



Agenda Item B.1
PUBLIC HEARING
Meeting Date: April 12, 2021

TO: Planning Commission Chair and Members

FROM: Michael Jenkins, City Attorney

CONTACT: Winnie Cai, Assistant City Attorney

SUBJECT: Amendments to Title 17 of the Goleta Municipal Code To Excise Provisions Pertaining to Temporary Events

RECOMMENDATION:

It is recommended that the Planning Commission:

1. Open a public hearing to take verbal and written testimony; and
2. After considering the evidence presented during the public hearing, adopt Resolution No. 21-__, entitled "A Resolution of the Planning Commission of the City of Goleta, California, Recommending to the City Council Adopting Amendments to Title 17 of the Goleta Municipal Code To Excise Provisions Pertaining to Temporary Events."

BACKGROUND:

During the NZO hearings, the City Council discussed how festivals, such as the Lemon Festival, July 4th Fireworks Show, and similar events, should be regulated. The former zoning ordinance required a temporary use permit for these events, and Council directed staff to explore an alternative way to regulate festivals.

The former zoning ordinance also required seasonal youth leagues that drew more than 500 people to obtain a temporary land use permit, which would have applied to youth sports events at Girsh Park. The Girsh Park Foundation has not historically been required to obtain a permit for its sports events. Council directed staff to comport the zoning ordinance with this historical practice.

DISCUSSION:

The proposal before the Commission is that temporary events be removed from the zoning ordinance and that they be regulated by way of a new ordinance that will become Chapter 9.01 to the Goleta Municipal Code. The responsibility for temporary events will be with the Neighborhood Services and Public Safety Department, which already handles

special event permits on public property pursuant to Chapter 12.07 (Parades, Assemblies, and Special Events). (See proposed Chapter 9.01 as Attachment 1.) Temporary events will go through a permit process to ensure that basic health, safety, and community welfare standards are met. The permit will allow for imposition of reasonable conditions of approval deemed necessary to avoid the creation of nuisance conditions.

The rationale for this change is that temporary events are by their nature temporary gatherings of people that do not have a physical impact on or a change in the use of land. Staff believes that these gatherings, as defined in the new proposed Chapter 9.01, are best regulated outside the zoning ordinance, which is devoted to land use regulation.

As proposed in the new Chapter 9.01, temporary events are gatherings on private property lasting no more than 5 days that are not otherwise permitted by an underlying permit and which will not require or involve changes to the structure or composition of land. Festivals at Girsh Park best fit this definition. Girsh Park is used as an athletic and recreational park on most days. A few times a year, festivals are held over the course of a weekend and Girsh Park becomes a gathering place for more than 500 people at a time.

The regulation of temporary uses would remain as is in the zoning ordinance. These are uses of property for a temporary period of time that will not permanently alter the character or physical features of property. Examples of temporary uses are the use of a lot for seasonal sales of holiday related items, such as pumpkins and Christmas trees, and temporary construction trailers.

The distinction between temporary events and uses is best exemplified by the existing definitions in Section 17.73.020:

“Event. Any gathering or happening that takes place at a determinable time and place, typically associated with, but not generally considered customarily incidental to the permitted principal use.”

“Use. The purpose for which land or the premises of a building, structure, or facility thereon is designed, arranged, or intended, or for which it is or may be occupied or maintained.”

“Temporary Use. A use that will exist for a short time and then either cease or be removed from the site.”

The regulation of temporary uses in the zoning ordinance, contained in Section 17.41.260, will remain but for the deletion of certain current activities that are more accurately described as temporary “events.” These include car washes and garage sales, seasonal youth league continued use of active recreational facilities (e.g., Girsh Park), and temporary sales. These will now be regulated in Chapter 9.01.

The amendments to Title 17 are exempt from environmental review pursuant to the “common sense” exemption (CEQA Guidelines § 15061(b)(3) and are an administrative activity that will not result in direct or indirect physical changes in the environment (CEQA Guidelines § 15061(b)(5)). Specifically, it can be seen with certainty that there is no possibility that the zoning ordinance amendments would have potential for causing a significant effect on the environment. The ordinance amendments remove certain activities that were either not subject to a temporary use permit or were required to obtain a temporary use permit but will be included elsewhere in the Goleta Municipal Code. Permit requirements for removed activities that required temporary use permits will be subject to a temporary event permit, which will ensure the basic health, safety and community welfare. The ordinance amendments effectuate administrative changes to ensure efficient government operations and do not result in any land use entitlements or physical development.


NEXT STEPS:

After the Planning Commission’s recommendation on the proposed Title 17 amendment, the zoning ordinance amendment will be forwarded to the City Council for review at a public hearing.

FISCAL IMPACTS:

There is no direct fiscal impact from introducing and recommending adoption of the proposed Ordinances.

Legal Review By:


Winnie Cai
Assistant City Attorney

Approved By:


Peter Imhof
Director of Planning and
Environmental Review

ATTACHMENTS:

1. Proposed Chapter 9.01 to Goleta Municipal Code.
2. Planning Commission Resolution No. 21__, entitled “A Resolution of the Planning Commission of the City of Goleta, California, Recommending to the City Council Adopting Amendments to Title 17 of the Goleta Municipal Code To Excise Provisions Pertaining to Temporary Events.”

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ORDINANCE NO. 21-____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF GOLETA, CALIFORNIA, AMENDING TITLE 17 OF THE
GOLETA MUNICIPAL CODE TO EXCISE PROVISIONS
PERTAINING TO TEMPORARY EVENTS**

WHEREAS the City of Goleta (City) adopted the New Zoning Ordinance (NZO) as Title 17 of the Goleta Municipal Code (GMC) on March 3, 2020; and

WHEREAS since the adoption of Title 17, City staff has determined that it is organizationally preferable for temporary events on private property to be governed by provisions outside the zoning ordinance and managed by the Neighborhood Services Division; and

WHEREAS the Planning Commission conducted a duly noticed public hearing on _____ at which time all interested parties were given an opportunity to be heard; and

WHEREAS the Planning Commission recommend to City Council adoption of the Title 17 Ordinance Amendment on _____; and

WHEREAS the City Council conducted a duly noticed public hearing on _____ at which time all interested persons were given an opportunity to be heard.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GOLETA
DOES HEREBY ORDAIN AS FOLLOWS:**

SECTION 1. Recitals

The City Council hereby finds and determines that the foregoing recitals, which are incorporated herein by reference, are true and correct.

SECTION 2. Required Findings for Ordinance Amendments

Pursuant to subsection 17.66.050(B) of the Goleta Municipal Code, the City Council makes the following findings:

- A. The amendment is consistent with the General Plan, the requirements of State planning and zoning law, and Title 17 of the Goleta Municipal Code.**

This ordinance amends Title 17 by deleting provisions pertaining to temporary events, which will be governed by new provisions in Title 9. The new provisions will be managed by the Neighborhood Services Division and will

serve to preserve the residential character of residential neighborhoods, maintain a system of parks that is available for use by the public, protect opportunities for enjoyment of beach and shoreline access, and control the generation of nuisance noise through appropriate noise regulations.

B. The amendment is in the interests of the general community welfare.

The ordinance is in the interest of the general community welfare because governance of temporary events in Title 9 will provide a process by which proposed Temporary Events on privately-owned property that do not meet the normal development or use standards of the applicable zoning district or the allowed uses in another governing action or permit pursuant to Title 17, but which are nevertheless acceptable due to their temporary nature, may continue to occur through the issuance of a Temporary Event Permit. The new provisions in Title 9, will allow events to take place on private property while continuing to ensure that basic health, safety, and community welfare standards are met. The procedures and policies provided for by Title 9 will allow for imposition of reasonable conditions of approval deemed necessary to avoid the creation of nuisance conditions. Because Title 9 will provide a process by which community building events on private property may be regulated to avoid incompatibility between the proposed activity and the surrounding area, the ordinance is in the interest of the general community welfare.

C. The amendment is consistent with good zoning and planning practices.

The ordinance will allow for the continued occurrence of temporary events that foster a sense of community in a manner consistent with the community goals, objectives and policies of the General Plan. Therefore, the ordinance is consistent with good zoning and planning practices.

SECTION 3. Section 17.41.260 of the Goleta Municipal Code is hereby amended to read in its entirety as follows:

17.41.260 Temporary Uses

This section establishes standards for certain uses that are intended to be of a limited duration of time and will not permanently alter the character or physical features of the site where they occur.

A. **Exempt Temporary Uses.** The following minor and limited duration temporary uses are exempt from the permit requirements of this section. Other permits, such as Building Permits, may be required.

1. ~~**Car Washes.** Car washes conducted by a qualifying sponsoring organization on non-residential properties. Sponsorship is limited to~~

~~educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with Section 501(c) of the U.S. Internal Revenue Service code. Temporary car washes may not occur on a site more than one time per month and may not operate for a continuous period of more than 12 hours or more than 16 hours in any two-day period.~~

12. ***Emergency Activities.*** Emergency public health and safety activities.

~~3. ***Garage Sales.*** Garage sales of personal property conducted by a resident of the premises and occurring during daylight hours and no more often than four times within any 12-month period per residence and for a maximum of three consecutive days each.~~

24. ***On-Site Construction Yards.*** On-site contractors' construction yards, including temporary trailers and storage of equipment, in conjunction with an approved construction project on the same site. The construction yard must be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit authorizing the construction, whichever occurs first.

35. ***Temporary Real Estate Sales Office.*** A temporary real estate sales office within the area of an approved development project, solely for the first sale of units, approved as part of the overall project.

46. ***Filming.*** The temporary use of a site for the filming of commercials, movies, or videos if a Film Permit is obtained pursuant to Chapter 12.05 of the Goleta Municipal Code or is exempt from the requirements of Chapter 12.05.

~~7. ***Parades, Assemblies, and Special Events.*** The temporary use of a site for a parade, assembly, or other special event if a Special Event Permit is obtained pursuant to Chapter 12.07 of the Goleta Municipal Code.~~

~~8. ***Seasonal Youth Leagues.*** The continued use of active recreation facilities for the purposes they were designed and permitted, including year-end tournaments attended by fewer than 500 persons.~~

B. Temporary Use Permit Required. The following uses may be permitted pursuant to Chapter 17.56, Temporary Use Permits, subject to the following standards. Additional or more stringent requirements may be established through the Temporary Use Permit process in order to prevent the use from becoming a nuisance with regard to the surrounding neighborhood or the City as a whole.

~~1. ***Special Events and Temporary Sales.*** Short term special events, outdoor sales, and displays that do not exceed five consecutive days, may be permitted in accordance with the following standards:~~

~~a. ***Location.*** Events are limited to non-residential zone districts.~~

~~b. *Number of Events.* No more than four events at one site are allowed within any 12-month period. Additional event may be allowed pursuant to a Minor Conditional Use Permit approval in accordance with subsection C.~~

~~c. *Time Limit.* When located adjacent to a Residential Zone District, the hours of operation are limited to 8:00 a.m. to 9:00 p.m.~~

~~2. **Temporary Outdoor Sales.** Temporary outdoor sales, including, but not limited to, grand opening events, and other special sales events, may be permitted in accordance with the following standards:~~

~~a. Temporary outdoor sales must be part of an existing business on the same site.~~

~~b. Outdoor display and sales areas must be located on a paved or concrete area on the same lot as the structure(s) containing the business with which the temporary sale is associated.~~

~~c. Location of the displayed merchandise must not disrupt the normal circulation of the site, nor encroach upon driveways, bicycle paths, pedestrian walkways, or required landscaped areas, or obstruct sight distances or otherwise create hazards for vehicle, bicycle, or pedestrian traffic.~~

13. **Temporary Seasonal Sales.** Seasonal sales of holiday related items, such as pumpkins and Christmas trees, for a period not longer than 45 days in a non-residential zone district.

24. **Temporary Off-Site Construction Yards.** Off-site contractor construction yards, in conjunction with an approved construction project. Upon expiration of the Temporary Use Permit, the construction yard must be immediately removed.

35. **Temporary Real Estate Sales.** On-site real estate sales from a manufactured or mobile unit office for the temporary marketing, sales, or rental of residential, commercial, or industrial development if not approved as part of an overall project.

46. **Temporary Residence.** A manufactured or mobile home used as a temporary residence of the property owner when a Building Permit for a new single-unit dwelling has been approved but occupancy has not yet been granted, or for temporary caretaker quarters during the construction of a subdivision, multi-family, or non-residential project.

57. **Temporary Structure.** A temporary classroom, office, or similar portable structure, including a manufactured or mobile unit, may be approved, for a maximum of 12 months. The structure may be used as an accessory use or as the first phase of a development project in a non-residential zone district.

68. **Temporary Work Trailer.**

a. A trailer may be used as a temporary work site for employees of a business:

i. During construction of a subdivision or other development project when a Building Permit had been approved; or

ii. Upon demonstration by the applicant that the temporary work site is a short-term necessity, while a permanent work site is being obtained.

b. A permit for temporary work trailers may be granted for up to 12 months and may be extended one time for an additional 12 months at the discretion of Director.

79. **Similar Temporary Uses.** Similar temporary uses which, at the discretion of the Director, are determined to be compatible with the zone district and surrounding land uses and are necessary because of unusual or unique circumstances beyond the control of the applicant.

~~10. **Large Outdoor Gatherings.** The use of active recreation facilities for the purposes they were designed and permitted, which are attended by 500 or more persons.~~

C. **Minor Conditional Use Permit Required.** Review and approval of a Minor Conditional Use Permit is required for temporary uses as follows:

1. **Uses.**

a. Any temporary use the Director determines to have substantial and detrimental impacts to surrounding properties, such as noise or traffic impacts.

b. Any temporary use where occurrences of the temporary use occur over a period greater than 12 months.

c. Any other temporary use not identified as being exempt or as requiring a Temporary Use Permit.

2. **Required Findings.** The following findings must be made for a temporary use that is subject to a Minor Conditional Use Permit:

- a. All findings required for Conditional Use Permits pursuant to Section 17.57.050.
- b. All findings required for Temporary Use Permits pursuant to Section 17.56.040.

SECTION 4. CERTIFICATION.

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

INTRODUCED ON the ____ day of _____, 2021

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2021.

PAULA PEROTTE, MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH LOPEZ
CITY CLERK

MICHAEL JENKINS
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, DO
HEREBY CERTIFY that the foregoing Resolution No. 21-__ was duly adopted
by the Planning Commission of the City of Goleta at a regular meeting held on
the 12TH day of April, 2021 by the following vote of the Commission Members:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK

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ATTACHMENT 1

Proposed Chapter 9.01 to Goleta Municipal Code

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ORDINANCE NO. 21-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, ADDING A NEW CHAPTER 9.01 TO TITLE 9 OF THE GOLETA MUNICIPAL CODE REGULATING TEMPORARY EVENTS ON PRIVATE PROPERTY

The City Council of the City of Goleta Does Hereby Ordain as Follows:

SECTION 1. A new Chapter 9.01 is added to Title 9 of the Goleta Municipal Code to read in its entirety as follows:

9.01.010 Purpose

This Chapter provides a process for reviewing proposed Temporary Events on privately-owned property within the City to ensure that basic health, safety, and community welfare standards are met, while approving suitable Temporary Events with the minimum necessary conditions or limitations consistent with the temporary nature of the activity. A Temporary Event Permit allows short-term activities that might not meet the normal development or use standards of the applicable zoning district or the allowed uses in a governing action or permit pursuant to Title 17, but which may otherwise be acceptable because of their temporary nature. However, these activities should be regulated to avoid incompatibility between the proposed activity and surrounding areas.

9.01.020 Definitions

The words, terms, phrases, and their derivations set forth in this chapter have the meanings set forth below.

“Neighborhood Services Director” The Director of Neighborhood Services and Public Safety of the City of Goleta or designee acting on authority delegated from the Director of Neighborhood Services and Public Safety.

“Temporary Event” An Event lasting no longer than five (5) consecutive days that is not otherwise permitted by an underlying permit or by this Title and which will not require or involves changes to the structure or composition of the land.

“Temporary Event Permit” A type of permit required prior to the use of private property for a Temporary Event subject to this Chapter.

9.01.030 Temporary Events

A. Exempt Activities. The following activities are exempt from the permit requirements of this section:

1. Special Events. A Special Event on public property for which a Special Event Permit is obtained pursuant to Chapter 12.07 of the Goleta Municipal Code.

2. Seasonal Youth Leagues. The use of privately owned active recreational facilities for or by non-profit seasonal youth leagues.
 3. Events Pursuant to Leases of City Property. Events authorized by and conducted pursuant to a lease of City property entered into pursuant to Chapter 12.08 of this Code.
 4. Events Accessory to Allowed Uses. Events permitted by conditional use permit or as accessory to an allowed use pursuant to the provisions of Title 17. These may include but are not limited to promotional activities related to the primary product lines of a retail business, book readings and signings at bookstores and opening receptions at art galleries, provided that the following standards are met:
 - a. Location. Events are limited to non-residential uses.
 - b. Number of Events. No more than four events at one site are allowed within any 12-month period. Additional events may be authorized pursuant to a Minor Conditional Use Permit pursuant to the provisions of Title 17.
 - c. Time Limit. When located adjacent to or within a Residential Zone District, the hours of operation are limited to 8:00 a.m. to 9:00 p.m.
 5. Garage Sales. Garage sales of personal property conducted by a resident of the premises and occurring during daylight hours and no more often than four times within any 12-month period per residence and for a maximum of three consecutive days each.
 6. Residential gatherings. Gatherings customarily incidental to a residential use for which no consideration is provided and provided that live music and/or amplified sound or music ends no later than 10:00 p.m.
 7. Car Washes. Car washes conducted by a qualifying sponsoring organization on non-residential properties. Sponsorship is limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts and to tax exempt organizations in compliance with Section 501(c) of the U.S. Internal Revenue Service code. Temporary car washes may not occur on a site more than one time per month and may not operate for a continuous period of more than 12 hours or more than 16 hours in any two-day period.
 8. Temporary Uses. Activities that are deemed to be Temporary Uses and regulated pursuant to Section 17.41.260 of this Code.
- B. Temporary Events for Which a Temporary Event Permit Is Required. A Temporary Event Permit is required for the following Temporary Events because of their potential for temporary impacts on surrounding areas.
1. A Temporary Event taking place on a privately owned active recreational facility attended by a total of five hundred (500) or more attendees over the duration of the event; and
 2. A Temporary Event taking place on any nonresidential privately owned property aside from that described in subparagraph (1)

above attended by a total of one hundred (100) or more attendees over the duration of the event.

3. Temporary Events involving outdoor sales, including, but not limited to, grand opening events, and other special sales events, in accordance with the following standards:
 - a. Temporary Events involving outdoor sales must be part of an existing business on the same site.
 - b. Outdoor display and sales areas must be located on a paved or concrete area on the same lot as the structure(s) containing the business with which the temporary sale is associated.
 - c. Location of the displayed merchandise must not disrupt the normal circulation of the site, nor encroach upon driveways, bicycle paths, pedestrian walkways, or required landscaped areas, or obstruct sight distances or otherwise create hazards for vehicle, bicycle, or pedestrian traffic.
 - d. The minimum applicable ADA access requirements must be satisfied.
 - e. All other Temporary Events that are not exempt under Section 9.01.030(A).
- C. Nothing in this Section 17.41.261 shall be construed as requiring a Temporary Event Permit to be obtained for a Temporary Event involving Expressive Activity, as that term is defined in Section 12.07.020(D) of the Goleta Municipal Code, provided either that the conditions set forth in Section 12.07.040(A)(3) of this Code are met or that the applicable standards and requirements set forth in Section 12.07.041 are met.

9.01.040 Review Authority for Temporary Event Permits

- A. Duties and Authorities. The Neighborhood Services Director has the following duties and powers under this Chapter:
 1. Prepare, and update from time to time, application submittal forms and lists that specify the information that will be required from applicants to support applications for Temporary Event Permits.
 2. Review applications for Temporary Event Permits to determine if they are complete and can be accepted for processing under the requirements of this Title.
 3. Act on requests for Temporary Event Permits.
 4. Approve minor changes and amendments to previously approved Temporary Event Permits.
 5. Prepare, and update from time to time, appeal submittal forms and lists that specify the information that will be required from applications to appeal the approval, denial, conditioning, or revocation of a Temporary Event Permit.
 6. Provide initial screening of Appeal applications for Temporary Event Permits to determine if they meet the specific submittal requirements for acceptance and to reject those that do not.

- B. Responsibility of the Neighborhood Services Director.
 - 1. The Review Authority of the Neighborhood Services Director may be delegated by the Neighborhood Services Director to Neighborhood Services and Public Safety Department Staff, unless otherwise specified by this Title.
 - 2. Wherever this Title makes reference to “Neighborhood Services Staff,” it is expressly understood that the staff is making decisions on behalf of, or acting under the direction and control of, the Neighborhood Services Director.
- C. Review Authority of the City Manager.
 - 1. The City Manager shall serve as Review Authority on appeals of approvals, denials, conditions on or revocations of Temporary Event Permits made by the Neighborhood Services Director.

9.01.050 Application for Temporary Event Permit

Any person may apply to the Neighborhood Services Director for approval of a Temporary Event on privately-owned property that requires a permit pursuant to Section 9.01.030.B, not less than 30 days before the event.

9.01.060 Required Findings for Approval of a Temporary Event Permit

The Neighborhood Services Director must make the following findings to approve a Temporary Event Permit:

- 1. The event shall not take place on property used principally for residential purposes.
- 2. No more than six (6) Temporary Events requiring a Temporary Event Permit have taken place on the property within the consecutive twelve-month period prior to the proposed event.
- 3. The event hours of operation will be limited to 8:00 a.m. to 10:00 p.m., unless modified pursuant to Section 9.01.080.D.
- 4. The proposed event will not unreasonably affect or have an unreasonably negative impact on adjacent properties, their owners and occupants, or the surrounding neighborhood, and will not in any other way constitute a nuisance or be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the area of such event, or to the general welfare of the City.
- 5. The site is physically adequate for the type, density, and intensity of event being proposed, including provision of services (e.g., sanitation, water, medical facilities, security and safety measures, solid waste facilities, including adequate recycling facilities), public access, and the absence of physical constraints.
- 6. The proposed event will not unreasonably interfere with pedestrian or vehicular traffic or circulation in the area surrounding the proposed event and will not create a demand for additional parking that cannot be safely and efficiently accommodated by existing parking areas.

7. Appropriate controls are in place that will ensure the premises will be kept clean, sanitary, free of litter, and all circulation and parking surfaces will include a suitable dust-controlled surface.
8. Adequate temporary parking will be provided to accommodate the vehicle traffic generated by the temporary event either on-site or at alternate locations acceptable to the review authority.

9.01.070 Additional Finding for Coastal Zone

An application for a Temporary Event Permit for a Temporary Event that will take place in the Coastal Zone may only be granted if the Neighborhood Services Director, in consultation with the Director of Planning, determines that the Temporary Event will comply with all applicable standards and requirements set forth in the California Coastal Act (Cal. Pub. Res. Code §§ 30000 et seq.), the policies of the General Plan, and, if applicable, Chapter 17.61, Coastal Development Permits, of this Title.

9.01.080 Conditions of Approval

In approving a Temporary Event Permit, the Neighborhood Services Director may impose reasonable conditions deemed necessary to achieve the findings for a Temporary Event Permit listed above, including, without limitation:

- A. Regulation of vehicular ingress and egress and traffic circulation.
- B. Regulation of dust, if using unpaved surfaces for the event, including parking;
- C. Regulation of lighting, including the prevention of glare or direct illumination of adjacent properties;
- D. Regulation of noise, including limitations on amplified sound;
- E. Regulation of hours, which may include reduction in operating hours and days to a shorter time than requested;
- F. Regulation regarding trash/debris/waste disposal and site/area clean up during and at the conclusion of the event so as to restore the site to its original condition;
- G. Requirement of bonds or other guarantees for cleanup or removal of structures or equipment; and
- H. Such other conditions as the Review Authority deems necessary to carry out the intent and purpose of this Chapter. Any other pertinent factors affecting the operation of the temporary event will be addressed through conditions to ensure the orderly and efficient operation of the proposed event, in compliance with the intent and purpose of this Chapter, including, but not limited to, regulation of temporary signage, temporary structures and facilities, including height, placement, and size, and the location of equipment and open spaces, including setbacks location of events, and any other conditions deemed necessary to limit the impacts of the temporary event.

9.01.090 Appeals, Revocation and Extensions of Time

- A. Appeals. The approval, denial, conditioning of or revocation of a Temporary Event Permit may be appealed to the City Manager by filing an appeal in writing, stating the reasons why the Neighborhood Services Director's decision was incorrectly rendered, within 10 days of the issuance of a decision. The City Manager, or designee, shall hold a hearing within 30 days (or in the case of a revocation, as quickly as feasible) of receipt of a complete appeal and shall make a determination on the appeal based on the findings set forth in Section 9.01.060 and 9.01.070. An appeal of a City Manager decision may be made to the City Council in the same manner.
- B. Revocation. A Temporary Event Permit may be revoked or modified by the review authority, at any time if: (i) the approval was obtained by means of fraud or misrepresentation of a material fact, or (ii) there is or has been a violation of or failure to observe the terms or conditions of the permit or approval, or the use has been conducted in violation of the provisions of this Title or other applicable law. The City's action to revoke a permit has the effect of terminating the permit and denying the privileges granted by the original approval.
- C. Extension of the Permit. The review authority may extend the length of the Temporary Event Permit upon request and provided that the extension is consistent with all of the findings required by Section 9.01.060.
- D. Expiration. A Temporary Event Permit shall be considered to have expired when the temporary event and removal of structures and equipment have ceased or the Temporary Event Permit was revoked.

SECTION 2. Certification of City Clerk.

The City Clerk shall certify to the adoption of this ordinance and, within 15 days after its adoption, shall cause it to be published in accord with California Law.

SECTION 3. Effective Date.

This ordinance shall take effect on the 31st day following adoption by the City Council.

INTRODUCED ON the ____ day of _____, 2021

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2021.

PAULA PEROTTE, MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH LOPEZ
CITY CLERK

MICHAEL JENKINS
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, Deborah S. Lopez, City Clerk of the City of Goleta, California, do hereby certify that the foregoing Ordinance No. 21-__ was introduced on _____, and adopted at a regular meeting of the City Council of the City of Goleta, California, held on the _____, by the following roll-call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK

ATTACHMENT 2

Resolution No. 21-__, entitled “A Resolution of the Planning Commission of the City of Goleta, California, Recommending to the City Council Adoption of an Ordinance to Amend Title 17 of the Goleta Municipal Code to Excise Provisions Pertaining to Temporary Events.”

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RESOLUTION NO. 21-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GOLETA, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL ADOPTION OF AN ORDINANCE TO AMEND TITLE 17 OF THE GOLETA MUNICIPAL CODE TO EXCISE PROVISIONS PERTAINING TO TEMPORARY EVENTS

WHEREAS the City of Goleta (City) adopted the New Zoning Ordinance (NZO) as Title 17 of the Goleta Municipal Code (GMC) on March 3, 2020; and

WHEREAS, during the public hearings to adopt Title 17, City Council directed staff to reconsider certain topics within the NZO for possible future amendments, including the removal of certain activities that are classified as temporary uses;

WHEREAS amendments to Section 17.41.260 Temporary Uses are proposed to excise provisions regulating temporary events; and

WHEREAS the Planning Commission conducted a duly noticed public hearing on April 12, 2021, at which time all interested persons were given an opportunity to be heard; and

WHEREAS the Planning Commission considered the entire administrative record, including the staff report, proposed amendments to Title 17, staff presentation, and oral and written testimony from interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF GOLETA, AS FOLLOWS:

SECTION 1. Recitals

The Planning Commission hereby finds and determines that the foregoing recitals, which are incorporated herein by reference, are true and correct.

SECTION 2. Recommendation of the Title 17 Amendments to the City Council

The Planning Commission has reviewed the ordinance amendment to GMC, Title 17, incorporated as Exhibit A and determines that the ordinance complies with Section 17.66.050(B):

A. The amendment is consistent with the General Plan, the requirements of State planning and zoning law, and Title 17 of the Goleta Municipal Code.

This ordinance amends Title 17 by deleting provisions pertaining to temporary events, which will be governed by new provisions in Title 9. The new provisions

will be managed by the Neighborhood Services Division and will serve to preserve the residential character of residential neighborhoods, maintain a system of parks that is available for use by the public, protect opportunities for enjoyment of beach and shoreline access, and control the generation of nuisance noise through appropriate noise regulations.

B. The amendment is in the interests of the general community welfare.

The ordinance is in the interest of the general community welfare because governance of temporary events in Title 9 will provide a process by which proposed Temporary Events on privately-owned property that do not meet the normal development or use standards of the applicable zoning district or the allowed uses in another governing action or permit pursuant to Title 17, but which are nevertheless acceptable due to their temporary nature, may continue to occur through the issuance of a Temporary Event Permit. The new provisions in Title 9, will allow events to take place on private property while continuing to ensure that basic health, safety, and community welfare standards are met. The procedures and policies provided for by Title 9 will allow for imposition of reasonable conditions of approval deemed necessary to avoid the creation of nuisance conditions. Because Title 9 will provide a process by which community building events on private property may be regulated to avoid incompatibility between the proposed activity and the surrounding area, the amendments are in the interest of the general community welfare.

C. The amendment is consistent with good zoning and planning practices.

The ordinance will allow for the continued occurrence of temporary events that foster a sense of community in a manner consistent with the community goals, objectives and policies of the General Plan. Therefore, the ordinance is consistent with good zoning and planning practices.

The Planning Commission also finds that the ordinance is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines §15061(b)(3) and §15378(b)(5). It can be seen with certainty that there is no possibility that the zoning ordinance amendments would have potential for causing a significant effect on the environment. The ordinance amendments remove certain activities that were either not subject to a temporary use permit or were required to obtain a temporary use permit but will be included elsewhere in the Goleta Municipal Code. Permit requirements for removed activities that required temporary use permit will be subject to a temporary event permit, which will ensure the basic health, safety and community welfare. The ordinance amendments effectuate administrative changes to ensure efficient government operations and do not result in any land use entitlements or physical development.

SECTION 3. Documents

The documents and other materials which constitute the record of proceedings upon which this decision is based, are in the custody of the City Clerk, City of

Goleta, 130 Cremona Drive, Suite B, Goleta, California, 93117.

SECTION 4. Certification

The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 12th day of April 2021.

KATIE MAYNARD
CHAIR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

WINNIE CAI
ASSISTANT CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, DO
HEREBY CERTIFY that the foregoing Resolution No. 21-__ was duly adopted by
the Planning Commission of the City of Goleta at a regular meeting held on the
12TH day of April, 2021 by the following vote of the Commission Members:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK