



# WASHOE COUNTY

Integrity Communication Service

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## STAFF REPORT

BOARD MEETING DATE: February 25, 2020

**DATE:** January 24, 2020

**TO:** Board of County Commissioners

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**THROUGH:** Mojra Hauenstein, Arch., AICP, Planner, Division Director, Planning  
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**SUBJECT:** Public hearing: Approve an Outdoor Festival Business License application (pursuant to Washoe County Code Chapter 25 and related provisions) and associated license conditions submitted by Austin Gavlak for Powabunga 2020, a music and arts festival, from March 20, 2020 to March 22, 2020 at the Tahoe Biltmore Lodge & Casino (APN: 123-053-02) on SR 28 primarily in the parking lot area. Live outdoor music will be played from 4pm to 10pm on March 20 and from 3pm to 10pm on March 21 and March 22.

Event set-up is proposed on March 19, 2020 and take-down and dismantling is proposed to occur on March 23, 2020. Event organizers estimate 3,000 spectators per day. If approved, authorize the Director of the Planning and Building Division, Community Services Department to issue the license when all pre-event conditions have been met, including but not limited to conditions on parking, security, lighting, hours, alcoholic beverage and food consumption, ingress and egress, temporary restroom facilities, fire safety, and whether to waive a performance bond. (Commission District 1.)

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### **SUMMARY**

Consideration of the Outdoor Festival Business License application for Powabunga 2020 event. Based on the testimony and evidence presented at the hearing, to include the report of reviewing agencies, the Board of County Commissioners (Board) may approve the issuance of the business license with conditions or deny the business license application.

Washoe County Strategic Objective supported by this item: Safe, secure and healthy communities.

### **PREVIOUS ACTION**

AGENDA ITEM # \_\_\_\_\_

No previous action, this is a new outdoor festival event located in Washoe County.

## **BACKGROUND**

### **GENERAL EVENT BACKGROUND**

The applicant describes Powabunga 2020 as a three-day world class music and art festival with a variety of musical groups with local and international artists. The event organizer estimates a maximum of 3,000 people a day, with 100 event participants and support members. Music will be played on Friday (March 20<sup>th</sup>) from 4 PM to 10 PM and on Saturday and Sunday (March 22<sup>nd</sup> & 23<sup>rd</sup>) 3 PM to 10 PM and artwork will be located in various places on the site during the event.

The event is being held at the Tahoe Biltmore Lodge & Casino at 5 State Route 28, Crystal Bay. The event will be located in the parking lot behind the main building. The entrance to the event will be off Reservoir Road and patrons will be searched by a contracted private security company. The security company will also manage security for the event and oversee and implement the event security plan. If needed, the security company will notify the sheriff to assist in any manner needed.

The event organizers indicate that the attendees will be primarily young active professionals between the ages of 25 and 35. The event cost is \$149 for the whole weekend or \$59 for a single day. Tickets can be purchased online or at the event.

Alcohol will be served at the event in specified areas. Identification verification will be required and once verification is established a tamper proof wristband will be attached to the verified patron. If the server deems the wristband has been tampered with, the patron will need to show identification or service will be denied. Food will also be available in identified areas by local food vendors who are licensed by Washoe County Health District.

The event organizers will encourage all patrons to carpool or take alternative transportation to the site. There are 500 parking spaces on the site and an area will be dedicated for shuttles and rideshare. The organizer has worked with Tahoe Truckee Regional Transit (TART) to add additional lines and extend run times. Event staff will be encouraged to carpool or to use alternative modes of transportation to the event. There will be a traffic control team to assist with traffic onsite and direct patrons to available shuttles and other transportation modes.

The event organizers contract with Sani-Hut Company to provide port-o-lets, VIP bathrooms, water supply, sanitation facilities, grey water disposal for food vendors and provide large scale trash removal. The event organizer will ensure lighting meets required codes. The organizers will have radios on the site and will manage communication on the site for any emergencies, security and other needs.

### **OUTDOOR FESTIVAL BUSINESS LICENSE**

Outdoor Festival business licenses are granted under the provisions of Washoe County Code (WCC) Chapter 25 (Business License Ordinance). An Outdoor Festival Business License is granted by the Board after a public hearing. This event qualifies as an outdoor festival because more than 1,000 people (participants and spectators) will attend the event

during a single day [WCC Section 25.265(1)] and the event is being held on private lands in the unincorporated County (WCC Section 25.269). Applications are accepted by Washoe County Business License staff and reviewed for completeness before setting the required public hearing date [WCC Section 25.277(1)] and distributing the application for comment. The applicant waived the 30-day public hearing date requirement, as set forth in State Law and within WCC Section 25.277(1), to allow staff adequate time to complete a comprehensive review of the application (see the Waiver and Consent included as part of the application in Attachment D).

Copies of the application were provided to the County Clerk and the following reviewing agencies: Community Services [Planning & Building Division (Building Program, Business License and Code Enforcement), and Engineering & Capital Projects Division (Traffic)], Health District (Environmental and Medical/Health), Risk Management, Sheriff's Office, and the North Lake Tahoe Fire Protection District [WCC Section 25.273(3)]. Comments received from reviewing agencies are summarized in Attachment B. Notice of the public hearing was provided to the applicant and affected property owners in accordance with the provisions of WCC Section 25.277(2). Staff will provide a copy of the notice and a list of persons notified if requested.

WCC Section 25.305 requires a performance security from any Outdoor Festival business license applicant. The performance security instrument (i.e., surety bond, letter of credit, certificate of deposit, cash bond or other similar instrument) is to be approved by the District Attorney's Office and the amount is to be determined by business license staff. The amount of the performance security is to cover costs of fulfilling specified conditions of license approval including, without limitation, removing debris, trash, and/or other waste from the event site. The event will be conducted entirely on the Tahoe Biltmore Lodge & Casino, private property, and the property owner has provided permission for the event to be conducted on the property. Additionally, the applicant has provided a written statement as part of the application (Attachment D) guaranteeing the cleanup of the site to pre-event status. Therefore, staff does not recommend the imposition of a performance security to ensure clean-up of the event site. Staff proposes a pre-event condition to waive the required performance security and a post-event condition to require total clean-up of the site.

The license conditions contained in this staff report as Attachment B are for consideration by the Board when reviewing the license application. During the public hearing on the application, the Board should base any decisions on the testimony of witnesses, evidence presented at the public hearing, and this staff report. The Board must either approve the issuance of an Outdoor Festival business license with conditions or deny the application [WCC Section 25.277(3)]. The appropriate grounds for denial of the application are outlined in WCC Section 25.281, which staff can provide if needed. Although the Board may continue a decision on the application to its next regularly scheduled meeting, staff recommends that the County Commission decide on the license during the February 25<sup>th</sup> public hearing, if at all feasible, to allow the applicant sufficient time to meet any and all imposed pre-event conditions prior to the proposed event set-up start date of March 19<sup>th</sup>.

Should the Board approve the outdoor festival business license application with associated license conditions (Attachment B), staff recommends that the applicant provide Washoe County Business License with proof of compliance for each applicable pre-event condition by March 16, 2020. This time frame should provide sufficient time for the applicant to comply with all pre-event conditions (prior to the event set-up

completion date of March 19, 2020) and to issue the license prior to the event start date (March 20, 2020). The proposed Board motion includes authorization for event set-up to begin on March 19, 2020.

Washoe County business license staff will issue the outdoor festival business license, under the signature of the Planning & Building Division Director, only after determination that all pre-event conditions have been met and that all applicable fees have been paid (WCC Section 25.283).

### **FISCAL IMPACT**

On January 10, 2020, the applicant paid the required non-refundable \$1,000 application fee and the daily fee of \$350 [WCC section 25.273(1)(a)] totaling \$1,050. The fees were deposited and accounted for in the County's General Fund Permits & Licenses (105402), General Business License revenue account (421101). In addition, \$125 for a temporary liquor license was paid and accounted for in the General Fund Permits & Licenses (105402), Liquor License revenue account (421200).

### **RECOMMENDATION**

It is recommended that the Board approve the Outdoor Festival Business License application with the license conditions included as Attachment B for Powabunga 2020, scheduled to be held March 20<sup>th</sup> to 22<sup>nd</sup> at the Tahoe Biltmore Lodge & Casino (APN: 123-053-02) and further authorize the Director of the Planning & Building Division, Community Services Department, to issue the license when all pre-event conditions have been met.

### **POSSIBLE MOTION**

Should the Board agree with staff's recommendation, a possible motion would be:

“Move to approve an Outdoor Festival Business License application for Powabunga 2020 substantially in the form attached to the staff report with the license conditions included as part of the staff report for this item and to further authorize the Director of the Planning & Building Division, Community Services Department, to issue the license when all pre-event conditions have been met.”

- Attachments:
- A. Outdoor Festival Business License
  - B. Outdoor Festival Business License Conditions for the Powabunga 2020
  - C. Agency Comments/Conditions
  - D. Powabunga 2020 Outdoor Festival Business License Application

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