



RESOLUTION No. 2015-3209

**A RESOLUTION APPROVING A STREET SEAT PILOT PROGRAM IN THE
DOWNTOWN C-3 ZONE.**

RECITALS:

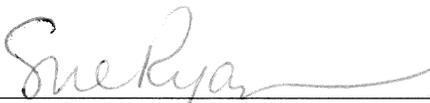
1. On July 20, 2015 the City Council held a workshop on the draft street seat pilot program. The Council was interested in the program and asked staff to return with a final proposal.
2. The Newberg City Council held a public review on August 17, 2015 to consider the street seat pilot program. The City Council finds that the pilot program is in the public interest, and a good fit for downtown Newberg.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City Council approves the proposed street seat pilot program, as shown in Exhibit A, and directs city staff to implement the program in the C-3 zone, shown in Exhibit B. Exhibits A and B are hereby adopted and by this reference incorporated.
2. The street seat pilot program will run from August 18, 2015 – August 17, 2017, at which time staff will return to the City Council with a request to continue, expand or terminate the program.

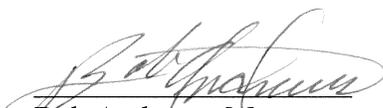
➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: August 18, 2015.

ADOPTED by the City Council of the City of Newberg, Oregon, this 17th day of August, 2015.



Sue Ryan, City Recorder

ATTEST by the Mayor this 20th day of August, 2015.



Bob Andrews, Mayor

City of Newberg: Street Seats pilot program

A joint program of the Community Development Department & Engineering Services Department

Acknowledgement: The program is closely based on a pilot program created by the City of Milwaukie, Oregon

INFORMATION and APPLICATION

ABOUT THE STREET SEATS PILOT PROGRAM

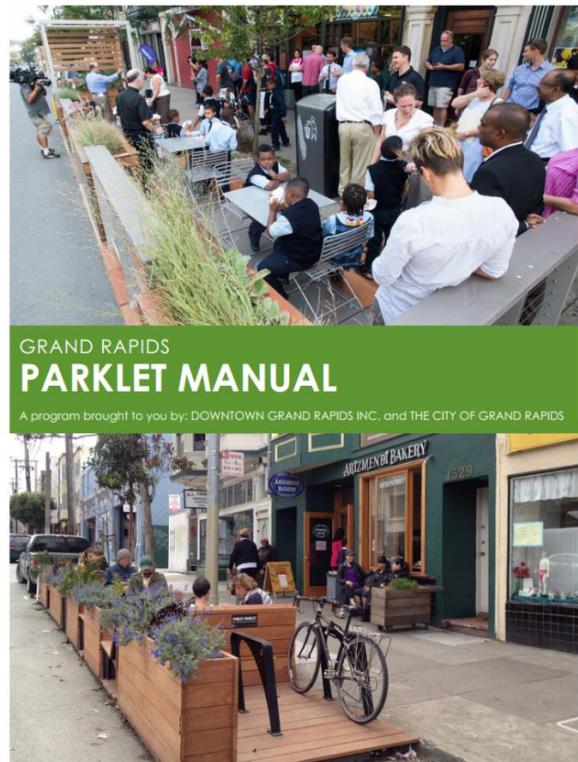
The City of Newberg is introducing a 2015 Downtown Street Seats pilot program. This pilot program is geared toward applications for a semi-permanent street seat (regular or daily occupancy) – repurposing on-street parking spaces to add additional outdoor seating for a restaurant so people can stop, sit, and take in the life of the street. To justify construction expense, and help ensure active use, this is a 2-year pilot program: August 2015 through August 2017.

WHAT ARE STREET SEATS?

Street seats are temporary platforms placed in an on-street parking space. The platform is the same height as the curb and extends the sidewalk space in order to add additional outdoor seating for a restaurant. The street seats are owned and maintained by the private business, and require a permit from the City.

Some cities call them “parklets”, and others call them “street seats.” Some cities create “parklets” as miniature public parks, while others only allow privately owned versions. Newberg’s pilot program is only for privately-owned street seats, so to avoid confusion the term “street seats” will be used in this document instead of “parklet.” One benefit of privately-owned street seats is that they are maintained and monitored by the adjacent business.

Example: From the City of Grand Rapids parklet manual



KEY ITEMS

- **Eligibility:** The pilot program is limited to eating/drinking establishments in the downtown C-3 commercial zone.
- **Location Limitations:** The pilot program uses a maximum of 6 parking spaces; no more than one street seat per block face. Street seats cannot be located on First Street, Hancock Street, or other ODOT rights-of-way. One establishment has been preselected (pending application submittal), having shown great interest in the program; a few additional street seats would be possible.
- **Parking space stenciling:** Applicants recognize that parking space stenciling done by the City will not be done where street seats are in place.
- **Design Documentation:** Design document package required at time of application submittal. Street seat applicants will be required to submit a complete set of proposal drawings in order to be considered for approval, including a full set of detailed design drawings.
- **OLCC & Yamhill County Health Dept.:** If applicable, applicant is responsible for obtaining separate Oregon Liquor Control Commission (OLCC) permits and Yamhill County Health Department permits.
- **Change in ownership:** If your business changes ownership you will either need to remove your street seat or transfer the permit to the new owner.
- **As a pilot project, the City reserves the right to adjust requirements as situations arise.**

FEES

All eligible applicants will be charged a \$150 base permit fee. If the street seat requires other changes to the street (e.g. parking sign or striping changes) the applicant will be responsible for those costs. City staff will provide accurate cost estimates of these charges based on location. Filing fee will be due upon filing of application.

INSURANCE

If your application is approved, you will be required to provide evidence of at least \$2M in liability insurance naming the City of Newberg as additional insured. Most businesses already carry this insurance; please check with your provider.

MAINTENANCE

The street seat will be owned and maintained by the applicant. The applicant is responsible for all costs associated with the design development, construction, installation, maintenance, and removal of the street seat. If an application is approved, this represents that the applicant shall keep the street seat free of debris, grime, and graffiti, and to keep all plants in good health.

The permit obligates you to ensure that the facility is swept daily and debris is removed from under (if applicable) and around the street seat a minimum of once a week. Any cleaning products that are used on the facility are required to be biodegradable and environmentally friendly, since they will ultimately drain into nearby streams.

DESIGN EVALUATION

The following evaluation criteria will be used to evaluate the design submissions and award approvals:

- **Design quality:** The quality and creativity of the design; the quality and durability of proposed materials and furniture.
- **Streetscape enhancement:** How the proposal will enhance the aesthetic quality of the streetscape.

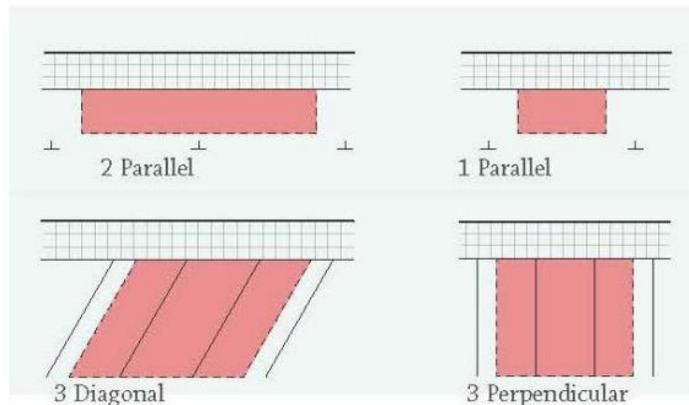
GENERAL GUIDELINES

- The street seat must be located adjacent to the applicant's business; no more than one street seat per business will be permitted.
- In some areas of downtown, curb heights in combination with the slope of the street make the installation of a traditional street seat platform very challenging. In these cases, the applicant may propose to not install a platform, but must demonstrate compliance with ADA accessibility requirements to ensure that accessible seating is provided in the overall street seat.
- Design for easy removal. The street seat will sit on top of the existing street surface. Because street seats may sit on top of critical infrastructure and utilities such as gas lines, sewer and water mains, they need to be designed for easy removal in case of an emergency. If the street seat has to be removed for city maintenance then the owner must remove it at their expense.
- The street seat may remain in place year-round but must be moveable.
- A street seat may include a bike corral. The bike corral must be located beyond the seating area, not before it, and cannot be permanently attached to the paving.
- No power lines can extend over the sidewalk to the street seat.
- No advertising. Logos, advertising, or other branding is prohibited.
- Smoking is prohibited in street seats.
- The proposal must include detailed plans for securing furniture when the business is closed.
- Maintenance and litter removal is the responsibility of the applicant/owner. Failure to maintain the street seat may result in the revocation of the permit.
- Extended lack of use may result in the revocation of the permit.
- Be creative.

LOCATION CRITERIA

- Street seats are not permitted in front of fire hydrants, in active bus service areas, across driveways, or over manholes or public utility valves or covers (including water shut off valves). As an alternative, if valves are present, the street seat must be designed for easy access.
- Fire hydrants cannot be blocked for a total distance of 10 feet (5 feet in each direction along the street from the hydrant).
- The proposed site should be located at least one parking spot in from a corner; otherwise a protected bollard, sidewalk bulb-out, or other similar feature must be present if located at the corner.
- The proposed site should be located on a street with a speed limit of 25 MPH or less.
- Street seats cannot be located on First Street, Hancock Street, or other ODOT rights-of-way.

- Multiple businesses may propose a shared street seat; details regarding the shared use agreement must be included.
- For street seats proposed on parallel parking spaces, a maximum of two (2) parking spaces shall be used. For proposals using angled parking spaces, a maximum of three (3) parking spaces shall be used. For proposals using perpendicular parking spaces, a maximum of three (3) parking spaces shall be used. Refer to Figure 1 for details.



DESIGN ELEMENTS – applicable to all street seats

- The street seat design must include vegetation in the form of planters.
- The use of high quality, durable materials capable of withstanding year-round use is encouraged.
- All rails must be capable of withstanding a 200-lb horizontal force. No wall, planter, or rail may be higher than 3', as measured from the walking surface.
- Design must maintain a minimum five-foot clear pedestrian through zone in the sidewalk corridor where access is taken to the street seat area.
- Street seat footprint: parallel parking. Twenty-four (24") inch setback on either end of the street seat, adjacent to parallel parking, shall be maintained. Wheel stops may be used but are not required. If proposed, wheel stops will be installed by the applicant and inspected by the City after final facility construction/installation is complete.
- Street seat footprint: diagonal parking. For diagonal and perpendicular spaces, the edge of the street seat must be set back eighteen (18") inches from the adjacent parking space on either side. This setback space must be included within the street seat space, and not be taken from the adjacent space.
- Street seat design must include a physical barrier along the street while maintaining clear visual sightlines to the street. Vertical elements, such as planters and umbrellas, should be included so that the facility is visible to vehicles.
- To protect a street seat in a parallel parking space from parking maneuvers, substantial planters, weighted bollards, or other structure that can withstand light vehicular impact, must be installed on either end of the street seat and at the street edge. Street seats in diagonal parking

spaces are not required to have such substantial edge materials, except for the side and corners at the street edge. Additional traffic safety items may be added to the final design by City staff.

- The proposed number of table and chairs shall be approved by the City. Furniture must be able to accommodate those with disabilities, wheelchairs, or mobility devices.
- Proposed covers or shelters may have additional structural engineering requirements. If canopies/tents/awnings are used there may be additional Fire Code requirements.
- Surface materials: loose particles, such as sand or loose stone, are not permitted on the street seat.

DESIGN ELEMENTS – applicable to street seats with platforms

- The platform may not be attached to or damage the street and must be easily assembled and disassembled. Any damage to the street is the responsibility of the applicant.
- Platform must be designed to allow for curblinestormwater drainage.
- Platform must be designed to accommodate the crown and cross slope of the street surface.
- Street seat decking must be flush with the curb and may not have more than a ½ inch gap from the curb. If this is impossible, the submitted design must demonstrate compliance with ADA accessibility requirements to ensure that accessible seating is provided in the overall street seat (e.g. sidewalk café seating).
- All plans must clearly articulate the spans and supports to be used for the body of the street seat.
- Street seat platform rest areas cannot exceed two percent (2%) cross slopes.

DEVELOPING the DESIGN DOCUMENT PACKAGE

Quality of design will be one of the prioritized evaluation criteria.

Site locations and street seat design are approved by City staff based on the attached Design Guidelines. Applicants are encouraged to communicate with staff during the design development phase. Staff can help flag potential design concerns early on, and foresee potential issues that could be arise later in the process.

Hiring a professional engineer is not required. Use of Google Earth or similar technology for planning purposes is sufficient. But accurate measurements are required for design details. Please provide as much detail as possible – it will speed the process of reviewing the application. The City prefers documents in 11" x 17" format.

1. Street seat Location and Context Plan. This drawing should show the street seat footprint in relation to the surrounding streetscape context. It should include footprint of the proposed platform in context with the surrounding streetscape, including:

- "footprint" of the proposed street seat
- building "footprints" and entrances
- sidewalk width
- existing parking stalls
- existing curb cuts and driveways
- adjacent bike lane and auto lanes
- all surface obstructions within 15 feet of the proposed area (e.g. fire hydrants, utilities, streetlights, parking meters, street trees, tree pits, etc.)
- required setbacks from adjacent parking stalls

2. Detailed Design Plan. This is a top-view drawing of your street seat design and should include:

- Various elements included in the design.
- Different materials to be used in the design.
- Plant types and/or species to be used.
- Street seat dimensions and elements (including required buffer areas).
- ADA compliance.
- If applicable, a detail showing how you will maintain positive drainage flow along the curb line.

3. Elevations. These are side-view drawings of your proposed design and should include:

- Various elements included in the design.
- Different materials to be used in the design.
- Dimensions of platform, street seat elements and buffer areas.

4. Renderings and Perspectives (optional)

5. Construction Drawings (if applicable). These drawings should show how your street seat will be assembled or constructed. They will include:

- Confirmation of all dimensions and materials to be used in the design.

- Any hardware such as fasteners to be used in the construction process.
- A detail showing how you will accommodate existing curb height and the cross slope of the road surface.

6. Right-of-way use drawing and construction information. This drawing identifies any right-of-way area to be temporarily used during the construction of the street seat. Identify any area of the street, parking spaces, sidewalk, etc. that are proposed to be temporarily used. A minimum of 5' of clear sidewalk access for pedestrians must be maintained at all times. Indicate the duration of construction including proposed dates and times.

STREET SEAT APPLICATION and PROCESS

The following is an overview of the street seat application, approval, and installation process:

1. Applicant reviews application materials and design guidelines
2. A location is selected that meets location criteria.
3. It is strongly recommended that applicants request a meeting with City staff to review design ideas prior to submitting an application.
4. Business and property owner approvals are obtained using Application Form.
5. Work begins on detailed design document package.
6. Applicant should consider contacting City staff with any questions about their application submission. Questions can be sent to the Community Development Department and Engineering Services Department.
7. Completed application and all required attachments and fees are submitted at the Community Development Department permit center counter.
8. The City will review the application for completeness and that all design guidelines have been met. Incomplete applications will need to submit any required information.
9. Applications are reviewed for design and technical requirements.
10. Applicants with approved applications will be contacted by City staff to schedule a preconstruction on-site visit if needed.
11. Installation must occur within 90 days of permit issuance.
12. Once installation is complete, applicant is required to notify the City within 48 hours of the completion of street seat construction to schedule a post-construction on-site inspection.
13. Post Construction. The City will continue to monitor the street seat for compliance with your revocable permit and design guidelines. Failure to comply may result in revocation of your permit. The City may also request your participation in assessments and studies of the program.

Street seat Pilot Program: Application Form.

Permit #: _____

I. APPLICATION FORM

Site Address: _____

Cross-Street 1: _____ Cross Street 2: _____

Applicant Contact Information (main contact assigned to work with City staff)

Project Contact Name: _____

Phone Number: _____ Email: _____

Business Information

Name of Business: _____

Address: _____

Type of Business: _____

Owner Name: _____

Owner Phone: _____

Owner Email: _____

Property Owner Information

Name of Property Owner or Representative: _____

Name of Property Owner Company: _____

Street Address: _____

City: State: Zip: _____

Business and Property Owner’s Affirmation

I, the undersigned, do affirm that I am the owner or a duly authorized representative of the corporation owning the above referenced property. I have been made aware of the Applicant’s intent to install a street seat in the parking lane in front of the business listed on this application and have no objections.

Business owner: _____ {Signature}
_____ -{Print Name} _____ - {Date}

Property owner _____ {Signature}
_____ {Print Name} _____ - _____ {Date}

Site Information

Proposed size of street seat (Square feet and # of parking spaces): _____

Is the street seat intended to span more than one storefront? Yes No

* If “yes”, application must be received from each sponsoring business.

What is the proposed duration of the street seat? (Daily, every weekend, monthly, etc. Please describe expected timeframe.)

II. REQUIRED DESIGN DOCUMENT PACKAGE

Please refer to the design requirements in the Street seat Program Overview. You can use the following checklist to ensure that your design proposal package is complete.

- Street seat Location and Context Plan. This drawing should show the street seat footprint in relation to the surrounding streetscape context.
- Detailed Site Plan. A top-view drawing of the street seat design.
- Design Elevations. Side-view drawings of the proposed design.
- Renderings and Perspectives (optional)
- Construction Drawings (if applicable)
- Right-of-way use drawing and construction information

Design/Architecture Services (if applicable)

Designer Name: _____

Design Firm: _____

Phone Number: _____

Email: _____

Construction Services (if applicable)

Contractor Name: _____

Company Name: _____

Phone Number: _____

Email: _____

III. APPLICATION SUBMISSION INSTRUCTIONS

- How to submit your completed application package:
- Format drawings to an 11x17 page layout
- Provide five (5) copies of the application and Design Package
- Attach documentation of Insurance Requirements
- Filing Fee

**RESOLUTION 2015-3209
EXHIBIT B: C-3 MAP**

