

**MINUTES OF THE HOUSING, PLANNING & DEVELOPMENT COMMITTEE
JULY 27, 2020
MEETING HELD VIRTUALLY**

Present: Councilmembers Shachner, Kepple, Rader

Also Present: Chief Dunphy, Planning Director Leininger, Deputy Clerk Lascu, Clerk Bach, Assistant Building Commissioner Parmalee, Councilmember Bullock, Assistant Law Director Swallow, Engineer Papke, Acting Police Chief Wilkins, Urban Designer Allison Hennie, members of the public

Call to Order: 6:00 p.m.

Approval of the minutes of the July 20, 2020 Housing, Planning & Development Committee meeting.

A motion was made and seconded to approve the minutes of the July 20, 2020 Housing, Planning & Development Committee meeting. A roll call vote was conducted as follows:

Yeas: Shachner, Kepple, Rader

Nays: none

Motion passed. Minutes approved.

ORDINANCE 14-2020 - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council to amend Section 505.18, Certain Animals Prohibited, Section 1121.03, Permitted Accessory Uses, of the Codified Ordinances of the City of Lakewood, Section 1123.03, Permitted Accessory Uses, of the Codified Ordinances of the City of Lakewood, and Section 1127.03, Permitted Accessory Uses, of the Codified Ordinances of the City of Lakewood, to permit the keeping of bees in the City of Lakewood.

Chairman Shachner stated that the Committee will wait to hear from the Planning Commission on this item before proceeding. Public comment was accepted as follows:

Heidi Byroads Noss – Ms. Noss spoke in strong opposition to the proposed ordinance based upon a frightening experience she had this spring with a swarm of bees coming from her neighbor’s colony. She stated that her husband has anaphylactic reactions to bee stings and that he was at risk of death. She stated that this is true of 5% of the population. She asked a number of questions about the legislation and stated her intention to make her voice heard in the community and inform others about the risk.

Chairman Shachner referred Ms. Noss to the legislation and to the minutes of the previous meeting. He stated that he would keep her posted on future meetings of the committee.

Communication from Councilmembers Bullock, Kepple & Shachner regarding permitting parklets as a tool for economic relief for Lakewood businesses.

The committee reviewed the previous discussions and the evolution of the conversation around parklets. An updated draft of the temporary parklet guidelines (attached) was provided by Director Leininger and discussed at length. Director Leininger stated that the guidelines can be used by Planning Commission and by the administration when making decisions about approval of parklet applications. The Planning Department has also prepared an application for use and distribution once all parties agree to the guidelines.

Director Leininger responded to a number of specific questions regarding the guidelines from Councilmember Shachner

Referring to guideline #9, Councilmember Shachner asked if there was a way to regulate shade structures such as umbrellas instead of prohibiting them altogether. He expressed concern that a lack of shade will deter customers from using the parklets.

The administration responded with various concerns ranging from site line issues, risk of injury, and interference with sidewalk access. Ms. Hennie suggested those regulations will take time to develop and may be more appropriate for a permanent parklet program

Councilmember Shachner asked if the City could provide jersey barriers to the applicants through its own stockpile or an agreement with NOACCA.

Chief Dunphy responded that the City does not have a stockpile, but only a handful that are used for different city events and emergencies. Procuring extra jersey barriers is about \$350 each. Chief Dunphy suggested that businesses contract with a company that can provide the barriers and install them. He relayed Director Ducu's feelings that the City should not be involved in this.

Councilmember Shachner conveyed that this was a priority for him. He argued that the City could potentially benefit from increased tax revenue and prevent a business from closing by making this investment. He estimated that it would cost no more than \$10,000 for the entire program.

Chief Dunphy replied that such a proposal would require buy-in from the Mayor, Planning, & Public Works.

Councilmember Kepple suggested providing jersey barriers on a first come first serve basis during the pilot program in order to gain feedback.

Councilmember Bullock expressed support for the guidelines. He expressed agreement with Councilmember Shachner that it is appropriate to invest in jersey barriers to help businesses stay afloat. He suggested the City enter into a contract to provide them. He offered specific feedback on a number of the guidelines. Referring to guideline #9, he advocated for shade structures and proposed an amendment that would prohibit shade structures that are higher than a standard size SUV.

Director Leininger responded to a number of the suggestions and comments offered by councilmembers as follows:

- He reiterated that Director Ducu has concerns about his department's ability to manage, install and remove barriers for businesses. He stated that the purchase of new barriers would not be an eligible expense under the CARES Act.
- That while the City is working to make parklets available that protecting this space for the general public is also a priority.
- Parklets should be confined to the frontage of the business, similar to regulations on other outdoor dining and food trucks.
- Umbrellas and shade structures would be very close to the street and potentially act as projectiles.
- 18 inches is an appropriate buffer to allow cars to maneuver around the parklet.

Director Leininger stated that the City is currently working with LBM on a parklet proposal and that they have been able to work within these draft guidelines thus far.

In response to questions by Councilmember Kepple, the administration confirmed that there would be no fee for a parklet application and that there could be potential opportunities for parklets associated with retail businesses. Regarding guideline #12, Councilmember Kepple suggested that parklet space could be used as a waiting area. She thanked everyone for their work on the document and concluded that it is overall very clear and workable.

Frank Scalish addressed the committee. He has been working with the owners of LBM on a parklet design. He expressed excitement about moving forward and asked clarifying questions about the guidelines, particularly regarding #5 and the 18" buffer. He asked if this was applicable to parklets that are not bordered by parking.

Director Leininger replied that the guidelines are simply guidelines and that flexibility may be exercised based on the conditions.

Councilmember Shachner made closing remarks.

Housing, Planning & Development Committee adjourned at approximately 7:00 p.m.



TEMPORARY PARKLET GUIDELINES

City of Lakewood

INTENT OF TEMPORARY PARKLETS

Per Resolution 2020-31:

- Parklets are temporary conversions of on-street curbside parking into areas of outdoor dining.
- Parklets are only permitted during the period of the state of emergency or until October 31, 2020, whichever comes first.
- It is anticipated this temporary use will inform the city in the future creation of a parklet program to include both public and private parklets.
- Due to existing conditions and safety requirements, not all businesses may be able to implement a parklet due to location.

STANDARD REQUIREMENTS FOR TEMPORARY PARKLETS

1. In any given block face, at least one parking space and up to three parking spaces may be utilized for parklets provided no more than 25% of the on-street parking is occupied for parklets.
2. A parklet must be in front of the business which it supports and limited to the width of the business frontage.
3. Up to three parking spaces may be used to create a single parklet.
4. Shared use parklets are encouraged.
5. Parklets must maintain an 18" buffer from adjacent driveways, parked vehicles and vehicular traffic, inside the limits of the parking space.
6. Continuous safety barricades 36"-42" high must be provided - concrete or water filled jersey barriers with reflectors are the only pre-approved barriers at this time.
7. Parklets cannot interfere with existing utility access and maintenance, and other on-street uses (stormwater inlets, electrical, telecom, etc.). Conflicts with existing on-street uses that may result in immediate denial of a parklet include pavement anomalies, including but not limited to the following:
 - a. Fire hydrants, department connection, and fire lanes as determined by the fire department
 - b. Bus stops/transit shelters
 - c. Accessible parking spaces
 - d. Curbside pickup/valet parking/loading zones/color curb zones
 - e. Manhole covers
8. If ADA accessibility is not provided to and within the parklet with a raised platform or ramp, accommodations must be provided on the adjacent sidewalk. If existing outdoor dining does not accommodate an accessible dining area, parklets must include a 30"x48" wheelchair resting area or wheelchair user companion seating area with a table and knee space.



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9. The following elements are not permitted in the parklet: advertising, generators, combustible fuel, tents, canopies, awnings, bands, speakers, lighting, umbrellas and other elements greater than 42" in height.
10. All portable elements of the parklet must be removed and stored inside the establishment after business hours.
11. All parklet elements, including barriers, must be removed within 24 hours of permit expiration.
12. Standing room only areas are not permitted for parklets associated with a restaurant.
13. The applicant must oversee daily operations, cleaning, and maintenance of the parklet and surrounding area.
14. All parklet applications are subject to review by the appropriate Commission, Board, or Department.
15. Prior to issuance of a temporary Conditional Use Permit for a temporary parklet, a Use of Public Property Agreement must be executed between the City of Lakewood and the permittee. Liability insurance naming the City of Lakewood as additionally insured is required as part of this Agreement.
16. All State, County, and City requirements for social/physical distance must be met.

Applicants must submit a signed Planning Commission Application for Conditional Use of a Temporary Parklet and accompanying submission requirements. All applications are subject to notice requirements for Conditional Use Permits.



Photos of sample parklets: Market Garden Brewery (left) and Sweet Moses (right).

