

RESOLUTION NO. 1831

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, AFFIRMING AN EMERGENCY ORDER OF THE MAYOR OF THE CITY OF LAKE FOREST PARK REGARDING OUTDOOR SEATING IN THE NEIGHBORHOOD BUSINESS (BN) ZONE DURING THE COVID-19 EMERGENCY

WHEREAS, on March 5, 2020, Mayor Jeff Johnson of the City of Lake Forest Park (the "City") proclaimed a local emergency due to the COVID-19 outbreak (the "Local Emergency") and put into effect the emergency operations of chapter 8.15 Lake Forest Park Municipal Code (LFFMC) and the emergency powers granted pursuant to RCW 38.52.070; and

WHEREAS, section 8.15.090.A LFFMC authorizes the Mayor to "make and issue rules and regulations on matters reasonably related to the protection of life and property" regarding the COVID-19 emergency; and

WHEREAS, in order to address public safety concerns about maintaining greater distances between parties during the COVID-19 emergency, businesses in the Neighborhood Business Zone ("BN Zone") that involve the sale of food for on-premises consumption have had to expand seating areas into adjacent outdoor areas; and

WHEREAS, these adjacent outdoor areas are frequently within code required yard setbacks, which in the BN Zone are subject to restrictions on use; and

WHEREAS, adding outdoor service areas also increases the number of code-required parking spaces on BN zoned properties, which are generally under one-half acre in size and are using less indoor capacity and parking during the COVID-19 emergency; and

WHEREAS, to ease the financial impact on businesses operating in the BN Zone during the COVID-19 emergency, Emergency Order 2021-1 allows these businesses to receive an exception from code requirements to utilize covered outdoor seating within required yard setbacks and obtain a reduction in required parking during the duration of the Emergency Order; and

WHEREAS, the City Council desires to affirm the Mayor's Emergency Order 2021-1 for businesses located within the BN Zone.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Lake Forest Park, as follows:

Section 1. EMERGENCY ORDER AFFIRMED. The City Council of the City of Lake Forest Park hereby affirms the Mayor's Emergency Order 2021-1, attached hereto as Exhibit A, authorizing exceptions for businesses located within the BN Zone to allow for the use of covered outdoor seating within required yard setbacks and reductions in required parking.

Section 2. TERM. The Mayor's Emergency Order is in effect until December 31, 2022, or as further extended by emergency order. If the Mayor determines an extension is necessary to mitigate the economic impact of the COVID-19 emergency on businesses that operate in the BN Zone, the City Council further authorizes, pursuant to its affirming powers in section 8.15.090.A LFPMC, one additional extension of the duration of the Emergency Order.

Section 3. CORRECTIONS BY CITY CLERK. Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this Resolution, including the corrections of scrivener or clerical errors; or references to other local, state, or federal laws, codes, rules, or regulations.

Section 4. SEVERABILITY. Should any section, subsection, paragraph, sentence, clause, or phrase of this Resolution or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or its application to any person or situation.

PASSED BY A MAJORITY VOTE of the members of the Lake Forest Park City Council this 9th day of December, 2021.

APPROVED:

Jeff Johnson
Mayor

ATTEST/AUTHENTICATED:

Evelyn Jahed

Evelyn Jahed
City Clerk

FILED WITH THE CITY CLERK: December 3, 2021
PASSED BY THE CITY COUNCIL: December 9, 2021
RESOLUTION NO.: 1831

Exhibit A

EMERGENCY ORDER 2021-01

AN EMERGENCY ORDER OF THE MAYOR OF THE CITY OF LAKE FOREST PARK REGARDING OUTDOOR SEATING IN THE NEIGHBORHOOD BUSINESS (BN) ZONE DURING THE COVID-19 EMERGENCY.

I. FINDINGS

A. On March 5, 2020, Mayor Jeff Johnson of the City of Lake Forest Park (the "City") proclaimed a local emergency due to the COVID-19 outbreak and put into effect the emergency operations of chapter 8.15 Lake Forest Park Municipal Code (LFPMC) and the emergency powers granted pursuant to RCW 38.52.070.

B. Section 8.15.090.A LFPMC authorizes the Mayor to "make and issue rules and regulations on matters reasonably related to the protection of life and property" regarding the COVID-19 emergency.

C. In order to address public safety concerns about maintaining greater distances between parties during the COVID-19 emergency, businesses in the Neighborhood Business Zone ("BN Zone") that involve the sale of food for on-premises consumption have had to expand seating areas into adjacent outdoor areas.

D. Those adjacent outdoor areas are frequently within code required yard setbacks, which in the BN Zone are subject to restrictions on use.

E. Adding outdoor service areas also increases the number of code-required parking spaces on BN zoned properties, which are generally under one-half acre in size and are using less indoor capacity and parking during the COVID-19 emergency.

F. To ease the financial impact on businesses operating in the BN Zone during the COVID-19 emergency, this Emergency Order allows the Planning Director to grant exceptions so businesses can utilize covered outdoor seating within required yard setbacks and obtain a reductions in required parking during the duration of this Emergency Order.

II. ORDER

UNDER THE AUTHORITY OF SECTION 8.15.090 LFPMC, the Mayor orders as follows:

Covered Outdoor Seating Exceptions During the COVID-19 Local Emergency

1. Neighborhood Business (BN) Permitted intrusions into required yard setbacks.

The Planning Director may allow covered outdoor seating in required 20-foot yard setbacks in section 18.34.050 LFPMC provided the business owner demonstrates to the Director's satisfaction through submittal of an application and supporting documentation that use of the setback area will not:

- a. Be materially detrimental to the public welfare or injurious to adjacent properties; or
- b. Alter the neighborhood character.

2. Neighborhood Business (BN) Shared Parking

The amount of off-street parking required in LFPMC 18.58.030 may be reduced, when shared parking facilities for two or more buildings or uses are the subject of a written agreement between the owners of those buildings or businesses, subject to approval by the Planning Director based on the following criteria:

- A. The amount of the reduction shall not exceed 30 percent for each use;
- B. The normal hours of operation of participating uses do not overlap by more than one hour;
- C. A copy of the written agreement or contract between the cooperating property owners is provided to the city and owners agree in writing to notify the department if there are any changes to the agreement; and
- D. If the conditions under which the reduction in parking requirements was approved are violated, the affected property owners must provide a remedy satisfactory to the Planning Director or provide the full amount of required off-street parking, in accordance with the provisions of chapter 18.58 LFPMC, within 30 days of notice of the violation by the Director or his designee.

3. Duration. This Emergency Order 2021-01 shall remain in effect until December 31, 2022 or as further extended by emergency order.

Signed this 1 day of December,
2021

Jeff Johnson
Mayor