



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 2/2/2016
Agenda Placement: 9C
Set Time: 10:00 AM PUBLIC HEARING
Estimated Report Time: 1 Hour

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Steven Lederer - Director of Public Works
Public Works
REPORT BY: Rick Marshall, Deputy Director of Public Works - Engr - (707) 259-8381
SUBJECT: Special Events and Filming on County Roadways Ordinance (1st reading)

RECOMMENDATION

First reading and intention to adopt an ordinance amending Chapter 10.24 (Special Events on Public Roadways) of the Napa County Code.

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.

EXECUTIVE SUMMARY

At the March 17, 2015 meeting, the Board of Supervisors held a discussion on the County requirements pertaining to Special Events on Public Roadways. At that time, the Board designated a subcommittee of Supervisors Diane Dillon and Alfredo Pedroza to work with staff and stakeholders to identify potential modifications to the current requirements.

Following meetings with staff, representatives of other local agencies, and event organizers, the subcommittee developed a series of proposals and presented them to the Board on December 15, 2015 for conceptual approval. Staff has worked with County Counsel to develop the proposed ordinance for adoption by the Board.

PROCEDURAL REQUIREMENTS

1. Open Public Hearing.
2. Staff reports.
3. Public comments.
4. Close Public Hearing.
5. Clerk reads the Ordinance Title.

6. Motion, second, discussion and vote to waive the balance of the reading of the ordinance.
7. Motion, second, discussion and vote on intention to adopt the ordinance.

FISCAL IMPACT

Is there a Fiscal Impact? Yes

Is it currently budgeted?

What is the revenue source?

Is it Mandatory or Discretionary? Discretionary

Discretionary Justification: The proposed revisions to the ordinance governing the conduct of special events and filming activities on public roadways will improve safety and quality of life for participants, as well as residents and businesses in Napa County.

Is the general fund affected? No

Future fiscal impact: Fees collected will offset costs of providing related services.

Consequences if not approved: Existing regulations, Chapter 10.24 of the Napa County Code, will remain in effect.

Additional Information:

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

Chapter 10.24 of the Napa County Code establishes the requirements for conducting special events on public roadways under the jurisdiction of Napa County. This item proposes changes to Chapter 10.24 to revise these requirements. The ordinance effecting these changes is attached in both "clean" and "track changes" formats.

On March 17, 2015, the Board of Supervisors discussed these requirements in response to various concerns which had been raised by the public. At that meeting, following public testimony and Board discussion, the Board designated a subcommittee of Supervisors Diane Dillon and Alfredo Pedroza to work with staff and stakeholders to identify potential modifications to the current requirements. Staff met with the subcommittee numerous times to review the current ordinance and issues with its implementation (i.e., where it is lacking, where it causes problems for Napa County or for applicants, etc.). The subcommittee also reviewed the requirements of other agencies, including local cities and neighboring counties. An initial list of potential modifications was developed and discussed with representatives of local public agencies (local cities and town, as well as Emergency Medical Services, California Highway Patrol representatives and the Napa County Sheriff's Office) for the purpose of hearing their concerns and to arrive at general conclusions about what might change. The list was modified in response to this input and reviewed with event organizers and local bicycling/walking groups on September 14, 2015. Additional feedback was received following the September 14, 2015 meeting.

On December 15, 2015, the subcommittee recommended that the proposals listed below be reviewed for conceptual approval by the full Board of Supervisors, which was granted. With that approval, staff has been working with County Counsel to develop ordinance language for implementation which is presented for first reading today. The second reading/adoption is planned for February 9, 2016. If approved, the changes would become effective on March 10, 2016.

Proposed Modifications

The following modifications have been identified for the Board's consideration today:

1. Frequency of events/impacts to arterial roadways

- a. **Limits.** The concern about traffic delays and disruption caused by special events and filming activities are greatest on the County's arterial roadway network. These are the major roadways which primarily serve longer-distance travel between communities, and include all State highways, plus Silverado Trail, Petrified Forest Road, Wooden Valley Road, Devlin Road, Kelly Road and American Canyon Road. To reduce these impacts, it is proposed to limit special events and filming on any arterial to a maximum of two per month, and a maximum of one per weekend. In cases where event applications are received which would exceed these limits, preference would be given to events held by non-profit organizations over those held by commercial applicants.
- b. **Closures.** Another proposal to minimize the impact to the arterial roadway network is that full closure of any arterial roadway will only be permitted for events with a minimum of 1,000 participants. Smaller events will either need to revise their event course to not involve any arterials, or will need to revise their event management plan to not require any closures.

At the December 15, 2015 meeting, there was concern that these proposed restrictions (particularly those in Paragraph 1a above) would overly restrict the conduct of smaller events, which do not pose as great an impact as larger events do. Based on the Board's discussion that date, it is proposed to allow a second event on a given day if the "participant load" of the two events added together does not exceed 3,000. Currently the largest annual event which does not experience any complaints is the Napa Valley Marathon, which has a total of 3,000 participants, thus the rationale for choosing this as the upper limit. This could allow two smaller events to coexist on the same date.

2. Date reservation system

In order to manage the allocation of dates as discussed in Paragraph 1a, it is proposed to establish a system in which all special event organizers would "reserve" dates well in advance. This system would also identify certain "black-out" dates, such as Auction Napa Valley, Bottle Rock, etc. In general, black-out dates are determined based on the reasonable reserve capacity of public safety personnel. The proposal is to establish the following process for reserving dates for special events or filming on public roadways:

- a. Applicants submit a written request (email is acceptable) up to one year in advance, requesting a particular date for their event or filming activity. The request must include the event date, the proposed route, and the estimated number of participants.
- b. A deposit equal to half of the "base" fee (discussed further below) must be received no less than six months in advance of the event date.
- c. A completed application, including the balance of the base fee, must be received no less than 90 days in advance of the event.

3. Notification requirements

One concern expressed by those impacted by the conduct of special events and filming activities is the provision of

notice in the areas affected, so that residents and businesses can plan ahead and avoid being delayed in their travels. Changes proposed for consideration include:

- a. Place message boards for all events, not just those with road closures. Signs may be fixed in place, or electronic changeable message boards may be used. For fixed signage, appropriate sign materials such as wood or metal may be used, as approved by the Public Works Department.
- b. The County will implement the following provisions for the public to receive notice of special events: (1) Notice will be posted to the Nixle system twice; one week before and two days before each event. (2) Information about each event, including a route map, will be made available on the County website.

4. Fees

- a. **Permit fees.** It is proposed to modify the current flat fee to a combination of a "base fee" and an hourly fee. The "base fee" will represent the cost of the County Road crew preparing the event course in advance of the event, and includes such activities as sweeping the roadway surface and repairing any damage which may present a hazard to event participants. The hourly fee will be charged for those portions of the permit review which are highly variable depending on the quality of the application materials received. It will represent the time spent by office staff in both the Public Works and Emergency Medical Services departments. This portion of the fee will act as an incentive for event organizers to submit complete application packages and address all potential concerns up-front. It will also enable the County to move to full cost recovery for its costs of reviewing event applications.
- b. **Event participant fee.** This concept will be studied further, but is not recommended for implementation at this time. The concept which was explored during the stakeholder outreach process was to have event organizers collect an event participant fee, estimated at \$10. Essentially, event organizers would charge each participant \$10 more than whatever they were otherwise charging for registration fees. This money would be provided to the County Roads Fund, for use in improving the condition and safety of the roads which constitute the event course.
- c. **Waivers.** County regulations currently include a provision that applicants which meet certain criteria may be granted a waiver of the special event permit fee, including that the applicant must be a 501c(3) organization and that a designated percentage of proceeds be donated for the public benefit of citizens of Napa County. It is proposed to modify the criteria to make it clearer that in order to qualify for the waiver, the event must provide a significant benefit to the people of this county. The proposed modification would require that applicants must be a local 501c(3) organization or designate a local 501c(3) partner, and that a minimum of 25% of net revenues must go to the local organization or local partner. (The current regulations do not require the organization to be local, and do not specify the percentage of proceeds which must be donated to qualify for fee waiver.)

5. Liability concerns

In order to reduce the County's liability associated with the conduct of special events, it is proposed to require that all event participants and volunteers sign a waiver form. The applicant will provide, as part of the application package, a draft waiver which will be reviewed and approved by the County Risk Manager prior to an application being finalized.

6. Emergency Medical Services (EMS) requirements

The County's Emergency Medical Services (EMS) Agency wishes to clarify its requirements for the safe conduct of special events and filming, and to work with applicants to be able to successfully meet those requirements at the time of permit application. EMS has recommended adding language to the existing ordinance to require approval of medical response plans prior to issuance of special event permits.

7. Route cleanup

While many applicants do a good job cleaning up the event course following a special event, some do not, and this is a direct concern to residents and businesses along the route. When there is a problem, County crews are then obligated to perform the cleanup (at taxpayer expense). The areas of greatest concern are in the immediate vicinity of start/finish lines, staging areas, aid stations, exchange sites, and other similar "stationary" components of an event course. Cleanup of areas within 0.1 mile of these locations will be reasonably considered the responsibility of event organizers, while other locations along an event course cannot be definitively attributed to events vs. the general public. It is proposed to modify the ordinance to require a "cleaning deposit" at the time of application. Staff will inspect the areas within 0.1 mile of each "stationary" event component following each event, and the deposit will be refunded if the course is clean. If not, these funds will reimburse the County for the expense of having staff perform the cleanup.

8. Filming permits

Filming activity, such as for television commercials, on County roads (and other facilities) is currently governed by a different set of regulations than those which apply to special events. However, the conduct of these activities on County roads has the potential to be just as disruptive to traffic. Therefore, it is proposed that filming activity be consolidated into the ordinance governing special events, in order that the existing regulations, as well as the proposed modifications, will apply.

9. Relay events

Relay events involve multiple participants acting as a team, whereby one participant hands off active status to another. Teams typically consist of 12 members, traveling in support vans which follow the active participant. These events also involve large numbers of support personnel and large staging and exchange areas, and generally pose more disruption to traffic, damage to property and other related impacts. It is proposed that relay events will no longer be granted permits in the County.

Feedback on Proposed Modifications

Staff and the Board subcommittee have received numerous messages providing feedback on the modifications proposed. The written comments were presented to the Board with the December agenda package. Feedback has been predictably mixed, with some believing these changes are too strict, while others have stated that they don't go nearly far enough. Much of the feedback has been along the lines of how will the modifications be implemented if approved by the Board.

It should be noted that these changes are not directly about safety. While some minor improvements to safety regulations have been proposed, these potential changes are primarily policy driven, in trying to find the right balance between the many parties (property owners, business owners, event organizers and participants, roadway users of all modes, travelers and residents) who all have an interest in using the public right-of-way.

As event organizers have already begun contacting staff to reserve dates for their events in 2016, a timeline has been developed to guide staff in phasing in the modifications as they are currently proposed. This timeline and staff guidance document was also presented to the Board in December.

SUPPORTING DOCUMENTS

- A . Ordinance
- B . Ordinance (red lined version)
- C . Presentation slides

CEO Recommendation: Approve

Reviewed By: Bret Prebula