

City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: OCTOBER 22, 2019

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

SUBJECT: PUBLIC HEARING - PLANNING CASE PSP 19-0040 – ESTABLISH AN ENTERTAINMENT PERMIT (TITLE 5), AMEND TITLE 7 (NOISE CONTROL), ESTABLISH CITYWIDE REGULATIONS FOR LOUD OR UNRULY GATHERINGS (TITLE 9) AND FOR STREET PERFORMERS (TITLE 13) AND ADOPT A RESOLUTION ESTABLISHING AN ENTERTAINMENT FEE

ISSUES:

1. Adopt ordinances amending the Riverside Municipal Code to: 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; and
2. Adopt a resolution amending the Fees and Charges Resolution to establish a fee for an entertainment permit.

RECOMMENDATIONS:

That the City Council:

1. Determine that Planning Case PSP 19-0040 is exempt from the California Environmental Quality Act subject to Sections 15060(c)(2), 15060(c)(3) and/or 15061(b)(3), as it can be seen with certainty that the amendment will not have the potential to cause a significant effect on the environment;
2. Introduce and subsequently adopt the following ordinances amending the Riverside Municipal Code:
 - a. Title 5 (Business Taxes, Licenses and Regulations) – adding Chapter 5.80 establishing an Entertainment Permit with corresponding regulations (Attachment 1);
 - b. Title 7 (Noise Control) – clarifying and simplifying noise disturbances (Attachment 2);

- c. Title 9 (Peace, Safety & Morals) – adding Section 9.04.700 establishing rules and regulations regarding Loud or Unruly Gatherings (Attachment 3); and
 - d. Title 13 (Streets, Sidewalks, Trails and Trees) – adding Chapter 13.30 establishing rules and regulations for Street Performers and amending Chapter 13.21 regarding Festival of Lights Street Performer regulations (Attachment 4); and
3. Adopt the attached Resolution establishing a fee for the Entertainment Permit.

PUBLIC SAFETY COMMITTEE RECOMMENDATION:

The Public Safety Committee met on September 18, 2019, with Chair Perry, Vice Chair Melendrez and Member Adams present to consider approval of PSP 19-0040. After discussion, the Committee unanimously voted to recommend that the City Council adopt the ordinances amending the Riverside Municipal Code as set forth in PSP 19-0040.

BACKGROUND:

The City of Riverside is experiencing a great deal of investment in residential, retail, restaurant and entertainment projects throughout the City. This growth brings with it differing priorities related to equity, safety, and livability that can result in unexpected conflict. To address the potential conflicts, several changes to the Riverside Municipal Code are recommended, including:

1. Establishing Entertainment Permit regulations (Title 5);
2. Amending the Noise Control regulations (Title 7);
3. Establishing Loud or Unruly Gathering regulations (Title 9); and
4. Establishing Street Performer regulations (Title 13).

DISCUSSION:

The following summarizes the changes to the Riverside Municipal Code for each of the regulations proposed. Additional background and discussion of the proposed amendments can be found in the Public Safety Committee Memorandum.

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

The City recognizes that a diversity of entertainment activities is a means for the City to provide a rich and diverse experience for residents and visitors to the City. However, if not well managed, these activities can generate disorderly conduct, noise that creates a nuisance, and other quality of life concerns. This can have an adverse impact on the City, its residents, businesses, and visitors.

Ensuring that entertainment venues are regulated consistently allows for equal enforcement by the Riverside Police Department (RPD) and provides clearer expectations for business owners. Amending Title 5 to include an Entertainment Permit, administered by the Police Department, provides a mechanism to regulate entertainment activities in the City. The proposed

Entertainment Permit program would:

1. Provide the Chief of Police the ability to immediately, reasonably, and incrementally sanction entertainment venues when issues occur, up to, and including, revoking Entertainment Permits;
2. Supersede any Conditional Use Permit (CUP) conditions of approval specific to entertainment to eliminate possible conflicts;
3. Require renewal every two years;
4. Require an initial fee of \$1,224.50, and a biennial renewal fee of \$649.00, based on the estimated staff time required to process applications by RPD;
5. Prohibit transfer of an Entertainment Permit; and
6. Establish a three-tier system of permit conditions, with Tier 1 being the least restrictive and Tier 3 being the most restrictive, that regulates:
 - a. Hours of operation;
 - b. Responsible party for proper monitoring including admissions, conduct, crowds and closing;
 - c. Noise levels including ambient music and amplification;
 - d. Security plan measures; and
 - e. Other related factors.

To implement the Entertainment Permit, steps would include (Attachment 5):

1. Allowing a 120-day "grace period" beginning January 1, 2020, for Entertainment Permit applications, during which fees are waived for businesses that are currently offering entertainment including:
 - a. The initial fee for the Entertainment Permit; and/or
 - b. The fee to void the entertainment related CUP conditions (if applicable); and/or
 - c. Police Department inspections for all Entertainment Permits;
2. If necessary, requiring Fire Department and Building & Safety Division inspections and plan review fees if physical or operational modifications have been made without the required approvals, and
3. Requiring all Entertainment Establishments to obtain an Entertainment Permit within 180 days of the effective date of the ordinance to continue entertainment activities.

RPD has analyzed the approximate staff time required to process an application for an Entertainment Permit. The reasonable cost for service (based on RPD staff's 2014 hourly rate) for the initial establishment of an Entertainment Permit is \$1,244.50, and the reasonable cost for renewal is \$649. With the adoption of the attached Resolution (Attachment 6) the fees will be implemented and in effect with the effective date of the Ordinance.

Title 7 (Noise Control)

The City seeks to minimize and mitigate noise nuisances to ensure a safe and healthy living environment. The changes to the Noise Control regulations in Title 7 are primarily clean-up items that provide additional clarity to those enforcing the regulations. 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;
2. Providing criteria for an officer to use in determining if a noise disturbance is occurring including ambient noise, context and time of day;

3. Adding fines and penalties that escalate as repeated violations occur as identified in the Riverside Municipal Code §1.17.230 – Administrative citation fines; assessment and amounts;
4. Reducing redundancies eliminate specific types of violations covered in other sections; and
5. Providing exceptions related to specific school events, warning devices, and agricultural activity, operations and facilities.

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

Loud or Unruly Gatherings in the City can negatively impact the public health, safety and general welfare of its residents. 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, 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 in a public nuisance or a threat to public health, safety or welfare. The proposed ordinance provides specific examples of such activities. A summary of the regulations includes, but is not limited to:

1. Prohibiting Loud or Unruly Gatherings, as defined;
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 for admission, refreshments or are advertised to the public (except where permitted or exempt);
4. Enabling officers to order guests to disperse, issue citations or make arrests if necessary; and
5. Subjecting repeat offenses to escalating fines as identified in the Riverside Municipal Code §1.17.230 - Administrative citation fines; assessment and amounts.

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

The City is interested in regulating Street Performers to preserve the Performer's right to free expression while protecting public safety. With Street Performers, large crowds can gather and block pedestrian and vehicular circulation which can result in serious safety concerns. By placing reasonable time, place and manner restrictions on Street Performers, 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. Regulating where Street Performers can locate, such as ten 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 performance that could cause bodily injury;
5. Prohibiting minors from performing without a work permit;
6. Prohibiting noise levels that violate Title 7 (Noise Control);
7. Enabling officers to order Performers to relocate, crowds to disperse, issue citations or make arrests if necessary; and

8. Subjecting repeat offenses to escalating fines as identified in the Riverside Municipal Code §1.17.230 - Administrative citation fines; assessment and amounts.

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 7). 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.

FISCAL IMPACT:

There is no fiscal impact to the General Fund associated with amendments to Title 7 (Noise Control), Title 9 (Peace, Safety & Morals) or establishment of regulations in Title 13 (Streets, Sidewalks, Trails and Trees).

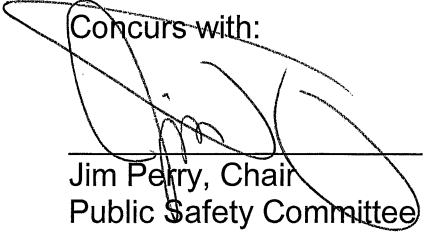
As it relates to the establishment of the Entertainment Permit in Title 5 (Business Taxes, Licenses and Regulations), staff estimates that approximately 50 venues in the City of Riverside would require Entertainment Permits. However, staff is proposing that a 120-day grace period is implemented for those existing venues. If the existing entertainment venues submit an application within that 120 days, there will not be a fee imposed for the issuance of an Entertainment Permit. As such, the cost to the General Fund is estimated to be \$61,225, for the cost of staff time to process applications.

The renewal fee would result in additional revenue of \$32,450, to the General Fund, for each two-year renewal cycle, to offset the cost for the time staff spends on the renewal process.

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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

Concurs with:


Jim Perry, Chair
Public Safety Committee

Attachments:

1. Ordinance Amending Title 5 (Business Taxes, Licenses and Regulations)
2. Ordinance Amending Title 7 (Noise Control)

3. Ordinance Amending Title 9 (Peace, Safety and Morals)
4. Ordinance Amending Title 13 (Streets, Sidewalks, Trails and Trees)
5. Entertainment Permit Process
6. Resolution
7. Summary of Outreach
8. Presentation