

## DOWNTOWN POP-UP

### WHAT IS A POP-UP?

- A Pop-Up temporarily transforms on-street parking spaces and sidewalk areas into space for outdoor dining or retail sales. Pop-Ups are intended to be easy solutions for improving shopping and outdoor dining opportunities for businesses during COVID-19.
- Pop-ups are subject to compliance with the Guidelines below and approval of a Downtown Pop-Up application request.

### POP-UP APPLICATION PROCESS:

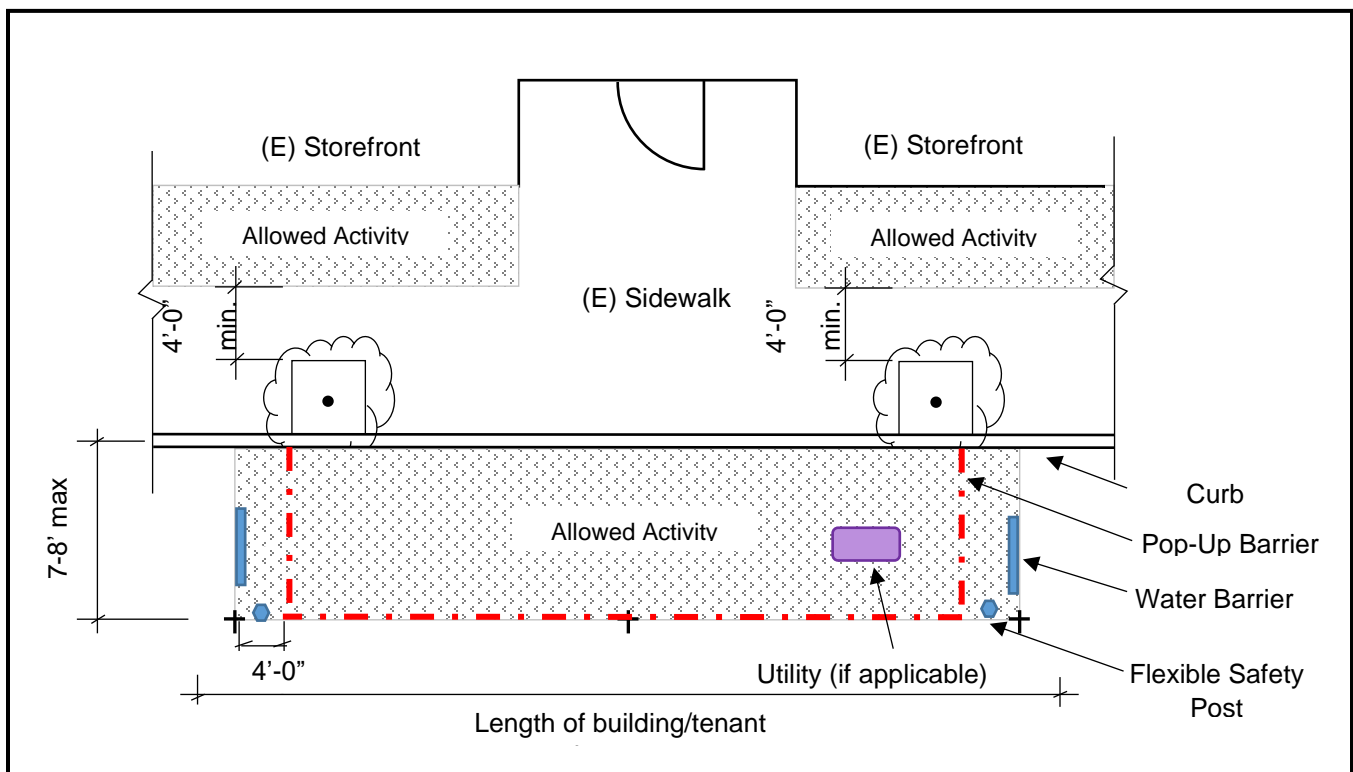
- Step 1) Submit completed **Application Checklist** and **aerial photo or sketch** indicating proposed pop-up location. The sketch should include:
  - Pop-up barrier location (*required for parking spaces pop-ups*)
  - Dimensions of activity zone
  - Barrier material
  - Location of water barriers and safety flexibility posts (*required for parking spaces pop-ups*)
- Step 2) City staff reviews application
- Step 3) If approved, permittee to coordinate with Streets Division to install temporary traffic barriers (to facilitate construction and prohibit parking) prior to pop-up installation. Once traffic barriers are installed, permittee can install pop-up. Permittee has one week to install pop-up. Traffic barriers will be removed once the pop-up is built.

### SIZE/LOCATION:

- To ensure pedestrian vehicle access, pop-ups may only occur within defined “Allowed Activity Zones”, as generally shown in Exhibit 1 and further detailed below.
- Parking space pop-up:
  - Pop-ups may be located in on-street parking spaces located on the streets outlined in the map on Exhibit 2 (on page 6).
  - Pop-ups next to driveways must be spaced at least 5’ away from the driveway.
  - Pop-ups next to an intersection corner where an automobile may turn onto the same side of the street must be spaced at least 16’ away from the corner.
  - The pop-up cannot extend beyond the width of existing parking space. On streets where the total width is 42’ or more, the maximum pop-up width is 8’. On streets where the total width is 41’ or less, the maximum pop-up width is 7’.
  - The pop-up length is limited to the length of the parking space(s) in front of permittee’s business. If parking spaces span in front of permittee’s business frontage *and* an adjacent business frontage, the length of pop-up can extend in front of adjacent businesses with sign-off from said neighboring property owners and tenants.
  - Areas demarcated for Emergency Vehicle Access shall be kept clear of any obstructions.

- Sidewalk pop-up:
  - Pop-up may be located on the sidewalk in area in front of permittee’s business frontage.
  - Sidewalk pop-ups cannot conflict with pedestrian path of travel and are intended to be located next to the building, as seen in Exhibit 1.
  - A 4-foot unobstructed sidewalk clearance for pedestrians shall be maintained from any furnishings, fencing, etc. installed as part of the pop-up.
  - The pop-up shall not block access to or from a building.
- Additional Location Requirements for both sidewalk and parking space pop-ups:
  - The pop-up shall not obstruct or restrict required access to fire hydrants
  - Applicants shall allow emergency access to existing utilities within pop-up area

**Exhibit 1- Downtown Pop-up**



**POP-UP BARRIER**

- For parking space pop-ups, a barrier must be installed surrounding the pop-up area.
- The barrier must be made of sturdy/durable materials (e.g., cannot be rope/chain, plastic netting, etc.) and should be able to withstand at least 200 lbs. of horizontal force. Barriers may be securely affixed to heavy planters, wine barrels or other similar sized objects.
- Barrier height must be between 30”-36” tall.

**POP-UP SAFETY ELEMENTS**

- All parking space pop-ups must incorporate flexible safety posts at the pop-up corners adjacent to the street.

- All parking space pop-ups must incorporate (within the activity zone) water barriers on the outer edges of the pop-up, a minimum of 4' from the edge of the barrier, when adjacent to a parking spot, as seen in Exhibit 1.
- Water barriers and reflective flexible safety posts shall be furnished and installed by the City of Pleasanton. Safety elements must be installed prior to the pop-up installation. Applicants shall coordinate installation with city staff.

### **POP-UP SURFACE TREATMENT**

- The surface of parking space pop-ups can be temporarily modified if the permittee desires. Floor mats/carpets, astro turf, and sod are all acceptable surface treatments. Permanent surface modifications are **not** permitted.
- Sidewalk pop-ups shall **not** modify the sidewalk surface in anyway.

### **LIGHTING**

- Battery operated lighting or tabletop candles may be provided in the parking space and sidewalk pop-ups.
- Plug-in lighting is permitted in the parking space pop-ups. Cords for plug-in lighting must be placed on the ground and covered with pedestrian cable protectors.
- Flood lighting or other bright up-lighting is not permitted in parking space and sidewalk pop-ups.

### **OUTDOOR HEATING**

- Outdoor heating may be provided.
- In pop-ups with tents, battery-powered and plug-in heaters may be provided (propane or other fire-based heaters are not allowed).
  - Battery powered or plug-in heaters must be clear of combustibles and not impinge on tent fabric
  - Battery powered heaters may hang from tents given the max total weight and weight distribution meet tent manufacturer requirements
  - Cords for plug-in heaters must be placed on the ground and covered with pedestrian cable protectors.

### **TENTS**

- Tents may be provided in the allowed activity zone.
- Tents may be enclosed only on one side and shall be secured to avoid wind lift. For further information regarding anchoring, please refer to the Livermore-Pleasanton Fire Department (LFPD) tent guidance
- Tents over 700 square feet (no sides) are required to have a LFPD permit. For further tent permit information, please refer to the LFPD Temporary Tent Permit Application.
- Tents shall comply with [Alameda County Health Department Guidelines](#)

### **TRASH GUARD**

- For parking space pop-ups, a trash guard must be installed on the drain is required. A trash guard that lays on top of the grate and is attached with heavy duty zip ties or tie wire is recommend. Below grate protection is not allowed.

### **ACCESSIBILITY**

- Permittee shall comply with all laws, statutes, regulations, ordinances and requirements now in force, or which may come into force, pertaining to the Public Property, including, but not limited

to, providing and maintaining appropriate clearances and access compliant with the Americans with Disabilities Act (ADA) and Title 24 of the California Code of Regulations for the public sidewalk adjacent to the outdoor dining or display area.

### **ALCOHOL SERVICE**

- Temporary outdoor dining area where alcoholic beverages will be served shall include appropriate fencing or other barriers to delineate the space and adhere to Alcohol Beverage Control (ABC) regulations. The barrier material shall be durable enough to ensure public safety. [Note: Any ABC-required permit shall be obtained, prior to operation. <https://www.abc.ca.gov/abc-218-cv19-instructions/>]

### **COVID-19**

- Applicant shall comply with all provisions of the Alameda County Order of the Health Officer, and as it may be amended or superseded, allowing restaurants and/or retail stores to operate for outdoor dining and curbside pickup.
- Restaurants shall comply with the Alameda County Department of Environmental Health [Operating Procedures](#).

### **ADDITIONAL REGULATIONS**

- No portion or elements of the pop-up (except water barriers and flexible safety posts) shall be permanently attached to the sidewalk or street.
- Existing landscaping shall not be removed.
- Existing buildings, features (e.g., benches, trash cans, etc.), fences, walls, artwork, utilities, lighting, etc., shall not be altered.
- Pop-ups can be used from the hours of 7am-10pm.
- Music is permitted, however needs to follow noise regulations in PMC Section 9.04.
- Advertising and signage are not permitted to be mounted or displayed on the pop-up.
- Flashing elements are not permitted.
- Smoking is not allowed.

### **REMOVAL**

- If you would like to remove the pop-up, coordinate with the Streets Division to install temporary traffic safety elements during the pop-up removal.
- The City reserves the right to remove a pop-up that impedes pedestrian, vehicle circulation, or emergency access, that causes a safety hazard, or is otherwise in noncompliance with the Downtown Pop-Up Guidelines. Emergency access to the area of the street or sidewalk occupied by the pop-up (e.g., for utilities repairs or access) must be allowed for at all times.

### **TIMELINE OF APPROVAL**

- Pop-ups are intended to be temporary and offset some of the impacts of COVID-19 and restrictions on indoor dining
- Pop-ups approvals will be valid while indoor dining is prohibited. This timeframe may be extended by the City, with notification provided to businesses, depending on the status of County Health guidance and allowable activities.
- The City reserves the right to end the temporary pop-up program at any time.

**INSURANCE**

- Applicant shall obtain and maintain for the duration of this Agreement commercial general liability insurance with at least \$2,000,000 combined limit for bodily injury and property damage. Applicant shall also obtain Workers' Compensation Insurance as required by law.

**INDEMNIFICATION**

- Permittee shall hold harmless, defend, and indemnify the City, its officers, agents, and employees from and against all claims for liabilities, losses, penalties, fines, injuries to or death of any person, or damage to any property whatsoever, including without limitation, reasonable attorneys' fees and costs which the City may suffer or incur arising from or in any way connected to Permittee's use of the Public Property. If a legal action is brought to enforce the terms of this Application, or for matters arising out of Permittee's use of the Public Property, City shall be entitled to all costs, including reasonable attorneys' fees.



## Exhibit 2- On-Street Pop-up Locations

