

RESOLUTION NUMBER 20-017 (PCS)

(Planning Commission Series)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA MONICA RECOMMENDING TO THE CITY COUNCIL THAT THE COUNCIL AMEND THE TEXT OF THE CITY'S ZONING ORDINANCE TO PROHIBIT CERTAIN FAST FOOD RESTAURANTS 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 prohibited Restaurant, Fast Food in establishments with frontage on the Promenade; and

WHEREAS, Interim Zoning Ordinance 2594 ensured that the Third Street Promenade would maintain its authentic character and provide 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, as the economic recovery from the COVID-19 public health emergency begins and the retail landscape evolves, the Promenade’s competitive advantage will depend on the ability to deliver on a range of unique dining, retail, and entertainment uses with an emphasis on promoting a diverse base of eating establishments; and

WHEREAS, if current regulations in the DCP are reinstated after expiration of Interim Zoning Ordinance 2625, and smaller local establishments continue to suffer from the impacts of COVID-19, small- and medium-sized eating establishments could be eliminated from the Promenade and replaced with national chains, which would decrease the diversity of food offerings to residents and visitors; and

WHEREAS, for purposes of the interim zoning regulations established by Interim Zoning Ordinances 2594, 2600 and 2625, the use classification for restaurant, fast food included establishments with more than 100 locations nationwide at the time that the application for the establishment is deemed complete by the City to permit smaller regional chains and international fast food restaurants likely to serve as a unique draw for consumers; and

WHEREAS, in order to provide additional flexibility in light of current economic conditions due to COVID-19, the City desires to increase the threshold from 100 to 150 locations nationwide; and

WHEREAS, on October 7, 2020, the Planning Commission adopted a Resolution of Intention, Resolution Number 20-016 (PCS), declaring its intention to consider

recommending to the City Council that the City Council amend 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; and

WHEREAS, on October 21, 2020, the Planning Commission conducted a public hearing to consider its recommendations to the City Council.

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

SECTION 1. Proposed amendments to the text of the Zoning Ordinance.

Pursuant to Santa Monica Municipal Code Section 9.46.060(B), the Planning Commission does hereby recommend 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. In making this recommendation, the Planning Commission hereby finds and declares that, for the reasons articulated above, in the staff report dated October 21, 2020, and below:

1. The proposed amendments to the text of the Zoning Ordinance are consistent with the General Plan and any applicable Specific Plans in that they will support Downtown's role as a visitor destination by encouraging uses that appeal to both locals and tourists, including food, retail, entertainment and overnight accommodations and will maintain and increase locally-based, independent, small retailers that allow residents and employees to meet their daily needs on foot.

2. The proposed amendments to the text of the Zoning Ordinance are consistent with the purpose of the Zoning Ordinance to promote the growth of the City in an orderly manner and to promote and protect the public health, safety, and general welfare in that the amendments will protect the unique character of the Third Street Promenade, reduce waste generated by disposable tableware and packaging, and allow for planning efforts for the future of the Promenade to continue.

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
Interim City Attorney

Adopted this 21st 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 21st day of October, 2020 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Attest:

Director of the Community Development Department

EXHIBIT A

[behind this page]

**PROPOSED AMENDMENTS TO THE TEXT OF THE ZONING ORDINANCE
TO PROHIBIT CERTAIN FAST FOOD RESTAURANTS IN ESTABLISHMENTS WITH
FRONTAGE ALONG THE THIRD STREET PROMENADE**

Modify the following language in SMMC Section 9.10.040:

Use Classification	LT	NV	BC (Promenade)	BC (2nd & 4th Streets)	TA	OT	WT	Additional Regulations
Eating and Drinking Establishments	See sub-classifications below.							
Bars/Nightclubs/ Lounges	CUP	CUP	CUP	CUP	CUP	CUP (10)	-	
Restaurants, Full- Service, Limited Service & Take-out (2,500 sq ft and smaller, including Outdoor Dining and Seating)	P	P	PL(22)	P	P	P	P	SMMC Section 9.31.040, Alcoholic Beverage Sales
Restaurants, Full- Service, Limited Service & Take-out (2,501 – 5,000 sq ft, including Outdoor Dining and Seating)	MUP	P	PL(22)	P	P	P	MUP	SMMC Section 9.31.280, Restaurants, Limited Service, and Take-Out Only
Restaurants, Full- Service, Limited Service & Take-out (greater than 5,000 sq ft, including Outdoor Dining and Seating)	CUP	P	PL(22)	P	P	P	CUP	SMMC Section 9.31.200, Outdoor Dining and Seating

(22) Restaurant, Limited-Service and Take-Out establishments with frontage on the Third Street Promenade and the following characteristics shall be prohibited:

- (a) More than 150 locations nationwide at the time that the application for the establishment is deemed complete by the City; and
- (b) Characteristics, including but not limited to, orders placed at a walk-up window, counter, or machine; payment prior to food consumption; and food served with disposable, one-time, or limited-use wrapping, containers, or utensils.