



**BOARD OF SUPERVISORS  
AGENDA LETTER**

Agenda Number:

**Clerk of the Board of Supervisors**  
105 East Anapamu Street, Room 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Department Name:** Planning & Development  
**Department No.:** 053  
**For Agenda Of:** Set Hearing on 03/19/2013 for  
04/02/2013  
**Placement:** Administrative (on 03/19/2013)  
Departmental (on 04/02/2013)  
**Estimated Time:** 90 minutes (on 04/02/2013)  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors

**FROM:** Department Director Glenn Russell, Ph.D. (805) 568-2085  
Contact Info: Dianne Black, Assistant Director (805) 568-2086

**SUBJECT:** Temporary Uses (Special Events) Ordinance Amendments

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**County Counsel Concurrence**  
As to form: Yes

**Auditor-Controller Concurrence**  
As to form: N/A

**Other Concurrences:** N/A

**Recommended Actions:**

On March 19, 2013, set a hearing for April 2, 2013 to consider the recommendations of the County and Montecito Planning Commissions to approve Case Nos. 12ORD-00000-00002, 12ORD-00000-00003 and 12ORD-00000-00004 which would amend, respectively, the County Land Use and Development Code, the Montecito Land Use and Development Code, and the Article II Coastal Zoning Ordinance, all of Chapter 35, Zoning, of the Santa Barbara County Code, to modify existing regulations and implement new regulations regarding the use of property for temporary uses (special events).

On April 2, 2013, your Board's action should include the following:

**A. Case No. 12ORD-00000-00002 (County LUDC Amendment):**

1. Make the findings for approval, including CEQA findings, of the proposed ordinance as shown in Attachment A;
2. Determine that the adoption of this ordinance is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the Guidelines for Implementation of CEQA included as Attachment B; and
3. Approve Case No. 12ORD-00000-00002, an ordinance amending Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code included as Attachment C.

**B. Case No. 12ORD-00000-00003 (Montecito LUDC Amendment):**

1. Make the findings for approval, including CEQA findings, of the proposed ordinance as shown in Attachment D;
2. Determine that the adoption of this ordinance is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the Guidelines for Implementation of CEQA included as Attachment E; and
3. Approve 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 Santa Barbara County Code included as Attachment F.

**C. Case No. 11ORD-00000-00014 (Article II Coastal Zoning Ordinance Amendment):**

1. Make the findings for approval, including CEQA findings, of the proposed ordinance as shown in Attachment G;
2. Determine that the adoption of this ordinance is exempt from the California Environmental Quality Act pursuant to Section 15265 of the Guidelines for Implementation of CEQA included as Attachment H; and
3. Approve Case No. 12ORD-00000-00004, an ordinance amending Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code included as Attachment I.

**Summary Text:**

**1. Background.**

In December 2004 the Board of Supervisors adopted amendments to the County's zoning ordinances that addressed the temporary use of property for both charitable and other noncommercial events, and commercial events held on agricultural or residential properties. In 2011, the Planning and Development Department processed a package of amendments to the zoning ordinances that included revisions to the temporary use (special event) regulations. The purpose of those revisions was to specify that charitable and other noncommercial events that normally would be exempt from a planning permit as accessory and incidental uses did not include events that were associated with short-term rentals of agriculturally and residentially zoned property for weddings and similar gatherings. The intent of the revisions was to further specify when events are considered accessory and incidental to the primary use of the property (typically agricultural or residential) in order to maintain the character of the zone district.

The ordinance already recognizes that commercial events on agriculturally or residentially zoned property require more careful review under a discretionary permit to ensure the character of the zone district is maintained. Events associated with short-term rental of properties are inconsistent with the primary use of property in the zone district (agricultural or residential) and the proliferation of such events can easily overwhelm the agricultural or residential character of the zone due to the economic incentive for property owners to rent their property for events. Charitable and noncommercial events not associated with short-term rentals are treated differently because they are self-limiting as there is no economic incentive to hold such events.

The proposed revisions would not prohibit or regulate the short term or long term rental of property, or prohibit events held by owners and non-short-term tenants that are incidental and accessory to the primary use of property. The proposed revisions would also not prohibit commercial events on non-commercially zoned property for which permits are obtained.

The County and Montecito Planning Commissions, in response to extensive public testimony from the special events industry, concerned citizens and representatives of neighborhood associations, deleted the proposed revisions regarding temporary uses from the package of ordinance amendments that were forwarded to the Board, and directed the Department to continue to work on revising the regulations for special events.

The Department spent several months in 2012 preparing new draft amendments, and also met with a group of citizens representing neighborhood associations and the special events industry to discuss the language of the draft amendments. The Department also briefed the Agricultural Advisory Committee on the proposed amendments. Public hearings by the Planning Commissions on the new amendments began in July, 2012, and, after six hearings before the County Planning Commission and three hearings before the Montecito Planning Commission, the Commissions narrowed the scope of the amendments to focus on their original purpose and forwarded their recommendations to the Board of Supervisors. Their recommendations are summarized in the issue summary that follows.

During this process a group of interested citizens submitted for consideration a draft ordinance known as the Good Neighbor Special Events Ordinance (GNO) that would create a completely restructured set of regulations that would apply to special events held on agricultural and residential lots. The County Planning Commission recommended that the Board of Supervisors consider a work program item for the Department that would consider a comprehensive review of the special events provisions, including the approach outlined in the GNO. This item is included in the Department's annual work program that will be considered by the Board in April.

## **2. Issue Summary.**

The following provides a very brief summary of the ordinance amendments recommended for approval by the County and Montecito Planning Commissions. For a detailed analysis, please refer to Attachment K (County Planning Commission memo dated 01/23/2013) and Attachment Q (Montecito Planning Commission memo dated 01/09/2013). In the ordinance amendments, text proposed to be added is underlined, and text proposed to be deleted is struck-through. The remaining County and Montecito Planning Commission staff reports and memos are attached to provide additional background information on the progress of the amendments through the hearing process.

**2.1 Montecito Planning Commission.** At its hearing on January 16, 2013, the Montecito Planning Commission recommended that the Board adopt ordinance amendments for the Montecito Community Plan area that would:

- Provide that charitable and other noncommercial events where the total number of attendees is 75 or fewer are not subject to the limitation of three events per year.
- Keep the existing exemption for three charitable and other noncommercial events per year where the number of attendees does not exceed 300.
- Add an allowance for one additional event that is charitable or noncommercial where the number of attendees may exceed 300 subject to the approval of a discretionary Special Event Use Permit under the jurisdiction of the Planning Director.

- Prohibit all commercial events outside of commercial zones.
- Specify that special events associated with the short-term rental of property are considered to be commercial events that are not exempt from zoning permits and require a conditional use permit.
- Add new development standards that apply to charitable and other noncommercial events.
- Add new definitions and revise existing definitions of the meaning and effect of terms used in the zoning ordinances.

The motion to recommend the adoption of the ordinances was approved by a vote of three to two. The two dissenting Commissioners voted against adoption of the ordinance due to the prohibition of all commercial special events within non-commercial zones in the Montecito Community Plan area without the availability of a permit path. The following table summarizes the permit requirements and development standards for holding events in the Montecito Community Plan area on agriculturally and residentially zoned land as recommended by the Montecito Planning Commission.

| Event Type   | Permit Requirement       | Number Allowed per Year | Maximum Number of Attendees       |
|--|--------------------------|-------------------------|-----------------------------------|
| Charitable/Noncommercial   | Exempt                   | Not limited             | 75                                |
| Charitable/Noncommercial   | Exempt                   | 3 events                | 76 - 300                          |
| Charitable/Noncommercial   | Special Event Use Permit | 1 event                 | Not limited; determined by permit |
| Commercial (including events associated with short-term rentals) | Not Applicable           | 0                       | Not Applicable                    |

**2.2 County Planning Commission.** At its hearing on February 6, 2013, the County Planning Commission recommended that the Board adopt ordinance amendments for the unincorporated area of the County located outside the Montecito Community Plan area that would:

- Provide that charitable and other noncommercial events where the total number of attendees is 75 or fewer are not subject to the specified limitation of the number of events per year.
- Keep the existing permit requirements regarding the number of exempt charitable and other noncommercial events per year based on the number of attendees and lot size.
- Keep the existing minor conditional use permit requirement for commercial events.
- Specify that special events associated with the short-term rental of property are considered to be commercial events that are not exempt from zoning permits and require a minor conditional use permit.
- Add new development standards that apply to charitable and other noncommercial events.
- Add new definitions and revise existing definitions of the meaning and effect of terms used in the zoning ordinances.

- Specify that “in-home retail sales” (aka Tupperware® parties) are not regulated by the Temporary Use sections of the zoning ordinances.

The motion to recommend the adoption of the ordinances was approved by a vote of three to one, with one abstention. The following table summarizes the permit requirements and development standards for holding events in the County outside of the Montecito Community Plan area on agriculturally and residentially zoned land as recommended by the County Planning Commission.

| Event Type   | Permit Requirement | Number Allowed per Year                    | Maximum Number of Attendees       |
|--|--------------------|--|-----------------------------------|
| Charitable/Noncommercial   | Exempt             | Not limited                                | 75                                |
| Charitable/Noncommercial   | Exempt             | Lot is less than 5 acres: 5 events         | 76 - 300                          |
|  |                    | Lot is 5 acres or more: Not limited        |                                   |
| Charitable/Noncommercial   | CDP/LUP            | Lot is less than 5 acres: 6 or more events | 76 - 300                          |
|  |                    | Lot is 5 acres or more: Not limited        | More than 300                     |
| Charitable/Noncommercial   | Minor CUP          | Lot is less than 5 acres                   | More than 300                     |
| Commercial (including events associated with short-term rentals) | Minor CUP          | Not limited; determined by permit          | Not limited; determined by permit |

#### **Fiscal Analysis:**

Funding for this ordinance amendment work effort is budgeted in the Planning Support program of the Administration Division on page D-138 of the adopted Planning and Development Department's budget for fiscal year 2012-13. There are no facilities impacts.

#### **Special Instructions:**

- The Planning and Development Department will satisfy all noticing requirements.
- The Clerk of the Board will send a copy of the signed and numbered ordinances and minute order to the Planning and Development Department, attention Noel Langle.

#### **Attachments:**

- County LUDC Findings
- County LUDC CEQA Notice of Exemption
- County LUDC Ordinance
- Montecito LUDC Findings
- Montecito LUDC CEQA Notice of Exemption
- Montecito LUDC Ordinance
- Article II CZO Findings
- Article II CZO CEQA Notice of Exemption
- Article II CZO Ordinance
- County Planning Commission Resolution 13-06 and Ordinance
- County Planning Commission Resolution 13-07 and Ordinance

- L. 01/23/2013 County Planning Commission staff memo (w/o attachments)
- M. 10/09/2012 County Planning Commission staff memo (w/o attachments)
- N. 08/24/2012 County Planning Commission staff memo
- O. 07/27/2012 County Planning Commission staff report (w/o attachments)
- P. Montecito Planning Commission Resolution 13-03 and Ordinance
- Q. 01/09/2013 Montecito Planning Commission staff memo (w/o attachments)
- R. 09/19/2012 Montecito Planning Commission staff memo
- S. 07/13/2012 Montecito Planning Commission staff report (w/o attachments)
- T. Good Neighbor Special Events Ordinance

Authored by:

Noel Langle, Planner - Planning and Development Department (805.568.2067)