



City of Culver City

Staff Report

File #: 23-350, **Version:** 1

Item #: C-8.

CC - CONSENT ITEM: Adoption of a Resolution Adopting the Town Plaza Use Policy (City Council Policy 2302).

Meeting Date: November 14, 2022

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Fiscal Impact: Yes No **General Fund:** Yes No

Attachments: Yes No

Commission Action Required: Yes No **Date:**
Commission Name:

Public Notification: (E-Mail) Meetings and Agendas - City Council (11/09/2022); Culver City Downtown Business Association (11/09/2022); Business and Property Owners Adjacent to Town Plaza (11/09/2022).

Department Approval: Jesse Mays, Assistant City Manager (11/07/2022); Heather Baker, City Attorney (11/08/2022)

RECOMMENDATION

Staff recommends the City Council adopt a Resolution adopting the Town Plaza Use Policy (Council Policy 2302) ("Policy").

BACKGROUND

Town Plaza was designed to attract residents, employees and visitors to Downtown Culver City. The original portion of Town Plaza was constructed in 2002 upon a vacated portion of Washington Boulevard that ran in between the Culver Hotel, the former Arclight Theater, and in front of The Culver Studios. In 2019, the City expanded Town Plaza in order to create a new public open space

that could serve as a public venue for art, music and special events.

Since 2002, the original portion of Town Plaza (“Town Plaza-West” as referenced in the Policy) has been administered through informal policies and procedures, which require both City Council sponsorship and a Special Event Permit for events, and a Film Permit for filming activities. Since 2019, the expanded portion of Town Plaza (“Town Plaza-East” as referenced in the Policy) has been administered in the same manner. Town Plaza-West and Town Plaza-East are collectively referred to as “Town Plaza.”

Due to the increased demand for Town Plaza’s use, staff recommends that a formal policy be adopted to properly manage the space. Through the establishment of policies, rules, procedures, and fees for the use of the Town Plaza, it is the desire of the City to activate the downtown area, by providing a community space for events and activities while ensuring public health, safety and welfare is protected. The proposed Policy, through its application and implementation, would ensure that events are compatible in size and type for use of Town Plaza, while balancing the impacts on residential neighbors and local businesses. Through this Policy, it is further the intent to provide quality public facilities that are accessible and available for diverse recreational activities and to ensure community members, businesses and organizations have a safe and enjoyable environment for public events.

At the October 10, 2022 City Council meeting, City Council discussed the proposed Policy and provided the following additional direction:

- *Smoking* - City Council confirmed that Town Plaza would continue to be a no smoking area, as reflected in Culver City Municipal Code (CCMC) Section 9.11.105.
- *Bicycles and Scooters* - City Council’s primary concern was the safety of pedestrians when mixed with bicycles and scooters and requested such language be further strengthened in the Policy.
- *Refundable deposit* - City Council requested staff review whether to offer a reduction or waiver of the deposit, including evaluation of (i) basing the deposit on the square footage of the area used for the event, (ii) methodology for granting a hardship waiver, or (iii) another methodology for granting a reduction in the deposit amount.

During the discussion, staff also advised the City Council that an enforcement provision would be added to the final Policy when it was brought back for potential adoption.

DISCUSSION

The Policy applies to the Town Plaza as a whole, including Town Plaza-East and Town Plaza-West. The discussion below addresses the items requested by City Council on October 10th. In addition, staff has made other revisions to clarify provisions relating to First Amendment Activities. All such changes are reflected in the Policy proposed for adoption (see Exhibit A to Attachment 1).

Bicycles and Scooters

Section VIII.E of the Policy has been revised, as follows, to strengthen the cautions provided to operators of bicycles and non-motorized mobility devices, in order address the safety concerns of the

City Council (added/revised language in ***bold italics***):

Town Plaza is designated as a pedestrian space. Riders ***shall*** operate their bicycle or other non-motorized mobility device within the designated fire lane (Attachment 3) while in Town Plaza. All riders shall be restricted to a 3-mph speed limit and shall operate their bicycle or other non-motorized mobility device with due care and ***shall*** yield for pedestrians ***at all times***. Riders not within the designated fire lane shall be required to dismount ***and walk*** their bicycle or other non-motorized mobility device. ***Appropriate signage will be posted by the Public Works Department and enforced by the Police Department (See also Section X of this Policy).***

Refundable Deposit

The current refundable deposit for the Town Plaza area is \$2,500 for Town Plaza-East and \$2,000 for Town Plaza-West. The purpose of the deposit is to cover potential costs associated with repair or replacement of damaged property, as well as required maintenance of the site not otherwise performed by an event organizer prior to the conclusion of an event. The deposit for Town Plaza-East has already been decreased from \$5,000 to \$2,500 and cannot be changed based on Reciprocal Easement and Operating and Maintenance Agreements in place when Town Plaza-East was developed.

Staff has researched various nearby cities and proposes the deposit in Town Plaza-West vary depending on the risk and impact on the property. The proposed structure for the Town Plaza-West deposit is as follows:

- Category 1. Major events that include major structures (such as stage, multiple tents), food-related activities and proposed closure of the Plaza. These large events do not qualify for waiving the deposit.
Deposit: \$2,000

- Category 2. Filming and other media rentals including still photography. Filming does not qualify for waiving the deposit/
 - Filming that requires vehicles and any type of structures on the plaza.
Deposit: \$2,000.
 - Low-scale filming/media rentals that do not require any structures or vehicles on the plaza.
Deposit: \$1,000.

- Category 3. Smaller events that require only a permit from Building & Safety and/or the Fire Department for the placement of a tent, canopy and/or temporary structure. This category qualifies for the deposit to be waived, upon the discretion and approval of the City Manager or his or her designee.
Deposit: \$1,000

- Category 4. Events which do not require a permit from the Building and Safety Division and/or the Fire Department, can include small scale scope- tables, chairs, photo backdrop, known as step and repeats, and does not include tents.

Deposit: \$0

Enforcement

Section X has been added to address enforcement of the Policy as follows:

X. Enforcement

- A. A sign shall be conspicuously displayed in Town Plaza which states the hours of operation and other Town Plaza policies, rules and regulations, as set forth in this Policy.
- B. Persons using Town Plaza shall comply with all applicable provisions of the CCMC or other federal, state or City laws, regulations or policies.
- C. Persons found to be entering, using, or abetting the use of Town Plaza in violation of applicable laws and posted notices are subject to removal from the Town Plaza area.

First Amendment Activities

The purpose of establishing policies and procedures for the use of Town Plaza is to promote the safe and coordinated sharing of the space for commercial, noncommercial and expressive activity, to promote City produced and sponsored activities to activate the downtown area, to preserve and promote the aesthetics of the community and to protect the public health and safety in accordance with the provisions and limitations set forth in the Policy.

In establishing the Policy, the City has considered and determined certain findings regarding legal principles relating to the regulation of activity on public property; reasonable and viewpoint-neutral, as well as content-neutral time, place and manner regulations; protection of the public health, safety and welfare and preservation of the areas aesthetics; coordination of multiple uses of a limited and heavily trafficked area; and compatibility of expressive activity with the size and nature and multiple uses of the Town Plaza (collectively, "Findings"). Such Findings are detailed further in the proposed Resolution adopting the Policy (Attachment 1).

Since the initial draft of the Policy, the following additional revisions have been made to the Policy to clarify the policies and procedures relating to First Amendment Activities in light of the Findings:

- Clarification that reservations of Town Plaza for First Amendment Activities are handled in accordance with Section IX of the Policy.
- Correction of the number of persons involved with peaceful picketing and assemblies that do not require a permit, which is less than 100.
- Correction of the number of persons involved in organized assemblies, events, street performances, etc. that do require a permit, which is 100 or more.
- Distance between First Amendment Activities and dining areas or other areas temporarily or permanently in use by an abutting business has been updated from eight feet to three feet.
- Distance between First Amendment Activities and doorways or gateways to buildings

has been updated from 10 feet to three feet, while still maintaining the provision that such activities may not block access or egress to buildings, grounds or facilities and must maintain a clear pathway of not less than six feet in width or ½ the width available for passage, whichever is less, along sidewalks, paths, etc.

FISCAL ANALYSIS

There are no costs associated with approval of the proposed Policy.

ATTACHMENTS

1. 2022-11-14_ATT_Resolution Adopting Town Plaza Use Policy (Council Policy 2302)

MOTION

That the City Council:

Adopt a Resolution adopting the Town Plaza Use Policy (Council Policy 2302).