



**Permanent Parklets Applications and
Regulations Update
City Council Meeting – January 17, 2023**

Open Streets Initiative - Temporary Parklet Background

Response to COVID-19

- Citywide effort to support the economic recovery for businesses amid Health Order physical-distancing requirements
- First temporary parklets were installed in May 2020
- At the program's peak:
 - **112** temporary parklet locations citywide
 - **124** participating businesses citywide
 - **176** Outdoor Activity Permits (OAP's)
 - **10** Sidewalk Dining Permits
- Currently:
 - **21** temporary parklet locations citywide
 - **49** participating businesses citywide
 - **78** parklets removed since January 2022
 - **27** Outdoor Activity Permits (OAP's)
 - **1** Sidewalk Dining Permit
 - Open Streets initiative program was extended
 - An extension for businesses with application in progress was granted until January 31, 2023



Number of Temporary Parklets & OAPs by Council District

	Parklets and S/W Dining	OAP's
CD1	4	5
CD2	2	2
CD3	14	15
CD4	0	1
CD5	0	3
CD6	0	1
CD7	1	0
CD8	0	0
CD9	0	0
Total	21	27



Transition to Permanent Parklets Application

Permanent Parklets Application Background

- Permanent Parklets permits were available Citywide prior to temporary parklets availability and continue to be available for any qualified Applicant.
- Current sidewalk dining and permanent parklet regulations were enacted by ordinance in late 2018.
- Permanent parklet permits, available through Public Works have more stringent construction and administrative requirements than temporary parklets
- Permanent Parklet Applicants are required to pay application and permit issuance fees which were not required for temporary parklets installed through the Opens Streets Initiative.
- Additional Application requirements through the Development Services department apply if the proposed parklet location lies within the local Coastal Zone.



Transition to Permanent Parklets Application

Permanent Parklets Application Outreach

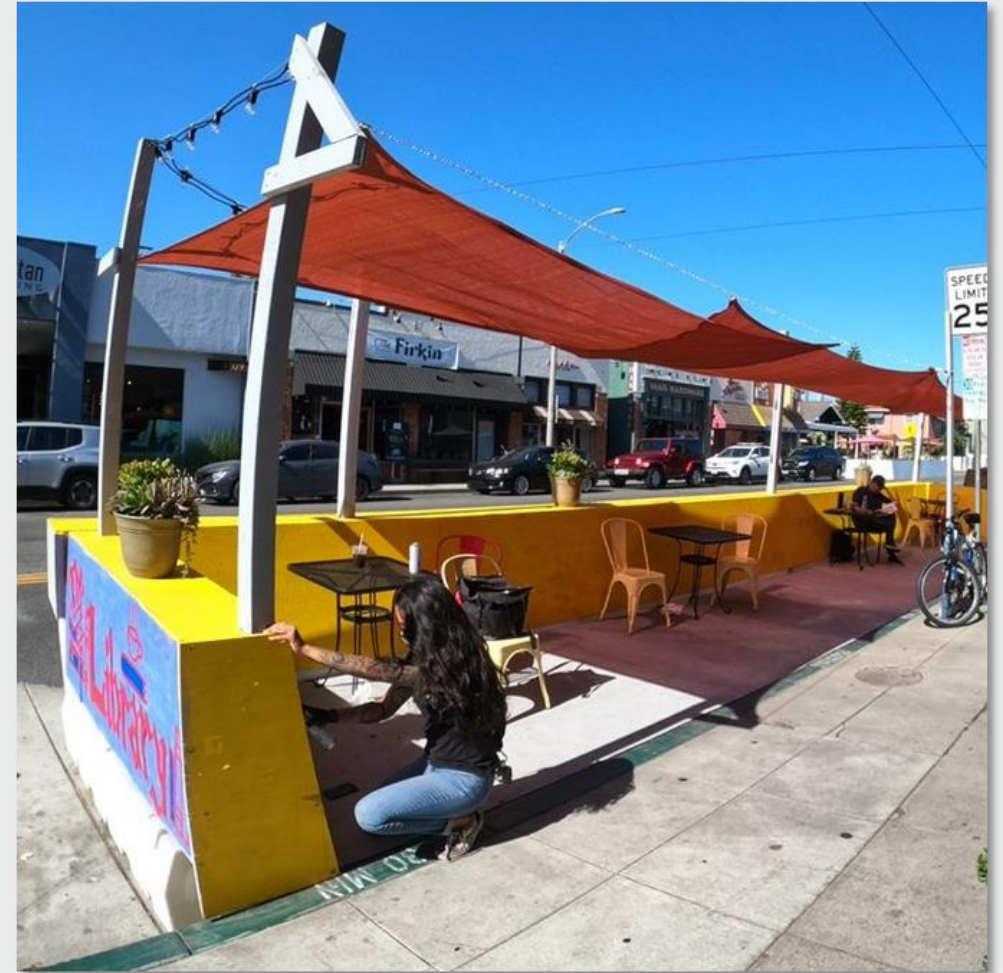
- All temporary parklet permittees were informed of their option to apply for a permanent parklet permit, if they could provide a permanent parklet proposal that met the requirements of the program.
- Of the 112 temporary parklets in operation at the peak of the program, only 21 are pursuing a conversion to a permanent parklet.
- In preparation for the conversion to permanent parklets, the permanent parklet application process was internally reviewed.
- One primary conclusion was that more community input had to be elicited beyond the Applicant having to provide an authorization letter from the proposed parklet location's property owner.



Community Response to Permanent Parklets Application

Permanent Parklet Current Code Requirements

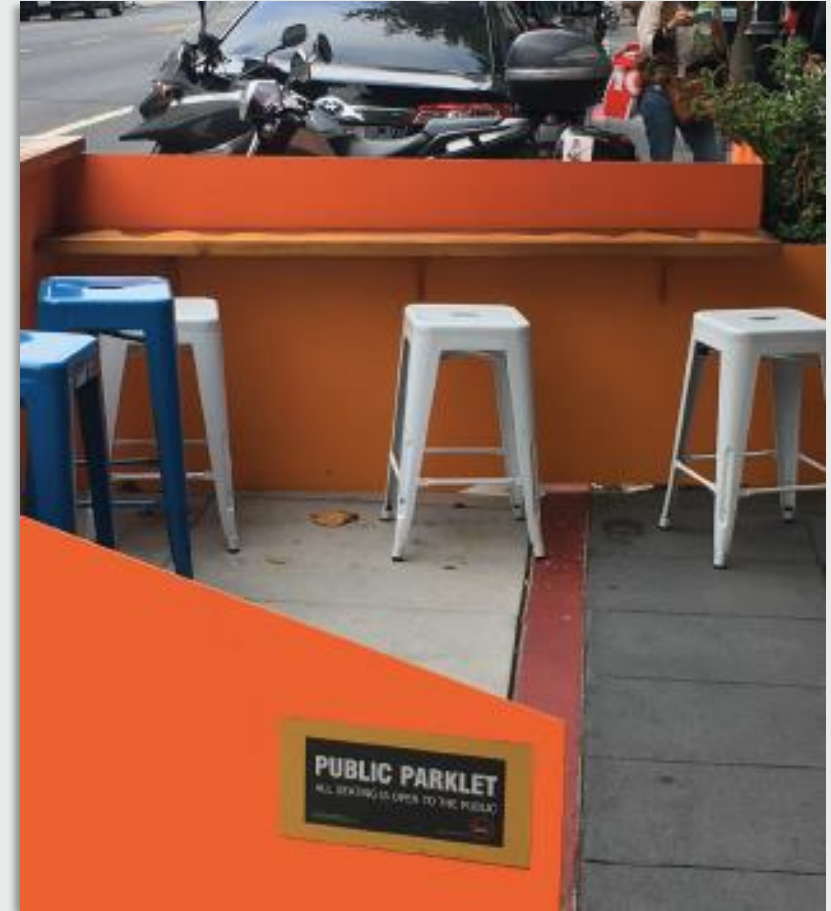
- Currently LBMC Sec. 14.15.030 requires “*written consents from the applicable community organizations and building associations providing evidence of the organizations’ approval or lack of objections*”.
- Without the LBMC specifying *which* and *how* community organizations and building associations are defined, staff interpreted this to refer to the List of Neighborhood Groups Directory maintained by the Neighborhood Services Center within the Department of Development Services.



Community Response to Permanent Parklets Application

Permanent Parklet Application Inconsistencies

- The Neighborhood List interpretation when practically applied resulted in what could be perceived as inequitable or unintended treatment of the Applicants.
- Each Neighborhood Group on the list, self defines its own geographic boundaries.
- This results in some proposed permanent parklet areas having numerous Groups including those parklet areas within their self-defined geographical oversight area and other parklet areas without any Group claiming oversight.
- Per current code, an Applicant in an area with one or more Groups claiming oversight must produce a support letter or failure to obtain one must be construed as lack of support from the Neighborhood Groups. As such this parklet application would be denied.
- Conversely, another Applicant proposing a permanent parklet in a location with no organized Neighborhood Groups recognized in the List Directory, has no requirement to provide support letters for the application to be approved and a permit issued.



Permanent Parklets LBMC Proposed Revisions

Permanent Parklet Ordinance - Proposed Changes

Community Input

- Revise the LBMC to remove the requirement that letters of support be obtained from “community groups and business associations” and introduce an alternative community input process.
- Permanent parklet Applicants who meet all requirements other than community support letters, will now be responsible for posting a Notice for at least thirty (30) days within the proposed parklet area advising community members of the proposed parklet’s pending Application and soliciting their input.
- To ensure consistency among all Applicants, Public Works staff will facilitate and coordinate the production and posting of the signs, which will include contact information for the Department’s processing staff as well as the Applicant.
- Applicants will reimburse the City for associated expenses.



Permanent Parklets LBMC Proposed Revisions

Permanent Parklet Ordinance - Proposed Changes

Community Input

- One or more single letters of opposition communicated to staff will preclude the permanent parklet application from being approved and a permit issued at the staff level.
- In these cases, if an Application has met all other requirements, it will be presented to the City Council for its approval and directive to staff to issue the permanent parklet permit, or it will deny the application.
- Application decisions made by the City Council will be final and not appealable.
- Application decisions and permanent parklet permits issued by staff will be appealable to the City council.



Permanent Parklets LBMC Proposed Revisions

Permanent Parklet Ordinance - Proposed Changes

Permits on Streets with vehicular speed limits greater the 25 MPH

- Currently LBMC Section 14.15.020.D. states, “Permits for providing a parklet may only be issued if the vehicular speed limit of the adjoining street is no more than twenty-five miles per hour (25 mph)”.
 - Rather than deny a permanent parklet Application for a location on a street with a posted vehicular speed limit greater than 25 mph, an Applicant will have the option to extend the sidewalk into the right of way area where the permanent parklet is proposed.
 - The Applicant may then apply for a sidewalk dining permit on the newly constructed sidewalk. Notice posting requirements will apply for these sidewalk dining applications as they do for permanent parklet applicants
 - This option will only be available with the approval from the City’s Traffic Engineer and may include alternative safety measures.



Permanent Parklets LBMC Proposed Revisions

Permanent Parklet Ordinance - Proposed Changes

Appeals

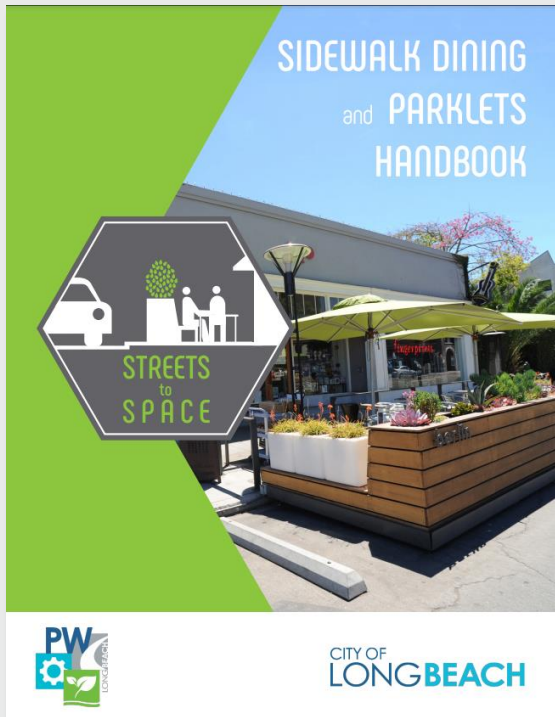
- Residents are able to file their opposition during the Noticing period. If there is opposition, it will trigger a review by the City Council. This is not an appeal as a permit has not yet been issued, thus no appeal fees will be charged.
- If Public Works staff makes a decision to approve or deny an application, and either the Applicant or any other third party wishes to challenge the decision, an appeal to the City Council will be required and appeal fees will be charged.
- City Council determinations will be final and not appealable.
- Appeal Fees will be per the current PW Fee Schedule:

Engineering Permit Appeal - Public Walkways Occupancy Permit - Applicant	Fee to cover appeal processing of public walkways occupancy permit (includes Wireless Telecommunications Facilities Permit).	\$2310	Appeal	Fee
Engineering Permit Appeal - Public Walkways Occupancy Permit - Third Party	Fee to cover appeal processing of public walkways occupancy permit (includes Wireless Telecommunications Facilities Permit).	\$1000	Appeal	Fee



Permanent Parklets

- Permanent parklet permits have been available through City's existing *Sidewalk Dining and Parklets Handbook*
 - The current sidewalk dining and permanent parklet regulations were enacted by ordinance in late 2018.
 - However, parklets have been approved on a case-by-case basis directly by City Council for decades. Staff recently renewed a parklet permitted initially issued 2009.
 - Handbook will be updated to reflect any changes in the Parklet ordinance
 - Permit requires design and construction of a new structure that meets permit requirements
 - Local Coastal Zone requirements may apply



→ www.longbeach.gov/pw/services/permits

Current status of Permanent Parklet Applications

- Only 7 businesses with a temporary parklet have secured a permanent parklet permit through the application process. (2 in CD1, 3 in CD2, 1 in CD5 and 1 in CD3.)
- Currently, there are 26 businesses with submitted applications for a permanent parklet under review. (4 in CD1, 4 in CD2, 17 in CD3, and 1 in CD5.)

NOTE: Permanent parklets will not be allowed for the following reasons:

1. Proposed design does not conform to the Long Beach Municipal Code or the Sidewalk Dining and Parklets Handbook.
2. Applicant has a business condition that has safety concerns, or documented issues that have been determined to be detrimental to the quality of life of nearby businesses and/or residents.
3. Businesses located in the Coastal Zone is denied Local Coastal Commission Approval.





Thank you

Eric Lopez

Director of Public Works

Paul Van Dyk,

Acting City Traffic Engineer

More information on the Open Streets Initiative at:

www.longbeach.gov/goactive/b/