



STAFF REPORT

City Council

Meeting Date:

7/16/2020

Staff Report Number:

20-153-CC

Regular Business:

Update and consideration of modifications to the Downtown street closure and temporary outdoor use permit pilot program

Recommendation

Staff recommends that the City Council consider the feedback received on the Downtown street closure and temporary outdoor use permit pilot program and provide staff with direction for any modifications to the program. At this time, staff recommends that the pilot program should remain as originally adopted under the urgency ordinance.

Policy Issues

Businesses in Menlo Park have experienced substantial financial losses since the stay-at-home order was enacted March 16. As the COVID-19 pandemic continues to force people to change the way they interact with businesses, many local jurisdictions are considering how to increase the viability of those businesses in this new environment.

Background

On June 4, the San Mateo County health officer revised the stay-at-home order to allow outdoor dining with safety measures and other restrictions to ensure social distancing. This order went into effect June 6. On June 17, the San Mateo County health officer issued a new order that aligns the County with the State's schedule for reopening. The new order, which took effect immediately, allowed for dine-in restaurants to reopen. However, the State has since suspended indoor dining due to a rising positivity rate and number of cases. Regardless of the rapidly changing rules for dining, the need for safety measures, protocols, and distancing is expected to be needed indefinitely until the pandemic subsides. Businesses will need to continue to comply with County and State safety measures, such as sanitation protocols and the spacing of tables to provide proper social distancing. As a result, many nearby cities are reimagining how to use their public spaces to support outdoor dining while providing a safe and comfortable environment to enjoy.

On June 16, staff presented a proposal from the Menlo Park Chamber of Commerce to the City Council for a partial closure of Santa Cruz Avenue in Downtown. Staff sought direction from the City Council on the form that a closure should take as well as input on streamlining the process for businesses to obtain temporary space outdoors for expanded operations. The City Council directed staff to develop a pilot program that follows the Chamber's Santa Cruz Avenue partial closure proposal, streamlines permits for the usage of outdoor spaces, and waives all fees associated with those permits. Additionally, City Council requested that the pilot program be evaluated after 45 days for its performance in areas such as usage,

aesthetics and safety. On June 19, the City Council adopted an urgency ordinance (Attachment A) that allowed staff to close the street and implement the temporary outdoor use program.

On July 7, the Menlo Park Chamber of Commerce proposed a modification to the street closure plan (Attachment B) based on feedback received from Downtown merchants. The revised plan would allow some of the blocked portions of Santa Cruz Avenue to reopen with one-way traffic. On July 12, City Councilmembers Nash and Mueller requested that a review of the pilot program and consideration of the Chamber's proposal be conducted at the July 16 City Council meeting.

Analysis

The Downtown street closure and temporary outdoor use permit pilot program was adopted with the understanding that it was both temporary and would need to be assessed and possibly adjusted during the term in order to be successful. The City Council built in a 45-day check-in to allow for such adjustments. However, the most recent proposal for modifications to the program from the Chamber has accelerated that timeline and brought the pilot program back to the City Council for review after less than 30 days. The Chamber of Commerce has been a proponent of the program, an advocate for businesses, and is trying to find a plan that balances a variety of interests. Below is a review of the status of the program along with feedback from businesses on it. Staff will also summarize the Chamber proposal and introduce other potential modifications to the program for consideration by the City Council.

Program review

Following the adoption of the urgency ordinance June 19, Santa Cruz Avenue has been partially closed in accordance with the original proposal from the Chamber of Commerce since June 24. The City utilized concrete k-rail on loan from the Menlo Park Fire Protection District (MPFPD) to close off the traffic lanes and purchased cedar trees to place behind them for aesthetics per the direction of the Council. The trees will be planted in City parks at the expiration of the pilot program. The City has also provided barricades using a combination of rented concrete k-rail and City-owned and borrowed (from Facebook) concrete planters to the following locations:

- Four parking spaces in front of Stacks and Color Me Mine on Santa Cruz Avenue;
- Five parking spaces in front of Art Ventures Gallery and Amici's on Santa Cruz Avenue;
- Four parking spaces in front of Camper on University Drive; and
- Three parking spaces in front of Refuge on Crane Street.

While the planters were either on hand or procured at no cost, the concrete k-rail for parking spaces cost are being rented. The City Council authorized staff the ability use funding from the Downtown Streetscape capital improvement program to help fund the cost of the pilot program.

The other component of the pilot program is the temporary outdoor use permit. Using input from public works, community development, police and the city attorney, staff was able to develop an application and review process for the temporary permit and implement it June 25. Staff has seen strong interest in the permits from Downtown restaurants but moderate to low interest from retail establishments. Additionally, interest in the permit outside the Downtown core has also been relatively low up to this point. Table 1 summarizes applications received by location and use.

Table 1: Temporary outdoor use permit applications			
Use	Downtown core	Outside downtown core	
Dining	8		1
Retail	4		0
Total	12		1

The City has also received feedback from residents and businesses that are not participating in the program. Since adoption, the City has received negative feedback on the street closure from at least eight businesses in the Downtown and four residents. Nearly all negative feedback the City has received from businesses has been from retailers. Negative feedback has centered on the elimination of in drive-by traffic leading to a reduction in customers and sales for retail businesses. Generally, retailers are against the street closure, but understanding of the expanded use of parking spaces. Some resident feedback is in line with that of retail businesses, and also point out that the empty space in traffic lanes has left the Downtown with a deserted look and feel.

Street closure modifications

Staff has identified three viable alternatives for the street closure going forward. First, City Council could maintain the closure as is, which serves as the staff recommendation. Second, the Chamber has proposed a modification to the street closure to allow for a couple one-way lanes of travel to be reopened. Finally, the City Council could consider re-opening all travel lanes but closing off the majority of on-street parking Downtown for temporary outdoor use permits.

In response to feedback received to date, the Chamber of Commerce is proposing changes to the pilot program to address concerns and implement modifications for the remainder of the 90-day pilot program. The Chamber is proposing that two existing closed areas be opened to traffic. The first is southbound from Doyle through Curtis Street; the second is northbound from Crane Street to Chestnut Street. This would only open half of the street in these areas as the northbound lane from Curtis Street to Doyle Street and the southbound lane from Chestnut Street to Crane Street would remain closed. The Chamber suggests that this change would replenish some on-street parking for retail and services, aid retail walk-in trade, and mask some of the larger vacancies Downtown. Staff is concerned that this different traffic pattern may confuse people and may impact the ability to adequately assess the success of the pilot program.

In addition to the Chamber’s proposal, staff believes a another option to consider is to reopen all travel lanes along Santa Cruz Avenue while continuing to keep on-street parking primarily closed to allow for expanded business services. With this modification, restaurants or retailers could continue to request the usage of public right of way areas such as sidewalks and parking spaces. Additionally, the current program guidelines require an applicant to get the approval of a neighboring business before expanding into public right of way fronting their space. This would give merchants the means by which to deny neighboring businesses the use of parking spaces in front of their business if they deem the parking to be more valuable to them than any potential boost to their business from usage by another business. Staff believes this proposal could also achieve similar outcomes as the Chamber of Commerce’s proposal while providing potentially more clarity to the street configuration and vehicular circulation. The potential downsides include businesses and/or City may need to procure additional barricades at a time when k-rail is scarce and the loss of open space in the traffic lanes for pedestrian social distancing. Staff has received complaints about confused drivers on Santa Cruz Avenue with the current closure and believes that further changes may

introduce additional confusion.

Temporary outdoor use permit modifications

In addition to potential changes to the street closure pattern, staff has also heard from tenants and residents about how the space is used. The City Council may wish to consider to expand the allowed uses for the temporary outdoor use permit. Currently, the ordinance allows only restaurants and retailers to apply for expanded business operations through the temporary outdoor use permit. As regulations begin to tighten regarding indoor use, businesses will be considering how to modify and adapt their services. The Downtown has a number of personal services and private recreation uses (fitness studios) in the Downtown, but are currently limited to indoor operations.

Assuming portions of the street remain fully closed, the City Council may also wish to consider whether to allow operations to expand into the travel lanes. A couple of businesses already put in applications for space in those areas before becoming aware that it was not available for use under the program. The hope would be that increased use of the traffic lanes by businesses may lead to increased pedestrian traffic downtown that would offset the lost vehicular traffic that retailers have indicated is needed for their survival.

Indemnification of MPFPD

I In addition to the potential modifications, the MPFPD is requesting that they be indemnified in the event of any accident resulting from the k-rail associated with the pilot program since they provided the k-rail that was used to close off portions of Santa Cruz Avenue. MPFPD made this request after offering the k-rail and after some of the permits had already been issued.

Impact on City Resources

The impact on City resources will depend on the modification selected by the City Council if a modification is desired. Any modification will impact staff time and progress on other projects as the program will continue to be a high priority in both the public works and community development departments.

The City Council made \$300,000 in the downtown streetscape capital improvement fund available for any unexpected expenses related to the closure of Santa Cruz and implementation of the temporary outdoor use permit process. Those funds have been used in the procurement of trees and concrete k-rail additional to that which was provided by MPFPD. Staff will continue to utilize those funds on unexpected expenses related to the program.

Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it will not result in any direct or indirect physical change in the environment.

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 24 hours prior to the meeting.

Attachments

- A. Hyperlink – June 19 Staff Report #20-131-CC and Ordinance No. 1070:
menlopark.org/DocumentCenter/View/25471/C1-20200619-CC--Santa-Cruz-closure-Ord
- B. Chamber of Commerce proposed modification

Report prepared by:
John Passmann, Management Analyst II

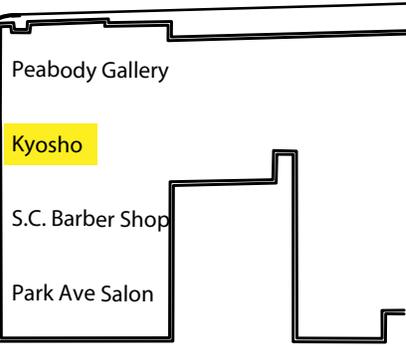
Report reviewed by:
Deanna Chow, Assistant Community Development Director

Color Key

-  Roadblocks
-  Street Closures
-  Restaurants
-  Cafe Dining (existing)
-  Outdoor Expansion (as requested)
-  Bicycle Parking Zone
-  Directional Traffic Pattern

ATTACHMENT B

EL CAMINO REAL



JOHNSON LN



VACANT
(Ceci Wong)

Bank of America

MALONEY

Union Bank



Dolma Carpets

Abby Carpet

Dolma Handicraft

Cheeky Monkey



La Migliore Salon

Breeze-way

Chase

Bow Wow Meow

DOYLE ST



Harvest



Walgreens

VACANT
(Una Mas)

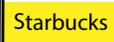


PLATE 1
South

North

Match Line

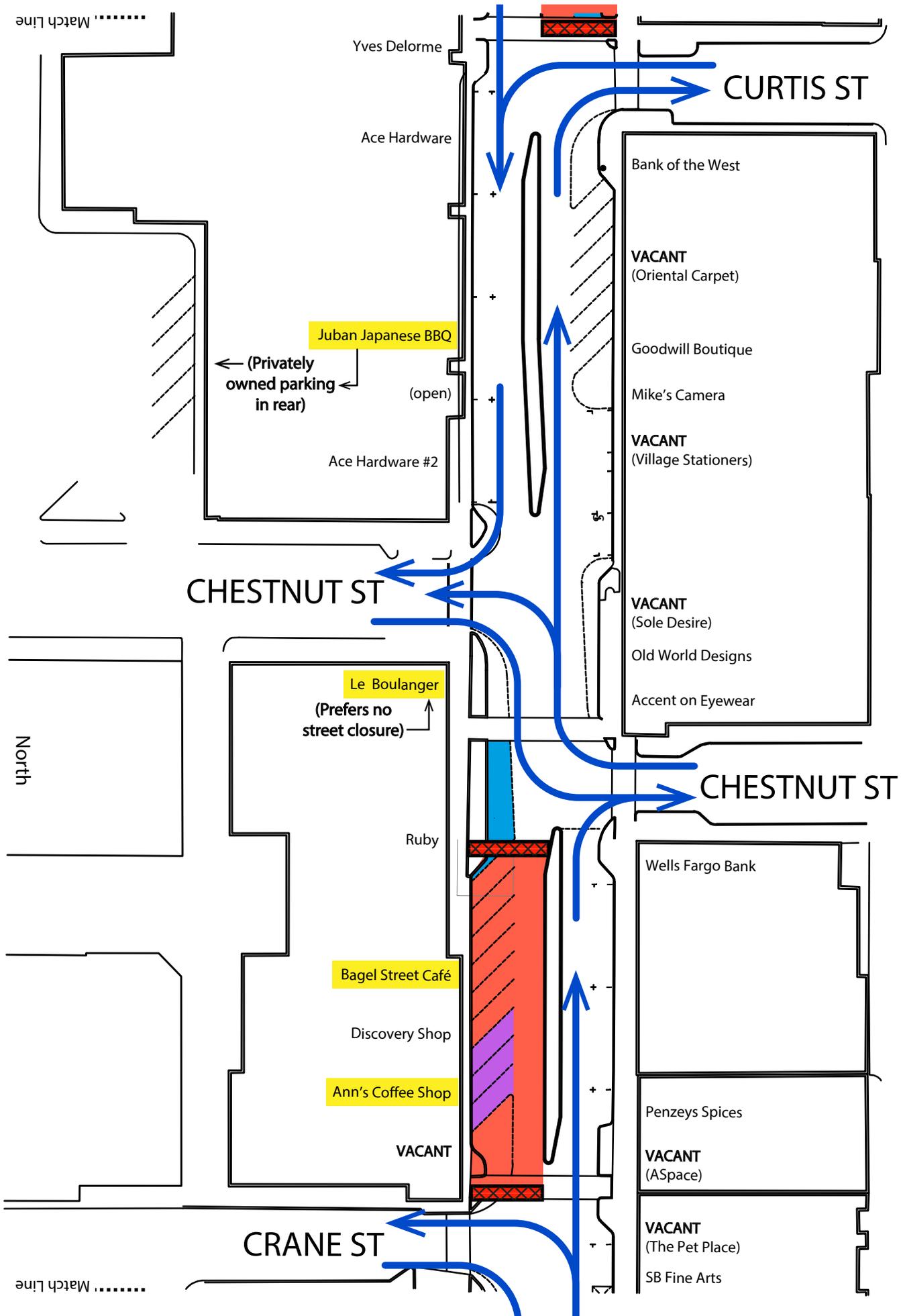
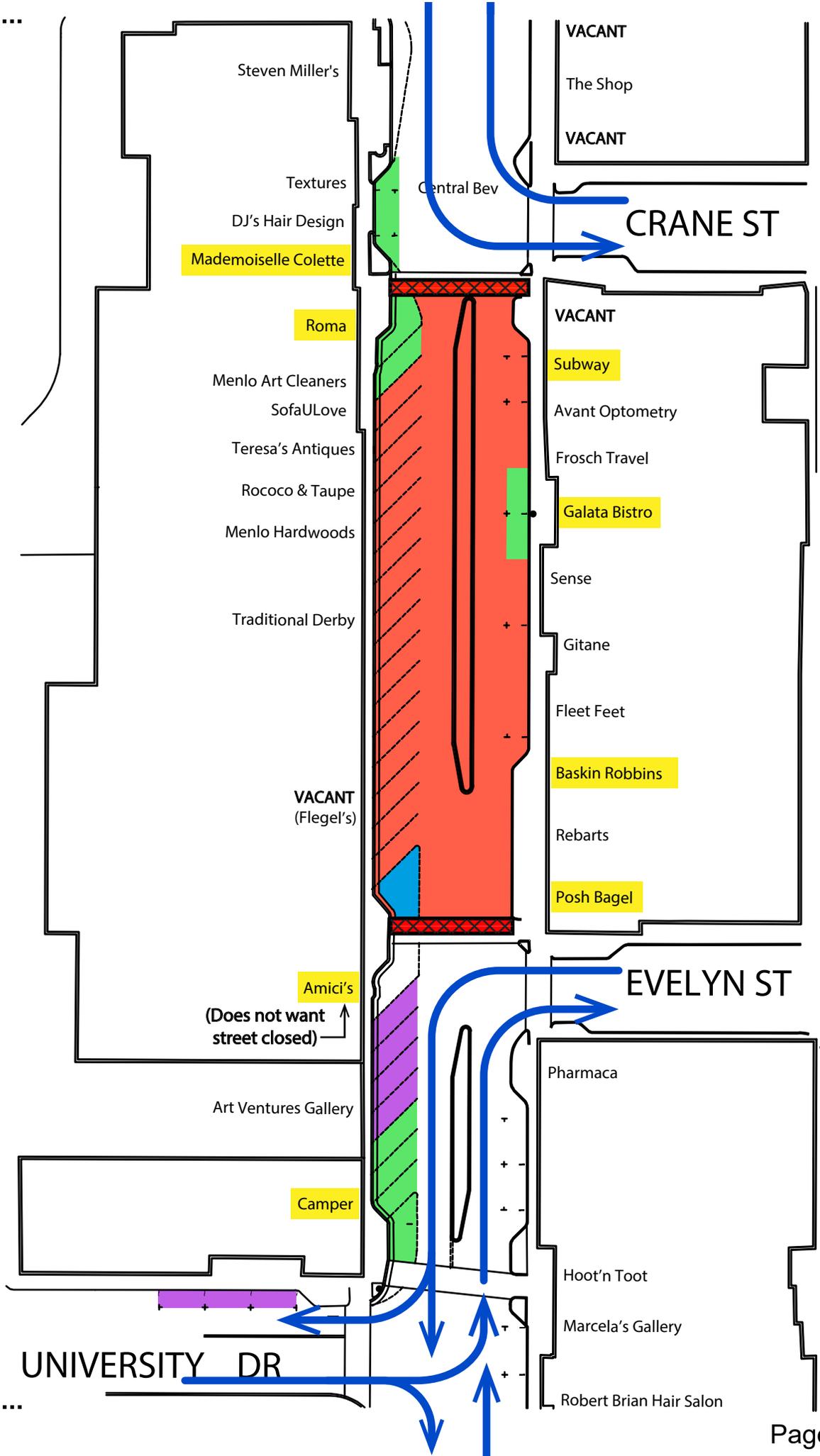


PLATE 2 South

..... Match Line

North

..... Match Line



VACANT

The Shop

VACANT

Central Bev

CRANE ST

VACANT

Subway

Avant Optometry

Frosch Travel

Galata Bistro

Sense

Gitane

Fleet Feet

Baskin Robbins

Rebarbs

Posh Bagel

EVELYN ST

Pharmaca

Hoot'n Toot

Marcela's Gallery

Robert Brian Hair Salon

Steven Miller's

Textures

DJ's Hair Design

Mademoiselle Colette

Roma

Menlo Art Cleaners

SofaULove

Teresa's Antiques

Rococo & Taupe

Menlo Hardwoods

Traditional Derby

VACANT
(Flegel's)

Amici's

(Does not want
street closed)

Art Ventures Gallery

Camper

UNIVERSITY DR

PLATE 3

South

12
Restaurants
in closed
area;
3 not