



Agenda Report

Fullerton City Council

MEETING DATE: AUGUST 16, 2022

TO: CITY COUNCIL / SUCCESSOR AGENCY

SUBMITTED BY: MEG MCWADE, PUBLIC WORKS DIRECTOR

PREPARED BY: STEPHEN BISE, CITY ENGINEER
SUNAYANA THOMAS, ECONOMIC DEVELOPMENT
MANAGER
CHRIS SCHAEFER, PLANNING MANAGER

SUBJECT: WALK ON WILSHIRE (WOW) OUTDOOR DINING
OPTIONS

SUMMARY

Walk on Wilshire (WOW) outdoor dining is tentatively scheduled to end on September 30, 2022. City Council requested staff further explore and provide details of process, cost, standards and guidelines to potentially continue outdoor dining on WOW. This report outlines the initial deployment, public feedback and recommended next steps.

RECOMMENDATION

Provide direction to staff related to WOW Outdoor Dining with one of the following options:

1. Ratify termination of the temporary outdoor dining program on WOW effective September 30, 2022.

OR

2. Authorize a parklet pilot program through June 30, 2024, for Walk on Wilshire by:
 - a. Approving an 18-month parklet pilot program for WOW businesses effective January 1, 2023 through June 30, 2024 which includes bike element.
 - b. Continuing Wilshire Avenue street closure (approximately 200-feet west of Harbor Boulevard).
 - c. Continuing the WOW temporary outdoor dining program to December 31, 2022 for participants applying for the parklet pilot program.
 - d. Approving Walk on Wilshire Parklet Guidelines and authorizing administrative authority for the Public Works Director to approving minor changes as necessary.

CITY MANAGER REMARKS

The City Manager recommends moving forward with the Walk on Wilshire as proposed. The program would conclude on June 30, 2024 and City Council would have the opportunity to again evaluate the program. This will balance the various interests.

PRIORITY POLICY STATEMENT

This item matches the following Priority Policy Statements:

- Public Safety
- Infrastructure and City Assets.

FISCAL IMPACT

If City Council terminates the program, staff will work to restore the street and sidewalk to pre-program conditions. If WOW continues, the City will incur costs to purchase, install and maintain barriers along the terminus of Walk on Wilshire. Additionally, the City will incur costs for minor signing, striping and traffic signal modifications. Property owners and/or tenants will incur the cost to install and maintain their parklets and dining areas for the duration of the pilot as well as pay lease fees for the parklet areas. The City could utilize the lease fees to offset the City's deployment costs.

DISCUSSION

Background

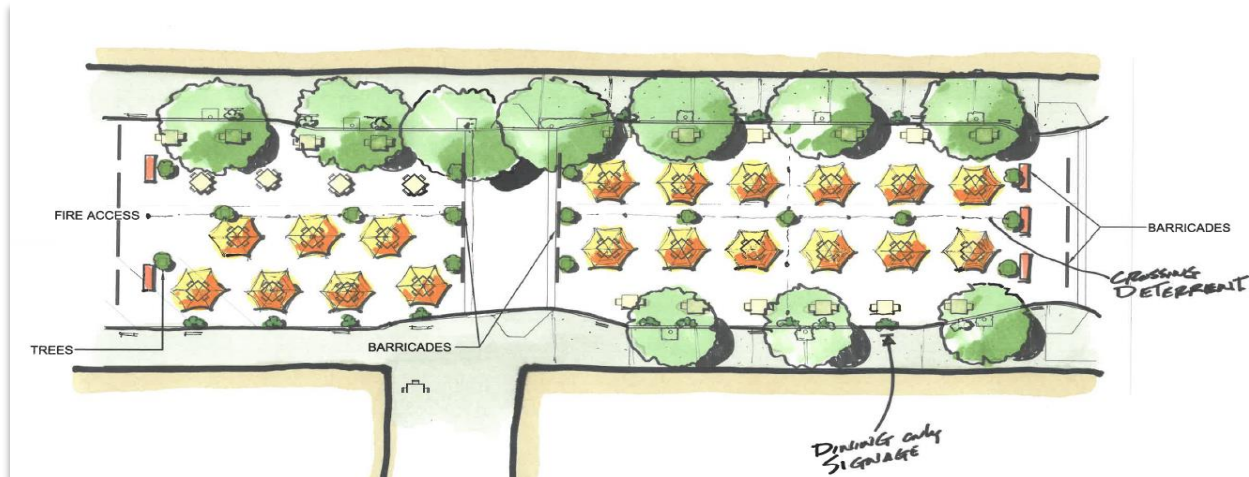
Prior to the COVID-19 pandemic, the Fullerton Municipal Code permitted outdoor dining as an extension to a business' operations / floor area through the issuance of an Encroachment Agreement (with specific mitigating measures) and encroachment permit with associated fees for the use of public property.

When the State restricted indoor dining during the COVID-19 pandemic, many municipalities, including the City of Fullerton, temporarily relaxed outdoor dining regulations and standards to support businesses heavily impacted by the COVID-19 restrictions. Outdoor dining allowed restaurant and retail businesses to continue to operate on either public or private property, evidenced as a safer public environment than indoor spaces.

City Council approved ending the temporary outdoor dining program citywide on March 15, 2022 with a September 30, 2022 effective date and gave businesses the option to continue by complying with the Standard Outdoor Dining permitting process.

Implementation of WOW and the Temporary Street Closure

In response to the COVID-19 pandemic, the City temporarily closed Wilshire Avenue from approximately 200-feet west of Harbor Boulevard to the signalized intersection to provide an alternative dining experience in Fullerton for customers, workers and operators. This segment of Wilshire Avenue has a traditionally low volume of vehicular traffic and a contiguous stretch of restaurant storefronts.



Wilshire Bike Boulevard

The 2009 Bike Master Plan identified Wilshire as a potential bike boulevard. The city implemented a federal grant in 2018, transforming Wilshire Avenue between Woods Avenue to Acacia Avenue into a bike boulevard, including new pavement, traffic circles, striping and signage. The grant obligates the City to maintain the improvements until Federal financial interest in the grant expires. Staff contacted OCTA, which administered the Federal funds, in 2020 prior to activation of WOW to confirm compliance. The City installed additional signage instructing cyclists to walk their bikes on the sidewalk along the WOW segment.



Some community groups requested reopening the street to bicyclists and requested the City provide temporary options. Staff presented several plans at Active Transportation Committee (ATC) meetings and Committee Members had varying opinions on whether to support the continued street closure. Ultimately, the Committee voted to reintroduce bike access in the middle of the street alongside the outdoor dining areas. City Council authorized reactivation of the bike boulevard with temporary materials on March 15, 2022, as recommended by the Active Transportation Committee. City Council approved removal of the pilot reactivation on June 21, 2022 and directed a revisit of the bike element in conjunction with future determination of WOW.

Public Disposition

City Council and staff have received several emails in support of WOW as well as several public comments regarding the WOW outdoor dining.

The Community and Economic Development and Public Works Departments met with the business owners currently occupying the public space along Walk on Wilshire on July 27, 2022 and followed up with those that could not attend. Business owners have a strong interest in and support for continuing outdoor dining on WOW as a pilot. The proposed 18-month length of the pilot gives restaurant operators the ability to plan, invest and construct parklets to City standards. General feedback indicated that most diners

continue to prefer outside dining. WOW has changed the dynamic of that area of downtown. Activation of the closure and outdoor dining activity has increased visibility as well as eliminated homeless activities on the streets. It brings positive attention to the businesses in the area, more pedestrian traffic and continues to help balance pre-pandemic revenues. Activating the parklet approach funded by the businesses, provides a defined bike element with limited investment by the City.

Transportation and Circulation Commission (TCC)

Staff requested input from TCC at their August 1, 2022 meeting. The following provides a summary of discussion points:

- Generally supportive of the continued closure of Wilshire Avenue within the WOW segment.
- Support the recommended parklet pilot and inclusion of the bike boulevard.

Active Transportation Committee

Staff requested input from ATC at their July 27, 2022 meeting, however, ATC cancelled the meeting due to lack of quorum. The following provides a summary of past ATC comments and recommendations.

- Prefer bike access in the middle of the street, opposed to along the curb.
- Prefer to cross Harbor Boulevard in the middle of the street, opposed to merging with pedestrians in the crosswalk.
- Install appropriate signage and pavement markings to inform bicyclists that the route is open.
- Suggested modification of the terminus barriers to allow bicycle access.

Next Steps

Staff recommends deployment of an 18-month parklet pilot program along WOW. While originally conceived as an emergency response to the pandemic, outdoor dining has influenced the way diners and cities think about outdoor public spaces, resulting in more active and enjoyable use of public spaces not previously experienced prior to the pandemic. In response to this and the request to explore a long-term option for Walk on Wilshire, the Public Works Department and Community and Economic Development Department have developed a set of design guidelines and safety standards for business owners to use the public right-of-way while activating the public space for pedestrian and bicycle travel.

A parklet is a sidewalk extension that provides more space and amenities for people using the street. Usually, parklets are installed on parking lanes and use several parking spaces. Parklets typically extend out from the sidewalk at the level of the sidewalk to the width of the adjacent parking space.

As the City transitions from temporary outdoor dining, staff recommends all outdoor dining on Walk on Wilshire comply with Federal, State and local requirements. This will reduce City liability and ensure businesses comply with accessibility, safety, design and maintenance standards. The implementation of the parklet approach will give the businesses and the City the tools to do this.

Environmental

The California Environmental Quality Act (CEQA) defines a “project” as an activity that (1) is a discretionary action by a governmental agency and (2) will either have a direct or reasonably foreseeable indirect impact on the environment.

The Fullerton General Plan roadway classifications include Major Arterial, Primary Arterial, Secondary Arterial and Local Collector. Wilshire Avenue does not fall into any of the roadway classifications listed in the General Plan.

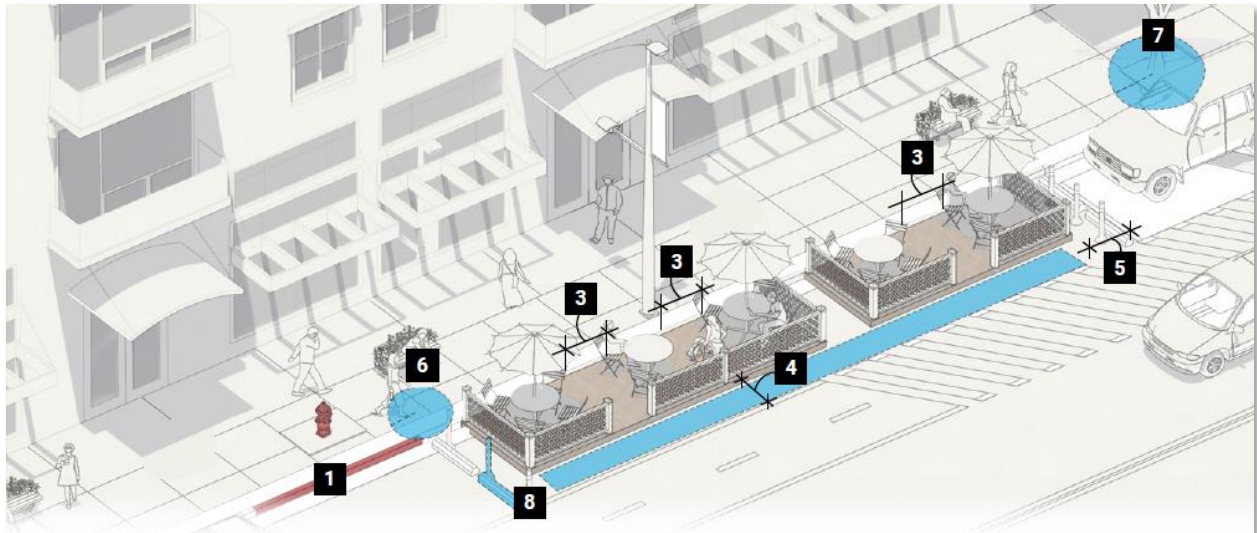
WOW is a discretionary action with no environmental impact. In addition, the closure of Wilshire Avenue does not require amending the circulation element in the General Plan due to its roadway classification. Staff therefore concluded the long-term closure of Wilshire Avenue is not subject to CEQA. However, since the General Plan identifies Wilshire Avenue as an Existing Class III Bike Route, it should remain as such.

Guideline

The recently adopted Standard Outdoor Dining Guidelines did not provide guidance for parklets or street closure scenarios, therefore, staff has developed Walk on Wilshire (WOW) Guidelines specifically for this parklet pilot and attached to this report for consideration.

The City of San Diego developed a design document titled ‘Spaces as Places Design Guidelines’ (Attachment 3) which addresses similar on-street dining deployments. Their guidance for “Streetary” is an example of what staff recommends as a parklet pilot program. The guidelines include location requirements, design requirements, accessibility, stormwater and fire code. Staff included the following rendering from their guidelines as reference.

NOTE: Wilshire Avenue will remain closed to vehicular traffic.



Streetary rendering from City of San Diego Spaces as Places Design Guidelines Manual

The parklets along WOW will have limited width to provide required access for fire trucks and cyclists down the middle of the street (required by Fire Department, recommended by ATC). The enclosed dining area will delineate clear separation between restaurant patrons and cyclists, limiting conflict points.



Process and Schedule

The parklet pilot program will require businesses wishing to participate to complete the Standard Outdoor Dining application process which includes some initial one-time costs associated with staff review time, encroachment agreement preparation and encroachment permit issuance. The program requires a reoccurring lease fee, dependent on the square footage of the parklet and type of liquor license held.

The applicant business will pay the cost of materials, construction, storage, security and maintenance of the parklets.

The City will remove signing and striping modifications from Wilshire Avenue within the WOW limits. The traffic signal at Harbor Boulevard and Wilshire Avenue will also require minor modifications to facilitate cyclists crossing the intersection.

Participants must complete the Standard Outdoor Dining process, including executing an Encroachment Agreement and parklet installation by December 31, 2022. The 18-month pilot will commence January 1, 2023 and conclude June 30, 2024.

Equity and Future Planning – Economic Development

Staff recommends conducting an equitable and inclusive citywide planning process to explore how public space and the built environment can create opportunities for more public activation and programming, in the short and long term, within areas of the public right of way. This process would allow us to explore the usage of public space for various activities, such as, but not limited to, outdoor dining, plazas and other community gathering activities and determine their economic and environmental feasibility. Staff will explore available grant opportunities for a citywide study should City Council wish to prioritize this as a project.

Attachments:

- Attachment 1 – PowerPoint Presentation
- Attachment 2 – Walk on Wilshire (WOW) Parklet Guidelines

- Attachment 3 – City of San Diego Spaces as Places Design Guidelines

cc City Manager Eric J. Levitt