



Public Safety Committee Memorandum

City of Arts & Innovation

TO: PUBLIC SAFETY COMMITTEE MEMBERS DATE: SEPTEMBER 18, 2019

FROM: COMMUNITY & ECONOMIC DEVELOPMENT WARDS: ALL
DEPARTMENT AND RIVERSIDE POLICE
DEPARTMENT

SUBJECT: PLANNING CASE PSP 19-0040 – ESTABLISH ENTERTAINMENT PERMITS (TITLE 5), AMEND TITLE 7 (NOISE CONTROL), ESTABLISH CITYWIDE REGULATIONS FOR LOUD OR UNRULY GATHERINGS (TITLE 9) AND FOR STREET PERFORMERS (TITLE 13) - DIRECT SUBMITTAL

ISSUES:

Provide input on proposed amendments, for future City Council consideration, to the Riverside Municipal Code to promote the public health and welfare and preserve the quality of life for the citizens and visitors of the City of Riverside by recommending the following ordinances: 1) establish an Entertainment Permit in Title 5 (Business Taxes, Licenses and Regulations); 2) amend Title 7 (Noise Control); 3) establish regulations in Title 9 (Peace, Safety & Morals) for Loud or Unruly Gatherings regulations; and 4) establish regulations in Title 13 (Streets, Sidewalks, Trails and Trees) for Street Performers.

RECOMMENDATIONS:

That the Public Safety Committee recommend that the City Council adopt ordinances amending the Riverside Municipal Code as follows:

1. Title 5 (Business Taxes, Licenses and Regulations) – establishing an Entertainment Permit with corresponding regulations;
2. Title 7 (Noise Control) – clarifying and simplifying noise disturbances;
3. Title 9 (Peace, Safety & Morals) – establishing rules and regulations regarding Loud or Unruly Gatherings; and
4. Title 13 (Streets, Sidewalks, Trails and Trees) - establishing rules and regulations regarding Street Performers.

BACKGROUND:

The City of Riverside is experiencing a great deal of investment in residential, retail, restaurant and entertainment projects throughout the City. The changes bring with them differing priorities related to equity, safety and livability that can result in unexpected conflict. Conflicts can include

noise complaints, increased traffic in residential neighborhoods or blocking sidewalks and public rights-of-way to name a few. This is especially true of areas such as residential neighborhoods or downtown where residents live and nightlife can sometimes continue into early morning hours. To address the potential conflicts, several changes to the Riverside Municipal Code are being proposed including:

1. Establishing Entertainment Permit regulations;
2. Amending the Noise Control regulations;
3. Establishing Loud or Unruly Gathering regulations; and
4. Establishing Street Performer regulations.

DISCUSSION:

The following summarizes the changes to the Riverside Municipal Code for each of the regulations proposed.

Entertainment Permit - Title 5 (Business Taxes, Licenses and Regulations)

The City Council recognizes that arts and culture provides a means for the City to offer a rich and diverse cultural experience for the residents and visitors to the City. Entertainment venues can provide a safe place for families and young adults to gather for such activities, but they can also generate excessive noise and disorderly conduct. This can have an adverse impact on the City, its residents, businesses, and visitors.

Today, entertainment venues are regulated through the issuance of a Conditional Use Permit (CUP) approved by the Development Review Committee, the Planning Commission or City Council. The CUPs vary in terms of the requirements related to operating hours, amplification of music, security and other requirements. In entertainment venues established prior to the CUP requirements, some venues operate with no permit at all. Ensuring that all venues are following the same rules allows for equal enforcement by the Riverside Police Department and simpler, more consistent expectations for business owners.

Amending Title 5 to include an Entertainment Permit (Attachment 1) administered by the Police Department provides an alternative mechanism to regulate entertainment activities in the City. Requirements for the Entertainment Permit include:

1. Providing the Chief of Police the ability to engage in early intervention along with more immediate, reasonable, and incremental sanctions for businesses offering entertainment, up to and including revoking Entertainment Permits.
2. Superseding the CUP entertainment conditions of approval to eliminate possible conflicts.
3. Requiring renewal every two years.
4. Requiring an initial fee of \$1,224.50 and \$649 for a renewal fee based on the actual cost of service for the Police Department.
5. Prohibiting transfer of the Entertainment Permit.
6. Developing a "Tiering" system that includes Tier 1 which is the least restrictive to Tier 3, the most restrictive including, but not limited to:
 - a. Hours of operation;
 - b. Responsible party for proper monitoring including admissions, conduct, crowds and closing;
 - c. Noise levels including ambient music and amplification; and

d. Security plan measures.

To implement the Entertainment Permit, steps would include (Attachment 2):

1. Allowing a 120 day “grace period” beginning January 1, 2020 for Entertainment Permit applications with no fees for businesses that are currently offering Entertainment that includes:
 - a. The initial fee for the Entertainment Permit; and/or
 - b. The fee to void the entertainment related CUP conditions only (if applicable); and/or
 - c. Police Department inspections for all Entertainment Permits.
2. Requiring inspection and plan fee if physical or operational modifications have been made, without the required approvals, for businesses with a CUP or for businesses that have not obtained a CUP. (e.g., Fire Prevention or Building & Safety - note - If needed, all inspection and plan review fees would be the responsibility of the applicant).
3. Requiring all Entertainment Establishments, including those with no CUP, to obtain an Entertainment Permit within 180 days of adoption of the ordinance and prohibiting Entertainment in that Entertainment Establishment until the Entertainment Permit is obtained; and
4. Amending Title 19 (Zoning) to reflect changes as it relates to Assemblies of People – Entertainment including allowing the Director of Community & Economic Development to void CUP conditions related to Entertainment only.

Title 7 (Noise Control)

Title 7 regulates noise levels that could impact the public health, safety and welfare of residents in Riverside and mitigates potential noise conflicts. Title 7 states that creating, maintaining, causing or allowing to create, maintain or cause any disturbing noise is a public nuisance. The City seeks to minimize noise levels and mitigate impacts of noise to ensure a safe and healthy living environment. The changes to the Noise Control regulations are primarily clean-up items that provide additional clarity to those enforcing the regulations (Attachment 3). Proposed changes include:

1. Redefining “Noise disturbance” as any sound which, as judged by a City police officer or code enforcement officer, annoys or disturbs a reasonable person of normal sensitivities or exceeds a standard set forth in the Noise Control regulations.
2. Providing criteria for an officer to use in determining if a noise disturbance is occurring including, but not limited to sound levels of objectionable and ambient noise, zoning, population density, day and time, duration of the noise and the type of noise to allow them to use reasonable judgement to determine if the noise is a public nuisance.
3. Adding fines and penalties that escalate as repeated violations occur.
4. Reducing redundancies in the regulations to eliminate specific types of violations covered in other sections of the Noise Control regulations.
5. Exceptions from the regulations related to specific school events between the hours of 7:00 a.m. and 11:00 p.m., warning devices, and agricultural activity, operation and facilities.

Loud or Unruly Gatherings - Title 9 (Peace, Safety & Morals)

Loud or Unruly Gatherings in the City of Riverside can negatively impact the public health, safety and general welfare of its residents. Whether occurring on private property or on public rights of ways, they can threaten the enjoyment of property. To mitigate the negative impacts of loud or

unruly gatherings, regulations are proposed to reduce incidences of public nuisance arising from disruptive parties and similar activities.

In the proposed regulations (Attachment 4), a Loud or Unruly Gathering is defined as a gathering of persons on any private property or any public right of way for an activity that results a public nuisance or a threat to public health, safety, welfare. Public nuisances include, but are not limited to, excessive noise, traffic, obstruction of streets and sidewalks, serving alcohol to minors, public intoxication, fights, vandalism, litter and disturbance of the peace. A summary of the regulations includes, but is not limited to:

1. Prohibiting Loud or Unruly Gatherings.
2. Identifying a Responsible Party that could include the property owner, a lessee or someone attending a gathering at the discretion of the police officer.
3. Prohibiting large, noisy gatherings that charge admission, charge for refreshments or are advertised to the public prohibited (except if they are allowed by the Code or a valid permit such as an Entertainment Permit or Special Events Permit).
4. Enabling officers to order guests to disperse, issue citations or make arrests if necessary.
5. Subjecting repeat offenses to escalating penalties.

Street Performers - Title 13 (Streets, Sidewalks, Trails and Trees)

The City of Riverside is interested in regulating Street Performers to preserve the Performer's right to free expression, without impacting public safety. With Street Performers, large crowds can gather and block pedestrian and vehicular circulation which can result in serious safety concerns. If individuals cannot move safely on sidewalks or along a street, residents, businesses and visitors can be negatively impacted. By placing reasonable time, place and manner restrictions on Street Performers (Attachment 5), they can perform, their audiences can enjoy their performances and there is no unreasonable interference to residents and businesses.

The proposed Street Performer regulations include, but are not limited to:

1. Prohibiting where Street Performers can locate, such as ten (10) feet from bus stops, street corners or entries to businesses.
2. Requiring crowd control and safe public passage including restrictions to where equipment can be placed.
3. Ensuring there is no charge for the performance.
4. Ensuring public safety by prohibiting objects that could cause bodily injury.
5. Prohibiting minors from performing without a work permit.
6. Prohibiting noise levels that exceed Title 7 (Noise Control).
7. Enabling officers to order Performers to relocate, crowds to disperse, issue citations or make arrests if necessary.
8. Subjecting repeat offenses to escalating penalties.

Outreach

Staff met with stakeholders including businesses and current entertainment venues at a series of meetings to obtain input and feedback. A summary of questions is included with this staff report (Attachment 6). Feedback is generally related to:

- Process, exemptions, tiering and costs for Entertainment Permits;
- The definition related to reasonable levels of noise for Noise Control;
- Applicability of the Loud or Unruly Gatherings to existing businesses; and

- Additional regulations relating to time and location for Street Performers.

The Chief of the Fire Department concurs with the staff report.

FISCAL IMPACT:

This report is a summary of proposed amendments to the Riverside Municipal Code. There is no fiscal impact associated with 1) amendments to Title 7 (Noise Control); 2) establishment of regulations in Title 9 (Peace, Safety & Morals) on Loud or Unruly Gatherings regulations; or 3) establishment of regulations in Title 13 (Streets, Sidewalks, Trails and Trees) on Street Performers.

As it relates to the establishment of the Entertainment Permit in Title 5 (Business Taxes, Licenses and Regulations), staff estimates that approximately 50 venues in the City of Riverside would require Entertainment Permits. If all Entertainment Establishments are required to pay the initial fee proposed, the one-time impact to the General Fund would be an additional \$61,225 which would offset the cost for the time staff spends on application processing. If a “grace period” is granted, no additional funds would be collected to offset this cost.

Imposing a renewal fee would result in an impact of an additional \$32,450 to the General Fund, for each renewal cycle (2 years), to offset the cost for the time staff spends on application processing.

Prepared by: David Welch, Director of Community & Economic Development and
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Certified as to
availability of funds: Edward Enriquez, Chief Financial Officer/Treasurer

Approved by: Rafael Guzman, Assistant City Manager

Approved as to form: Gary G. Geuss, City Attorney

Attachments:

1. Title 5 - Draft Entertainment Permit Regulations
2. Entertainment Permit Process
3. Title 7 - Draft Noise Control Amendments
4. Title 9 - Draft Loud or Unruly Gathering Regulations
5. Title 13 - Draft Street Performer Regulations
6. Summary of Outreach
7. Presentation