

ORDINANCE NUMBER _____ (CCS)

(City Council Series)

AN EMERGENCY INTERIM ZONING ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA AMENDING SANTA MONICA MUNICIPAL CODE SECTION 9.15.020 AND CREATING SECTION 9.31.255 TO ESTABLISH AND REGULATE PUBLIC SAFETY FACILITIES AS A PERMITTED USE IN SOME BEACH AREAS WITHIN THE PARKS AND OPEN SPACE ZONING DISTRICT

WHEREAS, the City of Santa Monica (“City”) Fire Department (“SMFD”) reports that the north beach area of the City is difficult to access during high occupancy times and can experience extended delays in response; and

WHEREAS, as recently as early 2019, SMFD determined that response times to the northern beach area lagged behind service provided to other parts of the City; and

WHEREAS, in response to this data, on July 2, 2019, SMFD committed to staffing a City-owned storage building at 1100 Pacific Coast Highway (“Temporary Facility”) with a Type I Engine and its crew of four personnel, two Medcarts, bicycles, and a four-wheel drive utility vehicle, capable of accessing the beach and driving on paved roads; and

WHEREAS, since beginning operation of the Temporary Facility, SMFD response time within the area dropped by an average of 1.5 minutes, with the most significant difference being service to the Santa Monica Pier, which was reduced by more than two minutes; and

WHEREAS, the proximity of the Temporary Facility contributed to SMFD saving three lives in extreme danger during the peak season, and improved responses to around 600 emergency calls; and

WHEREAS, the beach area is zoned Parks and Open Space (“OS District”), and the City’s Zoning Ordinance prohibits Public Safety Facilities as a use in the OS District, preventing the City from allowing the Temporary Facility to remain as a temporary or permanent use; and

WHEREAS, adopting an emergency Interim Zoning Ordinance to establish and regulate Public Safety Facilities as a permitted use in some beach areas within the OS District with specific compatibility requirements will allow SMFD to continue operating the Temporary Facility and continue providing reduced response times to City residents living in, and visitors to, the north beach area without impacting on land availability for recreational purposes that the community requires; and

WHEREAS, the City Council finds and declares that an immediate termination of the Temporary Facility will increase SMFD response times and result in an immediate threat to the public health, safety, and welfare.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA MONICA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Santa Monica Municipal Code Section 9.15.020 is hereby amended to read as follows:

9.15.020 Land Use Regulations

Table 9.15.020 prescribes the land use regulations for Public and Semi-Public Districts. The regulations for each district are established by letter designations listed

below. These designations apply strictly to the permissibility of land uses; applications for buildings or structures may require discretionary review.

“P” designates permitted uses.

“L(#)” designates limited uses, which are permitted by right, provided they comply with specific limitations listed at the end of the table.

“CUP” designates use classifications that are permitted after review and approval of a Conditional Use Permit.

“MUP” designates use classifications that are permitted after review and approval of a Minor Use Permit.

“–” designates uses that are not permitted.

Land uses are defined in Chapter 9.51, Use Classifications. Use classifications and sub-classifications not listed in the table are prohibited. Accessory uses are permissible when they are determined by the Zoning Administrator to be necessary and customarily associated with and appropriate, incidental, and subordinate to, the principal uses, and which are consistent and not more disturbing or disruptive than permitted uses. The table also notes additional use regulations that apply to various uses. Section numbers in the right-hand column refer to other Sections of this Ordinance.

TABLE 9.15.020: LAND USE REGULATIONS—PUBLIC AND SEMI-PUBLIC DISTRICTS

<i>Use Classification</i>	<i>CC</i>	<i>PL</i>	<i>OS</i>	<i>Additional Regulations</i>
Residential Uses				
Residential Housing Types	<i>See sub-classifications below.</i>			
Multiple-Unit Dwelling	L (1)	-	-	
Senior Citizen Multiple-Unit Residential	L (1)	-	-	
Single Room Occupancy Housing	L (1)	-	-	
Group Residential	L (1)	-	-	
Congregate Housing	L (1)	-	-	Section 9.31.110, Congregate and Transitional Housing
Senior Group Residential	L (1)	-	-	Section 9.31.310, Senior Group Residential
Emergency Shelters	-	P	-	Section 9.31.130, Emergency Shelters
Family Day Care	<i>See sub-classifications below.</i>			
Large	P	P	P	Section 9.31.140, Family Day Care, Large
Small	P	P	P	
Residential Care Facilities	<i>See sub-classifications below.</i>			
Residential Care, General	L (1)	-	-	Section 9.31.270, Residential Care Facilities
Residential Care, Limited	L (1)	-	-	Section 9.31.270, Residential Care Facilities
Residential Care, Senior	L (1)	-	-	Section 9.31.270, Residential Care Facilities
Hospice, General	-	-	-	
Hospice, Limited	-	-	-	
Supportive Housing	L (1)	-	-	
Transitional Housing	L (1)	-	-	
Public and Semi-Public Uses				
Adult Day Care	P	P	P	
Cemetery	-	P	-	
Child Care and Early Education Facilities	P	P	P	Section 9.31.120, Child Care and Early Education Facilities
Colleges and Trade Schools, Public or Private	L (3)	P	-	
Community Assembly	P	P	L (3)	
Community Gardens	-	P	P	
Cultural Facilities	P	P	P	

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<i>Use Classification</i>	<i>CC</i>	<i>PL</i>	<i>OS</i>	<i>Additional Regulations</i>
Park and Recreations Facilities, Public	P	P	P	
Public Safety Facilities	P	P	-P	<u>Section 9.31.255, Public Safety Facilities in the Parks and Open Space Zoning District</u>
Schools, Public or Private	L (3)	P	-	
Social Service Centers	P	P	-	
Commercial Uses				
Banks and Financial Institutions	L (1)	-	-	
Business Services	L (1)	-	-	
Commercial, Entertainment, and Recreation	<i>See sub-classifications below.</i>			
<i>Cinemas/Theaters</i>	-	-	MUP (3)	
<i>Convention and Conference Centers</i>	P	-	-	
<i>Large-Scale Facility</i>	-	-	-	
<i>Small-Scale Facility</i>	-	-	-	Section 9.31.340, Small-Scale Facility, Game Arcades
Eating and Drinking Establishments	<i>See sub-classifications below.</i>			
<i>Restaurants, Full-Service</i>	L (1)	L (2)	L (2)	Section 9.31.040, Alcoholic Beverage Sales
<i>Restaurants, Limited Service</i>	L (1)	L (2)	L (2)	Section 9.31.040, Alcoholic Beverage Sales
<i>Restaurants, Take-Out Only</i>	L (1)	L (2)	-	Section 9.31.040, Alcoholic Beverage Sales
<i>With Outdoor Eating Areas</i>	L (1)	L (2)	L (2)	Section 9.31.200, Outdoor Dining and Seating
Food and Beverage Sales	<i>See sub-classifications below.</i>			
<i>Convenience Markets</i>	L (1)	-	-	Section 9.31.040, Alcoholic Beverage Sales
<i>Farmers Markets</i>	-	P	CUP	
<i>General Markets</i>	L (1)	-	-	Section 9.31.040, Alcoholic Beverage Sales
Live-Work	L (1)	-	-	Section 9.31.170, Live-Work Units
Lodging	<i>See sub-classifications below.</i>			
<i>Hotels and Motels</i>	CUP	-	-	
Offices	<i>See sub-classifications below.</i>			

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<i>Use Classification</i>	<i>CC</i>	<i>PL</i>	<i>OS</i>	<i>Additional Regulations</i>
<i>Business and Professional</i>	L (4)/CUP	L (3)	-	
<i>Creative</i>	L (4)/CUP	-	-	
<i>Walk-In Clientele</i>	L (4)/CUP	-	-	
Parking, Public or Private	L (3)	P	L (5)	
General Personal Services	L (1)	-	-	
Retail Sales	<i>See sub-classifications below.</i>			
<i>General Retail Sales, Small-Scale</i>	L (1)	-	-	Section 9.31.220, Outdoor Retail Display and Sales
<i>Swap Meet</i>	MUP	MUP	MUP	Section 9.31.360, Swap Meets
Transportation, Communication, and Utilities Uses				
Citywide Bikeshare Facility	P	P	P	
Communication Facilities	<i>See sub-classifications below.</i>			
<i>Antennas and Transmission Towers</i>	CUP	CUP	-	
<i>Equipment Within Buildings</i>	-	P	-	
Utilities, Major	-	P	-	
Utilities, Minor	-	P	-	
Specific Limitations:				
(1) Permitted as part of a mixed-use development. Residential uses not permitted on ground floor.				
(2) Permitted only as an accessory to a primary use. Must be located within the same building as a primary use.				
(3) Limited to public, quasi-public, or nonprofit establishments.				
(4) Public, quasi-public, and nonprofit offices are permitted. Conditional Use Permit required for private offices.				
(5) Limited to public parking for beach or park users.				

Section 2. Santa Monica Municipal Code Section 9.31.255 is hereby created to read as follows:

9.31.255 Public Safety Facilities in the Parks and Open Space Zoning District

Public safety facilities in the Parks and Open Space (OS) Zoning District shall be developed, located, and operated in accordance with the following standards.

- A. **Determination of Necessity:** Public safety facilities may only be permitted in the OS Zoning District on properties located in the area west of Palisades Beach Road and north of the Santa Monica Pier. The use of an OS Zoning District property within this area for this purpose shall only be permitted if siting a public safety facility in the proposed location would provide public safety service in an area that has been determined to be underserved by the City's Police Chief or Fire Chief.

- B. **Maximum Site area:** The site of a public safety facility shall not exceed 15,000 square feet, to include all land area used for buildings, vehicle and equipment storage, parking and other accessory uses.

- C. **Maximum Height:** A public safety facility shall not exceed one story. A facility may occupy an existing one-story structure. New construction and additions shall not exceed 20 feet in height.

- D. **No intrusion into sandy beach or public paths.** A public safety facility may be located only in an area that is currently paved or landscaped and may not occupy any part of the existing sandy beach area. A public safety facility shall not intrude into the California Coastal Trail (CCT, also known as the Marvin Braude Bike Trail) or cause any disruption of access to the CCT.

- E. **Locating a facility on a public parking lot.** A public safety facility may be located in an area currently used for public parking, resulting in an overall reduced number

of parking spaces, provided that a parking study is submitted that demonstrates to the satisfaction of the Director of Planning and Community Development that the remaining public parking supply is sufficient to meet beach visitors' parking demand and the design of the remaining parking area provides sufficient vehicle circulation.

F. Circulation and access. A proposed public safety facility shall be designed and developed to ensure safe circulation for all vehicles used at the facility, for both regular access and emergency deployment, and those on adjacent roadways. A public safety facility shall operate according to a circulation and access plan approved by the Director.

G. Temporary Facilities. Prior to initiation of use, a temporary public safety facility shall require a Zoning Conformance Review, pursuant to SMMC Chapter 9.38.020.F to confirm compliance with the requirements of this section.

Section 3. This Interim Zoning Ordinance is not subject to the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 21065, which defines a CEQA 'project' as an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment that is directly undertaken, supported, or authorized by the public agency. The modifications to the Zoning Ordinance relate to the ability to provide public safety services to the community and do not result in a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Thus, this Interim Zoning Ordinance is exempt from CEQA.

Section 4. Any provision of the Santa Monica Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

Section 5. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Section 6. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective immediately upon adoption.

Section 7. This Ordinance shall be of no further force or effect sixty days from its effective date, unless it is otherwise extended pursuant to Santa Monica Municipal Code Section 9.46.090.

APPROVED AS TO FORM:

LANE DILG
City Attorney

