

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

<p>(1) DEPARTMENT Auditor - Controller - Treasurer - Tax Collector</p>	<p>(2) MEETING DATE 8/19/2014</p>	<p>(3) CONTACT/PHONE Justin Cooley (805) 781-5852 Gordon Eiland (805) 781-5848</p>	
<p>(4) SUBJECT Hearing to consider a Temporary Commercial Outdoor Entertainment License Application by Visit San Luis Obispo County for the event "Sunset SAVOR the Central Coast"; exempt from the California Environmental Quality Act (CEQA). District 5.</p>			
<p>(5) RECOMMENDED ACTION Regarding the license application by Visit San Luis Obispo County for the event "Sunset SAVOR the Central Coast," to be held at the Santa Margarita Ranch on September 27 and 28, 2014, it is recommended that:</p> <ol style="list-style-type: none"> 1. The Board, 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 "Sunset SAVOR the Central Coast," to be held at the Santa Margarita Ranch on September 27 and 28, 2014. 2. The Board 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. 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. 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. 			
<p>(6) FUNDING SOURCE(S) N/A</p>	<p>(7) CURRENT YEAR FINANCIAL IMPACT \$0.00</p>	<p>(8) ANNUAL FINANCIAL IMPACT \$0.00</p>	<p>(9) BUDGETED? N/A</p>

(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Hearing (Time Est. <u>60 min.</u>) <input type="checkbox"/> 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) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A <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>7/22/14</u>
(17) ADMINISTRATIVE OFFICE REVIEW <i>Nikki J. Schmidt</i>		
(18) SUPERVISOR DISTRICT(S) District 5		

County of San Luis Obispo



TO: Board of Supervisors

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

DATE: August 19, 2014

SUBJECT: Hearing to consider a Temporary Commercial Outdoor Entertainment License Application by Visit San Luis Obispo County for the event "Sunset SAVOR the Central Coast"; exempt from the California Environmental Quality Act (CEQA). District 5.

RECOMMENDATION

Regarding the license application by Visit San Luis Obispo County for the event "Sunset SAVOR the Central Coast," to be held at the Santa Margarita Ranch on September 27 and 28, 2014, it is recommended that:

1. The Board, 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 "Sunset SAVOR the Central Coast," to be held at the Santa Margarita Ranch on September 27 and 28, 2014.
2. The Board 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. 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. 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

Pursuant to County Ordinance Title 6, Chapter 6.56, Visit San Luis Obispo County has submitted a Temporary Commercial Outdoor Entertainment License application for the event, "Sunset SAVOR the Central Coast," (Hereafter, SAVOR) to be held September 25 - 28, 2014, at the Santa Margarita Ranch. 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 (See Attachment A for the license application and supporting documents). Proposed events where attendance is not more than 3,000 people do not require an application under this ordinance.

SAVOR is an event presented by Visit San Luis Obispo County, a non-profit organization, in partnership with Sunset Magazine. The SAVOR event has been held for four consecutive years and features local winemakers, chefs, growers, and artisanal food producers.

Although the SAVOR event is scheduled for September 25 - 28, 2014, only the "Main Events" scheduled for September 27 and 28, 2014, are anticipated to have attendance of more than 3,000. Accordingly, only the events of September 27 and 28, 2014, are subject to the requirements of Chapter 6.56 of the County Ordinance.

Additionally, although the SAVOR event has taken place at the Santa Margarita Ranch location over the prior four years, this is the first year where the applicant has applied for an event license under the ordinance because this is the first year where the applicant estimates in advance that attendance will exceed 3,000 per day.

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 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.*

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 shall deny the license application. If the Board finds in favor of approving the application with conditions, the Board may impose their own conditions or some, all, or none of the conditions recommended by reviewing agencies (See Attachment B for agency responses and recommendations).

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.

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 (See Attachment C for a copy of the language used in providing notice of the Public Hearing). The Sheriff's Office, Health Agency, Public Works, Planning Department, the County Office of Emergency Services, the California Highway Patrol, and Cal Fire have been provided copies of the application documents. The County 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.

All agency responses received at the time of the filing of this report are included in Attachment B.

FINANCIAL CONSIDERATIONS

The applicant has paid a non-refundable application fee of one hundred dollars (\$100.00) plus a two hundred and fifty dollar (\$250.00) per day fee for the two days of the four day event that require a license under the ordinance.

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 for the "Sunset SAVOR the Central Coast" event.

ATTACHMENTS

1. Attachment A: License Application and Supporting Documents
2. Attachment B: Recommendations of Reviewing Agencies Received As of Date of Filing
3. Attachment C: Notice of Public Hearing