

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA,
AMENDING HERMOSA BEACH MUNICIPAL CODE CHAPTER
12.30(SPECIAL EVENTS ON PUBLIC PROPERTY) , SECTION 12.30.030
(SPECIAL EVENT APPROVAL AND PERMIT ISSUANCE), AND FINDING THE
SAME EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

The City Council of the City of Hermosa Beach does hereby ordain as follows:

Section 1. Findings

- A. The City Council desires to clarify and amend the City's process and substantive review of special events in the City to ensure they continue to serve the community and provide meaningful and beneficial benefits to the City.
- B. At its July 5, 2022 meeting the Parks, Recreation, and Community Resources Advisory Commission reviewed and recommended changes to the City's Special Event Policy Guide.
- C. The proposed amendment to Section 12.30.030 of the City's Municipal Code is meant to make it consistent with the City's Special Event Policy Guide.

Section 2. Chapter 12.30 Special Events on Public Property, Section 12.30.030 Special Event Approval and Permit Issuance is amended to read in full as follows:

Chapter 12.30 Special Events on Public Property

Section 12.30.030 Special event Approval and Permit Issuance

A. Special events are categorized as ~~a~~Impact Level I, II, or III event based on the number of participants, years of reoccurrence, location, time of the year, day(s) of the week, number of consecutive days, ~~number of events in one (1) year,~~ and any additional requests. The event levels may be further defined in a special events policy guide adopted by the city council.

B. Special events applications must be submitted as follows:

1. New events: If the new event is an Impact Level I or II, must be submitted at least ninety (90) days in advance of the event. If the new event is an Impact Level III, must be submitted no later than July 30 for the following calendar year.

2. Returning Level III events: must be submitted no later than July 30th for the following calendar year.

23. Returning Level II events: must be submitted at least ninety (90) days prior to the event, ~~but no more than one (1) year, prior to the event date.~~

34. Returning Level I events: must be submitted at least thirty (30) days prior to the event, ~~but no more than one (1) year, prior to the event date.~~

C. The parks, recreation, and community resources advisory commission and city council will evaluate and recommend approval of Category Impact Level III events and a "Nothing Weekend" first, and then recommend Category Impact Level II events within the targets established in peak season event limits.

D. At the discretion of the community resources manager, applications may be submitted and approved after the application submittal deadline has passed, provided:

1. There are unforeseeable circumstances (memorial service, team victory celebration, need for minimal marketing/advertising).
2. The event does not exceed peak season or off season event limits.
3. The event can still meet all of the event approval findings (as noted in subsection (F) of this section).

E. Special events will be reviewed as follows:

1. Any new event to Hermosa Beach or returning event with a significant change to the event format as determined by the community resources manager will be subject to a public hearing before both the parks, recreation, and community resources advisory commission and the city council.

2. Returning Level III events: will be subject to a public hearing before approval by both the parks, recreation, and community resources advisory commission and the city council. ~~Event organizers for Category III events and any event that is new to Hermosa Beach are expected to be present at parks, recreation, and community resources advisory commission and city council hearings to review/approve special events.~~

2-3. Returning Level II events: will be subject to approval by the parks, recreation, and community resources advisory commission and subject to appeal to the city council.

3-4. Returning Level I events: will be reviewed and approved by the community resources manager and subject to appeal to the parks, recreation, and community resources advisory commission.

FG. The community resources manager may issue a special events permit upon finding that:

1. The special event is considered by the appropriate level of review identified in subsection (E) of this section.
2. The applicant reimburses the city for all costs incurred by the city in connection with the event, including public safety, traffic control and monitoring.
3. The number of estimated attendees can be accommodated at the proposed location and surrounding area.
4. The applicant is capable and qualified to manage the event in a competent, professional manner in accordance with all conditions of approval.
5. Adequate provision has been made for satellite parking, shuttle transportation and traffic control.

6. Adequate provision has been made for security, crowd control, ingress and egress, and cleanup.
7. The total number of days required for the event shall not exceed sixteen (16) days.
8. The applicant provides required insurance, deposits, bonding and indemnification of the city.

G.H. The community resources manager may impose such conditions and operational rules and regulations on the special event permit as are necessary to minimize its impact on the community and to assure that it will not be a detriment to public health and safety. Such conditions include, but are not limited to:

1. Monetary deposits, bonds and other security as may be necessary to guarantee performance of all required conditions, cleanup and repair of any city property or facilities damaged as a result of the event.
2. Procurement of liability and other insurance policies to protect the applicant and attendees, naming the city and its officials and employees as additional insureds.
3. Limitations on the hours of operation and volume of public address systems and/or amplified music.

H.I. Any person may appeal a decision ~~in of the community resources manager as~~ regards to a special event permit application by filing an appeal in writing to the city clerk within ten (10) days of the decision. The appeal shall set forth the grounds upon which the appellant believes the decision is in error or contrary to applicable law. The ~~city council~~appellate body shall consider and take action on the appeal at its next regular meeting following receipt of the appeal; provided, that it may continue its deliberations to a date certain with the consent of the applicant. The decision of the ~~city council~~appellate body shall be final. (Ord. 16-1370 §6 (part), 2016)

Section 3. Environmental Review. The City Council finds that the adoption and implementation of this ordinance is exempt from the provisions of CEQA as an administrative activity by the City of Hermosa Beach, that will not result in any direct or indirect physical change in the environment, per sections 15061(b)(3), and 15378(b)(5) of the CEQA Guidelines, as well as CEQA Guidelines section 15064(e). The City Council further finds that adoption and implementation of this ordinance is not a “project” for purposes of the California Environmental Quality Act (CEQA), as that term is defined by CEQA guidelines (Guidelines) sections 15061(b)(3), and 15378(b)(5). No new development will result from the proposed action. No impact to the physical environment will result.

Section 4. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional.

Section 5. Pursuant to California Government Code section 36937, this ordinance shall take effect thirty (30) days after its final passage.

Section 6. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Hermosa Beach's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and cause it to be published or posted in accordance with California law.

PASSED, APPROVED and ADOPTED this ____th day of _____, 2022.

VOTE: AYES:
 NOES:
 ABSTAIN:
 ABSENT:

MAYOR of the City of Hermosa Beach, California

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney