

**TOWN OF SAN ANSELMO  
STAFF REPORT**

For the Meeting of September 28, 2021

TO: Town Council

FROM: Sean Condry, Public Works Director

SUBJECT: Council Consideration of Permanent Parklet and Streetlet Program.

**RECOMMENDATION**

That the Town Council consider the establishment of a permanent parklet and streetlet program and give direction to staff.

**BACKGROUND**

A parklet repurposes public space, such as vehicle parking, into an area for community use, providing amenities such as outdoor seating and additional pedestrian areas. In most cases, a parklet is an expansion of a sidewalk that utilizes parking spaces to create a public area. Parklets benefit local businesses by providing additional seating for patrons and encouraging walkability, while enhancing the aesthetics of the community. Although parklets are privately constructed and maintained, they are open to the public and intended for community use.

A streetlet is similar to a parklet, but are intended for private use by restaurants, businesses, and their patrons. Streetlets typically have a fee associated with it to use the public right-of-way.

In response to COVID-19, the Town implemented its Outdoor Activities Program that authorizes temporary outdoor dining and business activities in compliance with social distancing requirements. Under this temporary program, an existing business or restaurant may apply for a Temporary Outdoor Activities Permit, which allows them to operate outdoors on property such as parking spaces. Staff has received positive feedback about this program from both businesses and members of the community. Many retailers have made significant investments to create temporary attractive parklets that benefit the Town by boosting retail and restaurant activity and providing increased outdoor pedestrian space. Many businesses would like to keep the parklets long-term or even build new ones, so they are asking the Town about a long term policy.

Because the current parklets in San Anselmo are being operated on a temporary basis in association with the pandemic response, staff seeks direction whether the Council would wish to develop a permanent parklet and streetlet program. A permanent program would provide more stability and certainty for businesses and restaurants that have invested in outdoor improvements. Additionally, a permanent parklet and streetlet program provides community benefits that extend

beyond the current need to accommodate COVID-19 social distancing requirements. Parklets provide outdoor community space, encourage pedestrians to linger in business areas, and promote walkability, thereby activating the area.

The Town has held three public meetings with the Economic Development Committee on February 9, May 11 and September 14 to explore the idea of a permanent parklet and streetlet program. In addition, the Town sent out a survey that had over 500 respondents (see Attachment 1). Over 90% of residents would like to see parklets and streetlets become long term, and 53% of business owners and 79 % of visitors would also like to see these spaces become permanent. When asked if parking was a concern, 80% of residents, 51% of businesses, and 71% of visitors, said 'no'. As shown in the parking study, at the peak of parking demand midday there are almost 250 parking spaces available in the main downtown corridor (129 north of Ross Avenue, and 115 south of Ross Avenue).

Like San Anselmo, many jurisdictions have adopted parklet and streetlet programs in response to the continuing COVID-19 pandemic to help support local businesses. Additionally, several California jurisdictions have successful permanent programs that were started prior to the COVID-19 pandemic as a way to revitalize outdoor public space. Below please find a summary of some common factors that parklet and streetlet programs share, as well as links to example parklet programs for reference. An outline of the Town's temporary program is also summarized. Staff seeks direction regarding development of a permanent parklet and streetlet program. Upon Council direction, staff is prepared to return with more detailed information and proposals for the Council's consideration.

## **DISCUSSION**

### **A. San Anselmo Temporary Parklets.**

In response to COVID-19, the Town began a temporary parklet program allowing restaurants and business to utilize outdoor space. By way of summary, a business must enter into an encroachment agreement with the Town, and receive an Outdoor Activities permit.<sup>1</sup> Allowable locations include public rights-of-way or public property, determined by the discretion of the Town Manager. Application requirements include a statement of intended use, a health and safety plan, proof of a Town business license, a State Alcohol Beverage Control license (if applicable), certificate of insurance, written consent of property owner/tenants sharing space, site plans, and a photograph of the proposed location. Noted above, Town staff has received positive feedback regarding parklets by both businesses and the community.

### **B. Common Parklet and Streetlet Features.**

Parklet and streetlet programs are operated in a variety of ways, with the majority involving the requirement of an encroachment permit, and satisfaction of detailed application requirements and standards. Some common aspects of parklets and streetlets are included below.

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<sup>1</sup> By way of information, staff is also in the process of developing updated encroachment permit procedures for the Council's future consideration.

1. Location. Parklets and streetlets are typically limited to a core downtown area where speed limits are 25 MPH or lower, but there may be exceptions to this rule. Some jurisdictions limit the density of parklets by, for example, prohibiting their location if directly across the street from one another.

2. Design Standards. Design standards include factors for aesthetics and safety. For example, parklet improvements may not impede drainage, block utility or manhole covers, and must be constructed to allow emergency access. Locations in downtown San Anselmo are in the floodway and floodplain, and thus have other issues that need to be addressed. To this end, the Town has completed a geomorphic study to determine the impacts of flooding in relation to the parklets. ADA compliance is also required. Additional space may be required between the outside barrier and traffic. Improvements may not block visibility.

Specific design standards are included, and aesthetic design standards vary by jurisdiction. For example, some programs allow overhangs, canopies, or vertical elements. Container landscaping and planter elements are often encouraged. Parklets, since they are for public use, would need to be signed as such, but streetlets would primarily be for the exclusive use of the adjacent business.

3. Application and Approval Process. Most parklet and streetlet applications are approved at a staff level after a review for compliance with established standards and application requirements, and the issuance of an encroachment permit. The Public Works department typically is the lead department. However, established guidelines would ensure that all fire, building, planning and codes are met along with any other County or State requirements. Some jurisdictions require both a parklet/streetlet permit and an encroachment permit, while others rely only on an encroachment permit. Permits are reviewed annually. A jurisdiction retains discretion to require removal of the parklet or streetlet and improvements at any time with reasonable notice to the owner.

Prior to submittal of a complete application, many jurisdictions require an initial meeting with staff, which includes preliminary application information such as a project description, photos of the site, and an initial site plan. Once staff gives preliminary approval, an applicant may submit complete application materials, including an application for an encroachment permit and appropriate fees. Guidelines would be established that help simplify the process for the applicant and would include the following information:

1. Design standards such as color/finishes, transparency requirements, height, etc.
2. Code requirements for planning, building, fire, and public works.
3. Maintenance requirements.
4. Removal requirements.
5. A sign-off from the tenant and landlord for use of the space, along with defense and indemnity agreements.
6. Fees associated with parklets and streetlets

Application requirements include consideration of community and neighbor approval. Typically, neighbor letters of support are considered, but there is not a requirement of unanimous neighbor

support. Programs may require evidence of neighbor outreach. Many programs have requirements that a notice be posted on-site to allow community input to staff. For efficiency, many jurisdictions do not have a public hearing, but rather determinations are made at a staff level. Applicants may also be required to submit a maintenance plan reviewed by the public works department.

The encroachment agreement includes insurance and indemnification provisions, providing protection for the Town. Some require the posting of a bond. After issuance of an encroachment permit, the parklet/streetlet can receive final approval and construction may begin.

### C. Parklet Programs.

Below please find links to other jurisdictions' parklet programs.

- [San Francisco](#) The City of San Francisco has a long-established and successful parklet program, and had an expanded temporary parklet program in response to COVID-19. On July 13, 2021, parklets were made permanent. San Francisco's program includes highly detailed design and safety guidelines that have been used as model for other programs in California. In line with the proposed streetlet idea, San Francisco has a Cafes, Tables and Chairs program that is generally located on sidewalks, but they typically have wider sidewalks than the Town. The link to this program is [here](#).
- [San Rafael](#). The City of San Rafael has extended its temporary outdoor commercial parklet program for existing permit holders through November 2022.
- [Los Altos](#) Los Altos adopted initial parklet program in 2019. This program is open to restaurants to convert adjacent parking stalls to outdoor dining areas.
- [City of Westwood](#) The City of Westwood established its parklet program in 2018.
- [Morgan Hill](#) Morgan Hill has an existing parklet program that was updated in October 2020.
- [Sacramento](#) The City of Sacramento also has an established parklet program.
- [Los Gatos](#) Los Gatos has a pilot parklet program, which was temporarily expanded in response to COVID-19.

### **FISCAL IMPACT**

Currently, the Town does not charge a fee to applicants for parklets during Covid. However, if a permanent program is established, staff would recommend a fee for parklets and streetlets. Since parklets would be a public space, the fee could be minimal (i.e., to cover staff time only). However, since streetlets would be private (if approved by Council) staff would recommend a fee for private use of the public right-of-way (fee could be consistent with parking fees in nearby lots, or future on-street parking fees if approved by Council)..

For example, if parking on San Anselmo Avenue was set at \$1.50 per hour with a 75% occupancy 6 days a week for approximately 10 hours a day, a suggested cost could be \$250 per parking space. Typical parklets and streetlets would take two spaces so the monthly cost would be \$500 or \$6,000 per year. In looking at the approximate area of two parking spots at about 280

square feet, the cost per square foot would be about \$1.80. Fees collected could either go into the general fund or be used for street beautification projects.

Another option to consider is the utilization of a portion of the Town's American Recovery Act funds to offer grants to existing and new parklets and streetlets to help offset the costs of construction.

### **CONCLUSION**

Staff recommends that the Council consider the establishment of a permanent parklet and streetlet program and give direction to staff.

### **CEQA AND CONSISTENCY WITH CLIMATE ACTION PLAN 2030**

Staff finds that a parklet and streetlet program would be categorically exempt from environmental review under the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15301(c), as a minor alteration to existing public or private facilities involving negligible or no expansion of existing use.

Additionally, a parklet and streetlet program is consistent with the Town's Climate Action Plan since it will encourage pedestrian use of the downtown area, and will utilize outdoor spaces, likely using less energy for heating and cooling.

Respectfully submitted,



Sean Condry, P.E.  
Public Works Director

Attachment San Anselmo Parklet Program Survey