



# Monterey County

Item No.

## Board Report

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

Legistar File Number: 22-767

August 23, 2022

Introduced: 8/9/2022

Current Status: Agenda Ready

Version: 1

Matter Type: General Agenda Item

- a. Receive a presentation from the Housing and Community Development Department on its existing Special Events Program; and
- b. Discuss and provide direction regarding possible revisions to the Special Events Program, instituting a fee for special event applications, and the appropriateness of an unruly gathering ordinance; and
- c. Provide further direction to staff as appropriate.

Project File No.: REF150053/REF150054

### RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Receive a presentation from the Housing and Community Development Department on its existing Special Events Program; and
- b. Discuss and provide direction regarding possible revisions to the Special Events Program, instituting a fee for special event applications, and the appropriateness of an unruly gathering ordinance; and
- c. Provide further direction to staff as appropriate.

### SUMMARY/DISCUSSION:

On December 13, 2016, the Resource Management Agency (now two separate departments; Housing and Community Development (HCD) and Public Works Facilities and Parks (PWFP)) suggested that the Board of Supervisors (Board) consider adoption of a resolution establishing interpretive guidelines for Title 21 of the County Code regarding large-scale events. Upon consideration by the Board, it was decided to not adopt a resolution establishing interpretive guidelines and maintain the existing practices while promoting public participation using the special event task force meetings.

#### *Existing Special Event Program*

Special events are those events that occur infrequently, occasionally or from time-to-time. Special events are those events that are not the primary function of the establishment. Special events are typically held at golf courses, resorts, hotels, wineries, other non-residential properties or within the public right-of-way. Special events on residential properties are not subject to special event authorization. However, other provisions of the County Code would still apply (e.g., Noise Control Ordinance, tent permits, electrical permits). If events become more regular in occurrence and/or the property is functioning more as an event center, a land use permit may be required for the assemblages of people. There are also some properties within the County that have "grandfathered" or legal non-conforming rights to hold events.

For those special events that warrant HCD authorization, the current practice is to grant special events ministerially through the issuance of relevant permits. The special event authorization is the issuance of all the associated permits (e.g., tent permit, encroachment permit, food vendor permit, etc.). A special event permit is not issued per se, nor a fee collect for the processing. Fees are only collected for the individual permits through HCD or the applicable agency.

The event organizer will initiate the special event authorization process by filing the Special Event Information Questionnaire (Attachment A) with supporting documentation. Upon receipt, HCD staff creates a file number and routes Special Event Information Questionnaire to the reviewing agencies (Fire, Sheriff, California Highway Patrol, Environmental Health Bureau, HCD-Engineering and HCD-Planning). HCD will also conduct an initial review of the questionnaire and send out a follow up email to the event coordinators providing tent information, applications, and Environmental Health point of contact information, as needed.

Once the questionnaire is routed, an internal HCD workgroup meeting is held on the third Thursday of each month to discuss the events and to prepare the draft agenda for the Special Event Task Force, which is meeting on the fourth Thursday of every month. Prior to COVID, the internal workgroup included other regulatory agencies. Once special events were able to resume, HCD invited the other regulatory agencies to only to the Special Event Task Force meetings, but not the internal workgroup meetings. It is likely that HCD will reengage the agency in the internal meeting in the future.

The Special Events Task Force meetings are to form a partnership between event planners and regulatory agency staff to provide support addressing life, health and safety issues. The purpose of these meeting is to guide event organizers through the various individual permits, to familiarize them with agency staff who will be their points of contact, and to have an open discussion with stakeholders on any concerns regarding an event. Unless a road closure is proposed, no public notice is warranted for the ministerial permits. The Special Event Task Force meetings provide a means for public engagement.

Through the meetings and other means of communication, the event coordinator is provided additional information need to complete the process. Once all of the comments and concerns have been addressed the associated permits are issued concurrently allowing the event to occur upon the proper inspections by the agencies.

#### *Special Event Program Enhancements*

As directed by the Board in 2016, HCD has maintained its current practice while bolstering the use of the Special Events. The Program seems to be operating in an effective manner with limited criticism. The issues and concerns related to the individual special events typically find resolution. After reopening events in 2021, following the decline in COVID case, HCD has only denied one event that proposed a road closure in Carmel Valley during Car Week. HCD did receive one compliant following Car Week related to congestion on the roadways that restricted the individual from transporting another individual that was having medical issues.

HCD has made created a GIS based application to inform the public on congestion resulting from Car Week. The application recently won a state award for innovation. HCD and the Office of Emergency Service, along with other state agencies, collaborate closing on Car Week and other large scale special events.

The number of special events occurring annually is on the raise. In 2018, the department processed 31 special event requests. The following year, in 2019, 60 special event requests were processed. In the year 2020, due to COVID, the number of events feel to 25. However, in 2021 the number of special events processed grow to 66. This year, the department has process 84 special event requests.

It is staff's opinion that the Program is functioning in an efficient and effective manner. That said, there may be some opportunity for further administrative enhancements that could include the following:

- Revamp the Questionnaire so it reads like an application.
- Update the Special Events website to be more user friendly.
- Invite agencies back into the internal workgroup meetings.
- Establish an annual authorization process for common special events at specific locations (e.g., Pebble Beach).
- Provide public notices for specific event types or sizes (e.g., events with over 50 attendees or events with live entertainment).
- Increase media communications in advance of large-scale events.

Staff seeks the Board's concurrence that the Special Event Program is generally functioning properly, discuss opportunity for improvement, and direct staff to proceed with implementing suggested administrative enhancements. As an alternative, the Board could direct staff to develop a more comprehensive Special Event Program either by resolution or ordinance, depending on the criteria applied. If so, staff would return at a later date with its revised program recommendation.

#### *Special Event Processing Fee*

Staff also seeks the Board's input on the appropriateness of a fee for processing special event applications. HCD does not charge a special events fee to cover administrative costs of processing and monitoring the special event application. Based upon staff's analysis, it appears that some other cities like Marina, Greenfield and Carmel-by-the-Sea recoup administrative costs through fees while cities like Soledad, Gonzales, Del Rey Oaks and Seaside do not collect. Special events are typically profitable, and one may say that the events should have the burden of paying application fees. On the other hand, special events also generate revenue through the collection of transient occupancy and sales tax. If the Board finds that a processing fee is appropriate staff would return later with a formal recommendation to establish such a fee.

#### *Unruly Gatherings*

During the Board's recent consideration of the Noise Control Ordinance, the Board requested that staff return seeking further direction on the potential development of an "unruly gatherings" ordinance like the City of Salinas (Attachment B). An "unruly gathering" may be defined as a gathering on any private property, including property used to conduct business, in a manner which causes a disturbance

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of the quiet enjoyment of private or public property by any person or persons. Such disturbances may include, but are not limited to, excessive noise or traffic, obstruction of public streets by crowds or vehicles, drinking in public, the service of alcohol to minors or consumption of alcohol by minors, fighting, disturbing the peace, and littering.

It is staff's opinion that the nuisances generally described as "unruly gatherings" would be enforceable under other provisions of the County Code and state law. For example, the County's Social Host Ordinance (a formal course of action to combat underage drinking), Noise Control Ordinance, and littering provisions have means to enforce the applicable public nuisances, in addition to enforcement under the Health & Safety and Penal Codes. However, should the Board desire to have added protections it may direct HCD staff to work with the Sheriff's Office and the County Counsel Office on a more comprehensive analysis that may include the propagation of regulations.

#### OTHER AGENCY INVOLVEMENT:

HCD coordinates with the Fire, Sheriff, California Highway Patrol and Environmental Health Bureau on special event requests.

#### FINANCING:

Funding for staff time associated with administrative enhancement in the Special Event Program is included in the FY2022-23 Adopted Budget within Community Development General Fund 001, Appropriation Unit HCD002, Unit 8543. Development of additional rules and regulations related to special events or unruly gatherings were not anticipated in the Adopted Budget or long range work program.

#### BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This action represents effective and timely response to HCD customers and the general public. Processing special event requests in accordance with all applicable policies and regulations also provides the County accountability for proper management of our land resources.

- ☐ Economic Development
- ☒ Administration
- ☒ Health & Human Services
- ☒ Infrastructure
- ☐ Public Safety

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The following attachments are on file with the Clerk of the Board:

Attachment A - Special Event Information Questionnaire

Attachment B - City of Salinas, Article XI. - *Cost Recovery for Responses to Disturbances and Unruly Gatherings*