

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

Meeting Date: 08/10/09		Item Number: <u>A-2</u>	
CITY COUNCIL AGENDA DISCUSSION ITEM: Discussion Regarding Proposed Amendments to Standards and Procedures for Non-Commercial Use of the Public Right-of-Way Adjacent to Businesses.			
Contact Person/Dept.: Glenn Heald Community Development		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 and Telephone) Downtown Business Association (08/05/09); (E-Mail and Telephone) Chamber of Commerce (08/05/09); (E-Mail) Meetings and Agendas – City Council (08/05/09).			
Department Approval: Sol Blumenfeld (08/06/09)		City Attorney Approval: Carol Schwab (by H. Baker) (08/06/09)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (08/06/09)		City Manager Approval: Mark Scott (08/06/09)	
<u>RECOMMENDATION:</u> Staff recommends the City Council direct staff to present to Council a detailed proposal for Storefront Beautification Permit Standards and Procedures (the Standards) allowing non-commercial use of a limited portion of the public right-of-way 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> Culver City established Outdoor Dining Standards and Procedures in 1994 to allow businesses to utilize selected portions of the public right-of-way (ROW) through the execution of Outdoor Dining License Agreements. The Outdoor Dining Standards and Procedures were updated in 1996 and revised in 2008. The City also offers an encroachment permit with a minimum fee of \$3500 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 enact aesthetic improvements such as planters or to provide seating for waiting patrons. <u>DISCUSSION:</u> 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			

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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.

If Council directs staff to present such a proposal, the proposed Storefront Beautification Permit Standards will be comprised of the application and renewal procedures, design standards, standards of operation, modifications and extensions, insurance and indemnification requirements and enforcement policies and procedures. Elements to be addressed in a more detailed analysis for such a program may include, though not be limited to:

1. The Public Works Director/City Engineer will have 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 City's Planning division 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.

If directed to proceed with this proposal, staff will conduct public outreach through the Chamber of Commerce and the Downtown Business Association. Staff recommends further notification efforts via e-mail blasts sent by the Chamber of Commerce and the Downtown Business Association to their members and a display ad published in a local newspaper.

This item is presented as a general discussion item with a request to receive the City Council's direction as to whether a more detailed analysis and presentation is desired by the Council. Therefore, while staff may be able to answer general questions posed by Council at this time, to more fully address certain issues will require the development of the proposed in-depth analysis. Therefore, staff recommends the City Council defer its detailed discussion on this issue until staff has completed additional analysis.

FISCAL ANALYSIS:

Discussion of a proposed program has no fiscal impact upon the City. If Council directs staff to present such a proposal the anticipated fiscal impact resulting from the implementation of such a program will be included in the subsequent staff report, including recommended application and/or renewal fees.

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ATTACHMENTS:

None.

MOTION:

That the City Council:

Direct staff to present to the Council at a future meeting a proposal for a permit program to allow businesses limited, non-commercial use of the public right-of-way for aesthetic and comfort purposes.