

# TEMPORARY KRAIL PARKLET EXTENSION GUIDELINES AND PERMIT

## GENERAL REQUIREMENTS

On August 17, 2021, the Town Council discussed the Temporary Krail Parklet program and extended the sunset date for the krail parklets that provide outdoor dining or have an application on file to provide outdoor dining through a future semi-permanent parklet. This extension was provided to allow for a smoother transition between the temporary krail and semi-permanent parklet programs. The new sunset date for the krail parklet program is January 31, 2022. In addition, the Town Council updated the guidelines for operating a temporary krail parklet. Please see the information below.

If you operate a parklet that meets the criteria to be extended, please complete the attached extension form, and provide updated liability insurance for use of public right of way.

1. All outdoor commercial activities conducted within the parklet shall be that of the legally established/permitted Los Gatos business on an adjacent or near adjacent property.
2. No pop-up businesses are permitted in the temporary krail parklets, or other public right-of-way. Businesses may host pop-ups within their own private commercial space only with proper business licenses.
3. All parklets must be closed by 10 p.m. daily.
4. Any outdoor commercial activity shall be operated in conformance with the regulatory requirements of the Americans with Disability Act (ADA), California Building Code, California Department of Alcoholic Beverage Control (ABC), and Santa Clara County Environmental Health Department (DEH) -Public Health Order (PHO) and all other applicable Town, County, State and Federal laws, policies, procedures, statutes and ordinances.
5. Outdoor commercial areas may encroach into the public right-of-way within the designated krail parklet areas provided that a minimum width of sidewalk clearance of 48" is maintained. Approval for such encroachments does not require a separate encroachment permit, rather may be granted with the approval of this permit.
6. A minimum clear exit width of 48" from all building exits to the public right-of-way must be maintained at all times.
7. Access is maintained for utility boxes, water hydrants, storm drains, and any other equipment per Town standards.
8. Any chairs, tables, umbrellas, etc. placed on the sidewalks must be removed at the end of each business day.
9. Only umbrellas and sail-type low profile, moveable covers are permitted. Other overhead structures are no longer permitted. If you have constructed a tent, solid cover, or other weather protection cover over the krail parklet, it must be removed by August 31, 2021.
10. All outdoor commercial areas must be maintained and kept clean of litter.
11. By signing this permit application, the applicant acknowledges that this permit is issued pursuant to the Town Manager's authority as result of the Town Council adopted Economic Recovery Resolution, thus the authorization is temporary and may be revised or revoked at any time without further notice.

12. Provide the Town with proof of General Liability (GL) insurance with coverage against liabilities for death, personal injury or property damage arising out of or in any way connected with the parklet in the minimum amount of \$1,000,000.00 combined single limit and will name the Town as additional insured under the coverage afforded. Such insurance will be primary and noncontributing with respect to any other insurance available to the Town and will include a severability of interest cross – liability clause.
13. Through the execution of this Parklet Permit, the applicant enters into an agreement that indemnifies the Town in the event injuries or damages that may occur on Town property or the public right-of-way.

#### **SUBMITTAL REQUIREMENTS**

1. Complete the attached Parklet Permit Extension form.
2. Provide proof of insurance to the Town with proof of General Liability (GL) insurance with coverage against liabilities for death, personal injury or property damage arising out of or in any way connected with the parklet in the minimum amount of \$1,000,000.00 combined single limit and will name the Town as additional insured under the coverage afforded. Such insurance will be primary and noncontributing with respect to any other insurance available to the Town and will include a severability of interest cross – liability clause. Must be valid through January 31, 2021.

Submit your completed Parklet Permit Application and supporting required documents via email to [Parklets@losgatosca.gov](mailto:Parklets@losgatosca.gov)

Questions may be emailed to:

**Monica Renn**

Economic Vitality Manager

[mrenn@losgatosca.gov](mailto:mrenn@losgatosca.gov)

**Bridgette Falconio**

Parklet Project Coordinator

[bfalconio@losgatosca.gov](mailto:bfalconio@losgatosca.gov)

**TEMPORARY KRAIL PARKLET PERMIT EXTENSION APPLICATION**  
**THIS APPLICATION MUST BE COMPLETED AND SUBMITTED BY AUGUST 31, 2021**  
 Email completed forms to [parklets@losgatosca.gov](mailto:parklets@losgatosca.gov)

Business Name	
Business Address	
Business Owner	
Email	
Phone Number	
Hours of Operation	
Property Owner Name & Contact	

<b>Please read and initial each statement below</b>	<b>Initial</b>
I certify that I am the business owner listed above and am responsible for the business listed	
I certify that my business operations will comply with all provisions set forth by the Americans with Disability Act as they apply to my businesses.	
I certify that my business operations will comply with all provisions set forth by Santa Clara County Fire as they apply to my businesses including the use of portable heaters on public right-of-way.	
I certify that my business operations will comply with all provisions set forth by the Santa Clara County Public Health Order as it applies to my businesses and will continue to monitor and comply with additional or revised Public Health Directives from Santa Clara County.	
I certify that my business may not host pop-up businesses within a temporary krail parklet. Any pop-up business I wish to host will be contained within my private commercial space and operate in compliance the Town Code provisions and with my Conditional Use Permit, where applicable.	
I understand that the authorization for the use of public right-of-way for commercial business activity is temporary, granted through the adoption of the Economic Recovery Resolution, and may be revised or revoked at any time without further notice and does not convey, nor shall it be construed as conveying, any property interest to the Permittee.	
I understand that only umbrellas or sail-type moveable covers are permitted as overhead coverings within the krail parklets and that any other cover that may have been built or erected must be removed by August 31, 2021.	
I understand that no vertical shades, partitions, or dividers are permitted within the krail parklets.	
I agree to indemnify, defend and hold harmless the Town of Los Gatos for any damage from any and all liability, claims, demands, damages (whether contract or tort, including personal injury, death at any time, or property damage), costs and financial loss, including all costs and expenses of litigation or arbitration, which result or are claimed to have resulted directly or indirectly from any acts or omissions created as a result of my business activities in public right-of-way; and certify that I have the required insurance coverage and have attached proof to this application	
I understand that non-compliance with the Town Code and policies, the provisions set forth by the Economic Recovery Resolution, and those provisions associated with the parklet programs will result in Code Compliance enforcement such as citations and removal of non-compliant furnishings or parklet.	