



TO: Mayor and Councilmembers

SUBMITTED BY: Luz “Nina” Buelna, Public Works Director

PREPARED BY: Teresa Lopes, Principal Engineer

SUBJECT: Second Reading of an Ordinance to Amend Requirements and Procedures for Encroachment Permits

RECOMMENDATION:

- A. Conduct second reading (by title only) and adopt Ordinance No. 26-__entitled, “An Ordinance of the City Council of the City of Goleta, California, Replacing Chapter 12.02, Title 12, of the Goleta Municipal Code Regarding Encroachments on Public Property; and Finding the Regulations Exempt from the California Environmental Quality Act.”
- B. Direct staff to file a Notice of Exemption

BACKGROUND:

The City of Goleta is responsible for managing and regulating activities in the City’s public right-of-way to ensure safety, protect infrastructure, and coordinate improvements. The City currently issues Encroachment Permits under the authority of Title 12, Streets, Sidewalks, and Public Places, of the Goleta Municipal Code.

On April 21, 2026, the City Council introduced and conducted the first reading of an ordinance that would amend the City’s Encroachment Permit requirements regarding encroachments on public property. These code amendments updated the existing language of the Goleta Municipal Code which the City had carried over from the County of Santa Barbara’s regulations on encroachments in 2002. The existing language was updated to reflect current best practices, standards, construction methods, or engineering requirements.

The amended language also established pavement moratorium provisions applicable to recently constructed or rehabilitated streets. These revisions reflect current City practices and provide a clear and consistent framework for encroachment permit review and implementation. The updates also strengthen the

City's ability to preserve pavement and infrastructure performance by establishing clear restoration requirements and limiting disturbance on recently improved streets.

DISCUSSION:

The City Council now has the opportunity to conduct the second reading and adopt the proposed Ordinance (Attachment 1). If Council conducts the second reading of the proposed Ordinance, the Ordinance will become effective upon the 30th day after the second reading.

Environmental Review:

Staff requests Council to direct staff to file the attached Notice of Exemption included as Attachment 2 after Council's second reading of the proposed Ordinance.

FISCAL IMPACTS:

There are no direct fiscal impacts associated with the adoption of this ordinance.

ALTERNATIVES:

The City Council may elect not to adopt the proposed ordinance, or direct staff to file a Notice of Exemption, which would leave Title 12 in its current, outdated form and does not maximize the City's ability to effectively regulate activities in the public right-of-way.

LEGAL REVIEW BY: Isaac Rosen, City Attorney

APPROVED BY: Robert Nisbet, City Manager

ATTACHMENTS:

1. Ordinance No. 26-__ entitled, "An Ordinance of the City Council of the City of Goleta, California, Replacing Chapter 12.02, Title 12, of the Goleta Municipal Code Regarding Encroachments on Public Property; and Finding the Regulations Exempt from the California Environmental Quality Act."
2. Notice of Exemption

ATTACHMENT 1

Ordinance No. 26-__ entitled, "An Ordinance of the City Council of the City of Goleta, California, Replacing Chapter 12.02, Title 12, of the Goleta Municipal Code Regarding Encroachments on Public Property; And Finding the Regulations Exempt from the California Environmental Quality Act"

ORDINANCE NO. 26-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, REPLACING CHAPTER 12.02, TITLE 12, OF THE GOLETA MUNICIPAL CODE, REGARDING ENCROACHMENTS ON PUBLIC PROPERTY; AND FINDING THE REGULATIONS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

THE CITY COUNCIL OF THE CITY OF GOLETA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct and incorporated herein by this reference.

SECTION 2. Title 12, Chapter 12.02 of the Goleta Municipal Code, is hereby repealed and replaced in its entirety as follows:

§ 12.02.010. Definitions.

For the purposes of this Article the following words and phrases shall have the meanings respectively ascribed to them by this section:

- A. Applicant. Any person, or their duly authorized agent, making written application to the City for an encroachment permit.
- B. Hot Mix Asphalt or HMA. The blend of aggregate and asphalt binder meeting the specifications set forth in the City of Goleta standard specifications, and the most current Caltrans Standard Specifications Section 39, "Hot Mix Asphalt," whichever is more stringent or as directed by the Director.
- C. Department. The Public Works Department.
- D. Director. The Public Works Director, or designee.
- E. Excavate or Excavation. Any opening in the surface of a street made in any manner whatsoever, except an opening into a lawful structure below the surface of a street, the top of which is flush with the adjoining surface and so constructed as to permit frequent openings without injury or damage to the street.
- F. Facility. Pipe, pipe line, tube, main, service, trap, vent, vault, manhole, meter, gauge, regulator, valve, conduit, wire, tower, pole, pole line, anchor, cable, junction box, transformer or any other material, structure or object of any kind or character, whether enumerated herein or not, which is or may be lawfully constructed, left, placed or maintained in, upon, along, across, under or over any street.

- G. CA MUTCD. The Manual on Traffic Control Devices, California Supplement, and any amendments or supplements thereto.
- H. Permit. A permit issued by the Department pursuant to this Article.
- I. Permittee. Any person who has received a permit pursuant to this Article.
- J. Person. Any individual, firm, partnership, joint venture, business organization or entity, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate or any other group or combination acting as a unit.
- K. Public Agency. The United States, or any department or agency thereof, the State of California or any department or agency thereof, any City, County, municipal corporation, political subdivision, public district or any other public officer or public body.
- L. Street. Any public street, highway, street, alley or road right-of-way, or other thoroughfare, including all associated infrastructure such as the sidewalk, parkway, curb, and gutter, for use by the public for purposes of travel, access, or utilities in the City . Public street classifications are shown in Figure 7.2 of the General Plan/Coastal Land Use Plan 7.0 Transportation Element, and are defined as follows:
- Principal Arterial – continuous routes that carry through traffic between various neighborhoods and communities, frequently providing access to major traffic generators such as shopping areas, employment centers, recreational areas, higher-density residential areas, and places of assembly.
 - Minor Arterial - serve as a secondary type of arterial street carrying local through traffic within communities, frequently providing access to shopping areas, employment centers, recreational areas, residential areas, and places of assembly. A minor arterial may connect different neighborhood areas within the city.
 - Major Collector- function to collect traffic from local streets and to carry that traffic to principal or minor arterials. Collectors may also link two arterials as well as collecting traffic from local streets and abutting driveways. Collectors are designed to provide access to local streets within residential and commercial areas or to connect streets of higher classifications to permit adequate traffic circulation.
 - Local Street - provides access to abutting individual properties and links such properties and their uses to a collector or arterial. Local streets are intended to serve only adjacent uses and are intended to protect residents from the impacts of through traffic.
- M. Substructure. Any pipe, conduit, duct, tunnel, manhole, vault, buried cable, or wire, or other similar structure located below the surface of any street.

(Ord. 02-01 § 1)

§ 12.02.020. Purpose of Article.

The purpose of this Article is to regulate and control all secondary uses of City streets with adherence to the City's regulations and policies in order to protect and preserve the primary purpose and use of such streets which is hereby declared to be traveled by the public.

(Ord. 02-01 § 1)

§ 12.02.030. Permit—Required.

No person shall permanently or temporarily encroach upon, block, or otherwise interfere with the intended use of a street, or dig, pile up, remove, or break the earth, soil, stone, pavement, or other surface of, or otherwise cause any excavation, or construct, place upon, maintain, or leave any material or any obstruction or impediment to travel in or upon a street, or install or maintain or cause to be installed or maintained any tank, pipe, conduit, duct, tunnel, sign, or any other installation of any nature, across, upon, in, or under any street without first obtaining an encroachment Permit and complying with all conditions thereof and all provisions of this Article.

For purposes of this section, equipment staging or material storage within a street is prohibited unless expressly authorized by an encroachment permit and limited to the duration of active construction work. Equipment, vehicles, trailers, materials, or appurtenances shall not be stored, parked, or staged within a street, including shoulders, parkways, or unimproved areas, outside of active work hours or overnight.

Staging within a street for convenience, long-term storage, or as a substitute for private staging areas is expressly prohibited.

Nothing in this Article prohibits any person from encroaching or making such excavation as may be necessary for the preservation of life or property when such necessity arises during such hours as the offices of the City are closed, if the person making such excavation obtains a permit therefor within one day after the offices of the Department are first opened subsequent to the making of such excavation.

(Ord. 02-01 § 1)

§ 12.02.040. Permit—Application—Issuance.

A. Applications for a Permit for performance of any of the acts described in Section 12.02.030 shall be made in writing, which could be on electronic or physical forms furnished by the Department. The completed application shall be filed with the Department and shall set forth the following in detail, where applicable:

1. Name and residence or business address of applicant.
2. Location, dimensions, purpose, extent and nature of the proposed excavation, fill or obstruction, and the facilities or substructures to be

installed, repaired or removed.

3. Such other information as may be required by the Department.
- B. Where one particular encroachment combines two or more of the acts described in Section 12.02.030, a single application may, in the discretion of the Department, be submitted to cover such encroachment. All applications shall be made by the property owner, or by a agent duly authorized in writing. This application, when approved and signed by the Department, shall constitute the permit required under this Article.

The Director may issue a permit hereunder only if the application meets all of the requirements of this Article, the CA MUTCD, City of Goleta Standard Specifications and Standard Details, City's General Plan, Goleta Municipal Code, and any other regulations and policies, including those standards from other public entities that the City has adopted by reference. The Director shall not issue a Permit where the proposed work is incompatible with the design, operation, and long-term use of City streets and infrastructure, and cannot be constructed and maintained in a manner that does not create undue impacts to traffic operations, public safety, or use of the street by the public.

- C. The Department may require an applicant to submit traffic counts, trip generation data, operational analysis, or other technical information reasonably necessary to evaluate the effects of the proposed work on traffic operations, circulation, and public safety within the public street. All traffic control devices and procedures, including, but not limited to, street closures, related material, and equipment, shall conform to the requirements of those standards and policies enumerated in Section 12.02.040(C).

(Ord. 02-01 § 1)

§ 12.02.050. Permit—When Plat to Accompany Application.

- A. With each application for a permit hereunder, the Department may require the applicant to file a plat, showing and designating by name, the street or streets that will be affected by the encroachment, together with the exact proposed location or locations and dimensions thereof, as well as any other details required by the Department.
- B. This section shall not apply to excavations solely for making or maintaining service connections or for locating troubles or breaks in conduits, lines, or pipes and repairing the same.

(Ord. 02-01 § 1)

§ 12.02.060. Permit—When Construction Plans to Accompany Application.

If, in the discretion of the Director based on those standards and policies enumerated in Section 12.02.040(C), the work proposed to be done by any applicant requires the

making of construction plans, the Department may require the application to be accompanied by such construction plans, and may require that such construction plans shall be prepared by a licensed surveyor or registered civil engineer.

(Ord. 02-01 § 1)

§ 12.02.070. Permit—Security Prerequisite to Approval—Conditions of Security.

- A. Performance, Restoration, and Warranty Securities. With each application for a permit hereunder, Applicant shall provide security, in a form acceptable to the Department, in an amount calculated by the Department to be sufficient to cover all costs required hereunder to:
 - 1. perform the work under the permit;
 - 2. restore the surface of the street or streets and other public facilities to a condition as good as it was in prior to commencing the acts permitted hereunder and as required by this Article, provided that pavement and concrete restoration shall extend to the nearest lane line, pavement joint, score line, or other logical termination point as determined by the Director, and shall not result in partial-width, irregular, or visually inconsistent repairs; and
 - 3. warranty that the work performed and restoration of the street for a period of two (2) years after acceptance of the work by the Department.

The Director may reduce the amount of security depending on the size of the project and date of completion of work.

- B. Security includes, but is not limited to, a cash deposit, certified check, cashier's check, bond, irrevocable letter of credit, or any other type of security that the Department deems adequate. Security shall be at least 110 percent, or greater at the Director's discretion, of the cost of the work to be performed under the permit.
- C. If a bond is posted, it shall be executed by a corporation incorporated for the purpose of making, guaranteeing or becoming a surety, and qualified as such under California law, and shall inure to the benefit of the City and be conditioned upon payment of all fees and other charges required by this Article and full and complete repair and restoration of the street affected to a condition as good as they were in prior to commencement of the acts permitted hereunder and as required by this Article. Such bond shall further be subject to the approval of the City Attorney as to form and sufficiency.
- D. The warranty security shall be in an amount determined by the Department to be sufficient to cover potential trench settlement, pavement failure, or other defects arising from the permitted work. If defects occur within the warranty period and are not corrected by the applicant within the time specified by the Department, the City may use the warranty security to perform the required corrective work.
- E. Ongoing Responsibility. The expiration of any warranty security shall not relieve

the Permittee of responsibility for trench settlement, pavement failure, or other damage to the street arising from the permitted work or the continued presence of the facility. The Permittee or utility shall remain responsible in perpetuity for such conditions and shall, upon notice from the City, promptly make all necessary repairs at no cost to the City.

- F. In the event that a portion of any job, for which a permit is required under this Article, shall have been permitted under any other provision of this Code or other ordinance and any of the securities enumerated in the first paragraph of this section have been given, the Department may accept such security as complying in full or in part with the requirements of this Article and waive the security required hereunder in full or in part.

(Ord. 02-01 § 1)

§ 12.02.080. Permit—Issuance Fees.

The applicant shall pay fees pursuant to the current fee schedule adopted by the City Council. The applicant shall provide proof of insurance as required by the City in coordination with the City Attorney, and the insurance policy of the applicant shall name the City as an additional insured party with respect to the work performed.

(Ord. 02-01 § 1)

§ 12.02.090. Permit—Conditions and Changes on Permits.

- A. Any permit issued hereunder shall be subject to such conditions, changes, or limitations as are from time to time deemed necessary by the Department for the protection of City streets; to prevent undue interference with traffic; or protect persons and property within, upon or adjacent to the City streets from damage or danger; to adhere to the those standards and policies enumerated in Section 12.02.040(C); and to meet the best interests of the City. In the case of changes, limitations, or conditions imposed by the Department after a permit is issued, the Department shall notify the Permittee in writing. Notice may be provided by U.S. mail, personal service, electronic mail to the address listed on the permit application, or through another electronic notification system maintained by the City. Each Permittee shall keep current contact information, including email and an emergency contact phone number, on file with the Department.
- B. Such change shall be effective immediately upon personal service or electronic delivery, or twenty-four (24) hours after deposit in the United States mail, whichever occurs first, unless a shorter compliance period is expressly specified in the notice due to public safety considerations.

(Ord. 02-01 § 1)

§ 12.02.100. Permit— Single Permits and Annual Permits.

The City may issue a single permit for one or multiple encroachments or other work

done, which are part of a single project or job.

The Department may issue an annual permit for service connections or for other routine minor work consisting only of maintenance of service connections or other minor routine maintenance work requiring less than or equal to 6 cubic yards of excavation or less than or equal to 60 linear feet, and excludes traffic control at traffic signals and on Principal Arterials, Minor Arterials, or Major Collector streets. Either permit shall become effective and be exercised by Permittee's written notice to the Department at least 24 hours before work is to be commenced.

(Ord. 02-01 § 1)

§ 12.02.110. Permit—Nontransferable.

Permits issued pursuant to this Article are nontransferable.

(Ord. 02-01 § 1)

§ 12.02.120. Permit—Rejection for Incompleteness, Denial and Revocation.

A. The Department may reject an application for being incomplete, which is not subject to appeal under this Article, upon any of the following:

1. Applicant's lack of provision of any of the information, securities, legal plats, construction plans, traffic control plans, and other data required by this Article or determined to be necessary for the processing of the application by the Director as authorized under this Article; and
2. The Applicant cannot affirm on the application that it does not have an outstanding violation of the Goleta Municipal Code and outstanding unpaid fees and taxes owed to the City.

B. If an application contains all the relevant information as required by this Article and deemed to be necessary by the Director under this Article and the Applicant can affirm that it does not have an outstanding violation of the Goleta Municipal Code and outstanding unpaid fees and taxes owed to the City, the Department may deny an application for the following:

1. failure to meet those standards and policies enumerated in Section 12.02.040(C) or
2. Applicant knowingly, willfully or negligently made a false statement of material fact or omitted a material fact from the application. The Department may suspend or revoke any permit under this Article if the Permittee is in default of any terms or conditions of any permit issued by the City, is in violation of any section of this Goleta Municipal Code, or the Permittee knowingly, willfully or negligently made a false statement of material fact or omitted a material fact from the application.

- C. The Department may suspend or revoke any permit under this Article if the Permittee is in default of any terms or conditions of any permit issued by the City, is in violation of any section of this Goleta Municipal Code, or the Permittee knowingly, willfully or negligently made a false statement of material fact or omitted a material fact from the application.

An Applicant may appeal a denial or a Permittee may appeal a suspension or revocation of a permit upon filing a written appeal with the Department within five (5) business days of the date of a written denial or revocation by the Department, enumerating all the reasons why the appeal should be granted, and seek an appeal hearing with the City Manager, or designee. The City Manager, or designee, must conduct a hearing of the appeal and issue a written decision within 30 calendar days of the hearing. The City Manager's, or designee's, decision shall be final.

(Ord. 02-01 § 1)

§ 12.02.130. Permit—Display.

The permit or a true copy issued by the Department shall be available at the job site at all times while the work is in process and until accepted by the Department as fully completed.

(Ord. 02-01 § 1)

§ 12.02.140. Stop Work Orders

- A. In addition to any other remedies or rights the City may have, the Department may issue a stop order upon violation of any of the provisions of this Article or revocation or suspension of any permit granted hereunder. Such stop order shall be in writing and shall be effective immediately upon personal delivery to the person in charge of the work at the job sites. Upon such delivery of such stop order, all further work shall be immediately stopped, other than such work as is immediately necessary for the preservation of life or property and shall not be recommenced until written permission therefor is granted by the Department.
- B. If in the course of the work being done under the permit or permits, additional inspections or additional replacement charges over and above the amount of the initial security become necessary, or in the case of continuing security the amount becomes insufficient to cover fees and charges for work in progress, the Department may require that additional security be furnished by the Permittee. Failure to promptly furnish the same upon request shall be grounds to revoke or suspend the permit or permits as provided in this Article and order all work being done to be stopped.

(Ord. 02-01 § 1)

§ 12.02.150. Collection of Fees and Charges.

All unpaid fees and charges made pursuant to this Article may be deducted from cash deposits made by the Applicant, where deposits are required. Upon completion of the permitted work and acceptance by the Department, any remaining balance shall be returned to the Permittee, except that the City shall retain security in an amount not less than twenty-five percent (25%) of the restoration cost, or \$5,000.00, whichever is greater, for a warranty period of two (2) years to guarantee the work against trench settlement, pavement failure, or other defects.

For work of minor value, defined as restoration costs of less than \$5,000.00, the Director may authorize release of retained security after one (1) year if no defects are observed.

Where cash deposits are not made, all unpaid fees and charges shall be billed to the Permittee and shall constitute a debt to the City and such debt shall carry ten percent (10%) compound monthly interest until paid by Permittee or collected from a security.

(Ord. 02-01 § 1)

§ 12.02.160. Remedies for Collection of Unpaid Fees and Charges.

In the event that an Applicant shall fail to pay any fees or charges due under this Article, the City may proceed to collect such unpaid fees or charges with ten percent (10%) compound monthly interest and cost of City staff or consultant time, including attorney's fees, with a 20 percent administrative fee associated with collection from the Applicant, Permittee, or Permittee's posted security. The City may elect to bring an action in any court of appropriate jurisdiction to collect such fees or charges, interest, and cost of City staff or consultant time, including attorney's fees, with a 20 percent administrative fee associated with collection from the Permittee without the necessity of first bringing an action against the surety of any security provided by the Permittee. The monthly compound interest shall continue to accrue until Permittee has paid all outstanding fees, charges, interest, and collection costs pursuant to this Article. The Permittee shall bear all of the City's costs associated with a collection action filed with a court of competent jurisdiction, including but not limited to all court costs, attorney fees, expert witness costs, and any other costs required for and related thereto.

The City may refuse to issue accept new permit applications by the Permittee who has unpaid fees or charges outstanding on any encroachment permit..

(Ord. 02-01 § 1)

§ 12.02.170. Indemnification, Hold Harmless, and Defense

Each Applicant shall sign a statement on each application agreeing to indemnify, save and hold harmless, and defend the City of Goleta, its elected officials, officers, agents, employees, and volunteers, from any claims, lawsuits, demands, judgments, and all liability, arising out of, directly or indirectly, the work undertaken under the terms of this Permit or Permits which may be granted in response thereto, and all of said liabilities are hereby assumed by the Applicant/Permittee. The duty to defend shall include any suits or actions concerning any work done under a Permit issued under this Article, and also

include the payment of all court costs, attorney fees, expert witness costs, investigation costs, claims adjusting costs, and any other costs required for and related thereto. If Applicant/Permittee fails to abide by this obligation, the City may exercise remedy under the law to enforce such obligation and be entitled to recover its all of its costs associated with an enforcement action, including but not limited to court costs, cost of staff and consultant time, attorney fees, expert witness costs, and any other costs required for and related thereto.

(Ord. 02-01 § 1)

§ 12.02.180. Applicability of Article to Subdivisions.

The terms of this Article shall apply to work on, in, or in connection with streets in any subdivision or subdivided lands, as the same are defined by law, provided that requirements of Title 16 and any regulations, resolutions, and orders of the City relating to subdivisions shall govern all bonds and inspection fees on work done in or in connection with a subdivision.

(Ord. 02-01 § 1)

§ 12.02.190. Inspection and Testing Charges.

All inspection fees and all testing fees shall be charged in accordance with the current rate schedule set by the City.

(Ord. 02-01 § 1)

§ 12.02.200. Inspection in Stages.

- A. The Department may require, in any permit issued, that Permittee give written notice of the accomplishment of specified stages in the completion of the work to be done, in order to permit inspection thereof by the Department. Such written notice shall be provided to the Department not less than forty-eight (48) hours, or two (2) working days, in advance of the inspection.
- B. In the event the Department makes such requirement in the permit, the Permittee shall do no further work which would hinder or prevent a complete inspection of such completed stage of the work, until such inspection has been made and the stage completed, and approved by the Department, and if such work shall have been done prior to such inspection, the permittee shall take all steps and do all work necessary to permit a full and complete inspection upon demand of the person charged by the Department with the duty of making such inspections.

(Ord. 02-01 § 1)

§ 12.02.210. Interference with Inspection Prohibited.

No person shall prevent or obstruct any officer or employee of the Department in making any inspection pursuant to this Article, nor in taking any sample or conducting any test.

(Ord. 02-01 § 1)

§ 12.02.220. Stake Setting.

If, in the opinion of the Department, the work proposed to be done by the applicant requires the setting of stakes, the Department may require the applicant to set, or cause to be set, such stakes as are necessary or expedient under the circumstances. Where the Department deems that drainage or other facts are critical, the Department may have such stakes set by the Department and may make a reasonable charge to applicant to cover the costs of setting such stakes. Where staking is required, the staking plan shall be prepared by, or under the responsible charge of, a land surveyor licensed in the State of California.

(Ord. 02-01 § 1)

§ 12.02.230. When Work to Be Commenced—Diligence in Work—City’s Right to Complete.

Except in the case of annual permits, every Permittee shall commence the proposed work within thirty (30) days after the issuance of the permit or within such other time as the Department shall specify. In the case of single permits under Section 12.02.100, work shall commence within thirty (30) days from the date such permit is issued. and thereafter shall perform the work to completion in a diligent and workmanlike manner and restore the street or streets to their original condition.

Each permit shall include a specified completion date, which shall serve as the expiration date of the permit unless extended in writing by the Department.

The Department may, for good cause, excuse delay in commencement or completion of such work. In the event of unexcused delay or failure to commence, completion of work , the Department may, in addition to any other remedies it may have, terminate or suspend such permit by notice in writing effective immediately upon personal delivery to Permittee or his or her agent, or 24 hours after being deposited in the United States mail addressed to Permittee at the address shown on the permit application. The City may also elect to complete the work itself and charge the cost plus the City’s standard administrative overhead costs to the Permittee. Such costs incurred by the City shall incur interest and be collectible pursuant to Sections 12.01.150 and 12.01.160.

Thereafter, no work shall be done under the permit unless and until it is reinstated by the City. Failure to commence work within the required time period shall render the permit void unless extended or reinstated by the City.

(Ord. 02-01 § 1)

§ 12.02.240. Satisfactory Performance of Work Required.

The Permittee shall perform all work in accordance with the plans (if plans are made) and specifications referred to in the permit, and in a manner that maintains the functional integrity, safety, and appearance of the street, to the satisfaction of the

Department.

(Ord. 02-01 § 1)

§ 12.02.250. Notice of Completion.

Upon completion of any work or act for which a permit has been granted, the permittee shall notify the Department in writing on a form prescribed by the Department.

(Ord. 02-01 § 1)

§ 12.02.260. Interference with Fire Hydrants, etc.

Work authorized by a permit issued under this Article shall be performed and conducted so as not to unreasonably interfere with access to fire hydrants, fire stations, fire escapes, water valves, underground vaults, valve housing structures, and all other vital facilities located within or accessed from the street. The Department may prescribe specific conditions or exceptions in writing relating to such vital facilities.

(Ord. 02-01 § 1)

§ 12.02.270. Protection of Traffic.

The Permittee shall maintain safe crossings for two lanes of vehicle traffic at all street intersections where possible and shall maintain continuous, safe, and accessible pedestrian and bicycle crossings at intervals of not more than 300 feet. Pedestrian and bicycle access shall be maintained at all times during construction and shall not be eliminated without an approved alternate route providing equivalent safety and accessibility.

If any encroachment is made across any street, at least one safe crossing shall be maintained when possible, for vehicles, pedestrians, and bicyclists. Such crossings and any required detours shall be shown on an approved traffic control plan and, where applicable, an approved pedestrian and bicycle access plan.

If the street is not wide enough to hold excavated material without using part of the adjacent sidewalk, a passageway at least one-half of the sidewalk width and compliant with applicable accessibility requirements shall be maintained along such sidewalk for the duration of the work.

(Ord. 02-01 § 1)

§ 12.02.280. Protective Measures.

- A. It shall be the duty of every person installing an encroachment or cutting or making an excavation in or upon any street to place and maintain such barriers and warning devices necessary for safety as specified in the CA MUTCD, as adopted and amended by the California Department of Transportation, and any revisions, supplements, or replacements thereof.

- B. Barriers shall meet the requirements of the Department. Warning lights shall be flares, torches, lanterns, electrical markers, or flashers used to indicate a hazard to traffic from sunset of each day to sunrise of the next day. In the event of conflict between this subsection and the CA MUTCD, the stricter standard shall apply.
- C. All barriers, warning devices, and traffic control measures shall be maintained in good working order and adjusted as necessary to address changing site conditions, phases of construction, or traffic patterns, to ensure the continued safety of the public and workers.

(Ord. 02-01 § 1)

§ 12.02.290. Routing Traffic—Notices to Interested Persons.

- A. The Permittee shall take appropriate measures to assure that during the performance of the work, traffic conditions shall be maintained at all times as near normal as practicable, so as to minimize inconvenience to the occupants of the abutting property and to the general public; provided, that the Department may permit the closing of streets and alleys to all traffic for a period of time prescribed if it appears to be necessary.
- B. The Department may require that the Permittee to provide written notification to specified interested persons within a timeframe and in a manner specified by the Department before commencement of the work.

(Ord. 02-01 § 1)

§ 12.02.300. Relocation and Protection of Facilities—Generally.

- A. The Permittee shall not move, alter, temporarily relocate, change, or interfere with any existing facility without the consent of the owner of the facility. If it becomes necessary to relocate an existing facility, this shall be done by its owner, (unless the owner shall otherwise specify in writing). No facility owned by the City shall be moved to accommodate the Permittee unless the cost of such work be borne by the Permittee. The Permittee (or any other person specified by the owner in writing) shall support and protect by timbers or otherwise all pipes, conduits, poles, wires or other facilities which may be in any way affected by the excavation work, and do everything necessary to support, sustain and protect them under, over, along or across such work to the satisfaction of the owner of such facilities. In case any of the pipes, conduits, poles, wires or other facilities should be damaged (and for this purpose pipe coating or other encasement or devices are to be considered as part of a facility), they shall be repaired by the agency or person owning them (or other person specified by the owner in writing) and the expense of such repairs shall be charged to and paid by the Permittee. It is the intent of this subsection that Permittee shall assume all liability for damage to facilities and any resulting damage or injury to anyone because of such damage and such assumption of liability is a contractual obligation of the Permittee. The only exception shall be such instances where damage is exclusively due to causes beyond the control of the Permittee. The City shall not be made a party to

any action because of this subsection. The Permittee shall inform itself as to the existence and location of all underground facilities and protect the same against damage.

- B. If any facilities, including but not limited to secondary driveways, placed in the street for which a Permit has been issued, become incompatible with future travel by the general public or the City's plans and goals for the street, then the Permittee will, at its own expense, either remove such facilities at its own expense or relocate such facilities at a location designated by the Department if the Department determines another location is feasible. Unless directed otherwise by the Department, the Permittee shall, after either such removal or relocation, fill in all excavations and restore the surface of the street to as good a condition as it was in before such removal or relocation. All restoration required pursuant to this subsection shall be completed in accordance with the applicable restoration, pavement cut, and pavement moratorium requirements of this Chapter.
- C. The Permittee shall complete such removal or relocation within a reasonable time specified by the Department. If the Permittee fails to comply with the demand, the Department may perform, or cause to be performed, the removal or relocation work and recover the costs, including those pursuant to Sections 12.02.150 and 12.02.160 thereof, from the Permittee by action in a court of competent jurisdiction. The Permittee may, however, by agreement in writing with the City, arrange for necessary removal or relocation of facilities by the City only upon up-front payment of the cost and provision of insurance and securities on a written agreement that is approved to form by the City Attorney prior to the City undertaking any work. The costs associated with this subsection C shall be subject to the interest, fees, and remedies pursuant to Sections 12.02.150 and 12.02.160.
- D. This section shall not apply to any right which has been continuously exercised since a time prior to the date when the portion of the street affected became a City street or which right exists by virtue of a document recorded prior to such date in the office of the County Recorder of the City, unless such right (in either case) shall have been subordinated by a document recorded in that office to the right of the public in such portion of the street.

(Ord. 02-01 § 1)

§ 12.02.310. Protection of Adjoining Property.

- A. The Permittee shall at all times, and at his or her own expense, preserve and protect from injury any adjoining property by providing proper foundations and taking other measures suitable for the purpose. Where in the protection of such property it is necessary to enter upon private property for the purpose of taking appropriate protective measures, the Permittee shall obtain a license from the owner of such private property for such purpose and provide a copy of such license to the Department.
- B. The Permittee shall, at his or her own expense, shore up and protect all buildings,

walls, fences, or other property likely to be damaged during the progress of the excavation work and shall be responsible for all damage to any streets or other public or private property, real and personal resulting from its failure to properly protect and carry out such work subject to the foregoing provision relating to entry upon private property. Whenever it may be necessary for the Permittee to trench through any lawn area, the sod shall be carefully cut and shall be replaced or the area shall be reseeded where cutting and replacing sod is impractical, after ditches have been backfilled as required in this Article. All construction and maintenance work shall be done in a manner calculated to leave the lawn area clean of earth and debris and in a condition as close as possible to that which existed before such work began. The Permittee shall not remove, even temporarily, any trees or shrubs in parking strip areas without first obtaining the consent of the Director.

(Ord. 02-01 § 1)

§ 12.02.320. Protection of Watercourses.

- A. The Permittee shall maintain all gutters free and unobstructed for the full depth of the adjacent curb and for at least one foot in width from the face of such curb at the gutter line. Whenever a gutter crosses an intersecting street, an adequate waterway shall be provided and at all times maintained.
- B. Where required by applicable law or City standards, the Permittee shall prepare and implement a Storm Water Pollution Prevention Plan, Storm Water Erosion Plan, or equivalent stormwater control plan. Such plan shall be submitted to the Department and approved prior to commencement of work within the public right-of-way. For work not requiring a formal plan, the Permittee shall implement appropriate best management practices to prevent sediment, debris, and pollutants from entering gutters, storm drains, watercourses, or other drainage facilities during construction. All stormwater controls and best management practices shall be installed prior to the start of work and maintained for the duration of construction.

(Ord. 02-01 § 1)

§ 12.02.330. Excavation Safety and Care of Excavated Material.

- A. All excavations within a street shall be performed in a manner that ensures the safety and stability of the excavation, adjacent pavement, and surrounding facilities. Excavations shall be sloped, benched, shored, or otherwise supported as required by applicable safety standards, including Title 8 of the California Code of Regulations, based on soil conditions, depth of excavation, location within the right-of-way, and proximity to traffic, structures, or utilities.

Excavation and support methods shall also be consistent with the applicable provisions of the most recent Caltrans Standard Specifications and Standard Plans, as relevant to the type of work being performed.

Where shoring, bracing, trench boxes, plating, or other structural support systems are required for an excavation, a shoring and bracing plan shall be submitted to the Department for review. Such plan shall be prepared by, or under the responsible charge of, a civil engineer licensed in the State of California.

- B. All material excavated from trenches and piled adjacent to the trench in any street shall be laid compactly along the side of the trench and maintained in such a manner as not to endanger those working in the trench, pedestrians or users of the street and so that as little inconvenience as possible is caused to those using streets and adjoining property. Whenever necessary, in order to expedite the flow of traffic or to abate the dirt or dust nuisance, toe boards or bins may be required by the Department to prevent spreading of dirt into traffic lanes. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, such as might be the case in a narrow alley, the Department shall have the authority to require that the Permittee haul the excavated material to a storage site and then re-haul it to a trench site at the time of backfilling. It shall be the Permittee's responsibility to secure the necessary permission and make all necessary arrangements for all required storage and disposal sites.

(Ord. 02-01 § 1)

§ 12.02.340. Cleanup.

As the excavation work progresses, all streets shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from such work. All clean-up operations at the location of such excavation shall be accomplished at the expense of the Permittee and shall be completed to the satisfaction of the Department. From time to time, as may be required by the Department and in any event immediately after completion of work, the Permittee shall, at his or her own expense, clean up and remove all refuse and unused materials of any kind resulting from such work, and upon failure to do so within 24 hours after having been notified to do so by the Department, the work may be done by the Department and the cost thereof charged to the Permittee, and the Permittee shall also be liable for the cost thereof under the security provided hereunder.

(Ord. 02-01 § 1)

§ 12.02.350. Pavement Cuts.

- A. Heavy duty pavement breakers may be prohibited by the Department when the use endangers existing substructures or other property.
- B. Saw cutting of asphalt concrete or concrete shall be required by the Department when the nature of the job or the condition of the street warrants. When required, the cut shall be at least 1 inch deep; however, the Department may require a depth greater than 1 inch when circumstances warrant. Saw cutting may be required by the Department outside of the limits of the excavation over cave-outs,

overbreaks, and small floating sections.

- C. Approved cutting of asphalt concrete pavement surface and concrete ahead of excavations may be required by the Department to ensure compliance with this section and confine pavement damage to the limits of the trench.
- D. Sections of sidewalks shall be removed to the nearest score line or joint.
- E. Unstable pavement shall be removed over cave-outs and overbreaks and the subgrade shall be treated as the main trench.
- F. Pavement edges shall be trimmed to a vertical face and neatly aligned with the center line of the trench.
- G. Cutouts outside of the trench lines shall be normal or parallel to the trench line.
- H. Boring or other methods to prevent cutting of pavement may be required by the Department.
- I. The Permittee shall not be required to repair damage existing prior to excavation unless the cut results in small floating sections that may be unstable, in which case Permittee shall remove and pave the area.

(Ord. 02-01 § 1)

§ 12.02.360. Depth of Substructures to Be Placed.

No person shall, without written permission of the Department, install any substructure, except manholes, vaults, valve casings, culverts, and catch basins at a distance less than the following distances:

- A. Paved Streets. Twenty-four inches below the established flow line of the gutter. If the flow line is not established, then the depths shall be at a minimum of 24 inches below the surface of the outermost edge of the traveled portion of the street.
- B. Parkway.
 - 1. The minimum depth of any substructure shall be 16 inches below established gutter grade when such substructure parallels the parkway.
 - 2. The minimum depth of any substructure shall be 12 inches below the top of the established sidewalk or curb when such substructure is at right angles to the parkway.
- C. Other Streets. The minimum depth of any substructure in any other street shall be 12 inches below the surface; provided, however, that the Department may permit a lesser depth if Permittee demonstrates the necessity for a lesser depth to Department's satisfaction.

Nothing in this section shall impose a duty upon the Permittee to maintain the specifications as required herein upon subsequent changes of grade in the surface

unless the location of the substructure interferes with the maintenance of, or travel on, a street.

(Ord. 02-01 § 1)

§ 12.02.370. Backfilling.

Fine material, free from lumps and stone, selected from the soil shall be thoroughly compacted around and under the substructure to the upper level of such substructure. Above the upper level of the substructure, backfill material shall be placed to the subgrade of the pavement in lifts consistent with the type of soil involved and the method of consolidation being used. Broken pavement, large stone, roots and other debris shall not be used in the backfill. Each lift shall be flooded, jetted or ponded, or a combination of these methods shall be used, depending upon the type of soil involved, to compact the backfill material. Backfill material having a sand equivalent of less than 10 shall not be flooded, jetted or ponded. Such backfill shall be placed in lifts not to exceed eight inches in thickness when compacted with pneumatic tampers or placed in lifts not to exceed four feet when compacted with a hydra hammer. Backfill material having a sand equivalent greater than 10 may be flooded, jetted or ponded except that no flooding, jetting or ponding shall be allowed within 30 inches of finish grade, unless specific approval for such is received from the Department. All backfill shall be done in a manner that will permit the restoration of the surface to condition equivalent to that in which it was prior to excavation. The Department may require soil tests to be taken by a soil testing laboratory, when it believes backfill for any excavation is not being adequately compacted. In order for the resurfacing to be permitted, such tests must show that the backfill material meets the minimum requirements as prescribed by the Department. All expense of such tests shall be borne by the Permittee.

(Ord. 02-01 § 1)

§ 12.02.380. Surface Restoration—Generally.

- A. Permanent resurfacing of excavations may be made where the type of consolidation used in replacing the backfill is adequate, in the opinion of the Department, to prevent settling and when the moisture content of the backfill is not excessive. In the event the type of consolidation used in replacing the backfill is not adequate to prevent further settling or the moisture content is excessive, temporary resurfacing shall be provided. If temporary surfacing is provided, the top surface of the backfill shall be covered with one inch of bituminous material. Such temporary paving material shall be cool mix, except that the Permittee may use or the Department may require hot mix. All temporary paving material shall conform closely enough to the level of the adjoining paving surface and shall be compacted so that it is hard enough and smooth enough to be safe for pedestrian travel over it as well as for vehicular traffic to pass safely over it at a legal rate of speed. The Permittee shall maintain temporary paving for a period not exceeding 90 days after all backfilling is completed, unless additional time is required by the Department, and shall keep same safe for pedestrian and vehicular traffic until

the excavation has been resurfaced with permanent paving, except that if it is impracticable to maintain the surface of the temporary paving in a safe condition for pedestrian travel or vehicular traffic, then the Permittee shall maintain barriers and lights where required herein.

- B. Acceptance or approval of any excavation work by the Department shall not prevent the City from asserting a claim against the Permittee and his or her surety under the surety bond required hereunder for incomplete or defective work if discovered within 12 months from and after the completion of the excavation work. The Department's presence during the performance of any excavation work shall not relieve the Permittee of his or her responsibilities hereunder.

(Ord. 02-01 § 1)

§ 12.02.390. Surface Restoration—Requirements and Standards.

The Department, in its sole discretion, may require the Permittee to resurface that portion of the road surfaced damaged by the Permittee, in which event resurfacing shall be done in a manner and under specifications prescribed by this Article, subject to Department's inspection, and shall be completed within a period of 90 days after such authorization to complete final resurfacing. Where required in the interest of public safety, the Department may elect to perform such resurfacing, in which event the cost of such resurfacing shall be borne by the Permittee. Such costs shall incur the same interest and subject to the same collection remedies pursuant to Sections 12.02.150 and 12.02.160.

- A. Subgrades shall be restored to that existing prior to the excavation or in accordance with standards for the construction of new paved streets used by the City.
- B. Paving Replacement. Concrete used in the repair of trenches shall not have a slump in excess of two inches.
- C. Thickness of Pavement. Concrete used in the repair of trenches in streets in lieu of base or subbase shall be replaced with a thickness equivalent to that removed, but in no case less than five inches. Bituminous pavement shall be replaced over base or subbase at the same thickness as the existing pavement. All bituminous pavement replaced shall be given a fog seal coat.
- D. Thickness of Sidewalks. Cement sidewalks shall be replaced with the thickness of that removed, but in no case less than four (4) inches, and shall match the color and texture of the adjoining sidewalk. Concrete used for sidewalk replacement shall have a minimum compressive strength of 3,500 psi at 28 days, unless otherwise approved by the Department.
- E. Expansion Joints. Expansion joints in cement patches shall be matched with saw cut lines and shall be limited to existing expansion joints or score marks only. Saw cutting of cement sidewalks, curb ramps, curbs, gutters, or other concrete flatwork at locations other than existing expansion joints or score marks is prohibited. All replacement concrete shall extend from expansion joint to expansion joint or from score mark to

score mark, as applicable.

- F. Cement. Cement shall be furnished to match the texture of that of the adjoining pavement.
- G. Compacting. Concrete shall be compacted by tamping, rodding, or mechanical vibration.
- H. Repairs. Repairs in hot mix asphalt pavement shall be made in accordance with the most current Caltrans Standard Specifications, Section 39 (Hot Mix Asphalt), and any applicable City of Goleta standard specifications.
- I. Cape Seal Coats. Cape seal coats may be required by the Department when the street has been cape sealed or when it is a general practice to chip seal asphalt pavement, in accordance with applicable Caltrans Standard Specifications and City standards.
- J. Pavement cuts shall be designed and executed to avoid piecemeal or isolated repairs. Saw cuts and removal limits shall be established to allow restoration that results in continuous, uniform pavement sections consistent with the surrounding roadway.
- K. Where pavement markings, lane lines, bike lanes, shoulders, or concrete joints are present, pavement cuts shall extend to such features where necessary to allow proper restoration and avoid partial-width or visually inconsistent repairs.
- L. Pavement cuts within streets subject to a pavement moratorium shall comply with the applicable moratorium requirements of this Chapter, including any enhanced restoration obligations.
- M. The Department may require approval of pavement cut limits prior to excavation to ensure compliance with this section and applicable restoration requirements.

(Ord. 02-01 § 1)

§ 12.02.400. Maximum Length of Open Trench Permitted.

The maximum length of open trench permissible at any time shall be as may be specified by the Department and no greater length shall be open for pavement removal, excavation, construction, backfilling, patching and all other operations without first obtaining the written permission of the Department.

(Ord. 02-01 § 1)

§ 12.02.410. "Around the Clock" Work.

If in its judgment, traffic conditions, the safety or convenience of the traveling public or the public interest require that work permitted hereunder be performed as emergency work the Department shall have full power to order, at the time the permit is granted, that a crew of workers and adequate facilities be employed by the Permittee 24 hours a day to the end that such excavation work may be completed as soon as possible.

(Ord. 02-01 § 1)

§ 12.02.420. Emergency Work.

A. Nothing in this Article shall be construed to prevent the making of such excavations as may be necessary for the preservation of life or property or for the location of trouble in conduit or pipe, or for making repairs, provided that the person making such excavation shall apply to the Department for such a permit on the first business day after such work is commenced. All emergency work and subsequent restoration shall comply with applicable restoration requirements of this Article, unless expressly exempted herein.

Emergency work performed within the public right-of-way shall be subject to all applicable City standards and restoration requirements.

Temporary repairs necessary to restore service may be performed immediately. Permanent restoration shall be completed within a timeframe established by the Department and in accordance with City standards.

All excavation, trenching, or disturbance of pavement shall be restored to the nearest logical limits as determined by the Department, which may include lane line to lane line, full lane width, or full panel replacement.

- B. All work performed within the public right-of-way, including emergency work, shall comply with the following:
1. Pavement restoration shall extend to the nearest logical limits, including lane line to lane line, edge of lane, or full panel replacement, as determined by the Department
 2. Pavement structural section shall be replaced in accordance with City of Goleta standards
 3. All striping, pavement markings, and traffic control devices shall be restored to match existing or as required by current standards
 4. Work shall comply with applicable pavement moratorium requirements, including any additional conditions imposed by the Department

(Ord. 02-01 § 1)

§ 12.02.430. Noise, Dust and Debris.

Each Permittee shall conduct and carry out work permitted hereunder in such manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The Permittee shall take appropriate measures to reduce to the fullest extent practicable in the performance of the work, noise, dust and unsightly debris during the performance of the work. During the hours of 10:00 p.m. to 7:00 a.m. the Permittee shall not use, except with the express written permission of the Department or in case of an emergency as herein otherwise

provided, any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep or repose of occupants of the neighboring property.

(Ord. 02-01 § 1)

§ 12.02.440. Preservation of Monuments.

Any monument set for the purpose of locating or preserving the lines of any street or property subdivision, or a precise survey reference point, or a permanent survey bench mark within the Department shall not be removed or disturbed or caused to be removed or disturbed without first obtaining permission in writing from the Department so to do.

Before any monuments, reference points, or benchmarks are disturbed or removed, it shall be tied out under the responsible charge of a Professional Land Surveyor licensed in the State of California, or as otherwise authorized under the Professional Land Surveyors' Act.

All monument work shall comply with the Professional Land Surveyors' Act (Business and Professions Code), including requirements for monument preservation, monument wells where applicable, and the filing of a Record of Survey or Corner Record with the County Recorder when required by State law.

After completion of the work, the monuments, reference points, and benchmarks shall be accurately reset at the expense of the Permittee.

(Ord. 02-01 § 1)

§ 12.02.444. Pavement Cut Moratorium.

A. The City finds that excavations within paved streets degrade pavement structure and reduce service life, even where trench restoration meets applicable standards, due to disturbance of adjacent pavement and underlying support. Such degradation is magnified on newly constructed or recently resurfaced streets and on streets with higher pavement condition ratings, resulting in increased long-term maintenance costs to the City and the public. The purpose of this pavement cut moratorium is to protect the City's investment in public street infrastructure, preserve pavement life, maintain safe driving conditions, promote coordination of utility work, and ensure uniform and visually consistent roadway surfaces.

B. Except as provided in this section, encroachment permits shall not be issued for work within streets that meet any of the following criteria:

1. Pavement with a Pavement Condition Index (PCI) of 80 or greater; or
2. Pavement constructed, reconstructed, overlaid, slurry sealed, cape sealed, or microsurfaced within the previous five (5) years.

Such streets shall be designated as "Prohibition Streets," which can be found on the

City of Goleta's website under the Public Works page.

- C. No encroachment permit shall be issued and no activities under an annual encroachment permit shall be allowed for excavation within Prohibition Streets except as expressly allowed under this section.
- D. Exceptions may be granted for emergencies, interruption of essential utility services, legally mandated work, or other circumstances where strict enforcement would not be in the public interest. Emergency work shall require submission of an encroachment permit application within ten (10) calendar days after commencement of work.
- E. Where an exception is requested for work on a Prohibition Street, the applicant shall obtain a waiver. Waivers shall be granted only where the proposed excavation cannot reasonably be deferred, avoided, or coordinated with planned street improvements or alternative construction methods.
- F. Any excavation approved under this section shall require enhanced restoration, including full-lane resurfacing, lane-line-to-lane-line restoration, joint-to-joint concrete replacement, or equivalent treatment consistent with the City's most recent adopted standards, in order to maintain pavement continuity, appearance, and design life.
- G. All work performed under this section shall comply with all other applicable provisions of this Article, including, but not limited to, pavement cut standards, surface restoration requirements, excavation safety provisions, traffic control requirements, and stormwater protection measures.

(Ord. 02-01 § 1)

§ 12.02.450. Certificate of Acceptance.

After acceptance of the work by the Department as fully completed in accordance with the conditions of the permit and all of the provisions of this Article and any other applicable laws, the Permittee may request that the Department issue a certificate of acceptance. Upon such request, the Department shall issue the certificate of acceptance which shall contain a statement of the location, nature, and extent of such work so completed under the permit. Such certificate of acceptance shall not release Permittee from the 12 months requirements of Sections 12.02.380(B).

(Ord. 02-01 § 1)

§ 12.02.460. Deviations.

The Permittee shall notify the Department in writing of any proposed deviations or changes in the work to be done under any permit and shall not proceed therewith until the Permittee has obtained both the written consent of Department to any such deviation or change in the written, signed and acknowledged consent to such deviation or change of any surety company whose bond or bonds are posted in

connection with such work.

(Ord. 02-01 § 1)

§ 12.02.470. Disclaimer of Liability.

This Article shall not be construed as imposing upon the City or any official or employee any liability or responsibility for damages to any person insured by the performance of any work for which permit is issued hereunder, nor shall the City or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder, the issuance of any permit or the approval of any work permitted hereunder.

(Ord. 02-01 § 1)

SECTION 3. Effect of Amendment. To the extent any provision of this Ordinance repeals, amends, or supersedes any previous approvals, such repeal or replacement will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance's effective date. Any such repealed or superseded part of previous approvals will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 4. No Conflict with Federal or State Law. Nothing in this Ordinance is intended to create any requirement, power, or duty that is in conflict with any federal or state law.

SECTION 5. CEQA. The City of Goleta has determined that the adoption of the proposed ordinance is exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code § 21000 et seq.), pursuant to State CEQA Guidelines (14 Cal. Code Regs.) §15061(b)(3), which applies where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; § 15060(c)(2), which applies where an activity will not result in a direct or reasonably foreseeable indirect physical change in the environment; and the activity is not a project as defined in Section 15378(b)(5) as an organizational or administrative activity by government that will not result in direct or indirect physical changes in the environment.

SECTION 6. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 7. Certification. 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 8. Effective Date.

This Ordinance shall take effect thirty days after its passage and adoption pursuant to

California Government Code section 36937.

INTRODUCED ON the 21st day of April, 2026.

PASSED, APPROVED AND ADOPTED this ___th day of _____, 2026.

PAULA PEROTTE
MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

ISAAC ROSEN
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. 26-XX was introduced on April 21, 2026, and adopted at a regular meeting of the City Council of the City of Goleta, California, held on the Xth of XXX, 2026, by the following roll-call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK

ATTACHMENT 2

Notice of Exemption

NOTICE OF EXEMPTION (NOE)

To: Office of Land Use and Climate Innovation
<https://ceqanet.lci.ca.gov/>

From: City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117

Clerk of the Board of Supervisors
County of Santa Barbara
105 E. Anapamu Street, Room 407
Santa Barbara, CA 93101



Subject: Filing of Notice of Exemption

Project Title: An Ordinance of the City Council of the City of Goleta, California, Replacing Chapter 12.02, Title 12, of the Goleta Municipal Code Regarding Encroachments on Public Property.

Project Applicant: City of Goleta

Project Location (Address and APN): Citywide

Description of Nature, Purpose and Beneficiaries of Project:

The proposed Ordinance amends the City's requirements for encroachments on public property (Goleta Municipal Code Chapter 12.02 in the following ways:

1. Replaces outdated references with the California Manual on Uniform Traffic Control Devices (CA MUTCD), Caltrans Standard Specifications, and the City's current standards
2. Updates terminology for clarity and consistency
3. Modernizes communication methods by allowing official notices to be delivered not only by U.S. Mail, but also by email or other electronic notification systems
4. Aligns ordinance language with current encroachment permit procedures and administration
5. Updates language regarding indemnification, securities, including performance and restoration bonds, and warranties
6. Establishes pavement moratorium provisions applicable to recently constructed or rehabilitated streets. The moratorium limits excavation within designated streets and requires enhanced restoration, including lane line to lane line resurfacing or equivalent treatment, where work is approved. Streets that have a Pavement Condition Index (PCI) of 80 or greater or pavement constructed, reconstructed, overlaid, slurry sealed, cape sealed, or microsurfaced within the last five years will be designated as "Prohibition Streets," which will be posted on the City's website. The limitation on excavation and requirement of enhanced restoration on Prohibition Streets will protect the City's investment in its pavement
7. Clarifies requirements for emergency work within the public right-of-way. Emergency work is allowed to address public health and safety needs; however, restoration must be completed in accordance with City standards, including restoration to the nearest logical limits, replacement of pavement structural sections, and restoration of striping and traffic control devices
8. Clarifies permit requirements and construction expectations to support consistent application

NOTICE OF EXEMPTION (NOE)

of City standards for work performed within the public right-of-way

Name of Public Agency Approving the Project: City of Goleta

Name of Person or Agency Carrying Out the Project: City of Goleta

Exempt Status: *(check one)*

- Ministerial (§15268)
- Declared Emergency (§15269 (a))
- Emergency Project (§15269 (b) (c))
- Categorical Exemption: (Insert Type(s) and Section Number(s))
- Statutory Exemption: Public Resources Code § 21083.3; CEQA Guidelines § 15183)
- Other: CEQA Guidelines § 15060(c)(3), § 15378(a), § 15378(b)(5), § 15061(b)(3);

Reason(s) why the project is exempt:

The City of Goleta has determined that the adoption of the proposed ordinance is exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code § 21000 et seq.), pursuant to State CEQA Guidelines (14 Cal. Code Regs.) §15061(b)(3), which applies where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; § 15060(c)(2), which applies where an activity will not result in a direct or reasonably foreseeable indirect physical change in the environment; and the activity is not a project as defined in Section 15378(b)(5) as an organizational or administrative activity by government that will not result in direct or indirect physical changes in the environment.

City of Goleta Contact Person:

Peter Imhof

Director, Planning & Environmental Review

Date