



City of Del Mar
Department of Planning and Community Development
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Del Mar, CA 92014

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Counter Hours: M - TH 1:00 pm – 5:30 pm
FRI 1:00 pm – 4:30 pm
www.delmar.ca.us

BINGO PERMIT

An applicant's guide to the process

The following information is intended to provide information on the City of Del Mar's process for the review of Charitable Bingo Game Permits. A copy of the Charitable Bingo Games Ordinance (DMMC Chapter 9.18) may be obtained from the City of Del Mar website at the following address; <http://www.delmar.ca.us/Government/Pages/Codes.aspx> and an application form may be obtained at <http://www.delmar.ca.us/business/Pages/DevelopmentApplicationsGuides.aspx>. Please contact the Department of Planning and Community Development to obtain additional information.

PURPOSE

The Bingo Permit process is intended to provide a consistent and expedient procedure for the review of applications to operate Charitable Bingo Game(s) in the City of Del Mar while also ensuring that Charitable Bingo Game(s) are conducted in compliance with Chapter 9.18 of the Del Mar Municipal Code and Section 326.5 of the California Penal Code and regulated in a manner to protect against adverse impacts on the health, safety and welfare of the community.

PROCESS

The Bingo Permit process requires the identification of 1) the name of the applicant or organization (becomes Permittee upon approval of the Bingo Permit) that will conduct the playing, maintaining or operating of the Charitable Bingo Game(s), 2) the Eligible Charitable Organization that will benefit and 3) the property owner in whose facilities the Charitable Bingo Game(s) will be conducted. The applicant/Permittee is required to make several declarations regarding the conduct of the charitable Bingo Game(s). After all required information has been submitted, a staff report is prepared to describe the suitability of the proposed location and facilities, availability of sufficient parking, provision of adequate security and guarantees of timely financial reporting. The City Council will hold a noticed public hearing and either approve the application, approve it with modifications or deny the application.

Step 1 - Filing of Application

Applications may be filed at the Planning Counter on Monday through Friday between the hours of 1:00 p.m. and 4:00 p.m. or by appointment. At the time of submittal, the application will receive a preliminary review at the counter to determine if all submittal requirements have been met. Incomplete submittals will not be accepted. Please note that a submitted application is a matter of public record. Therefore, any portion of the application, including contact information for individuals or organizations, may be distributed to City Staff, other discretionary bodies and the general public for use in reviewing the application.

After the initial submittal of the application, it will be assigned to a Planner for a detailed investigation and analysis. The Planner will review the application for completeness and for compliance with the applicable Municipal and Government Codes. If it is determined that the application is missing information, or is somehow inconsistent with one or more provisions of the applicable Municipal or Government Codes, it will be deemed to be *Incomplete*. A letter will be sent to the applicant regarding the addition information and/or changes required to complete the review.

The following items must be submitted as part of the application:

1. Application Form, including Operator's Agreement

- Application must be signed by:
 - Applicant or the Principal/Manager of an Organization (if an organization is the applicant);
 - Authorized Representative of the Eligible Charitable Organization; and
 - Property Owner or Authorized Representative.
- Operator's Agreement must be signed by:
 - Applicant or the Principal/Manager of an Organization (if an organization is the applicant).
 - This individual becomes the Permittee upon approval of the Bingo Permit.

2. Application Fee (see Fee Schedule)

3. Certificate or Determination of Exemption from the Revenue and Taxation Code or Letter of Good Standing from the Exemption Division of the State of California Franchise Tax Board

4. List of all members, employees or volunteers of the Eligible Charitable Organization who will operate the Charitable Bingo Game(s) [include full name, date of birth and driver-license number (or pertinent information from other acceptable form of identification)]

5. General Description of the location of the Charitable Bingo Game(s)

- General Description shall include the following information:
 - Vicinity Map
 - Occupancy limitation of hall or room
 - Number and location of off-street parking spaces
 - Documentation that facility is accessible pursuant to Americans with Disabilities Act

6. Schedule of Charitable Bingo Game(s)

- Schedule shall include the following information:
 - Date(s) or frequency
 - Starting and ending times

Step 2 - Public Notice Package

Nearby property owners must be given an opportunity to comment on the proposal to conduct Charitable Bingo Game(s). A legal notice must be mailed to all property owners within a 300 foot radius of the subject property informing them of the date, time and place set for the City Council to review the proposal for conducting the Charitable Bingo Game(s), the purpose of the City Council review and review procedure, and a description of the proposed Charitable Bingo Game(s) and its/their location.

For an additional fee (see Fee Schedule), City staff will prepare the Noticing Map, List and Envelopes.

- Noticing Map - A map showing the properties with a 300 foot radius measured from the exterior boundaries of the subject property.
- Noticing List - A printed list of property owners that corresponds to the radius map required above. The list shall contain the names, addresses, and assessor's parcel number for all parcels within the radius area (including the applicant and/or owner). For a fee, the City can provide this list for you.
- Noticing Envelopes- Stamped business size envelopes with printed address labels for all property owners listed on the Noticing List required above. The envelopes will contain the City-supplied legal notice of the City Council meeting with a City of Del Mar return address for undeliverable notices.

Step 3 - Preparation of Staff Report

Once an application is deemed complete, the Department of Planning and Community Development will review the proposal for the playing, maintaining or operating of a Charitable Bingo Game(s); including the suitability of the proposed location and facilities, availability of sufficient parking, provision of adequate security and guarantees of timely financial reporting. The report will include recommended conditions from all City departments deemed appropriate by the Director of Planning and Community Development to comply with the applicable Municipal and Government Codes and protect against adverse impacts on the health, safety and welfare of the community.

Step 4 – City Council Hearing

After receipt of comments and recommended conditions needed for the enforcement of the applicable Municipal and Government Codes and to protect against adverse impacts on the health, safety and welfare of the community, the request for the Bingo Permit will be placed on the next available City Council agenda. Notice of the date, time and place of the City Council hearing will be published, posted and mailed to nearby property owners. The applicant should obtain a copy of the staff report from the Department of Planning and Community Development prior to the hearing date. The applicant has the opportunity to address the City Council during the public hearing. While testimony is not required, the applicant is advised to attend the hearing to answer any questions the City Council may have. Failure to appear at the hearing could cause the decision to be continued to subsequent hearing. The City Council may approve the Bingo Permit as submitted, approve it with modifications or deny the Bingo Permit.

The City Council shall approve the application for a Bingo Permit unless they make one or more of the following findings of fact:

1. That the issuance of the Bingo Permit will endanger the public health, safety or welfare of the surrounding property;
2. That the issuance of the Bingo Permit will have an adverse impact on the welfare of the community or on the community's appearance or aesthetics;
3. That the issuance of the Bingo Permit is inconsistent with the Community Plan or Zoning Regulations;
4. That the applicant for the Bingo Permit is not eligible pursuant to the provisions of either Section 326.5 of the California Penal Code or Chapter 9.18 of the Del Mar Municipal Code;
5. That the information provided in the Bingo Permit application is false or erroneous; or
6. That the proposed operation or method of conducting the Bingo Game(s) will be contrary to the provisions of Chapter 9.18 of the Del Mar Municipal Code.

Step 5 – Term of Bingo Permit, Transferability and Renewal

A Bingo Permit shall be valid for a period of two (2) years from the date of City Council approval.

A Bingo Permit is not transferable to a different applicant or Eligible Charitable Organization. However, the Permittee may submit a written request for substitution of the individual authorized to conduct the Charitable Bingo Game(s). The request for substitution must be accompanied by a substitute Operator's Agreement signed by the new Permittee.

A Bingo Permit may be renewed within the three month period prior to the expiration of the original two year period by the Director of Planning and Community Development if the Director determines that the circumstances and findings under which the original Bingo Permit was approved are still applicable and can support the findings for approval of the renewal of the Bingo Permit.