

# REVISED DRAFT - OCTOBER 31, 2007

## COASTAL ZONE LAND USE ORDINANCE PROPOSED AMENDMENTS TO EVENTS

**Public Assembly and Entertainment (land use).** Permanent facilities approved for public assembly and group entertainment such as: public and semi-public auditoriums; exhibition and convention halls; civic theaters, meeting halls and facilities for "live" theatrical presentations or concerts by bands and orchestras; motion picture theaters; amphitheaters; meeting halls for rent and similar public assembly uses.

### ALLOW IN CR/OP/CS/REC/PF with a Development Plan

Events -An organized activity, assembly or event involving fifty or more people that is not sponsored by a government entity or valid agricultural non-profit organization. Events not defined as Agricultural, Limited, Non-Profit or Special Events are not subject to the provisions of this Title. Parades and other temporary events within the public right-of-way and admission free events held at a public park or on other land in public ownership when conducted with the approval of the public agency having jurisdiction, are not subject to land use permit requirements, provided that all requirements of the County Public Works Department and County Sheriff are met.

Events - Agricultural Any use of an active farm or ranch for an event that is open to the public with or without invitation, for the purposes of marketing the agricultural product produced on site or for educating the public about on-site agriculture or natural resources, no more than three time per year, for no longer than three consecutive days, for more than 50 but no more than 300 attendees at any one time. The site is not to be permanently altered by grading or construction of accessory facilities. Events include, but are not limited to, harvest festivals and planting celebrations. A site that will be used for an event or events not related to the on-site agriculture, or will occur more than three time per year, or will attract more than 300 attendees at any one time, shall instead be subject to the standards established Event - Special. Does not include "Events - Limited", "Events - Non-Profit", "Events - Special", and "Events - Public Assembly and Entertainment".

### ALLOW IN AG, RL, RR, REC with a Zoning Clearance

~~Temporary Events - Limited~~ Any use of a structure or land site for an event for a that is open to the public with or without invitation, that will only occur one time, for no longer than three consecutive days, for more than 50 but no more than 300 attendees at any one time. ~~limited~~ period of time where the The site is not to be permanently altered by grading or construction of accessory facilities. Events include, but are not limited to, art shows, rodeos, religious revivals, tent camps, outdoor festivals and concerts. A site that will be used more than once for an event or events, or will attract more than 300 attendees at any one time, shall instead be subject to the standards established Event - Special. Does not include "Events - Agricultural", "Events - Non-Profit", "Events - Special", and "Events - Public Assembly and Entertainment,".

### ALLOW IN AG, RL, RR, OP, CR, CS, IND, REC, PF with a Minor Use Permit

Events - Non-Profit. Any use of a site for an event where 100 percent of all proceeds collected on behalf of the event, after operational expenses are met, go to the non-profit organization, that is open to the public with or without invitation that is sponsored by a non-profit organization. A non-profit organization is any group or organization registered with the Federal Government as a non-profit corporation and that has a non-profit corporation number, or any group or organization recognized by the County of San Luis Obispo as a local service organization. In order to be considered a non profit event, there cannot be a charge for the

facility or land where the event is being held. Does not include “Events - Agricultural”, “Events - Limited”, “Events - Special”, and “Events - Public Assembly and Entertainment”.

**ALLOW IN ALL LAND USE CATEGORIES - Zoning Clearance**

**Events - Special.** Any use of a site for an event that is open to the public with or without invitation, that will attract more than 50 people and will occur more than one time on the site (and is not related to the on-site agriculture), or will attract more than 300 attendees at any one time. Events include, but are not limited to, outdoor festivals, large parties, weddings, and concerts. Does not include “Events - Agricultural”, “Events - Limited”, “Events - Non-Profit”, and “Events - Public Assembly and Entertainment.”.

**ALLOW IN AG, RL, RR, OP, CR, CS, IND, REC, PF with a Minor Use Permit (50-250 attendees) / Development Plan (over 250 attendees)**

**23.08.248 - Temporary Events:** Where allowed as S-17 uses by the Coastal Zone Land Use Element, temporary events Events are subject to the standards of this section. (Swap meets are subject to the standards of Section 23.08.144 - Sales Lots and Swap Meets.)

**a. Permit requirements: ~~Minor Use Permit approval, except as follows:~~**

- (1) Agricultural Events. Zoning Clearance.**
- (2) Limited Events. Minor Use Permit.**
- (3) Non-Profit Events. Zoning Clearance. Evidence of compliance with the standards of this section shall be provided through completion of a Non-Profit Event application form. This form shall be submitted to the Department and kept on file.**
- (4) Special Events.**
  - i. Minor Use Permit approval where special events for 50 to 250 individuals are proposed, unless a higher level of permit is required by this ordinance for the proposed facility.**
  - ii. Development Plan approval where special events for over 250 attendees are proposed.**

**b. Site Design Standards.**

- (1) Events in Agriculture. A primary on-going agricultural use shall exist on all sites proposed for Agricultural Events in any land use category and Special Events when located in the Agriculture land use category.**
- (2) Minimum site area. No minimum site area is required for Agricultural, Limited or Non-Profit Events. 20 acre minimum site area is required for Special Events**
- (3) Site access. Events shall be provided a minimum of two unobstructed access points, each a minimum of 20 feet wide, from the event site to a publicly maintained road and this access shall be provided with appropriate signage that clarify the location of exits.**

This may require an encroachment permit.

- (4) **Location.** The principal access driveway to a site with Special Events shall be located on or within one mile of an arterial or collector. The location of the principal access driveway for Agricultural, Limited and Non-Profit Events is not limited
- (5) **Setbacks.**
- i. **Rural areas.** Events shall be located a minimum of 200 feet from each property line and no closer than 400 feet to any existing residence outside the ownership of the applicant.
  - ii. **Urban and village areas.** As required by Section 22.10.140 unless the site is over 20 acres in size. For sites greater than 20 acres in size the setbacks shall be as set forth in Subsection b(5)i.
  - iii. **Modification.** These setbacks can be modified through Minor Use Permit approval when a Development Plan is not otherwise required. Approval may be granted only after the Review Authority first determines that the request satisfies any of the following findings: (1) there is no feasible way to meet the required setbacks without creating environmental impacts including additional grading, tree removal or impacts to agricultural land that is Natural Resource Conservation Service (NRCS) Classes I, II and III; (2) the property fronts an arterial or collector street; or (3) the setbacks are not practical or feasible due to existing topographic conditions or existing on-site vegetation.
- (6) **Parking.** Parking shall be provided as follows, with such parking consisting at a minimum of an open area with a slope of 10 percent or less, at a ratio of 400 square feet per car, on a lot free of combustible material, on areas of the site that are not Class I soils as defined by the NRCS.
- i. **Seated spectator events.** Where there will be any permanent or temporary seating, parking shall be provided at one parking space for each 12 square feet of seating area.
  - ii. **Exhibitions.** For events that have exhibitions with no seating, parking shall be provided at one parking space for each 75 square feet of exhibit area.
  - iii. **Combination Events.** Events that propose both seated spectator events and exhibitions shall provide parking consistent with both subsections b(6)i. and b(6)iii.
  - iv. **Parking on the road.** No parking shall be allowed within any road right-of-way for 1,000 feet in either direction of any access point or access located on the site. The applicant shall place signs along the interior access and at 300 foot intervals along the road right-of-way indicating the parking restriction. These signs shall be posted no earlier than the day before the event and shall removed no later than the day following the event.
  - v. **Off-site parking.** All parking for Agricultural and Non-Profit Events shall be provided on the event site. Off-site parking may be allowed for Special and Limited Events if such parking is provided within 1,000 walking feet of the event site or shuttles are provided. Written consent shall be obtained from the owners of all off-site parking areas. A minimum of one parking attendant shall

be present at each lot used for off-site parking to assist in parking vehicles. For each off-site parking lot containing 50 or more vehicles, one parking attendant per each 50 vehicles shall be provided. For temporary parking lots, signs and directional signs shall be posted no earlier than the day before the event and shall be removed no later than the day following the event. For events that will require off-site parking, monitors shall be provided to direct traffic at all points of ingress, egress, and forks in private access roads and to turn away vehicles when authorized parking capacity is reached. If off-site parking is proposed, it shall be considered with the review of the land use permit.

**vi. Parking lot landscaping.** No landscaping or screening of parking areas is required for Agricultural, Non-Profit or Limited Events. Parking for Special Events shall located or screened with landscaping as necessary from public roads where topography or existing on-site vegetation does not provide for adequate screening.

**(7) Traffic Control.** For any Event of 500 people or greater, the applicant shall prepare a diagram of proposed traffic routing and direction signs, along with an estimate of traffic volume expected for the event. This shall be submitted with the land use permit application. Prior to approval, a letter from the California Highway Patrol shall be provided to the county, verifying that agency's review and approval of this traffic control information.

**(8) Hours of Operation.** All authorized Events shall start no sooner than 10 a.m. and end by 10 p.m. each day. Facility set up and clean up shall be allowed between the hours of 8 a.m. to 11 p.m. All guests of an Event shall be off the property by 10:30 p.m.

**(9) Amplified Sound.** Any Event proposing outdoor amplified sound shall only be allowed from 10 a.m. to one hour after sunset. No outside amplified sound shall occur before 10 a.m. or one hour after sunset. The standard relating to amplified sound may only be waived or modified by Minor Use Permit where a finding can be made by the Review Authority that the noise at the property line will not exceed 65dB.

**(10) Lighting.** Any proposed outdoor lighting shall comply with Section 23.04.320 (Outdoor Lights).

**(11) Duration and Frequency of Special Events** When located in the Agriculture land use category, Special Events are limited to a total of 20 days a year. In all other categories, Special Events are limited to a total of 40 days a year.

**(12) Use of Structures.** Event activities must be located in a structure that has been permitted for commercial and public assembly occupancy and is in compliance with American Disabilities Act (ADA) where applicable.

**i. Existing Structures.** Event activities may not be located within an existing structure unless the structure was constructed prior to 2000.

**ii. New Structures.** Event activities may only be allowed in new structures where approved as Special Events. All new structures proposed for Special Events shall be located off prime agricultural land.

**1. Modification.** This standard can be modified through Minor Use

Permit approval when a Development Plan is not otherwise required. Approval may be granted only after the Review Authority first determines that the request satisfies all of the following findings: (1)that existing or potential agricultural production would not be diminished; (2) there is no location outside of prime agricultural soils; and (3) that adequate water supplies are available to serve the proposed development and support existing agricultural viability.

**(13) Discontinued agricultural use.** In the event that the agricultural use that justified the Agricultural Event, or the primary agricultural use of the site for Special Events located in the Agriculture land use category, is discontinued for more than one growing season, all use of the site for Events shall be terminated.

**c. Application content.**

**(1) Public notice.**

**i. Prior to application submittal.** Applications for Agricultural, Limited and Special Events shall include evidence that the applicable advisory group and all owners of real property as shown on the latest equalized assessment roll within 1,000 feet of the subject site were notified of the request at least 10 days prior to the submission of the land use permit to the county. This notice shall be provided by the applicant sending a letter using the form provided by the Department of Planning and Building.

**ii. Public hearing notice.** Public notice when required for a Minor Use Permit or Development Plan, shall be provided to owners of property within a minimum of 1,000 feet of the exterior boundaries of the proposed site, instead of in the manner normally required for public hearings by Section 23.01.060. Public notice may be required to be provided to properties greater than 1,000 feet away for certain applications at the discretion of the Director of Planning and Building.

**(2) Fire Protection.** A fire safety plan shall be submitted with the land use permit application or Non-Profit Event application form that sets forth adequate fire safety measures for the proposed events. Facilities are to be provided as required by the County Fire Department or applicable Fire Agency.

**(3) Water Supply, Sanitation, and Food Preparation.** A clearance letter from the County Health Department shall be submitted with the land use permit application or Non-Profit Event application form that sets forth facilities that are required. The applicant is responsible to assure that the food vendors have proper certification.

**(4) Agricultural Clearance Letter.** For Agricultural Events and Special Events when located in the Agriculture land use category, a clearance letter shall be submitted from the Agriculture Department, which verifies that the site has an adequate agricultural use located on site.

**d. Required findings.** A land use permit for Limited and Special Events when located in the Agriculture land use category or on or adjacent to lands currently in agricultural production shall be approved only where the Review Authority first finds that:

- (1) The proposed use will not affect and will be incidental to the continuing use of the site as a productive agricultural unit providing food or fiber; and
  - (2) The proposed use will result in no detrimental effect upon the continuance or establishment of agricultural uses on surrounding properties.
  - (3) The area proposed for the Event use, including parking, structures, access, etc., has been minimized, to the maximum extent feasible, so as to not interfere with agricultural production.
- e.** **Exceptions.** Except where Subsection b. sets a Minor Use Permit for modification, a Development Plan may be used to modify any of the site design standards except Subsections b(3), b(12)i, and b(13).
- f.** **Notification.** All Events shall provide notification to owners of property within a minimum of 1,000 feet of the exterior boundaries of the proposed site, through a website or letter. If a website is used, notification shall be provided by letter of the website address and the website shall be maintained and kept current at all times. If a letter is used, it shall be delivered within 30 days of each event occurrence. The following information shall be provided:
- (1) A complete listing of all scheduled events including dates, times and number of attendees.
  - (2) 24-hour contact information for the operator, including e-mail and phone number, to be used to notify the operator of issues with the operation.
  - (3) Contact information for County Code Enforcement to be used if members of the public have complaints about the operation.
- g.** **Guarantee of site restoration.** A bond or cash deposit may be required for approval of a Agricultural, Limited or Special Event to guarantee site restoration after use, and operation in compliance with the standards of this Chapter. The guarantee shall cover both operation and restoration, and is subject to the provisions of Section 23.02.060 (Guarantees of Performance).
- h.** **Insurance and Indemnity Requirements.** When a license is required by the Treasurer-Tax Collector's Office, licensee will provide to the Treasurer-Tax Collector's Office properly executed certificates of insurance clearly evidencing the coverage, limits, and endorsements specified in this license. Further, at the County's request, the licensee will provide certified copies of the insurance policies within thirty days of request. The Treasurer-Tax Collector's Offices' approval of the insurance required under this section shall not relieve or decrease the extent to which the licensee may be held responsible for payment of damages resulting from the event license. The tax collector shall not issue the license for an Event until the documents described in this subsection have been filed with the tax collector in a form approved by the risk management of the county.
- (1). A signed statement stating the licensee shall defend, indemnify and hold harmless the County, its officers and employees from all claims, demands, damages, costs, expenses, judgments, attorney fees, or other losses that may be asserted by any person or entity, including Licensee, and that arise out of or are made in connection with the Event license. The obligation to indemnity shall be effective and shall extend to all such claims or losses in their entirety. However, this indemnity will not extend to any claims or losses arising out of the sole negligence or willful misconduct of the County, its officers

and employees.

b. Copies of insurance policies, together with certificates of insurance executed by an authorized representative of the insurance carrier, showing coverage in accordance with the following requirements:

(1) Licensee, at its sole cost, shall purchase and maintain the insurance policies required for the event license. Insurance policy types and limits will be established on a case-by-case basis depending on the scope of the license issued. All of the insurance companies providing insurance for Licensee shall have, and provide evidence of, an A.M. Best & Co. rating of A:VII or above, unless an exception is granted by Risk Manager. Generally, all Event licenses will require commercial general liability and business auto liability insurance; and Workers' Compensation insurance if required by law. Other insurance could be required if special circumstances warrant. All commercial general liability policies required in connection with an Event license will include coverage at least as broad as set forth in Insurance Services Office Commercial General Liability Coverage (CG 00 01) and endorsed with the following specific language or contain equivalent language in the policy:

(a) The County of San Luis Obispo, its officers and employees, is named as an additional insured for all liability arising out of the operations by or on behalf of the named insured in the performance of this Event license.

(b) The insurance provided herein shall be considered primary coverage to the County of San Luis Obispo with respect to any insurance or self insured retention maintained by the County. Further, the County's insurance shall be considered excess insurance only and shall not be called upon to contribute to this insurance.

(c) The policy shall not be cancelled or materially changed without first giving thirty days prior written notice to the County Treasurer-Tax Collector's Office.

(2) All business automobile policies required in connection with a event license will include coverage at least as broad as set forth in the liability section of Insurance Services Office Business Auto Coverage (CA 00 01). Said insurance shall include coverage for owned, non-owned, and hired vehicles. Policy shall be endorsed with the following specific language or contain equivalent language in the policy:

(a) The County of San Luis Obispo, its officers and employees, is named as an additional insured for all liability arising out of the operations by or on behalf of the named insured in the performance of the Event license.

(b) The policy shall not be cancelled or materially changed without first giving thirty days prior written notice to the County Treasurer-Tax Collector's Office.

(3) Workers' Compensation insurance, if required by law, will provide statutory limits as required by State of California. Policy shall be endorsed to with the following specific language or contain equivalent language in the policy:

(a) Licensee and its insurer shall waive all rights of subrogation against the County, its officers and employees for workers' compensation losses arising out of the event license.

(b) The policy shall not be cancelled or materially changed without first giving thirty days prior written notice to the County Treasurer-Tax Collector's Office.

~~(1) **Public events.** No land use permit is required for:~~

~~(i) Events occurring in approved theaters, convention centers, meeting halls or other approved public assembly facilities; or~~

~~(ii) Admission free events held at a public park or on other land in public ownership when conducted with the approval of the public agency having jurisdiction, provided that the event is conducted in accordance with all applicable provisions of this title; or~~

~~(iii) Other free admission events which are eight hours or less in duration and are operated by non-profit organizations:~~

~~(2) **Commercial entertainment.** Commercial outdoor entertainment activities are subject to the permit requirements and standards of Chapter 6.56 of the County Code (Temporary Commercial Outdoor Entertainment Licenses):~~

~~(3) **Parades.** Parades and other temporary events within the public right-of-way are not subject to land use permit requirements, provided that all requirements of the County Engineer and County Sheriff are met:~~

~~(4) **Temporary camps.** Temporary camps as a principal use or accessory to another temporary event are subject to the permit requirements and other provisions of Chapter 8.64 of the County Code:~~

~~b. **Time limit.** A temporary event is to be held in a single location for no longer than 12 consecutive days, or four successive weekends, except where a different time limit is established by other applicable provisions of the County Code or through Minor Use Permit approval.~~

~~c. **Location.** The site of any temporary event other than public events and parades shall be located no closer than 1000 feet to any Residential Single Family land use category:~~

~~d. **Site design standards.** All temporary events are subject to the following standards, regardless of whether a land use permit is required, except where alternate standards are established by Chapters 6.56 or 8.64 of the County Code:~~

~~(1) **Access.** Outdoor temporary events shall be provided a minimum of two unobstructed access points, each a minimum of 18 feet wide, from the event site to a publicly maintained road:~~

~~(2) **Parking.** Off-street parking is to be provided private events as follows with such parking consisting at minimum, of an open area with a slope of 10 percent or less, at a ratio of 400 square feet per car, on a lot free of combustible material:~~

~~(i) **Seated spectator events.** One parking space for each 12 square feet of seating~~

~~area.~~

- ~~(ii) **Exhibit event.** One parking space for each 75 square feet of exhibit area.~~
- ~~(3) **Fire protection.** Facilities to be provided as required by the County Fire Department.~~
- ~~(4) **Water supply and sanitation.** Facilities to be provided as required by the Health Department.~~
- ~~e. **Guarantee of site restoration.** A bond or cash deposit may be required for approval of a temporary event to guarantee site restoration after use, and operation in accordance with the standards of this chapter. The guarantee shall cover both operation and restoration, and is subject to the provisions of Section 23.02.060 (Guarantees of Performance).~~