



MEMORANDUM

P.O. Box 4100 ♦ FRISCO, COLORADO 80443

TO: MAYOR AND TOWN COUNCIL
FROM: DON REIMER, COMMUNITY DEVELOPMENT DIRECTOR
RE: FRISCO PEDESTRIAN PROMENADE DISCUSSION
DATE: OCTOBER 26, 2021

Summary and Background: Town Council conceived the Frisco Pedestrian Promenade in June 2020 as a response to public health-related occupancy limitations imposed on businesses during the COVID-19 pandemic. At that point in time, occupancy was typically limited to a maximum of 25% of allowed occupancy, with further limitations requiring maintaining distance between unrelated parties. Closing three blocks of Main Street to vehicular traffic served a dual purpose of allowing businesses in this area to expand into the street to regain some of the diminished occupancy, and allowing additional room for pedestrians to walk through the downtown while maintaining the social distancing advised by public health experts. In 2020, the Promenade was in place from June 12 through October 5.

In August 2020, the Town was awarded a \$50,000 grant by the Colorado Department of Transportation (CDOT) as a part of CDOT's Main Street Revitalization Grant Program, with the purpose of developing means to assist businesses to utilize public spaces year-round throughout Frisco. Using these grant funds, the Public Works Department has built approximately 60 parklet sections which can be deployed for business expansion into parking spaces within the Town right-of-way. The first parklet sections were placed on Main Street in parking spaces in front of businesses in October 2020 following the closure of the Promenade, with some on the north side of Main Street remaining in place throughout the winter of 2020/21. In the spring of 2021, additional parklets were deployed to provide added space for businesses as warmer weather allowed.

For 2021, Town Council discussed options for Main Street and the Pedestrian Promenade at their March 9 and April 27, 2021 meetings, and provided direction to staff to implement the Pedestrian Promenade for summer 2021 with enhancements based on lessons learned from the previous summer. The 2021 Pedestrian Promenade was set up on June 18, and remained in place through September 12. Some parklets currently remain in place in front of businesses following closure of the Promenade and reopening of the street to vehicular traffic.

Analysis: The following sections discuss some of the considerations during setup of the 2021 Promenade, results of a survey conducted in October 2021, as well as staff observations which may be relevant in consideration of whether or in what form the Promenade may appear for the summer of 2022.

2021 Promenade Summary: In the spring of 2021 leading into the decision on whether or not to implement the Pedestrian Promenade for the summer of 2021, Town Council weighed several

issues, including potential public health considerations, public and business comments, and construction impacts from the CDOT “Gap” project on SH 9. Council also considered public comments and staff proposals on potential improvements to aesthetics, signage, public art and safety. Prior to Council’s decision, staff also conducted surveys of the business community, citizens, and visitors in order to gain feedback. A summary of that feedback follows:

- In March 2021, staff conducted an on-line survey to the business community in order to gain initial input into whether or not the Pedestrian Promenade should return for the summer of 2021. The results were shared with Council at their March 9, 2021 meeting. There were 320 respondents total with 93 respondents identifying as having a business on Main Street. Out of those 93 respondents, 74.2% responded yes, and 25.3 responded no, to the question “do you want the Promenade to return for Summer 2021?”. Out of the 320 total respondents, 85.5% answered yes to the question and 14.8% answered no.
- A second outreach was conducted in April 2021, which asked business owners to provide free-form responses to specific questions, such as whether a business would utilize the space in the street in front of the business. There was also a question that asked whether the Promenade should be eliminated if there are no public health orders restricting occupancy of businesses.
 - A short summary of the results is that a majority of businesses owners (21 out of 33 respondents) wanted the ability to provide additional space for physical distancing for their customers by utilizing the public right-of-way. An additional seven business owners indicated that while their location or business type would not be able to use the Promenade, they believed the Promenade should be established if public health orders limited occupancy. Only five businesses were opposed to the Promenade even if public health orders continued to limit occupancy.
 - When asked if there were no public health restrictions on occupancy, the responses were less clear. Of the 33 responses received: 10 business owners wanted the Pedestrian Promenade terminated and Main Street fully open to vehicular traffic; 13 businesses would like the Pedestrian Promenade to be in place regardless of potential public health orders; and the other 10 responses did not clearly state a position.

A complicating factor for the summer of 2021 was the CDOT construction project on Highway 9, which impacted the intersections of Main and Granite at SH 9. To mitigate those concerns, Public Works coordinated with CDOT to develop a routing and signage plan that would help direct and mitigate traffic issues whether or not the Promenade was implemented, including use of variable message boards to direct traffic onto Granite Street, and pedestrian crossing signs on Granite Street. The parking lot at 3rd and Granite was also improved to make parking more efficient at that location.

At their April 27, 2021 meeting, Town Council decided that the Frisco Pedestrian Promenade would again be set up on Main Street between 2nd and 5th Avenues starting on June 18. Based on lessons learned from the Pedestrian Promenade in 2020 and feedback from businesses and the public, the 2021 Promenade included parklets, signage, and other improvements at other locations in the downtown area to accommodate and direct visitors to all businesses, whether within or outside of the area that would be closed to vehicular traffic. Further adjustments to the setup and operation included changes to the bike lane, cross streets, assigned business spaces,

perimeter fencing, wayfinding signage, public art, aesthetics, and outdoor music with acoustic music allowed on public right-of-way and amplified music only allowed outdoors when on private property, such as a patio or deck.

If Town Council determines that the Pedestrian Promenade should be implemented again in the summer of 2022, many of the above will again be utilized and further refined to improve the business and visitor experience in the whole downtown area, including those areas not within the area closed to traffic.

Complete Streets Feedback: The Town is in the initial stages of developing a Complete Streets Plan for the downtown area. The consultant for the project, Toole Design, held a design charrette from September 21 - 23, 2021, to gather input from the public regarding concerns with current conditions, or ideas on ways to make the streets function better for all modes of transportation, including vehicles, bicycles, pedestrians, and transit. While the Promenade was not a primary focus of the Complete Streets plan outreach, public comments inevitably included thoughts on the Promenade. A couple of the key takeaways are that a majority of commenters were in support of the Promenade, while there were also a number of concerns related to traffic and noise on Granite Street due to the traffic diversion from Main Street. A summary of the comments received during the charrette are included as Attachment 1.

Promenade Survey, October 2021: A survey of Town businesses and citizens regarding their thoughts on the 2021 Promenade and the options for the 2022 Promenade was open from September 30 through October 13, 2021. 412 people responded, including 277 that identified as Frisco residents, and 71 who indicated that they are owners or managers of Frisco businesses. In short, the responses were similar to those from surveys performed in the Spring of 2021, including similarities in percentages supporting either the Promenade or closing it, as well as similarities in the positive comments and concerns expressed in free form. The full set of survey responses is included as Attachment 2, with some summary findings including:

- “Do you want the Promenade to return for summer 2022?”
 - Yes – 302 (73.3%). No – 78 (18.9%). Maybe – 32 (7.8%).
- “Did your business use a space on the Promenade in either 2020 or 2021?”
 - Yes – 17 (17.5%). No – 80 (82.5%)
- “If your business is on Main St, would you use the space if it was available?”
 - Yes – 30 (58.8%). No (41.2%)
- Themes of comments that supported the Promenade generally included positive sense of community; a unique experience among mountain towns; the ability to dine outside; ambiance and aesthetics; and safety for guests on Main Street.
- Themes of comments that favored ending the Promenade generally included traffic on Granite and other streets; hassle for residents navigating around the area; parking and distance for walking from parking to businesses; and fairness for businesses outside of the Promenade.

Several comments included constructive ideas on ways to improve resident, business, and visitor experiences in the summer of 2022, some of which could be implemented depending on Council direction for Main Street for summer 2022.

Sales Tax Analysis: One concern raised with the Promenade by some businesses outside of the area closed to vehicular traffic was one of equity, specifically the belief that Main Street businesses between 2nd Avenue and 5th Avenue had an unfair business advantage over

businesses outside of that area because those businesses received the use of public space for additional floor area for no charge. Frisco's Finance Department analyzed sales tax revenues for Main Street businesses inside the Promenade compared to businesses outside of the Promenade area, and found that revenue from businesses within the Promenade area increased by 23 percent comparing 2021 to 2019, while those outside the Promenade increased by 14 percent for the same time period. Although businesses in both areas of Main Street saw increased revenues, those within the Promenade appeared to do approximately 9% better. A summary of this analysis is included as Attachment 3.

License for Right-of-Way Use: Upon initial creation of the Promenade, Council approved Resolutions 20-18 and 20-19, which authorized the Town Manager to provide for use of the public right-of-way by businesses through a revocable license agreement. There was no fee associated with the license agreement. This authorization was extended through October 31, 2021 via Resolutions 20-26 and 21-13.

Similarly, at the outset of the pandemic in March 2020, Town Council adopted Emergency Ordinance 20-10, which granted the Town Manager authority to issue orders deemed in the public interest for health and safety in dealing with the pandemic. Under this authority, Town Manager Order 2020-1 suspended the requirement for applications for Outdoor Commercial Establishment (OCE) permits to facilitate business use of Town right-of-ways. This relief from OCE permit requirements was extended through October 31, 2021 with Town Manager Order 2021-1.

While the COVID-19 pandemic is not over, most public health orders and related occupancy restrictions have been lifted. For this reason, staff suggests that further extensions of Resolutions 21-13 and Order 2021-1 are not required, and that any business use of public right-of way again be managed through the OCE permit process, described in Section 180-5.2.4 of the Code (Attachment 4).

If Council concurs with this process, staff recommends that an amendment to Section 180-5.2.4(D)(8) be considered in order to allow administrative approval of these applications rather than Town Council approval for each and every OCE application within Town right-of-way. (As an example, in 2021 approximately 30 businesses used public right-of way space, which would have required 30 separate approvals by Town Council). An additional change would be to require annual renewal of an OCE permit.

OCE License Fee: In consideration of the potential of an unfair advantage for some businesses as noted above, a suggestion was made that one way to increase the equity between businesses within the Promenade street closure area and those outside of that area would be to charge a fee for business use of public space. It is also noted that while parklets and right of way space were offered where feasible to all businesses along Main Street, only a few businesses outside of the street closure area (Log Cabin, Foote's Rest, and Silverheels) utilized public space with either parklets or sidewalk space. Staff considered a number of methods to determine an appropriate value for this space, as well as an appropriate means of administration for use of public space, whether the space is on the street, a parklet, or sidewalk space, and whether within the Promenade closure area or outside of it.

Staff reached out to other communities to see if any charged a fee for use of public right-of-way. To date, the only community that responded was Grand Junction, which charges a fee of \$1 per square foot for permanent patios spaces in the Main Street right-of-way. There is no fee at this time for temporary spaces such as parklets.

In order to establish a fee for use of public right-of-way, staff obtained a recent appraisal for a portion of Town right-of-way, which placed the land value of right-of-way at approximately \$655,474 per acre, or \$15.05 per square foot. Recognizing lease value is not equivalent to fee simple value, a factor of 10% was applied, based on valuation of temporary easements for the recent CDOT Highway 9 Gap project. Application of the 10% factor results in a recommended fee of \$1.50 per square foot per year. For a 10-foot-by-10-foot parklet, this would equal a license fee of \$150 per year per parklet or equivalent street area.

Options for Main Street for the Summer of 2022: As there are no current business occupancy limitations related to COVID-19 public health orders, and none anticipated for the coming months or for the summer of 2022, Town Council may wish to consider options for the Frisco Pedestrian Promenade for the summer of 2022.

1. Set up the Frisco Pedestrian Promenade similar to 2021. This would be the same three-block area, and a similar time frame from mid-June to mid-September. Parklets could be utilized before, during, and after the Promenade, by businesses within or outside of the street closure area. Further refinements to aesthetics, wayfinding, parking, and traffic movement would be developed based on public input.
2. Expand the Promenade to include additional blocks of Main Street. Some businesses outside of the Promenade street closure area indicated that extension of the Promenade either to the east (towards Highway 9) or to the west (towards West Main) would benefit their businesses. The extents of the Promenade were established in 2020 based on the highest density of businesses on each block, and could be re-evaluated. Alternately, parklets could be prioritized for areas which remain open to vehicular traffic.
3. Eliminate the road closure aspect of the Promenade so the only use of public space is with parklets located in parking spaces. This option has been suggested by some as an opportunity for compromise, allowing the atmosphere of additional outside spaces, while continuing to allow vehicular traffic throughout the extent of Main Street, and allowing parking where parklets are not in place.
4. Main Street for vehicular and bicycle traffic and parking only; no Promenade or parklets for business use.

Financial Impact: Promenade expenses in 2021 totaled \$57,405.42. The draft of the 2022 budget includes \$75,000 for the Promenade, pending Council direction on the use of Main Street for the summer of 2022.

Recommendation: Based on public comments and feedback from the Promenade summers of 2020 and 2021, staff recommends that the Main Street Promenade be established between 2nd and 5th Avenues, with a start date of June 17, 2022 and an end date of September 11, 2022. Parklets would be available year-round to all businesses regardless of location, but would be prioritized for businesses outside of the Promenade street closure area during the period that the street is closed. Use of any public space, whether street, parklet, or sidewalk, would be subject to a license agreement and license fee established by Town Council, as part of an Outdoor Commercial Establishment Permit administered by the Planning Department. Budgeted funds would be focused on traffic calming measures on Granite Street, and more permanent signage and wayfinding. Specific Recommendations include:

1. Direct staff to bring forward an amendment to UDC Section 180-5.2.4 to allow administrative approval of use of the public right-of-way only as part of an OCE permit, and annual OCE permit renewal.

2. Direct staff to add a fee of \$1.50 per square foot per year for OCE permits in the Town right-of-way or on Town property.
3. Direct staff to develop plans for Main Street Promenade for the summer of 2022, incorporating suggestions made as part of the recent survey and feedback received over the past two summers.

Reviews and Approvals: This report has been reviewed and approved by:
Tony O'Rourke, Town Manager

Attachments:

- Attachment 1 – Summary of Comments from Complete Streets Charrette
- Attachment 2 – October 2021 Promenade Survey Results
- Attachment 3 - Revenue Comparison
- Attachment 4 – UDC Section 180-5.2.4 - Outdoor Commercial Establishments