

**MINUTES OF THE HOUSING, PLANNING, & DEVELOPMENT COMMITTEE
JUNE 29, 2020
MEETING HELD REMOTELY**

Present: Councilmembers Shachner, Kepple, Rader

Also Present: Councilmember Bullock, Fire Chief Dunphy, Engineer Papke, Urban Designer Allison Hennie

Call to Order: 6:02 p.m.

Approval of the minutes of the May 27, 2020 Housing, Planning & Development Committee meeting.

A motion was made and seconded to approve the minutes of the May 27, 2020 Housing, Planning & Development Committee. A roll call vote was taken as follows:

Yeas: Shachner, Kepple, Rader

Nays: none

Motion passed. Minutes approved.

Temporary parklet design guidelines

Chairman Shachner made opening remarks and recapped Council's recent discussions and deliberations regarding the expansion of outdoor dining. The expanded outdoor dining program that was adopted was intended to help reduce the risks of COVID that are associated with densely populated indoor areas. The program is intended to be temporary for the 2020 outdoor dining season. Parklets were proposed in the original legislation and removed by a majority of Council with the understanding that they would be discussed at a future date. He emphasized that the intent of expanding outdoor dining during the pandemic is to reduce risk. He acknowledged that there is no way to eliminate risk entirely. He pointed to other cities such as Cleveland and Cincinnati which have embraced parklets. He explained that the Planning Commission has recently received several applications for expanded outdoor dining which propose use of the sidewalk. He expressed his position that parklets are preferable to using the sidewalks for several reasons, including ADA compliance.

Mr. Shachner stressed that if the City's restaurants will continue to operate that serving customers outside is safer than inside. He pointed to CDC guidance which states as much.

At this point Mr. Shachner presented a document (attached) containing draft guidelines for parklets. He stated that his intention is to reframe it as a resolution and place it on the July 6th docket to have it referred to the Housing Committee and Planning Commission.

He asked the Committee and the administration to weigh in on the draft, add anything that is missing, and identify questions that still need to be answered and how we can answer them to move forward.

Chairman Shachner asked the administration to help the Committee understand how the City will evaluate the safety of parklets.

Chief Dunphy explained that public safety forces will evaluate the type of structures in place to ensure proper protection of parklet occupants from vehicles. He stated that jersey barriers should be sufficient as they have been approved by traffic engineers. He stated a general willingness to evaluate safety based on accepted standards and guidelines from trusted institutions if the Law Department is comfortable with that approach. He also stated that the site will have to be evaluated to ensure access to the building, hydrants and fire department connections (FDCs). The Chief agreed that since parking spaces are already spaced apart from hydrants and most FDCs, that this shouldn't be a major barrier to achieve compliance.

In response to a question, Chairman Shachner explained that the guidelines are not intended to exclude businesses without parking spots that are adjacent.

In response to a question, Engineer Papke stated that the City could inspect parklets to ensure that barriers are of the correct size and anchored properly.

Mayor George acknowledged the good work but stated that there is more to do. She expressed concern about the impact on other businesses by occupying parking spaces. She also objected to the use of three spaces and expressed a preference for one. She pointed out that an application process still needs to be created and that Planning Commission should review the guidelines.

Chairman Shachner responded that that the guidelines allow more than one business to share a parklet. He emphasized that parklets are currently permissible under the temporary outdoor dining legislation and that these guidelines were prepared at the request of the Planning Commission and the administration in order to provide additional clarity.

Councilmember Kepple relayed that the Small Business Task Force has been discussing the issue of equity. She envisions the use of parklets for businesses other than restaurants such as fitness and retail. She relayed that businesses are seeking greater access to designated curbside pick up spots for quick pick up.

Mayor George expressed support for finding a way for businesses to share parklet spaces as suggested by Ms. Hennie. She emphasized the need to be fair to all businesses regarding parklets and curbside pick up spots and that she would like to develop a comprehensive policy to ensure equity.

Chairman Shachner expressed confidence in Planning Commission and the administration to determine fairness and the impact on neighboring businesses on a case by case basis.

Councilmember Bullock expressed confidence that all concerns can be sorted out. He pointed out that parking spots are currently public spaces used by private motorists and so the use is not significantly different.

Councilmember Rader asked that a guideline be added to require all parklets to enforce a six foot social distance.

Mayor George asked that these draft guidelines be submitted to the Planning Commission for review and feedback as a first step

Mayor – want to submit these to PC so they can review and admin can insert admin planning and processes and turn that back to Council to review. Would suggest turning guidelines into a reso once reso ready.

Chairman Shachner stated that he will proceed as planned and submit the guidelines as part of a resolution on the next docket but that he is open to changing his mind.

Without objection the Housing, Planning, & Development Committee adjourned at approximately 7:00 p.m.

Intent

- Parklets can be approved under Resolution 2020-31 and therefore the parklets are only permitted for the period of the state of emergency or until October 31, 2020, whichever comes first.
 - This is an emergency measure that will create more outdoor dining space to allow for a greater distance between diners. This will allow restaurants to make up for the tables that they had to remove from inside their establishments to comply with social distancing requirements.
 - The temporary parklets are for private business use. Council anticipates that this program will inform the city in the future creation of a parklet program that will include both public and private parklets.
 - Because this is an emergency measure, aesthetics should take a back seat to practicability, expediency, and safety.
 - It is the business's responsibility to determine if they are permitted to serve alcohol in the parklet or can cross a public right of way to serve alcohol. Any uncertainty in a business's ability to do that should not be a reason to deny a parklet.
 - It is the business's responsibility to determine the financial benefits or detriments to creating a parklet. The City should not substitute its own judgment for that of the business.
 - The increased dining space and related income/sales taxes received would more than make up for any loss of revenue from parking meters. Council is of the opinion that the purpose of parking meters is to encourage the turnover of available spaces and not as a revenue generator.
 - It is understood that not all businesses will be able to have a parklet due to where they are located. The reality that not all businesses will be able to have a parklet should not prevent the City from permitting parklets.
 - The application process and required Planning Commission approval allows for businesses and residents to voice any concern they have for parklets.
 - Parklets will increase the vibrancy of the city and increase foot traffic to retail businesses that are near parklets. The increase in foot traffic will make up for a loss of a parking space. For instance, in Chicago, 80% of businesses that added a parklet saw an increase in foot traffic, as well as an increase in spending.
 - Retail establishments and merchants should have the ability to create a parklet to display their products and merchandise outdoors so that sidewalks remain ADA accessible and allow for proper social distancing of pedestrians.
1. Allowable seating or merchandise area in a curb lane is approximately 6 feet wide depending on the existing roadway lane width, barrier width and a 1 foot shy away if necessary. The parklet may be located in up to three adjoining on-street parking spaces or the sidewalk equivalent.

Lakewood Parklet Guidelines

2. Barricades around proposed seating or merchandise display area are required. In general barriers must be protective against motor vehicle impacts, which requires applicants to utilize a “Jersey” barrier shaped water-filled barrier, sand-filled, or concrete barriers.
3. Wheel stops at adjacent on-street parking spaces are required.
4. Reflective tape on barricades is required to improve visibility
5. Storm water inlets must remain open.
6. The following elements are not permitted in the parklet: generators, combustible fuel, tents, canopies, awnings, bands, large speakers.
7. All portable elements of the parklet must be removed and stored inside the establishment after business hours.
8. Required safety apparatus may be permitted as semi-permanent.
9. A semi-permanent platform erected into the on-street parking lane to align the grade of the sidewalk and parking area may be permitted.
10. Semi-permanent elements are not portable and may remain in place for the duration of the permit.
11. All permitted semi-permanent elements must be removed within 24 hours of permit expiration.
12. Parklets cannot interfere with existing utility access and maintenance.
13. Temporary Parklet cannot interfere with other on-street uses, except for parking. Conflicts with existing on-street uses that will result in denial of the permit includes
 - a. fire hydrant
 - b. bus stop or transit station
 - c. handicap-access parking spaces
 - d. fire department connection
14. Standing room only areas are not permitted for parklets associated with a restaurant.