



Contra
Costa
County

To: Board of Supervisors
From: John Kopchik, Director, Conservation & Development Department
Date: May 23, 2023

Subject: Hearing to Consider Adopting Urgency Interim Ordinance No. 2023-11

RECOMMENDATION(S):

1. OPEN the public hearing on Ordinance No. 2023-11, RECEIVE testimony, and CLOSE the public hearing.
2. ADOPT Ordinance No. 2023-11, an urgency interim ordinance that extends, through May 23, 2024, a prohibition on unpermitted commercial temporary events, establishes new enforcement mechanisms, and related provisions.
3. DETERMINE that adoption of Ordinance No. 2023-11 is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061 (b)(3).
4. DIRECT staff to file a CEQA Notice of Exemption with the County Clerk-Recorder.

FISCAL IMPACT:

None.

BACKGROUND:

On June 7, 2022, the Board of Supervisors adopted Ordinance No. 2022-23, an urgency interim ordinance that immediately implemented regulations related to commercial temporary events, including a prohibition on unpermitted commercial temporary events and new enforcement mechanisms. On July 12, 2022, the Board adopted Ordinance No. 2022-25, extending the regulations related to commercial temporary events through June 7, 2023. This urgency ordinance, Ordinance No. 2023-11, would extend the regulations related to commercial temporary events through May 23, 2024, while the County continues developing amendments to Ordinance Code Chapter 82-44, the Temporary Events Ordinance of Contra Costa County.

This urgency interim ordinance extension is necessary to address significant negative impacts caused by an increase in unpermitted commercial events within the County. The County regulates short-term activities and events that are conducted on private property and generate or invite considerable public participation, invitees, or spectators under Chapter 82-44. Chapter 82-44 establishes procedures for evaluating, permitting, and regulating temporary events. These procedures authorize the zoning administrator to approve permits for temporary events and to require

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- APPROVE
 OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR
 RECOMMENDATION OF BOARD COMMITTEE
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Action of Board On: **05/23/2023** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: May 23, 2023

Monica Nino, County Administrator and Clerk of the Board of Supervisors

Contact: Francisco Avila, 925-655-2866

By: , Deputy

cc:

BACKGROUND: (CONT'D)

permit conditions, or deny permits when necessary. These procedures are necessary to protect and promote the health, safety and welfare of the public, temporary event participants, and nearby residents. Under Chapter 82-44, commercial events held on private property without a permit, and commercial events that violate the noise or amplified sound restrictions set forth in Chapter 82-44, are illegal.

Over the past several years, the number of unpermitted commercial events held on private property has increased. These unpermitted commercial events typically are widely advertised, or require paid admission, or charge for parking. Because they are unpermitted, these commercial events are not subject to any conditions, such as noise restrictions, parking requirements, on-site restroom requirements, and other requirements designed to minimize the impact of these events on the normal free flow of vehicular and pedestrian traffic, minimize the impacts of noise from these events, protect the safety of property, and minimize disturbance and inconvenience to neighbors, neighboring properties, and neighborhoods.

In an effort to deter these unpermitted events, on April 26, 2022, the Board of Supervisors adopted Ordinance No. 2022-16, to increase fine amounts for violations of Chapter 82-44. Ordinance No. 2022-16 establishes the following fine amounts for violations of Chapter 82-44: \$150 for the first violation, \$700 for a second violation occurring within three years of the first violation, and \$2,500 for each additional violation occurring within three years of the first violation. Code enforcement officers have begun to issue increased fines to property owners for holding unpermitted commercial events and for other violations of Chapter 82-44.

Adopting this urgency ordinance to extend the regulations related to commercial temporary events will allow staff to continue developing amendments to Chapter 82-44 that will hold commercial event organizers, in addition to property owners, liable for illegal commercial events; will authorize Sheriff's deputies, in addition to code enforcement officers, to enforce Chapter 82-44; ensure that commercial event organizers do not evade the requirements of Chapter 82-44 by characterizing these commercial events as non-commercial events exempt from the Temporary Events Ordinance's permit requirements.

Staff recommends the Board adopt the proposed urgency ordinance to extend the regulations related to commercial temporary events while DCD prepares amendments to Chapter 82-44 of the County Ordinance Code. The amendments to Chapter 82-44 must be considered by the County Planning Commission before being considered for adoption by the Board of Supervisors, and will not go into effect until 30 days after adoption by the Board. Since the number of unpermitted commercial events held on private property had increased prior to the June 7, 2022 adoption of the regulations proposed for extension, and additional unpermitted events are likely to occur before the proposed amendments to Chapter 82-44 become effective, this urgency ordinance is necessary to protect the public health, safety, and welfare.

CEQA COMPLIANCE

Adoption of the proposed urgency interim ordinance is exempt from CEQA because it can be seen with certainty that adoption of the ordinance will not have a significant effect on the environment. The proposed ordinance would extend temporary regulations related to commercial temporary events. These regulations include a prohibition on unpermitted commercial temporary events and the establishment of new enforcement mechanisms.

CONSEQUENCE OF NEGATIVE ACTION:

The failure to extend the urgency ordinance may result in continued significant negative impacts caused by unpermitted commercial events that adversely affect the general health, safety, and welfare of County residents.

ATTACHMENTS

5.10.23 Rpt to Board

ORDINANCE NO. 2023-11