



**BURLINGAME CITY COUNCIL
Unapproved Minutes
Special Meeting on June 9, 2020**

1. CALL TO ORDER

A duly noticed meeting of the Burlingame City Council was held on the above date online at 6:31 p.m.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The pledge of allegiance was led by Mayor Beach.

3. ROLL CALL

MEMBERS PRESENT: Beach, Brownrigg, Colson, O'Brien Keighran, Ortiz
MEMBERS ABSENT: None

4. REPORT OUT FROM CLOSED SESSION

There was no closed session.

5. UPCOMING EVENTS

Mayor Beach reviewed the upcoming events taking place in the city.

6. PRESENTATIONS

There were no presentations.

7. PUBLIC COMMENT

There were no public comments.

8. CONSENT CALENDAR

Mayor Beach asked her colleagues and members of the public if they would like to pull any item off the Consent Calendar. No items were pulled.

Councilmember Ortiz made a motion to adopt the Consent Calendar (8a); seconded by Vice Mayor O'Brien Keighran. The motion passed unanimously by roll call vote, 5-0.

a. **ADOPTION OF A RESOLUTION AUTHORIZING THE MAYOR TO SEND A LETTER OF OPPOSITION REGARDING PROPOSED AMENDMENT TO REVENUE AND TAXATION CODE SECTION 97.2 IN EDUCATION OMNIBUS TRAILER BILL WITH MAY REVISION AMENDMENTS: EXCESS ERAF**

Finance Director Augustine requested Council adopt Resolution Number 074-2020.

9. **PUBLIC HEARING**

a. **PUBLIC HEARING TO CONSIDER THE TEMPORARY STREET CLOSURE OF DOWNTOWN BURLINGAME AVENUE TO FACILITATE SAFE PEDESTRIAN ACTIVITY AND OUTDOOR DINING PURSUANT TO THE LATEST SAN MATEO COUNTY HEALTH ORDER**

City Manager Goldman explained that since entering into shelter-in-place on March 17, the City's restaurants have only been able to allow takeout and delivery. She stated that the County Health Order was amended to allow for outdoor dining beginning on June 6. The Council has expressed interest in increasing the area that restaurants can operate outside in order to allow for more seating and social distancing.

City Manager Goldman stated that both the Economic Development Subcommittee and the Downtown Business Improvement District ("DBID") discussed the possibility of closing Burlingame Avenue to allow for additional seating and social distancing. She thanked DBID President Jenny Keleher for working collaboratively with the City on this program. She added that the DBID issued a survey to its members, and the results are attached to the staff report.

DPW Murtuza stated that at the May 28, 2020 Economic Development Subcommittee meeting, the subcommittee discussed a variety of closure options ranging from completely closing off the entire street to just closing a couple of blocks. He noted that the subcommittee also explored short-term and long-term closures. He explained that after an extensive discussion, the Economic Development Subcommittee recommended the following:

- Close Burlingame Avenue between EL Camino Real and California Drive from Thursday to Sunday on a weekly basis for a one-month pilot program, and consider an extension if feasible and if it is strongly supported.
- Keep Primrose Road and Lorton Avenue open for traffic to minimize potential adverse impacts to traffic circulation, access to parking lots, and deliveries.

DPW Murtuza stated that after this discussion, staff was alerted to the State vehicle code requirements regarding street closures. He explained that staff learned that there are specific conditions that need to be met for street closures. However, there is no provision in the code for temporarily closing off a street for a long duration and/or seasonal purposes. He stated that after discussions with the City Attorney, staff

determined that a temporary street closure, for a shorter duration for public health and safety purposes, could be justified. He noted that a lengthy closure may require environmental review under the California Environmental Quality Act (“CEQA”). Therefore, staff is recommending that the Council close off Burlingame Avenue from Friday to Sunday, each week for a one-month duration.

DPW Murtuza stated that staff understands the desire to keep Primrose Road and Lorton Avenue open to through traffic. However, staff is concerned about the potential conflict between pedestrians crossing the intersections and motorists. He explained that staff is recommending that the Primrose Road and Lorton Avenue intersections be closed off to motorists to allow for uninterrupted pedestrian crossing at intersections along Burlingame Avenue and to minimize conflicts with motorists. He noted that signs could be set up in advance to help direct traffic.

DPW Murtuza stated that staff proposes that Burlingame Avenue be closed to motorists starting at 8 a.m. on Friday through 10 p.m. on Sunday. He explained that the closure would provide for 10-foot wide pedestrian access along the sidewalk on both sides of Burlingame Avenue. He noted that this would allow for ADA compliance. He stated that the restaurants will be able to use a 5-foot wide portion of the sidewalk and the full parking lane for a total of 14 feet along their frontage for outdoor dining purposes on both sides of the street. The middle part of the road, which is 20-feet wide (travel lanes), will be available for additional pedestrian activity and will serve as an emergency response access lane when needed.

DPW Murtuza stated that in order to facilitate the safe and orderly implementation of the closure of Burlingame Avenue for outdoor dining, staff created a list of conditions that need to be met. The list was included in the staff report. *While not stated specifically the list of conditions is included below as both staff and Council made repeated mention of the conditions.*

- All restaurants, eateries, retail businesses, and members of the public must abide by the San Mateo County Health Orders with respect to social distancing, masks, etc.
- Restaurants must follow the County Health Orders for serving food, including providing PPE (personal protective equipment) for employees, and provide washing stations for patrons.
- Restaurants serving alcohol beverages in the City right-of-way must obtain permission from the California Department of Alcoholic Beverage Control (ABC) and submit documentation to the City of Burlingame for approval.
- Each restaurant using the right-of-way for outdoor dining is responsible for the safety of their patrons. The City’s existing sidewalk encroachment permit template can be adapted to cover the expanded dining areas, and the City Council can direct that the City waive encroachment permit fees for outdoor dining during this program.
- The businesses must maintain ADA access at all times.
- Each restaurant using the outdoor dining space is responsible for keeping their frontage sidewalk and the parking lane areas clean at all times.
- All tables and chairs should be removed from the sidewalk and street at the end of each day.
- The City may remove the street closure or make adjustments if it is causing traffic congestion, circulation, and/or parking problems. Additionally, the City may remove the street closure or make adjustments if social distancing/face covering requirements and County Health Orders are not met.

- The DBID will serve as a liaison for this project and will coordinate with merchants and businesses to ensure all the conditions are complied with.

DPW Murtuza discussed the loss of approximately 150-160 street parking spaces along Burlingame Avenue and side street intersections as a result of the street closure. He noted that because there are parking lots close by, staff didn't believe this would be an issue. Additionally, he stated that beginning July 1, parking meters will be enforced. Therefore, this will help to improve parking management and increase turnover.

DPW Murtuza stated that the street closure will impact staff's regular duties and affect other City services and work programs. He estimated that the cost of setting up and removing the street closure is approximately \$10,000 to \$12,000 per month.

Vice Mayor O'Brien Keighran asked when the garbage pick up occurs on Friday and Saturdays. DPW Murtuza stated that he would get back to Council on the timing.

Vice Mayor O'Brien Keighran asked what the tipping point is for increasing the number of days. She noted that while the staff report states that a longer closure would require a CEQA review, the City of San Carlos has decided to close down two blocks of Laurel every day. She stated that San Carlos justified the closure using their Declaration of an Emergency. She added that the City may want to look at other jurisdictions to see how they are justifying their street closures.

City Attorney Kane stated that each jurisdiction is trying to figure out how the pre-existing statutory requirements apply in this situation. She noted that on a County call, San Carlos's reasoning was in the minority concerning the applicability of the CEQA exception. She explained that staff's recommendation is based on ensuring that the City is clearly covered.

Vice Mayor O'Brien Keighran asked if it was a possibility for the City to continue this program in the future if it is successful. City Attorney Kane replied in the affirmative.

Councilmember Colson asked about the condition that restaurants must provide washing stations for patrons. She asked if the restaurants would have to provide outside washing stations or could they use their bathrooms. DPW Murtuza stated that staff doesn't want to control how restaurants are operating as long as they comply with the County Health Order. He added that there needed to be a safe and accessible location for people to wash their hands.

Councilmember Colson stated that it would be helpful for the restaurants if the City outlined their options. She explained that she was worried that there would be several different interpretations of the requirements. City Manager Goldman stated that she believed the County was working on this.

Councilmember Colson suggested adding additional trash cans on Burlingame Avenue so as to prevent issues during the street closure. She asked if the City is still utilizing valet parking services. DPW Murtuza replied in the negative. He stated that the City suspended that contract because of COVID-19.

Councilmember Colson asked if parking becomes difficult could the City bring that program back. DPW Murtuza replied in the affirmative.

Councilmember Colson asked if the City could create a 20 minute stall for food pick up in order to assist the businesses on the side streets. She stated restaurants have voiced concern that people and app companies picking up food won't be able to find a place to park near the restaurant. DPW Murtuza stated that he would look into this issue and see how they can assist businesses on a case by case basis.

Councilmember Colson discussed the health order requirements that people wear masks in public and that tables are kept six feet apart. She asked how the City would be enforcing face coverings, the six feet distance between tables, and socializing only within a family unit. DPW Murtuza stated that enforcement would be difficult. He explained that the restaurants are responsible for enforcing the County Health Order. City Manager Goldman added that the County Health Order requires restaurants to have a social distancing plan in place prior to opening. She noted that the City has been reminding restaurants and the public about face masks and the six feet requirement.

Councilmember Brownrigg asked about the City purchasing standalone handwashing stations. DPW Murtuza replied in the negative. He explained that for now, staff feels that the restaurants should be in charge of this requirement.

Councilmember Brownrigg discussed the possibility of having DBID manage the standalone handwashing stations if the City were to purchase them.

Councilmember Brownrigg stated that he believed that dedicated parking spaces for restaurant pick-up is important. He suggested having the Economic Development subcommittee create a plan for food delivery pick-ups. Additionally, he asked that the subcommittee look into parklets for Broadway.

Councilmember Ortiz stated that he remains concerned about the traffic impact of closing the Burlingame Avenue intersections at Park and Lorton. He noted that the decision is not based on the vehicle code but rather the safety of pedestrians crossing the street. He asked if bicycles would be allowed on the closed street. DPW Murtuza stated that this is complicated. He explained that he could imagine issues arising as pedestrians try to move about the closed street. He added that it is important to first see what happens and then the City could consider expanding the program. He noted that the median of Burlingame Avenue also needed to be kept open for safety vehicles.

Councilmember Ortiz asked if the idea would be to have signage that bicycles would need to be walked down Burlingame Avenue. DPW Murtuza stated that he would look into that.

Mayor Beach asked if there was any traction among the restaurant community to have third party outsourcing to do clean up or is every restaurant going to handle their own area. DBID President Jenny Keleher stated that DBID hasn't discussed this issue.

Mayor Beach opened the item up for public comment.

Sam Malouf voiced concerns about the program. He asked where people would park and would parking issues deter more people from visiting the downtown district. (comment submitted via Zoom chat).

Jenny Keleher stated that she was currently visiting a region of California that allows indoor dining. She talked about the set up and how this could be done in Burlingame for outdoor dining. (comment submitted via Zoom chat).

John Kevranian asked if the City was considering closing Broadway for outdoor dining since there are 27 food establishments on the street. (comment submitted via Zoom chat).

Sandra Lang voiced concern about ensuring that the community wears face coverings while outside especially as more people leave their homes. (comment submitted via publiccomment@burlingame.org).

TSP Commissioner Howard Wettan discussed food delivery and asked that the Council plan for distribution points for food pick-up. (comment submitted via publiccomment@burlingame.org).

Annie Kendall, the General Manager of Athleta, voiced her support for closing Burlingame Avenue. (comment submitted via publiccomment@burlingame.org).

Cintia Calevoso voiced her support for the closure of Burlingame Avenue as she felt it would help local businesses and the community. (comment submitted via publiccomment@burlingame.org).

Kathryn Howe discussed the work that had been done in Santa Barbara to close streets and how it had helped businesses. (comment submitted via publiccomment@burlingame.org).

Nick and Stephanie Delis voiced their support for the proposal. They noted that they believed it complied with the original plans during the Streetscape Project. (comment submitted via publiccomment@burlingame.org).

Jan Robertson voiced her support for the program. (comment submitted via Zoom chat).

Peter Comaroto voiced his support for the program and thanked Council for taking action on the matter.

BPAC representative Warren Goodrich stated that the committee was excited about the program.

Councilmember Brownrigg asked if BPAC had an opinion about cross traffic on Lorton and Primrose and whether the City should allow it for circulation or deny it for pedestrian safety. Mr. Goodrich stated that he thought staff had done a good job outlining why the intersections would be closed. He noted that it is a pilot program, so staff could make changes.

Mayor Beach closed public comment.

Mayor Beach discussed whether the City should allow bicycling on Burlingame Avenue during its closure to motorists. She explained that she could see times when it could be allowed. She gave the example of early in the morning when people are heading to the Avenue for their coffee. She noted that because this was a pilot program, bicycling could be added at a later date, if staff felt that it was safe for pedestrians.

City Attorney Kane stated that if the Council decides to go forward with the program, the Council's motion should include a finding that the closure is necessary for public health and safety.

Mayor Beach asked what the County Health Order states about face coverings in relation to the Burlingame Avenue street closure. City Attorney Kane stated that the default rule is that if an individual can't maintain a six-foot distance from others, then they should wear a mask. She noted that the City is anticipating that it will be difficult to enforce social distancing on the Avenue, and therefore everyone should wear a mask.

Mayor Beach re-opened public comment.

Alisa Ferrari stated that the protocol from the County is that you must wear your mask inside the restaurant unless you are seated at a table eating and drinking. She stated that the restaurant is required to monitor and enforce social distancing and face masks.

Kristen Dumont asked if the small business owners that are not restaurants were consulted about the closing of Burlingame Avenue.

DPW Murtuza stated that staff sent notifications to all businesses so that they could participate in the meeting. He added that Ms. Keleher conducted a survey and received responses from non-restaurant businesses.

Mayor Beach closed public comment.

Councilmember Colson asked if people could park on Park and Lorton. DPW Murtuza replied in the affirmative. He showed a map that displayed where signs would be placed to divert traffic and inform individuals that Burlingame Avenue was closed.

Councilmember Colson asked if the City should enforce parking limits in conjunction with the Burlingame Avenue closure. City Manager Goldman stated that the staff report asks the Council to allow for parking meter enforcement beginning July 1. She noted that at the last Council meeting, the Council discussed employees parking all day long on the Avenue. Therefore, the Police Department will be giving warnings and reminding people about the two-hour parking time limit.

Councilmember Colson thanked her colleagues and staff for reviewing this proposal. She explained that her kids go to school in a college town where ten blocks are shut down to through traffic. She discussed how vibrant these blocks were and the benefit it added to the community. She stated that she hoped the retailers will see the benefits of closing Burlingame Avenue.

Councilmember Brownrigg stated that he believed this was a great initiative. He asked if he was correct that the proposal wouldn't allow a vehicle to cross Burlingame Avenue on Lorton. DPW Murtuza replied in the affirmative.

Councilmember Brownrigg stated that he was concerned about cars getting boxed in on Lorton or Primrose and not being able to turn around.

Councilmember Ortiz stated that Councilmember Brownrigg's concern is an important topic. He explained that his preference was to allow for through traffic on Lorton and Primrose and to have the City manage this traffic. However, he noted that he would defer to the staff's recommendation on this matter.

Vice Mayor O'Brien Keighran stated that this was discussed at the Economic Development Subcommittee meeting. She noted that after discussions with DPW Murtuza, it became clear that the intersections shouldn't be open in order to ensure pedestrian safety. She explained that her preference was to keep them closed, and if it poses a problem, the City can always reopen these intersections.

Councilmember Colson asked if the parking spots near the intersections would be open or if those would be blocked off. DPW Murtuza stated that staff's current thinking is to maximize as many parking spaces as possible. He added that leaving these parking spots open would assist businesses with deliveries and food pickups.

Mayor Beach stated that she agreed with the Vice Mayor that the Council should follow staff's suggestion of not having Primrose and Lorton allow through traffic. She discussed conducting public outreach about the program in the eNews and that the City should collect feedback.

Councilmember Brownrigg discussed a study on street closures to help businesses. He noted that street closures are more successful in college towns because they have so many people out and about. He stated that the City will be able to use the pilot program to see if it assists local businesses.

Councilmember Brownrigg made a motion to approve staff's recommendation based on a finding that the street closure is necessary for the public health and safety of people and in order to meet the public health requirements of social distancing while still assisting local businesses; seconded by Vice Mayor O'Brien Keighran.

Mayor Beach stated that the public is willing to embrace this program and wants to assist the City's local businesses.

The motion passed unanimously by roll call vote, 5-0.

DPW Murtuza stated that the program would start the weekend of June 19 to allow staff time to set up things and ensure that proper signage had been installed.

10. STAFF REPORTS

There were no staff reports.

11. COUNCIL COMMITTEE AND ACTIVITIES REPORTS AND ANNOUNCEMENTS

There were no Council Committee and Activities Reports.

12. FUTURE AGENDA ITEMS

There were no future agenda items.

13. ACKNOWLEDGEMENTS

The agendas, packets, and meeting minutes for the Planning Commission, Traffic, Safety & Parking Commission, Beautification Commission, Parks and Recreation Commission, and Library Board of Trustees are available online at www.burlingame.org.

14. ADJOURNMENT

Mayor Beach adjourned the meeting at 8:12 p.m. in memory of Jeannie Gilmore.

Respectfully submitted,

Meaghan Hassel-Shearer
City Clerk