



CITY OF SAN MATEO

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Agenda Report

Agenda Number: 16

Section Name: {{section.name}}

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TO: City Council
FROM: Drew Corbett, City Manager
PREPARED BY: City Manager's Office
MEETING DATE: September 21, 2020

SUBJECT:
Outdoor Dining in Public Right of Way – Extension

RECOMMENDATION:

Adopt a Resolution to approve the extension of the temporary street closures and use of the public right-of-way for outdoor dining through March 1, 2021 and approve the updated outdoor dining guidelines; adopt a Resolution for an additional appropriation of \$111,500 to the City Manager's Office 2020-21 operating budget; authorize the City Manager to procure water-filled barricades for a cost not to exceed \$181,500 from D&M traffic services; and provide guidance on longer term outdoor dining installations.

BACKGROUND:

In June 2020, the City Council authorized the use of on-street parking spaces and approved the temporary closure of portions of B Street and Baldwin in order to accommodate outdoor dining. The authorization for the street closures is set to expire on October 19, 2020. The guidelines for the use of the on-street parking spaces for outdoor dining parklets had a planned end date of December 1, 2020. Staff initially believed that with the changing seasons, outdoor dining would be less popular. However, as the pandemic has continued and outdoor dining remains the only option for restaurants, the City may want to consider a possible extension of these timelines until March 1, 2021.

Restaurant Survey

Staff issued a survey to the restaurants to check in on their use of the outdoor parklets and their preferences for the timeframe that they wish to keep them in place. Staff received responses from 37 businesses including those located on the closed streets, those with parklets, and ones located in private shopping centers. Of those surveyed, the vast majority would like to keep their outdoor dining option in place at least through the end of the COVID health emergency. In addition, a significant number of the restaurants with parklets would like to continue having them even after the COVID health emergency has passed.

Parklet Program

The City's parklet program has been tremendously popular with both restaurants and diners. The adopted Outdoor Guidelines allow for the parklets to be in place through December 1, 2020. Based on the restaurant interest in continuing the program, staff recommends adopting amended guidelines extending the timeline for the temporary parklet program through March 1, 2021. In addition, City Council direction is needed about whether staff should develop a more permanent parklet program that would allow for parklets to continue beyond the public health emergency.

The majority of the parklets have been created with barricades provided by the City that are rented from an outside vendor. The restaurants have provided the tables and chairs and in some cases umbrellas, shade canopies, and decorative elements such as plants. Staff is currently working to enhance the safety measures in these parklets due to some recent accidents that damaged some Downtown parklets, though thankfully no one was injured. Staff has researched the cost of

replacing the metal barricades used to delineate the outer length of the parklets with water-filled barricades (which are currently used only at the corners). The cost to lease the metal ones is roughly \$70,000 for the next 6-months. Switching to all water-filled barricades will cost between \$155,000 and \$181,500, a net increase of up to \$111,500. The City Manager's Office does not have sufficient funding in its budget to cover this expense without an additional budget appropriation.

Some restaurants have started constructing customized parklets within the barricades provided by the City. These customized spaces were not reviewed by staff prior to being constructed, despite that requirement in the published outdoor dining guidelines. Staff is in the process of developing standards for custom-constructed parklets that require key safety measures such as allowing for adequate site lines for cars and pedestrians, ADA access, storm water drainage, collision buffers, and structural integrity. These standards are being developed based on those adopted in other communities, such as San Francisco, which has had a parklet program for many years. Many of the custom parklets that have been constructed do not meet the safety standards set by other communities and in additionally don't comply with the State COVID-19 standards for outdoor dining. Staff is working with the restaurants to make corrections to them to meet basic safety standards.

Staff recommends extending the term of the temporary parklet installations until March 1, 2021. After that date, staff recommends that the City no longer provide barricades for parklets. If restaurants want to have a parklet beyond that timeframe, they would be required to obtain a parklet permit to construct their own parklet, following the standards the City will be developing. Currently during the COVID emergency, no fees are being charged for the parklet permits. If Council desires to see parklets allowed beyond COVID, then staff recommends establishing annual permit fees. These fees will partially compensate for the staff time involved in approving them and for the loss of meter revenue.

Street Closures

The current street closures include B Street between 1st and 3rd Avenue, a single lane of B Street between 1st Avenue and Baldwin, and a narrowing of Baldwin between B Street and North Ellsworth. The segment between 1st and 2nd Avenue receives the least amount of use since only a small number of businesses on that block use the space. However, staff determined that this segment needed to be closed if both the adjacent segments are closed in order to not create a confusing, and therefore unsafe, traffic pattern.

Staff recommends authorizing the extension of the street closure through March 1, 2021 in order to align with the term of the parklet extension. City Council direction is needed on whether to continue with all of the segments or to limit the closures to areas with the highest use. Additionally, City Council direction is needed on whether or not specific street closures should continue beyond the public health emergency and whether they should be seasonal or year-round. The City Attorney's Office is still researching whether the State Vehicle Code would authorize a longer-term closure or seasonal closures. In addition, staff will need to conduct a CEQA analysis of the impact of a more permanent closure (even if just seasonally), whereas the current temporary closure is exempt under CEQA.

City Council actions needed:

The following Council actions or guidance is needed:

- 1) Provide guidance on which streets should remain closed through March 1, 2021.
- 2) Adopt the resolution authorizing extending outdoor dining in the public right-of-way through March 1, 2021 and the revised Outdoor Dining Guidelines.
- 3) Provide guidance on whether a longer-term street closure or seasonal street closure after the public health emergency should occur and on which street segments.
- 4) Provide guidance on if the City should use water-filled barricades for the existing parklets through March 1, 2021 and if so, does the Council authorize the procurement and the additional appropriation of \$111,500 needed to fund them?
- 5) Provide guidance on whether the City should develop a program to allow for continued parklet installations after the public health emergency.

BUDGET IMPACT:

The rental fees for the barricades for the parklets and temporary street closures will cost the City roughly \$70,000 to

continue through March 1, 2021. These funds are being paid out of the City Manager's budget from funds initially dedicated to special events. If the City were to convert to all-water-filled barricades, the cost would increase to up to \$181,500 for the same time period. In addition, the City will need to procure additional insurance to cover the continuation of the Outdoor Dining, which is estimated to cost \$15,000. If the City converts to the water-filled barricades, an additional appropriation of \$111,500 to the City Manager's Office 2020-21 operating budget will be required to cover the expense. These funds would be appropriated from the General Fund's unassigned fund balance.

These costs do not include the lost meter revenue from the on-street parking spaces that are no longer available. Presently, over 230 metered spaces are being used for parklets. However, given that there is higher than usual parking availability in the City's parking structures due to COVID-19, staff is hopeful that most customers are being diverted to those locations.

ENVIRONMENTAL DETERMINATION:

In accordance with CEQA Guidelines Section 15301, the temporary street closure and adoption of guidelines for outdoor dining are categorically exempt from the California Environmental Quality Act pursuant to the exemption for "existing facilities," because they involve a minor alteration to existing City streets. In addition, in accordance with CEQA Guidelines Section 15304(e), the temporary street closure and adoption of guidelines for outdoor dining are categorically exempt from CEQA because they involve a minor temporary use of land having negligible or no permanent effects on the environment.

NOTICE PROVIDED

All meeting noticing requirements were met.

ATTACHMENTS

Att 1 – Proposed Resolution for Extension of Temporary Street Closures

Att 2 – Proposed Resolution for Additional Appropriation

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