



## **CITY OF SALINAS COUNCIL STAFF REPORT**

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**DATE:** MAY 2, 2023

**DEPARTMENT:** LIBRARY & COMMUNITY SERVICES  
CITY ATTORNEY'S OFFICE

**FROM:** KRISTAN LUNDQUIST, DIRECTOR  
CHRISTOPHER A. CALLIHAN, CITY ATTORNEY

**TITLE:** AN ORDINANCE AMENDING ARTICLE I-C OF CHAPTER 30 OF  
THE SALINAS MUNICIPAL CODE RELATED TO THE REVISION  
OF THE SPECIAL EVENT PROCESS

**RECOMMENDED MOTION:**

A motion to adopt an Ordinance amending Article I-C of Chapter 30 of the Salinas Municipal Code related to the revision of the Special Event Process.

The proposed Ordinance may be adopted by the City Council at this first reading upon unanimous consent, otherwise the proposed Ordinance will be brought to the City Council's May 16, 2023 meeting for consideration and adoption. (Salinas Charter Section 11.3)

**BACKGROUND:**

On August 14, 2007, the City Council introduced an ordinance to define and to regulate special events held within the City of Salinas. This ordinance was subsequently adopted on August 21, 2007 following changes requested by the City Council. Article I-C took effect on September 21, 2007 and remained in effect until it was temporarily suspended in September 2019 in order to allow for a thorough review.

Over the last ten years, there have been a variety of concerns raised by event organizers and City staff regarding the process and requirements set forth in Article I-C. Staff began a review of the existing ordinance and requirements for special events occurring within the City limits. After an extensive review, staff recommended the revision of Article I-A and Article I-C of Chapter 30 of the Municipal Code. The originally proposed Ordinance incorporated a new permit requirement into the Municipal Code for filming activities modeled after the California Film Commission's model ordinance, the ordinance adopted by many jurisdictions across the state.

The major changes included in the revision to Article I-C are listed below:

2007 Adopted Ordinance	2022 Draft Ordinance
Minor Event (less than 50 people) vs. Major Event	150 people or more on or creating impacts to City property
All Events Require Special Event Permit	Exception for existing permit, lease, or contract
Submittal deadline 30 days in advance of event	Submittal deadline of 45 days advance of permit

Other changes include clarification of what information is needed in the special event application, formally establishing no application fee for bona fide non-profit organizations and some other minor clean up items. The goal of revising the ordinance is to streamline the process and encourage community special events while ensuring safety and mitigating any risk to the City.

The attached ordinance revision was distributed to the City's Special Event Committee for review and feedback at the end of 2021. The City Attorney and Library & Community Services Director reviewed this feedback and incorporated it into the draft ordinance revision. The attached ordinance revision was also distributed to over 90 event organizers who have gone through the special event process since 2019 to seek their feedback.

A virtual community meeting was held on August 16, 2022. Notice for this meeting was included in the email that was sent out to the 90 event organizers. There were ten (10) community members in attendance and no major concerns regarding the ordinance update were brought up. Overall, those in attendance appreciated the opportunity to ask questions and receive clarification on the ordinance language.

We also provided an opportunity for written comments. Written comments were received from representatives of the California Rodeo, Kiddie Kapers Parade, Salinas High School and the Oldtown Salinas Foundation. Below is the list of comments received and staff's recommendations:

Oldtown Salinas Foundation:

Suggested Changes/Comments	City Staff Recommendation
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<p>Section 3-12.31a Purpose. In addition to public spaces, streets, and sidewalks, the City also regulates events on private properties through the permitting process. I see an opportunity to use this Municipal Code update to clarify use of private properties for events that can be of benefit the City and its residents. If a non-profit wants to use a private parking lot for a community event, the Event's ordinance should be written to allow an event in all zoning categories as a permitted use, subject on to first obtaining an event permit. Currently, an expensive and time-consuming Zoning permit is required. This discourages events that could otherwise be easily permitted and benefit city groups and our residents and increase activities in our City.</p>	<p>The Draft Ordinance Update is intended to focus specifically on City owned, controlled or maintained property. Staff does not recommend including private property as the Temporary Use of Land Permit (TULP) process can be used for this purpose.</p>
<p>Section 30-12.31.b.2.C Please specifically add farmer's market to this section.</p>	<p>Staff has added this to the Draft Ordinance Language</p>
<p>Sections 30-12.31.b.2.c As noted in the first bullet, if events on private properties (e.g. church or commercial parking lots) could be added, please modify language at the end of the paragraph as follows: "...observances conducted on public or private property.</p>	<p>The Draft Ordinance Update is intended to focus specifically on City owned, controlled or maintained property. Staff does not recommend including private property as the Temporary Use of Land Permit (TULP) process can be used for this purpose</p>
<p>Section 30-12.31.c Similarly, adding private property to the "Permit Required" section would, I believe, increase event opportunities in Salinas and provide an opportunity for the City to regulate these events.</p>	<p>The Draft Ordinance Update is intended to focus specifically on City owned, controlled or maintained property. Staff does not recommend including private property as the Temporary Use of Land Permit (TULP) process can be used for this purpose</p>
<p>Section 30-12.31.d.3 Permit Application. Based on our experience, it can take city staff three or more weeks (sometimes 8-9 months) to review, approve and issue an event permit. While a 2day turn around is ambitious, it sets</p>	<p>The 2 day turn around for permit issuance relates to Expressive Events.</p>

an unreasonable public expectation. It may be that this is intended to read that a permit for an event involving 150 or less people can get a permit in 2 days. Regardless, a 2-day permit turn-around is still not a practical timeframe.	
Section 30-12.d.3, A-H I appreciate the City's efforts to streamline documentation needed for an event and this sections should serve as a checklist for event organizers. Clearly there are no clear guidelines, which results in numerous informational follow-up requests by City staff, which slows down the permitting and is frustrating to event organizers.	An event checklist currently exists and is provided to event organizers. This document will be updated to reflect any changes as a result of the ordinance update.
Section 30.12-31.d.5 Approval. Referrals to city Departments or personnel should have a defined timeframe for a written response to staff reviewing the event permit application. As written, this section is open-ended. I would recommend using a 30-day agency/staff review and comment period, as is similar to Government Code Section 65943.	Staff is always working to improve internal processes and we will be reviewing to find more effective ways of communication. No recommended changes to the Draft Ordinance language.
Section 30-12.30.31.d12 Interfering with Activity Prohibited. This section is particularly important to include in the Ordinance. It will all the City of Salinas Police Services to have a regulatory/legislative basis for enforcement/. An event on public streets and sidewalks can tend to attract other non-affiliated groups that enter the event space to take advantage of crowds drawn to this particular event/activity. Unwanted groups are a distraction and disruption to the purpose of the event. This is particularly true when unpermitted conflicting groups using amplified sound enter a permitted event space, including both streets and sidewalks. This provision would allow for the City to lawfully direct an unpermitted group to leave a permitted event space	No recommended changes.
Make sure the final version of the adopted regulations are consistently applied, I would ask that there be no additional information requirements placed on event organizers, other than the information specifically contained in the adopted regulations. Said another way, any updates to the City event permit application or checklist must be consistent with the requirements of the adopted version of the Special Events code. Currently, as City staff processes event applications, informational requests can be inconsistent year to year or be requested without a legislative basis. Only information required by the Code should be requested by City staff.	Staff consistently applies requirements based on each event details. In the event an applicant feels differently, they can share their concerns with the LCS Director.
Also suggest that a provision be added to the Code to allow a single permit for recurring events. If an event is executed successfully, can't permitting allow for more than a single	Annual permits allows for a more consistent review.

year permit? This would minimize costs to the event organizer and reduce paperwork and staff costs to the city.	
While not mentioned in the ordinance, can the City allow an event organizer to only have to obtain a single City business license for multiple events? Said another way, if a single entity does more than one event the City requires payment of a separate business license for each and every event. This approach adds additional volunteer time, fees to be paid, and another hurdle to clear in the event permit review process.	City code allows for a business license to be purchased on a quarterly basis.
Also for consideration, how will the City staff formalize a process for priority ranking for use of City streets? In this case I am thinking about weekly events (farmers market) and street use vs. established and/or new events in the downtown.	This would require City Council direction.

#### California Rodeo Association:

Suggested Changes/Comments	Staff Recommendation
Sec. 30-12.31.2.B change to: Any activity or event open to the public on City owned, controlled, or maintained property involving 150 or more persons.	Staff agrees with this recommendation
Sec. 30-12.31.c Add 3. Special events held at the Salinas Sports Complex, provided the Salinas Sports Complex is operated by a third-party pursuant to a lease specifically authorized by the City Council.	Staff does not recommend exempting all special events held at the Salinas Sports Complex. Based on draft language, events held at the Sports Complex during Big Week (10 day period provided in the Lease) would be exempt.
Sec. 30-12.31.d.3 Change the application submittal deadline from 90 business days to 45 calendar days.	Staff agrees with this recommendation

Staff also received correspondence from the Salinas High School Activities Director who supports changing the deadline to submit the application to 45 days and the Kiddie Kapers Parade who following review of the draft Ordinance didn't have any concerns as requirements are consistent with the existing ordinance. In addition, staff received comments from other City Department staff with minor clean up language and these items were added to the draft language.

This item was scheduled to go before the Library & Community Services Commission at the regular meeting on August 10, 2022 however, the meeting had to be cancelled due to lack of quorum. It was subsequently presented to the LCS Commission on September 14, 2022 and the Commission was in favor of the revised language.

Following additional review, Article I-A was added in November 2022 to outline a formal process for film permits. Since this section was added following the outreach done over the summer, the

draft ordinance was distributed again in mid-December to the 90 event organizers. In addition, the revised draft ordinance, including Article I-A was presented to the LCS Commission on January 11, 2023. During this meeting, several members of the local film, photography and production industries spoke out in opposition of the language in Article I-A. They raised concerns regarding requirements and lack of input on language and process and other regulations. As a result, the LCS Commission voted to table the item until further outreach with stakeholders was completed. A sub-committee of the LCS Commission was also established to work with staff and the stakeholders to address the concerns and recommendations for updates to the language of Article I-A.

On February 2, 2023, LCS staff, the City Attorney and the LCS sub-committee members held a meeting with stakeholders of the film, photography, production, and real estate industries to review the draft language in Article I-A. As a result of the discussion, staff made a commitment to the stakeholders to revise the language to provide clarity as to who Article I-A applies to and to ensure the local film/photography industry would be exempt unless their work involves things like closing a street, etc. On February 24, 2023, a revised draft of Article I-A was distributed to the stakeholders for their review and comment. Staff received questions/comments from 3 members of the Stakeholders group and from the Monterey County Film Commission. The revised language fulfilled the commitment to the local stakeholders group and as such, was placed on the March LCS Commission Agenda.

On March 8, 2023, the LCS Commission received an update from the February stakeholder meeting and staff recommended to the Commission that they recommend the City Council adopt an Ordinance amending Article I-C of Chapter 30 of the Salinas Municipal Code related to the revision of the Special Event Process. During this meeting, the Commission received written and in person public comment from the Monterey County Film Commission, the Salinas Valley Chamber of Commerce and one of the local stakeholders recommending that the Commission again table this item. Ultimately, the LCS Commission voted 5-1 to table Article I-A, but move Article I-C of Chapter 30 of the Municipal Code forward to the City Council for adoption. In addition, the Commission also wanted to add to the previously established sub-committee to continue to work on Article I-A relating to the Film Permit Process. The modification to the sub-committee will need to be taken up at a future LCS Commission meeting as this item was not on the March 8, 2023 agenda.

Based on the LCS Commission recommendation, staff is requesting that the City Council adopt Article I-C of Chapter 30 of the Municipal Code related to the revision of the Special Event Ordinance.

#### CEQA CONSIDERATION:

**Not a Project.** The City of Salinas has determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) (CEQA Guidelines Section 15378).

#### STRATEGIC PLAN INITIATIVE:

The introduction of Ordinance update of Article I-C to Chapter 30 of the Salinas Municipal Code (Special Events) supports the City Council's Goals of:

- Public Safety
- Youth and Seniors
- Effective and Culturally Responsive Government

FISCAL AND SUSTAINABILITY IMPACT:

The draft Ordinance language does specify that bon-a-fide Non-Profit Organizations would be exempt from paying a special event application fee. There are approximately 15-20 applications submitted by Non-Profit Organizations annually. The new provision would result in a loss of revenue of up to \$5,460 however provide a community benefit to the Non-Profit Organizations and encourage community focused events.

ATTACHMENTS:

2007 Ordinance

2022 Draft Ordinance Language

Resolution

Comments Received