



City of Palo Alto

City Council Staff Report

(ID # 12041)

Report Type: Action Items

Meeting Date: 4/19/2021

Summary Title: Resolution to Extend Street Closure Authority and Discuss Parklet Program

Title: Consideration of Actions and Direction to Support Community and Economic Recovery by: 1) Adoption of a Resolution to Extend the City Manager's Authority to Close Portions of University Avenue, California Avenue and Surrounding Streets for the Uplift Local Streets Program Until September 7, 2021; and 2) Provide Direction to Staff on the Extension, Discontinuance, or Efforts to Develop a Permanent Parklet Program

From: City Manager

Lead Department: Planning and Development Services

Recommendation:

Staff recommends that Council:

- (1) Adopt the attached resolution extending the City Manager's authority to close portions of University Avenue and certain intersecting streets, and to close portions of California Avenue and certain intersecting streets until September 7, 2021 or another date certain; and
- (2) Provide direction to staff regarding the extension, discontinuance, and/or efforts to develop a permanent parklet program.

Executive Summary:

This report and recommendations concern two local pandemic community response and recovery programs: the Uplift Local Streets program and the temporary parklet program. Through the Uplift Local Streets program, portions of University Avenue, Ramona Street, and California Avenue have been closed to vehicular traffic to connect the community to outdoor activities such as dining, public art and more. With the current authorization for the program ending on May 31, 2021, this report seeks Council direction on the program's future. The Council may extend the closure, allow the closure to sunset, or keep the closure on California Avenue while re-opening University Avenue.

The temporary parklet program expires on September 7, 2021. Depending on what the City anticipates being the future needs of the local community at that time, and how far the County will have come in ending the pandemic, the Council may want to extend the program or maintain that deadline. The Council may also direct staff to develop a permanent parklet program. If Council directs staff to develop a permanent program, staff recommend extending the temporary program deadline to provide adequate time to develop the permanent program and for current permittees to apply for and receive a permanent permit.

Background:

On March 4, 2020, California Governor Gavin Newsom declared a State of Emergency due to the threat of Coronavirus Disease 2019 (COVID-19). The City of Palo Alto and County of Santa Clara issued respective declarations of emergency shortly thereafter. Several City related efforts are tied to the City's local proclamation of emergency including the street closures, eviction moratorium, face covering restrictions, and more. As such, the continuation of local programs may be limited as State, County, and City emergency restrictions are lifted.

Since the beginning of the pandemic, shelter in place orders have been implemented, relaxed, re-implemented, and lifted. The shelter in place orders aimed to limit or prohibit certain activities in order to reduce the spread of COVID-19. Throughout the pandemic, California has experienced both surges in transmission and deaths from COVID-19, as well as periods of lower transmission, illness, and death. In addition, the state government has issued more specific and uniform guidance to a wide range of industries that allow many activities to resume in ways that reduce the risk of transmission of COVID-19.

On August 28, 2020, California Governor Gavin Newsom published his Blueprint for a Safer Economy. Among other things, the Blueprint created a 4-tiered, color-coded rating system. Based on specific virus-related metrics, counties are rated. Based on its rating, different activities can resume in a county. After a Regional Stay at Home Order during December 2020 and January 2021, the state has returned to using the color-coded system. As of the writing of this report, Santa Clara County is in the orange tier, meaning moderate community spread of COVID-19 is occurring. The County is tracking current COVID-19 case counts and as of this writing, cases have plateaued, reflecting new variants that exist within the County and other areas of the State and nation.

On April 6, 2021, Governor Newsom issued a press release stating that state would end the color-coded tier system on June 15. The system's end depends on meeting two criteria:¹

1. Sufficient vaccine supply for Californians 16 years and older who wish to be inoculated;

¹ <http://www.oesnews.com/governor-newsom-outlines-the-states-next-step-in-the-covid-19-pandemic-recovery-moving-beyond-the-blueprint/>

and

2. Hospitalization rates are stable and low.

If these criteria are met, the state has said “common sense” regulations—such as mask wearing and vaccine or testing verification for large events—will stay in effect. Otherwise, the California economy will fully reopen. As mentioned above, the City’s local proclamation of emergency is the vehicle through which many of the current programs in response to the pandemic are authorized. As more is known about the specifics of the potential end to the COVID-19 color-coded tier system, staff will continue to evaluate impacts on the City’s regulations and bring forward areas for Council consideration as needed.

Approval by the Food and Drug Administration of three vaccines against COVID-19 has led to nationwide efforts to inoculate as many people as possible as quickly as possible. President Biden has set a goal that all states will offer the vaccine to adults ages 16 and over by May 1, 2021 and recently moved that date up to April 19, 2021. Additionally, a goal has been set to ensure every American who wants a vaccine, can receive one by June 2021. Despite the goals, supplies of vaccines remain limited. As of April 2, 2021, 22.4% of Santa Clara County residents over the age of 16 had been completely vaccinated; 38.1% had received at least one dose.

Local Actions Related to Outdoor Dining & Uplift Local Streets

Throughout the pandemic, the City Council has provided leadership for Palo Alto through a truly unprecedented time. The City Council took several actions specifically related to business districts seeking to support community and business recovery efforts and connect the community to local outdoor activities. Two of those actions, the closure of certain public streets and the development of a temporary parklet program, are set to expire on May 31, 2021 and September 7, 2021, respectively.

The “Uplift Local” program originally began as “Summer Streets.” On June 8, 2020, the Palo Alto City Council held a study session to discuss how the City might facilitate and enhance opportunities for outdoor dining and outdoor retail throughout the City of Palo Alto. Council approved Resolution 9909 on June 23, 2020 that authorized the City Manager to close certain portions of University Avenue and California Avenue. The resolution also authorized the development and implementation of a temporary parklet program. The branding “Uplift Local” has since been expanded to incorporate a range of community support elements such as business promotions, public art, and community engagement in addition to street closures.

On August 10, 2020, the City Council voted (7-0) to extend the temporary parklet program until September 7, 2021. This end date provided over 1 year from time of adoption for a restaurant to recover the cost of investing in a parklet. As the planned sunset of the temporary parklet program draws near, staff seek direction from the Council: (1) Shall the temporary program end? (2) Shall a permanent parklet program be developed?

Most recently, on November 9, 2020, the City Council voted 6-1 (DuBois dissenting) to extend the closures of portions of California Avenue and University Avenue to vehicular traffic until May 31, 2021. This resulted in the continuance of the Uplift Local street closures. Absent further Council action, the program will end on May 31, 2021.

Discussion

The Council is asked to consider and provide direction regarding (1) the sunset or continuance of the Uplift Local Streets program and (2) the future of the temporary parklet program. Understanding the current impacts of the pandemic and forecasting future impacts is foundational to the continuance or sunset of these programs. Both programs allow businesses to operate outdoors, which decreases the risk of spreading COVID-19. In addition, the Uplift Local Streets program also allows expanded areas for residents and visitors to enjoy the outdoors while remaining at a social distance. If the pandemic continues to recede and ultimately ends, the programs may no longer be needed as a public health measure. If, however, progress stalls or the County experiences increases in transmission, the programs may be needed.

If the County’s metrics continue to improve, more activities will be allowed indoors and at greater capacities. As metrics improve, restrictions on a variety of activities are reduced. Table 1 shows the capacity restrictions at each tier for dining and retail.

Table 1: Capacities for Certain Industries Under Blueprint for a Safer Economy			
Tier	Indoor Dining	Indoor Retail	Gyms
Purple: Widespread	Outdoors only	Open indoors 25% max capacity	Outdoor only
Red: Substantial Spread	Open indoors 25% capacity	Open indoors 50% max capacity	Open indoors 10% max capacity
Orange: Moderate Spread	Open indoors 50% capacity	Open indoors	Open indoors 25% max capacity
Yellow: Minimal Spread	Open indoors 50% capacity	Open indoors	Open indoors 50% + saunas and steam rooms
Possible end of State tiered system on June 15, 2021			

At present, the distribution of vaccines and other factors are leading to improvements in Santa Clara County and throughout the Bay Area. Overall, transmission of the virus and hospitalizations due to the virus have decreased. Anecdotally, a local jewelry retailer remarked that regular customers have begun returning to the store; with many proudly announcing they had received a vaccine. This may indicate that as the vaccine becomes more prevalent, hesitancy about being indoors may decrease.

Despite positive gains, some health experts warn that a resurgence in the virus could occur. A future resurgence could be caused by relaxed restrictions, increased travel, the presence of at least four more-contagious variants of the virus, insufficient supply of vaccine doses, and reluctance among many adults to get vaccinated.²

It is in this context that the Council is asked to consider extending, discontinuing, or modifying the local programs that have been enacted. Specifically, Council is asked to consider those programs originally authorized by resolution 9909. Other programs, such as allowing retail outdoors, were authorized by a temporary ordinance; the expiration of this ordinance is tied to the local proclamation state of emergency. The items contained within the ordinance shall remain in effect for the duration of the Local Emergency or until December 31, 2020, whichever is later.³

Uplift Local Program

The Council authorized the City Manager to close certain streets to vehicular traffic through May 31, 2021 for the purposes of expanding outdoor activities. The authority includes University Avenue between High Street and Cowper, as well as 1 block north and 1 block south of University along the intersecting streets. The authority also includes California Avenue from El Camino Real to Birch, and intersecting streets.

Staff recommend extending the authority for the street closures through September 7, 2021. This would allow the streets to be closed through Labor Day, seen as the traditional “end of summer.” The extension gives the City flexibility as the region continues to have positive gains, but lingering uncertainty. This would allow outdoor dining and retail to continue, and guard against returning too many activities indoors before herd immunity is reached. As the case to date, the City Manager could modify closures where feasible to balance pedestrian and vehicle access needs on individual blocks.

If metrics improve significantly, the street closures may not be necessary or desirable. In this case, the City Manager will have the authority to end the closures. If, however, the resolution is not extended by Council action, street closures will end on May 31, 2021.

Alternatively, the Council may connect the program to the state’s tiered system. In this scenario, the resolution would still have a fixed end date; but a clause would be added stating that the City Manager does not have the authority to close the streets when Santa Clara County

² Assorted polls indicate sizeable portions (19% and 14%) of the adult American population say they will not get the COVID-19 vaccine. Reluctance, hesitancy, and outright refusal may continue spread of the virus and jeopardize herd immunity. <https://www.forbes.com/sites/andrewsolender/2020/05/08/many-americans-say-they-would-refuse-a-coronavirus-vaccine/?sh=47ebafab71f6>

³ Temporary Ordinance:

<https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=63066.98&BlobID=77635>

exits the tiered system, as established by the State of California. The attached resolution (Attachment A) will need to be updated if Council prefers this option.

Finally, Council may choose to extend to the City Manager the authority to close California Avenue through the summer and/or the fall, while discontinuing the authority for street closures on University Avenue.

Downtown & University Avenue

Currently, the Downtown Uplift Local program includes University Avenue from Ramona Street to Cowper Street. The program also includes ½ block of Ramona Street from Hamilton Avenue north towards University Avenue. See Attachment B for an aerial map.

Staff have renewed efforts to assess the success of the street closure by counting the number of patrons, pedestrians, and cyclists on Uplift Local streets. Table 2 displays the level of activity on Uplift Local streets. With the recent Council approval of a contract for vehicle counts, additional traffic data is also being collected. As the weather improves, staff anticipates activity will increase. Evenings remain busier than daytime; and weekend (Friday night) is busier than weekdays (Wednesday).

Table 2: University Avenue - Based on Peak of the Hour Activities			
	3/3/2021 Weekday Dinner	3/5/2021 Weekend Dinner	3/24/2021 Weekday Lunch
Walking/Standing	75	80	77
Seated	74	182	87
Biking	5	No data	5
TOTAL	154	262	169

Table 3: University Avenue - Averages			
AVERAGES	3/3/2021 Weekday Lunch	3/5/2021 Weekday Dinner	3/24/2021 Weekend Dinner
Walking/Standing	77	75	80
Seated	87	74	182
Biking	5	5	No data

A survey to gather the preferences of local residents, businesses, and landlords is currently being conducted at the time of the development of this staff report. Staff will prepare this information for the City Council presentation, providing additional time for public input. Last year, when a survey was conducted regarding the Uplift Local Streets program, over 100 survey respondents voiced an interest in closing University Avenue to traffic every summer.

In the Downtown area, business owners and landlords remain divided regarding their preferences for opening or closing the streets to vehicular traffic. In Downtown, most retailers have not decided to display any merchandise outdoors, so the closed streets are occupied by restaurants. Many restaurants rely on availability of outdoor dining in the roadway to operate. The roadway provides an opportunity for more seating, in some cases allowing restaurants to return to move their indoor capacity completely outside.

Even as indoor dining becomes allowed, patrons may be reluctant to dine indoors. Restauranters point out that the capacity for retail businesses, though diminished, has remained higher than the capacity for restaurants and that shoppers can continuously wear masks, while diners cannot. It should be noted that in the State's yellow tier, the least restrictive tier, restaurants may seat up to 50% capacity indoors.

Other businesses, however, feel that their customers need vehicular access to their location, or that the foot traffic is not a substitute for the exposure vehicular traffic provides. These businesses feel the street closure unfairly favors restaurants at their expense.

In December 2020, the state prohibited outdoor dining. During that time, the streets opened to vehicular traffic again. At least one retailer reported their sales increased at that time. Some of the increases, however, may be attributed to the holiday shopping season. In late January 2021, outdoor dining became allowed again. The City asked ground floor businesses downtown to vote on whether or not they wanted to return to street closure, partial street closure, or to keep the street open. In the end, the votes favored a return to the current street closure footprint (which has been implemented since fall 2020). The results indicated a strong difference of opinion remained.

The City has been working to find a solution that might allow Downtown to take advantage of the best parts of the Uplift Local policies. Council supported a \$150,000 capital improvement project to develop a conceptual plan to redesign University Avenue. Early-stage implementation could use bollards or other means to close/open the streets for shorter periods of time; such as weekend only. This would relieve the tension of an "all or nothing" approach to the closures. Such a solution, however, will not be designed or implemented by May 31, 2021.

If the street closure is not extended Downtown, restaurants could continue to operate outdoors via sidewalk dining and/or parklets, subject to continuation of a parklet program.

California Avenue

Currently, the California Avenue Uplift Local program includes California Avenue from El Camino Real to Birch Street. See Attachment B for an aerial map.

Staff have renewed efforts to assess the success of the street closure by counting the number

of patrons, pedestrians, and cyclists on Uplift Local Streets. Tables 4 and 5 display the level of activity on Uplift Local Streets. These dates were colder than previous counts in summer 2020; still the trend of weekends being busier than weekdays holds. Additionally, though California Avenue’s Uplift Local Street footprint is shorter than University Avenue’s, the participation is comparable.

Table 4: California Avenue - Based on Peak of the Hour Activities					
	3/3/2021 Weekday Lunch	3/5/2021 Weekend Dinner	3/24/2021 Weekday Lunch	3/24/2021 Weekday Dinner	3/26/2021 Weekend Dinner
Walking/Standing	64	92	55	49	137
Seated	85	270	127	183	383
Biking	8	8	7	8	18
TOTAL	157	370	189	240	538

Table 5: California Avenue - Averages			
AVERAGES	Weekday Lunch	Weekday Dinner	Weekend Dinner
Walking/Standing	60	49	115
Seated	106	183	327
Biking	8	8	13

A survey to gather the preferences of local residents, businesses, and landlords is currently being conducted. Staff will prepare this information for the City Council presentation, providing additional time for public input. Last year, when a survey was conducted regarding the Uplift Local Streets program, over 100 survey respondents voiced an interest in closing University Avenue to traffic every summer.

California Avenue businesses are more universally supportive of the street closures than Downtown. The density of restaurants, physical characteristics of the street, location of off-street parking, and mix of other businesses has led to greater support for street closures. Non-restaurant businesses—from gyms and hair salons to grocery stores and banks—have reported less disruption caused by the closure of the street to traffic than those in Downtown.

Should Council choose to allow University Avenue to open to vehicular traffic, staff recommend Council giving the City Manager authority to close California Avenue to traffic through September 7, 2021.

Under any scenario, consideration of longer term closure of any street would require evaluation of several factors. These include, for example: State of California Streets and Highways Code

limitations on local jurisdiction to close streets once the state of emergency concludes; access needs for properties fronting the streets; pedestrian, bicyclist, and disabled access and convenience; costs and fees for private use of the public right-of-way; access needs for public safety, utility, and public works operations; urban design and aesthetic standards; and, displacement of traffic onto surrounding streets and neighborhoods.

Parklets

Staff seek direction from the City Council regarding the future of the parklet program. The temporary parklet permits will expire on September 7, 2021, meaning the parklets must be removed on or before that date. Council could decide to extend the program. Any extension would be premised on the continuing state of local emergency or threat of increase in coronavirus circulation—as emphasized in the resolution as the reason for parklets. If the pandemic does in fact end, the temporary parklets cannot rely on the existing resolution without further action.

In this context, staff seek Council direction. Council might maintain the temporary parklet expiration date of September 7, 2021. Council may also direct staff to develop a permanent parklet program, in which case staff would also develop a transition plan. If the expiration date is maintained and the Council directs staff to explore a permanent program, there will likely be a gap between when the temporary parklets expire and a permanent program is enacted. During the gap, unless a temporary ordinance is established, the existing parklets would need to be removed.

Program Adoption

Since the adoption of the original resolution, the City has issued 32 encroachment permits for parklets in Palo Alto. Parklets allow restaurants to serve patrons outdoors where the risk of transmission of COVID-19 is reduced. The parklets must adhere to standards and guidelines issued by the Director of the Department of Public Works and incorporated by reference to the resolution.

- At-grade and platform parklet permits = 32 + 2 under review
- Encroachment permits, sidewalk = 63
- Encroachment permits, street = 31

Note that 1 permit could have a parklet, street and, sidewalk, or a combination of the 3 types; we count each type separately on each permit.

Temporary or Permanent Parklet Program

Given the uncertainty regarding when the pandemic will “end”, staff suggests Council to consider extending the temporary program through the end of 2021. This will allow restaurants to have expanded outdoor dining capacity during a time when transmission of COVID-19 may

still be a threat. Please note, if the pandemic continues to recede significantly, Council may be asked to consider a temporary ordinance before the sunset date.

To aid the Council assessing whether or not to direct staff to develop a permanent program, staff have prepared a summary of pros and cons of a permanent parklet program. If Council directs staff to explore and develop a permanent program, the staff will return to Council with a draft program, receive feedback, and ultimately need Council approval. If Council is inclined to explore a permanent program further, staff suggest extending the temporary program until the exploration is exhausted.

Table 6 summarizes some of the pros and cons of a permanent parklet program.

Table 6: Pros and Cons of a Permanent Parklet Program	
Pro	Con
Enliven and enhance the pedestrian environment.	Permitting public space to be used for private use.
Compete with neighboring pedestrian-oriented areas in other communities.	Decreases number of on-street parking spaces.
Take advantage of great climate.	Potential conflicts between neighboring businesses.
Provide additional space for outdoor dining in case of future pandemics or seasonal viruses.	Potential impediment to infrastructure repair and replacement.
Adds a tool for city economic development support for local businesses, with associated cost recovery	Requires staff time for permit review, inspection, and attendance to ongoing operational issues.

Pros

Parklets help enliven and enhance the pedestrian environment by providing more visual interest and decreasing the amount of space dedicated to motor vehicles. Parklets can be part of creating a lively pedestrian environment that attracts people. By attracting people, local business can thrive; these businesses serve local residents, provide tax revenue, and provide jobs. Parklets alone cannot create a dynamic pedestrian environment, but they can contribute.

During the pandemic, many communities throughout the Bay Area created new opportunities for outdoor dining. While instituted as a survival mechanism in the face of the pandemic, these newfound opportunities are becoming permanent in other cities. Parklets can be part of Palo Alto remaining competitive, as compared to its neighbors.

Trends show that as more consumers purchase goods online, the need to attract a critical mass

of people with disposable income relies on creating high-quality, pedestrian-oriented areas that are destinations. Patrons are seeking the experience of being out in public with their friends and family—fulfilling the desire people have to “see and be seen.” If Palo Altans cannot find that opportunity locally, they may head to neighboring communities that offer that experience. Providing the opportunity to dine outdoors can enhance the quality of the experience for shoppers and diners in Palo Alto, helping Palo Alto compete with neighboring communities and other pedestrian-oriented areas.

Palo Alto’s pleasant climate makes outdoor dining possible many months of the year. Taking advantage of the weather through outdoor dining can bring enjoyment to local residents, while also attracting visitors. In areas of the city where the sidewalk is too narrow for sidewalk dining, parklets can allow for outdoor dining while maintaining a clear pedestrian path.

A post-pandemic world remains months in the future. Further, it is not clear what to expect as COVID-19 draws to a close. Will future variants of the virus require development of more vaccinations? Will there be annual coronavirus vaccinations? Might future pandemics develop as the climate changes and humans live in closer contact with animals in many parts of the world? In the face of future variants or other viruses, what role will being outdoors play in reducing the risk of transmission? In the face of these and more questions, staff cannot say what role parklets will play. If, however, we assume that the coronavirus becomes seasonal, as many predict, then at certain times of year restaurants may need to pivot to outdoor dining. This could be due to mandates, best practices, the preferences of patrons—or all three. A permanent parklet program provides that flexibility.

Cons

A chief concern about parklets is that public land, on-street parking spaces, becomes associated with commercial enterprise. Communities with permanent parklet programs have dealt with this in different ways. Some communities require a parklet be available to any member of the public, not just patrons of a business. Staff would study this aspect of the program and return with more analysis. On one hand, having parklets open to all maintains the public nature of the right of way. On the other hand, the ability of parklet owners and operators to enable good visitor behavior may be limited more limited.

For the privilege to use the public right of way, nearly all parklet programs charge a fee for the occupancy of the public space in recognition of its value. Staff would anticipate developing rental rates for the use of the parking space. Likewise, staff would also study and propose fees for permit review and program maintenance, in order to ensure the parklet owners fully cover the cost of the program.

As Council considers whether or not public space should be occupied for private use, it is helpful to keep in mind that on-street parking spaces already represent public land reserved for

private use. That is, parking spaces are public land intended to be occupied by private vehicles. In the case of most on-street spaces in Palo Alto's commercial districts, the occupancy of the public space by a private vehicle requires no compensation; on-street parking is free for 2 hours.

A permanent parklet program would reduce the number of on-street parking spaces in Palo Alto. For many residents and businesses, a reduction in available parking spaces may be seen negatively. If the City is seeking to enhance the pedestrian environment and promote alternate modes of transportation, a reduction in on-street spaces may be seen positively.

The temporary parklet program has demonstrated that not all businesses have the same perspective regarding parklets. Neighboring businesses may have conflicting perspectives. There are two primary types of neighbor conflict that have been observed during the temporary parklet program.

The first conflict occurs when two restaurants are located next door and front shared curb space. If both restaurants want to have a parklet, they would need to figure out how to collaborate and share the space equitably. Since change does occur over time, a new restaurant may be established that wants to share the curb space that is already occupied by a neighboring restaurant's parklet. In such cases, staff recommend that when the permit term for the existing parklet expires (assuming there are relatively short-term parklet permit renewals) the existing parklet be modified to create space for the parklet of the neighboring restaurant.

In fact, this type of conflict has occurred. If Council does extend the temporary parklet program beyond September 7, 2021, staff recommend Council also require that permits for existing parklets that are in front of another business, where the other business wants to use the space for their own parklet, would expire. Those parklets must be reduced in size to accommodate a neighboring parklet and the portion in front of the neighboring business removed.

The other type of conflict would be a retailer next to a restaurant that may not want the parklet to extend in front of the retail space. The restaurant, however, may only have sufficient space for a parklet if it includes the parking space in front of the retailer. While such conflicts have been rare during the temporary program, they highlight that parklets are not universally welcome. As businesses change over time, a parklet that met the needs of neighboring businesses may no longer be satisfactory for the new business. Navigating such conflicts will fall to City staff to manage.

Parklets may impede repair and maintenance of infrastructure. Underground infrastructure, such as utility lines, and even the road surface beneath a parklet, may need to be accessed for repair and maintenance. While the City does not allow parklets to be placed over utility vaults, the need to access lines running underneath parklets may come up from time to time. Likewise,

repaving of roads may also require access to the area beneath the parklet. While these challenges are not insurmountable, they may require certain design standards that would allow a restaurateur to move a parklet during maintenance or otherwise provide access. Navigating these challenges requires advance planning and will also require additional time when repairs and maintenance are being scheduled and executed.

Items to be Considered in a Permanent Parklet Program

If Council provides staff direction to develop a permanent program, the following are some items that staff would research and propose regulations:

- Design guidelines & rules, including where parklets are allowed, what type(s) of business can apply for a parklet, activities that can take place on a parklet, aesthetic considerations, etc.
- Application, review, approval, and inspection processes for parklet plans.
- Development of parklet rent and/or fees to cover staff time required for review, permitting, monitoring, value of the public land, and other costs.
- A process to evaluate existing temporary parklets, and determine the modifications, renovations, redesign, or removal is necessary. This would address any design deficiencies observed during the temporary program.

If directed to develop a permanent parklet program, staff anticipate returning to Council in the late summer or early fall.

Summary of Key Issues & Policy Implications:

Uplift Local Streets Program

Key questions regarding the Uplift Local program:

1. How to support ground floor businesses in two core commercial areas?
2. How to support the local community in two core commercial areas?

The California Avenue commercial area is fairly united in a desire to see the street remain closed to vehicular traffic. Most stakeholders, including businesses, landlords, and the public, agree that the closure is providing a safer environment for activity during the pandemic. The closure supports both local businesses and provides an area for local residents to safely enjoy a sense of community.

The Downtown and University Avenue have greater breadth of perspectives on the role the street closures play in providing relief from the pandemic. A premature reopening could have health impacts and diminish the viability of local businesses. Likewise, continued closure may threaten the viability of businesses who rely on vehicular access. While the CIP for University Avenue redesign is underway, immediate changes before May 31 are unlikely.

Staff suggest extending the authority for closures to occur; at a minimum staff recommend extending the closure period on California Avenue. Staff can commit to monitoring changes in the pandemic and the response from consumers. If a combination of indoor seating and parklet/sidewalk dining can accommodate demand, the streets may open again to vehicular traffic. Likewise, should a surge occur during the time period covered by the resolution, the streets may close again.

Parklets

In regards to extending the temporary parklet program or allowing it to expire, the key issue is when the Council feels parklets may no longer be needed to respond to the pandemic. If Council feels confident that a new normal will have arrived by September 2021, then an extension may not be warranted. Looking at available information, staff believe much progress towards ending the pandemic will be made by September. Still, assuming that a new normal will have been established by September could be premature.

Regarding the development of the permanent program, Council must consider how it wants to use the public curb space. Does Council prefer to see this space used for parking of private vehicles or for use by private businesses? Council may prefer to allocate some curb spaces to parklets, but establish overall limits. Council may prefer to see publicly accessible parklets established. Council may wish to return to the pre-pandemic status quo.

If Council is interested in exploring a permanent parklet program, staff seek direction to research the topic and return with a proposed program for further, in-depth discussion. These topics can be more deeply explored at that time.

Resource Impact:

Execution of the Uplift Local and parklet programs requires a significant amount of staff time. While the outcome of this investment has not been measured, the City hopes the time spent helps keep local businesses around to serve residents, to generate tax revenue and frontline jobs.

The Uplift Local program involves the following City resources:

- Weekly staff meetings
- Bi-weekly meetings between staff and local businesses
- Monthly community meetings
- Public Works staff to place and maintain equipment for closures (water-filled barriers, signage, etc)
- Printing and design of posters, signage, banners, and barrier covers
- Day-to-day problem solving with individual businesses or incidents as they occur
- Review of no-fee encroachment permits for placement of tables, chairs, and other

private items in the public street or on sidewalks

The temporary parklet program involves the following City resources:

- Weekly staff meetings
- Bi-weekly meetings between staff and local businesses
- Monthly community meetings
- Day-to-day problem solving with individual businesses or incidents as they occur
- Review of submitted plans and drawings by Public Works, plan check engineers, Fire plan check, and other departments as appropriate
- Issuance of no-fee encroachment permits
- Inspection of parklets to ensure safety
- Inspections, warnings, and citations to achieve compliance with stated rules and guidelines

Timeline:

Staff seek Council's direction in advance of the expiration dates. The Uplift Local program currently ends on May 31, 2021. The temporary parklet program expires September 7, 2021.

Stakeholder Engagement:

The City has engaged local stakeholders on both the street closure and parklet program since their inception. The City hosts a bi-weekly meeting with Cal Ave and a separate meeting with Downtown businesses. In addition, staff are available for 1:1 consultation and assistance with problem solving. Stakeholders also send written correspondence to staff as well as Council.

Staff also conduct counts of visitors to Uplift Local streets; some counts are not completed if staff are not available. The counts provide an objective measure of participation in Uplift Local Streets.

In addition, the City hosts a monthly community engagement meeting. While attendance at this meeting varies, it has been a consistent tool to disseminate information and get feedback from interested community members. In the early days of the pandemic, local residents expressed a high degree of interest in the street closure topic, with hundreds writing to Council to support closures and later answering an online survey. Staff continues to maintain a website and webpages dedicated to these programs for public information and to support businesses who are interested in these program opportunities to expand outdoor activities.

Environmental Review:

Approval of the resolution as recommended is statutorily exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 20180(b)(4) (specific actions necessary to mitigate or prevent an emergency) and is

categorically exempt from CEQA under CEQA Guidelines Sections 15301 (existing facilities) and 15304(e) (minor temporary use of land having negligible or no permanent effects on the environment).

Attachments:

Attachment A: Resolution to Extend the Temporary Closures of Portions of California Ave and University Ave and Certain Downtown Streets Intersecting University Ave As First Authorized by Reso 9099 (PDF)

Attachment B: Uplift Local Street Closure Map (PDF)

Resolution No. _____

Resolution of the Council of the City of Palo Alto Amending and Restating Resolution No. 9933 to Extend the Temporary Closures of Portions of California Avenue and University Avenue and Certain Downtown Streets Intersecting University Avenue Pursuant to California Vehicle Code Section 21101, and to Extend the Effective Date of Resolution No. 9909, All Pursuant to the Local Emergency Declaration to Facilitate Outdoor Dining, Retail, and Other Uses

RECITALS

A. On June 23, 2020, the Council adopted Resolution No. 9909 approving the temporary closure of portions of California Avenue, University Avenue and certain other Downtown streets through Labor Day 2020 to allow for outdoor dining and retail on those streets, consistent with the Santa Clara County Public Health Order in effect. The street closures were part of a Summer Streets Program initiated by the City to accommodate outdoor uses at a time when indoor dining remained prohibited in the County and the growing scientific evidence showed a lower risk of COVID-19 transmission outdoors compared to indoors. At that time, the City anticipated that indoor dining would be allowed to resume in the County, as had been allowed in neighboring counties, and sought to address the immediate needs of the community including residents, workers and businesses that had been severely impacted by loss of business activity and revenue.

B. Through Resolution No. 9909 the Council also approved a temporary pilot parklet program to allow parklets to be installed in on-street parking spaces on an expedited and temporary basis to provide more space for outdoor dining.

C. On July 2, 2020, the County Public Health Officer issued a revised Shelter in Place Order, to become effective on July 13, 2020, that allowed certain additional activities to resume if specified strict across-the-board risk reduction measures were followed. The objective was to allow activities that were already allowed in surrounding jurisdictions, which had reopened more quickly than Santa Clara County, so long as the prescribed risk reduction measures were followed.

D. On July 7, 2020, the State approved Santa Clara County's requested variance that allowed the revised Shelter in Place Order to go into effect on July 13, 2020.

E. However, with the number of COVID-19 cases dramatically increasing again in the State, on July 13, 2020, the Governor announced a sweeping roll back of the reopening that the State had allowed. The State mandated that all counties close certain indoor operations, including in-restaurant dining. For counties on the State's monitoring list for 3 consecutive days (and thus placed on the State "watchlist"), the State required the closure of additional industries or activities unless they could be modified to operate outside or by pick-up; these included gyms and fitness centers, places of worship and cultural ceremonies, personal care services, hair salons and barbershops, and shopping malls.

F. Through the summer, the United States including “hot spots” like California continued to hit new highs in confirmed cases and deaths, as the loosening of shelter-in-place restrictions had precipitated a resurgence of the virus in many states, including California. As of July 27, 2020, the State was averaging nearly 10,000 new COVID-19 cases per day, and hospitals and their intensive care units were filling up. Thirty-seven counties representing 93% of the State’s population were on the State’s watchlist, and California had 460,550 confirmed cases of COVID-19, resulting in 8,445 deaths.

G. On August 10, 2020, the Council adopted Resolution No. 9911, which amended Resolution 9909, to extend until December 31, 2020 the temporary closure of portions of California Avenue and University Avenue and certain intersecting streets to allow for continued use of these areas in the heart of the City’s commercial districts to allow for outdoor dining and potentially other activities as may be allowed by State and County Public Health Orders. Resolution No. 9911 also extended the temporary parklet program to September 7, 2021.

H. Since August 2020, the County Public Health Officer issued a Risk Reduction Order on October 5, 2020, which coincided with the County moving into the orange tier under the State’s “Blueprint for a Safer Economy” tiered restriction system.

I. However, on November 16, 2020, the State moved Santa Clara County two steps from the orange/moderate tier to the purple/widespread tier (the highest risk tier) due to a sharp increase in COVID-19 cases statewide. On that date, the County reported 388 new cases of COVID-19, bringing the cumulative total to 28,686. As of November 17, 2020, California reported 1,029,235 confirmed cases of COVID-19, resulting in 18,263 deaths, and 94.1% of the State’s population was now in the purple tier (according to the Governor’s Office). The State’s rules for the purple/widespread tier mandate that restaurants and gyms cannot have indoor service and retail stores may only have 25% capacity indoors.

J. On December 14, 2020, the Council adopted Resolution 9933, which amended Resolution 9099, to extend until May 31, 2021 the temporary closure of portions of California Avenue and University Avenue and certain intersecting streets to allow for continued use of these areas in the heart of the City’s commercial districts to allow for outdoor dining and potentially other activities as may be allowed by State and County Public Health Orders.

K. On March 3, 2021, the State moved Santa Clara County one step down from the purple/widespread tier to the red/substantial tier. As of March 16, 2021, the County reported a cumulative total of 112,909 COVID cases and 1,867 deaths.

L. In the midst of this continued COVID-19 pandemic, the City of Palo Alto has continued to take measured steps to allow businesses to resume activities in outdoor settings. As a key part of those efforts, the Uplift Local Program (formerly known as the Summer Streets Program) has created an attractive pedestrian environment on the closed streets resulting in increased foot traffic. A number of restaurants have taken advantage of the program and created

outdoor seating in the streets, on sidewalks, and on parklets. Residents and visitors who have come to University Avenue and California Avenue have expressed delight and reported having a highly enjoyable experience.

M. The current pace of re-opening across the State and the high likelihood that the pandemic will continue into 2021 increase the chances that outdoor dining is a key tool to reduce the risk from the spread of COVID-19 while allowing restaurants to continue some operations. Even if indoor dining is allowed, patrons may be unwilling to participate, or the opportunity may be rescinded if the County exceeds the COVID indicator thresholds issued by the State.

N. The Council desires to extend the street closures through September 7, 2021 to allow for the continued use of the main thoroughfares in the heart of its commercial districts for outdoor dining, and potentially other activities as may be allowed by the State and County Public Health Orders.

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF PALO ALTO RESOLVES AS FOLLOWS:

SECTION 1. Findings and Declarations. The Council hereby adopts the above Recitals as findings of the Council.

SECTION 2. Extension of Temporary Street Closures. The Temporary Street Closures approved and authorized in Section 2 (Temporary Street Closures) of Resolution No. 9909 and extended by Resolutions 9911 and 9933 are hereby extended through September 7, 2021. Section 2 of Resolution No. 9909 is amended to read as follows:

Temporary Street Closures

- A. The following streets are hereby closed to any and all vehicular traffic through September 7, 2021, in accordance with California Vehicle Code Section 21101(e), to facilitate the temporary uses of outdoor dining, retail, and other permitted uses:
 - 1. California Avenue from Birch Street to El Camino Real; and
 - 2. University Avenue from High Street to Cowper Street, with continued vehicular access across University Avenue at each of the intersecting streets.
- B. The City Manager is authorized to determine the days, hours and duration of the temporary street closure(s) within the period specified in Section A, with reasonable notice provided, and whether exceptions to the closure shall be made for municipal purposes.

SECTION 3. Sunset of Resolution No. 9909. Resolution No. 9909 shall remain in effect until September 7, 2021, unless extended by the City Council.

SECTION 4. Supersedes Resolutions 9911 and 9933. This Resolution shall supersede Resolutions No. 9911 and 9933. Should any conflict arise between this Resolution and Resolutions No. 9911 and 9933, this Resolution shall control.

SECTION 5. The Council finds that this Resolution is statutorily exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 20180(b)(4) (specific actions necessary to mitigate or prevent an emergency) and is categorically exempt from CEQA under CEQA Guidelines Sections 15301 (existing facilities) and 15304(e) (minor temporary use of land having negligible or no permanent effects on the environment).

SECTION 6. This Resolution shall become effective immediately upon adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

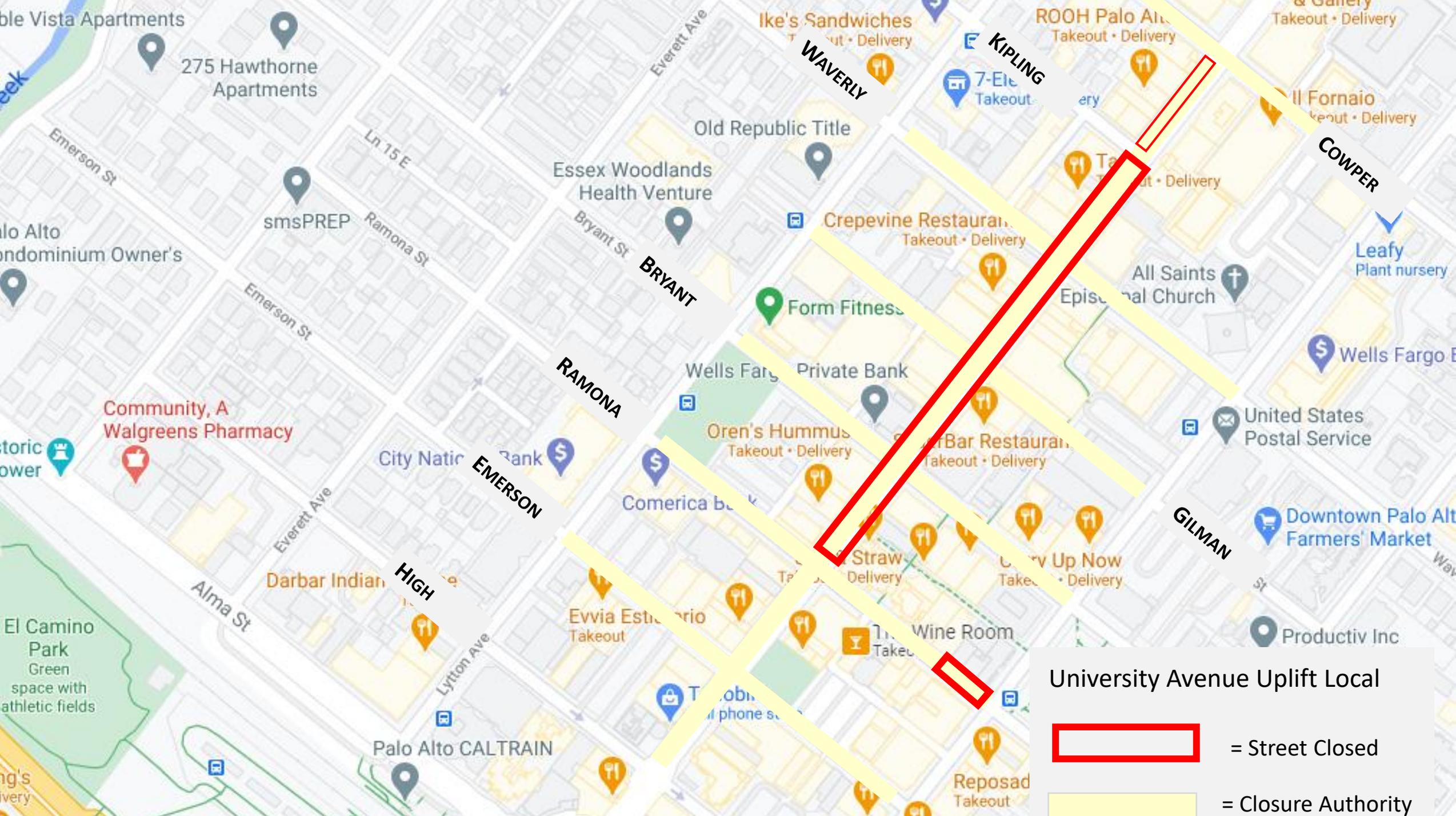
APPROVED:

Deputy City Attorney

City Manager

Director of Public Works

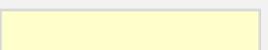
Chief Transportation Official



University Avenue Uplift Local



= Street Closed



= Closure Authority

California Avenue Uplift Local

 = Street Closed

 = Closure Authority

