



## Legislation Text

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**File #:** 2022-0936, **Version:** 1

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**To:** Sonoma County Board of Supervisors

**Department or Agency Name(s):** Permit Sonoma

**Staff Name and Phone Number:** Bradley Dunn, Department Program Manager (707) 565-6196

**Vote Requirement:** Majority

**Supervisorial District(s):** Countywide

**Title:**

10:00 AM -Public Right of Way Special Events Permitting Ordinance Amendment

**Recommended Action:**

Adopt a resolution, (1) reading the title of, (2) waiving further reading of, (3) introducing for adoption an ordinance to amend Article VI of Chapter 15 of the Sonoma County Code related to permitting of special events held in the public right of way; (4) finding that the proposed action is not subject to CEQA pursuant to 14 CCR Sections 15061(b)(3), 15301, and 15323; and (5) approving the filing of a Notice of Exemption pursuant to 14 CCR Section 15062.

**Executive Summary:**

At its September 28, 2021 hearing, the Board of Supervisors (Board) directed Permit Sonoma to reform public right of way special events permitting to promote event safety and limit impacts on surrounding communities.

This policy initiative only affects the permitting of special events held in the public right-of-way, which are a form of encroachment permit issued under Chapter 15. Such events are part of the county's cultural fabric and drive economic activity. This policy initiative is separate from and does not affect the issuance of land use entitlements for the use of private property pursuant to Chapter 26 (zoning ordinance) for various types of events, such as periodic special, cultural, or winery events, as defined in Chapter 26. The County has separately initiated an update of Chapter 26 (zoning ordinance) for winery events, which is in process.

Currently, pursuant to Chapter 15, Permit Sonoma ministerially issues Public Right of Way Special Events permits in accordance with permitting standards that protect public health and safety. Ministerial standards do not permit the exercise of discretion on a case-by-case basis to craft tailored conditions for individual permits to respond to the unique circumstances presented by different events and routes. The proposed ordinance would make the permits discretionary, with clear standards to guide the discretion of officials issuing the permits.

Additional process improvements are also proposed to minimize temporal and locational conflict between events, improve sustainability, and provide a process for issuing permits further in advance to enhance event planning particularly for larger or reoccurring events.

These ordinance changes will allow Permit Sonoma to utilize best practices to reduce costs and

holistically regulate public right of way events.

The Special Events Permitting Reform Project has proposed ordinance and process improvements to:

- A) Make events in the public right-of-way safer, including for participants and pedestrian and vehicle traffic;
- B) Improve the community event calendar so event planners can minimize conflicts;
- C) Decrease burdens on the community, applicants, first responders, and staff;
- D) Make events more sustainable with waste-diversion requirements; and
- E) Enhance intergovernmental communication and efficiency.

### **Discussion:**

Residents and visitors alike enjoy a variety of events in the public right-of-way, ranging from parades and fairs, to charity walk-a-thons, athletic events and other gatherings. Many of these events have become part of our cultural fabric - Penngrove's July Fourth "Biggest Little Parade in Northern California," Russian River Pride Parade, Geyserville Christmas Tractor Parade, Santa Rosa Marathon, Wine Country Century, and Levi's Gran Fondo.

Sonoma County remains an in-demand destination for special events. Between 2016 and 2019, Sonoma County averaged annually 55 permitted events in the right-of-way, seven of these were athletic events that had 2,500 or more participants. In 2019, the largest event, Levi Leipheimer's King Ridge Grand Fondo, had 5,500 competitors plus spectators and support staff.

The present proposal provides for enhanced regulation overall and particularly of certain cycling events that currently do not require a permit under Chapter 15. For instance, on September 25, 2021, the permitted IPA 10k foot race required closure of a road that the Wine Country Century cycling event planned and attempted to use for its route. The cycling event did not require a permit under Chapter 15. By requiring permits for both, conflicts like this can be avoided.

In general, providing for discretionary permits that can impose tailored conditions to address each event, in the context of other already permitted events, with a well-organized and publicized calendar, will protect neighborhoods, aide event planners, enhance public safety, avoid conflicts.

### **Legislative History**

The Board of Supervisors has enacted several measures to regulate and coordinate events and to ensure the protection of public health and safety. In 1985, the Board adopted Chapter 15, Article 6 to regulate events encroaching on the public right-of-way. In 1993, the Board passed Ordinance 4643 authorizing the regulation of cultural events on property in unincorporated Sonoma County through the Zoning Ordinance, Chapter 26, Article 22.

### **Making Events in the Public Right-of-Way Safer**

Under the current code, Permit Sonoma requires permits for events in the right-of-way to protect health and safety. Special events road closures and use of county roads can create challenges for response times for emergency personnel. Permits allow for Permit Sonoma, tribal governments, municipalities, state agencies,

and first responder partners, and the Transportation and Public Works Department to coordinate efforts and identify conditions to address these challenges.

The current ordinance has an exemption for bicycling events, no matter the size, that obey the California Vehicle Code (CVC). Experience has shown that, during larger events, it is not practical or realistic to expect cyclists to come to a full stop at sign- or signal-controlled intersections because riders behind them do not have time to stop. This exemption prevents the County from knowing about events in advance and collaborating with affected entities and partners to improve public safety.

Furthermore, without permitting and intergovernmental coordination, Tribal partners and first responders often hear about events with little notice. Without the cost recovery from permitting, departments must spend resources they cannot recover or their ability to protect against emergencies can be impaired.

The proposed ordinance will address these concerns by:

- Creating the express ability to regulate overlapping events to prevent temporal and locational conflicts;
- Limiting the exemption for bicycle events that follow the California Vehicle Code to events with less than 250 participants; and
- Removing the exception for bicycle events that follow the California Vehicle Code that have more than 100 participants and a mass start, award a winner, or use the time from the event to qualify for other events.

### **Minimizing Conflicts, Permitting Future Events, and Improving the Special Events Calendar**

When different event organizers hold events in the same area or on the same day, unintended hazards can be created for participants and for the surrounding communities in which events are held. Multiple unregulated events can unintentionally impair emergency response, traffic, and safety. The proposed ordinance amendment, by regulating more events that are happening but that are presently unregulated, would allow County to reduce conflicts. Applications would be considered on a first come, first served basis, and all events included in a master calendar.

The [Special Event Calendar <https://sonomacounty.ca.gov/PRMD/Special-Events-Calendar/>](https://sonomacounty.ca.gov/PRMD/Special-Events-Calendar/) provides a centralized repository for public right-of-way special events in unincorporated Sonoma County. An effective calendar would provide the public, Tribal partners, municipalities, state agencies, first responders, and event promoters, with important information about use of the public right of way. Event sponsors can use this information to guide their selection of future dates to proposed on their permit applications under Chapter 15. Permit Sonoma is proposing two main improvements to our Special Events Calendar:

- A) Expanding the calendar to include more events in the right-of-way; and
- B) Allowing applicants to submit a single application for multiple events, where the events are a reoccurrence of essentially the same event at a series of future dates. Events would be evaluated together, reducing costs. Conditions of the permit will require safety checks for road and other hazards 30 to 60 days before each occurrence of the reoccurring event series.
- C) Allowing for applications for events up to five years in advance so the calendar provides a longer outlook and reducing costs.

The current Special Events Calendar does not capture unpermitted bicycle events or events that are not yet permitted. Permitting a greater percentage of public right of way special events, at an earlier point in time, will make the calendar more useful to event planners, public agencies, residents, and visitors. As mentioned above, bicycling events that are exempt from permitting are left off the calendar, as the county is not necessarily aware of events it does not permit. The more comprehensive the calendar is, the more utility it will have as an information and planning tool.

While the changes to the ordinance will allow for Permit Sonoma to consider and minimize overlapping events in the right of way, the improved calendar will help Sonoma County residents and business owners consider such events when planning their weekend priorities. In addition to being able to look at a more complete calendar, there will be a new district specific special event email lists that will regularly update residents about future events.

The second proposed change to the calendar process is letting event planners obtain permits for reoccurring events on specific future dates further in advance. Currently, an event planner for an event like a Fourth of July parade can file a permit up to one year before the event but no more. The ordinance creates an event type for regular reoccurring events like annual parades or monthly farmers markets. Letting promoters secure reoccurring dates for up to five years in advance for the same event helps reduce costs, create more certainty for promoters, and allows communities to prepare for events.

The ordinance proposes allowing applicants to submit multiple dates for substantially similar events. Events would be evaluated together, reducing costs. Conditions of the permit would, among other things, require safety checks for road and other hazards 30 to 60 days before the event. Combined with the ability to apply for events further in advance, these amendments will help the Special Events Permitting Project make securing permits quicker and easier for community events with minimal changes from year to year. Conditions on permits for dates in advance would require, as a condition of approval, an evaluation of road and other hazards closer to the event before it could continue. People across Sonoma County look forward to community events like the Penngrove 4th of July parade. These events are often annual and are essential to the county's cultural fabric and making securing these permits easier is a key component of this initiative, while maintaining essential safety checks to account for changing road conditions like construction.

### **Require More Sustainable Events with Waste-Diversion Requirements**

Special events often produce waste like water bottles and single-use disposable food-ware items. Sonoma County has long been an environmental sustainability leader. The ordinance would extend that leadership to special events because permit conditions could be tailored to address the sustainability of events, including waste and generated by events. Permit Sonoma will work with Zero Waste Sonoma, Sonoma County's waste management agency to identify and implement best practices like waste-diversion requirements, requirements for large events to hire a zero-waste greener, creating a how-to guide for running a zero-waste event, and annual training for event promoters on Zero Waste best practices.

### **Enhance Intergovernmental and Applicant Communication and Collaboration Through Process Improvements**

Permit Sonoma staff, other agencies, and event applicants have all expressed a desire to improve communications. Currently, applicants must work to apply for zoning and encroachment permits based on the type of event they are holding, where they are siting rest stops, and the beginning and end of the event. Permit Sonoma will be adding right of way special events to its online permitting wizard. The wizard will ask customers questions about their events and help ensure they get the right permits for all aspects of their event, not just the road encroachment, when they apply. For example, outreach has identified applicants needing additional permits for event components located outside of the public right of way like rest stops, staging areas, or signage that. Some of these other permits may be land use permits required for use of private property under the zoning code.

Permittees must also coordinate separately with multiple departments, law enforcement, and municipalities within the county to secure permits. Under the current system, staff also conduct similar coordination in an ad hoc manner. Permit Sonoma will begin implementing standing intergovernmental committee meetings to solicit comments from partner agencies to address any health and safety concerns in real-time.

Other jurisdictions, such as San Francisco, Seattle, Washington, and Madison, Wisconsin, use a similar structure. Staff in San Francisco reported that the centralized committee improved communication and problem-solving among departments and applicants. In a survey sent to all 2019 permit applicants, 100% of respondents said that such a committee would either be helpful or very helpful.

**Strategic Plan:**

Not Applicable

**Prior Board Actions:**

Not Applicable

**FISCAL SUMMARY**

**Narrative Explanation of Fiscal Impacts:**

Not Applicable

**Narrative Explanation of Staffing Impacts (If Required):**

Not Applicable

**Attachments:**

- Attachment 1: Resolution
- Attachment 2: Ordinance - Redline
- Attachment 3: Ordinance - Clean
- Attachment 4: Staff PowerPoint

**Related Items "On File" with the Clerk of the Board:**

Not Applicable