

City Council Meeting: April 25, 2023

Santa Monica, California

ORDINANCE NUMBER 2744 (CCS)

(City Council Series)

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA AMENDING SANTA MONICA MUNICIPAL CODE CHAPTER 4.68 TO ALLOW FOR "OPEN STREET" COMMUNITY EVENTS TO PROMOTE PUBLIC SAFETY AND WELFARE

WHEREAS, on May 8, 2001, the City Council adopted Ordinance No. 2008 (CCS), adding Chapter 4.68 to the Santa Monica Municipal Code, the Community Events Law; and

WHEREAS, the Community Events Law provides a coordinated process for managing community events to ensure the health and safety of event patrons, residents, workers, and other visitors, and to prohibit illegal activities from occurring at community events, and to protect the rights of community event permit holders; and

WHEREAS, the Community Events Law is designed to protect the right of people to engage in expressive activities in the City's public places and establishes the least restrictive and reasonable time, place, and manner regulations of these activities; and

WHEREAS, the Community Events Law has been amended and refined on several occasions to ensure the law conforms to Constitutional requirements and to enact appropriate modifications to the law based on experience, changing conditions in the City, and community feedback on the operation of the law; and

WHEREAS, the City's Community Events Law has been in place for over two decades and has been highly successful in establishing a coordinated process for community events, thereby ensuring the health and safety of event patrons, residents,

workers, and other visitors and protecting the rights of community event permit holders;  
and

WHEREAS, California Vehicle Code Section 21101(e) authorizes local authorities, for those highways under their jurisdiction, to adopt rules and regulations by ordinance or resolution to temporarily close a portion of any street for celebrations, parades, local special events, and other purposes when, in the opinion of local authorities having jurisdiction or a public officer or employee that the local authority designates, the closing is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closing; and

WHEREAS, with the recent lifting of State and local States of Emergency due to COVID-19, the City anticipates several organizations will seek community event permits to host events in the coming months; and

WHEREAS, community events are a vital part of the City's continued economic recovery following the COVID-19 pandemic, and the proposed changes to the Community Events Law will allow for such events to occur in a way that is safe for organizers and participants, and which minimizes disruption to neighboring businesses and residents, while allowing continued provision of emergency and other municipal services; and

WHEREAS, the Community Events Law does not currently have a mechanism to allow "open street" events to safely occur in the roadway; and

WHEREAS, the City Council hereby finds that: the amendment to the Santa Monica Municipal Chapter 4.68 implemented by this Emergency Ordinance is immediately necessary as an emergency measure in order to preserve the public health, safety, and welfare of parade participants, spectators, and visitors by ensuring the safe

closure of streets for festivals and events which are vital to the continued economic recovery of the City.

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

SECTION 1. Chapter 4.68 of the Santa Monica Municipal Code is hereby amended to read as follows:

#### **Chapter 4.68 COMMUNITY EVENTS**

##### **4.68.010 Purpose.**

It is the purpose of this Chapter to establish a process for permitting Community Events to use City streets, parks, open space, facilities or services in accordance with the community event policy established by the City Council on June 27, 2000. The City recognizes the substantial community benefits that may result from Community Events. They can provide cultural enrichment, promote economic vitality and enhance community identity. They may also provide funding opportunities for service organizations. The purpose of this Chapter is to provide a coordinated process for managing Community Events to ensure the health and safety of event patrons, residents, workers, and other visitors, to prohibit illegal activities from occurring at the Community Events, and to protect the rights of Community Event permit holders. It is also the intent of the Council to protect the rights of people to engage in expressive activities in the City's public places and to establish the least restrictive and reasonable time, place and manner regulation of these activities. It is further intended to create mechanisms for cost recovery and use charges, to the extent authorized by law, while not unduly impacting the viability of events.

##### **4.68.020 Community Events Committee - Membership.**

There is hereby created a Community Events Committee to carry out the provisions of this Chapter. This Committee is comprised of representatives of City departments, including, but not limited, to the following departments: Transportation, City Manager's Office, Community Services, Public Works, Finance, Fire, Community Development, and Police. The Committee may also include representatives from City-funded entities whose contractual obligations with the City include operation or oversight of public venues used for Community Events. The Chairperson of the Committee shall be designated by the Community Services Director.

#### **4.68.030 Powers of the Community Events Committee.**

The Community Events Committee shall have the power to:

- (a) Administer and apply this Chapter;
- (b) Represent the City, under the authority of the City Manager, in discussions and in establishing agreements with the person(s) who represent the event;
- (c) Coordinate with City departments and with other governmental agencies for the provision of governmental services for such Community Events;
- (d) Establish the terms and conditions, appropriate fees, and the time(s), place and manner of the event consistent with this Chapter, any implementing regulations/guidelines, and other provisions of the Municipal Code applicable to the event.

#### **4.68.040 Permit required.**

- (a) Definitions. The following terms as used in this Chapter have the following meanings:

(1) “Block Party” means a festive gathering primarily intended for the residents and businesses located on a street and their invitees, on a street classified as a “Neighborhood Street,” “Avenue:Industrial,” or “Shared Street” in the City’s Land Use and Circulation Element (LUCE), which requires the closure of a street, or a portion thereof, to vehicular traffic, and the use of the street for the festivity.

(2) “Community Event” means any of the following:

(A) Any organized formation, procession, or assembly of persons, animals, vehicles, or any combination thereof, that assembles or travels in unison for any purpose, on any sidewalk, street, pedestrian path, alley, or other public right of way that either: (1) is likely to impede, obstruct, impair or interfere with free use of a public street, highway, alley, sidewalk, or pedestrian path; or (2) does not comply with normal or usual traffic regulations or controls.

(B) Any event on City owned, controlled, or maintained property, involving 150 or more persons, or involving 75 or more persons on the Santa Monica Third Street Promenade.

(C) An event on City owned, controlled, or maintained property, which requires the placement of a tent, canopy, or other temporary structure if that placement requires a permit from the City’s Fire Department or Building and Safety Division.

(D) An Open Street Event as defined in this Section.

(E) Examples of Community Events may include, but are not limited to, concerts, parades, circuses, fairs, festivals, street fairs, athletic events, open street events, protests, counter-protests, demonstrations, rallies, and community celebrations.

(3) “Expressive Activity” means conduct, the sole or principal object of which is the expression, dissemination, or communication by verbal, visual, literary, or auditory means of opinions, views, or ideas protected by the First Amendment of the United States Constitution and Article I of the California Constitution.

(4) “Open Street Event” means a Community Event requiring the closure of a street, or portion thereof, to vehicular traffic, and the use of the closed street for the event, including but not limited to, celebrations, street fairs, charitable events, ceremonies, events where a group of persons convene to promote walking, biking, or rolling, and other similar events, but excluding parades, athletic events, and block parties.

(5) “Spontaneous Event” means an event that is occasioned by news or affairs coming into public knowledge less than forty-eight hours prior to such event. Events that require advance planning, such as recreation events, competitions, contests, spectator sports, fairs, festivals, carnivals, ticketed events, sales or trade shows, or events that require a permit from Building and Safety or the Fire Department for the placement of structures shall not be considered spontaneous events.

(b) Permit required. Except as otherwise provided by this Chapter or any other applicable law, rule or regulation or any permit or license issued hereunder or pursuant to the terms of a permit, lease, or contract which has been specifically authorized by the City Council, a Community Event permit shall be obtained from the Community Event Committee for all Community Events.

(c) Exceptions. The following events do not require a Community Event Permit:

(1) Community events that occur on a public sidewalk or pedestrian path and is anticipated to have 500 or fewer participants, and all participants (i) assemble, march or walk in groups of less than 50, two abreast, and give way to others they encounter on the public sidewalk or pedestrian path, (ii) do not obstruct traffic flow; (iii) obey all traffic regulations; and (iv) obey all applicable park regulations.

(A) For any Community Event under this subsection (c)(1) where it is reasonably anticipated or for which the organizer becomes aware the number of participants will exceed 150 individuals, the organizer shall endeavor to provide notice to the Chief of Police at least 48 hours in advance of the activity, or as soon as the organizer becomes aware the event may exceed 150 people.

(B) Any event otherwise exempt from obtaining a Community Event permit under Subsection (c)(1) may be terminated and participants ordered to disperse by the Chief of Police if, after warning the participants and providing them with an opportunity to comply, participants are not in compliance with the regulations set forth in Subsection (c)(1).

(2) Block Parties, so long as they comply with the provisions of Section 4.68.190, below.

(3) Community Events at the following City facilities:

(A) Facilities that are predominately used and approved by the Fire Department or the Building Department as assembly spaces do not require a Community Event permit so long as such events do not require a street closure or traffic diversion or require the use of other public property that does not constitute an assembly space. For purposes of this subsection, assembly spaces include, but are not limited to, the Civic Auditorium, the Pier Carousel, City park buildings, Annenberg Community Beach House, and Miles Memorial Playhouse.

(B) The Woodlawn Cemetery for funerals and Memorial Day services.

(4) Community Events that occur on school grounds and other property owned by the Santa Monica-Malibu Unified School District and the Santa Monica College.

(5) Spontaneous Events may be conducted on the lawn of City Hall without organizers first having to obtain a Community Event Permit. If practicable, the organizers should give notice to the City's Community Services Director at least four hours prior to the event informing the City of the date and time of the event and providing an estimate of the approximate number of persons who will be participating.

#### **4.68.050 Application.**



(a) To receive a Community Event permit, a person must complete and file a Community Event application with the Community Event Committee, or a designated representative, on a form approved by the City. The applicant must provide the following information:

- (1) A description of the proposed Community Event;
- (2) The street or other public property and the specific area or areas thereof which will be utilized in connection with the proposed Community Event;
- (3) The manner in which the public property will be utilized;
- (4) The date or dates and the specific times thereof, including set-up and tear-down, that the public property is to be utilized for the described Community Event;
- (5) The name, address and telephone number of the person, entity or organization sponsoring or conducting the proposed Community Event;
- (6) The name, address, email address, and telephone number of the person or persons to be contacted regarding the application or permit;
- (7) A Zero Waste Plan; and
- (8) Such other information as the City may require via administrative regulation.

(b) For Open Street Events, the application shall be reviewed in two phases: Preliminary conceptual approval, and then final approval upon submission of all requirements in this Section. The applicant shall submit the following:

- (1) For preliminary approval by the City:
  - (A) Everything required in subsection (a), above.

(B) A site plan with a description of the location of the right of way requested to be closed and its association with the event, including maps and/or drawings which identify the streets that would be affected, describing the scope and design of the event, including illustrations of the location of the following, as applicable: staging, food booths, generators, portable toilets, trash/compost/recycling bins, seating, and bike valet operations, and including a diagram of an emergency access plan with a minimum unobstructed width of 20 feet and vertical clearance of at least 13.5 feet, and accommodation for accessibility needs.

(C) Presence of amplified sound or alcohol in the right of way, and list of equipment that will be placed in the right of way.

(D) Evidence that the applicant owns, leases, or rents property within the proposed closure area, or a signed letter of co-sponsorship from someone who meets those criteria.

(E) A transportation management plan to minimize the parking and traffic impacts of event attendees that promotes transit and active modes of transportation to/from the event.

(2) Once the applicant receives preliminary approval, the following shall be submitted to complete the application:

(A) A petition indicating the occupants of at least 51 percent of residences and businesses within the closure area have no objection to and support the closure. For residential properties impacted by the closure, the petition must be signed by the resident(s). For commercial properties, the

petition must be signed by the owner, manager, assistant manager, or property manager of the business impacted by the closure. The petition must include the event name, date, time, location, and contact information of the event organizer. In the alternative, an applicant may elect to satisfy this requirement by providing a letter of support for the event from the business improvement district or neighborhood association associated with the proposed closure area.

(B) A temporary traffic control plan showing the necessary controls, including but not limited to signage and barricades required to safely close the right of way and detour traffic, and indication of bus and transit stops along the proposed closure area. Permit holders are responsible for procuring and placing all traffic control devices and temporary parking signs.

(C) Copies of all other permits required to be issued from the City or any other external organization, including but not limited to the County of Los Angeles and the State of California, and divisions thereof. If such permits have not yet been obtained, the applicant shall submit a copy of any relevant application and a projected timeline for approval.

(c) The Community Event Committee may refer the application to such City departments or personnel as the Committee deems necessary from the nature of the application for review, evaluation, investigation and recommendations regarding approval or disapproval of the application.

(d) An application must be submitted and reviewed in accordance with the time limits established in administrative regulations and guidelines established pursuant to Section 4.68.200.

**4.68.060 Review process.**

Subject also to Section 4.68.070, the Community Events Committee shall issue a Community Event permit, if it is determined that all of the following criteria have been met:

(a) The proposed use of the property is not governed by or subject to any other permit procedures provided elsewhere in this Code or other applicable laws, rules, or regulations.

(b) The preparation for or the conduct of the proposed use, event or activity will not unreasonably or unfeasibly burden City resources necessary to preserve the public's use of the street in the area contiguous to the street or other public property.

(c) The preparation for or the conduct of the proposed use, event or activity will not unduly impede, obstruct, or interfere with the operation of emergency vehicles or equipment in or through the particular permit area or adversely affect the City's ability to perform municipal functions or furnish City services in the vicinity of the permit area.

(d) The proposed use, event, or activity does not otherwise present a substantial or unwarranted safety, noise, or traffic hazard.

(e) The proposed event will be of a nature and size appropriate to the proposed venue, location, or site, will occur during a time period approved for that venue, location, or site, and will fall within the frequency limitations established by administrative guidelines adopted pursuant to this Chapter.

(f) The proposed event will not include animals on the beaches and will not include animals in parks except on leashes.

(g) A transportation management plan has been approved by the City for the event to the extent such a plan is required by implementing regulations.

(h) The proposed event will not cause other adverse impacts on health or safety to surrounding residential or commercial uses, which cannot be effectively mitigated.

In deciding whether to approve an application, no consideration may be given to the message of the event, the content of speech, the identity or associational relationships of the applicant, or to any assumptions or predictions as to the amount of hostility which may be aroused in the public by the content of speech or message conveyed by the event.

#### **4.68.070 Denial/revocation of permit**

The Community Events Committee shall deny an application for a Community Event permit or revoke a permit if the Committee finds any of the following:

(a) One or more of the approval criteria specified in Section 4.68.060 is not met;

(b) The applicant has knowingly made a false, misleading or fraudulent statement of fact to the City in the application process;

(c) The application does not contain the information required by this Chapter;

(d) The application does not satisfy the requirements of this Chapter or the administrative regulations adopted thereto;

(e) The applicant fails to comply with any conditions of approval including, but not limited to:

(1) Remittance of fees, charges or deposits,

(2) Submittal of an indemnification agreement and/or proof of insurance to the extent required,

(3) Timely receipt of all required approvals;

(f) The applicant fails to agree as a condition of permit issuance that if City property is destroyed or damaged by reason of permittee's use, event or activity and the damage or destruction is directly attributable to the permittee, the permittee shall reimburse the City for the actual replacement or repair cost of the destroyed or damaged property;

(g) The applicant has damaged City property and has not paid in full for such damage or has other outstanding and unpaid debts related to a prior Community Event permit issued by the City.

**4.68.080 Permit fees.**

(a) Except as otherwise provided by this Code or any other applicable law, rule or regulation, or by the terms of a permit, license, lease or contract which has been specifically authorized by the City Council, the permit application fees and other additional fees and charges, including neighborhood notification fees, for the use of city streets or other city-owned or controlled property pursuant to this Chapter shall be established by the City Council by resolution.

(b) An indigent natural person who cannot apply for a permit because of an inability to pay the application fee due to such indigence may not be required to pay the fee in accordance with administrative regulations or guidelines adopted pursuant to this Chapter. Application for indigent status shall be made at the time of permit application and shall be accompanied by such relevant information and documentation as may, in the opinion of the City Manager or designee, be reasonably necessary to verify such status. For purposes of this Section 4.68.080, “indigent natural person” means:

(1) A person who is receiving benefits pursuant to the Supplemental Security Income (SSI) and State Supplemental Payments (SSP) programs (Sections 12200 to 12205, inclusive, of the California Welfare and Institutions Code), the California Work Opportunity and Responsibility to Kids Act (CalWORKs) program (Chapter 2, commencing with Section 11200 of Part 3 of Division 9 of the California Welfare and Institutions Code), the Food Stamp program (7 U.S.C. Section 2011 et seq.) or Section 17000 of the Welfare and Institutions Code;

(2) A person whose monthly income is one hundred twenty-five percent or less of the current monthly poverty line annually established by the Secretary of Health and Human Services pursuant to the Omnibus Budget Reconciliation Act of 1981, as amended.

(c) An organization in which a majority of its members meet the criteria for indigent status, as established in subsection (b) of this Section, may also be eligible for application fee waiver.

(d) A permit application fee and/or administrative fee shall not be required for permittees of events sponsored, produced or co-produced by the City or by City-funded entities contractually required to operate or oversee specific public venues used for Community Events.

#### **4.68.090 Appeals.**

Any applicant aggrieved by an adverse decision under Section 4.68.060 or 4.68.070 may appeal such decision to the Director of Community Services by filing a written notice of such appeal with the Committee within five business days of the decision. The Director shall decide the appeal within one working day unless the event is a Category 1 event as defined in the Administrative Instruction implementing this Community Events Ordinance in which case the appeal shall be decided within ten working days. The Director's decision shall be final except for judicial review.

#### **4.68.100 Interference with Community Event prohibited.**



It shall be unlawful for any person to interfere with a Community Event permitted under this Chapter by engaging in the following acts when done with the intent to cause interference:

(a) Blocking, obstructing, or impeding the passage of participants, vehicles, or animals in the Community Event along the Community Event route;

(b) Walking or running, driving a vehicle, riding a bicycle or skateboard, or using any similar device through, between, with, or among participants, vehicles, or animals in the Community Event;

(c) Dropping, throwing, rolling, or flying any object toward, among, or between participants, vehicles, or animals in a Community Event;

(d) Grabbing at, taking hold of, hitting, pulling, or pushing any participant, vehicle, or animal in the Community Event or anything in the possession of any participant in the Community Event;

(e) Throwing, squirting, dumping, or dropping any liquid or gaseous substance on, toward, among, or between participants, vehicles, or animals in the Community Event;

(f) Vending or offering for sale any food or merchandise from the roadway, curb to curb, of a Community Event route during the hours the Community Event route is closed to normal motor vehicle traffic without first having obtained the written permission of the person holding the permit for the Community Event, in addition to any permits and/or licenses required for such activity by the City or any other governmental entity.

(g) Engaging in a street performance in violation of the distance restrictions set forth in Section 6.112 of this code.

**4.68.110 Hold harmless.**

Each permittee shall execute a hold harmless agreement in a form approved by the City agreeing to defend, indemnify, and hold harmless the City against losses and liabilities incurred from the conduct of the permittee or its officers, employees, and agents.

**4.68.120 Insurance requirements.**

(a) Except as otherwise prohibited by law or an exemption is obtained as provided by this Chapter and the implementing regulations, the permittee shall procure and maintain in full force and effect during the term of the permit a policy of insurance from a reliable insurance company authorized to do business in the State, which policy includes the City, its boards, officers, agents, employees, and volunteers as named insureds or additional named insureds and which provides the coverage that the Risk Manager determines to be necessary and adequate under the circumstances. Proof of insurance shall be submitted to the City prior to issuance of the permit and maintenance of this insurance shall be a condition of the permit.

(b) If the Risk Manager determines that a particular use, event, or activity which is for a permit period of no more than one day does not present a substantial or significant public liability or property damage exposure for the City or its officers, agents, employees, or volunteers, the Risk Manager may give a written waiver of the insurance requirements of this Section.

**4.68.130 Community Event temporary signage.**

Temporary or non-permanent sign(s) identifying or pertaining to the Community Event may be installed by the permit holder, or designee, within the event site as defined in the Community Event permit. At events on the City beach or at City parks, the logo of a commercial sponsor or vendor may be included on a small area of the temporary sign, not to exceed one square foot or five percent of the banner area, whichever is smaller, provided said sign(s) are internally oriented to the extent possible. At other event sites, the logo shall not exceed thirty percent of the banner area, provided the sign(s) are internally oriented to the extent possible. The logo of tobacco sponsors shall be prohibited.

Directional signs for walks, races, and Open Street Events may be installed by the permit holder, or designee, provided that each sign is less than two square feet in size, attached to a street light or other utility pole at a height of between five and six feet without damaging the finish of the pole, placed without obstructing or obscuring other signage or traffic control devices, and installed less than two hours prior to the start of the event and removed within one hour of the completion of the event. A plan showing the type and location of the proposed directional signs must be submitted as part of the Community Event permit application and be approved by the City. The City may remove signs that do not meet the installation and removal requirements of this Section and shall charge the permittee for the cost of this removal.

**4.68.140 Departmental service charge.**

(a) In addition to the payment of any applicable non-refundable permit application fee and administrative fee, and as detailed in the administrative guidelines adopted pursuant to this Chapter, all permittees shall pay the City for City departmental service charges incurred in connection with or due to the permittee's activities under the permit.

(b) City departments shall submit the final invoices and billings for department charges to the permittee no later than ten working days after the expiration date of the permit.

(c) A permittee who claims an inability to pay department service charges due to indigency may have these charges waived in accordance with administrative regulations or guidelines adopted pursuant to this Chapter. Application for indigent status shall be made at the time of permit application and shall be accompanied by such relevant information and documentation as may, in the opinion of the City Manager or designee, be reasonably necessary to verify such status. For purposes of this Section 4.68.140, "indigent natural person" means:

(1) A person who is receiving benefits pursuant to the Supplemental Security Income (SSI) and State Supplemental Payments (SSP) programs (Sections 12200 to 12205, inclusive, of the California Welfare and Institutions Code), the California Work Opportunity and Responsibility to Kids Act (CalWORKs) program (Chapter 2, commencing with Section 11200 of Part 3 of Division 9 of the California Welfare and Institutions Code), the

Food Stamp program (7 U.S.C. Section 2011 et seq.) or Section 17000 of the Welfare and Institutions Code;

(2) A person whose monthly income is one hundred twenty-five percent or less of the current monthly poverty line annually established by the Secretary of Health and Human Services pursuant to the Omnibus Budget Reconciliation Act of 1981, as amended.

(d) An organization in which a majority of the members meet the criteria for indigent status, as established in subsection (c) of this Section, may also be eligible for waiver of department service charges.

(e) No permittee shall be required to provide for or pay for the cost of public safety personnel to provide for the protection of a Community Event and its attendees from hostile members of the public or counter-demonstrations or for general law enforcement in the vicinity of the event

#### **4.68.150 Parade Routes.**

(a) Subject to the requirements of this Chapter, a Community Event permit may be issued for a march, procession, walk, or parade in one direction only on the following streets:

(1) Ocean Avenue, between Adelaide Drive (northwest City limits) and Pico Boulevard;

(2) Commencing on Ocean Avenue at the intersection of Adelaide Drive (northwest City limits) and continuing south on Ocean Avenue to the intersection of Colorado Avenue, turning easterly on Colorado Avenue to

the intersection of Main Street, turning southerly on Main Street, ending at the intersection of Main Street and Pico Boulevard;

(3) Commencing on Main Street, south of the intersection of Olympic Drive, and continuing south on Main Street to the intersection of Marine Street, turning westerly on Marine Street to the intersection of Barnard Way, turning northerly on Barnard Way, ending at the entrance to Parking Lot 5 South;

(4) Commencing on Barnard Way, south of the entrance to Parking Lot 5 South, continuing southerly on Barnard Way to the intersection of Marine Street, continuing easterly on Marine Street to the intersection of Main Street, turning northerly on Main Street, continuing north on Main Street, ending at the intersection of Olympic Drive; and

(5) Main Street, between Olympic Drive and Marine Street (adjacent to the southern City limits).

(b) Minor adjustments to the routes established in subsection (a) of this Section may be authorized by the Community Events Committee to the extent necessary to avoid construction or other obstructions that would prevent the parade from proceeding on the established route.

(c) Subject to all other applicable requirements of this Chapter, this Section does not prohibit the issuance of a Community Event permit for marches or processions on other streets so long as through and cross-traffic can be preserved and the safety of the participants can be maintained.

#### **4.68.160 Athletic events.**

The procedures and criteria for conducting races/runs shall be as follows:

(a) There shall be one ten-kilometer route, and two five-kilometer routes;

(1) The ten-kilometer route (10K Ocean Route) begins at Beach Park No. 1 (Barnard Way at Ocean Park Boulevard) and continues south to Barnard Way, follows the bend to go east on Marine Street, north on Main Street, west on Colorado Avenue, north on Ocean Avenue, east on San Vicente Boulevard to 14th Street where participants will turn around and go west on San Vicente Boulevard, south on Ocean Avenue to end at the 1500 block of Ocean Avenue (before the entrance to the Pier ramp).

(2) The first five-kilometer route (5K North City Route) begins at Seventh Street and California Avenue, west on California Avenue to Ocean Avenue, north on Ocean Avenue to San Vicente Boulevard, east on San Vicente Boulevard to Seventh Street, south on Seventh Street to Georgina Avenue, west on Georgina Avenue to Fourth Street, south on Fourth Street to California Avenue, east on California Avenue to Seventh Street.

(3) The second five-kilometer route (5K Ocean Route) begins at Beach Park No. 1 (Barnard Way at Ocean Park Boulevard) and continues south on Barnard Way, follows the bend to go east on Marine Street, north on Main Street, west on Colorado Avenue, north on Ocean Avenue to the 1000 block where participants will turn around and continue south on Ocean

Avenue to end at the 1500 block of Ocean Avenue (before the entrance to the Pier ramp).

(b) 5K North City Route races may only occur on Saturday mornings from seven-thirty a.m. until eleven a.m.

(c) 5K Ocean Route and 10K Ocean Route races may only occur on Saturday and Sunday mornings from seven-thirty a.m. until eleven a.m.

(d) There shall be no more than a total of three 5K and/or 10K races per year in the City regardless of route, with one of these races occurring in May, and two in September, October, or November separated by at least seven weeks. The use of both the 5K and 10K Ocean Routes on the same day by the same organizer with simultaneous or staggered starts shall be considered as one race.

(e) With the exception of one 5K race on the Saturday following Thanksgiving Day using the 5K North City Route, there shall be no races on holidays or holiday weekends including Memorial Day and the preceding weekend, Labor Day and the preceding weekend, and Thanksgiving Day and the subsequent weekend including the Friday following Thanksgiving Day.

(f) No vehicular races shall be permitted.

(g) Events which include multiple modes of travel (e.g., running and bicycling) shall be permitted so long as the start times for different modes of travel are staggered.

(h) Prior to the issuance of a Community Event permit, City staff shall determine the specific portions or lanes of the roadway that may be used by the



participants. This determination shall be based on safety considerations and the preservation of access to businesses and other scheduled activities along the route.

(i) In addition to the routes established by subsection (a) of this Section, races/runs may be permitted on other streets in the City so long as the majority of the race/run occurs outside of the City and that portion of the race/run within the City does not exceed one-half mile in length. Races permitted pursuant to this subsection shall not be subject to the time/frequency requirements established in subsections (b) and (c) of this Section.

**4.68.170 Display of Community Event permit.**

A copy of the Community Event permit shall be displayed at the Community Event site and shall be exhibited upon demand of any City official.

**4.68.180 Use of City name or logo without authorization.**

It shall be unlawful for the permittee conducting a Community Event to use the words “the City of Santa Monica” or “City of Santa Monica,” to suggest or indicate that the event is sponsored by the City or to use a facsimile of the seal or logo of the City of Santa Monica in the promotional materials or advertising for the event without the City’s authorization.

**4.68.190 Block Parties and Open Street Events.**

(a) Pursuant to California Vehicle Code Section 2110(e), the City Manager has authority to order the temporary closure of a portion of any street when, in the opinion of the City Manager, the closing is necessary for the safety and protection of persons who are to use the portion of the street during the temporary closing.

(b) Block Party street closure. Requests for a permit to utilize a street for a block party shall be made by filing an application for a “permit to close a public street” with the Department of Transportation. The applicant must be a resident living on or a business located on the block of the street to be closed. Where the majority of the parcels in the area of the requested closure are zoned R-1 Single Unit Residential, the applicant must include a petition in favor of the event signed by 51% of residents and/or businesses on the block of the street to be closed, and must provide at least three days advance notice of the closure to all residents and businesses located on the portion of the street to be closed. Where the majority of the parcels in the area of the requested closure are zoned other than R-1 Single Unit Residential, the applicant must include a petition in favor of the event signed by 25% of the residents and/or businesses located on the block of the street to be closed, and must provide at least five days advance notice of the closure to all residents and businesses located on the street to be closed. Only a street classified by the City in its Land Use and Circulation Element as a “Neighborhood Street,” “Shared Street,” or “Avenue: Industrial” may be utilized for a Block Party. Block Parties do not need to obtain a Community Event Permit.

(c) Date, time, and location restrictions for Open Street Events.

(1) Any street may be considered for closure for an Open Street Event, except “Neighborhood Streets,” “Shared Streets,” or “Avenue:Industrial,” which may be closed pursuant to subsection (b). City staff will determine if the proposed street closure may be permitted, or if an

alternative route must be considered. This determination will be based upon the proposal's impact on City services, staffing resources, emergency service delivery, transit service interruption, traffic congestion, and neighborhood and commercial impacts.

(2) Open Street Events shall be allowed only on Friday, Saturday, Sunday, and Monday if it is a holiday, except as limited by this section. Open Street Events are not allowed on Memorial Day, July Fourth, Labor Day, Thanksgiving, or Christmas Day.

(3) No permit shall be issued for an Open Street Event requiring a street closure for a period of more than two consecutive days. Additional time for setup or breakdown may be approved at the discretion of the City.

(4) The City Manager shall set by administrative regulation the number of open streets events that may be permitted each calendar year.

(d) Neighborhood notification for Open Street Events.

(1) The permittee must notify all residents, property owners, managers, or lessees in the closure area of the date, time, location, and purpose of the closure. This notification may be accomplished by distributing flyers, door hangers, or circulating the petition required by Section 4.68.050(b)(2) of this Chapter. Flyers may not be placed in mailboxes unless they include paid postage and are delivered by the USPS. Notification shall be completed at least 10 days prior to the event if the permittee circulated the petition required by Section 4.68.050(b)(2). If the permittee received a letter

of support from a business improvement district or neighborhood organization in lieu of circulating the petition, then notification must be completed at least 14 days prior to the event.

(2) The permittee may also notify residents via email and/or community meetings, but such notification shall not take the place of the notification required in subsection (d)(1).

(3) The permittee must provide and post signs announcing the street closure consistent with the approved traffic plan. The signs shall be posted at least 24 hours prior to the event. The permittee must remove and dispose of signs properly upon completion of the event or expiration of the permit, whichever comes first. The City may remove signs that do not meet the installation and removal requirements of this Section and shall charge the permittee for the cost of this removal.

(e) Approval criteria for Open Street Events. In addition to the Criteria in 4.68.060, the Community Events Committee may take the following into account in awarding a Community Event Permit to an Open Street Event:

(1) The event shall not exceed any occupant load that may be determined by the Fire Department.

(2) Appropriate access for emergency personnel. Fire Department and Police Department must approve a scaled site map that includes the placement of all event equipment, vehicles, fire hydrants, tents, and canopies.

Emergency vehicle access (20 feet wide and 13.5 feet high) must be maintained throughout the event.

(3) The Department of Transportation determines the closing of the street will not unduly impede, obstruct, or interfere with the operation of the City and regional bus transportation systems.

(4) The closure will not result in a clear, identifiable, and substantial detriment to the public health, safety, or welfare.

(f) The permittee is responsible for providing and placing all barricades to close the street, in accordance with the approved traffic plan.

#### **4.68.200 Administrative regulations.**

The City Manager, or designee, shall adopt administrative regulations that are consistent with and that further the terms and requirements set forth within this Chapter. All such administrative regulations must be in writing.

#### **4.68.210 Other permits and licenses and compliance with all laws.**

(a) The issuance of a community events permit does not relieve any person from the obligation to obtain any other permit or license required pursuant to this Code, or any other local, state, or federal law or regulation.

(b) Community Events shall comply with all local, state, and federal laws and regulations.

(c) It shall be unlawful for any person to sponsor or conduct a Community Event requiring a Community Event Permit unless a permit has been issued for the

event. It is unlawful for any person to participate in such an event with knowledge the sponsor of the event has not been issued the required permit.

(d) A Community Event Permit authorizes the permittee to conduct only the event described in the permit, and in accordance with the terms and conditions of the permit. It is unlawful for the permittee to willfully violate the terms and conditions of the permit, or for any event participant with knowledge thereof, to willfully violate the terms and conditions of the permit.

#### **4.68.220 Penalties**


Any person who intentionally violates any of the provisions of this Chapter shall be guilty of a misdemeanor. The provisions of this Chapter may also be enforced through the issuance of administrative citations and the imposition of administrative fines pursuant to Chapter 1.09 of this Code.

SECTION 2. Any provision of the Santa Monica Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 3. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 4. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption. Pursuant to Sections 615 and 619 of the City Charter, for reasons stated in the above recitals, the City Council declares this ordinance to be necessary as an emergency measure for preserving the public peace, health, and safety, with the result that this ordinance shall be introduced and adopted at the same meeting, shall become effective immediately upon its adoption.

APPROVED AS TO FORM:

DocuSigned by:  
  
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Douglas Sloan, City Attorney

Approved and adopted this 25<sup>th</sup> day of April, 2023.

DocuSigned by:  
*Gleam Davis*  
8FE4004DAD0B40B...  
Gleam Davis, Mayor

State of California            )  
County of Los Angeles       ) ss.  
City of Santa Monica        )

I, Denise Anderson-Warren, City Clerk of the City of Santa Monica, do hereby certify that the foregoing Ordinance No. 2744 (CCS) had its introduction and adoption at the Santa Monica City Council meeting held on April 25, 2023, by the following vote:

AYES:       Councilmembers de la Torre, Torosis, Parra, Zwick  
              Mayor Davis

NOES:       Councilmember Brock

ABSENT:    Mayor Pro Tem Negrete

ATTEST:

DocuSigned by:  
*Denise Anderson-Warren*  
E2F86B066A714C3...  
Denise Anderson-Warren, City Clerk

5/16/2023  
\_\_\_\_\_  
Date

A summary of Ordinance No. 2744 (CCS) was duly published pursuant to California Government Code Section 40806.