

City Council Meeting: **September 12, 2017**
Agenda Item: **7.A**

To: Mayor and City Council
From: David Martin, Director, City Planning
Subject: Adoption of an Emergency Interim Ordinance to Authorize the Issuance of Additional Temporary Use Permits for Temporary Sidewalk Sales Undertaken in Conjunction with a City Public Street Event by Business Improvement Districts and Areas and by Businesses Located within a Seven Hundred Fifty Foot Radius of the City Event and Waiving the Filing Fee for Temporary Use Permits that Will Be Exercised During the City Public Street Event by These Entities

Recommended Action

Staff recommends that the City Council:

- 1) Adopt the attached emergency interim ordinance authorizing the issuance of additional Temporary Use Permits for temporary sidewalk sales undertaken in conjunction with a City public street event by business improvement districts and area and by businesses located within a 750-foot radius of the City event; and
- 2) Waive the filing fee for Temporary Use Permits that will be exercised in conjunction with and contemporaneous with the City public street event by these entities.

Executive Summary

On October 1, 2017, the City will celebrate its second Coast Festival – a City-produced Open Streets event to celebrate mobility, culture, and sustainability. The City is working closely with local businesses and neighborhood and community partners who have expressed the desire to undertake activities such as sidewalk and food/beverage sales in conjunction with the event.

The City's Zoning Ordinance authorizes Temporary Use Permits (TUPs) for sidewalk sales. However, sidewalk sales located on the public right of way are limited to two events within any 12-month period, and Business Improvement Districts are limited to two such events within any 12-month period. Certain Business Improvement Districts will already reach this numerical limitation based on sidewalk sales events that have already been undertaken or will be undertaken apart from this City event.

In order to minimize the impacts that this public Coast event will have on businesses located within or near the event and to enable these businesses to undertake activities in conjunction with the event, it is necessary for the Council to enact this emergency interim ordinance to expand the frequency that temporary use permits may be obtained for sidewalk sales when these additional sales are undertaken in conjunction with a City-produced public street event and to waive the filing fee for temporary use permits sought in conjunction with this event.

Background

City Public Street Events are authorized pursuant to Administrative Instruction II-4-4 of the City's Community Events Law. The one-day Coast event will allow pedestrian and bicycle access to streets free of automobiles with activity hubs along the route and will extend approximately 2.5 miles encompassing portions of Main Street, Colorado Avenue, Ocean Avenue, and the Third Street Promenade. The event will focus on sustainable mobility while incorporating art, culture, and environmental learning opportunities throughout.

The City is working closely with local businesses and neighborhood and community partners to ensure favorable and mutually beneficial outcomes from the Coast event. Businesses located along and close to the Coast event route depend on street access and accessibility to public parking for their employees and customers. Businesses located on the streets encompassed within this event or within close proximity to the event have expressed concern about the impact the event will have on their businesses given the significant reduction in automobile traffic that will be allowed and the fact that certain streets and public parking lots in the area will become wholly inaccessible to vehicles. These businesses have also expressed the desire to undertake activities such as sidewalk and food/beverage sales in conjunction with the event.

The inaugural COAST Festival took place in 2016 with Council adopting a similar emergency interim ordinance to the one proposed (Attachment B). Following the COAST Festival, a survey was administered to all businesses along the COAST route

and to those that participated in conjunction with the event. The overall feedback was positive as the businesses appreciated the increased exposure during the event and expressed their desire to participate in more events in the future.

Discussion

The City's Zoning Ordinance authorizes Temporary Use Permits for sidewalk sales; however, pursuant to Santa Monica Municipal Code (SMMC) Section 9.31.370(B)(2)(d), businesses are limited to four such events within any 12-month period, except sidewalk sales located on the public right of way are limited to two events within any 12-month period. The Zoning Ordinance also authorizes Business Improvements Districts and Areas to undertake a maximum of two sidewalk sales located on the public right of way within any 12-month period. In establishing these limitations, the City did not contemplate this type of City-produced Coast event and its associated impacts and opportunities for business participation. Certain Business Improvements Districts will already reach this numerical limitation based on sidewalk sales events that have already been undertaken or will be undertaken apart from this City event. The City's Zoning Ordinance also authorizes TUPs for fairs, festivals, or similar compatible temporary uses.

In order to minimize the impacts that this Coast event will have on businesses located within or near the event and to enable these businesses to undertake activities in conjunction with the event, it is necessary for the Council to enact this emergency interim ordinance to expand the frequency that TUPs may be obtained for sidewalk sales when these additional sales are undertaken in conjunction with a City-produced public street event and to waive the filing fee for TUPs sought in conjunction with this event. The current filing fee for a TUP application is \$1,508.79.

As proposed in the Interim Ordinance, the issuance of a TUP for a sidewalk sale by a Business Improvement District or Area that is geographically located, in whole or in part, within the parameters of a City Public Street Event authorized pursuant to Administrative Instruction II-4-4 of the City's Community Events Law or by any business not within business improvement districts and areas but located within a 750 foot radius

of the City Public Street Event and that will be exercised contemporaneous with and in conjunction with the City Public Street Event would not count towards the TUP numerical limitation established in SMMC Section 9.31.370(B)(2)(d). In addition, no filing fee would be required for any TUP sought by a Business Improvement District or Area that is geographically located within the parameters of a City Public Street Event authorized pursuant to Administrative Instruction II-4-4 or by any business located within business improvement districts and areas but located within a 750-foot radius of the City Public Street Event and that will be exercised contemporaneous with and in conjunction with the City Public Street Event. This Interim Ordinance will be effective immediately and shall be of no further force or effect sixty days after its adoption, unless prior to that date, after a public hearing, noticed pursuant to Santa Monica Municipal Code Section 9.37.050, the City Council, by majority vote, extends this interim ordinance

Adoption of the Emergency Interim Ordinance would minimize any potential adverse impacts to businesses created by the Coast event and allow for increased community and business participation in this unique, one-day event.

Financial Impacts and Budget Actions

There is no immediate financial impact or budget action necessary as a result of the recommended action.

Prepared By: Tony Kim, Principal Planner

Approved

Forwarded to Council



David Martin, Director

8/31/2017



Rick Cole, City Manager

9/5/2017

Attachments:

- A. Ordinance
- B. April 26, 2016 Staff Report