



## Item No. 16 Town of Atherton

### **CITY COUNCIL STAFF REPORT – PUBLIC HEARING**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**FROM: LISA COSTA SANDERS, TOWN PLANNER**

**DATE: JUNE 17, 2015**

**SUBJECT: CONSIDER AN ORDINANCE AMENDING ATHERTON MUNICIPAL CODE CHAPTER 17.56; SPECIAL EVENTS**

#### **RECOMMENDATION**

The Planning Commission recommends that the City Council conduct the public hearing and introduce the attached ordinance amending Atherton Municipal Code Chapter 17.56 regulating special events in Atherton.

#### **BACKGROUND**

The Special Event regulations were established to regulate events held in the public right-of-way (walk and bike a thons), house and garden tours, motion picture filming and fundraisers held on private properties. Atherton Municipal Code requires a Special Event permit for events held in the public right-of-way and events held on private property occurring over two or more days. The regulations do not currently regulate private fundraising events, weddings or large social gatherings occurring on private property on one day only.

Over the past several years, the Town has realized an increase in fundraising events that require significant Town resources. The Town has been unsuccessful in its efforts to seek reimbursement for its expenses as the ordinance does not govern these one-day events.

The City Council, at its November 19, 2014 meeting discussed revisions to the Special Events regulations and requested Planning Commission consideration of the item. The Planning Commission discussed the regulations at several public hearings. At the March 25, 2015 meeting, the Commission voted 5-0 to recommend the City Council adopt an ordinance amending the Special Event regulations.

The City Council, at its May 20, 2015 meeting, reviewed the Special Events Ordinance amendment and requested further revisions to the Ordinance. The City Council continued the

public hearing to the June 17, 2015 meeting. Staff has updated the Ordinance as directed by the City Council.

### **ANALYSIS**

The existing special event 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.

#### **Chapter 17.56 Special Events**

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

Section 17.56.020(C) is added to state: *“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.”* 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.

Section 17.56.040(C) has been modified to require a special event permit 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. It would only be required if the event requires the use of Town resources.

Section 17.56.060 (B) has been modified to provide the City Manager with the authority to impose reasonable conditions to ensure that the event will have minimal impact on the community. This 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**

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

Staff has expanded the guidelines for events held at schools and country clubs. Provided that the event complies with the guidelines and does 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.

## **SPECIAL EVENT ORDINANCE AMENDMENT**

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Per direction at the May 20, 2015 City Council meeting, the School Event guidelines have been revised to limit field usage on Federal holidays to the hours of 10:00am to 5:00 pm (consistent with the Sunday field usage limitation).

Generally, the guidelines limit activities to:

- The Planning Commission recommended the hours be limited to 8:00am until 7:00 p.m., Monday through Friday for field use and outdoor functions.
- Saturday – field use and outdoor functions are limited to the hours of 9:00 am to 6:00 pm
- Sunday and Federal holidays – field use and outdoor functions are limited to the hours of 10:00 am to 5:00 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).

A Special Event Permit is required for events that will exceed any of these guidelines.

The guidelines are intended to act as a framework to mitigate local impact. The guidelines are not intended 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 could result in an impact for which the guidelines should act as a standard.

### **POLICY ISSUES**

The City Council has a long-standing policy of achieving cost recovery for services provided. The update to the Special Events Ordinance is consistent with that policy as it provides a mechanism for the Town to seek reimbursement for events that require the use of Town's resources (police, public works, etc.).

### **FISCAL IMPACT**

The cost associated with preparation of the ordinance amendment is included within the Planning Department budget.

The Special Event permit fee is \$75 as established by City Council Resolution. The permit fee is paid for by the applicant (person or organization hosting the event). The adoption of the ordinance will provide a mechanism for the Town to recover its costs associated with events in Town. The Town will be able to seek reimbursement for the use of Town resources (Police, Public Works, etc.) associated with the special event.

**SPECIAL EVENT ORDINANCE AMENDMENT**

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**ENVIRONMENTAL IMPACT**

The project is Categorically Exemption per Section 15305 of the CEQA Guidelines. Section 15305 relates to Minor Alterations in Land Use Limitations as the ordinance amendment would not result in any changes to land use or density.

**PUBLIC NOTICE**

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the project is also disseminated via the Town's electronic News Flash and Atherton Online. There are approximately 1,200 subscribers to the Town's electronic News Flash publications. Subscribers include residents as well as stakeholders – to include, but not limited to, media outlets, school districts, Menlo Park Fire District, service providers (water, power and sewer), and regional elected officials.

Notice was also provided pursuant to the Town's Public Hearing provisions, which includes posting at Town bulletin boards and publication in a newspaper (The Almanac).

**FORMAL MOTION**

I move that the City Council waive further reading and introduce the ordinance entitled "An Ordinance of the City Council of the Town of Atherton Amending Chapter 17.56 of the Atherton Municipal Code" and adopt the Revised Special Event Guidelines.

**ATTACHMENTS**

1. Ordinance Amending Chapter 17.56 of the Atherton Municipal Code
2. Revised Special Event Guidelines

**ORDINANCE**       
**AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON  
AMENDING CHAPTER 17.56 OF THE ATHERTON MUNICIPAL CODE**

The City Council of the Town of Atherton does hereby ordain as follows:

**SECTION 1:** Chapter 17.56 is hereby replaced entirely to read as follows:

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.

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 permit process.

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

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.

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

17.56.030 Definitions.

Terms that are relevant to this Chapter are defined in Chapter 17.60 (Definitions).

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 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:

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 **or public property**, that requires the assistance of the Town for traffic control, public safety services, extraordinary parking control measures **waiver of any local, state, or federal ordinance**, 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.
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.

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.

#### 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:

- 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.

**SECTION 2:** That the City Council hereby declares that it would have passed this Ordinance sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that any provision in the Ordinance severable and, if for any reason any sentence, paragraph or section of this Ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.

**SECTION 3:** this Ordinance shall be posted in at least three public places according to law and shall take effect and be in force from and after 30 days after its passage and adoption.

Introduced on the \_\_\_ day of \_\_\_\_\_, 2015.

Passed and adopted as an ordinance of the City Council of the Town of Atherton at a regular meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 2015 by the following vote:

AYES COUNCILMEMBERS: \_\_\_\_\_

NOES COUNCILMEMBERS: \_\_\_\_\_

ABSENT COUNCILMEMBERS: \_\_\_\_\_

ABSTAIN COUNCILMEMBERS: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CTY CLERK

## SCHOOL EVENT GUIDELINES

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

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:

- Monday through Friday, 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 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 **and Federal holidays**, excluding non-coach/player interactions.
- Noise associated with any special event (indoor or outdoor) shall comply with the Town's Noise Ordinance.
- Any lighting associated with field or outdoor functions use, **where lights presently do not exist**, shall be shielded or down lit so the source of light shall not shine onto adjacent properties. **Temporary lighting may not be added without a special event permit.**
- Parking shall be limited to on-site parking.
- There shall be no off-site signage.
- 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 consideration of duration of the permit, frequency of occurrence, number of persons benefit by the activity, and other similar factors.