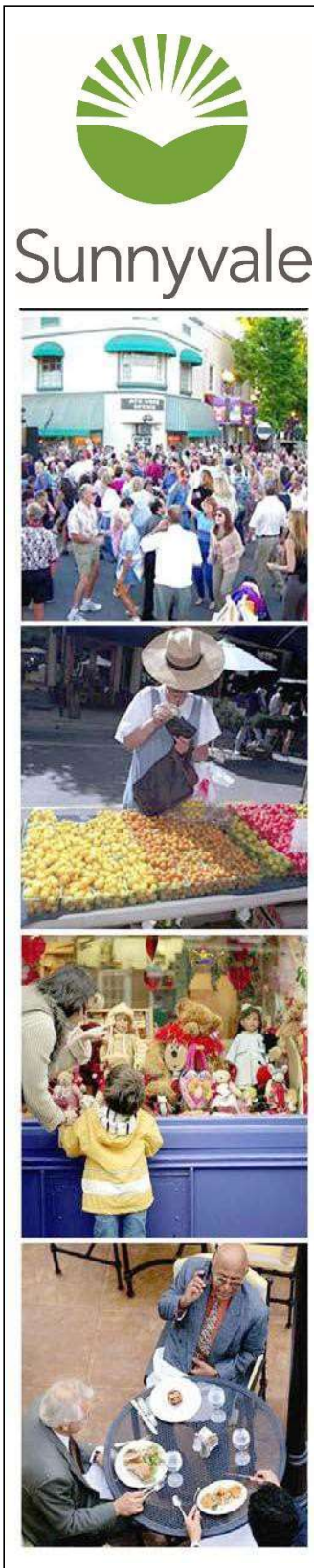


Policy 1.1.10 Use of the Public Street and Sidewalk on the 100 Block of South Murphy Avenue



POLICY PURPOSE:

The City is committed to the preservation and enhancement of the 100 Block of Historic South Murphy Avenue as Sunnyvale's "Main" Street. This policy is intended to promote the attractive commercial and historic environment of Murphy Avenue by allowing private use of the public street and sidewalk, while ensuring a successful streetscape and protection of the general public.

DEFINITIONS:

For the purpose of this document, the following terms are defined as follows:

1. **Frontage Zone:** The 'frontage zone' portion of the sidewalk is defined generally as the space on the public sidewalk closest to the building facades measuring approximately 2-feet from the right-of way line. This linear strip extends along both sides of Murphy Avenue from Evelyn Avenue to Washington Avenue.

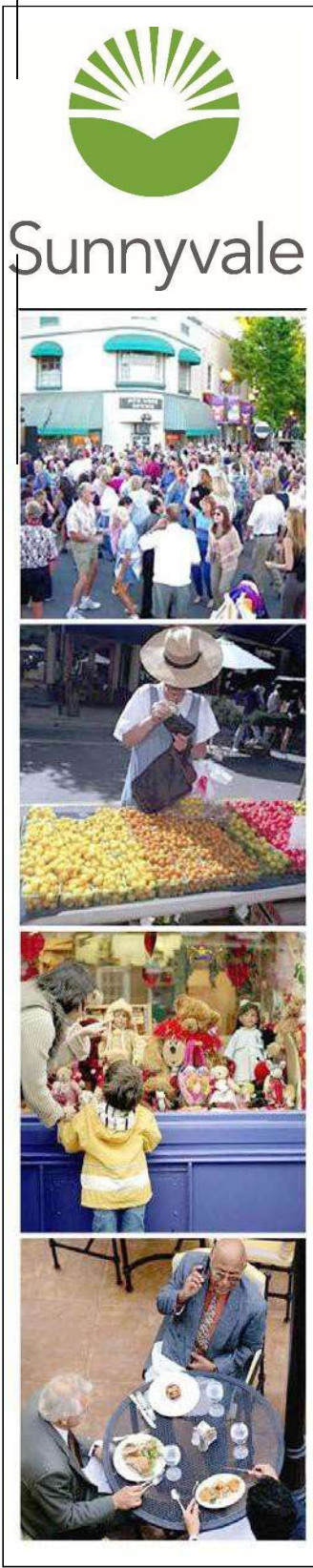
2. **Pedestrian Zone:** The 'pedestrian zone' is the area between the 'frontage zone' and the 'furnishings zone', and the center portion of the street that is available for pedestrian circulation. The width of the pedestrian zone on the sidewalk shall be at least 5 (five) feet and at least 56 (six) feet in the center portion of the street at any given point.

3. **Furnishings Zone:** The 'furnishings zone' of the sidewalk is defined as the space between the 'pedestrian zone' and the two feet behind the face of curb where the City owned 'public features' (light posts, benches, planters etc.) are placed. The width of the furnishings zone varies throughout Murphy Avenue depending on the presence of adjacent on-street parking and other streetscape furniture items.

4. **MPP (Miscellaneous Plan Permit):** A miscellaneous plan permit is an administrative process to allow the determination determine of the dimensions, colors, materials, architectural elevations, design and placement of the physical characteristics of a project.

The purpose of the Murphy Avenue Street and Sidewalk Policy is:

- a. To establish standards for the use of the "frontage zone" portion of the public sidewalk by business owners/operators for outdoor merchandise display, seating and/or signage.
- b. To allow for the use of the "furnishings zone" and and "frontage zone" of the sidewalk, and a section of the public street of the public sidewalk for outdoor dining under specified conditions.



- c. To maintain accessible pedestrian access at all times, ~~both~~ along the sidewalk, street and into businesses.
- d. To establish procedures for relocating public street furniture under limited circumstances.

These guidelines have been developed specifically for, and are unique to the sidewalk and ~~portion~~ the street portion of the public right-of-way on the 100 block of South_Murphy Avenue. The policy does not apply to furniture on private property; adjoining streets including Washington Avenue, Evelyn Avenue, South Sunnyvale Avenue and South Frances Street, ~~to the street portion of the public right-of-way on the 100 block of South Murphy Avenue~~ or to the public right-of-way located elsewhere in the City.

POLICY STATEMENT:

A. USE OF THE CITY STREET AND SIDEWALK RIGHT-OF-WAY

A.1. Frontage zone:

1. The frontage zone of the public sidewalk along the 100 Block of South Murphy Avenue may be used for the display of signage, merchandise or other items relating to the legal business operation of the adjacent business, and deployed daily during permitted business hours by business owners or operators. Use of the frontage zone requires maintaining private features and the furnishings zone in a neat and safe condition.

2. All signage and merchandise in the frontage zone shall comply with the requirements outlined in Section B.

3. Outdoor dining in the frontage zone requires prior approval of an MPP (refer to Section C).

A.2. Pedestrian zone: The pedestrian zone shall remain clear without any obstructions to allow for the movement of pedestrians.

A.3. Furnishings zone:

1. Public Features: This policy applies to the following types of public street furniture/furnishings:

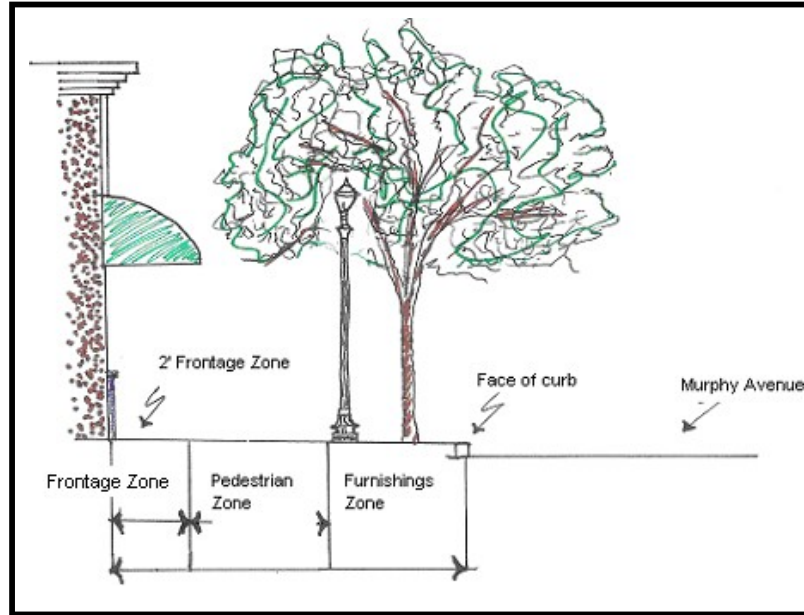
- benches, trash receptacles, street lights, trees, tree grates, planter urns, bicycle parking, or other furnishings managed by the City, and
- planters, signs, fences/barriers, or other items required as a condition of approval, or other permanent features.
- newsracks which are regulated by the Special Newsrack District policy Chapter 9.42 of the Sunnyvale Municipal Code (SMC)

2. Outdoor seating for dining or other business use in the furnishings zone requires approval of an MPP (refer to Section C). Use of the furnishings zone for outdoor dining requires maintaining tables, chairs and the dining area in a neat and safe condition.

3. Removal and/or relocation of public street furnishings requires approval of an MPP and payment of associated costs (refer to Section D).

A.4. Public street:

4. Outdoor seating for dining or other business use in the public street requires approval of an MPP (refer to Section C). Use of the public street for outdoor dining requires maintaining tables, chairs, flooring/decking, and the dining area in a neat and safe condition.



Murphy Avenue Sidewalk Area

B. FRONTAGE ZONE OF THE PUBLIC SIDEWALK

B.1. Private Features: This policy applies to the following types of private street furnishings: planters, outdoor seats, tables, freestanding signs (e.g. A-Frame, sandwich boards, ete-other portable signs), merchandise holders/displays, or any other items placed by business owners or operators.

B.2. Allowed Uses

1. The frontage zone of the sidewalk can be used for the following street furnishings, depending on the business type: un-fixed outdoor seating or dining, portable free-standing signs, sandwich board signs, outdoor display of merchandise (e.g. racks, tables), planters or landscape boxes.
2. All private street furnishings may be placed and kept within the frontage zone of the public sidewalk (identified by the charcoal band pavers) closest to the building facades. Outdoor seating for dining in the frontage zone requires approval of an MPP (refer to Section CD).
3. All other types of street furnishings not specifically described above shall be prohibited unless it is determined by the Community Development Director that they are similar and appropriate to the allowed furnishings.



4. Business owners may use only the frontage zone of the sidewalk directly adjoining their business frontages. No items are allowed within entry or exit areas of any business or building.
5. Only business owners or operators that have frontage on the 100 Block of South Murphy Avenue may utilize the frontage zone of the sidewalk.

B.3. Required Permits

1. ~~No permits are required to place allowed street furnishings during business hours (listed above) in the frontage zone of the sidewalk area.~~ An annual permit will be required for all outdoor dining layouts.
2. All private street furnishings must meet the design criteria listed in the Design Criteria sections of this policy.

B.4. Design Criteria for Portable Freestanding Signs

1. Freestanding signs, such as A-Frames or sandwich boards or menu boards, shall be limited to one (1) per business.
2. Freestanding signs shall be limited to a maximum of four (4) feet high (as measured from the top of street curb elevation) and two (2) feet wide in any direction.
3. Freestanding signs shall not lean against the building or any other structure, but must be self supportive.
4. Freestanding signs shall have an open base, with cut-outs or legs.
5. Freestanding signs shall not be moving, bending, animated, internally illuminated, or have changeable copy (electronic message reader board), with the exception of a grease board feature on the sign face.
6. Freestanding signs materials ~~should~~shall be either wood or metal (not flat sheet siding). Materials such as plastic, foam, paper, cardboard, laminated paper, or vinyl are discouraged. PVC pipe frames are prohibited. Recycled products may be considered provided they have a similar design affect as wood or metal.
7. Freestanding signs shall be made to be secure and shall not blow or move in the wind. Balloons of any type are prohibited.
8. Freestanding signs shall not be permanently affixed to the ground or chained to anything, including City light posts, trees, tree grates or any other City-owned furnishings.
9. Freestanding signs shall be moved inside the business when the business is closed.
10. No sign shall detract from the historic character of Murphy Avenue or otherwise be a visual/physical nuisance.

B.5. Design Criteria for Merchandise Displays

1. Outdoor merchandise displays, such as clothes racks, tables, shelves, etc. shall be limited to one (1) per business.
2. Displays shall not exceed five (5) feet high and two (2) feet deep. The length of merchandise displays are limited to the length of the business frontage.
Merchandise displays shall not encroach onto neighboring business frontages.
3. ~~The total square footage of m~~Merchandise displays ~~and window signage~~ shall not exceed more than 50% of the square footage of the store front windows bay behind the displays.
4. Displays shall not be permanently affixed to the ground, and shall be moved inside the business when the business is closed.
5. Displays shall be made to be secure and shall not blow or move in the wind.

B.6. Design Criteria for Private Planters

1. Private planters shall be a maximum of three (3) feet high (as measured from the top of the street curb) and (2) feet wide in any direction.
2. Planters shall not be permanently affixed to the sidewalk but may remain on the sidewalk after business hours. Planters must be planted and maintained in a neat manner. Planters with dead plants or poorly maintained plants must be removed. Placement of planters must comply with applicable accessibility and safety standards.
3. The applicant is responsible for any and all damages to the public right-of-way resulting from private planters.

B.7. Design Criteria for Other Private Street Furnishings

1. Other street furnishings not specifically described by this policy shall be prohibited unless specifically approved by the Community Development Director through an MPP, using similar design criteria.

C. OUTDOOR DINING IN THE PUBLIC STREET AND SIDEWALK

The purpose of this policy is to regulate the type, location and appearance of outdoor dining uses on South Murphy Avenue where the public street and sidewalk is/are to be utilized.

Outdoor dining shall be allowed to occur during permitted business hours around the existing street furniture in the “furnishings zone” and in the “frontage zone” of the public right-of-way, and on a section of the public street subject to approval of an annual Miscellaneous Plan Permit (MPP) from the Director of Community Development. The permit may be revoked by the City Council for non-compliance with permit conditions. Any notice of non-compliance of permit conditions will be kept on file for review during the annual renewal process.

Once a permit is issued, an active business license must be maintained at all times. These

policy guidelines establish criteria for the review of each application by the Director of Community or their designee. The policy is intended to (1) ensure pedestrian and fire lane access, (2) prevent a cluttered appearance, and (3) promote an attractive, vibrant commercial environment.

MPP applications must include, at a minimum, the following materials: ~~be accompanied by a letter of authorization from the Sunnyvale Downtown Association, or the equivalent association at that time, prior to staff action on the permit. These policy guidelines establish criteria for the review of each application by the Director of Community Development. The policy is intended to (1) ensure pedestrian and fire lane access, (2) prevent a cluttered appearance; and (3) promote an attractive commercial environment.~~

- City application forms signed by the property owner and the business owner (as applicant)
- Letter of authorization from the Sunnyvale Downtown Association, or the equivalent association at that time
- Proof of commercial general liability
- Dimensioned site plan showing the limits of the business frontage and location of the dining layout (tables, chairs, umbrellas) with clearances (in feet and inches) noted for pedestrian and fire access, as well as clearances to other fixed fixtures such as fire hydrants, light poles, benches, tree wells, bicycle racks, and curb ramps. The site plan must include the length and width dimensions of any proposed temporary shade structures in the street, including clearances around the structure.
 - Any proposed relocation of public street furniture, such as planters, bicycle racks, and trash receptables, shall be noted on the site plan.
- Pictures of proposed furnishings (e.g. seats, tables, umbrellas, heaters, and other portable furnishings)

Each business must apply for an MPP annually and will be required to submit the materials noted above. Additional fees may be required for Fire Services inspections, flammable gas (e.g. propane) heater permits and other miscellaneous maintenance costs.

C.1. Uses

1. Proposed outdoor dining uses shall be directly related to the main commercial use, and operated by the same personnel. Each use is subject to staff review as part of the MPP process. ~~approval at staff level.~~
2. The MPP granted to an establishment shall be renewed annually. ~~reviewed at the beginning of each year.~~ The permit requirements will be reviewed throughout the year to ensure continued compliance with the requirements of this policy. An active City of Sunnyvale business license must be maintained at all times in order for the permit to remain active throughout the year. Any violation of the requirements of this policy and conditions of approval for the permit could result in revocation of the MPP by the Director of Community Development ~~City Council.~~
3. The MPP, once activated through compliance with conditions imposed by the Director of Community Development, shall become null and void if the property outdoor dining is not used for such purpose for a period of ~~three months~~ one year or more.

C.2. Location

- ~~1. The outdoor dining use shall be adjacent to the building frontage the business occupies along Murphy Avenue, and is not allowed in any parking lot, landscaped area, tree well or grate, loading or fire zone, or pedestrian crosswalk or breezeway. The use shall not encroach upon the building frontage of neighboring businesses, ~~except when the street is closed to vehicular traffic for outdoor public events (such as the summer Wednesday Night Music and Market, the Saturday Farmers Market, and the Art and Wine festival) or when written approval has been granted by the adjoining business for the use of their frontage. The business must obtain both written approval from those neighboring businesses and provide liability insurance to cover the outdoor dining in front of those neighboring businesses.~~~~
- ~~1.~~
2. The outdoor dining use shall not obstruct pedestrian movement or access from any doorway, as determined by the Building Safety Division and Fire Prevention Unit. At least 5 (five) five (5) feet of pedestrian clearance shall be provided around sidewalk set up the use. The 5 (five) five (5) feet may include adjacent available public sidewalks. At least 6 (six) feet of pedestrian clearance shall be provided at the center of Murphy Avenue.
3. The outdoor dining use shall not block access points to pedestrian ramps and -crosswalks, and shall be located at least fifteen (15) feet from any driveway or fire hydrant. The 40-foot clear corner sight-vision triangles at the intersections of Murphy Avenue and Washington Avenue, and Murphy Avenue and Evelyn Avenue shall be kept free of all obstructions.
4. A single permit may be issued for any eating establishment which occupies more than one adjacent parcel, or for two separate eating establishments on adjacent parcels that wish to operate a single outdoor dining facility.

C.3. Appearance

Furniture

1. Tables with individual chairs are required for outdoor dining (no bench seating). Each table shall be setup to accommodate no more than ~~4 (four)-(4)~~ persons in the furnishings zone. ~~Each table shall be setup to accommodate no~~ no more than ~~2 (two)-(2)~~ persons in the frontage zone, and no more than 8 (eight) persons in the public street. Configurations of tables and chairs shall be approved by the Building Safety Division and Fire Prevention Unit for compliance with related codes ~~regarding~~ (i.e. occupant loads, disabled access, and egress) during the MPP review process.
- ~~2—~~ Tables and chairs shall be of either metal or wood construction. Recycled products may be considered provided they have a similar design affect as wood or metal. Tables and chairs shall not have legs or braces which protrude, creating a hazard for passers by, or that damage the pavement.
- ~~2~~ Tables and chairs shall be moved inside the business when the business is closed on Tuesday nights (and Wednesday nights during summer event season).
- ~~3.~~ All outdoor furnishings must be secured at close of business. Items may be secured with chains, locks or anything that prevents anyone from being able to lift and move the furniture. Items may not be secured to trees, tree grates, planters, trash receptacles, light posts, benches or any other public fixture on Murphy Avenue, and shall not block access to the fire hydrant or pedestrian access routes. Use of City-owned electrical outlets is prohibited.
- ~~4.~~ Umbrellas which are free-standing or used as part of the table assembly, must be open on all sides with no unprotected protrusions around the perimeter. The top portion of the umbrella (i.e. the cover) may extend into the pedestrian zone provided it is taller than seven feet to prevent obstruction to the movement of pedestrians. The diameter of the umbrella shall generally be 7 ft. or less in width.

~~chairs shall not have legs or braces which protrude, creating a hazard for passers by, or that damage the pavement.~~

- ~~3—~~ Tables and chairs shall be moved inside the business when the business is closed on Tuesday nights (Wednesday nights during event season).
- ~~4—~~ All outdoor furnishings must be secured at close of business. Items may be secured with chains, locks or anything that prevents anyone from being able to lift and move the furniture. Items may not be secured to trees, lights posts, benches or any other public fixture on Murphy Avenue.

~~5. Umbrellas which are free standing or used as part of the table assembly, must be open on all sides with no unprotected protrusions around the perimeter. The top portion of the umbrella (i.e. the cover) may extend into the pedestrian zone provided it is taller than seven feet to prevent obstruction to the movement of pedestrians. The diameter of the umbrella shall generally be 7 ft. or less in width.~~

6.5. Freestanding umbrellas shall be made to be safely weighted down (not be permanently secured) to the public sidewalk or street, so they will not become a safety hazard to the public, or damage the pavement. Umbrellas shall not be placed in pedestrian zones or obstruct any pedestrian walkways.

6. Freestanding umbrella bases shall be made to be aesthetically compatible with the historic nature of Murphy Avenue.

~~7. Retractable belt barriers and metal post stanchions and ropes must be used to enclose the sidewalk and street layout. Metal, wood, or plastic barricades (such as crowd control barriers, safety barriers, and traffic barricades) are prohibited.~~

~~7.~~

8. Outdoor heaters in the furnishings zone require approval of the Fire Prevention Unit and shall be considered on a case-by-case basis. Gas operated outdoor heaters shall not be allowed in the frontage and pedestrian zone. Electric heaters built into the building façade require approval of a Landmark Alteration Permit (LAP).

9. The permittee holds the responsibility to maintain the outdoor furnishings in a safe and attractive condition. Dining tables and the area must be bussed and kept free of food wastes that would attract nuisances. Feeding of wildlife is prohibited. Business shall immediately remove any material from the pavement in or near the outdoor dining areas to avoid slip hazards, and vectors.

Other Physical Accessories

~~1. Lighting fixtures, area delineation accessories, planters or any other furnishings used in conjunction with outdoor dining shall be subject to the review process prior to issuance of the MPP.~~

~~2. Televisions, radios, speakers or other electronics are prohibited within the outdoor dining areas.~~

Table Service Ware

Service ware (i.e. plates, cups, utensils) shall not be of the disposable type, i.e. no single-use service ware is allowed.

Aesthetic

A standard on aesthetics is appropriate and desirable to assure that street and sidewalk encroachments complement, rather than detract from, the Murphy Avenue streetscape. The applicant must submit detailed design plans for staff review and comment. General guidelines to be used in the review include:

1. The outdoor dining furniture shall be reasonably compatible in scale, design and color with the character of the building facade and adjacent structures.
 - a. The dining area should have a coordinated color scheme, preferably consisting of no more than two colors.
 - ~~b. Canvas is the preferred material for umbrellas. Stationary metal shades are unacceptable. Any graphics on sun shades are prohibited, should be incidental to the design. Type styles and logos should relate to the existing architectural style of Murphy Avenue.~~
 - ~~b.c. No banners, posters, signs of any kind may be installed or painted on any street furnishing used for outdoor dining.~~

Structural Upgrading

To further the City's efforts to revitalize Murphy Avenue, certain structural standards relating to the ~~façade appearance~~ facade of the eating establishment must be met before outdoor dining will be allowed on the public right-of-way. These guidelines are consistent with those found in the Design Guidelines for the Murphy Avenue Station Heritage Landmark District Design Guidelines adopted in ~~1994~~ 2019 and represent the minimal conditions expected.

1. Paint: Harmonious color and appropriate to the streetscape.
2. Storefront Windows: Large window areas to illuminate the interior, and to allow views of the street.
3. Signage: Appropriate size and material, reflective of the general character of Murphy Avenue in design and color.

~~If appropriate, o~~Other priority improvements identified in the design guidelines may be required by the Director of Community Development for ~~to~~ rooflines, tile work, doors, awnings, exposed utility equipment, or other architectural details to ensure their compatibility and acceptable condition.

C.4. Other Regulatory Considerations

Smoking

~~1. Business must comply with local and state regulations regarding smoking.~~

~~2.1.~~ Smoking is prohibited on the 100 block of South Murphy Avenue.

Trash

1. Trash generated from outdoor dining service shall be deposited within the regular restaurant trash receptacles, not in Murphy Avenue streetscape City trash receptacles.

2. Businesses must keep outdoor dining areas clean and free of food wastes and debris at all times, and clean the street and sidewalk pavement daily at the end of the outdoor use.

Food Service

The following are regulations set forth by the County of Santa Clara Health Department of Environmental Health. With regard to outdoor dining, non-conformance ~~to~~with these standards ~~may~~will result in the revocation of the City's MPP.

1. Food preparation must take place inside the eating establishment only.
2. No outside food displays are allowed.
3. Condiments must be kept in closed containers (ketchup bottles, squeeze bottle, individual packets).

Serving of Alcoholic Beverages

Restaurants must comply with Alcoholic Beverage Control (ABC) requirements for serving alcohol in outdoor eating areas. Failure to comply with all applicable ABC standards ~~will~~may result in the revocation of the MPP. At a minimum, these requirements include:

1. Alcoholic beverages may only be served in outdoor areas ~~which are contiguous to the eating establishment (i.e. the area must not be separated from the restaurant by a public sidewalk) or~~ in accordance with current ABC requirements.
2. The restaurant operator must provide a visual barrier or delineation to distinguish the outdoor serving area from the public ~~sidewalk~~walkway. Retractable belt barriers, metal post stanchions and ropes may be used.
3. Alcoholic drinks may not be prepared (mixed) in the outdoor area.
4. Physical conditions must allow visual monitoring of alcohol consumption from within the establishment, or the establishment must provide regular ~~waiter/waitress~~ service to the outdoor area.

ABC requires that the licensee obtain approval for premise expansion. The licensee must show evidence that the City has issued the MPP. Issuance of an MPP to an establishment intending to serve alcoholic beverages in the encroachment area will include a condition that the permittee provides a copy of the ABC approval to the Planning Division within 45 days after service begins.

Insurance

~~Permittee is required to maintain a policy of commercial general liability insurance with limits of not less than \$1 million per occurrence and \$2 million aggregate. Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City of Sunnyvale. The City of Sunnyvale, its officers, employees, agents and volunteers must be named as additional insured and provided with a signed endorsement to the policy. A certificate of insurance alone will not suffice. The preferred endorsement form is CG20101185, but others can be issued with the approval of the City's Risk Manager.~~

The City requires that Permittee shall maintain insurance requirements on the Pacific Insurance Network System (PINS). Permittee shall procure and maintain policies of insurance at its own expense during the life of the permit. The insurance coverage and limits shall be determined by the City's Risk Manager.

Indemnification

~~Except as to the sole negligence or willful misconduct of the City, the permittee shall defend, indemnify and hold the City, and its officers, employees, agents and volunteers harmless from any and all loss, damage, claim for damage, liability, expense, or cost, including attorneys' fees, which arise out of the permitted outdoor dining in the public right-of-way.~~

- A. Permittee shall hold harmless, defend, and indemnify the City and its officers, agents, officials, employees, and volunteers against all claims, losses, damages and/or expenses including attorney fees, costs of litigation and judgment, directly or indirectly arising from or claiming to arise from any injury to any person(s), damage to any property, or any economic loss, arising out of, in whole or in part, (1) by any negligent act or omission of the Permittee; and/or (2) by the Permittee's performance or on-performance of its duties under this Agreement; and/or (3) by the permitted outdoor dining public right-of-way or City street; and/or (4) any defect in any services provided by the Permittee. This duty to defend, indemnify, and hold harmless shall include the Permittee's responsibility for any and all foregoing claims, even if such claims are groundless, false, and/or fraudulent and any and all equitable relief, damages, costs and attorney fees except those caused by the sole negligence, or willful misconduct of the City.
- B. This obligation shall be continuing in nature and extend beyond the term of this Agreement. The doctrine of equitable tolling extends the time within which an action for breach of this provision may be filed.
- C. Permittee and City as used in this section, include the employees, agents, sub-contractors, and any other person who are directly employed by or otherwise legally responsible, respectively to each party.

D. PUBLIC FEATURES RELOCATION: PERMIT REQUIREMENTS

D.1. Applicable Parties

Only business owners, Sunnyvale Downtown Association (SDA), operators or property owners on the 100 block of South Murphy Avenue may request to relocate the public street furniture/furnishings to a suitable new location on South Murphy Avenue.

D.2. Permits

The Miscellaneous Plan Permit (MPP) process will regulate the operation of street furniture/furnishings movement in the public right-of-way. MPP applications must be endorsed by the Sunnyvale Downtown Association (SDA), or the equivalent association at that time, prior to staff action on the permit. The policy guidelines establish criteria for the review of each application by the Director of Community Development ~~and the City Engineer.~~

D.3. Location

1. Applicants can request to relocate certain street furniture (Bench, trash receptacle, planters, ash receptacle) to a suitable new location on South Murphy Avenue. The applicant is responsible to pay all costs associated with the relocation, including upgrading/repairing the sidewalk portion from where the item is removed to match current design.
2. The applicant must obtain written approval from the business(es) adjacent to the location where the furniture is to be moved.
- ~~3.—~~The new location shall not obstruct pedestrian movement or access from any doorway, as determined by the Building Safety Division and Fire Prevention Unit. At least five (5) feet of pedestrian clearance shall be provide on the public sidewalks and six (6) feet of pedestrian clearance in the center of the street.
~~— (5) feet of pedestrian clearance shall be provided on the public sidewalks.~~
- ~~4.~~3. The new location shall not block access points to pedestrian crosswalks, walkways and shall be located at least fifteen (15) feet from any ~~driveway or~~ fire hydrant.
- ~~5.~~4. The new location shall be consistent with the approved 2005 Streetscape Revitalization Plan for Murphy Avenue.

D.4. Removing Furniture

Applicants can request that certain street furniture be removed (bench, trash receptacle, planter ash receptacle) from the streetscape entirely if a suitable new location cannot be found, subject to the determination that there is no longer a need for the specific item of furniture. The applicant is responsible to pay all costs associated with the relocation. Removal should be consistent with 2005 Streetscape Revitalization Plan for Murphy Avenue and is subject to review and approval by the Director of Community Development and the City Engineer.

Options

Public

1. When applicants request street furniture to be moved or removed it shall be done by City forces. the applicant will bear all the costs and must reimburse the City for all related expenses.
2. A deposit for the estimated cost of the action will be required prior to any approval or action by City forces.

Private

1. Applicants have the ability under this policy to contract with a private party to move the furniture at their own costs, if such relocation or removal is approved by the City. This will require issuance of an Encroachment Permit in addition to the MPP permit required for relocation. The applicant shall pay the costs of the encroachment permit. The Director of Public Works shall have review authority over all Encroachment Permits.



(Adopted: RTC 87-199 (4/14/87); Amended: RTC 05-124 (4/26/05); Amended: RTC 10-121 (5/25/10); Amended: RTC 19-0454 (5-7-19); Amended: RTC _____ (date))

Lead Department: Community Development