



Legislation Text

File #: 17-168, **Version:** 1

RESOLUTION Adding Title 8, Chapter 13 to the San Leandro Administrative Code, Establishing Guidelines for a Parklet Program

WHEREAS, the City Council has created a pilot Parklet Program to temporarily reclaim strips of City streets and turn them into new public parklets, plazas, and seating areas; and

WHEREAS, it is necessary to establish guidelines for the Parklet Program and for its implementation.

NOW, THEREFORE, the City Council of the City of San Leandro does RESOLVE as follows:

1. Title 8, Chapter 13 is added to the San Leandro Administrative Code to read as follows:

13.100 GENERAL: The Parklet Program is designated to temporarily reclaim strips of City streets and turn them into new public parklets, plazas, and seating areas in the City-owned right-of-way throughout the City. This Program is in place to provide criteria that must be met for a location to be considered for a parklet permit and also establishes guidelines for design, construction, installation and maintenance of parklets.

13.105 DEFINITION:

(a) Parklet. A temporary sidewalk extension installed in the public right-of-way to enhance the pedestrian environment and to encourage non-motorized transportation.

(b) Parklet Maintenance Agreement. The Agreement with the City shall serve as the signed statement by which the Permittee accepts responsibility for installation, construction, operation, liability, and maintenance of the Parklet until the responsibility is legally transferred to another entity or terminated.

13.110 INITIATION PROCESS: Pilot Program - Applications for parklet permits shall be limited to two for a period of two years from the date of approval of this section. Requests to propose the installation of a parklet within the public right-of-way may be initiated by fronting property owners and fronting business owners. Requests are on a first-come, first-serve basis.

13.115 PERMIT APPLICATION PROCESS: All application documents, including the Parklet Maintenance Agreement, shall be on file in the Engineering and Transportation Department.

1. Application for parklet permit shall include the following components and will be evaluated by staff based on the following criteria:

- (a) Application form.
- (b) Application fee of \$150.00.
- (c) Initial Site Plan, which shall include a description of how the parklet will be used by the community as well as photos documenting current site conditions. A scaled drawing that shows the footprint of the proposed parklet installation and twenty (20) feet on either side of the proposed parklet shall also be included. The plan shall include any existing above-ground fixtures such as tree wells, poles, fire hydrants, and bike racks. The Initial Site Plan shall also include at-grade roadway markings such as colored curbs, lane striping, parking stall markings; and at-grade utility access panels, storm drains, manhole covers, and other utility access points.
- (d) Construction schedule for installation of the parklet.
- (e) Demonstration of community concurrence through letters of support from businesses in front of and/or on either side of the proposed parklet. The applicant must also submit letters of support or petitions from the district City Councilmember, other area businesses, organizations and/or residents.

2. If a recommendation is made to approve the Parklet proposal:

- (a) The Engineering & Transportation Department will issue a Notice of Application for a Parklet. The applicant shall be required to post this notice in a readily visible location in front of the property where the parklet will be located for ten (10) calendar days from the date listed on the notice.
- (b) If there are objections from the public, the Engineering & Transportation Department shall schedule a public hearing to consider testimony about the proposed parklet.
- (c) The Engineering & Transportation Department Administrative Services Manager shall consider and hear all testimony in support and in opposition to the proposed parklet and shall make a recommendation to the Engineering & Transportation Department Director.
- (d) The Engineering & Transportation Department Director, at his or her discretion, may recommend approval or conditional approval of the

permit subject to further review and final action.

(e) If the application is denied, the Engineering & Transportation Department shall notify the applicant, upon which the applicant may appeal the denial of the permit by the Engineering & Transportation Department Director to the Planning Commission within fifteen (15) days of the Director's decision.

(f) Any interested person may appeal the approval of the permit decision by the Engineering & Transportation Department Director to the Planning Commission within fifteen (15) days of the Director's decision.

13.120 APPROPRIATE LOCATION AND DESIGN PARAMETERS:

(a) The proposed parklet site should be located in at least one parking space, approximately twenty (20) feet, in from a street intersection or protected by a bollard, sidewalk bulb-out, or other similar feature, if located at the corner. Exceptions may be considered on a case-by-case basis.

(b) The proposed location should be upon or adjacent to a City street with a posted speed limit of 25 mph or less.

(c) The proposed location's street must have parking lanes that will not become a tow away lane during morning or afternoon peak hours.

(d) The parklet should provide a minimum clearance of 12" from the edge of any existing parking apron, where there is parallel, diagonal or perpendicular parking.

(e) The Parklet shall be constructed and/or installed to conform to the applicable rules, regulations and guidelines of the San Leandro Building Code, the Americans with Disabilities Act (ADA), and the 2010 ADA Standards. For all ADA technical requirements, please refer to "Accessibility Elements for Parklets" Standards available from the City of San Leandro.

(f) A minimum of 84-inches in height must remain clear of any obstructions along the parklet's pedestrian path of travel, entry and accessibility areas on the parklet. Obstructions may include but are not limited to tree branches and foliage, overhanging sign panels on posts, and/or the applicant's addition of architectural elements to the parklet.

(g) The cross slope on the parklet surface may not exceed 2.0% in any direction. Please refer to the "Accessibility Elements for Parklets" Standards as referenced above.

(h) The proposed street should not have a pavement cross-slope greater than 5.0%. On a case-by-case basis, a parklet may be proposed

on a pavement slope greater than 5.0%. However, additional design requirements and review will be required to make the parklet accessible. See the "Accessibility Elements for Parklets" Standards as reference above.

- (i) Abandoned driveway curb cuts, sidewalk defects, empty tree wells, or other sidewalk conditions at the parklet location must be repaired and addressed as required with a City Encroachment Permit to ensure safe ingress and egress conditions.
- (j) At the discretion of the Engineering & Transportation Director, Parklets shall be required to have soft hit posts and wheel stops to deflect the impact from errant vehicles.
- (k) If a parklet deck is constructed with concrete, the concrete specific weight shall be a maximum of 200 lbs/ square foot.
- (l) Parklets are prohibited in blue curb zones.
- (m) Parklets may replace yellow curb zones or motorcycle parking if there are appropriate adjacent locations for these zones to be relocated.
- (n) Parklets may be allowed in red, white and green curb zones if for the white and green curb zones the business that originally requested the white or green zones agrees to re-purpose that curb area for use as a parklet and in red zones if approved by the Engineering and Transportation Director.
- (o) Parklet structures shall not be allowed over a manhole, public utility valve or other at-grade access point in the street or sidewalk unless provision are provided for their access.

13.125 PARKLETS SUBMITTALS: After approval of a parklet design plan and before commencing construction and installation of the parklet, applicants shall complete the following.

- (a) Applicant shall obtain an initial parklet permit for installation and annual parklet permits thereafter.
- (b) Applicant shall submit completed Parklet Maintenance Agreement and shall pay the Parklet Restoration Deposit.
- (c) Applicant shall provide evidence of liability insurance coverage through submittal of a Certificate of Insurance including all endorsements that name the City of San Leandro as an additional insured, with commercial general liability coverage of not less than \$2 million per claim, and \$4 million over the policy term. Policy must be with an insurer rated

A:VII or better through the A.M. Best rating company. Evidence of insurance satisfactory to the City of San Leandro is required before issuance of a permit.

(d) Applicant shall install the parklet per approved design plans and design guidelines on file in the Engineering & Transportation Department.

(e) Applicant shall maintain the parklet in a clean and orderly condition. Applicant shall not permit persons or animals to live within or upon a parklet.

(f) City shall inspect installed parklets upon initial installation and annually thereafter.

(g) Fees for the initial and annual parklet permits and inspections shall be waived during the pilot period.

(h) If the Applicant or permittee fails to maintain the parklet per the Parklet Maintenance Agreement or fails to submit annually, valid certificates of liability insurance for the coverage amounts indicated herein and insured with companies of A:VII ratings or better, and endorsements naming the City as an additional insured, then the property owner may be held responsible by the City for the parklet, including all maintenance responsibilities, liabilities and fees..

(i) The City may revoke annual parklet permits and may demand that property owners remove the parklet if it is not kept consistent with the approved design plans or the permittee is not otherwise in compliance with the Parklet Maintenance Agreement.