

**City of Culver City, California
Agenda Item Report**

Meeting Date: 03/01/10		Item Number: <u>A-1</u>	
CITY COUNCIL AGENDA ITEM: Adoption of a Resolution Establishing Storefront Encroachment Permit Standards and Procedures for Use of Portions of the Public Rights-of-Way.			
Contact Person/Dept.: Glenn Heald Community Development Department		Phone Number: 310-253-5752	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Commission Action Required: Yes ☐ No ☒		Date: _____	
Public Notification: (E-Mail, Telephone, and In-Person Meeting) Downtown Business Association (07/08/09, 07/08/09, 07/22/09, and 02/18/10); (E-Mail, Telephone, and In-Person Meeting) Chamber of Commerce (07/08/09, 07/09/09, 07/14/09, and 02/18/10); (E-Mail) Meetings and Agendas – City Council (02/26/10).			
Department Approval: Sol Blumenfeld (02/15/10) Charles Herbertson (02/17/10)		City Attorney Approval: Carol Schwab (by H. Baker) (02/23/10)	
Chief Financial Officer Approval: Mark Scott (by M. Noller) (02/23/10)		City Manager Approval: Mark Scott (02/24/10)	
<u>RECOMMENDATION:</u> Staff recommends that the City Council adopt a resolution establishing Storefront Encroachment Permit Standards and Procedures (the Standards) allowing non-commercial use of limited portions of the public rights-of-way (ROW) for aesthetic and comfort purposes such as planters and seating, and other such items as may be approved by the Public Works Director/City Engineer. <u>BACKGROUND:</u> The City Council established Outdoor Dining Standards and Procedures in 1994 to allow businesses to utilize limited portions of the public right-of-way through the execution of Outdoor Dining License Agreements. The Outdoor Dining Standards and Procedures were updated in 1996 and revised in 2008 and 2009. The City also offers an encroachment permit with a minimum fee of \$3,500 intended for uses which disrupt or have significant impact upon the customary use of the ROW. Neither of these mechanisms facilitates an affordable use of limited portions of the ROW by businesses wishing to place decorative improvements such as planters or to provide seating for waiting patrons. On August 10, 2009, the City Council directed staff to prepare a proposal on this subject for consideration..			

City of Culver City, California
Agenda Item Report

DISCUSSION:

Several business owners in Culver City have requested permission to improve the ROW directly in front of their business through the placement of planters or seating, yet neither the standard encroachment permit nor Outdoor Dining License Agreement are intended for such uses. A program allowing businesses to place temporary items of a non-commercial nature on the ROW encourages the enhancement of visual aesthetics and patron comforts at no additional cost to the City.

The proposed Storefront Encroachment Permit Standards and Procedures are comprised of the application procedure, design standards, standards of operation, enforcement policies and procedures and applicable fee and are intended to be simple, quick and inexpensive. In order to obtain a permit, applicants need only submit a completed application form, proof of insurance in the amounts and terms required by the City Attorney, and drawings, photographs or plans depicting their intended use of the space. Applications shall be submitted to the Engineering Division of the Public Works Department. Staff anticipates most completed applications for appropriate uses will result in issuance of a permit within ten days.

Elements of the proposed program include, but are not limited to:

1. The Director of Public Works/City Engineer has authority over administration of the program;
2. No items placed on the ROW may be offered for sale;
3. No goods, services, signs or advertising may be placed on the ROW except those signs permitted by the City's sign ordinance;
4. Design standards must be approved by the Community Development Director or a designee prior to issuance of a permit;
5. No destruction or modification of the sidewalk or roadway will be permitted;
6. All planters must utilize above-ground irrigation systems.
7. The permit issuance fee as set forth in the City's 2009-2010 User Fees and Charges Schedule, as amended.

Staff has conducted public outreach and solicited suggestions from several businesses through the Chamber of Commerce and the Downtown Business Association.

FISCAL ANALYSIS:

The only direct cost to the City for the proposed program is the staff time spent reviewing applications and any time spent performing site inspections. Staff time spent processing applications for Storefront Encroachment Permits will be in direct correlation to the number of applications submitted. Staff estimates the processing of each application will require approximately one hour total in combined staff time of two or three staff members. The standard permit issuance fee will cover the cost of

City of Culver City, California
Agenda Item Report

processing the application. Because the areas proposed for available use are relatively small and the uses straightforward and non-permanent in nature, it is anticipated that there will be no significant financial cost to the City in enforcing issued permits. Code Enforcement staff will inspect ROW use as part of normal activities using permit data supplied by the Engineering Division. Permit holders who repeatedly violate or ignore the program Standards may be subject to permit revocation, a process which may be performed administratively.

ATTACHMENTS:

1. Minutes from the City Council meeting of August 10, 2009.
2. Proposed Resolution (including as Exhibit 'A' the proposed Storefront Encroachment Permit Standards and Procedures).

MOTION:

That the City Council:

1. Adopt a Resolution Establishing Storefront Encroachment Permit Standards and Procedures for use of portions of the public rights-of-way.