

Introduced by: Councilmember Kostiuk

CITY OF TAKOMA PARK, MARYLAND

RESOLUTION NO. 2020-13

**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 in response to the COVID-19 pandemic, requiring nonessential businesses to close and limiting 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 6:00 a.m. on 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, support for outdoor areas set aside for dining and curbside pickup on private property should also be encouraged to support the business community and provide safer dining options; 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, City staff can work with neighborhood associations, local organizations, residents and other stakeholders to identify and implement measures on effective and adjacent streets to provide traffic, bike and pedestrian 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.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Takoma Park supports temporarily modifying existing uses of public space including sidewalks, roads, on-street parking and parking lots for outdoor dining and enjoyment, curbside pickup and other public uses to assist Takoma Park's businesses, employees, and residents during the COVID-19 pandemic, provided such changes can be implemented in ways that maintain appropriate social distancing requirements, allow for accessible and safe sidewalk and business access for all residents, and are consistent with County and other public health guidelines aimed at reducing the spread of Covid-19; and

BE IT FURTHER RESOLVED that the Council directs the City Manager to work with key stakeholders including residents, neighborhood associations, businesses, business associations, and landlords to identify and implement temporary changes such as modifications to the use of sidewalks, on-street parking and parking lots for curbside pickup for restaurants and other businesses, and outdoor dining, and other public uses 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 measures to address and ensure public health, pedestrian safety and accessibility with special attention given to the needs of people with disabilities, and parking and vehicle safety including safe operation of vehicles in adjacent neighborhoods; and

BE IT FURTHER RESOLVED that the Council authorizes the partial closing of Laurel Avenue, Anne Street and Holton Lane for outdoor dining and enjoyment, curbside pickup and other public uses consistent with County and State guidelines if such closings are determined to be beneficial in creating safe spaces while protecting public health during the COVID-19 pandemic, and providing for pedestrian, bicycle, and automobile safety and safe operation of vehicles in neighborhood streets; and

BE IT FURTHER RESOLVED that the City Manager will work to ensure that public health and safety, pedestrian accessibility, traffic safety, and noise affecting residential areas are addressed in the design of the outdoor dining and enjoyment, curbside pickup, and other public use plans, and will make modifications on an ongoing basis as needed to ensure that these factors are appropriately addressed as reopening continues and as there are changes to public health guidelines in the pandemic; and

BE IT FURTHER RESOLVED that the City Manager will report back to Council within 30 days of the date of enactment of this resolution and periodically thereafter on temporary actions taken under this resolution, including by providing to the extent possible data on business, traffic and parking activity; and

BE IT FURTHER RESOLVED that the City Manager will work with residents, neighborhood associations, businesses, business associations, and landlords to make needed adjustments to these plans to ensure public and traffic safety, adequate parking enforcement, pedestrian accessibility, appropriate amounts of parking including for those with disabilities, 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 3rd day of June, 2020.

Attest:

Jessie Carpenter
City Clerk