



## Legislation Details (With Text)

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**Title:** Staff Report for an Ordinance to Modify Chapter 5-1 of the San Leandro Municipal Code and a Resolution for the Addition of Title 8, Chapter 13 of the San Leandro Administrative Code for Parklets

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**Attachments:** 1. San Leandro Parklet Program-Guidelines & Application

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Staff Report for an Ordinance to Modify Chapter 5-1 of the San Leandro Municipal Code and a Resolution for the Addition of Title 8, Chapter 13 of the San Leandro Administrative Code for Parklets

### SUMMARY AND RECOMMENDATIONS

Based on direction from the City Council Facilities and Transportation Committee, staff proposes a pilot program to permit parklets in select areas of San Leandro. Parklets are a temporary use of space in the dedicated public right-of-way such as parking spaces or unused bus stops for uses such as outdoor seating or bicycle racks. These spaces adjoin the public sidewalk and include well-designed and privately constructed installations intended to enhance the pedestrian environment while integrating aesthetically with the streetscape.

Staff recommends that the City Council review and adopt the proposed ordinance which adds provisions for parklets and makes minor modifications to the Municipal and Administrative Codes. Staff also recommends approving the related resolution establishing the procedures for those interested in applying to participate in the pilot program and defining its time-limited basis for implementation. The pilot would begin upon approval of the resolution and would consist of review and approval of two applications for parklet permits in the initial two-year cycle. As described below under Fiscal Impacts, staff has identified funding to offset some of the project costs and facilitate the development of parklets during this pilot phase.

### BACKGROUND

The following 2016-2017 City Council goal is applicable to the City Council’s consideration of this pilot program:

- Support and implement programs, activities and strengthen communication that enhances the quality of life and wellness, celebrates the arts and diversity and promotes civic pride

Per the definition used by public agencies in the San Francisco Bay Area, a parklet is a temporary sidewalk extension installed to enhance the pedestrian environment and to encourage non-motorized transportation. These installations convert parking or similar roadside spaces into well-constructed temporary plazas that are harmonious with the surrounding businesses and neighborhood. Parklets advance this City Council goal because they have the potential to invigorate surrounding businesses and increase use of the public right-of-way, which enhances residents' quality of life and wellness.

Based on direction from the City Council Facilities and Transportation Committee in spring 2016, staff researched and analyzed parklet programs in the cities of San Francisco and Oakland. Program components such as review processes, community engagement, guidance on design and location, fee structure, insurance requirements, staff resources deployed, and maintenance requirements were studied and compared with existing City processes.

The primary arguments in favor of granting parklet permits are the potential to energize under-utilized business districts and to create opportunities for more pedestrian friendly zones and traffic calming. A major concern in permitting parklets is mitigating the City's risk in authorizing temporary installations in the public right-of-way and how to mitigate this risk by mandating insurance coverage from permit holders and support public safety.

## **Analysis**

After careful review of best practices nationwide, comparable programs in San Francisco and Oakland, and feedback from the Facilities and Transportation Committee staff proposes the following considerations for the City's pilot parklet program:

### *Location:*

Proposed parklet sites must be located on a street that has curbside parking lanes, minimal pavement cross slope and must utilize at least one parking space but not more than two. Parklet locations must be on a City street, which for now excludes any California State Routes such as State Route 185 (East 14<sup>th</sup> Street), State Route 61 (Doolittle Drive) and State Route 112 (Davis Street). Best practices in other cities, and per a recommendation from the City's Risk Management Joint Powers Authority parklets must be on a street with a speed limit of 25 mph or less.

### *Design Parameters:*

Because parklets are intended to be aesthetic improvements to the streetscape, plans must be designed and stamped by a licensed architect or civil engineer, and materials used for construction must be high quality, durable, and attractive.

Additionally, parklets must be accessible to individuals with disabilities per the Americans with Disabilities Act Accessibility Guidelines (ADAAG). Wheelchair users must be able to enter the parklet and access all of the primary features of the parklet. To maintain the gutter and area beneath the parklet, access panels must be included in the walking surface to allow for drainage from the street and along the gutter-line.

### *Responsibilities:*

In applying for a permit, applicants will be required to demonstrate community concurrence with letters of support from businesses in front of or on either side of the proposed parklet. The applicant must also submit letters of support or petitions from the district's City Councilmember, other area businesses, organizations and/or residents.

The City's risk pool, California Joint Powers Risk Management Authority, recommends each parklet permit holder to provide at least \$2 million per claim/ \$4 million for all claims over a one-year period in commercial general liability insurance and an endorsement naming the City of San Leandro as an additional insured. Once the permit is granted and before installation begins, the permit holder must provide the aforementioned evidence of liability insurance and endorsement and will be required to sign a Parklet Maintenance Agreement with the City to ensure adequate and routine maintenance of the parklet, as well as a procedure for its removal.

*Fees:*

There will be a non-refundable Application Fee of \$150. If a permit is issued the following fees will be required:

Design Review Deposit:	\$2,500.00
Restoration Deposit:	\$2,500.00
Annual Renewal:	\$100.00

Staff time for review will be charged against the Design Review Deposit. Once design review is complete, any remaining funds from the deposit will be refunded to the applicant. If the installation must be removed for any reason and the permit holder restores the street to the satisfaction of the City, the Restoration Deposit will be fully refunded. During the pilot program, the Design Review Deposit will be funded by the City Manager's Office through the City Manager's Contingency Account.

*Effective Date and Term:*

Staff recommends that the pilot program, if approved, run for a term of two years as a pilot with two parklet permits granted during this time period.

Staff recommends two years because it should be an adequate amount of time to review and evaluate all phases of the parklet permit and installation process. This will allow staff to provide a comprehensive review of the pilot program and its impacts in a subsequent report to the City Council.

**Current Agency Policies**

- Support and implement programs, activities and strengthen communication that enhances the quality of life and wellness, celebrates the arts and diversity and promotes civic pride

**Committee Review and Actions**

Information on parklet programs in San Francisco Bay Area cities was provided at the May 17, 2016 and December 20, 2016 Facilities and Transportation Committee meetings. The information included details regarding and their attendant design and review processes as well as schedules of fees. The Committee recommended bringing the two permit, two-year pilot program proposal to the City Council for adoption.

**Applicable General Plan Policies**

**Transportation Goal T-2:** Design and operate streets to be safe, attractive, and accessible for all transportation users whether they are pedestrians, bicyclists, transit riders or motorists, regardless of age or ability.

**Transportation Goal T-3:** Promote and accommodate alternative, environmentally friendly methods of transportation, such as walking and bicycling.

**Economic Development Goal ED-5:** Provide amenities that attract and retain businesses and encourage those working in San Leandro to also live in San Leandro.

**Open Space, Parks and Conservation Action OSC-2.5A:** Develop a parklet program and consider parklet placement in areas with active retail and restaurant businesses such as Downtown San Leandro.

### **Summary of Public Outreach Efforts**

Upon City Council approval of the pilot program for parklets, staff will outreach to community stakeholders to advertise, educate and guide applicants through the parklet permit process.

### **Legal Analysis**

The City Attorney's Office reviewed the proposed DRAFT application and guidelines.

### **Fiscal Impacts**

The City Manager's Office will contribute approximately \$5,000.00 to the pilot program from account 010-14-010-8355 during the initial two-year pilot phase. In the future, applicants would pay for all aspects of the program including review, approval, and inspection of parklet construction absent the identification of any additional funding. Design plans, construction and maintenance of the parklets will be the responsibility of the applicant. Parklets will have a small impact on the cost of City street maintenance due to the added manpower to remove debris in the gutters at parklet locations.

The design and construction of parklets qualifies for the City's Commercial Incentive Program managed by the City's Economic Development Division, which has approximately \$20,000 in funding in account 010-41-003-5890 available to support the development of two pilot parklets. This funding is designed to offset the design and construction costs for parklets during the pilot phase.

Although the precise costs of initiating, implementing and maintaining a pilot for parklets are unknown at this time, staff will track time spent reviewing, administering and maintaining the permits. This data will be reported back to the City Council at the end of the pilot period.

### **ATTACHMENT**

- Parklet Guidelines and Application

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