

May 16, 2007

**HERMOSA BEACH
CITY COUNCIL**

The City of Hermosa Beach)
Special Occasions Permit) May 2007

**COMMENTS OF
BRAD ADAMS
ON
THE CITY OF HERMOSA BEACH
SPECIAL OCCASIONS PERMIT**

Dear Honorable Council Members,

I am a resident of Hermosa Beach and have lived in the area for the past 6 years. I heard about the Party Permit, which should be re-named "Special Occasions Permit" ("SOP"). This would be an easier sell to the general public, will not immediately have negative connotations and more accurately describes its true purpose and intent, to be able to have an occasion like a birthday, wedding, bar mitzvah, graduation party, bachelorette party, bachelor party, bridal showers, anniversary, family reunion, company event etc. without being disturbed and harassed by the police and overly sensitive South Bay neighbors.

I wanted to take the liberty of submitting comments for discussion should this great idea put forward by the Hermosa City Council, continue forward.

Some conditions, thoughts and parameters, that would help steer the process in the appropriate direction:

1. The SOP must adhere to local City Ordinance with the exception of modified noise and activity allowance as per the SOP, but also meet Tenant, apartment and HOA's rules and regulations.
2. The required deposit left with the permitting authority must be cheaper than a noise violation ticket (Otherwise there is no point in getting a permit; you might as well get a ticket). Alternatively, you could also charge a fee, for example an after hour noise permits could cost \$20. *Obtaining a Construction Noise Permit during restricted hours - San Diego Municipal Code Section 59.5.0404. A fee applies to noise permits; \$40 for permits that do not require public hearings and \$265 for permits that require public hearings.*
3. Two Types of allowable Permits should be offered:
 - a. Residents should be allowed Two (2) permits per year for a special occasion ending at midnight;

OR

- b. Residents would be allowed One (1) permit per year for an event that ends at 2 am (Nightclubs, Bars and most establishments with liquor licenses close at 2 am)
4. Permits would be limited to the physical address of the household and not to the residence name. This would avoid multiple tenants applying for more than the designated number of permits allowed per year for one location.

5. The Deposit required or fee charged for the 'one time' permit allowing for a 2 am occasion, should be greater than that of a 'twice a year' midnight expiring permit. This too should be below the cost of a noise violation as there is no point in obtaining a permit if the violation fine would be cheaper.
6. The Applicant should be made aware, that not only can he/she lose their deposit, but also receive a noise violation fine(s), should they blatantly disregard the rules, noise laws and officer warnings regarding exceeding the permit allowances and/or time limits.
7. Enforcement:

- a. **How is the Ordinance Enforced? What are the Penalties?**

Police officers enforce the City's Noise Ordinance by issuing a Warning Notice or a Civil Citation to the violator. If an officer determines that there is a noise violation, a Warning Notice is issued to the violator for the first incident. The warning remains in effect for 90 days. If another noise violation occurs within 90 days (including the same evening), the violator is issued a Civil Citation, and a new 90-day period begins. Warning Notices and Civil Citations are recorded at the Police Department. Fines for noise violations are:

1st Offense: Warning Notice, in effect for 90 days, no fine

2nd Offense: Within 90 days of the Warning Notice, issue a Civil Citation with a \$125 fine

3rd Offense: Within 90 days of the first Civil Citation, issues a Civil Citation with a \$250 fine

4th Offense: Within 90 days of the second Civil Citation, issue a Civil Citation with a mandatory court appearance, and a fine to be determined up to \$500

8. Neighbors can be warned of making frivolous noise complaints during an approved and permitted event. Excessive frivolous complaints should be a ticket'able item with an associated fine. Possibly \$20.00 for wasting police manpower and time responding to complaints.

9. Noise Standards:

- a. Noise from the approved event may not exceed a sustained one (1) minute average of 80 dB at the street or sidewalk outside of the residence. This should be measured by a portable certified sound measuring device.
- b. Unacceptable Noise would be noise that a code enforcement officer would deem unacceptable of an approved SOP, which is defined as noise that can be heard a minimum of 250 feet from the property line of the source of the noise - This type of noise includes amplified music, musical instruments, televisions, radios, fire-crackers and non-amplified human voices ("yelling, shouting, whistling, hooting or generally creating a racket")

10. Application Requirements:

- a. The application should include the applicants contact information, name, address, date of birth, phone number, cell phone number and/or the Landlord/Management Company's contact information.

- b. Copy of the Notification that will be issued to the neighbors.
- c. Expected number of guests or patrons
- d. Parking situation. Will there be valet parking, street parking, parking provided on the premises, no plans for parking and traffic control etc.
- e. Address of event
- f. Type of event
- g. Starting time and ending time
- h. Entertainment to be provided, if any
- i. Will alcohol be sold, given away or otherwise provided by the applicant
- j. Describe Sanitary facilities to be provided, if any
- k. Security arrangements, if any
- l. Will an admission fee, charge, or donation be required to attend
- m. Approximate Distance to the nearest resident

11. Notification requirements:

- a. A flyer left with surrounding neighbors that posts the City of Hermosa Beach Website Address that provides information such as applicable rules, restrictions and information regarding the SOP. The website would list valid permit numbers and associated addresses (i.e. SOP00025 728 5th Street 05/15/2007 Midnight (or 2 AM);
- b. It should also include the Applicants contact information, property owners and/or the Landlord/Management Company's contact information.
- c. Notification of neighbors should consist of an approximate distance or numbers of homes whichever is greater. I.e. a 200 ft radius of the properties perimeter or six (6) homes in each direction (North, South, East and West) whichever is greater.

This would be a fair and transparent way of allowing a special event to occur a limited number of times per year. Citizens of the beach town of Hermosa should be allowed to celebrate with friends, family or associates a couple of times per year, without having to deal with overly sensitive neighbors. The purpose of moving to the beach is to enjoy a relaxed pace of life, enjoy the ocean air, outdoor activities, fitness, socializing and a better way of life than the more stressful environment of downtown or highly urbanized areas.

By allowing this permit process to go forward would be in concert with the goals and needs of this city. It would align the needs of a growing younger generation of wealthy professionals moving into the area who like to socialize, hold events and enjoy the beach town and the goals of the city to be a place that people want to move to, because of its atmosphere and beach setting.

Thank you for considering my views. I appreciate the opportunity to provide input during this decision making process. Please contact me if I can provide further information on any of my comments.

Respectfully,

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