RESOLUTION - ACTION REQUESTED 2020-692

MEETING: November 24, 2020

TO: The Board of Supervisors

FROM: Mike Healy, Public Works Director

RE: Pilot Business Benefit Parklet Program for Business Operations on County Roads

RECOMMENDATION AND JUSTIFICATION:

Establish a Pilot Business Benefit Parklet Program for Business Operations on County Roads, Allow for Business Applicants to Apply to the Department of Public Works for Approval of Applications Based Upon Health and Safety Considerations, and Waive the Encroachment Fees.

As COVID-19 has impacted many businesses by limiting the ability to use the entirety of their indoor space given seating and occupancy restrictions, many communities have embraced a program of utilizing parking spaces located in the public right-of-way as safe public space to achieve additional outdoor space to conduct food and beverage business through the installation of what are known as "Parklets."

More accurately defined, Parklets are an extension of business service area into parking spaces that are clearly defined with traffic control devices (generally K Rail or concrete blocks) creating an area where commercial food and beverage operations can set up appropriately socially distanced tables and chairs to augment their business operation opportunities due to restrictions on indoor dining. Public health professionals have also stressed the COVID-19 benefits of outdoor seating, which has become a more desirable alternative especially amongst "at risk" population segments.

Parklets have become very popular public spaces over the past decade and during the COVID-19 Pandemic have become an ever increasing safe public space for those who prefer to socialize outside in a socially distanced public environment.

This pilot program is designed using models put in place successfully in many other communities to address concerns of reduced indoor capacity for businesses to conduct their operations. In recent studies, Parklet Programs have been found to contribute to the creation and/or retention of jobs and have been found to provide business owners with the opportunity to scale their businesses to a model that can provide opportunities to achieve a level of overall business fiscal sustainability while
Resolution - Action Requested 2020-692

also addressing the health concerns shared by many who are not particularly desirous to be served in an indoor environment.

It is recommended that this pilot program start with an application for an Encroachment Permit filed with Public Works, which will begin a conversation of location, size, safety, insurance requirements and any additional expectations and/or requirements requested by the applicant. Permits will be issued once insurance requirements (listed below) are received and approved by the County Risk Manager. As this is a pilot program, Public Works is desirous of a program that addresses the needs of our business community, that limits any liability cast upon the residents of Mariposa County and that creates a safe and welcoming open-air public space.

Attached are copies of programs that exist in the communities of Santa Barbara, CA, and Kirkland, WA and insurance requirements used by the Seattle Department of Transportation which mirror those requirements in California.

As part of the insurance requirements, the County of Mariposa shall be named as an additional insured. Commercial general liability insurance with a minimum limit of $1,000,000 each occurrence, combined single limit bodily injury and property damage, is required for businesses without a license to serve alcohol. Identical coverage with a minimum limit of $2,000,000 is required for those businesses who serve alcohol. These requirements are in addition to all other permit requirements placed upon a business by any state or local jurisdictional body, including those contained in the Health and Safety Code. This includes indoor restroom availability for patrons where required under code. Violation of these conditions may be grounds to revoke the Encroachment Permit. It is recommended that revocation of an Encroachment Permit may be issued by the Director, Public Works and Transportation, the Public Health Officer, or the Sheriff in instances of unsafe acts or procedures and/or to accommodate construction activity. Upon revocation of an Encroachment Permit, it is recommended that the permit holder be entitled to appeal this decision to the Board of Supervisors.

In the infancy of this pilot program, it is recommended from a safety perspective that upon approval of a permit Public Works install K Rail type traffic control devices as barriers to ensure safety of the public space. Over time as both vehicle operators, patrons and businesses become more familiar with the concept these strong barriers could evolve to a less hardened traffic control device.

The Department of Public Works is proposing and promoting this pilot program in the interests of promoting public health and safety and to deliver fiscally sustainable benefit opportunities to the business sector of Mariposa County. As this program evolves it is expected that additional program modifications will be brought before the Board for discussion and direction. Caltrans released their Parklet Program Guidelines last week and Public Works stands ready to assist our businesses located along the state right-of-way to file and obtain an approved application.

**BACKGROUND AND HISTORY OF BOARD ACTIONS:**

The Board authorized the temporary construction of a public space pavilion on 7th street that offered some relief by adding additional outdoor space to conduct business.
RESOLUTION - ACTION REQUESTED 2020-692

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Should this not be approved, the current indoor business restrictions may result in negative impacts to local businesses and overall commerce.

ATTACHMENTS:
Photo examples of Parklets (PDF)
Contra Costa County Parklet Guidelines (PDF)
City of Santa Barbara Parklet Guide (PDF)
City of Kirkland WA Parklet Program (PDF)
Caltrans Parklet Permit Guidelines (PDF)
City of Seattle Insurance (PDF)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Marshall Long, District III Supervisor
SECONDER: Merlin Jones, District II Supervisor
AYES: Smallcombe, Jones, Long, Cann, Menetrey