

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

**Hearing Date: July 25, 2012**

**Assistant Director: Dianne Black**

**Staff Report Date: July 13, 2012**

**Staff Contact: Noel Langle**

**Case Nos. 12ORD-00000-00003 & 12ORD-00000-00004 Phone No.: 805.568.2067**

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

## **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 clarifications, corrections and 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 of Supervisors make the required findings for approval of the proposed amendment, including CEQA findings (Attachment A);
  2. Recommend that the Board of Supervisors 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 of Supervisors 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 to the County Planning Commission that they recommend to the Board of Supervisors that the Board 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 the County Planning Commission recommend to the Board of Supervisors that the Board of Supervisors 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 ISSUE SUMMARY AND BACKGROUND**

#### **4.1 Background.**

The Montecito LUDC and 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), without a planning permit, for charitable and other noncommercial events provided, in addition to other development standards and Development Code requirements, that (1) the owner or tenant of the lot does not receive any remuneration (compensation), (2) there are no

more than three events per year, and (3) there are no more than 300 attendees at the event at any one time. The zoning ordinances also 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 for that use.

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 that were intended to modify the existing regulations in order to specify those events that qualified as charitable and other noncommercial events, and therefore would be exempt from planning permits, versus those events that were associated with the commercial use of property (e.g., short-term rentals for weddings and similar gatherings) that requires the approval of a conditional use permit. The purpose of these amendments was to address the situation where without obtaining the required 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 representatives of the special events industry regarding the proposed amendments, the Planning Commissions directed the Department to work with representatives of the industry and neighborhood groups and return with revised language. 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 specifies that a conditional use permit is required is required in order to use property for a commercial special event facility, but also create 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 that are similar to what was previously proposed that will also include (1) a discretionary Director-level 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 or noncommercial event and not have the event count toward the three 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, earlier this month, met again with the representative group to discuss the proposed language revisions.

The draft amendments as currently proposed differ slightly from what was discussed with the Commissions in October 2011 as follows:

- The amendments provide that permit requirements and certain standards do not apply to all events where the number of attendees present at the event is 50 or fewer, and not just charitable and noncommercial events.
- The Special Event Use Permit, which is the discretionary Director-level 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 apply for a permit for 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 conditional use permit.

An additional concern discussed during the County Planning Commission hearings was 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. In response to this concern the proposed ordinance amendment includes a new requirement that applications for temporary uses will be transmitted to the Treasurer's-Tax Collector office for their review and determination if the payment of the transient occupancy tax is required.

#### **4.2 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 5.0 Project Analysis. Also attached to this staff report as Attachment G is 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. Specific section references included in the following discussion and in Section 5.0 (Project Analysis) refer to the Montecito Land Use and Development Code amendment (Attachment C of this staff report). Attachment F, the ordinance amending the Article II Coastal Zoning Ordinance, contains similar amendments that are written in the Article II format.

1. The description of what constitutes charitable and other noncommercial events in Subsection F.3 (Charitable and other noncommercial events) is revised to include the use of a portion of the lot and any structures located on the lot, and to include a reference to a new subsection that allows the owner or tenant of the property to be compensated for any costs incurred in allowing the property to be used for the event (e.g., costs associated with security and site cleanup paid by the owner or tenant). (See Section 5.9 on page 14 of this report and SECTION 4, page 11, of Exhibit 1 of Attachment C.)
2. A purpose and intent statement is added to Subsection F.3 (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 (including private gatherings of family and friends), but to not allow events associated with the short-term rental of property as charitable or other noncommercial events. (See Section 5.9 on page 15 of this report and SECTION 4, page 11, of Exhibit 1 of Attachment C.)
3. A new applicability subsection is added to Subsection F.3 (Charitable and other noncommercial events) that states that the permit requirements and standards of Subsection F.3 do not apply to charitable and other noncommercial events where the number of attendees at the event 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 existing allowance for noncommercial events of no more than three times per year. (See Section 5.9 on page 16 of this report and SECTION 4, page 11, of Exhibit 1 of Attachment C.)

4. The standards for charitable and other noncommercial events are revised to:

- Require that a permit for a commercial “Reception or other gathering facility” (either a 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 unless the number of attendees is 50 or less.
- 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 the property line.
- Not allow any fee or charge or payment for use of the event site with the exception that the owner or tenant may 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 an IRS 501(c)(3) nonprofit organization.
- Require for charitable events that 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 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;
  - (2) 100 percent of the net proceeds collected go to the charitable organization.; and,
  - (3) 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 noncommercial events may not have any commercial component including an admission fee, product promotions, public advertising, or short-term rental of a lot.

(See Section 5.9 on page 16 of this report and SECTION 4, page 11, of Exhibit 1 of Attachment C.)



5. 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 Conditional Use Permit provided that the use of the property for such an event occurs no more than four times within a calendar year and the use does not occur more than once within any 30-day period. Neighbors would receive notice of the submittal of an application for such a permit as well of the pending decision of the Director, and the decision of the Director could be appealed to the Montecito Planning Commission. 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 5.10 on page 19 of this report and SECTION 4, page 13, of Exhibit 1 of Attachment C.)
6. 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.
  - Limit all exterior activities associated with the event to the hours of 7:00 am through 10:00 pm; also provide that interior activities may occur after 10:00 pm only if they do not generate any noise that exceeds 60 decibels at the property line.(See Section 5.10 on page 20 of this report and SECTION 4, page 14, of Exhibit 1 of Attachment C.)
7. The scope of potential conditions of approval 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 glare and direct illumination of adjacent property. (See Section 5.7 on page 10 of this report and SECTION 3, page 8, of Exhibit 1 of Attachment C.)

The amendments also include minor corrections and language revisions that are not discussed in the following analysis but are shown through the use of underlines and strikethroughs in the attached ordinances (Attachment C and Attachment F). Additionally, the Montecito LUDC amendment (Attachment C) 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.

Similar amendments will be presented to the County Planning Commission on August 15, 2012. The Board of Supervisors hearing is tentatively scheduled for October 2, 2012.

The amendments to the Montecito LUDC will take effect in the non-coastal area 30 days after the Board of Supervisors adopts the ordinance. The amendment to Article II, because it constitutes an amendment to Santa Barbara County's Local Coastal Program, will take effect following final certification by the Coastal Commission.

## 5.0 PROJECT ANALYSIS

A summary of the proposed amendments and their purpose is provided below. The complete texts of the ordinance amendments are contained in Exhibit 1 of Attachment C and Exhibit 1 of Attachment F (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 following provides a side-by-side comparison of the existing language versus the proposed text. Section numbers references pertain to the Montecito LUDC.

**5.1 Applicability of regulations to other types of temporary uses.** Section 35.442.180.B.1 states that the regulations contained in Section 35.442.180 (Temporary Uses and Trailers) do not apply to activities that are regulated by County Code Chapter 6 (Amusements). The proposed amendment revises the existing language to clarify that the use of property for filming activities, which are regulated by County Code Chapter 14 (Film Permit Office), is also not regulated by Section 35.442.180 (Temporary Uses and Trailers). (See SECTION 1, page 1, of Exhibit 1 of Attachment C.)

Existing	Proposed
<p><b>B. Applicability.</b></p> <p><b>1. Does not apply to amusements regulated separately - Inland area.</b> 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.</p>	<p><b>B. Applicability.</b></p> <p><b>1. Does not apply to amusements <u>or filming activities</u> regulated separately—<del>Inland area</del>.</b> <del>Within the Inland area, this</del> This Section shall not apply to any use of property that is regulated by <u>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>

**5.2 Other approvals required.** Section 35.442.180.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 Exhibit 1 of Attachment C.)

Existing	Proposed
<p><b>B. Applicability.</b></p> <p><b>4. Other approvals required.</b> 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>B. Applicability.</b></p> <p><b>4. Other approvals required.</b> 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> <del>and the County Fire Department or applicable fire protection district.</del></p>

**5.3 Temporary Use permit requirement tables.** Tables 4-6 through 4-9 in the Montecito 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 35.442.180.F.3 (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 35.442.180 (Temporary Uses and Trailers). These tables are also revised to change the permit requirement for “Reception and similar gathering facilities (commercial)” from a “CUP” (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 Conditional Use Permit would be required if the property is proposed to be used more than four time within a year or if events occur more frequently than once within any 30-day period. (See SECTION 1, pages 7 -16, of Exhibit 1 of Attachment C.)

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

#### TEMPORARY EVENTS

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

#### TEMPORARY DWELLINGS

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

#### TEMPORARY OFFICES/STORAGE

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

#### Key to Zone Symbols

<b>R-1/E-1</b>	Single-Family Residential	<b>CZ</b>	<del>Coastal Zone</del>
<b>R-2</b>	Two-Family Residential		

#### Notes:

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

**5.4 Permit processing.** Section 35.442.180.D.2 (Exempt temporary uses within the Coastal Zone) is deleted and replaced with Section 35.442.180.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 6, of Exhibit 1 of Attachment C.)



Existing	Proposed
<p><b>D. Permit processing.</b></p> <p><b>2. <del>Exempt temporary uses within the Coastal Zone.</del></b> The temporary use of property or structures within the Coastal Zone are exempt from a planning permit in compliance with Table 4-6 through Table 4-9 provided the temporary use complies with all of the following: (complete text omitted for brevity)</p>	<p><b>D. Permit processing.</b></p> <p><b>2. <u>Referral to other County departments.</u></b> 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.</p>

**5.5 Permit processing.** Subsections D.4 (Notification of Supervisor), D.5 (Notice) and D.6 Appeal) of Section 35.442.180 reference Coastal Development Permits, Conditional Use Permits, and Land Use Permits. The proposed amendment deletes references to Coastal Development Permits and adds references to a new type of permit, Special Event Use Permit. The proposed language also moves the timing of District Supervisor notification of an application for all temporary use permits to prior-to-approval. (See SECTION 2, page 7, of Exhibit 1 of Attachment C.)

Existing	Proposed
<p><b>D. Permit processing.</b></p> <p><b>4. Notification of Supervisor.</b> Except for trailers allowed in compliance with Subsection G. (Trailer use), a Coastal Development Permit, 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 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><b>5. Notice.</b> Notice of a Coastal Development Permit, Conditional Use Permit, or Land Use Permit for a temporary use shall be provided in compliance with Chapter 35.496 (Noticing and Public Hearings).</p> <p><b>6. Appeal.</b> The action of the review authority to approve, conditionally approve, or deny a Coastal Development Permit, 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><b>D. Permit processing.</b></p> <p><b>4. Notification of Supervisor.</b> Except for trailers allowed in compliance with Subsection G. (Trailer use), <u>an application for a Coastal Development Permit, Conditional Use Permit, or Land Use Permit or Special Event Use Permit</u> that allows the establishment of a temporary use shall not be approved (<del>in the case of a Conditional Use Permit</del>) or issued (<del>in the case of a Coastal Development Permit or Land Use Permit</del>) 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><b>5. Notice.</b> Notice of <u>an application for a Coastal Development Permit, Conditional Use Permit, or Land Use Permit or Special Event Use Permit</u> for a temporary use shall be provided in compliance with Chapter 35.496 (Noticing and Public Hearings).</p> <p><b>6. Appeal.</b> The action of the review authority to approve, conditionally approve, or deny a <del>Coastal Development Permit, Conditional Use Permit, or Land Use Permit</del> <u>or Special Event Use Permit</u> for a temporary use is final subject to appeal in</p>

	compliance with Chapter 35.492 (Appeals).
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**5.6 Development standards for all temporary uses.** Section 35.442.180.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 8, of Exhibit 1 of Attachment C.)

Existing	Proposed
<p><b>E. Development standards for all temporary uses.</b></p> <p><b>2. Compliance with regulations.</b> 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><b>E. Development standards for all temporary uses.</b></p> <p><b>2. Compliance with regulations.</b> 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>

**5.7 Development standards for all temporary uses.** Section 35.442.180.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 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), regulation of additional nuisance factors (e.g., glare or direct illumination of adjacent property), requirements for sanitary facilities and waste disposal, and requirements for safety and security measures. (See SECTION 3, page 8, of Exhibit 1 of Attachment C.)

Existing	Proposed
<p><b>E. Development standards for all temporary uses.</b></p> <p><b>3. Conditions of approval.</b> 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 include:</p>	<p><b>E. Development standards for all temporary uses.</b></p> <p><b>3. Conditions of approval.</b> 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 <u>should take into account the size of the</u></p>

<ul style="list-style-type: none"> <li>a. Special setbacks and buffers.</li> <li>b. Regulation of outdoor lighting.</li> <li>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"> <li>(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.</li> <li>(2) The use of dust control measures to keep dust generation to a minimum and to minimize the amount of dust leaving the site.</li> <li>(3) Appropriate signage placed onsite, placed prior to the commencement of each event, directing visitors to and indicating the location of parking areas.</li> </ul> </li> <li>d. Regulation of noise, vibration, odors, etc.</li> <li>e. Regulation of the number, height and size of temporary structures, equipment, and signs.</li> <li>f. Limitation on the hours and days of operation.</li> <li>g. Limitation on the location where sales of goods may occur, the number of vendors, and the scope of goods to be sold.</li> <li>h. Obtaining all the appropriate Public Health Department permits and authorizations if food sales are involved.</li> <li>i. Review and approval of the proposed temporary use by the County Fire Department or applicable fire protection district, if required.</li> <li>j. Obtaining all other necessary County permits and Fire Protection District permits.</li> <li>k. Obtaining a County Business License if necessary.</li> </ul>	<p><u>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 may include:</u></p> <ul style="list-style-type: none"> <li>a. Special setbacks and buffers.</li> <li>b. Regulation of outdoor lighting.</li> <li>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"> <li>(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.</li> <li>(2) The use of dust control measures to keep dust generation to a minimum and to minimize the amount of dust leaving the site.</li> <li>(3) Appropriate signage placed onsite, placed prior to the commencement of each event, directing visitors to and indicating the location of parking areas.</li> </ul> </li> <li>d. Regulation of <u>nuisance factors including prevention of glare or direct illumination of adjacent lots, dirt, dust, erosion, gases, heat, smoke, soil contamination, trash, noise, vibration, odors, etc.</u></li> <li>e. Regulation of <del>the number, height and size of</del> temporary structures, equipment, <u>facilities</u> and signs, <u>including height, number, placement, size, location of equipment.</u></li> <li>f. Limitation on the hours and days of operation.</li> <li>g. Limitation on the location where sales of goods may occur, the number of vendors, and the scope of goods to be sold.</li> <li>h. <u>Provision for sanitary facilities and waste collection, recycling and disposal.</u></li> <li>i. <u>Provision for Sheriff/security and safety measures, as appropriate.</u></li> <li>h<i>j</i>. Obtaining all the appropriate Public Health Department permits and authorizations <del>if food sales are</del></li> </ul>
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	<p><del>involved.</del></p> <p><del>ik.</del> Review and approval of the proposed temporary use by the County Fire Department or applicable fire protection district, if required.</p> <p><del>jl.</del> Obtaining all other necessary County permits and Fire Protection District permits.</p> <p><del>km.</del> Obtaining a <del>County Business License</del> <u>license</u> from the County Tax Collector if necessary.</p>
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**5.8 Findings required for approval.** Section 35.442.180.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 in connection with the approval of a Conditional Use Permit versus those that must be made prior to the approval of a Land Use Permit,
2. Adds the new permit type Special Event Use Permit, and
3. Restates the findings in language consistent with similar findings found elsewhere in the Montecito 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 9, of Exhibit 1 of Attachment C.)

Existing	Proposed
<p><b>E. Development standards for all temporary uses.</b></p> <p><b>5. Additional findings.</b> 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 Land Use Permit in compliance with Section 35.472.050 (Coastal Development Permits), Section 35.472.060 (Conditional Use Permits) and Section 35.472.110 (Land Use Permits) are first made:</p> <ol style="list-style-type: none"> <li>a. The site is adequate in size and shape to accommodate the proposed temporary use.</li> <li>b. The proposed temporary use will not adversely interfere with existing uses on the subject property, and will not impede or adversely impact pedestrian</li> </ol>	<p><b>E. Development standards for all temporary uses.</b></p> <p><b>5. <del>Additional findings</del> Findings.</b> A permit for a temporary use shall be approved only if all of the following findings, <u>as applicable</u>, <del>in addition to the findings required for approval of a Coastal Development Permit, Conditional Use Permit, or Land Use Permit in compliance with Section 35.472.050 (Coastal Development Permits), Section 35.472.060 (Conditional Use Permits), and Section 35.472.110 (Land Use Permits)</del> are first made:</p> <ol style="list-style-type: none"> <li><del>a. The site is adequate in size and shape to accommodate the proposed temporary use.</del></li> <li><del>b. The proposed temporary use will not adversely interfere with existing uses on the subject property, and will not</del></li> </ol>

<p>access ways or vehicular circulation patterns.</p>	<p><del>impede or adversely impact pedestrian access ways or vehicular circulation patterns.</del></p> <p><b><u>a. Conditional Use Permits.</u></b> In addition to the findings required for approval of a Conditional Use Permit required in compliance with Section 35.472.060 (Conditional Use Permits), a Conditional Use 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.</p> <p><b><u>b. Land Use Permit.</u></b> In addition to the findings required for approval of a Land Use Permit required in compliance with Section 35.472.110 (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:</p> <p>(1) <u>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></p> <p>(2) <u>Streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed temporary use.</u></p> <p>(3) <u>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></p> <p>(4) <u>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 area.</u></p>
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	<p><b><u>c. Special Event Use Permit.</u></b> <u>In addition to the findings required for approval of a permit for a temporary use in compliance with Subsection E.5.a, 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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**5.9 Charitable and other noncommercial events.** Existing Subsection 35.442.180.F.3 (Charitable and other noncommercial functions) provides a description of what constitutes charitable and other noncommercial events and allows property located within Montecito to be used, without a planning permit, for charitable and other noncommercial events provided (1) the owner or tenant of the property does not receive any remuneration (compensation), (2) the use of the lot for a charitable or noncommercial event does not exceed three times within the same calendar year, and (3) the number of persons present at the event at any one time does not exceed 300.

Existing Subsection 35.442.180.F.6 (Reception and similar gathering facilities) allows property to be used as reception facilities for receptions, parties, weddings, and other similar gatherings on a commercial basis provided that a Conditional Use Permit is approved that allows that use. However, without obtaining the required 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.3 (Charitable and other noncommercial events) is revised to include the use of a portion of the lot and any structures located on the lot, and to include a reference to a new Subsection F.3.d that allows the owner or tenant of the property to be reimbursed for costs incurred in allowing the property to be used for the event (e.g., costs paid by the owner or tenant that are associated with security and site cleanup).

Also, existing Subsections F.3.a and F.3.b are replaced with a table that contains the existing limits (i.e., no more than three events per year, no more than 300 event attendees at any one time) in a new Subsection F.3.c

(See SECTION 4, page 11, of Exhibit 1 of Attachment C.)

Existing	Proposed
<p><b>F. Development standards for all temporary uses.</b></p> <p><b>3. Charitable and other noncommercial functions.</b> 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:</p> <ul style="list-style-type: none"> <li>a. The use of the lot for charitable functions does not exceed three times within the same calendar year.</li> <li>b. The number of persons present at the event at any one time does not exceed 300.</li> </ul>	<p><b>F. Development standards for all temporary uses.</b></p> <p><b>3. Charitable and other noncommercial functions <u>events</u>.</b> <del>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:</del></p> <ul style="list-style-type: none"> <li><del>a. The use of the lot for charitable functions does not exceed three times within the same calendar year.</del></li> <li><del>b. The number of persons present at the event at any one time does not exceed 300.</del></li> </ul> <p><u>The use of a lot or portion thereof, including any structures located on the lot, for charitable and other noncommercial events where no owner or tenant of the lot on which the event occurs receives any remuneration associated with such event or use, except as specifically allowed by Subsection F.3.d, below, may be allowed in compliance with the following requirements.</u></p>

2. A new Subsection F.3.a (Purpose and intent) is added to clarify what kind of charitable and other noncommercial events may be allowed and to reinforce that an event held on property that is rented for a short term does not qualify as a charitable or other noncommercial event. (See SECTION 4, page 11, of Exhibit 1 of Attachment C.)

**a. Purpose and intent.** The purpose and intent of this Subsection F.3 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, including private gatherings of family and friends, provided the property is used in compliance with the following permit requirements and development 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, 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.3.b (Applicability) is added that states that the permit requirements and development standards of Subsection F.3.c (Permit requirements and development standards) do not apply to events where the number of attendees at the event do 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 standards specific to charitable and noncommercial events. For example, this would apply to situations where a homeowner hosts small dinner gatherings, and other noncommercial, private gatherings, that may occur on a more regular basis than three times per year. (See SECTION 4, page 11, of Exhibit 1 of Attachment C.)

**b. Applicability.** Subsection F.3.c (Permit requirements and development standards), below, shall not apply to charitable and other noncommercial events where the number of attendees at the event is 50 or fewer.

4. Existing Subsections F.3.a and F.3.b (shown in #1, above) that provide the limits on the number of events per year and attendees are deleted and replaced with a table in a new Subsection F.3.c (Permit requirements and development standards). Note 2 of this table also clarifies that the maximum number of attendees does not include event staff. (See SECTION 4, page 12, of Exhibit 1 of Attachment C.)

<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>

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.

5. Three new requirements are added as Subsection F.3.c(1) that apply to all charitable and other noncommercial events. The first provides that a permit for a Reception and Similar Gathering Facility (see Section 5.10, below) shall be required to be approved or conditionally approved prior to commencement of any event associated with the short-term rental of property unless number of attendees at the event is 50 or fewer. This will mean that any event where a tenant has rented the property on a short-term basis, and the attendance is greater than 50, will not be able to qualify for an exemption from planning permits as a noncommercial event. (See SECTION 4, page 12, of Exhibit 1 of Attachment C.)

(a) A permit for a Reception and Similar Gathering Facility (commercial) shall be required to be approved or conditionally approved in compliance with Subsection 35.442.180.F.6 (Reception and similar gathering facilities (commercial)), below, prior to commencement of any event associated with the short-term rental of property, unless number of attendees at the event is 50 or fewer.

The second requirement provides time limits on the event's hours of operation:

(b) 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 the property line of the lot on which the event occurs.

The third requirement prohibits any charge, fee or payment for the use of the property for the event except to reimburse the owner or tenant for any costs incurred in hosting the event:

(c) There is no charge, fee, payment or other compensation for the use of the property on which the event occurs except as allowed in compliance with Subsection F.3.d, below.

6. The following new requirements for charitable events are added as part of a new Subsection

F.3.c(2) in order to further specify what constitutes a charitable event: (See SECTION 4, page 12, of Exhibit 1 of Attachment C.)

- (a) The event shall be held by or sponsored for the benefit of a charitable nonprofit organization that is registered with 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 go to the sponsoring charitable organization.

This Subsection also includes new 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 nonprofit organization is similar in nature to an Internal Revenue Code 501(c)(3) nonprofit organization, including amateur sports clubs and organizations that are registered with the federal Internal Revenue Service as an Internal Revenue Code 501(c)(4) organization. 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 12, of Exhibit 1 of Attachment C.)

- (c) The Director may determine that an event held by or sponsored for the benefit of a nonprofit organization that is not registered with the federal Internal Revenue Service as an Internal Revenue Code 501(c)(3) nonprofit organization may be allowed as a charitable event in compliance with Subsection 35.442.180.B.3 provided:
  - (i) The event complies with Subsections F.3.c.(1) and F.3.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 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 35.442.180.B.3 referenced 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.3.c(3) restricts noncommercial events from having any commercial component: (See SECTION 4, page 12, of Exhibit 1 of Attachment C.)

- (3) Except for events that may be allowed as charitable events in compliance with Subsection F.3.c(2), above, noncommercial events shall not have any commercial component including:
  - (1) Admission fee.
  - (2) Promoting a product.
  - (3) Public advertising.

(4) Short-term rental of a lot or portion thereof, including any structures located on the lot.

8. As discussed in #1, above, proposed new Subsection F.3.d allows the owner or tenant of the property on which the event occurs to be reimbursed for any costs incurred in allowing the property to be used for the event: (See SECTION 4, page 13, of Exhibit 1 of Attachment C.)

**d. Reimbursement for costs.** 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.

**5.10 Reception and similar gathering facilities.** The temporary use tables in the Montecito LUDC (Tables 4-6 through 4-9) provide that “Reception and similar gathering facilities (commercial)” are allowed in all zones subject to the approval of a Conditional Use Permit (CUP) and the requirements of Subsection 35.442.180.F.6 (Reception and similar gathering facilities). Subsection 35.442.180.F.6 provides a description of what constitutes a reception facility. The proposed amendment amends the title and text of Subsection 35.442.180.F.6 so that the title and description in Subsection 35.442.180.F.6 and the temporary use listed in the temporary use tables are consistent. (See SECTION 4, page 13, of Exhibit 1 of Attachment C.)

Existing	Proposed
<p><b>F. Development standards for all temporary uses.</b></p> <p><b>6. Reception and similar gathering facilities.</b> 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.4 (Public assembly facilities) above.</p>	<p><b>F. Development standards for all temporary uses.</b></p> <p><b>6. Reception and similar gathering facilities (commercial).</b> 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.4 (Public assembly facilities), <u>above, 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 reception or similar gathering facility without having to obtain a Conditional Use Permit provided that the use of the property for such an activity only occurs four or fewer times within a calendar year and the use does not occur more than once within any 30-day period. (See SECTION 4, page 13, of Exhibit 1 of Attachment C.)

<u>Permit Requirement</u>	<u>Development Standards</u>
<u>Special Event Use Permit approved in compliance with Subsection F.6.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>Conditional Use Permit approved in compliance</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</u>



with Section 35.472.060 (Conditional Use Permits).	use occurs five or more times within a calendar year.
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The amendment also adds a new Subsection (a) to Subsection 35.442.180.F.6 that provides the processing procedures for Special Event Use Permits. Special Event Use Permits are proposed to be discretionary and 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 and the decision of the Director on the application would be subject to appeal to the Montecito Planning Commission. (See SECTION 4, page 13, of Exhibit 1 of Attachment C.)

**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 35.470 (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 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).
    - (i) If the lot on which the event occurs is less than one acre (gross), then notice shall be provided to all property owners 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 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. 492 (Appeals).
- (4) Findings required for approval.** A Special Event Use Permit application shall be approved or conditionally approved only if the review authority 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 35.472.190 (Zoning Clearances) shall be required prior to the commencement of the each special event authorized by the Special Event Use Permit.

Subsection 35.442.180.F.6 (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 14, of Exhibit 1 of Attachment C.)

**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 the distance specified below 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 14, of Exhibit 1 of Attachment C.)

**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 the property line of the lot on which the event occurs.

**5.11 Definitions.** The amendment revises the existing definition of "Charitable Function" and adds the following new definitions of "Calendar Year," "Event," "Nonprofit Organization" and "Remuneration." (See SECTIONS 5 and 6, page 15, of Exhibit 1 of Attachment C.)

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

None.	<b><u>Nonprofit Organization.</u></b> <u>An organization chartered for other than profit-making activities. Also known as a not-for-profit organization.</u>
None.	<b><u>Remuneration.</u></b> <u>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.</u>

## 6.0 ENVIRONMENTAL REVIEW

- 6.1 Case No. 12ORD-00000-00003.** The proposed ordinance amendment to the Montecito Land Use and Development Code is recommended to be determined to be exempt from environmental review pursuant to Section 15061(b)(3) of the California Guidelines for Implementation of the California Environmental Quality Act (CEQA). Section 15061(b)(3), the general rule exemption, states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment that the activity is not subject to CEQA. No significant environmental impacts would occur as a result of these ordinance amendments as discussed in Attachment B.
- 6.2 Case No. 12ORD-00000-00004.** The proposed ordinance amendment to the Article II Coastal Zoning Ordinance is recommended to be determined to be exempt from environmental review pursuant to Section 15265 of the California Guidelines for Implementation of the California Environmental Quality Act (CEQA). Section 15265, the statutory exemption for the adoption of coastal plans and programs, including amendments thereto, shifts the burden of CEQA compliance from the local agency to the California Coastal Commission.

## 7.0 POLICY CONSISTENCY

The proposed ordinance amendments do not alter the purpose and intent of any Comprehensive Plan, Coastal Land Use Plan and Montecito Community Plan development standards, and 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 Montecito Community Plan. 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 Montecito Community Plan. 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 the Montecito Community Plan.

## 8.0 ORDINANCE COMPLIANCE

The proposed ordinances are consistent with the remaining portions of the Montecito 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 Montecito LUDC and Article II as applicable.

## **9.0 PROCEDURES**

**Montecito Land Use and Development Code:** The Montecito Planning Commission may recommend approval, approval with revisions, or denial of the proposed ordinance to the Board of Supervisors.

**Article II Coastal Zoning Ordinance:** The Montecito Planning Commission may recommend approval, approval with revisions, or denial of the proposed ordinance to the County Planning Commission.

## **10.0 APPEALS PROCEDURE**

Ordinance amendments are automatically forwarded to the Board of Supervisors for final action, therefore no appeal is required.

## **11.0 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
- G. Draft Temporary Use (Special Event) Permit Application