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RESOLUTION NO. 2022-101

**A RESOLUTION OF THE ALBANY CITY COUNCIL ESTABLISHING
PARKLET PROGRAM REGULATIONS**

WHEREAS, the City of Albany has an encroachment permit process to allow for temporary outdoor uses on public right of way; and

WHEREAS, the City Council reviewed and discussed considerations for extending the in-street parklet program and provided comments to staff on proceeding with development of the program on November 1, 2021; and

WHEREAS, the Transportation Commission discussed the draft guidelines on January 27, April 28, May 26, and July 28, 2022, and recommended that City Council approve the draft regulations; and

WHEREAS, the Economic Development Committee discussed the draft guidelines on February 3, May 5, June 2, and July 7, 2022, and recommended that City Council approve the draft regulations; and

WHEREAS, the Planning & Zoning Commission reviewed the draft guidelines at their July 13, 2022, meeting and recommended that City Council approve the draft regulations; and

WHEREAS, the City Council considered all public comments received, the presentation by City staff, the staff report, and all other pertinent information.

NOW, THEREFORE, BE IT RESOLVED, that the Albany City Council does hereby establish the City's Parklet Program Regulations (attached hereto as Exhibit A), sets May 31, 2023 as the date at which existing temporary parklet permits will expire if a new permit application under this program has been received for that location by January 31, 2023; and sets March 31, 2023 as the date at which existing temporary parklet permits will otherwise expire.


PRESTON JORDAN, MAYOR

Attachment:
Exhibit A – Parklet Program Regulations

City of Albany Parklet Program Regulations

This parklet program document is intended to detail the requirements for businesses interested in applying for use of in-street parking spaces and/or sidewalk areas for business activity.

Solano Avenue is the primary applicable commercial street for potential parklets (San Pablo Avenue is under the State of California jurisdiction as a state highway). East of San Pablo Avenue, Solano Avenue serves both bus and truck routes as well as providing access to the adjacent businesses. Surveys conducted by the City have shown strong support for the temporary parklets that were installed during COVID-19 restrictions. The program is intended to provide an opportunity to continue in-street business activity in a fair and safe manner.

All current in-street installations are to be transitioned to a 3-year-term permit or removed by March 31, 2023. If an application is received by January 31, 2023, under this program, existing installations can remain until May 31, 2023, to allow time for completion of the newly permitted parklet. The City will assess standard encroachment permit application fees but does not intend to assess an annual fee for the first three years of the program.

If questions arise regarding the intent or interpretation of these requirements during review of parklet permit applications, staff may bring applications to advisory bodies for review as needed.

Parklet Location and Setbacks:

Parklets are generally allowed in the Solano Avenue commercial district (San Pablo Avenue is managed by the State) along the curbside where on-street parking spaces exist.

Parklets are limited to a maximum of 2 parallel parking spaces or 3 angled parking spaces in size. 2 angled parking spaces are the default size, with a 3rd space permitted at City discretion with consideration of parklet design, applicant's retail frontage, parking occupancy, existing parklets, and impact on neighboring businesses. Applications for 3 angled parking spaces will be subject to public notice and brought before the Planning & Zoning Commission for their recommendation.

Installations are permitted in-street where the parking area is not currently designated with blue curb. If proposed for loading or short-term parking zones, applicant is to identify new replacement location for these zones.

Installations are permitted within the footprint of existing parking spaces. Any additional area is subject to approval by the City with consideration for intersection visibility along with pedestrian, ADA (Americans with Disabilities Act), and vehicle access. Unless the design is coordinated with AC Transit, parklets are not allowed in bus stops nor should they obstruct existing red curb at bus stops.

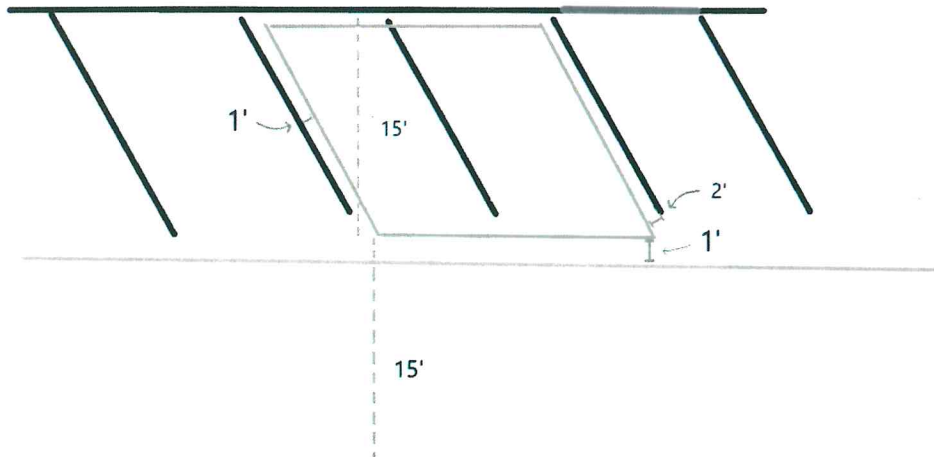
Installations must be set back 1 foot from the travel lane. For Solano Avenue, this generally means installations must be 15 feet from the street center line (14-foot travel lane plus 1-foot setback) and generally means up to 15 feet from the curb is available for installations where angled-parking spaces are present.

Installations must maintain a 2-foot setback from adjacent angle parking spaces on the driver side of the adjacent space, and otherwise a 1-foot setback from adjacent angle parking spaces or driveway approaches.

Installations must maintain a 2-foot setback from adjacent parallel parking spaces.

Installations must maintain access to all utilities within the sidewalk and roadway, including storm drain inlets or cleanouts, utility access panels, manhole covers, handholes, transformers, water meters and water valves. This can be done by leaving a 5-foot buffer around utility access point for any platform or fixed furnishings or with modular or removable platform and furniture design, subject to approval by the city.

Illustration of Permitted Parklet Footprint



Perimeter Barriers:

A 36-42 inch high wall or railing is required along the edge of installation (required 36 inches from base where people are standing within parklet; up to 42 inches high from surface of street). The wall or railing must not be easily moved or altered and sturdy enough to withstand 200 pounds of lateral force. This is intended to prevent people from entering the street from the parklet. A clear or visually permeable material greater than 42 inches is permitted if city determines there is minimal impact on intersection visibility. For a railing, gaps between horizontal rails or cables must be less than 4 inches.

Reflective tape or other high-reflectivity surface is required along outside edges of the perimeter barrier to maintain nighttime visibility.

A flexible bollard or delineator post with reflective surface in line with the outermost edge of the installation adjacent to the vehicle travel lane is required at both ends of the installation.

A wheel stop 2 feet into the adjacent parking stall is required to be installed when the installation is adjacent to the back of a vehicle in a parallel parking space and 1 foot into the adjacent parking stall when it is the front of the vehicle in the adjacent space.

Platform:

A free-standing platform (not affixed to pavement nor poured concrete), preferably modular in design for ease of disassembly, is recommended.

A 36 square inch minimum clear gutter space adjacent to the curb is required (6"x6" clear square covered by platform or equivalent flow under a ramp (approximately 12"x6" clear triangle).

Use of the street surface as the base of the parklet is acceptable if the applicant is able to show on their submitted plans that the installation is able to meet all ADA access requirements, including maximum slope requirements.

Materials:

Parklets shall be constructed from durable materials so that they remain safe and aesthetically pleasing for the three-year duration of the temporary permit. Acceptable perimeter barrier materials include metal, wood, or other natural material. Temporary, construction zone-type materials should not be used or should be appropriately painted or covered. Applications proposing alternative materials will be brought before the Planning & Zoning Commission for their recommendation. Applications for 3 angled parking spaces will also be brought before the Planning & Zoning Commission for their recommendation.

Plant materials are encouraged to be incorporated into the parklet.

Lighting is encouraged. Electrical lighting and appliances must be outdoor-rated and if needed, plugged into a GFI outlet and maintaining 10-foot height clearance above pedestrian paths of travel.

Any fixed structure above 4 feet is subject to building code requirements.

Americans with Disabilities Act (ADA) Access:

Parklet platforms or ramps shall have a seamless connection to the existing curb.

The parklet shall have a firm, stable, slip resistant surface with no platform gaps exceeding ½ inch, no unbeveled changes in elevation greater than ¼ inch, and no beveled changes in elevation greater than ½ inch with a maximum 1:2 slope on the bevel.

Parklets must comply with standard restaurant accessibility requirements, including where tables, counters, drink rails, or benches are provided, at least one of each feature shall be accessible. Parklets with more than 20 seats shall have at least 5% of each type of customer space be wheelchair accessible.

An accessible route that connects the sidewalk to the accessible tables, counters, drink rails, or benches shall be at least 36” wide. The accessible portion of the parklet surface shall not exceed 5% maximum running slope (parallel to the direction of travel) and 2% cross slope (perpendicular to direction of travel). Required ramp slopes shall not exceed 8.33%.

The accessible route shall include a circular wheelchair turning space that is 60” minimum in diameter.

The City reserves the right to require that plans be reviewed and approved by a Certified Access Specialist.

Fire

5 feet of clear space around base of a fire hydrant is required.

Canopies or roofs are subject to Fire Department approval. Roof must be metal if over a heater and 5 feet from anything flammable.

Heaters are subject to Fire Department approval.

Maintenance

3-stream (trash, recycling, and compost) bins are required to be placed in the parklet while in commercial use if applicant is not providing table service.

Permit holder must keep parklet and adjacent curb area clear of debris (street sweeping cannot get at areas adjacent to installation).

Permit holder is responsible for keeping gutter space and any other drainage area clear and that proper drainage is maintained at all times.

Permit holder shall perform an annual cleaning of parklet structure and furnishings.

Access to all utilities within the sidewalk and roadway must be maintained as part of the installation design and construction, including storm drain inlets or cleanouts, utility access panels, manhole covers, handholes, transformers, water meters and water valves. This can be done by leaving a 5-foot buffer around utilities or with modular or removable platform and furniture design, subject to approval by the City.

The Installation is subject to removal upon request by City or other utilities for maintenance work, including for sewer, stormwater, and pavement maintenance.

Applicant is advised that there are utilities under the roadway – if emergency access is required the parklet platform and/or fixtures may be removed by utility workers and/or may be damaged.

Movable furniture shall be secured when not in use.

Fees and Public Access

Application Fee: Standard encroachment permit application processing fee

Annual Fee: Per vehicle space annual fee is waived for the first three years of the program

Installations are eligible for a reduction in annual fees proportional to the area provided for the general public with approved signage that states it is available to the public. This can include public seating or bus stop amenities.

AC Transit is open to more bus stop parklets at bus stop locations – these provide expanded sidewalk and streetscape amenities and improved transit customer experience. Proposals would be subject to AC Transit review – please see AC Transit’s Bus Parklet Design Manual for additional guidance.

Insurance

Applicant must add City of Albany as an additional insured, with a minimum coverage of \$1 million per occurrence and \$2 million general aggregate.

Signage

Signage is prohibited on the parklet structures (i.e. perimeter barrier).

Acceptable Use

Outdoor noise is subject to the requirements in Section 8-1 of the Albany Municipal Code.

Alcohol sales are subject to regulations of the California Department of Alcoholic Beverage Control.

Retail food facilities are subject to requirements of the Alameda County Department of Environmental Health.

Smoking is prohibited in parklets.

Other parklet activities may be restricted if found by the City to be a public nuisance.

Removal and Termination of Permit

Applicant is required to remove installation if not in use for a duration of more than two weeks or make prior arrangements with City.

Applicant is required to remove / partially remove as needed for utility and maintenance work at the request of City or other utility.

Applicant is responsible for removal within 15 days upon termination of permit or ceasing to operate unless prior arrangements are made with the City.

Permit will be for a period of 3 years subject to annual fee payments. At the end of the three years a new permit may be applied for subject to continuation of the parklet program.

Installation is subject to removal and termination of permit by the City in the event that a parklet is not properly maintained, is found to not meet the permit requirements, otherwise interferes with public use of the right-of-way, or the parklet interferes with infrastructure maintenance or improvements.



City of Albany

1000 San Pablo Avenue • Albany, California 94706
(510) 528-5710 • www.albanyca.org

RESOLUTION NO. 2022-101

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

The 19th day of September, 2022, by the following votes:

AYES: Council Members Gary, McQuaid, Nason, Tiedemann and Mayor Jordan

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 20th
day of September, 2022.

Anne Hsu
CITY CLERK