

MEMORANDUM

TO: City Council
FROM: Jon P. Jennings, City Manager
DATE: May 11, 2020
RE: Proposed Strategy and Guidelines for Restaurant and Retail Reopening Assistance

In conjunction with Governor Mills' Restarting Maine's Economy, which outlines the gradual stages of reopening, the City of Portland has put together a proposed plan to assist our small business community by facilitating the effective but cautious reopening of restaurants, retail establishments, and other commercial activity, scheduled for June 1, 2020 as allowed by the State.

The City's goal is to implement a number of *temporary* policy changes in order to support local businesses as they work to reopen or expand their operations safely and responsibly. If approved by the Council, businesses who take advantage of these temporary changes must follow all items required as part of the State's applicable COVID19 Prevention Checklist while doing so in order to safeguard public health and continue to mitigate the spread of COVID-19.

Permitting processes have been simplified and streamlined to allow businesses to take advantage of these policy changes as quickly as possible. All below-mentioned permits will be valid from June 1, 2020 to November 1, 2020.

By expanding outdoor capacity, the City hopes to support businesses in their efforts to re-open responsibly. These closures are not intended to create public gathering or social space. Businesses are required (according to the State's checklist) to have visible signage reminding visitors of proper social distancing and other COVID-19 recommendations. The following proposed plan constitutes a pilot program that will be reassessed as needed, based on data collection, observation, and public feedback.

Summary

- This proposal outlines four strategies to facilitate the safe reopenings of dining at restaurants and shopping at retail establishments:
 - Temporary street closures within the downtown area;
 - Temporary permits for dining or retail premises on public space (e.g. sidewalks and plazas) and private property (parking lots);
 - Permits for the extension of dining premises on public space (e.g. sidewalks and plazas) or private property (parking lots);
 - Parklets; when and where it is safe to establish them when the above-mentioned options are not feasible.

- Fees associated with the expansion of existing outdoor dining premises will be waived (see fee schedule on last page). Fees associated with parklet applications will be significantly reduced.
- Restaurants seeking a new license or a license renewal must pay all standard fees.
- Retailers seeking a sidewalk sale permit must pay all standard fees.
- These permit changes will be valid from June 1, 2020 to November 1, 2020.

Expanding Outdoor Commercial Activity

This proposal will allow restaurants and retailers to expand into or establish themselves in outdoor areas so they can increase the number of customers served while meeting social distancing requirements. This expansion will occur in several ways, depending on location:

- **Temporary Downtown Street Closures:** When it does not present a safety hazard or adversely impact traffic flow, and is within the City’s authority to do so¹, streets with a high concentration of restaurants and retailers will be closed. The following streets have been identified as ideal locations for closure (map enclosed):
 - Cotton Street (from Spring Street to Fore Street)
 - Dana Street
 - Exchange Street (from Fore Street to Middle Street, and Middle Street to Federal Street)
 - Milk Street (from Exchange Street to Market Street, and Silver Street to Pearl Street)
 - Middle Street (from Franklin Street to India Street)
 - Wharf Street

Restaurants and retailers in these corridors may expand activity into the street to increase capacity while adhering to social distancing guidelines. ADA compliance must be maintained.

Operational considerations:

- **Hours of Street Closure:** Street closures will remain in place 24-hours a day, seven-days a week. Through-traffic and parking will not be permitted at any time during these hours. Temporary access will be permitted only for delivery vehicles and residents (see below).
- **Delivery Vehicle Access:** Commercial deliveries must be made before 11:00 AM. Temporary removal and replacement of barricades to permit deliveries is the responsibility of business owners.

¹ Per Chapter 28 of the Portland City Code, the City’s traffic engineer has the authority to post temporary restrictions on through traffic where such traffic will pose a threat to pedestrians, drivers, or other persons. In light of the expansion of restaurant and retail activities into City streets during the state of emergency, this closure is necessary.

- **Resident Access:** Residents' vehicles may temporarily access the street for the purpose of loading or unloading items into/from their vehicle between the hours of 10:00 PM and 11:00 AM, as well as 2:00 PM to 3:30 PM. No parking will be permitted.
 - **Emergency Vehicle Access:** A 15-foot lane will be maintained in the center of closed streets to ensure emergency vehicle access as needed.
 - **Street Cleaning:** Businesses must remove all outdoor furniture weekly (Sunday night or Tuesday night, depending on which side of the street they are located) to facilitate regular street sweeping by Public Works.
 - **Barricades:** Barricades will be designed by DPW and reviewed in partnership with the Police Department. The PD will deter prohibited vehicles and allow temporary removal for residents, commercial deliveries, and emergency vehicles.
 - **Business Hours of Operation:** Hours of operation on closed streets must end by 10:00 PM for permitted retail and dining establishments.
- **Expanding Existing Outdoor Dining:** Restaurants with existing outdoor dining on streets that remain open may be allowed to expand their outdoor premises on adjacent property with a Temporary Extension of Premise-Outdoor Dining permit (enclosed).
 - **Expansion on private property:** a proposal must be submitted to the Department of Permitting and Inspections for review and consideration. The applicant must be able to prove the private property owner has given permission for use (if the applicant and owner are not the same).
 - **Expansion on public property:** expansion may be permitted down the length of a public sidewalk or into a public plaza. As part of its review, the Permitting & Inspections Department will consider the impact on adjacent businesses and residents, as well as ADA compliance.
 - **Establishing New, Temporary Outdoor Dining & Retail:** Restaurants located on a street that remains open and not currently permitted to serve customers outdoors may apply for a Temporary Outdoor Dining Permit (enclosed). Retailers may apply for a Temporary Sidewalk/Street Sale Permit (enclosed). Proposed plans must be submitted to the Permitting and Inspections Department for review.
 - **Expansion into Privately-Owned Parking Lots:** Restaurants and retailers may be permitted to expand business activity, including dining, into parking lots they privately own. Consideration will also be given for restaurants and retailers to expand business activity into adjacent parking lots privately owned by others, so long as sufficient documentation of an agreement with the adjacent property owner is provided.
 - **Parklets:** In areas where businesses are unable to locate outdoor dining on public sidewalks, abutting parks or private lots, and where there is adequate space to accommodate dining without compromising safety, dining may be offered in public parking or other public spaces. Applications for Temporary Parklet Outdoor Dining must

be submitted to the Permitting and Inspections Department for review (enclosed). The design of all parklets will be reviewed by DPW and PD to ensure safety and compliance.

The City encourages restaurants to pursue all other options prior to the establishment of a parklet (e.g. expanding or establishing outdoor dining on private property or public sidewalks).

Requests for other temporary installations, e.g. tents, will be considered on an expedited, as-needed basis by the Permitting & Inspections Department.

Additionally, food trucks may continue to operate in their designated locations, in accordance with existing rules and regulations. Mobile seafood vendors may park and sell products out of parking spaces typically designated for food trucks. Seafood vendors must abide by food truck rules and regulations (enclosed).

The fee schedule for the above-mentioned permits are as follows:

APPLICATION FEES FOR TEMPORARY RETAIL & RESTAURANT PREMISES <i>Applicants may delay their payment of fees for up to 60 days after their permit is issued.</i>	
Expansion of outdoor dining premises for restaurants with an existing permit	\$0
Extension of outdoor dining (private property)	\$125.00
New outdoor dining on public property	\$84.00 + \$2.00/square foot
New outdoor dining in City park	\$84.00 + \$6.30/square foot
Temporary Parklet	\$1092.00
Temporary Sidewalk Sale (Retail)	\$92.00