

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Auditor - Controller - Treasurer - Tax Collector	(2) MEETING DATE 6/3/2014	(3) CONTACT/PHONE Justin Cooley, 781-5852 Gordon Eiland, 781-5848	
(4) SUBJECT Hearing to consider a Temporary Commercial Outdoor Entertainment License Application by Forever Never Land, LLC; exempt from the California Environmental Quality Act (CEQA). District 3.			
(5) RECOMMENDED ACTION It is recommended that with regard to the license application for the event "Forever Never Land," to be held at the Avila Beach Golf Resort on September 13 and 14, 2014, the Board: <ol style="list-style-type: none"> 1. Under Section 6.56.080 (a) of County Code, <i>consider by testimony and other evidence whether the establishment, maintenance and/or conducting of the temporary commercial outdoor entertainment activity under the circumstances, and in light of any conditions the board may impose, will be detrimental to the health, safety, or welfare of persons attending the activity or residing or working in the neighborhood and/or vicinity of the activity; whether the activity will be injurious to the health, and safety of property and improvements in the vicinity of the activity. In making these considerations, the board may consider the general plan and zoning regulations as they relate to the subject properties</i> for the event "Forever Never Land," to be held at the Avila Beach Golf Resort on September 13 and 14, 2014. 2. Make findings under Section 6.56.080 (b) on each of the following: <ol style="list-style-type: none"> a. <i>That all information required by this chapter is in the application and all documents and other material required by this chapter have been filed with the tax collector;</i> b. <i>That the applicant, his employee, agent or any person connected or associated with the applicant as a partner, director, officer, associate or manager, has not knowingly made any false, misleading or fraudulent statement or material fact in the application for a license or in any report, record, or documents required to be filed with the tax collector pursuant to this chapter;</i> c. <i>That the issuance of the temporary commercial outdoor entertainment activity license with the conditions prescribed by the board complies with and meets all of the health, fire, and safety requirements and standards and laws of the state and ordinances of this county applicable thereto;</i> d. <i>That the temporary commercial outdoor entertainment activity will not unduly endanger the property of other persons located in the vicinity of the use;</i> e. <i>That the activity authorized by the issuance of the temporary commercial entertainment activity license with the conditions prescribed by the board will not be unduly detrimental to the health and safety of persons attending the activity or residing or working in the neighborhood and/or vicinity of the activity;</i> f. <i>That the applicant has submitted adequate evidence that he will comply with the provisions set forth in Sections 6.56.130 through 6.56.300 of this chapter.</i> 3. That if the Board makes all of the findings in recommendation 2, above, in favor of the temporary commercial outdoor entertainment activity, the Board approve or approve with conditions the license application. Alternatively, if the Board does not make all of these findings in favor of the temporary commercial outdoor entertainment activity, the Board deny the license application. 4. It is recommended that once the Board makes the findings above, that County Counsel be instructed to prepare an order for signature by the Chair of the Board consistent with these findings. 			
(6) FUNDING SOURCE(S) N/A	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? N/A
(10) AGENDA PLACEMENT { } Consent { } Presentation { X } Hearing (Time Est. <u>60 min.</u>) { } Board Business (Time Est. <u> </u>)			

(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input checked="" type="checkbox"/> N/A		
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR)		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A
(14) LOCATION MAP No	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A Date: <u>5/20/14</u>
(17) ADMINISTRATIVE OFFICE REVIEW Nikki J. Schmidt		
(18) SUPERVISOR DISTRICT(S) District 3		

County of San Luis Obispo



TO: Honorable Board of Supervisors

FROM: James P. Erb, CPA
County Auditor - Controller - Treasurer - Tax Collector

DATE: June 3, 2014

SUBJECT: Hearing to consider a Temporary Commercial Outdoor Entertainment License Application by Forever Never Land, LLC; exempt from the California Environmental Quality Act (CEQA). District 3.

RECOMMENDATION

It is recommended that with regard to the license application for the event "Forever Never Land," to be held at the Avila Beach Golf Resort on September 13 and 14, 2014, the Board:

1. Under Section 6.56.080 (a) of County Code, *consider by testimony and other evidence whether the establishment, maintenance and/or conducting of the temporary commercial outdoor entertainment activity under the circumstances, and in light of any conditions the board may impose, will be detrimental to the health, safety, or welfare of persons attending the activity or residing or working in the neighborhood and/or vicinity of the activity; whether the activity will be injurious to the health, and safety of property and improvements in the vicinity of the activity. In making these considerations, the board may consider the general plan and zoning regulations as they relate to the subject properties* for the event "Forever Never Land," to be held at the Avila Beach Golf Resort on September 13 and 14, 2014.
2. Make findings under Section 6.56.080 (b) on each of the following:
 - a. *That all information required by this chapter is in the application and all documents and other material required by this chapter have been filed with the tax collector;*
 - b. *That the applicant, his employee, agent or any person connected or associated with the applicant as a partner, director, officer, associate or manager, has not knowingly made any false, misleading or fraudulent statement or material fact in the application for a license or in any report, record, or documents required to be filed with the tax collector pursuant to this chapter;*
 - c. *That the issuance of the temporary commercial outdoor entertainment activity license with the conditions prescribed by the board complies with and meets all of the health, fire, and safety requirements and standards and laws of the state and ordinances of this county applicable thereto;*
 - d. *That the temporary commercial outdoor entertainment activity will not unduly endanger the property of other persons located in the vicinity of the use;*
 - e. *That the activity authorized by the issuance of the temporary commercial entertainment activity license with the conditions prescribed by the board will not be unduly detrimental to the health and safety of persons attending the activity or residing or working in the neighborhood and/or vicinity of the activity;*
 - f. *That the applicant has submitted adequate evidence that he will comply with the provisions set forth in Sections 6.56.130 through 6.56.300 of this chapter.*
3. That if the Board makes all of the findings in recommendation 2, above, in favor of the temporary commercial outdoor entertainment activity, the Board approve or approve with conditions the license application. Alternatively, if the Board does not make all of these findings in favor of the temporary commercial outdoor entertainment activity, the Board deny the license application.

4. It is recommended that once the Board makes the findings above, that County Counsel be instructed to prepare an order for signature by the Chair of the Board consistent with these findings.

DISCUSSION

Forever Never Land, LLC has contracted with Avila Beach Golf Resort to hold a music and entertainment event on the golf course fairways 1 and 9 on September 13 and 14 of 2014. Some of the notable points of the proposed event include:

- The event hours will be 2PM to 10PM each day;
- Only persons 21 years of age or older will be admitted;
- The event coordinator is requesting approval for up to 10,000 participants;
- The event would include 4 to 5 different themed areas each featuring either live music, food, games, alcohol or a combination of the four;
- Ticket sales are on-line, there will be no ticket sales at the event;
- Event parking will be limited to 500 vehicles, other ticket holders are encouraged to use one of the many shuttles to be provided by Forever Never Land, LLC;
- Event coordinators are working with the County's Public Works and law enforcement agencies to have minimal impact on traffic for residents and businesses in the Avila area;
- Based on a listing provided by the San Luis Obispo County Planning Department all property owners within 500 feet of the event have been notified by mail of the event and pending application hearing;
- Forever Never Land, LLC will contract with other specialty businesses to provide: traffic control and shuttle services, water and sanitation, security, medical (first aid) support, food inspection and clean up and removal of rubbish;
- Forever Never Land will also have on site a certified food inspector and acoustical engineer.

Pursuant to County Ordinance Title 6, Chapter 6.56, Forever Never Land, LLC has submitted a Temporary Commercial Outdoor Entertainment License application for the event, "Forever Never Land," to be held on September 13 and 14, 2014, at the Avila Beach Golf Resort. The Auditor-Controller-Treasurer-Tax Collector has determined the license application to be complete and has requested this public hearing as required by the ordinance. Proposed events where attendance is not more than three thousand people do not require an application under this ordinance.

The County Clerk-Recorder has appropriately provided public notice of this hearing as specified in the ordinance. The noticing included mailings to the property owners within 500 feet of the parcels identified for the proposed use and a publication in The Tribune, San Luis Obispo County's local newspaper.

In determining whether to approve, approve with conditions, or deny the license application, Section 6.56.080 (a) states that your Board *shall consider by testimony and other evidence whether the establishment, maintenance and/or conducting of the temporary commercial outdoor entertainment activity under the circumstances, and in light of any conditions the board may impose, will be detrimental to the health, safety, or welfare of persons attending the activity or residing or working in the neighborhood and/or vicinity of the activity; whether the activity will be injurious to the health, and safety of property and improvements in the vicinity of the activity. In making these considerations, the board may consider the general plan and zoning regulations as they relate to the subject properties.*

Furthermore, in order to approve or approve with conditions the license application, Section 6.56.080 (b) requires that the board make findings in favor of the temporary commercial outdoor entertainment activity on all of the following:

- a. *That all information required by this chapter is in the application and all documents and other material required by this chapter have been filed with the tax collector;*
- b. *That the applicant, his employee, agent or any person connected or associated with the applicant as a partner, director, officer, associate or manager, has not knowingly made any false, misleading or fraudulent statement or material fact in the application for a license or in any report, record, or documents required to be filed with the tax collector pursuant to this chapter;*
- c. *That the issuance of the temporary commercial outdoor entertainment activity license with the conditions prescribed by the board complies with and meets all of the health, fire, and safety requirements and standards and laws of the state and ordinances of this county applicable thereto;*
- d. *That the temporary commercial outdoor entertainment activity will not unduly endanger the property of other persons located in the vicinity of the use;*

- e. *That the activity authorized by the issuance of the temporary commercial entertainment activity license with the conditions prescribed by the board will not be unduly detrimental to the health and safety of person attending the activity or residing or working in the neighborhood and/or vicinity of the activity;*
- f. *That the applicant has submitted adequate evidence that he will comply with the provisions set forth in Sections 6.56.130 through 6.56.300 of this chapter.*

Under Section 6.56.080 (b), should the Board find in favor of the temporary outdoor entertainment event on all of the above items, the Board shall approve the license application or approve it with conditions. Alternatively, if the Board does not make all of these findings in favor of the temporary commercial outdoor entertainment activity, the Board deny the license application.

Once the Board has made the findings described above, County Counsel recommends that the Board instruct County Counsel to prepare an order for signature by the Chair of the Board consistent with the findings.

Ordinance items 6.56.130 through 6.56.300, if applicable, have been addressed in the application as listed below:

- 6.56.130 – Drinking water – Attachment A, Page 10
- 6.56.140 – Sanitary facilities – Attachment A, Pages 12 & 13
- 6.56.150 – Parking – Attachment A, Page 20
- 6.56.170 – Solid waste disposal – Attachment A, Pages 12, 13, & 28
- 6.56.180 – Control of domestic pets – N/A
- 6.56.200 – Communication system - Attachment A, Page 15
- 6.56.210 – Dates and hours – Attachment A, Page 3
- 6.56.230 – Dust control - N/A
- 6.56.240 – Access ways – Attachment A, Page 20
- 6.56.250 – Food and beverages – Attachment A, Page 12
- 6.56.260 – Medical coverage – Attachment A, Page 14
- 6.56.270 – Lighting - Attachment A, Pages 31 & 32
- 6.56.280 – Nontransferability of license - N/A
- 6.56.290 – Construction-N/A
- 6.56.300 – Overnight camping facilities – N/A

OTHER AGENCY INVOLVEMENT

The application documents have been reviewed by County Counsel as to form. The County Clerk-Recorder was responsible for giving written and published notice of the hearing. The Sheriff's Department, Health Department, Public Works, Planning Department, and Cal Fire have been provided copies of the application documents. These agencies were responsible for investigating the matter and reporting in writing to the Board not later than the time set for this hearing.

The Planning Department has also reviewed this application to determine if there are California Environmental Quality Act (CEQA) concerns. This application has been found to be exempt from CEQA.

FINANCIAL CONSIDERATIONS

The applicant has paid a non-refundable application fee of one hundred dollars (\$100.00) plus a two hundred and fifty dollars (\$250.00) per day fee for the two day event.

RESULTS

This public hearing will provide your Board with the testimony and information necessary to approve, approve with conditions, or deny the temporary commercial outdoor entertainment license application by Forever Never Land, LLC.

ATTACHMENTS

1. Attachment A: License Application and Supporting Documents
2. Attachment B: Recommendations of Reviewing County Departments Received as of Date of Filing
3. Attachment C: Notice of Public Hearing Text