



Architectural Review Board AdHoc Meeting Agenda: June 1, 2022

Community Meeting Room & Zoom
3:00 PM

<https://zoom.us/join>

Meeting ID: 965 6189 1491

Phone number: 1 669 900 6833

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AdHoc Committee Agenda

1. Discussion of Permanent Parklet Program Including Design, Policy, Operations, Committee Organization, and Other Related Subtopics

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1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
 2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
 3. The Chair may reduce the allowed time to speak to two minutes or less to accommodate a larger number of speakers.

Palo Alto Architectural Review Board

Boardmember Biographies, Present and Archived Agendas and Reports are available online: <http://www.cityofpaloalto.org/gov/boards/architectural/default.asp>. The ARB Boardmembers are:

Chair Osma Thompson
Vice Chair David Hirsch
Boardmember Peter Baltay
Boardmember Yingxi Chen
Boardmember Kendra Rosenberg

Public comment is encouraged. Email the ARB at: arb@CityofPaloAlto.org.

Material related to an item on this agenda submitted to the ARB after distribution of the agenda packet is available for public inspection at bit.ly/paloaltoARB.

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Architectural Review Board

Staff Report (ID # 14475)

Report Type: Subcommittee Items **Meeting Date:** 6/1/2022

Summary Title: Discussion of Permanent Parklet Program

Title: Discussion of Permanent Parklet Program Including Design, Policy, Operations, Ad Hoc Committee Organization, and Other Related Subtopics

From: Jonathan Lait

Attachments:

- Attachment A (PDF)

ARB Ad Hoc Meeting—June 1, 2023

The following combines notes and consolidated comments from the May 5, 2022 ARB meeting and the May 9, 2022 City Council meeting. The notes outline the key topics the ARB subcommittee needs to discuss.

Today's meeting will provide an overview of the topics and a proposed work approach and organization in order to bring back recommendations to the rest of ARB in July.

1. Program Approach & Intent

a. Indoor vs. Outdoor Space

- i. Are we creating inside outside or is this more *al fresco* dining?
- ii. 2 Councilmembers indicated a preference for this to be outside space and more towards *al fresco* dining.

b. Heaters – Electric vs. Propane – Given the above item (a), what role does climate control play for parklets?

- i. Pros & cons
- ii. Process for faster electric upgrades/permits (ready-made design?) when in conjunction with a parklet

In the section below, italics indicate comments from City Council and plain text indicates ARB member comments.

2. Design Considerations - ARB Subcommittee will discuss & make recommendations to the City Council

a. Side wall/ Siding

- i. *36" height*
- ii. *36" and transparency for sidewalls seems ok.*
- iii. *36" height barriers*
- iv. promote visual connection
- v. 36 inches should be the maximum of enclosure (plus or minus 2 inches) (42 inches is too high)
- vi. guardrail should not be building specific--not a good justification
- vii. visibility is critical
- viii. keeping the height at 36 inches
- ix. Some kind of shade or side protection is necessary
- x. agree on 36 inches
- xi. agree on guardrail restrictions
- xii. Side wind screen is important
- xiii. transparency is important
- xiv. **36 inches solid element--above which visibility required**

b. Colors

- i. Support more neutral color*
- ii. matching business décor makes sense.*
- iii. Not sure the color is the issue--as much as the design and the tents
- iv. Agree about the colors--extension of the business
- v. More flexibility on colors
- vi. Should not restrict color at all
- vii. No restricting color (4-1)**

c. Materials – Mostly Done - ARB may further this discussion, providing more prohibited materials and/or allowable materials

- i. Need to improve the aesthetic and design quality*
- ii. No tents*
- iii. Want to eliminate plastic, vinyl fabric
- iv. Prohibit tent-like structures
- v. Do not think there should limit use of aluminum
- vi. Soft or accent features
- vii. Aluminum should be allowed
- viii. Support restricting vinyl
- ix. Materials roofs: Plywood sheathing shall not be left bare--painted or stained.
- x. Fabric should be allowed (canvas)--with the condition that no heater is allowed
- xi. Okay encouraging wood and natural materials
- xii. No tarps or soft plastic materials
- xiii. ARB Straw Poll: Prohibit tent-like structure**

d. Bike parking and/or other uses in the 4-foot end setback

- i. Office of Transportation does not support any bike parking w/in the 4 ft setback adjacent to parklets in parallel parking spaces.
- ii. OOT is supportive of bike parking next to angle parking parklets.

e. More attractive alternatives for delineator and/or wheel stops

- i. OOT is not able to identify “more attractive” alternatives. OOT recommends MUTCD rated delineators, reflectors, and wheel stops.
- ii. With the MUTCD rated items there is some variety in coloring and shape; OOT is open to allowing applicants to choose from a variety of safety features. These, however, all have similar characteristics.

f. Landscaping & Planting Proposal – ARB agreement?

This section contains standards commented on by ARB and City Council that staff are exploring regarding staff recommendation and/or constraints to adjustments.

3. **Basic Guidelines (Staff Research) - 5/17/22**

- a. Bike parking and/or other uses in the 4-foot end setback
- b. Are there alternatives to Traffic Safety features (i.e. wheel stops, reflective delineators?)
- c. Can staff achieve this: **Distance from manhole cover**--make it more flexible for applicants not so rigid
- d. *Is this permissible?* Roofs should be set to 8 foot minimum not 9 foot minimum
- e. *Does public works support this?* Want wires to go under the sidewalk
- f. **Lighting** - Staff to provide appropriate lumens and/or other easily identifiable characteristic of the lighting in order to create desired environment
 - i. OOT – any needs to avoid omnidirectional lighting?
 - ii. Suggested lumens/footcandle/watt/etc. - Sophie to research
- g. Need to clear up lighting/ Power supply section (may come up more ARB)
- h. *Response?* Do not need to require design professionals to sign and stamp plans for roofs (should include architects and landscape architects)
- i. *tree clearance:* clearance to street trees--also more flexible for applicant
- j. Improve line weights on diagram
- k. Allowing other uses on parklets – Do we need to come up with parameters for activities taking place on parklets (sales, exercise, etc.)

Notes from Decision-Maker Meetings

Notes Key:

City Council Comments

ARB Comments

Key ARB Discussion Topics:

INDOOR/OUTDOOR

- *All weather space or outdoor space?*
- *Let's plan for future of outdoor dining.*
- *Sidewalls – making a distinct experience between indoor and outdoor dining experience. Is this a lease of more indoor space vs. an outdoor dining experience? This is the distinction to keep in mind.*
- *What's our vision: additional in door space or alfresco? Lean towards al fresco.*

GUIDELINES

- ***Landscape & Plants – DONE - based on ARB & Council feedback, the program will remain as proposed (5-9-22)***
 - No Astro turf
 - *Support strong preference for plants and encouraging greenery.*
 - *support vegetation (real)*
 - *Landscaping and planters – support ARB recommendation; having planters is great, let the business decide what's there. Encourage greenery*
 - *No Astro turf*
 - Vegetation is critical
 - Vegetation: Encourage that and require it
- ***Materials – Mostly Done - ARB may further this discussion, providing more prohibited materials and/or allowable materials***
 - *Need to improve the aesthetic and design quality*
 - *No tents*
 - *Want to eliminate plastic, vinyl fabric*
 - *Prohibit tent-like structures*
 - *Do not think there should limit use of aluminum*
 - *Soft or accent features*
 - *Aluminum should be allowed*
 - *Support restricting vinyl*
 - *Materials roofs: Plywood sheathing shall not be left bare--painted or stained.*
 - *Fabric should be allowed (canvas)--with the condition that no heater is allowed*
 - *Okay encouraging wood and natural materials*
 - *No tarps or soft plastic materials*
 - ***Prohibit tent-like structure***

- **Lighting** - Staff to provide appropriate lumens and/or other easily identifiable characteristic of the lighting in order to create desired environment.
 - *Lighting – could be disruptive in other areas.*
 - Remove shielding down lighting requirements
 - Identify strength of light (lumens)
 - **Lights (directionality)--more freedom**

- **Technical Requirements**
 - Need to discuss
 - *Can staff achieve this:* Distance from manhole cover--make it more flexible for applicants not so rigid
 - *Is this permissible?* Roofs should be set to 8 foot minimum not 9 foot minimum
 - Need to clear up lighting/ Power supply section
 - *Does public works support this?* Want wires to go under the sidewalk
 - *Response?* Do not need to require design professionals to sign and stamp plans for roofs (should include architects and landscape architects)
 - *Street tree clearance:* clearance to street trees--also more flexible for applicants
 - Improve line weights on diagram
 - Can anything be placed in the 4 ft. setback (i.e. bike parking)?
 - *Be clear about disabled parking, curb ramps, bus stops, loading zones, etc. Be clear about areas where parklets cannot go.*
 - *no blocking of curb ramps,*
 - Platform--ADA compliant critical. Should the platform be allowed to be sloped? should there be restrictions?
 - Do not need to require design professionals to sign and stamp plans for roofs (should include architects and landscape architects)
 - Maximum slope needs to be described.
 - Heaters shall not be used with umbrellas
 - Limit size of parklets if possible
 - amplified sounds should be allowed (restrictions okay)
 - Make clear simple diagrams for applicants to use to the extent possible
 - *Signage – concerned about a plethora of signs.*

- **Miscellaneous**
 - *Encourage parklet OR sidewalk encroachment, not both.*
 - Would hate for all of them to start looking alike
 - agreed on all aesthetic comments

HEATERS + POWER SOURCE

- *allow any type of heater as long as installed/used safely;*

- *Propane heaters – don't allow propane heaters for safety and ghg. (Cormack)*
- *Power – transition to electric w/propane in the meantime.*
- *Not allowing the propane is a problem*
- *Need to have a streamlined program to update electrical program*
- *Propane should be allowed*
- *Use of space heaters--apply the private patio regulations*

OPERATION/ MAINTENANCE

- **Cleaning**
 - *how can this be cleaned*
 - *Permit holder to clean trash and debris. This is their space and their place of business; they should clean it.*
 - *Downtown streets team could help hand clean areas that need it.*
- **Enforcement**
 - *Interim enforcement needed.*
 - *Start enforcement of the rules. Have compliance during the interim rules. What we do now reflects what we do when permanent; so build confidence of users and residents.*
- **Miscellaneous**
 - *Consider delivers/loading and unloading is taken into consideration. Not having deliveries negatively*
 - *Lease length*
 - *One year might be pretty short (if we're going to be in the business of being landlords*
 - *Might want to think about longer lease?*

BIKE PARKING

- *Bike parking; need more bike parking*
- *Something about bike parking*
- *Lack of bike parking needs to be addressed.*
- *Bike parking needed – discourage chaining bike to trees.*
- *Bike parking is important*
- *Integrate and consider bike parking while maintaining access*
- *Bicycle storage--could also use the space between the parklet could put benches for pedestrians who aren't dining at the parklet*

Additional Topics to be discussed, time permitting:

NEIGHBORING BUSINESSES

- *Neighboring properties and what happens when a business goes bankrupt, especially what happens when tenants vacate (parklet may have been acceptable by both, but then not acceptable when things change).*
- *City should decide if getting a letter of support from a neighbor is not attainable;*

- *Parklet area options (1) either limit to in front of a store front or (2) city as landlord, and can lease to the business as it wants to w/o concern of neighboring business.*
 - *That leads to lease terms.*
 - *If electric heating required having a 3 – 5 year lease might be reasonable.*
 - *Enforcement and remedies need to be contemplated. What happens if the store goes bankrupt. V*
- *In front of other store front – thorny issue. Feels complicated. Maybe go the City as landlord direction (see DuBois)*
- *Neighboring business & property owner – makes sense for neighboring business owner to object; property owner doesn't seem necessary. Perhaps more informal approval from prop owner [acknowledgement]. Agree this is public property and city should lease/manage*
- *Neighboring business – maybe a right of first refusal for space in front, and if they don't take it, then its available for a neighboring business*
- *Adjacent property owners not part of the motion; only for consumer businesses.*
- *Neighborhood business approval—key point*
 - *Is the city the landlord?*
- *Two forms of objections (seems more important to have the business owner not the property owner)*

FEES

- **Method**
 - *Look at sales tax generated from restaurants in order to better understand appropriate fee rate and/or methodology as a portion of taxes (using taxes as a proxy for overall revenue generation).*
 - *Fees generated should be for the business to remain in business, consider sales tax revenue as part of those fees;*
 - *Set fee to cover costs and further analysis of what that fee would be. Also review sales tax revenue to the city. And other benefits that aren't financial*
 - *Build into the rates (consideration) the other revenues the city is getting.*
 - *Cost Recovery for Staff time.*
 - *Also maintenance and repair of the streets.*
 - *City to lease value based on the value not the cost.*
 - *Parking in lieu fee amortized over 10 years seemed more appropriate.*
- **Process**
 - *Value & leasing – city as PM to lease space and have an idea of how much parking inventory we have. More leases could increase the need for parking.*
 - *Also, a longer-term lease; use something like the parking annual permit as more akin to annual permits.*
 - *Rental rates – implement over time. Maybe 2 years where the rates increase over time.*

- *City acting as a landlord of the properties. Separate the lease of the space so that the only person with rights are the applicants and the users. In this environment the city deciding.*
- *Two year implementation/ step rate of rental rates*
- **Cost**
 - *Same high standards as for any other projects; these are not inexpensive changes*
 - *That also affects lease rates; these aren't indoor spaces.*
 - *Having a better understanding of the cost of the staff person and having the program cover those costs*

FURTHER RESEARCH REQUESTS

- *Look at pre-covid cities (such as San Diego). Favorable to San Diego; access panels, 30 days removal, historic district, where they can/can't be*
- *Deliberate about loss of on street parking spaces.*
- *Incorporating seating in setback*
- *Incorporate planter and reflective strip instead of wheel stop and delineator*
- *Ask if alternatives to the wheel stop (OOT)*

ALCOHOL

- *Alcohol – if they have a license to serve inside, then let it extend to outside. [without CUP amendment?]*

PERMIT PROCESS

- *Process for helping folks get along; perhaps some process for case-by-case review*
- *Excess parking; how many parking spaces should we convert to parklets.*
- *Lease length – 1 year to short; longer lease term advisable.*

CITY PROJECTS

- *Look at drive aisles and change drive aisle dimensions to create more parklets safely, and only build once; support retailers;*

OTHER USES

- *Allow vendors w/o a storefront.*
- *Explore other types of businesses (not just restaurants) using parklets.*
- *Supportive of retailers using the space as well; example a toy store w/an interesting outdoor installation.*
- *Explore other users for parklets—beyond restaurants*
- *Allow other types of businesses to have parklets? Up for debate*

MISCELLANEOUS

- **Economics & Framing**
 - *priority of economic recovery and transition. As things are transitioning, different work models, retail models, other future changes.*

- *Retailers benefit from more vibrancy due to more foot traffic. Example – Ramona Street reflecting this.*
- *Other things the city can do to promote economic development in these areas; wayfinding, entrance signs.*
- *This is a business opportunity for business and the voters shouldn't subsidize the use of the space.*
- **Parking Loss**
 - *Parking at Stanford shopping center – [paraphrase: no one cares they have to walk far to the entrance]*
 - *Contemplate what about parking? Making sure there is sufficient parking space.*
 - *Diverse downtown used by diverse businesses. Take this into consideration moving forward when removing parking spaces for parklets.*
 - *Report was silent on parking demand*
- **ARB Subcommittee**
 - *Kick back things to the ARB. Including colors; like colors of fabric roof, enclosures, etc. maybe ARB set a standard and if they want exceptions, they go to ARB. An intermix of art and physical structures.*
 - *ARB – support most of their recommendations.*
 - *Support extension for ARB review.*
- **Miscellaneous**
 - *Curation of the space to have complimentary uses proximate to each other. Such as Stanford shopping center. So maybe involve property owners as they have incentive to be engaged in maximizing economic activity.*
 - *Not having this taking over the sidewalk (chairs, podiums for hostess, sandwich boards, etc). Make sure pedestrians don't feel they are walking through a private area, ADA compliance, etc.*

CLOSED STREETS

- *Different parklet rules for closed streets than when there is traffic.*
- *Yes make different on open and closed street conditions. Get folks on sidewalks for closed streets.*
- *Open vs. closed streets – when it comes back think through if this program should differ in these areas. What amenities surround parklets on closed streets.*
- *More than restaurants. Cobblers a good example of a retailer using the street space. Adds vibrancy but also not adding pop ups that further compete with existing retailers. Using this to draw people into the stores, not necessarily selling on the streets*
- *Open and closed streets different rules. Come back with different rules.*