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AGENDA REPORT

TO: Sabrina B. Landreth
CITY ADMINISTRATOR

FROM: Rachel Flynn

SUBJECT: Informational Report on the Parklet Program

DATE: July 2, 2015

City Administrator
Approval

Date

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that the City Council receive:

An Informational Report on the Planning and Building Department's Parklet Program, Including an Overview of the Program, a List of Approved Parklets, and an Update on the Status of Existing Parklets.

OUTCOME

This informational report presents the background on the City of Oakland's Pilot Program for Parklets, list of approved Parklets, and update on the status of the existing Parklets. This report contains no policy recommendations because the Parklet Program is still in the pilot stage.

EXECUTIVE SUMMARY

This is an informational report regarding the extension of the Pilot Program for Parklets in Oakland. A "Parklet" is the temporary use of space in the public right-of-way (parking spaces, unused bus stops, and other types of vehicular and non-vehicular zones) for public uses, such as seating or bicycle racks. Staff is continuing to gather information and lessons learned before proposing a permanent program in the Oakland Municipal Code to govern Parklets. For the purposes of the current Pilot Program, Parklets are being processed as a Minor Encroachment Permit in accordance with Oakland Municipal Code Chapter 12.08, and will be subject to all requirements applicable to Minor Encroachment Permits.

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BACKGROUND

A “Parklet” is the temporary use of space in the public right-of-way (parking spaces, unused bus stops, and other types of vehicular and non-vehicular zones) for public uses, such as seating or bicycle racks. They are intended to be seen as pieces of street furniture, providing aesthetic enhancements to the overall streetscape. In place of car parking, a platform is built to extend the grade of the sidewalk into the street. Once the platform is installed, benches, tables, chairs, landscaping, and bike parking can all be placed on top in order to create a Parklet. Parklets must remain publicly accessible and will require signage to this effect. Table service is not permitted and alcohol is not allowed in the Parklets. Commercial signage and advertising are not permitted.

Parklets are privately constructed and maintained, but required to be publicly accessible space for the enjoyment and use of all Oakland citizens. It is envisioned that the Parklets will be located in areas with pedestrian activity, as additional seating areas for retail patrons, and in areas where there is a desire to create a more pedestrian-friendly environment.

Parklets have been successful in San Francisco and other cities around the world and have found success in Oakland as well. During the initial 2012 Pilot Program, some of the Parklets approved by the City were not built for various reasons. In 2014, staff extended the pilot program to allow for a sufficient number of Parklets to be built and serve as case studies before the City develops a future permanent program. On September 19, 2014, a “Notice of Parklet Opportunity” was released to the public. Applications for new Parklets from interested parties were due on November 17, 2014.

ANALYSIS

Number and Location

There were sixteen (16) Parklets selected in the current pilot program extension. The selected Parklets are in Council Districts 1, 2, 3, and 4; no Parklet applications were received for Council Districts 5, 6, and 7.

Parklets selected for the Pilot Program extension are listed below along with the existing Parklets from the initial Pilot Program and shown on maps in ***Attachment A***:

Council District 1

- 1) 420 40th Street, sponsored by Antidote Juicery and Mark Becker Inc.
- 2) 3860 Martin Luther King Jr. Way, sponsored by MLK Cafe and Longfellow Community Association
- 3) 510 51st Street, sponsored by Juhu Beach Club

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Existing Parklets built from initial Pilot Program

- 419 40th Street, sponsored by Manifesto Bicycle and Subrosa Coffee

Council District 2

- 4) 344 12th Street, sponsored by Tay Ho Restaurant
- 5) 1611 2nd Avenue, sponsored by Portal Restaurant
- 6) 3308 Grand Avenue, sponsored by Boot and Shoe Service

Council District 3

- 7) 414 14th Street, sponsored by Analog
- 8) 339 15th Street, sponsored by the White Building
- 9) 1628 Webster Street, sponsored by Spice Monkey Restaurant
- 10) 362 17th Street, sponsored by Stag's Lunchette
- 11) 1540 Broadway, sponsored by Viscera
- 12) 315 20th Street, sponsored by Divco West
- 13) 2509 Broadway, sponsored by Bay Area Bikes

Existing Parklets built from initial Pilot Program

- 477 25th Street, sponsored by Reynolds & Brown
- 33 Grand Avenue, sponsored by Farley's East

Council District 4

- 14) 2139 MacArthur Boulevard, sponsored by Hive, the place to bee
- 15) 3016 MacArthur Boulevard, sponsored by Cafe 3016
- 16) 3715 MacArthur Boulevard, sponsored by The Laurel Cyclery

Parklet criteria

The City of Oakland requires that Parklets be set back one parking space from a corner and along a street with a speed limit of 25 mph or less (consideration may be given for other streets on a case by case basis). They may be allowed in white and green curb zones if the entity that originally requested the white or green zone agrees to repurpose that curb area. The City does not permit Parklets to be placed in front of a hydrant, or in a way that restricts access to any private or public utility or within a handicap space. Parklets are also not allowed to be placed in front of or adjacent to a multi-space parking meter (Kiosk) and a minimum clearance of six (6) feet shall be maintained around all Kiosks.

Responsibilities

The Permit Holder for each Parklet is required to:

1. Carry Insurance - Provide evidence of at least \$1 million in general liability insurance naming the City of Oakland as additional insured.
2. Sign a Maintenance Agreement - Sign a Maintenance Agreement with the City of Oakland that may require the Permit Holder to do the following:
 - a. Maintain all plants in good health;
 - b. Keep the Parklet free of debris and grime;
 - c. Keep the Parklet free of pests and vectors;
 - d. Adequately maintain all surfaces of the Parklet so they are not hazardous to Parklet users;
 - e. Sweep out debris from under the Parklet on an as-needed basis;
 - f. Keep any furniture such as tables, chairs and benches clean;
 - g. Access panels must be included in order to maintain the gutter and area underneath the Parklet;
 - h. Once a year, before the rainy season, power wash under the Parklet. Do not allow powerwash water to flow into the storm drain. Use appropriate storm drain inlet protection and stormwater best management practices (see Mobile Cleaners guidelines at <http://cleanwaterprogram.org/resources/commercial.html>); and,
 - i. Unsecured furniture is not permitted after business hours if the Permit Holder is a business. If the Permit Holder is not a business, the hours for unsecured furniture will need to be included in the Maintenance Agreement.

Design Parameters

The following outlines the design parameters for the Parklets to adhere to:

1. Parklet plans must be designed and stamped by a licensed architect or engineer.
2. Along the roadway side of a Parklet, a minimum railing height of 42 inches is required, with openings that do not allow larger than a four (4) inch sphere to pass. A visible edge to the Parklet is required on all sides except for the sidewalk, which may consist of planters, railing, or cabling. The edges should be visually permeable or “see-through.”
3. Parklets are intended to be aesthetic improvements to the streetscape, and materials will be required to be of high quality, durable, and attractive.
4. The width of the Parklet must not extend beyond six (6) feet from the curb line.
5. Safe hit posts and wheel stops, or approved equals, are required.
6. Access panels must be included in order to maintain the gutter and area underneath the Parklet and the design must allow for drainage along the gutter to pass underneath the Parklet.
7. If bike parking is provided, the bike racks can be at street grade.
8. Parklets must be accessible to individuals with disabilities per the Americans with Disabilities Act Accessibility Guidelines (ADAAG). People who use wheelchairs must be

able to enter the Parklet and access all the primary features of the Parklet. Parklets shall not reduce the adjacent pedestrian travel way (sidewalk) width to less than five and one half (5 ½) feet clear. Parklets shall not interfere with the use of designated handicapped parking zones; passenger loading zones; curb ramps; AC transit stops or other access features of the public right of way.

9. Where the Parklet utilizes parking spaces, the Parklet shall not exceed the length and width of two (2) curb parallel parking spaces, six (6) feet width, with a setback of a minimum of four (4) feet from either end of the parking space regardless of the length of the space. Parklets proposed for parking spaces that are either angled or perpendicular to the curb will be reviewed on a case-by-case basis.

Demonstrated Community Support

As part of the City of Oakland's application process, applicants are required to demonstrate community support for their Parklet. Evidence could be provided in the form of:

1. Notification or letters of support from local Business Improvement District (BID) or Community Benefit District (CBD). If no BID or CBD is present, letters from adjacent businesses on the block.
2. Letters of support or a signed petition from institutions, residents, or other adjacent organizations that should include the location of the Parklet, the home or business address of the supporter, and any comments.
3. Documentation about community meeting(s) held to discuss the Parklet proposal.

Selection Process and Public Noticing

The Parklet projects submitted as part of the current pilot program extension were ranked according to the following criteria:

1. Good location – the proposed Parklet is likely to be well used and active;
2. How it enhances the aesthetic quality of the streetscape;
3. Innovative and unique design;
4. Demonstrated community support for public space at the proposed location; and,
5. Evidence that the Parklet will be well-maintained.

Once the applicants were selected, the Bureau of Planning provided copies of a Public Notice and that the applicant posted on site for ten (10) calendar days, informing the public that a permit was being considered to allow the installation of the Parklet at the proposed location. Planning staff also provided mailing labels and notices to applicants to mail to property owners adjacent to the proposed location and along the same side of the block and the block on the other side of the street. If there were no objections from the public, the applicants then submit detailed plans and drawings showing all details, including finishes, plant species, and furniture types, as well as a Maintenance Plan and proof of insurance. Upon review and approval of a complete set of plans, a permit will be issued.

If there were any objections from a resident, business owner, or property owner who lives or works adjacent or along the block of the proposed Parklet, a special meeting with staff in the Bureau of Planning may be scheduled to see if a solution could be found.

Temporary Program

A Parklet is a temporary structure and is not meant to be permanent. It needs to be movable, have access beneath for cleaning and for drainage, and also to be removable. The initial permit is for one year, with annual renewals contingent upon the Permit Holder meeting its Maintenance Agreement. Parklet renewals are charged an annual Renewal Fee.

Project Schedule

The project schedule that has been followed is below:

- **November 17, 2014:** Applications due.
- **After Nov. 17, 2014:** Staff reviewed applications.
- **January 5, 2015:** Initial selections were announced,
- **End of Jan. 2015:** Applicants posted Public Notice and mailed notices - *Applicants have six (6) months to submit their final construction document package to Public Works for Encroachment Permit.*
- **July 30, 2015:** Final construction document package due to Public Works.
- **Construction of Parklets:** After the Encroachment Permit is approved, applicants are free to start construction.

Status of Project

As of the writing of this report, some of the construction documents have been submitted as part of their Encroachment Permit applications and it is anticipated the rest of the applications will be turned in before the deadline of July 30th. There is an exception for the Viscera Parklet on Broadway that is across from Latham Square, this Parklet will be delayed due to the construction in the area. Once the applicant applies for their Encroachment Permit with their construction drawings, it is anticipated that it will take about a month for staff to review and approve, considering the applications are complete and require few changes.

The three existing Parklets in Oakland that were built as part of the initial pilot program are doing well and have received recognition through newspaper articles, featured on websites, as well as even appearing in a nationwide television commercial. The Parklet in front of Manifesto Bicycle was shown along with the adjacent business as part of an American Express television commercial featuring local businesses for "Small Business Saturday," which is an annual event that encourages the public to shop at local businesses on the Saturday after Thanksgiving. The City has received positive feedback from both sponsors and the public alike about how they love their Parklets. The Farley's East Parklet on Grand Avenue always seems to be a popular spot,

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especially on a sunny Saturday morning or busy weekday lunch hours. The 25th Street Parklet located in front of a number of art galleries is extremely popular and well used during the First Fridays and Saturday Stroll events. And the Manifesto Bicycle and Subrosa Coffee Parklet on 40th Street has become a part of the neighborhood. The owner of Farley's estimates about a ten percent (10%) increase in sales after installing the Parklet in front of their cafe.

Next Steps

It is anticipated that after these new Parklets are built and operational for 6 months, staff will conduct a survey of both applicants and users of the Parklets to see what is working and what is not. Insight learned from the process as well as the results of the survey will help to inform a permanent Parklet program for the City of Oakland. Parklet regulations are anticipated to be added in a section under the Minor Encroachment Permit in the Oakland Municipal Code Chapter 12.08.

COST SUMMARY/IMPLICATIONS

There is no fiscal impact as this is an informational update report.

Parklet applications selected for consideration are processed as a Minor Encroachment Permit and will pay a permit fee as set forth in the City's Master Fee schedule. This fee is intended to cover staff time for processing and site inspection. The revenues and associated expenditures are within the Development Services Fund (2415). The permit holder is responsible for the cost of maintaining the Parklet.

In addition to the criteria applicable to Minor Encroachment Permits, staff will consider a Parklet only if it is designated as "revenue neutral", which means: a) No net loss of parking revenue at the selected location; or b) City staff has identified and created new metered spaces to bring in equivalent revenue as to what is being lost; or c) An annual lost meter revenue fee of up to \$14,442.44 (as specified in the City's Master Fee schedule) shall be paid to the City.

SUSTAINABLE OPPORTUNITIES

Economic: Parklets can add to the attractiveness of local commercial shopping districts by providing an enhanced experience for pedestrians.

Environmental: Parklets have the potential to encourage more pedestrian or bicycle-oriented activity.

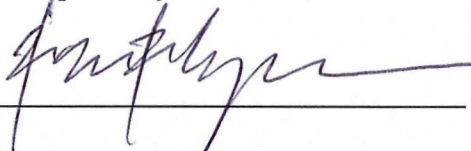
Social Equity: Parklets are available for all Oakland citizens and visitors to use and enjoy. Parklets must be accessible to individuals with disabilities per the Americans with Disabilities Act Accessibility Guidelines (ADAAG).

CEQA

This report is not a project under CEQA.

For more information about the City of Oakland's Parklets and to keep up with when new Parklets are built, visit the Parklet website at: www.oaklandnet.com/parklets. For questions regarding this report, please contact Laura Kaminski, Planner III, at (510) 238-6809.

Respectfully submitted,



RACHEL FLYNN

Director, Planning and Building Department

Reviewed by:

Edward Manasse, Strategic Planning Manager

Prepared by:

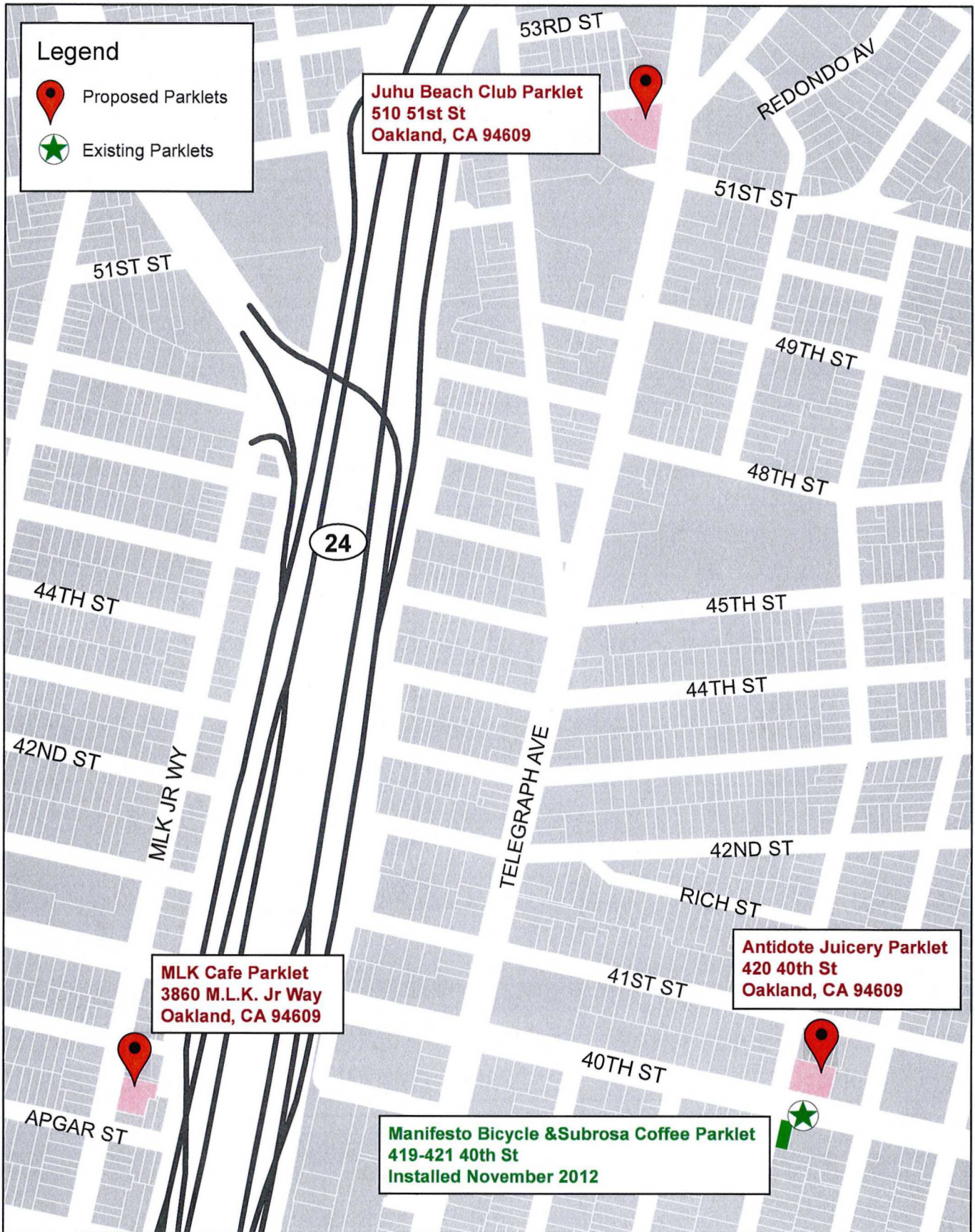
Laura Kaminski, Planner III

Strategic Planning Division

Attachments

A. Location Maps of Proposed and Existing Parklets

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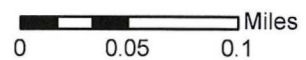


Planning and Building Department

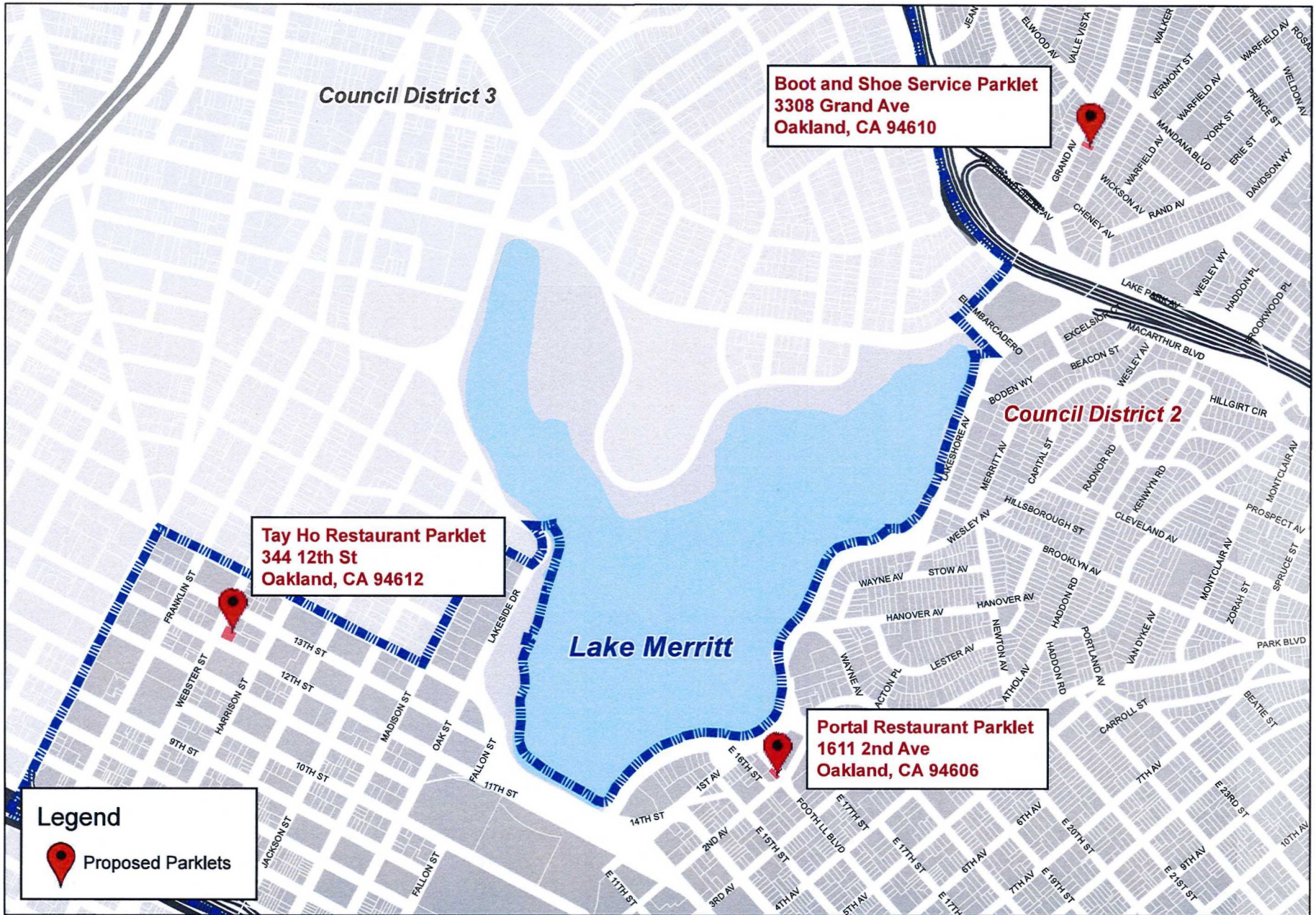


The City of Oakland Parklet Program

Parklet Locations in Council District 1



Date: 07/28/2015

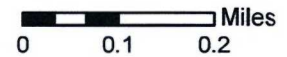


Attachment A

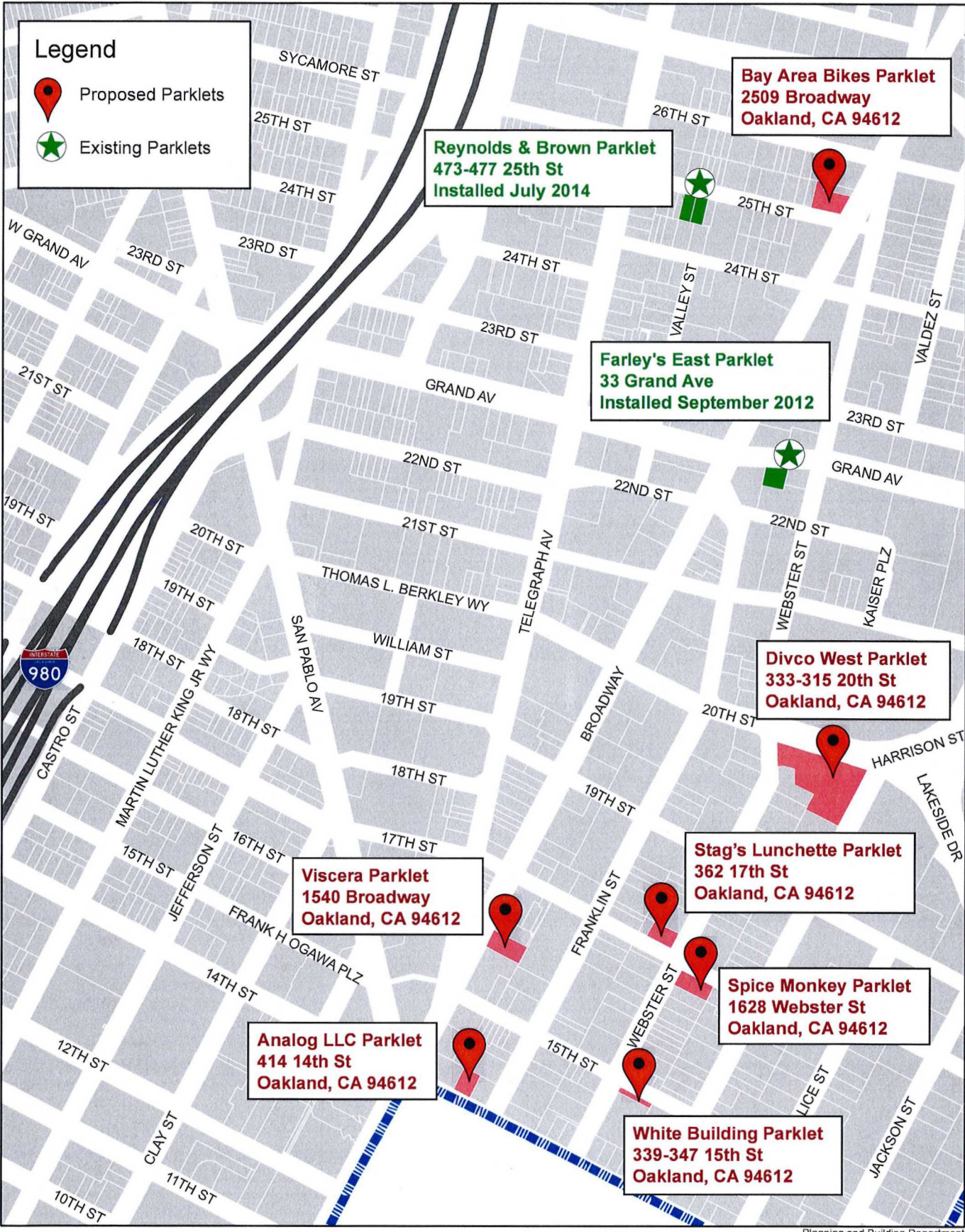
Planning and Building Department



The City of Oakland Parklet Program
Parklet Locations in Council District 2



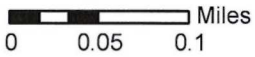
Date: 07/28/2015



Planning and Building Department



The City of Oakland Parklet Program
Parklet Locations in Council District 3



Date: 07/28/2015



The Hive's Parklet
2139 MacArthur Blvd
Oakland, CA 94602

Cafe 3016 Parklet
3016 MacArthur Blvd
Oakland, CA 94602

The Laurel Cyclery Parklet
3715 MacArthur Blvd
Oakland, CA 94619

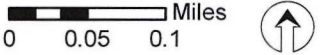
Legend

 Proposed Parklets

Attachment A



The City of Oakland Parklet Program
Parklet Locations in Council District 4



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