



**CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS**

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MEMORANDUM

TO: Public Works Commission

FROM: Nicole Losch, Senior Planner
Phillip Peterson, Associate Engineer

CC: Chapin Spencer, Director
Norm Baldwin P.E., Assistant Director – Technical Services, City Engineer
Kara Alnasrawi, Director, Church Street Marketplace
Tim Devlin, Assistant City Attorney
Susan Molzon, Senior Engineer

RE: Local Restaurant and Retail Recovery Initiative
Expanded Sidewalks, Temporary Street Closures, & Temporary Parking Pick-Up Zones

DATE: May 20, 2020

Staff recommend the Public Works Commission:

1. Issue the following emergency, temporary regulation pursuant to 20 V.S.A. § 16, to be effective starting at 12:00a.m. on May 21, 2020 through the earlier of the expiration of Mayor’s Executive Order Declaring a Coronavirus Emergency or the effective date of Burlington Code of Ordinances, Appendix C, Section 31 “Temporary Regulations”:
 - a. The purpose of this regulation is to preserve the public health and safety and in particular to provide for safer dining, shopping, and recreational opportunities for Burlington residents.
 - b. The Director of Public Works or his or her designee is authorized to designate up to 20 parking spaces for temporary parking pick-up zones, except where accessible spaces are located.
 - c. The following temporary alterations to Burlington Code of Ordinances, Appendix C “Rules and Regulations of the Traffic Commission” will be made:
 - i. Notwithstanding Section 9. “Fifteen-minute parking,” the Director of Public Works or his or her designee may allow fifteen-minute parking spaces to be reallocated as Temporary Parking Pick-up Zones for up to 15 minutes. Proper temporary signage will be posted.

- ii. Notwithstanding Section 12-1. "No parking except vehicles loading or unloading," the Director of Public Works or his or her designee may allow vehicle loading zone parking spaces to be reallocated as Temporary Parking Pick-up Zones for up to 15 minutes between the hours of 4:00 p.m. and 9:00 p.m. Proper temporary signage will be posted.
 - iii. Notwithstanding Section 13. "No parking any time except trucks loading or unloading," the Director of Public Works or his or her designee may allow truck loading zone parking spaces to be reallocated as Temporary Parking Pick-up Zones for up to 15 minutes between the hours of 4:00 p.m. and 9:00 p.m. Proper temporary signage will be posted.
 - iv. Notwithstanding Section 25. "Taxicab Stands," the Director of Public Works or his or her designee may allow taxicab parking spaces to be reallocated as Temporary Parking Pick-up Zones for up to 15 minutes between the hours of 4:00 p.m. and 9:00 p.m. Proper temporary signage will be posted.
2. Promulgate the following non-emergency, temporary regulation to be added to Burlington Code of Ordinances, Appendix C "Rules and Regulations of the Traffic Commission":

For the duration of this ordinance's effective date through October 31, 2020, that Appendix C "Rules and Regulations of the Traffic Commission" of the Code of Ordinances of the City of Burlington be and hereby is amended as follows:

Section 31. Temporary Regulations.

(a) Notwithstanding Appendix C, Sections 9, 12-1, 13, and 25, the following changes shall be made:

- (1) The Director of Public Works or his or her designee, may allow fifteen-minute parking spaces described in Appendix C to be reallocated as Temporary Parking Pick-up Zones for up to 15 minutes. Proper temporary signage will be posted.
- (2) The Director of Public Works or his or her designee, may allow vehicle loading zone parking spaces described in Appendix C to be reallocated as Temporary Parking Pick-up Zones for up to 15 minutes between the hours of 4:00 p.m. and 9:00 p.m. Proper temporary signage will be posted.
- (3) The Director of Public Works or his or her designee, may allow truck loading zone parking spaces described in Appendix C to be reallocated as Temporary Parking Pick-up Zones for up to 15 minutes between the hours of 4:00 p.m. and 9:00 p.m. Proper temporary signage will be posted.
- (4) The Director of Public Works or his or her designee, may allow taxicab parking spaces described in Appendix C to be reallocated as Temporary Parking Pick-up Zones for up to 15 minutes between the hours of 4:00 p.m. and 9:00 p.m. Proper temporary signage will be posted.

(b) Sunset Provision. The provisions set forth in Section 31 shall terminate on November 1, 2020. The text of Section 31 shall be replaced at such time with: “[Reserved.]”. The authority of the Secretary to carry out this chapter shall terminate September 30, 2019.

BACKGROUND

As we are all aware, Burlington’s small businesses have been severely impacted by the COVID-19 pandemic. The City is receiving daily requests for assistance. As retail and restaurant business are preparing for a deliberate, incremental restart of operations consistent with the Governor’s Executive Orders for occupancy limits, we have received requests to develop an expedited and low-cost process that would allow some limited portions of City rights-of-way to be used for outdoor dining, retailing, and short-term parking for quick meal or product pick-up.

In Mayor Weinberger’s [May 6, 2020 briefing](#), and [May 10 newsletter](#), he announced that initial steps for restarting in Burlington would include a working group to examine how to allow retailers and restaurants to conduct more business outside once State guidance permits it. This continues the City’s comprehensive approach to providing unique, immediate aid to the entire community during this crisis – evinced by the Resource and Recovery Center’s efforts on food security, housing, mask handouts, and more. Now, the Department of Public Works (DPW) is working with the Church Street Marketplace (CSM), the Community Economic Development Office (CEDO), the Burlington Police Department (BPD), Burlington Fire Departments (BFD), the City Attorney’s Office, and business entities to develop a set of tools that can help safely restart our local economy and reconnect residents to local businesses.

Based on requests the City has received, collaborating City departments are advancing three temporary initiatives for local restaurant and retail recovery:

1. Expanded Sidewalk / Street Seats: This would provide an expedited, low-cost opportunity for businesses to encumber adjacent sidewalk area and on-street parking spaces for dining and retail opportunities during the summer and fall season (while maintaining pedestrian access to the sidewalk). We are quickly working through a host of permitting, process, and design issues to develop spaces that are safe, accessible, and allocated in a fair manner. The Streets Seats & Parklets program was the foundation of a streamlined, low-cost opportunity in 2020. Proposed changes include waived Encumbrance fees through October 2020, barrier elements provided by DPW, platforms are optional, and expedited timelines with approvals by DPW directly.
2. Temporary Street Closures: This would provide businesses an efficient process to close streets temporarily to host evening, one-day, or weekend-long on-street outdoor dining and retail opportunities. Street Closures are permitted by the BPD and will be considered in coordination with these other temporary initiatives.
3. Temporary Parking Pick-up Zones: This would provide short-term parking spaces by request for ‘grab and go’ parking adjacent to restaurant and retail businesses for customers to quickly pick-up previously-ordered meals or products. Loading zones and taxicab spaces offer opportunities to accommodate various parking needs, and fifteen-minute spaces are already targeted for quick stops. Up to 20 additional parking spaces may be allocated for this service since not all loading zones, taxicab

spaces, or fifteen-minute spaces may be adjacent to businesses needing 'grab and go' parking. Businesses will likely open in phases, so flexibility will be important to quickly respond to changing needs. The Public Works Commission has authority over parking regulations, so the recommendations outlined in this memo relate to this initiative.

To enable businesses to take advantage of as much of the warmer season as possible, the Mayor is considering using the emergency authority vested in him under Burlington Code of Ordinances section 11-5 and 20 V.S.A. § 16 to initially launch one or more of these initiatives. This introduction is anticipated to be accompanied by a proposed path for the City Council to enact an ordinance allowing these initiatives to persist beyond any ongoing state of emergency, through the fall, and establish a mechanism to repeat the program again next year should social distancing measures continue.

We will keep the Public Works Commissions and the public updated as we further develop these initiatives and the associated timeline for roll out.

Please pass along any input on these concepts to DPW Senior Planner Nicole Losch (nlosch@burlingtonvt.gov). Thank you.

Legal Analysis: [20 V.S.A. § 16](#) enables the Public Works Commission to enact emergency regulations concerning the parking, operation, and speed of vehicles and pedestrian and vehicular traffic on the public highways of the City during a state of emergency declared by the Mayor with immediate effect. These emergency regulations, however, may only be effective for the duration of a state of emergency. To continue the "Temporary Parking Pick-up Zones" initiative from the end of the ongoing state of emergency—whenever that may be—through October 31, 2020, the Public Works Commission may also promulgate a similar non-emergency regulation to be enacted and publically noticed according to regular procedure. Together, these two parallel regulations (emergency and non-emergency) enable the "Temporary Parking Pick-up Zones" initiative to be set up immediately and run through October 31, 2020.