

11-1604-S1

MOTION

BUDGET & FINANCE

TRANSPORTATION
PUBLIC WORKS

NOV 16 2012

On August 24, 2012, City Council directed the Department of Public Works to issue permits for four demonstration "parklet" projects in Council District 14 to allow for their completion, review, and evaluation by December 31, 2012 (CF#11-1604). The City Council further directed the Department of Transportation to execute a memoranda of understanding with community partners setting forth the terms and conditions of the pilot parklets.

Permits and MOUs are still pending due to complications with respect to liability, indemnification, and permitting fees. To implement the pilot program, community partners are contributing significant hard costs associated with design, construction, and installation of the pilot parklets while also agreeing to maintain the parklets on behalf of the City once installed. The City is an active partner in establishing these pilot parklets inasmuch as it is contributing area in the public right-of-way for the temporary use, drafting MOUs with community partners, and conferring permits for the installation of the projects.

Council's previous direction on parklets did not expressly exempt community partners from the soft costs of permitting fees and general liability insurance. Such costs may be prohibitive to community groups with whom the City is partnering to establish these pilot parklets.

Council File 01-2215, *Policy Indemnification for Neighborhood Improvements*, establishes a program through the Departments of Neighborhood Empowerment and Public Works to provide insurance coverage for neighborhood organizations involved in neighborhood beautification projects. The policy protects community groups from onerous and costly litigation arising from their community beautification projects.

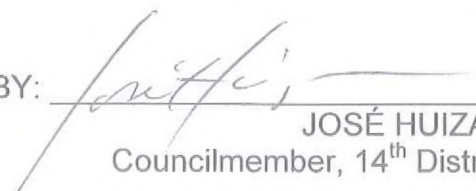
As a partner in establishing these demonstration pilot parklets, and in order to meet the required December 31, 2012 deadline set by Council, the City should alleviate unnecessary cost burdens on volunteer community partners and encourage the creation of quality neighborhood public spaces. The city will then undertake a review of all policies and provisions associated with the pilot programs, to determine best practices for the future citywide parklet program.

I THEREFORE MOVE that the City Council direct the Departments of Public Works and Transportation to waive all permitting fees associated with the four pilot parklets approved by Council on August 24, 2012 (CF#11-1604).

I FURTHER MOVE that the City assume general liability for the four pilot parklets once installed.


NOV 16 2012

PRESENTED BY:


JOSÉ HUIZAR
Councilmember, 14th District

SECONDED BY:



ORIGINAL