

**CITY OF OAKLAND**  
**AGENDA REPORT**

2011 OCT 27 PM 1:02

TO: Office of the City Administrator  
ATTN: Deanna J. Santana  
FROM: Community and Economic Development Agency  
DATE: November 8, 2011

RE: An Informational Report Regarding the Parklet Pilot Program, Which Provides A Temporary Use Of Space In The Dedicated Public Right-Of-Way For Public Uses Such As Seating Or Bicycle Racks

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**SUMMARY**

This is an informational report regarding a Pilot Program for Parklets in Oakland. A Parklet is the temporary use of space in the dedicated 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. If the Pilot Program is successful, staff will propose changes in the municipal code governing Parklets in Oakland. For the purposes of the 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.

**FISCAL IMPACT**

Once selected for consideration, the application will be processed as a Minor Encroachment Permit for a Permit Fee as set forth in the City's Master Fee schedule (currently \$1,133.73). This fee will cover staff time for processing, site inspection fees and any other charges generally covered by the Master Fee Schedule.

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 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.

**BACKGROUND**

Parklets are publicly accessible space for the enjoyment and use of all citizens, and are privately constructed and maintained. It is envisioned that the Parklets will be located in areas with

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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 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. Commercial signage and advertising are not permitted.

On September 26, 2011, a Notice of Parklet Opportunity was released to the public. An Updated Notice was released on October 13, 2011. Applications from interested parties are due on November 7, 2011. Selection will be done in mid-November, and public noticing in December. We anticipate that the first parklets will begin construction in January 2012.

If the program is deemed successful, staff will return to Council with a request to amend the Municipal Code to make Parklets a permanent part of the City's streetscape.

As part of the analysis of the program, there will be surveys done of key Parklet locations before and after the Parklet is installed to assess the impact of the Parklet on that area, as well as one non-Parklet control location.

## KEY ISSUES AND IMPACTS

### Number and Location

There will be up to eight Parklets selected in this pilot program. As much as possible, the selected Parklets will be distributed throughout the City.

Parklets must be located away from a corner and cannot be along a street with a speed limit of more than 25 mph. They may be allowed in white and green zones if the entity that originally requested the white or green zone agrees to repurpose that curb area. Parklets will not be permitted to be placed in front of a hydrant or in a way that restricts access to any private or public utility. Parklets shall not 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 will be required to meet all requirements for a Minor Encroachment Permit. In addition, Permit holders will be required to do the following:

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- 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 will require the Permit Holder to do the following:
  - a. Keep all plants in good health.
  - b. Keep the Parklet free of debris and grime.
  - c. Adequately maintain the surface.
  - d. Sweep out debris from under the Parklet on an as-needed basis.
  - e. Once a year before the rainy season, move the Parklet to allow street sweepers underneath. The Watershed and Stormwater program coordinator can provide more information to selected Permit Holders at [watersheds@oaklandnet.com](mailto:watersheds@oaklandnet.com).
3. A performance bond or other security will also be required to secure removal of parklet improvements at the time of their expiration and to restore the site to its prior condition.
4. 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**

Parklets are intended to be aesthetic improvements to the streetscape, and materials will be required to be of high quality, durable, and attractive. The width of the Parklet must not extend beyond six feet from the curb line. Safe hit posts and wheel stops, or approved equals, are required. A visible edge to the Parklet is required, which may consist of planters, railing, or cabling. The edges should be visually permeable or “see-through.” 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. Please see attached Handout for additional design information.

If bike parking is provided, the bike racks can be at street grade.

Where the Parklet utilizes parking spaces, the Parklet shall not exceed the length and width of two (2) curb parallel parking spaces with a setback of a minimum of one (1) foot from either end of the parking space regardless of the length of the space. Parklets proposed for parking spaces which are either angled or perpendicular to the curb will be reviewed on a case-by-case basis.

#### **Demonstrated Community Support**

As part of the application process, Applicants will be required to demonstrate community support for their Parklet. Evidence can be provided in the form of letters of support or a signed

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petition that should include the location of the Parklet, the home or business address of the supporter, and any comments.

#### Selection Process and Public Noticing

The process was laid out in the Notice and is summarized as follows. Projects will be 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) Demonstrated community support for public space at the proposed location
- 4) Evidence that the Parklet will be well-maintained

The selection team will consist of City staff from the Building, Planning, Public Works, Redevelopment, and Economic Development departments, and the ADA Programs division of the City Administrator's Office. Once the initial eight Applicants are selected, the Planning Department will provide copies of a Public Notice and the Applicant will be required to post them on site for 17 calendar days, informing the public that a permit is being considered to allow the installation of the Parklet at the proposed location. Planning staff will provide mailing labels and notices to Applicants to mail to property owners within a 300 foot radius of the proposed location.

If there are no objections from the public, the Applicants will submit permit applications, including 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 are objections from a resident, business owner, or property owner who lives or works within 300 feet of the proposed Parklet, the City Administrator's office will hold a special noticed hearing and issue a decision on whether to allow an application for the Parklet to proceed. If a Parklet is denied as a part of this process or as part of the Minor Encroachment Permit process, it is possible that another Parklet applicant will be selected to begin the application process to bring the total up to eight Parklets in the pilot program.

#### Permitting

The permitting will be done as a Minor Encroachment Permit. As part of that permit, the Building Department will review and approve the plans for the Parklet. Parklets that are elevated to be level with the sidewalk will have to meet the minimum distributed live loads in the 2010 CA Building Code Table 1607 A.1 (60 pounds per square foot). The Parklet will need to meet standards for flooring gaps, rail gaps, and handrail height that will be determined by the Building Department.

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### 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 must also be re-movable. The initial permit will be for one year, with up to two annual renewals contingent upon the Permit Holder meeting its Maintenance Agreement and Permit terms and conditions. This renewal is not automatic, the City has discretion to renew. Parklet renewals will be charged an annual Renewal Fee that will be set by Council as part of the permanent Parklet program. After the term of the permit, together with any renewals (i.e., a maximum of three years), the Parklet permit will expire. The City may consider offering the permit to another suitable location, in order to make this temporary street enhancement available throughout the City.

### SUSTAINABLE OPPORTUNITIES

**Economic:** Parklets may enhance local commercial shopping districts by providing an enhanced experiences for pedestrians.

**Environmental:** Parklets may encourage more pedestrian or bicycle-oriented activity.

**Social Equity:** Parklets are free and available to all Oakland citizens.

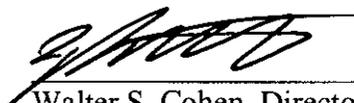
### DISABILITY AND SENIOR CITIZEN ACCESS

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 four feet clear. Parklets shall not interfere with the use of designated disabled parking zones; passenger loading zones; curb ramps; AC transit stops or other access features of the public right of way.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff requests that the City Council accept this informational report

Respectfully submitted,

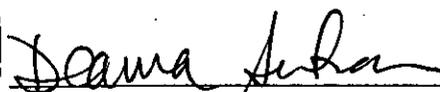


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APPROVED AND FORWARDED TO THE  
PUBLIC WORKS COMMITTEE:

  
Office of the City Administrator

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