



# Council Communication

Office of the City Manager

Date

January 28, 2008

Agenda Item No. 48

Roll Call No. 08-

Communication No. 08-035

Submitted by: **Richard A. Clark, City Manager**

## AGENDA HEADING:

Amending Various Chapters of the Municipal Code regarding Permits and Licenses for Street Use, Temporary Outdoor Service, Peddlers, and Transient Merchants as Related to Street Use Events.

## SYNOPSIS:

Recommend approval of revisions to various chapters of the Municipal Code; these chapters contain ordinances that are associated with street use events. The proposed revisions would do the following.

Sidewalks would be included in the street use permit; currently, only streets are included. The event organizer would control temporarily the sidewalks within the event perimeter during the course of the event, but would be required to maintain access to abutting businesses and clear passage on sidewalks. Abutting businesses could operate sidewalk sales or temporary outdoor service (liquor, beer, and wine) with the permission of the event organizer. Vendors associated with the event (except for sidewalk cafes and alcohol sales) could operate under the event organizer's permit.

A 1,000 foot buffer zone would be created around the perimeter of an eligible street use event. Other events requiring a street use permit, peddlers, and transient merchants would need the permission of the event organizer in order to occur or operate within the buffer zone during the course of the event. However, permit requirements for sidewalk sales and temporary outdoor service would remain unchanged. Events that require four or more street closures per calendar year are eligible for a limited buffer zone; they would not be able to restrict the occurrence of other street use events within 1,000 feet.

## FISCAL IMPACT:

Amount: Negligible. Future revenue from permit and license fees associated with street use events might decrease if certain permit and license applications are denied because the applicants fail to meet applicable requirements.

Funding Source: FY 2007-08 Operating Budget, GE001 CCL010000, pg. 76

## ADDITIONAL INFORMATION:

Event organizers may obtain a street use permit in order to close temporarily a portion of a residential or commercial street for any timed event or activity, such as a block party, festival, or athletic competition. The City's Street Use Team, which consists of staff from various departments as well as community liaisons, reviews all street use permit applications. The City Clerk's Office issues the permits.

In recent years, the number and size of street use events have increased considerably. For example, the number of street use events in the downtown area has grown from 33 events in 2003 to 55 events in 2007. This is an increase of approximately 67%. With such growth, some conflicts have arisen between event organizers and property or business owners that abut the perimeter of the event as well as peddlers and transient merchants who seek to sell items near the event.

Staff's recommendations seek to strike a balance between the interests of the event organizers and abutting property and business owners. Though the event organizer effectively would control the temporarily closed street and sidewalk, they would be required to allow access to abutting businesses and maintain clear passage on the sidewalks. Also, with the permission of the event organizer, abutting businesses would be able to operate sidewalk sales or temporary outdoor service during the event. Businesses located outside of the event perimeter, but within the event buffer zone, could operate sidewalk sales or temporary outdoor service as currently allowed. The permission of the event organizer would be required if other planned street use events and sales by peddlers and transient merchants were to occur within the event buffer zone.

Staff presented its recommendations to Council at a workshop on November 13, 2007. The recommendations were approved by the City's Street Use Team and were shared with the Downtown Events Group, which was supportive of the changes.

#### **PREVIOUS COUNCIL ACTION(S):**

Date: August 2, 1999

Roll Call Number: 99-2405 – 99-2411

Action: Amending various Chapters of the Municipal Code regarding Special Events Street Use: (A) Chapter 5 regarding license and permit fees for special events. Moved by Vlassis that this ordinance do now pass, [#13,732](#). Motion Carried 6-1. (B) Chapter 6 regarding timed and athletic events. Moved by Vlassis that this ordinance do now pass, [#13,733](#). Motion Carried 6-1. (C) Chapter 23 regarding street parade permits. Moved by Vlassis that this ordinance do now pass, [#13,734](#). Motion Carried 6-1. (D) Chapter 23 regarding entertainment districts. Moved by Vlassis that this ordinance do now pass, [#13,735](#). Motion Carried 6-1. (E) Chapter 23 regarding sidewalk sales. Moved by Vlassis that this ordinance do now pass, [#13,736](#). Motion Carried 6-1. (F) Chapter 23 regarding farmer's or public markets. Moved by Vlassis that this ordinance do now pass, [#13,737](#). Motion Carried 6-1. (G) Adding a new Subchapter 18 to Chapter 23 regarding street use permits. Moved by Vlassis that this ordinance do now pass, [#13,738](#). Motion Carried 6-1.

#### **BOARD/COMMISSION ACTION(S):**

#### **ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Second and third readings of ordinance.