



Memorandum

TO: CITY COUNCIL

FROM: Mayor Sam Liccardo
Councilmember Dev Davis

SUBJECT: SEE BELOW
Digital Signature

DATE: May 7, 2020

APPROVED:

Sam Liccardo

DATE: May, 8th 2020

SUBJECT: SAN JOSE *AL FRESCO*—ALLOWING LOCAL BUSINESSES TO OPERATE OUTDOORS

RECOMMENDATION

Direct the City Manager and City Attorney to return to Council with recommendations for an ordinance that anticipates future revisions of County health guidelines to provide local businesses—particularly restaurants—to access to public space and private adjacent property for open air operations, with the following considerations:

1. Allow businesses and business districts to apply for temporary use of streets, surface lots, public parking spaces, public recreation space, and adjacent parcels for outdoor dining, exercise classes, and other outdoor business operations that will enable compliance with public health dictates for physical separation.
 - a. To eliminate financial burden and fees on strapped small businesses, consider:
 - i. use of federal reimbursement or funding to cover application costs, or
 - ii. “by right” permit in designated geographic locations that will not require additional processing.
 - b. Waive sidewalk café permits/fees to allow restaurants and other appropriate businesses to operate outside seating and service for customers who comply with the county health guidelines.
 - c. Work with San Jose SPUR to identify ideal geographic locations for use of private parking lots, public parks, alleys, plazas, and streets for outdoor business activities, including outdoor cafes, gyms, yoga studios, and retail. Ensure collaboration with Vice Mayor Jones’ Small Business Advisory Task Force, our ethnic Chambers of Commerce, SJDA, the Silicon Valley Recovery Roundtable, the SVO, and neighborhood business districts.
2. Explore ways to permit low-cost infrastructure to designate service areas (e.g. 3D-printed barriers, paint, potted plants, tape, etc.), particularly for legal alcoholic beverage consumption outside of restaurants in accordance with state law.

BACKGROUND

According to McKinsey, nearly sixty percent of job losses during this pandemic have come from food and hospitality businesses. As we've seen from New York to Vilnius, cities increasingly are reimagining their use of their public space for outdoor seating and services to enable sufficient social distancing for the safety of their employees and the public.

Public health orders will likely continue to significantly limit indoor space for their patrons for many weeks, and likely months. We cannot expect restaurants and other small businesses to survive with indoor operations at half capacity or less. In anticipation of the struggles that they will face in attempting to resume operations safely, let's clear the roadblocks now.