



Staff Report

File #: REPORT 16-0483, Version: 1

Honorable Mayor and Members of the Hermosa Beach City Council
Regular Meeting of August 23, 2016 September 13, 2016

**SPECIAL EVENT POLICY GUIDE APPROVAL,
CORRESPONDING ORDINANCE REVISING SPECIAL EVENT
REGULATIONS AND AMENDING THE HERMOSA BEACH
MUNICIPAL CODE, AND APPROVAL OF MONTHLY MEETINGS
FOR THE PARKS, RECREATION AND COMMUNITY RESOURCES
ADVISORY COMMISSION**

(Continued from meeting of August 23, 2016)

(Community Resources Manager Kelly Orta)

Recommended Action:

Staff recommends that City Council consider the Parks, Recreation and Community Resources Advisory Commission's recommendations and take the following actions:

- Approve the Special Event Policy Guide for implementation starting in 2017;
- Approve the Text Amendments to the Municipal Code, Title 12 - Street, Sidewalks, and Public Places
- Approve the Parks, Recreation and Community Resources Commission to move from bimonthly meetings to monthly, held on the first Tuesday, effective immediately.
- Determine that the Special Events Policy Guide and Text Amendments to the Municipal Code are Categorically Exempt from the California Environmental Quality Act
- Authorize the City Manager, or appropriate designee, to make minor clarifying amendments to the Special Events Policy Guide consistent with the HBMC

Background:

This item was continued from the August 23, 2016 regular meeting, which is causing scheduling concerns for the 2017 calendar. Staff is hopeful that Council will provide formal direction on this at tonight's meeting so that staff can begin collecting and managing the 2017 calendar consistent with Council's direction. Additionally, the City contracted with Raimi and Associates to have LEEANNE SINGLETON assist with this project, which needs to be completed since this has extended past initial projections.

The Community Resources Department is tasked with reviewing and overseeing special events that

take place on public property in the city. This process, as well as other aspects of special event management, has become a growing concern in the community due to scheduling impacts to the beach and the availability of the beach for recreational use. Below is a timeline of actions taken in regards to special events, which highlight multiple meetings and opportunities for staff to check in with the Commission and Council along the way to ensure a consistent direction on the project:

Date	Meeting Body	Action
January 22, 2013	City Council	Council directed staff to return to the Parks and Recreation Advisory Commission regarding application fees-for-profit organizations as well as fee waiver policy review.
April 2, 2013	P&R Commission	Discussion of both commercial and non-profit application fees changes, but no action was taken.
August 6, 2013	P&R Commission	Commission voted to hold a special event workshop to discuss and provide direction on the many issues surrounding management of special events.
September 16, 2013	P&R Commission Workshop	The Commission held a public discussion regarding event impacts, fees, requests for waivers, the application process, event oversight. The Commission reviewed the Special Events section of the City's Municipal Code and voted to support existing policy.
October 10, 2013	P&R Commission	The Parks and Recreation Commission approved the proposed changes and enforcement of existing rules emanating from the September workshop.
May 13, 2014	City Council	Council requested staff to return in the fall for a wider public discussion on special events.
August 5, 2014	P&R Commission	Commission discussed ideas or issues surrounding special events.
January 13, 2015	City Council	Gave direction to Commission to study special events further to create policy changes for 2016.
April 4, 2015	P&R Commission	Commissioners Guheen and Lange were selected to serve on the Special Event Subcommittee.
May 26, 2015	Joint City Council and P&R Commission Study Session	The Subcommittee presented their research and recommendation process for making updates to the special event policy.
October- November 2015	Special Event Subcommittee	Met with staff and LeeAnne Singleton to create updated plan for 2016 and direction of formal policy guide creation for implementation in 2017.
December 2015	P&R Commission	LeeAnne Singleton presented policy changes for 2016 and timeline for creation of the Special Event Policy Guide, which would go into effect in 2017.
January 2016	City Council	City Council affirmed the policy changes for 2016 as well as timeline for the Special Event Policy Guide.
June 2016	P&R Commission	Commission reviewed and made a recommendation to the Council to approve and implement the Special Event Policy Guide and corresponding ordinance changes.
July 2016	Joint City Council and P&R Commission Study Session	Council was introduced to the Special Event Policy Guide and provided general feedback to the Commission.

In 2015, the City Council directed the Parks, Recreation, and Community Resources Commission to create a subcommittee tasked with reviewing and making policy recommendations surrounding special events as a way to mitigate issues and concerns over impacted scheduling of events on the beach. At the regular meeting of April 7, 2015, the Commission voted to have Jessica Guheen and Jani Lange serve on this subcommittee. The subcommittee, staff and Leeanne Singleton worked together to develop the Special Events Policy Guide (SEPG), which was recommended to Council by the Parks, Recreation, and Community Resources Commission in June 2016 and presented to the City Council during the July 2016 Joint Study Session with the Commission.

Analysis:

The SEPG was formed as a tool that would serve as a central location for policy, procedures, Hermosa Beach Municipal Code (HBMC), and general information related to special events that take place in Hermosa Beach. While this policy guide is still a relatively new draft document, a lot of policy and information contained in it are not new and are long-standing policies. Additionally, the policies adopted in December 2015 by the Commission (and affirmed in January 2016 by Council) are included in the guide due to successful implementation in 2016. There are a few policy changes and clarifications worthy of note as well as questions and comments received from the Council at the July 2016 Joint Study Session that should be reviewed as part of your consideration this evening, including:

1. Use Classifications and Impact Characteristics (pg. 6)

- a. Special events will be categorized into one of three levels based on the characteristics of the event, including number of participants, location, time of year, time of week, duration of event. These characteristics have not changed since Council approved the interim policy in January 2016. However, the Parks, Recreation, and Community Resources Advisory Commission made a recommendation to lower the threshold for number of participants from 200 (currently within the HBMC) to 100 for Level I events.

2. Peak Season Event Limits (pg. 7)

- a. These limits were not changed from what was adopted in January 2016. However, Council should determine if these limits are too low as the number of events approved for 2016 has exceeded them. Additionally, if Council were to lower the threshold from 200 to 100 participants, presumably, there would be additional event applications that have not previously been captured in the count of event days. These limits were put in place as guidelines and were intended to be flexible given the number of unanticipated or last minute events that Commission and Council would like to host. The current totals for the 2016 peak season include:

Peak Season (Memorial Day – Labor Day; approx. 100 days)		
Category I & II Events (max. of 40)	*Category III & IV Events (max of 30)	Total # of Event Days (out of 70 total)
46	30	76

3. Application Submittal Deadlines (pgs. 7-8)

- a. Level III events, which are the largest category proposed in the SEPG, would be scheduled onto the following year's calendar first and would be approved by Council in October of each year. Level I and II events would be able to submit their applications at the same time as Level III events, although they would not be considered until the calendar with Level III events is approved.

4. Level of Review and Approval (pgs. 8-9)

- a. The smallest and least impactful events, Level I, would be approved at the staff level and added to the calendar once Level III events and the first round of Level II events are approved by the Commission.
- b. Level II events would be approved by the Commission and do not require City Council review.
- c. Level III events, events of any size that are new to Hermosa Beach, and those that seek a multi-year contract would be required to attend a Public Hearing by both the Commission and Council prior to approval.
- d. Appeals for events not approved by staff or the Commission are heard by the City Council.

5. Fee Waivers (pg. 11)

- a. Per the recommendations of the Commission, fee waiver requests will include:
 - i. On an annual basis, non-profits may apply to be eligible for fee waivers or reductions associated with their event(s).
 - ii. The City Council will review the applications for fee waivers and affirm which organizations planning an event may be eligible for permit fee waivers and/or a reduction of fees. City Council will consider the benefit to the community, size/scale of the organization, and the beneficiaries or groups receiving the money raised by the organization when approving organizations to be eligible for fee waivers.
 - iii. Upon approval of organizations eligible for fee waivers for the year, event fees may be waived or reduced as follows:
 1. Applications Fees - will not be waived or reduced and are due at the time

- an application is submitted for each special event
2. Special Event Permit Fees - may be waived in full
 3. Additional Impact Fees (covering installation of street banners, reservation of parking spaces, use of amplified sound, professional filming, presence of staff during event, or application for business license) - may be reduced up to a maximum of 10% of the established fee.
- b. For reference, Attachment 5 includes a list of fee waivers approved for 2016.
 - c. Furthermore, the City of Hermosa Beach implemented a Fee Waiver Application form several years ago in an effort to formalize the request for fee waivers. This form, included as Attachment 6, and will be updated accordingly following Council direction.

6. Community Benefit (pg. 12)

- a. Now included on the application is a requirement for the event producer to include a narrative of the community benefit of their event to the City of Hermosa Beach.

Comparison to Other Jurisdictions

During the July 2016 Joint Study Session, there were a couple of items related to the SEPG that warranted additional information to support Council discussion and direction. Since special event producers often look at many jurisdictions when considering where to hold their event, it is important to consider how similar size and nearby jurisdictions review or approve events, to ensure that Hermosa Beach is able to efficiently and effectively process requests. Included below is additional information on how the proposed changes compare with neighboring/similar communities:

Minimum number of participants to require a special event permits:

- Coronado - 100 participants
- Encinitas - 25 participants
- Huntington Beach - 1,000 participants
- Mammoth Lakes - 250 participants
- Newport Beach - up to 1,000 participants
- Santa Barbara - 300 participants
- Seal Beach - 25 participants
- Torrance - 500 participants
- Ventura - 100 participants

Review requirements of small, minor, or level I events:

- Coronado - City Manager
- Encinitas - Parks Department
- Huntington Beach - Specific Events Committee, Director of Community Services
- Mammoth Lakes - Tourism and Recreation Department with sign off from Community Development Director
- San Clemente - City Manager
- Santa Barbara - Special Events Supervisor

- Santa Cruz - City Manager
- Santa Monica - Community Events Committee comprised of staff and agencies
- Solana Beach - City Manager
- Torrance - City Manager

Approach to handling fee waiver requests:

- Huntington Beach - Only approves waivers for events that are produced or sponsored by the city
- Long Beach - Has a fee waiver policy with eligibility criteria and lists of fees that can and cannot be waived. Included for example purposes as Attachment 4.
- Mammoth Lakes - Grants waivers for non-profits
- San Clemente - Criteria for waivers include review of non-profit revenue generated by event and financial hardship for hosting event. Fee waivers may be granted by City Council for facility costs and by City Manager for personnel, material and equipment costs.
- Santa Barbara - Discounts are granted for events that are organized by a 501(C)3 organization or are an individual or organization who is a resident of the City of Santa Barbara.
- City of Los Angeles - Recently changed their policy to only allow non-profit organizations to have the fee reduced by 50% and for up to two events per organization per year.

Film Permits

The Community Resources Department issues film permits for still photo and video recording throughout the city. Annually, a film permit has been issued in conjunction with a special event, although this is very rare. Staff has only issued one film permit for filming at an event in 2016 and does not anticipate any more based on the current calendar. Likewise, one was issued in 2015. While staff recognizes Council's interest in looking into expanding or partnering with companies that may have a better ability for bringing in additional filming opportunities to Hermosa Beach, respectfully, the topic of film permits is not necessarily related to the SEPG and is worthy of its own discussion at a later date. Council has listed a Citywide Filming Strategy in its strategic plan, so there will be further discussion on this topic. Meanwhile, staff will continue meeting to determine possible avenues for increased film permits, which will be included in future discussions.

It is also important note that as part of these updated policies, changes are necessary to various HBMC's to make them consistent with the SEPG. These changes are presented in Attachment 2. Additionally, there is a desire to make changes to various special event fees, which will be presented to the Commission once the city's User Fee Study is presented to City Council. The User Fee Study is scheduled for City Council's initial review during a Study Session on September 21.

The adoption of the SEPG and municipal code updates were initially noticed for public hearing on July 14. Due to an impacted agenda, the public hearing was rescheduled and the public notice was re-advertised for tonight's meeting on August 23. A copy of the public notice is included as Attachment 3.

California Environmental Quality Act Compliance

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, the underlying 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).

Fiscal Implications:

None at this time. Future changes to event fees will be presented at a later date following the adoption of the User Fee Study.

Attachments:

1. Special Event Policy Guide
2. Text Amendment to the Municipal Code, Title 12
4. City of Long Beach Fee Waiver Policy
5. Approved 2016 Special Event Fee Waivers
6. City of Hermosa Beach Special Event Fee Waiver Application

Respectfully Submitted by: Kelly Orta, Community Resources Manager

Legal Review: Mike Jenkins, City Attorney

Approved: Tom Bakaly, City Manager