

City Council Meeting: December 14, 2021

Santa Monica, California

RESOLUTION NO. 11392

(City Council Series)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA WAIVING CERTAIN FEES ON A TEMPORARY BASIS TO FURTHER STIMULATE ECONOMIC RECOVERY

WHEREAS, on June 8, 2021, the City Council adopted Emergency Ordinance No. 2673, establishing Santa Monica Municipal Code Chapter 6.40, which implemented the Santa Monica Outdoors Pilot Program, continued the authorization provided in the City's supplements to its declaration of the existence of a local emergency for eligible businesses temporarily to use certain outdoor public property for dining and other business activities, and authorized the City Council to set charges by resolution to reflect the use of the outdoor public property; and

WHEREAS, Santa Monica Municipal Code Section 9.31.200 allows outdoor dining on the public right of way as a way to enhance the pedestrian ambiance of the City; and

WHEREAS, Santa Monica Municipal Code Section 2.72.010 authorizes the imposition of charges for private use of public property; and

WHEREAS, Santa Monica Municipal Code Section 2.72.020 authorizes setting such charges by resolution; and

WHEREAS, on June 8, 2021, the City Council adopted Resolution No. 11339, which, among other things, (1) waived until December 31, 2021 the monthly license fee that restaurants are required to pay pursuant to their respective outdoor dining license

agreements with the City under Santa Monica Municipal Code Section 9.31.200 and (2) established fees for the Santa Monica Outdoors Pilot Program that are to commence no earlier than January 1, 2022 and following at least 30 days' notice provided to eligible businesses with a Santa Monica Outdoors Pilot Program permit; and

WHEREAS, on June 8, 2021, the City Council adopted Resolution No. 11340, which re-set the outdoor dining licensing fee for licenses issued pursuant to Santa Monica Municipal Code 9.31.200 so that the rate in 2022 shall be the same as the rate in 2020, and that annually thereafter, commencing on January 1, 2023, such fees shall be adjusted by the change in the Consumer Price Index; and

WHEREAS, the City has an important government interest in maintaining a thriving business community and protecting the health, safety, and economic welfare of its citizens and businesses; and

WHEREAS, businesses, and particularly restaurants, have suffered significant economic hardships as a result of the COVID-19 pandemic and the threat of new variants and potential surges in the future continues to create much uncertainty in terms of economic recovery; and

WHEREAS, to stimulate economic recovery, the City Council desires to waive until June 30, 2022 the monthly license fees that restaurants are required to pay pursuant to their respective outdoor dining license agreements and the monthly license fee for use of outdoor public property pursuant to the Santa Monica Outdoors Pilot Program.

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

SECTION 1. From the effective date of this resolution until June 30, 2022, the City waives the monthly license fee that restaurants are required to pay pursuant to their respective outdoor dining license agreements with the City under Santa Monica Municipal Code Section 9.31.200. Thereafter, restaurants shall resume paying their respective monthly outdoor licensing fees according to the fees established by Resolution No. 11340.

SECTION 2. From the effective date of this resolution until June 30, 2022, the City waives the monthly license fee to eligible businesses with a Santa Monica Outdoors Pilot Program permit for the use of public property pursuant to Santa Monica Municipal Code Chapter 6.40. Thereafter, to the extent the City Council extends Chapter 6.40 beyond June 30, 2022, the monthly license fee to eligible businesses with a Santa Monica Outdoors Pilot Program permit for the use of public property shall be the same as those set forth in Section 1 of Resolution No. 11339 and the City shall provide 30 days' notice to eligible businesses prior to imposing such a fee.

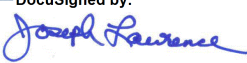
SECTION 3. The waiver of fees by this resolution shall be effective immediately upon adoption of this resolution.

SECTION 4. If there are any conflicts between the fees waived in this resolution and fees waived by any prior resolution, the waiver of fees pursuant to this resolution shall control.

SECTION 5. The City Clerk 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:

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JOSEPH LAWRENCE
Interim City Attorney

Adopted and approved this 14th day of December 2021.

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Sue Himmelrich, Mayor

I, Denise Anderson-Warren, City Clerk of the City of Santa Monica, do hereby certify that Resolution No. 11392 (CCS) was duly adopted at a meeting of the Santa Monica City Council held on the 14th day of December 2021, by the following vote:

AYES: Councilmembers Brock, Davis, De la Torre, Parra,
Mayor Pro Tem McCowan, Mayor Himmelrich

NOES: None

ABSENT: Councilmember Negrete

ATTEST:

DocuSigned by:

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Denise Anderson-Warren, City Clerk