



Item No. Town of Atherton

CITY COUNCIL STAFF REPORT – REGULAR AGENDA

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GEORGE RODERICKS, CITY MANAGER

DATE: NOVEMBER 19, 2014

SUBJECT: REVIEW OF THE SPECIAL EVENT PERMIT ORDINANCE

RECOMMENDATION

Review and Discuss.

BACKGROUND

The Town's existing special event permit ordinance attempts to regulate the impact of special events on the community by providing a simplified permit process. The intent is to protect residents from excessive noise, traffic, and other intrusions upon their privacy.

However, the ordinance falls short in several areas:

- 1) It does not regulate school-related events that occur on school property.
- 2) It does not fully regulate non-school-related events that occur at schools and country clubs but does provide guidelines.
- 3) A permit for private property special events is only triggered if the event occurs on two or more consecutive days and the public is invited.
- 4) A permit is not required for single-day private property special events or events that do not invite the public.

The attached draft ordinance attempts to close some of those loopholes in an effort to protect residents from the impacts of special events. The ordinance must still be vetted through the Town's Planning Commission before returning to the City Council for review and adoption. Through the Planning Commission and future Council processes, staff will alert the community and stakeholders to the ordinance's provisions to get feedback.

This evening, staff is presenting the ordinance in broad overview to ensure that staff moving in sync with the Council's expectations before presenting it to the Planning Commission.

FINDINGS

Attached you will find a copy of the current Chapter 17.56 Special Events and a copy of the current School Event Guidelines. Also attached you will find a copy of the new Chapter 17.56 Special Events and new School Event Guidelines. Lastly, you will find redline/strikeout versions of both.

Chapter 17.56 Special Events

The ordinance is revised in several significant areas – the intent to defray costs of response; what events are covered by the permit requirements; and what issues need to be controlled/condition/mitigated.

Within Section 17.56.020(C) the draft Ordinance notes that it is *also the intent to defray the costs of processing applications, responding to calls for service surrounding events, and providing extraordinary services related to the specific event*. This makes it clear that the Town will be recouping any costs associated with not only the processing of the permit application (relatively minor) but also costs related to Police or Public Works response in anticipation of or response to the special event.

Within Section 17.56.040(C) the draft Ordinance notes that a special event permit is required for any special event (no specified duration or invitees) held on private property that requires the assistance of the Town for traffic control, public safety services, extraordinary parking control measures or other mitigation measures arising from the special event. This is the single-day event trigger that will pick up fundraisers, large private parties, etc. – but only if the expectation or the actuality is that they trigger the use or need for Town resources.

Where Section 17.56.040(B) requires a special event permit for any event occurring on private property over the course of two or more consecutive days *where members of the public are invited*, Section 17.56.040(C) makes it clear that any event – regardless of the timing of the event and regardless of whether the public is invited – that triggers the need for the use of Town resources will require a special event permit.

In some cases, this will occur after the fact. In others, through community education, permits will be obtained for single-day events in advance in anticipation of the need or in cooperation with Town resources (dignitary fundraisers, etc.).

The last major revision to the Ordinance occurs in Section 17.56.060 (B) – Conditions of Issuance. Here, the City Manager is given the authority to impose reasonable conditions to ensure that the event will have minimal impact on the community. These conditions can include conditions designed to prevent violations of the noise ordinances or any other Town ordinances; and conditions designed to address traffic, parking, hours, and signage.

School Event Guidelines

Schools are unique. Special event permits are not required for school-related events on school property. Non-school related events on school property are regulated via the School Event Guidelines. In general, this is related to field use and outdoor functions (hours), amplified noise equipment, and lighting. The provisions applied to the country club as well.

Staff has expanded the guidelines. Provided that the events comply with the guidelines and do not require the assistance of the Town for traffic control, public safety services or response, extraordinary parking control measures or other mitigation measures due to the event – no special event permit is required. Generally, the guidelines are:

- Monday through Friday – field use and outdoor functions are limited to the hours of 8 am to 8 pm.
- Saturday – field use and outdoor functions are limited to the hours of 9 am to 6 pm
- Sunday – field use and outdoor functions are limited to the hours of 10 am to 5 pm
- Noise associated with any special event (indoor or outdoor) must comply with the Town’s noise ordinance.
- Lighting associated with field or outdoor functions shall be shielded or down lit and shall not shine on adjacent properties.
- Parking is limited to on-site parking.
- Off-site signage is not allowed (except where already exempted by the Town).

If the event will violate any of these guidelines, a Special Event Permit is required. In the event of noise in excess of the Town’s noise ordinance standards, permit requests may be denied at the time of application based on a balancing of the interests of the applicant against those of surrounding residents.

With respect to activity on public school grounds, the Town is limited in its ability to regulate an event that does not result in a spill over impact to the community. Nevertheless, the guidelines are intended to act as a framework to mitigate local impact. The intent is not to regulate every event that occurs on school or country club property, as doing so would result in an over-regulation. The schools and country club are venues that will have activity that occurs on their property through both public and private uses. These activities will result in an impact for which the guidelines should act as a standard.

FISCAL IMPACT

None.

ATTACHMENTS

- Attachment A – Current Chapter 17.56 – Special Events
- Attachment B – Revised Chapter 17.56 – Special Events

Special Event Permit Ordinance
November 19, 2014
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Attachment C – Redline/Strikeout – Chapter 17.56 – Special Events
Attachment D – Current School Event Guidelines
Attachment E – Revised School Event Guidelines
Attachment F – Redline/Strikeout – School Event Guidelines

Chapter 17.56

SPECIAL EVENTS

Sections:

17.56.010 Title.

17.56.020 Purpose and Intent.

17.56.030 Definitions.

17.56.040 Permit Required.

17.56.050 Application Submittal Requirements.

17.56.060 Permit Issuance.

17.56.070 Permit Requirements.

17.56.080 Permit Revocation.

17.56.010 Title.

This chapter shall be known as the “Special Event Ordinance” and may be so cited. (Ord. 582 § 1 (Exh. A) (part), 2009)

17.56.020 Purpose and Intent.

A. The purpose of this chapter is to ensure the comfort, safety, and general welfare of the town citizens by controlling the number of special events and impacts of such events on the community and by providing a simplified permit process. It is also the purpose of this chapter to defray the costs of processing applications for these events.

B. The intent of this chapter is to protect the residents from excessive noise, traffic, and other intrusions upon their privacy. (Ord. 582 § 1 (Exh. A) (part), 2009)

17.56.030 Definitions.

Terms that are relevant to this chapter are defined in chapter 17.60 (Definitions). (Ord. 582 § 1 (Exh. A) (part), 2009)

17.56.040 Permit Required.

A. All special events held in the public right-of-way shall obtain a special event permit. Activities include, but are not limited to, processions such as walks, road races, bicycle rides, skate-a-thons, and similar activities.

B. A special event permit is required for any special event held on private property, occurring on two or more consecutive days where members of the general public are invited. Activities requiring a permit include, but are not limited to, the following:

1. Motion picture filming;
2. House and garden tours;
3. Fundraisers;
4. Auctions;
5. Antique shows;

6. Concerts;

7. Other similar activities.

C. The following provisions shall apply to special events held at private and public schools and country clubs:

1. A permit is not required for on-site school-related events. Responsible parties shall notify the town of school events that may result in additional traffic or parking.

2. A permit is not required for non-school-related events held at schools and country clubs that meet the school event guidelines as prepared by the city manager and accepted by the city council. Responsible parties shall notify the town of events that may result in additional traffic or parking.

3. A special event permit is required for non-school-related events that are planned to occur outside of the school event guidelines.

D. Open house tours for the purpose of selling property in the regular course of a real estate transaction shall be exempt from the permit requirements of this chapter. (Ord. 582 § 1 (Exh. A) (part), 2009)

17.56.050 Application Submittal Requirements.

The following items and information shall be submitted to the city manager or designee:

A. Completed application (application form supplied by the town) submitted to the town at least two months prior to the event.

B. Detailed description of the event.

C. Contact person available prior to and during the event.

D. Application fee (as set by resolution of the city council).

E. The anticipated number of attendees and number of vehicle trips per day.

F. An on- and off-site parking plan including the placement of barricades, etc.

G. A deposit as determined by the police chief for the funding of any additional security measures not provided by the applicant.

H. A hold harmless agreement, naming the town, its officers, employees, volunteers, and agents, and a certificate of insurance in the amount of two million dollars naming the town as additional insured. The hold harmless agreement and certificate of insurance shall be reviewed and approved by the city attorney. (Ord. 582 § 1 (Exh. A) (part), 2009)

17.56.060 Permit Issuance.

A. The city manager or designee may issue a special event permit when, in the opinion of the city manager or designee, the event meets all of the requirements of this code and the general plan. The city manager or designee may refer items to the planning commission when, in his or her opinion, the public interest would be better served by the planning commission conducting a public hearing. The city manager or designee shall issue, deny, or refer a special event permit within thirty days of receipt of a completed application. If the event will not be in conformance with either this title or the general plan, the application shall be denied.

B. If a special event permit is issued by the city manager or designee, such official may impose any reasonable conditions to ensure the event will have a minimal impact on the community. Such conditions may include, but are not limited to, any of the following:

1. Adequate arrangements to prevent:

a. Violation of chapter 8.16 (Noise Control),

b. Violation of chapter 8.20 (Nuisance Abatement),

c. Amplified sound,

d. Violation of any traffic laws,

e. Violation of any other section of this code;

2. Posting of docents at key/dangerous locations;

3. Events, including setup and tear-down, will be done during daylight hours if feasible;

4. Signs on public property shall be kept to a minimum and shall not be displayed for longer than one hour prior to or after the end of the event;

5. Other materials or mitigation measures deemed necessary by the city manager or designee; and/or

6. Parking barricades shall be set back a minimum distance as required by the city manager or his or her designee to ensure site distance clearance from special event site driveways and neighboring driveways. (Ord. 582 § 1 (Exh. A) (part), 2009)

17.56.070 Permit Requirements.

A. All special events held on private property shall be limited to no more than two consecutive weeks, including no more than two consecutive weekends. Any event for a longer period of time requires a conditional use permit.

B. All special events shall be publicly noticed at least ten days prior to the issuance of a permit, pursuant to the process outlined in State Planning and Zoning Law Section 65091, with a five-hundred-foot radius notification. However, if the event is not conducted on a single site, or is to be conducted within the public right-of-way, the applicant shall pay for the cost associated with the publication of the notice in a newspaper of general circulation at least ten days prior to issuance of a permit.

C. The applicant shall execute a contract agreeing to the obligations of the special event permit.

D. No more than two special event permits shall be issued in a twelve-month period for special events on any single private residential property. (Ord. 582 § 1 (Exh. A) (part), 2009)

17.56.080 Permit Revocation.

A special event permit may be revoked by the city manager or his or her designee in the event of any violation of the special events permit or this title. (Ord. 582 § 1 (Exh. A) (part), 2009)

The Atherton Municipal Code is current through Ordinance 601, passed November 20, 2013. Disclaimer: The City Clerk's Office has the official version of the Atherton Municipal Code. Users should contact the City Clerk's

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Chapter 17.56

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SPECIAL EVENTS

Sections:

- 17.56.010 Title.
- 17.56.020 Purpose and Intent.
- 17.56.030 Definitions.
- 17.56.040 Permit Required.
- 17.56.050 Application Submittal Requirements.
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This Chapter shall be known as the “Special Event Ordinance” and may be so cited.

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17.56.020 Purpose and Intent.

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A. The purpose of this Chapter is to ensure the comfort, safety, and general welfare of the Town citizens by controlling the number of special events and impacts of such events on the community and by providing a permit process.

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B. The intent of this Chapter is to protect residents from excessive noise, traffic, and other intrusions upon their privacy.

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C. It is also the intent of this Chapter to defray the costs of processing applications, responding to calls for service surrounding events, and providing extraordinary services related to the specific event.

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D. The City Manager or his/her designee shall be responsible for enforcement of this Chapter.

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17.56.040 Permit Required.

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B. A special event permit is required for any special event held on private property, occurring over the course of two or more consecutive days where members of the public are invited. Activities requiring a permit include, but are not limited to, the following:

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1. Motion picture filming;
2. House and garden tours;
3. Fundraisers;
4. Auctions;
5. Antique shows;
6. Concerts;
7. Other similar activities.

C. A special event permit is required for any special event held on private property, that requires the assistance of the Town for traffic control, public safety services, extraordinary parking control measures or other mitigation measures arising from the special event.

D. The following provisions shall apply to special events held at private or public schools and events held at country clubs:

1. Generally, events held at private or public schools and events held at country clubs will not require a special event permit from the Town.

2. The Town has established by Resolution event guidelines for school-related and non-school-related events at private or public schools and events at country clubs. Events held at private or public schools and country clubs must abide by School and Country Club Special Event guidelines.

Events that require the assistance of the Town for traffic control, public safety services, extraordinary parking control measures or other mitigation measures due to the special event will require a special event

3. permit.

4. Responsible parties shall notify the Town of events that may result in additional impacts outside of the venue that require mitigation.

5. Responsible parties will be responsible for the direct costs of the Town for extraordinary costs in response to the event. In such cases, the responsible party will be required to obtain an after-the-fact special event permit, with a penalty as established by Resolution of the City Council in addition to being financially responsible for the Town's direct costs related to the event.

E. Open house tours for the purpose of selling property in the regular course of a real estate transaction shall be exempt from the permit requirements of this Chapter.

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17.56.050 Application Submittal Requirements.

The following items and information shall be submitted to the City Manager or designee:

- A. Completed application (application form supplied by the Town) submitted to the Town at least 60-days prior to the event.
- B. Detailed description of the event.
- C. Contact person available prior to and during the event.
- D. Application fee (as set by Resolution of the City Council).
- E. The anticipated number of attendees and number of vehicle trips per day.
- F. An on- and off-site parking and staging plan including the placement of barricades, etc.
- G. A deposit as determined by the Town for the direct costs of the funding of any additional security measures not provided by the applicant.
- H. A hold harmless agreement, naming the Town, its officers, employees, volunteers, and agents, and a certificate of insurance in the amount of two million dollars naming the Town as additional insured. The hold harmless agreement and certificate of insurance shall be reviewed and approved by the City Attorney.

17.56.060 Permit Issuance.

- A. The City Manager or designee may issue a special event permit when the event meets all of the requirements of this Chapter. The City Manager or designee may refer items to the City Council when, in his or her opinion, the public interest would be better served by public review at a public meeting. The City Manager or designee shall issue, deny, or refer a special event permit within thirty days of receipt of a completed application or final review by the City Council if applicable. If the event will not be in conformance with this Chapter, the application shall be denied.
- B. If a special event permit is issued by the City Manager or designee, he or she may impose any reasonable conditions to ensure the event will have a minimal impact on the community. Such conditions may include, but are not limited to, any of the following:
 - 1. Conditions designed to prevent:
 - a. Violations of the Town's noise or nuisance standards;
 - b. Violations of any of the Town's Ordinances or Policies;
 - 2. Conditions to address:

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- a. Traffic mitigation; to include but not be limited to parking control measures, road guards, signage, barricade placement, etc.
- b. Event timing; to include but not be limited to hours of operation, setup time, takedown time, etc.
- c. Event signage; to include but not be limited to directional signage, information signage, display time, banners, etc.

3. Any other mitigation measures deemed necessary by the City Manager or his/her designee.

17.56.070 Permit Standards.

A. All special events held on private property shall be limited to no more than two consecutive weeks, including no more than two consecutive weekends. Any event for a longer period of time requires a conditional use permit.

B. All special events shall be publicly noticed at least ten days prior to the issuance of a permit, pursuant to the process outlined in State Planning and Zoning Law Section 65091, with a five-hundred-foot radius notification. However, if the event is not conducted on a single site, or is to be conducted within the public right-of-way, the applicant shall pay for the cost associated with the publication of the notice in a newspaper of general circulation at least ten days prior to issuance of a permit.

C. No more than two special event permits shall be issued in a twelve-month period for special events on any single private residential property.

D. Commercial activity shall be required to remit appropriate license fees or sales taxes.

17.56.080 Permit Revocation.

A special event permit may be revoked by the City Manager or his or her designee in the event of any violation of the special events permit or this Chapter.

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Chapter 17.56

SPECIAL EVENTS

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[17.56.010](#) Title.

[17.56.020](#) Purpose and Intent.

[17.56.030](#) Definitions.

[17.56.040](#) Permit Required.

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C. It is also the intent of this Chapter to defray the costs of processing applications, responding to calls for service surrounding events, and providing extraordinary services related to the specific event.

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3. Events that require the assistance of the Town for traffic control, public safety services, extraordinary parking control measures or other mitigation measures due to the special event will require a special event permit.
4. Responsible parties shall notify the Town of events that may result in additional impacts outside of the venue that require mitigation.
5. Responsible parties will be responsible for the direct costs of the Town for extraordinary costs in response to the event. In such cases, the responsible party will be required to obtain an after-the-fact special event permit, with a penalty as established by Resolution of the City Council in addition to being financially responsible for the Town's direct costs related to the event.

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17.56.050 Application Submittal Requirements.

The following items and information shall be submitted to the City Manager or designee:

- A. Completed application (application form supplied by the Town) submitted to the Town at least 60-days prior to the event.
- B. Detailed description of the event.
- C. Contact person available prior to and during the event.
- D. Application fee (as set by Resolution of the City Council).
- E. The anticipated number of attendees and number of vehicle trips per day.
- F. An on- and off-site parking and staging plan including the placement of barricades, etc.
- G. A deposit as determined by the Town for the direct costs of the funding of any additional security measures not provided by the applicant.
- H. A hold harmless agreement, naming the Town, its officers, employees, volunteers, and agents, and a certificate of insurance in the amount of two million dollars naming the Town as additional insured. The hold harmless agreement and certificate of insurance shall be reviewed and approved by the City Attorney.

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B. If a special event permit is issued by the City Manager or designee, he or she may impose any reasonable conditions to ensure the event will have a minimal impact on the community. Such conditions may include, but are not limited to, any of the following:

1. Conditions designed to prevent:

- a. Violations of the Town's noise or nuisance standards;
- b. Violations of any of the Town's Ordinances or Policies;

2. Conditions to address:

- a. Traffic mitigation; to include but not be limited to parking control measures, road guards,

- signage, barricade placement, etc.
 - b. Event timing; to include but not be limited to hours of operation, setup time, takedown time, etc.
 - c. Event signage; to include but not be limited to directional signage, information signage, display time, banners, etc.
3. Any other mitigation measures deemed necessary by the City Manager or his/her designee.

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A. All special events held on private property shall be limited to no more than two consecutive weeks, including no more than two consecutive weekends. Any event for a longer period of time requires a conditional use permit.

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C. No more than two special event permits shall be issued in a twelve-month period for special events on any single private residential property.

D. Commercial activity shall be required to remit appropriate license fees or sales taxes.

17.56.080 Permit Revocation.

A special event permit may be revoked by the City Manager or his or her designee in the event of any violation of the special events permit or this Chapter.

SCHOOL EVENT GUIDELINES

GUIDELINES FOR SPECIAL EVENTS HELD AT PRIVATE AND PUBLIC SCHOOLS WITHIN THE TOWN OF ATHERTON

The Town of Atherton requests public and private schools enforce the following special events guidelines with regards to non-school-related special events held on school property within the Town of Atherton;

1. Field use and outdoor functions shall be limited to the hours of 8:00 a.m. until 7:00 p.m. unless further limited by the school. Field use shall include setup, breakdown, warm-up, and practice sessions. Field use and outdoor functions shall be limited to the hours of 9:00 a.m. until 6:00 p.m. on Saturdays and 10:00 a.m. until 5:00 p.m. on Sundays, excluding non-coach/player interactions.
2. Indoor activities shall cease at 9:00 p.m.
3. No amplified noise equipment shall be used in conjunction with any outdoor activity.
4. Any lighting associated with field or outdoor functions use shall be shielded or downlit so the source of light shall not shine onto adjacent properties. A responsible school contact person shall be made available to immediately enforce any violation of the above-listed guidelines.

Any non-school-related event that is planned to occur outside of the above-listed guidelines (i.e.; earlier/later than the specified hours, use of amplified noise, spill over lighting) would be required to obtain a special events permit pursuant to section 17.38 of the Atherton Municipal Code.

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GUIDELINES FOR SPECIAL EVENTS HELD AT PRIVATE OR PUBLIC SCHOOLS AND COUNTRY CLUBS WITHIN THE TOWN OF ATHERTON

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Generally, events held at private or public schools and events held at country clubs will not require a special event permit from the Town. The Town has established the following guidelines for events held at private or public schools and at country clubs. Provided that the events comply with the following guidelines and do not require the assistance of the Town for traffic control, public safety services or response, extraordinary parking control measures or other mitigation measures due to the event – no special event permit will be required.

The Town of Atherton requires that public or private schools and country clubs enforce the following special events guidelines with regards to events held on property within the Town of Atherton:

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- Monday through Friday, field use and outdoor functions shall be limited to the hours of 8:00 a.m. until 8:00 p.m. unless further limited by the responsible party. Field use shall include setup, breakdown, warm-up, and practice sessions. Field use and outdoor functions shall be limited to the hours of 9:00 a.m. until 6:00 p.m. on Saturdays and 10:00 a.m. until 5:00 p.m. on Sundays, excluding non-coach/player interactions.
- Noise associated with any special event (indoor or outdoor) shall comply with the Town's Noise Ordinance (Municipal Code chapter 8.16).
- Any lighting associated with field or outdoor functions use shall be shielded or down lit so the source of light shall not shine onto adjacent properties.
- Parking shall be limited to on-site parking.
- There shall be no off-site signage, except those permitted under the Town's Sign Ordinance or those for which special exemption is granted by the Town.
- A responsible venue contact person shall be made available to immediately enforce any violation of the above-listed guidelines.

Events that are planned to occur outside of the above-listed guidelines (i.e.; earlier/later than the specified hours, anticipated noise in excess of the Town's Noise Ordinance, spill over lighting, off-site parking, off-site signage, etc.) are required to obtain a special events permit pursuant to sections 8.16 and 17.56 of the Atherton Municipal Code.

In the event of noise in excess of the Town's Noise Ordinance requirements, such permits may be denied at the time of application based upon a balancing of the interests of the applicant against those of the surrounding residents, to include but not limited to consideration of duration of the permit, frequency of occurrence, and number of persons benefit by the activity.

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