



TO: Mayor and Councilmembers

FROM: Michael Jenkins, City Attorney

CONTACT: Winnie Cai, Assistant City Attorney

SUBJECT: Second Reading of Ordinance Adopting an Ordinance Amendment to Title 17 of the Goleta Municipal Code to Excise Provisions Pertaining to Temporary Events and Ordinance, Add Chapter 9.01 to Title 9 of the Goleta Municipal Code Regulating Temporary Events on Private Property and Amend Chapter 12.07 of Title 12 on Parades, Assemblies and Special Event Permits

RECOMMENDATION:

- A. Conduct the second reading (by title only) and waive further reading and adopt Ordinance No. 21-__, entitled, "An Ordinance of the City of Goleta, California, Amending Title 17 of the Goleta Municipal Code to Excise Provisions Pertaining to Temporary Events"; and
- B. Conduct the second reading (by title only) and waive further reading and adopt, Ordinance No. 21-__, entitled, "An Ordinance of the City of Goleta, California Adding Chapter 9.01 to Title 9 of the Goleta Municipal Code Regulating Temporary Events on Private Property and Amending Chapter 12.07 of Title 12 of the Goleta Municipal Code Regulating Parades, Assemblies, and Special Event Permits on Public Property."

BACKGROUND:

On April 12, 2021, the Planning Commission conducted a public hearing to consider proposed revisions to amend Title 17 of the Goleta Municipal Code to excise provisions pertaining to temporary events, add Chapter 9.01 to Title 9 regulating temporary events on private property, and amend Chapter 12.07 of Title 12 on parades, assemblies and Special Event Permits and adopted Resolution 21-02 recommending to City Council adoption of those amendments.

DISCUSSION:

On June 1, 2021, the City Council introduced and conducted the first reading of the ordinance to add a new chapter to Title 9 of the Goleta Municipal Code to regulate temporary events and to excise provisions in Title 17 that regulate temporary events

(Attachment 1) and amendments to Chapter 12.07 of Title 12 of the Goleta Municipal Code regulating parades, assemblies, and Special Event Permits on public property (Attachment 2).

At this hearing, Councilmembers reviewed the Planning Commission recommendation and unanimously approved the proposed draft ordinance amendments, including removing regulations on temporary events from Title 17 and relocating them to Chapter 9.01 of the Goleta Municipal Code. By relocating the temporary event provisions in Chapter 17.41 to Chapter 9.01, the City can consistently evaluate and permit temporary events and special events. 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.

In addition, amendments to Chapter 12.07 were approved to ensure that the Chapter complies with the legal constraints imposed by the first amendment on the government's ability to regulate speech and assembly. Also, Chapter 12.07 provides some alternatives for expression concerning fast-breaking events and several provisions were added to Chapter 12.07 that provide event organizers, whose events are organized in response to fast breaking news, with alternatives to the ordinance's regular permitting requirements.

The City Council must conduct a second reading of the Ordinance prior to the Ordinance going into effect. If adopted, the Ordinance would become effective on the thirty-first day after adoption.

FISCAL IMPACTS:

There is no direct fiscal impact from adopting the proposed Ordinances.

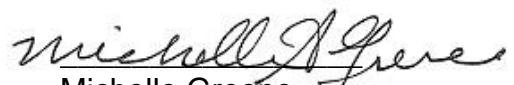
Reviewed By:


Kristine Schmidt
Assistant City Manager

Legal Review By:


Michael Jenkins
City Attorney

Approved By:


Michelle Greene
City Manager

ATTACHMENTS:

1. Ordinance No. 21-___, entitled, "An Ordinance of the City of Goleta, California, Amending Title 17 of the Goleta Municipal Code to Excise Provisions Pertaining to Temporary Events."
2. Ordinance No. 21-___, entitled, "An Ordinance of the City of Goleta, California Adding Chapter 9.01 to Title 9 of the Goleta Municipal Code Regulating Temporary Events on Private Property and Amending Chapter 12.07 of Title 12 of the Goleta Municipal Code Regulating Parades, Assemblies, and Special Event Permits on Public Property."

ATTACHMENT 1

Ordinance No. 21- _____, entitled, "An Ordinance of the City of Goleta, California, Amending Title 17 of the Goleta Municipal Code to Excise Provisions Pertaining to Temporary Events."

ORDINANCE NO. 21-____

**AN ORDINANCE 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 April 12, 2021 at which time all interested parties were given an opportunity to be heard; and

WHEREAS the Planning Commission recommends to the City Council adoption of the Title 17 Ordinance Amendment; and

WHEREAS the City Council conducted a duly noticed public hearing on June 1, 2021 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 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

Ordinance No. 21-____, entitled, “An Ordinance of the City of Goleta, California Adding Chapter 9.01 to Title 9 of the Goleta Municipal Code Regulating Temporary Events on Private Property and Amending Chapter 12.07 of Title 12 of the Goleta Municipal Code Regulating Parades, Assemblies, and Special Event Permits on Public Property.”

ORDINANCE NO. ____

**AN ORDINANCE 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 AND AMENDING
CHAPTER 12.07 OF TITLE 12 OF THE GOLETA
MUNICIPAL CODE REGULATING PARADES, ASSEMBLY,
AND SPECIAL EVENT PERMITS ON PUBLIC PROPERTY**

The City Council of the City of Goleta does 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 involve 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:
 - i. Location. Events are limited to non-residential uses.
 - ii. 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.
 - iii. 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 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.
 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:

- i. Temporary Events involving outdoor sales must be part of an existing business on the same site.
- ii. 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.
- iii. 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.

The minimum applicable ADA access requirements must be satisfied. 4. 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. Authority of the Neighborhood Services Director. 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 Chapter.
 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 applicants 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. Delegation of 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 in Section 9.01.060 above, including, without limitation:

- A. Regulation of vehicular ingress and egress and traffic circulation;
- B. Regulation of parking and dust, if using unpaved surfaces for the event;
- C. Regulation of lighting, including the prevention of glare or direct ~~light~~ 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 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 Sections 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 duration 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 is revoked.

SECTION 2. Chapter 12.07 (Parade, Assembly, and Special Event Permits and Regulations.) of Title 12 (Streets, Sidewalks and Public Places) of the Goleta Municipal Code is hereby amended to read in its entirety as follows:

Title 12 STREETS, SIDEWALKS AND PUBLIC PLACES

12.07.010 Purpose of Regulations—Applicability of Chapter

- A. The City declares that these regulations, relating to the use of City-owned property, are necessary for the preservation of life, limb, and property. The purpose of this Chapter is to provide a narrowly tailored regulatory framework for permitting special events that occur on or make use of City-owned property. The regulations contained herein are intended to protect the rights of people to engage in expressive activities on City-owned property by establishing the least restrictive and most reasonable necessary time, place and manner regulations of these activities.
- B. This Chapter establishes the standards for the issuance of a permit for parades, assemblies, and other special events in the City of Goleta.
- C. This Chapter does not apply to events authorized by and conducted pursuant to a lease of City property entered into pursuant to Chapter 12.08 of this Code.

12.07.020 Definitions

“Day” or “days” means calendar days.

“Director of Neighborhood Services” means the Director of Neighborhood Services and Public Safety or his or her designee.

“Event Organizer” means any person who conducts, manages, promotes, organizes, aids or solicits attendance at a Special Event.

“Expressive Activity” shall mean conduct, the sole and principal object of which is the expression, dissemination or communication by verbal, visual, literary or auditory means of opinions, views or ideas. Expressive Activity includes, but is not limited to, public oratory and the distribution of literature.

“Special Event” means either:

1. An organized formation, parade, procession, demonstration or assembly which may include persons, vehicles, or any combination thereof, which is to assemble or travel in unison on any street, sidewalk, or other public right-of-way owned or controlled by the City and which does not or is not reasonably likely to comply with applicable traffic regulations, laws or controls, or
2. Any organized assemblage of seventy five (75) or more persons at any public place, public park, public right of way, property or facility or any organized assemblage of persons which requires closure of a public street that is to gather for a common purpose under the direction or control of a person or organization.

“Special Event Permit” means a permit issued pursuant to this Chapter.

“Spontaneous Special Event” means a Special Event involving Expressive Activity that is responding to current affairs coming into public knowledge.

12.07.030 Permit Required

- A. Except as otherwise provided by this Chapter, it is unlawful for any person, entity, business, or group (including community, social, fraternal, religious and charitable groups) to conduct, manage, or participate in any Special Event for which a written Special Event Permit has not been issued in accordance with the provisions of this Chapter.
- B. The Director of Neighborhood Services is authorized to issue Special Event Permits pursuant to the procedures and regulations established by this Chapter.
- C. No Special Event Permit issued under the provisions of this Chapter shall be transferable or movable to another location or another applicant.

12.07.040 Exempt Events and Activities

- A. The following activities are exempt from the Special Event Permit requirement:
 1. Events and activities which take place on public streets, sidewalks, or other public rights-of-way owned or controlled by the City, but which do not meet the definition

- of a Special Event, including, but not limited to, lawful picketing, provided that all applicable traffic regulations, laws or controls are complied with;
2. A march, procession, walk, run, or assembly consisting of 500 or fewer participants that meets the following requirements:
 - i. The participants assemble, march, walk, or run in groups of less than 50, 2 abreast to create spacing between groups;
 - ii. The participants give way to others that they encounter on any public right-of-way;
 - iii. The participants obey all traffic and park regulations; and
 - iv. The participants do not obstruct the flow of vehicular or pedestrian traffic.
 3. Special Events that are not organized by any one person, group of persons, or organization.

12.07.050 Spontaneous Special Events

- A. Unless otherwise provided by this Chapter, Spontaneous Special Events that involve Expressive Activity and occur within five (5) days of and are prompted by news or affairs coming into public knowledge, do not require a Special Event Permit provided that the organizers thereof provide written notice to the Director of Neighborhood Services at least twenty four (24) hours prior to such Special Event. Such written notice shall contain all of the following information:
 1. The name, address, and telephone number of the person or organization wishing to conduct such Special Event;
 2. If the Special Event, is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and the authorized and responsible head of such organization;
 3. The name, address, and telephone number of the person who will act as the Special Event chairperson;
 4. The date when such Special Event is to be conducted and the hours the Special Event will commence and terminate;
 5. If applicable, the specific assembly and dispersal locations, the route to be traveled, and the starting and ending points;
 6. The approximate number of persons and vehicles constituting such Special Event and a general description of the vehicles;
 7. The time when such Special Event will terminate;
 8. The number, types, and locations of all loudspeakers and amplifying devices to be used;
 9. Whether and to what extent such Special Event demonstration will occupy all or a portion of the width of the streets proposed to be traveled;
 10. The location by streets of any Special Event;
 11. The time at which units of any parade or demonstration will begin to assemble at any such assembly area or areas; and
 12. Such other information as the Director of Neighborhood Services or his or her designee may deem necessary in order to properly provide for traffic control, police and fire protection, and the protection of the public health, safety, and welfare.
- B. The Director of Neighborhood Services may impose reasonable time, place, and manner restrictions on Spontaneous Special Events governed by Section 12.07.050(A) that are deemed necessary to properly provide for traffic control, police and fire protection, and the protection of the public health, safety, and welfare. The

Director of Neighborhood Services shall consult with the City Attorney before imposing conditions of a Spontaneous Special Event governed by Section 12.07.050(A). Such notice shall provide detailed facts and reasons for any conditions of approval.

- C. If the Director of Neighborhood Services makes any of the findings listed in Section 12.07.080(A) with regard to a Spontaneous Special Event governed by Section 12.07.050(A), the Director of Neighborhood Services may propose to the person or organization that is organizing the Spontaneous Special Event an alternative time, route, venue, or manner of conducting the Spontaneous Special Event, which would obviate the Director's finding.
1. A finding listed in Section 12.07.080(A) with regard to a Spontaneous Special Event governed by Section 12.07.050(A) shall be made no later than twenty-four (24) hours after written notice of the Spontaneous Special Event is provided.
 2. The Director of Neighborhood Services shall immediately provide notice of the finding by telephone to the person or organization providing notice of the Spontaneous Special Event. Notice of the finding shall include the proposed alternative means of conducting the Spontaneous Special Event.
 3. If and only if, the Event Organizer and the Director of Neighborhood Services cannot agree on an alternative time, route, venue, or manner of conducting the Spontaneous Special Event, that would obviate the Director of Neighborhood Services' findings, the Director of Neighborhood Services may then deny permission to conduct the Spontaneous Special Event after having consulted with the City Attorney.

12.07.060 Permit Application.

- A. Any person desiring to conduct a Special Event must make a written application to the Director of Neighborhood Services at least thirty (30) days in advance of the proposed Special Event. Such application must include the following information:
1. The name, address, and telephone number of the person requesting the permit.
 2. The name and address of any organization or group he or she is representing.
 3. The name, address, and telephone number of the person who will act as Special Event chairperson, who will be responsible for the conduct of the Special Event.
 4. The number of monitors provided by the applicant and the identifying marks, badges, or symbols to be worn or used by such monitors.
 5. The estimated number of persons to participate and to otherwise attend, and the number and types of vehicles to participate.
 6. The method of notifying the participants of the terms and conditions of the permit prior to the Special Event.
 7. The date the Special Event is to be conducted and the hours the Special Event will commence and terminate.
 8. If a parade or procession will occur, the specific assembly and dispersal locations, the specific route, and the plans, if any, for assembly and dispersal.
 9. Whether any music will be provided, either live or recorded.
 10. The number, types, and locations of all loudspeakers and amplifying devices to be used.

11. Whether and to what extent such Special Event will occupy all or a portion of the width of the streets proposed to be traveled.
 12. Such other information as the Director of Neighborhood Services or his or her designee may deem necessary in order to properly provide for traffic control, street and property maintenance, administrative arrangements, police and fire protection, and the protection of the public health, safety, and welfare.
- B. Each application shall be accompanied by a nonrefundable permit application fee in an amount established from time to time by resolution of the City Council. The applicant shall obtain all required permits and pay all fees required under this Chapter and any other permits and fees required under this Code.
 - C. Non-profit organizations that provide a copy of their 501(c)(3) Certificate with their application will be charged a reduced permit application fee in an amount established from time to time by resolution of the City Council.
 - D. Except as otherwise required by this Code, the Director of Neighborhood Services shall, within three (3) days, determine whether such application is or is not complete. Notwithstanding the Director of Neighborhood Services' determination that an application is complete, no event date shall be considered confirmed until a Special Event Permit is issued, and the Director of Neighborhood Services shall retain the authority to request additional information if necessary to make the findings required by Section 12.07.070(C).
 - E. Notwithstanding the application deadline set forth in paragraph A. above, an application for a Special Event Permit submitted by a person seeking to engage in Expressive Activity, as defined in this Chapter, for which a permit is required under this Chapter, shall be filed not less than five (5) days prior to the event.
 - F. In the event that an application is not filed within the required time period as specified herein, the applicant may submit a signed declaration to the Director of Neighborhood Services and the City Attorney shall review the declaration and shall grant the exemption if all of the following conditions are met:
 1. The proposed Special Event will involve Expressive Activity;
 2. The imposition of the time limitation is reasonably likely to infringe on the applicant's constitutional right to free speech or assembly; and
 3. The circumstances giving rise to the proposed Special Event did not reasonably allow the applicant to file for a permit within the time period prescribed by this Chapter.
- If the Director of Neighborhood Services, in consultation with the City Attorney, deems that the conditions of the declaration are not met, the application shall be deemed denied.

12.07.070 Permit Issuance.

- A. Applications determined to be complete by the Director of Neighborhood Services for a Special Event Permit shall be denied, approved, or conditionally approved by the Director of Neighborhood Services within ten (10) days of such determination. If an application is determined to not be completed or is denied, the written notice shall set forth the reasons for such determination or for the denial.
- B. In the case of an application submitted for a Special Event involving Expressive Activity, the Director of Neighborhood Services shall promptly attempt to notify the applicant orally of the approval or denial of a permit and shall provide written notification to the applicant as soon as it is reasonably practical to do so. However, in

no event shall the written notification of a denial be provided later than three (3) days of the Director's oral notification. Such notice shall provide detailed facts and reasons for any denial or conditional approval. The Director of Neighborhood Services shall consult with the City Attorney before denying or conditionally approving a permit involving Expressive Activity (including all activities wherein the applicant claims or contends that the proposed event involves Expressive Activity) as that term is defined in this Chapter.

- C. The Director of Neighborhood Services shall issue a Special Event Permit under this Chapter if the Director of Neighborhood Services finds that the following criteria have been met:
1. The proposed use of the property is not governed by or subject to any other permit procedures provided elsewhere in this code or other applicable laws, rules, or regulations;
 2. The Special Event will not substantially interrupt vehicular and pedestrian traffic in the area of its location
 3. The Special Event will not require the diversion of public safety or other City employees from their normal duties so as to unreasonably reduce adequate levels of service to any other portion of the City;
 4. The concentration of persons or vehicles will not unreasonably interfere with the movement of police, fire, ambulance, and other public safety or emergency vehicles on the streets;
 5. The Special Event will not unreasonably interfere with any other Special Events for which a permit has already been granted or with the provision of City services in support of other scheduled events or scheduled government functions;
 6. The Special Event will not have an unmitigable adverse impact upon residential or business access and traffic circulation in the same general venue area;
 7. The Special Event will not adversely affect the City's ability to reasonably perform municipal functions or furnish City services; and
 8. The proposed Special Event will not have a significant adverse environmental impact.
- D. The Director of Neighborhood Services may condition any permit issued pursuant to this Chapter on the applicant's agreement to comply with reasonable time, place, and manner conditions as are necessary to coordinate multiple uses of public property, assure preservation of public property and public places, prevent dangerous, unlawful or impermissible uses, protect the safety of persons and property, and to control vehicular and pedestrian traffic in and around the venue. The Director of Neighborhood Services shall consult with the City Attorney to develop any such reasonable time, place, and manner conditions, and the Director of Neighborhood Services shall provide the applicant with a written explanation for a decision that imposes any such conditions on the permit.

12.07.080 Permit Denial or Revocation

- A. The Director of Neighborhood Services shall deny any application for a permit or revoke any permit if he or she finds any of the following:
1. The Special Event will unreasonably disrupt traffic within the City; or
 2. The Special Event will unreasonably interfere with access to police or fire stations, or other public safety facilities; or
 3. The Special Event will require the diversion of so many public employees

that allowing the Special Event would unreasonably deny service to the remainder of the City;

4. The application contains incomplete, false, or misleading information; or
 5. The Director of Neighborhood Services is unable to make all of the relevant findings pursuant to Subsection 12.07.070; or
 6. The applicant fails to comply with all terms of this Chapter; or
 7. The Special Event is proposed for a time and place for which another Special Event Permit has been issued to a prior applicant; or
 8. The proposed area for the assembly or for the set up or dispersal of a parade or other Special Event could not physically accommodate the number of participants expected to participate in the Special Event.
- B. An Event Organizer whose permit application is denied, or whose permit is revoked, pursuant to this Section shall be notified of the action of denial or revocation, which notification shall contain a statement setting forth the reasons for said denial or revocation as well as a reference to the appeal provisions set forth in Section 12.07.090. Notification made pursuant to this subsection, shall be deemed satisfied when the notice is placed, postage prepaid, in the United States mail, certified mail, return receipt requested, and addressed to the applicant at the address shown on the permit application.

12.07.090 Appeals

- A. Except as otherwise provided by this Chapter, any person aggrieved by the issuance, denial, or revocation of a permit or any other action taken by the City pursuant to this Chapter may appeal such decision to the City Council by filing a written notice of such appeal with the City Clerk anytime within the ten (10) day period following the decision of the Director of Neighborhood Services giving rise to the appeal. Such appeal shall set forth, with particularity, the facts upon which the appeal is being made. The City Clerk shall schedule an appeal hearing with the City Council at a meeting that is scheduled as soon thereafter as is practicable and feasible. At such hearing, the aggrieved party is entitled to be heard and to present evidence on his/her behalf. The City Council shall determine the merits of the appeal and the City Council's determination to grant or deny the appeal shall be final.
- B. As an alternative to filing an appeal with the City Council, any person aggrieved by the issuance, denial, or revocation of a permit or any other action taken by the City pursuant to this Chapter may appeal such decision directly to the Superior Court within the ten (10) day period following the decision of the Director of Neighborhood Services giving rise to the appeal.

12.07.100 Indemnification Agreement

- A. Before a permit is issued, the permit applicant or the authorized officer of the sponsoring organization must sign an agreement to reimburse the City of Goleta for any costs incurred by it in repairing damage to City property occurring in connection with the permitted event and proximately caused by the actions of the permittee or sponsoring organization, its officers, employees, or agents, or any person who was under the permittee's or sponsoring organization's control insofar as permitted by law. The agreement must also provide that the permittee or sponsoring organization must defend the City against, and indemnify and hold the City harmless from, any liability to any persons resulting from any damage or injury occurring in connection with the

permitted event proximately caused by the actions of the permittee or sponsoring organization, its officers, employees or agents, or any person who was under the permittee's or sponsoring organization's control insofar as permitted by law and in a form consistent with this requirements and acceptable to the City Attorney. For purposes of this Section, a person who merely joins in a parade, assembly, or special event is not considered, by reason of that act alone, to be "under the control" of the permittee or sponsoring organization. Nothing contained in this Section shall be construed as obligating a permit applicant to indemnify or hold the City harmless for losses proximately caused by reactions of persons not affiliated with the parade, assembly, or special event to the parade, assembly, or special event.

B. Waiver of Indemnification Requirements.

1. The Director of Neighborhood Services may waive the indemnification requirements if he or she determines that the Special Event does not present a substantial or significant public liability or property damage exposure for the City or its officers.
2. In the event that the Special Event involves Expressive Activity, the Director of Neighborhood Services shall not apply the indemnification requirements to the Special Event provided that the Special Event organizers agree to redesign or reschedule the permitted Special Event to respond to specific risks, hazards and dangers to the public health and safety identified by the Director of Neighborhood Services as being reasonably foreseeable consequences of the permitted Special Event.

12.07.110 Insurance

A. Liability Insurance. Applicant shall provide to City documentation that meets the City's current standard insurance requirements.

B. Certificates of Insurance. A copy of the policy or a certificate of insurance along with all necessary endorsements must be filed with the Director of Neighborhood Services no less than five (5) days before the date of the Special Event. The Special Event Permit must not be issued by the Director of Neighborhood Services until after the insurance policy or certificate of insurance along with necessary endorsements have been filed by the applicant or sponsor and approved by the City.

C. Waiver of Insurance Requirements.

1. The Director of Neighborhood Services may waive the insurance requirements if he or she determines that the Special Event does not present a substantial or significant public liability or property damage exposure for the City or its officers.
2. In the event that the Special Event involves Expressive Activity, the Director of Neighborhood Services shall not apply the insurance requirements to the Special Event provided that the Special Event organizers agree to redesign or reschedule the permitted Special Event to respond to specific risks, hazards and dangers to the public health and safety identified by the Director of Neighborhood Services as being reasonably foreseeable consequences of the permitted Special Event.
3. In the event that a permittee's insurance waiver request is denied, the Director of Neighborhood Services shall immediately notify the permittee of the denial and, in such notification, shall set forth the specific risks, hazards, and dangers to the public health and safety, on which the decision to deny the waiver request has been made. If possible, the Director of Neighborhood Services shall also propose

to the permittee options for redesigning or rescheduling the Special Event in order to respond to those risks.

12.07.120 Issuance of Permits—Keeping Permits on Premises.

At all times during the course of the Special Event permitted under this Chapter, a responsible person must be on the premises concerned, with the original permit in his or her possession at such times. Upon request of any City official or peace officer, he or she must exhibit such permit for inspection.

12.07.130 Overnight Occupancy and Temporary Dwellings Prohibited Exceptions.

- A. Because of health and sanitation problems, no person, except as hereinafter in this section excepted, is permitted to remain overnight on any City-owned property unless pursuant to a valid lease from the City or by specific written permission first had and obtained from the City.
- B. Because of health and sanitation problems and the further risk to persons and property from fire and overcrowding, no person is permitted to erect or maintain any temporary structure or tent or to locate any camper or trailer upon any City-owned property, unless by specific written permission first had and obtained from the City.
- C. The provisions of this section do not apply to any parks or other facilities owned or maintained by the City where overnight camping is expressly permitted; provided, that all of the rules and regulations of such parks or other facilities are fully met and complied with. The provisions of this section do not apply to firemen, police officers, custodians, caretakers and other persons whose duties require that they stay overnight on City-owned property, nor do they apply to prisoners or other persons whose presence overnight on City-owned property is required or authorized by other provisions of law.

SECTION 3: Effective Date.

This ordinance shall take effect thirty days after its passage and adoption pursuant to California Government Code section 36937.

SECTION 4. Certification.

The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Goleta's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

INTRODUCED ON the ____ day of _____, 2021

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

PAULA PEROTTE, MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH LOPES
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