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On agenda: 11/4/2024 Final action:

Title: Ordinance Adoption - A Public Hearing and First Reading of Ordinance No. 2024-11, a request by the City of Visalia to amend Visalia Municipal Code Section 12.48 "Special Events" by adding a definition for Street Frontage.

Attachments: 1. [Street Frontage Definition](#), 2. [Ordinance Special Events PH 2024.docx](#)

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Agenda Item Wording:

title

Ordinance Adoption - A Public Hearing and First Reading of Ordinance No. 2024-11, a request by the City of Visalia to amend Visalia Municipal Code Section 12.48 "Special Events" by adding a definition for Street Frontage.

body

Deadline for Action: 11/4/2024

Submitting Department: Community Development

Contact Name and Phone Number:

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Department Recommendation:

Staff recommends that the Visalia City Council hold a public hearing, receive a presentation and staff report, and introduce the first reading of Ordinance No. 2024-11 amending Visalia Municipal Code Section 12.48 Special Events, adding a definition for "Street Frontage."

Summary:

On August 21, 2023, a work session item was held with the City Council to conduct a review of current processes and ordinance requirements related to Special Events (Chapter 12.48 of the Municipal Code). During the presentation, several areas of the Special Events ordinance were identified that required revisions to address current procedural requirements to align with how these applications were being processed by City staff. After receiving direction from City Council on potential ordinance changes, on December 4, 2023, the City Council held a public hearing and first reading of Ordinance No. 2023-12, amending Section 12.48 Special Events to reflect the changes as discussed during the work session.

Should Council choose to support this Ordinance change, all Special Event permits that could be subject to the change will be held until the Ordinance is fully implemented which is generally 30 days after final adoption.

Background Discussion:

As noted above, Visalia Municipal Code Section 12.48 "Special Events" was amended December 2023 with ordinance becoming effective January 17, 2024. The amendment included the addition of Section 12.48.085 "Restrictions on Usage of Public Streets for Special Events". This section was added due to concerns raised with staff about repeated usage of the same streets for special events and whether that can cause disruptions of traffic patterns and parking. Staff identified during the City Council work session meeting that frequent use of public streets and/or public property for events is a matter of public policy that can be set by the City Council through the special event ordinance, which can be worded to generally allow the use of public streets for special events or be more restrictive in the use of streets.

To address traffic pattern disruptions and impacts to adjacent businesses caused by a special event that is consistently held, in the same location, using public streets or publicly owned outdoor facilities over a specified timeframe in the same calendar year, Section 12.48.085 was adopted by the City Council's, which states:

In order to prevent long term disruption of traffic patterns and to encourage the use of parks and/or public or private facilities, and not public streets for special events, for purposes of this ordinance, the city may determine that an event substantially interrupts the safe and orderly movement of vehicular traffic contiguous to the streets where the proposed event is to be held if the applicant is requesting to hold an event, other than a parade, in a street that will impact traffic patterns for more than twelve (12) days in a calendar year or has filed similar event applications impacting the same streets within the previous twelve (12) months. The city may find that no substantial interruption is occurring if the applicant for the special event, or a sponsor of the special event, is a property owner or tenant of property with street frontage in the area proposed for closure, or if the requested closures for special events only impact alleyways.

After the adoption of the ordinance, it was brought to staff's attention this new section contains the term "**street frontage**" but no definition for this term is not provided in the entirety of Section 12.48. As a result of this term not being defined, this has created confusion on behalf of applicants and has made enforcement of the section somewhat problematic due their interpretation of the term.

Proposed Modification:

To alleviate this issue, staff recommends including a definition of "Street Frontage" to Section 12.48.020 Definitions as follows:

"Street Frontage" shall mean the property line where a lot abuts upon a street and when referring to an area near a business owned by a special event applicant or sponsor it shall refer to the public street abutting the lot where the applicant or sponsor's business is located and extend to the nearest cross streets on either side of the business. The area may be reduced from the nearest cross street if alley access is needed for emergency vehicles, or if the street closure would interfere with public usage, such as transit operations, or block private property access.

The addition of the definition clarifies Section 12.48.085 and should address any confusion by applicants and/or the enforcement of this code.

It should be noted that the addition of the definition does not guarantee that the entire area deemed as "street frontage" will be eligible for event use. In some instances, the entire "street frontage" will not be permitted for use of the event due to required alleyway access, required vehicular street access to adjoining businesses, bus stops, or other events that could reduce the area of "street frontage"

available for the event. The determination on whether the street frontage would be permitted is subject to review and determination by staff.

Fiscal Impact: N/A

Prior Council Action:

- On August 21, 2023, the City Council directed staff to move forward with revising Visalia Municipal Code 12.48 Special Events
- On December 4, 2023, a public hearing was held and a presentation introducing the first reading of Ordinance No. 2023-12 amending Visalia Municipal Code Section 12.48 Special Events.
- On December 18, 2023, a second reading was conducted for Ordinance No. 2023-12. The ordinance become effective January 17, 2024.

Other: N/A

Alternatives: The City Council may, in lieu of the recommended motion specified above, consider any of the following alternatives:

1. Direct staff to not process any amendment to Visalia Municipal Code Section 12.48 Special Event; or
2. Continue the matter to a future City Council hearing for additional information.

Recommended Motion (and Alternative Motions if expected):

recommendation

I move to introduce the first reading of Ordinance No. 2024-11 amending Visalia Municipal Code Chapter 12.48 "Special Events" adding a definition of Street Frontage to Section 12.48.020.

end

Environmental Assessment Status:

The requested action is considered exempt under Section 15061(b)(3) of the state Guidelines for the California Environmental Quality Act (CEQA). A Notice of Exemption has been prepared for the project because Section 15061(b)(3) which states that the project is exempted from CEQA if the activity is covered by the commonsense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

CEQA Review:

The requested action is considered exempt under Section 15061(b)(3) of the State Guidelines for the California Environmental Quality Act (CEQA). A Notice of Exemption (NOE No.2024-58) has been prepared.

Attachments:

1. Ordinance No. 2024-11
2. PowerPoint Presentation