

**CITY OF CARMEL-BY-THE-SEA
COMMUNITY ACTIVITIES & CULTURAL COMMISSION
AGENDA**

Regular Meeting
City Hall
East Side Monte Verde
Between Ocean and Seventh Avenues

Tuesday
June 11, 2013
9:30 a.m.

- I. Roll Call, Dixie Dixon, Donna Jett, Ruth Rachel, Kristy Downing, Judy Refuerzo**
- II. Pledge of Allegiance**
- III. Appearances**
Anyone wishing to address the Commission on items within its jurisdiction may do so now. Please rise, state your name and the matter on which you wish to speak. Matters not appearing on the Community Activities & Cultural Commission agenda will not receive action at this meeting. Presentation will be limited to three minutes, or as established by the Community Activities & Cultural Commission.
- IV. Approval of Minutes for the meeting of May 14, 2013**
- V. Orders of Business**
 - A. Consideration of an appeal of an administrative decision to grant exclusive use of the City banner poles on Ocean Avenue. The appellant is Pacific Repertory Theater.**
- VI. Announcements from the Chair and/or Commissioners**
- VII. Announcements from the Assistant City Administrator-Receive and Discuss Reports, provide direction as necessary.**
 - **Special Event Permits – 2013**
 - > 33rd Annual Surf-About, Sat. & Sun., June 1-2, all day – **RECAP**
 - > 3rd Annual Run in the Name of Love, Sunday, June 16, 7:30 a.m., San Carlos & 9th
 - > 11th Annual July 4th Celebration, 12-4 p.m., Thursday, Devendorf Park, 12 Noon
 - > 7th Annual Carmel-by-the-Sea Concours on the Avenue, Tues., Aug. 13, 10 a.m.
 - > Concours d'Elegence Vintage Car Parade & Display, Thurs., Aug. 15, 11:30 a.m.
 - > PG Auto Rally, Fri., Aug. 15, Ocean Avenue, 6 p.m.
 - > 6th Annual Carmel Authors & Ideas, Fri-Sun., Sept. 27-29, Sunset Center
 - > 53rd Annual Sandcatle Contest, Sun., Sept. 15, 8 a.m. – 3 p.m., Carmel Beach TBD
 - > 5th Annual Carmel Art & Film Festival, Wed-Sun., Oct. 9-13, Various locations
 - > 97th City Birthday Party & Parade, Sat., Oct. 26, 11:00 a.m., Sunset Center
 - > Carmel High School Homecoming Parade, Fri., Nov. 1, 3:00, Ocean Ave.
 - > Veteran's Day Ceremony, Mon., Nov. 11, 11 a.m., Devendorf Park
 - > 43rd Annual Homecrafters' Marketplace, Sat., Nov. 23, 9 am-3pm, Sunset Center
 - > Holiday Tree Lighting, Fri., Dec. 6, 4:30 p.m., Devendorf Park/Ocean Ave.
- VIII. Future Agenda Items**
- IX. Adjournment**

**The next regular meeting of the Community Activities & Cultural Commission is
Tuesday, July 9, 2013 at 9:30 a.m.**

Any writings or documents provided to a majority of the Community Activities & Cultural Commission regarding any item on this agenda will be made available for public inspection by calling the Community Services Department at 831/620.2020

**Community Activities and Cultural Commission
Agenda Item Summary**

Name: Consideration of an appeal of an administrative decision to grant exclusive use of the City banner poles on Ocean Avenue. The appellant is Pacific Repertory Theater.

Description: Pacific Repertory Theater is appealing an administrative decision by staff to grant exclusive use of the banner poles on Ocean Avenue for *Councours on the Avenue* during August 7-13 (7 days) and for the *Art and Film Festival* during October 2-13 (12 days).

Staff Recommendation: Deny the appeal and uphold the administrative decision.

Important Considerations: On 7 May 2013 the City Council adopted an amended banner policy permitting staff to authorize exclusive use of the City banner poles in limited circumstances. The purpose of this amendment was to provide more equity to applicants.

Decision Record: On 31 May 2013 staff made an administrative decision to grant exclusive use of the City banner poles along Ocean Avenue for *Councours on the Avenue* and for the *Art and Film Festival*.

Attachments:

- Attachment "A" Banner Policy (Amended 5/7/13)
- Attachment "B" Administrative Decision Letter

Reviewed by:

Heidi Burch, Assistant City Administrator

Date

CITY OF CARMEL-BY-THE-SEA

STAFF REPORT

TO: CHAIR DIXON AND MEMBERS OF THE CCAC
THROUGH: HEIDI BURCH, ASSISTANT CITY ADMINISTRATOR
FROM: MARC WIENER, SENIOR PLANNER
DATE: 11 JUNE 2013
SUBJECT: CONSIDERATION OF AN APPEAL OF AN
ADMINISTRATIVE DECISION TO GRANT EXCLUSIVE USE
OF THE CITY BANNER POLES ON OCEAN AVENUE.

BACKGROUND

On 7 May 2013 the City Council adopted an amended banner policy (Attachment "A"). The revised policy states that: *"In limited circumstances staff may authorize the exclusive use of banner poles as outlined in the application procedures"* and *"Preference for exclusive use of banner poles may be given to events or organizations that request the fewest number of days per year. The Community Activities and Cultural Commission shall be advisory to staff on the use of the banner poles."* The purpose of these amendments is to provide more equity to applicants.

When the proposal to revise the banner policy went before the City Council, it was identified that the banner policy should consider the number of days being requested by each event or organization when determining whether sharing is appropriate and equitable. For example, the Forest Theater Guild and Pacific Repertory Theater (PacRep) typically request to use the banner poles 70-90 days per year. Other special events such as the Art and Film Festival, Concours on the Avenue, and the Art Festival occur once per year and use the banners for a limited duration ranging from 8-13 days. Most of these events occur during the busy theater season (July-Oct), which leads to conflict.

APPEAL EVALUATION

Consistent with the revised policy, on 31 May 2013 staff made an administrative decision to grant exclusive use of the City banner poles along Ocean Avenue for Councours on the Avenue during August 7-13 (7 days) and for the Art and Film Festival during October 2-13 (12 days). PacRep had requested to use the City banner poles on the same days.

The primary basis for this decision was that both events had requested fewer days than PacRep. This year PacRep has requested to use the banner poles for nearly all of July through October, for a total of 95 days. The number of days would be reduced to 76 with the exclusive use approval that was issued by staff.

The revised banner policy states that in "*limited circumstances*" staff may authorize the exclusive use of the banner poles. At this time the decision for exclusive use has been limited to only Concours on the Avenue and the Art and Film Festival. As additional applications come forward, staff and the Community Activities and Cultural Commission will have the opportunity to work with the new policy and determine if it is equitable to all applicants, including PacRep. Staff recommends denying the appeal and upholding the administrative decision.

RECOMMENDATION

Deny the appeal.

***Attachment "A"**
Amended Banner Policy

CITY OF CARMEL-BY-THE-SEA

POLICY C95-07 Updated 5/7/13 (Note: Amendments are underlined in bold)

BANNERS ON PUBLIC PROPERTY

PURPOSE:

To establish a policy outlining the procedure for application and review of the design, style, appropriate locations, duration of display, installation and removal of banners on public property in the City of Carmel-by-the-Sea.

POLICY:

The City of Carmel-by-the-Sea supports the concept of displaying decorative banners on public property for the purpose of promoting a festive atmosphere and informing residents and visitors of local events. The City **typically** encourages up to two events sharing the banner poles at any given time. **In limited circumstances staff may authorize the exclusive use of the banner poles as outlined in the application procedures.** Display of banners is limited to the following areas:

1. Ocean Avenue median
2. Sunset Center property
3. Devendorf Park
4. **Harrison Memorial Library (library sponsored events only)**
5. **Other locations as may be determined by the Community Activities and Cultural Commission from time-to-time; provided, however, that all such exceptions are referred to the City Council for its prior approval.**

GUIDELINES:

Approval Authority:

The Community Planning and Building Department shall have the authority to review and approve or deny applications for public display of banners in accordance with following guidelines:

Guidelines for Appropriate Events:

Banners may be approved only for the following types of events:

1. City events and activities;
2. City co-sponsored events/activities;
3. Community events/activities which take place within Carmel-by-the-Sea City limits;
4. Events that, in the judgment of staff, **will provide significant cultural and economic benefit to the City.**

Staff may refer a proposed event to the Community Activities and Cultural Commission if it is unclear whether it qualifies under the four types of events outlined above.

Guidelines for Banner Design:

The following guidelines shall be used for reviewing and approving or denying banner applications:

1. **Size:** Banners must conform to specifications of the City's display stanchions and hardware as set forth in the specifications identified in Exhibits A, B, and C of this Policy. In no case shall the area of any banner exceed twenty-four square feet.
2. **Material:** Banners must be constructed of durable, natural-looking fabric including those coated (not vinyl); both the fabric and the paint must be capable of withstanding the elements and have a matte finish. A material sample shall be submitted to the City for approval prior to installation.
3. **Attachments:** Banners must have fasteners (grommets) that are durable, safe and appropriate to meet the design specifications of the stanchions. Refer to specifications in Exhibits A, B, and C of this Policy.
4. **Design:** All banners shall be simple design, consistent with village character, and compatible in color and design with surrounding architecture and landscaping. Fluorescent or incompatible colors, streamers, balloons and other appurtenances to attract the eye are prohibited.
5. **Lighting:** Illumination is prohibited.
6. **Text:** Only the name and dates and a simple website address (no www or http://) of the event shall be displayed on a banner. Location information is limited to the place (Devendorf Park, Sunset Center, etc.), not a street location. The text size for the location and dates must also be substantially smaller than the event name and graphic image.
7. **Location:** Placement of banners shall be limited to those areas set forth in the "Policy" section of this document. Any other locations shall require Community Activities and Cultural Commission recommendation to the City Council.
8. **Condition and Maintenance of Banners:** All banners must be clean and in good condition. If not, the banners cannot be displayed.
9. **Calendar:** Banners for no more than two events shall be displayed at any one time on Ocean Avenue and at the Sunset Center. The Department of Community Planning and Building shall maintain the calendar of dates for banners approved for installation. When banners for two events are displayed they shall be on alternate stanchions such that all four faces on each stanchion (left/right sides and east/west faces) display the same event.

DURATION:

Banners may be displayed for up to seven days prior to the beginning of the event, and may be displayed for no more than three days following the event's conclusion. **Banners may be displayed at Harrison Memorial Library for a maximum of 30 days prior to the event.** It shall be the responsibility of the Department of Community Planning and Building to coordinate, as needed, the installation and removal of the banners with other City Departments.

INSTALLATION, MONITORING, AND REMOVAL:

A private contractor, designated by the City, shall have sole responsibility for the installation, removal, and return of all banners to the applicant.

The Department of Community Planning and Building shall have the responsibility for monitoring and insuring that, while placed on public property, the condition and appearance of all stanchions and banners are consistently maintained to meet the community's aesthetic standards. **It is the policy of the City to only install American flags or other City banners during specific events (4th of July, Memorial Day, etc.).**

APPLICATION PROCEDURE:

Applications for the review of proposed banner installations are available in the Department of Community Planning and Building at City Hall. Completed applications may be submitted up to one year but not less than 45 days prior to the requested installation date. If two events request the same dates, the banner poles shall be shared and the banners shall be displayed consistent with the standards outlined in #9 - *Calendar* above. If more than 2 events request the same dates, staff will give preference to those events or organizations that have had the fewest display days in the past 12 months. **Preference for exclusive use of banner poles may be given to events or organizations that request the fewest number of days per year. The Community Activities and Cultural Commission shall be advisory to staff on the use of the banner poles.**

Within 60 days of the installation date the City will notify the applicant of whether the banners have been approved and whether the banner poles will be shared with another event.

LIABILITY, PROPERTY DAMAGE:

Each applicant, its successors and assigns shall hold the City of Carmel-by-the-Sea and its officers and employees harmless from any claims due to theft, vandalism, damage or loss of its banners, due to any cause whatsoever, and from any and all claims, actions and demands of third parties of any kind, character and description arising out of or due to the display of banners approved hereunder.

Contractor agrees to provide the City with a certificate of insurance from an insurance carrier acceptable to the City certifying that the applicant has public liability and property damage insurance with limits of not less than \$1,000,000.00 combined single limit for personal injury and/or property damage and naming the City, its officials and employees as additional insureds. The certificate must indicate this insurance is primary over any other valid or collectible insurance the City may have.

Exhibits attached: A, B, and C



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CHRIS CAMPBELL

P.O. BOX 222035
CARMEL, CA 93922
PHONE (831) 622-0700
FAX (831) 622-0703
WEB www.pacrep.org

June 6, 2013

Marc Wiener
Senior Planner, Carmel-by-the-Sea

Dear Marc,

This is a follow-up to our conversation yesterday, and to formalize my e-mail of May 29 requesting guidance from and an appeal to the Community Activities and Cultural Commission regarding the following:

- 1) We are appealing the decision to remove the "Buddy Holly" banners from Ocean Ave from August 7-13 and grant exclusive banner use of all 20 banner positions (10 double-banner poles) to the "Concours on the Avenue"*** auto club, instead of following the "sharing of banner poles" guideline which is encouraged by City banner policy and is a long-standing tradition in Carmel and other area cities.

Please note that the "Concours on the Ave." event is not the same as the Pebble Beach Concours, which occurs the same week. PacRep and Pebble Beach Concours have been sharing for years. It's only Concours on the Ave who wants exclusivity.

- 2) PacRep is presenting "A Midsummer Night's Dream" in a short run from **Oct 3-20**. We are appealing the decision to remove the "Midsummer" banners from Ocean Ave from **October 2-13** and the granting of exclusive use of all 10 double-banner poles to the "Carmel Art & Film " festival, instead of following the "sharing of banner poles" policy. Please note that if sharing is not allowed, "Midsummer" will have no Ocean Ave. banners for the first two weekends of a short three-weekend run.

Regarding 1/2 above, we propose to share the poles equally between "events" - 5 stanchions each - on alternating stanchions, as in previous years, and to adopt the sharing calendar we are submitting herein, based on our meeting with staff.

In addition, we are asking the Commission to provide guidance on when (outside of National Holidays), "Exclusivity" can be considered, and under what requirements and/or criteria?

Although we will speak to this at the meeting, we believe it is unfair to simply "count total days" when comparing one-time arts events and car shows to long-standing cultural organizations that produce year-round so require more days year-round. PacRep presents 12 separate productions every year for the benefit of the community. We believe each production deserves the same consideration as the multiple car shows and festivals that are proliferating in the town.

Sincerely,

Stephen Moorer

Stephen Moorer
Executive Director
Pacific Repertory Theatre
(831)-238—0941

June 2013

- Ocean Banners - City
- Ocean Banners #3
- Ocean Banners #2
- Ocean Banners #1
- Holidays
- calendar

May 2013							June 2013							July 2013						
M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
	1	2	3	4	5							1	2	1	2	3	4	5	6	7
6	7	8	9	10	11	12	3	4	5	6	7	8	9	8	9	10	11	12	13	14
13	14	15	16	17	18	19	10	11	12	13	14	15	16	15	16	17	18	19	20	21
20	21	22	23	24	25	26	17	18	19	20	21	22	23	22	23	24	25	26	27	28
27	28	29	30	31			24	25	26	27	28	29	30	29	30	31				

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
1 FTG Banners City Banners Mem Day	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

July 2013

- Ocean Banners - City
- Ocean Banners #3
- Ocean Banners #2
- Ocean Banners #1
- Holidays
- calendar

June 2013							July 2013							August 2013						
M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
					1	2	1	2	3	4	5	6	7	1	2	3	4	5	6	7
3	4	5	6	7	8	9	8	9	10	11	12	13	14	5	6	7	8	9	10	11
10	11	12	13	14	15	16	15	16	17	18	19	20	21	12	13	14	15	16	17	18
17	18	19	20	21	22	23	22	23	24	25	26	27	28	19	20	21	22	23	24	25
24	25	26	27	28	29	30	29	30	31					26	27	28	29	30	31	

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
1	2	3	4	5	6	7
FTG Banners						
			City Banners July 4			
8	9	10	11	12	13	14
Carmel Bach Banners (share)						
FTG Banners (share)						
15	16	17	18	19	20	21
Carmel Bach Banners (share)						
FTG Banners (share)						
22	23	24	25	26	27	28
Carmel Bach Banners (share)						
FTG Banners (share)			Buddy Banners (share)			
29	30	31				
Buddy Banners (5 poles)						

August 2013

- Ocean Banners - City
- Ocean Banners #3
- Ocean Banners #2
- Ocean Banners #1
- Holidays
- calendar

July 2013							August 2013							September 2013						
M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14
15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21
22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28
29	30	31					29	30	31					29	30					

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
			1	2	3	4
Buddy Banners (5 poles)						
5	6	7	8	9	10	11
Buddy Banners (5 poles)						
			Concours on the Avenue (share)			
12	13	14	15	16	17	18
Buddy Banners (5 poles)			Peter Pan/Buddy Banners (share)			
Concours on the Avenue (share)		Pebble Beach Concours (share)				
19	20	21	22	23	24	25
Peter Pan Banners (share)						
Buddy Banners (5 poles)						
26	27	28	29	30	31	
Peter Pan Banners (share)						
Buddy Banners (5 poles)						

October 2013

September 2013

M	T	W	T	F	S	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

October 2013

M	T	W	T	F	S	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

November 2013

M	T	W	T	F	S	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

- Ocean Banners – City
- Ocean Banners #3
- Ocean Banners #2
- Ocean Banners #1
- Holidays
- calendar

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
	1	2	3	4	5	6
Midsummer (5 Poles)			Midsummer (share)			
			Carmel Art & Film (share)			
7	8	9	10	11	12	13
Midsummer (share)						
Carmel Art & Film (share)						
14	15	16	17	18	19	20
Midsummer (5 Poles)						
21	22	23	24	25	26	27
28	29	30	31	1	2	