

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda Date: September 19, 2022
Reviewed by: NA

SUBJECT: In-Street Parklet Program

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SUMMARY

The actions before the City Council are to establish the guidelines, timeline, and costs for in-street parklets by business owners.

STAFF RECOMMENDATION

That the Council:

1. Adopt Resolution No. 2022-101, establishing parklet program guidelines
2. Incorporate the annual fee for parklets into a future fee schedule amendment
3. Set March 31, 2023 as the date at which existing temporary parklet permits will expire
4. Direct staff on enforcement mechanisms

ECONOMIC DEVELOPMENT COMMITTEE RECOMMENDATION

That the Council approve the parklet program guidelines as shown with the inclusion of a limit to two parking spaces for parklet applications on a block that already has parklets utilizing 40% or more of the previously available vehicle parking spaces.

PLANNING AND ZONING COMMISSION RECOMMENDATION

That the Council approve the parklet program guidelines.

TRANSPORTATION COMMISSION RECOMMENDATION

That the Council approve the parklet program guidelines as shown with the exclusion of a limit to two parking spaces for parklet applications on a block that already has parklets utilizing 40% or more of the previously available vehicle parking spaces.

BACKGROUND

The COVID-19 pandemic has had and continues to have a significant impact on Albany businesses. Since the permitting of outdoor dining in the Alameda County Public Health Order released on June 18, 2020, in-street outdoor dining has been an important support for a number of Albany restaurants along Solano Avenue. [San Pablo Avenue is a California State Highway and is in the jurisdiction of Caltrans. Thus, the City of Albany is not able to process encroachment permits for in-street seating on San Pablo Avenue].

On November 1, 2021, the City Council reviewed and discussed considerations for extending the in-street outdoor dining program and provided comments to staff on proceeding with development of the program. (See Attachment 1 for discussion materials and public correspondence from this meeting including details on earlier discussions).

At the January 27, 2022 Transportation Commission meeting and February 3, 2022 Economic Development Committee, staff presented results from surveys of businesses and community members along with analysis of the size and concentration of existing in-street dining installations. (See Attachment 2 for survey results presentation).

At the April 28 and May 26 Transportation Commission meetings and May 5 and June 2 Economic Development Committee meetings, staff presented draft guidelines and received comments from both advisory bodies for incorporation into revised guidelines.

In response to feedback from the public, Transportation Commission, Economic Development Committee, and AC Transit, staff prepared a revised draft of the Parklet Program Guidelines. At the May 26 Transportation Commission meeting, the Commission provided feedback to staff and a recommendation to City Council to adopt the proposed guidelines. At the June 2 Economic Development Committee meeting, staff presented the revised draft of the Parklet Program Guidelines and received additional comments and requests for revision, particularly with respect to design review for proposed parklets.

At the July 7 Economic Development Committee meeting, the Committee recommended that City Council approve the proposed parklet program guidelines and recommended that the review process include developing examples of good parklet design to guide applicants, notify nearby property owners and businesses of a proposed parklet, and require posting of notification of proposed parklet in applicant's window. The revised guidelines also included design review by the Planning & Zoning Commission for applications proposing to use three angled parking spaces and/or proposing new materials. They also recommended that the program guidelines be brought back for discussion and possible revision before the end of the 3-year period for the initial permits issued.

The Planning & Zoning Commission reviewed the draft guidelines at their July 13, 2022 meeting. Attachment 3 provides a compilation of written correspondence received during these Committee and Commission discussions.

DISCUSSION

Draft Guidelines

Although most cities began allowing outdoor dining in 2020 as a short-term response to restrictions on indoor dining, the popularity of these installations has remained even as indoor dining and masking restrictions have been lifted. As a result, many cities across the country are looking at allowing outdoor dining on a longer-term basis.

The survey of businesses and residents conducted in December 2021 and January 2022 highlighted strong support for the program and a desire to improve safety for pedestrians and vehicles as well as parklet patrons. Respondents emphasized consideration for aesthetics, access, proper maintenance, impacts on other businesses, and cost burden for parklet applicants (See Attachment 2 for Parklet Survey Results Presentation).

Staff reviewed peer programs, including in San Francisco, San Diego, New York, Berkeley, Alameda, Oakland, and Pleasanton to understand how other jurisdictions have addressed these issues and determine what is best suited for Albany. Albany installations are on Solano Avenue, predominantly in angled parking areas. Solano Avenue has curb extensions at many intersections which aid with pedestrian visibility. Many retailers on Solano have relatively small business frontages with limited adjacent on-street parking.

Staff has prepared draft program guidelines (Attachment 4) based upon the review of peer programs, community and business feedback, and discussion at Transportation Commission, Economic Development Committee, and Planning & Zoning Commission meetings. The proposed guidelines incorporate requirements that address the key concerns and issues identified in the business and resident surveys. These include issues around safety, accessibility, size of installations, and aesthetics. The program guidelines detail permitted parklet locations, required features, maintenance obligations, insurance requirements, and acceptable use. The guidelines also identify application fees and annual fees associated with the parklets. The one explicit difference between the recommendations from Economic Development Committee and Transportation Commission is the inclusion of a restriction to 2 spaces per applicant if more than 40% of parking spaces on a block are utilized by parklets, identified in green text in Attachment 6.

Funding Support

In developing the draft guidelines, balancing the desire for safer and more-aesthetic installations with the cost burden for businesses has been key throughout. This was the key reason advisory bodies recommended allowing businesses to continue to use the street surface if they can meet ADA (American Disability Act) requirements rather than require a raised platform at sidewalk level. It is still uncertain how easy it will be for businesses to meet ADA requirements while still providing sufficient seating utilizing the street surface; it is likely that a number of businesses will need to construct a platform. To help reduce the financial barrier to upgrading parklet installations to meet the new requirements (or for new parklet proposals), staff is proposing the use of the remaining American Rescue Plan Act (ARPA) funds

previously appropriated by City Council Resolution No. 2022-09 for temporary COVID small business assistance be made available to defray the costs of parklet platform construction and installation to assist businesses in meeting the accessibility and safety requirements in the proposed guidelines (approximately \$150,000 of these funds remain available after funds approved toward the business grant applications). Staff is proposing costs associated with the platform be eligible for reimbursement up to \$15,000 per installation.

Timeline

Staff proposes to set March 31, 2023 as the date at which existing temporary parklet permits will expire. This should give businesses sufficient lead time to apply for, design, and construct parklets to meet the new guidelines.

Enforcement

The primary enforcement mechanism available to staff is the termination of the permit for installations that are not in compliance. Up to this point, staff has been lenient on strict enforcement of permit conditions on pandemic-impacted businesses. In future post-pandemic business conditions, staff believes that strict enforcement of objective accessibility standards is critical. Evaluation of roadway safety and aesthetic considerations is a more subjective matter, and Council may wish to provide guidance on the appropriate timing and intensity of enforcement, including when termination of a permit would be appropriate.

In the meantime, staff proposes to require adjustments to existing parklet and sidewalk installations that are affecting pedestrian visibility at crosswalks or restricting sidewalk widths or height clearance. Staff will also propose a green zone adjacent to the current zone and location of a parklet in front of Boss Burger / USPS (United States Postal Service) at an upcoming Transportation Commission meeting.

SUSTAINABILITY/SOCIAL EQUITY CONSIDERATIONS

SUSTAINABILITY: Implementation of a parklet program was not identified as an action in the City's Climate Action Plan. It should be noted that the Climate Action Plan does call for a study of the feasibility and emissions reduction impact of implementing a citywide parking management strategy. This action is prioritized for the mid-term timeframe (2024-2029). Thus, a decision on use of the right-of-way for outdoor dining may need to be reconsidered and/or there may be a potential variation in scope to the parking management study when undertaken.

SOCIAL EQUITY: The proposed use of business recovery funding for parklet upgrades is intended to allow a range of businesses to take advantage of the opportunity to utilize the street in new ways.

CITY COUNCIL STRATEGIC PLAN INITIATIVE

Goal 4, Objective 3 of the City Council Strategic Plan calls for "Maintain an Attractive Atmosphere in Business Districts."

FINANCIAL CONSIDERATIONS

The proposed actions include directing staff to bring a future amendment to the fee schedule to collect annual fees associated with in-street parklets and spending approximately \$150,000 in ARPA funds previously appropriated by City Council for temporary COVID small business assistance. New fees are anticipated to generate \$10-20,000 annually and help defray the costs of staff time on permitting and inspecting parklets.

Attachments

1. November 1, 2021 Council Staff Report
2. Survey Results Presentation
3. Public Correspondence from Advisory Body Discussions
4. Parklet Program Draft Guidelines
5. Resolution No. 2022-101