

**SECOND AMENDMENT AND ADDENDUM TO  
MASTER LICENSE AGREEMENT FOR REGULATION AND MAINTENANCE  
OF  
SIDEWALK FACILITIES IN THE MERIDIAN CITY CORE**

THIS SECOND AMENDMENT AND ADDENDUM TO THE MASTER LICENSE AGREEMENT (“Second Addendum”) is entered into this \_\_\_\_ day of \_\_\_\_\_, 2016, by and between ADA COUNTY HIGHWAY DISTRICT, a body politic and corporate of the State of Idaho (“ACHD”) and the CITY OF MERIDIAN, an Idaho municipal corporation (“City”).

**I. RECITALS**

A. ACHD is a single county-wide highway district organized and existing under the laws of the State of Idaho, with the exclusive jurisdiction over public rights-of-way, including sidewalks, in Ada County; City is a municipal corporation with police power to regulate and control encroachments and activities upon sidewalks within the city.

B. Idaho Code § 67-2332 provides that public agencies may contract with one another to perform any governmental service, activity, or undertaking that each public agency entering into the contract is authorized by law to perform.

C. The parties entered into a Master License Agreement on August 7, 2012, in which ACHD granted City a limited license to regulate and maintain sidewalk facilities in the Meridian City Core.

D. The parties entered into a First Amendment and Addendum to Master License Agreement on September 11, 2013, in which ACHD granted City a limited license to install a temporary parklet for City’s 2013 demonstration project.

E. City seeks to periodically install within the Meridian City Core additional parklets on an ongoing basis, and therefore the parties agree herein to amend the Master License Agreement for the specific purpose of an additional grant of authority under the Master License Agreement allowing the City to regulate, control, and authorize parklets in the Meridian City Core on an ongoing basis.

F. City and ACHD have jointly developed design standards and safety regulations for parklet installations, and therefore the parties agree herein to amend the Master License Agreement for the specific purpose of incorporating said design standards and safety regulations.

## II. AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, which are made a part of this Second Addendum and not mere recitals, and for good and valuable consideration, the receipt of which is hereby acknowledged, the Parties hereto agree as follows:

A. Section 14 of the Master License Agreement shall be amended to read as follows:

**14. Parklet Installation.** Under no circumstances may a parklet installation take place in a travel lane or interfere with motorist or pedestrian traffic. ACHD shall have the absolute right to prohibit or request removal of a parklet installation that interferes with or obstructs traffic operations, motorist or pedestrian safety, street improvement activities, construction activities, cleaning efforts or other similar activities. All parklets shall be installed in accordance with the procedures, standards and regulations set forth in Exhibit C attached hereto; provided, however, that if ACHD amends its Policy Manual to address parklet installation, all parklets installed after the date such Policy Manual amendment becomes effective shall be subject to the provisions thereof.

B. The Master License Agreement shall be amended by the addition of the attached Exhibit C.

C. Waiver. This Second Addendum shall not be construed as an amendment or waiver of any of City's obligations under the Master License Agreement, except as specifically set forth herein. No failure by either party to insist upon the strict performance of any covenant, duty, agreement, or condition of the Master License Agreement or this Second Addendum or to exercise any right or remedy consequent upon a breach thereof shall constitute a waiver of any such breach or any other covenant, agreement, term, or condition. No waiver shall be binding unless executed in writing by the party making the waiver. Without limiting the foregoing, ACHD in no way waives any claims.

D. Amendment and Restatement of Agreement. The provisions of this Second Addendum shall be incorporated into the Master License Agreement, which is hereby amended and restated in full. All provisions of the Master License Agreement shall remain the same except as specifically set forth herein. In the event of any conflict between the terms of the Master License Agreement and this Second Addendum, this Second Addendum shall control.

E. Entire Addendum. The Master License Agreement and this Second Addendum and the exhibits thereto constitute the full and entire understanding and agreement between the parties with regard to the license contemplated herein, and no party shall be liable or bound to any other in any manner by any representations, warranties, covenants and agreements except as specifically set forth herein.

F. Recitals Incorporated by Reference. The Recitals of this Second Addendum are incorporated by this reference into this Second Addendum.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first set forth above.

**CITY OF MERIDIAN**

\_\_\_\_\_  
Tammy de Weerd  
Mayor

**ATTEST:**

\_\_\_\_\_  
Jacy Jones  
City Clerk

**ACHD**

**ADA COUNTY HIGHWAY DISTRICT**

\_\_\_\_\_  
Kent Goldthorpe  
President

**ATTEST:**

\_\_\_\_\_  
Bruce Wong  
Director

# Parklet Program

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## I. Purpose

The purpose of the Parklet Program is to provide an opportunity for the conversion of one or more public parking spaces, within the City Core, to public open space. The goal of the parklet program is to increase social, economic, and placemaking opportunities within the City Core by allowing for a greater range of community serving activities to occur within public right-of-way.

## II. Definitions:

**Parklet:** Parklets are public spaces created when a public or private entity converts one or more existing on-street parking spaces into public open space using visual or physical barriers. Parklets are intended to be a cost-effective means to activate streets, create more vibrant neighborhoods, and promote economic vitality.

**Buffer:** A buffer in the context of the Parklet Program refers to the area around any Parklet or supportive temporary elements. Typically a buffer is used to delineate and protect both automotive and pedestrian uses.

## III. Process

### A. SUBMITTAL REQUIREMENTS

For Parklets proposed as part of a Citizens Use Permit.

1. Applications will be submitted to the City of Meridian, and all items will be transmitted to the Ada County Highway District (ACHD) for joint review and approval.
2. Upon review and approval by both the City of Meridian and ACHD, the City of Meridian will issue a Citizens Use Permit.

## IV. Parklet Standards

The following items are standards and considerations required to be addressed as part of any Citizens Use Permit for a Parklet.

### A. GENERAL REQUIREMENTS:

The following are general requirements for parklets in all conditions:

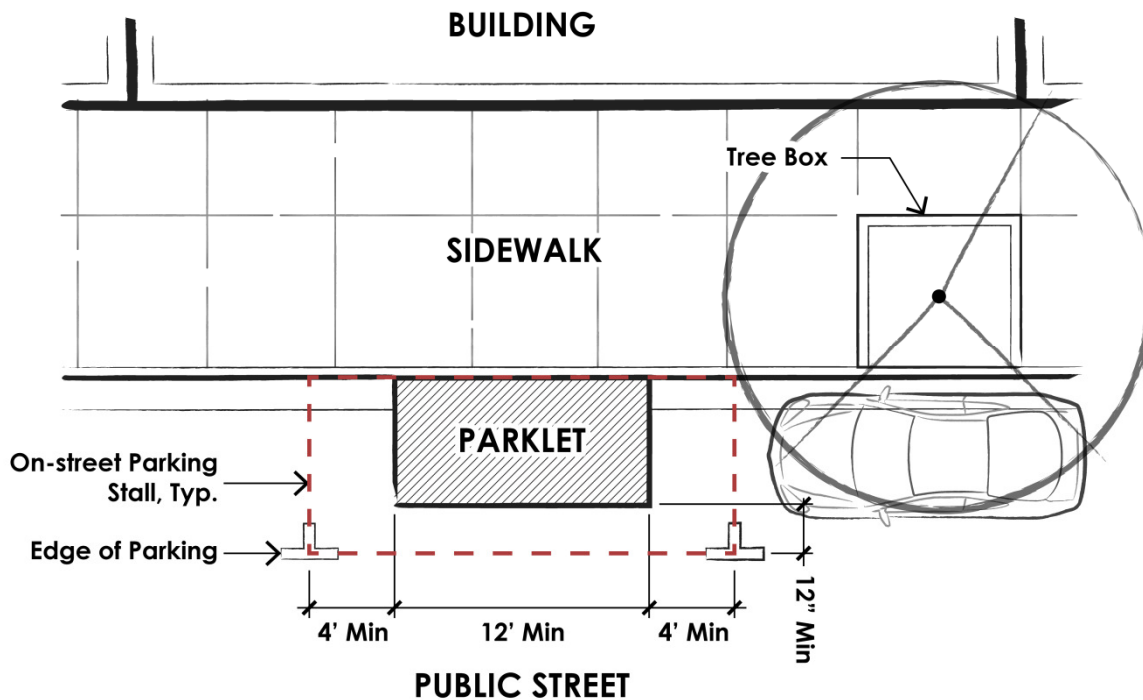
1. Speed Limit: A parklet may only be permitted on streets with a maximum posted speed limit of 25 miles per hour.
2. Location: In all locations and at all times, parklet improvements must be located at least twelve-inches (one-foot) from the edge of an adjacent vehicle or bike travel lane.
3. Intersections: In all conditions parklets must be placed at least one parking space away from intersections, unless protected by a bulbout.
4. Public Usage: Parklets shall be open to the public for usage and not for the exclusive use of a business. All state and local regulation applying to public spaces within the City of Meridian, are still in effect with a parklet.
5. Table Service: Parklets may be used for outdoor dining, in a self-service environment and when open to the general public, but table service is expressly prohibited.
6. Utility Access: Parklets shall allow proper access to fire hydrants and other utilities (storm water inlets, poles, boxes, valves, etc.)
7. Storm Drainage: Parklets shall allow storm drainage to flow unimpeded into the stormwater system.

## **B. FOOTPRINT**

For any parklet, the following are requirements associated with the footprint and location:

1. Length: The minimum length for a parklet and its required safety features is 20 feet, including minimum four (4) foot buffers on each end. There is no maximum length for a parklet, however proposals that make use of two or more parking spaces (more than 40 feet) will require additional review and coordination time.
2. Width: In locations with parallel parking, the maximum parklet width is six feet, measured from the front of curb (side closest to roadway). A wider parklet may be possible on streets with angled parking or where the parking lane is wider than eight feet. Additional coordination and review time with the City of Meridian and Ada County Highway District will be required prior to approval in these conditions.

Figure 1



### C. BUFFER

For each parklet and within described areas, no platform, seating area, or other pedestrian space unassociated with normal parking, may be located within required buffers.

1. A minimum four foot buffer on both ends of the parklet is required, except that;
  - a. For parklets located next to a bulbout, a buffer is not required on the side immediately adjacent to the bulbout.
2. Wheel-stops must be installed on the outside edge of any buffer (approx. 4-feet from the parklet), and at least 1-foot away from the front of curb.
3. Reflective traffic posts are required on each outside corner of the buffer, closest to the adjacent travel lanes.
4. In addition to wheel-stops, buffers should be decorated with planted containers, bike racks, or other decorative features that may both enhance placemaking and also serve as a vehicle obstruction.

Figure 2

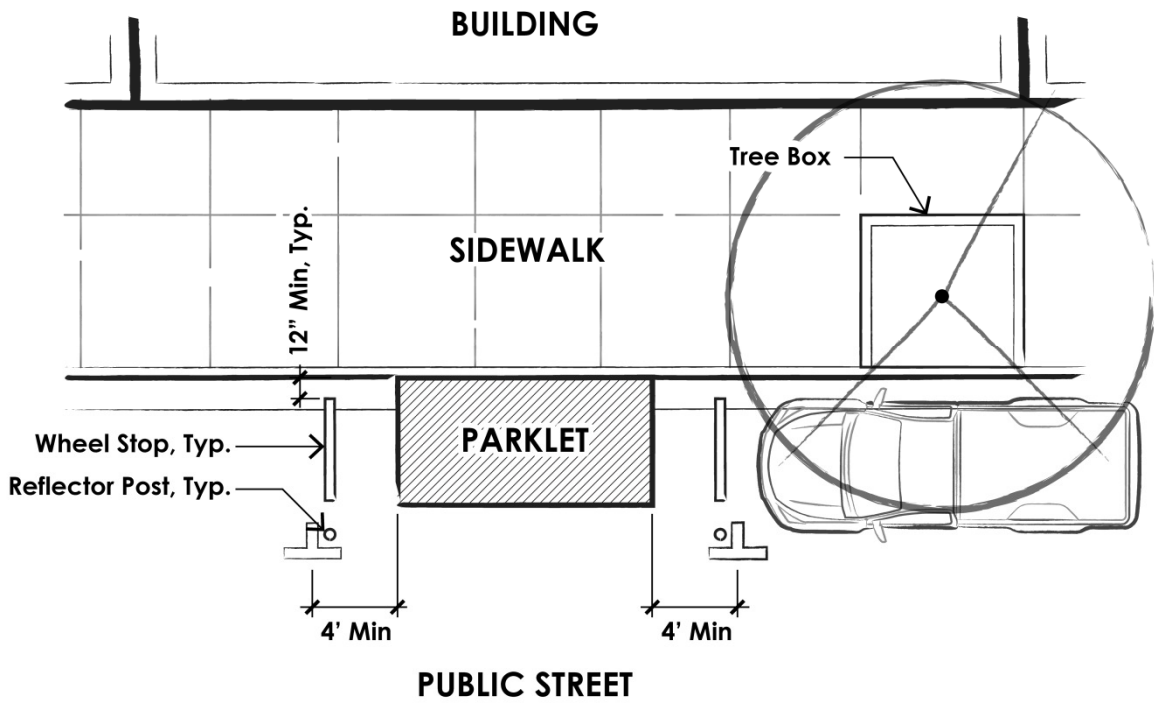
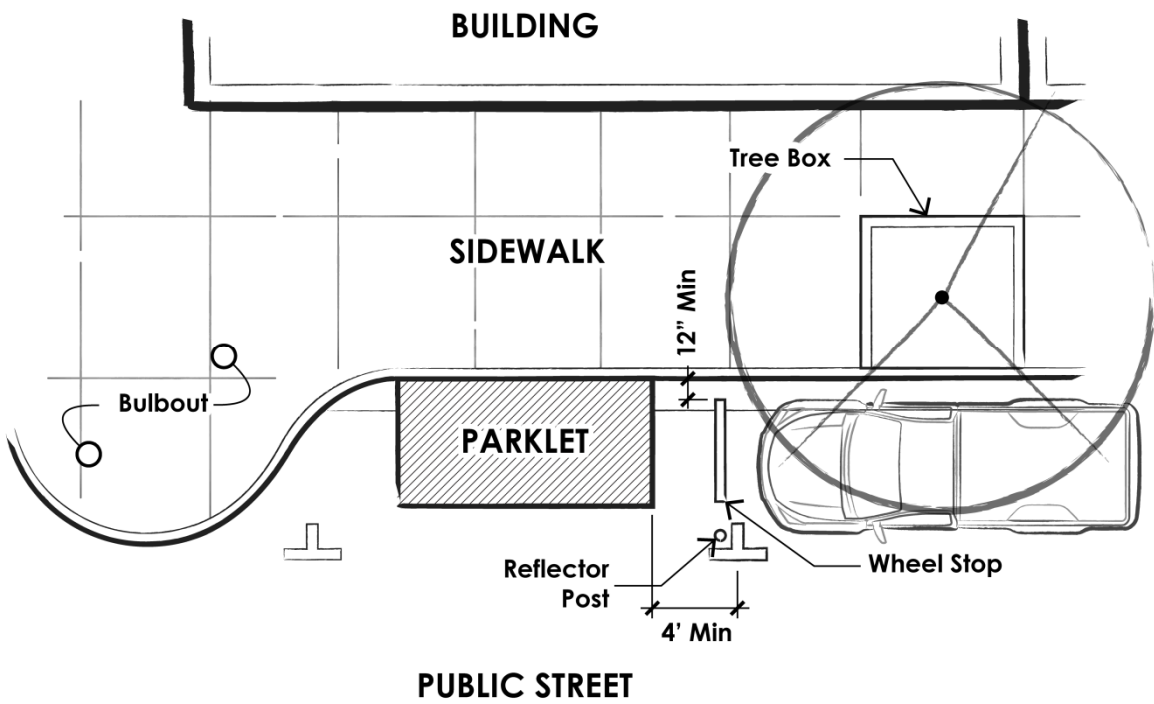


Figure 3

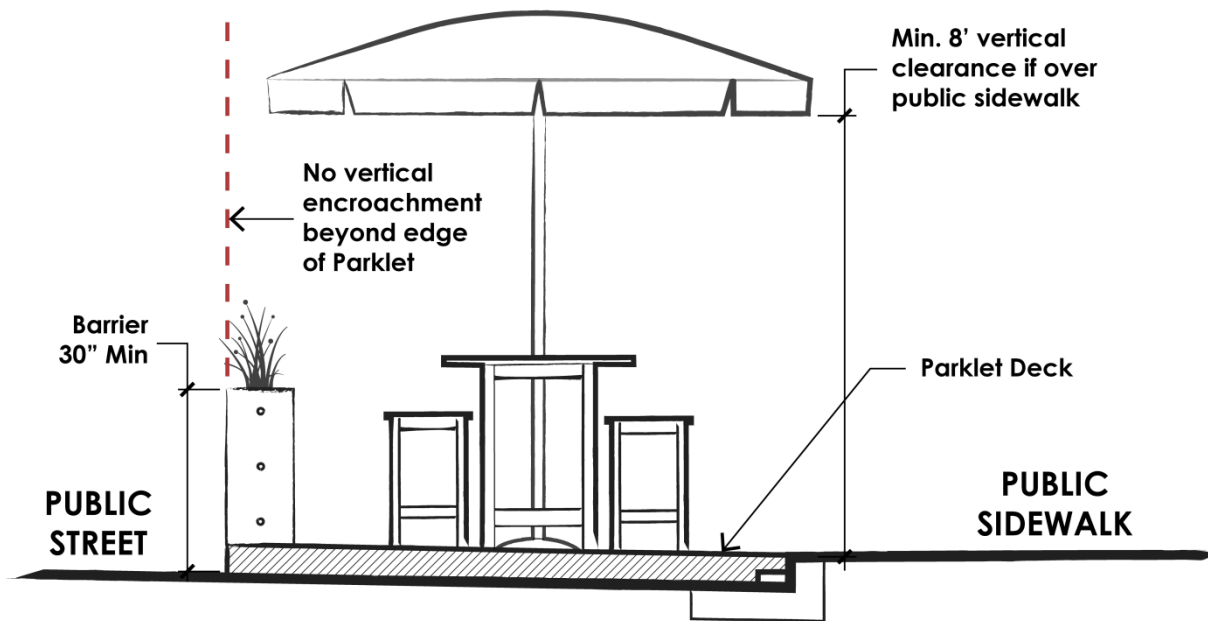


## D. VERTICAL ELEMENTS

In all conditions, delineation between the nearest travel lane and edge or proposed parklet must be easily distinguished by motorists, bicyclists, and pedestrians in all conditions:

1. Parklets must have a continuous raised edge along the travel lane and be at least 30-inches tall, measured from the adjacent street surface. Examples include railings, planters, and seat walls.
2. Within 20 feet of a crosswalk or legal crossing, the vertical height of any constructed or planted portion of parklet may not exceed 36-inches (three-feet). Note: legal crosswalks at intersections are not always marked.
3. Overhead features may not extend beyond the street edge footprint of the parklet and must be at least 8 feet high if over a pedestrian walkway.

Figure 4



## E. FRAME AND DECK

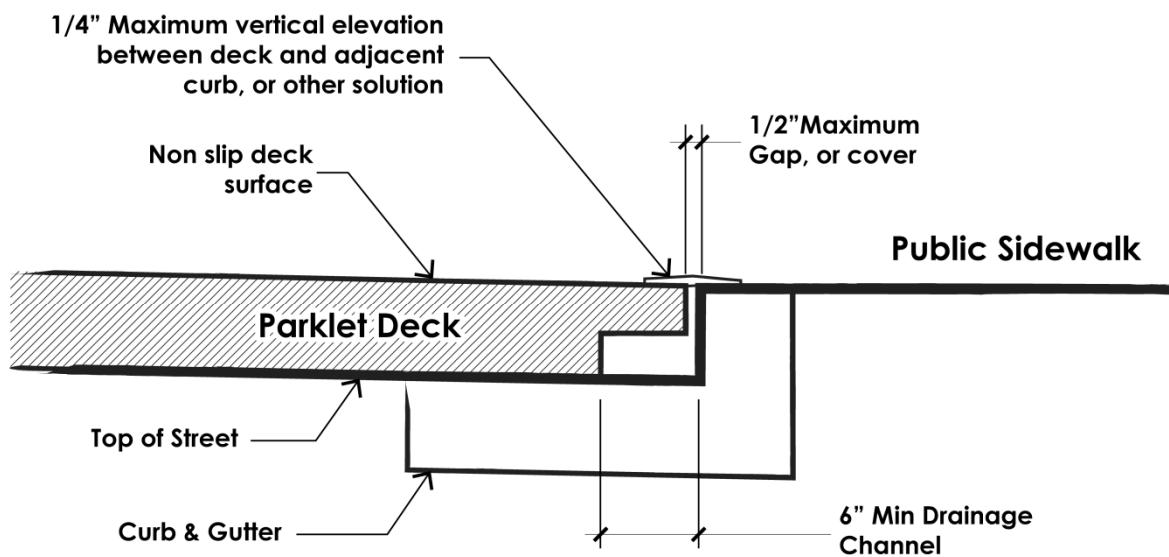
Construction and installation of a frame and deck must be carefully designed to limit adverse impacts to existing infrastructure.

1. The parklet frame must be a freestanding structural foundation that rests on the street surface.



- a. Frame must not be permanently attached to the street, curb, or adjacent planting strip, and must not damage the asphalt, gutter, or curb, except that;
  - b. Pins may be used to secure the deck in place on the face of curb and along the travel lane, when a street rehabilitation plan is submitted with the application and approved by ACHD.
2. A minimum twelve-inch drainage channel is required abutting the front of curb. Depending on existing site-specific conditions, a larger gap may be required.
  - a. The drainage channel may be enclosed with a screen to prevent debris from accumulating under the parklet, but water must be able to easily pass through it.
3. The entire parklet structure must be constructed to allow for easy removal when required by the City or ACHD. Wood frame, steel frame, or pedestal support systems are recommended.
  - a. Concrete may be used in conjunction with a plastic slip-sheet or similar material, to prevent the concrete from binding to the street.
  - b. The weight of the deck must be less than 200 pounds per square foot.
4. The height of the deck surface should be flush with the adjacent sidewalk. ADA treatments, such as a ramp or beveled edge, will be required if the vertical gap exceeds  $\frac{1}{4}$  inch. Exceptions may be made if accommodations are included that allow for participation by all users.
5. A maximum horizontal gap of  $\frac{1}{2}$  inch between the curb and the deck is allowed. Exceptions may be made if accommodations are included that allow for participation by all users.
6. All walking surfaces should be non-slip and weather resilient to ensure safety and accessibility
7. The parklet shall be constructed of high-quality, durable, and aesthetically-pleasing materials. Steel and other metals, finished woods, and salvaged building materials are recommended.
8. Materials shall be non-reflective except for required safety features.
9. Finished structure shall not have protruding edges or appurtenances that present a hazard to users or passersby.

Figure 5



## F. ACCESSIBILITY

As an improvement within public right-of-way, any parklet must be designed to be accessible by all.

1. Any parklet design must integrate at least one Americans with Disability Acts (ADA) access point for each parking space used for the parklet. Exceptions may be made that address ADA and that allow for participation by all users.
2. Seating must be accessible and meet ADA requirements for the turning movement (60" diameter turning circle) and the resting space of a wheelchair. Exceptions may be made that address ADA and that allow for participation by all users.

## G. PARKLET FURNISHINGS

It is important to remember that a parklet is a public amenity, and as such, should be easily distinguishable from nearby private property. A required element of any parklet is the availability of distinct seating unique to a parklet.

1. For each converted parking location, all parklets are required to incorporate at least two built-in or affixed seating locations (e.g. bolted) that is available during all day-time hours, including those times a hosting business may be closed.

2. Additional movable seating is recommended, and must be secured (e.g. – locked with cables to the parklet structure) or removed and stored at the end of the day
3. Heating and cooling features may be allowed in parklets, but must comply with Title 10 requirements of Meridian City code, and may require additional review and approval time by the City of Meridian Fire Department.
4. Bike parking is allowed and encouraged within the parklet, within the parklet buffer, and within the adjacent street furnishing zone provided a five foot clear zone is preserved on the sidewalk, regardless of bike parking configuration.
5. Lighting may be allowed provided it complies with Title 8 requirements of Meridian City code.
  - a. Decorative or seasonal lighting may be allowed in street trees near the parklet, but requires review and approval by the City of Meridian arborist.
  - b. Flashing lights and cords or other tripping hazards that extend over the clear zone are not allowed.
  - c. Supplemental lighting is required if the parklet is operated during nighttime hours. Supplemental lighting must meet all outdoor lighting standards as set forth in section 11-3A-11 of Meridian City code, except that white string lighting shall be exempt from the forty (40) day duration limitation. Lighting output should meet best practices for sidewalks or pathway lighting.

## **H. LANDSCAPING**

As a public amenity, a parklet provides the opportunity to soften the streetscape environment, similar to the potted plants or streets trees that are already regularly found in the streetscape.

1. A landscape element is required as part of any parklet. For example, landscape elements may be incorporated as planter boxes, hanging planters, large potted plants, green walls, or raised beds.
2. Irrigation or scheduled manual watering is required to be provided by the host business or downtown business association.
3. Distressed and damaged plants are required to be replaced.

## **I. SIGNS**

It is important for all parklets to be signed to indicate their availability to the public, and that all parklets are smoke-free.

1. All parklets must feature a City approved sign indicating that, "This platform is public space and is not reserved."

- a. These signs must be mounted to both ends of the parklet and must be visible from the adjacent sidewalk in each direction.
- b. All parklets must provide signage indicating that they are smoke free. This requirement does not apply to areas preserved for use zones, clear zones, or street furnishing zones per Title 8 of Meridian City code.
- c. Signs acknowledging sponsorship, logos, or designs that “brand” the parklet must comply with any relevant provisions of Title 8 and Title 11 of Meridian City code.

## **J. USE OF SIDEWALK, PARKWAY, AND STREET FURNISHING ZONES**

In some locations, it may be possible to extend your parklet onto the adjacent street furnishing zone. Proposals will be considered on a case-by-case basis to ensure that adequate sidewalk width is maintained and that street trees are protected. The following additional rules apply in these cases.

1. Parklet design shall be planned and designed in a way that does not direct foot traffic through a tree pit or over the top of a tree grate.
2. Placing benches, planter boxes, and other structures in the tree pit or on top of a tree grate is not allowed.
3. In all cases and without exception, a required clear zone per Title 8 of Meridian City code is required.