



**COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT**

MEMORANDUM

TO: Montecito Planning Commissioners

FROM: Noel Langle, Planner

DATE: January 9, 2013

RE: January 16, 2013 continued hearing on 12ORD-00000-00003 (Montecito Land Use and Development Code) and -00004 (Article II Coastal Zoning Ordinance); Temporary Uses (Special Events) Ordinance Amendments

1.0 REQUEST

Hearing on the request of the Planning and Development Department that the Montecito Planning Commission:

- 1.1 Case No. 12ORD-00000-00003.** Adopt a recommendation to the Board of Supervisors that the Board adopt an ordinance (Case No. 12ORD-00000-00003) amending Division 35.4, Montecito Standards for Specific Land Uses, and Division 35.10, Glossary, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, as set forth in Attachment C; and
- 1.2 Case No. 12ORD-00000-00004.** Adopt a recommendation to the County Planning Commission that the County Planning Commission recommend to the Board of Supervisors that the Board adopt an ordinance (Case No. 12ORD-00000-00004) 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 County Code, as set forth in Attachment F.

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

2.0 RECOMMENDATION AND PROCEDURES

- 2.1 Case No. 12ORD-00000-00003.** Follow the procedures outlined below and recommend that the Board of Supervisors approve Case No. 12ORD-00000-00003 as shown in Attachment C based upon the ability to make the appropriate findings. Your Commission's motion should include the following:

1. Make the findings for approval, including CEQA findings, and recommend that the Board

make the required findings for approval of the proposed amendment, including CEQA findings (Attachment A);

2. Recommend that the Board determine that this ordinance is categorically exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the Guidelines for Implementation of CEQA (Attachment B); and,
3. Adopt a Resolution recommending that the Board adopt Case No. 12ORD-00000-00003, an ordinance amending Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code (Attachment C).

2.2 Case No. 12ORD-00000-00004. Follow the procedures outlined below and recommend that the Board of Supervisors approve Case No. 12ORD-00000-00004 as shown in Attachment F based upon the ability to make the appropriate findings. Your Commission's motion should include the following:

1. Make the findings for approval, including CEQA findings, and recommend to the County Planning Commission that the County Planning Commission make the findings for approval, including CEQA findings, and recommend that the Board of Supervisors make the findings for approval of the proposed amendment, including CEQA findings (Attachment D);
2. Recommend to the County Planning Commission that that the County Planning Commission recommend to the Board of Supervisors that the Board determine that the adoption of this ordinance is statutorily exempt from the California Environmental Quality Act pursuant to Section 15265 of the Guidelines for Implementation of CEQA (Attachment E); and,
3. Adopt a Resolution recommending that the County Planning Commission adopt a Resolution recommending that the Board of Supervisors approve Case No. 12ORD-00000-00004, an ordinance amending Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code (Attachment F).

Please refer the matter to staff if your Commission takes other than the recommended actions for the development of appropriate materials.

3.0 JURISDICTION

3.1 Case No. 12ORD-00000-00003. This project is being considered by the Montecito Planning Commission based upon Sections 65854 to 65857, inclusive, of the California Government Code and Chapter 35.494 of the Santa Barbara County Montecito Land Use and Development Code (Montecito LUDC). The Government Code and the Montecito LUDC require that the Montecito Planning Commission, as the designated planning agency for the unincorporated area of the County within the Montecito Community Plan Area, review and consider proposed amendments to the Montecito LUDC and provide a recommendation to the Board of Supervisors.

3.2 Case No. 12ORD-00000-00004. This project is being considered by the Montecito Planning Commission in compliance with Section 2-25.2 of Chapter 2 of the Santa Barbara County Code that provides that the Montecito Planning Commission may make recommendations to the County Planning Commission on text amendments to Article II of Chapter 35 of the County

Code that will affect land use decisions within the Coastal Zone portion of the Montecito Planning Area.

4.0 BACKGROUND AND ISSUE SUMMARY

4.1 Background.

The Montecito Land Use and Development Code and the Article II Coastal Zoning Ordinance (collectively, the zoning ordinances) allow the temporary use of property and structures located in the Montecito Community Plan area (including the Coastal Zone) for charitable and other noncommercial events (including private gatherings of family and friends) on all properties provided they comply with the following:

Event Type	Permit Requirement	Operational Standards
Charitable/Noncommercial Event	Exempt	<ul style="list-style-type: none">• No compensation for use of property• No distinction based on lot size• Maximum of 3 events per year• Maximum of 300 event attendees at any one time

The zoning ordinances also currently allow property to be used as commercial reception facilities for parties, receptions, weddings, and other similar gatherings provided that a Conditional Use Permit is approved by the Montecito Planning Commission for that use. For these types of facilities, the zoning ordinances do not contain any restrictions on lot size, the number of times per year an event could be held or the number of attendees; however, these restrictions would be established through the CUP review and approval process.

On September 26, 2012, your Commission, by a unanimous recommendation, directed the Planning and Development Department to develop ordinances amending the Montecito Land Use and Development Code and the Article II Coastal Zoning Ordinance that would have the effect, within the Montecito Community Plan area, of:

- Providing that charitable and other noncommercial events where the total number of attendees is 75 or fewer are not subject to the three events per year limitation.
- Keeping the existing allowance for three charitable and other noncommercial events per year where the number of attendees does not exceed 300.
- Adding an allowance for one additional charitable and other noncommercial event where the number of attendees may exceed 300 subject to the approval of a Special Event Use Permit.
- Prohibiting all commercial events.

The following chart represents that direction:

Event Type	Permit Requirement	Number Allowed per Year	Maximum Number of Attendees
Charitable/Noncommercial	Exempt	Not limited	75
Charitable/Noncommercial	Exempt	3	300
Charitable/Noncommercial	Special Event Use Permit	1	Not limited; determined by permit
Commercial	Not Applicable (1)	0 (1)	Not Applicable (1)

Notes:

1. Commercial events would continue to be allowed in commercial zones only subject to the approval of a Conditional Use Permit which would specify the number of events allowed per year and the maximum number of attendees allowed.

At the November 7, 2012 hearing before the County Planning Commission regarding the proposed Temporary Uses (Special Events) Ordinance Amendments, after listening to information presented by Planning and Development Department staff and taking testimony from members of the public, the County Planning Commission unanimously approved a motion to direct Department staff to return on January 9, 2013 with ordinance amendments that:

- Clarify that special events associated with the short-term rental of property are not considered noncommercial events that are exempt from a zoning permit.
- Establish a threshold number of attendees required for a noncommercial event to be subject to the limitation on the number of events allowed within a calendar year.
- Include definitions of the meaning and effect of terms used in the regulations (e.g., “charitable,” “incidental”).

As part of the motion, the Planning Commission also recommended to the Board of Supervisors that the Board consider a work program item for the Department that would consider the issues included in the ordinance presented by Ms. Beth Collins-Burgard on behalf of the special events industry at the November 7, 2012 hearing. This recommendation will be presented to the Board when the Department’s work program is considered by the Board.

At the January 9, 2013 meeting of the County Planning Commission, Department staff will request that the item be continued until the January 30, 2013 County Planning Commission hearing in order to allow your Commission to consider the revised ordinances and provide a recommendation to the County Planning Commission regarding the amendment to the Article II Coastal Zoning Ordinance since it will affect the Montecito Community Plan area.

5.0 PROJECT ANALYSIS

The following provides a review and analysis of the proposed amendments that:

- Reflect your direction on September 26, 2012.
- Include language that reflects the direction of the County Planning Commission on November 7, 2012 to primarily focus on (1) clarifying that special events associated with the short-term rental of property are not considered as noncommercial events that are exempt from a zoning

permit, (2) establishing a threshold number of attendees required for a noncommercial event to be subject to the limitation on the number of events allowed within a calendar year, and (3) adding new definitions and revising existing definitions of the meaning and effect of terms used in the regulations.

The language included in this memorandum is from the proposed amendment to the Montecito Land Use and Development Code (Montecito LUDC). Language from the proposed amendment to the Article II Coastal Zoning Ordinance (Article II) will be provided when required for clarity. 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 Montecito 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 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 complete texts of the ordinance amendments that are attached as Attachment C (Montecito LUDC) and Attachment F (Article II).

5.1 Applicability. Subsection B.1 of Subsection B, Applicability, of Section 35.442.180 (Temporary Uses and Trailers) is proposed to be revised as follows: (See SECTION 1, page 1, of Exhibit 1 of Attachment C.)

B. Applicability.

1. ~~Does not apply to amusements regulated separately – Inland area. Within the Inland area, this Section shall not apply to any use of property that is regulated by Chapter 6 (Amusements) of the County Code.~~

Does not apply to amusements or filming activities regulated separately. This Section shall not apply to any use of property that is regulated by the following:

- a. Chapter 6 (Amusements) of the County Code.
- b. Chapter 14C (Film Permit Office) of the County Code.

Discussion - This revision reorganizes and revises Subsection B.1 to further specify that Section 35.442.180 (Temporary Uses and Trailers) that provides the permit requirements and development/operational standards for all temporary uses including special events does not apply to activities that are regulated under Chapter 14C of the County Code that provides the requirements for filming activities in addition to activities that are regulated under Chapter 6, Amusements, of the County Code. Amusements include such activities as billiard rooms, mechanical amusement devices, card games, live entertainment and outdoor festivals.

5.2 Other approvals required. Subsection B.4 of Subsection B, Applicability, is proposed to be revised as follows: (See SECTION 1, page 1, of Exhibit 1 of Attachment C.)

B. Applicability.

4. **Other approvals required.** All temporary electrical facilities, temporary toilet and plumbing facilities, temporary use of public roads, temporary use of County facilities and temporary shelters or structures shall receive all necessary approvals from 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 and the County Fire Department or applicable fire protection district.

***Discussion** - This revision adds additional activities that already require a permit (i.e., temporary use of public roads and County facilities), as well as adding additional County departments that may be involved in the review and approval of permits for temporary uses.*

5.3 Temporary Use permit requirement tables. Tables 4-6 through 4-9 which list the allowed temporary uses and corresponding permit requirements for the different zones are proposed to be 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 throughout the remainder of Section 35.442.180 (Temporary Uses and Trailers) and to delete “Reception and similar gathering facilities (commercial)” as a temporary use allowed with a Conditional Use Permit in the Agricultural, Resource Management, Residential and Special Purpose zones. They would continue to be allowed with a Conditional Use Permit in the Commercial zones. Table 4-7, Allowed Temporary Uses and Permit Requirements for Residential Zones, is included below. (See SECTION 1, pages 2 through 6, of Exhibit 1 of Attachment C.)

Table 4-7 Allowed Temporary Uses and Permit Requirements for Residential Zones	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	LAND USE (1)	R-1/E-1	R-1/E-1 CZ	R-2	R-2 CZ
<div> <div>E</div> <div>ZC</div> <div>P</div> <div>CUP</div> <div>S</div> <div>—</div> <div>Allowed use, no permit required (Exempt)</div> <div>Permitted use, Zoning Clearance required</div> <div>Permitted use, Land Use or Coastal Permit required</div> <div>Conditional Use Permit required</div> <div>Permit determined by Specific Use Regulations</div> <div>Use Not Allowed</div> </div>					

TEMPORARY EVENTS

Certified farmers market (incidental)	CUP	CUP	CUP	CUP	35.442.180.F.2
Charitable and other noncommercial functions events	E	E	E	E	35.442.180.F.3
Public assembly events in facilities; event consistent	E	E	E	E	35.442.180.F.4
Public property	E	E	E	E	35.442.180.F.5
Reception and similar gathering facilities (commercial)	CUP	CUP	CUP	CUP	35.442.180.F.6
Seasonal sales lots	P	P	P	P	35.442.180.F.7

TEMPORARY DWELLINGS

During construction of new dwelling	P	P	P	P	35.442.180.F.8
Trailer (4 or less agricultural employees)	—	—	—	—	35.442.180.G.3
Trailer (watchman during construction)	P	P	P	P	35.442.180.G.10
Trailer (after destruction of dwelling)	P	P	P	P	35.442.180.G.7
Trailer (during construction of new dwelling)	P	P	P	P	35.442.180.G.6

TEMPORARY OFFICES/STORAGE

Trailer (air quality monitoring station)	CUP	CUP	CUP	CUP	35.442.180.G.4
Trailer (construction office, shop, storage, etc.)	S	S	S	S	35.442.180.G.5
Trailer (mobile communications temporary facility)	ZC	—	ZC	—	35.442.180.G.9
Trailer (storage as accessory to dwelling)	E	E	E	E	35.442.180.G.8

Key to Zone Symbols

R-1/E-1	Single-Family Residential	CZ	Coastal Zone
R-2	Two-Family Residential		

Notes:

(1) See Division 35.10 (Glossary) for land use definitions.

- 5.4 Permit processing.** Subsection D.2 of Subsection D, Permit processing, is proposed to be revised as follows: (See SECTION 2, page 7, of Exhibit 1 of Attachment C.)

D. Permit processing.

2. **Referral to other County departments.** After receipt of an application for a temporary use, the Department shall refer the application to other County departments and districts that may be 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.

Discussion - This revision deletes the existing language regarding special standards for exempt temporary uses in the Coastal Zone (omitted above for brevity) and instead adds language that provides for notification to other Departments and districts that may be involved in the permitting of temporary uses. This helps to implement the County Executive Officer's directive that County departments coordinate the review of applications for temporary uses.

5. **Notice.** Notice of an application for a Coastal Development Permit, Conditional Use Permit, or Land Use Permit or Special Event Use Permit for a temporary use shall be provided in compliance with Chapter 35.496 (Noticing and Public Hearings).
6. **Appeal.** The action of the review authority to approve, conditionally approve, or deny a Coastal Development Permit, Conditional Use Permit, or Land Use Permit or Special Event Use Permit for a temporary use is final subject to appeal in compliance with Chapter 35.492 (Appeals).

Discussion - Subsection D.5 and D.6 are amended to add a reference to a new permit type "Special Event Use Permit."

- 5.5 Charitable and other noncommercial events.** Subsection F.3, Charitable and other noncommercial functions, is proposed to be revised as follows: (See SECTION 3, page 8, of Exhibit 1 of Attachment C.)

F. Permit requirements and development standards for specific temporary uses.

3. **Charitable and other noncommercial functions events.** ~~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, is exempt from permit requirements, however, the following development standards shall apply:~~
- a. ~~The use of the lot for charitable functions does not exceed three times within the same calendar year.~~
- b. ~~The number of persons present at the event at any one time does not exceed 300.~~

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.

Discussion - The revisions include revising the description of what constitutes charitable and other noncommercial events to include the use of a portion of the lot and any structures located

on the lot and to specifically provide for private gatherings of families and friends. Additionally, the prohibition on the owner or tenant receiving any compensation for the use of the lot for the event is deleted from this subsection and moved to a new Subsection F.3.c.(1) that provides development and operational standards for all charitable and other noncommercial events. Lastly, Subsections F.3.a and F.3.b that provide the development standards for charitable and other noncommercial events that are exempt from planning permits are deleted and moved to a new table in Subsection F.3.c (Permit requirements and development and operational standards).

a. Purpose and intent. The purpose and intent of this Subsection F.3 is to allow an owner or non-transient tenant to use private property for charitable and other noncommercial events as a temporary use that is incidental and subordinate 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.3:

- (a) Non-transient tenant means any person who uses or possesses, or has the to use or possess, a lot or portion thereof, including any structures located on the lot, for a period of 31 consecutive calendar days or more, counting portions of calendar days as full days.**
- (b) Short-term rental of property means the possession or use of a lot or any portion thereof, including any structures located on the lot, 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).**

Discussion - 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 possessed or used for less than 31 days or rented for a short term (30 days or less) does not qualify as a charitable or other noncommercial event.

b. Applicability. This Subsection F.3 shall not apply to charitable and noncommercial events where the number of attendees present at the event at any one time is 75.

Discussion - A new Subsection F.3.b (Applicability) is added that states that the restriction on the maximum number of events allowed within a calendar year as provided by new Subsection F.3.c (Permit requirements and development and operational standards) does not apply to charitable and other noncommercial events where the total number of attendees at the event, not including event staff, does not exceed 75. The purpose of this is to establish a minimum number of attendees required to be present at a charitable or noncommercial event in order for the event to count towards the number of events allowed per year. For example, this would apply to situations where a homeowner hosts small dinner gatherings, and other noncommercial, private gatherings, in excess of three times per year.

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</u>	<u>Maximum Number of Events (1)</u>	<u>Maximum Number of Persons (2)</u>	<u>Permit Requirement</u>
<u>All lots</u>	<u>3</u>	<u>300</u>	<u>Exempt</u>
<u>All lots</u>	<u>1</u>	<u>More than 300</u>	<u>Special Event Use Permit (3)</u>

Notes:

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

***Discussion** - As mentioned above under Subsection F.3, on page 7, above, the permit requirements and certain development standards for charitable and other noncommercial events is revised and moved from the opening paragraph of Subsection F.3 to a new table in Subsection F.3.c (Permit requirements and development and operational standards). The Notes section of the table specifies that the maximum number of attendees is that number present at the event at any one time and does not include event staff. The table also includes a provision for one additional charitable or other noncommercial event where the number of attendees exceeds 300 subject to the approval of a Special Event Use Permit. The processing requirements for Special Event Use Permits are discussed on page 10, below.*

(1) All charitable and other noncommercial events. The following apply to all charitable and other noncommercial events.

- (a) 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 actual and direct costs incurred by the owner or tenant associated with allowing the lot to be used for an event including providing site clean-up following the event.
- (b) Charitable and other noncommercial events associated with the short-term rental of property are only allowed on lots with a commercial zone designation.
- (c) The duration of the event shall not exceed a single 24-hour period, except that event set-up, breakdown, and clean-up may occur outside of this period.

(2) Charitable events. The following apply to all charitable events.

- (a) The event shall be held by or sponsored for the sole benefit of a charitable nonprofit organization(s).
- (b) 100 percent of the net proceeds collected for the event, after operational expenses are met, are remitted to the sponsoring charitable organization(s).

(3) Other noncommercial events. Other noncommercial events that are not allowed as a charitable event may be allowed provided there is no commercial component including:

- (a) The payment of any fee such as admission fees, membership fees, etc.
- (b) Filming for commercial purposes.
- (c) Promoting a product.
- (d) Public advertising.

(4) Political fundraising events. Subsection F.3.c(3) does not apply to fundraising events whose sole purpose is to solicit money or pledges for political campaigns.

Discussion - The revisions include:

- *As mentioned above under Subsection F.3, on page 7, above, the existing requirement that an owner or tenant may not receive any compensation for the use of the lot for the event is included in this subsection; however, language is also added that allows the owner or tenant to be reimbursed for actual and direct costs incurred with allowing the lot to be used for an event (e.g., site clean-up).*
- *A new provision provides that charitable and other noncommercial events associated with the short-term rental of property are only allowed on lots with a commercial zone designation.*
- *A new standards is added that limits the duration of an event to a single 24-hour period, not included event set-up, breakdown and clean-up.*
- *A new standard is added for charitable events that requires that 100 percent of the net proceeds collected for the event, after operational expenses are met, be remitted to the sponsoring charitable organization(s).*
- *Proposed new Subsection F.3.c(3) restricts noncommercial events that do not qualify 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.*
- *Proposed new Subsection F.3.c(4) provides that the restrictions contained in new Subsection F.3.c (3) do not apply to political fundraising events.*

d. Special Event Use Permit procedures.

- (1) Contents of application.** An application for a Special Event Use Permit shall be submitted in compliance with Chapter 35.470 (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 35.496 (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 be 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 35.496 (Noticing and Public Hearings).
 - (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 35.492

(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 following findings:

- (a) The findings required for approval of a Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits).
- (b) Adequate temporary parking to accommodate vehicular traffic generated by the temporary use is available either on-site or at alternate locations acceptable to the Director.

(5) Prior to commencement of special event. The issuance of a Zoning Clearance in compliance with Section 35.472.190 (Zoning Clearances) shall be required prior to the commencement of the special event authorized by the Special Event Use Permit.

Discussion - As proposed, the procedures for Special Event Use Permits include that:

- The application for a Special Event Use Permit is noticed in the same manner as other applications that require a public hearing (notice is mailed to neighbors and the subject lot is posted with a notice placard).*
- The application is subject to review in compliance with the California Environmental Quality Act.*
- The Planning and Development Department Director is the review authority for the application. The Director may approve, conditionally approve or deny the application without a public hearing, however, notice of the decision is provided and the decision is subject to appeal.*

5.6 Definitions. Section 35.500.020, Definitions of Specialized Terms and Phrases, is proposed to be revised to amend existing definitions and add new definitions as shown below: (See SECTIONS 5 and 6, beginning on page 11, of Exhibit 1 of Attachment C.)

Charitable Function Event. An event or activity ~~whose primary purpose is of a charitable or noncommercial nature~~ that is held by or sponsored for the sole benefit of a nonprofit organization(s) established for the purpose of promoting philanthropic goals and social well-being including charitable, educational, religious, or other activities serving the public interest or common good.

Discussion - The proposed revision to the existing language provides a stricter definition of what constitutes a charitable event but does not require that the organization be recognized as a 501(c)(3) organization by the federal Internal Revenue Service as was previously proposed.

Calendar Year. A period of a year beginning on January 1st and ending on December 31st.

Discussion - This term is used in the notes to the table that specifies how many events may be held on a particular lot within a year.

Event. Any gathering of individuals, whether on public or private property, assembled with a common purpose, and usually for a specified period of time, including ceremonies, competitions, festivals and parties.

Discussion - *This new definition is included to define what is considered an event that would be regulated by the Montecito LUDC.*

Incidental Use. A use of a lot and/or structure, or portion of a lot and/or structure, that is subordinate to the principal use of the lot and/or structure, and is developed or operated so as to not significantly alter or adversely affect the appearance, character or operation of the principal use of the lot or structure located on the lot.

Discussion - *This new definition describes what is meant by “incidental” as the term is used in Subsection F.3.a (see page 8, above) where it describes the use of property for charitable and other noncommercial events as being incidental to the residential use of the property.*

Nonprofit Organization. An organization chartered for other than profit-making activities. Also known as a not-for-profit organization.

Discussion - *This new definition is included to define the meaning of the term as the term is used in the definition of “Charitable Event,” above.*

Remuneration. Compensation, money, rent, or other bargained for consideration given in return for occupancy, possession, or use of real property and/or portion thereof, including any structures located thereon.

Discussion - *This new definition is included to define the meaning of the term as the term is used in Subsection F.3.c(1)(a) (see page 9, above) wherein is prohibits an owner or tenant from receiving any remuneration in exchange for the use of a property for an event.*

Attachments:

- | | | |
|----|-------------------|-----------------------------------|
| A. | 12ORD-00000-00003 | Findings |
| B. | 12ORD-00000-00003 | Notice of Exemption |
| C. | 12ORD-00000-00003 | Resolution and Proposed Ordinance |
| D. | 12ORD-00000-00004 | Findings |
| E. | 12ORD-00000-00004 | Notice of Exemption |
| F. | 12ORD-00000-00004 | Resolution and Proposed Ordinance |