

RESOLUTION NO. 2023 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BRUNO ADOPTING THE SAN MATEO AVENUE PARKLET PROGRAM REGULATIONS AND DETERMINING THE PROJECT IS EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, on June 5, 2020, the City Manager, acting as the Director of Emergency Services, issued Executive Order No. 20-01 allowing temporary outdoor dining on public and private property. On August 28, 2020, the City Manager issued Executive Order No. 20-02 outlining a revised program for temporary outdoor business regulations in San Bruno for those for businesses that were not allowed to operate indoor dining or have restrictions on indoor capacity operations during the pandemic; and

WHEREAS, the City seeks to transition the temporary outdoor business regulations from an emergency response into a longer term outdoor dining parklet program beyond the pandemic. The purpose of this is to allow restaurants or food or beverage service uses the opportunity to offer outdoor dining in parklets for economic vitality. Parklets contribute to an active, pedestrian friendly environment in the downtown; and

WHEREAS, the City Council considered options for allowing parklets in the City at a Study Session held on September 14, 2021 and January 24, 2023. At the conclusion of the Study Sessions, City Council directed staff to proceed with preparation of municipal code amendments and related to parklet regulations and an associated parklet permit program to provide businesses an opportunity to provide outdoor dining in the public right-of-way; and

WHEREAS, on February 28, 2023, the City Council introduced, read by title only, and waived further reading of an ordinance to establish regulations related to parklets and establish a new regulatory permit, the parklet permit ("Ordinance"); and

WHEREAS, it is in the public interest for the City to establish reasonable, uniform and comprehensive regulations of parklets that could be established within the City's public rights-of-way on San Mateo Avenue in the downtown through the establishment of parklet regulations and an associated Parklet Permit program; and

WHEREAS, the City's public rights-of-way are a uniquely valuable public resource, closely linked with the City's character, making the regulation of parklets in the public rights-of-way necessary to protect public health, safety, and general welfare, and preserve the City's character and aesthetic quality; and

WHEREAS, on February 28, 2023, the City Council conducted a duly noticed public meeting and received testimony from City staff and all interested parties regarding the amendments to Title 8 (Streets, Sidewalks, and Rights-of-Way) to add regulations relating to parklets in the City's public rights-of-way. Parklet permits must comply with the San Mateo Avenue Parklet Program Regulations; and

WHEREAS, being authorized to do so, the City wishes to establish the San Mateo Avenue Parklet Program Regulations; and

WHEREAS, on February 28, 2023 the City Council conducted a duly noticed public meeting and received testimony from City staff and all interested parties regarding the San Mateo Avenue Parklet Program Regulations; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of San Bruno as follows:

SECTION 1. INCORPORATION OF RECITALS. The recitals above are each incorporated by reference and adopted as findings of the City Council.

SECTION 2. DEFINITIONS. The definitions set forth in Section 8.40.020 of the Municipal Code, as amended from time to time, are incorporated by reference into this Resolution.

SECTION 3. BACKGROUND AND PURPOSE. The City of San Bruno is establishing the San Mateo Avenue Parklet Program to provide a uniform and comprehensive set of standards and requirements for the orderly development, siting, installation, construction, operation, maintenance, relocation, and removal of parklets. A parklet is a temporary sidewalk extension installed on public parking space(s) within the public right-of-way on San Mateo Avenue, that provides more space and amenities for outdoor dining operated and maintained by the business establishment conducting the outdoor dining. The amenities may include tables, chairs, umbrellas, and other items for the consumption of food and beverages served by the restaurant or food or beverage service use.

SECTION 4: SAN MATEO AVENUE PARKLET PROGRAM REGULATIONS.

Overview of Permits Required

Parklets are regulated by San Bruno Municipal Code Chapter 8.40 Parklets in the Public Right-of-Way. All parklets require several types of permits reviewed and issued by the Public Works Department. These permits and processes are summarized below.

- **Parklet Permit.** Any applicant seeking to construct, install, modify, maintain, or engage in an activity relating to a Parklet in, on, under, or above the City of San Bruno public right-of-way that is Municipal Code Chapter 8.40 Parklets in the Public Right-of-Way, shall obtain a Parklet Permit pursuant to the requirements of that chapter prior to conducting any work related to such parklet. Parklet Permits are subject to the review and approval of the Public Works Director or designee.
- **Encroachment Permit Required.** As a condition of approval of a Parklet Permit, an Encroachment Permit is required to construct, install, or modify a Parklet. The Encroachment Permit is subject to the requirements of San Bruno Municipal Code Chapter 8.16 Encroachment Permits.
- **Revocable Encroachment Permit Required.** As a condition of approval of a Parklet Permit, a Revocable Encroachment Permit is required to allow for the Parklet to occupy the public right-of-way on a temporary, revocable basis. The Encroachment Permit is subject to the requirements of San Bruno Municipal Code Chapter 8.16 Encroachment Permits. The Revocable Encroachment Permit will be required to be entered into by the applicant/owner prior to issuance of the Encroachment and Building Permits to construct the parklet. It shall be recorded against the adjacent property where the restaurant or food service use which the parklet is directly utilized by is located.
- **Building Permit.** Depending on the construction design proposed, a building permit may also need to be issued, subject to the requirements of the California Building Code and Fire Code.
- **Parklet Permit Annual Use of Space Fee.** The Parklet Permit permittee shall be subject to Parklet Permit Annual Use of Space Fee established in the Master Fee Schedule by Resolution of the City Council. This is an annual fee charged for the temporary private use of the City public parking space, as well as to cover the cost of annual City inspections for

condition and safety. Prior to any permits being issued, this fee must be paid in full for the first year prior to any permits being issued, along with the prorated amount for the remainder of the fiscal year ending on June 30, consistent with the business licensing schedule. The annual fees due for the subsequent years shall be paid on the same term as the business license and in advance for the upcoming fiscal year. Failure to pay the parklet permit annual use of space fee will result in a revocation of the parklet permit.

Parklet Permit and Encroachment Permit applications and all required materials and fees, including plans must be submitted to the City's Engineering Section within the Public Works Department. All general and special conditions of the Encroachment Permit to construct within the public right-of-way will be applicable to Parklets, including Municipal Code Chapter Section 8.16.030 requiring provision of certain security to allow issuance of encroachment permit. These permits must be approved by the Public Works Director or designee prior to the issuance of any permits for construction or installation.

Parklet Standards

I. Location and Setback Criteria

A. General Criteria

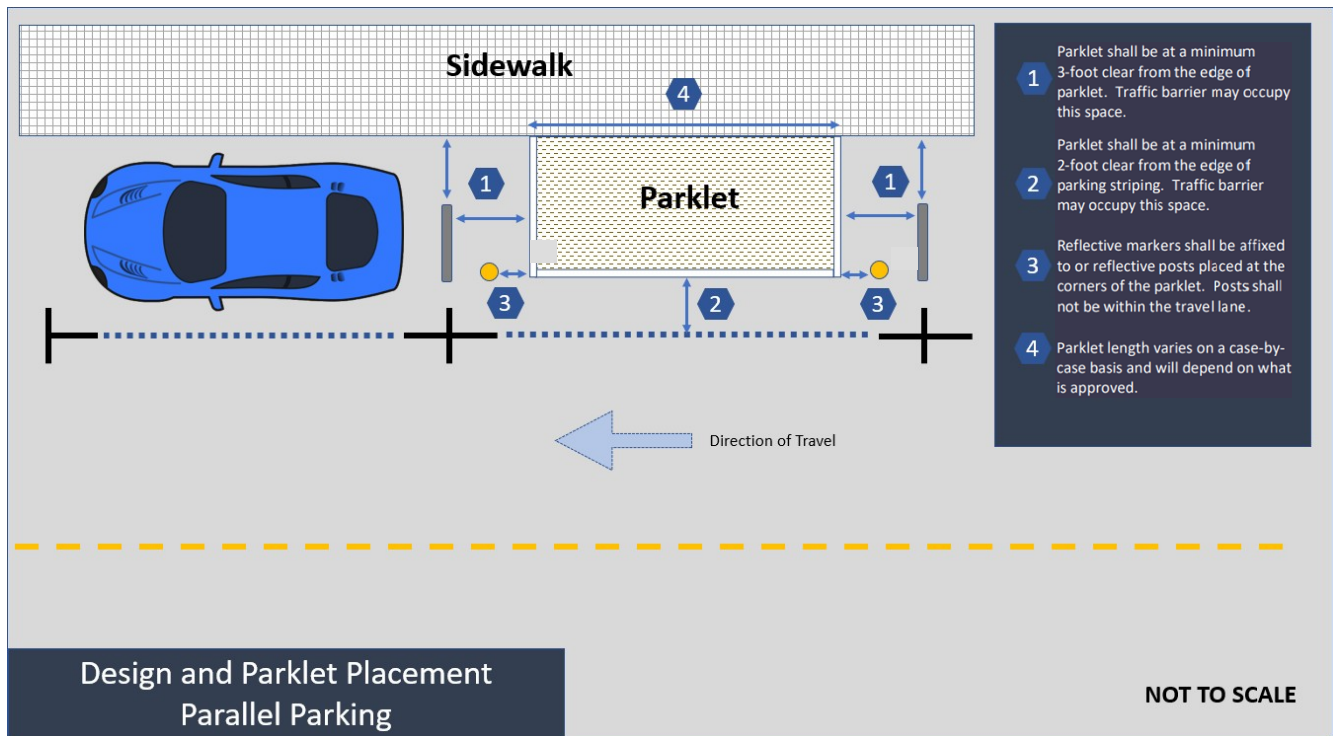
- **General siting** - Parklets are sited along the curbside on San Mateo Avenue directly in front of the associated restaurant where on-street parking spaces exist.
- **Downtown location only** - Parklets are only permitted to be located along the curbside on San Mateo Avenue between El Camino Real and Huntington Avenue within the Downtown (Central Business District) where on-street parallel parking spaces exist. These locations are shown in Exhibit A: Permitted Locations.
- **Maximum total number in Downtown and per block** - These shall be no more than five parklets permitted. There shall be no more than two parklets in any one block.

B. Location Criteria

- **Parallel parking spaces** – Parklets must be the length of one or two parking spaces located directly in front of the associated restaurant, although the City will consider larger parklets depending on site conditions. A 3-foot inner buffer is required when adjacent to another parallel parking space. A 2-foot buffer is required when adjacent to a driveway.
- **Corner locations** - Parklets should be setback from intersection crosswalks. Setbacks shall be 20- feet for non-signalized intersections and 30-feet from signalized intersections. Parklets that cannot meet these setback requirements may be considered on a case-by-case basis.
- **Fronting driveways** - Parklets may be installed in front of a driveway if the applicant owns the property served by the driveway or obtains written permission from the property owner. If the driveway has been abandoned or no longer provides access to off-street parking, the driveway may be levelled as part of the parklet project.

C. Parklet Setbacks

- **Travel Lane Setback** – Parklets shall have a 2-foot minimum setback from the travel lane measured from the parking striping adjacent to the travel lane (see Design and Parklet Placement diagram below for more information).
- **Side Setback** - Parklets shall have a 3-foot minimum side setback to the nearest parking space (see Design and Parklet Placement diagram below for more information).



D. Other Location Criteria

- **Utilities** - Parklets may not be constructed over utility access panels, manhole covers, storm drains, or fire hydrant shut-off valves. Be sure to take a thorough inventory of utility access covers in your proposed parklet area by checking under parked cars. Parklet sponsors must provide for access to any City or public utility company that may have underground pipelines and conduits beneath the constructed parklet. Access to utilities may require that a parklet sponsor temporarily remove all or a portion of the constructed parklet.
- **Parklet Width** – Parklets must stay within the designated parking stall area and must allow for a minimum 11-foot vehicular travel lane.
- **Fire Hydrants** - Fire Hydrants shall not be blocked. Clearance of 15-foot around the hydrant (15 foot each side) shall be maintained.
- **Fire Department Connections (FDC's)** – To maintain access for FDC's, 5-foot-wide openings should be provided between every 2 adjacent parklets or alternative means approved by the Fire Marshal.

II. Parklet Design Elements

Parklets elements include:

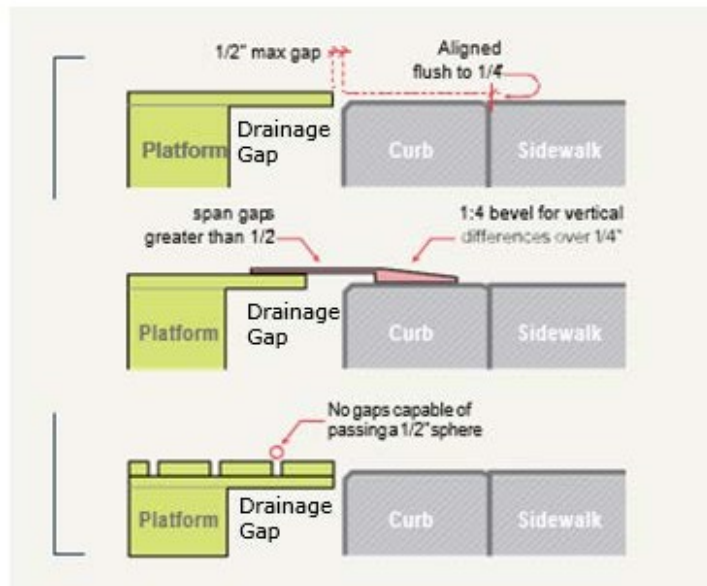
- A) A **platform** that allows the parklet to serve as an extension of the sidewalks.
- B) **Railings** that demarcate the exterior of the parklet from the street and surrounding parking spaces.
- C) **Traffic safety protections** to reduce the potential for auto-related damage. Installation of concrete K-Rails may be required.

D) **Furnishings and fixtures.**

E) **Aesthetic design consideration.**

A. **Platform Design Criteria**

- Platforms must be constructed from durable materials that can withstand wear and tear of elements.
- All structures must allow for access to public utilities for maintenance and repairs (e.g. provide access panels, removable pavers, etc.).
- The platform must be flush and even with sidewalk and must not leave a gap greater than 1/2 inch, nor a vertical separation greater than 1/4 inch.
- Drainage - Platforms should allow for curbside drainage flow. A 6-inch height by 12-inch width minimum clear gutter space must be provided along the entire length of the proposed platform. Openings at either end of the parklet may be covered with screens to prevent debris buildup beneath the platform and in the gutter. It is the responsibility of the parklet permittee to clean the cover or screen to prevent any backup of storm water. All parklets must provide access through the parklet platform or threshold to the gutter adjacent to the curb.



Source: San Francisco Parklet Manual

- At no time may fixtures be bolted or affixed in any way to the roadway or any structure (including but not limited to buildings, fire hydrants, street trees, streetlight, parking meters, or traffic poles, etc.).
- Pouring concrete for parklet platforms is not allowed. You may use concrete pavers on a platform structure instead.
- Surface materials must be textured or treated with a non-skid coating to ensure a safe walking surface. Loose particles, such as sand or loose stone, are not permitted.

- Maintenance access - Parklets shall be designed to provide access under the platform to allow for maintenance (i.e., repairs or clearing debris). If the platform base is not a solid mass, access can be provided through access panels, removable pavers, or other means.
- Sub-structure - Designs for the sub-structure of a parklet vary and depend on the slope of the street and overall design for the structure. The sub-structure must accommodate the crown of the road and provide a level surface for the parklet. "Bison pedestals" spaced under the surface and of different heights are a common application. Another method is to provide steel sub-structure and angled beams.



- ADA Accessibility - All accessibility elements of the proposed platform shall be designed, constructed and/or conform to the applicable provisions, rules, regulations, and guidelines of the: California Building Code and Americans with Disabilities Act 2010 Standards accessibility requirements (ADAAG).
 - Accessible Platform Surface: The portion of the parklet platform connected by the accessible path of travel to the wheelchair turning space and wheelchair resting space must be level. The accessible platform surface maximum cross slope (perpendicular to the sidewalk or curb) and running slope (parallel to the curb) cannot exceed 2%.
 - Accessible entry: Shall be a minimum of 48 inches wide.
 - Accessible path of travel: It must connect the sidewalk to the accessible entry, platform surface, wheelchair turning space and wheelchair resting space.
 - Wheelchair turning space: Shall be 60 inches in diameter and located entirely within the platform; a 12-inch maximum overlap on the curb and sidewalk is acceptable.
 - Wheelchair landing: A 30- by 48-inch clear floor area. It's permitted to overlap with the Wheelchair Turning Space by 24 inches maximum in any orientation.

B. Parklet Railings

The parklet railing marks the boundary between the parklet and the street or sidewalk. It should serve as a safe edge while also being visually appealing, permeable, and inviting. The following standards and guidelines should inform your design.

- Stable and sturdy enough not to fall over or be pushed over.
- Edge Buffers: the parklet should have an edge as a buffer from the street. This can take the form of planters, railing, cabling, or some other appropriate barrier.
- Openings in rails must prevent passage of 4-inch sphere.
- Height: The height should not exceed 36 inches from the parklet platform floor to the top of the railing. If you wish to install wind barriers taller than 36 inches, the use of transparent materials like Acrylite, Plexiglass, plastic films, etc. is required. If transparent materials are used, the height of the railing, including the transparent materials, should not extend more than 6 feet from the floor platform.
- Visibility: The barrier should not block the view of conflicting movements of traffic, including pedestrian traffic, nor block the view of traffic control devices such as traffic signs, traffic signals, and other traffic warning devices.
- All railings/barriers must have reflectors on them such that they are visible at night.
- Roofs, trellises, and shade structures are allowed.

C. Traffic Protections

- Traffic barriers – parklets shall utilize concrete Jersey barrier (K-rail) on sides adjacent to vehicular traffic. Other Caltrans recognized traffic safety barriers may be considered, though, water-filled Jersey barriers will not be allowed.
- Posts or Bollards -- Parklets shall have vertical elements that make them visible to traffic, such as flexible posts or bollards. One possible measure are safe hits posts, as shown in the picture. These vertical elements shall be placed at the corner of the parklet on both sides of the parklet not within to the travel lane. Structural bollards may be required if deemed necessary by the City.
- Travel Lane Clearance -- Parklets shall be at a minimum 2-foot clear from the edge of the travel lane (measured from the parking striping adjacent to the travel lane) to ensure safe separation from traffic. The traffic barrier may occupy this space.



Location: San Francisco, CA, Credit: Nelson\Nygaard

D. Furnishings and Fixtures

- Portable Heaters – Maintain required clearances in accordance with the instruction manual (Usually 18” but can be up to 3 feet). Heaters are not allowed under a tent or membrane structure including fabric overhangs, umbrellas, or a roof/ trellis structure but can be placed near them if clearances are maintained. All heating equipment shall comply with the California Fire Code.
- Umbrellas - Umbrellas are allowed provided there are not heating devices under them. All umbrellas shall be taken down and stored indoors at the close of each business day. The umbrellas must be kept in good shape, maintained, and replaced if fading occurs or if damaged.
- Heating devices may be placed near the umbrellas provided they are given adequate clearance per the appliance instructions.
- Candles and open flames are not allowed in Parklets.
- Electrical connections – All wiring and electrical cords must be all weather, exterior rated, GFCI protected. Cords must not create tripping hazards on the sidewalk. If the cords cross above the sidewalk, they must provide a minimum clearance of 10 feet above the sidewalk and the platform of the parklet. The use of Adapters is prohibited.
- Lighting – Lighting is encouraged and may be provided through electrical connections to the building (see above). Solar powered lighting is strongly encouraged. Lighting shall not be directed towards the roadway to unintentionally cause glare for vehicles.
- Generators are not allowed in association with parklets.
- Signage – Unilluminated signs are allowed provided the sign area does not exceed 6 square feet. Sign copy is limited to business identification, except that if the parklet is meant to serve the general public, signage should reflect such. If the parklet is meant to serve as restaurant seating, signage should correlate in design with the signage on the primary building.

E. Aesthetic Design Consideration

- San Mateo Avenue Streetscape Plan – The parklet design should maintain aesthetic design consistency with the San Mateo Avenue Streetscape Plan.
- Traffic barriers shall be screened utilizing aesthetically pleasing treatment and materials such as wood or metal.

Due to the unique circumstances of each proposed parklet location, specific elements may not be required in all cases. Similarly, there may be instances where additional design interventions not covered in these standards are required.

F. Maintenance

The Parklet Permit Grantee shall be responsible for all maintenance for the Parklet. A Parklet Maintenance Plan shall be prepared and submitted to the City as part of the Parklet Permit application. All Parklet Maintenance Plans require the baseline tasks listed in the accompanying table; note, however, that additional maintenance activities may be required depending on the specific Parklet location and/or design. A person must be listed on the permit application who can be contacted for an emergency maintenance needs requiring immediate (i.e. within 24 hours) attention.

Required Parklet Maintenance Tasks	
Task	Minimum Frequency Required
Litter/debris removal and general tidying on and directly adjacent to parklet	Daily
Litter/debris removal from under the parklet platform, including the gutter	Weekly or as needed
Surface cleaning (e.g. sweeping, power washing/hosing)	
Graffiti removal	As needed or as directed by the City Director of Public Works
Parklet structural maintenance	
Maintenance of parklet surface materials (e.g. painting, staining, etc.)	

///. Parklet Permit Submittal Requirements

The following submittals are required for the Parklet Permit at a minimum. Additional requirements will be included in the application.

- If the property owner(s) is not the Parklet Permit applicant, a letter of authorization giving explicit written consent of the property owner(s) is required.
- Plans showing the proposed layout of the parklet including the parklet dimensions, location, adjacent businesses, parking meters, if applicable, etc.
- Plans demonstrating ADA accessibility and show dimensions of required clearances.
- Elevations showing the proposed platform, drainage, railings, signage and all related dimensions.
- Materials palette – Use color photo samples to demonstrate:
 - Materials and plants to be used on platform
 - Railing materials
 - Platform materials
- Application and permit fees and deposits.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby adopts the San Mateo Avenue Parklet Program Regulations.

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I hereby certify that foregoing **Resolution No. 2023 - _____**
was introduced and adopted by the San Bruno City Council at a regular meeting on
February 28, 2023, by the following vote:

AYES: Councilmembers:
NOES: Councilmembers
ABSENT: Councilmembers:

Lupita Huerta, City Clerk