



**CITY OF PORTLAND**  
**Executive Department**  
**Jon P. Jennings, City Manager**

**To:** Housing & Economic Development Committee Members  
**From:** Dena Libner, Chief of Staff  
**Date:** August 20, 2021  
**RE:** Open Air Portland (Permanent Outdoor Retail/Dining Modifications)

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Outdoor dining and retail during the pandemic was a lifeline for many businesses, and staff anticipates that many will continue to be interested in expanded outdoor operations.

A temporary festival was established in June 2021 to allow the program to continue in its current form until November 2021. Staff recommend implementing a program, Open Air Portland, to permanently adopt certain aspects of the pandemic-era outdoor dining and retail program after the festival order expires.

Open Air Portland recommendations are as follows:

1. Remove the cap on parklets
2. Permanently allow businesses to apply for up to two adjacent parklets
3. Temporarily lower the parklet permit application fee and evaluate annually
4. Remove certain parklet eligibility criteria
5. Close Dana Street, part of Milk Street, and Wharf Street to thru-traffic

More details on each recommendation are enclosed, along with the results of an August 2021 survey that helped to inform this program.

1. Recommendation: Remove the citywide parklet cap (*does not require Council action*)

When the Council amended Section 25-27 of City Code in 2018 to permit parklets, the City Manager established a cap of five (5) parklets citywide. Although only one business had applied for a parklet permit prior to the pandemic, it is possible that demand will increase given the experiences of businesses over the past 15+ months. **Staff plan to remove the citywide parklet cap to ensure that any business interested in continuing parklet usage can be accommodated.**<sup>1</sup> While nearly 60 parklets were permitted in 2020, our expectation is that an increase in permitting fees (see recommendation 3) and businesses' ability to serve customers indoors will effectively manage demand.

2. Recommendation: Amend regulations to allow businesses to apply for two adjacent parklets (*does not require Council action*)

Original parklet regulations established by the City Manager include detailed specifications re: parklet location and dimensions. The vast majority of parklets currently in operation do not meet these standards.

Regarding dimensions, program rules require parklets to take up no more than an 8'x20' footprint. Most existing parklets exceed these dimensions, as we have permitted most businesses for two adjacent parklets in order to maximize outdoor seating. **Staff plan to continue to allow businesses to apply for up to two adjacent parklets;** however, any increase in overall capacity may require that businesses meet additional requirements (plumbing code requirements, in particular), which staff will enforce.

Due to plumbing code requirements, some restaurants may either be limited to one parklet or need to provide additional restrooms in order to accommodate the capacity increases associated with two. Staff will work with business owners to discuss capacity limits and possible solutions.

3. Recommendation: Reduce parklet application fees (*requires City Council action*)

During the pandemic, the City Manager reduced the parklet application fees by over 80% in recognition of the challenges small businesses were facing, as well as an expectation that metered parking would yield less revenue than in a typical year. Moreover, businesses were able to apply for a second, adjacent parklet at no additional cost. To balance the challenges that small businesses continue to grapple with with a growing demand for on-street parking, **we recommend decreasing the fee structure to \$3,000 for one parklet and \$5,000 for two parklets.** This fee should be re-evaluated annually.

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<sup>1</sup> As of August 12, 2021, 37 parklet permits were active.

The original program fee (\$5,520) was established based on the cost of program implementation, including staff time and lost parking revenue. Again, staff suggest that the new fee fall short of those program costs only temporarily to assist small businesses in their continued economic recovery.

4. Recommendation: Amend Department regulations to remove certain eligibility criteria (*does not require Council action*)

Regulations also mandate that only businesses unable to have sidewalk seating are eligible for a parklet; many of the existing parklets are being operated by businesses that do have sidewalk seating available. **Staff plan to remove this eligibility requirement entirely.**

5. Recommendation: Permanently close Wharf, Dana, and Milk streets to thru traffic (*requires City Council action*)

Based on staff observations and public feedback, we have found the closure of Wharf, Dana, and Milk (between Exchange and Market) to vehicle traffic to have been overwhelmingly positive. **Staff recommend continuing to restrict thru traffic on these three streets by formally amending the Traffic Schedule.** Staff will consider various options to implement these traffic restrictions, taking into account City snow-clearing and maintenance obligations, emergency responders, and cost. Note: while the streets will be closed to day-time, non-emergency thru traffic year-round, business activity on and occupancy of any part of the street will be allowed in the warmer months (approximately April to November) only. Staff are happy to reevaluate this in the future.

Regarding on-street business activity on Middle Street: after recent discussions with businesses and staff evaluation, we recommend a return to a more traditional parklet setup to support outdoor dining activities and other public uses of that street once the festival order has expired.

Regarding the closure of half of Boothby Square: City staff plan to make a recommendation on this closure by the end of the year, after MaineDOT traffic data and other performance data can be evaluated.

In closing, we believe that the recommendations included in Open Air Portland will help small businesses weather ongoing challenges and allow for the residents of and visitors to Portland to safely experience and enjoy our City.

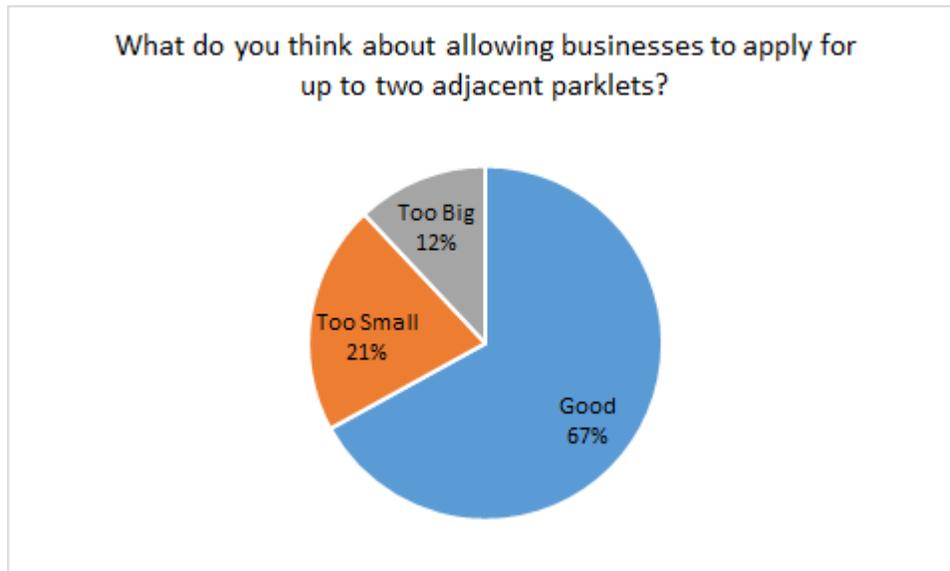
Results from “Doing Business Outdoors” Survey

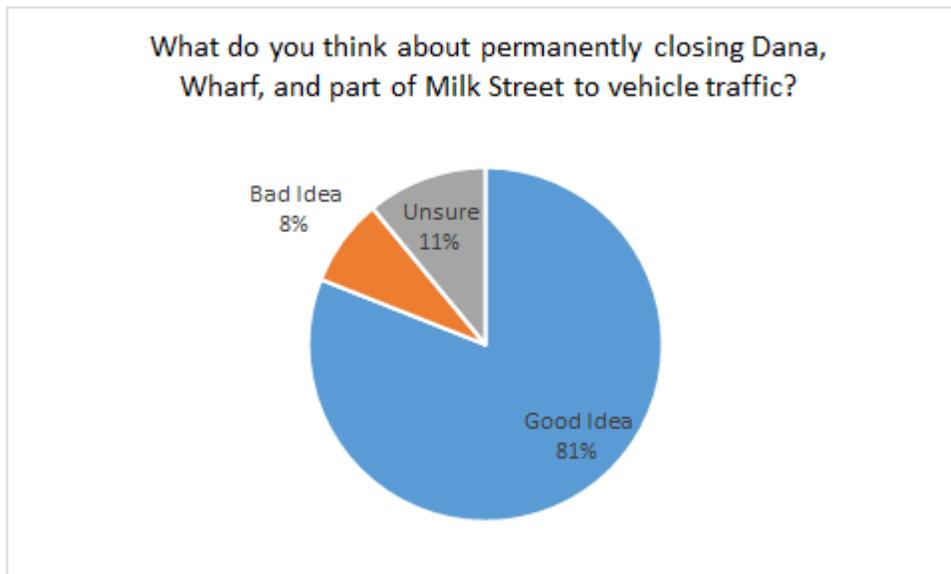
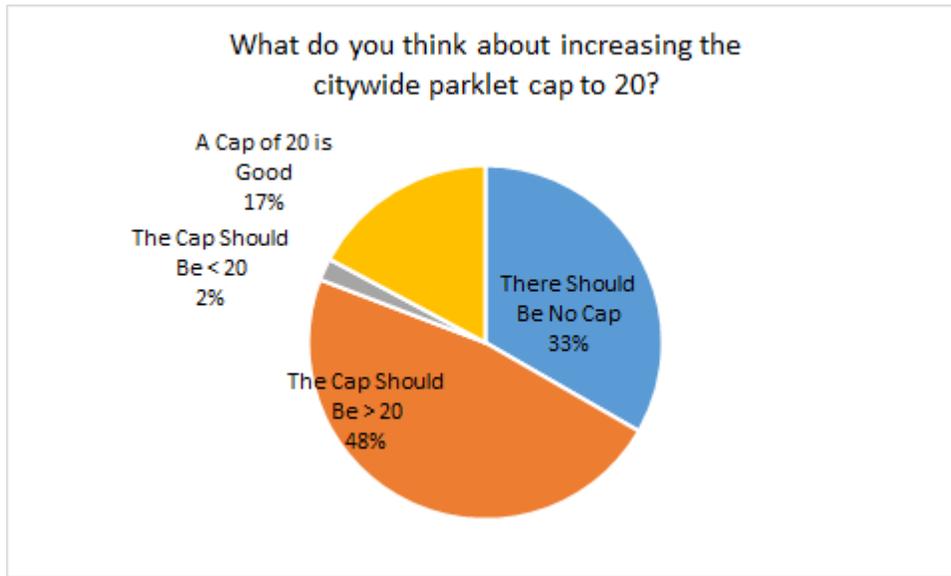
On August 13, 2021, a survey was distributed to approximately 90 stakeholders to collect feedback on Open Air Portland recommendations. As of August 19, the survey had received 85 responses. Results are below.

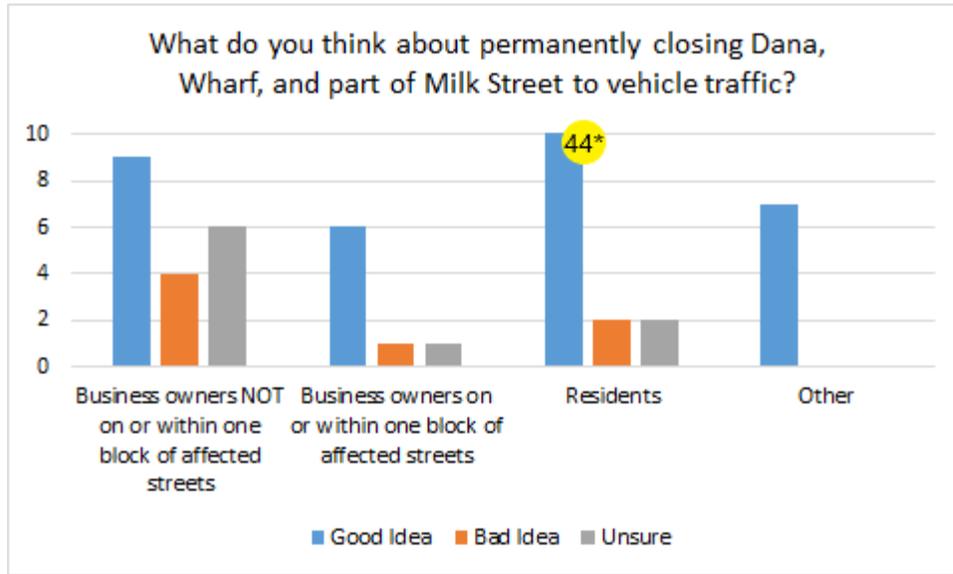
Who Responded

- 57% of respondents identified themselves as residents
- 29% identified themselves as business owners

Questions Posed to All Respondents

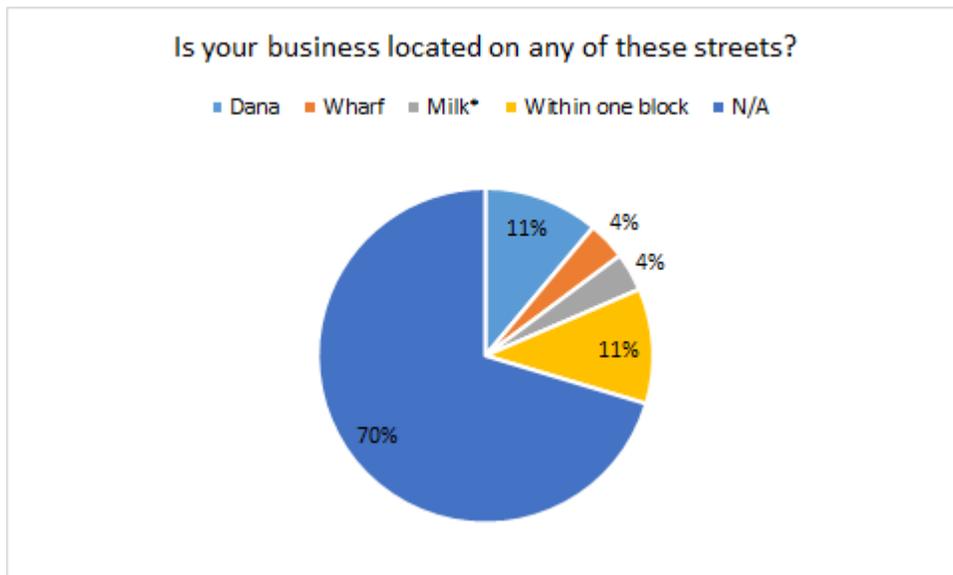






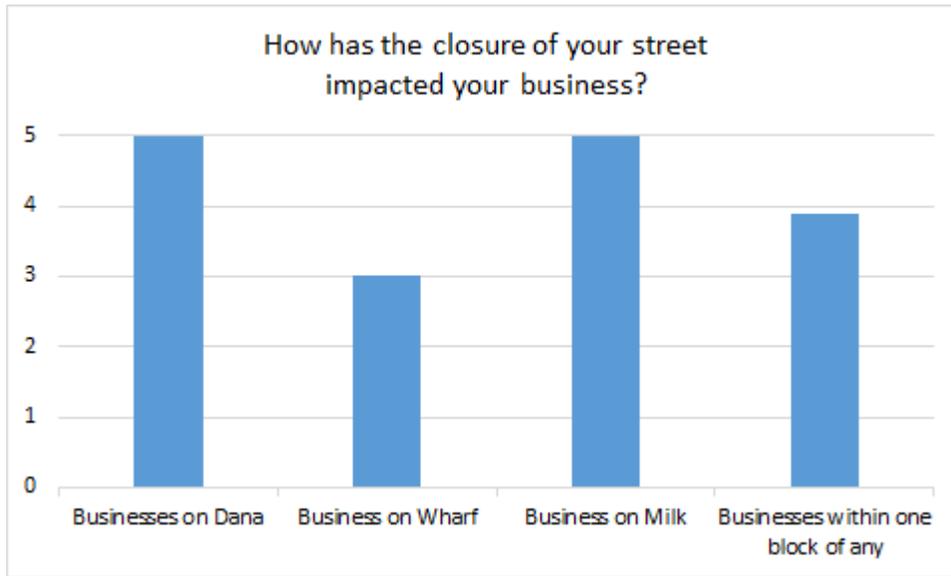
\*The number of residents who indicated that a permanent closure to vehicle traffic was a good idea was 44, well outside the boundaries of this graph.

Questions Asked of Businesses Only (25 respondents total)



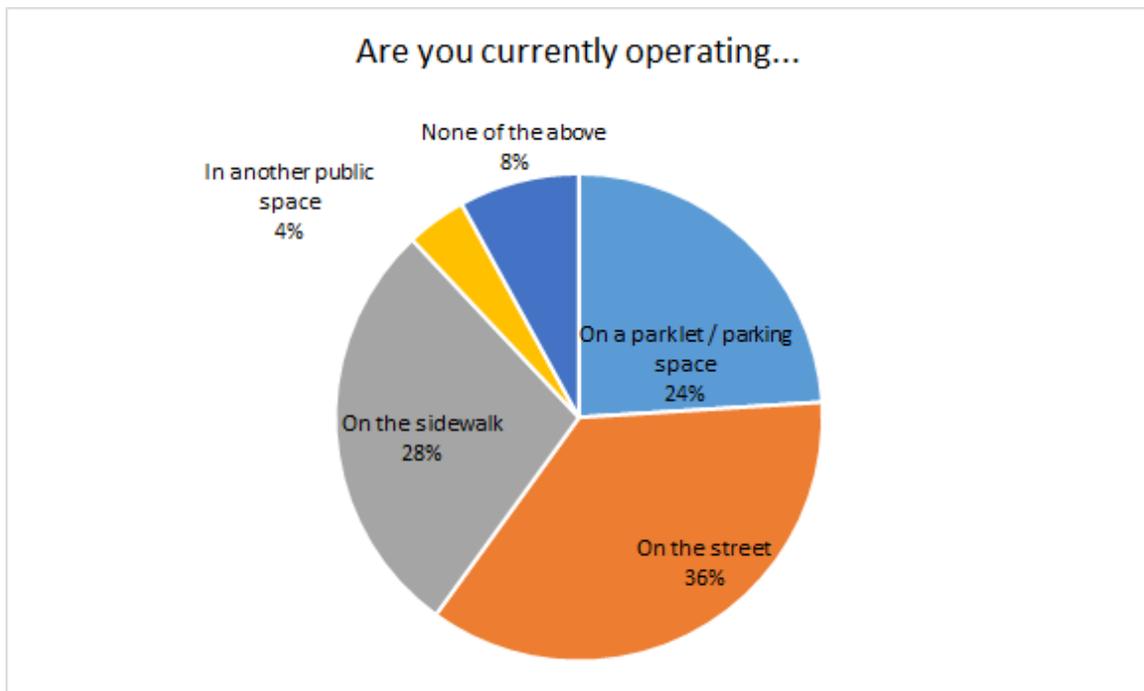
\*Between Exchange and Market

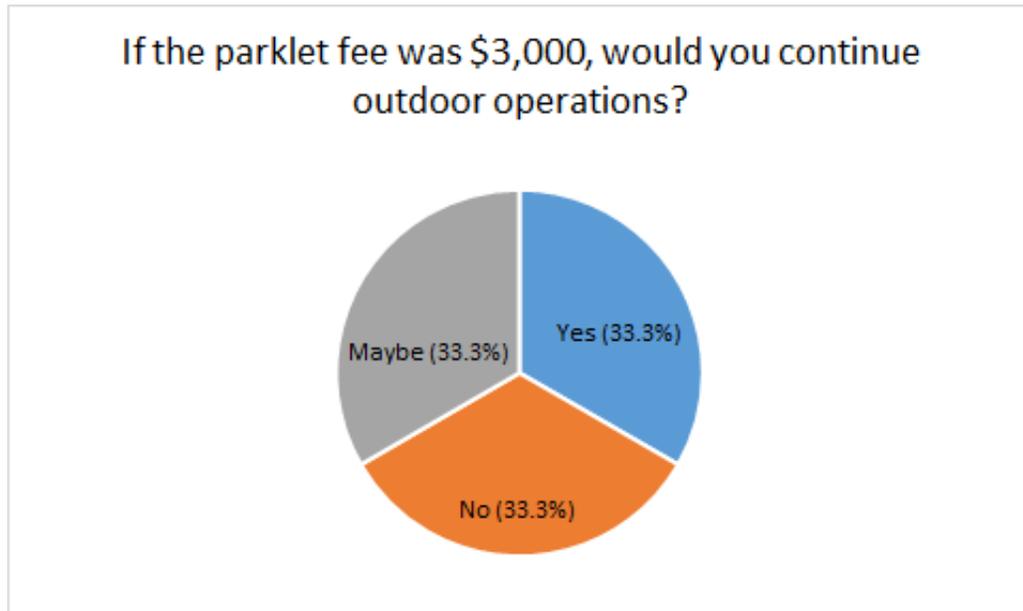
Note: The eight businesses that indicated they are on or within a block of Dana, Wharf, or Milk represent a small percentage of total businesses in the area. More specifically, the five businesses that indicated they are directly on Dana, Wharf or Milk represent approximately 16% of all businesses on those streets.



1 = hurt my business

5 = helped my business





Note: This question was limited to the six businesses currently operating in a parklet or parking space, representing 16% of total businesses licensed to do so.

Additional Respondent Comments

“it's great! It'd be cool to see one day open streets in other parts of the city during the summer & possibly other seasons too”

“If equal space on wharf were given to wharf street businesses so that it comparable to what is available to rosies and eventide I would be in favor of it”

“It's not fair to other businesses who can't just close their street....”

“Too many people complain to us that they can't get to their favorite shop.”

“Our customers, and vistors to the city, in general, love the look of Milk Street being closed. Our restaurant could not have survived the pandemic without the seating on Milk Street. We believe this closure adds value to the city as well. Milk Street, in particular, does not take away many parking spaces, as many were commercial anyway. Additionally it is a small street with limited access. Finally, we think it is important for cities to have pedestrian only streets. There are many cities that have done this for years, with much success. Thank you for considering this.”

“Traffic in the Old Port has always been challenging. Permanently closing these streets will make it significantly worse.”

“It would allow a safe business/dining district in a historic area much like St. Augustine FL and others that make for a safe walkable downtown with mixed use destinations.”

“OK to close Wharf St but the loss of parking on Dana St is problematic, and Milk St should be open to allow the flow of traffic”

“You need to close ALL OF MILK STREET, not just the one part.”

“We need to encourage as much pedestrian participation in the city and as little traffic as possible.”

“As a business owner located on Market St, this only affects my commute. I like the idea of Portland being more pedestrian friendly, but it does seem unfair for specific businesses to benefit so much more from these decisions than others. Would be nice if the streets that closed changed annually.”

“close Dana and Wharf, Leave Milk street open.”

“I think any and all allowance of extended outdoor dining is good for Portland's business' and the perception of Portland as business friendly and a culinary destination. Creating a more pedestrian friendly City is a good thing.”

“I would like to see more pedestrian-friendly streets throughout the City.”

“We should have more space available, you could shut down the streets of the old port after 9am to allow for businesses to get their deliveries prior and allow the rest of the day to be dedicated to foot traffic. Would also be great if there were bike rentals pick up/drop off stations set out so that visitors could get around a different way other than automobiles for people that think walking is too far.”

“Its nice to be able to freely walk those areas and check out the shops and restaraunts without worrying about and being distracted by traffic. I think its great for businesses!”

“Excellent idea. The public and various councilors have been supportive of the permanent closure of some Old Port Streets for years. It just never seems to rise up as a priority for City staff/elected officials to address. Now we have the reason and time sensitivity to do so. While people are reluctant about change and/or understandably tired of all the changes that the pandemic has caused, the Chicken Little effect (the sky is falling) has never been a way to build a healthy community that is future oriented. Let's see some leadership from staff and elected officials.”

“My only concern in general is ADA accessibility and sidewalk navigability being maintained through all of these outdoor dining options. It is really frustrating to not be able to navigate sidewalks but I fully support reducing cars on the peninsula and spreading dining opportunities into the street.”

“These are short cobblestone streets that have never had much traffic. Pre-pandemic, Wharf Street would often be closed to cars anyway. I believe closing these streets to cars would not have much (if any) effect on traffic flow or parking availability, and it would provide open-air, people-centered gathering spaces benefitting pedestrians as well as local businesses.”

“Downtown should be more walkable! Most cities are set up this way.”

“I am in strong support of the permanent closure of these streets to vehicular traffic. Many downtown and Old Port streets see unnecessary vehicle traffic (especially people looping around looking for parking), which creates conflict with the heavy pedestrian traffic they see. Given how small downtown and Old Port are, we should be reducing the areas where vehicles can travel, as pedestrian and bicycle travel, along with outdoor business operations are a much more effective use of the space.”

“Love the pedestrian area there, and close Exchange st between Middle and Fore again while you're at it.

These tiny one ways with 6 parking spots are way more useful as pedestrian and commercial areas. Subsidize the tenants' parking in nearby lots to minimize the impact on them and let's get that open air market energy going again that rocked.”

“More streets should be permanently closed to cars, especially in areas originally not meant for cars, with an increased public transportation infrastructure to make it more accessible to people who can't get around easily and can't drive or bike”

“This would be such a great move for the town to have walkable areas. Makes it more of a destination, and pretty to hang out. No need for cars there!”

“These streets are so silly to drive down anyways, make them for pedestrians only!”

“Locals have already lost so many parking spots, why take away more?”

“Small streets that were never designed to have cars on them should remain car free.”

“I don't think it negatively affected traffic flow”

“Consider other pedestrian-only streets, or an entirely pedestrian-only zone (perhaps a square bounded by Exchange, Fore, Silver and Middle where the interior streets are all pedestrian-only)”

“also encourage and step up outreach on where cars should go and park, such as satellite parking, as to prevent 'circlers' and congestion in the downtown district”

“I've really enjoyed these closures, and think they should be expanded.”

“I favor more use of our public space as public space and not exclusively reserved for cars and parking. Let's look for more opportunities to create common spaces from underutilized or redundant streets.”

“I havent noticed any problematic traffic problems when I go downtown since the street closures.”

“Either make this available for everyone or no one because it isn't fair that only the trendy get the benefit. Not fair at all.”

“Allow for small vendors like food trucks in and add more pedestrian friendly infrastructure like benches, trees and bus stops. Making sure the surface is friendly for the elderly and baby strollers would be amazing as well!”

“The more we can shift the allocation of space to people rather than their vehicles, the better!”

“Love the outdoor dining expansion and greater access for pedestrians.”

“It is so much more comfortable, safe, and enjoyable to be able to sit outside a restaurant and not have honking and car fumes. I have spent a lot more time in Old Port since the street became public usage!”

“Much safer for pedestrians, cyclists, cars — just better for everyone”

“As long as truck deliveries are still allowed at off-peak hours, there is nothing wrong with closing these streets to passenger traffic.”

“Cities should be built for people. There is no reason for cars on those small downtown streets.”