

Policy Proposal for Downtown Sidewalks
For Presentation to Downtown Merchants on June 2, 2009
For Presentation to City Council on June 11, 2009

Background Downtown merchants, customers, city staff, and City Council have been discussing and struggling with the topic of balancing the multiple uses of the public sidewalks and rights of way in downtown Golden for a number of years. This proposal is made based upon the lengthy course of such discussions, with the hope that input can be provided to City Council to achieve a fair, equitable, and positive policy for the benefit of the community.

Draft Proposal for Discussion The draft proposal is divided into topic sections as follows:

1. Provision of a minimum clear passage area along sidewalks. The current standard for an unobstructed clear passage area along Washington Avenue is six feet. This minimum clear passage area should be diligently enforced, and affects the placement of flower pots, private street furniture, sandwich board signs, seating areas, and display of merchandise. The minimum standard along side streets should be increased from four feet wide as listed in Chapter 4.90 GMC to a minimum of five feet wide as directed by City Council.

2. Display of Merchandise and private street furniture (flower pots, private benches, etc). Currently Chapter 4.90 of the Municipal Code, which regulates seating areas, also addresses other minor uses of the sidewalks and authorizes some uses without a permit, "provided the use does not constitute a hazard to public safety or property, prevent the free flow of pedestrian traffic, or violate other provisions of the Golden Municipal Code". For purposes of this section, the other permitted uses include:
 - Occasional sidewalk sales conducted by retail establishments, but only in that area of the sidewalk abutting the retail establishment. "Occasional Sidewalk Sales" shall be limited to five (5) consecutive days and shall not take place more than ten (10) times per calendar year.
 - Limited display of items offered for sale by the adjacent retail establishment, and only when in conformance with the minimum clearances listed in Section 4.90.060(c), and not to exceed one square foot of display area for each one linear foot of store frontage on a street, provided that the maximum display area for any store will be fifty (50) square feet.

The amount of merchandise display or private benches and flower pots has not been a problem in the past, however the maintenance of the clear passage area has been in some cases. Compliance with the minimum sidewalk clearances should be required.

3. Permitted Seating Areas. There appear to only be a couple minor issues with current seating areas:
 - Keeping the seating area and adjacent sidewalk clean is a high priority.
 - For the sandwich shop/deli/coffee shop permits where there is no barrier to prevent the migration of chairs and tables, it is the owner's responsibility to assure that the

minimum sidewalk clearances are met.

- Umbrellas that overhang the sidewalk area used by pedestrians have become a problem by causing obstructions. All permittees using such umbrellas should be required to switch to umbrellas with a minimum height of 7' or remove them.

4. Sandwich Board Signs. City staff recommends that the City sign code be amended to allow no more than one such sign per business located only along that business's building frontage (no "off-premise"), and subject to the minimum sidewalk clearance requirements.

5. Options to Identify Side Street Businesses. Given the difficulties of addressing side street business desires, this issue has complicated the overall discussion for many years. Staff has identified three options and seeks discussion:

- Utilizing the new GURA banner program, additional street poles banners might be displayed at intersections to either highlight the fact that businesses are located on the side street (similar to the current "More Shops This Way" banners) or to specifically list the names of businesses on the side streets. A general banner would have better design and graphics features, but it would not list specific businesses. A banner listing specific businesses would identify each individual business, but it could become too cluttered with names and/or logos to be useful and could create conflicts if not enough space is available or if businesses change too frequently.
- Use a new license agreement or permit system to allow such "off-premise" signs, but limit the number and strictly limit the location.
- Do not allow such signs.

6. Temporary Signs and Banners on Buildings and Railings. At times, the number of temporary banner signs, primarily at bars and restaurants appears to be beyond what is optimal for downtown. The sign code permits these temporary signs, and counts them toward the total amount of sign area allowed, however, such temporary signs do not currently require permits, and therefore, may exceed the amount allowed by code. City staff recommends that the City sign code be amended to limit the number of temporary signs of this type to one per business for no more than 45 days at a time.

7. Mobile Vendors. As a result of recent discussions, both Council and the merchant community are aware of the City position on mobile vendors. Pushcart vendors on a sidewalk can only be allowed via a fairly restrictive permit process according to Chapter 4.88 of the Municipal Code. Vendors located in a public street or right of way pursuant to a City issued Special Event Permit are subject to all applicable permit and Municipal Code provisions.

A vehicle based vendor wanting to park in the public street apart from under a valid Special Event Permit, either regularly or on occasion, could only be allowed via a City Council approved License Agreement. If Council and the community do not believe such activities that to be a good idea for downtown, the recommended option is to make no code changes, but for Council to endorse a policy against such uses that include any sort of a retail transaction, as part of action on this overall proposal. If there is a desire to establish a regulatory framework to handle such requests, the recommended option is to amend the City Municipal Code with a well defined permit process and use restrictions.

