

ATTACHMENT 9

Planning Commission-Recommended Alternative Ordinance

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AMENDING TITLE 16 OF THE ARROYO GRANDE MUNICIPAL CODE REGARDING THE ESTABLISHMENT OF A PERMANENT PARKLET PROGRAM

WHEREAS, the City of Arroyo Grande ("City") currently does not allow the placement of permanent parklets within the right of way; and

WHEREAS, the purpose of these regulations is to ensure that parklets within the right of way conform to the existing character of the area in which they are located and do not create an adverse impact on adjacent properties; and

WHEREAS, the Planning Commission finds that, unless properly regulated, parklets can result in similar adverse impacts to adjacent properties; and

WHEREAS, the Planning Commission has considered the proposed Ordinance approving Development Code Amendment 22-003 at a duly noticed public hearing on September 6, 2022; and

WHEREAS, it is the purpose of the proposed Ordinance to protect the public health, safety, and welfare of residents within the City by establishing regulations for a permanent parklet program; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Arroyo Grande as follows:

SECTION 1: The above recitals and findings are true and correct and incorporated herein by this reference.

SECTION 2: Arroyo Grande Municipal Code Section 16.52.250 is hereby added as follows:

SECTION 16.52.250 – PARKLETS

- A. Purpose and Intent. The purpose and intent of these regulations is to ensure that parklets located in the City conform to the existing character of the area in which they are located and do not create an adverse impact on adjacent properties.
- B. Application and Approval.
 - 1. Operators of parklets within the right of way are required to obtain a Minor Use Permit - Plot Plan Review pursuant to AGMC 16.16.080, and an Encroachment Permit pursuant to AGMC Section 13.26.
 - 2. Operators of parklets shall pay a parking space rental fee of 5% of the parking in-lieu fee for each space annually.
 - 3. Operators of parklets shall pay a rental fee for City-owned safety barriers.
 - 4. Upon vacation by a parklet operator of the premises adjoining the parklet, the Minor Use Permit - Plot Plan will terminate.

5. Existing operators of temporary parklets shall have 90 days from the date of ordinance adoption (_____) to submit an application for a permanent parklet and removal of an existing temporary parklet. All temporary parklets shall be removed within six months of the ordinance adoption date of _____.

C. Performance Standards and Conditions.

Location

1. A parklet shall only be located in designated on-street parking areas.
2. A parklet shall not block sight distance at intersections or driveways. Accordingly, a parklet shall not be located less than twenty-five feet (25') from a roadway intersection, adjacent driveway, or other points of off-street access which require line of sight standards as required by the City's Engineering Standards. The final location of a parklet will vary based on the proposed parklet design, and shall be subject to review and approval by the Community Development Director.
3. Parklets are prohibited in disabled parking zones, parking areas of thirty minutes or less, and no-parking zones.
4. A parklet may not cover or impede access to any utility equipment, utility pole, fire hydrant, parking permit kiosk, or utility access such as manhole covers, drainage inlets, stormwater drainage flow lines and equipment shelters, subject to review by the City Public Works Director and Fire Chief.
5. The parklet shall not extend beyond the building frontage of the business utilizing the parklet without written consent from the adjacent business.

Parklet Design

6. Parklets shall consist of no more than two adjoining parking spaces, or forty-feet (40') in length. When a parklet is shared by two or more businesses, the parklet length may be extended up to eighty (80) feet in length and no more than four adjoining parking spaces.
7. A parklet's walls or railing shall not have a continuous height that exceeds forty-two inches (42") and shall not block views in or out of the parklet. Columns or other vertical framing for overhead elements are permitted. All elements of a parklet shall have a maximum height limit no higher than the first floor of the adjacent building. All parklets shall maintain a vertical walkway clearance height of at least eight feet (8').
8. The depth (dimension measured perpendicular to curb) of a parklet shall be no less than the minimum dimension required to meet ADA accessibility requirements. Portions of the required parklet depth may be located within an existing sidewalk area as long as the sidewalk encroachment does not reduce the pedestrian path of travel to a width of less than four and a half feet (4.5') in the public right of way.
9. A parklet shall include an element that ensures public safety by providing a barrier or fortified railing between moving vehicles and parklet users. These barriers shall either be well articulated or allow for plants or vegetation for screening.

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10. Parklets shall have a flush transition at the sidewalk and curb to permit easy access and avoid tripping hazards.
11. A parklet shall comply with applicable Americans with Disabilities Act (ADA) accessibility standards. Compliance with ADA standards is required with respect to design elements of the parklet, as well as for adjacent areas that may be impacted by the parklet. Parklets shall use a slip-resistant flooring material to minimize hazards and shall be accessible to wheel-chair users.
12. The four corners of a parklet shall have a reflective element or other clearly visible design feature, such as a soft-hit post, bollard, or raised pavement marker, to illuminate the parklet at night and signify the parklet envelope.
13. Parklets shall be consistent with the Village Design Guidelines
14. The primary materials shall be stone, brick, wood, decorative concrete or composite wood. Wood materials such as lattice and T1-11 plywood siding, are prohibited.
15. Color schemes shall consist of one primary color and one secondary color unless natural wood is used.
16. Areas for the storage of trash, recycling, and green waste receptacles shall not be visible from the public right of way and all waste receptacles shall be emptied and maintained by the applicant in a neat and sanitary order.

SECTION 3: Arroyo Grande Municipal Code Section 16.04.070 is hereby amended as follows:

16.04.070 Definitions

“Parklet” means a small seating area created as a public amenity in a former roadside parking space utilized by a food service business for outdoor dining.

SECTION 4: If any section, subsection, subdivision, paragraph, sentence, or clause of this Ordinance or any part thereof is for any reason held to be unlawful, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, or clause thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, or clause be declared unconstitutional.

SECTION 5: Upon adoption of this Ordinance, the City Clerk shall file a Notice of Exemption pursuant to 14 CCR § 15062.

SECTION 6: A summary of this Ordinance shall be published in a newspaper published and circulated in the City of Arroyo Grande at least five (5) days prior to the City Council meeting at which the proposed Ordinance is to be adopted. A certified copy of the full text of the proposed Ordinance shall be posted in the office of the City Clerk. Within fifteen (15) days after adoption of the Ordinance, the summary with the names of those City Council Members voting for and against the Ordinance shall be published again, and the City Clerk shall post a certified copy of the full text of such adopted Ordinance.

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SECTION 7: This Ordinance shall take effect thirty (30) days from the date of adoption.

On motion of Council Member _____, seconded by Council Member _____, and on the following roll call vote to wit:

AYES:

NOES:

ABSENT:

The foregoing Ordinance was adopted this 6th day of September 2022.

CAREN RAY RUSSOM, MAYOR

ATTEST:

JESSICA MATSON, CITY CLERK

APPROVED AS TO CONTENT:

WHITNEY McDONALD, CITY MANAGER

APPROVED AS TO FORM:

TIMOTHY J. CARMEL, CITY ATTORNEY