



## **PUBLIC CORRESPONDENCE**

The following is public correspondence received by the City Clerk's Office after the posting of the original agenda. Individual contact information has been redacted for privacy. This may *not* be a comprehensive collection of the public correspondence, but staff makes its best effort to include all correspondence received to date.

To send correspondence to the City Council, on matters listed on the agenda please email [PublicComment@losaltosca.gov](mailto:PublicComment@losaltosca.gov)

**From:** [Jeanine Valadez](#)  
**To:** [Sally Meadows](#); [Jonathan Weinberg](#); [Neysa Fligor](#); [Lynette Lee Eng](#); [Pete Dailey](#)  
**Cc:** [Gabriel Engeland](#); [Jon Maginot](#); [Anthony Carnesecca](#); [Angel Rodriguez](#); [Public Comment](#)  
**Subject:** Public Comment Study Session Agenda Item #1 2023\_01\_24  
**Date:** Tuesday, January 24, 2023 4:34:41 AM  
**Attachments:** [2023\\_01\\_24 City of Los Altos Parklet Program Guide DRAFT j9 edits.pdf](#)  
[2023\\_01\\_24 City of Los Altos Sidewalk Dining Program Guide DRAFT j9 edits.pdf](#)

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Re: City Council Study Session 2023\_01\_24 - Item #1 Los Altos Outdoor Dining

Mayor Meadows, Vice Mayor Weinberg, Councilmembers Dailey, Fligor, and Lee Eng,

Apologies for being late. I hereby attach two documents that reflect my public comments, questions, and suggested edits to the Parklet Program Guide and the Sidewalk Dining Guide. Please read the Parklet document first because it is more important and I have included much more explanation for my edits, many of which also appear in the Sidewalk Dining guide with less explanation. I am very supportive of both programs; however, I believe there are many ambiguities that need clarification and several additions required to make sure that all parties understand their responsibilities. I really want the programs to succeed.

I am attaching the blue-lines in PDF format, but I can make the Word versions available to you if you wish.

Angel, would you please include this cover letter in my Public Comment prior to the two attachments? Then list the Parklet blue lines first, followed by the Sidewalk Dining blue lines. Thank you.

Thanks for your consideration,

Jeanine Valadez

Disclosure: I am a PARC commissioner but am submitting this as a member of the public.



# City of Los Altos Parklet Program Guide

January 2023

[Blue lines by Jeanine Valadez](#)

## Overview

This program guide describes the procedures that existing and proposed downtown businesses must follow to be permitted for outdoor dining within the street public right-of-way immediately adjacent to the establishment. Such dining areas shall be called “parklets.” Interested businesses must provide a complete submittal with all required documents and the initial application fee to the City of Los Altos for consideration. [Comment: I say “street” because this program guide does not include dining areas on the sidewalk; also, using the word “adjacent” implies that any adjacency is sufficient; therefore, parklets aside or behind a business should accordingly be allowed. Is this Staff’s/Council’s intent? The answer should be yes, to allow maximum options for locations to spread out. But if your intent is to limit parklets to frontage, you should say so here. What about dining establishments in parking plazas? On the numbered streets? San Antonio? If your intent is that parklets may only exist on State and Main, you should say so. Bottom line, this guide should state upfront where parklets may be installed in our city (this is why I am calling this guide the Downtown Parklet Program Guide; of course if you intended that parklets may be established elsewhere in the city, you should say so.)]

Approved dining areasparklets are executed by a City Removal & Maintenance Agreement that is reviewed annually for operational standards set forth within this Program Guide. Each approved dining areaparklet shall be automatically renewed each year unless ~~otherwise the parklet fails to~~ meet the specifications described in this Guide, as determined during its annual review [Comment: my edit makes it clear that this is a pass/fail consideration per the specs herein described or referenced. The text as written leaves the impression that there are unspecified conditions under which a renewal might not be granted. This imparts ambiguity and an air of possible non-objective judgement. If there are indeed such unstated considerations for discontinuing an approved dining area, they should be listed in this Guide.]

City staff will complete an annual inspection in addition to ongoing monitoring to verify and ensure that aesthetics, cleanliness, and the approved precise seating layout of the dining areaparklet are being maintained. [Grammatical edit: “that” must precede a noun list when a verb clause follows the noun list. If you don’t want to use “that,” the use this alternative sentence: “...to verify and ensure maintenance of aesthetics, cleanliness, and the approved precise seating layout of the dining area.”]

Approved dining areasparklets shall remain safe and compliant with all applicable accessibility standards including, but not limited to, the Americans with Disabilities Act Accessibility Standards and Chapter 11B of the California Building Code, Los Altos Municipal Code, or other applicable laws. A business owner is solely responsible for assuring such compliance. Therefore,

~~Any inspections performed by the City are for its sole and exclusive benefit and for the benefit of the general public, and a business owner should not rely on the fact that the City has performed an inspection as evidence that the business’ dining areaparklet is safe or compliant with applicable accessibility standards listed above including but not limited to the Americans with Disabilities Act Accessibility Standards and Chapter 11B of the California Building Code, Los Altos Municipal Code, or other applicable laws.~~

[I recommend you add a statement describing who has the right to access each parklet. In many other cities, permanent parklets and sidewalk dining areas are considered to remain in the public right of way and therefore are considered open to public access. In those cities, even during

business hours, the public has the right to access the area regardless of their patronage of the business that has set up the area. Moreover, you cannot limit outside food or drink. In some cities, furniture must be left out to provide “community benefit.” I found that San Mateo considers parklets private space under the control of the permit holder. It seems to me that a fair compromise might be to grant some sort of exclusivity to parklets during business hours (probably cannot limit outside food and drink), but open the areas to the public for their use during special events (like parades or fairs) and anytime the business is closed. Business owners may take in all furniture but tables with the understanding that the public may use those tables. ]

# Parklet Design Specifications (in general, all the headings and bullets below should be numbered to ease references)

## Location

- Shall be installed at businesses that provide table service with items delivered and/or carried away by an employee.
- Shall utilize the length of their primary building frontage only or a maximum of four angular parking spaces for Main Street or two parallel parking spaces for State Street, whichever is greater. [\[Comment: as commented in the Overview section, this document as written does not address specifics when dining businesses face streets other than State and Main. Does Sumika get a parklet? Does Amandine? Yoshi Sushi? State of Mind? Future businesses not on State and Main?\]](#)
- Shall receive written permission from both neighboring business owner and property owner to place parklet in front of neighboring business. [\[As written, this bullet imparts that one person \(EITHER the neighboring business owner or the property owner\) can trump conformance with the prior bullet and prevent overlap. Is this your intent? Also, does this mean that, to incentivize achieving neighbor's approval of the overlapping parklet, or as a cost-sharing concept, or in goodwill, a business may, in accordance with the rules in the prior bullet, offer that overlapped neighboring business non-dining functionality in the parklet, such as reading space, lounging space, performance space, display space, sidewalk sales space, or special author/celebrity signing space, etc.?\]](#)
- Shall maintain a minimum distance of 15 feet from the centerline of Main Street and 11 feet from the centerline of State Street to the most outer edge of the parklets barriers or as determined by the Public Works Director for sight visibility and safety. [\[Comment: this requirement seems to state that parklets shall ONLY exist on State and Main. Is that your intent?\]](#)
- Shall ensure access to utility panels, vaults, boxes, hatches, manholes, storm drains, and similar items. [\[Comment: if any such features are beneath where a given parklet wooden platform may otherwise exist, will the platform be prohibited? Or will an access mechanism, such as a removable section, or hinged trapdoor be allowed? If allowed, guide should state this and refer owner to applicable design criteria elsewhere in this Guide or in another spec or code.\]](#)
- [\[Is there any consideration for a dining business that has both a sidewalk dining area and a parklet that might create locational constraints you need to add to this guide?\]](#)

## Platform Structure

- Shall be made of ipe wood decking or similar wood product. [\[Please require sustainably source wood; the use of most tropical hardwoods negatively impact our rainforests. Wood planks may be separated by gaps no wider than ½ inch.\]](#)
- Shall have impermeable layer under deck across entire square footage of platform to prevent any debris from falling below platform. [\[Comment: while the intent here is good, keep in mind that an impermeable layer directly beneath the wood creates two negative effects: 1\) during rain or hosing, water will stay in the crevices and atop](#)

the surface longer, which will be a disincentive for customers, and 2) retaining moisture/water right next to the wood will accelerate rot, especially if food matter sits in that wetness in the crevices. Whether caused by rain or hosing, keeping water on or beside the wood is not good for the platform. I would suggest instead requiring the platform to be constructed in small enough sections so that periodic lifting of sections to clean out the street under the platform is achievable by business staff (or service providers they hire for the job. Alternatively, you could allow a water permeable yet solid covering atop the platform so that debris is not able to fall below the platform.)

- Shall have impermeable edging to prevent any entry points for critters or street debris.
- Shall be textured or treated with a non-skid coating on a regular basis.
- Shall be flush with the sidewalk without a horizontal or vertical separation greater than 1/2 inch. Vertical separations between 1/4 inch and 1/2 inch high shall be beveled with a slope not steeper than 1:4 (25%).
- Shall not be bolted into the street or sidewalk.
- Shall have drain cover to ensure free flow of water along curb.
- Shall meet all additional building requirements as specified in XXXX.
- Does the platform need to be fully level? Or may it slope? If so, how much? (Keep ADA in mind.) Are there related implications as to surface water flow/drainage from the platform into the street or sidewalk?

## **Barriers**

- Barriers will have two major components as seen in the example below:
  - Gray rectangular concrete planter every eight linear feet that is 16 inches wide, 48 inches long, and 42 inches high.
  - Brown 42-inch high railing that has a 2 inch x 3 inch tube steel frame with 5/8-inch metal rod infill.



- Planter must maintain fresh plants that may flow out from the barrier.
- Shall not have any display of art or any other information on barrier. [\[No exception for donor/sponsor attribution name plate?\]](#)
- Shall be constructed to enclose the entire perimeter of the parklet to ensure that patrons of each establishment only enter and exit from the adjacent sidewalk.

### **Accessibility**

- Shall provide access to and throughout the seating areas by meeting the minimum requirements for accessibility based on the Americans with Disabilities Act 2010 Accessibility Standards, the current California Building Code (CBC), Chapter 11B – Accessibility, as well as other applicable standards and guidelines.
  - A business owner is strongly encouraged to engage the services of a Certified Access Specialist. The City does not guarantee that a parklet designed in accordance with City standards will comply with applicable disability access laws.
- Minimum 5% of all outdoor seating to be accessible and identify all the accessible tables with the International Symbol of Accessibility.
- Shall provide the specific requirements for accessible routes leading to and through the parklets including clear width, slope, cross slope, vertical transitions, protruding object/headroom hazards, and openings along the circulation path.

### **Furniture**

- Shall be made of high-quality metal or wood material.
- Shall replace outdoor dining furniture on a regular basis.
- Businesses must bring all furniture, except for dining tables, inside their business outside of posted operating business hours.

### **Lighting**

- Shall be LED Bistro Lights rated for outdoor use in clear color only. [\[Are there exceptions or holiday seasons?\]](#)
- Shall be installed in accordance with state and local electric code requirements and manufacturer's instructions.
- Shall be plugged directly into outlet.
- Shall not be lower than 8 feet in height.

### **Heating**

- Propane heat lamps are prohibited.
- Electric heat lamps are permitted on a case-by-case basis.

### **Tents & Canopies**

- Tents and canopies are prohibited. [\[So no rain/wind protection?\]](#)

### **Umbrellas**

- Secure umbrellas down with umbrella stand.



- Shall have a headroom clearance of 80” minimum high.
- All umbrellas shall be uniform in color for each parklet with no advertising or signage.

### **Other requirements**

- Demonstrate that the parklet is regularly used by customers and maintained by the business owner.
- Businesses shall include area in ABC license.
- Abide by all other restrictions placed by the City of Los Altos not outlined in this guide. No private garbage cans, bus stations, or dish collectors may be located in dining areas.
- Will the city allow outdoor food preparation in the parklet? If so, is a special permit required?

## **Site Maintenance**

[Need to add a section for this.]

1. Cleaning/sweeping requirements. How often and what means are allowed?
2. No cleaning runoff to the Bay (city storm water management reference?)
3. Must have access to curb
4. Periodic cleaning under platform. How often?
5. Plant/planter maintenance/blight
6. Umbrella maintenance

## **Submittal Fee**

Applicants must submit a one-time initial application fee of \$500 to cover the costs of reviewing the initial application, construction, and approval of the parklets.

By every December 31<sup>st</sup>, in alignment with the business license and downtown parking permit deadlines, applicants will provide a signed copy of the application, signed permit agreement, updated liability insurance documents, and a check for the parklet fee.

The annual parklet renewal fee will of \$3.00 per square foot. For example, the average parking stall is 8 feet by 16 feet for a square footage of 128 multiplied by the 4 parking stall total would equal 512 square feet. If you multiply 512 square feet by the \$3.00 per square foot fee, a business would pay an annual fee of \$1,536 for a four parking stall parklet.

## **Submittal Requirements**

- Completed Los Altos Parklet Program Application
- Signed City Removal & Maintenance Agreement
- Precise layout plan for the proposed parklet, including the parking spaces proposed for parklet, precise floor plan of tables, description and schematic of barrier, lighting and power plan that includes details of the wiring and power source, and disability access plan<sup>1</sup>
- Certificate of liability insurance

Please submit all the above required documents to the City of Los Altos for review through email to [acarnesecca@losaltosca.gov](mailto:acarnesecca@losaltosca.gov).

Every applicant is required to schedule an on-site meeting with a City staff representative prior to an application submission. If you have any questions regarding parklets, please contact the City of Los Altos at (650) 947-2620 or [acarnesecca@losaltosca.gov](mailto:acarnesecca@losaltosca.gov).

[\[Are there any during- or post-construction inspections or reviews?\]](#)

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<sup>1</sup> The City is not responsible for determining whether the disability access plan complies with the Americans with Disabilities Act or other applicable disability access laws. Every business owner that participates in the parklet program is strongly encouraged to engage the services of a Certified Access Specialist.



# City of Los Altos Sidewalk Dining Program Guide

January 2023.

[Blue lines by](#)

[Jeanine](#)

[Valadez](#)

## Description

## Description

This program guide describes the procedures that existing and proposed downtown businesses must follow to be permitted for outdoor dining on the sidewalk<sup>1</sup> within the public right-of-way immediately adjacent to the establishment. Interested businesses must provide a complete submittal with all required documents and the initial application fee to the City of Los Altos for consideration. [Comment: I say “sidewalk” to distinguish this guide from the parklet guide; I define sidewalk per state code in the footnote below. Also, using the word “adjacent” implies that any adjacency is sufficient; therefore, sidewalk dining areas aside or behind a business should accordingly be allowed. Is this Staff’s/Council’s intent? The answer should be yes, to allow maximum options for locations to spread out. But if your intent is to limit sidewalk dining to frontage, you should say so here. What about dining establishments on the numbered streets? San Antonio? If your intent is that sidewalk dining may only exist on State and Main, you should say so. Bottom line, this guide should state upfront where sidewalk dining may be installed in our city.]

Approved sidewalk dining areas are executed by a City Removal & Maintenance Agreement that is reviewed annually for operational standards set forth within this Program Guide. Each approved dining area shall be automatically renewed each year unless the sidewalk dining area fails to meet the specifications described in this Guide, as ~~otherwise~~ determined during its annual review.

City staff will complete an annual inspection in addition to ongoing monitoring to verify and ensure that aesthetics, cleanliness, and the approved precise seating layout of the sidewalk dining area are being maintained.

Approved sidewalk dining areas shall remain safe and compliant with all applicable accessibility standards including but not limited to the Americans with Disabilities Act Accessibility Standards and Chapter 11B of the California Building Code, Los Altos Municipal Code, or other applicable laws.

A business owner is solely responsible for assuring such compliance. Therefore, aAny inspections performed by the City are for its sole and exclusive benefit and for the benefit of the general public, and a business owner should not rely on the fact that the City has performed an inspection as evidence that the business’ sidewalk dining area is safe or compliant with applicable accessibility standards, as listed above including but not limited to the Americans with Disabilities Act Accessibility Standards and Chapter 11B of the California Building Code, Los Altos Municipal Code, or other applicable laws.

[I recommend you add a statement describing who has the right to access each sidewalk dining area. In many other cities, permanent parklets and sidewalk dining areas are considered to remain in the public right of way and therefore are considered open to public access. In those cities, even during business hours, the public has the right to access the area regardless of their patronage of the business that has set up the area. Moreover, you cannot limit outside food or drink. In some cities, furniture must be left out to provide “community benefit.” It seems to me that a fair compromise might be to grant some sort of exclusivity to sidewalk dining areas during

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<sup>1</sup> As defined in Ca. Veh. Code § 555. "Sidewalk" is that portion of a highway, other than the roadway, set apart by curbs, barriers, markings or other delineation for pedestrian travel.

## **Description**

business hours (probably cannot limit outside food and drink), but open the areas to the public for their use during special events (like parades or fairs) and anytime the business is closed. Business owners may take in all furniture but tables with the understanding that the public may use those tables. ]

## Design Specifications

### Design Specifications (in general, all the headings and bullets below should be numbered to ease references)

#### Location

- Shall maintain at least a 5-foot wide minimum clearance along the sidewalk to provide an accessible route along the existing public right of way.
- Shall ensure that pedestrians have a safe route from parked vehicles to the sidewalk.
- Shall receive written permission from both neighboring business owner to place sidewalk dining in front of neighboring business. [this bullet is unclear; seems like words are missing. Are you requiring that both business owner and property owner must approve? Or are you requiring that both neighboring businesses (presumably on each side) must approve? Other? Pls clarify.
- [Is there any consideration for a dining business that has both a sidewalk dining area and a parklet that might create locational constraints you need to add to this guide?]

#### Accessibility

- Shall provide access to and throughout the seating areas by meeting the minimum requirements for accessibility based on the Americans with Disabilities Act 2010 Accessibility Standards, the current California Building Code (CBC), Chapter 11B – Accessibility, as well as other applicable standards and guidelines.
  - A business owner is strongly encouraged to engage the services of a Certified Access Specialist. The City does not guarantee that a dining area designed in accordance with City standards will comply with applicable disability access laws.
- Minimum 5% of all outdoor seating to be accessible and identify all the accessible tables with the International Symbol of Accessibility.
- Shall provide the specific requirements for accessible routes leading to and through the dining areas including clear width, slope, cross slope, vertical transitions, protruding object/headroom hazards, and openings along the circulation path.

#### Furniture

- Shall be made of high quality metal or wood material.
- Shall replace outdoor dining furniture on a regular basis.
- Businesses must bring all furniture, except for dining tables, inside their business outside of posted operating business hours.

#### Lighting

- Add lighting allowances.

#### Heating

- Add heating allowances.

#### Umbrellas

## Design Specifications

- Secure umbrellas down with umbrella stand.
- Must have a headroom clearance of 80” minimum high.
- All umbrellas shall be uniform in color for each table with no advertising or signage.

### Other requirements

- Demonstrate that the dining area is regularly used by customers and maintained by the business owner.
- Businesses must include area in ABC license.
- Abide by all other restrictions placed by the City of Los Altos not outlined in this guide.
- No private garbage cans, bus stations, or dish collectors may be located in dining areas.

## Site Maintenance

[Need to add a section for this.]

1. Cleaning/sweeping requirements. How often and what means are allowed?
2. No cleaning runoff to the Bay (city storm water management reference?)
3. Umbrella maintenance

## Submittal Fee

## Submittal Fee

Applicants must submit a one-time initial application fee of \$250 to cover the costs of reviewing the initial application and approval of the sidewalk dining.

By every December 31<sup>st</sup>, in alignment with the business license and downtown parking permit deadlines, applicants will need to provide a new signed copy of the application, signed permit agreement, updated insurance documents, and a check for the Council-approved fee.

The annual sidewalk dining fee will be \$3.00 per square foot. For example, a sidewalk dining area may be 4 feet wide and 25 feet long. If you multiply 100 square feet by the \$3.00 per square foot fee, a business would pay an annual fee of \$300 for their sidewalk dining permit.

## Submittal Requirements

- Completed Los Altos Sidewalk Dining Program Application
- Signed City Removal & Maintenance Agreement
- Layout plan for the proposed dining area project, including the precise floor plan of tables, description and schematic of barrier, and disability access plan<sup>1</sup>
- Certificate of insurance

Please submit all the above required documents to the City of Los Altos for review through email to [acarnesecca@losaltosca.gov](mailto:acarnesecca@losaltosca.gov).

Every applicant is required to schedule an on-site meeting with a City staff representative prior to an application submission. If you have any questions regarding the dining areas or dining area application process, please contact the City of Los Altos Economic Development team at (650) 947-2620 or [acarnesecca@losaltosca.gov](mailto:acarnesecca@losaltosca.gov).

[\[Are there any during- or post-construction inspections or reviews?\]](#)

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<sup>1</sup> The City is not responsible for determining whether the disability access plan complies with the Americans with Disabilities Act or other applicable disability access laws. Every business owner that participates in the dining area program is strongly encouraged to engage the services of a Certified Access Specialist.





January 24, 2023

Study Session Discussion: Los Altos Outdoor Dining

Honorable Mayor Meadows and Members of the City Council,

We, the steering committee of Los Altos Community Voices, are writing to share our strong support for a permanent Los Altos Outdoor Dining Program as outlined in the study session report. The existing parklet program has proven to be extremely popular and a benefit to our downtown and its businesses as we adjust to the new era of dining and social interaction.

As you craft the permanent program, please emphasize the aesthetics and safety of the permanent installations as outlined in proposed City of Los Altos Parklet Program Guide. Balance those recommendations with input from our restaurants and businesses about potential design and cost implications and modify the proposal as needed. The program should not put anyone out of business but rather incentivize participation.

With the assurance of a permanent program, we hope restaurants will be willing and able to invest in improved facilities to attract even more patrons to our great restaurants and downtown!

Sincerely,

Robin Abrams, Kim Cranston, Cathy Lazarus, Bill Sheppard, Marie Young  
Los Altos Community Voices Steering Committee

**From:** [Pat Marriot](#)  
**To:** [Public Comment](#)  
**Subject:** RE: PUBLIC COMMENT ITEM #1 STUDY SESSION JANUARY 24, 2023  
**Date:** Tuesday, January 24, 2023 3:43:04 PM

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Council Members:

I'd like to add one more request re tracking sales tax downtown.

A baseline year should be specified. Maybe it's 2019 pre-COVID. Then show the following three COVID years, during which time parklets started to be built. We need some history in order to judge the future.

BTW, I would like to see "vibrancy" and "vitality" erased from our vocabulary as we consider downtown issues. Councilmember Dailey noted (Jan 10) "city character" is not allowed when discussing housing issues because it's meaningless. Vibrancy and vitality fall into that same category.

Thank you,

Pat Marriott

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**From:** Pat Marriot [REDACTED]  
**Sent:** Friday, January 20, 2023 12:26 PM  
**To:** [PublicComment@losaltosca.gov](mailto:PublicComment@losaltosca.gov)  
**Subject:** PUBLIC COMMENT ITEM #1 STUDY SESSION JANUARY 24, 2023

Council Members:

Regarding the outdoor dining program, whatever your decision, I hope you have some data behind it.

When I was on the Downtown Buildings Committee many years ago, I thought it would be good to know what impact new buildings and businesses (Safeway, Cetrella, Pharmica, First Street condos) had on sales tax.

I discovered that neither the Chamber of Commerce nor LAVA tracked downtown sales tax. As far as I know, the city gets sales tax data from the county, which does not break out the downtown triangle. However, Marcia Sommers, who was the city manager during the DBC meetings, gave me specific numbers for downtown, used to create the attached spreadsheet. Those numbers came from HdL.

### Downtown Triangle Sales Tax Multi-year Summary

Sales Tax is tracked for the Downtown Triangle which consists of 389 businesses. Sales Tax for that area for the past ten years is noted below. The percentage is the portion of the total Sales Tax generated in Los Altos.

2014:	\$1,012,977	- 41%
2013:	\$972,826	- 38%
2012:	\$924,683	- 38%
2011:	\$858,980	- 37%
2010:	\$825,212	- 36%
2009:	\$775,657	- 39%
2008:	\$877,198	- 36%
2007:	\$941,487	- 37%
2006:	\$877,171	- 36%
2005:	921,612	- 39%

Report  
1.

Since there is continued focus on downtown vibrancy, I would like the city to track downtown sales tax. No matter how many people we see downtown, no matter how many parking spots are occupied, it seems the most important measure of success/vibrancy/vitality is economic.

Thanks for listening,

Pat Marriott