foregoing weekends due to budgetary concerns or the Director's determination that the use of the Main Street closure area was not successful. During the weekends when the Main Street closure area is available for use, traffic control measures will be in place Saturday at 4 a.m. to Monday 12 a.m.

2. The eligible business must monitor and supervise their designated Main Street Closure Area at all times during the eligible business's business hours, including, but not limited to, ensuring that at least one agent of the eligible business is present at the designated space at all times during the eligible business's business hours while the Main Street closure area is open to patrons.
3. The eligible business shall not encroach into the designated fire lane and shall ensure that the fire lane area immediately adjacent to the business' designated Main Street closure area remains clear of any temporary furnishings or objects that may impede emergency access.
4. The eligible business shall not construct a deck or other structure within the Main Street closure area.
5. Temporary furnishings need not be removed each day upon closing of business during a weekend when the use of the Main Street closure area is available, except that the eligible business shall clear all temporary furnishings from their designated space no later than 11:30 p.m. on the Sunday of each such weekend. To the extent the participating business leaves out such temporary furnishings overnight, the business bears all risks related to any damage to or loss of temporary furnishings.
6. Either the City or the eligible business may at any time, without cause, terminate the Main Street closure area licensing agreement on 15 days' prior written notice to the other party.
7. Restaurants and eligible businesses shall be permitted to operate their outdoor dining or business activities in the Main Street closure area between the hours of 8 a.m. and regular closing hours on Saturday and between the hours of 8 a.m. and 10:30 p.m. on Sunday.
8. The eligible business shall not set up their designated space before 8 a.m. on Saturday of each weekend designated for closure pursuant to subsection V(F)(1) to allow for waste management to service the businesses within the closure safely and without interference.

**VI. Design and Safety Specifications for Parklets.** Any parklet, other than a pilot program parklet, utilized pursuant to Chapter 6.40 shall meet the following design and safety specifications:

- A. The parklet shall not be placed within 15 feet of a fire hydrant, otherwise cover or block any public utility infrastructure or storm drains, or impede



the flow of curbside drainage; except, however, if the parklet occupies a parking space adjacent to a red zone with a fire hydrant, there shall be at least 5 feet of space between the fire hydrant and the parklet. To ensure adequate clearance for any overhead and underground electrical infrastructure, parklets shall provide a minimum of 15 feet of unobstructed access unless otherwise approved by the electric utility provider. Parklets shall also not cover any City utility access points.

- B. The parklet shall not be placed in a red zone without prior approval from the City, following review of site conditions.
- C. There shall be at least one parking space between the parklet and an upstream intersection. However, on a case-by-case basis with approval by the Director, a parklet may be placed in the parking space immediately adjacent to an upstream intersection. Any eligible business that has received such approval shall place either a water-filled “Jersey Barrier” or concrete “K” rail that is at least 32 inches high and 6 feet long on the upstream end of the parklet. If the upstream water-filled “Jersey Barrier” or concrete “K” rail is longer than 7 feet, it must be angled to avoid any projection outside of the approved parklet footprint. The Director may also require that the parklet meet additional design and safety specifications and may waive the requirement for a curb stop at the upstream end.
- D. The parklet shall be installed within the existing parking or loading space (typically 7-8 feet in width). Where a bikeway is not present, the parklet shall provide a one foot setback from the travel lane. If there is a bikeway present, the parklet may extend to the edge of the bikeway.
- E. A parklet may extend into the sidewalk adjacent to the eligible business, provided that minimum adequate pedestrian access on the sidewalk is provided and maintained, which is considered to be no less than five (5) feet of unobstructed access, and the parklet complies with applicable ADA restrictions.
- F. Traffic barriers shall surround the parklet and shall meet the following requirements:
  - 1. Have continuous side and end railing 36 to 42 inches high with any openings no larger than 4 inches wide. A water-filled “Jersey Barrier” or concrete “K” rail may be used, provided that it is at least 32” high. For any parklet located on a block where the City has authorized the parking lane closure for an entire City block or segments thereof and the speed limit is either 25 mph or 30 mph with either a Class II or IV bikeway, the traffic barrier need not be continuous so long as the traffic barrier is a concrete “K” rail placed no further than eight feet apart and rope or planters are placed in the gaps between the concrete “K” rail.

2. If cable or flexible rail is used, such railings shall have a solid rail at the top and a solid rail at the bottom, which shall be between 5 and 10 inches high from the floor.
  3. The railing must be able to withstand 250 lb force in any direction.
  4. In addition to the railing, a planter or weighted barrier shall be placed at the upstream end of the parklet and, on streets that have a speed limit of 30 mph, planters shall be spaced along the street facing side of the parklet. Planters are preferred along the street side of the parklet in all areas. Planters may not encroach into bike lanes or vehicle travel lanes. Any such planters shall be at least 17 inches high and 12 inches wide.
  5. Retroreflective materials shall be used on the upstream end and along the side of the barriers, including, but not limited to, vertical delineators or attachments to the parklet exterior.
- G. Each parklet shall be installed with a curb stop and a four-foot separation from adjacent parking or loading spaces, provided that such spaces have not been converted into a parklet.
- H. Temporary ramps from the sidewalk to the parklet, if required to maintain accessibility to the parklet, shall comply with the slope requirements of the California Building Code.
- I. The parklet shall not obstruct access to existing trees and plantings.
- J. In addition to the above standards, any deck constructed in the parklet shall meet the following requirements:
1. The deck shall have a non-slippery surface; loose material (such as sand or gravel) cannot be used in the parklet.
  2. The deck shall not be bolted into City property, including, but not limited to, the top or side of curb, sidewalk, concrete or asphalt roadway, or gutter.
  3. The deck shall be designed and constructed to support 100 lb per square feet live uniform load.
  4. To ensure curbside drainage, (a) a 6 inch wide by 3 inch high clear gutter space shall be provided along the entire length of the parklet adjacent to the curb to allow water flow and (b) any openings at either end of the deck shall be covered with screens to prevent debris buildup beneath the deck and in the gutter. A support beam flush with and parallel to the curb face at the parklet edge is permissible.

5. The maximum gap in between decking and planks is  $\frac{1}{2}$  an inch.
  6. The maximum gap between the deck and the curb is  $\frac{1}{4}$  inch.
  7. The maximum differential between the deck and the height of the curb is  $\frac{1}{4}$  inch.
  8. Any vertical post attached to the decking shall not exceed 7 feet in height and shall not be placed closer than 6 feet to another vertical post. No other vertical member attached to the decking (e.g., guards, barriers, Plexiglas partitions) shall exceed 7 feet in height.
  9. Lateral horizontal members connecting the vertical posts (i.e., a railing) are not permitted above 42 inches of height, except, however, a single lateral horizontal member may be installed to connect the top of the vertical posts permitted by subsection VI(K)(8) above. Any such top lateral horizontal member may not be larger than 8-inch nominal size and may not be installed higher than 7 feet measured from the adjacent grade of the paved roadway, including sloping roadways. The minimum vertical clearance at the parklet entrance is 6 feet 8 inches for pedestrian height clearance.
  10. The deck shall not have a roof, trellis, or other overhead shelter other than a canopy or umbrella authorized by Section IV(E).
  11. Compliance with Americans with Disabilities Act 2010 Standards accessibility requirements
- K. To the extent the City authorizes a parking lane closure for an entire City block or segments thereof, the City reserves the right to undertake installation of the traffic barriers required by Section VI. An eligible business otherwise remains responsible for installing and complying with the design and safety specifications set forth in this Section, unless otherwise agreed to by the City in writing.

# ATTACHMENT A

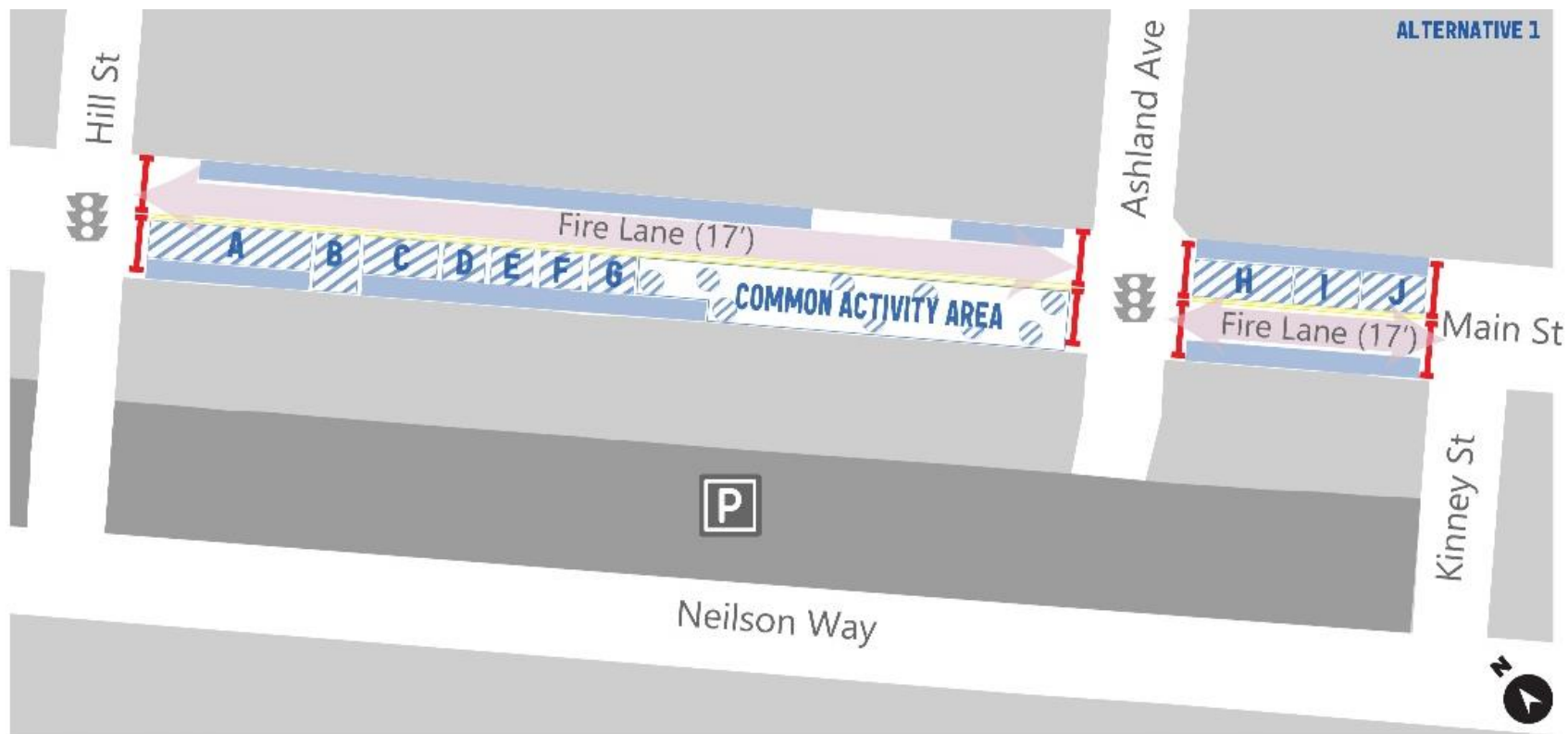
# SANTA MONICA PIER MAP



Chapter 6.40 Permitted Space



# ATTACHMENT B



Water filled and type III barriers will be used at ends for safety.



Merchants will use delineators or stanchions to define and organize their space.



Bike and scooter users will be required to dismount at entry.

- Barriers
- Fire Lane
- Parklet Area**
  - Existing Parklets
  - Expanded - Private Business
  - Expanded - Common Activity Area



Water filled and type III barriers will be used at ends for safety.



Merchants will use delineators or stanchions to define and organize their space.



Bike and scooter users will be required to dismount at entry.



Barriers



Fire Lane

Parklet Area



Existing Parklets



Expanded - Private Business



Expanded - Common Activity Area