



DATE: June 3, 2024

TO: Honorable Mayor and Members of the City Council through City Manager

FROM: Brian Oh, Director of Community Development
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SUBJECT: Presentation and Discussion of Policy Options for establishing a Parklet Program (known as the City's Free Range Program) to Increase Opportunities for Creating Public Spaces in the Public Right of Way

RECOMMENDATION

It is recommended that the City Council discuss and provide feedback on policy options for establishing a 3-year pilot parklet program (known as the City's Free Range Program) to increase opportunities for creating public spaces in the public right of way.

BACKGROUND

The use of on street parking and public streets for something other than parking and vehicle traffic has been explored in many other cities around the world. More commonly known as “parklets”, they are used as small park-like spaces that often incorporate commercial use (outdoor dining/café) to create a more vibrant public space. According to the National Association of City Transportation Officials (NACTO), parklets are public seating platforms that convert curbside parking spaces into vibrant community spaces. Also known as street seats or curbside seating, parklets are the product of a partnership between the city and local businesses, residents, or neighborhood associations. Many jurisdictions emphasize design as a key component of a successful parklet and may incorporate seating, greenery, and/or bike racks to accommodate unmet demand for public space on thriving neighborhood retail streets or commercial areas.

Many jurisdictions used the parklet concept to keep local merchants open and in business during COVID-era restrictions on business operations. In May 2020, as the initial Shelter-in-Place restrictions were lifted, the City launched a program called Free Range to help businesses operate outdoors by safely repurposing areas on private property and in the public-right-of-way, including parking spaces, sidewalks, plazas, and open spaces.

Free Range proved to be a tremendous support for our local businesses, with 50 businesses participating in the program since its inception. That number saw natural attrition over time as COVID restrictions were lifted, and business owners found it inconvenient or unnecessary to continue to operate outside. Other Free Range permit holders whose parklets incorporated tents or traffic barriers subsidized by the City left the program once the City began charging for the use of that equipment starting in July 2022. Currently, there are 13 active Free Range permits for parklets in the public right of way, all of which are used for outdoor dining and/or wine tasting with varying sizes and designs.

The addition of parklets permitted through the City's temporary Free Range program both benefited local businesses during the pandemic as well as transformed on street parking spaces into spaces for public enjoyment. The impacts of the Free Range Program is consistent with the City's long-standing interest in activating public spaces particularly downtown. For example, the City has long envisioned activation of its Petaluma riverfront (e.g. Water St.) through planning efforts such as the River Walk Masterplan (1986), Petaluma River Access and Enhancement Plan (1996), Central Petaluma Specific Plan (2003) as well as recent efforts to fund the rehabilitation of the SMART-owned Trestle.

As the City's Free Range initiative is entering its fourth year and COVID-era restrictions no longer in place, City staff is looking for the City Council direction on the program's evolution from pandemic recovery support to a 3-year pilot program.

DISCUSSION

Public input survey results – Attachment # 1

Between March 4 and May 12, 2024, City staff conducted an online survey to gather community feedback on the Free Range Program. The City distributed information and the link for the survey via the community bulletin as well as mailed post cards directly to business and property owners within the geographic boundaries of the program. Staff was seeking information from the general community as well as Downtown business and property owners. A total of 1,062 responses were received, with participants identifying as frequent visitors (4%), business owners (12%), commercial property owners (17%), and residents (89%). Full survey data is available at Attachment 1.

Survey results revealed that the majority of respondents ranked a shade feature as the most important design element for a parklet (60% of respondents), while bike parking was considered the least important (% of respondents). A blend of public and private spaces in parklets is preferred by 45% of respondents, primarily dedicated to table service with public use as secondary. Additionally, 74% of participants found parklets without an outer wall barrier or roof to be the most attractive design.

Regarding the concentration of parklets on any given block, 27% of respondents believe that all businesses should be eligible to install a parklet along their frontage, whereas 23% think that parklets should be limited to one for every ten car parking spaces. Concerns about adding parklets downtown included adequate parking (39%), design compatibility with the City's Historic Commercial District (29%), and safety impacts (28%).

When it comes to restaurant dining options, 55% of respondents support allowing restaurants to have both sidewalk dining and a parklet, while 45% are opposed. Opinions on the existing downtown parklets varied: 53% of respondents believe they should be grandfathered in and allowed to continue as they are, 34% think they should conform to any newly adopted guidelines by a given deadline, and 12% do not support the parklet program at all.

Finally, a significant 70% of respondents expressed a desire to see more public space on Water Street. The overall survey results in addition to other community input will provide a good balance of information to support shaping the future direction of the Free Range Program to ensure alignment with community preferences and address key concerns that have been raised through this process.

Committee, Commissions and Board Engagement Summary

In 2022, staff engaged with the following committees/committees with the intent of soliciting feedback to inform the development of a permanent parklet program.

- The Historic and Cultural Preservation Committee's feedback included a desire to see a streamlined administrative review process with established guidelines, prioritizing flexibility over permanence, and adopting a standardized "kit of parts" to ensure consistency. Additionally, there was a preference for parklets to feature roofs rather than umbrellas and a call for more rigid design standards. The HCPC proposed that staff consider in the streamlined process how to incorporate public review before installation.
- The Pedestrian and Bicycle Advisory Committee advocated for the implementation of more parklets on the Eastside of town. Additionally, the Committee expressed a strong desire to integrate artistic elements into the parklets' design.
- The Planning Commission recognized the benefit of parklets as business aids adaptable to various conditions, highlighting the opportunity to use reusable materials and integration of public art. Concerns expressed by the Commission included the need to limit restrictions on sidewalks, bike lanes, and ADA access, while stressing the importance of adopting best practices from other cities. There was unanimous support for clear design guidelines and a streamlined ministerial process while providing adequate time for existing parklets to conform to future standards. Additionally, the Planning Commission supported allowing parklets beyond downtown, including in shopping centers, and considering them as public spaces accessible beyond business hours. Suggestions for parklet amenities ranged from bike parking to community libraries and chess clubs, reflecting a desire for multifunctional use. The Planning Commission was eager to participate in the next iteration of developing a parklet program and underscored the importance of ongoing community engagement.

Case Studies

Staff researched and compared active parklet programs in other jurisdictions in an effort to understand components of programs within other jurisdictions. This information is included as Attachment #2 - Jurisdiction Comparison Chart. While there is no standard on how to design and implement a parklet program, there are key policy issues that staff identified and is seeking input from the City Council to incorporate into Petaluma's parklet program. Furthermore, City staff

have created a set of safety requirements that will inform a set of design standards that will be brought to City Council based on the direction that is provided at this workshop.

To best inform this discussion and in no particular order, staff has identified the following objectives to guide the discussion and development of a permanent parklet program:

- Expand public spaces and places for community gathering
- Increase local economic activity
- Promote active transportation
- Provide family-friendly social spaces
- Increase foot traffic in downtown
- Beautify Downtown

Policy Discussion

To implement the objectives above, the following policy items have been identified for City Council discussion and feedback. Ultimately feedback on these six policy items will provide staff additional direction to develop a parklet program and set of design guidelines for City Council to consider at a later date.

Policy Item #1: Public vs. Exclusive Access

In the pre-COVID parklet concept adopted in cities such as San Francisco, Berkeley, and San Diego, public access to a parklet was required and use of a parklet for commercial uses was discouraged or prohibited. This limitation shifted during the pandemic, as parklets became, during certain times at least, the only space that could be used by the sponsoring business due to public health mandates. During this time businesses needed to maximize every inch of their parklets in to keep their businesses operational and/or see a return on investment made for parklet construction/operation. In this environment, some municipalities (including the City of Petaluma) allowed businesses exclusive use of the parklet space, rather than requiring full or partial public access.

In the post-COVID era, parklets should be revisited as its original intended use – low-cost ways to increase public space that can be enjoyed by the community. While many jurisdictions take different approaches to this policy, staff have found that the most successful parklets include engaged property and business owners who partner with the City to accomplish the program goals by actively managing and programming the space for both public and private use.

A local example of this is the existing parklet that was installed by Stockhome which includes outdoor seating for restaurant patrons as well as a fixed public bench that provides public access outside of business hours. While this incorporates some public access, other jurisdictions vary on what level of space should be provided as open to the public.

Staff recommends that some combination of public access be a required component part of developing a parklet program and seeks the City Council's feedback regarding specific requirements associated with this policy. As there is an inherent need for a business to create

some value as a sponsoring business, what is the appropriate amount of public access that should be maintained by the operator?

- Should public access be required at all times? If so, is it creating a seating area or shall we quantify to a metric such as half of the parklet space open to the public?
- Should there be a difference in providing public access during seasonal versus off-seasonal use when the sponsoring business is not providing table service due to external circumstances such as inclement weather and/or staffing issues?
- Should public use be limited to outside of the sponsoring business's hours so that the public use is a secondary use to the private retail/service use?

Policy Item #2: Location & Density

There are currently 13 active parklet permits under the City's Free Range Program. Eleven of those permits holders are located within the Downtown Business Improvement District, Attachment # 3, and seven are located within the City's Historic Commercial District, Attachment # 4. While parklets in other cities have traditionally been administered through partnerships with adjacent businesses and/or surrounding residents, a parklet may be installed and managed by the City as a designated public space. While the existing permit holders have expressed interest in continuing in the program, it is unclear if a more formalized program would generate interest at other locations. Furthermore, additional considerations may be desired for specific locations. For example, survey respondents expressed an interest in expanding Water St. along the riverfront for more public space.

Staff has identified the following recommendations to ensure that the location and density of parklets allowed through the establishment of a program to minimize impacts. While staff proposes to create a set of safety standards such as the placement of parklets to ensure that adequate visibility and safety measures are in place, staff is requesting City Council feedback on these items to better refine standards for development of a parklet program.

- Should we limit the number of parklets as a percentage of a measure such as total number of available public parking spaces in downtown? (e.g., the City of Healdsburg has a 5% cap of parklets to total number of parking spaces)
- Should we set a geographic boundary at least at the onset of the program? (e.g., Downtown Business Improvement District)

Policy Item #3: Design Guidelines

Because of the COVID emergency, the temporary Free Range program included minimum criteria to allow the greatest flexibility for businesses during the pandemic. Minimum criteria to ensure appropriate safety and ADA-accessibility were maintained and staff recommends these continue to stay in place. As the City moves to a more formal parklet program and following the lead of many other jurisdictions with established parklet programs, staff is recommending development of design guidelines. This is also consistent with feedback from CCB outreach completed in 2022 as well as input received as part of the community survey completed earlier this year.

Staff proposes the following design elements to address the following criteria: length, width and height, standard signage, lighting requirements, umbrellas and shade features

- Are there other design features the City Council think are important to consider in developing design criteria?

Policy Item #4 -- Permit Review

Building a parklet will require a financial investment on the part of the applicant/sponsor. The cost includes architect/engineering design fees, material and labor costs, and fees paid to the City to permit and inspect the structure for safety and compliance. One way to reduce the external design fees and City permit review fees is to expedite approval for designs that have already been vetted by City staff. Designs that are not in conformance with said designs could be routed through an additional City permit review process at the permit sponsor's costs. While design seems to vary by jurisdiction, staff recommend a ministerial review (no public hearing or noticing needed) for proposals that conform with a set of design guidelines that have been pre-vetted by the City.

The PC, HCPC and PBAC all expressed support for a standard set of design options or criteria that could then be customized within allowable limits. This approach would streamline the review process making the permitting process faster and easier. It would save staff hours for individual review and create an overall design aesthetic across all parklets in Petaluma. It would keep costs low and ensure that the program is equitable, and more businesses and organizations would have the ability to sponsor a project.

- Are there other review processes the City Council want incorporated?

Policy Item #5: Fees

Permit fees assessed through the Free Range program were for the cost of City-owned tents and safety bollards (K-Rail). As part of establishing a new program, staff anticipates setting permit fees to cover costs associated with permit review and inspection so that the program remains cost-neutral to the city other than program administration.

As outlined in Attachment 2, different jurisdictions have adopted varying fee structures (e.g., the City of Healdsburg charges \$1.56/square foot in addition to a \$2500 annual permit fee).

- Does the City Council want to consider charging a license or use fee in addition to permit fees for use of the public right of way?

Policy Item #6: Transition plan for existing parklets

In the event that existing parklets do not conform with the parklet program established by the City, it will be important to provide a clear transition or amnesty option for existing Free Range permit holders. The PC, HCPC and PBAC all expressed support to provide existing parklet sponsors a reasonable amount of time to make any alterations necessary to comply with program

guidelines. Staff recommends the transition to be 6 months and with staff technical assistance to aid them with any changes or modifications (as an example, similar to how the City/County of San Francisco approached this issue

- Does City Council want to consider sponsoring a set of parklets to provide additional public spaces in strategic locations throughout the City (e.g. Water St.)?

Recommendation Summary

As the city enters its fourth year of its Free Range program and the COVID-19 pandemic-era restrictions in the past, this year is an opportune time to evaluate what an established 3-year pilot program can offer the community. Staff is recommending a 3-year pilot program for parklets with the following elements:

- includes public access
- within the city's Business Improvement District boundaries
- pre-vetted design to allow for ministerial approval
- cost-neutral permits
- providing existing parklets 6 months to conform to the city's design guidelines

Furthermore, while a robust parklet program can be developed around a set of safety standards and program goals, staff recommends receiving input during this workshop on the six policy areas to ensure that the program is aligned with the City Council and the community.

PUBLIC OUTREACH

This agenda item appeared on the City's tentative agenda document on May 21, 2024, which was a publicly noticed meeting.

A public input survey (Attachment A) was circulated between March 04, 2024, and May 12, 2024. A total of 1,067 responses were received, with participants identifying as frequent visitors (39 responses, 3.66%), business owners (133 responses, 12.46%), commercial property owners (182 responses, 17.06%), and residents (948 responses, 88.85%).

Additionally, staff spoke with active Free Range permit owners (and associated property owners) and property/business owners and community members who had previously expressed concerns about parklets adjacent to their properties. Furthermore, the staff engaged with its local business groups such as the Petaluma Downtown Association and the Chamber of Commerce to increase the city's reach with and better understand the business and economic impacts of the Free Range program.

COUNCIL GOAL ALIGNMENT

Establishment of a parklet program implements several of the City's citywide goals and objectives, including:

A City that Works for Everyone

FY 2021, Item #18: “Establish and improve paths, as useful transportation options, and make walking and biking easy, fun and safe.”

FY 2022, Item #30: Engage and support all City committees and commissions, allowing opportunities to cross-pollinate with each other and to better integrate and provide recommendations for improved City decision-making. Economy that Prospers

FY 2021-22, Item #114: Identify potential parking and transportation alternatives for downtown. Spaces & Places

FY 2021-2022, Item #212: Create a permanent parklet program that includes clear guidelines on how parklets can be installed in Petaluma’s public right of way areas.

CLIMATE ACTION/SUSTAINABILITY EFFORTS

Repurposing public right of way for community space is in alignment with the City’s goals on climate action and sustainability as it may promote the use of public transportation, walking, and bicycling as alternatives to driving a car in the downtown area.

ENVIRONMENTAL REVIEW

The item is for discussion and feedback only. Therefore, the item is not discretionary and is not considered a project under the California Environmental Quality Act (CEQA).

When the parklet program is brought back before the City Council for consideration and adoption the item will include the appropriate environmental analysis consistent with CEQA guidelines.

FINANCIAL IMPACTS

No impacts of this discussion.

ALTERNATIVES

- City Council may choose to provide additional feedback outside of the specific policy items outline in the staff report and presentation.
- City Council may also choose to provide feedback to sunset the temporary Free Range program and give the existing parklet sponsors a set period of time (e.g. 6 months) to close the program

ATTACHMENTS

1. Public survey data
2. Map of existing parklets
3. Jurisdiction comparison chart
4. Reclaiming the Right of Way: A toolkit for creating and implementing parklets