

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF HERMOSA BEACH REVISING
SPECIAL EVENTS REGULATIONS AND AMENDMENT THE HERMOSA
BEACH MUNICIPAL CODE**

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

Section 1. A new section 12.20.065 entitled Beach Volleyball Courts is added to Chapter 12.20 of Title 12 of the Hermosa Beach Municipal Code to read as follows:

12.20.065 Beach Volleyball Courts.

A. The volleyball courts directly adjacent to the pier, between 10th Street and 15th Street, referred to as the commercial zone, may be reserved by the city for special events or city contracted classes.

B. All volleyball courts south of 10th Street and north of 15th Street are for general community use, may not be reserved, and will operate on a challenge basis. All persons using the volleyball courts shall comply with Section 8.24.030.

C. Any commercial group as defined in 12.30.040, non-profit organization, or fitness instruction for compensation shall obtain the proper Special Event, Contract Class, or Outdoor Fitness Instruction Permits and are limited to use of the volleyball courts or other facilities on the beach between 10th Street and 15th Street.

Section 2. The title of Section 12.20.224 of Chapter 12.20 of Title 12 of the Hermosa Beach Municipal Code is amended to read as follows:

12.20.224 Designated in-line skating areas.

Section 3. Subsection D of Section 12.20.300 of Chapter 12.20 of Title 12 of the Hermosa Beach Municipal Code is amended to read as follows:

D. The prohibitions contained in this Section shall not apply to the sale of food, non-alcoholic beverages, or branded merchandise from an event producer on the beach allowed pursuant to a special event permit issued pursuant to Chapter 12.30 in connection with events located on the beach and as to which the City Council determines that food and beverage sales are necessary and convenient to accommodate persons in attendance.

Section 4. Section 21.20.330 of Chapter 12.20 of Title 12 of the Hermosa Beach Municipal Code is amended to read as follows:

12.20.330 Tents.

Except as may be permitted under a special event permit issued pursuant to Chapter 12.30, no person shall erect, maintain, use or occupy on the beach during the daylight hours any tent or other temporary covering or shelter unless such tent or other temporary covering or shelter shall have two sides thereof entirely open, and unless there shall be an unobstructed view into such tent or other temporary covering or shelter from the outside thereof on at least two sides thereof. A violation of this section shall be an infraction.

Section 5. Chapter 12.28 of Title 12 of the Hermosa Beach Municipal Code is amended as follows:

- A. The following sections shall be deleted from Chapter 12.28 of Title 12 of the Hermosa Beach Municipal Code: 12.28.010 Special Event Permits; 12.28.060 Permits required for use by Commercial Groups; 12.28.070 Nonprofit Organizations- Permit Required; 12.28.080 Nonprofit Organizations Pass Throughs Permit Required; 12.28.090 Block Party Permits; 12.28.110 Park Permits for Fundraising Activities; 12.28.120 Beach Permits; 12.28.130 Commercial Filing Permits; 12.28.140 Application for Permit or Reservations; and 12.28.150 Waiver of Permit Fees.
- B. The remaining sections in Chapter 12.28 shall be renumbered as follows: 12.28.010 Park Regulations Generally; 12.28.020 Obstructing Pathways in Parks; 12.28.030 Permit Requirements for Outdoor Fitness Classes in City Parks and on the Beach; 12.28.040 Damaging Trees and Buildings; 12.28.050 Park Reservations; 12.30.060 Park Permits for Fundraising Activities; 12.28.070 Rules and Regulations; 12.28.080 Fees and Charges; 12.28.090 Designated In-Line Skating Areas; 12.28.100 Reqs for the Use of Publicly Owned or Publicly Operated Skateboard Facilities; and 12.28.110 Violation-Infractions.
- C. Renumbered section 12.28.050 shall be amended to read as follows:

12.28.050 Park Reservations.

Park reservations shall be available year round to accommodate Hermosa Beach residents for informal or neighborhood gatherings. Reservations are optional and there shall be no charge except when the city incurs direct costs on behalf of the event. Reservations shall be submitted to the community resources department and can be made for the following parks only:

- Valley Park: Corner of Gould and Valley Dr.
- Bicentennial Park: 4th and Ardmore
- Greenwood Park: PCH and Aviation
- South Park 425 Valley Drive (
- Clark Field: 861 Valley Drive
- Edith Rodaway Park: Prospect & Hollowell Ave

- D. Renumbered Section 12.28.090 shall be amended to read as follows:

12.28.090 Designated In-Line Skating Areas

The following areas are designated recreational areas in which in-line skating is permitted:
Any publicly owned or publicly operated skateboard facility, unless otherwise specifically excluded from this designation by resolution of the city council.

Section 6. A new Chapter 12.30 is added to Title 12 of the Hermosa Beach Municipal Code to read as follows:

Chapter 12.30 Special Events on Public Property.

- Section 12.30.010 - Special Event Regulations Generally.
Section 12.30.020 - Special Event Application Required.
Section 12.30.030 - Special Event Approval and Permit Issuance.
Section 12.30.040 - Commercial Groups – Permit Required.
Section 12.30.050 - Nonprofit Organizations—Permit Required.
Section 12.30.060 - Pass-throughs—Permit Required.
Section 12.30.070 - Block Party Permits.

Section 12.30.080 - Commercial Filming Permits.

Section 12.30.090 - Costs for Repairs.

Section 12.30.100 - Tents.

12.30.010 Special Event Regulations Generally.

- A. For purposes of this Section, a "special event" shall mean any organized event, activity, celebration or function involving the use of the beach at which one hundred (100) or more persons are to be assembled, or use of outdoor City facilities, rights of way, or parkland at which twenty-five (25) or more persons are to be assembled.
- B. No person shall organize or conduct a special event without first obtaining a permit to do so as prescribed by this Section. In addition to the permit requirements prescribed by this Section, certain special events occurring or planned to occur on summer days within the Coastal Zone may be required to obtain a Coastal Development Permit, as described in Municipal Code Section 17.37.250.
- C. On at least one weekend during each summer season, the Parks, Recreation and Community Resources Advisory Commission shall recommend that no organized events be held on the beach.
- D. To balance coastal access with beach events, the City Council shall establish peak season event limits for the beach/Pier Plaza up to a maximum number of days used by events between the Saturday preceding Memorial Day through Labor Day.

12.30.020 Special Event Application Required.

- A. Application for a special event permit shall be made on forms provided for that purpose by the Community Resources Department, and shall contain the following information:
 - 1. Name, address, telephone number and other identification information about the person or organization responsible for organizing the event, including its commercial/nonprofit status.
 - 2. The proposed dates and hours of operation of the event, including the period required for set-up and break-down/clean-up.
 - 3. An evaluation of the event impact on city facilities, coastal access, and staff resources.
 - 4. The estimated daily and total attendance at the event (including organizers, participants, spectators, volunteers and others), with an explanation as to the factual basis for the estimate.
 - 5. A description of all organized activities proposed to take place during the event, and whether admission is to be charged.
 - 6. A description or diagram showing the proposed location of the event, including all temporary facilities/structures/signage/equipment to be erected, ingress and egress, number and type of vehicles and whether existing structures/facilities are to be relocated or modified.

7. A parking plan showing the number of public parking spaces to be occupied by the event organizers, the location of satellite parking lots to be used for attendee parking, arrangements for shuttle bus transportation, and plans for publicizing the availability of off-site public parking.
8. An environmental protection plan showing proposed compliance with specified measures to reduce impacts and costs to the environment, the City, and the community. Such measures may include, but shall not be limited to:
 - a. Waste recycling and reduction.
 - b. Energy efficiency.
 - c. Protection of the marine environment.
 - d. Community education opportunities.
 - e. Monitoring and reporting compliance with the environmental protection plan.
9. Such other information determined by the Community Resources Manager to be necessary to evaluate the proposed event.
10. An application fee in any amount determined by resolution of the City Council.
11. A dated signature of the organizer or its authorized agent attesting to the truth, completeness and accuracy of the contents of the application.

12.30.030 Special Event Approval and Permit Issuance.

- A. Special Events are categorized as a 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 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) Level III events: Must be submitted no later than July 30 for the following calendar year.
 - 2) Level II events: Must be submitted at least ninety (90) days, but no more than one year prior to the event date.
 - 3) Level I events: Must be submitted at least thirty (30) days, but no more than one 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 III events and a “Nothing Weekend” first, and then recommend Category 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 12.30.030 F)
- E. Special events will be reviewed as follows:
- 1) Level III Events: Will be subject to a public hearing before 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) 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) 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.
- F. 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 12.30.030.E.
 - 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 as been made for satellite parking, shuttle transportation and traffic control.
 - 6) Adequate provision has been made for security, crowd control, ingress and egress, and clean-up.
 - 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. 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, clean-up 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. Any person may appeal a decision of the Community Resources Manager as regards 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 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 shall be final.

12.30.040 Commercial Groups – Permit Required.

Permits shall be required for any commercial group requesting use of any outdoor area or public facility within the city. Any firm, association, partnership, business trust, corporation or company that is hosting a special event for the purposes of advertising or generating revenue for profit shall be considered a commercial group. Such permits shall be subject to a fee established by City Council plus all costs incurred by the city on behalf of the event.

12.30.050 Nonprofit Organizations—Permit Required.

Permits shall be required for any nonprofit group requesting use of any outdoor area or public facility within the city. Nonprofit groups may file a non-profit fee waiver or reduction request with the Community Resources Manager, subject to approval by the City Council. Such permits shall be subject to the applicable full, reduced or waived fee, plus all costs incurred by the city on behalf of the event.

12.30.060 Pass-throughs—Permit Required.

Permits shall be required for any group requesting use of any outdoor area or facility for a pass-through event within the city. A pass through event is one in which neither the start nor finish occur within the city, but the event requests to utilize city right of way to pass through the city. Such events shall be subject to a permit processing fee established by resolution of the city council plus all costs incurred by the city on behalf of the event.

12.30.070 Block Party Permits.

Requests for permits for use of public rights-of-way for block parties may be made only by Hermosa Beach residents to the Chief of Police. All permit requests shall be subject to review and approval by the Chief of Police or designee. Such permits are subject to a permit processing fee established by resolution of the city council.

12.30.080 Commercial Filming Permits.

As determined by the California Legislature in California Government Code Section 14998.1, motion picture production is an important industry to the economy of California and local governments in this state should accordingly provide an environment conducive to the undertakings of the motion picture industry. To that end, the city expresses its desire and intention to create and maintain an environment in the city conducive to motion picture production activities in all areas of the city.

In accordance with this purpose, film permits for non-permanent filming activities may be issued for filming on or in any private or city-owned property in any area of the city, irrespective of zoning in the area in which the permit is issued; provided, that such transient activity to which the permit applies will not be unduly disruptive of neighboring land uses. The community resources department is vested with the authority to approve or deny film permits for nonpermanent filming activities in any area of the city and in making such determination to approve or deny a film permit application, to exercise its discretion to determine: (i) whether a particular filming activity is permanent or nonpermanent; (ii) whether a particular filming activity would unduly interfere with or disrupt neighboring land uses so as to justify denial of the permit; and (iii) mitigation measures to reduce any adverse impact on neighboring land uses. Conditions imposed under any permit shall reduce, to the extent the community resources department determines appropriate in light of both the neighbors' and permittees' concerns, any adverse impact on neighboring land uses.

A "nonpermanent" filming activity, for purposes of this section is an activity under an approved permit which involves no more than fifteen (15) days of consecutive filming at a single location.

The city council may adopt or amend from time to time the filming policy and procedures, which shall be consistent with this section and shall act as guidelines to the community resources department in issuing or denying permits including appeal rights thereto, and which shall be incorporated by reference into any film permit which the community resources department may issue. All film permits shall be subject to imposition of fees which shall be set forth in the filming policy and procedures.

12.30.090 Costs for Repairs.

The cost for repairs for any damage incurred as the result of activities related to a special event will be deducted from the event deposit or shall be required to pay the cost of the repair if more than the deposit.

12.30.100 Tents.

Tents and other temporary structures or equipment erected in conjunction with a permitted special event may remain overnight provided that a security guard is present at all times.

Section 7. This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines (the Guidelines), and the environmental regulations of the City. The City Council hereby finds that under Section 15061(b)(3) of the State CEQA Guidelines, this Ordinance is exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment. Pursuant to the CEQA Guidelines, Section 15061(b)(3) this action is clarifying existing regulations related to the use of city property for special events and no new events are being authorized under this action. Additionally, special events are exempt under, "Minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc." (Cal. Code Regs. tit. 14, §15304).

Section 8. The ordinance shall take effect thirty days after the date of its passage.

Section 9. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance, and shall cause this Ordinance and her certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 10. The City Clerk shall certify to the passage and adoption of this Ordinance, shall enter the same in the book of original Ordinances of said city, and shall make minutes of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2016.

Mayor

ATTEST:

City Clerk