

RESOLUTION NUMBER 20-016 (PCS)

(Planning Commission Series)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA MONICA DECLARING ITS INTENTION TO CONSIDER RECOMMENDING TO THE CITY COUNCIL THAT THE COUNCIL AMEND THE TEXT OF THE CITY'S ZONING ORDINANCE TO CREATE USE CLASSIFICATIONS FOR RESTAURANT, FAST FOOD AND RESTAURANT, LIMITED-SERVICE AND TAKE-OUT AND PROHIBITING RESTAURANT, FAST FOOD IN ESTABLISHMENTS WITH FRONTAGE ON THE THIRD STREET PROMENADE

WHEREAS, on July 25, 2017, the City Council of the City of Santa Monica (the "City Council") adopted the Downtown Community Plan ("DCP") which sets forth a vision for the continued vitality of the Third Street Promenade as a major public space framed by retail and restaurant uses that form unique experiences enjoyable to both residences and visitors; and

WHEREAS, the DCP values the retention of the Downtown's authenticity, encourages local uses, and promotes unique visitor experiences; and

WHEREAS, fast food chains are formula establishments with numerous locations and standardized features, such as façade, décor, color scheme and signage, dependent on brand recognition created through repetition of the same characteristics for each store in multiple locations; and

WHEREAS, the DCP permits fast food chains on the Third Street Promenade; and

WHEREAS, while the consistency of fast food chains breeds familiarity with consumers, a proliferation of fast food chains on the Third Street Promenade is inconsistent with the stated goals of the DCP to preserve the unique character of the Third Street Promenade; and

WHEREAS, on November 27, 2018, the City Council adopted Urgency Interim Zoning Ordinance Number 2594 (CCS) (“Interim Zoning Ordinance 2594”), which created new use classifications for Restaurant, Fast Food and Restaurant, Limited-Service and Take-Out for the BC (Promenade) District and to prohibit Restaurant, Fast Food in establishments with frontage on the Promenade; and

WHEREAS, Interim Zoning Ordinance 2594 ensured that the Third Street Promenade maintained its authentic character and provided visitors with a distinctive experience not found in most downtown shopping districts while the City evaluated current zoning regulations for opportunities to retain the Promenade’s authenticity, encourage local uses, and promote unique visitor experiences through the “Promenade 3.0” planning process; and

WHEREAS, on January 8, 2019, in accordance with Santa Monica Municipal Code Section 9.46.090(D) and Government Code Section 65858(b), the City Council adopted Urgency Interim Zoning Ordinance 2600 (CCS) (“Interim Zoning Ordinance 2600”) extending Interim Zoning Ordinance 2594 for 10 months and 15 days to November 26, 2019; and

WHEREAS, on November 12, 2019, in accordance with Santa Monica Municipal Code Section 9.46.090(D) and Government Code Section 65858(b), the City Council

adopted Urgency Interim Zoning Ordinance 2625 (CCS) (“Interim Zoning Ordinance 2625”) extending Interim Zoning Ordinances 2594 and 2600 for 12 months to November 26, 2020; and

WHEREAS, on October 7, 2020, the Planning Commission considered amendments to the text of the Zoning Ordinance to create use classifications for Restaurant, Fast Food and Restaurant, Limited Service and Take-Out for the BC (Promenade) District, and prohibit Restaurant, Fast Food uses in properties with frontage along the Third Street Promenade, which are detailed in Exhibit A, and hereby declares its intention to consider such changes by adopting this resolution pursuant to Santa Monica Municipal Code Section 9.46.030(B).

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF SANTA MONICA DOES RESOLVE AS FOLLOWS:

SECTION 1. Pursuant to Santa Monica Municipal Code Section 9.46.030(B), the Planning Commission does hereby announce its intention to consider recommending to the City Council that the City Council amend the text of the Zoning Ordinance, as set forth in Exhibit A, attached to this Resolution.

SECTION 2. The Director of the Community Development Department shall certify to the adoption of this Resolution, and thenceforth and thereafter the same shall be in full force and effect.

APPROVED AS TO FORM:

GEORGE S. CARDONA
City Attorney

Adopted this 7th day of October, 2020.

Chair, Planning Commission

I hereby certify that the foregoing Resolution of Intention was duly and regularly introduced and approved at a meeting of the Planning Commission on the 7th day of October, 2020 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Attest:

Director of Community Development Department

EXHIBIT A

[behind this page]

TOPIC	DESCRIPTION	SMMC SECTION(S) TO BE REVIEWED AND/OR AMENDED INCLUDE BUT MAY NOT BE LIMITED TO:
<p><u>Fast Food on the Third Street Promenade</u></p>	<p>Consider possible amendments to:</p> <ul style="list-style-type: none"> • Revise the Land Use Regulations for properties in the BC (Promenade) District with frontage along the Third Street Promenade to prohibit fast food uses • Create use classification for Restaurant, Fast Food and revise use classification for Restaurant, Limited Service and Take-out 	<p>9.10.040, Land Use Regulations, Downtown Districts</p> <p>9.11.020, Land Use Regulations, Mixed-Use and Commercial Districts</p> <p>9.13.020, Land Use Regulations, Employment Districts</p> <p>9.14.020, Land Use Regulations, Oceanfront District</p> <p>9.15.020, Land Use Regulations, Public and Semi-Public Districts</p> <p>9.51.030, Nonresidential Use Classifications</p>