

AGENDA ITEM
12B

Date: May 12, 2020

Council Action Date: May 18, 2020

TO: Honorable Mayor and City Council

FROM: Alex D. McIntyre, City Manager
Estelle Bussa, Economic Development Manager

SUBJECT: Emergency Economic Development Policy Recommendations

SUMMARY

The City of Ventura is facing one of the greatest economic impacts of recent history. Business survival is paramount to support the local economy. For City Council consideration are recommendations by the Economic Development Committee to help aid the economic recovery effort in the City and support local businesses by expediting their re-opening and expansion.

RECOMMENDATION**4/5 Vote is required for the Emergency Ordinance to Pass**

- a. Provide feedback on the use of Special Event Permits to conduct prolonged street closures to allow for outdoor dining and retail operations.
- b. Introduce and adopt as an Emergency Ordinance after making the findings required by the Charter the Emergency Ordinance, to streamline the development review process, title as follows:

"AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, TEMPORARILY SUPERSEDING PORTIONS OF THE SAN BUENAVENTURA MUNICIPAL CODE AND APPROVED SPECIFIC PLANS TO CREATE EFFICIENCIES IN DEVELOPMENT APPROVALS AND DECLARING THE URGENCY THEREOF"

- c. Direct staff to draft an ordinance eliminating call for review and establishing an appeal process for City Councilmembers.
- d. Direct staff to return with a defined scope and cost for the additional features for Energov.

DISCUSSION/ANALYSIS

At the May 5, 2020 Economic Development Strategy Committee (EDC) meeting, staff brought forth several recommendations that would help with the City's economic recovery, help local businesses operate more flexibly and expedite their recovery. The recommendations below were unanimously recommended for consideration by the full City Council by the EDC:

- Closure of Main Street for outdoor dining and retail operations
- Streamlining the Development Review Process
 - Expand application types that can be reviewed administratively
 - Final decision made by highest hearing body
- Discontinue call for review
- Expand scope and funding for Energov system

Changes to the Historic Preservation Committee and Design Review Committee (DRC) were also discussed and recommended for consideration at a future City Council meeting in a workshop format.

Main Street Closure for Outdoor Dining and Retail Operations

One of the City's key business partners, Downtown Ventura Partners, is developing a proposal to close down up to five blocks of Main Street to vehicular traffic to allow for outdoor dining. The street closure would create space for restaurants to expand their current footprint into the street to maintain safe social distancing protocols required to operate.

This pilot program would run for an initial 30 days and generally include the following:

- Closure of up to five blocks along Main Street in Downtown, with traffic still permitted on the North and South Streets.
- Additional spaces beyond the sidewalk to accommodate increased foot traffic.
- Allow street dining, expanding a restaurant's footprint to create capacity for a profitable customer turnover.
- Allow limited sidewalk space for retailers to elevate shopper engagement.

In reviewing the municipal code with the City Attorney's Office, it was determined that a change to the existing municipal code would not be required for a temporary street closure to allow for outdoor business activity such as retail and restaurants to take place. However, an "activity" of this degree has not been done before and staff would like to ensure City Council alignment on an initiative to this degree. Generally, street closures associated with special events are short do not span several days or weeks.

To evaluate and regulate long-term special events, city staff will use the Special Events Permit and process for achieving such permit, to evaluate each proposal uniquely. The Special Events Permit (Attachment A) includes coordination, review and approval of various City departments including:

- Police and Fire for proper safety measures
- Public Works to identify infrastructure and traffic needs
- Ventura Water and Environmental Services to identify water and trash needs

As part of the Special Event Permit, applicants are required to follow a number of safety and health requirements that also include noticing property owners in the vicinity and others that may be impacted by the event.

Special Event Permits are handled by the City's Parks, Recreation, and Community Partnerships Department (PRCP). Staff is seeking feedback from City Council on the use Special Event Permits as a means of allowing street closures, with final approval granted by the PRCP Director.

Streamlining the Development Review Process

Staff presented multiple topics at the EDC related to streamlining the development review process. Two of those recommendations were unanimously supported by the EDC members:

- Expand application types that can be reviewed administratively
- Final decision made by highest hearing body

These EDC supported recommendations, and two additional recommendations that supplement the EDC recommendations regarding appeals and noticing are described later in this section.

First, background information about the development review process and methods to improve the process are provided, in order to illustrate how staff arrived at the recommendations.

The development review process should efficiently and effectively:

- Allow applicants to submit proposals

- Have them reviewed by staff for consistency with local expectations and local, regional and state requirements
- Take final action on these applications.

There are opportunities for significant improvement to make the City's process more efficient and effective, particularly given limited resources.

For discretionary Planning Permits, the final action on permits includes providing the public with the opportunity for participation in the decision-making process. For ministerial permits such as Building Permits and Grading Permits, the final action occurs without public involvement, because these permits involve work that have either already been approved through a discretionary Planning process, or the work proposed is allowed by-right.

Over the past year, several efforts have been launched to improve the process, and notable progress has been made, and continued progress is expected. These changes are challenging because staff continues to be tasked with processing a steady stream of active applications while they are trying to adapt to changes in procedures. The COVID-19 crisis fully complicated the process by requiring the City to pivot to more remote working, digital plan review, and video-conferenced hearings. Staff resources are finite, and staff assigned to the development review process are working at full capacity.

While the development review process has improved, and continues to improve, the City has to accelerate the progress in order to support the economic recovery from the impacts of COVID-19.

There is a need for sufficient resources to handle the volume of applications within the development review process:

1. *Solution 1: Increase resources.* With the current budget situation, adding staff may not be realistic. Also, adding staff requires a hiring and training phase, which the City cannot afford if we want to support economic recovery now.
2. *Solution 2: Reduce the volume of applications.* The City does not control the volume of applications, this is based on the private sector. And more applications reflect greater investment in people's homes, businesses and properties, therefore our goal should be to increase the number of applications the City receives.
3. *Solution 3: Change the process.* The remaining solution is to change the process, which is proposed in this Emergency Ordinance (Attachment B).

The intent of this Emergency Ordinance is to streamline the final stage of the Planning permit process to not only reduce the amount of time an applicant is in

the process, but also reduce the amount of work staff spends on an application. This is critical because a faster process allows the applicant to invest in their property sooner. And time that staff saves on an application is time available for staff to work on other applications and other tasks.

Process Changes

The process change that would have the most significant benefit to applicants would be to make all discretionary planning permits into ministerial permits. This change is not recommended in any way and is only provided for background context.

As noted above, ministerial periods such as Building Permits are acted on administratively without public notification. Making Planning Permits ministerial clearly speeds up the process for the applicant and will save significant time for staff, allowing existing staff to accomplish significantly more work. But this change eliminates public participation, and therefore is considered a non-starter.

Instead, staff focused on how we can change the process to streamline the process as much as possible, as quickly as possible, while maintaining public participation. The recommended Emergency Ordinance focuses on changes that are general in nature to be as flexible as possible to address issues we know today, but also unexpected issues that will occur over the next year.

Expand Application Types That Can Be Reviewed Administratively

Director Authority to select Final Action Authority (Section 2a). Holding a hearing at Planning Commission (PC), Historic Preservation Committee (HPC) and Design Review Committee (DRC) is more time-consuming and costly for applicants and staff than an administrative hearing. This is demonstrated by how fees for PC, HPC or DRC are higher than administrative items.

The Matrix Report concluded that some of the projects that went to PC, HPC or DRC were more appropriate to be handled administratively, thus reducing the time and cost for applicants and the City. There are many nuances with the City's Codes, Specific Plans and application types that properly implementing this Matrix recommendation requires a comprehensive analysis. Staff capacity is fully utilized handling current application loads and other City Council initiatives, leaving no option in the near future for a comprehensive analysis. And, given the economic situation, the City needs a solution that can be implemented quickly.

Section 2a of the Emergency Ordinance allows the Director the authority to shift an application to a different final action authority, on a case-by-case basis, if the Director considers it to be appropriate based on complexity and public interest. All public noticing

will remain, and as described below, noticing will actually be expanded. The Emergency Ordinance does not waive any other zoning standards, or any other City, regional or State requirements. The EDC unanimously supported this proposal. Here are some examples of how this authority is intended to be used:

1. A portion of the commercial center at the Harbor proposed to add an exterior door, adjust some landscaping, and repaint the exterior of a portion of the building, and by ordinance this requires DRC action. There are similar examples that have occurred Downtown. Reviewing exterior changes to buildings is important and should be retained, but DRC action should not be required for all exterior changes. In cases where staff determines a proposed exterior change to a site or building is acceptable and does not foresee any public concern, the process should allow the application to be handled at an administrative hearing, which is faster and less costly than a DRC hearing. Section 2a of the attached Emergency Ordinance provides that option.
2. When a business or restaurant wants to sell or serve alcohol, they need to get an alcohol use permit in conjunction with working with the Alcohol and Beverage Control Department of the State. Certain alcohol use permits can be acted on at administrative hearings, while those that propose late night hours require PC action. All these permits undergo a coordinated review by Police and Community Development staff, and neighboring properties receive the same type of notices regardless of the final action authority. Conditions are proposed for the permit to ensure the operator takes the appropriate measures to ensure public safety. For applications that have gone to PC, there has typically been no public comment. Allowing these permits to be handled at a Director's permit level saves the applicant and staff time, which Section 2a of the attached Emergency Ordinance allows.

Final Decision Made by Highest Hearing Body

Director Authority for Projects Requiring Multiple Hearing Bodies (Section 2c). Many projects involve multiple permits, that by ordinance, can require final actions from multiple bodies. Requiring final actions from multiple boards creates the potential for significantly more hearings before a project can move forward. From staff's perspective, these additional hearings do not necessarily make the project better. To the applicant, multiple hearings adds significant time to the process, because it is not just a case of scheduling the meeting, it is the time staff needs to prepare the materials for each meeting. This also creates a situation where a member of the public may attend one hearing to talk about an issue only to be told that issue was already decided at a prior hearing by a different board. Section 2c requires the Director assign final action authority to one of the hearing bodies, and the option to still have the other hearing body review the project as a recommending

body. The EDC unanimously supported this proposal. Here are some examples of how this authority is intended to be used:

1. The ALDI's grocery store needed a permit approval from DRC and PC. ALDI's went to DRC, who had final authority of the façade and site plan improvements. DRC took a final action regarding the parking lot that staff told them ALDI's could not implement. ALDI's appealed, and the item came to Council. During the appeal, the Planning Commission use permit processing had to be stopped (by ordinance). Council overturned the DRC, at which point staff could restart the PC use permit process. PC approved the use permit.

If this situation occurred with Section 2c in effect, the Director would have made DRC a recommending body for the design changes, and the PC would have reviewed the use permit and DRC recommendation together. In that scenario, PC would have considered ALDI's (and staff's) concern with the DRC recommendation, and possibly approved the entire project without the need for an appeal. Multiple months would have been saved, and ALDI's might have already be under construction today.

2. A second example would be if a business needed a use permit but was also wanted to make some exterior changes. As noted above, by ordinance, exterior changes in most of the City triggers DRC review. The current ordinance effectively makes the applicant choose: (1) not do the exterior improvement, which may save them money, but the City misses out on the improvement and the business isn't allowed to implement their full vision; or (2) take the extra month or two to go to two hearing bodies. But in cases where staff fully supports the exterior changes and does not see any scenario where the average resident would have any concern, the process should allow the item to go directly to the final hearing body for the use permit and bypass the DRC. Section 2c of the Emergency Ordinance allows for this.

The direct benefit to the applicant from the proposed streamlining is clear, but it is important to reassert the benefit the savings in staff time holds. Time saved for staff allows us to help other applicants, and complete other assignments. It's a positive domino effect that helps all parties. As a case in point, a member of the Planning staff has been developing a web-based map that has information about all projects the Planning Division are working on. A screenshot of this map will be provided at the City Council meeting. The staff member has been doing this by finding time in between her normal project workload. Once completed and posted on the website, this tool will be a significant benefit to the community. Every hour we save our staff is an hour that can go toward completing (and then maintaining) features like this, or simply an extra hour they have to make progress with another applicant.

Courtesy Notices. One of the factors the Director would consider the appropriate final action authority for an application is whether there is public interest against the proposal. Section 4 of the Emergency Ordinance provides a tool to help inform the Director, through a courtesy notice sent early in the review process. For every Planning application, a courtesy notice will be sent to all property owners within 300 feet of the site in the early stages of the application. This is an additional notification, beyond what is currently provided for the public hearing. This allows neighboring property owners to contact staff earlier in the process, which benefits all parties as public input can have the most effective influence on a project when it is provided earlier in the process. This topic was generally discussed at EDC but was not presented as one of the formal recommendations. As a result, EDC did not formally vote on whether to support this proposal. Staff believes courtesy notices are a necessary tool to most effectively implement Section 2a, which the EDC did support.

Appeals. Section 3 of the Emergency Ordinance also directs all appeals, no matter which body made the final action, to the City Council. Most appeals already go to City Council, except for Director's permits, which go to the Planning Commission. If an appeal goes to PC, there is the possibility, however unlikely, that the PC's action could be appealed to City Council. This will result in a double appeal, which would add several months and a significant amount of staff time, which is staff time not being spent on other tasks. Having the appeal go directly to City Council saves time for all parties. This topic was not discussed at EDC but was added by the City Attorney's Office and Community Development Department during the drafting of the Emergency Ordinance.

Streamline the Development Review Process Conclusion

The Emergency Ordinance reflects a cooperative effort by Community Development, City Manager (Economic Development), City Attorney and the Economic Development Committee. The temporary solution is not perfect, but provides the tools to immediately benefit applicants, staff and the public during the recovery. The intent is that lessons learned during this 1-year period will inform our future discussions for a specific set of process regulations. But today, the economic situation does not provide us with the time or resources to develop permanent regulations.

For small businesses applying for minor exterior changes or use permits, the Emergency Ordinance allows for the City to get these applicants through the process as quickly as possible.

For new construction, the Emergency Ordinance can result in a modified process that can be faster, but unless directed otherwise by the City Council, staff will continue to maintain high expectations for quality design from new development.

Discontinue Call for Review and Revise City Council Appeal Process

In 2016, the City Council adopted Ordinance No. 2016-002 which changed the process for appeals by individual City Councilmembers of decisions of the Planning Commission and the DRC.

This was done to help address an unfavorable court decision out of the City of Newport Beach (*Woody's Group, Inc. v. City of Newport Beach*, (2015) 233 Cal.App.4th 1012). In that decision, it was determined that if a member of the City Council appealed a decision of a subordinate body to the City Council, that member exhibited bias and thus as a matter of due process should be precluded from participating in the appeal when it was heard by the City Council.

The intent of the call for review ordinance was to allow a City Councilmember who had a concern about an item that was approved by a subordinate body to request that the full City Council consider it. In order for this process to meet the legal standards under caselaw, a City Councilmember could request the review, but unlike applicants or members of the public, the City Councilmember did not state the reason for the call for review and was not required to pay the appeal fee. Since enacted in 2016, there have been five applications that have been heard by the City Council through the call for review process.

The call for review process was noted in the Matrix Report as being unique and causing undue delays and concern in the development community. Specifically, call for review results in an extended appeal period that can add up to two weeks to the process. That slows down an applicant's ability to implement their permit, which is particularly significant in the near term given the importance of allowing projects to move forward. When presented to the EDC, there was support for removing call for review.

Unlike the temporary Emergency Ordinance recommendations related to process streamlining, staff recommends removing call for review be a permanent ordinance amendment, which will be brought forward at a future City Council meeting. With call for review removed, there is a need to identify what the process would be for a Councilmember to appeal an item to City Council. There are two options:

1. *Option One*: Return to the pre-2016 process of allowing City Councilmembers to appeal decisions made by the Planning Commission and the DRC. Members of the City Council would be required to pay the same appeal fee and to file other documents as any other aggrieved person. The City Councilmember filing the appeal would also be precluded from participating in the decision by the City Council at the appeal hearing.

2. *Option Two*: Same as Option One except the appeal fee would be waived for a City Councilmember so long as the decision being appealed was from the Council District they represent. The Councilmember would still be precluded from participating in the decision by the City Council at the appeal hearing. Staff recommends this option.

With direction from City Council on what the new appeal process would be, the City Attorney's Office can prepare the ordinance revisions for public hearings before the Planning Commission and ultimately the City Council.

City Council can also direct staff not to proceed with an ordinance to remove call for review which would leave the process unchanged.

Expand Scope and Funding for Energov System

Energov is the City's electronic platform for processing all business and land use applications. Staff is currently implementing a two-phased upgrade to the Energov system, for the main purpose of transitioning from the legacy desktop client version to the new web-based version. The first phase is slated for completion in Fall 2020.

The current scope of the project was determined nearly three years ago prior to the City's need to manage a remote workforce, the completion of the Matrix Report, and a transition to electronic plan review. While the upgrade is necessary, the scope may need to be expanded to accommodate the City's new goals with the project since it began. Some of the following scope items were also contained in the Matrix Report.

Staff recommends expanding the scope of the project to include:

- Online customer tracking of applications
- Fully electronic plan review
- PRCP staff in the Phase II implementation
- Advanced mapping and data features for prospective businesses and developers.

To determine the cost for these additional features, staff would need to engage the vendor and perform a gap analysis of where the existing scope needs to be augmented. Prior to spending staff time and resources performing the analysis, staff is gauging City Council interest. If City Council is interested in expanding the scope of the Energov project, staff will perform the gap analysis and return with a defined scope and cost for the additional features.

FINANCIAL IMPACT

The proposed recommendations would have no direct financial impact at this time. If approved, City costs associated with the prolonged closure of portions of Main Street will be determined and fiscal impacts and cost recovery options would be analyzed and reported back to City Council. Modifications to the development review process will result in a quicker process for applicants as less staff time would be required to process some application types. If there is interest from City Council to expand the scope and features of Energov, staff would work with Energov to develop a revised scope and cost estimates that would be presented to City Council at a future meeting.

ALTERNATIVES

1. Direct staff not to proceed with plans for prolonged street closures to allow for outdoor dining and retail operations.
2. Do not adopt the Emergency Ordinance to streamline the development review process, maintaining the existing process; and
 - a. Direct staff to prepare alternative measures; or
 - b. Direct staff not to pursue any emergency process changes for the economic recovery.
3. Direct staff to maintain the existing call for review process.
4. Direct staff not to pursue additional features for Energov.
5. Refer any of the recommendation items back to the EDC for further development.

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ATTACHMENT:

- A Special Event Permit Application
- B Emergency Ordinance to Streamline the Development Review Process



ATTACHMENT A

SPECIAL EVENT PERMIT APPLICATION

A completed Special Event Permit application must be submitted a minimum of 60 city business days prior to your proposed event date. **Failure to do so may result in a permit being denied.** In addition, the City reserves the right to require supplemental information and deny any permit due to an incomplete or incorrect application, lack of qualified insurance, limited resources or previously scheduled events.

1. FEES:

An application fee, based on estimated event attendance, is **due upon submission** of your Special Event Permit application. **Please make checks payable to the "City of Ventura".**

<input type="checkbox"/>	100 attendees or less	\$150	<input type="checkbox"/>	1,000 or more attendees	\$400
<input type="checkbox"/>	101-999 attendees	\$250	<input type="checkbox"/>	Free Speech event	\$25

Should city services be required for your event such as Police, Fire, Streets, Parks, Event Oversight or Janitorial, you will be notified and all additional charges are due prior to the event date. If additional services are required on the day of the event, these charges will be billed afterwards.

This application and resulting permit reflects your agreed upon and intended use of city and/or private property. Any changes to the initial application must be made in a timely manner prior to the date of the event. Excessive changes and revisions to the permit are subject to additional administrative fees and may result in your permit being denied.

2. EVENT INFORMATION:

- Event Category: Public Private For Profit/Business Free Speech Walk/Ride Through
- Non-Profit, 501(c)3; Designation paperwork must be submitted with your application
- Non-Profit, Community service group, organization, club without 501(c)3 designation
- Other: _____

Name/Title of Event: _____

Location of Event: _____

Event Date: _____ Event Time FROM: _____ am pm TO: _____ am pm

Event Set-Up DATE: _____ FROM: _____ am pm TO: _____ am pm

Event Breakdown DATE: _____ FROM: _____ am pm TO: _____ am pm

Estimated Number of Attendees: _____ Estimated Number of Vendors: _____

- This event is free to the public This event will charge an admission fee to the public

A final vendor list must be submitted at least 15 city business days prior to proposed event.

Note: "vendors" include concessionaires, non-profit organizations, sponsors, entertainment, sound, light and stage providers, and any other company, organization, or individual providing goods, services, and/or equipment.

3. APPLICANT/ORGANIZATION INFORMATION:

Applicant Name: _____

Address/City/Zip: _____

Business Phone Number: _____ Mobile Phone Number: _____

Email: _____

Organization Name (if different from above): _____

Address/City/Zip: _____

Business Phone Number: _____ Email: _____

Contact Person(s) that will be on-site the day of the event:

(A): _____ Mobile Phone Number: _____

(B): _____ Mobile Phone Number: _____

(C): _____ Mobile Phone Number: _____

4. TYPE OF EVENT:

Cycling Parade Concert Running Walking Craft Fair Other: _____

Property proposed for event (please list address locations):

(A): _____ City Property Private Property

(B): _____ City Property Private Property

Event Description (please be specific and include event social media and website addresses):

5. EVENT/SITE MAP:

A detailed event and/or route map must be submitted with this application. The map must include a diagram of where the following items will be located: tables, chairs, stage, sound equipment, vendors, food booths, tents, display vehicles, generators, and anything that could create a hazard.

Note: Permittee is responsible for contacting the Fire Department at 805-658-4717 to coordinate required Fire Inspection services connected with the event.

6. STREET CLOSURES/TRAFFIC CONTROL:

No: street closures are not proposed for this event.

Yes: street closures are proposed for this event.

Note: Permittee must submit a professional traffic control plan 25 city business days prior to the proposed event.

Once submitted, the Ventura Police Department (805-339-4441) and Engineering Division (805-654-7759) will review the traffic control plan.

Please list proposed street closures:

Location (A): _____ Time FROM: _____ am pm TO: _____ am pm

Location (B): _____ Time FROM: _____ am pm TO: _____ am pm

Location (C): _____ Time FROM: _____ am pm TO: _____ am pm

Location (D): _____ Time FROM: _____ am pm TO: _____ am pm

Note: After reviewing the traffic control plan, the Ventura Police Department will determine if Police Services connected with traffic control are required for this event.

In addition, Permittee is responsible to notify verbally or in writing all businesses and private parties within a 700 foot radius of the event regarding street closures and significant disruptions. In addition, the services of a city street sweeper are required for all Downtown street closures at Permittee’s expense.

7. “NO PARKING-TOW AWAY” SIGNAGE:

No: “No Parking-Tow Away” signs are not proposed for this event.

Yes: “No Parking-Tow Away” signs are proposed for this event.

Note: Permittee is responsible for posting signage no less than 72 hours prior to the start of the event. All signage must be on 12” by 18” cardstock with red letters on white background. Permittee is responsible for completing a **daily verification** that all signage is securely posted in required locations. Any signs that have been removed must be replaced.

Please list proposed locations for signage:

Location (A): _____ Time FROM: _____ am pm TO: _____ am pm

Location (B): _____ Time FROM: _____ am pm TO: _____ am pm

Location (C): _____ Time FROM: _____ am pm TO: _____ am pm

Location (D): _____ Time FROM: _____ am pm TO: _____ am pm

8. PARKING:

City Parking Lots:

No: a city parking lot will not be closed to the general public for this event.

Yes: a city parking lot closure to the general public is proposed for this event.

Note: Permittee is responsible for paying an administrative fee and the cost of the parking spaces for the number of hours used. In addition, it is the Permittee’s responsibility to post no parking signs as described in the “No Parking-Tow Away” section.

If the event is held at the Promenade, parking fees are not waived and the parking attendant will collect a fee per vehicle at time of exit.

City Parking Meters in the Downtown Core:

- No: using metered parking spaces is not proposed for this event.
- Yes: the use of metered parking spaces is proposed for this event.

If yes:

- This event is sponsored by Downtown Ventura Organization (DVO).
- This event IS NOT sponsored by DVO. Permittee is responsible for paying an administrative fee and the cost of the metered spaces for the number of hours used. In addition, it is the Permittee's responsibility to post no parking signs as described in the "No Parking-Tow Away" section.

Note: Downtown metered parking area fees must be paid **at least 2 city business days** prior to your event by contacting the Engineering Division at 805-654-7759.

9. FACILITY SERVICES:

Electricity:

- No: we will not be requiring electricity or using a generator for this event.
- Yes: we will need electricity. List location and time requested: _____
- Yes: a generator is being used for this event. List type (including amps): _____

Note: Permittee is responsible for acquiring a Fire Permit for generators over 200 amps.

Restrooms:

- Yes: we are requesting an extra restroom cleaning (a fee will be charged per cleaning).
- No: we are supplying portable restrooms.
- No: we do not need an extra restroom cleaning or portable restrooms.

Note: For events over 150, portable restrooms are required; for events over 200 require portable restrooms and city restroom facility cleaning. Permittee is responsible for all costs and insurance pertaining to portable restrooms.

10. ENVIRONMENTAL SERVICES - TRASH/RECYCLING:

Permittee is responsible for clean-up of all trash, debris, litter, and recyclable materials that may accumulate as a result of this event. Permittee is also responsible for hauling all trash and recyclables or contracting with the City's Franchised Hauler, E. J. Harrison & Sons 805-647-1414 for services. No materials shall be put in City or privately owned bins without permission.

According to State legislation (Assembly Bill 2176), any event that serves an average of 2,000 or more individuals per day of operation, including paid staff and volunteers and charges an admission or is run by a local agency, must file a Waste Management/Recycling Plan with the City of Ventura prior to the event. Please contact the Environmental Services Division at 805-652-4584 for forms and assistance with this requirement. For qualifying events under this provision, the event permit may not be issued until this requirement is fulfilled. A follow up report of the types of waste, recycling and weights of materials is to be submitted to the City within 30 days after the event in accordance with the Waste Management/Recycling Plan.

- No, we will supply our own containers or contact E. J. Harrison for service.
- Yes, recyclable containers are needed and we would like to have the City supply the containers.

Note: Limited containers are available. Permittee must call the Environmental Services Division at 805-652-4525 to reserve containers at least **10 city business days** prior to event date. Permittee is responsible for pick up, service, and return of clean containers to the City of Ventura Maintenance Yard at 336 Sanjon Road during regular business hours. Lost or damaged recycling containers will be charged against the deposit at the rate of \$35 per lost container.

11. PARK SERVICES:

- No: the event will not impact a city park.
- Yes: the event is being proposed at a city park.

If yes:

- We are requesting to place fencing around or in a portion of the city park.
- We are requesting that vehicles be allowed on the turf for unloading and loading only (an additional fee may be charged).
- We are requesting the sprinklers be shut off prior to and on the day of the event (an additional fee may be charged).
- We are requesting an extra park cleaning prior to the event (an additional fee will be charged).

12. MUSIC/SOUND/ENTERTAINMENT:

- No: music, amplified sound, and entertainment is not proposed for this event.
- Yes: music, amplified sound, and entertainment is proposed for this event.

If yes, please check the following:

- Announcements Music Other: _____

Time FROM: _____ am pm TO: _____ am pm

Type of music, amplified sounds, and entertainment (please be specific):

Stage:

- Yes: a portable stage is proposed for this event.

Stage dimensions: _____ Vendor supplying the stage: _____

13. Alcohol:

- No: alcohol is not proposed for this event.
- Yes: alcohol is proposed to be included in this event.

Note: alcohol on city property is subject to review and approval by the Ventura Police Department. If approved, it is the Permittee’s responsibility to obtain appropriate ABC alcohol licenses. Specific requirements relating to the serving and dispensing of alcohol will be outlined in your Special Event Permit.

Permittee is required to contact the Ventura Police Department’s Alcohol Enforcement Officer at 805-339-4453 a minimum of 25 city business days prior to event if alcohol is being proposed for the event.

14. BUSINESS LICENSE:

Most special events require a City of Ventura business license for both non-profit and commercial sponsored activities conducted from a place other than a fixed place of business and for limited periods of time. Proof of a business license is required prior to the issuance of a special event permit. Call 805-658-4715 or visit www.cityofventura.ca.gov/businesslicense for more information and for a business license application.

BUSINESS LICENSE Number: _____ None/Not Yet Obtained

15. INSURANCE AND INDEMNIFICATION AGREEMENT:

Insurance Requirements:

Permittee shall procure and maintain in full force and effect all of the insurance required by "**Attachment A**".

The City's Risk Manager will determine the Insurance Tier, in "**Attachment A**", based on the details of the event and its activities.

Yes, we have insurance and will submit the required documents with all necessary endorsements for approval by the City's Risk Manager no less than **10 city business days** prior to the event date.

No, we do not have insurance and would like to purchase insurance through the City of Ventura's Insurance Broker.

Note: Insurance coverage through the City of Ventura's Insurance Broker is not guaranteed and is dependent on the type and nature of the event, and underwriter approval. Participant waivers may be required.

SPECIAL EVENT INDEMNIFICATION AGREEMENT

Permittee agrees, as an express condition of CITY's issuing the special event permit requested by Permittee and as a separate independent covenant to provide the insurance coverage of the type, form, and with the limits set forth in Appendix A, attached hereto and incorporated herein by this reference, that Permittee shall indemnify, defend (at CITY's request and with counsel satisfactory to CITY), and hold CITY harmless from and against any claim, action, damages, costs (including without limitations, attorney's fees), injuries, or liability, arising out of or relating to any negligent act, negligent omission, or wrongful conduct related in any way to Permittee's special event, including the negligent actions, negligent omissions, or wrongful conduct of its vendors and contractors. In the event the CITY determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the Permittee shall be required to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the CITY, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the CITY should otherwise agree with Permittee to waive said fees and/or costs or any part thereof. The foregoing shall not apply if the Permittee prevails on every issue in the enforcement proceeding. For purposes of this section "CITY" includes the City of San Buenaventura's officers, officials, employees, agents, representatives, and certified volunteers.

PERMITTEE ACKNOWLEDGMENT AND AGREEMENT

I, _____, the authorized representative for this special event "Permittee", do hereby acknowledge that I have read the terms and conditions of this application; that the terms and conditions are acceptable, that I have the legal authority to bind Permittee to the terms hereof, and Permittee agrees to abide by, comply with, and accept full and complete responsibility therefore.

Authorized Representative: _____ Date _____
 Signature Date

 Printed Name Title

OFFICE USE ONLY	PERMIT NO		ROUTED FOR REVIEW		INSURANCE SUBMITTED	
	STAFF RECEIVED		FINAL Routed		INSURANCE PURCHASED	
	AMOUNT RECEIVED		BALANCE DUE		INSURANCE APPROVED	
	CHECK NUMBER				INTERNAL RECEIPT #	

**Attachment A
INSURANCE REQUIREMENTS SPECIAL EVENTS**

	TIER I	TIER II	TIER III
	Special Events Permittees and High-Risk Vendors: NO Alcohol present and up to 1000 attendees	Special Events Permittees and High-Risk Vendors: Events with Alcohol or 1000+ attendees	Unusual Risks and Exposures to be determined by City's Risk Manager and/or Attendance greater than 10,000 people
COVERAGE TYPES AND LIMITS			
a) Commercial General Liability (CGL)	\$1 million per occurrence AND \$2 million aggregate	\$2 million per occurrence AND \$2 million aggregate if policy is written for a single event OR \$2 million per occurrence AND \$4 million aggregate if policy covers multiple events	\$5 million - \$10 million per occurrence & aggregate at Risk Manager's Discretion
b) Blanket Additional Insured Endorsement	X	X	X
or Additional Insured Endorsement for Premises and Ongoing Operations such as form CG 20 26 04 13 or equivalent on General Liability, Umbrella and Liquor Liability policies	X	X	X
c) Primary and Non-contributory Endorsement on General Liability, Umbrella, and Liquor Liability policies	X	X	X
d) Liquor Liability per occurrence if alcohol is served or sold at event	N/A	\$2 million per occurrence/aggregate at Risk Manager's discretion	up to \$5 million per occurrence/aggregate at Risk Manager's discretion
e) Auto Liability for commercial vehicles on City property (other than a public street)	\$1 million per occurrence	\$1 million per occurrence	\$1 million per occurrence
<p>Additional Requirements:</p> <ul style="list-style-type: none"> • Policies must be written by an Insurance Company with an AM Best rating of at least A:VII • The Description of Operations box on the Certificate of Insurance shall contain this language: <i>The City of San Buenaventura, its officials, officers, agents, employees and volunteers shall be named as an additional insured under the All Liability policies are Primary and Non-Contributory. 30 day notice of cancellation will be provided to the Certificate Holder.</i> • The Certificate Holder section of the Certificate of Insurance shall specifically state: <i>The City of San Buenaventura, its officers, officials, employees and agents 501 Poli Street VENTURA, CA 93001</i> 			

Revised 09/24/2019

For questions connected with insurance requirements, please contact:

Risk Management Division
805-654-7760
rm_special@cityofventura.ca.gov



SPECIAL EVENT PERMIT REMINDERS

Please keep this sheet for reference

The following is a partial list of the general Terms and Conditions of the Special Event Permit and is provided for your information only. Additional Terms and Conditions will be outlined on the issued Special Event Permit.

Note: It is unlawful for any person to conduct, sponsor, or knowingly participate in any event on or within any City street, sidewalk, parking facility, or other public right-of-way that obstructs or interferes with the normal flow of vehicular or pedestrian traffic or which does not comply with the applicable traffic laws.

Permittee must comply with any and all direction from the Ventura Police Department.

Permittee must allow all property owners and residents, within the barricaded area, vehicle and pedestrian access to their businesses/residences at all times unless otherwise authorized by the permit.

Permittee will be required to supply all signs and traffic control equipment specific to the event as detailed in the permit. In addition, Permittee is responsible for the removal of all signs and equipment at the conclusion of the event.

Permittee will be required to provide adequate parking, emergency personnel, trash & recycling containers, and restroom facilities based on the size and type of the event. Specifications will be listed in the permit.

Permittee shall be held responsible for the return of all public and private property in the immediate vicinity of the venue to the condition existing prior to the event and shall be responsible for the clean up of any litter or debris, which may accumulate as a result of the event.

Permittee shall promptly report to the Special Event office any injuries or property damage that occurs directly or indirectly as a result of the permitted event.

Permittee shall ensure that all streets closed to vehicle traffic will have emergency vehicle access. This will include a minimum unobstructed width of twenty (20) feet. All fire hydrants, fire sprinkler and/or standpipe system connections are to remain readily visible, accessible and unobstructed. All booths, tables or other objects shall be placed so they may be removed quickly for emergency equipment.

Permittee shall not allow the sale, serving, or consumption of alcoholic beverages on city property in conjunction with the event unless authorized by the permit. Alcohol must be served in accordance with ABC specifications.

SPECIAL EVENT PERMIT CONTACT:

Steven DeFratus, Community Partnerships Supervisor
sdefratus@cityofventura.ca.gov
805-658-4732
501 Poli St - Rm 218, Ventura, CA 93001

ATTACHMENT B

ORDINANCE NO. 2020-_____

**AN EMERGENCY ORDINANCE OF THE
CITY COUNCIL OF THE CITY OF SAN
BUENAVENTURA, CALIFORNIA,
TEMPORARILY SUPERSEDING PORTIONS
OF THE SAN BUENAVENTURA MUNICIPAL
CODE AND APPROVED SPECIFIC PLANS
TO CREATE EFFICIENCIES IN
DEVELOPMENT APPROVALS AND
DECLARING THE URGENCY THEREOF**

WHEREAS, Section 706(c) of the Charter of the City of San Buenaventura (“City”) authorizes the City Council to adopt emergency ordinances which become effective immediately upon adoption when the City Council determines the same is necessary to preserve the public peace, health, or safety, and the emergency ordinance contains the reasons for its urgency; and,

WHEREAS, International, national, state, and local health and governmental authorities are responding to an outbreak of COVID-19; and,

WHEREAS, On March 4, 2020, the Governor of the State of California declared a state of emergency in response to the spread of COVID-19; and,

WHEREAS, On March 12, 2020, the Public Health Director of the County of Ventura (“County Public Health Officer”) declared a local health emergency and further declared that there is an imminent and proximate threat of COVID-19 spreading in the County of Ventura and a threat to the public health of County residents; and,

WHEREAS, On March 15, 2020, the Director of Disaster Services/City Manager for the City proclaimed the existence of a local emergency; and,

WHEREAS, On March 17, 2020, the City Council adopted Resolution No. 2020-009 Proclaiming the Existence of a Local

Emergency and Ratifying the Director of Disaster Services/City Manager's Declaration of Local Emergency; and,

WHEREAS, On March 19, 2020, the Governor issued Executive Order N-33-20, ordering all individuals in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of sixteen critical infrastructure sectors; and,

WHEREAS, On March 20, 2020, the County Public Health Officer issued a "Stay Well at Home" order further refining and defining terms of his previous public health order and specifically defining essential businesses; and,

WHEREAS, On April 9, 2020, the County Public Health Officer issued an additional Order restricting gatherings of two or more individuals and imposed additional requirements for essential businesses to ensure social distancing is being implemented; and,

WHEREAS, On April 18, 2020, the County Public Health Officer amended his "Stay Well at Home" order to include as "Essential Activities" certain outdoor activities, such as golfing, tennis, pickleball, walking, hiking, running, bicycling, pleasure driving, and gardening, as long as social distancing requirements are met and the "Stay Well at Home" directives are followed; and,

WHEREAS, On April 20, 2020, the City Council amended its prior closure of City parks and beaches to conditionally allow walking, hiking, jogging, running, or biking on sidewalks, walking paths, trails, tracks, the Promenade, the Pier, and the beach as long as those engaging in those activities do not linger in any location and social distancing is maintained; and,

WHEREAS, On April 20, 2020, the County Public Health Officer restated his April 18, 2020 "Stay Well at Home" order to clarify limitations on public and private gatherings; and,

WHEREAS, On May 7, 2020, the County Public Health Officer issued a new "Stay Well VC Safely Reopening Ventura County" order

deferring, in large part, additional health regulations to the state's "Stay at Home" order; and,

WHEREAS, As of the day of this emergency ordinance, the County of Ventura, including the City, are subject to the state's and County Public Health Officer's orders, which generally require all City residents to stay at home unless otherwise permitted; and,

WHEREAS, These orders have devastated the local economy, and the extent of that economic devastation is unclear; and,

WHEREAS, The City Council is considering means of encouraging economic growth in the City to boost the local economy and mitigate the impact of the state's and county's response to the COVID-19 pandemic; and,

WHEREAS, Allowing those interested in developing their property to more quickly implement their projects, creates jobs, and additional investments in our local economy and assists in its recovery.

The City Council of the City of San Buenaventura does ordain as follows:

Section 1. Definitions. For purposes of this Ordinance:

a. 'Code' means the San Buenaventura Municipal Code or any specific plan adopted by the City Council.

b. 'Department' means the Community Development Department.

c. 'Director' means the Director or designee of the Community Development Department.

d. 'Discretionary Permit' means any discretionary permit or action required by the Code or by any Specific Plan. 'Discretionary Permit' does not include any discretionary action related to subdivision maps; legislative proposals including, but not limited to,

amendments to the Code, the General Plan, specific plans; rezonings; or approval of new specific plans.

e. 'Final Action Authority' means the Planning Authority that issues a final decision on a Discretionary Permit as otherwise required by the Code before any appeal of the decision.

f. 'Planning Authority' means the Design Review Committee, Historic Preservation Committee, Director, Planning Commission, or City Council.

g. 'Project' means the land use change that is reflected in one or more applications for a Discretionary Permit.

Section 2. Discretion to Select Final Action Authority; Fees

a. Notwithstanding anything to the contrary in the Code, the Director may select which Final Action Authority will review and act on any Discretionary Permit; provided, however, that (1) all other processing requirements in the Code are maintained, including but not limited to, public noticing and hearings, environmental review, and appeal rights; and (2) the Director considers, in making the selection, the complexity of the Project, the public's interest in the Project, the likelihood that the decision on the Discretionary Permit will be appealed, the technical features of the Project that may require specialized analysis, whether the review of the Discretionary Permit is the final action necessary to allow the applicant to move forward with the Project, and whether the selection of a Final Action Authority other than the Final Action Authority required by the Code assists the applicant in completing the Project more quickly than would otherwise occur.

b. The Director may partially refund processing fees, as appropriate, to reflect the fees associated with the selected Final Action Authority.

c. If the Code requires that a Project be reviewed by and acted on by more than one Final Action Authority, the Director must select only one Final Action Authority that will act on all aspects of the

Project. The Director may send the Project to any other Planning Authority for its recommendation to the Final Action Authority selected by the Director.

Section 3. Appeals. Notwithstanding anything to the contrary in the Code, all appeals of actions on Discretionary Permits by a Final Action Authority will be heard only by the City Council.

Section 4. Courtesy Notice. In addition to any other notice required by the Code, the Department must provide a courtesy notice to all property owners within 300 feet of the Project site, in writing, that a new application for a Discretionary Permit has been submitted, no later than the date the application for the Discretionary Permit is deemed complete. The applicant must pay for this notice.

Section 5. Term of this Ordinance. This Ordinance will take effect immediately upon adoption and will remain in effect for one year after its passage unless sooner terminated by action of the City Council.

Section 6. CEQA Compliance. Adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 21080(b)(4) and CEQA Guidelines section 15269(c) regarding actions to mitigate or prevent an emergency.

Section 7. Severability Clause. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

Section 8. Publication. The City Clerk is directed to cause a summary of this Emergency Ordinance to be published in the official

newspaper at least once within fifteen days after its adoption showing the vote thereon.

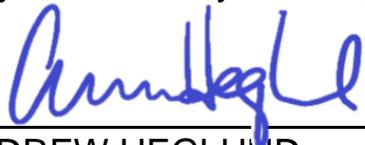
PASSED and ADOPTED this 18th day of May, 2020.

MATT LAVERE, Mayor

ATTEST:

ANTOINETTE M. MANN, MMC, CRM
CITY CLERK

APPROVED AS TO FORM
Gregory G. Diaz, City Attorney

By:  5/14/2020
ANDREW HEGLUND Date
Senior Assistant City Attorney