



CITY OF MARTINEZ

**CITY COUNCIL AGENDA
May 16, 2012**

TO: Mayor and City Council
FROM: Dave Scola, Public Works Director
Tim Tucker, City Engineer
SUBJECT: Outdoor Dining Policy and Downtown Circulation
DATE: May 10, 2012

RECOMMENDATION:

- A. Resolution approving an Outdoor Dining Policy and Flex-Space Program and allocating \$75,000 of Traffic Impact Fee funds for the Program.
- B. Resolution restoring two-way traffic on portions of Castro Street, Escobar Street, Estudillo Street and Main Street.

BACKGROUND:

Attached are two reports on issues of interest to downtown merchants and property owners. The first report discusses the proposed outdoor dining policy and Flex-Space Program. The Council’s Economic Development Subcommittee held a series of meetings on this issue. Council is asked to approve the program and policy for implementing the program. Secondly staff has been requested to provide a report to Council regarding Downtown circulation and recommendations regarding restoring two-way traffic on several blocks of one way downtown streets.

FLEX SPACE PROGRAM

DISCUSSION

On March 29, 2012 and again on April 23, 2012 the Economic Development Subcommittee held public meetings as a follow-up to the “Downtown Matters” series of meetings and workshops. The focus of the meetings was the implementation of recommendations to develop outdoor dining in the downtown area. Staff presented a concept used in several communities that created outdoor dining spaces in existing parking stall areas.

Overall the concept was generally supported by the Subcommittee and business community. There were objections by some, but not all 500 block of Main Street merchants. The concerns raised at the meeting generally focused on the cost of the program and policy issues. The primary issues raised were as follows:

- **Cost:** There was a general indication that restaurateurs could not afford the full purchase or high monthly rent of the platforms.
- **Removal of platforms during winter months:** Restaurateurs preferred keeping the platforms up year-round. At most, the platforms would be removed only a couple months.
- **Landlord approval:** Restaurateurs indicated that the agreement and cost was between the City and tenant and approval by owner should not be required, although property owners indicated a desire to be a part of the approval process.
- **Available to all restaurants:** There was a concern that strict guidelines could prevent some restaurateurs from obtaining platforms should there be too many restaurants in one block.
- **The ability to individualize the platforms:** There was a consensus that the restaurateurs be able to decorate and customize their platform area.

SUBCOMMITTEE AND STAFF RECOMMENDATIONS

Cost: It has been found in similar communities that having outdoor dining will eventually lead to more people in the downtown. This program will have the potential of benefitting most ground floor businesses on Main Street.

The Council will have to decide how much subsidy will be absorbed by the City for the benefit of restaurateurs. One option to consider includes charging only for the lost parking meter revenues. This has been estimated at \$72 per month. Likewise, given the general benefit of the program to all of downtown, it can be reasoned that the initial capital and installation cost be funded by the City. Discussion ensued at the last meeting regarding a proposed “BUY-IN” fee of \$2,400, by the restaurateurs. It was also agreed that restaurants demonstrating a hardship could finance the fee over a two year period.

Winter removal: The Subcommittee and staff recommend year-round availability. The platforms are removable. The City would reserve the right to remove the platforms should flooding or other reasons arise.

Landlord approval: Landlords need protection from liability that may result from the placement of the platforms. This protection may be in the form of being named as additionally insured on policies required by the City, special clauses in lease agreements or other means.

Not all tenant/landlord relationships are amicable. There is a real concern that a landlord could use their “veto” power as a reprisal to the tenant. Landlord approval is currently not recommended.

Availability: The intent of the program is to make it available to all food vendors. The Policy restricts the number of Flex spaces to no more that 50% of the block. Staff recommends allowing flexibility in the Policy to give the City Manager the ability waive the 50% maximum should other nearby parking options be available.

Platform enhancements: Staff encourages restaurateurs decorate their platform area within reason. The proposed policy provides examples of potential customized amenities. This could include the use umbrellas, planters, low level lighting and other means. Staff recommends the City review and approves furniture, umbrellas and other accessory plans as part of the permit/agreement process.

Originally staff proposed custom interlocking panels that provided durability and the ability to easily remove and store for winter months. With the recommendation to keep the platforms up year round design criteria for the decks has changed. This opens the door for other deck designs.

Through the public input process additional platform vendors came to light. In addition to the original interlocking aluminum deck staff has investigated another system called Bison decking. The system is manufactured in Colorado and available locally. The finish product is interlocking wood panels. Staff has met with distributors and inspected installed platforms. It appears this product will also meet the criteria for outdoor dining platforms. It is anticipated other platform systems will become available over time.

Regardless of the platform system the Program calls for the City to approve, purchase and install the platforms. The City will also have the right to remove the platforms for utility or other construction or other reasons that might arise.

FISCAL IMPACT:

This project is currently budgeted under Account C1034. The project budget includes \$200,000 of Gas Tax funds that were anticipated to be used for permanent street improvements including paving. The proposed platforms are not an eligible Gas Tax expense. The funds will be transferred to this year's paving project (Account C1044) for use in resurfacing the streets.

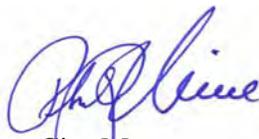
Staff estimates that there will be demand for approximately 15 Flex-space platforms. The estimated cost per platform including installation by City forces is estimated to be \$5,000 for a total of \$75,000. It is proposed to use Traffic Impact funds for the program. There is currently \$335,000 of Traffic Impact funds available, which will be reduced to \$260,000.

ACTION:

Adopt Resolution approving Outdoor Dining Policy and Flex-Space Program and allocating \$75,000 of Traffic Impact Fee funds for the Program.

Attachments: Policy, Resolution

APPROVED BY:



City Manager

RESOLUTION NO. -12

APPROVING OUTDOOR DINING POLICY AND FLEX-SPACE PROGRAM AND
ALLOCATING \$75,000 OF TRAFFIC IMPACT FEE FUNDS FOR THE PROGRAM

WHEREAS, the Revitalization of the Downtown is a goal of the City Council of the City of Martinez; and

WHEREAS, the City of Martinez has recently completed a series of Public meetings as part of a "Downtown Matters" Program; and

WHEREAS, one of the findings from "Downtown Matters" is that encouraging outdoor dining over time can help create interest in dining and shopping in the downtown; and

WHEREAS, through a series of Public Meetings held by the City Council's Economic Development Subcommittee an outdoor dining Policy has been developed; and

WHEREAS, to create areas for outdoor dining a Flex-Space program utilizing City approved and installed platforms will be made available to food establishments; and

WHEREAS, these platforms will be placed within the street area reserved for parallel parking.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Martinez approves the Outdoor Dining Policy and Flex-Space Program and allocates \$75,000 of Traffic Impact Fee funds for the Program.

* * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 16th day of May, 2012, by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ

“FLEX-SPACE” USE POLICIES OUTLINE

The Flex Space Program is a program the goal of which is to create additional interest in Downtown Martinez by expanding and enhancing outdoor dining opportunities to all food service businesses. The objective of the Program over time is to draw additional people to the Downtown that will shop and eat locally.

A Flex-space is a high quality platform with railings that provide a safe and friendly outdoor eating experience. The Platforms will be provided and installed by the City and placed in one or two parallel parking spaces along the eating establishment’s frontage.

❖ What can a flex-space be used for?

- Only for on-site prepared food service businesses (e.g. restaurant, deli, ice cream parlor, wine bar with appetizer/tapas service and/or “bar and grill”). Food preparation shall not be permitted in the flex-space.

❖ Where can a flex-space be located?

- The parking space(s) to be used as a dining flex-space must be 50%, or more, within the frontage of requesting food service business, and **business owner** may sign application for use of parking space(s) to be used as dining flex-space, AND/OR.
- A parking space that is less than 50% with the frontage of a food service business requesting a dining flex-space, may also be used for, and/or as an extension of, the dining flex-space with the adjacent **landlord’s joint application with the business owner** who is requesting the flex dining-space. Such “adjacent” added spaces must be fully contained within that landlord’s frontage. The food service business permission to use such “adjacent spaces” as dining flex-space shall be at the discretion of the landlord, so future tenants of the “adjacent” space cannot force the removal of the dining flex-space without both landlord’s and food service business owner(s’) permission.

❖ How big can one food services businesses’ flex-space be?

- Minimum length of a dining flex-space is 16’ (a “single” platform centered within one parking space)
- Maximum length of a dining flex-space is 32’ (a “double” platform centered within two adjoining parking spaces)

- Approximately 3' of sidewalk width adjacent to pockets may be used as part of the dining flex-space (for a total seating area about 10' wide), providing that a minimum 5' clear path is maintained from building face to edge of dining flex-space. Edge of seating area on sidewalk may be defined by planters, or if required by State Department of Alcoholic Beverage Control ("ABC"), by railing to match that used for dining flex-space adjacent to the street's parking and travel lane areas.

❖ **How many food service businesses' can have flex spaces?**

- As a guideline no more than ½ of all parking spaces on one blockface (approximately 4 of the 9 spaces on one side of the street) may be used for dining flex spaces. Should the City find that parking impacts of additional flex spaces in a particular block can be offset with available nearby parking, additional flex spaces may be approved.

❖ **Furniture and Signs: All furniture is to be provided by business owner, and shall be high quality, commercial grade, and is subject to City review and approval at time of encroachment agreement approval for dining flex-space use.**

- All furniture must be metal, painted black, dark green or similar. Plastic, wood, aluminum and similar materials are not to be allowed. Storage of such furniture responsibility of business owner.
- Umbrellas, of canvas material (or similar) are permitted. Solid colors are recommended, but umbrellas with more varied decoration and/or LIMITED product endorsements may be permitted with City approval.
- Permanent structures (such as gazebos) and solid fencing are not permitted. Ornamental low screens and planters (generally 3½ or less in height) may be permitted with City approval on a case-by-case basis.
- Flex-spaces are not to be used for supplemental advertizing signage/banners etc., but "menu boards" may be allowed.

❖ **Agreement**

- Applicant shall execute an Agreement for use of a Flex-space platform.
- Applicants shall provide a sketch and/or written description of accessories such as umbrellas, furniture, planters that will be placed in the flex space.
- Insurance:

As part of the required agreement, all business shall carry liability insurance to indemnify and hold the City and Tenant's Landlord harmless for potential claims. Coverage will be for not less than \$1,000,000.

❖ **Fee**

- The applicant shall pay \$72 per month per stall, paid quarterly in advance, to offset lost meter revenues. This fee is based on a parking rate of \$0.50 per hour. Beginning July 1, 2014 and every July 1st subsequently the rate shall be adjusted proportionally to any increase in Parking Meter Rates.
- The applicant shall pay a one-time fee of \$2,400. If the applicant can demonstrate a financial hardship the one-time fee may be amortized over 24 months

❖ **Removal**

- The intent of the Program is to have the platforms usable year round.
- The City has the discretion to remove the platform(s) at any time for any reason. Fees paid will be refunded for months paid after platform removal.
- The Platforms will also be removed at the request of the Applicant. Should the Applicant request the platforms be reinstalled a later date, the labor cost associated with the reinstallation will be paid for by the Applicant.

TWO-WAY TRAFFIC DISCUSSION:

Staff recommends restoring the following blocks to two-way.

Castro Street: Escobar Street to Green Street
Escobar Street: Court Street to Pine Street
Estudillo Street: Escobar Street to Main Street
Main Street: Alhambra Avenue to Court Street

Pine Street in the vicinity of the County Administration Building has been converted to one-way traffic also. Staff recommends studying this area in more detail and meeting with County staff prior to proposing any changes.

Returning the recommended streets to two-way traffic will increase visibility to local merchants, will facilitate emergency vehicle access and create an easily understood traffic pattern through the downtown. It is anticipated there will be a net decrease of approximately twenty-one parking spaces should the recommended streets be restored to two-way. This parking loss can be absorbed on nearby streets.

Should the Council approve the conversion of the listed streets to two-way the restriping will be done as part of a planned Main Street Paving project and downtown surfacing rehabilitation project anticipated later this fall.

BACKGROUND:

In March of 1999 the City Council adopted a parking plan which among other things designated several blocks in the core downtown as one-way streets. In addition a shuttle system and parking was created north of the railroad tracks on Joe DiMaggio Drive. This action was taken to mitigate the loss of parking during the construction of the Family Law Center. Separately the 500 block of Main Street was converted to one-way as part of a trial outdoor dining plan.

The unintended consequence to the changes in traffic circulation was the decreased exposure to some businesses, hindrance to emergency vehicle access through the downtown, and confusion to the traveling public. It is not uncommon to see vehicles traveling the wrong way on Castro Street. It has also been observed regularly that west bound vehicles on Main Street make unsafe u-turns at the intersection of Castro. In addition many vehicles pause for extended periods when entering this intersection due to confusing traffic restrictions.

The sixteen foot width travel lane that is created with diagonal parking on one side of our downtown streets is substandard. This lane width is appropriate in parking lots where diagonal parking is more common. Our downtown streets, unlike parking lots, have to accommodate delivery trucks, emergency vehicles and higher traffic volumes. The standard minimum clear width is twenty feet.

Since the completion of the Family Law Center several things have occurred that has relieved the downtown parking shortfall.

- ◆ Contra Costa County has relocated employees to their Muir Road facility.
- ◆ The Amtrak Station has been completed creating 178 parking stalls.

- ◆ Street and off-street parking has been reestablished near the Courts.
- ◆ The City has purchased the Zocchi property in anticipation of the construction of an approximate 300 space ground level parking lot. The Council has awarded a design contact for the \$3.5M project and construction will take place next spring.

Other communities have recognized the importance of efficient traffic circulation. As part of the “Downtown Matters” project several cities were reviewed. In 1988 the City of Campbell adopted a downtown development plan which has been updated over the years. The 2006 Plan identified several key revitalization projects including utility undergrounding, streetscape improvements and traffic enhancement that restored their main street from one-way to two-way to “enhance retail accessibility.” Likewise the City of Martinez’s Downtown Specific Plan states “two-way traffic is encouraged on Pedestrian-Priority Streets (Main, Ferry, Las Juntas, Estudillo and Castro) in order to maximize retail visibility.” The caveat is that adequate parking should be available.

Our electronic parking meters were utilized to evaluate available on street parking. We have the ability to download reports on parking meter usage. Reports were developed to determine the occupancy of on-street parking in the downtown area. The average parking space occupancy is as follows:

<u>Street</u>	<u>Occupancy</u>
Marina Vista	37%
Escobar	56%
Main Street	76%
Ward Street	32%
Green Street	49%
Castro Street	26%
Ferry Street	64%

This data indicates our downtown street parking is not saturated. The loss of approximately 21 spaces can be absorbed within the area being restored to two-way. The parking impacts are as follows:

Street	Block	# of Existing Spaces with 1-Way traffic	# of Proposed Spaces with 2-Way traffic	Loss
Castro	East side, Green to Ward	9	7	2
Castro	East side, Ward to Main	13	9	4
Castro	East side, Main to Escobar	8	6	2
Escobar	North side, Court to Pine	5	0	5
Escobar	South side, Court to Pine	6	6	0
Estudillo	West side, Main to Escobar	11	7	4
Main	North side, Alhambra to Castro ¹	10	9/6 ²	1/4 ²
Main	South side, Alhambra to Castro ¹	6	9/6 ²	(3)/0 ²
			TOTAL	21

¹ Parking meters will be installed as part of the new striping

² without flex spaces/assuming three flex spaces

The goal is for our downtown revitalization is to have parking demand approach saturation. This

would be an indicator that our revitalization is becoming a success. Prior to that point the City will need to develop additional parking. There currently is vacant or underutilized private property that could be developed as small parking lots. The long term plan would be to construct a parking structure. Unfortunately in 1999 the City calculated that such a structure would need to be subsidized by over \$200,000 per year to make the debt payments. It may make more sense that a private/public partnership with a retail/residential and parking be incorporated into a single project.

FISCAL IMPACT:

It is anticipated that there will be no long term loss of parking revenues. Parking rate occupancy should increase on surrounding streets to compensate for the lost spaces. The one-time cost of relocating parking meters is anticipated to cost \$9,000 and will be funded through the existing Downtown Parking District maintenance funds. Costs to restripe and resign the streets will be included in the pavement resurfacing projects.

ACTION:

Adopt Resolution to restore two-way traffic on portions of Castro Street, Escobar Street, Estudillo Street and Main Street.

Attachments: Resolution and Location Map

APPROVED BY:


City Manager

RESOLUTION NO. -12

ADOPT RESOLUTION TO RESTORE TWO-WAY TRAFFIC ON PORTIONS OF CASTRO STREET, ESCOBAR STREET, ESTUDILLO STREET AND MAIN STREET

WHEREAS, in 1999 Contra Costa County constructed the Family Law Center; and

WHEREAS, this created a temporary loss of over 200 on and off street parking stalls; and

WHEREAS, Contra Costa County requested the City help mitigate the lost parking by constructing temporary parking lots, bus shuttles and increasing street parking stalls; and

WHEREAS, in 1999 the City Council of the City of Martinez approved certain parking improvements including the conversion of certain downtown streets to one-way creating additional diagonal parking; and

WHEREAS, the construction of the Family Law Center has been completed and on and off street parking has been restored; and

WHEREAS, the conversion to one-way streets has created unintended negative consequences including the decreased exposure to some businesses, hindrance to emergency vehicle access through the downtown, and confusion to the traveling public; and

WHEREAS, it is recommended to restore the following streets to two-way:

- Castro Street: Escobar Street to Green Street
- Escobar Street: Court Street to Pine Street
- Estudillo Street: Escobar Street to Main Street
- Main Street: Alhambra Avenue to Court Street

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Martinez, to restore two-way traffic on portions of Castro Street, Escobar Street, Estudillo Street and Main Street as listed above.

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I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 16th day of May, 2012, by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ

