

# AGENDA

## CITY COUNCIL WORK SESSION

September 7, 2021

4:00 PM, City Council Chambers  
130 S Galena Street, Aspen



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### I. WORK SESSION

I.A. Right of Way Activation



## MEMORANDUM

**TO:** Mayor and City Council

**FROM:** Trish Aragon, City Engineer  
Mitch Osur, Parking and Downtown Services Director  
Phillip Supino, Community Development Director

**MEMO DATE:** September 3, 2021

**MEETING DATE:** September 7, 2021

**RE:** Winter in Aspen Vitality (WAV) Program

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### **REQUEST OF COUNCIL:**

This agenda item is a continuation of Council's ongoing program supporting the Aspen business community during the COVID-19 pandemic Summer/Winter in Aspen Vitality (SAV/WAV). Staff requests Council provide direction on the continuation, modification, or roll-back of the program for the winter 2021-2022 season and in advance of the October 31<sup>st</sup> expiration date for the current program.

### **SUMMARY AND BACKGROUND:**

Since spring 2020, staff has worked inter-departmentally (City Manager, Clerk, Administrative Services, Comms, Public Works, Engineering, Parking, Transit, Community Development, Environmental Health, Police, Special Events, Wheeler Opera House and Parks & Recreation) to support the local business community and downtown vitality through a variety of interventions. The program has achieved its primary objectives of providing flexibility to businesses to meet the needs of staff and customers, stay open and active, comply with public health order, and support the health of the local economy.

The program has operated under authority granted by Council to the City Manager to waive fees, relax regulations, open public space for private use, and respond to specific needs of businesses to support their operations. As the pandemic and public health orders have evolved, so too has the program. Staff is beginning to plan for the winter 2021-2022 season and seeks direction from Council of their desire to extend, modify, or end various elements of the program.

### **DISCUSSION:**

The following outline describes the major topic areas in which staff seeks direction from Council on 9/7. A follow-up work session is scheduled for 9/27.

Right-of-Way Activation. The City's response to COVID 19 during the summers of 2020 and 2021 and the winter of 2021, included activation in the public rights-of-way. These activations took different forms which are described below. **The current activation policy in effect will end on October 31, 2021, unless extended by the City Council.**

To ensure the business community has adequate time to plan for the winter season, staff seeks direction from Council on right-of-way activation prior to the October 31 deadline. After tonight's discussion, staff will take the input from City Council and prepare recommendations for the September 27 Work Session.

The forms of right-of-way activation include:

- Activations in parking spaces (e.g. Spring Café)
- Activations on the sidewalks (e.g. Aspen Tap)
- Activations on the walking malls (e.g. Ellina)
- Activations on private property (e.g. Local Coffee)
- Structures on the street (e.g. Meat and Cheese)
- Short term retail activations (e.g. Sky Gallery)

Specifically, staff seeks Council direction of the type of activations Council supports for the upcoming season. Additionally, staff suggest Council consider topics like safety, pedestrian and ADA accessibility, and enforcement of any changes to activation policy for specific business types or locations.

Depending on the direction given from Council, Engineering will specify the footprints of right-of-way activations and necessary safety measures. This is necessary to ensure the safety of the traveling public. Staff is prepared to provide additional background information and answer any questions from Council to support discussion of right-of-way activation for winter 2021-2022.

#### Land Use Code Enforcement.

Since the onset of the pandemic and the WAV/SAV program, the Community Development Department staff have taken a targeted approach to enforcement of those elements of the Land Use Code (LUC) which regulate business activities downtown. These include signage, lighting, noise, nuisances, and marketing on public property. ComDev has also provided significant latitude to businesses placing temporary structures and business activity on public and private property – by: 1) expediting review and permitting processes; 2) waiving fees, including growth management mitigation requirements; and limiting the scope of building code compliance and inspection. These elements of the WAV program have provided significant financial and operational benefit to local businesses and supported their response to the pandemic.

Should Council direct staff to modify or roll-back the WAV program, ComDev requests specific direction from Council on those elements of the LUC enforcement regime which Council wishes to roll-back or modify. Staff believes that the conclusion or modification of the program will require a significant program of outreach, support, and enforcement to regain compliance with the LUC regulations described above.

Staff will facilitate a discussion with Council on this topic and return with recommendations at the 9/27 work session.

Public engagement, public outreach. Should Council choose to modify or roll-back elements of the WAV program, direct outreach to effected businesses will be required. WAV team staff will conduct that outreach as appropriate following the 9/7 and 9/27 Council meetings and in response to the direction provided by Council.

**ENVIRONMENTAL IMPACTS:**

N/A

**ALTERNATIVES:**

Council could direct staff to keep all elements of the current program in place, negating the needs for a follow-up work session on 9/27.

**RECOMMENDATIONS:**

Staff recommends Council consider and discuss their desired approach to the WAV topics outlined above. Staff will return to Council with recommendations for WAV 2021-2022 on 9/27.

**CITY MANAGER COMMENTS:**