Image: Red Field Photography

CITY OF PHILADELPHIA
PARKLETS
GUIDELINES & APPLICATION

FEBRUARY 2016

Introduction

Parklets are small platforms that take the place of one or two on-street parking spaces during the spring, summer, and early fall. By providing space for seats and tables, parklets offer residents and visitors alike new opportunities to stop, sit, and enjoy the surrounding neighborhood street life. Parklets can increase street vibrancy and improve quality of life in Philadelphia's neighborhoods and commercial corridors. The Office of Transportation & Infrastructure Systems (OTIS) is pleased to partner with local business owners and community groups interested in bringing parklets to their communities.

Figure 1 | 43rd and Baltimore Parklet – Photo courtesy of the University City District, Conrad Erb Photographer

Figure 2 | Chinatown Parklet – Photo courtesy of the Chinatown Development Corporation, Red Field Photography

Figure 3 | South Street Parklet – Photo courtesy of the City of Philadelphia

Parklets are permitted by the City of Philadelphia through its Streets Department. Parklet hosts receive a one-year "Pedestrian Enhancement Permit" that is renewable for up to three years. Each year, the City will review the locations of returning parklets to check that any new construction or works will not compromise the safety of the parklet.

To receive a Pedestrian Enhancement Permit, submit an application (see page 13) demonstrating that the parklet is consistent with the guidelines established in this document. More specifically, applications must demonstrate that:

1. The parklet location is appropriate.
2. The parklet design is appropriate.
3. The parklet has support from abutting property owners and the community.
4. The parklet can be appropriately maintained.

Questions should be addressed to the Parklet Program Manager at:

Office of Transportation & Infrastructure Systems
1401 JFK Boulevard, Suite 1430
Philadelphia PA, 19102

Phone: 215-686-4421
Email: completestreets@phila.gov

Table of Contents

Contents

Introduction 1
Placement Guidelines 3
Design Guidelines 4
Illustrated Placement & Design Guidelines 6
Guidelines for Operation 8
Parklet FAQs 9
Initial Pedestrian Enhancement Permit Application Process (Year 1) 10
Pedestrian Enhancement Permit Renewal (Year 2 and Year 3) and Reapplication Process (Year 4) 12
Parklet Application - I 14
Parklet Application - II 15
Permit Special Conditions 16
Sample Site Map 20
Illustrated Block Face 20
Sample Letter Of Support 21
Insurance Requirements 22
Checklist 24

Placement Guidelines

Parklet locations are subject to review by the City's Chief Traffic Engineer. Some of the guidance listed below is subject to the Chief Traffic Engineer's discretion and may be waived if the engineer feels the location and placement is appropriate.

Placement within the Neighborhood

- Parklets must be placed in the street (and not on the sidewalk).
- Parklets should be on streets with posted speed limits of 25 MPH.
- Parklets must not be located in a travel lane or peak hour clearance lane.
- Generally, parklets should be located on commercial corridors and in front of businesses or institutions that generate foot traffic and that can maintain and monitor the parklet. Parklets may be appropriate for some residential streets. However, parklets without an institution or business to attract pedestrians may not be as successful as those located on commercial corridors with high pedestrian activity.
- Parklets should not be directly located in front of establishments that serve alcohol.
- Parklets are not recommended for streets with historic paving materials.
- Parklets located on state roads may have additional requirements.

Placement on the Block

- The parklet zone may not be longer than the frontage of the applicant's or supporting property owner's property lines. Generally, parklets should take the space of two on-street parking spots long—although, both shorter and longer proposals will be considered. This length is inclusive of curb-stops and wheel lengths.
- Parklets should be placed such that at least 20 feet of the sidewalk-facing side of the proposed parklet is unobstructed (by utility poles, trees, etc.).
- Parklets should:
    - Have at least 5 feet of unobstructed clearance to utilities, loading zones or handicapped parking spaces;
    - Be at least 60 feet from any bus stop or shelter;
    - Be at least 15 feet away from any fire hydrant;
    - Be at least 20 feet from any marked crosswalk, or 32 feet from the block corner at intersections without a marked crosswalk; and
    - Not be in a travel lane or in a peak hour clearance lane.

Maintaining Access to Utilities

The parklet must not block access to utilities, including:

Manholes	Gas shutoff valves
Sewer grates/storm drains	Electric meters
Storm drain cleanouts	Telephone switch boxes
Water shutoff valves	

Design Guidelines

Some of the guidance listed below is subject to review by the City's Chief Transportation Engineer and may be waived if the engineer feels the design is appropriate.

Accessing the Parklet

- The sidewalk-facing side of the parklet should be open to pedestrians.
- The entrance on the sidewalk-facing side of the parklet should be placed so as to avoid tree pits.
- Parklet 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 parklet must be ADA accessible. A minimum 36" ADA accessible entryway to the parklet must be maintained for all parklets.

Maintaining Clear Space on the Sidewalk

- All intrusions onto the sidewalk shall be limited.

Visibility to Drivers

- Parklets must be built from or contain lightly-colored or reflective materials to aid nighttime visibility.
- Parklets must have some vertical elements (e.g., planters, etc.) to ensure visibility to passing vehicles. These elements may not however obstruct driver views.
- Parklets must have reflective soft hit posts. They must align with the end of the platform. They may not be in the travel lane.
- Parklets' street-side corners and other street-side protrusions must be lined with reflective tape.

Protection from Vehicles

- Wheel stops may be required by the Chief Traffic Engineer. Wheel stops are used to protect the parklet from turning movements associated with parking cars. Parklets may have wheel stops installed 4' from the curb. Wheel stops may be affixed to the asphalt using a drill and bolts, provided the holes are filled with a polyurethane caulk, epoxy, or a flat head screw (flush with the street), when the parklets are removed during the winter season.
- To withstand bumps, the outside edge of the parklet closest to the street should contain a beam of pressure-treated lumber with a cross-section of 6" x 6", or equivalent.

Attachment to the Street

- Parklet operators may not drill into the pavement but for the installation of wheel stops (see "Protection from Vehicles" above).
- The platform may not be attached to or damage the street and must be easily assembled and disassembled.

Parklet Dimensions

- Parklets should not be any wider than the parking lane. If no parking lane is striped, applicants shall consult with the Streets Department to obtain official parking lane width.
- The outside edge of the parklet railing must be 18" from the travel lane, creating an 18" clear zone.
- The outside edge of the parklet must be at least 6" high. A reduced curb height may be permitted if existing physical constraints limit the height provided that at least a minimum 3" curb height at the street edge is provided.
- Open guard rails are encouraged to reduce the risk that high winds will shift the parklet. No wall or rail may be higher than 3', as measured from the street.
- The platform should allow for easy access underneath the platform. Curbside drainage may not be impeded. A gap of 6" between the body of the deck and the curb must be maintained in order to facilitate the movement of water.

Load Requirements

- All rails must be capable of withstanding a 200-lb horizontal force.
- Parklets should be finished with quality materials and must be able to support 100-lbs per square foot of live load.
- The outside edge of the platform must support 50-lbs per linear foot of live load.

Components

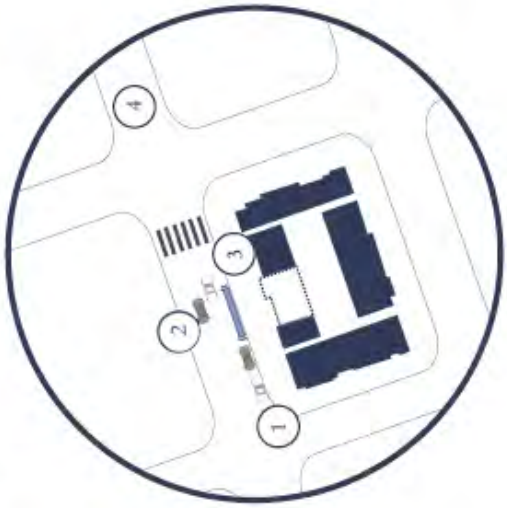
- Parklets may use 4" x 4" metal plates as footings.
- Applicants interested in overhead structures, banners, fabric sails, or other architectural features that may catch wind must provide proof that the structures have the ability to withstand wind loads specified by the Streets Department. Applicants must prove that said structures and canopies pose no risk to the surrounding neighborhood during storms or other instances of severe weather conditions. The Streets Department may require overhead structures like canopies to be sealed by an engineer to ensure they are designed in accordance with building code wind load criteria.
- Any signage that contains a corporate logo shall be considered "Accessory Signage" and must receive Art Commission approval.

Other

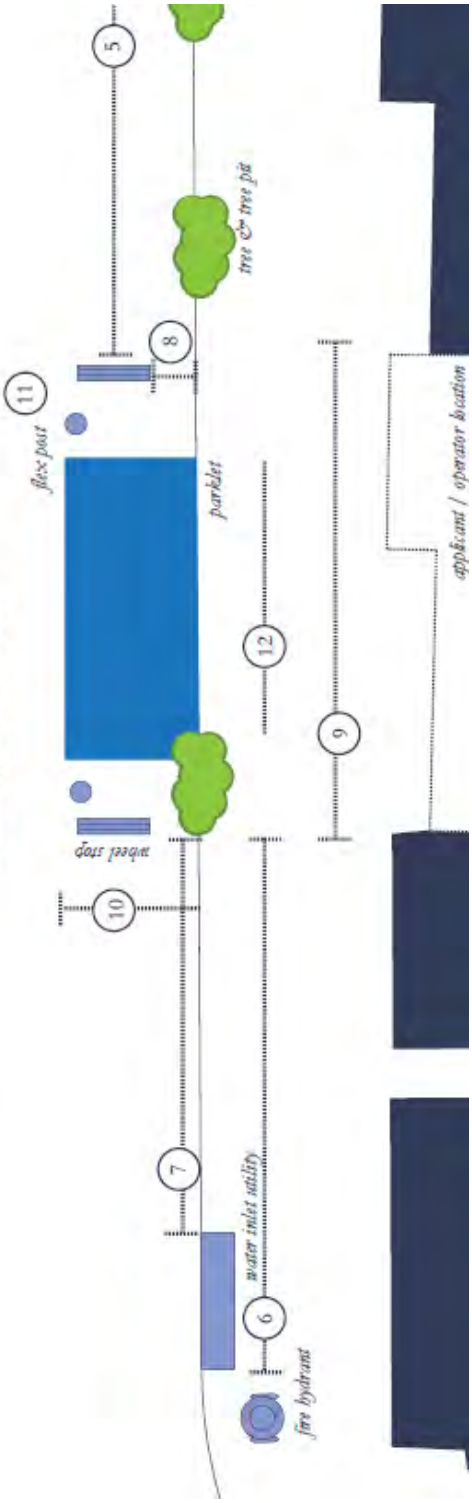
- Bicycle parking can be incorporated into parklet design. The design must ensure that parked bicycles do not extend beyond the permitted width of the parklet, as determined by the frontage of the applicant's building.

Illustrated Placement and Design Guidelines

PARKLET DESIGN GUIDANCE



1. Parklets must be in the parking lane. They cannot be in a travel lane or in a peak hour clearance lane.
2. Parklets should be located in the middle of a block.
3. Parklets must be at least 20 feet from any marked crosswalk or 32 feet from the block corner at intersections without a marked crosswalk.
4. Parklets should be on streets with posted speed limits of 25 MPH.
5. Parklets must be no closer than 60 feet to any bus stop or shelter.
6. Parklets must be no closer than 15 feet from any fire hydrant.
7. Parklets must give at least 5 feet of clearance to utilities, loading zones or handicapped parking spaces.
8. Parklets may have wheel stops installed 4' from the curb.
9. The Parklet zone may not be longer than the frontage of the applicants' or supporting property owners' property line. This length is inclusive of curb-stops and wheel lengths.
10. Parklets should not be any wider than the parking lane.
11. Parklets must have reflective soft hit posts. They must align with the end of the platform.
12. The entrance on the sidewalk-facing side of the Parklet should be placed so as to avoid tree pits.



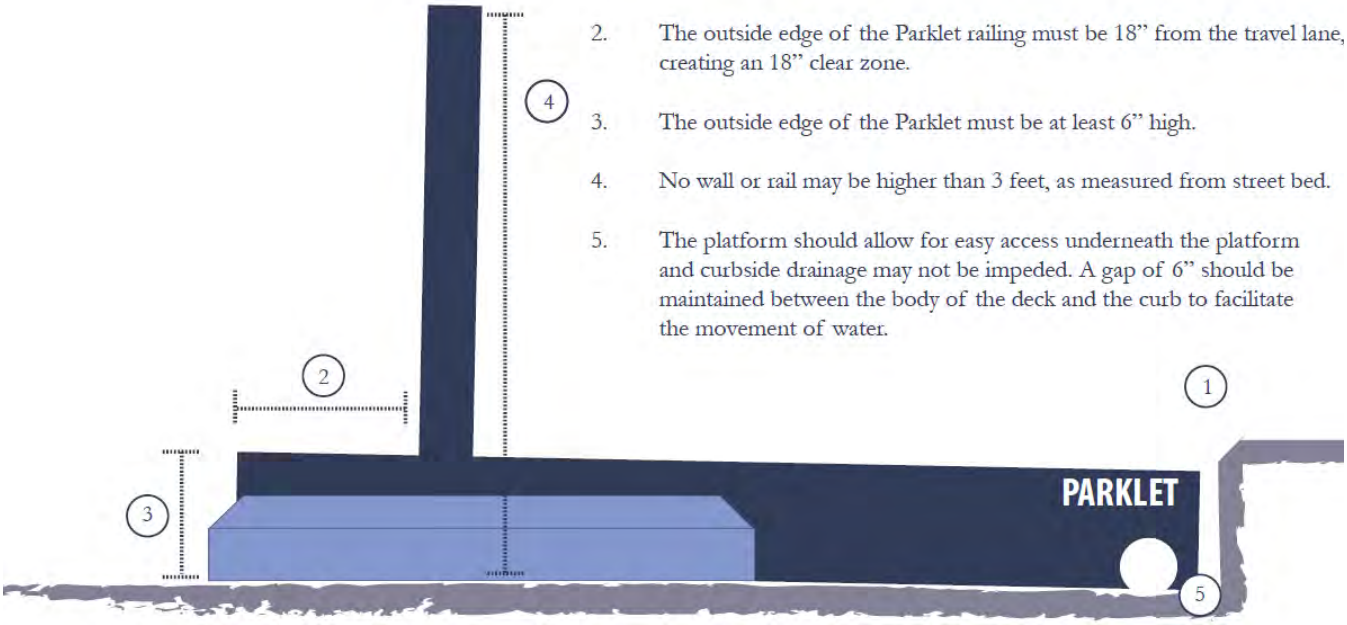
1. Parklet decking must be flush with the curb and may not have more than a ½ inch gap from the curb. If this is impossible, the parklet must be ADA accessible.

2. The outside edge of the Parklet railing must be 18" from the travel lane, creating an 18" clear zone.

3. The outside edge of the Parklet must be at least 6" high.

4. No wall or rail may be higher than 3 feet, as measured from street bed.

5. The platform should allow for easy access underneath the platform and curbside drainage may not be impeded. A gap of 6" should be maintained between the body of the deck and the curb to facilitate the movement of water.



Guidelines for Operations

General Guidelines

- Permittees may install and operate their parklets anytime from April 1st through November 30th.
- Parklet cleaning and maintenance are the responsibilities of the Permittee. These responsibilities are detailed in a set of permit special conditions (see page 16).
- Permittees should keep a copy of their permit and attached special conditions on hand. The permit need not be displayed outside on the parklet.
- Connecting parklets to nearby power sources for lighting purposes is discouraged by the City. Any electrical connections intended to provide power to the parklet must be approved by the appropriate engineers and may require separate operations and insurance agreements.

Using the Parklet

- Permittees are welcome to restrict the hours of parklet operation.
- Permittees are welcome and encouraged to host events at the parklet, so long as events are open to the public, comply with all existing regulations, and do not create a nuisance in the neighborhood.
- Alcohol may not be served in parklets.
- Table service is not allowed at parklets.
- Parklets are public spaces. Parklets must display a sidewalk-facing sign that says "Public Parklet | All seating open to the public."

Parklet Relocation

- Permittees should be prepared to remove parklets with minimum notice in case of extreme weather events, emergency public works, or other unexpected events. The City does not expect to request parklet removal due to privately-organized street festivals unless otherwise specified on a permit; the City expects neighborhood groups to work with applicants and parklet operators to ensure that parklets are either integrated into any privately-organized street festival or removed. The cost of removal and re-installation are the responsibility of the Permittee. See permit special conditions on page 16.
- Parklets are permitted for only one location. If a Permittee would like to move a parklet so it can serve at multiple sites, the applicant must receive a separate permit for each location.

Parklet FAQs

How much does it cost to design and build a parklet?

Many parklets are built using a combination of donated design and construction services and cost owners from $5,000 to $10,000. Without any donated services, a parklet can cost up to $20,000.

Can the City recommend a general contractor or an architect?

The City cannot recommend any architects or general contractors for parklets. The following groups have designed parklets; their inclusion on this list is not to be interpreted as an endorsement there-of.

- **DigSau**
  http://www.digsau.com/
- **Johntston & Stromberg**
  http://johnstonstromberg.com/
- **Philadelphia Chapter of the National Organization of Minority Architects**
  http://www.philanoma.org/
- **ReVision Architecture**
  http://revisionarch.com
- **Shift Space Design**
  http://www.shiftspacedesign.com

Applicants can find a list of licensed contractors at the following website:
http://www.phila.gov/li/Pages/FindLicensedProfessional.aspx

Under what circumstances will the City request parklet removal?

The City takes traffic and construction safety seriously and will request parklet removal if construction, utility repairs or other similar activity poses a safety hazard. The City can revoke a Pedestrian Enhancement Permit if a Permittee is not abiding by City guidelines, if the parklet poses a hazard, or for other reasons. For more information about parklet removal, read the parklet Permit Special Conditions on page 16.

Can the City provide or assist with parklet funding, maintenance, or repair?

The City does not currently have the funds to support the design, construction, or maintenance of parklets.

If I would like to close and remove my parklet before the conclusion of my permit, what must I do?

Permittees must simply notify the City and detail the circumstances that necessitated parklet removal.

How long does a permit last?

Permits last for one parklet season (April through November) but are renewable for up to three years. Please see “Permit Renewal and Reapplication Process Overview” on the next page.

Initial Pedestrian Enhancement Permit Application Process (Year One)

Who can apply?

Anyone can apply for a permit to install and operate a parklet. Partnerships are encouraged; several parklets are built, insured, maintained by, and permitted to non-profits but placed in front of small businesses. Note that the official parklet Permittee must be the same entity that holds required insurance (see page 22).

When must I apply?

The City will review parklet applications on a rolling basis; there is no fixed deadline. If planning to install a parklet with a new design into a new location on April 1st, consider submitting an initial application in October and designs in December of the previous year. This will ensure enough time for revisions to designs, if required. The Streets Department reviews can take several months.

What does the application process entail?

1. Contact the Parklet Program Manager
    a. Write to completestreets@phila.gov or call 215-686-4421 to discuss your application, ask any questions, and learn about program updates.
2. Submit a Parklet Application
    a. Fill out a parklet application form, including all required signatures (page 14).
    b. Submit the application form along with required attachments (page 15):
        i. Photos and a map of the proposed parklet location;
        ii. Letters of support from property owners abutting the parklet (see sample on page 21). The City's Pedestrian Enhancement Ordinance requires *"support, in writing, from two-thirds (2/3) of the owners and commercial tenants of properties abutting the Pedestrian Enhancement if there are three or fewer abutting properties, and three-fourths (3/4) of the owners and commercial tenants of properties abutting the Pedestrian Enhancement if there are four or more abutting properties."*
3. Location Review
    a. Streets Department staff will review the proposed parklet location to ensure it is consistent with the City's guidelines, will not conflict with upcoming public works or construction, and will not create conflicts with area public transportation.
    b. The applicant will be notified upon approval.

4. Gather Evidence of Community Support (Concurrent to #5)
    a. Once Applicants receive location approval from the Streets Department, they should collect a petition in support of the parklet. Please contact the Parklet Program Manager to discuss the scope. Generally, the signed by a representative of at least one-half of the addresses which are (a) within 75' of the proposed parklet and (b) in the Applicant's Block Face or the Applicant's opposite Block Face. Representatives include: Owner,

tenant, or property manager of either residential or commercial properties. Special circumstances—such as vacant buildings, active construction projects, and/or unconventional numbering, etc.—can be discussed. (See page 20 for an illustration of Block Face.)

b. Applicants are highly encouraged, but not required, to also provide a letter of support from their local district council member as early in the application process as possible.
c. Applicants are encouraged to submit parklet designs for review to the Project Manager while finalizing community support.

5. Design Review (Concurrent to #4)
    a. After location review, Applicants submit designs to the Program Manager for review by the Streets Department.
    b. Parklet designs do not need to be designed or drawn by a licensed architect or engineer.
    c. All plans must clearly articulate the spans and supports to be used for the body of the parklet.
    d. For some projects, design review entails multiple meetings over several months with the Streets Department to discuss changes, but for others, designs are approved very quickly. The program manager will contact the Applicant upon design approval.

6. Submit Pedestrian Enhancement Permit Application
    a. Fill out an application, available at http://www.philadelphiastreets.com/images/uploads/resource_library/Street_Closure_for_Equipment_Placement.pdf. The name of the applicant must match that of the organization that holds required insurance (see page 22). Indicate that "Pedestrian Enhancement- Parklet" is the purpose for the requested street closure.
    b. Prepare an application fee of $125 to cover the cost of review and inspection. Methods of payment include check, money order, cash, and Epay.
    c. Submit your application (as a PDF) along with your application fee to the Parklet Program Manager as soon as possible and no later than 15 business days prior to planned installation.

7. Provide Proof of Insurance
    a. The City's Risk Management Office requires permittees to obtain proof of required insurance in the form of certificate(s) of insurance issued to the City of Philadelphia. The City's requirements are detailed on page 22.

8. Submit Evidence of Community Support
    a. Before a permit may be issued, applicants must submit the petition described in #4 above.

9. Submit application materials in PDF form to the Parklet Program Manager at:

Office of Transportation & Infrastructure Systems
1401 JFK Boulevard, Suite 1430
Philadelphia PA, 19102

Phone: 215-686-4421
Email: completestreets@phila.gov

Pedestrian Enhancement Permit Renewal (Year 2 and Year 3) and Reapplication Process (Year 4)

Pedestrian Enhancement Permit Renewal (Year 2 and Year 3)

Each Pedestrian Enhancement Permit lasts for the duration of that year's parklet season (April through November), however permits are renewable for up to three years. The City will fail to renew a parklet permit only if the parklet poses a safety hazard or if the Permittee has not complied with City guidelines in the past.

To renew a parklet permit for another year, follow the steps below:

1. Fill out a renewal application a Pedestrian Enhancement permit: http://www.philadelphiastreets.com/images/uploads/resource_library/Street_Closure_for_Equipment_Placement.pdf.
    a. The name of the applicant must match that of the organization that holds required insurance.
    b. Indicate that "Pedestrian Enhancement – Parklet" is the purpose for the requested street closure.
    c. In the upper left-hand corner, check "extend existing permit" and enter your permit number, which is indicated on the previous season's permit.
2. Submit a certificate of insurance demonstrating that the Permittee maintains required insurance (see page 22).

Pedestrian Enhancement Permit Reapplication (Starting Year 4)

The City of Philadelphia Pedestrian Enhancement Ordinance states that Pedestrian Enhancement Permits are renewable for up to three years. After three years, follow the procedures below to reapply for a Pedestrian Enhancement Permit.

Please note that you may resubmit materials used previously (such as maps, photos, etc) so long as they are still current, with the exception of (a) your initial application form with required signatures (b) letters of support from property owners abutting the parklet (c) a petition of support for the parklet (d) letter of support from your local council person (recommended, not required).

1. Contact the Parklet Program Manager
    a. Write to completestreets@phila.gov or call 215-686-4421 to discuss your re-application, ask questions, and learn about program updates.

2. Submit Application and Design
    a. Fill out an application form, including all required signatures (page 15).
    b. Submit the form along with required attachments (page 16):
        i. Pictures and a map of the proposed parklet location;

ii. Letters of support from abutting property owners (see sample on page 21). The City's pedestrian enhancement ordinance requires *"support, in writing, from two-thirds (2/3) of the owners and commercial tenants of properties abutting the Pedestrian Enhancement if there are three or fewer abutting properties, and three-fourths (3/4) of the owners and commercial tenants of properties abutting the Pedestrian Enhancement if there are four or more abutting properties."*

c. Submit parklet design documents. Indicate if and how the design has changed since your last application.
   i. Parklet designs do not need to be designed or drawn by a licensed architect or engineer.
   ii. All plans must clearly articulate the spans and supports to be used for the body of the parklet.

3. Gather Evidence of Community Support
   a. Collect a petition signed petition of support signed by a representative of at least one-half of the addresses which are (a) within 75' of the proposed parklet and (b) in the Applicant's Block Face or the Applicant's opposite Block Face. Representatives include: Owner, tenant, or property manager of either residential or commercial properties. Special circumstances—such as vacant buildings, active construction projects, and/or unconventional numbering, etc.—can be discussed. (See page 20 for illustration of Block Face.) This petition must be submitted before a permit can be issued.
   b. Applicants are highly encouraged, but not required, to also provide a letter of support from their local district council member as early in the application process as possible.

4. Submit Pedestrian Enhancement Permit Application
   a. Fill out an application, available at http://www.philadelphiastreets.com/images/uploads/resource_library/Street_Closure_for_Equipment_Placement.pdf. The name of the applicant must match that of the organization that holds required insurance. Indicate that "Pedestrian Enhancement-Parklet" is the purpose for the requested street closure.
   b. Prepare an application fee of $125 to cover the cost of review and inspection. Methods of payment include check, money order, cash, and Epay.
   c. Submit your application (as a PDF) along with your application fee to the Parklet Program Manager as soon as possible and no later than 15 business days prior to planned installation.

5. Provide Proof of Insurance
   a. The City's Risk Management Office requires permittees to obtain proof of required insurance in the form of certificate(s) of insurance issued to the City of Philadelphia. The City's requirements are detailed beginning on page 22.

Parklet Application – I

Complete this form and submit it to the City's Parklet Program Manager. The proposed Permittee must hold the requisite insurance.

Permittee Information

Name and address of business or organization requesting the permit (proposed Permittee):

_____

_____

Name of contact person for requesting organization: _____

Phone # _____ Email _____

Location Information

Street Proposed _____ between _____and _____

Address(es) of property immediately in front of proposed parklet (on same block face), as applicable:

_____

Returning Parklet?

If so, write your permit number below and indicate whether the parklet design has changed since your last application.

_____

_____

Property Owner(s)

Name of owner of property immediately in front of proposed location (if different than proposed Permittee named above): _____ Phone # _____ Email _____

If different from above, name of property manager / business owner for property:
_____ Phone # _____ Email _____

Signatures

Application is hereby made to the Philadelphia Streets Department for a revocable permit to install a parklet. Applicant acknowledges and agrees that applicant has read and understands the Parklet Permit Special Conditions and agrees to be bound by the terms thereof upon receipt of a permit to install and operate a parklet.

Proposed Permittee, Chairperson/Owner

_____ (Name)

_____ (Signature) _____ (Date)

The following individuals (as applicable) support this application:

Property owner for requested location (if different than proposed Permittee)

_____ (Name)

_____ (Signature) _____ (Date)

Property manager / business owner for property at the requested location (if different than above)

_____ (Name)

_____ (Signature) _____ (Date)

Parklet Application – II

Applications must include the following:

1. A site map, to scale, showing the location and dimensions of the parklet and other objects in the immediate area (same block). The map shall include (but not be limited to):
    a. The street number addresses of nearby buildings;
    b. The direction of traffic;
    c. The presence and location of: vacant lots or buildings, driveways, fire hydrants, manholes, stormwater inlets, bike parking, utilities (including, but not limited to tree grates, vault, covers, manholes, junction boxes, signs, lights, and poles), street furniture (including but not limited to bus shelters, honor boxes, and benches), cafe seating;
    d. Existing parking regulations (including, but not limited to; handicap parking, loading zones and metered parking);
    e. The length of the applicant's street frontage.
2. At least two photographs from different angles along the sidewalk/street where the pedestrian enhancement is to be installed. Applicants are encouraged to include photographs of potential location-related conflicts (proximity to other street utilities, street furniture, etc.) noted in the detailed site map.
3. Letter(s) of support from property owners abutting the parklet.

Email submissions preferred. Submit applications as a single PDF or a zipped folder not to exceed 8mb in size. Paper applications will also be accepted. Submit applications to the Parklet Program Manager at:

Office of Transportation & Infrastructure Systems
1401 JFK Boulevard, Suite 1430
Philadelphia PA, 19102

Phone: 215-686-4421
Email: completestreets@phila.gov

Permit Special Conditions

PEDESTRIAN ENHANCEMENT PERMIT
EXHIBIT 1- SPECIAL CONDITIONS FOR PARKLETS

The City has established a Parklet Program to temporarily place a parklet in one or more parking spaces in accordance with the City's Parklet Guidelines. Any Permittee desiring to establish, operate and maintain a Parklet shall agree to be bound by the special conditions contained in this Exhibit.

1. Title, As-Is Condition of Parklet Location.

A. At all times, the Parklet Location shall remain a public right-of-way. No legal title or any other interest in real estate shall be deemed or construed to have been created by anything contained in this Agreement.

B. Permittee acknowledges and agrees that they accept this Permit to enter the Parklet Location in its "AS IS, WHERE-IS, AND WITH ALL FAULTS" condition, including all defects known or unknown, and the City makes no representation or warranty, express or implied, as to (a) any encumbrances, restrictions and conditions which may affect the Parklet Location, (b) the nature or condition of the Parklet Location for installation and operation of the Parklet, and (c) compliance of the Parklet with Applicable Law (defined below). Permittee is relying on its own independent investigation of the condition of the Parklet Location in entering this Agreement.

2. **Maintenance Obligations, Use Restrictions, Approvals.**

A. Permittee's Maintenance Obligations. Permittee hereby covenants and agrees, for itself, its successors, and assigns to be fully responsible for the costs of installing, operating and maintaining the Parklet as set forth in this Agreement. Permittee shall use and maintain the Parklet in a wholly safe condition; shall maintain any and all stands, tables, chairs, and other structures, and the grounds adjacent thereto in a clean and trim fashion, free of all waste, rubbish, accumulation of garbage, papers, and debris; shall provide and maintain adequate and proper drainage and not permit any drainage to fall or flow across the footways or roadways; shall permit free and unobstructed ingress and egress to, from, and around the Parklet for the protection or facilitation of pedestrian traffic; shall properly store and dispose of all waste matter and trash in accordance with the City's Recycling and Sanitation regulations and keep the Parklet and adjacent sidewalk free and clear of rubbish, trash and waste materials; and, except as approved in accordance with this Agreement or Applicable Law, shall not permit encroachments upon or obstructions of the streets.

B. City's Maintenance Obligations. The City shall not be required to furnish any services or facilities to the Parklet, or to make any repairs or alterations to the Parklet. The City shall not be responsible for any loss or damage to personal property on the Parklet. Permittee assumes sole responsibility for the operation, maintenance and management of the Parklet.

C. Use Restrictions. Permittee agrees that it shall not: permit any use of the Parklet except as specified in this Agreement; permit anything unlawful on the Parklet; permit a public or private nuisance on the Parklet; permit any Hazardous Substances (defined below) on the Parklet; permit an implied dedication of the Parklet; permit anything that disturbs or damages the surrounding properties; permit commercial advertising of any kind, or non-commercial advertising of any kind without the advance written approval of the Department; permit any structures on the Parklet unless specifically permitted by this Agreement; permit alcoholic beverages or illegal drugs on the Parklet Location; permit fires on the Parklet; permit personal property to be stored on the Parklet unless specifically permitted by this Agreement; or permit standing water to accumulate on the Parklet Area.

D. Approvals by City. Unless otherwise stated in this Agreement or in accordance with Applicable Law, any review, approval, permission, or consent that Permittee is required to obtain from the City under this Agreement shall not be valid or effective unless obtained from the Commissioner of the Department of Streets or the Commissioner's designee (the "Commissioner"). The review, approval, or consent by the Commissioner of any plans, specifications, work or materials submitted or performed by Permittee under this Agreement does not constitute any representation, warranty, or guarantee by the City as to the quality or substance of the matter reviewed or approved or its compliance with Applicable Laws. Permittee must use its own independent judgment as to the accuracy and quality of all such matters and its compliance with Applicable Laws. Review, approval, or consent by the Commissioner under this Agreement does not constitute any review, approval, consent, Permit or permit otherwise required under Applicable Laws by any City department, board, commission, or official.

3. **Compliance with Applicable Laws, Hazardous Substances.**

A. Applicable Laws. "Applicable Laws" shall mean all applicable present and future Federal, State and City laws, ordinances, orders, rules, regulations, guidelines and requirements.

B. Hazardous Substances. "Hazardous Substance" shall mean: (a) asbestos, flammables, volatile hydrocarbons, industrial solvents, explosives, chemicals, radioactive material, petroleum, petroleum products and by-products, natural gas, synthetic gas, and shall include but not be limited to, substances defined as "hazardous substances", "hazardous wastes", "toxic substances", "pollutants" or "contaminants" as those terms are defined in any of the Applicable Laws; and (b) any and all other materials or substances that any government entity shall determine from time to time are harmful, toxic, or dangerous.

4. **Entry on Parklet Location By City; City Inspection.** The City may enter the Parklet at any time, for any reason, including inspecting the Parklet and/or Parklet Area. Nothing contained in this Section shall create a duty on the City to make any repairs or do any work on the Parklet Location. City inspections shall not be a representation, guaranty, or warranty by the City to Permittee, as to Permittee's compliance with the terms of this Agreement or Applicable Laws.

5. **Insurance.** At all times during the Term of this Agreement, the Permittee shall maintain procure and maintain insurance in the types and amounts as specified below.

Permittee shall, at its sole cost and expense, procure and maintain in full force and effect, for the Term of the Permit Agreement, covering its obligations under this Agreement, the types and minimum limits of insurance specified below. All insurance shall be procured from reputable insurers authorized to do business in the Commonwealth of Pennsylvania and acceptable to the City. All insurance required herein shall be written on an "occurrence" basis and not a "claims-made" basis.

(i) WORKERS COMPENSATION AND EMPLOYERS LIABILITY

(a) Workers Compensation: Statutory limits

(b) Employers Liability: $100,000 each Accident - Bodily Injury by Accident; $100,000 Each Employee - Bodily Injury by Disease; and $500,000 Policy Limit -Bodily Injury by Disease.All States coverage and Pennsylvania Endorsement.

(ii) GENERAL LIABILITY INSURANCE

(a) Limit of liability: $1,000,000 per occurrence combined single limit for bodily injury (including death) and property damage liability;

(b) Coverage: Premises operations; blanket contractual liability; personal injury liability (employee exclusion deleted); products and completed operations; independent contractors; employees and volunteers as insureds; cross liability; and broad form property damage (including loss of use) liability.

(iii) AUTOMOBILE LIABILITY INSURANCE

(a) Limit of Liability: $1,000,000 per occurrence combined single limit for bodily injury (including death) and property damage liability.

(b) Coverage: Owned, hired and non-owned vehicles.

The City of Philadelphia, its officers, employees, and agents, shall be named as additional insureds on the General Liability Insurance Policy. Also, an endorsement is required stating that the coverage afforded the City and its officers, employees and agents as additional insureds will be primary to any coverage available to them. The City reserves the right to require Permittee to furnish certified copies of the original policies of all insurance required hereunder at any time upon ten (10) days prior written notice to Permittee. All such policies shall include an endorsement stating that the coverage afforded to these parties as additional insureds will be primary to any other coverage available to them.

Certificates of insurance evidencing the required coverage shall be submitted to the City of Philadelphia, 1515 Arch Street, 14th Floor, Philadelphia, Pennsylvania 19102). Permittee shall furnish certified copies of the original policies of all insurance required under this Agreement, at any time, within ten (10) days after written request by the City.

All insurance policies shall provide for a least thirty (30) days prior written notice to be given to the City in the event coverage is materially changed, cancelled, or not renewed. At least ten (10) days prior to the expiration of each policy, Permittee shall deliver to the City a Certificate of Insurance evidencing a replacement policy to become effective immediately upon the termination of the previous policy.

The insurance requirements set forth herein shall in no way be intended to modify, limit or reduce the indemnifications made in this Agreement by Permittee to City, its officers, employees, and agents, or to limit Permittee's liability under this Agreement to the limits of the policies of insurance required to be maintained by Permittee hereunder.

6. **Indemnification; Release.**

A. Permittee agrees to defend, indemnify, and hold harmless the City, its departments, commissions, boards, officers, employees or agents, from and against all actions, causes, suits, demands, losses, and liabilities, including the cost of litigation and attorneys fees, by reason of injury (including death) to persons and damage to property in any way arising in connection with this Agreement or rights granted to Permittee hereunder; provided that nothing herein contained shall be deemed to confer upon any third person any right against City, or to vest in said third person any cause of action against City, or to authorize any such person to institute any such suit or suits against City, its departments, commissions, boards, officers, employees or agents. Permittee is not obligated to indemnify, defend, and hold harmless the City against losses, costs, claims, suits, actions, damages, liabilities, and expenses that arise exclusively from the gross negligence or willful misconduct of the City. This Section 8 shall survive the expiration or earlier termination of this Agreement.

B. In consideration of the Permit extended to Permittee by this Agreement, Permittee, and for Permittee's its contractors, and invitees and all persons claiming through any of them (collectively, including Permittee the "Releasing Parties") do hereby remise, quitclaim, release and forever discharge, the City, its departments, commissions, boards, officers, employees or agents, from any and all, and all manner of, actions

and causes of action, suits, claims, and demands whatsoever in law or in equity which the Releasing Parties may have against the City its departments, commissions, boards, officers, employees or agents, relating in any way whatsoever to any condition on the Parklet Location, or relating in any way to Permittee's entry onto the Parklet Location, or Permittee's use of the Parklet Location. Permittee voluntarily assumes all risk of loss, damage, or injury, including death that may be sustained by the Permittee, its contractors, or invitees, while in, on or about the Permitted Property. This Section 8 shall survive the expiration or earlier termination of this Agreement.

7. **Relocation; Termination of this Agreement.**

A. Relocation. Permittee understands and agrees that it shall, upon request of the City, relocate the Parklet, and/or remove the Parklet Location, property including chairs, tables, or underground structures, either publicly or privately owned, and that Permittee will absorb all costs and expenses necessary for the performance of such relocation work.

B. Termination.

i. Both the City and Permittee may terminate this Agreement upon thirty (30) days written notice to the non-terminating party at any time, with or without cause. Permittee shall further agree that upon receipt of such notice from the City, Permittee shall vacate the Parklet and leave it in a clean condition, clear of all property and debris and restore the Parklet Area to the satisfaction and approval of the City within thirty (30) days after receiving such notice. The City shall not be liable to Permittee for any compensation, reimbursement or other expenses related to this Agreement.

ii. Permittee agrees that in the event the Parklet is not removed from the Parklet Area and/or if the Parklet Area is not restored to its original condition, the City shall have the right and privilege, at its option, of removing said Parklet, and restoring the footway to its original condition and in event of the City so doing, Permittee shall pay to the City, within thirty (30) days written notice or demand, the costs expended by the City in such removal and/or restoration.

8. **Miscellaneous.**

A. Governing Law. This Agreement shall be governed in accordance with the laws of the Commonwealth of Pennsylvania. The parties to this Agreement agree to submit to the jurisdiction of the courts, whether federal or state, located in Philadelphia, Pennsylvania.

B. Assignment. Permittee must not transfer, assign, hypothecate, or sub-permit all or any part of its interest under this Agreement without the prior written consent of the City. Subject to the preceding sentence, this Agreement will be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. Nothing in this Agreement may be construed to mean that the City gives its consent to Permittee to sub-permit this Agreement to another party.

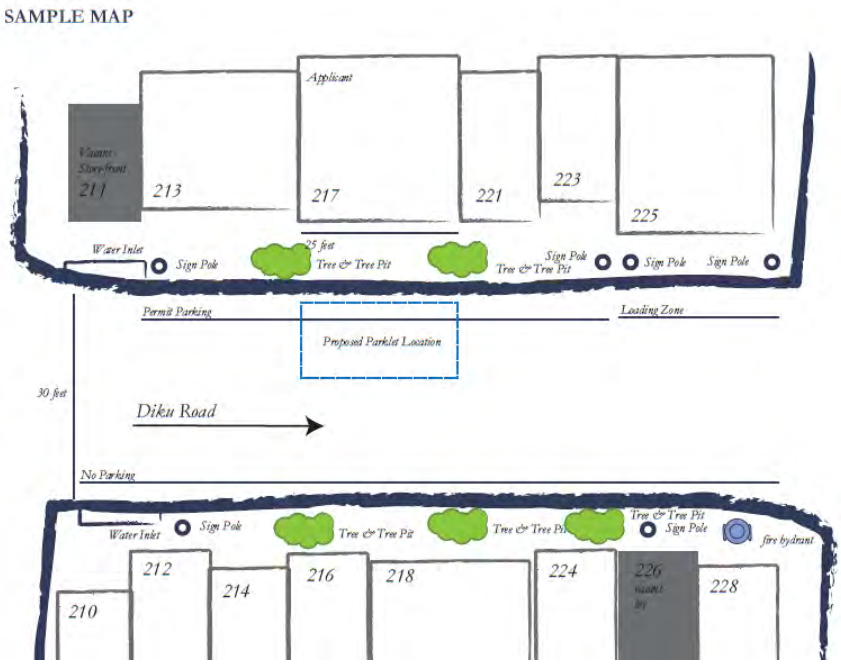
C. Amendment. This Agreement may only be amended, modified or supplemented by an agreement in writing signed by City and Permittee.

D. Headings. The headings in this Agreement are for convenience only and are not a part of this Agreement. The headings do not in any way define, limit, describe or amplify the provisions of this Agreement or the scope or intent thereof.

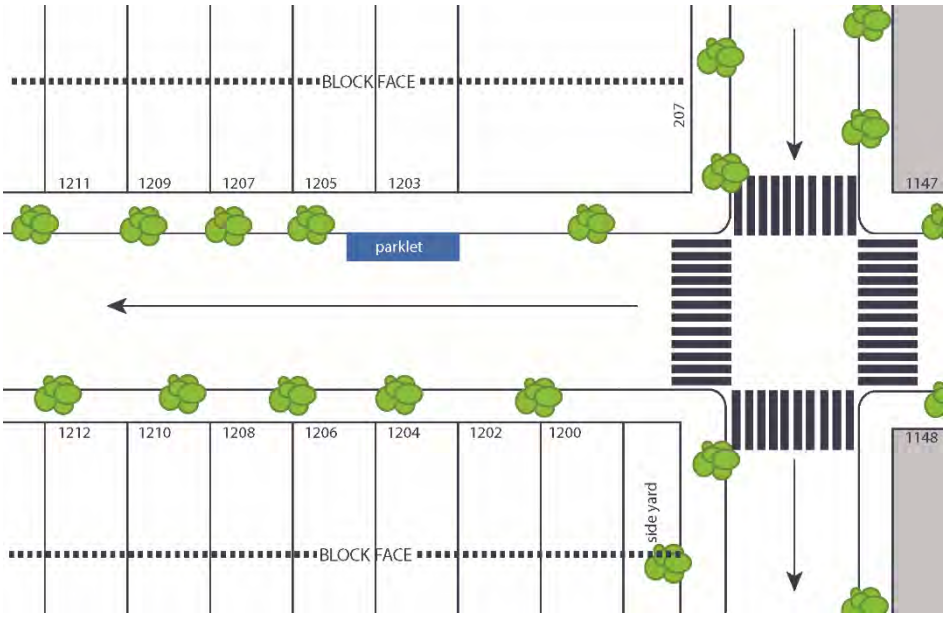
E. Survival. Any and all agreements set forth in this Agreement which, by its or their nature, would reasonably be expected to be performed after the expiration or earlier termination of this Agreement shall survive and be enforceable after the expiration or earlier termination of this Agreement. Any and all liabilities, actual or contingent, which shall have arisen during the Term, shall survive any termination of this Agreement.

Sample Site Map

The following represents a sample site map to be submitted along with the application.



Illustrated Block Face



Sample Letter of Support

The following represents a sample letter of support that should be submitted along with the application. Applicants are not required to use the exact language below.

Office of Transportation & Infrastructure Systems
Suite 1430
1401 JFK Blvd
Philadelphia, PA 19102

To Whom It May Concern:

I am the owner of _____ [address and/or entity] and I am writing this letter in support of the parklet proposed for _____.

I have met with _____ [proposed Permittee] and understand the rules and special conditions governing the placement and operation of parklets in Philadelphia.

I am excited to see a parklet appear in my neighborhood. I understand that parklets add to the vitality of our neighborhood and support pedestrian activity. If you have any questions or concerns, please contact me at_____ or _____.

Sincerely,

_____

Insurance Requirements

The City's Risk Management Office requires Permittees to maintain adequate insurance for parklets. The City's insurance requirements, listed below as an excerpt from the Permit Special Conditions, are considered to be industry standards for non-profits and small businesses. It is not intended for these requirements to necessitate the purchase of additional insurance. If you are unsure whether your policy meets the precise specifications below, please contact the Parklet Program Manager to see if you are covered sufficiently by other components of your insurance policy.

When submitting a certificate of insurance, make sure that:

- The certificate is issued to the City of Philadelphia (1515 Arch Street 14th Floor, Philadelphia 19102);
- The name of the insured matches the name of the Permittee;
- The certificate states that the parklet, clearly identified by its address or location, is covered by the policy;
- The certificate states that the City of Philadelphia, its officers, employees, and agents are named as additional insureds on the General Liability Insurance Policy, and that such coverage afforded the City and its officers, employees and agents as additional insureds will be primary to any coverage available to them (see below).

If you have any questions, or would like to see a sample certificate of insurance filled out to required specifications, please contact the Parklet Program Manager.

The following is excerpted from the City's Parklet Permit Special Conditions:

***

5. **Insurance.** At all times during the Term of this Agreement, the Permittee shall maintain procure and maintain insurance in the types and amounts as specified below.

Permittee shall, at its sole cost and expense, procure and maintain in full force and effect, for the Term of the Permit Agreement, covering its obligations under this Agreement, the types and minimum limits of insurance specified below. All insurance shall be procured from reputable insurers authorized to do business in the Commonwealth of Pennsylvania and acceptable to the City. All insurance required herein shall be written on an "occurrence" basis and not a "claims-made" basis.

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***

Checklist

Location Approval

- Parklet Application Form ☐
- Site Map ☐
- Site Photographs ☐
- Support Letter(s): Property Owner(s) Abutting Parklet ☐

Design Approval

- Parklet Designs ☐

Community Support

- Letter of Support: District Councilperson (rec.) ☐
- Petition of Support ☐

Final Approvals

- Certificate of Insurance ☐
- Pedestrian Enhancement Permit Application ☐