



CITY OF SAN MATEO

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Agenda Report

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TO: City Council
FROM: Drew Corbett, City Manager
PREPARED BY: City Manager's Office
MEETING DATE: February 01, 2021

SUBJECT:

Extension of Temporary Street Closure and Moratorium on Regulations Affecting Outdoor Activities; Adoption of Updated "Temporary Outdoor Dining Guidelines;" and Discussion of Parklets

RECOMMENDATION:

Adopt a Resolution to extend the temporary street closures through September 30, 2021 and to update the "Temporary Outdoor Dining Guidelines"; adopt an Emergency Ordinance to extend the moratorium on enforcement of minimum parking space requirements and zoning regulations for commercial uses in private shopping centers; and provide feedback on policy options for a long-term parklet program.

BACKGROUND:

In June 2020, the City Council authorized the use of on-street parking spaces, approved the temporary closure of portions of B Street and Baldwin, and waived the enforcement of minimum parking and zoning regulations in private shopping centers in order to accommodate outdoor dining and other outdoor business uses during the COVID-19 pandemic. On September 21, 2020, the City Council authorized extending the street closures and outdoor dining program through March 1, 2021 due to the continuing pandemic. The County was recently under a State Regional Stay at Home Order that prohibited outdoor dining. The State order was lifted on January 25, 2021 and outdoor dining has been allowed to resume.

Given the ongoing nature of the pandemic, staff recommends extending the temporary street closures and temporary outdoor dining program through September 30, 2021. Staff also recommends reauthorizing the moratorium on the enforcement of minimum parking and zoning regulations for private shopping centers to allow outdoor business operations to occur. Additionally, as many businesses have extensively invested in the construction of parklets and have made inquiries on their ability to keep them longer-term, staff believes it is timely to develop guidelines that allow for parklet installations beyond the pandemic. This report will outline some policy considerations for a long-term parklet program for Council consideration.

Resolution Extending Temporary Street Closures and Temporary Outdoor Dining Guidelines

The proposed resolution (Attachment 1) will extend the temporary street closures on B Street between Baldwin and 3rd Avenue through September 30, 2021 or until the state of emergency is terminated by the Governor or State Legislature, whichever is sooner. In addition, it includes the updated Temporary Outdoor Dining Guidelines, which govern outdoor dining on closed streets, parklets, and sidewalks, including the design of any structures and barricades. The guidelines have been revised to reflect this new end date and the current State and County Health Orders and industry guidance.

Staff completed an Initial Study and Negative Declaration (IS/ND) to analyze the potential environmental impacts of the extension of the temporary street closure as well as a possible future permanent or seasonal street closure program. The analysis did not identify any significant environmental impacts. Staff will continue to evaluate the temporary street closures as a pilot program and will return to City Council at a later date for an in-depth discussion of considerations for a

potential permanent or seasonal street closure program.

Emergency Ordinance on Enforcement of Minimum Parking and Zoning Requirements

On November 16, 2020, the City Council extended an emergency ordinance to suspend the minimum parking requirements and the enforcement of zoning regulations prohibiting outdoor operations in private shopping centers. The Ordinance will expire on February 14, 2021 unless re-adopted by City Council. Under the Ordinance, restaurants, gyms and fitness centers, personal care services, hair salons and barbershops, places of worship, and retailers for outdoor operations would still be subject to State, County, industry and local guidelines. Any business interested in moving its operations outdoors would require permission from their property manager/landlord. If adopted, the Emergency Ordinance (Attachment 2) will be in effect for 90 days until May 2, 2021, but may be extended beyond that time frame by further action of the Council.

Long-Term Parklet Program Considerations

A portion of the restaurants that have installed temporary parklets have expressed interest in retaining their parklets after the pandemic. Parklets are an amenity that have been considered in the past as part of the Downtown Specific Plan discussions and have been previously piloted within the Downtown at limited locations. In response to the interest from restaurants and based on the success of the temporary parklet program, staff formed an interdepartmental working group to develop design parameters for a long-term parklet program and to make recommendations on policy considerations. This group included staff from the City Manager's Office, Community Development, Public Works, Police, and SMC Fire.

As a first step in the process, staff developed building construction guidelines to address key issues such as traffic safety, drainage and stormwater flow, and ADA accessibility. These [Custom Built Parklet Design Guidelines](#) were developed based on extensive review of existing guidelines from other cities with pre-pandemic parklet programs. Although the City has not adopted a long-term parklet program, staff made these guidelines available on our website to restaurants so that they could construct temporary parklets that could be converted to permanent installations in the future. It is expected that long-term parklet installations will provide their own traffic protection measures, including wheel stops and bollards, and will not require the use of the water-filled barricades that the City is currently providing. In addition, long-term installations will not be allowed to have the overhead structures that are currently in place to weatherize the temporary parklets and allow for outdoor dining in inclement weather. Once the pandemic is over and indoor dining resumes at full-capacity, overhead structures will not be necessary to support business operations.

In order to move forward with the development of a permanent parklet program, City Council feedback is needed on staff's recommended approach to the policy considerations for the parklet program. Staff intends to return to the City Council for adoption of a permanent parklet program prior to the close of the temporary outdoor dining extension.

Should parklets be allowed in any commercial district in the City or only in the Downtown?

The temporary parklet program allows for parklets in all commercial districts of the City. Staff recommends continuing this for the long-term parklet program for all commercial areas along the public right-of-way under the control of the City. Businesses along El Camino would not be allowed to have parklets since that right-of-way is controlled by Caltrans. Additionally, businesses in private shopping centers would not be covered by this program and would need to meet the minimum parking standards and zoning code requirements.

Should parklets be public or privately controlled spaces?

In some jurisdictions, including San Francisco, parklets are considered public spaces, which means that anyone can use them, regardless of whether they are a patron of the business that hosts the parklet. This means that restaurants cannot provide direct table service to their parklets and patrons can use them to eat food purchased from other businesses. Other cities allow the spaces to be privately controlled and exclusively used by the host business. Staff recommends allowing the parklets to be privately controlled by the host business. This will help ensure that the host business will be able to justify the expense of constructing and maintaining the parklet.

How many parking spaces can a business be allowed to use for a parklet?

The temporary outdoor dining program currently allows for parklets that extend well beyond a restaurant frontage in

order to maximize outdoor dining during the pandemic. Staff recommends limiting long-term parklets to the frontage of the host business and also capping the number of parking spaces allowed to be used by any one business to 2 parallel spaces or 3 diagonal spaces. Additionally, staff recommends that businesses at corner locations only be allowed to have parklets along one frontage of their property. This will mitigate the impact on adjacent businesses and on the broader parking supply within in the Downtown.

What should be the basis for the annual permit and encroachment fee?

The City is not currently charging fees for review of the permit application or for the use of the public right-of-way under the temporary outdoor dining program in order to help support our businesses during the pandemic. However, it is common practice for cities to charge both a permit review fee and an annual encroachment fee for parklet installations since it impacts the City's parking meter revenues and also provides a significant expansion of square footage for the business.

Staff recommends setting the permit review fee based on the staff time required to review the permit application, which will need to be reviewed by multiple departments, and to inspect the parklets upon completion. The permit review fee would be a one-time fee for when the parklet is first established and would be in addition to the annual encroachment fee. Staff estimates that the permit review fee would be set at \$500 per parklet.

The annual encroachment fee could be based on the average per parking space meter revenue in the Downtown, which is roughly \$1,000 per space. The business could be charged based on the number of parking spaces that are off-line as a result of their parklet, which would be \$2,000 to \$3,000 per year depending on the location. Alternatively, the fee could be set as a flat fee of \$2,000 in order to not penalize businesses on streets with diagonal parking, which necessitates the use of more parking spaces in order to obtain a similar square footage. Staff recommends that the annual encroachment fee be charged, regardless of whether a parklet is located in a metered parking space.

Should we place a cap on how many parklets are allowed in any area?

Staff does not know how many businesses will want to retain their parklets beyond the pandemic. Depending on the level of interest, there is a potential that parklets could significantly impact the availability of on-street parking in an area, especially outside of the Downtown where there are fewer alternative off-street parking options. As a result, the City may want to consider capping the number of parklets allowed in different commercial areas (or along specific streets in the Downtown). This would allow for parklets on a first-come, first-serve basis. Staff recommends holding off on setting caps at the present time and evaluating the demand in the initial year of the program.

BUDGET IMPACT:

The continuation of the temporary street closures and the extension of the temporary outdoor dining program results in a loss of parking meter revenue to the City. At the present, over 200 metered on-street parking spaces are not available due to the street closures and parklets. It is not possible to estimate the exact amount of the loss in revenue since the loss of on-street parking spaces is mitigated by increased use of the City's parking garages. A long-term parklet program will also result in the loss of on-street metered parking spaces, which will be partially offset by increased parking garage occupancy.

ENVIRONMENTAL DETERMINATION:

The City completed an Initial Study and Negative Declaration (IS/ND), which evaluated the environmental impact of the temporary street closure extension and is included as Exhibit A to the proposed resolution (Attachment 1). No potentially significant impacts on the environment were identified. In accordance with CEQA Guidelines Section 15304(e), the adoption of the revisions to the Temporary Outdoor Dining Guidelines and the Emergency Ordinance re-imposing the moratorium on enforcement of minimum parking space requirements and zoning regulations for commercial uses in private shopping centers 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.

Notice of the publication of the IS/ND and the discussion of the extension of the temporary street closure was published in the San Mateo Daily Journal, on the City's website, posted on the applicable streets, and mailed to all properties within 1,000 feet of the street closures.

ATTACHMENTS

Att 1 – Proposed Resolution

Att 2 – Proposed Emergency Ordinance

Att 3 – Public Comment

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