

AGENDA DESCRIPTION:

Consideration and possible action to introduce an ordinance revising the special event permit process

RECOMMENDED COUNCIL ACTION:

- (1) Introduce Ordinance No. _____, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, CALIFORNIA, REPEALING AND REPLACING CHAPTER 12.20 (SPECIAL EVENT PERMITS) OF TITLE 12 (STREETS, SIDEWALKS AND PUBLIC PLACES) OF THE RANCHO PALOS VERDES MUNICIPAL CODE.

FISCAL IMPACT: No impact

| | |
|----------------------------------|-----|
| Amount Budgeted: | \$0 |
| Additional Appropriation: | N/A |
| Account Number(s): | N/A |

ORIGINATED BY: Matt Waters, Senior Administrative Analyst 
REVIEWED BY: Cory Linder, Director of Recreation & Parks 
APPROVED BY: Doug Willmore, City Manager 

ATTACHED SUPPORTING DOCUMENTS:

- A. Draft revised Special Event Permit Ordinance (page A-1)
- B. July 16, 2019 special event staff report (page B-1)
- C. July 16, 2019 draft Special Event Permit Ordinance (page C-1)
- D. Redlined version of Special Event Permit Ordinance showing changes to July 16, 2019 ordinance (page D-1)
- E. Municipal Code Chapter 12.16 Streets, Parks and Recreational Facilities (page E-1)
- F. Park Rules (page F-1)

BACKGROUND AND DISCUSSION:

On May 3, 2016, the City Council conducted a public hearing to consider the introduction and adoption of a Special Event Permit Ordinance for events in public rights-of-way and City properties. Ordinance No. 581 (Attachment C), which added a new chapter entitled "Special Event Permits" to Title 12 of the Municipal Code, was adopted on May 17, 2016. Ordinance No. 581 was established to provide a coordinated process for "managing community events to ensure the public health, safety and welfare

of event patrons, residents and other visitors, and to provide for fees, charges and procedures required to administer the permit process.”

Ordinance No. 581 also established a Special Events Task Force (Task Force) consisting of representatives of the Public Works, Community Development, and Recreation and Parks departments to review special event applications.

On March 7, 2017, the City Council directed Staff to return with a report on potential amendments to the Special Event Ordinance and policy. The emphasis was on increasing enforcement of special event permit violations, particularly via the use of citations, which was not mentioned in the 2016 ordinance.

At its May 1, 2018, meeting, the City Council directed Staff to return with a draft ordinance that addressed the following concerns:

- Special event enforcement citations
- Codified usage/size limitation policies

Staff returned with a Staff report and revised ordinance on July 16, 2019, that attempted to address the following issues (Attachments B and C):

- Setting attendance limits without permits on a park-by-park basis ranging from 20-30 people
- Setting limits for free speech events without permits on a park-by-park basis ranging from 50-300 people
- Setting maximum attendance figures on a park-by-park basis ranging from 20-1,000 people
- More detailed guidelines and limitations for free speech events
- Limits/restrictions for public rights-of-way and the Palos Verdes Nature Preserve (Preserve)
- Identification of park sites that would not be available for public special events

The City Council directed Staff to narrow the types of events that require a Special Event Permit, with consideration of any existing ordinances aimed at curbing public nuisance conduct at City parks, and to examine raising thresholds from the proposed 20-30 person range and to focus more on what are appropriate and inappropriate uses of park and Preserve sites.

The question of what uses are currently disallowed in City parks and open spaces was raised at the July 16, 2019, meeting. Regardless of the number of users, there is already a robust and lengthy list of activities that are not allowed. Chapter 12.16 Streets, Parks and Recreational Facilities (Attachment E) includes the following restrictions:

- Posted hours
- Motorized vehicles
- Radio-controlled models

- Dogs and pets
- Aircraft
- Fires
- Biking
- Nudity
- Hunting
- Skateboarding
- Reckless use of trails
- Overnight camping without permission

Other City ordinances limit or ban other activities such as smoking or alcohol (approved by the City Council on August 6, 2019, and going into effect on September 6, 2019). There are many other park rules, such as no bounce houses, golfing or hammocks that have not been incorporated into the Municipal Code but are enforced by park staff (Attachment F).

The Public Use Management Plan (PUMP) restricts a number of activities in the Preserve including:

- Archery
- Geocaching
- Paintball
- Paragliding or parasailing
- Hunting
- Camping/campfires
- Bicycle jumps
- Commercial or industrial use
- Reckless use of trails

In light of the existing regulations cited, the definition of special events that require a special event permit was clarified and narrowed. The goal is to require permits to control the impacts of larger, organized events rather than informal gatherings of families or friends. The updated definition reads:

“Special event” includes, but is not limited to any of the following one-time, recurring or annual events:

- (i) A commercial event (e.g., a fair, carnival, farmers market)
- (ii) A spectator sport (e.g., beach volleyball, hockey, basketball, surfing competition)
- (iii) Any organized athletic event (e.g., a race, run, soccer game, baseball game)

(iv) A community event (e.g., a beach/park cleanup, sandcastle building contest, a hike or nature walk)

(iv) Parades

(v) Any mixed free speech special event

(vi) Any event above the attendance threshold provided for in Table 12.20.040-1.

(vii) Any event that: (a) will use amplified sound, (b) may interfere with traffic, ingress, or egress; or (3) will use structures or equipment that require health and safety inspections.

Additionally, based on feedback from the July 16, 2019, meeting and review by the Palos Verdes Peninsula Land Conservancy and wildlife agencies, the ordinance, particularly the attendance table, has been significantly modified in the following ways:

- Special event thresholds have been raised at all park sites to address concerns that modest-sized groups, such as a family picnic of 25 people, could potentially be cited. Since such an appropriate and desirable use was not the target of the ordinance, raising the threshold effectively limits the possibility of such a group being targeted. Thresholds ranges have been increased from 20-30 people to 50-100 people as shown in the table below.

Examples of Increased Special Event Thresholds

| Park Site | 7-16-2019 | Revised 9-3-19 |
|--------------|-----------|----------------|
| Hesse Park | 30 | 100 |
| Ryan Park | 20 | 75 |
| Ladera Linda | 20 | 50 |

- Free speech maximum attendance limits were lowered at certain park sites and in the Preserve as shown below. These adjusted maximums were set due to each site's capacity and parking, and in the case of the Preserve, the potential for habitat impact:

| Park Site | 7-16-19 Free Speech Max | 7-16-19 All Events Max | Revised 9-3-19 Free Speech Max | Revised 9-3-19 All Events Max |
|--------------------------|-------------------------|------------------------|--------------------------------|-------------------------------|
| Civic Center | 1,000 | 500 | 500 | 500 |
| Lower Pt. Vicente (PVIC) | 1,000 | 500 | 500 | 500 |
| Nature Preserve | 40 | 20 | 20 | 20 |

Below is the revised special event table. This report includes a redlined version of the revised ordinance version showing changes to the July 16, 2019, draft ordinance (Attachment D).

Table 12.20.040-1

| Location | Special Event Permit (12.20.040; 12.20.060; 12.20.070) Permit Threshold | Free Speech Special Event (12.20.040; 12.20.080) Free speech permit threshold: | Maximum Attendance (all events) |
|--|---|--|--|
| Permits are required for all events at locations 1 through 7 that meet the anticipated attendance indicated, and/or for all events that (a) use amplified sound, (b) may interfere with traffic, ingress, or egress; or (3) will use structures that require health and safety inspections. | | | |
| 1. Public right-of-way | 100 | 300 | N/A |
| 2. Civic Center (Upper Point Vicente Park/City Hall) | 100 | 300 | 500 |
| 3. Hesse Park | 100 | 300 | 500 |
| 4. Lower Point Vicente Park (Point Vicente Interpretive Center outside of Preserve) | 100 | 300 | 500 for free speech events 500 for all other special events |
| 5. Robert Ryan Park | 75 | 150 | 200 |
| 6. Ladera Linda Park | 50 | 50 | 200 |
| 7. Eastview Park | 50 | 50 | 200 |
| Special limitations for the Palos Verdes Nature Preserve | | | |
| 8. Palos Verdes Nature Preserve: Hikes, nature walks, and park cleanups as permitted under the NCCP/HCP. No other events are permitted. | Maximum event/group attendance: 20 people | Not a permissible use in the Preserve | 20 |
| Permits may be required for Free Speech Special Events at locations 9 through 15 that are likely to meet the attendance thresholds as indicated below. No events are permitted at these locations that (a) exceed the attendance threshold; (b) use amplified sound, (c) may interfere with traffic, ingress or egress; or (d) use structures that require health and safety inspections. | | | |

| Location | Special Event Permit (12.20.040; 12.20.060; 12.20.070) Permit Threshold | Free Speech Special Event (12.20.040; 12.20.080) Free speech permit threshold: | Maximum Attendance (all events) |
|---|--|---|---|
| 9. Del Cerro Park | Maximum event/group attendance: 50 people | 50 | 200 for free speech events only 50 for all other events/groups |
| 10. Frank S. Vanderlip Park | No permit required Maximum event/group attendance: 50 people | 50 | 200 for free speech events only 50 for all other events/groups |
| 11. Abalone Cove picnic area and preschool/lifeguard area | Maximum event/group attendance: 50 people | 50 | 200 for free speech events only 50 for all other events/groups |
| 12. Marilyn Ryan Sunset Park | No permit required Maximum event/group attendance: 50 people | 50 | 200 for free speech events only 50 for all other events/groups |
| 13. Founders Park | Maximum event/group attendance: 50 people | 50 | 200 for free speech events only 50 for all other events/groups |
| 14. Grandview Park | No permit required Maximum event/group attendance: 50 people | 50 | 200 for free speech events only 50 for all other events/groups |
| 15. Pelican Cove | No permit required Maximum event/group attendance: 50 people | 50 | 200 for free speech events only 50 for all other events/groups |

In addition to the changes indicated earlier, the chart establishes the following:

- Criteria that would trigger a special event permit on a location-by-location basis, based on attendance and impact. An acceptable limit and range of allowable activities for an active park, such as Hesse Park, would be higher than that of a modest pocket park, such as Frank S. Vanderlip Park.
- Attendance levels for free speech events, which are often deliberately higher thresholds than regular special event permits, in order to avoid unwanted constraints on constitutional First Amendment rights
- A special event permit review process will also be required if there is amplified sound, traffic or ingress/egress impacts, or structures/equipment that require health and safety inspection, irrespective of attendance
- A number of parks may not hold special events, such as Frank S. Vanderlip Park and Del Cerro Park, based on their size, parking capabilities, and/or sensitivity of habitat, although City-sponsored events and free speech events are allowed at all sites
- Establishes a maximum number of attendees that does not require a permit (provided there is no amplified sound or traffic impact) for each park. This number ranges from 50-100 people, which is an increase from the 20-30 person range presented in the July 16, 2019 report.
- The revised ordinance does not allow for special permitted use of open space and the Preserve and sets a comparatively low maximum of 20 for free speech events due to the high likelihood of habitat damage if large groups were allowed in.
- City-approved and mission-aligned groups such as the Sierra Club and scout troops would be reviewed and permitted on a case-by-case basis.
- City-partnered events do not require special event permits.

These limits were selected based on the size of the park or location, type of park, e.g. developed sites, such as Hesse Park versus undeveloped sites, such as Grandview Park, existing events (Whale of a Day, Fourth of July) and normal use/capacity. Policies adopted by other cities were studied as well. Along with those factors, potential impacts on adjacent residents along with the City Council's park policy of "less is more" were considered in setting the trigger points for mandatory special event permits at conservative levels or in not allowing special event permits at all. Events will not be allowed that exceed the capacity of a park or its infrastructure, or if it causes adverse impacts to the surrounding neighborhood and community. These levels are admittedly trial recommendations, and should be re-examined within a year of their establishment to gauge their appropriateness and effectiveness.

Free Speech

As mentioned previously, the revised ordinance presented tonight includes lowered free speech attendance number thresholds at several sites. Tonight's revised ordinance, as well as the version presented on July 16, proposed a number of revisions (detailed

below) to the 2016 ordinance intended to provide more clear guidance regarding free speech events.

- Mixed free speech events and parades shall be subject to the special event permit process.
- A free speech special event permit shall be required if the proposed event may impede, obstruct, impair or interfere with the free use of any public street, highway, alley, sidewalk, or other public right-of-way, or with ingress or egress to the same.
- A free speech permit will also be required if the proposed event exceeds the maximum attendance for the event's proposed location as listed in the ordinance chart.
- Free speech special event permit applications are not required for spontaneous events.
- Spontaneous event organizers, to the extent practicable, shall provide the Task Force with advance notice about the type of event, date, time, duration, location and/or route, anticipated attendance and identification of public spaces or public right-of-ways that may be obstructed or closed.
- Spontaneous events may not exceed the maximum occupancy for a given location.

The revised ordinance calls for the following information to be provided as part of a free speech application:

- A description of the proposed event
- The street or other public property and the specific area or areas thereof to be utilized in connection with the proposed event
- The manner in which the public property will be utilized
- The date or dates and the specific times of the proposed event, including setup and teardown
- The name, address and telephone number of the sponsor of the proposed event
- The name, address and telephone number of the person or persons to be contacted regarding the application or the permit
- Anticipated participation, including any animals that may be in attendance

The revised ordinance also added the following free speech special event definition:

- "Free speech special event" or "mixed free speech special event" means an event at which the expression of free speech rights is the principal purpose of the event, or where free speech is entwined with commercial purposes. Examples of free speech special events include a parade, protest, speech, or rally; individual street performers. A mixed free speech special event is one that has a commercial component, or that is open to the public for entertainment or cultural purposes; mixed free speech events are not dependent on current events and require time and logistical support to organize; examples include a circus, outdoor theater, art fair, or other organized art or entertainment.

Additional Changes:

- Preserve/Open Space Review: Based on discussions with wildlife agencies, clarifying language was added in the revised ordinance, stating that special events in the Preserve “will be evaluated and required to be consistent with the Natural Community Conservation Plan (NCCP) and Habitat Conservation Plan (HCP). This language primarily applies to the Palos Verdes Nature Preserve, non-Preserve open space, and to a lesser extent, parks that are adjacent or embedded within preserve/open space areas, e.g. Abalone Cove.

Changes to the 2016 Special Event Permit Ordinance

Exemption and Waivers

An exemption and waivers section was added to the current proposed revision. It was also included in the July 16, 2019 ordinance (12.20.50).

- Special events with an anticipated participation below the thresholds indicated in Table 12.20.040-1 shall not require a special event permit.
- City-partnered events do not require special event permits.
- Permits for mission-aligned events, as well as for nonprofit and educational events, may be subject to reduced or waived fees, as determined by City Council resolution.
- The “Exemptions and waivers” section was modified to clarify that while City events do not require special event permits, events in the Preserve will still need to be evaluated and required to be consistent with the NCCP/HCP and all events will need to be in compliance with City Council approved documents and regulations. An exemption is also included in section 12.20.050 C stating that the Palos Verdes Peninsula Land Conservancy shall:

“follow the guidelines for Permissive Activity Request for events or activities as defined in the Management Agreement with the City (i.e., events over 100 people). For all other events or activities that comply with the definition of Permissive Activity and are consistent with the NCCP/HCP, the PVPLC is not required to obtain a permit nor pay a fee.”

Processing of special event permit applications:

The revised ordinance presented tonight proposes the following changes or additions be made to Section 12.20.70: Processing of special event permit applications of the 2016 Special Events Ordinance.:

- Special events. An application for a special event permit shall be filed at least 30 days prior to the date of a proposed small special event, and at least 90 days prior to the date of a proposed Large Special Event.

- Hikes and nature walks. Special event permit applications for hikes and nature walks in the Preserve or any of the City's trails may be submitted 15 days prior to the proposed event.
- Recurring special event permits. A special event permit application for recurring events must be submitted no later than 90 days prior to the start of the recurring special events. These permits shall only authorize the same type of recurring event during the year, and is not intended to be a blanket event permit for the applicant or sponsor.
- Requested dates and times at specific locations shall be reserved on a first-come, first-served basis. If the date or time requested is not available, the chairperson shall inform the applicant within five business days and shall suggest alternative dates and times. Applications for events occurring more than 12 months from the date of the application shall not be accepted.

Special Event Permit Application Form

The following proposed changes have been made to Section 12.20.60: Special event permit application of the 2016 Special Event Permit Ordinance. These changes will be made to the special event permit application form when approved.

- The requested event date, including the dates and times for setup and cleanup, and the starting and finishing time of the event. Also include two alternative dates.
- If alcoholic beverages are included, provide all applicable licenses and registrations allowing the sale of alcoholic beverages at the event.
- For a commercial or mixed free speech event, a layout showing the locations of booths, stages, audience, tables and chairs, food court, portable bathrooms and emergency exits.
- Parking and transportation plan as deemed necessary by the Task Force, based on the anticipated number of participants and the availability of parking at the proposed location.
- For recurring events, the applicant shall also include the following information:
 - The frequency of the proposed recurring event, including if available a schedule with proposed dates and times. Proposed schedules may be submitted as soon as available, but no later than 15 days prior to the start of the events.
 - The minimum and maximum number of participants for each event

Fee Schedule

The draft ordinance being presented tonight maintains the same special event permit fee schedule and special event permit application form that was adopted by the City Council on July 19, 2016. A special event permit fee of \$300 was established. Local nonprofit organizations were granted a 50% waiver and City of Rancho Palos Verdes homeowner associations were granted a 100% waiver. Indigent persons (as defined in Municipal Code Section 12.20.030) and free speech events were granted a 100% waiver. A number of events were exempted from the application process as they are

already addressed through other fee and permit processes. These events include film permits; Recreation and Parks Department-managed weddings, parties, sports leagues; and events and activities held on private streets.

Enforcement

The City Council previously expressed concern that the 2016 Special Event Ordinance did not have specific enforcement/citation authority included in its language. Questions were raised regarding the mechanism for how Staff or the Sheriff's Department could cite individuals or groups who were potentially in violation of special event rules or, as is often the case, had not contacted the City about obtaining permission.

While the current Special Event Ordinance does not have specific citation language, the City's Municipal Code allows for generalized citation authority for any code violation. Assistant City Attorney Elena Gerli confirmed Staff's interpretation that administrative citations can be issued for any violation of the Municipal Code. Section 1.16.010 notes that:

“This chapter provides for an administrative remedy for any violation of this code, including continuing violations related to building, plumbing, electrical, or other similar structural or zoning issues or any violation of any condition of any city approval. This remedy may be exercised in place of, or in addition to, any administrative, criminal, civil, or equitable remedy allowed by law. The city attorney or city prosecutor or their respective assistants shall have sole discretion to determine whether a violation will be prosecuted criminally.”

Assistant City Attorney Gerli noted that administrative citations are typically issued by code officers rather than sheriff's personnel, but noted that she did not see any reason why they could not issue such citations.

City Ordinance No. 512 references a “blanket” citation policy setting up a generic citation penalty schedule for any code violations which do not have a specific administrative policy. The penalty schedule consists of the following:

- \$100 for a first violation
- \$200 for a second violation, and
- \$500 for a third violation with a 12-month period from the first violation.

The following enforcement and appeal changes to the 2016 ordinance were made to the draft revised ordinance being presented tonight:

- Violations of this chapter shall be charged to the applicant and/or sponsor of the event pursuant to Chapters 1.08 and 1.16 of this code, as well as any other remedies available to the City at law or equity.
- In addition to the penalties provided for in Chapters 1.08 and 1.16 of this code, sponsors, applicants or participants of an event may be cited and/or ejected from

the public property for violations of this chapter after notice and an opportunity to cure the violation.

- A decision regarding a special event permit application may be appealed in writing to the City Manager within 10 calendar days of the Task Force's decision for large special events and within five calendar days of the Task Force's decision for small special events.
- The City Manager shall make a decision on the appeal within 10 calendar days of receipt of the appeal for large special events and within five calendar days of receipt of the appeal for small special events.
- The decision of the City Manager shall be final, and is subject to judicial review pursuant to Section 1094.5 and 1094.6 of the Code of Civil Procedure.

The existing special event permit application form will be updated and made available to the public at park sites and on the City's website if the revised ordinance is approved.

ALTERNATIVES:

In addition to the Staff recommendation, the following alternative action is available for the City Council's consideration:

- 1) Make no changes to the existing Special Event Permit Ordinance
- 2) Provide other direction to Staff on Special Event Permit Ordinance