



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 5/8/2017

Agenda Placement: 7B

Napa County Legislative Subcommittee Board Agenda Letter

TO: Napa County Legislative Subcommittee

FROM: Molly Rattigan for Leanne Link - County Executive Officer
County Executive Office

REPORT BY: Michael Karath, Staff Assistant - BOS - 299-1477

SUBJECT: AB 556 - Fines for Local Land Use and Development Codes

RECOMMENDATION

County Executive Officer requests discussion of and possible action on AB 556 (Limon), as amended on April 24, 2017, a bill that gives local governments authority to increase fines for violations of event permit requirements.

EXECUTIVE SUMMARY

AB 556 will provide counties with authority to impose reasonable fines for violations of event permit requirements. The bill was amended on April 24, 2017, that changed the basis for the fines as "one-time violations of permit conditions or use requirements" to "violations of event permit requirements."

Local communities need the flexibility and tools to ensure public safety and traffic concerns are addressed.

Current law sets the maximum fine for an such violations at \$100 for the first violation, \$200 for a second, and \$500 for a third violation within the same year.

AB 556 will increase the fines for event permit violations to:

- | \$1,000 for the first one-time violation
- | \$2,000 for a second occurrence of the same one-time violation by the same owner or operators within five years
- | \$5,000 for each additional occurrence of the same one-time violation by the same owner or operator within five years.

California State Association of Counties: pending

Rural County Representatives of California: no position

PROCEDURAL REQUIREMENTS

1. Staff reports.
2. Public comments.
3. Motion, second, discussion and vote on the item.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

The County of Santa Barbara is sponsoring AB 556, through its Assemblymember, Monique Limon, of the 37th District.

The Napa County Board of Supervisors' Legislative Subcommittee reviewed this legislation previously and recommended a support position to be considered by the full Board. However, the bill was amended since that meeting and before staff could present to the Board of Supervisors. The bill now applies only to violations of special event permits. Staff is revisiting this item with the Legislative Subcommittee to determine how to proceed.

Santa Barbara County believes current fines are too low to incentivize individuals who have a one-time special event to go through the proper permitting process. Instead, it is easier to violate the Land Use and Development codes, and pay the very low fine. Cities already have authority under existing law to impose higher fines than do counties. For example (provided by Santa Barbara County), a property owner could host a large commercial wedding for out of town residents and forgo necessary permits in favor of a \$100 violation. A permit review would have addressed public safety, traffic concerns and other impacts to the neighborhood such as excessive noise from events of this magnitude. The fine of \$100 is insufficient to deter property owners who can easily absorb this as part of their routine business operating expense

In response, AB 556 will increase the fines to:

- | \$1,000 for the first one-time violation
- | \$2,000 for a second occurrence of the same one-time violation by the same owner or operators within five years
- | \$5,000 for each additional occurrence of the same one-time violation by the same owner or operator within five years.

California State Association of Counties: pending
Rural County Representatives of California: no position

SUPPORTING DOCUMENTS

A . AB 556 - Bill Text - amended April 24, 2017

Recommendation: Approve

Reviewed By: Molly Rattigan