

PLANNING CASE PSP19-0040 – ESTABLISH ENTERTAINMENT PERMITS (TITLE 5), AMEND TITLE 7 (NOISE CONTROL) AND ESTABLISH CITYWIDE REGULATIONS FOR LOUD OR UNRULY GATHERINGS (TITLE 9) AND STREET PERFORMERS (TITLE 13)

Summary of Outreach

Entertainment Permit

Process

1. Will the Police Department manage the program?
Yes, Entertainment Permits will be reviewed, approved and monitored by the Riverside Police Department.
2. Who at the Police Department approves the Entertainment Permit?
Entertainment Permits will be approved by the Chief of Police or his or her designee.
3. When will the Entertainment Permits renew (on the anniversary or the same time of year)?
Entertainment Permits will be due for renewal on the anniversary of issuance.
4. Why is entertainment being separated from the land use process?
Entertainment is an operational, intermittent activity occurring within an established, permanent use, such as a restaurant, bar, banquet facility, or similar establishment. The use is permitted separately through the City's Planning Division. The proposal is to regulate the two separately allowing the use to operate with or without entertainment.
5. How will Title 19 be changed as it relates to entertainment regulations?
Required changes to the Permitted Land Uses Table, the specific regulations on Assemblies of People uses, Temporary Use Permits, and Definitions of Title 19 have been identified. Other minor changes will be required for internal consistency and will be presented to the Planning Commission and City Council if the Entertainment Permit moves forward.
6. What is the appeal process for the Entertainment Permit?
The approval or disapproval of an Entertainment Permit, conditions of that permit, or escalation to a higher tier may be appealed to the City Clerk, who will set the appeal for an Administrative Hearing before a third-party Administrative Hearing Officer. This process mirrors the City's Code Enforcement administrative hearings.

Regulations

1. Can there be open door policy so businesses can open doors and windows (Tier 1)?
In Tier 1 there are no requirements for doors to be closed at a business. Entertainment establishments would still be subject to compliance with the Noise Control ordinance and, if violated, could be moved to Tier 2 where doors must be closed
2. Should there be different hours of operation for outdoor entertainment?
Tier 1 Entertainment Permits will allow outdoor entertainment 10:00am to 10:00pm on Sunday through Thursday and 10:00 a.m. – 12:00 a.m. and on Friday and Saturday. Only indoor entertainment will be allowed until 2:00 a.m. seven days per week.
3. Is a permit needed for each entertainment event in a venue?

No. A venue need only maintain a single Entertainment Permit, under which any events or performers would be covered for the duration of the Permit.

Exemptions

1. Is it possible to carve out some amplification to also be exempt (e.g. organs)?

The exemption for ambient or incidental music will include some specific musical instruments, such as organs.

2. Are City-owned venues (Fox, RMA, Convention Center, etc.) exempt from the Entertainment Permit?

City-owned, third party-operated venues will be exempt.

3. Would promoters at a City-owned venue have to get Entertainment Permits?

With the exception of outdoor entertainment, individual vendors, promoters or performers will not be required to obtain an Entertainment Permit.

4. Do hotels need an Entertainment Permit?

Hotels with more than 50 guest rooms will be exempt from the Entertainment Permit requirement.

5. Are dance studios subject to Entertainment Permit?

Instructional dance and other fitness or recreational activities will be exempt.

6. Are arcades exempt?

Video game arcades will be exempt unless entertainment activities are provided in addition to games.

7. How would this apply to the Culver Center or other State or Federally owned venues?

Entertainment activities directly sponsored by a public agency will be exempt. Entertainment venues in publicly owned buildings that are leased or rented by third-parties will not be exempt.

Costs

1. What is the Entertainment Permit cost to the business owner (initial and renewal)?

The recommended initial application fee will be \$1,224.50 with renewal required every 2 years at a cost of \$649.00.

2. Is the size of the venue or its occupancy considered as it relates to the cost of the Entertainment Permit?

Fees based on occupancy/business size were considered, but a fixed fee, based on a bi-annual renewal, is recommended.

3. Can the cost for renewal be tied to Tiers to reward good behavior?

- a. In Tier 1 all year – lowest cost
- b. If in Tier 2 at any time in year – cost goes up
- c. If in Tier 3 at any time in the year – cost is the highest

A sliding scale was considered, but a fixed fee, based on a bi-annual renewal, is recommended.

4. Can fees for renewal be required of only those where complaints have occurred so that they are fined and pay renewal fees?

A fee based on venue "behavior" was considered, but a fixed fee, based on a bi-annual renewal, is recommended.

5. Can the Entertainment Permit application be put on line to save costs for businesses?

The application form will be available online, but a complete application will require wet-ink signatures.

6. Will the cost of Conditional Use Permit (CUP) go down because the Entertainment Permit is a new fee?

Conditional Use Permit application fees will not be affected. Establishments may realize savings as the cost of the CUP will no longer be required for entertainment activities.

7. What will be done to ensure the cost does not turn in to an unreasonable tax?

Fees and charges levied for services or programs are based on reasonable estimates of the actual cost to the City to provide those services. The City Council will consider those costs and other factors in determining the appropriate fee amount, based on a recommendation and justification provided by Staff.

Tiering

1. Will tiering discourage bars from calling in problems?

Occurrences at a venue does not necessarily constitute a violation subject to tier escalation, provided the Police Department determines the venue made reasonable efforts to prevent or end it. The Police Department will develop training bulletins for officers to help them make that determination.

2. What time do alcohol sales end when in Tier 2 and 3?

Entertainment permits will not regulate alcohol sales which are regulated by the ABC.

Noise Control

1. Can the noise disturbance definition be more definitive to clarify what is "reasonable" (cause, consistency, and cure) to avoid inequity of enforcement?

The proposed standard of reasonability is designed so that a Police Officer considers the context of the reported disturbance. The Police Department will prepare training bulletins to ensure that officers are applying the standard consistently and fairly.

2. Are there still time limits on noise and determining what is reasonable?

Exterior and interior noise level limits, expressed in decibels, will remain in effect and are used by Code Enforcement Officers. These noise level limits will continue to be based on type of land use (residential, commercial, etc.) and time of day or night (from 7:00am to 10:00pm or from 10:00pm to 7:00am). The proposed changes to the Noise Control ordinance will provide an additional enforcement mechanism to complement the existing noise level limits.

Loud or Unruly Gatherings

1. Would this apply to bars in the City?

Activities covered by a lawful permit or other approval – such as an Entertainment Permit, Temporary Use Permit or Special Event Permit – will be exempt from the Loud or Unruly Gatherings regulations.

Street Performers?

1. What if the quality of the street performer is “bad”?

The City cannot regulate the content (including subjective perceptions of “quality”) of performance or other speech acts.

2. Can we regulate the hours for Street Performers and increase the radius from residential uses (quiet zone)?

Consideration was given to limiting the hours and locations permissible for street performance, but is not recommend at this time. Street performers will be subject to the Noise Control Ordinance and regulations on loud or unruly gatherings, which will serve to control excessively noisy or disturbing performances.