



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

(1) DEPARTMENT ACTTCPA	(2) MEETING DATE 11/10/2020	(3) CONTACT/PHONE Justin Cooley / 805-781-5852 Lori Guidotti / 805-781-5840	
(4) SUBJECT Hearing to consider a Temporary Commercial Outdoor Entertainment License application from Nicholas M. Duggan for up to six concert events to be held at Santa Maria Raceway/Stadium 805 on dates uncertain in the 2021 calendar year. Exempt from CEQA. District 4.			
(5) RECOMMENDED ACTION It is recommended that the Board: <ol style="list-style-type: none"> 1. Conduct a public hearing to hear testimony and consider other evidence regarding a Temporary Commercial Outdoor Entertainment (Event) License application from Nicholas M. Duggan for up to six one-day concert events to be held at the Santa Maria Raceway/Stadium 805, 1900 Hutton Rd., Nipomo on dates uncertain in the 2021 calendar year. 2. Make findings as described in Section 6.56.080(b) of County Code. 3. Approve, approve with conditions, or deny the Temporary Commercial Outdoor Entertainment License application from Nicholas M. Duggan for up to six (6) one-day concert events to be held at the Santa Maria Raceway/Stadium 805 on dates uncertain in the 2021 calendar year. 4. Instruct County Counsel to prepare a resolution for signature by the Chairperson of the Board consistent with the approval, approval with conditions, or denial of the license application. 			
(6) FUNDING SOURCE(S) Business License Fee Revenue	(7) CURRENT YEAR FINANCIAL IMPACT \$1,600.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? no
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Hearing (Time Est. <u>3 hours</u>) <input type="checkbox"/> Board Business (Time Est. <u> </u>)			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A Date <u>October 6, 2020</u>	
(17) ADMINISTRATIVE OFFICE REVIEW Zachary A. Lute			
(18) SUPERVISOR DISTRICT(S) District 4			



COUNTY OF SAN LUIS OBISPO

TO: Board of Supervisors

FROM: James W. Hamilton, CPA
County Auditor-Controller-Treasurer-Tax Collector

DATE: November 10, 2020

SUBJECT: Hearing to consider a Temporary Commercial Outdoor Entertainment License application from Nicholas M. Duggan for up to six concert events to be held at Santa Maria Raceway/Stadium 805 on dates uncertain in the 2021 calendar year. Exempt from CEQA. District 4.

RECOMMENDATION

It is recommended that your Board:

1. Conduct a public hearing to hear testimony and consider other evidence regarding a Temporary Commercial Outdoor Entertainment (Event) License application from Nicholas M. Duggan for up to six one-day concert events to be held at the Santa Maria Raceway/Stadium 805, 1900 Hutton Rd., Nipomo on dates uncertain in the 2021 calendar year.
2. Make findings as described in Section 6.56.080(b) of County Code.
3. Approve, approve with conditions, or deny the Temporary Commercial Outdoor Entertainment License application from Nicholas M. Duggan for up to six (6) one-day concert events to be held at the Santa Maria Raceway/Stadium 805 on dates uncertain in the 2021 calendar year.
4. Instruct County Counsel to prepare a resolution for signature by the Chairperson of the Board consistent with the approval, approval with conditions, or denial of the license application.

DISCUSSION

On October 6, 2020, your Board scheduled a public hearing for the Temporary Commercial Outdoor Entertainment License application for events to be held at the Santa Maria Raceway/Stadium 805. The public hearing is required by Chapter 6.56 of County Code for consideration of the license application by your Board.

Nicholas M. Duggan has submitted an Event License Application with the intention of holding up to six (6) one-day musical concerts in the 2021 calendar year. Both the concert grounds and parking area are to be located at Santa Maria Speedway/Stadium 805, 1900 Hutton Rd., Nipomo. Maps indicating the location of the concert grounds and parking areas are included with the attached application. San Luis Obispo County Code Chapter 6.56 sets forth the County's regulations regarding "Temporary Commercial Outdoor Entertainment Licenses." With some exceptions not applicable here, these regulations require a license for any "commercial outdoor activity" which is defined as:

1. Music concert, music festival, "rock" concert, "rock" festival, dance concerts, dance festival, or any combination thereof; or
2. Circus or carnival; or
3. Any other theatrical and/or athletic display, exhibition, stunt, contest, performance, or presentation and which is an activity to which members of the public are invited or admitted for a charge and which is attended by more than 3,000 persons and which is to any extent performed outdoors and/or to any extent viewed from outdoors.

County Code requires that applications for commercial outdoor events, once received by the Auditor-Controller-Treasurer-Tax Collector (ACTTC), be referred for preliminary review to the County Sheriff, Health Agency, Public Works Department, and Department of Planning and Building. In addition, the application was referred to Cal Fire and the California Highway Patrol for review. Agency responses and recommendations are included with this staff report as Attachment 2.

Section 6.56.070 requires the Board of Supervisors hold a public hearing on the events application once the ACTTC has received the completed application and application fees.

Nicholas M. Duggan has applied for an Annual Entertainment license allowing up to six (6) one-day events with up to 3,500 attendees.

At this time, the date of the individual events are unknown. If the license application is approved at the hearing the applicant will agree to obtain any required daily permits, emergency medical service provider agreements, or reimbursable service contracts. The daily permits and contracts must be obtained by the applicant in a timely manner in order to maintain the events license (if approved).

It is anticipated that there will be up to 3,500 spectators at each event.

The proposed events would be in addition to the existing raceway events that have been ongoing for over 40 years and can support approximately 4,000 individuals.

The Clerk of the Board has provided public notice as specified in Section 6.56.070 of the County Ordinance. The noticing included mailings to the property owners within 2,000 feet of the parcels identified for the proposed use and a publication in the NewTimes, 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 or 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 makes all of the following findings in favor of the temporary commercial outdoor entertainment activity:

1. That all information required by this chapter is in the application and all documents and other materials required by this chapter have been filed with the tax collector;
2. 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;
3. That the issuance of a 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;
4. That the temporary commercial outdoor entertainment activity will not unduly endanger the property of other persons located in the vicinity of the use;
5. 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;
6. 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 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 the reviewing agencies.

Should the Board make the findings described above, County Counsel recommends that the Board instruct County Counsel to prepare an order for signature by the Chairperson of the Board consistent with the findings and any conditions of approval.

OTHER AGENCY INVOLVEMENT/IMPACT

The application documents have been reviewed by County Counsel as to form and legal effect. The Clerk of the Board was responsible for giving written and published notice of the hearing. As required by County Code, notice of the hearing and copies of the application documents were provided to the County Sheriff, Health Agency, Public Works Department, and Department of Planning and Building. Additionally, Cal Fire and the California Highway Patrol have been notified and were 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 2.

FINANCIAL CONSIDERATIONS

The applicant has previously 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 a total fee of sixteen hundred dollars (\$1,600.00).

RESULTS

The public hearing will provide your Board with the testimony and other information necessary to approve, approve with conditions, or deny the temporary commercial outdoor entertainment license application from Nicholas M. Duggan for the proposed events described in the application.

ATTACHMENTS

- 1 Nicholas M. Duggan/Santa Maria Raceway/Stadium 805 Application and accompanying documents
- 2 Agency Responses and Recommendations Received As of Date of Filing
- 3 Notice of Public Hearing
- 4 Draft Resolution Approving Application with Conditions
- 5 Presentation