



Outdoor Dining Program

Preliminary Application

Name of Business: _____

Physical Address of Business: _____

Name of Applicant: _____

Phone: _____

Email: _____

Business Website: _____

Business Hours: _____

What type of outdoor dining are you conducting?

- Sidewalk Café
- Public Parklet
- Private Parklet

Are you adding structures (tents, canopies, roof) to your outdoor space?

- Yes
- No

Will you have heating devices?

- Yes
- No

Name of Property Owner: _____

Phone: _____

Email: _____

Property Owner Signature: _____

Date: _____

By signing this application, I certify that I understand the above referenced parklet encroaches onto the sidewalk or into a parking space in front of the property address listed above. I understand that accessible parking spaces may not be used for parklet operations. I recognize that if approved, the parklet will occupy the parking space and it can no longer be used for parking. I support the proposed parklet location.



Access & Safety Requirement Checklist (check each box to certify that you adhere to the following requirements):

- Outdoor dining is limited to your business storefront/footprint
- For use of the public sidewalk, a minimum, unobstructed width of five (5) feet must be permanently maintained for public pedestrian passage. Furnishings and merchandise shall not be placed in a manner that obstructs access to this pedestrian passage.
- No items shall block visibility for required street signs, crosswalks, and intersections
- Heating equipment and other related components shall be installed in accordance with applicable codes and shall be approved by the fire code official and shall be in compliance with the current version of the California Fire Code.
- Accessibility requirements have been met as determined by the ADA and California Building Code, Chapter 11B for Accessibility
- Traffic safety measures have been met as outlined in the Morgan Hill Outdoor Dining Program Manual
- Heating equipment shall be disconnected for overnight storage, and employees shall be trained in proper installation of fuel tanks and in detecting leaks
- Enclosed areas with heating devices must have clearly marked entrances and exits
- Businesses must have sufficient fire extinguishers to cover indoor and outdoor spaces
- The area shall be maintained in a sanitary condition free from litter, infestation from pests and the storm drain must be kept clear
- Access to building fire protection equipment and sidewalk fire hydrants must be kept clear
- No stacking of furnishings in outdoor areas

Photographs of Proposed Outdoor Dining Space:

Provide (3) photos of the proposed dining space, including one from each end of the proposed area and one from across the street.

Exhibits:

Provide exhibits showing all proposed outdoor furniture (e.g., tables, chairs, heaters, lighting, and other proposed furnishings). These can be manufacturer images or photos of existing outdoor dining furniture and should be representative of the proposed materials and colors.

Dimensional Site Plan:

Attach an exhibit which displays the proposed location of the requested outdoor dining and includes the following:

All outdoor dining applicants:

- Property lines, the bounds of the subject business including the exterior building wall and entries and label the subject street.
- Curb edge, location of subject and adjacent parking space(s), including all painted tick marks.
- Location of proposed Sidewalk Café or Parklet with dimensions (i.e., width and length).
- Location of tree wells or other amenities or objects on the sidewalk (e.g., fire hydrants, bicycle racks, mailboxes, benches, planters, posts/columns, etc.) proximate to the proposed parklet with dimensions to the Sidewalk Café or Parklet noted.
- Proposed outdoor furniture locations and quantity.
- Proposed heater locations, fuel type and quantity (if applicable).

Parklet applicants only:

- Location of required traffic safety measures.
- Location of required flexible posts.
- Location of required trash guard at nearest storm drain inlet.
- Show existing utilities (manholes, vaults, storm drain inlets, well covers, etc.) within 25-feet from proposed Parklet.

Certificate of Liability Insurance & Endorsement:

- Attach (1) a certificate of Liability Insurance and (2) an endorsement form which names the “City of Morgan Hill, its’ elected officials, officers, employees, agents, volunteers, and representatives” as “Additionally Insured”. The general liability coverage of the policy must be for at least One Million Dollars (\$1,000,000.00).

I have a current and valid Morgan Hill Business License

Initials _____

I have read the Morgan Hill Outdoor Dining Manual in its entirety and agree to comply with all outlined standards.

Initials _____

Additional Requirements:

I certify that my business is adhering to all governmental rules, regulations and requirements in operation of my business, including but not limited to those rules established by the County Department of Environmental Health, County Department of Public Health, and the State Department of Alcoholic Beverage Control for both ongoing operations.

I agree Initials ____

I understand that the City's acceptance of this encroachment permit application does not constitute approval by the City. Furthermore, I understand that any person who does or causes to be done any improvement or encroachment work of any kind within the City's right-of-way without first having obtained a permit therefore, is in violation of Municipal Code Section 12.08.040 and therefore deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than \$1,000.00 or by imprisonment in the county jail for not more than six months, or by both fine and imprisonment, per Municipal Code Section 12.08.150.

I agree Initials ____

Applicant agrees to provide the City required documentation for tent structure calculations, fire resistance certifications, vendor permission to use heaters, acknowledges that temporary tent structure(s) and heating device(s) will meet local and state codes, and will obtain necessary insurance and hold the City of Morgan Hill harmless in the event of a structure failure.

I agree Initials ____

Applicant agrees to provide the City with a \$1,000 refundable security deposit upon City's acceptance of the encroachment permit, if the proposed parklet will be operated in the public right-of-way. The security deposit will be returned to the applicant upon full deconstruction of the parklet or the transfer of the parklet to a new operator as determined by City issuance of a new encroachment permit to the new operator. Applicant agrees to pay the City a \$1,000 annual rental fee, for use of city tree light electrical access, for the purpose of providing mandatory lighting for safety and visibility. The annual rental fee will go into effect January 1, 2023 and will continue each year until full parklet deconstruction is completed or the parklet is transferred to a new operator by way of City issuance of a new encroachment permit.

I agree Initials ____

Applicant agrees to provide the City with access to City infrastructure if the proposed parklet will be operated in the public right-of-way. If deconstruction of the parklet is required to obtain City access, the applicant will deconstruct the parklet at their own cost. Failure to maintain the cleanliness, safety, and accessibility of a parklet properly and sufficiently 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.

I agree Initials ____

Outdoor Dining Preliminary Application Continued

I acknowledge this is the preliminary application and will apply for the encroachment permit and pay applicable fees if this preliminary application is approved. No work to the proposed sidewalk space or parklet shall begin until an encroachment permit is issued.

Applicant Signature _____ Print Name _____ Date _____

Please e-mail completed application, site drawing, and insurance to econdev@morganhill.ca.gov

