

STAFF REPORT

To: Public Safety Committee Date: June 22, 2016

Via: Gary Jackson, City Manager

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Subject: Downtown Public Space Management – Updated Proposal

Summary: The purpose of this agenda item is to provide the Public Safety Committee (Committee) with updated proposals related to public space management in the Downtown/ Central Business District (Downtown). This staff report is also intended to provide background information for the Downtown Public Space Management Forum sponsored by the Committee on June 22.

***Background***

Over the past several years, the Committee has worked with staff and community stakeholders to develop a multi-faceted approach intended to address the management of public space within the Downtown. One of the initiatives undertaken was the development of a Downtown Enhancement Plan by the Asheville Police Department which has been in place since July 2014.

Another initiative was a review and analysis of: 1) public safety concerns in areas where street performances take place and 2) illegal sidewalk vending and how these activities act as components of the overall Downtown public space management. The Committee considered research, analysis and recommendations on this issue during meetings in September 2014, April 2015 and August 2015, respectively. Following a presentation of information in April 2015, staff was directed to continue to research options and make recommendations regarding these components of the overall public space management in the Downtown. After considering options and recommendations presented by staff in August 2015, the Committee asked staff to work with stakeholders within the Downtown regarding proposals to enhance the City's Downtown Public Space Management efforts.

Since that time, staff has worked with a group of stakeholders with representatives from the following areas: businesses, residents, Asheville Busking Collective, and Asheville Downtown Association. Stakeholder meetings were held in September and December of 2015 and April 2016 for purposes of receiving input, reviewing proposals, and engaging in dialogue about options, considerations and next steps. While there are a diversity of interests and perspectives

represented through the stakeholder group, the engagement process has fostered a venue through which ideas are exchanged in a meaningful and respectful manner.

### ***Place-making***

Place-making is a multi-faceted approach to the planning, design and management of public spaces that is intended to utilize various principles to capitalize on a community's assets, inspiration and potential with the ultimate goal of creating public spaces that promote health, happiness, and well-being. As identified by the Project for Public Spaces, the key attributes of place-making include (a) sociability; (b) uses and activities; (c) access and linkages; and (d) comfort and image.<sup>1</sup> A successful 'place' is a reflection of a community's effort to create an appropriate balance of these important components – striving to ensure components do not tip the balance in a manner that adversely impacts the sense of 'place'. It is a process which fosters and sustains vital public destinations.

Over the past decade, Downtown Asheville's popularity has ascended to a national destination 'place'. In 2014 alone, the Tourism Development Authority estimated that the Asheville/Buncombe County area attracted over 9 million visitors.<sup>2</sup> While Asheville's ascension to a destination is positive for the community, it also places significant pressures on the public spaces thereby potentially negatively impacting the experience of those who live within and visit the Downtown. This underscores the importance of taking the steps to balance the various components essential to creating and maintaining a thriving 'place' in the Downtown.

In an effort to support place making and the sense of 'place' within communities, the Project for Public Spaces developed a 'Place Diagram' which outlines the four key qualities it has found common in successful 'places'. The diagram below was developed as a tool to assist communities in measuring any 'place'. The four qualities are defined by the Project for Public Spaces as follows:

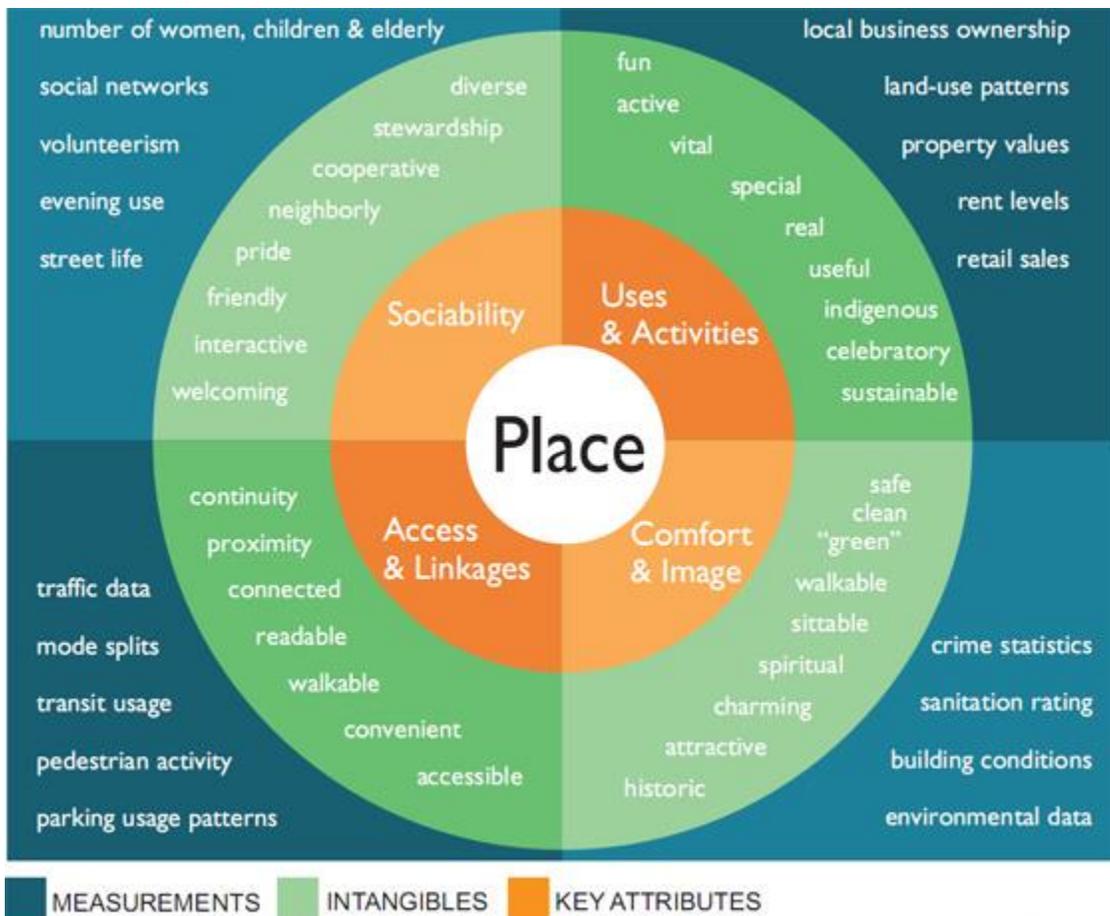
- **Access and Linkages:** how well a place is connected to its surroundings both visually and physically; it is visible, easy to get to and around; physical elements can affect access as can perceptions; accessible public places have a high turnover in parking and benefit from convenient public transit.
- **Comfort and image:** A successful place is one that is comfortable and has a good image; overriding factors include perceptions about safety and cleanliness, the context of adjacent buildings, and a place's character or charm.
- **Uses and activities:** Uses and activities within a space help attract people to a space, and their desire to return to the place; activities and uses make a place special or unique which contribute to a sense of community pride.
- **Sociability:** A place where people meet each other and take people when they come to visit; a place where people see friends, meet and greet their neighbors, and feel comfortable interacting with strangers – these are all factors which contribute to a stronger sense of place or attachment to community and foster social activities.

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<sup>1</sup> "What is Placemaking?", Project for Public Places, [http://www.pps.org/reference/what\\_is\\_placemaking/](http://www.pps.org/reference/what_is_placemaking/).

<sup>2</sup> The Economic Impact of Tourism in Buncombe County, North Carolina 2014 Analysis, June 2015, Tourism Economics

There are many uses and activities that contribute to a successful and thriving 'place' in the Downtown. Public space attributes should be managed in a manner that fosters a balance of many uses, activities and components by focusing on maximizing the continuing success and vitality of the sense of 'place'.



Source: Project for Public Spaces and Placemaking Chicago  
<http://placemakingchicago.com/about/qualities.asp>

### **Recommendations**

Based on the feedback from internal and external stakeholders, staff recommends the following initiatives to maximize 'place-making' and public space management within the Downtown. While there is no proposal that represents a consensus agreement of the stakeholder group, these proposals are an effort to represent recommendations from each stakeholder perspective in a way staff believes balances a number of components of place making and is a positive step forward.

- **Street Performances**

As an initial step in maximizing the public safety of and the 'place' of the Downtown, implement the following components of a pilot program relative to street performances:

- Downtown High impact areas

- Downtown Incentive Areas.

The pilot program will allow an opportunity to test the proposed strategies and assess if the strategies address public safety concerns while positively contributing to Downtown's unique sense of place.

- ***Downtown High Impact Area***

Implement a Public Space Management Pilot program for three specifically designated high impact areas relative to street performances within those areas. Within the specific area, street performances will be allowed in areas designated by artistic symbols. Within 100 feet of each marked location, other street performances would not be allowed. The minimum distance would be marked for ease of compliance and enforcement. Only street performances within the three designated areas would be impacted. Street performances in other areas of the Downtown would not be regulated other than through current ordinances.

As outlined in the "Downtown Incentive Areas" section of this memo below, staff is currently exploring a registration and reservation web-based application and mobile platform. While details of this continue to be worked out, the program may require those wishing to utilize and perform in the specific high impact areas.

The following locations are proposed as a part of the Downtown Public Space Management Pilot Program for High Impact Areas. A map depicting each location is included as **ATTACHMENT A**.

Haywood Street in front of Woolworth Walk

Due to the high volume of crowds, outdoor dining and multiple crosswalks, a smaller-sized performance area, designated by an artistic symbol, is proposed for this area. This could be located either next to the building or nearer the street by the street tree. The 100 ft. space requirement still allows for performances in nearby spots favored by performers.

Flat Iron at Battery Park Avenue and Wall Street

On the flat side of the Flat Iron sculpture, it is proposed that the artistic symbol designating the performance space ensures that there is 6 feet of sidewalk passage on all sides. No other performers would be allowed within 100 feet of this space (in all directions). This designated space, which is 100 feet or more from the Woolworth Walk location, would impact the southwest corner of Wall Street/ Battery Park.

Pack Square near Rhubarb restaurant

Due to the high volume of pedestrian traffic, outdoor dining and two crosswalks adjacent to where street performances typically occur, the location for the proposed artistic symbol designating the performance space is adjacent to the Biltmore Avenue curb. No other performers would be allowed within 100 feet of this space (in all directions). The 100 ft. space requirement still allows performances on the east side of Biltmore Avenue in the Pack Square area.

- ***Downtown Incentive Areas***

Implement a Public Space Management Pilot Program for three specifically designated incentive areas relative to street performances which allows vending of products (e.g., compact discs or CDs). Vending would be required to occur within a space designated by an

artistic symbol with dimensions scaled in a way that would allow for the sale of CDs. In an effort to assist in the management of the use of these areas, staff is currently exploring a registration and reservation web-based application and mobile platform. While details of this continue to be worked out, the program may require those wishing to utilize and perform in the specific incentive area. The application would include the following features:

- performers could create an account by providing contact information, photo, and tax identification information,
- provide a display and calendar function, and confirmation in a format that can be accessed as an image on a mobile device or print format for verification by law enforcement personnel, and
- allow the City to access the calendar and application details, provide data that is exportable for administrative and reporting needs, and be in compliance with secure data and record retention requirements.

While ordinance revisions (described below) would be required in order to enable enforcement within these incentive areas, all other regulations applicable to street performances and sidewalk vending within the Downtown and across the city would remain in effect.

The following locations are proposed as a part of the Downtown Public Space Management program for Incentive Areas. A map depicting each location is included as **ATTACHMENT A**.

Area in Vicinity of Wall Street Climbing: Public space adjacent to the Wall Street parking garage, stairs to Battery Park Avenue and climbing wall.

South Pack Square: Paved surface area located in the public space north of the Asheville Art Museum, south of the Biltmore office building, east of the Vance Monument, and west of the water feature.

Rankin Avenue/ College Street Pocket Park: Pocket Park adjacent to the bus stop in the vicinity of Rankin Avenue and College Street.

In addition to creating an opportunity to address street performer requests to sell music, the incentive areas have the potential to create additional destinations for residents and visitors to enjoy street performers in a safe space.

- ***Ordinance Revisions***

While ordinance revisions would be required in order to enable enforcement within both the high impact and incentive areas, respectively, all other regulations applicable to street performances and sidewalk vending would remain in effect. The recommended ordinance changes are proposed in a manner that do not expire on a date certain. Instead, staff would monitor the implementation and impacts (intended and unintended) and return to the Committee and Council with information and recommended next steps. Depending on the data secured through the defined period of the pilot program, the areas could be expanded or adjusted. City Council would be in the position to amend the applicable ordinances as warranted.

A summary of the recommended ordinance revisions was to be included to this staff report as an attachment. However, the City Attorney's Office continues to work on completing the recommended revisions. As a result, the summary will be posted to the City's website as soon as City Attorney's Office completes its work. Copies will be distributed by e-mail to the Public Safety Committee, forum participants and stakeholders group as soon as the information becomes available.

- ***Vending/ Pushcart Permit Management***

The City's Code of Ordinances §16-144 currently permits vending/ pushcarts only within the Downtown/ Central Business District and Biltmore Village. As outlined in the attached map and listing (**ATTACHMENT B** – Map, **ATTACHMENT C** – Listing), approximately 30 pushcart/ vending locations are currently offered within the Downtown/ Central Business District area. During a review of current conditions impacting both the safety and place making within the Downtown, a number of current pushcart locations were identified in areas that conflict with a high volume of pedestrian traffic, crosswalks, streetscape improvements and utility poles. As a result, two current push cart locations are being eliminated and relocated to other permitted locations within their respective areas. As a part of the Downtown Master Plan update, pushcart locations and guidelines will be analyzed for purposes of ensuring considerations such as public safety and place making are considered in the identification and management of current and future locations.

- ***Other initiatives:***

Relocation/ Removal of Kiosk: Based on feedback from stakeholders regarding challenges to the flow of pedestrian traffic due to the current location of the kiosk currently located near the intersection of Patton/ Biltmore Avenues, staff is working with the Asheville Tourism Development Authority (TDA) to determine if the kiosk can be removed or relocated. Staff will continue to work with the TDA to maximize the benefits and safety of the locations of such kiosks.

Relocation of benches currently located in public space in the area of Patton/ Biltmore: Based on feedback regarding the challenges created by the current location of benches, the high traffic volume and other uses in the area, staff will work to relocate these benches. The relocation will enhance the flow of pedestrian traffic in the area. Future public space and place making improvements will be considered as a part of the Downtown Master Plan update.

Temporary Closure of Wall Street on Select Weekends for Public Street Market: Engage in a process with stakeholders to identify a select number of weekend days during which Wall Street would be closed to traffic in order to create a pedestrian public street market that would include street performances and temporary permitted vending.

Downtown Master Plan Update: With the assistance of the City's Planning and Urban Design Department, engage in a process that updates the public space management and place making components of the Downtown Master Plan. The update process, projected to take approximately 12 months, is tentatively anticipated to begin in the Spring of 2017. The scope will encompass the following:

- community concerns regarding management of public spaces,
- enhancement of community character and neighborhoods, and
- expand place making options considered at a range of scales from the entire downtown to the neighborhood level in the Central Business District.

The effort will be focused on downtown issues in the public realm such as

- overcrowded sidewalks,
- pedestrian crowding in roadways,
- motorist safety,
- blocked crosswalks,
- handicap access,
- the availability and programming of parks,
- sidewalk dining and other encroachments,
- vending permit locations,
- overall functionality of existing public spaces and areas within the right-of-way, and
- noise.

The process is expected to result in an update that focuses on the public realm – including streetscapes – instead of an overall update to the entire Downtown Master Plan.

### ***Next Steps***

During the June 22 Committee sponsored forum, staff will make a presentation of information and recommendations and will be available to address questions from the Committee and members of the working group which will include the following:

- City Council's Planning and Economic Development Committee,
- Downtown Commission Chair,
- Recreation Board Chair,
- Public Arts & Cultural Commission Chair, and
- regular members of the stakeholder group which has actively been providing input and feedback over the last 12-months.

Upon the conclusion of the forum, the Committee will hold a special meeting at which time the Committee can take action – which would include public comment - and/ or provide direction to staff regarding next steps.

### **ATTACHMENTS:**

- A. High Impact Area and Incentive Area Map
- B. Pushcart Location Map
- C. Pushcart Location Listing