



AGENDA REPORT

City Attorney's Office

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| DATE: | January 28, 2025 |
| TO: | Mayor Martinez and Members of the City Council |
| FROM: | City Attorney, Dave Aleshire |
| Subject: | Interim Urgency Ordinance re Moratorium on Parklets within the City |
| FINANCIAL IMPACT: | No fiscal impact. |
| PREVIOUS COUNCIL ACTION: | None |
| STATEMENT OF THE ISSUE: | Parklet structures created without careful planning can result in immediate threats to public health, safety, or welfare because they encroach upon the public right-of-way, including roadways, which may undermine traffic safety and create nuisances of various kinds. |
| RECOMMENDED ACTION: | APPROVE the Interim Urgency Ordinance to establish a 45-day moratorium on the establishment of new Parklets, expansion of existing Parklets, or the extension of the term of existing Parklets within City limits to allow for the City's review and adoption of permanent zoning regulations for such uses to ensure public health, safety, and welfare – City Attorney's Office (Dave Aleshire 510-620-6509). |

DISCUSSION:

The City of Richmond's current processes for receiving and reviewing applications for the installation of Parklets is inadequate to protect public health, safety and welfare. This Urgency Ordinance implementing a 45-day moratorium on the establishment,

expansion or the extension of the term of any currently permitted Parklet, is needed to provide City staff the time necessary to conduct a thorough review of the beneficial uses and appropriate location, design and construction of Parklets, as well as other factors necessary to ensure the public's health, safety and welfare such as (i) requirements for management and oversight, and inspection and review to ensure compliance with the Americans with Disabilities Act and other State and federal laws, (ii) procedures for fire safety, and (iii) procedures for responding to community concerns, as well as other requirements necessary to protect public health, safety and welfare and to prevent nuisances.

“Parklet” is broadly described on the City’s website as a “removeable platform made available to the public for recreational use that occupies a portion of a parking lane that is closed to motor vehicle parking.” The current procedure to obtain a Parklet permit from the City entails completing a simple Parklet Application consisting of five basic questions pertaining to the applicant’s name, Parklet location, current permit status, whether the applicant has received a notice of violation from any state or local authority, the name of the property owner, and signatures, along with a simple site map reflecting the area impacted, and two photographs. It requires no indication of type of use, hours of operation, manner in which the owner will monitor the use, how potential complaints from local businesses or residents will be tracked or handled, what the potential impacts to vehicle or pedestrian traffic may be, or any other nuisances or detrimental impacts to public health, safety and welfare. Although it requires “letter(s)” of community support, it does not specify the level of support needed or the process for managing community concerns once the Parklet is established.

This current process is inadequate to ensure the protection of public health, safety and welfare.

DOCUMENTS ATTACHED:

ATTACHMENT 1 – INTERIM URGENCY ORDINANCE