

SANTA BARBARA COUNTY PLANNING COMMISSION
Temporary Uses (Special Events) Ordinance Amendments

Hearing Date: August 15, 2012

Staff Report Date: July 27, 2012

Case Nos. 12ORD-00000-00002 & 12ORD-00000-00004

**Environmental Document: CEQA Guidelines Section
15061(b)(3) (County LUDC) and Section 15265 (Article
II CZO)**

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1.0 REQUEST

Hearing on the request of the Planning and Development Department that the County Planning Commission review and provide recommendations to the Department on the following ordinance amendments:

- 1.1 Case No. 12ORD-00000-00002.** An ordinance amending Article 35.4, Standards for Specific Land Uses, and Article 35.11, Glossary, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, as set forth in Attachment A; and
- 1.2 Case No. 12ORD-00000-00004.** An ordinance amending Division 2, Definitions, and Division 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, as set forth in Attachment B.

The purpose of the ordinance amendments is to modify existing regulations and implement new regulations regarding the use of property for temporary uses (special events), and make other minor clarifications, corrections and revisions.

2.0 JURISDICTION

- 2.1 Case No. 12ORD-00000-00002.** This project is being considered by the County Planning Commission based upon Sections 65854 to 65857, inclusive, of the California Government Code and Chapter 35.104 of the Santa Barbara County Land Use and Development Code (County LUDC). The Government Code and the County LUDC require that the County Planning Commission, as the designated planning agency for the unincorporated area of the County outside the non-Coastal Zone portion Montecito Community Plan Area, review and consider proposed amendments to the County LUDC and provide a recommendation to the Board of Supervisors.
- 2.2 Case No. 12ORD-00000-00004.** This project is being considered by the County Planning Commission based upon Sections 65854 to 65857, inclusive, of the California Government Code and Section 35-180.5 of the Article II Coastal Zoning Ordinance. The Government Code and Article II require that the County Planning Commission, as the designated planning agency for the Coastal Zone portion of the unincorporated area of the County, review and consider proposed amendments to Article II and provide a recommendation to the Board of Supervisors.

3.0 BACKGROUND AND ISSUE SUMMARY

3.1 Background.

In 2011, the Planning and Development Department presented a package of amendments to the zoning ordinances to the County and Montecito Planning Commissions. This package included amendments to the temporary use (special event) permit requirements and development standards that were intended to specify those events that qualified as charitable and other noncommercial events, and therefore would be exempt from planning permits (provided the number of attendees at the event did not exceed 300) versus those events that were associated with the commercial use of property (e.g., short-term rentals for weddings and similar gatherings) that require the approval of a Minor Conditional Use Permit. The purpose of the amendments was to address the situation where, without obtaining the required Minor Conditional Use Permit to allow property to be used for weddings, etc., on a commercial basis, some property owners have attempted to rent their entire property to another person on a short-term basis (e.g., a day, weekend or week), claiming that the renter does not receive payment for hosting their own wedding, reception, etc. This results in the unregulated commercial use of agriculturally and residentially zoned land for other than agricultural and residential purposes.

In response to the extensive public testimony from concerned citizens and representatives of neighborhood associations and the special events industry regarding the proposed amendments, the Planning Commissions directed the Department to work with representatives of the different stakeholder groups and return with revised amendments. In response to this direction the Department met with the representative group twice in September 2011 to discuss the issues. The conclusions of these meetings were that:

- the existing tiered permit system should be maintained but that the Department should develop a temporary use (special event) application package that includes tailored submittal requirements, development standards, notice requirements and fees, and,
- the Department should return to the Planning Commissions with ordinance amendments that specify that a Minor Conditional Use Permit is required in order to use property for a commercial special event facility, but also include a simplified permit process for one-time commercial special events.

In October 2011 the Department briefed the Planning Commissions regarding the outcome of these meetings and informed the Planning Commissions that the Department would:

- Prepare amendments similar to what was previously proposed that would also include (1) a Director-level discretionary permit process for one-time per year commercial special events, and (2) an appropriate limit on the number of attendees that may be present at a charitable and other noncommercial event and not have the event count toward the limit on the number of events allowed within a year.
- Develop a new application package that specifically addresses the permitting of all special events.

The Department spent the last several months preparing the draft amendments and an application package, and also met twice with the representative group to discuss the language of the draft amendments. The draft amendments as currently proposed differ slightly from what was discussed with the Commissions in October 2011 in that the Special Event Use Permit, which is the Director-level discretionary permit process for commercial special events, would allow for up to four such events per year instead of the one per year proposed previously. This higher number should accommodate most property owners that currently lease their property for a limited number of commercial events and allow them to permit the events through the simpler Special Event Use Permit

process. Property owners that wish to lease their property for commercial events on a more frequent basis would still be required to obtain a Minor Conditional Use Permit.

The Temporary Use (Special Events) Ordinance Amendments to the Montecito Land Use and Development Code and the Article II Coastal Zoning Ordinance were presented to the Montecito Planning Commission on July 25, 2012. There was substantial discussion of the proposed amendments and the Montecito Planning Commission, although they did not take any formal action recommending for or against the proposed amendments, they did provide Department staff with several recommendations regarding desired revisions to the draft amendments:

- Increase the threshold for charitable and other noncommercial events that do not count towards the limit on the number of events per year from 50 to 75.
- Keep the existing limit on the number of charitable and other noncommercial events, where the number of attendees is 300 or less, at three per year, but add an allowance for an additional charitable event where the number of attendees may exceed 300.
- Reduce the number of commercial events allowed through the Special Event Use Permit process to one (there was not unanimous agreement that any commercial events should be allowed).

The Montecito Planning Commission also directed the Department to try to simplify the amendment so that the public could better understand the process and limitations on events.

Since the Montecito Planning Commission did not take any formal action on the draft amendments, Department staff is recommending that at the August 15, 2012 hearing your Commission should review and provide recommendations to Department staff on the ordinance amendments. Following formal action by the Montecito Planning Commission (currently set for hearing in September) the draft amendments will be scheduled to be considered again by the County Planning Commission in October.

3.2 Proposed amendments.

The following provides a brief summary of the major components and effects of the proposed amendments. A more detailed discussion is provided in the following Section 4.0 (Project Analysis). Specific section references included in the following discussion and in Section 4.0 refer to the County Land Use and Development Code (County LUDC) amendment (Attachment A of this staff report). Attachment B, the ordinance amending the Article II Coastal Zoning Ordinance, contains similar amendments that are written in the Article II format. Also attached to this staff report as Attachment C is a draft Temporary Use (Special Event) application that would be used for the permitting of all temporary uses including special events regardless of the permit requirement.

The County LUDC amendment also includes the deletion of standards and references that only apply within the Coastal zone or merely distinguish between coastal and non-coastal requirements since the Article II Coastal Zoning Ordinance continues to be the implementing ordinance of the County's certified Local Coastal Program. The amendments also include minor corrections and language revisions. These revisions, including the deletion of Coastal Zone language, are not discussed in this staff report but are shown through the use of underlines and strikethroughs in the attached ordinances (Attachment A and Attachment B).

- 1. Collection of transient occupancy tax.** New language is added that requires that applications for temporary uses be transmitted to the Treasurer's-Tax Collector office for their review and determination if the payment of the transient occupancy tax is required. This addresses a concern discussed during the County Planning Commission hearings that the County may not be collecting the transient occupancy tax that is required to be paid when a structure is rented for 30 days or less for dwelling, lodging or sleeping purposes. (See Section 4.4 on page 8 of this report

and SECTION 2, page 11, of Attachment A.)

2. **Scope of permit conditions.** The scope of potential conditions of approval that could be applied to both charitable and other noncommercial events that require permits and commercial events is expanded to address additional compatibility factors such as the traffic capacity of the roads in the vicinity, availability of parking and the proximity to neighbors, and direct and reflected illumination of adjacent property. (See Section 4.6 on page 10 of this report and SECTION 3, page 12, of Attachment A.)
3. **Purpose and intent statement.** A purpose and intent statement is added to Subsection F.4 (Charitable and other noncommercial events) to affirmatively state that the purpose of this subsection is to allow private property to be used for charitable and other noncommercial events as a use that is accessory, ancillary and incidental to the residential use of the property (e.g., charitable fundraisers, private gatherings of family and friends), but not allow to events associated with the short-term rental of property as charitable or other noncommercial events. For the purposes of this Subsection F.4, short-term rental means the rental or use of property or any portion thereof, including any structures located on the property, for a period of 30 consecutive calendar days or less, counting portions of calendar days as full days, and including rentals that are subject to the payment of a transient occupancy tax in compliance with County Code Chapter 32 (Taxation). This definition is consistent with the definition of “transient” in County Code Chapter 32. (See Section 4.8 on page 15 of this report and SECTION 4, page 16, of Attachment A.)
4. **Applicability.** A new applicability subsection is added to Subsection F.4 (Charitable and other noncommercial events) that states that the permit requirements and development and operational standards of Subsection F.4 do not apply to charitable and other noncommercial events where the total number of attendees at the event, not including event staff, does not exceed 50. This establishes a minimum number of attendees required to be at an event in order for the event to be regulated by the permit requirements and standards for charitable and noncommercial events. This would apply to situations where a homeowner hosts small noncommercial, private gatherings that may occur on a more regular basis than the current limits on the number of charitable and noncommercial events that may occur within a year. (See Section 4.8 on page 16 of this report and SECTION 4, page 16, of Attachment A.)
5. **Development and operational standards for charitable and other noncommercial events.** The standards for charitable and other noncommercial events are revised to: (See Section 4.8 on page 17 of this report and SECTION 4, pages 17 - 19, of Attachment A.)
 - Require that a permit for a commercial “Reception or other gathering facility (commercial)” (either a Minor Conditional Use Permit or a Special Event Use Permit) shall be approved prior to the commencement of any event associated with the short-term rental of property.
 - Require that a telephone contact number of a representative who is able to respond to neighbor concerns regarding an event and who is responsible for assuring that all conditions of the permit for event are complied with be provided to neighbors within 300 feet of the event site for lots less than one acre and 1,000 feet for lots of one acre or more. This does not apply to events that are exempt from having to obtain a planning permit.
 - Require that all exterior activities associated with the event are limited to the hours of 7:00 am through 10:00 pm; also that interior activities may occur after 10:00 pm only if they do not generate any noise that exceeds 60 decibels at a common property line with any adjoining property that contains a dwelling and is under separate ownership than the lot on which the event occurs.

- In addition to the existing prohibition on the owner or tenant of the lot on which the event occurs receiving any compensation in exchange for the use of the lot, new language disallows any fee or charge or payment for use of the event site. However, new language is added that allows the owner or tenant to be reimbursed for costs incurred in allowing the property to be used for the event (e.g., security, site clean-up).
- Require that to qualify as a charitable event the event must be held by or sponsored for the benefit of a charitable nonprofit organization(s) that is recognized by the federal Internal Revenue Service as an Internal Revenue Code 501(c)(3) nonprofit organization and that 100 percent of the net proceeds collected go to the charitable organization.
- Allow the Director to determine that an event held by or sponsored for the benefit of a nonprofit organization that is not recognized as an IRS 501(c)(3) nonprofit organization may still be allowed as a charitable event provided that:
 - (1) The event complies with the standards for all charitable and noncommercial events, including that 100 percent of the net proceeds collected go to the charitable organization; and,
 - (2) The nonprofit organization is similar in nature to an IRS 501(c)(3) nonprofit organization, and is an amateur sports club or educational, fraternal, religious or service institution or organization directly engaged in civic, or charitable and philanthropic efforts, including IRS 501(c)(4) organizations. IRS 501(c)(4) organizations include civic leagues and other corporations operated exclusively for the promotion of social welfare, and local associations of employees, with net earnings devoted exclusively to charitable, educational, or recreational purposes.
- New language is added which states that non-charitable, noncommercial events may not have any commercial component including an admission fee, filming for commercial purposes, product promotions, public advertising, or short-term rental of a lot unless the event is a fundraising event whose sole purpose is to solicit money or pledges for political campaigns.

6. **Special Event Use Permit.** A new discretionary Special Event Use Permit under the jurisdiction of the Director is added that would allow a property to be rented for use as a commercial reception facility without having to obtain a Minor Conditional Use Permit. The proposed amendments provides that under this type of permit the use of the property for such an event may occur up to four times within a calendar year with each event being separated by at least 30 days. However, your Commission could recommend that the number of events allowed be reduced to a lesser amount (e.g., two per year). Neighbors would receive notice of the submittal of an application for such a permit as well of the pending decision of the Director; if the event occurs on a lot that is one acre or more, the standard 300 foot noticing radius is increased to 1,000 feet. The decision of the Director may be appealed to the County Planning Commission, and their decision may be appealed to the Board of Supervisors. Prior to commencement of each event authorized by the Special Event Use Permit, a zoning clearance would be issued by the Department ensuring that all relevant conditions of the permit have met. (See Section 4.9 on page 20 of this report and SECTION 4, page 9, of Attachment A.)

7. **Commercial reception facilities.** Similar to the new requirements for charitable and other noncommercial events discussed under #5 (Development and operational standards for charitable and other noncommercial events), above, new requirements for commercial reception facilities are added that:

- Require that a telephone contact number of a representative who is able to respond to

neighbor concerns regarding an event and who is responsible for assuring that all conditions of the permit for event are complied with be provided to neighbors within 300 feet of the event site for lots less than one acre and 1,000 feet for lots one acre or more.

- Require that all exterior activities associated with the event are limited to the hours of 7:00 am through 10:00 pm; also that interior activities may occur after 10:00 pm only if they do not generate any noise that exceeds 60 decibels at a common property line with any adjoining property that contains a dwelling and is under separate ownership than the lot on which the event occurs.

(See Section 4.9 on page 21 of this report and SECTION 4, page 20, of Attachment A.)

4.0 PROJECT ANALYSIS

The following provides a side-by-side comparison of the existing language of the County LUDC versus the proposed text revisions contained in the ordinance amendments. Proposed deletions are shown by striking through the text and proposed additions are underlined; the use of an ellipsis (...) indicates sections where the text is unchanged and have been omitted for the sake of brevity. The complete texts of the ordinance amendments are contained in Attachment A (County LUDC) and Attachment B (Article II CZO).

- 4.1 Applicability of regulations to other types of temporary uses.** Section 35.42.260.B.1 states that the regulations contained in Section 35.42.260 (Temporary Uses and Trailers) do not apply to activities that are regulated by County LUDC Section 35.42.280 (Wineries) and County Code Chapter 6 (Amusements). The proposed amendment revises the existing language to clarify that the use of property for filming activities, which is regulated by County Code Chapter 14 (Film Permit Office), is also not regulated by Section 35.42.260 (Temporary Uses and Trailers). (See SECTION 1, page 1, of Attachment A.)

Existing	Proposed
<p>B. Applicability.</p> <p>1. Does not apply to wineries or amusements regulated separately - Inland area. Within the Inland area, this Section shall not apply to any use of property that is regulated by Section 35.42.280 (Wineries) of this Article or Chapter 6 (Amusements) of the County Code.</p>	<p>B. Applicability.</p> <p>1. Does not apply to wineries or amusements regulated separately - Inland area. Within the Inland area, this Section shall not apply to any use of property that is regulated by Section 35.42.280 (Wineries) of this Article or Chapter 6 (Amusements) of the County Code.</p> <p><u>Does not apply to amusements, filming activities or wineries regulated separately. This Section shall not apply to any use of property that is regulated by the following:</u></p> <p><u>a. Chapter 6 (Amusements) of the County Code.</u></p> <p><u>b. Chapter 14C (Film Permit Office) of the County Code.</u></p> <p><u>c. Section 35.42.280 (Wineries) of this Development Code.</u></p>

- 4.2 Other approvals required.** Section 35.42.260.B.4 requires that the temporary use receive all

necessary approvals for items such as temporary electrical and plumbing facilities from the appropriate County department. The proposed amendment adds additional activities that may require a permit, as well as additional County departments that may be involved in the approval of permits for temporary uses. (See SECTION 1, page 2, of Attachment C.)

Existing	Proposed
<p>B. Applicability.</p> <p>4. Other approvals required. All temporary electrical facilities, temporary toilet and plumbing facilities and temporary shelters or structures shall receive all necessary approvals from the Director, the Public Health Department and the County Fire Department or applicable fire protection district.</p>	<p>B. Applicability.</p> <p>4. Other approvals required. All temporary electrical facilities, temporary toilet and plumbing facilities, <u>temporary use of public roads, temporary use of County facilities</u> and temporary shelters or structures shall receive all necessary approvals from <u>the Community Services Department, the Director, the County Fire Department or applicable fire protection district, the General Services Department, the Public Health Department, the Public Works Department and the Sheriff</u> and the County Fire Department or applicable fire protection district.</p>

- 4.3 Temporary Use permit requirement tables.** Tables 4-10 through 4-15 in the County LUDC include the allowed temporary uses and corresponding permit requirements for the different zones. These tables provide that “Charitable and other noncommercial functions” are allowed in all zones subject to the permit requirements of Subsection 35.42.260.F.4 (Charitable and other noncommercial functions).” These tables are revised to change “Charitable and other noncommercial functions” to read “Charitable and other noncommercial events” in order to be consistent with the use of the term “event” versus “function” throughout Section 35.42.260 (Temporary Uses and Trailers). These tables are also revised to change the permit requirement for “Reception and similar gathering facilities (commercial)” from a “MCUP” (Minor Conditional Use Permit) to an “S” (Permit determined by Specific Use Regulations) to accommodate the inclusion of a new permit type, Special Event Use Permit, as a means to allow a commercial reception facility. As proposed, a Special Event Use Permit could allow a property to be rented for use as a reception or similar gathering facility provided that the use of the property for an event occurs only four times within a calendar year and the use does not occur more than once within any 30-day period. A Minor Conditional Use Permit would be required if the property is proposed to be used more than four times within a year or if events occur more frequently than once within any 30-day period. (See SECTION 1, pages 2 -10, of Attachment A.)

Table 4-12 Allowed Temporary Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)	
	ZC	Permitted use, Zoning Clearance required	
	P	Permitted use, Land Use or Coastal Permit required	
	MCUP	Minor Conditional Use Permit required	
	CUP	Conditional Use Permit required	
	S	Permit determined by Specific Use Regulations	
	—	Use Not Allowed	
LAND USE (1)	PERMIT REQUIRED BY ZONE		Specific Use Regulations
	ALL RESIDENTIAL ZONES		

TEMPORARY EVENTS

Certified farmers market (incidental)	CUP (2)	35.42.260.F.3
Charitable functions and other noncommercial events	S	35.42.260.F.4
Public assembly events in facilities; event consistent	E	35.42.260.F.7
Public property	E	35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP S	35.42.260.F.9
Rodeos and other equestrian events	S	35.42.260.F.10
Seasonal sales lots	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	35.42.260.F.12
Subdivision sales office	Coastal Zone — P Inland area — ZC ZC	35.42.260.F.13

TEMPORARY DWELLINGS

During construction of new dwelling	P	35.42.260.F.15
Trailer (4 or less agricultural employees)	MCUP(3)	35.42.260.G.4
Trailer (watchman during construction)	P	35.42.260.G.16
Trailer (dwelling after destruction of dwelling)	P	35.42.260.G.10
Trailer (dwelling during construction of new dwelling)	P	35.42.260.G.9
Trailer (railroad work camp)	MCUP	35.42.260.G.12
Trailer (watchman)	MCUP	35.42.260.G.15

TEMPORARY OFFICES/STORAGE

Trailer (accessory to permanent building)	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	35.42.260.G.7
Trailer (agricultural office)	—	
Trailer (construction office, shop, storage, etc.)	S	35.42.260.G.8
Trailer (mobile communications temporary facility)	Coastal Zone — P Inland area — ZC ZC	35.42.260.G.11
Trailer (storage as accessory to dwelling)	E	35.42.260.G.13
Trailer (subdivision sales office)	Coastal Zone — P Inland area — ZC ZC	35.42.260.G.14

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Use not allowed in the EX-1 and EX-1 CZ zones.
- (3) Use not allowed in the PRD-CZ, SLP, MHP, MHP-CZ, and MHS zones.

- 4.4 Permit processing.** Section 35.42.260.D.2 (Exempt temporary uses within the Coastal Zone) is deleted and replaced with Section 35.42.260.D.2 (Referral to other County Departments) in order to provide notification to other Departments that may be involved in the permitting of temporary uses. (See SECTION 2, page 11, of Attachment A.)

Existing	Proposed
D. Permit processing. 2. Exempt temporary uses within the Coastal Zone. The temporary use of property or structures within the Coastal Zone are exempt from a planning permit in compliance with Table 4-10 through	D. Permit processing. 2. <u>Referral to other County departments.</u> After receipt of an application for a temporary use, the Department shall refer the application to other County departments and districts that may be

Table 4-15 provided the temporary use complies with all of the following: (complete text omitted for brevity)	involved in the review of the application including the Community Services Department, the County Fire Department or applicable fire protection district, the General Services Department, the Public Health Department, the Public Works Department, Sheriff and the Treasurer-Tax Collector.
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4.5 Permit processing. Subsections D.4 (Notification of Supervisor), D.5 (Notice) and D.6 Appeal of Section 35.42.260 reference Coastal Development Permits, Conditional Use Permits and Minor Conditional Use Permits, and Land Use Permits. The proposed amendment deletes references to Coastal Development Permits and adds references to the new type of permit, Special Event Use Permit. The proposed language also moves the timing of notifying the District Supervisor of an application for a temporary use permit to prior to approval of the application. (See SECTION 2, page 12, of Attachment A.)

Existing	Proposed
<p>D. Permit processing.</p> <p>4. Notification of Supervisor. Except for trailers allowed in compliance with Subsection G. (Trailer use), a Coastal Development Permit, Conditional Use Permit or Minor Conditional Use Permit, or Land Use Permit that allows the establishment of a temporary use shall not be approved (in the case of a Conditional Use Permit or Minor Conditional Use Permit) or issued (in the case of a Coastal Development Permit or Land Use Permit) until the Supervisor of the Supervisorial District in which the temporary use/event is proposed, or his or her designated representative, has been notified of the application.</p> <p>5. Notice. Notice of a Coastal Development Permit, Conditional Use Permit or Minor Conditional Use Permit, or Land Use Permit for a temporary use shall be provided in compliance with Chapter 35.106 (Noticing and Public Hearings).</p> <p>6. Appeal. The action of the review authority to approve, conditionally approve, or deny a Coastal Development Permit, Conditional Use Permit or Minor Conditional Use Permit, or Land Use Permit for a temporary use is final subject to appeal in compliance with Chapter 35.492 (Appeals).</p>	<p>D. Permit processing.</p> <p>4. Notification of Supervisor. Except for trailers allowed in compliance with Subsection G. (Trailer use), <u>an application for a Coastal Development Permit</u>, Conditional Use Permit or Minor Conditional Use Permit, or Land Use Permit <u>or Special Event Use Permit</u> that allows the establishment of a temporary use shall not be approved (in the case of a Conditional Use Permit or Minor Conditional Use Permit) or issued (in the case of a Coastal Development Permit or Land Use Permit) until the Supervisor of the Supervisorial District in which the temporary use/event is proposed, or his or her designated representative, has been notified of the application.</p> <p>5. Notice. Notice of <u>an application for a Coastal Development Permit</u>, Conditional Use Permit or Minor Conditional Use Permit, or Land Use Permit <u>or Special Event Use Permit</u> for a temporary use shall be provided in compliance with Chapter 35.106 (Noticing and Public Hearings).</p> <p>6. Appeal. The action of the review authority to approve, conditionally approve, or deny a Coastal Development Permit, Conditional Use Permit or Minor Conditional Use Permit, or Land Use Permit <u>or Special Event Use Permit</u> for a temporary use is final subject to appeal in compliance with Chapter 35.102 (Appeals).</p>

4.6 Development standards for all temporary uses.

1. **Compliance with regulations.** Section 35.42.260.E.2 (Compliance with regulations) references other regulations that must be complied with but only specifically references the County Business License Ordinance. The amendment revises the reference to “County Business License Ordinance to instead read “Chapter 22 (Licenses)” and includes other County Code chapters that can be applicable to temporary uses. (See SECTION 3, page 12, of Attachment A.)

Existing	Proposed
<p>E. Development standards for all temporary uses.</p> <p>2. Compliance with regulations. The applicant for the temporary use shall comply with all provisions of the laws of the County, including the County Business License Ordinance and any conditions imposed in compliance with this Section or other requirements of this Development Code.</p>	<p>E. Development standards for all temporary uses.</p> <p>2. Compliance with regulations. The applicant for the temporary use shall comply with all provisions of the laws of the County, including <u>the County Business License Ordinance Chapter 22 (Licenses), Chapter 32 (Taxation), Chapter 38 (Alcoholic Beverage Warning Signs), Chapter 40 (Nighttime Noise Restrictions) and Chapter 48 (Social Host Liability) of the County Code,</u> and any conditions imposed in compliance with this Section or other requirements of this Development Code.</p>

2. **Conditions of approval.** Section 35.42.260.E.3 (Conditions of approval) provides that the review authority shall have the right to impose reasonable conditions upon the operation of the temporary use in order to protect and preserve the public health, safety, and welfare, and provides a list of potential areas that conditions may address. The proposed language (1) strengthens the responsibility of the Director to include conditions that protect the public health, safety and welfare, (2) adds additional site conditions that conditions of approval may address (e.g., size of the location of the temporary use, the traffic capacity of the roads within the vicinity of the temporary use, the availability of parking and the proximity to neighbors), (3) provides additional examples of nuisance factors (e.g., direct or reflected illumination of adjacent property), and (4) adds additional factors that should be considered in determining appropriate conditions for the permit (e.g., requirements for sanitary facilities and waste disposal, requirements for safety and security measures). (See SECTION 3, page 12, of Attachment A.)

Existing	Proposed
<p>E. Development standards for all temporary uses.</p> <p>3. Conditions of approval. The review authority shall have the right to impose reasonable conditions upon the operation of the temporary use in order to protect and preserve the public health, safety, and welfare. Noncompliance with any conditions of approval of a permit for a temporary use shall constitute a violation of this Development Code. Conditions may</p>	<p>E. Development standards for all temporary uses.</p> <p>3. Conditions of approval. The review authority shall have the right to impose reasonable conditions upon the operation of the temporary use in order to protect and preserve the public health, safety, and welfare. Noncompliance with any conditions of approval of a permit for a temporary use shall constitute a violation of this Development Code. Conditions</p>

<p>include:</p> <ul style="list-style-type: none"> a. Special setbacks and buffers. b. Regulation of outdoor lighting. c. Regulation of points of vehicular ingress and egress, the location of parking areas, and implementation of a parking plan, including: <ul style="list-style-type: none"> (1) The requirement for a parking coordinator to be present at all times during any temporary event attended by 100 or more persons to manage and direct vehicular movement. (2) The use of dust control measures to keep dust generation to a minimum and to minimize the amount of dust leaving the site. (3) Appropriate signage placed onsite, placed prior to the commencement of each event, directing visitors to and indicating the location of parking areas. d. Regulation of noise, vibration, odors, etc. e. Regulation of the number, height and size of temporary structures, equipment, and signs. f. Limitation on the hours and days of operation. g. Limitation on the location where sales of goods may occur, the number of vendors, and the scope of goods to be sold. h. Obtaining all the appropriate Public Health Department permits and authorizations if food sales are involved. i. Review and approval of the proposed temporary use by the County Fire Department or applicable fire protection district, if required. j. Obtaining all other necessary County permits and Fire Protection District permits. k. Obtaining a County Business License if necessary. 	<p><u>shall take into account the size of the location of the temporary use, the traffic capacity of the roads within the vicinity of the temporary use, the availability of parking and the proximity to neighbors, and</u> may include:</p> <ul style="list-style-type: none"> a. Special setbacks and buffers. b. Regulation of outdoor lighting. c. Regulation of points of vehicular ingress and egress, the location of parking areas, and implementation of a parking plan, including: <ul style="list-style-type: none"> (1) The requirement for a parking coordinator to be present at all times during any temporary event attended by 100 or more persons to manage and direct vehicular movement. (2) The use of dust control measures to keep dust generation to a minimum and to minimize the amount of dust leaving the site. (3) Appropriate signage placed onsite, placed prior to the commencement of each event, directing visitors to and indicating the location of parking areas. d. Regulation of <u>nuisance factors including prevention of direct or reflected illumination of adjacent lots, dirt, dust, erosion, gases, heat, smoke, soil contamination, trash, noise, vibration, odors, etc.</u> e. Regulation of the number, height and size of temporary structures, equipment, <u>facilities</u> and signs, <u>including height, number, placement, size, location of equipment.</u> f. Limitation on the hours and days of operation. g. Limitation on the location where sales of goods may occur, the number of vendors, and the scope of goods to be sold. h. <u>Provision for sanitary facilities and waste collection, recycling and disposal.</u> i. <u>Provision for Sheriff/security and safety measures, as appropriate.</u> h<i>j</i>. Obtaining all the appropriate Public Health Department permits and authorizations if food sales are
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	<p>involved.</p> <p>ik. Review and approval of the proposed temporary use by the County Fire Department or applicable fire protection district, if required.</p> <p>jl. Obtaining all other necessary County permits and Fire Protection District permits.</p> <p>km. Obtaining a County Business License <u>license</u> from the County Tax Collector if necessary.</p>
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4.7 Findings required for approval. Section 35.42.260.E.5 (Additional findings) requires that prior to the approval of a permit for a temporary use the review authority must make findings in addition to those that are required for the specific permit type (e.g., Land Use Permit). Revised Subsection E.5:

1. Divides the findings into findings that must be made prior to the approval of a Conditional Use Permit or Minor Conditional Use Permit versus those that must be made prior to the approval of a Land Use Permit,
2. Adds findings for the new permit type Special Event Use Permit, and
3. Restates the findings in language consistent with similar findings found elsewhere in the County LUDC. For example, the language of existing Subsections (a) and (b) is reworded to be the same as the existing findings for Conditional Use Permits and Development Plans.

(See SECTION 3, page 13, of Attachment A.)

Existing	Proposed
<p>E. Development standards for all temporary uses.</p> <p>5. Additional findings. A permit for a temporary use shall be approved only if all of the following findings, in addition to the findings required for approval of a Coastal Development Permit, Conditional Use Permit or Minor Conditional Use Permit, or Land Use Permit in compliance with Section 35.82.050 (Coastal Development Permits), Section 35.82.060 (Conditional Use Permit and Minor Conditional Use Permit) and Section 35.82.110 (Land Use Permits) are first made:</p> <ol style="list-style-type: none"> a. The site is adequate in size and shape to accommodate the proposed temporary use. b. The proposed temporary use will not adversely interfere with existing uses on the subject property, and will not impede or adversely impact pedestrian access ways or vehicular circulation patterns. 	<p>E. Development standards for all temporary uses.</p> <p>5. Additional findings Findings. A permit for a temporary use shall be approved only if all of the following findings, <u>as applicable</u>, in addition to the findings required for approval of a Coastal Development Permit, Conditional Use Permit or Minor Conditional Use Permit, or Land Use Permit in compliance with Section 35.82.050 (Coastal Development Permits), Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permit), and Section 35.82.110 (Land Use Permits) are first made:</p> <ol style="list-style-type: none"> a. The site is adequate in size and shape to accommodate the proposed temporary use. b. The proposed temporary use will not adversely interfere with existing uses on the subject property, and will not impede or adversely impact pedestrian access ways or vehicular

	<p>circulation patterns.</p> <p>a. <u>Conditional Use Permits and Minor Conditional Use Permits.</u> <u>In addition to the findings required for approval of a Conditional Use Permit required in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits), a Conditional Use Permit or a Minor Conditional Use Permit application for a temporary use shall be approved or conditionally approved only if the review authority also first finds that adequate temporary parking to accommodate vehicular traffic generated by the temporary use is available either on-site or at alternate locations acceptable to the review authority.</u></p> <p>b. <u>Land Use Permit.</u> <u>In addition to the findings required for approval of a Land Use Permit required in compliance with Section 35.82.110 (Land Use Permits), a Land Use Permit application for a temporary use shall be approved or conditionally approved only if the review authority also first makes all of the following findings:</u></p> <ol style="list-style-type: none"><u>(1) The site of the proposed project is adequate in terms of location, physical characteristics, shape, and size to accommodate the type of temporary use and level of development proposed.</u><u>(2) Streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed temporary use.</u><u>(3) Adequate temporary parking to accommodate vehicular traffic to be generated by the temporary use is available either on-site or at alternate locations acceptable to the review authority.</u><u>(4) The proposed temporary use will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood and will be compatible with the surrounding</u>
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	<p style="text-align: center;"><u>area.</u></p> <p><u>c. Special Event Use Permit.</u> <u>In addition to the findings required for approval of a permit for a temporary use in compliance with Subsection E.5.a (Conditional Use Permits and Minor Conditional Use Permits), above, a Special Event Use Permit application shall be approved or conditionally approved only if the Director first makes all of the following findings:</u></p> <p><u>(1) Within Rural areas as designated on the Comprehensive Plan maps, the temporary use will be compatible with and subordinate to the agricultural, rural, and scenic character of the rural areas.</u></p> <p><u>(2) The temporary use will not conflict with any easements for which there is public access through, or public use of a portion of the subject property.</u></p>
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4.8 Charitable and other noncommercial events. Existing Subsection 35.42.160.F.4 (Charitable and other noncommercial functions) provides a description of what constitutes charitable and other noncommercial events and allows property to be used, without a planning permit, for charitable and other noncommercial events provided:

- The owner or tenant of the property does not receive any remuneration (compensation);
- The use of the lot for a charitable or other noncommercial event does not exceed five times within the same calendar year if the lot is less than five acres (if the lot is five acres or greater there is no limit on the number of events within a calendar year; and,
- The number of attendees present at the event at any one time does not exceed 300.

For lots of less than five acres, more than five charitable or other noncommercial events may be held within a year, and/or more than 300 attendees may be allowed at one or more events, subject to the approval of a Minor Conditional Use Permit. For lots of five acres or greater, more than 300 attendees may be allowed at one or more event, subject to the approval of a Minor Conditional Use Permit.

Existing Subsection 35.42.260.F.6 (Reception and similar gathering facilities) allows property to be rented for use as a venue for receptions, parties, weddings, and other similar gatherings on a commercial basis provided that a Minor Conditional Use Permit is approved that allows that use. However, without obtaining the required Minor Conditional Use Permit to allow property to be used for weddings, etc., on a commercial basis, some property owners have attempted to rent their entire property to another person on a short-term basis (e.g., a day, weekend or week), claiming that the renter does not receive payment for hosting their own wedding, reception, etc.

The following revisions are proposed to address this situation:

1. The description of what constitutes charitable and other noncommercial events in Subsection F.4 (Charitable and other noncommercial events) is revised to include the use of a portion of the lot and any structures located on the lot. The restriction on the owner or tenant receiving any compensation for the use of the lot for the event is moved to a new Subsection F.4.c.(1) that provides development and operational standards for all charitable and other noncommercial. Additionally, the table that provides the permit requirements and certain development standards for charitable and other noncommercial uses is revised and moved from the opening paragraph of Subsection F.4 and to a new Subsection F.4.c (Permit requirements and development and operational standards). (See SECTION 4, page 16, of Attachment A.)

Existing	Proposed
<p>F. Development standards for all temporary uses.</p> <p>3. Charitable and other noncommercial functions. The use of a lot for charitable and other noncommercial functions where the owner or tenant of the lot receives no remuneration, including fundraisers, parties, receptions, weddings and other similar gatherings, may be allowed in compliance with the following permit requirements and development standards.</p>	<p>F. Development standards for all temporary uses.</p> <p>3. Charitable and other noncommercial functions <u>events</u>. The use of a lot for charitable and other noncommercial functions where the owner or tenant of the lot receives no remuneration, including fundraisers, parties, receptions, weddings and other similar gatherings, may be allowed in compliance with the following permit requirements and development standards.</p> <p><u>The use of a lot or portion thereof, including any structures located on the lot, for charitable and other noncommercial events, including private gatherings of family and friends, may be allowed in compliance with the following requirements.</u></p>

2. A new Subsection F.3.a (Purpose and intent) is added to specify what is meant by charitable and other noncommercial events and to reinforce that an event held on a lot that is rented for a short term (30 days or less) does not qualify as a charitable or other noncommercial event. (See SECTION 4, page 16, of Attachment A.)

a. Purpose and intent. The purpose and intent of this Subsection F.4 is to allow private property to be used for charitable and other noncommercial events as a use that is accessory, ancillary and incidental to the residential use of the property provided the property is used in compliance with the following permit requirements and development and operational standards. Additionally, the intent is to not allow events associated with the short-term rental of property as charitable or other noncommercial events.

- (1) For the purposes of this Subsection F.4, short-term rental means the rental or use of property or any portion thereof, including any structures located on the property, for a period of 30 consecutive calendar days or less, counting portions of calendar days as full days, and including rentals that are subject to the payment of a transient occupancy tax in compliance with County Code Chapter 32 (Taxation).

3. A new Subsection F.4.b (Applicability) states that the permit requirements and development and operational standards of Subsection F.4.c (Permit requirements and development and operational standards) do not apply to events where the total number of attendees at the event, not including

event staff, does not exceed 50. The purpose of this is to establish a minimum number of attendees required to be present at an event in order for the event to be regulated by the permit requirements and development and operational standards specific to charitable and noncommercial events. For example, this would apply to situations where a homeowner who owns a lot that is less than five acres hosts small dinner gatherings, and other noncommercial, private gatherings, on a more regular basis than five times per year. (See SECTION 4, page 16, of Attachment A.)

b. Applicability. Subsection F.4.c (Permit requirements and development standards), below, shall not apply to charitable and other noncommercial events where the total number of attendees at the event, not including event staff, is 50 or fewer.

4. As mentioned in #1, above, table that provides the permit requirements and certain development standards for charitable and other noncommercial uses is revised and moved from the opening paragraph of Subsection F.4 and to a new Subsection F.4.c (Permit requirements and development and operational standards)

Permit Requirement	Development Standards
Exempt	For a lot that is less than five gross acres in area: Use of the lot for charitable functions does not exceed five times within the same calendar year. The number of persons present at the event at any one time does not exceed 300.
Exempt	For a lot that is five gross acres or more in area: Use of the lot for charitable functions may exceed five times within the same calendar year. The number of persons present at the event at any one time does not exceed 300.
Coastal Development Permit or Land Use Permit	For a lot that is less than five gross acres in area: Use of the lot for charitable functions may exceed five times within the same calendar year. The number of persons present at the event at any one time does not exceed 300.
Coastal Development Permit or Land Use Permit	For a lot that is five gross acres or more in area: Use of the lot for charitable functions may exceed five times within the same calendar year. The number of persons present at the event at any one time exceeds 300.
Minor Conditional Use Permit	For a lot that is less than five gross acres in area: Use of the lot for charitable functions may exceed five times within the same calendar year. The number of persons present at the event at any one time exceeds 300.

c. Permit requirements and development and operational standards. The use of a lot or portion thereof, including any structures located on the lot, for charitable and other noncommercial events may be allowed in compliance with the following permit requirements and development and operational standards.

<u>Lot Size (1)</u>	<u>Maximum Number of Events (2)</u>	<u>Maximum Number of Attendees (3)</u>	<u>Permit Requirement</u>
<u>Less than 5 acres</u>	<u>5</u>	<u>300</u>	<u>Exempt</u>
		<u>Greater than 300</u>	<u>Minor Conditional Use Permit</u>
	<u>6 or more</u>	<u>300</u>	<u>Land Use Permit</u>
		<u>Greater than 300</u>	<u>Minor Conditional Use Permit</u>
<u>5 acres or more</u>	<u>No maximum</u>	<u>300</u>	<u>Exempt</u>
		<u>Greater than 300</u>	<u>Land Use Permit</u>

Notes:

1. Measured as gross lot area.
2. This number represents the maximum number of events that may be held on the lot within the same calendar year.
3. This number represents the maximum number of event attendees, not including event staff, present at the event at any one time.

(See SECTION 4, page 16, of Attachment A.)

5. Four requirements are added as a new Subsection F.4.c(1) that applies to all charitable and other noncommercial events. The first provides that a permit for a “Reception and Similar Gathering Facility (commercial)” (see Section 4.9, below) shall be required to be approved or conditionally approved prior to commencement of any event associated with the short-term rental of property. This will mean that any event held by a tenant where the tenant has rented the property on a short-term basis will not be able to qualify for an exemption from planning permits as a noncommercial event. (See SECTION 4, page 17, of Attachment A.)

- (a) A permit for a Reception and Similar Gathering Facility (commercial) shall be required to be approved or conditionally approved in compliance with Subsection 35.42.260.F.9 (Reception and similar gathering facilities (commercial)), below, prior to commencement of any event associated with the short-term rental of property.

The second requirement states that for events that are not exempt from a planning permit that the applicant must provide a telephone contact number of an event representative to all property owners within 300 feet, if the lot is less than one acre, or within 1,000 feet, if the lot is one acre or more.

- (b) For any event that is not exempt from the requirement to obtain a planning permit, the applicant shall provide a current 24-hour working telephone number of the property owner, property manager or other designated representative who will be available to respond to complaints and concerns during the event to all neighbors located within the distance specified below and to the Department.
 - (i) The property owner, property manager, or other designated representative shall be available at all times during the event.
 - (ii) The property owner, property manager, and other designated representative, as applicable, shall be responsible for assuring that all permit conditions of approval and/or development standards are complied with.
 - (iii) If the lot on which the event occurs is less than one acre (gross), then the contact number shall be provided to all neighbors located within 300 feet of the of the exterior boundaries of the subject lot. If the lot on which the event occurs is one acre (gross) or more, then the contact number shall be provided to all neighbors located within 1,000 feet of the exterior boundaries of the subject lot.

The third requirement adds time limits on the event’s hours of operation:

- (c) All exterior activities associated with the event shall occur between the hours of 7:00 a.m. and 10:00 p.m. No interior activity associated with the event shall occur beyond 10:00 p.m. if any sound that

results from the activity exceeds 60 decibels at a common property line with any adjoining property that contains a dwelling and is under separate ownership than the lot on which the event occurs.

The fourth requirement prohibits the owner or tenant of the lot on which the event is held from receiving any remuneration (compensation) for hosting the event and also disallows any charge, fee or payment for the use of the property. However, it does allow the owner or tenant to be reimbursed for any costs incurred in hosting the event (e.g., security, site cleanup):

(d) The owner or tenant of the lot on which the event occurs shall not receive any remuneration associated with such event or use, and there may not be any charge, fee, payment or other compensation for the use of the lot on which the event occurs, except that an owner or tenant may be reimbursed for any costs incurred by the owner or tenant associated with allowing the lot to be used for an event.

6. The following new requirements specific to charitable events are added as part of a new Subsection F.4.c(2) in order to further specify what constitutes a charitable event: (See SECTION 4, page 17, of Attachment A.)

(a) The event shall be held by or sponsored for the benefit of a charitable nonprofit organization(s) that is recognized by the federal Internal Revenue Service as an Internal Revenue Code 501(c)(3) nonprofit organization.

(b) 100 percent of the net proceeds collected on behalf of the event, after operational expenses are met, go to the sponsoring charitable organization(s).

This Subsection also includes language that allows the Director of the Planning and Development Department to determine that an event held or sponsored for a nonprofit organization that is not a 501(c)(3) nonprofit organization may still be allowed as a charitable event if the event complies with standards for charitable events and the organization is similar in nature to an Internal Revenue Code 501(c)(3) nonprofit organization, including amateur sports clubs and educational, fraternal, religious or service institutions or organizations directly engaged in civic, or charitable and philanthropic efforts, including IRS 501(c)(4) organizations. IRS 501(c)(4) organizations are generally civic leagues and other corporations operated exclusively for the promotion of social welfare, or local associations of employees with membership limited to a designated company or people in a particular municipality or neighborhood, and with net earnings devoted exclusively to charitable, educational, or recreational purposes. (See SECTION 4, page 17, of Attachment A.)

(c) The Director may determine that an event held by or sponsored for the benefit of a nonprofit organization(s) that is not recognized by the federal Internal Revenue Service as an Internal Revenue Code 501(c)(3) nonprofit organization may still be allowed as a charitable event in compliance with Subsection 35.42.260.B.3 provided:

(i) The event complies with Subsections F.4.c.(1) and F.4.c.(2)(b), above.

(ii) The nonprofit organization is similar in nature to an Internal Revenue Code 501(c)(3) nonprofit organization, and is an amateur sports club or educational, fraternal, religious or service institution or organization directly engaged in civic, or charitable and philanthropic efforts, including IRS 501(c)(4) organizations.

Subsection 35.42.180.B.3 referenced in (c) above provides that other temporary not included in the temporary use tables may be allowed as an exempt temporary use when the Director determines that the temporary use (1) is similar to those identified as being exempt from permit requirements, and (2) the proposed temporary use does not have the potential to result in an adverse effect on surrounding properties.

7. Proposed new Subsection F.4.c(3) restricts noncommercial events that may not be allowed as charitable events from having any commercial component; however, this does not apply to

fundraising events whose sole purpose is to solicit money or pledges for political campaigns:
(See SECTION 4, page 18, of Attachment A.)

(3) Other noncommercial events. Except for fundraising events whose sole purpose is to solicit money or pledges for political campaigns, other noncommercial events that are not allowed as a charitable event in compliance with Subsection F.4.c(2), above, may be allowed provided there is no commercial component including:

- (1) Admission fee.
- (2) Filming for commercial purposes.
- (3) Promoting a product.
- (4) Public advertising.

4.9 Reception and similar gathering facilities. The temporary use tables in the County LUDC (Tables 4-10 through 4-15) provide that “Reception and similar gathering facilities (commercial)” are allowed in all zones subject to the approval of a Minor Conditional Use Permit (MCUP) and the requirements of Subsection 35.42.260.F.9 (Reception facilities). Subsection 35.42.260.F.9 includes a very brief description of what constitutes a reception facility. The proposed amendment amends the title and text of Subsection 35.42.260.F.9 so that the title and description in Subsection 35.42.260.F.9 and the temporary use listed in the temporary use tables are consistent. (See SECTION 4, page 19, of Attachment A.)

Existing	Proposed
<p>F. Development standards for all temporary uses.</p> <p>9. Reception facilities. Reception facilities providing indoor or outdoor facilities that are accessory and incidental to the principal use of the property on a temporary, commercial basis for receptions, parties, weddings, or other similar gatherings that are not included in Subsection F.7 (Public assembly facilities) above.</p>	<p>F. Development standards for all temporary uses.</p> <p>9. Reception <u>and similar gathering facilities (commercial).</u> Reception <u>and similar gathering</u> facilities providing indoor or outdoor facilities that are accessory and incidental to the principal use of the property on a temporary, commercial basis for receptions, parties, weddings, or other similar gatherings that are not included in Subsection F.7 (Public assembly facilities), above, <u>may be allowed in compliance with the following permit requirements and development standards.</u></p>

The proposed language also adds the phrase “may be allowed in compliance with the following permit requirements and development standards” due to the inclusion of a new table (see below) in this subsection that references a new permit type (Special Event Use Permit) that would allow a property to be used as a commercial facility without having to obtain a Minor Conditional Use Permit provided that the use of the property for such an activity only occurs no more than four times within a calendar year and the use does not occur more than once within any 30-day period. (See SECTION 4, page 19, of Attachment A.)

<u>Permit Requirement</u>	<u>Development Standards</u>
<u>Special Event Use Permit approved in compliance with Subsection F.9.a. below.</u>	<u>The use of a lot or portion thereof, including any structures located on the lot, for a reception and similar gathering facility where the use occurs four or fewer times within a calendar year and the use does not occur more than once within any 30-day period.</u>
<u>Minor Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).</u>	<u>The use of a lot or portion thereof, including any structures located on the lot, for a reception and similar gathering facility where the use occurs five or more times within a calendar year.</u>

The amendment also adds a new Subsection (a) to Subsection 35.42.180.F. that includes the processing procedures for Special Event Use Permits. Special Event Use Permits are proposed to be discretionary permits under the jurisdiction of the Director of the Planning and Development Department; however, a public hearing would not be required (similar to the existing regulations regarding Development Plans under the jurisdiction of the Director). Notice of the application for the Special Event Use Permit would be sent to surrounding property owners (within either 300 of 1,000 feet depending on the size of the lot) and the decision of the Director on the application would be subject to appeal to the Planning Commission. (See SECTION 4, page 19, of Attachment A.)

a. Special Event Use Permit procedures.

- (1) Contents of application.** An application for a Special Event Use Permit shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing).
- (2) Processing.** After receipt of an application for a Special Event Use Permit, the Department shall:
 - (a) Provide notice of the application in compliance with Chapter 35.106 (Noticing and Public Hearings).
 - (b) Review the application in compliance with the California Environmental Quality Act.
 - (c) Refer the application to the Special Event Coordinator of the Community Services Department for review and recommendation to the Director.
- (3) Notice and action of the Director.** A public hearing shall not required; however:
 - (a) Notice of the pending decision of the Director on the application for the Special Event Use Permit shall be given at least 10 days before the date of the Director's decision in compliance with Chapter 35.106 (Noticing and Public Hearings).
 - (i) If the lot on which the event occurs is one acre (gross) or more, then the notice shall also be provided to all property owners located within 1,000 feet of the exterior boundaries of the subject lot.
 - (b) The Director may approve, conditionally approve, or deny the Special Event Use Permit.
 - (c) The action of the Director is final subject to appeal in compliance with Chapter 35.102 (Appeals).
- (4) Findings required for approval.** A Special Event Use Permit application shall be approved or conditionally approved only if the Director first makes all of the findings required in compliance with Subsection E.5, above, as applicable.
- (5) Prior to commencement of each special event.** The issuance of a Zoning Clearance in

compliance with Section 35.82.210 (Zoning Clearances) shall be required prior to the commencement of the each special event authorized by the Special Event Use Permit.

Subsection 35.42.260.F.9 (Reception and similar gathering facilities) is also revised to require that a telephone contact number of a representative who is able to respond to neighbor concerns regarding an event and who is responsible for assuring that all conditions of the permit for event are complied with be provided to neighbors within 300 feet of the event site for lots less than one acre and 1,000 feet for lots one acre or more. (See SECTION 4, page 19, of Attachment A.)

b. Property owner, property manager or other designated representative. For any event the applicant shall provide a current 24-hour working telephone number of the property owner, property manager or other designated representative who will be available to respond to complaints and concerns during the event to all neighbors located within 300 feet of the exterior boundaries of the lot on which the event occurs and to the Department.

- (1) The property owner, property manager, or other designated representative shall be available at all times during the event.
- (2) The property owner, property manager, and other designated representative, as applicable, shall be responsible for assuring that all permit conditions of approval and/or development standards are complied with.
- (3) If the lot on which the event occurs is less than one acre (gross), then the contact number shall be provided to all neighbors located within 300 feet of the of the exterior boundaries of the subject lot. If the lot on which the event occurs is one acre (gross) or more, then the contact number shall be provided to all neighbors located within 1,000 feet of the exterior boundaries of the subject lot.

Lastly, similar to the new requirement for charitable and other noncommercial events a new requirement restricts the event's hours of operation: (See SECTION 4, page 20, of Attachment A.)

c. Limits on hours of operation. All exterior activities associated with the event shall occur between the hours of 7:00 a.m. and 10:00 p.m. No interior activity associated with the event shall occur beyond 10:00 p.m. if any sound that results from the activity exceeds 60 decibels at a common property line with any adjoining property that contains a dwelling and is under separate ownership than the lot on which the event occurs.

4.10 Definitions. The amendment revises the existing definition of "Charitable Function" and adds the following new definitions of "Calendar Year," "Event," and "Remuneration." (See SECTIONS 5 and 6, pages 22 and 23, of Attachment A.)

Existing	Proposed
Charitable Function. An event or activity whose primary purpose is of a charitable or noncommercial nature.	Charitable Function Event. An event or activity whose primary purpose is of a charitable or noncommercial nature <u>that is held by or sponsored for the benefit of a charitable nonprofit organization that is recognized by the federal Internal Revenue Service as an Internal Revenue Code 501(c)(3) nonprofit organization.</u>
None.	Calendar Year. <u>A period of a year beginning on January 1st and ending on December 31st.</u>
None.	Event. <u>Any gathering of individuals, whether on public or private property, assembled with a common purpose.</u>
None.	Remuneration. <u>Compensation, money, rent, or</u>

	<u>other bargained for consideration given in return for occupancy, possession, or use of real property and/or portion thereof, including any structures located thereon.</u>
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6.0 POLICY CONSISTENCY

The proposed ordinance amendments do not alter the purpose and intent of any Comprehensive Plan, Coastal Land Use Plan and applicable community and area plans policies and development standards, and the adoption of the proposed ordinance amendments will not result in any inconsistencies with the adopted policies and development standards of the County's Comprehensive Plan, Coastal Land Use Plan and applicable community and area plans. The proposed amendments primarily involve clarifying existing regulations and implementing new regulations regarding the use of property for temporary uses (special events).

In order for a development permit to be approved based on these proposed amendments, it still must be determined that the project is consistent with the policies and development standards of the Comprehensive Plan, Coastal Land Use Plan and applicable community and area plans. As part of this process, a policy consistency analysis will be performed during the review of the application, and projects will not be approved unless they are determined to be consistent with applicable policies, and the findings required for approval can be made. Therefore, this amendment may be found consistent with the adopted Comprehensive Plan, the Local Coastal Program, and applicable community and area plans.

7.0 ORDINANCE COMPLIANCE

The proposed ordinances are consistent with the remaining portions of the County LUDC and Article II that would not be revised by these ordinances. In order to approve a development project based on these proposed amendments, it still must be determined that the project is consistent with the whole of the County LUDC and Article II as applicable.

8.0 ATTACHMENTS

- A. County LUDC Ordinance Amendment
- B. Article II CZO Ordinance Amendment
- C. Draft Temporary Use (Special Event) Permit Application