



Takoma Park City Council Meeting – June 3, 2020 Agenda Item 3

Voting Session

Resolution Supporting Small Businesses and Advancing Public Health By Allowing the Use of Public and Private Space for Outdoor Seating, Sales, and Customer Pickup

Recommended Council Action

Approve the Resolution

Context with Key Issues

On Friday afternoon, May 29, the Montgomery County Board of Health acted to move Montgomery County into Phase 1 Reopening status, effective 6 a.m. Monday, June 1. Phase 1 will allow some outdoor seating for restaurants (with social distancing protocols) and curbside sales for retail businesses. While City staff, and staff of the Takoma Langley Crossroads Development Authority (CDA) and Old Takoma Business Association (OTBA) have been working with businesses to begin to prepare for reopening, City officials had also been assured by Montgomery County that there would be more than a week's notice before Phase 1 Reopening was to occur. Rulings and guidelines related to these private businesses are under the State of Maryland and the County health departments.

Businesses in Takoma Park that will be allowed under Phase 1 to have outdoor seating or curbside sales are situated differently across the City. Some have space on their property for outdoor seating, some have easy access to a wide sidewalk or space for cars to pull up to pick up food or other goods. Others have very little space or access. Some sidewalks and vehicular areas are on private property (such as in shopping centers) and some are in public right of way space (City streets and sidewalks).

While City government wants to support our businesses in this difficult time, we must also protect public health, allow for safe passage of pedestrians (ensuring ADA accessibility), and ensure that unsafe situations from changed traffic patterns are minimized. City and business association staff have been looking at options for allowing for these expanded business uses of outdoor areas for some time, but only recently have focused on the special distancing requirements that are specified under the emergency order and health guidelines.

This Resolution is an emergency resolution due to the need to act expeditiously to help our businesses take advantage of the opportunity for sales, given the lack of advance notice of the Phase 1 Reopening by Montgomery County, and to benefit residents by creating spaces for people to safely shop, eat, and enjoy the outside while continuing to protect public health and follow CDC guidelines. If businesses begin using outdoor areas without direction or assistance, public health protocols might not be met, so health safety is a concern.

The Resolution addresses several matters that are within the jurisdiction of the City of Takoma Park. First, there are travel sections of City roadway (as opposed to State Highways) that may be closed temporarily to allow more space for seating or curbside sales. These roads include Laurel Avenue, Anne Street and Holton Lane. Second, there are sidewalks, parking spaces and curbside areas that could be repurposed for pickup areas, sales or seating. Third, the City can advocate for well-organized use of space on private property (such as within shopping malls or privately-owned parking lots) to assist businesses in those locations.

With any of these actions, it is important to assess potential negative impacts on and off site, such as unsafe traffic patterns, and work to ameliorate those. Flexibility to easily adjust traffic patterns, parking space use, etc. over time is key, as safer or more effective arrangements may be identified once the outdoor space begins to be used. Flexibility is also needed as the County and State make changes to Reopening Orders in response to improving or worsening health data.

Given the need for flexibility and to react quickly to changing situations, the Resolution proposes to give staff authority to implement temporary changes to public spaces. The Resolution proposes to authorize the use of the following roadways for dining or business use: one travel lane of Laurel Avenue between Eastern and Carroll Avenues, the use of part or all of Anne Street between University Boulevard and Hammond Avenue, and the use of part of Holton Lane east of New Hampshire Avenue. The Resolution authorizes City staff to determine the use of right of way parking spaces or other areas outside of the travel lane for seating or curbside pickup and make adjustments as needed. It also authorizes City staff to identify and install directional signage, barriers, and traffic mitigation measures to address safety and accessibility priorities. The Resolution is proposed to sunset on December 31, 2020.

Council Priority

- A Livable Community For All
- Fiscally Sustainable Government
- Engaged, Responsive & Service-oriented Government
- Community Development for an Improved and Equitable Quality of Life

Environmental Considerations

Environmental impacts of these possible actions are not known. Opening streets to greater pedestrian use could reduce emissions, but having greater curbside pickup options could encourage greater vehicular use. Concerns about possible trash and noise should be addressed by operational guidelines.

Fiscal Considerations

There will be some costs for signage, barriers, and providing notification of the changes. Increased sales by restaurants and retail stores will help the businesses survive and pay rent and taxes and will allow employees to be paid so that they too can pay their bills and taxes.

Racial Equity Considerations

Careful consideration of the needs of businesses in different areas of the City will be needed to ensure that assistance for businesses and communities is equitable.

Attachments and Links

- Draft Resolution
- OTBA Proposal
- [Montgomery County Shared Streets Initiative](#)

Introduced by:

**CITY OF TAKOMA PARK, MARYLAND
RESOLUTION NO. 2020-XX**

**SUPPORTING SMALL BUSINESSES AND ADVANCING PUBLIC HEALTH BY
ALLOWING THE USE OF PUBLIC AND PRIVATE SPACE FOR OUTDOOR
SEATING, SALES AND CUSTOMER PICKUP**

- WHEREAS, on March 13, 2020, Governor Hogan issued the Emergency Order that required nonessential businesses to close and limited restaurant operations to carryout only; and these necessary health restrictions have had severe negative economic impacts to businesses, residents and local jurisdictions; and
- WHEREAS, with authority granted by Governor Hogan allowing jurisdictions to move to Phase 1 Reopening, on May 29, 2020 the Montgomery County Board of Health acted to move Montgomery County into Phase 1 Reopening status, effective 6 a.m. Monday, June 1; and
- WHEREAS, among a number of provisions, Phase 1 will allow some outdoor seating for restaurants (with social distancing protocols) and curbside sales for retail businesses; and
- WHEREAS, businesses in Takoma Park that will be allowed under Phase 1 to have outdoor seating or curbside sales are situated differently across the City; some have space on their property for outdoor seating, some have easy access to a wide sidewalk or curb space; others have very little space or access; some sidewalks and vehicular areas are on private property (such as in shopping centers) and some are in public right of way space (City streets and sidewalks); and
- WHEREAS, surrounding areas in Washington, D.C. and Montgomery County are taking steps to modify the use of public space and to close travel lanes on streets; and
- WHEREAS, in Takoma Park there is interest in facilitating use of public and private outdoor space to allow for business use while ensuring that health protocols and accessibility, especially for residents with limited mobility, are protected and negative impacts such as unsafe traffic in adjacent neighborhoods and other negative impacts on others are minimized; and
- WHEREAS, closure of travel lanes, shared use of sidewalks and repurposing parking spaces are the primary actions that can be taken to provide the outdoor space for dining and curbside pickup; and
- WHEREAS, closure of the northbound side of Laurel Avenue, Anne Street between University and Hammond Avenue and part of Holton Lane east of New Hampshire Avenue could all allow for space for dining and curbside pickup; and
- WHEREAS, certain sidewalk areas, parking spaces or curbside areas outside of a travel lane can also provide space for dining and curbside pickup; and

WHEREAS, advocacy for outdoor areas set aside for dining and curbside pickup on private property should also be encouraged to support the business community; and

WHEREAS, City staff can work with businesses, business associations and other stakeholders to lay out the spaces for outdoor dining and curbside pickup, while protecting pedestrian safety and accessibility, and make necessary changes to traffic patterns to ensure safety, and

WHEREAS, changes to the public space need to benefit both the business community, as well as residents and create spaces for people to safely shop, eat, and enjoy the outside, while continuing to protect public health and follow CDC guidelines; and

WHEREAS, it is expected that the design of the outdoor spaces and traffic mitigation and routing may change as safer or more effective arrangements are identified and as changed Emergency Orders are issued as a result of improving or worsening health data; and

WHEREAS, given the changing situation during the COVID-19 pandemic and the need to react quickly to impacts created by temporary changes to public space in the City and surrounding areas, the City Manager requests Council approval to move forward with identifying and implementing temporary modification to the existing uses of public space including sidewalks, roads, on-street parking and parking lots for outdoor dining and curbside pickup to assist Takoma Park's businesses, employees and residents during the COVID-19 pandemic; and

NOW, THEREFORE, BE IT RESOLVED that given we have entered Phase 1 of reopening, the Council of Takoma Park supports temporarily modifying existing uses of public space including sidewalks, roads, on-street parking and parking lots for outdoors dining and curbside pickup to assist Takoma Park's businesses, employees, and residents during the COVID-19 pandemic; and

BE IT FURTHER RESOLVED that the Council directs the City Manager to work with key stakeholders including residents, businesses, and business associations to identify and implement temporary changes such as modifications to the use of sidewalks, on-street parking and parking lots for outdoor dining and curbside pickup to assist Takoma Park's businesses, employees, and residents during the COVID-19 pandemic, as well as temporary changes such as installing directional signage, barriers, and traffic mitigation measure to address and ensure safety and accessibility; and

BE IT FURTHER RESOLVED that the Council of Takoma Park directs the City Manager to work with key stakeholders including residents, businesses, and business associations and authorizes the partial closing of Laurel Avenue, Anne Street and Holton Lane for outdoor dining and curbside pickup if determined to be beneficial in creating safe spaces while protecting public health during the COVID-19 pandemic; and

BE IT FURTHER RESOLVED that the City Manager will work to ensure that health safety, accessibility, and traffic safety is addressed in the design of the outdoor dining and curbside pickup and will make modifications as needed; and

BE IT FURTHER RESOLVED that the City Manager will report back to Council on temporary actions taken; and

BE IT FURTHER RESOLVED that the City Manager will work with businesses, business associations, and residents to make needed adjustments to ensure public safety, accessibility, to react to changes in public health guidelines due to the pandemic, and to assist Takoma Park's businesses, employees, and residents during the COVID-19 pandemic; and

BE IT FURTHER RESOLVED that this Resolution will sunset on December 31, 2020.

Adopted this ____ day of June, 2020.