



PUBLIC HEARING

Date: May 3, 2016

Subject: Consideration and Possible Action to Introduce an Ordinance to Permit Special Events on City Property, Public Rights-of-Way, and on Private Property where the Public is Invited

Subject Property: Citywide

1. **Report of Notice Given:** City Clerk Morreale
2. **Declare the Hearing Open:** Mayor Dyda
3. **Staff Report & Recommendation:** Director of Public Works Throne
4. **Public Testimony:**

Appellant: N/A
Applicant: City

5. **Council Questions:**
6. **Rebuttal:**
7. **Declare Hearing Closed:** Mayor Dyda
8. **Council Deliberation:**
9. **Council Action:**

**RANCHO PALOS VERDES CITY COUNCIL
AGENDA REPORT**

MEETING DATE: 05/03/2016
AGENDA HEADING: Public Hearing

AGENDA DESCRIPTION:

Consideration and possible action to introduce an ordinance to permit special events on City property, public rights-of-way and on private property where the public is invited.

RECOMMENDED COUNCIL ACTION:

- (1) Introduce Ordinance No. ____ AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES, CALIFORNIA, ADDING A NEW CHAPTER ENTITLED "SPECIAL EVENT PERMITS" TO TITLE 12 OF THE RANCHO PALOS VERDES MUNICIPAL CODE FOR THE PURPOSE OF PROVIDING A COORDINATED PROCESS FOR MANAGING COMMUNITY EVENTS TO ENSURE PUBLIC HEALTH AND SAFETY AND TO PROVIDE FOR FEES AND PROCEDURES TO ADMINISTER THE PERMIT PROCESS.

FISCAL IMPACT: This work is included in the FY15-16 municipal budget.

Amount Budgeted:	N/A
Additional Appropriation:	None
Account Number(s):	N/A

ORIGINATED BY: Michael Throne, PE, Director of Public Works

REVIEWED BY: Same as above

APPROVED BY: Doug Willmore, City Manager

ATTACHED SUPPORTING DOCUMENTS:

- A. Proposed Special Event Permit Ordinance (page A-1)
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BACKGROUND AND DISCUSSION:

Traditionally, the City has considered and approved events and activities utilizing three separate mechanisms: a Special Use Permit, issued by the Community Development Department with conditions, for events on private property; an Administrative Indoor/Outdoor Facility Permit issued by the Recreation and Parks Department if a private or public event is being proposed at a City park site; and a Special Event/Roadway Encroachment Permit issued by the Public Works Department when an event affects traffic flow and/or parking. Given the somewhat overlapping methods of securing an event permit, it is proposed to establish a formal, stand-alone permitting process for special events that are to be held in public rights-of-way, City properties and (under certain circumstances) private properties. Events hosted on private property that

are not open to the general public would continue to require a Special Use Permit (SUP) issued by the Community Development Department.

The proposed ordinance will consider adoption of Chapter 12.20, entitled “Special Events Permits.” The purpose of this ordinance is to provide a coordinated process for managing community events to ensure the public health, safety and welfare of event attendees, residents and other visitors; and to provide for fees, charges and procedures required to administer the permit process. The proposed ordinance would establish a Special Event Permit (SEP) that would be required to stage a special event in the City.

Special events covered by Chapter 12.20 would include:

- An event held on public streets, sidewalks, walkways, or other publicly owned property, including but not limited to parades and races/runs; and,
- An event held on private property that is open to the public and not subject to other City permitting requirements.

The proposed ordinance (Attachment A) would create a Special Event Committee—comprised of representatives of City departments, including, but not limited to Public Works, Community Development, and Recreation and Parks—which would review SEP applications; determine the appropriate fee for the application subject to a City Council-approved fee schedule; establish reasonable conditions for an SEP; and approve or deny SEP applications. The ordinance also includes provisions to ensure that individual and group free-speech rights are upheld, while simultaneously providing the City an ability to manage the impact upon the general public caused by private free-speech events.

If the proposed ordinance is approved, Public Works will return with an SEP permit fee proposal for the City Council to consider at a future meeting. As proposed, the City would not be exempt from securing an SEP for annual events such as Whale of a Day and the Fourth of July celebration. The proposed ordinance would not supplant the issuance of an SUP by the Community Development Department for private events on private property, nor would it usurp the issuance of Film Permits by the City Manager’s Office for commercial filming activity on public or private property.

ALTERNATIVES:

In addition to the recommendation, the following alternative action may be taken by the City Council:

1. Take other action as deemed appropriate by the City Council.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES, CALIFORNIA,
ADDING A NEW CHAPTER ENTITLED “SPECIAL EVENT PERMITS” TO
TITLE 12 OF THE RANCHO PALOS VERDES MUNICIPAL CODE**

WHEREAS, the City recognizes the substantial community benefit that may result from community events, which can provide cultural enrichment and economic vitality and can enhance community identity; and

WHEREAS, the purpose of this ordinance is 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;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES DOES ORDAIN AS FOLLOWS:

SECTION 1. The facts set forth in the Recitals of this Ordinance, are true and correct.

SECTION 2. Chapter 12.20, “Special Event Permits” is added to Title 12, “Streets, Sidewalks and Public Places,” of the Rancho Palos Verdes Municipal Code to read:

**Chapter 12.20
SPECIAL EVENT PERMITS**

Sections:

12.20.010	Title.
12.20.020	Purpose.
12.20.030	Definitions.
12.20.040	Special Event Permit Required.
12.20.050	Special Event Committee – Membership.
12.20.060	Powers of the Special Event Committee.
12.20.070	Application.
12.20.080	Processing of Special Event Permits.
12.20.090	Special Event Permit Fees and Charges.
12.20.100	Revocation.
12.20.110	Appeal.
12.20.120	Hold Harmless.
12.20.130	Insurance Requirements for Special Events.
12.20.140	Adoption of Procedures.

12.20.010 TITLE. This chapter shall be known as the Special Event Permits Ordinance.

12.20.020 PURPOSE. It is the purpose of this chapter to provide for the issuance of Special Event Permits to regulate events on the public streets and public property of the city, as well as specified events occurring on public streets and public property where private property is used to

stage or to support the event; and to provide for fees, charges and procedures required to administer the permit process.

12.20.030 DEFINITIONS. The following words and phrases when used in this chapter shall mean:

“Amplified sound” means music or speech projected or transmitted by electronic equipment, including, but not limited to, an amplifier, loudspeakers, or similar devices.

“Annual event” means an event recurring each year at approximately the same date which has previously complied with the permit requirements of this code.

“Applicant” means the authorized agent of the sponsor who completes the application and acts as primary contact for the special event.

“Chairperson” means the chairperson of the Special Event Committee as designated by the City Manager.

“Committee” means the Special Event Committee as constituted by this code.

“Event participants” means persons in attendance at an event, including spectators, vendors, event staff, City staff, and all others present for the purpose of the event.

“Fair/carnival” means a stationary event, held for one or more days.

“Indigent 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 125% 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.

“Parade” means any organized group of 20 people or more marching or in procession, whether on foot, animal, or vehicle, on public property.

“Procedure” means a procedure adopted by the Special Event Committee, to implement this code, or to carry out other responsibilities as may be required by this code or by other codes, ordinances, or resolutions of the City or other agencies.

“Race/run” means an organized event upon a public street, sidewalk, walkways, or other publicly owned property including City parks (races/runs shall be prohibited on all City trails identified in the Trails Network Plan) in which 10 or more persons participate by walking, running, riding a bicycle, or operating a wheelchair.

“Recurring event” means an event that will occur repeatedly within a one-year period.

“Special event” means:

(1) An event, including, but not limited to, parades and races/runs held on public streets, sidewalks, walkways, or other publicly owned property including City parks, which is not subject to any other City permitting requirement and including uses of private property incidental to the use of public property; or

(2) An event held on private property that is: (a) open to the public, (b) not subject to any other City permitting requirement (including a Special Use Permit), and (c) which may have traffic, parking, noise or other impacts on neighboring properties.

“Sponsor” means the person or group responsible for the special event to be held.

“Spontaneous event” means an event occasioned by news or affairs coming into public knowledge less than 48 hours prior to such event.

“Transportation management/parking plan” means a plan developed by the applicant/sponsor to identify and mitigate traffic/parking impacts associated with a special event.

12.20.040 SPECIAL EVENT PERMIT REQUIRED. A Special Event Permit must be obtained from the City to stage a special event.

12.20.050 SPECIAL EVENT COMMITTEE- MEMBERSHIP. A Special Event Committee is hereby created to carry out the provisions of this code and is comprised of representatives of City departments, including, but not limited to, the following departments: Public Works, Community Development, and Recreation and Parks. The Committee may also invite representatives from other City departments, public agencies or community or neighborhood organizations to provide comments on proposed special events. Examples of such agencies/organizations include, but are not limited to the Los Angeles County Sheriff and the Los Angeles County Fire. The chairperson of the Committee shall be a Department Director designated by the City Manager. The chairperson shall provide for maintaining Committee records, arranging meeting times and places and issuing a Special Event Permit on behalf of the Committee.

12.20.060 POWERS OF THE SPECIAL EVENT COMMITTEE. The Special Event Committee shall have the power to:

- (a) Interpret and administer this code;
- (b) Represent the City, in accordance with procedures adopted by the City Manager, in discussions and in maintaining agreements with the person(s) who represents the event;
- (c) Coordinate with City departments and with other government agencies for the provision of governmental services for such special events;

(d) Establish terms and conditions, appropriate security fees and deposits, and the time(s), place and manner of the event;

(e) Approve or deny Special Event Permits;

(f) Adopt policies for administering this code as necessary.

12.20.070 APPLICATION.

(a) Special Event Permit Application Required. An application must be submitted to the City by the special event applicant or sponsor along with an application fee and an administrative review fee (if applicable) in the amounts established by City Council resolution. Payment of the application fee is not required for free speech events. An indigent 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 submission 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.

(b) Application Form and Contents. An application for a Special Event Permit shall be on a City form and signed by the applicant who is at least 18 years of age, and contains all of the following information:

(1) The name, address, email address and daytime telephone number of each of the following:

(i) The person filing the application (also include evening telephone number),

(ii) An alternate person to contact if an emergency arises and the applicant is unavailable (also include evening telephone number),

(iii) The organization sponsoring the event, if any; the president, chair or other head of the organization; nonprofit documentation, if applicable (also include written documentation of the authority under which the applicant is applying on behalf of the organization), and

(iv) The person who will be present and in charge of the event on the day of the event and their contact information during the event;

(2) A site plan identifying the proposed event and staging locations, including specific street closures or street routes, if any, or park area requested and parking areas (first time events must list several options for location, route, date, and time);

(3) A site map showing emergency exit routes;

- (4) Any city equipment or personnel requested or required;
- (5) A description of the planned event;
- (6) A description of how the event will be promoted and any prior history of promotions for similar events, including references;
- (7) The proposed distribution or sale of any food or beverage, including alcoholic beverages;
- (8) The proposed event date including the dates and times for set-up and clean-up, and the starting and finishing time of the event;
- (9) The estimated number of participants;
- (10) The type and estimated number of vehicles, animals or structures that will be used;
- (11) A description and location of any sound amplification equipment proposed to be used;
- (12) The location of electrical generators, stages, tents, canopies, cooking apparatus and lights;
- (13) The location of mechanical rides, jump houses or other amusement attractions;
- (14) Parking locations;
- (15) The location of any water, first aid, or comfort station(s) to be provided;
- (16) For each application for a parade: (i) the time when the units of the parade will begin to assemble, (ii) the proposed assembly point for the parade, (iii) the proposed parade route, (iv) the interval space to be maintained between units of the parade, and (v) the number, type and size of floats or other vehicles;
- (17) A preliminary security plan and any monitors to be employed during the event; and
- (18) Any other information which the Committee reasonably requires to evaluate the particular special event application. In addition, the Committee can waive application requirements that the Committee determines are inapplicable.

12.20.080 PROCESSING OF SPECIAL EVENT PERMITS.

- (a) Non-Free Speech Special Events.
 - (1) An application for a Special Event Permit shall be filed at least 90 days prior to the date of the proposed event.

(2) The Committee or chairperson shall meet with the applicant or sponsor to review the application to determine whether additional information is required and discuss applicable conditions and potential security fees.

(3) A notice issued by the City for a Special Event Permit shall be mailed to property owners located within a 500 foot radius of a fixed event site or to a parade, or run/race route describing the event and inviting public to comment. The applicant shall cover the cost, including postage, for the notice. The notice shall be mailed by first class mail at least 30 calendar days before the date of the proposed event. A decision of the Special Event Permit shall be made by the City no later than 10 calendar days before the date of the proposed event.

(4) The Committee shall make a decision on the application, set any conditions and fees, and issue the permit.

(5) In deciding whether to approve, or approve with conditions, the Committee shall make each of the following findings:

(i) The event, as proposed, can be shown to function safely;

(ii) The use of sheriff and/or fire resources to support the event will not deny reasonable sheriff and fire protection to the City;

(iii) The special event will not adversely interfere with previously City-approved and/or scheduled construction, maintenance or other activities;

(iv) The proposed event will not adversely impact the health or safety of surrounding properties which cannot be effectively mitigated;

(v) The special event shall not adversely impede the public's reasonable use of City streets, sidewalks, walkways, trails, and City parks and

(vi) The location/route meets the criteria established in the procedures.

(vii) 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.

(6) Conditions.

(i) The Committee may include in a Special Event Permit, among other provisions, reasonable terms or conditions as to the time, place and manner of the event, notice requirements, compliance with health and sanitary regulations, emergency services, security payment of Special Event Permit fee, reimbursement of direct expenses incurred by the City, and a clean-up/damage deposit.

(ii) Additional permits or security fees may be required by other agencies, such as Los Angeles County Fire, Los Angeles County Sheriff or the California Coastal Commission, to meet the conditions established by the permit, and/or other Federal, State, County or City codes.

(iii) In order to accommodate other concurrent events, the rights of abutting owners and the needs of the public to use streets or parks, the conditions may include, but not be limited to, reasonable adjustments in the date, time, route or location of the proposed event; accommodations of pedestrian or vehicular traffic using the street; accommodations of public access to City parks, preserve, and trails; and limitations on the duration of the event.

(7) Recurring Events. The Special Event Committee may require a trial period before approving all planned events. In no case shall recurrent events be authorized for more than one year.

(8) An application for a Special Event Permit can be denied on any of the following grounds:

- (i) Applicant's provision of false or misleading information;
- (ii) Conflict with other planned events in the area;
- (iii) Previous permit violations by the applicant or organization; or
- (iv) Inability to make each of the findings for approval set forth above.

(9) CEQA Review. The Committee will designate a staff person knowledgeable in CEQA to perform an environmental review of the proposed special event.

(b) Free Speech Special Events. The following procedures apply to a free speech special event:

(1) It is the intent of the Council to protect the rights of its citizens to engage in protected free speech expression activities. Consequently, it is not the intent of this ordinance to regulate conduct, the sole or principal object of which is the expression, dissemination or communication by verbal, visual, literary or auditory means of opinion, views or ideas which are protected by the First Amendment of the United States Constitution or Article 1, Section 2 of the California Constitution.

(2) Filing. The applicant shall file a complete application for a Free Speech Special Event with the Chairperson as soon as possible, but no later than seven working days before the event. An application may be filed up to five calendar days before the event, but an applicant filing fewer than seven calendar days before the event waives the right to appeal a decision. The review period is to ensure adequate time for review of the proposed arrangements by the affected City departments, establishing reasonable conditions, notification of the decision, and appeal from the decision. If a spontaneous event is planned, the applicant may file an application 48 hours

before the event. The Special Event Committee shall review the Free Speech Special Event application to establish reasonable conditions, notification of the decision, and appeal from the decision.

(3) **Committee's Decision.** The Committee shall render a decision in accordance with the findings set forth in subsection (a) within 48 hours (not including days the City offices are closed) after receipt of a complete application. The Committee Chairperson shall notify the applicant in writing (and orally, if possible) of the decision, including a statement of the reasons for any conditions or the grounds for a denial. If a change in the time or location of the proposed event would allow approval of the application, the Chairperson shall propose an alternative to the applicant.

(4) **Applicant's Acceptance.** The applicant shall notify the Committee Chairperson in writing of the applicant's acceptance within 24 hours (not including days the City offices are closed) after written notice of the decision. The failure to submit a timely written acceptance or appeal is deemed an automatic withdrawal of the application. If the applicant files a valid written acceptance of the Committee's decision, the Free Speech Special Event Permit shall be approved and the Committee Chairperson shall notify the City Council and the City Manager that the permit has been issued.

(5) **Appeal.** An applicant who has filed a Free Speech Special Event Permit application at least seven calendar days before the event may appeal the decision, including a denial, a condition of approval, a refusal to waive a filing deadline, or a decision regarding fees or insurance, by filing a written appeal. The appeal procedures are set forth in Section 12.20.110 of this chapter.

(6) **Judicial Review.** Applications for a Free Speech Special Event Permit are eligible for expedited judicial review pursuant to the Code of Civil Procedure, section 1094.8.

12.20.090 SPECIAL EVENT PERMIT FEES AND CHARGES.

(a) Special Event Permit fees and charges are established by resolution of the City Council, if required. The application fee must be submitted when the applicant or sponsor files the application. Other costs for City services shall be invoiced to the applicant no later than 10 calendar days after the expiration date of the permit. The applicant shall pay said fees within 30 calendar days of invoice otherwise late fees shall apply.

(b) In addition to the payment of any applicable nonrefundable permit application fees, all applicants or sponsors shall be responsible for paying for all City departmental, Los Angeles County Sheriff, or Los Angeles County Fire service charges incurred in connection with or due to the permittee's activities under the permit.

12.20.100 REVOCATION. A Special Event Permit can be revoked by the Chairperson for any of the following reasons:

(a) Failure to comply with any permitting requirements or conditions of approval;

- (b) Knowingly providing false, misleading or fraudulent information;
- (c) Failing to pay required fees, charges or deposits;
- (d) Failing to agree to the indemnification agreement or for failing to provide proof of insurance to the extent required; or
- (e) New information after a permit has been approved materially changes the event.

12.20.110 APPEAL. A decision of a Special Event Permit, including a Free Speech Special Event Permit, application is appealable to the City Manager by filing a written appeal to the City Manager within 5 calendar days of the decision. The City Manager or designee shall hold a hearing within 5 calendar days of receipt of the appeal, except that a hearing on an appeal of a Free Speech Event shall be held within 2 calendar days of receipt of the appeal. The decision of the City Manager or designee is final.

12.20.120 HOLD HARMLESS. As a condition to the issuance of any permit under this chapter, the applicant shall agree to defend, indemnify and hold harmless the City, its elected and appointed officials, employees and agents, against losses and liabilities incurred from the conduct of the permittee, or its officers, employees, and agents, or claims or liabilities caused by, or arising out of any activities authorized by any such permit.

12.20.130 INSURANCE REQUIREMENTS FOR SPECIAL EVENTS. The applicant shall provide general liability insurance naming the City, its elected and appointed officials, employees, and agents, as an additional insured. Limits of coverage will be determined by the City Attorney's office at the time of application. Certificates of insurance are to be submitted to the City for approval 14 calendar days prior to the day of the event. Acceptability of insurance is subject to approval by the City's Risk Manager. This requirement does not apply to free speech events.

12.20.140 ADOPTION OF PROCEDURES. The City Council may prepare and adopt regulations to carry out the purposes of this Chapter, and the ordinances and regulations of the City or any other agency applicable to special events, including modifications to permit City participation in sponsorship of special events.

SECTION 3. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 4. Effective Date. This ordinance shall be in effective on the thirtieth (30th) day after the day of its adoption.

SECTION 5. Certification. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be posted in the manner required by law.

PASSED, APPROVED AND ADOPTED this ____ day of May 2016, by the following vote to wit:

Ken Dyda
Mayor

ATTEST:

Carla Morreale
City Clerk

APPROVED AS TO FORM:

David J. Aleshire
City Attorney