

May 12, 2020

Dear Mayor Liccardo, Members of the City Council, and the City Manager,

Over the past several weeks we have seen the rippling effects that the pandemic has brought to neighborhoods throughout San José. With shelter-in-place orders spanning across the region our day to day lives have been completely turned upside down. This pandemic has magnified deep challenges and disparities in our business community; many small and micro-business owners are people of color. We need to act swiftly to ensure these businesses are able to reopen and facilitate their renewed operation.

Although there is uncertainty as to how life will be over the long term, we know that we will need to remain nimble and creative to support a reactivation of public life. Outdoor community connections are essential for our wellbeing, quality of life, and physical health during this pandemic. As shelter-in-place orders are relaxed, we must consider how we emerge from this period safely while creatively supporting business activity.

**That is why we are thrilled by the proposed San José Al Fresco initiative.** We applaud Mayor Liccardo and Councilmember Davis for proposing this new program in an effort to ease the burden on our business community.

We urge City Council to package this initiative with additional measures and use this opportunity to pilot new ideas that could become permanent. **This is San José's time to lead - to make public life the focus of our recovery strategy.** We can support our small and micro-businesses by taking advantage of the City's great weather, existing public life strategy and lessons learned from the successful Viva Calle SJ open streets program and allow businesses to serve our residents safely and in a way that allows us to support them while reconnecting with one another.

SPUR recommends the following items:

**Create Business Recovery Zones:**

SPUR recommends that City Council create business recovery zones in areas throughout San José with a high density of ground floor commercial activity. Since restaurants and bars will not be permitted to maintain the same indoor capacity levels, we suggest that Staff temporarily close off the adjacent streets or temporarily transform a lane of parking or traffic to allow for these businesses to spill out onto the street. Due to social distancing standards, we need to increase outdoor seating capacity. In most commercial districts the width of the sidewalk is not wide enough to accommodate additional seating plus allow for accessible pedestrian use.

SPUR will work with Staff to identify areas throughout San José that would benefit from the program. In an effort to deploy these closures rapidly and cost-efficiently, we suggest the City leverage the principles and tools of tactical urbanism--street paint, planters as blockades, parklets and easily distributable outdoor furniture--fast and inexpensive ways to test out changes to the built environment.

In an effort to balance outdoor dine-in access and takeout services, we recommend that alleyways and surface parking lots be utilized as designated pick up stations for delivery services such as UberEats, Grubhub etc.

### **Reduce fees and allow for implicit temporary uses:**

Our small businesses are under increased pressure to iterate on their existing service and business model to be able to adapt throughout the pandemic. There is a tension between the need to allow social distancing and needing the density of people to generate economic vitality. This is also costing our businesses greatly. **We recommend that City Council waive sidewalk cafe and parklet permitting fees during this time.**

Additionally, we recommend that Staff allow for businesses to provide additional offers and services outside of what their active use permit states. In order to meet their financial needs our bars, restaurants and other street-facing commercial operations, will need to evolve. This may mean that they begin to distribute and sell additional goods and services as well as host entertainment activities.

### **Analyze capping delivery fees:**

**We recommend that Staff analyze the impact of service delivery fees on food and beverage businesses.** Third-party delivery firms usually charge restaurants and bars up to a 30 percent commission fee from every customer's order which can make it difficult for the local restaurants to gain a profit. Cities such as San Francisco, Seattle and D.C. have begun to cap the service fee to 15%; New York City is examining capping this at 10%. While we do not want to discourage delivery service altogether, as these platforms serve a need and employ local residents, we must identify any and all measures to facilitate a resumption of on-premise operations as well.

### **Rethink parks and parking lots as multi-use spaces:**

In an effort to maximize space throughout the city we should allow for parks, parking lots and alleyways to be reimaged for additional outdoor seating use. Many of our food and beverage establishments in San José are not located in traditional business districts where spilling out onto the street would be permissible. These public spaces can also host temporary art installations as a



way to create moments of joy through the city. As we encounter more large swaths of vacant parking lots and empty storefronts, art can create visual connection along our street network to keep people engaged.

Thank you for your on-going efforts to support residents and businesses through this challenging time. We look forward to continuing to work with the Mayor's Office to support the implementation of San José Al Fresco.

Thank you,

Michelle Huttenhoff  
Policy Director / Placemaking + Public Life  
SPUR



May 12, 2020

Mayor Sam Liccardo and Councilmember Dev Davis  
City of San Jose, City Council  
200 East Santa Clara Street  
San Jose, CA 95113

Re: Al Fresco Dining Proposal

Dear Mayor Liccardo and City Councilmember Davis,

The California Restaurant Association is the definitive voice of the food service community in California and the oldest restaurant trade association in the nation. On behalf of the restaurants in San Jose, we are pleased to support your Al Fresco Dining proposal.

California's restaurants are the cornerstone of every community and an economic engine that employs 1.4 million food service workers and generates more state and local sales tax, \$7 billion annually, more than any other industry. Due to the COVID-19 crisis, we are estimating close to 50% of restaurants have temporarily closed their doors and 1 million food service workers are temporarily unemployed. We need creative ideas like the Al Fresco dining proposal to help reopen restaurants and get our restaurant family members back to work.

The Al Fresco dining proposal is in alignment with the California Restaurant Association's recommendations for re-opening neighborhood restaurants. Creating additional, creative outdoor dining spaces will be necessary to ensure proper physical distancing procedures during this pandemic through the greater use of outdoor public space. The proposal to eliminate the financial burdens of application costs and waive permitting fees to allow for outdoor dining is a critical aspect of helping San Jose restaurants reopen in this tough economic time.

As we emerge from the COVID-19 crisis we need creative efforts like these to ensure the safety of the dining public and get restaurant family members back to work. We look forward to working with the Mayor, Councilmember Davis and the City of San Jose to reimagine the way our economy works in the post pandemic world.

Sincerely,

A black rectangular box redacting the signature of Katie Hansen.

Katie Hansen  
Senior Legislative Director  
California Restaurant Association

Cc: Rules Committee Members, City Clerk

**From:** Aurelia Sanchez

**Sent:** Monday, May 18, 2020 10:23 AM

**To:** The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>

**Cc:** Peralez, Raul <Raul.Peralez@sanjoseca.gov>; Esparza, Maya <Maya.Esparza@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>

**Subject:** Memo: San Jose Al Fresco Allowing Local Businesses To Operate Outdoors

Hello Mayor and Council member Dev Davis,

On Tuesday, May 19, 2020, the council will hear agenda item 3.5 and as a long time park volunteer and open space advocate I wish to express my concerns with the memo written by you and the Mayor. One of my chief concerns is the memo and agenda item is written very broadly with little details as to what districts are being considered for this, cost to taxpayers, length of time parks, alleyways, parking spaces will be confiscated. There is no details as how businesses will be selected and in what areas and if there will be any outreach to neighborhoods or other businesses that might be impacted by closing streets and eliminating parking or open space. Please consider if closing numerous sidewalks and parking lots the impact it might have on the elderly, disabled or families with strollers or young children.

For some years now Cesar Chavez Plaza has been a prime open space location that businesses have been wanting to build on or confiscate for their own benefit. This Plaza should be kept off limits so it can be enjoyed for concerts, fairs and open space for the many residents downtown. I have lived many years from a bar down the street from me and have had to call the police numerous times because of people loitering outside and the noise level from people fighting, laughing, crying etc. This is especially difficult during late evening hours so I ask you to consider this possible impact on residents and other businesses.

I understand the need to help our businesses but I think there are other options that can be explored. Waiving of some fees for businesses, no interest loans and waiting to see what our new normal will look like. Please consider that some businesses will no longer have employees come to their offices but work from home, San Jose State will have mostly on-line classes and travel will take a few years to resume not to mention the economic impact on families who will not have the money to spend on restaurants, yoga studios and bars. Lastly, I am greatly concerned with the lost of any public park land since San Jose needs more open space for its residents to enjoy especially during these difficult times when travel is restricted.

Aurelia Sanchez  
District 3 resident

## ***San Jose Small Business Advisory Task Force***

May 19, 2020

Mayor Sam Liccardo and City Council  
City of San Jose  
200 East Santa Clara Street  
San Jose, CA 95113

### **RE: Agenda Item 3.5 San Jose Al-Fresco – Allowing Local Businesses to Operate Outdoors**

Dear Mayor Liccardo and Members of the City Council,

On behalf of the San Jose Small Business Advisory Task Force, I am pleased to share that the San Jose Small Business Advisory Task Force met on Thursday, May 14, 2020 and endorsed Mayor Liccardo and Council Member Davis' proposal of San Jose Al Fresco, allowing local businesses to operate outdoors.

San Jose is home to 51,000 of locally owned businesses who have suffered greatly as a result of the ongoing COVID-19 pandemic. Our Task Force is facilitated by the Office of District 1 and is made up of ethnic chambers of commerce and business associations representing small businesses throughout the Silicon Valley. We know first-hand that small businesses throughout the city are operating at minimum capacity, leading to many businesses struggling to stay afloat and survive during this uncertain time. Almost all owners of a small business have been directly impacted by COVID-19, many that have already had no choice but to shut down or are planning to shut down in the near future. As a result, many have lost their job and businesses are struggling to make ends meet in terms of sales, being able to pay their employees as well as paying rent and fear they too will be one of the many businesses who will no longer have the resources and funds to operate.

The small businesses within San Jose play a key role in creating jobs for many of the residents, and businesses continue trying to innovate ideas that may help them survive during this difficult time. Food service workers are one of the most impacted groups with over one million workers who are currently not working. Other employers of small businesses face similar struggles of not currently being employed or having their hours cut significantly impacting their families and everyday lives.

We commend the Mayor and City Council Members for working together and innovating a plan like Al-Fresco which will aid businesses tremendously by being able to use public spaces for retail operations, exercise classes and businesses, as well as for outdoor dining. Measures such as these will help local businesses. We are excited to endorse the proposed ordinance and support the road to recovery for San Jose and its residents.

Sincerely,

Dennis King  
Vice Chair, Small Business Advisory Task Force  
Executive Director, Hispanic Chamber of Commerce

## ***San Jose Small Business Advisory Task Force***

Members of the San Jose Small Business Task Force:

Hispanic Chamber of Commerce

FilAm Chamber of Commerce Silicon Valley

Rainbow Chamber of Commerce

Silicon Valley Black Chamber of Commerce

Silicon Valley Chinese Technology & Business Association

Silicon Valley Vietnamese American Chamber of Commerce

The Silicon Valley Organization

Winchester Business Association