



STAFF REPORT

Report To: Board of Supervisors

Meeting Date: May 3, 2018

Staff Contact: Darren Schulz, Public Works Director

Agenda Title: For Possible Action: To approve a policy to implement a Parklet Pilot Program within the Downtown Mixed-Use District subject to an encroachment permit for outdoor dining and merchandise display. (Dan Stucky; DStucky@carson.org and Stephanie Hicks; SHicks@carson.org)

Staff Summary: Use of parking spaces within the Downtown Mixed-Use District for parklets was envisioned as part of the overall Downtown Streetscape Enhancement Project. Last year, the Board of Supervisors approved an ordinance amendment to Carson City Municipal Code Title 11 in order to add Chapter 11.35 regarding encroachment permits for outdoor dining and merchandise display within Carson City's right-of-way. It is proposed that parklets be permitted within parking spaces in the Downtown Mixed-Use District with approval of an encroachment permit. Staff has prepared a policy document and proposes a pilot program for the summer of 2018 in order to implement the program.

Agenda Action: Formal Action/Motion

Time Requested: 15 minutes

Proposed Motion

Move to approve a policy to implement a Parklet Pilot Program within the Downtown Mixed-Use District subject to an encroachment permit for outdoor dining and merchandise display.

Board's Strategic Goal

Economic Development

Previous Action

An ordinance amending the Carson City Municipal Code Title 11 in order to add Chapter 11.35 regarding encroachment permits for outdoor dining and merchandise display in the Carson City right-of-way was introduced with additional language at first reading at the Board of Supervisors' Meeting on April 20, 2017. The motion carried 5-0.

On May 4, 2017, the second reading of the ordinance was heard. However, additional language was proposed as late material. Due to these additional proposed changes, the Board asked the item return for review as a first reading.

On May 18, 2017, the Board introduced the ordinance on first reading with changes incorporated from the May 4, 2017 Board Meeting. The motion carried 5-0.

On June 2, 2017, the second reading of the ordinance was heard and approved 5-0 by the Board.

Background/Issues & Analysis

Parklets are intended as aesthetic enhancements to the streetscape, providing a cost-effective solution to the need for increased public open space as well as providing opportunities for economic development. Parklets provide amenities like seating, plantings, and art. Use of parking spaces within the Downtown Mixed-Use District for parklets was envisioned as part of the overall Downtown Streetscape Enhancement Project.

Last year, the Board of Supervisors approved an ordinance amendment to Carson City Municipal Code Title 11 in order to add Chapter 11.35 regarding encroachment permits for outdoor dining and merchandise display within Carson City's right-of-way.

It is proposed that a Parklet Pilot Program be implemented based on the proposed policies allowing parklets to be permitted within parking spaces in the Downtown Mixed-Use District with approval of an encroachment permit.

Staff has met with members of the Downtown Business Association, Chamber of Commerce, and Neighborhood Improvement District to discuss the pilot program and policies. To date, no written comments have been received.

Applicable Statute, Code, Policy, Rule or Regulation

Carson City Municipal Code 11.35

Financial Information

Is there a fiscal impact? Yes No

If yes, account name/number:

Is it currently budgeted? Yes No

Explanation of Fiscal Impact:

Alternatives

Do not approve a policy to implement a Parklet Pilot Program within the Downtown Mixed-Use District subject to an encroachment permit for outdoor dining and merchandise display.

Propose modified motion.

Board Action Taken:

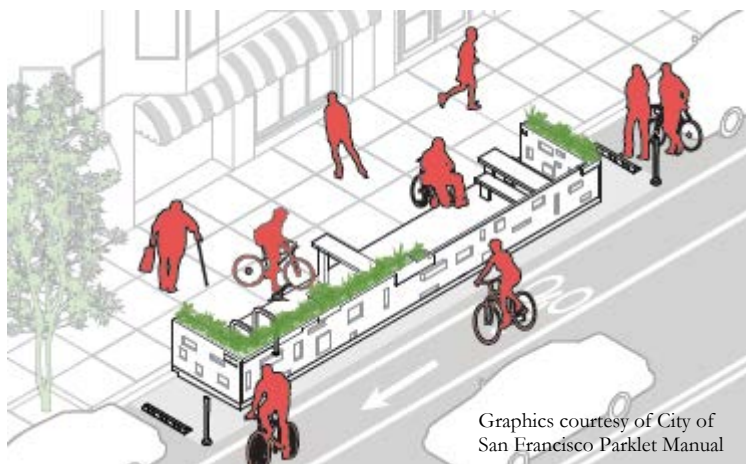
Motion: _____

1) _____

Aye/Nay

2) _____

(Vote Recorded By)



Graphics courtesy of City of San Francisco Parklet Manual

Carson City Parklets – Permitting, Design and Construction

Parklets are intended as aesthetic enhancements to the streetscape, providing a cost-effective solution to the need for increased public open space as well as providing opportunities for economic development. Parklets provide amenities like seating, plantings, and art.

This document explains the applicable policy provisions which establish a pilot program and permit requirements for parklets within the Carson City right-of-way in downtown Carson City. This document is intended to provide general information to the public as a convenience only and does not replace or supersede any relevant provision of the Carson City Municipal Code Title 11.35 concerning encroachment permits, which should be reviewed independently of this document for full compliance with the City's encroachment requirements.

Division 6 of the Carson City Development Standards, which can be found in Title 18 (Appendix) of the Carson City Municipal Code, sets forth Carson City's ordinance provisions relating to the Downtown Mixed-Use District. The purpose of these ordinance provisions governing permit requirements is to ensure that outdoor dining and merchandise display areas comply with Carson City's standards for seating, alcoholic beverage sales, clean-up of facilities, and design and use compatibility.

Parklets may be permitted within parking spaces in the Downtown Mixed-Use District with approval of an encroachment permit. However, because these areas are located within City right-of-way, additional requirements apply, including requirements for taxation, liability insurance and an encroachment/hold harmless agreement from the City's Public Works Department. These requirements are addressed through the permit approval process.



A Parklet Encroachment Permit does not exempt the business operator from having to obtain any other required City, State or Federal permit or license, or from complying with any other applicable law or regulation, including, for example, the Americans with Disabilities Act (ADA).



Photo credit to San Francisco Planning Department and Great Streets

Design Requirements

Location:

1. Parklets are only allowed in the Downtown Mixed-Use District.
2. Parklets are allowed along the curb line on streets where on-street parking spaces exist for on-street parallel, angled, or perpendicular parking. However, parklets are limited to no more than two angled or perpendicular parking spaces.
3. Parklets must be located directly in front of the applicant's place of business. Other proposed locations will be considered on a case by case basis.
4. Parklet locations must be acceptable and agreed upon by adjacent businesses and property owners fronting the block that the parklet is proposed on.
5. In general, parklets should be located at least one parking space away from an intersection or street corner. However, a curb-extension (bulb-out), or some other physical barrier may allow the City to consider a parklet closer to the corner.



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6. Parklets are not allowed to replace designated disabled parking and are not allowed in no parking zones or loading zones.
7. Parklets are not permitted in bus zones but may be located adjacent to a bus zone.
8. Parklets may not be constructed in front of fire department connections and fire hydrants, or over utility access panels, manhole covers, storm drains.
9. Curb and roadside drainage shall not be impeded by the parklet.
10. Parklet permittees must provide access to any City or public utility company that may have underground conduits beneath the constructed parklet. Access may require that a parklet be temporarily removed in all or part.
11. In the case where there are adjacent parking spaces, parklets shall be required to have soft hit posts and wheel stops, or some other buffer to prevent conflicts with parking cars.
12. Permittees will accept responsibility for the design, installation, operation, management, maintenance and removal of the parklet.
13. Permittees will maintain the parklet structure and furniture in good repair.
14. Advertising on parklets is prohibited.
15. A licensed architect, landscape architect or engineer must seal the proposed plans and supervise the installation.



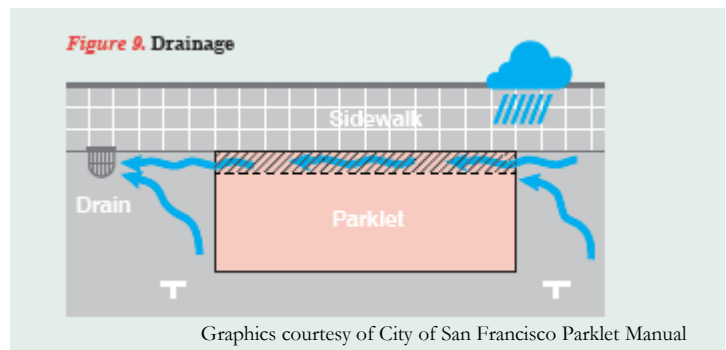
Photo credit to San Francisco Planning Department and Great Streets

Platform:

1. The top of the parklet platform must be flush with the sidewalk with a maximum gap of one-half inch (1/2”).
2. Loose particles such as sand or loose stone are not permitted on the parklet.
3. Platform surface materials can include stone, wood, concrete, synthetic, metal or a combination of such materials. Other materials may be approved on a case by case basis.



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Graphics courtesy of City of San Francisco Parklet Manual



4. The platform must be designed in a manner to accommodate the drainage patterns on the street and prevent the collection of debris under the parklet.
5. Parklet platform rest areas cannot exceed two percent cross slopes.
6. Parklets must be constructed with materials that are easy to maintain. Parklet permittees are responsible for making sure the parklet is kept clean and in good repair.

Enclosure:



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1. Enclosure materials can include wood, concrete or metal. No vinyl fencing is allowed on enclosure. Other materials may be approved on a case by case basis.
2. All parklets shall have an edge to buffer the street. This can take the form of planters, railing, cabling, or some other appropriate buffer.
3. Parklet designs must maintain a visual connection to the street and not obstruct sight lines to existing businesses or roadway signage. Columns and other vertical elements may be approved on a case by case basis.
4. While not visible from the sidewalk, the parklet's back is highly visible from the streetside. Large blank walls are not permitted.
5. All materials must be high quality, durable, and capable of withstanding heavy use and exposure to the elements.

Other Features:

1. If applicants use movable tables and chairs, they must meet the standards as required for outdoor dining and merchandise display.
2. Lighting elements are permitted but must be self-contained and meet the lighting requirements for outdoor dining and merchandise display. Parklets may not be powered by extension cords.



Photo credit to San Francisco Planning Department

Permitting

General:

1. An Encroachment Permit issued by the City is required before a parklet can be installed.
2. All parklets must comply with the Americans Disabilities Act (ADA) and be accessible to all users, including people with physical disabilities, wheelchair users and those with impaired vision.
3. Parklets shall be permitted for installation from April 1 – November 1 and must be designed for easy removal. Any proposed attachments to the roadway, curb, or sidewalk must be detailed and included in the application.
4. All approved parklets are temporary installations and are subject to removal per the Parklet Encroachment Permit.
5. Applicants shall be required to present a construction bond, surety, or letter of credit to be approved by the City for the purpose of ensuring the costs of maintaining and or removing the parklet are covered. The amounts to be covered shall include \$5,000 for construction and \$1,000 for maintenance.
6. A building permit may be required for electrical and other components.
7. The parklet must be kept free of debris, grime and graffiti. The permittee must clean the surface of the parklet and rinse the area beneath the parklet at least one per week.



Photo credit to San Francisco Planning Department, Stella Kim

8. The permittee must keep any parklet plants in good health, including watering, weeding and trimming when necessary.
9. Permittees are responsible for removal and storing their Parklet from November – March.
10. If a business changes ownership, the parklet will either need to be removed or the permit will need to be transferred to the new owner. Contact Development Engineering to transfer your permit.
11. Because parklets may sit on top of buried utilities, there may be instances where a parklet will need to be removed with little notice. In the unlikely event of a utility failure, the City may remove a parklet with little or no notice. The City is not responsible for any damage to the parklet that may occur during removal. The permittee is responsible for restoring any damage to the parklet.
12. In the event of a snow storm within the permit period, the City is not responsible for any damage that may occur to the parklet during snow removal within the right-of-way. The permittee is responsible for restoring any damage to the parklet.
13. The permittee must maintain and annually provide evidence of liability insurance naming Carson City as an additional insured.
14. Art (not décor or merchandising) installed as a permanent part of the parklet structure must be reviewed by the City's Arts & Culture Coordinator.
15. The City reserves the right to amend or supplement these rules and regulations and to adopt or add new rules and regulations application to parklets. Notice of such changes will be provided to permittees and permittees agree to comply with all such rules and regulations upon receipt of notice.
16. Use of parking spaces for a parklet is a privilege. The City has the right and absolute authority to prohibit the installation of a parklet at any time because of anticipated or actual problems and conflicts in the use of the public right-of-way area. Such problems and conflicts may arise from, but are not limited to, scheduled festivals and similar events or parades or marches, repairs to the street or sidewalk or from demonstrations or emergencies occurring in the area. To the extent possible, the permittee will be given prior written notice of any time period during which the operation of the parklet will be prohibited by the City.
17. The portion of right-of-way subject to the parklet encroachment permit is subject to taxation pursuant to NRS 361.157 for the portion of the property used and the percentage of the time during the fiscal year that the property is



used. A copy of the encroachment permit will be forwarded to the Carson City Assessor to determine taxation.

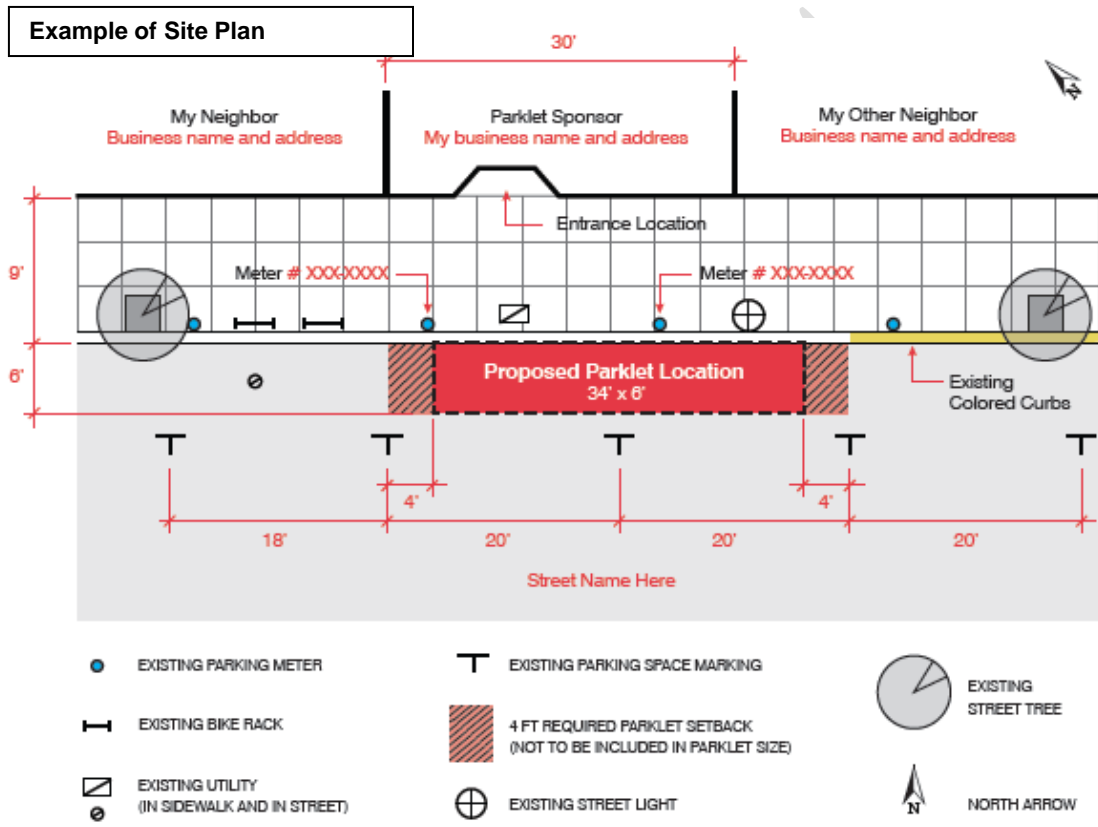
18. A permit may be suspended or revoked by the Board of Supervisors following notice to the permittee and a noticed public hearing. The permit may be suspended or revoked if the Board finds that one or more conditions of the permit have been violated or that the permitted area is being operated or used in a manner which constitutes a nuisance, or that the operation of the parklet unduly impedes or restricts the movement of pedestrians past the outdoor service area.
19. The permittee may rescind his or her request for an encroachment permit at any time.

Application Requirements

1. Completed Encroachment Permit Application signed by both the applicant and the property owner.
2. Application must include letters of support from both adjacent business and property owners since the parklet will occupy shared parking spaces.
3. Applicant must identify whether the parklet includes art which would require review as indicated above in General 14.
4. The initial site plan must show the existing street and sidewalk improvements at least 20 feet on either side of the proposed parklet location. May be hand drawn as long as it is legible and includes all the elements below:
 - The building, adjacent properties and building entrances
 - Existing sidewalk widths
 - Existing curb cuts and/or driveways
 - Adjacent bike lane or auto traffic lane
 - Existing parking spaces with dimensions
 - Other existing sidewalk features near the proposed parklet area (fire hydrants, fire department connections, street lights, utility access panels, streetscape furnishings, trash receptacles, bike racks, etc.)
 - Existing street trees and planters
 - Proposed parklet footprint and dimensions including setback dimensions
5. The detailed parklet plan and elevations prepared by a licensed design professional from all sides must show:



- Various design elements, including benches, tables, umbrellas and other proposed features to be located within the parklet footprint
- The materials proposed to be used in the design
- Plant types and/or species to be used
- Dimension of parklet and parklet elements including buffer areas
- How accessibility is provided
- Indicate platform does not exceed two percent cross slopes



Graphics courtesy of City of San Francisco Parklet Manual

6. Construction and disassembly details must show how the parklet will be assembled and constructed. There should also be a detailed plan for disassembly. Additional elements to be shown include:

- Any hardware such as fasteners to be used in the construction process
- A detail showing how positive drainage will be maintained along the curb line and how access will be provided if the drainage channel gets blocked.



7. The applicant must provide evidence of liability insurance naming Carson City as an additional insured in the amount of at least one million dollars (\$1,000,000) for a single occurrence and two million dollars (\$2,000,000) in the aggregate. If an outdoor dining use on the parklet offers alcoholic beverage service, liquor liability coverage must also be included in the general liability policy. A Certificate of Liability Insurance must be provided to the City annually.
8. The applicant must provide a signed hold harmless agreement.
9. Rendering and Perspectives (optional)

Each application will be reviewed by an interdepartmental review team with representation by Planning, Public Works, Fire Department and Building Department.

Please refer to Division 6 of Title 18 (Appendix) and Title 11 of the Carson City Municipal Code for additional information concerning outdoor dining areas and merchandise displays.



Photo credit to San Francisco Planning Department, Samuel Heller



Downtown Parklet Policies

Carson City Public Works



Downtown Parklet Pilot Program



Photo credit to San Francisco Planning Department and Great Streets



Overview

- Must meet previously approved Downtown Encroachment Permit requirements.
- Requires an encroachment permit.
- Subject to taxation
- April 1 – November 1
- Must be acceptable and agreed upon by adjacent businesses and property owners fronting the block the parklet is proposed upon.
- Must be designed by a licensed design professional.



Design Considerations - Safety

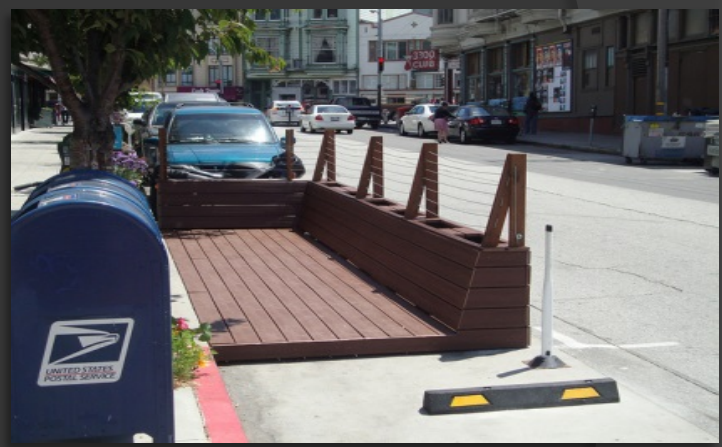
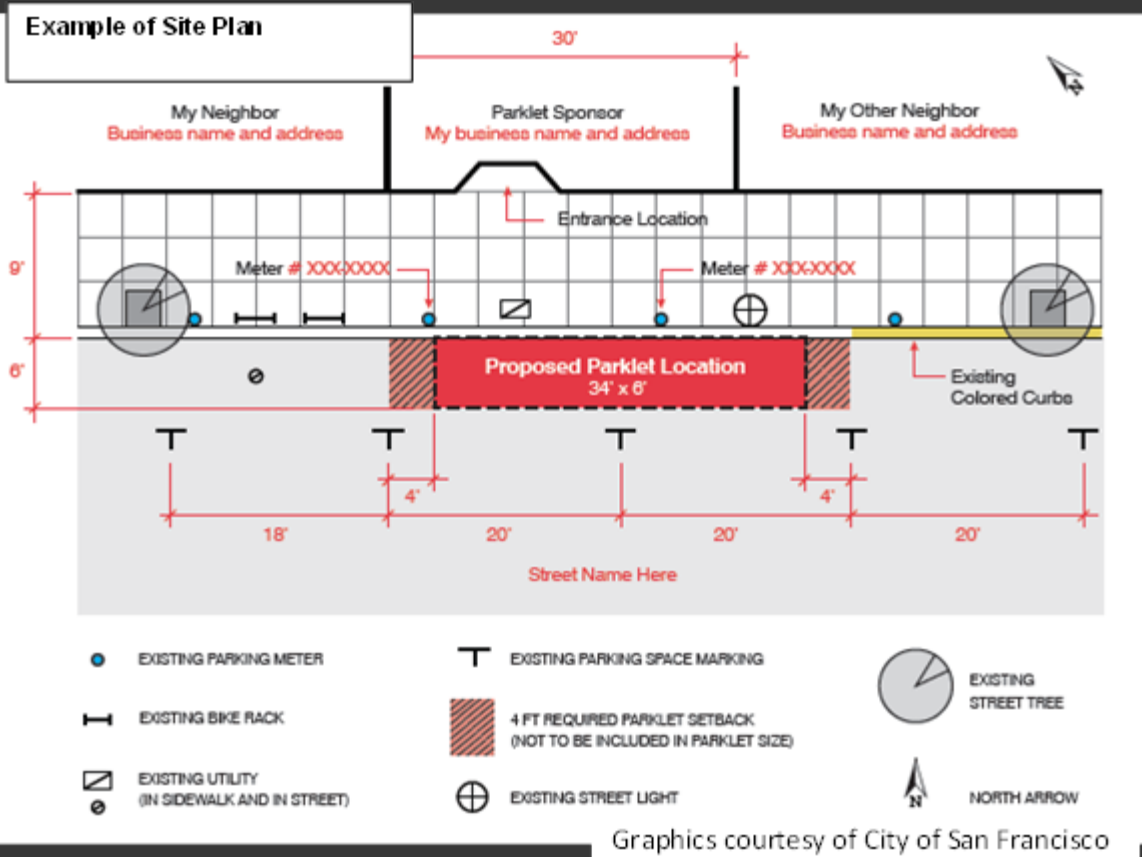
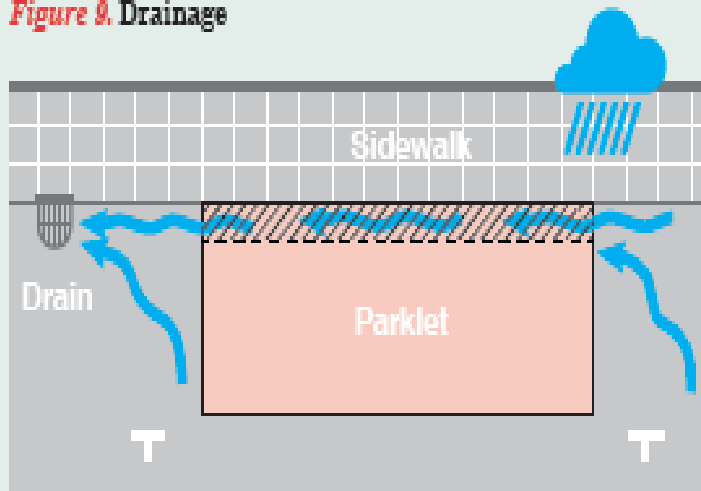


Photo credit to San Francisco Planning Department and Great Streets



Design Considerations - Drainage

Figure 9. Drainage



Graphics courtesy of City of San Francisco Parklet Manual



Photo credit to San Francisco Planning Department, Stella Kim



Questions?

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 - dstucky@carson.org 775-283-7084
- Stephanie Hicks, Real Property Manager
 - shicks@carson.org 775-283-7904



Photo credit to San Francisco Planning