



SANTA MONICA OUTDOORS PROGRAM

Dear SM Businesses and Business Partners,

The City of Santa Monica is here to support businesses as we transition to the new, Santa Monica Outdoors Program that applies to operators of parklets and sidewalk dining. We have received many questions and have put together this resource to help explain how the new program works beginning October 1, 2022. We encourage you to join us this Friday, September 16 for our Parklet Pop-up Event at 2905 Main Street from 10 a.m.-5 p.m. (see attached). This is a great opportunity to stop by to speak with City staff with any additional questions.

Additionally, the City will host two webinars to offer assistance for businesses:

1. **Parklet Webinar**- transitioning parklets temporarily authorized under the Santa Monica Municipal Code (“SMMC”) Chapter 6.40, the Santa Monica Outdoors Pilot Program (“Pilot Program”), to comply with the new parklet program under the SMMC Chapter 6.42:
 - Santa Monica Outdoors Parklet Webinar – Tuesday, September 20, 2022 from 3:15- 4:00 pm. To join: <https://us06web.zoom.us/j/81891046352?pwd=QjlrWIhpSW9maVFaSDIEVDBtMWxQZz09>. Meeting ID: 818 9104 6352, Passcode: 1mXxEF; Via phone: 1 699 444 9171
2. **Sidewalk Dining Webinar** – Where feasible, transitioning sidewalk dining temporarily authorized under the Pilot Program to comply with SMMC section 9.31.200 “Outdoor Dining and Seating”, applicable design guidelines and all laws, including the Fire Code and ADA requirements.
 - Santa Monica Outdoors Sidewalk Dining Webinar – Wednesday, September 21, 2022 from 10:15-11:00 am. To join: <https://us06web.zoom.us/j/83989221724?pwd=ZVNZNjNQdUNxMzdYVIJQnILZFpyZz09>. Meeting ID: 839 8922 1724; Passcode: iHB4rY; Via phone: 1 669 444 9171

Frequently Asked Questions

Q: I operate a parklet under the Pilot Program, do I need to do anything to continue to operate the parklet? Yes, the temporary program expires on September 30, 2022, pursuant to the Santa Monica Municipal Code. If you would like to continue operating your parklet after September 30, you will need to apply for a provisional

parklet permit by September 15, 2022, under SMMC Chapter 6.42 “Santa Monica Parklet Program.” To review the Parklet Manual and apply for a Parklet Permit, visit santamonica.gov/programs/parklets. Monthly license fees (\$2.12/sq.ft./month) will go into effect on October 1, 2022. If you miss the September 15 deadline, you must remove your parklet from the public-right-of way by September 30, 2022, and return the parklet license area to its original condition. Any items left in the parklet license area will be deemed abandoned and may be removed by the City, at the expense of the business.

Please note that the Parklet Program is now codified under SMMC Chapter 6.42. If you do not meet the deadline to receive a provisional permit to operate your parklet, you may apply for a permit to operate a parklet under Chapter 6.42 if you wish to operate a parklet in the future (October 2022 or beyond). Your proposed parklet will need to comply with Chapter 6.42 and the regulations that are outlined in the Parklet Manual.

To review the Parklet Manual and apply for a Parklet Permit, visit santamonica.gov/programs/parklets.

Q: Can I get an extension to transition my current parklet to meet the new Santa Monica Outdoors Parklet Design Guidelines? Yes, by submitting a complete parklet application by September 15, 2022, you will be eligible for a provisional permit and license agreement which allows you additional time to bring your parklet into compliance with SMMC Chapter 6.42. Monthly license fees will apply starting October 1, 2022. The provisional permit period to bring your parklet into compliance with Chapter 6.42 will end at 5 p.m. Pacific Standard Time on February 28, 2023. If you receive a provisional permit to operate and your parklet is not in compliance with Chapter 6.42 by February 28, 2023, you will be required to remove your parklet and return your license area to its original condition. Any items left in the permitted space will be deemed abandoned and may be removed by the City at the expense of the business.

Q: I had a Sidewalk Dining License Agreement that was issued prior to COVID. Do I need to re-apply? If you have an existing Sidewalk Dining License Agreement and are not expanding your footprint, you do not need to re-apply. Monthly license fees will apply starting October 1, 2022. Please review your existing license agreement to ensure that your agreement has not expired. If you have expanded your sidewalk dining area footprint and would like to continue those expanded operations or if you are proposing to use a new sidewalk dining area that the City did not permit you to use under the Pilot Program, you will need to apply for a revised Sidewalk Dining Permit. Learn more at www.santamonica.gov/programs/parklets. For more info on the permit fees, monthly license fees and overall guidance, visit www.santamonica.gov/process-explainers/how-apply-for-a-sidewalk-dining-license. If you are not certain about the status of your current license agreement, please contact the Economic Development Team at (310) 458-8906 or econdev@santamonica.gov.

Q: I operate an extended sidewalk dining area on the Promenade with a temporary permit that was issued under the Pilot Program, when can I apply for

sidewalk dining permit under the new program to continue using this space? For the Promenade restaurants that are currently utilizing the extended sidewalk (to curb) with a valid permit issued under the Pilot Program, the City has hired a Certified Access Specialist (CASP) consultant to determine whether the existing sidewalk dining area configurations comply with ADA requirements. Once the report is completed, these businesses will be contacted with the options to continue to operate sidewalk dining that complies with ADA requirements. In the interim, Promenade Sidewalk Dining that was authorized under the Pilot Program will be granted an extension until December 31, 2022. Before the extension period expires, holders of permits issued under the Pilot Program will need to apply and be approved for a permit and license agreement under SMMC section 9.31.200 "Outdoor Dining and Seating" and must comply with applicable design guidelines, and all other applicable local, state and federal laws, including the Fire Code and ADA requirements. Holders of permits issued under the Pilot Program will need to apply and be approved for a sidewalk dining permit and license agreement that complies with the new Outdoor Dining Program no later December 31, 2022. Please note, however, that all permit holders will be assessed monthly license fees for the use of their respective sidewalk dining areas effective October 1, 2022, per the sidewalk dining fee schedule.

Q: Is there a size limit for my parklet under the City's new Outdoor Dining Program? Yes, parklets are now limited to two parking spaces. If you have an existing larger parklet that was authorized under the temporary program, you will need to submit a parklet permit application (with site plan) for a maximum of 2 parking spaces in compliance with SMMC Chapter 6.42 and corresponding regulations, which regulations are found in the Parklet Manual referenced above. Once you are granted a provisional permit and license agreement, you must actively work towards bringing your parklet into compliance with Chapter 6.42, and corresponding regulations, no later than February 28, 2023.

Q: Is there a cost to apply for permits issued under the new Outdoor Dining Programs? Yes, all operators of outdoor dining are required to pay all applicable permit, inspection fees, and applicable security deposits. The plan check review fees are due at the time that you submit your application and all other remaining fees such as inspection, wastewater fees, and security deposit are due at time of permit issuance. The permit fees are one-time fees, apart from the annual Parklet Inspection Fee and the Fire Department Propane Cylinder Permit Fee (if using propane heaters). Monthly license fees will commence on October 1, 2022. This fee is \$2.12/square foot/month for parklets and ranges from \$2.12 - \$3.78 per sf/month for sidewalk dining (depending on geographic location and use of barriers). The monthly license fee authorizes you to continue to use the public right of way for your business.

The Parklet Permit fees and monthly license fee can be found on page 15 of the Parklet Manual on our website: www.santamonica.gov/programs/parklets.

The Sidewalk Dining Permit and monthly license fees are listed here: (bottom left corner): www.santamonica.gov/process-explainers/how-apply-for-a-sidewalk-dining-license.

Q: What is the Wastewater Fee? Wastewater fees apply if new seats are added to a restaurant. For businesses that simply moved indoor seats located in their establishments to the authorized outdoor dining area, there would be no additional seats and this fee will not apply. If adding new seats, the fees are \$1,132.08 per seat for fast food establishments and \$1,358.49 per seat for full-service restaurants. This fee is a one-time fee for net NEW seats. The one-time wastewater fee is collected for conveyance and treatment capacity improvements due to the increase in wastewater generated as a result of the net new seats. To claim any previous credits for existing seating, you will need to submit a site plan with the number of seats in your establishment previously approved/permited along with an updated site plan to show the distribution of these seats for both indoor and outdoor dining area.

Q: Does the City offer any relief or support for permit fees? Businesses who are unable to afford the fees in its entirety up front may submit a Hardship Form for the City to determine whether the applicant qualifies for alternative payment options.

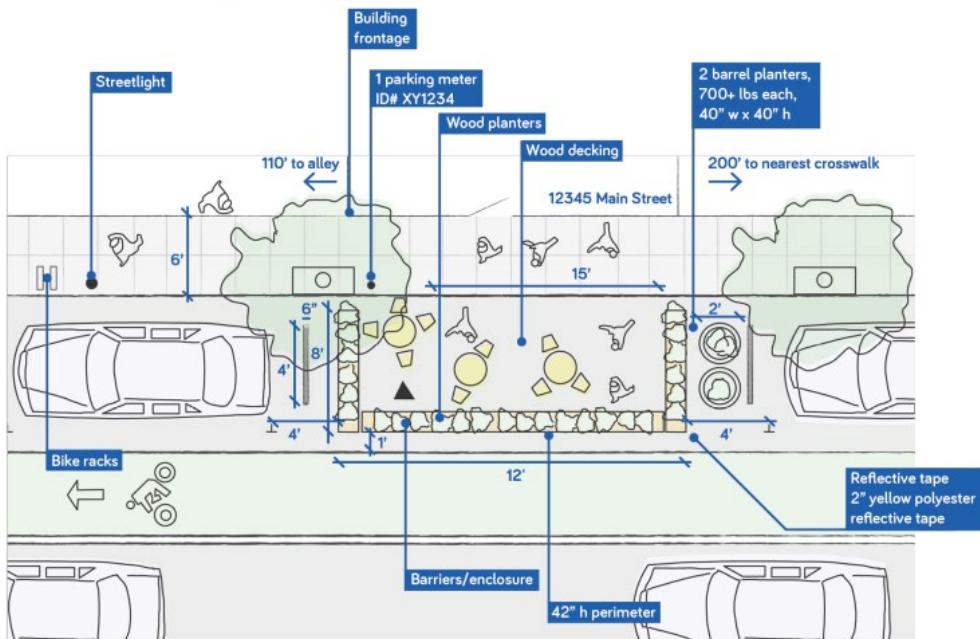
Q: How long will I be able to operate my parklet and/or sidewalk dining area under the new Santa Monica Outdoors Programs? Once your permit has been approved by Public Works and you have entered into a license agreement with the City, you will be granted a term of two years to operate your parklet and five years to operate your sidewalk dining license areas. These agreements may then be renewed thereafter, subject to Public Works inspections and neighbor approval (where applicable). The only exception is the Santa Monica Pier deck extended dining, where the license agreement will be granted on a month-to-month basis. When you renew your license agreements, you will not be required to apply for a permit or pay new permit fees to continue to operate your outdoor operations unless there have been modifications to the outdoor operations/configurations that the City approved under your license agreement, in which case, the City will review such modifications to determine whether such modifications are authorized under the City's new Santa Monica Outdoors Programs.

Q: How can I ensure my parklet and/or sidewalk dining permit application is approved quickly? Please review the Parklet Manual and/or Sidewalk Dining requirements before you submit your permit application(s) to ensure that you submit the required site plan and information. Significant updates to the parklets include: red curb clearance, up to two parking spaces (approximately 320 square feet) may be used for a parklet, access for ADA, canopies and electrical – not allowed unless permitted by Building & Safety, Maintenance Agreement Form, and Neighbor Consent Form (if you encroach more than 50% in front of a neighbor's space/building). The Parklet Manual can be found at www.santamonica.gov/programs/parklets. The Sidewalk Dining Guidelines can be found here: www.santamonica.gov/process-explainers/how-apply-for-a-sidewalk-dining-license. For both Parklets and Sidewalk Dining, you MUST submit

a detailed site plan with your application to include dimensions of the outdoor dining area, # tables/chairs and site conditions. Otherwise, your application will be deemed incomplete.

Here's the Site Plan Sample Diagram from the Parklet Manual to give an idea of the information required on your site plan submittals.

Site Plan Sample Diagram



Q: There's a lot of mention of "dining" – what if I want to continue operating other uses (e.g. fitness, retail, spa) outdoors? For parklets, we authorize a variety of business activity, including fitness, retail, art classes. For sidewalks, the SMMC restricts the use of sidewalks to outdoor dining activities only. Other businesses wishing to use the sidewalk on a temporary basis (e.g. for Art Walk event), may apply for a temporary permit through our Planning Department.

Q: I currently have a temporary permit for private outdoor operations (e.g. on my parking lot). How do I procure a permit under the City's new Outdoor Dining Program? The temporary permits issued for private outdoor operations are valid through December 31, 2022. The use of private property for outdoor operations is subject to updates to the Zoning Ordinance, which is currently underway. Businesses currently operating outdoor operations on private property using temporary permits will be contacted by City staff by early November with guidance on the transition to authorized uses.

Anything else? City staff are here to help!

- For questions about Sidewalk Dining permits, site plan requirements, ADA and drainage design, and fees, contact Public Works at pw.permits@santamonica.gov.
- For questions about the Parklet Program, contact pw.permits@santamonica.gov.
- For questions about the status of prior Sidewalk Dining License Agreements/permitted areas and general questions about the license agreements, contact Economic Development at econdev@santamonica.gov