

MEMORANDUM

TO: City Council
FROM: Steve Westbay
DATE: April 19, 2016
RE: Downtown Sidewalk Standards

At the Council's April 5th work session staff presented some initial thoughts regarding the management of public sidewalks. The discussion included a review of the existing City Code standards that presently apply to downtown sidewalks and summarized standards used by other jurisdictions for the managing private use of sidewalk cafe seating. Based on the input from Council at the April 5th work session, staff has started to draft the ordinance to address the use of public rights-of-way for private purposes. This memorandum provides an update of the efforts underway to fulfill the Council directives.

Summary of Directives

An overview of the existing Municipal Code (Titles 8, *Business Regulations* and Title 9 *Public Rights of Way and Property*) was provided to the Council at the April 5th work session. Portions of the Municipal Code relevant to sidewalk management were found to be confusing and antiquated.

The draft ordinance will repeal provisions established by Title 8 (Chapter 8.30, Transient Merchants) and restructure the administrative management provisions for sidewalks into Chapter 9.40 (Use of Public Rights of Way for Private Purposes). Staff will present an ordinance amending the Municipal Code in a manner that provides administrative consistency; it will incorporate contemporary criteria to manage sidewalk use; it will define a review process and permitting structure that is efficient; and, it will help to ensure the use of sidewalks are in the best interest of the general public.

While the Municipal Code requires upgrades, several existing standards must be retained and carried forward in the proposed ordinance. Additionally, the management of public rights-of-way are not limited to downtown sidewalks, and the ordinance will be structured in a manner to address future management policies for all of the rights-of-way within the municipal boundary.

At the April 5th meeting, Council reviewed a menu of standards used by other jurisdictions to manage the use of public sidewalks for private purposes. This review of potential standards forms a critical basis of the draft ordinance and affirmation that these elements are important. Council is requested to review the following conceptual standards being integrated into the ordinance and confirm their relevance.

- Insurance Liability Provisions
- Clearance from curb: 32" – 36" is recommended
- Premise frontage may encroach onto the adjacent frontage if the neighbor is amenable
- Continuous walkway and clear access - 6' width
- ADA Standards
- Vertical clearance 7'
- Sidewalk cafe dining (barrier – liquor license) standards – attractive and removable
- Tables and Seats – durable with fashion

- Umbrellas – No advertising
- Lighting and glare
- Hours of operations
- Sound system audible noise level
- Maintenance

Schedule

In order to meet the Council's desire to permit sidewalk cafes associated with potential liquor licenses by July, the ordinance public hearing must occur in May 2016. The public hearing will be scheduled for May 10th and the second ordinance reading can be accomplished on May 24th. This schedule accommodates the ability for further Council review of the ordinance contents prior to the scheduled public hearing. While there are several moving pieces to this process, the schedule will allow businesses desiring sidewalk café seating with alcohol services to operate this summer.