



CITY OF KIRKLAND

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MEMORANDUM

To: Kurt Triplett, City Manager

From: Christian Knight, Neighborhood Services Outreach Coordinator
Rob Jammerman, Development Engineering Manager
Eric Shields, Planning Director
Kathy Brown, Public Works Director

Date: May 21, 2015

Subject: PARK LANE SHARED STREET, OUTDOOR DINING AND RETAIL DISPLAYS

RECOMMENDATION:

Staff recommends the City Council review the following background information and approve the attached Ordinance that will adopt temporary regulations designating Park Lane as a "shared street" and establishing regulations for sidewalk cafes and outdoor displays for retail shops along Park Lane.

The Ordinance is intended to:

- 1) Allow restaurants to delineate their outdoor sidewalk cafe areas with surface demarcations rather than fixed fencing,
- 2) Allow five feet of walking space around sidewalk cafes, rather than require six,
- 3) Allow retailers to use a maximum of three feet of space along their respective building frontages to display products for sale, provided that at least six feet of space remains for pedestrian travel, and
- 4) Allow the Public Works Director to make modifications to the above rules if pedestrian use, sidewalk café use, and retail sales use can all be improved.

BACKGROUND DISCUSSION:

The Park Lane Pedestrian Corridor Improvement Project enhances the corridor's walkability, ensures a future tree canopy and allows access for emergency and solid waste vehicles. It allows space for parking, performances, art, and public gatherings. The Project also helps protect Lake Washington from storm water runoff by devoting space to rain gardens and bio-retention cells. It does all this within 55-feet of width. Fulfilling each of these community, local, state and federal priorities impacts the available public space for restaurant patio dining areas. The City's current Municipal Code requirement for a minimum of six feet of walking space further limits available space for sidewalk cafes. This issue, coupled with another Code requirement for a "permanent" cafe fence or barricade to



be fastened to the new Park Lane brick pavers, prompted Planning and Public Works staff to consider three primary questions:

- 1) How should the City of Kirkland delineate the sidewalk cafe areas of Park Lane restaurants to comply with Washington State Liquor Control rules?
- 2) How much of Park Lane's pedestrian space should be allocated when compared to space desired for sidewalk café areas?
- 3) How much of Park Lane's public space should retailers be able to use?

Demarcation of Sidewalk Café Area

To comply with a former rule by the Washington State Liquor Control Board, the Kirkland Municipal Code (KMC) requires a permanent 42-inch high fence to surround outdoor dining areas. However, in April of 2015 the Liquor Control Board replaced the requirement for permanent fences with an allowance for "surface demarcations." The new rule allows for a permanent marking in the sidewalk surface that distinguishes the public right-of-way from patio dining areas. The new rule requires the demarcations to be at least six inches in diameter and at least 10 feet apart. It also requires a restaurant staff member to be on the premises to prevent space creep "when patrons are present." The purpose of the new allowance is to maximize walking and dining space that would otherwise be consumed by a barricade. The new State rule also allows the public to use sidewalk cafe space when the sidewalk cafes are not operating, such as in winter or during non-business hours.

At a May 18, 2015 Park Lane meeting, the managers/owners of Lai Thai, Zeeks Pizza, Pho Tai, Cactus, Ristorante Paradiso and Champagne Taste all said they support the allowance for surface demarcations. Staff is recommending changing the KMC to allow surface demarcations on Park Lane.

Kirkland's first Woonerf – Shared Walkable Space with Sidewalk Café/Retail Areas

The KMC currently requires six feet of walkable space around sidewalk cafes. The staff is recommending that the Council adopt code changes that make Park Lane a Woonerf (pronounced VONE-erf) or 'living street' that is common in Europe and emerging throughout the United States. Staff's evaluation of the curb-less, one-grade design of the new Park Lane



Batavia, Illinois' River Street. River Street functions as a Woonerf Street (pronounced VONE-erf) where pedestrians and cyclists share the drive lane with automobiles.

suggests pedestrians will naturally use more of the street as walking space than they did when the street used vertical curbs, sidewalks and travel lanes to separate walkers from drivers. Therefore staff believes the KMC requirement can be reduced to five feet. The curb-less design allows pedestrians to share the vehicular space more freely, which diminishes the need for dedicated walking space on the sidewalk. This is especially the case if surface demarcations are allowed to delineate restaurant patios.

A Woonerf of ambling pedestrians with a narrow, curving roadway is similar to a parking lot driving-and-walking environment where drivers expect to encounter pedestrians and, as a result, slow to walking speeds.

One example is Batavia, Illinois' North River Street. In 2013, the suburban city of 22,000 transformed one-and-a-half blocks of its North River Street's asphalt surface to a curb-less, brick-lined plaza that allows pedestrians to mix with slow-moving automobiles. Like Park Lane, the street uses trees, bollards, planters, street furniture, bio-retention cells and rain gardens to delineate the driving and walking areas.

In an interview with Batavia staff, the street's principal landscape architect said from day one, pedestrians "crisscrossed" the drive lane "when and where they wanted", yet, no collisions between pedestrians and automobiles have occurred in the two and-a-half years since the City of Batavia re-opened this section of River Street in November 2013.



A pedestrian crosses the drive lane of Batavia, Illinois' River Street.
should be implemented.

In the future, on those occasions when Park Lane is temporarily closed for festivals or events, the street will transform into a pedestrian-only plaza. This will expand the pedestrian areas to more than 40 feet in some areas. When these events occur, staff will study the uses and determine if other sets of rules

Staff has evaluated each restaurant on Park Lane and has determined that reducing the KMC requirement to five feet, coupled with the surface demarcation change, will result in restaurants having either approximately the same or significantly more sidewalk cafe square footage than each business had with the previous street configuration. Space comparisons will be presented at the Council meeting.

Retail Use of the Space

Staff also recommends retail shops be allowed to display some products along their respective store fronts. For retail shops, staff recommends allowing up to three feet of retail space, while maintaining the six feet of walkable space requirement. This would give pedestrians the space to walk along Park Lane and shop for products without obstructing the pedestrian flow.

5 MPH Advisory Speed Limit on Park Lane

State law restricts the City's ability to impose a binding speed limit of under 20 miles per hour. Therefore the ordinance establishes a 5 mile per hour speed limit on Park Lane as "advisory." Police would not be able to write a ticket for someone exceeding that speed limit.

Based on information provided above, staff recommends that City Council adopt the attached Ordinance to allow businesses to try the new regulations for the remainder of 2015. **These regulations as proposed only apply to Park Lane.** At the end of 2015, staff will assess its functionality and recommend permanent Park Lane code changes for City Council consideration in 2016, as well as recommendations on whether some should be expanded City-wide.

With City Council's approval of the attached Ordinance, staff will immediately initiate a new Sidewalk Café and Retail use permit processes.

Attachment: Ordinance

ORDINANCE O-4482

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO TEMPORARY
SIDEWALK AND SHARED USE STREET REGULATIONS FOR PARK LANE.

1 WHEREAS, the City is nearing completion of the Park Lane
2 Pedestrian Corridor Improvement Project ("Project"); and
3

4 WHEREAS, the Project will improve the walkability of Park Lane
5 and has a curb-less design that allows pedestrians to share vehicular
6 space more freely when coupled with slower vehicular speeds; and
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8 WHEREAS, current sidewalk cafe regulations set forth in Kirkland
9 Municipal Code ("KMC") Section 19.04.060 through KMC 19.04.068
10 require six feet of pedestrian corridor adjacent to outdoor seating for
11 sidewalk cafes and the use of barriers or fences to separate dining areas
12 from the pedestrian corridor; and
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14 WHEREAS, in April 2015 the Washington Liquor Control Board
15 revised its regulations to allow for surface demarcations on the surface
16 of the right of way instead of barriers or fences; and
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18 WHEREAS, in light of the Project improvements, the City desires
19 to adopt temporary regulations that modify the existing sidewalk cafe
20 regulations and allow for sidewalk retail displays that would be in effect
21 until December 31, 2015; and
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23 WHEREAS, based on the experience of these temporary
24 regulations for Park Lane, the City intends to adopt permanent Park
25 Lane regulations in 2016 as well as adapt some of the regulations for
26 City-wide use where appropriate.
27

28 NOW, THEREFORE, the City Council of the City of Kirkland
29 ordains as follows:
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31 Section 1. Applicability. The temporary regulations set forth in
32 this Ordinance apply to the Park Lane right of way between Lake Street
33 and Main Street. This Ordinance is not in effect anywhere else.
34

35 Section 2. Use of Surface Demarcations. Establishments with
36 approved sidewalk cafes on Park Lane may utilize surface demarcations
37 to delineate the sidewalk cafe area from the adjoining pedestrian
38 corridor. Any establishment seeking to utilize surface demarcations in
39 lieu of a fence or other vertical barrier shall comply with all applicable
40 Washington Liquor Control Board regulations, including but not limited
41 to WAC 314-02-130. This Section supersedes KMC 19.04.062(b) and
42 KMC 19.04.065(a)(i).
43

44 Section 3. Public Pedestrian Corridor. An establishment with an
45 approved sidewalk cafe shall allow a minimum five-foot wide
46 unobstructed pedestrian corridor adjacent to the sidewalk cafe area.
47 This Section supersedes KMC 19.04.062(a).

48 Section 4. Retailer Use of Park Lane. A retail establishment may
49 use up to three feet of space along its building frontage to display retail
50 products for sale. A retail establishment shall maintain a minimum six-
51 foot wide unobstructed pedestrian corridor adjacent to the retail display
52 area.

53
54 Section 5. Applicability of KMC. Except as provided in this
55 Ordinance, the provisions of the KMC relating to street and sidewalk use
56 remain in force and effect.

57
58 Section 6. Advisory Speed Limit for Park Lane. Upon completion
59 of the Project, the portion of Park Lane between Lake Street and Main
60 Street will be a "shared use street" in which pedestrians and vehicles
61 will share common space. As a result, the City may post advisory speed
62 limit signs indicating that Park Lane is a shared use street and
63 recommending a five mile per hour maximum vehicle speed.

64
65 Section 7. Public Works Director. Due to the temporary and trial
66 nature of the regulations in this Ordinance, the Director of Public Works
67 shall have the authority to make administrative modifications to the
68 regulations set forth in this Ordinance. Any modification to these
69 regulations shall be based on the City's observations and experience
70 with respect to implementation of these regulations. The City shall
71 promptly notify affected establishments of any modifications to these
72 regulations.

73
74 Section 8. Duration. This Ordinance shall expire on December
75 31, 2015.

76
77 Section 9. This ordinance shall be in force and effect five days
78 from and after its passage by the Kirkland City Council and publication,
79 as required by law.

80
81 Passed by majority vote of the Kirkland City Council in open
82 meeting this ____ day of _____, 2015.

83
84 Signed in authentication thereof this ____ day of
85 _____, 2015.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney