Agenda Item B.1
PUBLIC HEARING
Meeting Date: February 18, 2020

TO: Mayor and Councilmembers

FROM: Peter T. Imhof, Planning and Environmental Review Director

CONTACT: Anne Wells, Advance Planning Manager
Andy Newkirk, Senior Planner
J. Ritterbeck, Senior Planner

SUBJECT: Adoption of the New Zoning Ordinance

RECOMMENDATION:

Introduce and conduct the first reading (by title only and waive further reading) of Ordinance No. 20-__, entitled "An Ordinance of the City Council of the City of Goleta, California, Adopting the New Zoning Ordinance as Title 17 of the Goleta Municipal Code, Repealing Various City Ordinances, and Repealing or Amending Various Sections of the Goleta Municipal Code."

BACKGROUND:

The City's first General Plan/Coastal Land Use Plan (General Plan) was adopted on October 2, 2006. The General Plan governs land use and physical development within the City and establishes policy direction for the City's growth. Goleta's current Zoning Ordinances (Inland and Coastal) were inherited from Santa Barbara County upon incorporation in 2002. As such, the current Zoning Ordinances do not reflect the City's land use vision as described in the General Plan.

In 2013, City Council authorized staff to embark on an effort to prepare new zoning regulations and a zoning map that would be consistent with the General Plan. The City's New Zoning Ordinance (NZO) project is the result of a collaborative process that will revise citywide zoning regulations to implement the General Plan, update development and design standards and permitting procedures, and help realize the community's vision for the future – a safe, beautiful, vibrant and livable community with a robust local economy and a sustainable relationship with the environment.

After a public outreach effort in 2014, a Public Review Draft NZO was released on November 19, 2015 (2015 Draft). Over the course of eight public workshops starting in January 2016, the Planning Commission completed a page-turn review and provided line-by-line comments. In addition, the Design Review Board provided feedback at five public meetings regarding the design aspects of the 2015 Draft. The City Council Ordinance Standing Committee received updates and provided guidance regarding the zoning

process at two meetings. The City also hosted three Open Houses to further inform the public and answer questions. Throughout this process, the public offered oral and written input at meetings, open houses, and workshops. After the public outreach effort, staff assessed the input and proceeded to revise the document accordingly.

With consideration of the public input received during the 2015-2016 outreach process, and guided by the City's adopted General Plan, a Revised Draft NZO was released to the public in January 2019. During the spring of 2019, the City hosted nine Planning Commission workshops, six open houses, and one joint City Council/Planning Commission workshop. Planning staff met with the Design Review Board on three occasions. In addition, City staff met with several stakeholders to discuss specific issues. After this outreach effort, staff made further revisions to the Revised Draft NZO, culminating in the release of the Public Hearing Draft NZO on August 14, 2019.

At a public hearing starting on September 9, as continued on September 23, and concluding on October 7, 2019, the Planning Commission voted 5-0 to adopt Resolution No. 19-10, recommending the City Council approve the Planning Commission-recommended Draft NZO.

The City Council reviewed the Planning Commission-recommended Draft NZO at a public hearing starting on November 5, 2019, as continued on December 3, 2019, December 17, 2019, January 21, 2020, and February 18, 2020. Eight "key topics" and 17 "other items" were discussed. The public was also given the opportunity to provide input on each of the key topics and any other items over the course of the four-series continued public hearing. Council direction on the topics and items is summarized in a worksheet (Attachment 1). This worksheet was used throughout the hearing process to track and document Council direction and feedback to staff. All Council-recommended NZO revisions are also presented in an errata sheet (Attachment 2), and represent the changes to the Planning Commission-recommended Draft NZO. A strike-out/underline version of the NZO is also provided for reference purposes (Attachment 3).

The NZO (Attachment 4) has been a major endeavor on the part of the City Council, Planning Commission, the public, and City staff. As part of the NZO process, a streamside protection area (SPA) buffer General Plan Amendment (GPA) was initiated by Council and an inclusionary housing GPA was initiated and adopted. The entire NZO process was undertaken with openness and transparency, allowing for constant public review, critique, debate, and deliberation. The work program schedule flexed as the process uncovered new or updated information, addressed new legislative mandates that emerged along the way, such as changes to accessory dwelling unit regulations, and addressed challenges posed in over 75 public workshops, open houses, and public hearings to date.

DISCUSSION:

The NZO is split into six parts and summarized as follows:

- *Part I: General Provisions* establishes the overall organization and applicability of the regulations. This part also establishes the purpose of the NZO, the authority for its

establishment, and rules for construction of language and for measurements, such as height, density, and floor area, that are applicable throughout the NZO.

- *Part II: Base Zoning Districts Standards and Allowed Uses* specifies the use and development regulations for each set of base districts: Residential; Commercial; Office; Industrial; Public and Quasi-Public; and Open Space and Agricultural. This part specifies the land uses permitted or conditionally permitted in each district and includes special requirements or limitations, if any, that are applicable to specific uses. Base district regulations also include development standards to control the size, height, bulk, location, and appearance of structures.
- *Part III: Overlay Districts* includes general provisions for overlay districts, which modify base district regulations for specific purposes in specific geographical areas. Specifically, Part III includes the following overlay districts: Airport Environs, Affordable Housing, Hospital, Old Town Heritage, and Specific Plan.
- *Part IV: Regulations Applying in Multiple Districts* contains general standards that apply to multiple zoning districts, such as regulations for parking and loading, signs, lighting, landscaping, and wireless telecommunications facilities. This part also includes a chapter devoted to standards for specific land uses, such as emergency shelters, home occupations, accessory uses, and temporary uses.
- *Part V: Administration and Permits* establishes the review authority for different types of permits and approvals, as well as required findings, rules for hearings, public notification, and appeals, and procedures for enforcement of the NZO.
- *Part VI: General Terms* contains two chapters. The first chapter defines all land use classifications. This means that every use in the use tables in Part II of the NZO is fully defined. The second chapter defines terms that appear throughout the NZO.

The City Council is asked to consider adoption of the City's first independent zoning ordinance. The NZO builds from the Planning Commission recommendation, public input, and includes City Council-directed revisions.

Repeals and Amendments

As part of the NZO adoption ordinance, Council is being asked to repeal several ordinances and sections within the Goleta Municipal Code. The repeals include the City's existing Inland and Coastal Zoning Ordinances, Sign Ordinance, and various uncodified zoning ordinances. In addition, the adoption ordinance includes repeals of various portions of the Goleta Municipal Code that overlap with, and are therefore made redundant by, the NZO. Finally, the adoption ordinance includes amendments of various sections in the Goleta Municipal Code to ensure consistency with the NZO.

Follow-up Items

City staff has identified a number of follow-up items that will return for public consideration after adoption of the NZO. New regulations to replace NZO placeholders will include Historic Resource Preservation, Cultural Resources, and Tree Protection. City staff will return with possible amendments to the NZO regarding structure height rules for

Accessory Dwelling Units, other housing-related regulations (to reflect recent changes in State law), and Streamside Protection Areas (pending outcome of the Council-initiated Conservation Element amendment). Following NZO adoption, City staff will also engage in consultation with Coastal Commission staff and return to Planning Commission and Council with possible amendments prior to submittal of a draft Local Coastal Program for Coastal Commission certification. Finally, City staff will return in due course with consideration of other items related to the NZO, including Design Guidelines / Story Pole Guidelines, mobile vendor permitting / licensing requirements, possible chain link fences / permissible fence material requirements, updates to the special event permit provisions in the Municipal Code to specify events exempt from NZO Temporary Use Permit requirements, and a Public Outreach Plan. These follow-up items will be addressed by various departments.

ENVIRONMENTAL REVIEW:

Pursuant to Public Resources Code §21083.3 and CEQA Guidelines §15183, projects that are consistent with the development density of existing zoning, community plan or General Plan policies, for which an Environmental Impact Report (EIR) was certified, shall be exempt from additional CEQA analysis, except as may be necessary to determine whether there are project-specific significant effects that are peculiar to the project or site that would otherwise require additional CEQA review.

The NZO has no new impacts that have not already been analyzed in the General Plan/Coastal Land Use Plan EIR, Supplemental EIR, and subsequent addenda (General Plan EIR), and there will be no cumulative or off-site impacts from the proposed project that were not already addressed in the General Plan EIR. As such, the NZO is exempt from further CEQA review. The Notice of Exemption that is provided as Exhibit 2 to Attachment 4 reflects how a General Plan-consistent zoning ordinance is treated under CEQA.

ALTERNATIVES:

The City Council has the option to take no action on this item at this time, direct staff to make NZO revisions, and return to a newly-noticed public hearing at a future meeting.

GOLETA STRATEGIC PLAN:

City-Wide Strategy: 7.0 Implement General Plan Measures
Strategic Goal: 7.4 Prepare and Adopt New Zoning Code

FISCAL IMPACTS:

There is no direct fiscal impact from introducing and conducting the first reading of the proposed ordinances. Adoption of the NZO is included in the Planning and Environmental Review Department's 2019-20 Annual Work Program and funding for Planning and

Environmental Review staff time to prepare the NZO was included in the adopted 2019-20 Budget under Program 4300 of the Advance Planning Division.

Reviewed By:	**Legal Review By:**	**Approved By:**
Kristine Schmidt Assistant City Manager	Michael Jenkins City Attorney	Michelle Greene City Manager

ATTACHMENTS:

1. Key Topics and Other Items Worksheet (2/18/20)

2. City Council NZO Adoption Errata Sheet (2/18/20)

3. New Zoning Ordinance Track Changes Version

4. Ordinance No. 20-__, entitled “An Ordinance of the City Council of the City of Goleta, California, Adopting the New Zoning Ordinance as Title 17 of the Goleta Municipal Code, Repealing Various City Ordinances, and Repealing or Amending Various Sections of the Goleta Municipal Code”

5. Presentation – New Zoning Ordinance

Attachment 1

Key Topics and Other Items Worksheet (2/18/20)

Item No.	NZO Citation	Issue Summary	Background	Option / Recommendation	Direction / Decision
A. Key Topic Areas					
A.1	Chapter 17.01 City Projects	All regulations of the NZO would apply to City projects.	NZO permit requirements would slow down the City's efforts to implement City projects	No further action needed.	**11/5** – No decision. Direction to staff to return with research on other jurisdictions. **12/3** – Direction to staff to revise the NZO to reflect staff's recommendations in the memo provided to Council. See Errata Sheet.
A.2	Section 17.30.070 ESHA - SPAs	The proposed NZO incorporates Streamside Protection Area (SPA) language provided by the Environmental Defense Center (EDC).	The EDC language appears to contradict the City's General Plan Conservation Element, which is prescriptive on SPA buffer widths and buffer reductions. A General Plan Amendment (GPA) may be needed to Conservation Element Sub-policy CE 2.2, if the City were to adopt the Planning Commission's recommendation, delaying adoption of the NZO.	No further action needed.	**11/5** – No discussion of this topic. Deferred discussion to City staff to further work with EDC. **12/3** – Direction to replace the PC recommended language with language suggested by the City Attorney's Office, with the removal of definitions. Allowed uses within SPAs included consistent with CE 2.3. See Errata Sheet.
A.3	Section 17.30.120 ESHA – Lagoon Buffer	The proposed NZO includes a lagoon buffer of 100 feet.	General Plan policy treats lagoons as wetlands, which have specific buffer requirements, as detailed in Sub-policy CE 3.4. A GPA may be needed to Sub-policy CE 3.7 to establish unique buffer treatment for lagoon-type wetlands, delaying the adoption of the NZO.	No further action needed.	**11/5** – No discussion of this topic. **12/3** – No discussion of this topic. **12/17** – Council directed staff to remove subsection 17.30.120(A). See Errata Sheet.
A.4	Section 17.30.150 ESHA – Woodlands / Savannas Buffer	The proposed NZO includes a native oak woodland / savanna buffer of 50 feet.	Adding a woodland / savanna buffer appears to contradict the City's General Plan Conservation Element. General Plan policy does not include a buffer for this ESHA type and instead, in Sub-policy CE 9.3, requires that a minimum buffer area be established via a Tree Protection Ordinance. A GPA may be needed to Sub-policy CE 9.3 to include a 50-foot buffer, delaying the adoption of the NZO.	No further action needed.	**11/5** – No discussion of this topic. **12/3** – No discussion of this topic. **12/17** – Council directed staff to remove subsection 17.30.150(A). See Errata Sheet.
A.5	Chapter 17.17 and 17.28 Inclusionary Housing – Rentals	The proposed NZO does not include regulations requiring inclusionary units for rental housing projects.	Currently, General Plan policy HE 2.5 only applies to "for-sale" units. On October 15, 2019, the City Council initiated a GPA to HE 2.5 to include rental units. The Planning Commission is scheduled to consider the GPA on November 18, 2019.	No further action needed.	**11/5** – Direction to staff to proceed with processing of GPA to HE 2.5. **12/3** – Direction to incorporate edits to the inclusionary regulations to reflect the GPA adopted on 12/3. See Errata Sheet.
A.6	Section 17.28.110 Inclusionary Housing – Good Cause Time Extension	The proposed NZO would allow a developer to request a time extension to the construction of affordable units within a project, if "good cause" is shown with a time limitation of up to four years for such requests.	Allows for a delay in the construction of required inclusionary units.	No further action needed.	**11/5** – Direction to staff to proceed with deleting the entire §17.28.110, Performance Security for Inclusionary Housing Units. See Errata Sheet.
A.7	Table 17.07.020 Residential Care Facilities (RCFs)	The proposed NZO allows Large RCFs (RCFs providing care for more than six persons) to be located within both the Single-Family Residential (RS) and the Planned Residential (RP) zone districts with a Major Conditional Use Permit.	Adding the allowance for Large RCFs in the RS and RP zone districts appears to contradict the City's General Plan Land Use Element. General Plan policy does not support Large RCF uses in either of these zoning districts. A GPA may be needed to Land Use Element Table 2-1 to add a use type in the RS and RP land use designations that supports the Planning Commission's recommendation.	No further action needed.	**11/5** – Direction to staff to follow the General Plan and to not allow RCFs in the RS and RP zone districts. See Errata Sheet.

Item No.	NZO Citation	Issue Summary	Background	Option / Recommendation	Direction / Decision
A.8	Section 17.52.050 Noticing Requirements	The proposed NZO includes expanded requirements for noticing of proposed development, including: 1) Story poles, 2) On-site posted notices, 3) Mailed noticing for all projects, 4) Spanish translation, and 5) Press releases.	<u>On-site Posted Notices:</u> The Planning Commission did not provide a permit or approval trigger for the larger on-site noticing. <u>Mailed Notices:</u> The Planning Commission recommended removal of an allowance for posting notice in a newspaper rather than providing mailed notice if the recipients would number over 1,000. This is an existing allowance in the City's zoning ordinances and an allowance under state law. By removing the newspaper notice allowance, the City would incur significant cost for noticing items like new zoning regulations and General Plan amendments.	No further action needed.	**11/5** – • Support for including a trigger for larger on site noticing. See Errata Sheet. • For larger mailing, direction to staff to return with research on expenses and costs to City. • For story poles, direction to add more detailed requirements. See Errata Sheet. **12/3** – No discussion of this topic. **12/17** – • Council directed staff to remove the requirement for Spanish translation of notices in subsection. 17.52.050(E). See Errata Sheet. • Council directed staff to remove the requirement for electronic notice in subsection 17.52.050(C)(4). See Errata Sheet. • Council directed staff to add a provision, as subsection 17.52.050(C)(1)(c), to allow for newspaper notice in-lieu of mailed notice for large mailings. See Errata Sheet. • Council expressed support for Staff's proposed additional requirements for story pole noticing. See Errata Sheet. • Council directed staff to prepare a Noticing Plan, separate from NZO, to address public noticing / outreach (translation, electronic, etc.).
B. Other Items					
B.1	Day Care Uses	The proposed NZO allows day care more broadly than originally proposed with clear information for prospective day care providers.	Staff received direction to provide more flexibility for both Day Care Facilities and Family Day Care (a day care facility within a residential unit). In addition, the NZO includes incentives, such as priority processing, for Day Care Facilities, and standards for Day Care Facilities and Family Day Cares are comprehensively compiled for ease of understanding for potential day care providers.	No further action needed.	**12/17** – Council expressed support for the day care standards as proposed.
B.2	Chapter 17.58 Design Review Board (DRB)	The proposed NZO includes changes to the DRB process to closer reflect previous process, with some refinement.	Chapter 17.58 includes three levels of review (Conceptual, Preliminary, and Final), clarifies that DRB plays the role as both decision-maker (for ministerial projects) and recommending body (for discretionary projects), and clarifies that DRB grants final approvals after a project has received entitlement by the Planning Commission and/or City Council.	No further action needed.	**12/17** – Council expressed support for the Design Review Board procedures as proposed.
B.3	Chapter 17.35 Lighting	New requirements included in the NZO to address lighting issues, consistent with General Plan policy VH 4.12.	Staff received Planning Commission direction to include outdoor lighting plan application submittal requirements. In Section 17.35.060, the proposed NZO includes a requirement for project applicants to create a Lighting Plan. Lighting Plans are required for all development requiring DRB. In addition, staff received direction to include some light standards in the NZO, for example, the regulation of light trespass off a property, while leaving other standards, like light temperature, to DRB discretion and future guidelines.	No further action needed.	**12/17** – Council expressed support for the lighting standards as proposed.
B.4	Chapter 17.38 Parking Standards	The proposed NZO includes new and modified requirements for various parking standards.	The Planning Commission recommendation includes an expansion of number and types of required on-site parking for new development. These provisions require ten percent electric vehicle (EV) parking, ten percent electric bike parking, two parking spaces per studio and one-bedroom unit, and guest parking at one space for every three units in multi-unit developments. The Planning Commission recommendation also included language regarding parking reductions for Transportation Demand Management (TDM) programs and within the Old Town District.	No further action needed.	**12/17** – Council expressed support for the parking standards as proposed.

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B.5	Section 17.41.260 Temporary Uses	A concern was raised that the NZO may unintentionally make events such as the Lemon Festival and July 4th fireworks require a Conditional Use Permit.	The Planning Commission-recommended NZO ensures that an event receiving a Special Events Permit from the City pursuant to Goleta Municipal Code Chapter 12.07 does not have to get a redundant permit pursuant to the NZO. Staff will be reviewing special event permit requirements with regard to established community events, and may separately recommend suggested changes to the Goleta Municipal Code Chapter 12.07, if necessary.	No further action needed.	**12/17** – Council expressed support for the temporary use standards as proposed with the inclusions of seasonal youth leagues and large outdoor gatherings as presented by staff. See Errata Sheet.
B.6	Section 17.38.080 Trailers/RV Parking and Storage	The proposed NZO provides clarity on allowed locations and standards for trailers and RV parking and storage.	The Planning Commission recommended that trailers/recreational vehicle parking and storage be allowed within the front and side setbacks of a property. The Planning Commission recommendation includes standards for these types of parking that are now included in Section 17.38.080.	No further action needed.	**12/17** – Council expressed support for the trailers/RV standards as proposed.
B.7	Section 17.01.040(E) Vesting	The proposed NZO requires projects to process under the new standards after a sunset date.	The Planning Commission recommendation addressed the issue of which projects will be allowed to continue using the City's existing Inland and Coastal Zoning Ordinances once Title 17 is adopted. The Commission recommended allowing applicants with "Complete" applications as of September 1, 2019 to have the choice of using the existing zoning ordinances or the NZO with a sunset date of this provision at December 31, 2021. After December 31, 2021, all projects that have not received their land use entitlements would need to be processed under the NZO.	No further action needed.	**12/17** – Council expressed support for the vesting language as proposed with the inclusion of the definition of "Entitlement". See Errata Sheet.
B.8	Section 17.26.040 Visual Resource Protection	There was an expressed desire to strengthen visual resource protections.	Request by Councilmember Kasdin for staff to develop objective standards to help protect visual resources, similar to the expanded protections that were being discussed around SPAs.	No further action needed.	**12/17** – Council expressed support for the visual resource protection language with the inclusion of the objective public view impact standard of 10% for both lateral and vertical view impairment. See Errata Sheet.
B.9	Chapter 17.09 Office Districts (Business Park)	The proposed NZO currently does not include several prohibitions that are detailed in the General Plan.	General Plan subpolicy LU 4.2, Business Park (I-BP) states that "Activities in business park areas shall be conducted primarily indoors, and outdoor storage, processing, manufacturing, and vehicle repair are prohibited." This land use prohibition is not currently included in the proposed NZO.	No further action needed.	**1/21** – Council expressed support for inclusion of a prohibition on vehicular repair, processing, and manufacturing and private outdoor storage to be consistent with General Plan subpolicy LU 4.2. See Errata Sheet.
B.10	Section 17.24.090 Fences, Freestanding Walls, and Hedges	The proposed NZO includes regulations for hedges but does not include a provision to ensure timely compliance with hedge height limits.	The current zoning ordinances do not regulate hedge height. The proposed NZO does and treats them similarly to fences and walls. However, there is no amortization period in the proposed NZO to force hedges in to compliance with NZO standards.	No further action needed.	**1/21** – City Council expressed support for the 3 month amortization period for hedges and also directed staff to remove subsection (C)(1), which regulated chain-link fences. See Errata Sheet.
B.11	Section 17.36.020 Nonconforming Uses and Structures	The proposed NZO requires unpermitted nonconformities to come into compliance within 90 days.	The 90-day timeline to attain permits will prove challenging for many uses and structures. Chapter 17.69 – Enforcement, already includes enforcement responsibilities for illegal development.	No further action needed.	**1/21** – City Council expressed support for the edits proposed by staff for enforcement procedures. See Errata Sheet.
B.12	Section 17.36.050 Nonconforming Uses and Structures	The proposed NZO provides regulations for non-conforming structures and outlines when a structure can be rebuilt to its nonconforming dimensions.	This Chapter limits the ability to reconstruct a nonconforming structure damaged or partially destroyed by fire, flood, earthquake, or other natural disaster. Currently, the NZO does not allow reconstruction of nonconforming structures where the structure is completely (greater than 75% of total costs) destroyed. However, Government Code Section 65852.25 prohibits the City from preventing the reconstruction of multi-unit dwellings.	No further action needed.	**1/21** – City Council expressed support for the edits proposed to conform to the Government Code and to extent this provision to single-unit dwellings.
B.13	Section 17.41.190 Mobile Vendors	The proposed NZO includes new regulations for mobile vendors (including food trucks) when located on private property.	These new standards include when mobile vendors need a Temporary Use Permit and provides certain limitations and restrictions on their operation.	No further action needed.	**1/21** – City Council directed staff to remove the development standards from the NZO and to allow the existing business licensing requirements regulate them while City staff researches the topic further and to return at a later date to determine if regulations should remain in the business license or within the NZO.

Item No.	NZO Citation	Issue Summary	Background	Option / Recommendation	Direction / Decision
B.14	Section 17.41.030 Accessory Dwelling Units (ADU)	The proposed NZO includes requirements and standards for ADUs that are not compliant with recent changes in state ADU law.	The City adopted Ordinance No. 18-01 in 2018 to regulate ADUs based on previous changes in state law. Ordinance No. 18-01 has been included in the proposed NZO. However, in 2019, the state amended its ADU laws and Ordinance No. 18-01 is now out of compliance with state law. As such, the City needs to update its ADU Ordinance and remove existing regulations for ADUs found in the proposed NZO.	No further action needed.	**1/21** – Council expressed approval of revisions to match the new ADU Ordinance, including revisions to other sections as necessary. See Errata Sheet.
B.15	Section 17.52.100(B) Substantial Conformity Determination (SCD)	The proposed NZO includes a process for SCDs. The SCD process is carried forward, with some changes, from the existing zoning ordinances.	SCDs are a non-noticed, non-appealable process for minor changes to previous discretionary approvals. This is a procedure that currently is used by the City. The NZO allows the Director to approve these changes, based on thresholds outlined in the NZO, without notice or an avenue for appeal. Should the Director deny the SCD, the applicant could apply for an Amendment under Section 17.52.100(C). Amendments require notice and allow for an appeal, but do not have a hearing.	No further action needed.	1/21 – Council expressed support for adding recommended language from staff, including the provisions for noticing, appeal, and substantial public controversy. See Errata Sheet.
B.16	Chapter 17.16 -AE Airport Environs Overlay District	The proposed NZO includes an overlay district with specific land use restrictions based on proximity to the runway ends of Santa Barbara Airport.	The General Plan specifically calls for an Airport approach overlay in Implementation Action SE-IA-1. The Safety Element includes specific policy direction for this overlay in Safety Element Policy SE 9. In particular, the Overlay focuses on the requirements of subpolicies SE 9.1-9.5 and the Airport Land Use Plan (ALUP).	No further action needed.	**1/21** – City Council expressed support for the –AE Overlay edits as proposed by staff in the handout presented at the hearing and to spell out the abbreviated CNEL with minor clerical revisions. See Errata Sheet.
B.17	Section 17.40.030 Exempt Signs	The proposed NZO exempts non-commercial speech on residential and non-residential uses with different size allowances for each.	Pursuant to subsection 17.40.030(T), protected non-commercial speech signs on residential uses may be no larger than 4 ft. x 6 ft. However, there is no limit on the number of such signs. Pursuant to subsection 17.40.030(U), protected non-commercial speech signs on commercial uses may not be higher than 6 feet in height and signs may not total more than 25 square feet cumulatively.	No further action needed.	**1/21** – Council directed staff to take the smaller sized residential standards for protected non-commercial speech signs and use them for both the residential and non-residential zones. See Errata Sheet.

C. Minor Cleanups

Item No.	NZO Citation	Revision
C.1	Section 17.26.060 – Coastal/Inland Visual Resource Preservation – Scenic Corridors	Delete redundant term “identified” in the preamble to this section. Edited subsection (B)(6) to add a semicolon after the term “driveways” and begin subsection (B)(7) with the remainder of the sentence beginning with the term “Minimize” and renumber the remaining subsections accordingly. See Errata Sheet.
C.2	Section 17.38.110 – Parking and Loading – Parking Area Design	Replace three angled parking figures (Figures 17.38.110(B-4), (B-5), and (B-6)) with new figures to more accurately represent parking lot designs. See Errata Sheet.
C.3	Section 17.39.070 –Performance Standards – Noise	Correct a typo of “Conditionally Unacceptable” with “Conditionally Acceptable” to accurately reflect a Community Exposure category from Table 17.39.070(A). See Errata Sheet.
C.4	Section 17.40.060 – Signs – General Provisions for Signs	Change “is” to “in” in subsection 17.40.060(I)(1). See Errata Sheet.
C.5	Section 17.41.060 – Standards for Specific Uses and Activities – Animal Keeping	Revise to more accurately reflect relevant County advisors. See Errata Sheet.
C.6	Section 17.42.010 – Telecommunications Facilities – Purpose and Applicability	Revise language in the purpose section to better reflect the applicability of the Chapter. See Errata Sheet.
C.7	Section 17.01.040 – Applicability	Add a new subsection 17.01.040(A)(1) to clarify that discretionary approvals may have additional conditions and standards applied. See Errata Sheet.
C.8	Section 17.01.040 – Applicability	Revise subsection 17.01.040(E)(4) to provide further clarity regarding the vesting provision. See Errata Sheet.
C.9	Section 17.03.090 – Height	Delete the word “a” from the subsection title for subsection 17.03.090(C)(2). See Errata Sheet.
C.10	Table 17.07.030 – Development Regulations – Residential Districts	Correct the cross-reference to the Accessory Dwelling Units Section (17.41.030). See Errata Sheet.
C.11	Chapter 17.10 – Industrial Districts	Add a space after the sentence ending “…particular district.” in Section 17.10.030. See Errata Sheet.
C.12	Table 17.12.020 – Land Use Regulations – Open Space and Agricultural Districts	Add a “P” in the Small Family Day Care row in the AG Zone District to fill in the blank cell. See Errata Sheet.
C.13	Chapter 17.24 – General Site Regulations	Add a comma after “Recycling” in the Table of Contents for Section 17.24.140. See Errata Sheet.

C.14	Section 17.24.150 – Vending Machines	Delete “Recycling facilities” in the preamble to this section. See Errata Sheet.
C.15	Section 17.28.060 – Inclusionary Housing Plan and Agreement	Add “the” before “Director” in subsection (C)(4). See Errata Sheet.
C.16	Section 17.28.090 – Construction Standards for Inclusionary Units	Correct spelling error of “facility” to “facilitate” in subsection (C). See Errata Sheet.
C.17	Section 17.37.040	Capitalize “Oil” and “Gas” in Section 17.37.040. See Errata Sheet.
C.18	Table 17.50.020 – Review Authority	Add a new row under Planning Permit or Action for “Amendment” and add “Decision” in the Director column and “Appeal” under the Planning Commission and City Council columns. Delete “or Amendment” from the Minor Change row and add “to a Zoning Permit” so that cell reads “Minor Change to a Zoning Permit”. Add “Appeal” under the Planning Commission and City Council columns in the Substantial Conformity Determination row. See Errata Sheet.
C.19	Section 17.51.020 – Discretionary Actions	Add a new subsection 17.51.020(L) to read as follows: “**Revisions** (REV). See Section 17.52.100.” See Errata Sheet.
C.20	Section 17.52.090 – Dates and Timing	Delete “a” before “project” in subsection 17.52.090(C)(1). See Errata Sheet.
C.21	Section 17.52.100 – Changes to Prior Permits and Approvals	Replace the term “Revisions” with “Changes” in the preamble to this section and edit subsection (D) to read in its entirety: “Revisions. Proposed changes to a previous approval, which are not subject to subsections (A-C) above, are considered significant and must be processed in the same manner as a new project.” See Errata Sheet.
C.22	Section 17.52.120 – Appeals	Edit subsection (A)(1) to reflect that Substantial Conformity Determinations and Amendments are appealable. See Errata Sheet.
C.23	Section 17.54.020 – Zoning Clearance – Applicability	Edit to subsection (B)(3) to read in its entirety as follows: “Design Review Board Approvals for individual Signs not associated with an overall Sign Plan and actions to grant Design Review approval for a project where the Design Review Board is the Review Authority.” See Errata Sheet.
C.24	Section 17.58.060 – Design Review – Design Review Board Levels of Review	Minor consistency edit to subsection (A)(4) to delete the hyphen in the term “story-pole.” See Errata Sheet.
C.25	Section 17.59.040 – Development Plans – Adjustments to Development Standards	Edit to include height and lot coverage in the list of development standards in the preamble to clarify that they are permissible as adjustments, but as noted in subsection (B), these two specific types would require an additional Resolution by the Planning Commission. See Errata Sheet.
C.26	Section 17.54.020 – Zoning Clearance – Applicability	Edit to subsection (B)(3) to read in its entirety as follows: “Design Review Board Approvals for individual Signs not associated with an overall Sign Plan and actions to grant Design Review approval for a project where the Design Review Board is the Review Authority.” See Errata Sheet.
C.27	Chapter 17.67 – Amendments to the General Plan	Capitalize “Hearing” in the Table of Contents for Chapter 17.67, Section 17.67.040. See Errata Sheet.
C.28	Chapter 17.73 – List of Terms and Definitions	Addition of the following in Part VI – Chapter 17.73, **List of Terms and Definitions** **Transportation Demand Management (TDM).** A program developed for the application of strategies and policies to reduce travel demand and congestion, or to redistribute it in space or in time. **Effective Date.** The issuance date on which a permit or other approval becomes enforceable or otherwise takes effect, rather than the date it was signed or circulated. See Errata Sheet.

Attachment 2

City Council NZO Adoption Errata Sheet (2/18/20)

NZO Section	Revision Description
Applicability §17.01.040	Add a new subsection 17.01.040(A)(1), and renumber subsequent subsections accordingly, to read in its entirety: "***Minimum Requirements***. In interpreting, analyzing, and applying the provisions of this Title, unless otherwise stated, they shall be held to be the minimum requirements for promotion of public health, safety, peace, comfort, and general welfare. Discretionary Approvals required by this Title may include the imposition of conditions and standards that are stricter than those required by this Title." Revise subsection 17.01.040(E)(4) as follows: ***"Project Applications Deemed Complete***. At the Applicant's election, a project application that is determined to be complete prior to September 1, 2019, shall either: a. Be processed under the zoning regulations <u>in effect</u> at the time of the determination; or b. Be processed under this Title. The ~~allowances under~~ <u>Applicant's option in accordance with subparagraph (a) of</u> this provision shall <u>terminate</u> ~~sunset~~ on December 31, 2021<u>.</u> ~~i~~<u>I</u>f a project has not received all required land use entitlements <u>by December 31, 2021</u>, ~~after which,~~ the project shall be subject to all regulations of this Title."
Height §17.03.090	Delete the word "a" in the title to subsection 17.03.090(C)(2).
Accessory Dwelling Units Table 17.07.020	Merge all cells in the row and read "See §17.41.030, Accessory Dwelling Units (ADU)". Delete Footnote 1 and renumber Footnote 2 accordingly.
Large Residential Care Facilities Table 17.07.020	Remove "CU" (Major Conditional Use Permit) from both the "RS" (Single Family Residential) and the "RP" (Planned Residential) zones and replace with a "-" in order to note that these facilities are not permitted within these lower-density zone districts.
Dwelling Unit Density Table 17.07.030	Change the cross-reference to the Accessory Dwelling Unit (ADU) Section from §17.42.030 to §17.41.030.
Accessory Dwelling Units Table 17.08.020	Add a new row for Accessory Dwelling Units. Merge all cells in the row and read "See §17.41.030, Accessory Dwelling Units (ADU)".
Mobile Vendors Table 17.08.020	Delete the Mobile Vendors row.
Accessory Dwelling Units Table 17.09.020	Add a new row for Accessory Dwelling Units. Merge all cells in the row and read "See §17.41.030, Accessory Dwelling Units (ADU)".
Mobile Vendors Table 17.09.020	Delete the Mobile Vendors row.
Office Districts Chapter 17.09	Add new subsection 17.09.030(C) to clarify consistency with General Plan policy LU 4.2 and to read as follows: "**<u>Limits on Outdoor Activities.</u>** <u>Allowed uses are prohibited from conducting vehicular repair, processing, and manufacturing activities outdoors and are prohibited from private outdoor storage.</u>" Include a reference to this standard in Table 17.09.030

Industrial Districts Chapter 17.10	Add a space after the sentence ending "…particular district." in Section 17.10.030.
Small Family Day Care Table 17.12.020	Add a "P" in the Small Family Day Care row in the AG Zone District.
-AE Airport Environs Overlay Chapter 17.16.	Delete Section 17.16.030 in its entirety and renumber subsequent Sections accordingly. Edits to Section 17.16.040, Use Restrictions, in subsections (B-D) to read as follows: (B)(3) - ***Within the Approach Zone but Outside the One-Mile Marker.*** New ~~R~~residential uses ~~must be~~ consistent with the ALUP ~~Table 4-1~~ are allowed. (C) - **Non-Residential Uses.** All new non-residential uses within the Clear and Approach Zones ~~must be~~ consistent with the ALUP are allowed ~~Table 4-1~~. 1. ***Prohibited Uses.*** The following uses are not permitted within the Airport Clear and Approach Zones unless such use is ~~found~~ consistent with the ALUP ~~by the ALUC or is approved by the City Council upon a two-thirds vote with specific a finding that the proposed development is consistent with the purpose and intent expressed in Public Utilities Code, Section 21670~~. a. Hazardous installations or materials such as, but not limited to, oil or gas storage and explosive or highly flammable materials. ~~b. Any use which may result in a permanent or temporary concentration of people greater than 25 persons per acre.~~ (D) - **Runway 7 Safety Corridor.** ~~The~~ Only the following ~~are the only allowed features~~ may be permitted within the Runway 7 Safety Corridor: Edit to Section 17.16.050 to spell out Community Noise Equivalent Level at the first instance of the use of the acronym "CNEL" since it was deleted in Section 17.16.030.
-AH Affordable Housing Overlay District Chapter 17.17	Delete all references to "for-sale" (seven total references) in Section 17.17.030 - Affordable Housing Requirement.
General Site Regulations Chapter 17.24	Add a comma after "Recycling" in the Table of Contents for Chapter 17.24, Section 17.24.140
Fences, Freestanding Walls, and Hedges §17.24.090	Delete subsection (C)(1), **Limitations on Chain-Link Fencing**, in its entirety and renumber the remaining subsections accordingly. Add new subsection (F) to apply a three month sunset provision that reads as follows: "**Hedge Amortization.** All nonconforming hedges may be continued and maintained for three months from the effective date of this Title. At the end of this three-month amortization period, such nonconforming hedges lose their status as nonconforming hedges and the property owner's maintenance of such a hedge above the legal height constitutes a violation of the provisions of this Title and shall be removed or brought into conformance with this Chapter."
Reverse Vending Machines §17.24.150	Delete "Recycling facilities" in the preamble to this section.

Visual Resource Protection §17.26.040	Revise subsection (B)(1) to read as follows: "Limitations on the height and width of structures where more than ten percent of a protected public view would otherwise be impacted."
Scenic Corridors §17.26.060	Delete the redundant term "identified" from the preamble. Edit subsection (B)(6) to add a semicolon after the term "driveways" and begin subsection (B)(7) with the remainder of the sentence beginning with the term "Minimize" and renumber the remaining subsections accordingly.
Inclusionary Housing Chapter 17.28	See revisions to entire Chapter included as Attachment 1 to this document. The revisions add rental units to the inclusionary housing affordability requirements.
Exempt Projects §17.28.020	Edit to subsection (B)(5) to account for recent change to State ADU law to read in its entirety: "Residential building additions, repairs, or remodels, provided that the work does not increase the number of existing units by more than one unit, excluding the addition of one or more ADUs.
"Good Cause" time extensions §17.28.110	Delete the entire Section titled "**Performance Security for Inclusionary Housing Units**" and renumber the following Section "**Enforcement**" appropriately.
Streamside Protection Areas §17.30.070	Delete Section 17.30.070 in its entirety and replace with the following language: **A. Purpose and Applicability.** The purpose of a Streamside Protection Area (SPA) designation in the General Plan is to preserve and enhance the SPA in order to protect the associated riparian habitats and ecosystems as well as the water quality of streams. The SPA consists of the riparian vegetation in the buffer area adjacent to streams. **B. Required SPA Buffer.** The SPA upland buffer must be 100 feet outward on both sides of the stream, measured from the top of the bank or the outer limit of the riparian vegetation, whichever feature is further from the creek. The Review Authority may expand or reduce the upland buffer, or portions thereof, on a case-by-case basis, as provided in this Section. **C. Reduction in the SPA Buffer.** 1. Upon request of an applicant, the Review Authority may allow portions of a SPA upland buffer to be less than 100 feet, as such measurement is prescribed in paragraph B above, but not less than 25 feet, with approval of a Major Conditional Use Permit, provided the Review Authority finds, on the basis of substantial evidence in the record, that: a. The reduction in the SPA upland buffer will not have a significant adverse effect on streamside vegetation or the biotic quality of the stream; b. There is no feasible alternative siting for the proposed project that will avoid an incursion into the SPA upland buffer; c. In the absence of a reduction in the SPA upland buffer, the applicant cannot make reasonable economic use of the parcel; and d. The approved amount of reduction in the SPA upland buffer is no greater than necessary to allow a reasonable economic use of the parcel. 2. Upon receipt of an application for an SPA upland buffer reduction, the Director may direct preparation by a City-selected consultant of a Biological Report, an economic/financial analysis and/or any other study or report the Director deems necessary in his or her reasonable discretion, at the applicant's expense, to assist

	the Review Authority in making the above findings. At the request of the Director, the applicant shall provide information that the Director deems necessary, in his or her reasonable discretion, to produce the above-referenced studies or reports, including but not limited to financial data, land appraisal data, acquisition cost, land development/construction cost data, prospectuses, and financial/revenue projections. The application will not be deemed complete until the required reports are completed to the Director's satisfaction. **D. Expansion of the SPA Buffer**. In connection with consideration of any discretionary entitlement for a parcel adjoining a creek, the Review Authority may expand the SPA upland buffer beyond 100 feet as necessary to avoid a significant adverse effect on streamside vegetation or the biotic quality of the stream. The buffer may be expanded provided that the applicant may still make reasonable economic use of the parcel. E. **Allowable Uses within SPAs**. The following compatible land uses may be allowed within SPAs, subject to certain limitations and permit requirements of this Title, including those requiring avoidance or mitigation of impacts: 1. Agricultural operations, provided they are compatible with preservation of riparian resources. 2. Fencing and other access barriers along property boundaries and along SPA boundaries. 3. Maintenance of existing roads, driveways, utilities, structures, and drainage improvements. 4. Construction of public road crossings and utilities, provided there is no feasible, less environmentally damaging alternative. 5. Construction and maintenance of foot trails, bicycle paths, and similar low-impact facilities for public access. 6. Resource restoration or enhancement projects. 7. Nature education and research activities. 8. Low-impact interpretive and public access signage. 9. Other Public Works projects, as identified in the Capital Improvement Plan, only where there are no reasonably feasible, less environmentally damaging alternatives.
Lagoon Protection §17.30.120	Remove subsection 17.30.120(A) in its entirety.
Protection of Native Oak Woodlands and Savannas §17.30.150	Remove subsection 17.30.150(A) in its entirety.
Establishment of Nonconformity §17.36.020	Edit to subsection 17.36.020(C) to remove the requirement that an unpermitted nonconformity must obtain a permit from the City within 90 days. Proposed edit to read as follows: "**Unpermitted Nonconformities.** Any nonconforming use, structure, or lot not deemed to be legally permitted or created, shall be determined illegal and must be abandoned and/or otherwise remedied pursuant to Chapter 17.69, Enforcement."

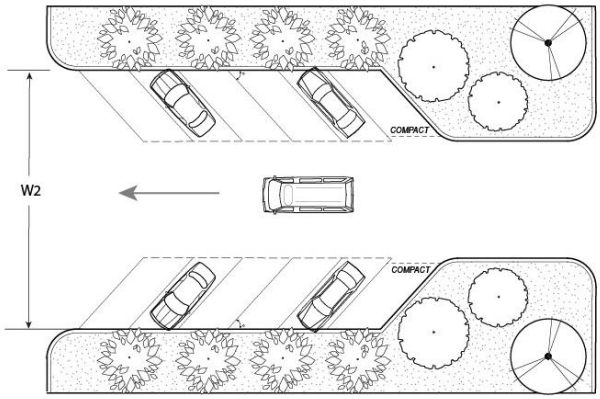
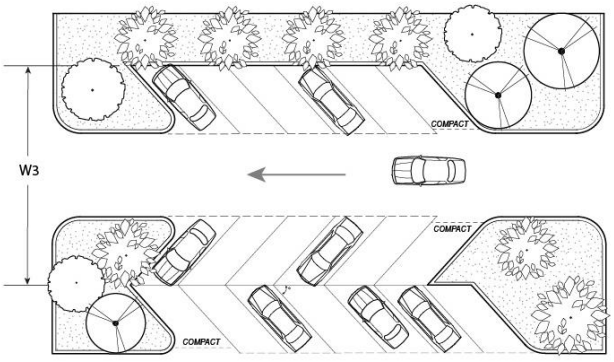
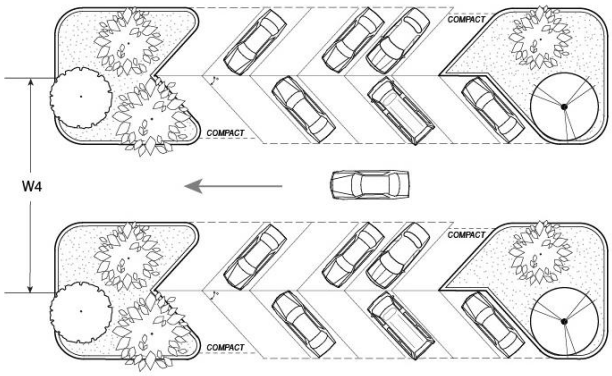
Nonconforming Structures §17.36.050	Add new subsection (E) that reads in its entirety as follows: "Where nonconforming structures dedicated to residential uses, except in the IS and IG Zone Districts, are damaged or destroyed by fire, flood, earthquake, other catastrophic event, or the public enemy, such structures may be reconstructed to the same or lesser size, in the same general footprint location, and to its pre-damaged size and number of dwelling units provided that reconstruction shall commence within 24 months of the time of damage and be diligently carried out to completion."
Abandonment and Removal Procedures for Oil and Gas Facilities §17.37.040	Capitalize "Oil" and "Gas" in Section 17.37.040
Location of Required Parking §17.38.070	Delete "unless allowed pursuant to Section 17.41.030, Standards for Specific Uses and Activities – Accessory Dwelling Units (ADU), for replacement parking related to a City-approved garage conversion to an Accessory Dwelling Unit" from subsection 17.38.070(A)(1)(a).
Parking Area Design and Development Standards §17.38.110	Replace Figures 17.38.110(B-4), (B-5), and (B-6) with the figures below: Figure B-4:  Figure B-5: 

	Figure B-6: 
Noise §17.39.070	Edit subsection 17.39.070(D) to replace "Conditionally Unacceptable" with "Conditionally Acceptable."
Signs §17.40.030	Delete subsection 17.40.030(L), Mobile Vendor Signs and update subsequent subsection citations. Edits to subsection 17.40.030 (T) in order to combine residential and non-residential zone standards together by deleting the phrase "~~**on Residential Uses**~~" at the end of the heading so as to read "**Protected Non-Commercial Speech Signs.**" Delete subsection (U) in its entirety.
Signs §17.40.060(I)	Change "is" to "in" in subsection 17.40.060(I)(1) to read in its entirety: "**Electronic Copy**. Electronic changeable copy is only allowed <u>in</u> non-residential districts and as follows:"
Accessory Dwelling Units §17.41.030	Delete the contents of this section in its entirety and replace with the contents of the ADU Ordinance (Ord. No. 20-02) as shown in Attachment 2.
Animal Keeping §17.41.060	After discussion with County Vector Control, the following edits to subsection (B)(3)(b) are proposed: "Keeping of such small animals is not injurious to the health, safety, or general welfare of the neighborhood and does not create offensive noise or odor as determined by the ~~Zoning Administrator~~ <u>Director</u> after advice from the County <u>Public</u> Health Department or the <u>Mosquito and Vector Management District of Santa Barbara County</u>."
Mobile Vendors §17.41.190	Edit to delete the entire existing text of the Section and replace with the following: "Mobile Vendors are neither regulated nor prohibited by this Title."

Temporary Uses §17.41.260	Addition of subsection (A)(8) to read as follows: "***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." Delete text of subsection (B)(10), ***Mobile Vendors***, in its entirety and replace with the following: ***"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."
Telecommunication Facilities §17.42.010	Revise subsection (A) to remove the phrase "in the public right-of-way" and to capture large cellular facilities that are located on private property. Revisions to read as follows: "These facilities include small and large cell facilities on privately-owned property and ~~large cell~~ wireless facilities on public property not regulated by GMC 12.20~~in the public right-of-way~~."
Review Authority Table 17.50.020	Add the following text after Development Plan: "(and Revisions to approved DPs)" Add a new row under Planning Permit or Action for "Amendment" and add "Decision" in the Director column and "Appeal" under the Planning Commission and City Council columns. Delete "or Amendment" from the Minor Change row and add "to a Zoning Permit" so that cell reads "Minor Change to a Zoning Permit". Add "Appeal" under the Planning Commission and City Council columns in the Substantial Conformity Determination row.
Review Authorities §17.50.030	Add new subsection 17.50.030(H) to read in its entirety: "H. Act as the Review Authority for all zoning permits, except Zoning Clearances, and all discretionary approvals required by this Title for City projects, including Capital Improvement Program projects."
Discretionary Actions §17.51.020	Add new subsection 17.51.020(I) to read in its entirety: "**Revisions** (REV). See Section 17.52.100." Reformat subsequent subsections accordingly.
Public Notification §17.52.050	Add new subsection 17.52.050(C)(1)(c) to read in its entirety: "*Alternative Method for Large Mailings*. If the number of property owners/tenants to whom notice would be mailed or delivered pursuant to this Section is greater than 1,000, the City may instead provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the City at least ten days before the date of the public hearing."
Public Notification §17.52.050	Edits to subsection (C)(3)(c) to include a trigger for larger on-site noticing, as follows: *Size*. On-site posted notice signs for all new Development Plans, Amendments, and Revisions to Development Plans, and all new Conditional Use Permits, Amendments, and Revisions to Conditional Use Permits shall be: i. Residential Districts. Eight square feet. ii. Non-Residential Districts. 32 square feet.

Public Notification §17.52.050	Delete subsection 17.52.050(C)(4) and renumber subsequent subsections accordingly.
Public Notification §17.52.050	Edits to subsection (C)(6) to include interim story pole guidelines while formal guidelines are developed as a separate work program, as follows: "***Story Poles.*** All development over 20 feet in height, except for single-unit dwellings, shall require story poles that accurately depict the proposed structure(s). When required, story poles must convey size, bulk, and scale and must be installed consistent with the following provisions: a. The story poles must be satisfactorily installed at least 14 days before the first scheduled public hearing date, unless an earlier date is deemed necessary by the Director. b. The story poles must remain in place until the expiration of the project's local Appeal period and must be removed within ten calendar days afterwards. c. Story poles shall depict a three-dimensional, full-scale silhouette that outlines major wall planes, gables, and ridges. d. Installation of story poles must be certified by a licensed land surveyor as to their accuracy. Any deviations from proposed heights stated on plan sheets and what is depicted by the story poles must be calculated and disclosed. e. Story poles must be of sturdy construction and braced or reinforced for safety purposes. f. Installed story poles and associated flagging and/or netting shall be of materials and method of installation to withstand reasonably foreseeable weather or other site factors for the required duration of display. g. If at any time the story poles become unsafe or shift location, they shall be repaired and reset."
Public Notification §17.52.050	Delete subsection 17.52.050(E) in its entirety.
Dates and Timing §17.52.090	Delete "a" before "project" in subsection 17.52.090(C)(1). Add new subsection 17.52.090(C)(3) to read in its entirety: "3. ***City Projects.*** There is no expiration date for actions on City projects, including Capital Improvement Program projects."
Changes to Prior Permits and Approvals §17.52.100	Replace the term "Revisions" with "Changes" in the preamble to this section. Edit to subsubsection (B)(1)(a), Development Thresholds, to add a new subsection (v) that reads as follows: "The project has not been the subject of substantial public controversy, nor is there reason to believe the change is likely to create substantial public controversy." Replace the entire subsection (B)(3), ***Process***, to read in its entirety: "***Notice and Appeal.*** Notice must be given at least ten days prior to the date of the Director's decision as provided in Section 17.52.050, Common Procedures – Public Notification, and subject to appeal in compliance with Section 17.52.120, Common Procedures – Appeals."

	Edit subsection (B)(4), ***Effectuation***, to replace the term "Director's" with "Review Authority's." Edit subsection (D) to read in its entirety: "**Revisions.** Proposed changes to a previous approval, which are not subject to subsections (A-C) above, are considered significant and must be processed in the same manner as a new project."
Appeals § 17.52.120	Edit subsection (A)(1) to read in its entirety: ***Appeals of Director Decisions***. a. The following decisions of the Director may not be appealed: Zoning Clearances, Emergency Permits, and Minor Changes to a Zoning Permit. b. The following decisions of the Director may be appealed to the Planning Commission: Land Use Permits, Temporary Use Permits, Coastal Development Permits, and Waivers for De Minimis Development, Zoning Code Determinations, Amendments, and Substantial Conformity Determinations.
Exempt Development § 17.53.020	Add new subsection 17.53.020(X) to read in its entirety: "X. City projects, including Capital Improvement Program projects, are exempt from Zoning Permits and Discretionary Approvals, as follows: 1. ***Inland Area.*** All projects, except where located within an ESHA. 2. ***Coastal Zone.*** Repair and maintenance activities where not located within an ESHA."
Applicability §17.54.020	Edit to subsection (B)(3) to read in its entirety as follows: "Design Review Board Approvals for individual Signs not associated with an overall Sign Plan and actions to grant Design Review approval for a project where the Design Review Board is the Review Authority."
Development Plans §17.59.040	Edit to include "height" and "lot coverage" in the list of development standards in the preamble.
Coastal Development Permits, Exemptions §17.61.030	Revised subsection 17.61.030(B)(1)(b) as shown below: "Accessory Structures on the property normally associated with a Single-Unit Dwelling, such as Garages, Swimming Pools, and Fences, but not Cabañas~~,~~ or Guesthouses~~, or Accessory Dwelling Units~~; and"
Modifications Chapter 17.62	Delete subsection 17.62.020(A)(2)(b) in its entirety and renumber subsequent subsections accordingly.
Amendments to the General Plan Chapter 17.67	Capitalize "Hearing" in the Table of Contents for Chapter 17.67, Section 17.67.040.
Residential Uses §17.72.010	Delete the definition of Accessory Dwelling Unit (ADU) and sub-definitions of Attached ADU and Detached ADU and replace with the following: "See Section 17.41.030."
General Terms Chapter 17.73	Addition of the following in Part VI – Chapter 17.73, **List of Terms and Definitions**

	Transportation Demand Management (TDM). A program developed for the application of strategies and policies to reduce travel demand and congestion, or to redistribute it in space or in time. **Entitlement.** The legal process of obtaining all required land use approvals for development, concluding any associated local appeal period, meeting any prior to issuance conditions of approval, and successfully obtaining issuance of the effectuating Zoning Permit. **Effective Date.** The issuance date on which a permit or other approval becomes enforceable or otherwise takes effect, rather than the date it was signed or circulated. Delete the definition of "Efficiency Unit."

ATTACHMENT 1

17.28.010 Purpose and Intent

The purpose of this Chapter is to:

A. Implement Statewide policies to make available an adequate supply of housing for persons and households from all economic sectors of the community because persons with low and moderate incomes who work and/or live within the City are unable to locate housing at prices they can afford and are increasingly excluded from living in the City;

B. Support General Plan policies intended to promote and maintain balanced and economically diverse community with a mix of workplaces and residential uses that offer a variety of housing types to meet the needs of an economically diverse work force, thereby reducing both adverse impacts on air quality and energy consumed by commuting;

C. Avoid the depletion of limited land resources needed to accommodate the demand for housing that is affordable to low- and moderate-income households by requiring the development of affordable housing when market-rate units are constructed, which is a more efficient use of land;

D. Construct new affordable units on the same site as new market-rate construction and only when this is infeasible, provide comparable new or substantially rehabilitated affordable units at another site or similar neighborhood character;

E. Establish standards and procedures to implement the inclusionary housing requirements in a streamlined manner that complies with federal and State law; and

F. Provide additional incentives for the development of affordable housing units that exceed those to which developers are entitled under State law.

The primary intent of the inclusionary requirement is to achieve the construction of new affordable units on site. A second priority is construction of affordable units off site, or the transfer of sufficient land to the City or a City-approved affordable housing specialist or an in-lieu payment to the City. This Chapter may be implemented by way of a resolution adopted by the City Council.

17.28.020 Applicability

A. **Applicability.** The requirements of this Chapter apply to every ~~for-sale~~ residential development project that includes two or more housing units, unless exempt by subsection (B), below.

1. ***Compliance before Approvals, Issuances, Granting of Maps, Permits, Entitlements.*** Developers must comply with this Chapter before the City grants any ministerial or discretionary land use approvals for a Project.
2. ***Verification of Compliance.*** The Director cannot find a development application to be complete until the developer provides a written proposal demonstrating how the requirements of this Chapter will be met.
3. ***Sales and Rental of Inclusionary Dwelling Units.*** Each inclusionary dwelling unit required by this Chapter must be sold or rented in compliance with this Chapter and all applicable conditions of approval.

B. **Exempt Projects.** The following types of residential projects are exempt from the requirements of this Chapter:

1. ~~One for-sale single~~ Single-unit dwellings;
2. Projects that are developed pursuant to the terms of a Development Agreement executed prior to the effective date of this Title, provided that such residential developments must comply with

any affordable housing requirements included in the Development Agreement or any predecessor Title in effect on the date the development agreement was executed;

3. An affordable, multiple-unit rental housing project that will be developed by a nonprofit housing provider receiving financial assistance from the City, so long as the project is maintained as an affordable project subject to an affordable housing agreement with the City;
4. ~~A project proposing rental dwelling units that cannot be separately owned or conveyed under the Subdivision Map Act;~~Projects processed pursuant to Section 17.41.030, Accessory Dwelling Units;
5. Residential building additions, repairs, or remodels, provided that the work does not increase the number of existing units by more than one unit;
6. Projects consisting of 100 percent affordable units in which rents are controlled or regulated by a government unit, agency, or authority, excepting those unsubsidized and/or unassisted units that are insured by the United States Department of Housing and Urban Development (HUD);
7. Projects that replace or restore residential units damaged or destroyed by fire, flood, earthquake, or other disaster~~, provided that the replacement or restoration does not increase the number of existing units by more than one unit~~; and
8. Units above the allowed density of a Zone ~~d~~District granted through a Density Bonus Agreement pursuant to Chapter 17.27, Density Bonus and Other Incentives.

17.28.030 Income Levels

For the purpose of determining the income levels for potentially eligible households under this Chapter, the City shall use the Santa Barbara County income limits found in Title 25, Section 6932 of the California Code of Regulations, and regularly updated and published by the California Department of Housing and Community Development (HCD), or other income limits adopted by the City Council, if HCD fails to provide regular updates.

17.28.040 Inclusionary Housing Unit Affordability

A. **Base Requirement.** Multiple-unit project developers proposing ~~ownership~~ projects of five or more units must provide 20 percent affordable units of the total number of ~~for-sale~~ units.

1. ***Affordability Levels.*** Projects qualifying for a 20 percent affordability level must provide:
    a. 2.5 percent of the total number of ~~for-sale~~ units at prices affordable to extremely low-income households;
    b. 2.5 percent affordable to very low-income households;
    c. Five percent affordable to low-income households;
    d. Five percent affordable to moderate-income households; and
    e. Five percent affordable to above moderate-income households earning 120 to 200 percent of the median income in the County.

B. **Reduced Requirement.** The Review Authority may reduce the 20 percent affordability level to 15 percent upon making the required finding that a developer will provide a public benefit exceeding the requirements of this Title, including, without limitation, a new on-site or nearby public park or open space facilities exceeding the park and recreation dedication requirements established in Chapter 16.14 of Title 16, Subdivisions of the Goleta Municipal Code.

1. ***Affordability Levels.*** If the Review Authority reduces the affordability level in accordance with this Section, the Project~~s~~ must provide:
    a. One percent of the total number of units as affordable housing to extremely low-income households;
    b. One percent of units to very low-income households,

c. Five percent of units to low-income households,
d. Four percent of units to moderate-income households, and
e. Four percent of units to above moderate-income households earning 120 to 200 percent of median income in the County.

17.28.050 Inclusionary Housing Requirements

The number of inclusionary housing units that a developer must construct in accordance with this Chapter is subject to the following:

A. **Applicability.** The percentage of inclusionary housing units required by this Chapter is applied to the total number of dwelling units proposed for a Project.

B. **Fractional Units.** In the event the calculation for the number of inclusionary units in any income category results in a fraction, the developer must account for inclusionary units as follows:
   1. For projects of two to four units, the developer must make an in-lieu payment in an amount equal to the percentage represented by the fractional unit (out to two decimal places) for each income category multiplied by the applicable in-lieu payment amount for a full unit at that income level.
   2. For projects of five or more units, in the event the calculation for the number of inclusionary units in any income category results in a fraction of an inclusionary unit, the developer has the option of either: (1) providing a full inclusionary unit within the residential development at the specific income level; or (2) combining fractional units at various income levels to sum a whole unit or units and build that unit or units at the low- income level. Any remaining fraction must be accounted for through an in-lieu payment in an amount equal to the percentage represented by the fractional unit multiplied by the applicable in-lieu payment amount. The amount of the in-lieu payment will be in direct proportion to the fractional unit out to two decimal places.

C. **Length of Term.** The term of affordability restrictions must be based on applicable federal laws and financing mechanisms, generally 45 to 55 years but not less than 30 years, and must provide for monitoring and reporting in a manner acceptable to the City.
   1. ***Required Finding.*** If proposing an affordability restriction term of less than 45 years, the following finding must be made by the City Council:
      a. The term of affordability of less than 45 years better serves the City's goals for affordable housing.

D. **Compliance Hierarchy and Findings.** Pursuant to subsection (B)(2) above, compliance with the requirement for inclusionary units must adhere to the following:
   1. ***On-Site.*** Developers must provide affordable units on-site unless otherwise compliant with the findings in this Chapter.
   2. ***Off-Site or Land Dedication.*** Developers may propose to provide affordable units on another site or meet the requirements of this Chapter by dedicating land for the construction of affordable housing.
      a. *Off-site Development.* Off-site development must comply with the following requirements:
         i. If units will be provided through partnership with a nonprofit housing agency, the partner must agree to all the provisions of this Chapter and be a signatory to the Inclusionary Housing Agreement and Affordability Control Covenants, as required by this Chapter.
         ii. Inclusionary units must be regulated by a recorded agreement that requires maintenance of affordable housing units and an affordability covenant or deed

restriction. The term of affordability restrictions must consistent with the length of term consistent with this Chapter.

b. *Land Dedication.* Land dedication must comply with each of the following:
   i. The developer donates and transfers the land prior to recordation of the final subdivision map, or parcel map;
   ii. The developable acreage and zoning classification of the land being transferred are sufficient to make the development of the affordable units feasible, as determined by the Director;
   iii. The transferred land and the affordable units will be subject to a deed restriction in a form approved by the City Attorney ensuring continued affordability of the units;
   iv. The land is transferred to the City or to an owner specializing in affordable housing construction approved by the City;
   v. The transferred land is within the City; and
   vi. A proposed source of funding for development of the affordable units is identified by the date of approval of the final subdivision map, or parcel map, as required by the Director.

c. *Required Findings.* If proposing either off-site development or a land dedication to meet the requirements of this Chapter, each of the following findings must be made by the City Council:
   i. The development of on-site affordable units is infeasible.
   ii. The off-site location is comparable in character and location to the market-rate development location.

3. ***Other Alternatives.*** If unable to provide the required affordable housing pursuant to this Chapter on-site, off-site, or through a land dedication, the developer may propose meeting this Section's affordable housing obligations by paying an inclusionary housing in-lieu payment, acquisition or rehabilitation of existing units, or other alternatives of equal value to the development of affordable units on site.

a. *In-Lieu Payment.* If providing an in-lieu payment, the developer must pay the amount in accordance with the following requirements:
   i. Amount. The amount of the in-lieu payment must of equal value to the provision of the affordable units on site.
   ii. Payment Due Before Occupancy Permit. The inclusionary housing in-lieu payment must be paid in full to the City prior to the City granting any approval for occupancy of the project, but no earlier than the issuance of the building permit.
   iii. Density Bonus Eligibility. The payment of an inclusionary housing in-lieu payment pursuant to this Chapter is not considered a provision of an affordable housing unit for purposes of determining eligibility for a Density Bonus pursuant to Chapter 17.27, Density Bonuses and Other Incentives, or California Government Code, Section 65915 et seq.

b. *Acquisition and Rehabilitation.* If acquiring and rehabilitating existing units, the following requirements must be met:
   i. The value of the rehabilitation work is 25 percent or more than the value of the dwelling unit prior to rehabilitation, inclusive of land value.
   ii. The site is zoned for residential units at a density to accommodate the number of rehabilitated units.
   iii. The rehabilitated dwelling units must comply with all applicable building codes.

iv. The acquisition and rehabilitation are included in the project description for the market-rate unit project and is included in environmental review.

v. The rehabilitation of dwelling units must be completed prior to or concurrently with the market-rate units.

vi. The developer of the market-rate units must provide all costs of notice and relocation of existing residence in the residential units to be rehabilitated.

vii. Except as otherwise provided in this Chapter or specified in an inclusionary housing agreement, inclusionary units must contain, on average, the same number of bedrooms, bathrooms, and square footage as the non-inclusionary units proposed. The units must be compatible with the market-rate units proposed with regard to appearance, materials, and exterior design.

c. *Required Findings.* If proposing an inclusionary housing in-lieu payment, acquisition or rehabilitation of existing units, or other alternatives of equal value to the development of affordable units on site dedication to meet the requirements of this Chapter, each of the following findings must be made by the City Council:

i. The development of on-site affordable units is infeasible.

ii. The developer demonstrates that the in-lieu payment, acquisition and rehabilitation of existing units, or other alternative is of equal value to the provision of the affordable units on site.

E. **Tradeoffs.** The Review Authority may approve tradeoffs of extremely low- and very low-income units for low- or moderate-income units.

1. ***Required Findings.*** If proposing tradeoffs pursuant to this Chapter, each of the following findings must be made by the City Council:

a. The development of on-site extremely low- and very low- income units is infeasible.

b. The developer provides substantial evidence to demonstrate that the City's housing goals can be more effectively achieved through the proposed tradeoffs.

17.28.060 Inclusionary Housing Plan and Agreement

Each residential development that is subject to this Chapter that will construct or acquire and rehabilitate affordable units must provide an Inclusionary Housing Plan in compliance with this Section.

A. **Inclusionary Housing Plan.** No development application will be deemed complete until an Inclusionary Housing Plan containing all of the following elements has been submitted in a form meeting the approval of the Director:

1. For each construction phase, the Affordable Housing Plan must specify, at the same level of detail as the application for the residential development: the inclusionary housing option selected; the number, unit type, tenure, number of bedrooms and baths, approximate location, size, and design; construction and completion schedule of all inclusionary units; phasing of inclusionary units in relation to market-rate units, and general outline of the marketing plan.
2. Identification of the affordable income level for the proposed inclusionary units.
3. Calculation of the proposed number of inclusionary units consistent with this Chapter.
4. A written explanation of the method for restricting the units for the required term at the affordable income levels.
5. If on-site development of affordable units is not proposed, supporting evidence demonstrating on-site development is infeasible.
6. If the developer proposes meeting this Section's affordable housing obligations by paying an inclusionary housing in-lieu payment, acquisition or rehabilitation of existing units, or other

alternatives of equal value to the development of affordable units on-site pursuant to Section 17.28.050, Inclusionary Housing Requirements, supporting evidence demonstrating that the in-lieu payment, acquisition and rehabilitation of existing units, or other alternative is of equal value to the provision of the affordable units on site.

7. If the developer proposed tradeoffs of extremely low- and very low-income units for low- or moderate-income units, supporting evidence demonstrating that the development of on-site extremely low- and very low- income units is infeasible and that the City's housing goals can be more effectively achieved through the proposed tradeoffs.
8. Description of the methods to be used to verify tenant incomes and to maintain the affordability of the inclusionary units and must specify a financing mechanism for the ongoing administration and monitoring of the inclusionary units.
9. Any other information that may be requested by the Director to aid in the evaluation of the sufficiency of the plan under the requirements of this Chapter.

B. **Inclusionary Housing Agreement and Affordability Control Covenants.** Before the City issues a building permit or approves a final map, whichever occurs first, the developer must record an Inclusionary Housing Agreement that conforms to the requirements of Section 17.28.050, Inclusionary Housing Requirements, and a separate Affordability Control Covenant in a form approved by the City Attorney that complies with this Chapter.

C. **Owner-Occupancy Required.** All inclusionary units sold or rented to eligible households are subject to the following regulations. Compliance reporting shall be the responsibility of the property owner or affordable housing management entity in the case of rental units.

1. ***Principal Residence.*** The owner/renter must use and occupy the inclusionary unit as ~~owner's~~ their principal place of residence.
2. ***No Rental of For-Sale Units.*** The owner is expressly prohibited from leasing or renting the inclusionary unit, unless the City has given its prior written consent to such lease or rental on the basis of a demonstrated hardship by the owner.
3. ***No Subleasing of Rental Units.*** An eligible renter is expressly prohibited from subleasing the inclusionary unit, unless the City has given its prior written consent to such sublease on the basis of a demonstrated hardship by the renter.
4. ***Reporting.*** The Director may require certification of continuing occupancy of the inclusionary unit by ~~the~~ eligible ~~owner~~ households, which must be verified ~~by owner~~ to the reasonable satisfaction of the Director by means of a written report ~~by the owner~~ to the Director, setting forth the income and family size of the occupants of the inclusionary unit. The property owner or housing management entity will be deemed in default of the Inclusionary Housing Agreement if ~~the owner fails~~ failing to deliver such annual report within 30 days after receipt ~~by owner~~ of written notice from the Director requesting such report and subject to enforcement pursuant to Section 17.28.120, Inclusionary Housing – Enforcement. The Director will have the option of establishing the type of form to be used for the report.

17.28.070 Eligibility and Selection for Inclusionary Units

A. **General Eligibility.** No household may purchase, rent, or occupy an inclusionary unit unless the City or City's designee has approved the household's eligibility based on income and affordability levels, as defined in California Health and Safety Code, Section 50105 and California Code of Regulations, Section 6932, and the household and City have executed and recorded an affordability housing covenant in the chain of title of the inclusionary unit.

B. **Owner Occupancy.** A household that purchases or rents an inclusionary unit must occupy that unit as a "principal residence" as that term is defined for federal tax purposes by the United States Internal Revenue Code, unless a hardship exception is approved by the Director.

C. **Ineligibility.** The following individuals, by virtue of their position or relationship, are ineligible to occupy an affordable housing unit created pursuant to this Section:

1. All employees and officials of the City or its agencies, authorities, or commissions who have, by the authority of their position, policy-making authority or influence over the implementation of this Chapter and the immediate family of such City employees and officials.
2. The immediate relatives of the developer or owner who sells or rents the home(s) for initial sale or rental to the first set of income eligible ~~buyers~~households.

D. **Selection.** The procedure for selection of eligible households for individual inclusionary units shall be determined by the City.

17.28.080 Inclusionary Unit Restrictions

A. **Initial Sales Price or Rent.** The initial sales price or rent of an inclusionary unit will be set in compliance with any affordable housing policy or resolution adopted by the City Council and/or an inclusionary housing agreement entered into with the City. The sales price or rent of each inclusionary unit is determined by the household income of the eligible household meeting the target income requirements specified in this Chapter that offers to purchase or rent that unit.

B. **Transfers and Conveyances.** A new affordability housing covenant will be entered into upon each change of ownership of an inclusionary unit and upon any transfer or conveyance (whether voluntarily or by operation of law) of an owner-occupied inclusionary unit.

C. **Resale Price.** The maximum sales price and qualifications of purchasers permitted on resale of an inclusionary unit must be specified in an affordability housing covenant to be approved by the City Attorney. The maximum sales price permitted on resale of an inclusionary unit intended for owner-occupancy shall not exceed the seller's purchase price, adjusted for the percentage increase in median income since the seller's purchase, plus the value of substantial structural or permanent fixed improvements to the property.

17.28.090 Construction Standards for Inclusionary Units

Inclusionary housing units built under the provisions of this Chapter must conform to the following standards:

A. **Design.** Except as otherwise provided in this Chapter or specified in an Inclusionary Housing Agreement, inclusionary units must contain, on average, the same number of bedrooms, bathrooms, and square footage as the non-inclusionary units in the development. The units must be compatible with market-rate units with regard to appearance, materials, and exterior design. The façades of inclusionary units must be constructed of the same materials as the market-rate units in the same development.

B. **Utilities.** Inclusionary units made available for purchase must include space and connections for a clothes washer and dryer within the unit. Inclusionary units made available for rent must include either connections for a clothes washer and dryer within the inclusionary unit or sufficient on-site, self-serve laundry facilities to meet the needs of all tenants without laundry connections in their units.

C. **Location.** All for-sale inclusionary units must be reasonably dispersed throughout the development and not clustered together or segregated in any way from market-rate units. For- rent inclusionary units may be clustered to facilitate~~y~~ third-party management.

D. **Timing.** All inclusionary units must be constructed and occupied concurrently with or before the construction and occupancy of market-rate units. In phased developments, inclusionary units may be

constructed and occupied in proportion to the number of units in each phase of the residential development.

17.28.100 Adjustments and Waivers

A. **Application for Adjustments or Waiver.** The requirements of this Chapter may be modified or waived if the developer demonstrates to the City that application of this Chapter would constitute a taking of property in violation of the United States or California Constitutions.

B. **Developer Bears Burden to Present Evidence.** Any developer requesting an adjustment or waiver must submit documentation at the same time the developer files the project application presenting substantial evidence to support the request. The application must set forth in detail the factual and legal basis for any claim.

C. **Written Decision.** Before or in conjunction with its decision on the project, the City must render a written decision including findings within 90 days from the date the complete application is filed. The decision may be appealed to the City Council in the manner provided in Chapter 17.52, Common Procedures. The City Council's decision is the City's final decision. A developer may appeal the decision to a court of competent jurisdiction within 90 days after the decision in accordance with Code of Civil Procedure, Section 1094.6.

17.28.110 ~~Performance Security for Inclusionary Housing Units~~

~~Upon application by a developer and for good cause shown, the Director may, but is not required to, allow a developer to delay construction of inclusionary housing units.~~

~~A. **Performance Security.** Any such approval is conditioned upon the developer providing sufficient security, in a form approved by the City Attorney, to insure performance under this Chapter.~~

~~B. **Good Cause.** Without limitation, good cause may include funding restrictions for projects involving nonprofit corporations or use of Public Agency monies.~~

~~C. **Time Limits.** Any delay approved by the Director is limited to a maximum of two years with one additional time extension allowance of up to two years.~~

~~17.28.120~~ Enforcement

A. **Enforcement Action.** In addition to the general remedies provided by this Title and other applicable law, the Director and City Attorney are authorized to take any appropriate enforcement action to ensure compliance with this Chapter, including, without limitation:

1. Actions to revoke, deny or suspend any permit, including a building permit, certificate of occupancy, or discretionary approval.
2. Actions to recover civil fines, restitution to prevent unjust enrichment from a violation of this Chapter, and/or enforcement costs, including attorney's fees.
3. Eviction or foreclosure.
4. Any other appropriate action for injunctive relief or damages.

B. **Compliance.** Failure of any public official, employee, or agent to fulfill the requirements of this Chapter does not excuse any person, owner, household, or other party from complying with the requirements of this Chapter.

Attachment 2

Section 17.41.030 Accessory Dwelling Units (ADU)

A. **Purpose.** The purpose of this section is to allow and regulate Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) in compliance with California Government Code Sections 65852.2 and 65852.22.

B. **Effect of Conforming.** An ADU or JADU that conforms to the standards in this section will not be:

1. Deemed to be inconsistent with the City's General Plan/Coastal Land Use Plan land use designation and zone district for the lot on which the ADU or JADU is located.

2. Deemed to exceed the allowable dwelling unit density for the lot on which the ADU or JADU is located.

3. Considered in the application of any City ordinance, policy, or program to limit residential growth.

4. Required to correct a Nonconforming Zoning Condition, as defined in subsection C.7 below. This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code Section 17980.12.

C. **Definitions.** As used in this section, terms are defined as follows:

1. ***Accessory Dwelling Unit (ADU).*** An attached or a detached residential dwelling unit that provides Complete Independent Living Facilities for one or more persons and is located on a lot with a proposed or existing principal residence. An accessory dwelling unit also includes the following:

   a. An efficiency unit, as defined by Section 17958.1 of the California Health and Safety Code; and

   b. A manufactured home, as defined by Section 18007 of the California Health and Safety Code.

2. ***Accessory Structure.*** A structure that is accessory and incidental to a dwelling located on the same lot.

3. ***Complete Independent Living Facilities.*** Permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the Single-Unit or Multi-Family Dwelling is or will be situated.

4. ***Efficiency Kitchen.*** A kitchen that includes each of the following:

   a. A cooking facility with appliances.

   b. A food preparation counter or counters that total at least 15 square feet in area.

   c. Food storage cabinets that total at least 30 square feet of shelf space.

5. ***Junior Accessory Dwelling Unit (JADU).*** means a residential unit that:

   a. Is no more than 500 square feet in size;

   b. Is contained entirely within an existing or proposed Single-Unit Dwelling structure;

   c. Includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed Single-Unit Dwelling structure; and

   d. Includes an Efficiency Kitchen.

6. ***Multifamily Dwelling.*** Any structure designed for human habitation that has been divided into two or more legally created independent living quarters.

7. ***Nonconforming Zoning Condition.*** A physical improvement on a property that does not conform with current zoning standards.

8. ***Passageway.*** A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.

9. ***Single-Unit Dwelling.*** Any structure designed for human habitation that has been legally created for a single independent living quarters.

D. **Permit Requirements.** The following permit requirements apply to ADUs and JADUs under this section:

1. ***Exempt.*** If an ADU or JADU complies with each of the general requirements in subsection E below, the ADU or JADU is exempt from zoning permits under this section in the following scenarios:

a. *Converted on Single-Unit Lot:* Only one ADU or JADU on a lot with a proposed or existing Single-Unit Dwelling on it, where the ADU or JADU:

(i) Is either:

a. Within the space of a proposed Single-Unit Dwelling;

b. Within the existing space of an existing Single-Unit Dwelling; or

c. Within the existing space of an Accessory Structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress.

(ii) Has exterior access that is independent of that for the Single-Unit Dwelling.

(iii) Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.

b. *Detached on Single-Unit Dwelling Lot:* One detached, new-construction ADU on a lot with a proposed or existing Single-Unit Dwelling (in addition to any JADU that might otherwise be established on the lot under subsection (D)(1)(a) above) if the detached ADU satisfies the following limitations:

(i) The side and rear setbacks are at least four feet.

(ii) The floor area is 800 square feet or smaller.

(iii) The height is 16 feet or less.

c. *Converted on Multifamily Dwelling Lot:*

(i) Multiple ADUs within portions of existing Multifamily Dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings.

(ii) At least one converted ADU is allowed within an existing Multifamily Dwelling, and up to 25 percent of the existing Multifamily Dwelling units may each have a converted ADU under this subsection.

d. *Detached on Multifamily Dwelling Lot:* No more than two detached ADUs on a lot that has an existing Multifamily Dwelling if each detached ADU satisfies the following limitations:

(i) The side and rear setbacks are at least four feet.

(ii) The total floor area is 800 square feet or smaller.

2. ***Non-Exempt.***

a. *Permit Required*. Except as allowed under subsection (D)(1), no ADU may be constructed or legalized without a building permit and zoning permit in compliance with the standards set forth in subsections (E) and (F) below.

(i) Inland Area. Within the inland area of the City, ministerial review, approval, and issuance of a Land Use Permit by the Director is required for construction of an ADU as well as the legalization of any existing unpermitted ADU.

(ii) Coastal Zone. Within the Coastal Zone of the City, review, approval, and issuance of a Coastal Development Permit by the California Coastal Commission is required for construction of an ADU as well as for the legalization of any existing unpermitted ADU.

b. *Required Findings*. The required findings for a Land Use Permit under this section are limited to the following findings:

(i) Based upon City consultation with the Goleta Water District and Goleta or Goleta West Sanitary District, there are adequate water and sewer services to support the ADU.

(ii) The proposed ADU conforms to the applicable regulations of this section.

c. *Processing Time*. The City must act on an application to create an ADU or JADU within 60 days from the date that the City receives a completed application, unless either:

(i) The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or

(ii) In the case of a JADU and the application to create a JADU is submitted with a permit application to create a new Single-Unit Dwelling on the lot, the City may delay acting on the permit application for the JADU until the City acts on the permit application to create the new Single-Unit Dwelling, but the application to create the JADU will still be processed without discretionary review or a hearing.

d. *Appeals*. An action of the Director to approve, conditionally approve, or deny an application for an ADU is final unless the applicant or opposing party appeals the decision within ten calendar days of the decision. For an Appeal to be accepted by the Director, it must identify how the decision is inconsistent with applicable development standards of subsection (E) and (F) below. The grounds for an Appeal of an approved, conditionally approved, or denied Land Use Permit is limited to whether the decision on the project is inconsistent with one or more of the applicable Development Standards. The City will not accept an Appeal of the decision on the requested ADU if the applicant or opposing party fails to identify the specific Development Standard inconsistency. The Review Authority for an accepted Appeal shall be the Zoning Administrator.

E. **Development Standards for ADUs and JADUs.** The following requirements apply to all ADUs and JADUs that are approved under subsections (D)(1) or (D)(2) above:

1. ***Fire Sprinklers.*** Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.

2. ***Rental Term.*** No ADU or JADU may be rented for a term that is shorter than 30 days.

3. ***No Separate Conveyance.*** An ADU or JADU may be rented, but no ADU or JADU may be sold or otherwise conveyed separately from the lot and the principal dwelling (in the case of a Single-Unit Dwelling lot) or from the lot and all of the dwellings (in the case of a Multifamily Dwelling lot).

4. ***Septic System.*** ADUs or JADUs shall not use an on-site water-treatment system.

5. ***Owner-Occupancy.***

    a. All ADUs permitted before January 1, 2020 are subject to the owner-occupancy requirement that was in place when the ADU was permitted.

    b. An ADU that is permitted after that date but before January 1, 2025, is not subject to any owner-occupancy requirement.

    c. All ADUs that are permitted on or after January 1, 2025 are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property as the person's legal domicile and permanent residence.

    d. All JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the principal dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement of this paragraph does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.

6. ***Minimum Size.*** The minimum floor area of an ADU is 200 square feet for a standard unit. An "efficiency unit" ADU, in accordance with California Health and Safety Code Section 17958.1, may be a minimum of 150 square feet.

7. ***Unique Address.*** Each ADU and JADU must have a unique address assigned and issued by the Santa Barbara County Fire Department.

8. ***Deed Restriction.*** Prior to issuance of a building permit for an ADU or JADU, a deed restriction must be recorded against the title of the property in the Santa Barbara County Recorder's office and a copy filed with the Director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the City and must provide that:

    a. The ADU or JADU may not be sold separately from the principal dwelling.

    b. The ADU or JADU is restricted to the approved size and to other attributes allowed by this section.

    c. The deed restriction runs with the land and may be enforced against future property owners.

    d. The deed restriction may be removed if the owner eliminates the ADU or JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Director, providing evidence that the ADU or JADU has in fact been eliminated. The Director may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the Director's determination consistent with other provisions of City zoning regulations. If the ADU or JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of the City's zoning regulations.

e. The deed restriction is enforceable by the Director or his or her designee for the benefit of the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.

F. **Supplemental Development Standards for ADUs.** The following requirements apply only to ADUs that require a zoning permit under subsection (D)(2) above:

1. ***Maximum Size.***

a. The maximum size of an ADU subject to this subsection (F) is as follows:

(i) 850 square feet for a studio or one-bedroom ADU.

(ii) 1,000 square feet for an ADU with two bedrooms.

(iii) No more than two bedrooms are allowed.

b. An attached ADU that is created on a lot with an existing or proposed principal dwelling is further limited to 50 percent of the floor area of the existing or proposed principal dwelling.

c. Application of other development standards in this subsection (F), such as lot coverage and setbacks, might further limit the size of the ADU, but no application of other development standards may require the ADU to be less than 800 square feet.

2. ***Lot Coverage.*** No ADU subject to this subsection (F) may exceed ten percent of the total net lot area of the subject lot.

3. ***Height.***

a. *Attached ADUs.*

(i) The height of an attached ADU located above a garage or above a portion of the principal dwelling may not exceed the height of the principal dwelling.

(ii) An attached ADU that is not situated atop another structure may only contain one story (an interior loft is not considered a second story) and may not exceed the following heights:

a. 12 feet if located within 25 feet of a rear setback line;

b. 12 feet if located within ten percent of lot width with a minimum of five feet and a maximum of ten feet from an interior side setback line; or

c. 16 feet if located completely outside of all setbacks outlined above.

b. *Detached ADUs.*

(i) A detached ADU not located atop an existing detached garage may only contain one story and may not exceed 12 feet in height

(ii) A detached ADU located atop a legally permitted existing detached garage may not exceed the height of the principal dwelling unit.

4. ***Setbacks.*** New Construction ADUs must observe the following setback requirements:

a. *Interior Side Setback:* Four feet.

b. *Rear Setback:* Four feet.

c. *Front Setback*: 20 feet.

d. *Secondary Front Setback on Cornet Lots*: Ten feet.

5. ***Separation.*** The minimum separation between the principal dwelling unit and a detached ADU must be at least five feet for new construction.

6. ***Passageway.*** No Passageway, as defined by subsection (C)(8) above, is required for an ADU.

7. ***Parking.***

a. Parking spaces are not required for ADUs.

b. *No Replacement.* When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.

8. ***Design Requirements.*** Administrative design review approval is required. If the property owner wishes to receive advice and informal guidance on the ADU design from the Design Review Board, the applicant will not need to pay any fees associated with such one-time voluntary presentation of the ADU design to the Design Review Board. However, this review must be completed prior to application submittal. Administrative Design Review will be formally conducted by the Director, or designee. The following standards apply for Administrative Design Review of ADUs.

a. The exterior appearance, design style and character of an attached ADU must have the same exterior appearance and architectural style of the principal dwelling and use the same exterior materials, colors, and design (e.g., siding, trim, windows, and other exterior physical features, etc.).

(i) A manufactured or modular (HUD-Certified) home proposed to be used as a detached ADU can be different in architectural style from that of the principal dwelling on the lot.

(ii) Samples and/or photos of existing and proposed colors, materials, roofing, and features must be provided as part of a complete ADU application.

b. Roof pitch and roof materials for a newly constructed ADU can be different from that of the principal dwelling on the lot only if accommodating installation of solar energy systems at the same time as construction of the ADU.

(i) An ADU with a roof with a 4:12 pitch or more for solar energy systems can increase the maximum height allowance of the ADU by three feet, as specified in the development standards in subsection (F)(3).

c. Landscaping is required to enhance the appearance of the ADU as follows:

(i) At least one 15-gallon size plant shall be provided for every five linear feet of exterior wall. Alternatively, at least one 24-inch box size plant shall be provided for every ten linear feet of exterior wall.

(ii) New landscaping must use water-efficient species only.

d. Windows and doors of the ADU may not have a direct line of sight to an adjoining residential property. Fencing, landscaping, or privacy glass may be used to provide

screening and prevent a direct line of sight. Samples of proposed vegetative screening and planting locations must be provided as part of a complete ADU application. Exceptions to this design standard apply only to conversion of legally permitted structures that do not include installation of new exterior windows facing an adjacent property line or when only clerestory windows are used and do not provide views into neighboring lots.

G. **Development Impact Fees.**

1. No Development Impact Fees are required for an ADU that is less than 750 square feet in floor area.

2. Any Development Impact Fee that is required for an ADU that is 750 square feet or larger in floor area must be charged proportionately in relation to the square footage of the principal dwelling unit. "Development Impact Fee" here does not include any connection fee or capacity charge for water or sewer service.

H. **Utility Fees.** Converted ADUs and JADUs on a single-unit dwelling lot, created under subsection (D)(1)(a) above, are not required to have a new or separate utility connection directly between the ADU or JADU and the utility. Nor is a connection fee or capacity charge required unless the ADU or JADU is constructed with a new Single-Unit Dwelling.

I. **Discretionary Approval.** Any proposed ADU or JADU that does not conform to all of the objective standards set forth in this section may be allowed through other applicable City discretionary zoning provisions, including the Modification and Design Review Board processes.

Attachment 3

New Zoning Ordinance Track Changes Version

CITY OF Goleta

Zoning Ordinance

TITLE 17 OF THE MUNICIPAL CODE

Track Changes

February 2020

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Part I: General Provisions

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Chapter 17.01 Introductory Provisions

Sections:

17.01.010 Title and Authority
17.01.020 Purpose
17.01.030 Structure of this Title
17.01.040 Applicability
17.01.050 Severability
17.01.060 Fees and Deposits
17.01.070 Districts Established
17.01.080 Zoning Map and District Boundaries

17.01.010 Title and Authority

Title 17, Zoning, of the Goleta Municipal Code is to be known as the "Goleta Zoning Ordinance" and may also be referenced as the "Zoning Ordinance of the City of Goleta" or "Zoning Ordinance." The Goleta Zoning Ordinance is referenced herein as "this Title" or "this Ordinance." The Goleta Zoning Ordinance is adopted pursuant to the authority of California Government Code, Section 65850.

17.01.020 Purpose

The purpose of this Title is to implement the General Plan, and to protect and promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare. More specifically, this Title is adopted to achieve the following objectives:

A. To provide a precise guide for the physical development of the City in a manner as to achieve the arrangement of land uses depicted in the General Plan, consistent with the goals and policies of the General Plan;

B. To implement the Coastal Land Use Plan, consistent with the California Coastal Act (California Public Resources Code, Section 30000 et seq.);

C. To foster a harmonious, convenient, and workable relationship among land uses and ensure compatible development, consistent with the General Plan; and

D. To define the duties and powers of City bodies, officials, and administrators responsible for implementation and enforcement of this Title.

17.01.030 Structure of this Title

A. **Organization.** This Title consists of six parts:

1. Part I: General Provisions (Chapters 17.01 to 17.06);
2. Part II: Base Zoning District Standards and Allowed Uses (Chapters 17.07 to 17.15);
3. Part III: Overlay Districts (Chapters 17.16 to 17.23);
4. Part IV: Regulations Applying to Multiple Districts (Chapters 17.24 to 17.49);

5. Part V: Administration and Permits (Chapters 17.50 to 17.71); and

6. Part VI: General Terms (Chapters 17.72 to 17.73).

B. **Types of Regulations.** Four types of zoning regulations control the use and development of property within the City:

1. ***Land Use Regulations.*** Land use regulations specify land uses permitted, conditionally permitted, or specifically prohibited in each zoning district, and include special requirements, if any, applicable to specific uses. Land use regulations for base zoning districts are in Part II of this Title, while land use regulations for overlay districts are in Part III of this Title. Certain regulations applicable in multiple districts and performance standards that govern special uses are in Part IV.

2. ***Development Regulations.*** Development regulations control building density and intensity and the height, bulk, location, and appearance of structures on development sites. Development regulations for base zoning districts and for overlay districts are in Parts II and III of this Title. Certain development regulations applicable to multiple districts are in Part IV.

3. ***Administrative Regulations.*** Administrative regulations contain detailed procedures for permitting all development as well as the administration of this Title and include common procedures, and permit processes. Administrative regulations are in Part V.

4. ***Use Classifications and Definitions.*** Part VI provides a list of use classifications and definitions of terms used within this Title.

17.01.040 Applicability

A. **General Rules for Applicability of Zoning Regulations.**

1. ***Minimum Requirements.*** In interpreting, analyzing, and applying the provisions of this Title, unless otherwise stated, they shall be held to be the minimum requirements for promotion of public health, safety, peace, comfort, and general welfare. Discretionary Approvals required by this Title may include the imposition of conditions and standards that are stricter than those required by this Title.

~~1.~~2. ***Timing.*** All development within the City shall be subject to the development standards and regulations herein upon the effective date of this Title.

~~2.~~3. ***Private Property Takings.***

a. This Title is not intended, and shall not be construed as authorizing the City acting pursuant to this Title to exercise its power in a manner which will take or damage private property for public use, without the payment of just compensation therefor. This Section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States.

b. Where strict adherence to this Title would preclude all economically beneficial use of private property, the City may apply the provisions of this Title to the maximum extent possible to avoid an unconstitutional taking of private property. However, where proposed use or development of property would violate

background principles of property law, such as nuisance law, then the City shall fully apply this Title as applicable.

c. Where strict adherence to this Title would constitute an unconstitutional taking, the Review Authority may, at its sole discretion, waive an application or parts of an application only if the following findings can be made supported with substantial evidence. The waiver shall:

i. Extend only as far as necessary to allow some economically beneficial use of the property;

ii. Comply with CEQA and other applicable state and federal laws; and

iii. Not constitute a nuisance.

~~3.~~4. ***Applicability to Property.*** This Title applies, to the extent permitted by law, to all property within the corporate limits of the City.

~~4.~~5. ***Compliance with Regulations.*** Land or buildings may be used and structures may be erected or altered only in accordance with the provisions of this Title.

~~5.~~6. ***Applicability to the City.*** The City will ensure that all public buildings and facilities comply with the same development standards and regulations as would be applicable to private development.

~~6.~~7. ***Applicability to Other Agencies.*** Other governmental agencies, including State and federal, are exempt from the provisions of this Title only to the extent that the agency's property cannot be lawfully regulated by the City.

B. **Relationship to Other Regulations.**

1. ***Local, State, and Federal Regulations.***

a. The regulations of this Title and requirements or conditions imposed pursuant to this Title do not supersede any other regulations or requirements adopted or imposed by the City Council, the State, or any federal agency that has jurisdiction by law over uses and development authorized by this Title. All uses and development authorized by this Title must comply with all other such regulations and requirements. Where conflict occurs between the provisions of the Title and any other provision of the Goleta Municipal Code or uncodified ordinances, resolutions, guidelines, or administrative procedures, the more restrictive provisions control, unless otherwise specified.

b. Issuance of a regulatory business license and/or payment of a tax, whether valid or invalid, does not constitute compliance with this Title or establish a vested right to operate under this Title.

2. ***Other Agency Review.*** Due to a proposed project's location, size, use, or potential effects, development within the City may be subject to additional reviews and approvals by outside agencies prior to the City taking local action on the project. It is the applicant's responsibility to contact all other agencies to determine whether the project is subject to additional standards that are outside of this Title. Other agencies that may have some level of jurisdiction over specific projects within the City may include, but are not limited to, the following: Goleta Water District, Goleta Sanitary District, Goleta West Sanitary

District, County Air Pollution Control District, County Environmental Health Services, County Fire, Santa Ynez Band of Chumash Indians, Central Coast Regional Water Quality Control Board, California Coastal Commission, California Department of Fish and Wildlife, California Department of Transportation, California State Lands Commission, and the U.S. Army Corps of Engineers.

3. ***Permit Streamlining Act.*** It is the intent of this Title that all actions taken by the decision-making body pursuant to this Title that are solely adjudicatory in nature are to be within a timeframe consistent with the provisions of the Permit Streamlining Act (California Government Code, Section 65920 et seq.). Nothing in this Title is to be interpreted as imposing time limits on actions taken by the decision-making body pursuant to this Title that are legislative in nature or that require both adjudicatory and legislative judgments.

4. ***Subdivision Map Act.*** The provisions of the State's Map Act, Sections 66410 et seq., of the California Government Code pertaining to the subdivision of real property (e.g., Parcel Maps, Lot Line Adjustments, Lot Mergers, etc.) are codified within Title 16 of the Goleta Municipal Code.

5. ***Relation to Prior Ordinances.*** The provisions of this Title supersede all prior zoning ordinances, codified or uncodified, adopted by the City. No provision of this Title validates any land use or structure established, constructed, or maintained in violation of prior zoning ordinances, unless such validation is specifically and expressly authorized by this Title and the land use or structure conforms to this Title, the General Plan, and all other applicable regulations.

6. ***Application During Local Emergency.*** The City Council may authorize a deviation from a provision of this Title during a local emergency declared and ratified under the Goleta Municipal Code or by the County Office of Emergency Management. The City Council may authorize such a deviation by resolution without notice or public hearing.

C. **Consistency with the General Plan.** Any permit, license, or approval issued pursuant to this Title must be consistent with the General Plan and all applicable area and specific plans. In any case where there is a conflict between this Title and the General Plan, the General Plan prevails.

D. **Zoning Code Determinations.** The Director has the authority to determine the interpretation of any provision of this Title. Whenever the Director determines that the meaning or applicability of any development standard or requirement is subject to interpretation or clarification, the Director must issue an official determination, which is subject to Appeal, pursuant to Section 17.52.120 of this Title.

E. **Project Vesting.**

1. ***Projects Under the Authority of a Different Zoning Code.*** Unless specifically discussed elsewhere in this Title, any project approved and constructed under a different zoning ordinance but which does not conform to the standards of this Title shall be subject to Chapter 17.36, Nonconforming Uses and Structures.

2. ***Previously Approved Projects Under Construction.*** Any structure for which a building permit has been issued prior to adoption of this Title may be built in accordance with the approved zoning and building permits, provided construction commences prior to the expiration of any approved permit.

3. ***Previously Approved Projects Not Yet Under Construction.*** Any project with an approved or issued Zoning Permit may be built in accordance with the permit and all associated conditions of approval.

   a. *Time Extensions.* Any request for extending the life of a project that has received an entitlement prior to the effective date of this Title may request a time extension in accordance with Section 17.52.090(D), Dates and Timing – Time Extensions.

4. ***Project Applications Deemed Complete.*** At the Applicant's election, a project application that is determined to be complete prior to September 1, 2019, shall either:

   a. Be processed under the zoning regulations in effect at the time of the determination; or

   b. Be processed under this Title.

   The ~~allowances under~~ Applicant's option in accordance with subparagraph (a) of this provision shall ~~sunset~~ terminate on December 31, 2021. ~~i~~If a project has not received all required land use entitlements by December 31, 2021, ~~after which,~~ the project shall be subject to all regulations of this Title.

5. ***Project Applications Not Deemed Complete.*** Projects for which an application has not been submitted and deemed complete prior to September 1, 2019 shall be subject to the regulations of this Title.

17.01.050 Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Title is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Title. The City Council hereby declares that it would have passed this Title, and each section, subsection, sentence, clause, and phrase thereof, regardless of the fact that any or one or more sections, subsections, sentences, clauses, or phrases is declared invalid or unconstitutional.

17.01.060 Fees and Deposits

The City Council may establish, by resolution, fees and deposits for processing applications and other permits authorized or required by this Title. The City Council may, from time to time, amend and revise the processing fees and deposits. All processing fees and deposits must be paid at the time an application is filed, and no processing can commence until the fees and deposits are paid in full.

17.01.070 Districts Established

All parcels in the City are and must be classified by districts for the purpose of implementing the regulations set forth in this Title and as follows:

A. **Base Zoning Districts.** Base zoning districts are established as shown in Table 17.01.070(A), Base Zoning Districts.

TABLE 17.01.070(A): BASE ZONING DISTRICTS		
Map Symbol	*Full Name*	*General Plan Land Use Designation*
Residential Districts		
RS*	Single Family Residential	Single-Family Residential
RP	Planned Residential	Planned Residential
RM	Residential - Medium Density	Medium-Density Residential
RH	Residential - High Density	High-Density Residential
RMHP	Residential - Mobile Home Park	Mobile Home Park
Commercial Districts		
CR	Regional Commercial	Regional Commercial
CC	Community Commercial	Community Commercial
OT	Old Town - Commercial	Old Town Commercial
VS	Visitor Serving - Commercial	Visitor Commercial
CI	Intersection or Highway Commercial	Intersection or Highway Commercial
CG	General Commercial	General Commercial
Office Districts		
BP	Business Park	Business Park
OI	Office Institutional	Office and Institutional
Industrial Districts		
IS	Service Industrial	Service Industrial
IG	General Industrial	General Industrial
Public and Quasi-Public Districts		
PQ	Public and Quasi-Public	Public and Quasi-Public
Open Space and Agricultural Districts		
OSPR	Open Space – Passive Recreation	Open Space/Passive Recreation
OSAR	Open Space – Active Recreation	Open Space/Active Recreation
AG	Agricultural	Agriculture
* Numerical designators denote the minimum lot area allowed (in 1,000's of square feet). Where there is not designator, the minimum lot area is set through the land division.		

B. **Overlay Zoning Districts.** Overlay zoning districts, one or more of which may be combined with and apply in addition to the underlying base district, are established as shown in Table 17.01.070(B), Overlay Zoning Districts.

TABLE 17.01.070(B): OVERLAY ZONING DISTRICTS	
Map Symbol	*Full Name*
-AE	Airport Environs
-AH	Affordable Housing
-H	Hospital
-OTH	Old Town Heritage
-CBPSP	Cabrillo Business Park Specific Plan
-CRMSP	Camino Real Marketplace Specific Plan

C. **References to Classes of Base Districts.** Throughout this Title, the following references apply:

1. The phrase ""R" Zone District" or "Residential District" means one or more of the following districts: RS, Single Family; RP, Planned Residential; RM, Residential - Medium Density; RH, Residential - High Density; and RMHP, Residential - Mobile Home Park.

2. "Non-residential District" means any base zoning district except RS, RP, RM, RH, and RMHP districts.

3. "C District" or "Commercial District" means one or more of the following districts: CR Regional Commercial, CC Community Commercial, OT Old Town, VS Visitor-Serving Commercial, CI Intersection or Highway Commercial, or CG General Commercial.

4. "O District" or "Office District" means one or more of the following: BP Business Park or OI Office Institutional.

5. "I District" or "Industrial District" means one or more of the following: IS Service Industrial or IG General Industrial.

17.01.080 Zoning Map and District Boundaries

The boundaries of the zoning districts established by this Title are shown on the Zoning Map maintained by the City Clerk. The Zoning Map, together with all legends, symbols, notations, references, zoning district boundaries, map symbols, and other information on the maps, has been adopted by the City Council and is hereby incorporated into this Title by reference, together with any zoning map amendments previously or hereafter adopted, as though they were fully included here.

A. **Uncertainty of Boundaries.** If an uncertainty exists as to the boundaries of any district shown on the Zoning Map, the following rules apply:

1. Boundaries indicated as approximately following the centerlines of public or private alleys, lanes, streets, highways, streams, or railroads must be construed to follow such centerlines.

2. Boundaries indicated as approximately following lot lines, City limits, or extraterritorial boundary lines must be construed as following such lines, limits, or boundaries.

3. In the case of unsubdivided property or where a district boundary divides a lot and no dimensions are indicated, the location of such boundary is determined by the use of the scale appearing on the Zoning Map, metadata within an electronic graphic document

maintained by the City, or historical information pertaining to the original adoption of the district boundary in question.

4. In the case of any remaining uncertainty, the Director must determine the location of boundaries.

B. **Vacated or Abandoned Land.**

1. Where any public street or alley is officially vacated or abandoned, the regulations applicable to each parcel of abutting property apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

2. Any private right-of-way or easement of any railroad, railway, transportation, or public utility company that is vacated or abandoned and said property is unclassified, said property is automatically classified as being in the PQ Public and Quasi-Public District.

Chapter 17.02 Rules for Construction of Language

Sections:

17.02.010 Purpose
17.02.020 Rules for Construction of Language
17.02.030 Rules of Interpretation

17.02.010 Purpose

The purpose of this Chapter is to provide for precision in the interpretation of the zoning regulations. The meaning and construction of words and phrases defined in this Chapter apply throughout this Title, except where the context clearly indicates a different meaning.

17.02.020 Rules for Construction of Language

The following rules of construction apply:

A. The specific controls the general.

B. Absent ambiguity, plain meaning governs.

C. Unless the context clearly indicates the contrary, the following conjunctions are to be interpreted as follows:

1. The term “and” indicates that all connected words or provisions apply.

2. The phrase “and/or” indicates that the connected words or provisions apply singularly or in any combination.

3. The term “or” indicates that the connected words or provisions apply singularly or in any combination.

4. The phrase “either/or” indicates that the connected words or provisions apply singularly but not in combination.

D. In case of conflict between the text and a diagram or graphic, the text controls.

E. All references to departments, committees, commissions, boards, or other public agencies are to those of the City, unless otherwise indicated.

F. All references to public officials are to those of the City, and include designees of such officials, unless otherwise indicated.

G. All references to the City are to a specific department or decision-making body with Review Authority over a project or development.

H. All references to days are to calendar days, unless otherwise indicated. If a deadline falls on a weekend or City-observed holiday, or a day when the City offices are closed, the deadline shall be extended to the next working day. The end of a time period is the regular close of business on the last day of the period.

I. The terms and phrases “shall,” “have to,” “must,” “will,” “are to,” “is to,” and “may not” are always mandatory and not discretionary. The words "should" or "may" are permissive.

J. The present tense includes the past and future tenses, and the future tense includes the past.

K. The singular number includes the plural, and the plural includes the singular.

L. Sections and section headings contained herein are for reference only and are not to be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section.

17.02.030 Rules of Interpretation

A. **Definitions.** The Director shall determine the interpretation for any definition not expressly identified in this Title or provide clarification and determination of these rules.

B. **Unlisted Uses Prohibited.** Use classifications are listed and defined in Chapter 17.72, Use Classifications.

1. Any use not listed in Chapter 17.72 is prohibited unless the Director determines that the unlisted use is substantially similar in character to a permitted or conditionally permitted listed use.

2. In cases where a specific land use or activity is not defined, the Director will assign the land use or activity to a classification that is substantially similar in character.

Chapter 17.03 Rules of Measurement

Sections:

17.03.010 Purpose
17.03.020 Demonstrating Calculations
17.03.030 Lot Frontage
17.03.040 Demolition
17.03.050 Distances
17.03.060 Dwelling Unit Density
17.03.070 Floor Area
17.03.080 Fractions
17.03.090 Height
17.03.100 Landscaped Area
17.03.110 Lot Coverage
17.03.120 Lot Width and Depth
17.03.130 Restricted and Common Open Space
17.03.140 Setbacks
17.03.150 Sign Area

17.03.010 Purpose

The purpose of this Chapter is to explain how various measurements referred to in this Title are to be calculated.

17.03.020 Demonstrating Calculations

For all calculations, the applicant is responsible for supplying drawings and/or graphics illustrating the measurements that apply to a project. These drawings must be drawn to scale and be of sufficient detail to allow verification upon inspection by the Director or other Review Authority.

17.03.030 Lot Frontage

A. **Corner Lot.** The frontage of a corner lot is measured from whichever adjoining lot line to corner yields the shortest dimension. The location of the corner for purposes of the lot frontage measurement is the intersection of the two side lot lines or, if there is a rounded corner, the intersection of the two lot lines as projected and extended into the adjoining street.

B. **Through Lot.** The frontage of a through lot is measured along the street from which the principal use is architecturally oriented and is the primary pedestrian access. For an undeveloped lot, the owner/applicant may irrevocably designate either street for purposes of lot frontage provided the proposed and/or future uses are architecturally oriented towards and take primary pedestrian access from the same designated street.

17.03.040 Demolition

The calculation for determining whether more than 50 percent of a structure has been demolished pursuant to this Title is based on a horizontal measurement of the perimeter exterior wall removed between the structure's footings and the ceiling of the first story.

17.03.050 Distances

A. **Measurements are Shortest Distance.** When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two objects.

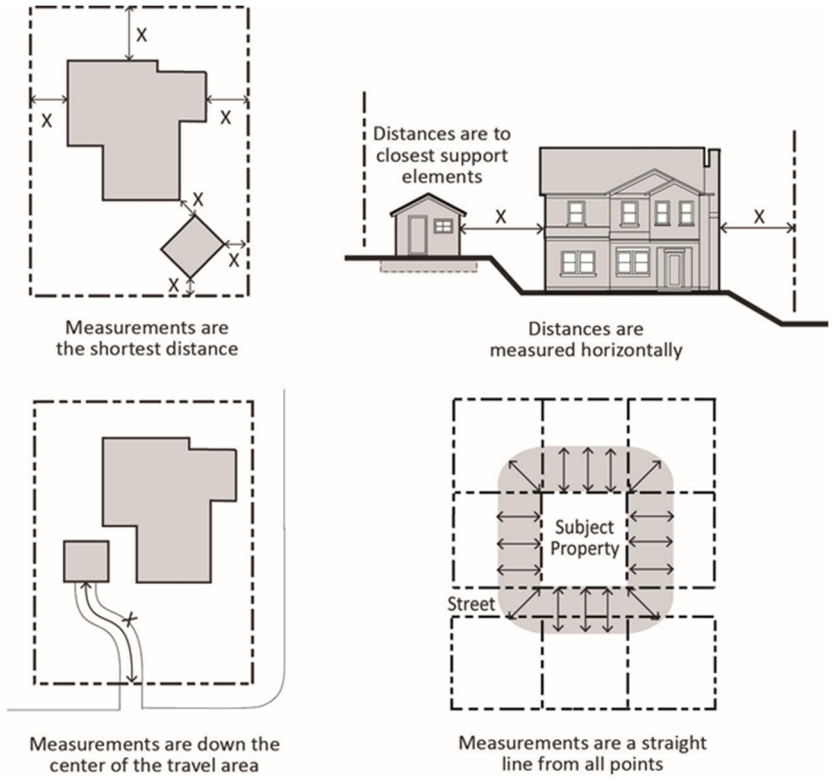
B. **Distances are Measured Horizontally.** When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography or slope of the land.

C. **Measurements Involving a Structure.** Measurements involving a structure are made to the closest support element of the structure. Eaves, overhangs, and structures or portions of structures that are entirely underground are not included in measuring required distances.

D. **Measurement of Vehicle Stacking or Travel Areas.** Measurement of a minimum travel distance for vehicles, such as garage entrance setbacks and stacking lane distances, are measured down the center of the vehicle travel area. For example, curving driveways and travel lanes are measured along the center arc of the driveway or traffic lane.

E. **Measuring Distances for Noticing and Between Land Uses.** When measuring distance for required public noticing or for separation of uses where specified land use is required to be located a minimum distance from another land use, the minimum distance is measured in a straight line from all points along the lot line of the subject property, in all directions.

FIGURE 17.03.050: DISTANCES



17.03.060 Dwelling Unit Density

Dwelling Unit Density per acre is calculated using total area less all areas of public rights-of-way, public easements, floodplains, environmentally sensitive areas, and areas with archaeological or cultural resources.

17.03.070 Floor Area

The floor area of a building is the sum of the horizontal areas of all floors of a building and other enclosed structures, measured from the inside perimeter of the exterior walls, subject to measurement particulars provided below:

A. **Included in Floor Area.** Floor area includes, without limitation, all space that is below the roof and within the inner surface of the main walls of principal or accessory structures, or within lines drawn parallel to and within two feet of the roof line of any building without walls. In the case of a multi-story building that has covered or enclosed stairways, stairwells, or elevator shafts, the total horizontal area of such features is counted only once at the floor level of their greatest area of horizontal extent.

B. **Excluded from Floor Area.** Floor area does not include mechanical, electrical, and communication equipment rooms; attics; any crawl space or other non-habitable space below finished grade; bay windows or other architectural projections where the vertical distance between the lowest surface of the projection and the finished floor is 30 inches or greater; areas that qualify as restricted open space; and areas used for off-street parking spaces or loading spaces, driveways,

ramps between floors of a multi-level parking garage, and maneuvering aisles that are located below the finished grade of the property.

C. **Non-Residential Uses.** For non-residential uses, floor area includes interior courtyards, walkways, paseos, arcades, or corridors covered by a roof or skylight. Non-residential floor area does not include exterior courtyards, porticos, and similar open areas provided they are not designed or used as sales, display, storage, service, habitable, or production areas.

17.03.080 Fractions

A. **Rounding Required.** Whenever this Title requires consideration of aspects of development or the physical environment expressed in whole numerical quantities, the numeric quantity must be a whole number (e.g., number of units, parking spaces, etc.). If the result of a calculation contains a fraction of a whole number, then, except as otherwise provided, fractions of one-half (0.5) or greater are to be rounded up to the nearest whole number and fractions of less than one-half (0.5) are to be rounded down to the nearest whole number.

B. **Fractions and Decimals Required.** Whenever this Title requires aspects of development or the physical environment to be expressed in fractions or decimals, the resulting numeric quantity shall not be rounded to a whole number (e.g., height, setbacks, buffers, noise and light levels, etc.).

17.03.090 Height

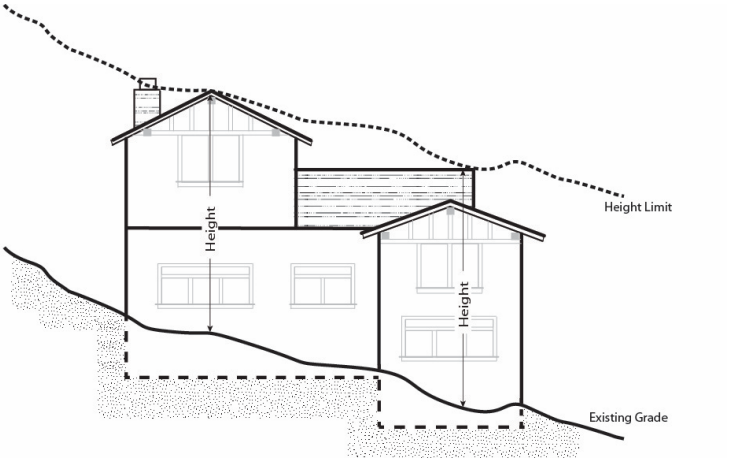
A. **Exception to Height Limits.** The height of a habitable building may exceed the applicable height limit in compliance with the following:

1. ***Roof Pitch.*** When the entire roof of the structure exhibits a pitch of 4:12 (rise to run) or greater, an additional three feet may be added to the applicable height limit.

B. **Measuring Building Height.**

1. ***Maximum Allowable Height.*** Building height is the vertical distance between the existing grade and the uppermost point of the roof of the structure directly above that grade, including mechanical equipment but not including allowed projections.

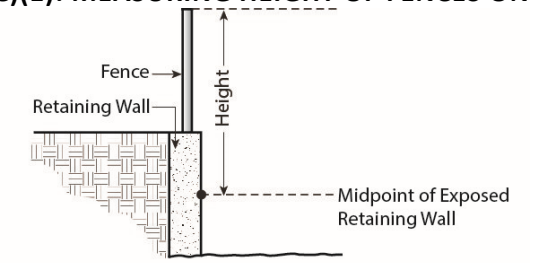
FIGURE 17.03.090(B)(1): BUILDING HEIGHT



C. **Measuring Height of Other Structures.** The height of other structures, such as a fence or exterior deck, is measured as the vertical distance from the existing grade immediately under the structure to the top of the structure unless special measurement provisions are provided below.

1. ***Measuring the Height of Fences on Retaining Walls.*** The overall height of a fence that is situated on top of or within two feet of the top of a retaining wall is measured from the midpoint of the exposed retaining wall to the top of the fence.

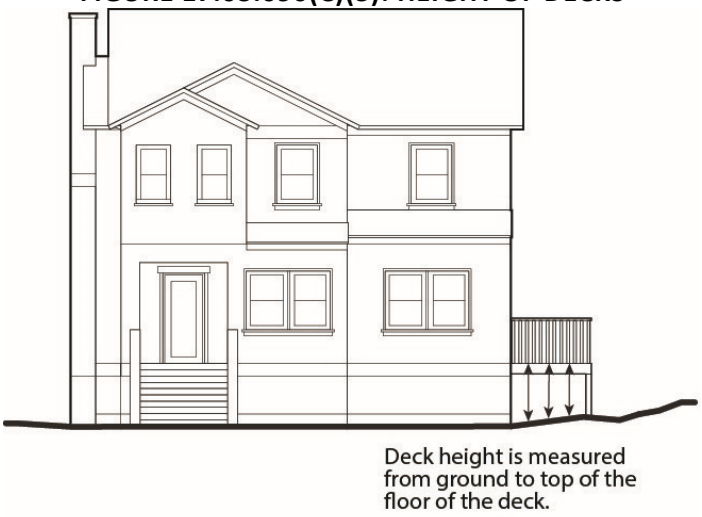
FIGURE 17.03.090(C)(1): MEASURING HEIGHT OF FENCES ON RETAINING WALLS



2. ***Measuring the Height of Fences that are Separated from ~~a~~ Retaining Walls.*** The overall height of a fence situated more than two feet from the top of a retaining wall is measured separate from the wall if providing landscape screening between the two structures.

3. ***Measuring the Height of Decks.*** Deck height is determined by measuring from the finished grade below to the top of the floor of the deck directly above.

FIGURE 17.03.090(C)(3): HEIGHT OF DECKS



D. **Number of Stories in a Building.** In determining the number of stories in a building, the following rules apply:

1. ***Mezzanines.*** A mezzanine is counted as a full story if its floor area exceeds one-third of the total area of the nearest full floor directly below or if it is enclosed on more than two sides.

17.03.100 Landscaped Area

A. **Dimension of Landscaped Areas.** Landscaped areas must be greater than two feet by three feet to count toward required landscaping.

B. **Prescribed Heights.** The prescribed heights of landscaping in this Title are the heights to be attained within five years after planting.

17.03.110 Lot Coverage

Lot coverage is the ratio of the total footprint area of all structures on a lot to the net lot area, typically expressed as a percentage. The footprints of all principal and accessory structures (including but not limited to garages, carports, covered patios, and roofed porches) are summed in order to calculate lot coverage. The following structures are excluded from the total footprint area used in the lot coverage calculation:

A. Unenclosed and unroofed decks, uncovered paved patio area(s), porches, landings, balconies, and stairways less than 18 inches in height at surface of deck (and less than six feet including railings);

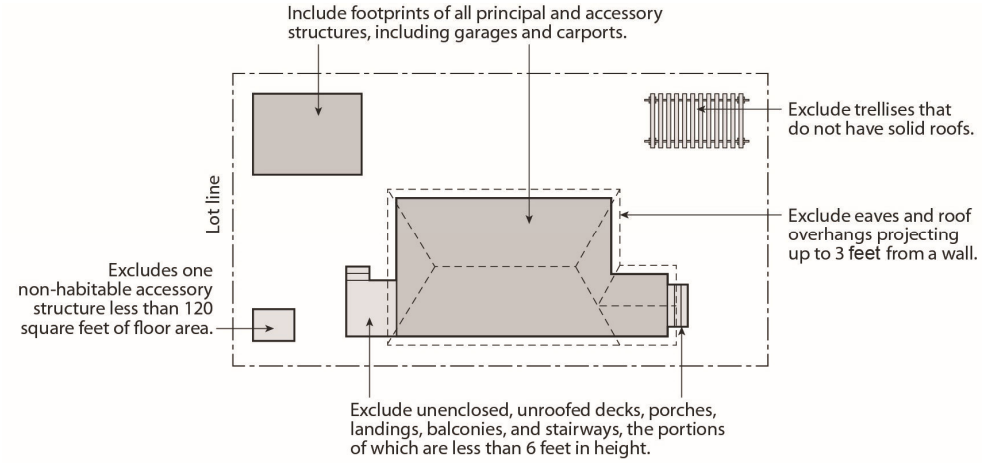
B. Eaves and roof overhangs projecting up to three feet from a wall; any portion of an eave or roof overhang beyond three feet is considered part of lot coverage;

C. Trellises and similar structures that have roofs that are at least 50 percent open to the sky with uniformly distributed openings;

D. Swimming pools and hot tubs that are not enclosed in roofed structures or decks; and

E. One, non-habitable accessory structure under 120 square feet.

FIGURE 17.03.110: LOT COVERAGE



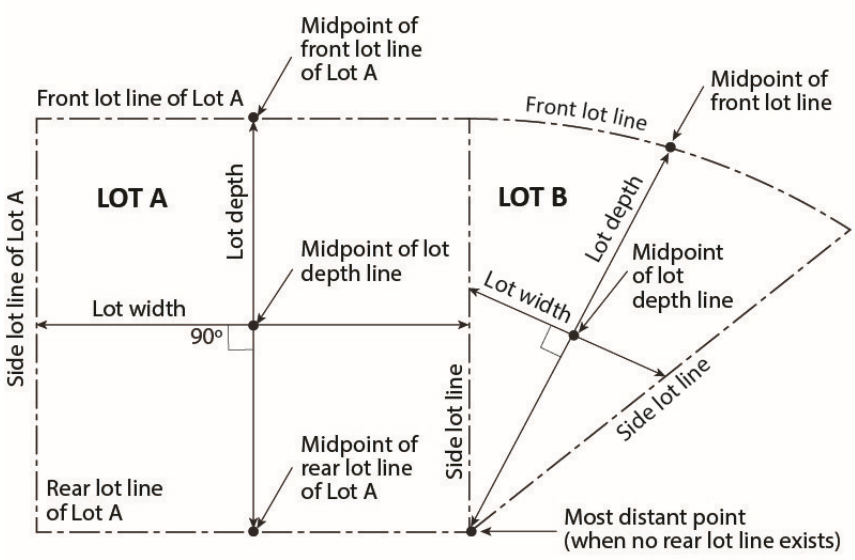
17.03.120 Lot Width and Depth

A. **Lot Width.** Lot width is the horizontal distance between the side lot lines, measured at right angles to the lot depth line at a point midway between the front and rear lot lines.

B. **Lot Depth.** Lot depth is measured along a straight line drawn from the midpoint of the front property line of the lot to the midpoint of the rear property line or to the most distant point on any other lot line where there is no rear lot line.

C. **Irregular Lots.** In the case of irregular lots, the Director shall determine the width and/or depth of the lot. Dimensions shall approximate as closely as possible the standard width and depth measurements above, with the intent of having the average width of the buildable portion of the lot be the lot width.

FIGURE 17.03.120: LOT WIDTH AND DEPTH



17.03.130 Restricted and Common Open Space

Open space areas must meet the following minimum dimensions to count toward required open space.

A. **Restricted Open Space.** Restricted open space must have horizontal dimensions of six feet or more in each direction.

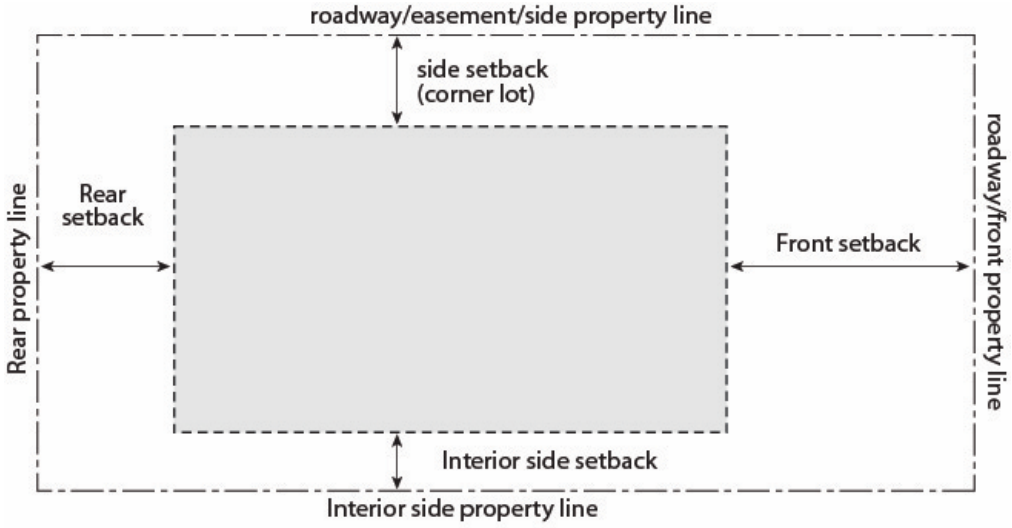
B. **Common Open Space.** Common open spaces must have horizontal dimensions of 20 feet or more in each direction and less than ten percent slope.

17.03.140 Setbacks

A setback line delineates the required area parallel to and at the specified distance from the corresponding front, side, or rear property line where no development is intended to occur.

A. **Determining Setbacks.** Setbacks are measured from the property line or edge of a public or private road right-of-way/easement, inward at right angles to the lot line to the distance prescribed for the required setback. Setbacks must be unobstructed from the ground to the sky, except as otherwise provided in this Title.

FIGURE 17.03.140: SETBACKS



B. **Special Setback Requirements.** The following special requirements apply when a lot abuts a proposed street or existing alleyway.

1. ***Abutting Planned Street Expansions.*** If a property abuts an existing or proposed street for which the existing right-of-way is narrower than the established ultimate future right-of-way for the street as determined by the Public Works Department, the required setback is measured from the future right-of-way line rather than the current property line.

2. ***Abutting Alleyways.***

   a. If a side lot line abuts a public or private alley or easement, the side setback is considered an interior side setback rather than a street side setback.

   b. In measuring the minimum setback for any lot where such setback abuts a public or private alley or easement, no part of the width of the alley is considered as part of the required setback.

3. ***Flag Lots.*** The front setback for a Flag Lot shall only be taken from the property line abutting the public road right-of-way. Any additional lot line parallel to the road will be considered a side lot line.

4. ***Interior Lots.*** The setback regulations of the applicable zone district shall not apply to an interior lot.

   a. Any structure located upon an Interior Lot shall have a setback of at least ten feet from all property lines.

   b. The total setback area of all setbacks combined shall equal the total area of all setbacks otherwise required in the zone district.

5. ***Through Lots.*** The interior side setbacks shall extend the full depth of the lot between the street lines and there shall be two front setbacks for the purpose of computing setbacks.

6. ***Irregular Lots.*** Setbacks for Irregular Lots, except for Interior, Through, and Flag Lots, shall be determined by the Director. The setbacks shall approximate as closely as possible the required setbacks of corresponding setbacks on rectangular lots in the applicable zone district.

17.03.150 Sign Area

The calculation of measuring sign area is described in Section 17.40.060(H), General Provisions for All Signs-Sign Area.

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Chapter 17.04 Reserved

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Chapter 17.05 Reserved

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Chapter 17.06 Reserved

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Part II:
Base Zoning District Standards and Allowed Uses

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Chapter 17.07 Residential Districts

Sections:

17.07.010 Purpose and Intent
17.07.020 Land Use Regulations
17.07.030 Development Regulations
17.07.040 Additional Development Regulations for the RS District
17.07.050 Additional Development Regulations for RP, RM and RH Districts
17.07.060 Additional Development Regulations for the RMHP District

17.07.010 Purpose and Intent

The general purposes of the Residential Districts are to:

A. Provide for a variety of residential development with a range of housing opportunities necessary to meet the needs of all segments of the community, consistent with the General Plan;

B. Protect and enhance the character of well-established residential neighborhoods;

C. Establish development and design standards to help create distinct and attractive residential neighborhoods and ensure that new residential development and the expansion of existing structures is compatible with the character of adjacent existing development; and

D. Provide for appropriate public and quasi-public uses where they are compatible with and contribute to the scale, sense of place, and quality of life in residential neighborhoods.

The specific intent of each Residential District are as follows:

RS Single Family Residential. This District is intended to protect land areas for families living in low-density residential environments by implementing the Single-Family Residential Use Category (R-SF) land use designation established in the General Plan.

RP Planned Residential. This District is intended to provide flexibility and encourage innovation and diversity in design of residential developments by allowing a wide range of densities and housing types while requiring provision of a substantial amount of restricted open space and other common amenities within new developments through implementation of the Planned Residential (R-P) land use designation set forth in the General Plan. Clustering of residential units is encouraged, where appropriate, to provide efficient use of space while preserving natural, cultural, and scenic resources of a site.

RM Residential – Medium Density. This District is intended for multi-family housing and accessory uses customarily associated with residences by implementing the Medium-Density (R-MD) land use designation of the General Plan. Development may also include attached and detached single-unit dwellings. This District may also function as a transition between business uses and single-family residential neighborhoods.

RH Residential - High Density. This District is intended for multi-family housing and accessory uses customarily associated with residences by implementing the High-Density (R-HD) land use designation of the General Plan. Development may also include attached and detached single-unit dwellings. This District

may also function as a transition between higher intensity business uses and medium-density multi-family housing and single-family residential neighborhoods.

RMHP Residential - Mobile Home Park. This District is intended to provide for housing in mobile home parks through implementation of the Mobile Home Park (R-MHP) land use designation set forth in the General Plan. It is further intended that the mobile home park sites be planned as a whole to include an adequate internal vehicular and pedestrian circulation system and parking facilities, common open space, recreation facilities, and other common amenities.

17.07.020 Land Use Regulations

Table 17.07.020 below prescribes the land use regulations for Residential Districts. The table also notes additional use regulations that apply to various uses. Section numbers in the right-hand column refer to other sections of this Title. Use classifications are defined in Chapter 17.72, Use Classifications.

TABLE 17.07.020: LAND USE REGULATIONS – RESIDENTIAL DISTRICTS						**"P" – Zoning Permit or Exempt** **"MU" – Minor Conditional Use Permit** **"CU" – Major Conditional Use Permit** **"-" - Use Not allowed**
Uses	*District*					*Additional Regulations*
	RS	*RP*	*RM*	*RH*	*RMHP*	
Residential Uses						
Residential Housing Types						
Single-Unit Dwelling, Detached	P	P	P	P	-	
Single-Unit Dwelling, Attached	P	P	P	P	-	
Multiple-Unit Development	-	P	P	P	-	
~~Accessory Dwelling Unit~~	~~P~~	~~P[1]~~	~~P[1]~~	~~P[1]~~	~~-~~	~~See § 17.41.030, Accessory Dwelling Units (ADU)~~
Accessory Dwelling Unit	See § 17.41.030, Accessory Dwelling Units (ADU)					
Farmworker Housing	See § 17.41.150, Farmworker Housing					
Group Residential	-	CU	CU	CU	-	See § 17.41.160 Group Residential
Mobile Home Parks	-	-	-	-	P	
Residential Care Facilities						
Small	P	P	P	P	P	
Large	~~CU~~	~~CU~~	CU	CU	-	See § 17.41.220, Residential Care Facilities

TABLE 17.07.020: LAND USE REGULATIONS – RESIDENTIAL DISTRICTS						**"P" – Zoning Permit or Exempt** **"MU" – Minor Conditional Use Permit** **"CU" – Major Conditional Use Permit** **"-" - Use Not allowed**
Uses	*District*					*Additional Regulations*
	RS	*RP*	*RM*	*RH*	*RMHP*	
Single-Room Occupancy (SRO) Housing	-	CU	CU	CU	-	See § 17.41.250 Single-Room Occupancy (SRO) Housing
Supportive Housing	Subject only to those standards and permit procedures as they apply to other residential dwellings of the same type (use) in the same zone or as allowed pursuant to State law.					
Transitional Housing	Subject only to those standards and permit procedures as they apply to other residential dwellings of the same type (use) in the same zone.					
Public/Quasi-Public Uses						
Community Assembly	MU	MU	MU	MU	-	
Community Garden	MU	MU	MU	MU	-	See § 17.41.100, Community Gardens
Day Care Facility	MU	MU	MU	MU	-	See § 17.41.110, Day Care Facilities
Government Buildings~~2~~1	P	P	P	P	P	
Public Safety Facilities	P	P	P	P	-	
Transportation, Communication, and Utility Uses						
Communication Facilities	See Chapter 17.42, Telecommunications Facilities.					
Accessory Uses						
Animal Keeping	P	P	P	P	P	See § 17.41.060, Animal Keeping
Cannabis Personal Use Cultivation	P	P	P	P	P	See § 17.41.090, Cannabis Uses
Family Day Care						
Small	P	P	P	P	P	See § 17.41.140, Family Day Care
Large	P	P	P	P	P	See § 17.41.140, Family Day Care
Home Occupation	P	P	P	P	P	See § 17.41.170, Home Occupations
Temporary Uses	See § 17.41.260, Temporary Uses, for permit requirements for each type of temporary use					
Nonconforming Uses	See Chapter 17.36, Nonconforming Uses and Structures					
Notes: ~~1. Allowed with a single unit home on site on the same lot.~~ ~~2~~1. Limited to City Hall only.						

17.07.030 Development Regulations

Table 17.07.030 prescribes development regulations for the Residential Districts for permitted and conditionally permitted uses. Letters in parenthesis (e.g., (A)) refer to the regulations following the table. When in the "Additional Regulations" column, the regulations apply to all districts. When in just one district's column, the regulations apply only to that particular district. The numbers in each illustration below refer to corresponding regulations in the "#" column in the associated table. Regulations applicable to multiple districts are in Part IV of this Title.

TABLE 17.07.030: DEVELOPMENT REGULATIONS– RESIDENTIAL DISTRICTS

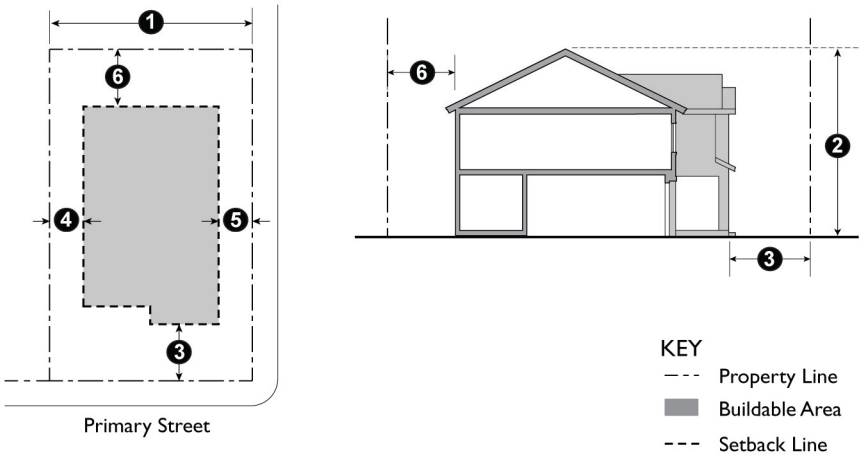
	District					*Additional Regulations*	*#*
	RS	*RP*	*RM*	*RH*	*RMHP*		
							
Minimum Lot Area (sq. ft.)	RS-43.6: 43,560 RS-20: 20,000 RS-12: 12,000 RS-10: 10,000 RS-8: 8,000 RS-7: 7,000	N/A	N/A	N/A	4,000		
Minimum Lot Width (ft.)	RS-43.6:120 RS-20: 100 RS-12: 80 RS-10: 80 RS-8: 75 RS-7: 65	N/A	N/A	N/A	50		❶
Maximum Lot Coverage	N/A	30%	30%	40%	75%		
Dwelling Unit Density (units/acre) - See § 17.4~~12~~.030, Accessory Dwelling Units (ADU)							
Maximum	5	13	20	30(A)	15		
Minimum	N/A	N/A	15	15	N/A		
Maximum Building Height (ft.)	25	35 Inland Area; 25 Coastal Zone			25		❷

TABLE 17.07.030: DEVELOPMENT REGULATIONS– RESIDENTIAL DISTRICTS							
	District					*Additional Regulations*	*#*
	RS	*RP*	*RM*	*RH*	*RMHP*		
Minimum Setbacks (ft.)	For RMHP, the setback standards apply to the perimeter of the Mobile Home Park. Setbacks from individual mobile homes are provided in Sec. 17.07.060(C).						
Front	20	20	20	20	20	(B)	❸
Interior Side	10% of lot width; min 5, max 10	10	10	10	15	(C)	❹
Street Side	10	• Lots less than 100 feet in width: 20% of lot width, min 10 • Lots 100 feet or more in width: Same as required front setback				(B)	❺
Rear	25(D)	10	10	10	15	(E)	❻
Parking	See Chapter 17.38, Parking and Loading						

A. **Increased Density for Special Needs Housing, RH District.** Housing for special needs populations may be approved at higher than the base density in the RH District with Major Conditional Use Permit approval.

1. ***Required Finding.*** The impacts on traffic, public facilities and services, biological resources, air and water quality, visual resources, or other environmental resources would not be greater than the impacts associated with development at the base density.

B. **Landscaping and Paving.** All required front and street-side setbacks, except walks and driveways, must be landscaped consistent with Chapter 17.34, Landscaping. The maximum amount of impervious paving and other hardscape (inclusive of driveways and parking areas) in front and street side setbacks is 50 percent of the required setback area.

C. **Zero Side Setback Allowance.** A zero-side setback may be permitted provided the opposite side setback on the lot is 20 percent of the lot width and the adjacent lot is in the same ownership or an agreement has been recorded giving the written consent of the adjacent lot owner and providing for access for maintenance of the zero-lot-line structure. A recorded maintenance easement must be an irrevocable covenant running with the land.

D. **Reduced Rear Setbacks Abutting Public Open Space.** The required rear setback is reduced to 15 feet if the rear setback abuts a permanently dedicated public open space or a street to which access has been denied as part of an approved subdivision or other approved permit.

E. **Reduced Rear Setbacks, Corner Lots Backing on Key Lots.** The rear setback for a corner lot backing up on a key lot may be reduced to the size of the required side setback for the key lot or ten feet, whichever is greater, provided the front, side, and rear setback area required by the applicable district regulations is not reduced. An accessory structure on a corner lot backing up on a key lot shall be setback from the rear property line by a distance equal to the side setback requirements applicable to the key lot.

17.07.040 Additional Development Regulations for the RS District

A. **Maximum Floor Area.** No single-unit dwelling or accessory structure may be constructed or expanded unless the proposed structure or expansion complies with the following standards for maximum allowable floor area for all structures on the lot, including garages not otherwise counted towards floor area. Development that exceeds these floor area standards may be approved subject to Design Review approval by the Design Review Board.

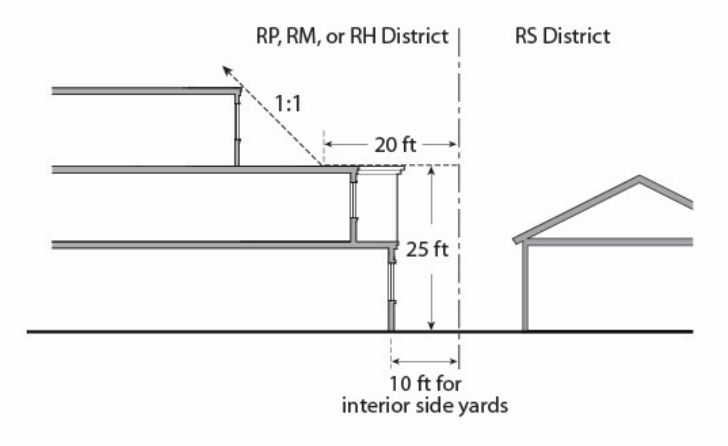
TABLE 17.07.040: MAXIMUM FLOOR AREA – RS DISTRICT

Lot Size	*Maximum Allowed Floor Area*
Less than 5,000 sq. ft.	1,600 sq. ft.
5,000-5,999 sq. ft.	1,600 sq. ft. + (0.3 x lot area over 5,000 sq. ft.)
6,000-6,999 sq. ft.	1,900 sq. ft. + (0.28 x lot area over 6,000 sq. ft.)
7,000-7,999 sq. ft.	2,180 sq. ft. + (0.25 x lot area over 7,000 sq. ft.)
8,000-8,999 sq. ft.	2,430 sq. ft. + (0.22 x lot area over 8,000 sq. ft.)
9,000-9,999 sq. ft.	2,650 sq. ft. + (0.18 x lot area over 9,000 sq. ft.)
10,000-11,999 sq. ft.	2,830 sq. ft. + (0.14 x lot area over 10,000 sq. ft.)
12,000-14,999 sq. ft.	3,110 sq. ft. + (0.10 x lot area over 12,000 sq. ft.)
15,000-19,999 sq. ft.	3,410 sq. ft. + (0.05 x lot area over 15,000 sq. ft.)
20,000+ sq. ft.	3,660 sq. ft. + (0.03 x lot area over 20,000 sq. ft.)

17.07.050 Additional Development Regulations for RP, RM, and RH Districts

A. **Transitional Standards.** Within 20 feet of an RS District boundary, the maximum building height is 25 feet. From this point, the building height may be increased one foot for each additional foot of upper-story building setback to the maximum building height.

FIGURE 17.07.050(A): TRANSITIONAL STANDARDS-RP, RM, AND RH DISTRICTS ADJACENT TO RS OR RP DISTRICT



B. **Open Space.** The following private open space standards apply to all multiple-unit dwellings in the RM, RP, and RH districts:

1. ***Common Open Space.*** Common Open Space must be provided for all multiple-unit developments as follows:

   a. *RM and RP Districts*: 150 square feet per unit.

   b. *RH Districts*: 100 square feet per unit.

2. ***Restricted Open Space.*** Restricted Open Space must be provided for all multiple-unit developments as follows:

   a. Units with any floor area on the ground story must provide a minimum of 200 square feet.

   b. Units without floor area on the ground story must provide a minimum of 60 square feet.

C. **Small-Scale Units.** The following standards apply to multiple-unit dwellings in the RM and RH districts with 500 square feet or less of floor area.

1. ***Required Internal Areas.***

   a. At least one habitable room with at least 150 square feet of floor area, exclusive of closet space. In no case may a habitable room or space contain less than 80 square feet in floor area; and

   b. Food preparation areas must have at least 80 square feet of floor area intended, arranged, designed or used for cooking or warming of food.

2. ***Cooking Facilities.*** The food preparation area must include a sink with hot and cold water, a counter with dedicated electrical outlets, and a permanently installed stove and range.

3. ***Dwelling Unit Density Calculation.*** For density calculations, each small-scale unit is considered to have a "dwelling unit equivalent" of 0.75, meaning a project with 20 small-scale units is considered only to have a "dwelling unit equivalent" of 15 units.

17.07.060 Additional Development Regulations for the RMHP District

A. **Transitional Standards.** Where an RMHP District adjoins an interior lot line in an RS or RP District, the minimum building setback from an RS or RP District boundary is ten feet for interior side setbacks and 20 feet for rear setbacks.

B. **Open Space.** A minimum of 100 square feet of private open space must be provided per unit. Each unit must be provided a minimum of 60 square feet of restricted open space. The balance of the required open space may be provided as restricted or common open space.

C. **Individual Mobile Home Setbacks.** The following setback standards apply to mobile homes or manufactured homes within the RMHP District:

1. From any permanent structure: Ten feet.

2. From any other mobile home:

   a. Ten feet when measured from the sides of each mobile home.

b. Eight feet when measured from the side of one mobile home to the rear or front of another mobile home.

c. Six feet when measured from the rear of each mobile home, from the front of each mobile home, or from the front of one mobile home to the rear of another mobile home.

Chapter 17.08 Commercial Districts

Sections:

17.08.010 Purpose and Intent
17.08.020 Land Use Regulations
17.08.030 Development Regulations

17.08.010 Purpose and Intent

The purposes of the Commercial Districts are to:

A. Designate adequate land for a full range of residential- and business-serving commercial uses and services, consistent with the General Plan, to maintain and strengthen the City's economic resources, and meet the needs of local community for goods and services;

B. Establish development and design standards that improve the visual quality of commercial development to ensure appropriate buffers and transitions to adjacent neighborhoods; and

C. Ensure that new development is designed to minimize traffic and parking impacts and is appropriate to the physical characteristics of the area.

The specific intent of each District are as follows:

CR Regional Commercial. This District is intended to provide for a wide range of retail commercial uses, including, but not limited to larger scale commercial uses that service the community, region, and traveling public through implementation of the Regional Commercial (C-R) land use designation in the General Plan.

CC Community Commercial. This District is intended for relatively small commercial centers that provide convenience goods and services to the surrounding residential neighborhoods while protecting the residential character of the area through implementation of the Community Commercial (C-C) land use designation in the General Plan.

OT Old Town - Commercial. This District is intended to permit a wide range of local- and community-serving retail and office uses to enhance the physical and economic environment for existing businesses and uses of the historic center by implementing the Old Town Commercial (OT) land use designation set forth in the General Plan. Regulations and development standards are intended to reinforce the character of the area as a pedestrian-oriented, retail business area with a mix of businesses and services and through consistency with the Goleta Old Town Heritage District Architecture and Design Guidelines.

VS Visitor Serving - Commercial. This District is intended to provide for a range of commercial uses of low to moderate intensity, often at or near scenic locations that serve as destinations for visitors, through implementation of the Visitor Commercial (C-V) land use designation of the General Plan.

CI Intersection or Highway Commercial. This District is intended to provide for a limited range of commercial uses of low to moderate intensity located at major roadway intersections by implementing the Intersection or Highway Commercial (C-I) land use designation of the General Plan.

CG General Commercial. This District is intended to provide appropriate sites for a diverse set of commercial uses that do not need highly visible locations or that may involve activities that are not compatible with other uses through implementation of the General Commercial (C-G) land use designation in the General Plan.

17.08.020 Land Use Regulations

Table 17.08.020 below prescribes the land use regulations for Commercial Districts. The table also notes additional use regulations that apply to various uses. Section numbers in the right-hand column refer to other sections of this Title. Use classifications are defined in Chapter 17.72, Use Classifications.

TABLE 17.08.020: LAND USE REGULATIONS—COMMERCIAL DISTRICTS							**"P" – Zoning Permit or Exempt** **"MU" – Minor Conditional Use Permit** **"CU" – Major Conditional Use Permit** **"-" - Use Not allowed**
Uses	*District*						*Additional Regulations*
	CR	*CC*	*OT*	*VS*	*CI*	*CG*	
Residential Uses							
Residential Housing Types							
Multiple-Unit Development	-	CU[1]	CU[1]	-	-	-	See § 17.24.120, Mixed-Use Development
Accessory Dwelling Unit	See § 17.41.030, Accessory Dwelling Units (ADU)						
Residential Care Facilities							
Small	-	P	P	-	-	-	
Large	-	-	-	-	-	CU[1]	See § 17.41.220, Residential Care Facilities
Supportive Housing	Subject only to those standards and permit procedures as they apply to other residential dwellings of the same type (use) in the same zone or as allowed pursuant to State law.						
Transitional Housing	Subject only to those standards and permit procedures as they apply to other residential dwellings of the same type (use) in the same zone.						
Public/Quasi-Public Uses							
Colleges and Trade Schools	CU	CU	MU	-	-	P	
Community Assembly	-	MU	MU	-	-	MU	
Community Garden	P	P	P	-	P	P	See § 17.41.100, Community Gardens
Cultural Institutions and Facilities	P	P	P	-	P	-	
Day Care Facility	MU	P	P	MU	MU	P	See § 17.41.110, Day Care Facilities
Emergency Shelter	CU	-	-	-	-	P	See § 17.41.130, Emergency Shelters
Government Buildings	P	P	P	P[2]	CU	P	

TABLE 17.08.020: LAND USE REGULATIONS—COMMERCIAL DISTRICTS							**"P" – Zoning Permit or Exempt** **"MU" – Minor Conditional Use Permit** **"CU" – Major Conditional Use Permit** **"-" - Use Not allowed**
Uses	*District*						*Additional Regulations*
	CR	*CC*	*OT*	*VS*	*CI*	*CG*	
Hospital	CU	-	-	-	-	CU	
Parking, Public or Private	MU	MU	MU	MU	MU	MU	
Public Safety Facilities	P	P	P	-	P	P	
Schools, Private	CU	CU	MU	-	-	CU	
Skilled Nursing Facility	MU	MU	MU	-	-	P	
Social Service Facilities	MU	MU	MU	-	-	MU	
Commercial Uses							
Adult-Oriented Business							
Adult Bookstore, Adult Novelty Store, or Adult Video Store	-	-	-	-	-	P	See § 17.41.050, Adult-Oriented Businesses
Animal Sales, Care and Services							
Animal Sales and Grooming	P	P	P	-	-	P	
Boarding, Kennel	CU	MU	MU	-	-	CU	
Veterinary Services	-	MU	MU	-	-	P	
Automobile/Vehicles Sales and Services							
Auction	-	-	-	-	-	P	
Automobile Rentals	-	-	CU	-	-	P	
Automobile/Vehicle Sales and Leasing	-	-	CU	-	-	MU	See § 17.41.070, Automobile/Vehicle Service and Repair
Automobile/Vehicle Service and Repair, Major	-	-	P[3]	-	-	CU	See § 17.41.070, Automobile/Vehicle Service and Repair
Automobile/Vehicle Service and Repair, Minor	-	-	P[3]	-	-	P	See § 17.41.070, Automobile/Vehicle Service and Repair
Service and Gas Stations	CU	-	CU	-	P	CU	See § 17.41.230, Service and Gas Stations
Automobile/Vehicle Washing	-	P	CU	-	P	P	See § 17.41.080, Automobile/Vehicle Washing

TABLE 17.08.020: LAND USE REGULATIONS—COMMERCIAL DISTRICTS							"P" – Zoning Permit or Exempt "MU" – Minor Conditional Use Permit "CU" – Major Conditional Use Permit "-" - Use Not allowed
Uses	*District*						*Additional Regulations*
	CR	*CC*	*OT*	*VS*	*CI*	*CG*	
Building Materials, Sales, and Service	P	P	CU	-	-	P	See § 17.41.200, Outdoor Sales
Business Services	-	P	P	-	-	P	
Cannabis Microbusiness	-	-	-	-	-	P[4]	See § 17.41.090 Cannabis Uses
Cannabis Retailer							
Storefront	P	P	P	-	-	P	See § 17.41.090 Cannabis Uses
Non-Storefront	P	P	-	-	-	P	See § 17.41.090 Cannabis Uses
Catering Service	P	P	P	P	-	P	
Check-Cashing Business	-	-	CU	-	-	P	
Commercial Entertainment and Recreation							
Banquet and Conference Center	CU	-	CU	P	-	-	
Cinemas	P	P	-	P	-	-	
Indoor Sports and Recreation	P	P	MU	P	-	-	
Outdoor Entertainment	CU	-	-	CU	-	-	
Eating and Drinking Establishments							
Bars/Night Clubs/ Lounges	CU	P	P	-	-	P	
Restaurant	P	P	P	P	P	P	See § 17.41.120, Eating and Drinking Establishments
Finance, Insurance, and Real Estate Services	P	P	P/CU[5]	-	-	P	
Food and Beverage Sales							
General Market	P	P	P	-	P	P	See § 17.41.200, Outdoor Sales
Liquor Store	P	P	MU	-	-	P	
Specialty Food Sales and Facilities	P	P	P	-	-	P	See § 17.41.200, Outdoor Sales
Information Technology Services	-	-	-	-	-	P	
Instructional Services	-	-	P	-	-	P	

TABLE 17.08.020: LAND USE REGULATIONS—COMMERCIAL DISTRICTS							**"P" – Zoning Permit or Exempt** **"MU" – Minor Conditional Use Permit** **"CU" – Major Conditional Use Permit** **"-" - Use Not allowed**
Uses	*District*						*Additional Regulations*
	CR	*CC*	*OT*	*VS*	*CI*	*CG*	
Live/Work Units	-	MU	MU	-	-	-	See § 17.41.180, Live/Work Units
Lodging and Visitor-Services							
Hotels and Motels	P	P	CU	P	-	-	
Recreational Vehicle Parks	-	-	CU	CU	-	CU	
Time Share Use	-	-	-	P	-	-	
Maintenance and Repair Services	P	P	P	-	-	P	
Media-Production Facility	MU	MU	-	-	-	P	
Medical, Dental, and Health-Related Services	P	P	P/CU[5]	-	-	-	
~~Mobile Vendors~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~See § 17.41.190, Mobile Vendors~~
Nurseries and Garden Centers	P	P	CU	-	-	P	See § 17.41.200, Outdoor Sales
Personal Services							
General Personal Services	P	P	P	-	-	P	
Restricted Personal Services	MU	MU	CU	-	-	P	
Professional Services	-	P	P/CU[5]	-	-	P	
Retail Sales							
General Retail	P	P	P	-	-	P	See § 17.41.200, Outdoor Sales
Large Format Retail	P	P	-	-	-	-	See § 17.41.200, Outdoor Sales
Industrial Uses							
Automobile Wrecking/Junk Yard	-	-	-	-	-	CU	
Cannabis Distribution	-	-	-	-	-	P	See § 17.41.090 Cannabis Uses
Construction and Material Yards	-	-	-	-	-	CU	

TABLE 17.08.020: LAND USE REGULATIONS—COMMERCIAL DISTRICTS							**"P" – Zoning Permit or Exempt** **"MU" – Minor Conditional Use Permit** **"CU" – Major Conditional Use Permit** **"-" - Use Not allowed**
Uses	*District*						*Additional Regulations*
	CR	*CC*	*OT*	*VS*	*CI*	*CG*	
Vehicle/Equipment Facilities							
Heavy Vehicle and Large Equipment Sales/Rental, Service, and Repair	-	-	-	-	-	CU	
Wholesale Trade, Warehouse, Storage and Distribution							
Indoor Warehousing and Storage	-	-	-	-	-	P	
Outdoor Storage Yard	-	-	-	-	-	CU	
Personal Storage	-	-	-	-	-	MU	See § 17.41.210, Personal Storage
Wholesaling and Distribution	-	-	-	-	-	P	
Transportation, Communication, and Utility Uses							
Communication Facilities							
Antennas and Transmission Towers	See Chapter 17.42, Telecommunications Facilities						
Facilities within Buildings	-	-	-	-	-	P	
Light Fleet-Based Services	-	-	-	-	-	CU	
Transportation Passenger Terminal	-	-	-	CU	-	CU	
Accessory Uses	See § 17.41.040, Accessory Uses.						
Animal Keeping	P	P	P	P	-	P	See § 17.41.060, Animal Keeping
Cannabis Personal Use Cultivation	P	P	P	P	P	P	See § 17.41.090, Cannabis Uses
Caretaker Unit	MU	MU	MU	MU	-	MU	
Family Day Care							
Small	P	P	P	P	P	P	See § 17.41.140, Family Day Care
Large	P	P	P	P	P	P	See § 17.41.140, Family Day Care
Home Occupation	-	P	P	-	-	-	See § 17.41.170, Home Occupations

TABLE 17.08.020: LAND USE REGULATIONS—COMMERCIAL DISTRICTS							**"P" – Zoning Permit or Exempt** **"MU" – Minor Conditional Use Permit** **"CU" – Major Conditional Use Permit** **"-" - Use Not allowed**
Uses	*District*						*Additional Regulations*
	CR	*CC*	*OT*	*VS*	*CI*	*CG*	
Temporary Uses	See § 17.41.260, Temporary Uses for permit requirements for each type of temporary use						
Nonconforming Uses	Chapter 17.36, Nonconforming Uses and Structures						

Notes:

1. Only in mixed-use developments.

2. Limited to City Hall only.

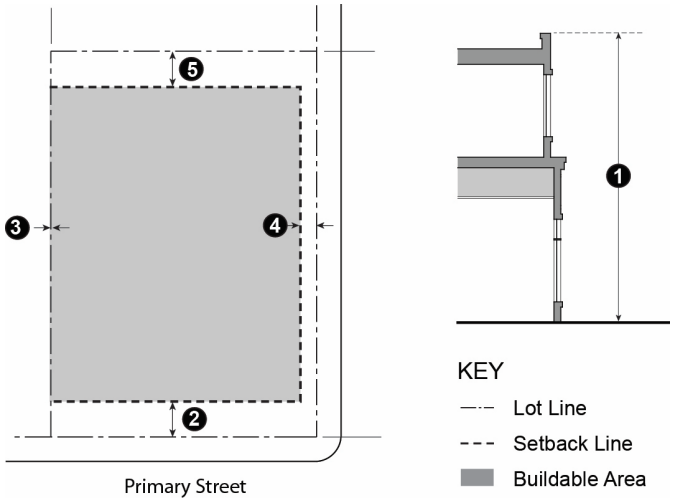
3. Only for pre-existing uses. Any significant expansion requires a Major Conditional Use Permit and a finding that the expansion is consistent with adjacent uses.

4. Microbusinesses in CG are only allowed for cannabis businesses legally located prior to June 16, 2009.

5. Office uses are permitted on the street facing ground floor. Office uses on the second floor of a structure or behind the portion of a building adjacent to the street are subject to approval of a Minor Conditional Use Permit.

17.08.030 Development Regulations

Table 17.08.030 prescribes development regulations for the Commercial Districts for permitted and conditionally permitted uses. Letters in parenthesis (e.g., (A)) refer to the regulations following the table. When in the "Additional Regulations" column, the regulations apply to all districts. When in just one district's column, the regulations apply only to that particular district. The numbers in each illustration below refer to corresponding regulations in the "#" column in the associated table. Regulations applicable to multiple districts are in Part IV of this Title.

TABLE 17.08.030: DEVELOPMENT REGULATIONS—COMMERCIAL DISTRICTS								
	District						*Additional Regulations*	*#*
	CR	*CC*	*OT*	*VS*	*CI*	*CG*		
								
Maximum Dwelling Unit Density (units/acre)	N/A	12	20	N/A	N/A	20	See § 17.24.120, Mixed-Use Development	
Maximum Building Height (ft.)	35	35	30	35	25	35		❶
Minimum Setbacks (ft.)	See also § 17.24.120, Mixed-Use Development Where the minimum required setback is 0 and a setback is provided, the setback shall be a minimum of 5feet.							
Front	20	10	0(A)	20	10	10		❷
Interior Side	10	0	0	20	5	0		❸
Street Side	OT District: 0(A) Other Districts: • Lots less than 100 feet in width: 20% of lot width, min 10 • Lots 100 feet or more in width: Same as required front setback							❹
Rear	10% of lot depth, max 10			20(B)	10% of lot depth, max 10			❺
Minimum Common Open Space	N/A	N/A	N/A	40% (combined)	N/A	N/A		
Minimum Landscaping	5%	N/A	N/A		5%	N/A		
Limitations on Curb Cuts	(C)	(C)	(C)	(C)	(C)	(C)		
Parking	See Chapter 17.38, Parking and Loading							

A. **Front and Street Side Setback in OT Zone District.** A setback is required to ensure ten feet between the face of gutter and the back of sidewalk.

B. **Reduced Rear Setbacks, Corner Lots Backing on Key Lots.** The rear setback for a corner lot backing up on a key lot may be reduced to the size of the required side setback for the key lot or ten feet, whichever is greater, provided the front, side, and rear setback area required by the applicable district regulations is not reduced. An accessory structure on a corner lot backing up on a key lot shall be setback from the rear property line by a distance equal to the side setback requirements applicable to the key lot.

C. **Limitations on Curb Cuts.** Wherever possible, parking and loading entrances must share curb cuts in order to minimize the overall number of curb cuts. Curb cuts are limited to one per parcel unless an absolute need is demonstrated. On corner lots, curb cuts must be located on the street frontage with the least traffic volume wherever feasible.

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Chapter 17.09 Office Districts

Sections:

17.09.010 Purpose and Intent
17.09.020 Land Use Regulations
17.09.030 Development Regulations

17.09.010 Purpose and Intent

The purposes of the Office Districts are to:

A. Provide for orderly, well-planned, and balanced business park and office development that serves the community, consistent with the General Plan; and

B. Establish development standards that create a unified and distinctive character, contribute to the pedestrian environment, and ensure appropriate transitions and buffers between business parks and offices and residential uses.

The specific intent of each Office District are as follows:

BP Business Park. This District is intended to provide for attractive, well-designed business parks that provide employment opportunities to the community and surrounding area through implementation of the Business Park (I-BP) land use designation of the General Plan.

OI Office Institutional. This District is intended to provide areas for existing and future office-based uses by implementing the Office and Institutional (I-OI) land use designation in the General Plan.

17.09.020 Land Use Regulations

Table 17.09.020 below prescribes the land use regulations for Office Districts. The table also notes additional use regulations that apply to various uses. Section numbers in the right-hand column refer to other sections of this Title. Use classifications are defined in Chapter 17.72, Use Classifications.

TABLE 17.09.020: LAND USE REGULATIONS—OFFICE DISTRICTS			**"P" – Zoning Permit or Exempt** **"MU" – Minor Conditional Use Permit** **"CU" – Major Conditional Use Permit** **"-" - Use Not allowed**
Uses	*District*		*Additional Regulations*
	BP	*OI*	
Residential Uses			
Residential Care Facility, Large	-	CU	
Residential Housing Types			
Multiple-Unit Development	-	CU[1]	See § 17.24.120, Mixed-Use Development

TABLE 17.09.020: LAND USE REGULATIONS—OFFICE DISTRICTS			"P" – Zoning Permit or Exempt "MU" – Minor Conditional Use Permit "CU" – Major Conditional Use Permit "-" - Use Not allowed
Uses	*District*		*Additional Regulations*
	BP	*OI*	
Accessory Dwelling Unit	See § 17.41.030, Accessory Dwelling Units (ADU)		
Supportive Housing and Transitional Housing	Subject only to those standards permit procedures as they apply to other residential dwellings of the same type (use) in the same zone or as allowed pursuant to State law.		
Public/Quasi-Public Uses			
Colleges and Trade Schools	-	P	
Community Assembly	-	P	
Day Care Facility	P	P	See § 17.41.110, Day Care Facilities
Emergency Shelters	P	-	See § 17.41.130, Emergency Shelters
Government Buildings	P	P	
Hospital	CU	P	
Schools, Private	-	P	
Skilled Nursing Facility	MU	P	
Social Service Facilities	MU	P	
Commercial Uses			
Building Materials, Sales, and Service	-	CU	See § 17.41.200, Outdoor Sales
Business Services	P	P	
Commercial Entertainment and Recreation			
Indoor Sports and Recreation	-	MU	
Eating and Drinking Establishments			
Bars/Night Clubs/Lounges	-	CU[2]	
Restaurant	P[2]	P[2]	See § 17.41.120, Eating and Drinking Establishments
Finance, Insurance, and Real Estate Services	P	P	
Funeral Parlors and Internment Services	-	MU	
Information Technology Services	P	P	
Instructional Services	-	P	
Live/Work Units	-	MU	See § 17.41.180, Live/Work Units
Lodging and Visitor-Services			

TABLE 17.09.020: LAND USE REGULATIONS—OFFICE DISTRICTS			"P" – Zoning Permit or Exempt "MU" – Minor Conditional Use Permit "CU" – Major Conditional Use Permit "-" - Use Not allowed
Uses	*District*		*Additional Regulations*
	BP	*OI*	
Hotels and Motels	P[3]	P[3]	
~~Mobile Vendors~~	~~P~~	~~P~~	~~See § 17.41.190, Mobile Vendors~~
Nurseries and Garden Centers	-	MU	See § 17.41.200, Outdoor Sales
Medical, Dental, and Health-Related Services	-	P	
Personal Services			
General Personal Services	P[2]	P[2]	
Professional Services	-	P	
Industrial Uses			
Cannabis Cultivation			
Indoor Cultivation	P	-	See § 17.41.090 Cannabis Uses
Nursery	P	-	See § 17.41.090 Cannabis Uses
Processor	P	-	See § 17.41.090 Cannabis Uses
Cannabis Distribution	P[4]	-	See § 17.41.090 Cannabis Uses
Cannabis Manufacturing			
Non-Volatile Solvent Manufacturing	P	-	See § 17.41.090 Cannabis Uses
Volatile Solvent Manufacturing	P	-	See § 17.41.090 Cannabis Uses
Infusions	P	-	See § 17.41.090 Cannabis Uses
Packaging and Labeling	P	-	See § 17.41.090 Cannabis Uses
Cannabis Testing	P	P	See § 17.41.090 Cannabis Uses
Custom Manufacturing	P	-	
Limited Industrial	P	-	
R&D and Technology	P	P	
Wholesale Trade, Warehouse, Storage and Distribution			
Indoor Warehousing and Storage	P[5]	-	
Transportation, Communication, and Utility Uses			
Communication Facilities			
Antennas and Transmission Towers	See Chapter 17.42, Telecommunications Facilities		
Facilities within Buildings	P	P	

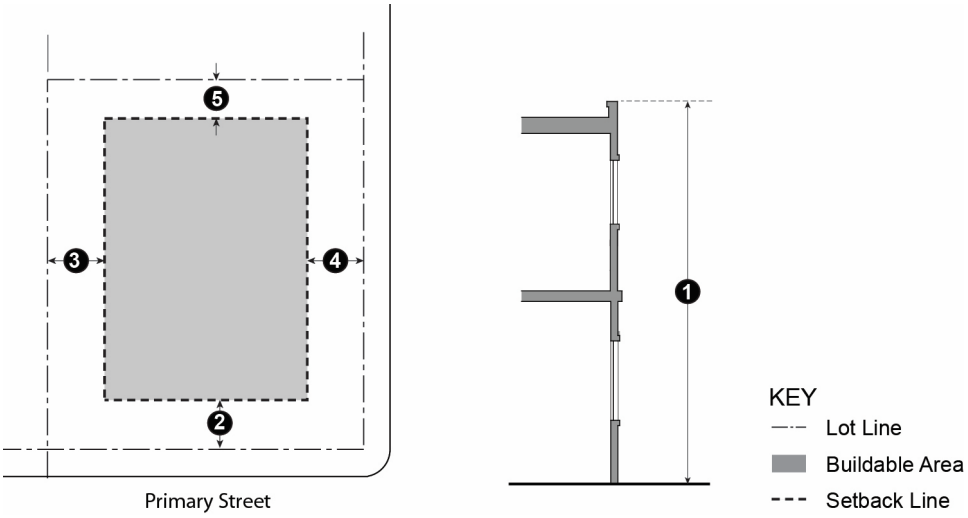
TABLE 17.09.020: LAND USE REGULATIONS—OFFICE DISTRICTS			"P" – Zoning Permit or Exempt "MU" – Minor Conditional Use Permit "CU" – Major Conditional Use Permit "-" - Use Not allowed
Uses	*District*		*Additional Regulations*
	BP	*OI*	
Major Utilities	CU	CU	
Transportation Passenger Terminal	CU	CU	
Accessory Uses	See § 17.41.040, Accessory Uses		
Animal Keeping	P	P	See § 17.41.060, Animal Keeping
Cannabis Personal Use Cultivation	P	P	See § 17.41.090, Cannabis Uses
Caretaker Unit	P	P	
Family Day Care			
Small	P	P	See § 17.41.140, Family Day Care
Large	P	P	See § 17.41.140, Family Day Care
Home Occupations	P	P	See § 17.41.170, Home Occupations
Temporary Uses	See § 17.41.260, Temporary Uses for permit requirements for each type of temporary use.		
Nonconforming Uses	Chapter 17.36, Nonconforming Uses and Structures		

Notes:

1. Only in mixed-use developments.
2. Cumulative development of these uses must not exceed 20% of the total floor area on any one lot.
3. Only in the Hotel Overlay identified in the General Plan.
4. Floor area of each licensed distributor shall not exceed 30,000 square feet per parcel.
5. Only if it is in association with a permitted use. Where a parcel has multiple tenant spaces, Indoor Warehousing and Storage must be within the same tenant space as the permitted use but is not subject to the Accessory Use standards in Section 17.41.040.

17.09.030 Development Regulations

Table 17.09.030 prescribes development regulations for Office Districts for permitted and conditionally permitted uses. Letters in parenthesis (e.g., (A)) refer to the regulations following the table. When in the "Additional Regulations" column, the regulations apply to all districts. When in just one district's column, the regulations apply only to that particular district. The numbers in each illustration below refer to corresponding regulations in the "#" column in the associated table. Regulations applicable to multiple districts are in Part IV of this Title.

TABLE 17.09.030: DEVELOPMENT REGULATIONS—OFFICE DISTRICTS				
	District		Additional Regulations	#
	BP	OI		
				
Minimum Lot Area (acre)	1	N/A		
Maximum Lot Coverage	35%	40%		
Maximum Dwelling Unit Density (units/acre)	N/A	20	See § 17.24.120, Mixed-Use Development	
Maximum Building Height (ft.)	35	35		❶
Minimum Setbacks (ft.)	See also § 17.24.120, Mixed-Use Development for upper-story setbacks for residential uses in mixed-use development			
Front	50	15		❷
Interior Side	10	15		❸
Street Side	• Lots less than 100 feet in width: 20% of lot width, min 10 • Lots 100 feet or more in width: Same as required front setback			❹
Rear	10	15(A)		❺
Minimum Landscaping	30%	10%		
Limitations on Curb Cuts	(B)	(B)		
Parking	See Chapter 17.38, Parking and Loading			
Limitations on Outdoor Activities	(C)	N/A		

A. **Corner Lots Backing on Key Lots.** The rear setback for a corner lot backing up on a key lot may be reduced to the size of the required side setback for the key lot or ten feet, whichever is greater,

provided the front, side, and rear setback area required by the applicable district regulations is not reduced. An accessory structure on a corner lot backing up on a key lot shall be setback from the rear property line by a distance equal to the side setback requirements applicable to the key lot.

B. **Limitations on Curb Cuts.** Wherever possible, parking and loading entrances must share curb cuts in order to minimize the overall number of curb cuts. Curb cuts are limited to one per parcel unless an absolute need is demonstrated. On corner lots, curb cuts must be located on the street frontage with the least traffic volume wherever feasible.

~~B.~~C. **Limits on Outdoor Activities.** Allowed uses are prohibited from conducting vehicular repair, processing, and manufacturing activities outdoors and are prohibited from private outdoor storage.

Chapter 17.10 Industrial Districts

Sections:

17.10.010 Purpose and Intent
17.10.020 Land Use Regulations
17.10.030 Development Regulations

17.10.010 Purpose and Intent

The purposes of the Industrial Districts are to:

A. Provide appropriately located areas for a range of employment-creating economic activities, including those that may have the potential to generate off-site impacts, to minimize impacts on surrounding neighborhoods while promoting a robust economy, and

B. Assure high-quality design and site planning of office and employment areas and support the adaptive reuse of industrial buildings that contribute to the character of the City as a whole.

The specific intent of each Industrial District are as follows:

IS Service Industrial. This District is intended for land within the airport flight path where airport operations limit the range and density of activities with uses may occur in less-managed environments than in the BP District through implementation of the Service Industrial (I-S) land use designation in the General Plan.

IG General Industrial. This District is intended to provide areas for a wide range of manufacturing uses, including those with potential noxious impacts, and for similar heavy commercial uses by implementing the General Industrial (I-G) land use designation in the General Plan.

17.10.020 Land Use Regulations

Table 17.10.020 prescribes the types of permit levels and land use regulations for Industrial Districts. The table also notes additional use regulations that apply to various uses. Section numbers in the right-hand column refer to other sections of this Title. Use classifications are defined in Chapter 17.72, Use Classifications.

TABLE 17.10.020: LAND USE REGULATIONS—INDUSTRIAL DISTRICTS			"P" – Zoning Permit or Exempt "MU" – Minor Conditional Use Permit "CU" – Major Conditional Use Permit "-" - Use Not allowed
Uses	*District*		*Additional Regulations*
	IS	*IG*	
Public/Quasi-Public Uses			
Community Garden	P	P	See § 17.41.100, Community Gardens
Day Care Facility	CU	CU	See § 17.41.110, Day Care Facilities
Emergency Shelter	-	P	See § 17.41.130, Emergency Shelters
Government Buildings	P[1]	P	
Hospital	CU	CU	
Skilled Nursing Facility	CU	CU	
Commercial Uses			
Adult-Oriented Business			
Adult Live Entertainment Theater	CU	CU	See § 17.41.050, Adult-Oriented Businesses
Adult Motion Picture or Video Arcade	CU	CU	See § 17.41.050, Adult-Oriented Businesses
Adult Motion Picture Theater	CU	CU	See § 17.41.050, Adult-Oriented Businesses
Animal Sales, Care and Services			
Veterinary Services	P	P	
Automobile/Vehicles Sales and Services			
Auction	P	-	
Automobile Rentals	P	P	
Automobile/Vehicle Sales and Leasing	P	P	See § 17.41.070, Automobile/Vehicle Service and Repair
Automobile/Vehicle Services and Repair, Major	MU	P	See § 17.41.070, Automobile/Vehicle Service and Repair
Automobile/Vehicle Services and Repair, Minor	MU	P	See § 17.41.070, Automobile/Vehicle Service and Repair
Service and Gas Stations	-	P	See § 17.41.230, Service and Gas Stations
Building Materials, Sales, and Service	-	P	See § 17.41.200, Outdoor Sales
Cannabis Microbusiness	P	P	See § 17.41.090 Cannabis Uses
Cannabis Retailer			
Storefront	-	P[2]	See § 17.41.090 Cannabis Uses
Non-Storefront	P	P	See § 17.41.090 Cannabis Uses

TABLE 17.10.020: LAND USE REGULATIONS—INDUSTRIAL DISTRICTS			**"P" – Zoning Permit or Exempt** **"MU" – Minor Conditional Use Permit** **"CU" – Major Conditional Use Permit** **"-" - Use Not allowed**
Uses	*District*		*Additional Regulations*
	IS	*IG*	
Catering Service	P	P	
Nurseries and Garden Centers	-	CU	See § 17.41.200, Outdoor Sales
Industrial Uses			
Automobile Wrecking/Junk Yard	CU	CU	
Cannabis Cultivation			
Indoor Cultivation	P	P	See § 17.41.090 Cannabis Uses
Nursery	P	P	See § 17.41.090 Cannabis Uses
Processor	P	P	See § 17.41.090 Cannabis Uses
Cannabis Distribution	P	P	See § 17.41.090 Cannabis Uses
Cannabis Manufacturing			
Non-Volatile Solvent Manufacturing	P	P	See § 17.41.090 Cannabis Uses
Volatile Solvent Manufacturing	P	P	See § 17.41.090 Cannabis Uses
Infusions	P	P	See § 17.41.090 Cannabis Uses
Packaging and Labeling	P	P	See § 17.41.090 Cannabis Uses
Cannabis Testing	-	P	See § 17.41.090 Cannabis Uses
Construction and Material Yards	P	P	
Custom Manufacturing	P	P	
Heavy Manufacturing	MU	P	
Limited Industrial	P	P	
Oil and Gas Facilities	-	CU	See Chapter 17.37, Oil and Gas Facilities
R&D and Technology	-	P	
Vehicle/Equipment Facilities			
Heavy Vehicle and Large Equipment Sales/Rental, Service, and Repair	P	P	
Towing Services	P	P	
Wholesale Trade, Warehouse, Storage and Distribution			
Chemical, Mineral and Explosives Storage	CU	CU	See Chapter 17.16, -AE Airport Environs Overlay District

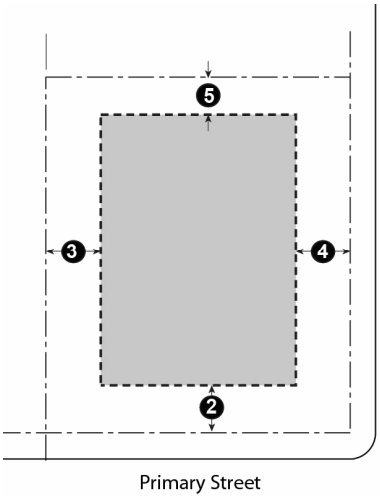
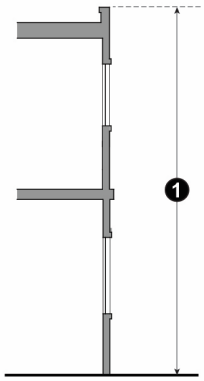
TABLE 17.10.020: LAND USE REGULATIONS—INDUSTRIAL DISTRICTS			"P" – Zoning Permit or Exempt "MU" – Minor Conditional Use Permit "CU" – Major Conditional Use Permit "-" - Use Not allowed
Uses	*District*		*Additional Regulations*
	IS	*IG*	
Indoor Warehousing and Storage	P	P	
Outdoor Storage Yard	P	P	
Personal Storage	P	P	See § 17.41.210, Personal Storage
Wholesaling and Distribution	P	P	
Transportation, Communication, and Utility Uses			
Communication Facilities			
Antennas and Transmission Towers	See Chapter 17.42, Telecommunications Facilities		
Facilities within Buildings	P	P	
Light Fleet-Based Services	P	P	
Transportation Passenger Terminal	MU	MU	
Accessory Uses	See § 17.41.040, Accessory Uses		
Animal Keeping	P	P	See § 17.41.060, Animal Keeping
Cannabis Personal Use Cultivation	P	P	See § 17.41.090, Cannabis Uses
Caretaker Unit	MU	MU	
Family Day Care			
Small	P	P	See § 17.41.140, Family Day Care
Large	P	P	See § 17.41.140, Family Day Care
Temporary Uses	See § 17.41.260, Temporary Uses for permit requirements for each type of temporary use.		
Nonconforming Uses	Chapter 17.36, Nonconforming Uses and Structures		
Notes: 1. Limited to City Hall only. 2. Storefront cannabis retailers allowed within IG only in locations where a cannabis dispensary was legally located prior to June 16, 2009, the date of the City's former ban on cannabis businesses.			

17.10.030 Development Regulations

Table 17.10.030 prescribes development regulations for Industrial Districts for permitted and conditionally permitted uses. Letters in parenthesis (e.g., (A)) refer to the regulations following the table. When in the "Additional Regulations" column, the regulations apply to all districts. When in just one

district's column, the regulations apply only to that particular district. The numbers in each illustration below refer to corresponding regulations in the "#" column in the associated table. Regulations applicable to multiple districts are in Part IV of this Title.

TABLE 17.10.030: DEVELOPMENT REGULATIONS—INDUSTRIAL DISTRICTS

	District		*Additional Regulations*	*#*
	IS	*IG*		
  KEY — Lot Line; Buildable Area; Setback Line				
Maximum Building Height (ft.)	35	35		❶
Maximum Lot Coverage	None	None		
Minimum Setbacks (ft.)				
Front	20	20		❷
Interior Side	10	10		❸
Street Side	• Lots less than 100 feet in width: 20% of lot width, min 10 • Lots 100 feet or more in width: Same as required front setback			❹
Rear	10	10		❺
Minimum Landscaping	10%	10%		
Maximum Intensity of Employment	See Chapter 17.16, -AE Airport Environs Overlay District	N/A		
Limitations on Curb Cuts	(A)	(A)		
Parking	See Chapter 17.38, Parking and Loading			

A. **Limitations on Curb Cuts.** Wherever possible, parking and loading entrances must share curb cuts in order to minimize the overall number of curb cuts. Curb cuts are limited to one per parcel unless

an absolute need is demonstrated. On corner lots, curb cuts must be located on the street frontage with the least traffic volume wherever feasible.

B. **Transitional Standards.** The following minimum structure setbacks in the IS and IG Districts apply:

1. From any "R" District Boundary: 50 feet.

2. From any "C" District Boundary: 25 feet.

Chapter 17.11 Public and Quasi-Public District

Sections:

17.11.010 Purpose
17.11.020 Land Use Regulations
17.11.030 Development Regulations

17.11.010 Purpose

The purposes of the PQ Public and Quasi-Public District are to:

A. Provide areas for various types of Public and Quasi-Public facilities needed to serve residents, businesses, and visitors by implementing the Public and Quasi-Public Land Use (P-Q) land use designation in the General Plan; and

B. Ensure that the development and operation of Public and Quasi-Public uses protects and enhances the character and quality of life of surrounding residential areas and that their uses are compatible with adjoining uses.

C. Provides for uses and services that are provided by both Public entities and Quasi-Public entities regulated by the Public Utility Commission that serve residents, businesses, and visitors.

17.11.020 Land Use Regulations

Table 17.11.020 below prescribes the land use regulations for the Public and Quasi-Public District. The table also notes additional use regulations that apply to various uses. Section numbers in the right-hand column refer to other sections of this Title. Use classifications are defined in Chapter 17.72, Use Classifications.

TABLE 17.11.020: LAND USE REGULATIONS—PUBLIC AND QUASI-PUBLIC DISTRICT		**"P" – Zoning Permit or Exempt** **"MU" – Minor Conditional Use Permit** **"CU" – Major Conditional Use Permit** **"-" - Use Not allowed**
Uses	*District* *PQ*	*Additional Regulations*
Public/Quasi-Public Uses		
Cemetery	CU	
Colleges and Trade Schools	P	
Community Assembly	MU	
Community Garden	P	See § 17.41.100, Community Gardens
Cultural Institutions and Facilities	P	

TABLE 17.11.020: LAND USE REGULATIONS—PUBLIC AND QUASI-PUBLIC DISTRICT		"P" – Zoning Permit or Exempt "MU" – Minor Conditional Use Permit "CU" – Major Conditional Use Permit "-" - Use Not allowed
Uses	*District* *PQ*	*Additional Regulations*
Day Care Facility	P	See § 17.41.110, Day Care Facilities
Government Buildings	P	
Hospital	CU	
Park and Recreation Facilities	P	
Passive Open Space	P	
Public Safety Facility	P	
Schools, Private	P	
Transportation, Communication, and Utility Uses		
Communication Facilities		
Antennas and Transmission Towers	See Chapter 17.42, Telecommunications Facilities	
Transportation Passenger Terminal	MU	
Accessory Uses	See § 17.41.040, Accessory Uses	
Animal Keeping	P	See § 17.41.060, Animal Keeping
Cannabis Personal Use Cultivation	P	See § 17.41.090, Cannabis Uses
Caretaker Unit	MU	
Family Day Care		
Small	P	See § 17.41.140, Family Day Care
Large	P	See § 17.41.140, Family Day Care
Temporary Uses	See § 17.41.260, Temporary Uses for permit requirements for each type of temporary use.	
Nonconforming Uses	Chapter 17.36, Nonconforming Uses and Structures	

17.11.030 Development Regulations

Table 17.11.030 prescribes development regulations for the Public and Quasi-Public Districts for permitted and conditionally permitted uses. Letters in parenthesis (e.g., (A)) refer to regulations following the table. When in the "Additional Regulations" column, the regulations apply to all districts. When in just one district's column, the regulations apply only to that particular district. Regulations applicable to multiple districts are in Part IV of this Title.

TABLE 17.11.030: DEVELOPMENT REGULATIONS— PUBLIC AND QUASI-PUBLIC DISTRICTS		
	District	*Additional Regulations*
	PQ	
Minimum Lot Area (sq. ft.)	10,000	
Maximum Lot Coverage	N/A	
Maximum Building Height (ft.)	35	
Minimum Setbacks (ft.)		
Front	20	
Interior Side	10	
Street Side	• Lots less than 100 feet in width: 20% of lot width, min 10 • Lots 100 feet or more in width: Same as required front setback	
Rear	10	
Minimum Landscaping	25%	
Parking	See Chapter 17.38, Parking and Loading	

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Chapter 17.12 Open Space and Agricultural Districts

Sections:

17.12.010 Purpose and Intent
17.12.020 Land Use Regulations
17.12.030 Development Regulations

17.12.010 Purpose and Intent

The general purposes of the Open Space and Agricultural Districts are to:

A. Protect and preserve agricultural and open space areas, while providing opportunities for other compatible activities;

B. Protect agricultural lands from incompatible land uses and encroachment; and

C. Establish limitations on development that will protect open space and agricultural areas in a manner consistent with the General Plan.

The specific intent of each Open Space and Agricultural District are as follows:

OSPR Open Space – Passive Recreation. This District is intended for the conservation of both public and private open space areas with significant environmental values or resources, wildlife habitats, significant views, and other open space values by implementation of the Open Space/Passive Recreation land use designation in the General Plan.

OSAR Open Space – Active Recreation. This District is intended for existing or planned areas for public parks and active recreational activities and facilities through implementation of the Open Space/Active Recreation land use designation in the General Plan. Individual recreational areas may include a mix of passive and active recreational features or improvements.

AG Agricultural. This District is intended to preserve agricultural land and reserve vacant lands suitable for agriculture through implementation of the Agriculture land use designation of the General Plan.

17.12.020 Land Use Regulations

Table 17.12.020 prescribes the land use regulations for Open Space and Agricultural Districts. The table also notes additional use regulations that apply to various uses. Section numbers in the right-hand column refer to other sections of this Title. Use classifications are defined in Chapter 17.72, Use Classifications.

TABLE 17.12.020: LAND USE REGULATIONS – OPEN SPACE AND AGRICULTURAL DISTRICTS				**"P" – Zoning Permit or Exempt** **"MU" – Minor Conditional Use Permit** **"CU" – Major Conditional Use Permit** **"-" - Use Not allowed**
Uses	*District*			*Additional Regulations*
	OSPR	*OSAR*	*AG*	
Residential Uses				
Farmworker Housing				
Farmworker Housing Complex	-	-	P	See § 17.41.150, Farmworker Housing
Residential Housing Types				
Single-Unit Dwelling, Detached	-	-	P	
Accessory Dwelling Unit	-	-	P	See § 17.41.030, Accessory Dwelling Units (ADU)
Residential Care Facility, Small	-	-	P	
Supportive Housing	Subject only to those standards and permit procedures as they apply to other residential dwellings of the same type (use) in the same zone or as allowed pursuant to State law.			
Transitional Housing	Subject only to those standards and permit procedures as they apply to other residential dwellings of the same type (use) in the same zone.			
Public/Quasi-Public Uses				
Community Garden	P	P	P	See § 17.41.100, Community Gardens
Government Buildings[1]	P	P	P	
Park and Recreation Facilities	-	P	-	
Passive Open Space	P	P	-	
Public Safety Facility	-	-	P[2]	
Commercial Uses				
Commercial Entertainment and Recreation				
Outdoor Recreation	-	CU	-	
Transportation, Communication, and Utility Uses				
Communication Facilities				
Antenna and Transmission Towers	See Chapter 17.42, Telecommunications Facilities.			
Agricultural Uses				
Agricultural Processing	-	-	CU	
Agricultural-Support Services	-	-	CU	
Animal Raising	-	-	P	

TABLE 17.12.020: LAND USE REGULATIONS – OPEN SPACE AND AGRICULTURAL DISTRICTS				**"P" – Zoning Permit or Exempt** **"MU" – Minor Conditional Use Permit** **"CU" – Major Conditional Use Permit** **"-" - Use Not allowed**
Uses	*District*			*Additional Regulations*
	OSPR	*OSAR*	*AG*	
Crop Cultivation	-	-	P	
Greenhouse	-	-	P	
Accessory Uses	See § 17.41.040, Accessory Uses			
Animal Keeping	-	P	P	See § 17.41.060, Animal Keeping
Cannabis Personal Use Cultivation	P	P	P	See § 17.41.090, Cannabis Uses
Caretaker Units	-	P	-	
Family Day Care				
Small	P	P		See § 17.41.140, Family Day Care
Large	P	P	P	See § 17.41.140, Family Day Care
Home Occupation	-	-	P	See § 17.41.170, Home Occupations
Farmers' Stand	-	-	CU	
Temporary Uses	See § 17.41.260, Temporary Uses, for permit requirements for each type of temporary use			
Nonconforming Uses	See Chapter 17.36, Nonconforming Uses and Structures			
Notes: 1. Limited to City Hall only. 2. Limited to Fire Stations only.				

17.12.030 Development Regulations

Table 17.12.030 prescribes development regulations for the Open Space and Agricultural Districts for permitted and conditionally permitted uses. Letters in parenthesis (e.g., (A)) refer to the regulations following the table. When in the "Additional Regulations" column, the regulations apply to all districts. When in just one district's column, the regulations apply only to that particular district. Regulations applicable to multiple districts are in Part IV of this Title.

TABLE 17.12.030: DEVELOPMENT REGULATIONS - OPEN SPACE AND AGRICULTURAL DISTRICTS				
	District			*Additional Regulations*
	OSPR	*OSAR*	*AG*	
Minimum Lot Area (acres)	N/A	N/A	AG-5: 5 AG-10:10 AG-40: 40	
Maximum Lot Coverage	5%	20%	Greenhouses are limited to 10% lot coverage. A larger lot coverage (up to 25%) may be permitted with a Major CUP.	
Maximum Building Height (ft.)	14	25	35	
Minimum Setbacks (ft.)				
Front	10	10	20	(A)
Interior Side	10	10	20	(A)
Street Side	• Lots less than 100 feet in width: 20% of lot width, min 10 • Lots 100 feet or more in width: Same as required front setback			(A)
Rear	10	10	20(B)	(A)
Parking	See Chapter 17.38, Parking and Loading			

A. **Required Setbacks.** Lots that contain one acre or less are subject to the setback regulations of the RS Single-Family Residential District.

B. **Reduced Rear Setbacks, Corner Lots Backing on Key Lots.** The rear setback for a corner lot backing up on a key lot may be reduced to the size of the required side setback for the key lot or ten feet, whichever is greater, provided the front, side, and rear setback area required by the applicable district regulations is not reduced. An accessory structure on a corner lot backing up on a key lot shall be setback from the rear property line by a distance equal to the side setback requirements applicable to the key lot.

Chapter 17.13 Reserved

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Chapter 17.14 Reserved

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Chapter 17.15 Reserved

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Part III:
Overlay Districts

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Chapter 17.16 -AE Airport Environs Overlay District

Sections:

17.16.010 Purpose
17.16.020 Applicability
~~17.16.030 Consultation Required~~
17.16.~~040~~030 Use Restrictions
17.16.~~050~~040 Residential Interior Noise-Level Reduction
17.16.~~060~~050 Regulations for Airspace Protection
17.16.~~070~~060 Avigation Overflight Notification

17.16.010 Purpose

The purpose of the -AE Airport Environs Overlay District is to regulate land uses within the Airport Influence Area consistent with the adopted Airport Land Use Plan (ALUP) for Santa Barbara County, and to limit the height of structures and appurtenances (including vegetation) within these areas. The intent is to protect the safety of people both in the air and on the ground, to reduce and avoid noise and safety conflicts between airport operations and surrounding land uses, and to preserve navigable airspace around the Santa Barbara Municipal Airport.

17.16.020 Applicability

The standards and regulations of this Chapter apply within the Airport Influence Area of the Santa Barbara Municipal Airport shown on the Zoning Overlay Map. As used herein, "Airport" means the Santa Barbara Municipal Airport. Regulations in the -AE Overlay District modify and supplement the base zoning district regulations. In cases where the regulations of the -AE Overlay District conflict with the regulations of the base zoning district, the more restrictive regulations take precedence.

~~17.16.030 Consultation Required~~

~~The City must consult with staff of the Airport Land Use Commission (ALUC) and the Santa Barbara Airport Department for development projects and legislative acts within the Clear or Approach Zones as defined in the Santa Barbara County ALUP, as well as any development proposed within the 60 dBA Community Noise Equivalent Level (CNEL) noise exposure contour as depicted on the Noise contour map in the most recent ALUC-adopted ALUP.~~

~~17.16.040~~17.16.030 Use Restrictions

A. **General.** No use may be made of land or water within the -AE Overlay District in such a manner that would:

1. Create a "Hazard to Air Navigation," as determined by the Federal Aviation Administration (FAA);
2. Result in glare in the eyes of pilots using the airport;
3. Make it difficult for pilots to distinguish between airport lights and others;
4. Impair visibility in the vicinity of the airport;

5. Create steam or other emissions that cause thermal plumes or other forms of unstable air;

6. Create electrical interference with navigation signals or radio communication between the airport and aircraft;

7. Create an increased attraction for wildlife, which could pose bird strike hazards to aircraft in flight; or

8. Otherwise, in any way, endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

B. **Residential Uses.** The following restrictions apply to residential development in the -AE Overlay District:

1. ***Within the Clear Zone.*** No new residential development of any kind is allowed.

2. ***Within the One-Mile Marker.*** Residential development within the Approach Zones and also within the one-mile marker as shown on the Overlay Map is limited to new single-unit dwelling construction on existing recorded lots, and rebuilding and alteration projects that do not increase on-site residential density.

3. ***Within the Approach Zone but Outside the One-Mile Marker.*** New ~~R~~residential uses ~~must be~~ consistent with the ALUP ~~Table 4-1~~are allowed.

C. **Non-Residential Uses.** All new non-residential uses within the Clear and Approach Zones ~~must be~~ consistent with the ALUP are allowed ~~Table 4-1~~.

1. ***Prohibited Uses.*** The following uses are not permitted within the Airport Clear and Approach Zones unless such use is ~~found~~ consistent with the ALUP ~~by the ALUC or is approved by the City Council upon a two-thirds vote with specific a finding that the proposed development is consistent with the purpose and intent expressed in Public Utilities Code, Section 21670~~.

a. Hazardous installations or materials such as, but not limited to, oil or gas storage and explosive or highly flammable materials.

~~b. Any use which may result in a permanent or temporary concentration of people greater than 25 persons per acre.~~

D. **Runway 7 Safety Corridor.** ~~The~~ Only the following ~~are the only allowed features~~ may be permitted within the Runway 7 Safety Corridor:

1. Open Space.

2. Landscaping.

3. Roadways.

4. Parking.

~~17.16.050~~17.16.040 Residential Interior Noise-Level Reduction

New residential development exposed to sounds above 60 Community Noise Equivalent Level (CNEL) shall incorporate adequate sound attenuation to assure that all structures have been designed to limit interior noise levels in any habitable room to 45 CNEL.

~~17.16.060~~17.16.050 Regulations for Airspace Protection

A. **Height Limitations.** The criteria for determining the acceptability of a project with respect to height must be based upon the standards set forth in Title 14 of the Code of Federal Regulations (CFR) Part 77, Subpart C, Objects Affecting Navigable Airspace (14 CFR 77C). Additionally, where an FAA aeronautical study of a proposed object is required in accordance with 14 CFR 77C, the results of that study must be taken into account by the Review Authority.

1. ***Maximum Height.*** No object, including a mobile or temporary object, such as a construction crane, may have a height that would result in an obstruction within any of the imaginary surfaces depicted in the ALUP.

B. **FAA Notification.** Any person proposing construction or alteration within the -AE Overlay District must submit notification of the proposal to the FAA if such construction or alteration exceeds one of the following height standards:

1. 200 feet above ground level; or

2. The plane of an imaginary surface extending outward and upward at a slope of 100 to one for a distance of 20,000 feet from the nearest point of any runway.

~~17.16.070~~17.16.060 Avigation Overflight Notification

A. **Avigation Easement Dedication.** An avigation easement for noise and safety must be dedicated to the City of Santa Barbara for any development within an Airport Clear Zone or Airport Approach Zone.

B. **Airport in Vicinity Notification Recordation.** An overflight notification consistent with the following must be recorded for any residential development within the Airport Influence Area.

1. ***Disclosure.*** The notification must contain the following language, as dictated by applicable law, with regard to real estate transfer disclosure:

a. *Notice of Airport in Vicinity.* This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

2. ***Notice.*** The notification must be made evident to prospective purchasers, lessees, and renters of the property and must appear on the property deed or Covenants, Conditions, and Restrictions (CC&Rs).

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Chapter 17.17 -AH Affordable Housing Overlay District

Sections:

17.17.010 Purpose
17.17.020 Applicability
17.17.030 Affordable Housing Requirement
17.17.040 Dwelling Unit Density
17.17.050 Increased Density with State Density Bonus Program

17.17.010 Purpose

The -AH Affordable Housing Overlay District is intended to enable development of affordable housing on the Central Hollister Affordable Housing Opportunity Sites, consistent with the General Plan. The -AH Overlay District serves to implement the General Plan Housing Element policy of providing new housing that addresses affordable housing needs in the City by establishing development regulations and incentives for designated housing opportunity sites.

17.17.020 Applicability

The standards and regulations of this Chapter apply to the Central Hollister Housing Opportunity Sites, as shown with an -AH extension on the Zoning Overlay Map. Except as provided in this Chapter, all standards and regulations in Chapter 17.28, Inclusionary Housing, also apply.

17.17.030 Affordable Housing Requirement

Any new ~~for-sale~~ residential development project in the -AH Overlay District that includes more than five dwelling units must provide ~~for-sale~~ units, as listed below. This requirement supersedes the percentage requirements for inclusionary housing, established in subsection 17.28.050, Inclusionary Housing Requirements, for projects not located in the -AH Overlay District.

A. **Affordability Housing Requirement by Income Category.** The provision of affordable housing shall be provided as follows:

1. 2.5 percent of the total number of ~~for-sale~~ units within the project must be provided at prices affordable to extremely low-income households.
2. 2.5 percent of the total number of ~~for-sale~~ units within the project must be provided at prices affordable to very low-income households.
3. Five percent of the total number of ~~for-sale~~ units within the project shall be provided at prices affordable to low-income households.
4. Five percent of the total number of ~~for-sale~~ units within the project shall be provided at prices affordable to moderate-income households.
5. Five percent of the total number of ~~for-sale~~ units within the project shall be provided at prices affordable to above moderate-income households earning 120 to 200 percent of the median income.

B. **No Reduction Allowed.** No reduction in these individual percentages is permitted for any reason.

17.17.040 Dwelling Unit Density

The following dwelling unit density standards apply in the -AH Overlay District:

A. **Minimum:** 20 units per acre.

B. **Maximum:** 25 units per acre.

17.17.050 Increased Density with State Density Bonus Program

All development in the -AH Overlay District is eligible to participate in the State density bonus program, under the provisions of Chapter 17.27, Density Bonuses and Other Incentives.

Chapter 17.18 -H Hospital Overlay District

Sections:

17.18.010 Purpose
17.18.020 Applicability
17.18.030 Permit and Processing Requirements
17.18.040 Additional Height
17.18.050 Lot Coverage

17.18.010 Purpose

The -H Hospital Overlay District is intended to support the needs of the Goleta Valley Cottage Hospital and related medical services.

17.18.020 Applicability

The standards of this Chapter apply to sites designated with an -H extension on the Zoning Overlay Map. Except as provided in this Chapter, all new structures and development as well as alterations to existing structures must comply with the requirements of the base district.

17.18.030 Permit and Processing Requirements

All new structures and development as well as alterations to existing structures within the -H Overlay District must be subject to Design Review Board approval. No permits for development within the -H Overlay District shall be issued except in conformance with an approved Development Plan.

17.18.040 Additional Height

The maximum allowable structure height is 55 feet for hospital buildings and 45 feet for medical office buildings, provided that no building exceeds three stories in height and the height is the minimum height necessary to comply with applicable State hospital construction standards and/or technical requirements.

17.18.050 Lot Coverage

The maximum lot coverage is 60 percent for hospitals and 50 percent for medical office buildings.

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Chapter 17.19 -OTH Old Town Heritage Overlay District

Sections:

17.19.010 Purpose
17.19.020 Applicability
17.19.030 Permit and Processing Requirements
17.19.040 Front Setback, Hollister Avenue Frontage

17.19.010 Purpose

The -OTH Old Town Heritage District Overlay is intended to guide development of designated prominent Old Town parcels to enhance the image of Old Town, ensure development of a distinctive and unified streetscape, and contribute to a more pedestrian-oriented downtown area.

17.19.020 Applicability

The standards of this Chapter apply to sites designated with an -OTH extension on the Zoning Overlay Map. Except as provided in this Chapter, all new structures and development, including signs, as well as alterations to existing structures must comply with the requirements of the Base District and the regulations applying to multiple districts contained in Part IV of this Title.

17.19.030 Permit and Processing Requirements

All new structures and development, including signs, as well as alterations to existing structures within the -OTH Overlay District are subject to Design Review by the Design Review Board, pursuant to Chapter 17.58. When conducting Design Review, the Design Review Board must find that the project is consistent with the Goleta Old Town Heritage District Architecture and Design Guidelines.

17.19.040 Front Setback, Hollister Avenue Frontage

A. **Zero Setback.** On -OTH designated parcels that have Hollister Avenue frontage, new structures must be built without setback from the front property line except that a setback is required to ensure ten feet between the face of gutter and the back of sidewalk.

B. **Exceptions.** Exceptions to the zero-setback requirement may be granted if it can be clearly demonstrated that the pedestrian character of the sidewalk and street frontage will be better maintained and enhanced by the alternative setback and design. Examples of such exceptions include setbacks for front yard patios and courtyards that enhance pedestrian access to retail commercial areas. The maximum allowed Hollister Avenue front setback is 15 feet.

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Chapter 17.20 Specific Plan (SP) Overlay Districts

Sections:

17.20.010 Purpose
17.20.020 Adopted Specific Plans

17.20.010 Purpose

The Specific Plan (SP) Overlay District is intended to identify locations within the City regulated by an adopted Specific Plan, in conformance with Chapter 17.68, Specific Plans.

17.20.020 Adopted Specific Plans

A. **Applicability.** Once adopted, a Specific Plan governs all use and development of properties within the bounds of that Specific Plan.

1. Where a Specific Plan is silent with regard to particular development standards, the provisions of this Title shall govern. The Director has the authority to determine which provisions of this Title apply where a Specific Plan is silent.

2. When a use is not specifically listed as permitted in the Specific Plan, the Director must assign the land use or activity to a classification that is substantially similar in character as appropriate. Land uses not listed in the Specific Plan as permitted or not found to be substantially similar to a permitted use are prohibited.

3. No discretionary entitlement applications or other permits may be approved, adopted, or amended within an area covered by a Specific Plan, unless found to be consistent with the adopted Specific Plan.

B. **Adopted Specific Plans.** The following is a list of the City's adopted Specific Plans.

1. ***Cabrillo Business Park Specific Plan (-CBPSP).*** See the Cabrillo Business Park Specific Plan on file with the City of Goleta.

2. ***Camino Real Marketplace Specific Plan (-CRMSP).*** See the Camino Real Specific Plan on file with the City of Goleta.

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Chapter 17.21 Reserved

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Chapter 17.22 Reserved

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Chapter 17.23 Reserved

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Part IV:
Regulations Applying to Multiple Districts

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Chapter 17.24 General Site Regulations

Sections:

17.24.010 Purpose and Applicability
17.24.020 Accessory Structures
17.24.030 Buffers Adjacent to Agricultural Districts
17.24.040 Architectural Projections into Setbacks
17.24.050 Development on Lots Divided by District Boundaries
17.24.060 Development on Nonconforming Lots
17.24.070 Drive-Through Facilities
17.24.080 Exceptions to Height Limits
17.24.090 Fences, Freestanding Walls, and Hedges
17.24.100 Grading and Grubbing
17.24.110 Heliports
17.24.120 Mixed-Use Development
17.24.130 Private Outdoor Storage
17.24.140 Trash, Recycling, and Green Waste Storage Areas
17.24.150 Reverse Vending Machines
17.24.160 Right to Farm Covenants
17.24.170 Screening of Mechanical Equipment
17.24.180 Solar Installations
17.24.190 Swimming Pools and Spas
17.24.200 Underground Utilities
17.24.210 Vision Clearance

17.24.010 Purpose and Applicability

The purpose of this Chapter is to establish development and site regulations that apply, except where specifically stated, to development in all zoning districts. These standards are to be used in conjunction with the standards for each zoning district located in Part II, Base Zoning District Standards and Allowed Uses. In any case of conflict, the standards specific to the zoning district will override these Citywide regulations.

17.24.020 Accessory Structures

A. **Applicability.** These provisions apply to all accessory structures. This Section does not apply to Accessory Dwelling Units, which are regulated by Section 17.41.030, Standards for Specific Uses and Activities – Accessory Dwelling Units (ADU).

B. **Permit Requirements.** Unless otherwise regulated under this Title, Accessory Structures are permitted based on the following:

1. ***Exempt.*** Accessory structures are exempt from permitting if all of the following requirements are met:

a. Does not exceed 12 feet in height;

b. The floor area or roof area of an open framework does not exceed 120 square feet;

c. No plumbing is required; and

d. The accessory structure does not require Design Review Board approval.

2. ***Zoning Clearance.*** Accessory structures require a Zoning Clearance if any of the following are met:

a. The height exceeds 12 feet;

b. The floor area or roof area of an open framework of greater than 120 square feet;

c. The accessory structure requires plumbing and does not otherwise require a Land Use Permit; or

d. The accessory structure requires Design Board Approval.

3. ***Land Use Permit or Coastal Development Permit.*** Accessory structures shall require a Land Use Permit or Coastal Development Permit if any of the following are met:

a. A Land Use Permit or Coastal Development Permit is specifically required under this Title; or

b. The type of accessory structures requires a Notice to Property Owner.

C. **Relation to Other Structures.** An attached or detached accessory structure may be constructed on a lot on which there is a primary use to which the accessory structure is related.

D. **Location.** All accessory structures must comply with the following standards:

1. ***Residential District Setbacks***.

a. *Front and Side Setbacks.* Accessory structures must conform to the setback regulations of the district, or as otherwise allowed under this Title.

b. *Rear Setbacks.*

i. If height greater than 12 feet. Accessory structures must conform to the setback regulations of the district, or as otherwise allowed under this Title.

ii. If height less than or equal to 12 feet. Accessory structures may be located no less than three feet from the rear lot line. In addition, located no closer than five feet from the principal structure, and occupy no more than 40 percent of the required rear setback area.

2. ***Non-Residential District Setbacks.*** Accessory structures must comply with the setbacks per the underlying zoning district.

3. ***Wind Machines.*** Wind machine structures are allowed only in the Agricultural Zone District and requires a Zoning Clearance.

a. *Additional Setbacks.* Where allowed, Wind Machines must be setback 100 feet from all lot lines.

E. **Height.** Accessory structures are subject to the height limitations specific to the zoning district in which they are located, except as provided below:

1. ***Residential Districts.*** Accessory Structures must be no greater than 16 feet in height. Additional height, up to the height limitation of the specific zone district in which they are located, may be permitted for accessory structures outside all setbacks, subject to Design Review by the Design Review Board and a Zoning Clearance.

F. **Size.** The floor area of an accessory structure shall not exceed 800 square feet. However, accessory structures may be attached to another accessory structure provided that the total floor area of the combined building does not exceed 800 square feet and there is no interior access between the structures.

G. **Limitations.**

1. There shall not be more than one accessory structure on a lot with habitable space.

2. Unless otherwise allowed within this Title, the following standards apply:

a. There shall not be any kitchen or cooking facilities within an accessory structure;

b. An accessory structure may contain a wetbar; and

c. An accessory structure may only contain one story.

H. **Notice to Property Owner (NTPO).** In addition to any other structures that require an NTPO pursuant to this Title, the following types of accessory structures require an NTPO:

1. Artist Studios;

2. Cabañas;

3. Guesthouses; and

4. Other accessory structures as determined by the Director.

17.24.030 Buffers Adjacent to Agricultural Districts

Development adjacent to any parcel within the Agricultural District must include an on-site buffer so as to avoid and minimize potential conflicts with adjacent agricultural zones.

A. **Width.** The standard setbacks of the base district apply and must not be encroached upon by any structure. An additional buffer may be required by the Review Authority on a site-specific basis at the time of approval of the development. Factors to consider when determining the width of an additional buffer include, but are not limited to:

1. The historical land use on the agriculturally zoned parcel;

2. The current crop type and agricultural practices on the agriculturally zoned parcel;

3. The future farming potential of the agriculturally zoned parcel;

4. The elevation and topographical differences of the two parcels;

5. The location of existing roads or naturally occurring barriers;

6. The extent and location of existing non-agricultural development;

7. The type of use proposed for the new development and the potential for that use to impact use of the adjacent agriculturally zoned parcel for agricultural purposes;

8. The site design of new development including the use of landscape screening that may be used within the buffer itself;

9. The lot size and configuration of the new development; and

10. The prevailing wind direction.

B. **Location.** The buffer from an agriculturally zoned parcel must be located on the lot where the new development is proposed along the shared lot line with the agriculturally zoned parcel.

C. **Additional Finding.** For any development on a parcel adjacent to an Agriculture District parcel, the following finding must be made in addition to any other required findings:

1. The standard setback and any additional buffer are sufficient to minimize potential conflicts with agricultural activities.

17.24.040 Architectural Projections into Setbacks

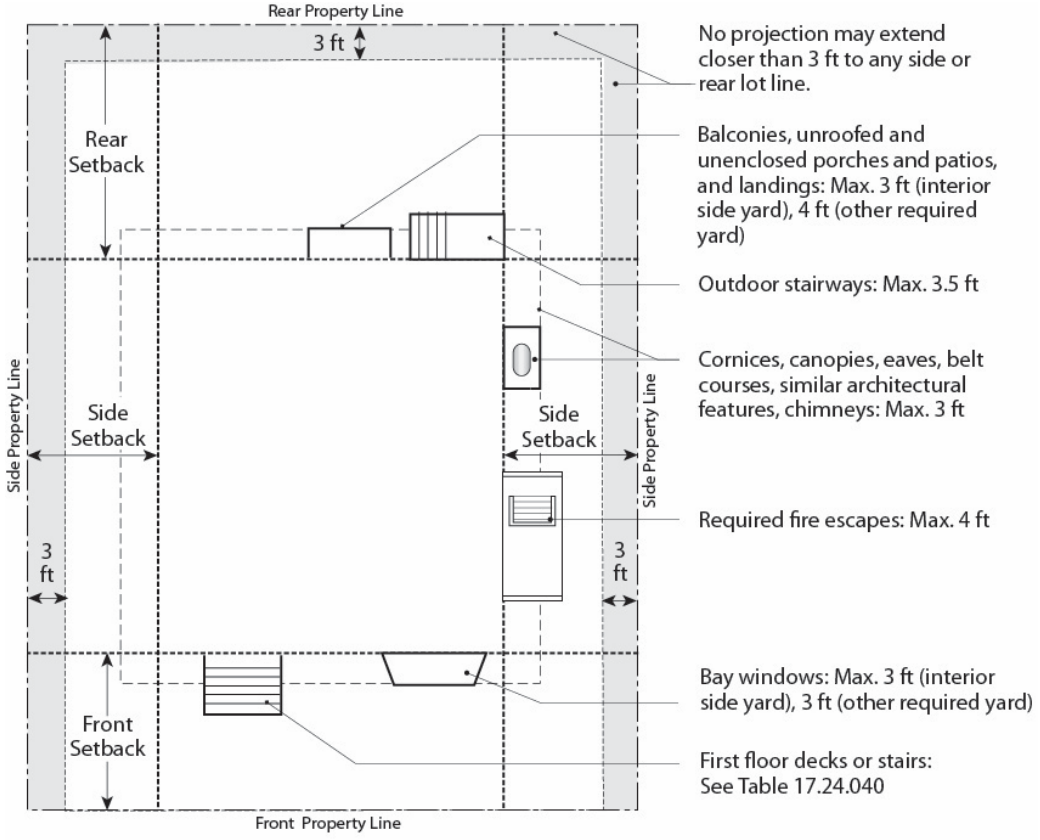
Architectural projections may extend into required setbacks, according to the standards of Table 17.24.040 below. The "Limitations" column states any dimensional, area, or other limitations that apply to such structures when they project into required setbacks. Notwithstanding the Table, no architectural project may project closer than five feet from any interior lot line.

TABLE 17.24.040: ALLOWED ARCHITECTURAL PROJECTIONS INTO SETBACKS

Projection	*Front or Street Side Setback (ft)*	*Interior Side Setback (ft)*	*Rear Setback (ft)*	*Limitations*
All projections	No projection may extend into a public utility easement.			
Cornices, canopies, eaves, belt courses, and similar architectural features; chimneys.	3	3	3	
Bay windows	3	3	3	Must not occupy more than one-third of the length of the building wall on which they are located and must be located at least 1 foot above finished grade.
Fire escapes required by law or public agency regulation	4	4	4	
Balconies, unroofed and unenclosed porches and patios, and landings	4	3	4	
Outdoor stairways	3.5	3.5	3.5	

TABLE 17.24.040: ALLOWED ARCHITECTURAL PROJECTIONS INTO SETBACKS				
Projection	*Front or Street Side Setback (ft)*	*Interior Side Setback (ft)*	*Rear Setback (ft)*	*Limitations*
Decks and stairs				
Less than 18 inches above ground elevation	6	2	Entire Setback	Must be open on at least three sides. No closer than 7 ft. to a street-facing property line or 3 ft. to an interior property line.
18 inches or more above ground elevation	3	2	3	
Ramps and similar structures that provide access for persons with disabilities	Reasonable accommodation will be made, consistent with the Americans with Disabilities Act; see Chapter 17.63, Reasonable Accommodation for Persons with Disabilities.			

FIGURE 17.24.040: ALLOWED BUILDING PROJECTIONS



17.24.050 Development on Lots Divided by District Boundaries

A. **Generally.** Where a lot is within two or more zoning districts, the regulations applicable to each zone district will be applied only to that portion of the lot area within that zone district.

B. **Minimum Lot Area and Width.** The minimum lot area and width requirements of the base zone district covering the greatest portion of the lot area will apply to the entire lot. If the lot area is

divided equally between two or more zones, the requirements of the district with greater minimum lot area and width will apply to the entire lot.

17.24.060 Development on Nonconforming Lots

Any lot or parcel of land that was legally created may be used as a building site even when consisting of less area, width, or depth than that required by the regulations for the zoning district in which it is located. However, no nonconforming lot can be further reduced in area, width, or depth, unless such reduction is required as part of a public improvement. Unless a Variance is approved, pursuant to Chapter 17.60, a nonconforming lot will be subject to the same setback, lot coverage, and density requirements as a standard lot.

17.24.070 Drive-Through Facilities

Drive-Through Facilities must be located, developed, and operated in compliance with the following standards:

A. **Approval Required.** All Drive-Through Facilities require the approval of a Major Conditional Use Permit.

B. **Circulation.** Drive-Through Facilities must provide safe, unimpeded movement of vehicles at street access points, in travel aisles, and parking areas.

C. **Pedestrian Walkways.** Interior pedestrian walkways must not intersect vehicle aisles, unless no alternative exists. In such cases, pedestrian walkways must have clear visibility, emphasized by enhanced paving or markings and comply with applicable Americans with Disabilities Act (ADA) requirements.

D. **Stacking.** Vehicular stacking areas must be provided to ensure vehicle queue will not interfere with public rights-of-way, pedestrian and ADA pathways, private streets, or with on- or off-site parking and circulation.

17.24.080 Exceptions to Height Limits

The standards of this Section apply to all new development and to all existing structures. The structures listed in Table 17.24.080 below may exceed the maximum permitted building height for the zoning district in which they are located, subject to the limitations stated in the Table limiting the height of the vertical projection above the structure it is on and further provided that no portion of a structure in excess of the building height limit may be used for sleeping quarters or advertising.

TABLE 17.24.080: ALLOWED PROJECTIONS ABOVE STRUCTURES		
Structures Allowed Above the Height Limit	*Maximum Vertical Projection Above the Structure*	*Size and Location Limitations of Projection*
Skylights	1 foot	None
Solar energy systems	Subject to the provisions of Section 17.24.180, Solar Installations	
Other energy production or capture structure located on roof-tops	5 feet	None

TABLE 17.24.080: ALLOWED PROJECTIONS ABOVE STRUCTURES		
Structures Allowed Above the Height Limit	*Maximum Vertical Projection Above the Structure*	*Size and Location Limitations of Projection*
• Chimneys • Decorative features such as cupolas, pediments, obelisks, and monuments • Roof-top open space features such as sun decks, sunshade and windscreen devices, open trellises, and landscaping, excluding detached residential structures • Architectural features, such as spires, bell towers, and domes	20% of structure height	Limited to a total of 20% of roof area, including all structures and projections.
Elevator and stair towers (for multiple-unit and non-residential buildings only)	10 feet	No additional projections may be located above the tower.
Flagpoles	Subject to the provisions of Chapter 17.40, Signs	
Fire escapes, catwalks, and open railings required by law	No restriction	None
Parapets, excluding detached residential structures	4 feet	None
• Distribution and transmission towers, lines, and poles • Water tanks • Airway beacons	10 feet as an accessory structure; None as a principal use	Limited to 20% of the area of the lot, or 20% of the roof area of all on-site structures, whichever is less; No limit if principal use permitted in the district
Recreational Facility lighting	Up to a maximum of 60 feet in total height	None

17.24.090 Fences, Freestanding Walls, and Hedges

Fences, freestanding walls, and hedges must comply with the following standards.

A. **Measuring Height.** The height of structures or hedges subject to this Section shall be measured in conformance with subsection 17.03.090(C), Height – Measuring Height of Other Structures.

B. **Permit Requirements.**

1. ***Front Setbacks and Street Side Setbacks.*** Within the front and street side setbacks, or along the exterior boundaries of such setbacks, fences and freestanding walls may be allowed based on the following standards. Columns, gateposts, pilasters and entry lights may exceed the maximum height by two feet. However, no portion of the structure may encroach into a clearance triangle, pursuant to subsection 17.24.210(A).

   a. *Six Feet or Less.* Exempt.

   b. *More than Six Feet.* Land Use Permit or Coastal Development Permit.

2. ***Interior Side Setbacks and Rear Setbacks.*** Within interior side setbacks and rear setbacks, or along the exterior boundaries of such setbacks, fences and freestanding walls may be

allowed based on the following standards. Columns, gateposts, pilasters and entry lights may exceed the maximum height by two feet.

a. *Eight Feet or Less.* Exempt.

b. *More than Eight Feet.* Land Use Permit or Coastal Development Permit.

3. ***Other Parcel Locations.*** If located outside of required setbacks, the maximum height for fences and freestanding walls is eight feet, unless a higher fence or wall height is allowed pursuant to Design Review Approval.

4. ***Exceedance.*** A maximum of ten percent of the total linear length of a fence or freestanding wall may be allowed to exceed the heights specified above, where topographic or other unavoidable conditions will destroy its architectural integrity if held to the maximum height specified for its entire length.

5. ***Retaining Walls.*** Walls that are retaining earth only and that are less than four feet in height, as measured from the bottom of the footing to the top of the wall and do not require a Grading Permit, are exempt from requiring a Zoning Permit.

C. **Materials.**

~~1. ***Limitation on Chain-Link Fencing.*** Chain-link fencing may only be used:~~

~~a. As temporary fencing for a construction project.~~

~~b. In non-residential districts when not visible from a public street.~~

~~c. For sports courts, parks, swimming pools, and other areas open to the general public.~~

~~2.~~1. ***Limitation on Concrete/Masonry Block.*** Plain, concrete block may not be the primary material along arterial streets. Concrete block must be split-face or finished with stucco and capped with a decorative cap or other decorative material.

~~3.~~2. ***Exterior Appearance.*** A fence or wall with one side having a more-finished or smoother appearance than the other side must have the side with the more-finished appearance facing the exterior of the lot and the supporting members facing the interior of the lot.

~~4.~~3. ***Vegetation.*** Hedges must be adequately maintained and shall be subject to the height standards of subsection (B)(1) above, but may exceed the height standards of subsection (B)(2) of this Section by an additional two feet. It is the responsibility of the property owner to ensure hedge heights are at or below the appropriate heights to ensure vision clearance and neighborhood compatibility and to avoid uncontrolled vegetation growth becoming a hazard or nuisance to the general public.

D. **Recreational Fencing.** Fencing located around tennis courts, basketball or volleyball courts, and similar areas up to 12 feet in height may be allowed outside of required setback areas.

E. **Vision Clearance.** Notwithstanding other provisions of this Section, fences, walls, hedges, and other similar or related structures must not obstruct visibility along roadways, intersections, and driveways, pursuant to Section 17.24.210. Any obstruction to visibility that creates a safety hazard must be removed.

~~E.~~F. **Hedge Amortization.** All nonconforming hedges may be continued and maintained for three months from the effective date of this Title. At the end of this three-month amortization period, such nonconforming hedges lose their status as nonconforming hedges and the property owner's maintenance of such a hedge above the legal height constitutes a violation of the provisions of this Title and shall be removed or brought into conformance with this Chapter.

17.24.100 Grading and Grubbing

This Section provides additional information for grading and grubbing activities that are not associated with a larger approved project, which are themselves cumulatively considered a project and subject to this Section.

A. **Permit Requirements.**

1. ***Exempt.*** The following grading and grubbing activities are exempt from Zoning Permits, pursuant to this Title:

   a. Grading on a single lot of less than 50 cubic yards, less than two feet in depth, and not within 500 feet of any sensitive habitat or protected resource.

   b. Grubbing on a single lot of less than 0.5 acre and not within 500 feet of any sensitive habitat or protected resource.

   c. The annual or semiannual plowing, tilling, preparation, and planting of land for ongoing farming and agricultural operations.

2. ***Zoning Clearance.*** The following grading and grubbing activities require a Zoning Clearance, pursuant to this Title:

   a. Grading of less than 50 cubic yards and within 500 feet, but not closer than 300 feet, of any sensitive habitat or protected resource.

   b. Grading activities occurring on two or more contiguous lots and less than 500 square feet in area.

   c. Grubbing of more than 0.5 acre, but less than one acre.

   d. Grubbing less than 500 feet, but not within 300 feet, of any sensitive habitat or protected resource.

3. ***Land Use Permit or Coastal Development Permit.*** The following grading and grubbing activities require a Land Use Permit or Coastal Development Permit, pursuant to this Title:

   a. Grading of 50 cubic yards or more.

   b. Grading activities requiring a Grading Permit from the City.

   c. Grading activities occurring on two or more contiguous lots and 500 square feet or more in area.

   d. Grading or grubbing within 300 feet of, but more than 100 feet from any ESHA or any other protected resource.

   e. Grubbing of more than one acre.

4. ***Major Conditional Use Permit.*** The following grading and grubbing activities require a Major Conditional Use Permit pursuant to this Title:

   a. Grading or grubbing within 100 feet of ESHA or any other protected resource.

17.24.110 Heliports

Heliports, including helipads and helistops, are limited to accessory uses and must be located, developed, and operated in compliance with the following standards.

A. **Permit Required.** Heliports require the approval of a Major Conditional Use Permit.

B. **Findings for Approval.** In addition to the requirements of Chapter 17.57, Conditional Use Permits, a heliport can only be approved if the following additional findings can be made:

   1. The development conforms to the location criteria and standards of this Section and the requirements of the California Department of Transportation, Division of Aeronautics.

   2. Santa Barbara Municipal Airport and/or the FAA confirms that proposed Heliport will not conflict with current airport operations.

   3. The proposed facility obtains all required reviews and approvals by the California Department of Transportation Division of Aeronautics and/or the FAA.

   4. The proposed operation of the helicopter facility does not pose a threat to public health, safety or general welfare, or to sensitive and protected environmental resources.

17.24.120 Mixed-Use Development

Mixed-use development must comply with the following standards for open space:

A. For Mixed-Use Development where no more than 40 percent of the total floor are of the development is devoted to residential use, a minimum of 60 square feet of open space per unit is required, which may be provided as restricted or common open space.

B. For Mixed-Use Development where 40 percent or more of the total floor are of the development is devoted to residential use, the open space requirements consistent with subsections (1)(b) and (2) of Section 17.07.050(B), Additional Development Regulations for RP, RM, and RH Districts – Open Space, must be met.

17.24.130 Private Outdoor Storage

Private Outdoor Storage of materials, including, but not limited to machines, equipment, and unregistered vehicles or parts, or goods for sale or use as part of a business outside of a residential or non-residential building for more than 72 hours must conform to the standards of this Section. The regulations of this Section do not apply to temporary storage of construction materials reasonably required for construction work on the premises pursuant to a Building Permit and to agricultural/farming equipment used for agriculture or farming on the property.

A. **Permitted Districts.** Table 17.24.130 below states where private outdoor storage is permitted.

TABLE 17.24.130: PRIVATE OUTDOOR STORAGE REGULATIONS BY DISTRICT AND LOCATION	
Districts	*Permissibility of Private Outdoor Storage*
Residential, Commercial, and Office	Not permitted. All storage must be within an enclosed building, except as allowed for Outdoor Sales or otherwise specifically permitted. Portable On-Demand Storage (PODS), shipping containers, and similar temporary storage containment qualify as an enclosed building and are subject to all development standards of Section 17.24.020, Accessory Structures.
Industrial and Public and Quasi-Public	Not permitted in front or street side setbacks. Permitted in interior side and rear setbacks, or outside of required setbacks, subject to the standards of this Section.
Agricultural	Permitted if associated with a permitted agricultural use, located outside of all required setbacks, and screened subject to the standards of this Section from adjacent residential properties and public rights-of-way.
Open Space	Not permitted.

B. **Screening.** Storage areas visible from public streets that are not separated from the street by intervening building(s) must be screened. Screening walls and fences must be high enough to sufficiently screen stored material. Fences and walls must not exceed the maximum allowable fence heights unless allowed pursuant to approval of a Minor Conditional Use Permit.

C. **Location.** Any use of outdoor storage containers (e.g., shipping containers, PODS, etc.) shall not be located within any required parking space, required landscape area or setback, and shall not impede emergency access to the site.

17.24.140 Trash, Recycling, and Green Waste Storage Areas

This Section establishes design and location standards for the construction of storage areas for refuse, solid waste, recycling, compost, organic, and green waste containers, which are all collectively referred to as "trash and recycling."

A. **General Requirements.** All trash and recycling must be placed in an appropriate receptacle. All garbage cans, mobile trash bins, receptacles, and all recycling materials and containers must have a lid, be maintained in good repair, and stored in accord with this Section.

B. **Collection and Containment.** All development must provide individual trash, recycling, and green waste containers or enclosures consistent with either the following:

1. ***Individual Trash, Recycling, and Green Waste Containers.*** Individual trash, recycling, and green waste containers for each dwelling unit or non-residential tenant may be provided as follows:

a. *Development Type.* Individual collection containers may be provided for:

i. Single-unit Dwelling.

ii. Multi-unit Dwellings where the Review Authority finds that the nature of the proposed development is such that the development will be adequately served with individual trash, recycling, and green waste containers.

iii. Non-residential development where the Review Authority finds that the nature of the proposed development is such that the development will be adequately served with individual trash and recycling containers.

b. *Location.* The trash and recycling containers must not be located within any required front setback, street side setback, any required parking and landscaped areas, or any other area required by this Title to be constructed or maintained unencumbered, according to fire and other applicable building and public safety codes.

c. *Visibility.* The trash and recycling containers must not be visible from a public right-of-way except as required for pick up as required by the trash and recycling haul operator.

2. ***Trash, Recycling, and Green Waste Container Enclosures.*** Trash, recycling, and green waste container enclosures are required for all new non-residential development except where the Review Authority finds the development will be adequately served with individual trash and recycling containers pursuant to subsection (B)(1) above.

a. *Size.* Trash and recycling enclosures must be sized to contain all trash, garbage, recyclables, and other waste generated on site based on the periodic pick up schedule by the City or its contracted trash and recycling collector(s).

b. *Location.* The trash and recycling storage area must be located outside of any required front setback, street side setback, any required parking and landscaped areas, any rear or interior side setback abutting an "R" Zone District parcel, or any other area required by this Title. Trash and recycling storage areas are to be maintained open, clear and unencumbered, pursuant to all applicable fire and building and public safety codes.

c. *Accessibility.* Trash and recycling storage areas must be directly accessible to trucks and equipment used by the trash and recycling collector(s). If feasible, access must have sufficient maneuvering areas, so collection equipment does not need to back into or out of the storage area.

d. *Screening.* Trash and recycling storage areas located outside of any building must be screened with a solid enclosure at least six feet in height and include a solid roof structure that fully shields the top of the container.

17.24.150 Reverse Vending Machines

Reverse Vending Machines ~~Recycling facilities~~ must be located, developed, and operated in compliance with the following standards:

A. **Location.** Machines must be located adjacent or as near as feasibly possible, to the entrance of the commercial host use and must not obstruct pedestrian or vehicular circulation. Machines can be located against a wall, but not in parking areas.

B. **Identification.** Reverse Vending Machines must be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.

C. **Trash Receptacle.** Machines must provide a minimum 40 gallon garbage can for non-recyclable materials located adjacent to the vending machine.

17.24.160 Right to Farm Covenants

A. **Disclosure Requirement.**

1. ***Disclosure by Subdivider.*** The subdivider of any property located within 1,000 feet of land zoned or used for agriculture, within or outside of the City, must disclose, through a notation on the Final Map, within CC&Rs if prepared, and through the recordation of a separate acknowledgment statement on each individual deed describing the newly created lots, the presence of agricultural and appurtenant uses in the vicinity through the following or similar statement:

   "The property within this subdivision is located within 1,000 feet of land utilized or zoned for agricultural operations and residents/occupants of the property may be subject to inconvenience or discomfort arising from use of agricultural chemicals, including, without limitation, acaricides, fertilizers, fungicides, herbicides, insecticides, predacides and rodenticides; and from pursuit of agricultural operations, including, without limitation, crop protection, cultivation, harvesting, plowing, processing, pruning, shipping, spraying, and animal keeping and related activities, which may generate dust, light, noise, odor, smoke, and/or traffic. The City of Goleta has adopted policies to encourage and preserve agricultural lands and operations within and in the vicinity of the City. Residents/occupants of property should be prepared to accept inconveniences or discomfort as normal and necessary to properly conducted agricultural operations."

2. ***Disclosure Before Issuance of a Building Permit.*** Where a new structure intended for human occupancy is to be located on land that is located within 1,000 feet of land zoned or used for agriculture within or outside of the City, the owner must, before the City issues a building permit, sign and record a statement in a form equivalent to that specified in Paragraph (A)(1), Disclosure by Subdivider. In lieu of signing the statement required above, the owner may submit evidence that the statement in Paragraph (A)(1), Disclosure by Subdivider, has been made a part of subdivision documents creating the lot on which the structure is proposed and appears on the deed for each lot.

17.24.170 Screening of Mechanical Equipment

A. **Applicability.**

1. The standards of this Section apply to:
   a. New development.
   b. Replacement or new equipment that is added to serve existing buildings.
   c. Condominium conversions.
2. The standards of this Section do not apply to:
   a. Continued routine operation of existing equipment that serves existing buildings unless that equipment is the subject of a building code compliance case and is

determined to be unsafe to operate and needs either replacement or repair, then subject to this Section.

b. Solar energy systems which are subject to Section 17.24.180, General Site Regulations – Solar Installations.

B. **General Requirements.** All exterior mechanical equipment, whether on a roof, on the side of a structure, or located on the ground, must be screened from public view. Exterior mechanical equipment to be screened includes, without limitation, heating, ventilation, air conditioning, refrigeration equipment, plumbing lines, ductwork, transformers, smoke exhaust fans, water meters, backflow preventers, service entry section, and similar utility devices.

1. Screening must be architecturally integrated into the main structure with regard to materials, color, shape, and size to appear as an integral part of the building or structure.

2. Equipment must be screened on all sides.

3. The use of expanded metal lath or chain link for the purpose of screening is prohibited.

C. **Requirements for Specific Types of Mechanical Equipment.** The following additional screening standards apply to the specified types of mechanical equipment:

1. ***Ground-Mounted Equipment.*** Ground-mounted equipment that faces a public viewing area must be screened to a height of 12 inches above the equipment and designed and painted to blend in with the surrounding area, unless such screening conflicts with utility access, in which case reasonable accommodation must be allowed. Acceptable screening devices consist of decorative walls, berms, and/or plant materials.

2. ***Exterior Wall Equipment.*** Screening for wall-mounted equipment, (e.g., electrical meters, cable-connection boxes, electrical distribution cabinets, etc.) must incorporate elements of the building design (e.g., shape, color, texture, material, etc.). For screen walls that are three feet in height or lower, vegetative materials may be substituted for the screening device. This requirement does not apply to equipment that has accessibility and visibility requirements for health and safety.

17.24.180 Solar Installations

This Section establishes development standards for solar energy systems.

A. **Permit Requirements.** Solar energy systems are exempt.

B. **Height and Setback.** No height or setback standards may be applied to solar energy systems.

17.24.190 Swimming Pools and Spas

This Section establishes standards for private swimming pools and spas that are not open to the general public. Public pools are subject to Chapter 17.57, Conditional Use Permits.

A. **Location.** Swimming pools, spas, and appurtenant structures must not be located in the front or street side setback and must not be closer than five feet of any property line.

B. **Equipment.** All equipment must be mounted and enclosed/screened so that its sound is in compliance with Chapter 17.39, Performance Standards.

C. **Safety.** Any construction of a new swimming pool or spa, or the remodeling of an existing pool or spa must comply with the California Health and Safety Code, Section 115922 et seq., also known as the Swimming Pool Safety Act.

17.24.200 Underground Utilities

For all new development, all electrical, telephone, cable television, fiber-optic cable, gas, water, sewer, and similar utility lines providing direct service to a project must be installed underground within the site. This requirement may be waived by the Review Authority upon determining that underground installation is infeasible, or the utility line is otherwise exempt from an undergrounding requirement.

17.24.210 Vision Clearance

A. **Clearance Triangle.** No wall, fence, or other structure may be erected, and no hedge, shrub, tree or other growth shall be maintained that will materially impede vision clearance within the road right-of-way for vehicular traffic, cyclists, and pedestrians.

1. ***Corner Lots.*** A hazard exists when a structure or vegetation exceeds the height of three feet within a triangle formed by the intersecting property lines nearest the streets and a straight line joining such property lines at points which are ten feet from the point of intersection, measured along such property lines.

2. ***Driveways.*** A hazard exists when a structure or vegetation exceeds the height of three feet within the triangle. The triangle is measured along the property line with roadway frontage from which access to the lot is taken and extends ten feet parallel to the public right-of-way and ten feet parallel to the driveway on both sides.

3. ***Other Considerations.*** The Review Authority may further limit the height of construction by the terms of any zoning entitlement in order to prevent impairment of vision clearance. In consultation with Public Works staff, the City may require vision clearance triangles greater than those detailed in this subsection in order to protect the health, safety, and general welfare of the public.

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Chapter 17.25 Coastal Access

Sections:

17.25.010 Purpose
17.25.020 Applicability
17.25.030 Access Location Requirements
17.25.040 Access Design Standards
17.25.050 Prescriptive Rights
17.25.060 Access Title and Guarantee
17.25.070 Mitigation of Impacts to Coastal Access

17.25.010 Purpose

This Chapter provides requirements for the dedication and improvement of public access to and along the Pacific Ocean coast for proposed development and new land uses within the Coastal Zone of the City. The intent of this Chapter is to ensure that public rights of access to and along the coast are protected as guaranteed by the California Constitution and in compliance with the California Coastal Act, consistent with private property right.

17.25.020 Applicability

A. **Protection of Existing Coastal Access.** Development must not interfere with public rights of access to the shoreline where the rights were acquired through use or legislative authorization. Public access rights may include the use of a path of safe pedestrian travel from dry sand and rocky beaches to the bluff or first line of terrestrial vegetation.

B. **Access Requirements.** Public access from the nearest public roadway to the shoreline and along the coast must be provided in new development projects, except where:

1. It would be inconsistent with public safety or the protection of fragile coastal resources;
2. Adequate permanent public access exists nearby;
3. Agriculture would be adversely affected;
4. Access at the site would be inconsistent with policies of the Local Coastal Program, other than those requiring access;
5. There is no clear nexus between the requirement for public access and the impacts of the new development project;
6. The required public access is not roughly proportional to the extent of the impacts of the development project;
7. Requiring or providing the access would be inconsistent with federal or State law; or
8. The activity is not considered development. Pursuant to this Section, development does not include the activities described below:
    a. Replacement of any structure pursuant to the provisions of subdivision (g) of California Coastal Act, Section 30610.

b. The demolition and reconstruction of a single-unit dwelling; provided that the reconstructed residence does not exceed either the floor area, height, or bulk of the former structure by more than ten percent, and that the reconstructed residence must be sited in the same location on the affected property as the former structure.

c. Improvements to any structure that do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than ten percent, which do not block public access, and which do not result in a seaward encroachment by the structure.

d. The reconstruction or repair of any seawall, provided however, that the reconstructed or repaired seawall is not seaward of the location of the former structure.

e. Any repair or maintenance activity for which the California Coastal Commission has determined, pursuant to Section 30610 of the California Coastal Act, a coastal development permit will be required, unless the Commission determines that the activity will have an adverse impact on lateral public access along the beach.

Nothing in this Section will be interpreted to restrict public access, nor will it excuse the performance of duties and responsibilities of public agencies that are required by California Government Code, Sections 66478.1 to 66478.14 and Section 4 of Article 3.5 of the California Constitution.

C. **Timing of Access Implementation.** The type and extent of public access to be dedicated and/or constructed and maintained, as well as the method by which its continuing availability for public use is to be guaranteed, must be established as provided by this Chapter at the time of planning permit approval.

1. ***Easement or In-Fee Dedication.*** Must occur before issuance of construction permits or the start of any construction activity requiring a permit.

2. ***Construction of Access Improvements.*** Must occur in tandem with construction of the approved development, unless another schedule is established through a planning permit condition of approval, or mitigation measure.

3. ***Interference with Public Use Prohibited.*** Following an offer to dedicate public access in compliance with this Section, the property owner must not interfere with use by the public of the areas subject to the offer before and after acceptance by the responsible party of the agency accepting the dedication.

17.25.030 Access Location Requirements

Vertical, lateral, and/or bluff-top access is required for all development in compliance with this Chapter and within the locations specified in the Local Coastal Program.

17.25.040 Access Design Standards

This Section provides standards for the appropriate design of coastal accessways and trails.

A. **Design Objectives.**

1. ***Design and Siting.*** Accessways and trails may be located within area of mapped or known ESHA, but must be sited and designed to:

   a. Minimize alteration of natural landforms, conform to the existing contours of the land, and to be subordinate to the character of their setting;

   b. Prevent unwarranted hazards to the land and public safety;

   c. Provide for the privacy of adjoining residences and to minimize conflicts with adjacent or nearby established uses; and

   d. Prevent damage to sensitive coastal resource areas to the maximum extent feasible.

2. ***Hazard Reduction.*** Coastal accessways and trails located in areas of high erosion hazard must be constructed and maintained in a manner that does not increase the hazard potential.

3. ***Correction of Existing Damage.*** Where appropriate, coastal accessways and trails must be designed to repair damage resulting from past use or other existing hazards and prevent such damage from reoccurring.

B. **General Design Standards.** Coastal accessways and trails must be designed in compliance with the following standards, where feasible. The review authority may modify these standards to provide greater protection of coastal resources.

1. ***Access Easement Specifications.*** Each public access easement offered for dedication for public use must be a minimum of 25 feet wide, or as close to that width as feasible.

2. ***Accessway Specifications.***

   a. *Width.* The area where public access is allowed within an easement may be reduced to the minimum necessary for pedestrian traffic to avoid:

      i. Adverse impacts on adjoining sensitive environmental areas;

      ii. Encroachment closer than ten feet to an existing residence; and/or

      iii. Hazardous topographic conditions.

   b. *Slope.* The preferred slope gradient for the walking surface of an accessway is zero to five percent, and in no case can it exceed eight percent.

   c. *Overhead Clearance.* The minimum overheard clearance for an accessway is seven feet.

3. ***Access for Persons with Disabilities.*** When feasible, wheelchair access to the ocean must be provided. Ramps must have dimensions and gradients consistent with current ADA requirements. Where beach access for disabled persons is provided, parking spaces for

disabled persons must also be provided in compliance with Chapter 17.38, Parking and Loading.

4. ***Residential Privacy.*** The design and placement of accessways and trails must provide for reasonable privacy of adjacent residences. Accessways may be wide enough to allow the placement of a trail, fencing, and a landscape buffer. A vertical accessway abutting a residential area may be fenced at the property line and restricted for use only during daylight hours.

5. ***Parking.*** Where public access sites are required, parking areas must also be provided, where feasible pursuant to Chapter 17.38, Parking and Loading.

6. ***Directional Signs.*** Appropriate signage directing the public toward vertical, lateral, and bluff-top trails and public parking must be placed in prominent locations along accessways.

    a. The City shall ensure that all public buildings and facilities comply with the same development standards and regulations as would be applicable to private development.

    b. Coastal access signs shall be provided at appropriate locations within street and highway rights-of-way to direct visitors to coastal access sites, including signs at appropriate locations along the California Department of Transportation right-of-way for Highway 101.

    c. Coastal access signs shall be provided at entrances to public coastal access parking lots.

7. ***Hazard Warnings.*** Proper warnings for potential hazards along coastal accessways and trails, such as steep cliffs, steps, or slopes, must be installed where necessary.

C. **Vertical Access.** All vertical accessways must comply with the following standards in addition to all other applicable requirements of this Section.

1. Sensitive habitat areas shall be avoided to the extent practicable in circumstances where there are feasible alternative alignments of vertical accessways.

2. Public access paths shall maintain a natural appearance and shall not be paved with impervious materials, except for segments that are intended to provide handicapped access or short segments to beach overlook points.

3. No structures shall be permitted on bluff faces except for vertical beach accessways.

4. Access to the beach shall be provided by natural trails or ramps down the face of the bluff rather than by concrete or wooden stairways. Railroad ties or a similar material may be used to provide stability to the access route and to reduce bluff erosion.

5. Where vertical access to the beach area is not feasible or appropriate, vertical accessways may terminate at a beach overlook or vista point.

6. Vertical accessways must be sited along the border of the development and extend from the public road right-of-way to the bluff's edge or shoreline; a different location may be approved if determined by the review authority to be more appropriate after considering site topography and the design of the proposed project.

7. If the proposed development includes residential structures, an accessway may not be sited closer than ten feet to any residential structure.

8. Vertical access must have a minimum width of ten feet to allow for pedestrian use of the corridor, but the required width may be reduced in compliance with subsection (B)(2), Accessway Specifications.

D. **Lateral Access.** All lateral accessways must comply with the following standards, in addition to all other applicable requirements of this Section.

1. Sensitive habitat areas shall be avoided to the extent practicable in circumstances where there are feasible alternative alignments of lateral accessways.

2. Except as expressly provided for the Juan Bautista de Anza Trail (in Policy OS 4), all lateral accessways shall be designed to use native beach or soil materials and have no more than the minimum width needed to accommodate the intended type(s) of users.

3. Lateral beach accessways shall be maintained in a natural condition free of structures and other constructed facilities and shall be limited to native sand supply.

4. Lateral beach accessways shall be sited, designed, managed to avoid and/or protect marine mammal hauling grounds, seabird and shorebird nesting and roosting sites, sensitive rocky points and intertidal areas, and coastal dunes.

5. New public beach facilities shall be limited to only those structures that provide or enhance public access and recreation activities. No structures shall be permitted on sandy beach areas.

6. All lateral shoreline access and recreation improvements shall be designed to minimize any adverse impacts to visual resources and shall be compatible with maintenance of a natural appearance.

7. Signs shall be designed to minimize impacts to scenic coastal resources and shall be limited to trail markers and regulatory and interpretive signs.

   a. Commercial signs are prohibited.

8. A lateral access easement extends from the mean high tide line landward to the base of the ocean bluff. Where there is no ocean bluff, the area must extend to the nearest non-beach natural feature.

9. A lateral access easement may not be closer than ten feet to an existing residence; however, in determining the appropriate separation of the accessway from private development, privacy for the adjacent residence will be considered.

E. **Bluff-top Access.** A lateral bluff-top access easement must have a minimum width of 25 feet, provided that the width within the easement where public access is allowed may be reduced in compliance with subsection (B)(2), Accessway Specifications. Average annual erosion rate for bluff retreat will be considered by the review authority when determining the width of the required lateral bluff-top access.

17.25.050 Prescriptive Rights

In areas where it has been established and documented that the public acquired a right of access through use, custom, or legislative authorization, development must not interfere with or diminish such public access. This requirement will be interpreted to allow flexibility in accommodating both new development and continuation of historic public parking and access.

17.25.060 Access Title and Guarantee

Where public coastal accessways are required by this Chapter, approval of a Coastal Development Permit will require guarantee of the access through either a deed restriction or dedication of right-of-way or easement approved by the City Attorney. Before issuance of a Coastal Development Permit, the access guarantee will be recorded in the office of the County Recorder, identifying the precise location and area to be set aside for public access. The method of access guarantee will be chosen according to the following criteria:

A. **Deed Restriction.** To be used only where an owner, association, or corporation agrees to assume responsibility for maintenance of and liability for the public access area, subject to approval by the Zoning Administrator.

B. **Grant of Fee Interest or Easement.** To be used when a public agency or private organization approved by the Zoning Administrator is willing to assume ownership, maintenance and liability for the access.

C. **Offer of Dedication.** To be used when no public agency, private organization, or individual is willing to accept fee interest or easement for accessway maintenance and liability. These offers will not be accepted until maintenance responsibility and liability are established.

17.25.070 Mitigation of Impacts to Coastal Access

New development, including expansions and/or alterations of existing development, shall be sited and designed to avoid impacts to public access and recreation along the beach and shoreline.

A. If there is no feasible alternative that can eliminate all access impacts, then the alternative that would result in the least significant adverse impact shall be required.

B. Impacts shall be mitigated through the dedication of an access and/or trail easement where the project site encompasses an existing or planned coastal accessway.

Chapter 17.26 Coastal/Inland Visual Resource Preservation

Sections:

17.26.010 Purpose
17.26.020 Applicability
17.26.030 Application Requirements
17.26.040 Scenic Views
17.26.050 Natural Landforms
17.26.060 Scenic Corridors

17.26.010 Purpose

The purpose of this Section is to provide standards for development on lots in both the Coastal Zone and Inland area of the City where additional design considerations are necessary to preserve significant scenic and public views that contribute to the overall attractiveness of the City and the quality of life enjoyed by its residents, visitors, and workforce and to implement the General Plan.

17.26.020 Applicability

This Chapter applies to all development located on or adjacent to a scenic and visual resource area within the City, as identified in the General Plan. Significant coastal visual resources include, but are not limited to the Pacific Ocean, the shoreline, beaches, dunes, coastal bluffs, and open coastal mesas. Significant inland visual resources include, but are not limited to the Santa Ynez Mountains, the Pacific Ocean, and the Channel Islands. In the event of any conflict between the provisions of this Chapter and any other provision of this Title, the development standards of this Chapter will govern.

17.26.030 Application Requirements

Development applications must provide adequate information to identify existing and future public views and demonstrate how the project proposes to avoid potential significant negative impacts to protected public views, viewing areas, and scenic corridors.

17.26.040 Scenic Views

Proposed development must be designed to preserve existing public views of scenic resources to the maximum extent feasible. While potential impacts to private views will be considered during the Design Review process, they do not have the same protections that are afforded to those public viewing areas, including scenic views depicted in Figure 6-1 of the General Plan.

A. **Design of Development.** The Design Review Board will review the design of the proposed development, including the location of structures and uses on the lot, the size, bulk, scale, and height of the structure(s), and existing and proposed landscaping to ensure that public views are identified and protected. Design alternatives that enhance, rather than obstruct or degrade existing public views, may be requested.

B. **View Protection Development Standards.** To minimize impacts to public views and ensure visual compatibility of new development, the following development practices must be used, where applicable:

1. Limitations on the height and width of structures where more than ten percent of a protected public views would otherwise be impacted;
2. Setbacks of ocean-fronting structures a distance sufficient to ensure that the structure does not infringe on views of the mountains from the beach;
3. Limitations on the height and use of reflective materials for exterior walls, including retaining walls and fences;
4. Clustering of building sites and structures;
5. Shared vehicular access to minimize curb cuts;
6. Use of appropriate landscaping for screening development but also minimizes impacts to public views of and from the ocean and mountains; and
7. Selection of colors and materials that harmonize with the surrounding landscape;
8. Stepping of buildings so that the heights of building elements are lower near the street and increase with the distance from the public viewing area;
9. Limitations on removal of native vegetation; and
10. Revegetation of disturbed areas.

17.26.050 Natural Landforms

Proposed development on or adjacent to natural features, including but not limited mature trees, native vegetation, drainage courses, prominent slopes, and bluffs, must be designed and sited to prevent adverse impacts on the visual quality of these resources as viewed from public streets and publicly accessible areas on public or private property.

A. **Design of Development.** The Design Review Board will review the design of the proposed development, including the location of structures and uses on the lot, the size, bulk, scale, and height of the structure(s), and existing and proposed landscaping to ensure that natural landforms are identified and protected. Design alternatives that enhance, rather than obstruct or degrade natural landforms, may be requested.

B. **Natural Landform Development Standards.** To minimize alteration of natural landforms and ensure that development is subordinate to surrounding natural features, the following development practices shall be used, where appropriate:

1. Limit grading for all development including structures, access roads, and driveways. Minimize the length of access roads and driveways and follow the natural contour of the land;
2. Blend graded slopes with the natural topography;
3. On slopes, step buildings to conform to site topography;
4. Minimize use of retaining walls;

5. Minimize vegetation clearance for fuel management;

6. Cluster building sites and structures; and

7. Share vehicular access to minimize curb cuts.

17.26.060 Scenic Corridors

Proposed development must be designed to preserve scenic corridors, as ~~identified~~ depicted in Figure 6-1 of the City's General Plan.

A. **Design of Development.** The Design Review Board will review the design of the proposed development, including the location of structures and uses on the lot, the size, bulk, scale, and height of the structure(s), and existing and proposed landscaping to ensure that the aesthetic qualities of scenic corridors shall be preserved through retention of the general character of significant natural features; views of the ocean, foothills, and mountainous areas; and open space associated with recreational and agricultural areas including orchards, prominent vegetation, and historic structures. Design alternatives that enhance, rather than obstruct or degrade existing scenic corridors, may be requested.

B. **Scenic Corridor Development Standards.** To minimize impacts to scenic corridors and ensure visual compatibility of new development, the following development practices must be used, where applicable:

1. Incorporate natural features in design;

2. Use landscaping for screening purposes and/or for minimizing view blockage as applicable;

3. Minimize vegetation removal;

4. Limit the height and size of structures;

5. Cluster building sites and structures;

6. Limit grading for development including structures, access roads, and driveways~~.~~;

~~6.~~7. Minimize the length of access roads and driveways and follow the natural contour of the land;

~~7.~~8. Preserve historical structures or sites;

~~8.~~9. Plant and preserve trees;

~~9.~~10. Minimize use of signage;

~~10.~~11. Provide site-specific visual assessments, including use of story poles;

~~11.~~12. Provide a similar level of architectural detail on all elevations visible from scenic corridors;

~~12.~~13. Place existing overhead utilities and all new utilities underground; and

~~13.~~14. Establish setbacks along major roadways to help protect views and create an attractive scenic corridor. On flat sites, step the heights of buildings so that the height of building elements is lower close to the street and increases with distance from the street.

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Chapter 17.27 Density Bonuses and Other Incentives

Sections:

17.27.010 Purpose
17.27.020 General Provisions
17.27.030 Administration and Procedures

17.27.010 Purpose

The purpose of this Chapter is to:

A. Implement Housing Element policies of the General Plan that promote an increase in housing opportunities for households of all income categories, including populations such as farmworkers, seniors, and the disabled.

B. Establish procedures for providing density bonuses and other potential incentives or concessions consistent with State law to provide additional housing to meet the needs of the City.

17.27.020 General Provisions

A. **State Law Governs.** Persons seeking to construct affordable housing developments in accordance with this Title may utilize the density bonus allowances set forth in State Density Bonus Law, pursuant to California Government Code, Section 65915 et seq. Where a conflict occurs between the provisions of this Chapter and State law, the State law will govern.

B. **Compatibility.** All affordable housing units must be dispersed within market-rate projects whenever feasible. Affordable housing units within market-rate projects must be comparable with market-rate units in exterior appearance and use of materials.

C. **Availability.** All affordable housing units must be constructed and occupied concurrently with or before the construction and occupancy of market-rate units. In phased developments, inclusionary units may be constructed and occupied in proportion to the number of units in each phase of the residential development unless both the City and the developer agree in the Density Bonus Agreement to an alternative schedule for development.

D. **Density Bonus Agreement.** A Density Bonus Agreement will be made a condition of planning permit approval for all projects granted a density bonus, pursuant to this Chapter. Consistent with all applicable requirements of this Chapter, the Agreement must be recorded as a restriction on the parcel(s) on which the affordable housing units will be constructed.

E. **Effect of Granting Density Bonus.** The granting of a density bonus will not require a General Plan amendment, Local Coastal Program amendment, Zoning Ordinance or Map change, unless associated with development that otherwise would require such discretionary review and approval(s).

17.27.030 Administration and Procedures

A. **Application and Review Process.**

1. The applicant must request in the application the incentives or concessions the applicant wishes to obtain, together with financial data showing how the incentives are necessary to make the affordable units feasible. Applications will be reviewed and processed according to the provisions of Chapter 17.52, Common Procedures.

2. In accordance with State law, neither the granting of a density bonus nor the granting of a concession, incentive, waiver, or modification will be interpreted, in and of itself, to require a variance, zoning amendment, General Plan amendment, Local Coastal Program amendment, or any discretionary approval in addition to that required for the underlying housing development.

B. **Density Bonus Agreement Required.** All affordable housing projects receiving a density bonus or incentive require approval of a Density Bonus Agreement conforming to the provisions of Title 7, Division 1, Chapter 4, Article 4.3 of the Government Code. The Agreement must be recorded as a covenant on the title to the property. The Agreement must include, without limitation, the following:

1. ***Number of Units.*** The total number of units approved for the project, including the number of affordable housing units.

2. ***Unit Detail.*** The location, unit sizes (in square feet), and number of bedrooms of the affordable housing units.

3. ***Household Income Group.*** A description of the household income groups to be accommodated by the project and a calculation of the Affordable Rent or Sales Price.

4. ***Certification Procedures.*** The party responsible for certifying rents or sales prices of units, and the process that will be used to certify renters or purchasers of such units throughout the term of the agreement.

5. ***Schedule.*** A schedule for the completion and occupancy of both the affordable and the market-rate housing units.

6. ***Remedies for Breach.*** A description of the remedies for breach of the Agreement by either party.

7. ***Required Term of Affordability.*** The minimum duration of affordability of the housing units will be as provided by California Government Code, Section 65915(c)(1). Provisions must cover resale control and deed restrictions on affordable housing units that are binding on the property upon sale or transfer.

8. ***Expiration of Agreement.*** Provisions covering the expiration of the agreement, including notice prior to conversion to market rate units and right of first refusal option for the City and/or the public disclosure of accrued equity for for-sale units.

9. ***Common Interest Developments.*** In the case of common interest developments, the Agreement must provide for the following conditions governing the affordable housing units:

a. Affordable units must, upon initial sale, be sold to qualified purchasers at an Affordable Sales Price.

b. Upon resale, the seller of an affordable housing unit will retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The City will recapture its proportionate share of appreciation, which will be used to promote home ownership opportunities. The City's proportionate share will be equal to the percentage by which the initial sale price to the targeted household was less than the fair market value of the dwelling unit at the time of initial or most recent sale.

c. Affordable units may not be rented unless a hardship waiver is granted by the Director.

10. ***Rental Housing Developments.*** In the case of rental housing developments, the Agreement must provide for the following conditions governing the use of affordable housing units during the use restriction period:

a. The rules and procedures for qualifying tenants, establishing affordable rent rates, filling vacancies, and maintaining affordable housing units for qualified tenants;

b. Provisions requiring owners to verify tenant incomes and maintain books and records to demonstrate compliance with this Chapter; and

c. Provisions requiring owners to submit an annual report to the City, which includes the name, address, and income of each person occupying affordable housing units, and which identifies the bedroom size(s) and monthly rent or cost of each affordable housing unit. The City will ensure this information is not shared except for reporting purposes.

11. ***Other Provisions.*** Any other provisions necessary to ensure implementation and compliance with this Chapter, as determined by the City Attorney.

C. **Notice of Conversions.** Notice of conversions of affordable units to market-rate units after fulfilment of the Required Term of Affordability must be provided pursuant to the following requirements:

1. ***General.*** At least one-year notice is required prior to the conversion of any rental units for affordable households to market-rate.

2. ***Required Notice.*** Notice must be given to the following:

a. The City;

b. The California Department of Housing and Community Development;

c. The Housing Authority of the County of Santa Barbara;

d. The residents of the affordable housing units proposed to be converted; and

e. Any other person deemed appropriate by the City.

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Chapter 17.28 Inclusionary Housing

Sections:

17.28.010 Purpose and Intent
17.28.020 Applicability
17.28.030 Income Levels
17.28.040 Inclusionary Housing Unit Affordability
17.28.050 Inclusionary Housing Requirements
17.28.060 Inclusionary Housing Plan and Agreement
17.28.070 Eligibility and Selection for Inclusionary Units
17.28.080 Inclusionary Unit Restrictions
17.28.090 Construction Standards for Inclusionary Units
17.28.100 Adjustments and Waivers
~~17.28.110 Performance Security for Inclusionary Housing Units~~
17.28.11~~2~~0 Enforcement

17.28.010 Purpose and Intent

The purpose of this Chapter is to:

A. Implement Statewide policies to make available an adequate supply of housing for persons and households from all economic sectors of the community because persons with low and moderate incomes who work and/or live within the City are unable to locate housing at prices they can afford and are increasingly excluded from living in the City;

B. Support General Plan policies intended to promote and maintain balanced and economically diverse community with a mix of workplaces and residential uses that offer a variety of housing types to meet the needs of an economically diverse work force, thereby reducing both adverse impacts on air quality and energy consumed by commuting;

C. Avoid the depletion of limited land resources needed to accommodate the demand for housing that is affordable to low- and moderate-income households by requiring the development of affordable housing when market-rate units are constructed, which is a more efficient use of land;

D. Construct new affordable units on the same site as new market-rate construction and only when this is infeasible, provide comparable new or substantially rehabilitated affordable units at another site or similar neighborhood character;

E. Establish standards and procedures to implement the inclusionary housing requirements in a streamlined manner that complies with federal and State law; and

F. Provide additional incentives for the development of affordable housing units that exceed those to which developers are entitled under State law.

The primary intent of the inclusionary requirement is to achieve the construction of new affordable units on site. A second priority is construction of affordable units off site, or the transfer of sufficient land to the City or a City-approved affordable housing specialist or an in-lieu payment to the City. This Chapter may be implemented by way of a resolution adopted by the City Council.

17.28.020 Applicability

A. **Applicability.** The requirements of this Chapter apply to every ~~for sale~~ residential development project that includes two or more housing units, unless exempt by subsection (B), below.

1. ***Compliance before Approvals, Issuances, Granting of Maps, Permits, Entitlements.*** Developers must comply with this Chapter before the City grants any ministerial or discretionary land use approvals for a Project.

2. ***Verification of Compliance.*** The Director cannot find a development application to be complete until the developer provides a written proposal demonstrating how the requirements of this Chapter will be met.

3. ***Sales and Rental of Inclusionary Dwelling Units.*** Each inclusionary dwelling unit required by this Chapter must be sold or rented in compliance with this Chapter and all applicable conditions of approval.

B. **Exempt Projects.** The following types of residential projects are exempt from the requirements of this Chapter:

1. ~~One for sale single~~Single-unit dwellings;

2. Projects that are developed pursuant to the terms of a development agreement executed prior to the effective date of this Title, provided that such residential developments must comply with any affordable housing requirements included in the development agreement or any predecessor Title in effect on the date the development agreement was executed;

3. An affordable, multiple-unit rental housing project that will be developed by a nonprofit housing provider receiving financial assistance from the City, so long as the project is maintained as an affordable project subject to an affordable housing agreement with the City;

4. ~~A project proposing rental dwelling units that cannot be separately owned or conveyed under the Subdivision Map Act~~Projects processed pursuant to Section 17.41.030, Accessory Dwelling Units (ADU);

5. Residential building additions, repairs, or remodels, provided that the work does not increase the number of existing units by more than one unit, excluding the addition of one or more ADUs;

6. Projects consisting of 100 percent affordable units in which rents are controlled or regulated by a government unit, agency, or authority, excepting those unsubsidized and/or unassisted units that are insured by the United States Department of Housing and Urban Development (HUD);

7. Projects that replace or restore residential units damaged or destroyed by fire, flood, earthquake, or other disaster~~, provided that the replacement or restoration does not increase the number of existing units by more than one unit~~; and

8. Units above the allowed density of a Zone ~~d~~District granted through a Density Bonus Agreement pursuant to Chapter 17.27, Density Bonus and Other Incentives.

17.28.030 Income Levels

For the purpose of determining the income levels for potentially eligible households under this Chapter, the City shall use the Santa Barbara County income limits found in Title 25, Section 6932 of the California Code of Regulations, and regularly updated and published by the California Department of Housing and Community Development (HCD), or other income limits adopted by the City Council, if HCD fails to provide regular updates.

17.28.040 Inclusionary Housing Unit Affordability

A. **Base Requirement.** Multiple-unit project developers proposing ~~ownership~~ projects of five or more units must provide 20 percent affordable units of the total number of ~~for-sale~~ units.

1. ***Affordability Levels.*** Projects qualifying for a 20 percent affordability level must provide:

   a. 2.5 percent of the total number of ~~for-sale~~ units at prices affordable to extremely low-income households;

   b. 2.5 percent affordable to very low-income households;

   c. Five percent affordable to low-income households;

   d. Five percent affordable to moderate-income households; and

   e. Five percent affordable to above moderate-income households earning 120 to 200 percent of the median income in the County.

B. **Reduced Requirement.** The Review Authority may reduce the 20 percent affordability level to 15 percent upon making the required finding that a developer will provide a public benefit exceeding the requirements of this Title, including, without limitation, a new on-site or nearby public park or open space facilities exceeding the park and recreation dedication requirements established in Chapter 16.14 of Title 16, Subdivisions of the Goleta Municipal Code.

1. ***Affordability Levels.*** If the Review Authority reduces the affordability level in accordance with this Section, the Projects must provide:

   a. One percent of the total number of units as affordable housing to extremely low-income households;

   b. One percent of units to very low-income households,

   c. Five percent of units to low-income households,

   d. Four percent of units to moderate-income households, and

   e. Four percent of units to above moderate-income households earning 120 to 200 percent of median income in the County.

17.28.050 Inclusionary Housing Requirements

The number of inclusionary housing units that a developer must construct in accordance with this Chapter is subject to the following:

A. **Applicability.** The percentage of inclusionary housing units required by this Chapter is applied to the total number of dwelling units proposed for a Project.

B. **Fractional Units.** In the event the calculation for the number of inclusionary units in any income category results in a fraction, the developer must account for inclusionary units as follows:

1. For projects of two to four units, the developer must make an in-lieu payment in an amount equal to the percentage represented by the fractional unit (out to two decimal places) for each income category multiplied by the applicable in-lieu payment amount for a full unit at that income level.

2. For projects of five or more units, in the event the calculation for the number of inclusionary units in any income category results in a fraction of an inclusionary unit, the developer has the option of either: (1) providing a full inclusionary unit within the residential development at the specific income level; or (2) combining fractional units at various income levels to sum a whole unit or units and build that unit or units at the low-income level. Any remaining fraction must be accounted for through an in-lieu payment in an amount equal to the percentage represented by the fractional unit multiplied by the applicable in-lieu payment amount. The amount of the in-lieu payment will be in direct proportion to the fractional unit out to two decimal places.

C. **Length of Term.** The term of affordability restrictions must be based on applicable federal laws and financing mechanisms, generally 45 to 55 years but not less than 30 years, and must provide for monitoring and reporting in a manner acceptable to the City.

1. ***Required Finding.*** If proposing an affordability restriction term of less than 45 years, the following finding must be made by the City Council:

a. The term of affordability of less than 45 years better serves the City's goals for affordable housing.

D. **Compliance Hierarchy and Findings.** Pursuant to subsection (B)(2) above, compliance with the requirement for inclusionary units must adhere to the following:

1. ***On-Site.*** Developers must provide affordable units on-site unless otherwise compliant with the findings in this Chapter.

2. ***Off-Site or Land Dedication.*** Developers may propose to provide affordable units on another site or meet the requirements of this Chapter by dedicating land for the construction of affordable housing.

a. *Off-site Development.* Off-site development must comply with the following requirements:

i. If units will be provided through partnership with a nonprofit housing agency, the partner must agree to all the provisions of this Chapter and be a signatory to the Inclusionary Housing Agreement and Affordability Control Covenants, as required by this Chapter.

ii. Inclusionary units must be regulated by a recorded agreement that requires maintenance of affordable housing units and an affordability covenant or deed restriction. The term of affordability restrictions must consistent with the length of term consistent with this Chapter.

b. *Land Dedication.* Land dedication must comply with each of the following:

i. The developer donates and transfers the land prior to recordation of the final subdivision map, or parcel map;

ii. The developable acreage and zoning classification of the land being transferred are sufficient to make the development of the affordable units feasible, as determined by the Director;

iii. The transferred land and the affordable units will be subject to a deed restriction in a form approved by the City Attorney ensuring continued affordability of the units;

iv. The land is transferred to the City or to an owner specializing in affordable housing construction approved by the City;

v. The transferred land is within the City; and

vi. A proposed source of funding for development of the affordable units is identified by the date of approval of the final subdivision map, or parcel map, as required by the Director.

c. *Required Findings.* If proposing either off-site development or a land dedication to meet the requirements of this Chapter, each of the following findings must be made by the City Council:

i. The development of on-site affordable units is infeasible.

ii. The off-site location is comparable in character and location to the market-rate development location.

3. ***Other Alternatives.*** If unable to provide the required affordable housing pursuant to this Chapter on-site, off-site, or through a land dedication, the developer may propose meeting this Section's affordable housing obligations by paying an inclusionary housing in-lieu payment, acquisition or rehabilitation of existing units, or other alternatives of equal value to the development of affordable units on site.

a. *In-Lieu Payment.* If providing an in-lieu payment, the developer must pay the amount in accordance with the following requirements:

i. <u>Amount.</u> The amount of the in-lieu payment must of equal value to the provision of the affordable units on site.

ii. <u>Payment Due Before Occupancy Permit.</u> The inclusionary housing in-lieu payment must be paid in full to the City prior to the City granting any approval for occupancy of the project, but no earlier than the issuance of the building permit.

iii. <u>Density Bonus Eligibility.</u> The payment of an inclusionary housing in-lieu payment pursuant to this Chapter is not considered a provision of an affordable housing unit for purposes of determining eligibility for a density bonus pursuant to Chapter 17.27, Density Bonuses and Other Incentives, or California Government Code, Section 65915 et seq.

b. *Acquisition and Rehabilitation.* If acquiring and rehabilitating existing units, the following requirements must be met:

i. The value of the rehabilitation work is 25 percent or more than the value of the dwelling unit prior to rehabilitation, inclusive of land value.

ii. The site is zoned for residential units at a density to accommodate the number of rehabilitated units.

iii. The rehabilitated dwelling units must comply with all applicable building codes.

iv. The acquisition and rehabilitation are included in the project description for the market-rate unit project and is included in environmental review.

v. The rehabilitation of dwelling units must be completed prior to or concurrently with the market-rate units.

vi. The developer of the market-rate units must provide all costs of notice and relocation of existing residence in the residential units to be rehabilitated.

vii. Except as otherwise provided in this Chapter or specified in an inclusionary housing agreement, inclusionary units must contain, on average, the same number of bedrooms, bathrooms, and square footage as the non-inclusionary units proposed. The units must be compatible with the market-rate units proposed with regard to appearance, materials, and exterior design.

c. *Required Findings.* If proposing an inclusionary housing in-lieu payment, acquisition or rehabilitation of existing units, or other alternatives of equal value to the development of affordable units on site dedication to meet the requirements of this Chapter, each of the following findings must be made by the City Council:

i. The development of on-site affordable units is infeasible.

ii. The developer demonstrates that the in-lieu payment, acquisition and rehabilitation of existing units, or other alternative is of equal value to the provision of the affordable units on site.

E. **Tradeoffs.** The Review Authority may approve tradeoffs of extremely low- and very low-income units for low- or moderate-income units.

1. ***Required Findings.*** If proposing tradeoffs pursuant to this Chapter, each of the following findings must be made by the City Council:

a. The development of on-site extremely low- and very low- income units is infeasible.

b. The developer provides substantial evidence to demonstrate that the City's housing goals can be more effectively achieved through the proposed tradeoffs.

17.28.060 Inclusionary Housing Plan and Agreement

Each residential development that is subject to this Chapter that will construct or acquire and rehabilitate affordable units must provide an Inclusionary Housing Plan in compliance with this Section.

A. **Inclusionary Housing Plan.** No development application will be deemed complete until an Inclusionary Housing Plan containing all of the following elements has been submitted in a form meeting the approval of the Director:

1. For each construction phase, the Affordable Housing Plan must specify, at the same level of detail as the application for the residential development: the inclusionary housing option selected; the number, unit type, tenure, number of bedrooms and baths, approximate location, size, and design; construction and completion schedule of all inclusionary units; phasing of inclusionary units in relation to market-rate units, and general outline of the marketing plan.
2. Identification of the affordable income level for the proposed inclusionary units.
3. Calculation of the proposed number of inclusionary units consistent with this Chapter.
4. A written explanation of the method for restricting the units for the required term at the affordable income levels.
5. If on-site development of affordable units is not proposed, supporting evidence demonstrating on-site development is infeasible.
6. If the developer proposes meeting this Section's affordable housing obligations by paying an inclusionary housing in-lieu payment, acquisition or rehabilitation of existing units, or other alternatives of equal value to the development of affordable units on-site pursuant to Section 17.28.050, Inclusionary Housing Requirements, supporting evidence demonstrating that the in-lieu payment, acquisition and rehabilitation of existing units, or other alternative is of equal value to the provision of the affordable units on site.
7. If the developer proposed tradeoffs of extremely low- and very low-income units for low- or moderate-income units, supporting evidence demonstrating that the development of on-site extremely low- and very low- income units is infeasible and that the City's housing goals can be more effectively achieved through the proposed tradeoffs.
8. Description of the methods to be used to verify tenant incomes and to maintain the affordability of the inclusionary units and must specify a financing mechanism for the ongoing administration and monitoring of the inclusionary units.
9. Any other information that may be requested by the Director to aid in the evaluation of the sufficiency of the plan under the requirements of this Chapter.

B. **Inclusionary Housing Agreement and Affordability Control Covenants.** Before the City issues a building permit or approves a final map, whichever occurs first, the developer must record an Inclusionary Housing Agreement that conforms to the requirements of Section 17.28.050, Inclusionary Housing Requirements, and a separate Affordability Control Covenant in a form approved by the City Attorney that complies with this Chapter.

C. **Owner-Occupancy Required.** All inclusionary units sold or rented to eligible households are subject to the following regulations~~:~~. Compliance reporting shall be the responsibility of the property owner or affordable housing management entity in the case of rental units.

1. ***Principal Residence.*** The owner/renter must use and occupy the inclusionary unit as ~~owner's~~their principal place of residence.

2. ***No Rental of For-Sale Units.*** The owner is expressly prohibited from leasing or renting the inclusionary unit, unless the City has given its prior written consent to such lease or rental on the basis of a demonstrated hardship by the owner.

3. ***No Subleasing of Rental Units.*** An eligible renter is expressly prohibited from subleasing the inclusionary unit, unless the City has given its prior written consent to such sublease on the basis of a demonstrated hardship by the renter.

~~3.~~4. ***Reporting.*** The Director may require certification of continuing occupancy of the inclusionary unit by ~~the~~ eligible ~~owner~~households, which must be verified ~~by owner~~ to the reasonable satisfaction of the Director by means of a written report ~~by the owner~~ to the Director, setting forth the income and family size of the occupants of the inclusionary unit. The property owner or housing management entity will be deemed in default of the Inclusionary Housing Agreement if ~~the owner fails~~ failing to deliver such annual report within 30 days after receipt ~~by owner~~ of written notice from the Director requesting such report and subject to enforcement pursuant to Section 17.28.120, Inclusionary Housing – Enforcement. The Director will have the option of establishing the type of form to be used for the report.

17.28.070 Eligibility and Selection for Inclusionary Units

A. **General Eligibility.** No household may purchase, rent, or occupy an inclusionary unit unless the City or City's designee has approved the household's eligibility based on income and affordability levels, as defined in California Health and Safety Code, Section 50105 and California Code of Regulations, Section 6932, and the household and City have executed and recorded an affordability housing covenant in the chain of title of the inclusionary unit.

B. **Owner Occupancy.** A household that purchases or rents an inclusionary unit must occupy that unit as a "principal residence" as that term is defined for federal tax purposes by the United States Internal Revenue Code, unless a hardship exception is approved by the Director.

C. **Ineligibility.** The following individuals, by virtue of their position or relationship, are ineligible to occupy an affordable housing unit created pursuant to this Section:

1. All employees and officials of the City or its agencies, authorities, or commissions who have, by the authority of their position, policy-making authority or influence over the implementation of this Chapter and the immediate family of such City employees and officials.

2. The immediate relatives of the developer or owner who sells or rents the home(s) for initial sale or rental to the first set of income eligible ~~buyers~~households.

D. **Selection.** The procedure for selection of eligible households for individual inclusionary units shall be determined by the City.

17.28.080 Inclusionary Unit Restrictions

A. **Initial Sales Price or Rent.** The initial sales price or rent of an inclusionary unit will be set in compliance with any affordable housing policy or resolution adopted by the City Council and/or an inclusionary housing agreement entered into with the City. The sales price or rent of each

inclusionary unit is determined by the household income of the eligible household meeting the target income requirements specified in this Chapter that offers to purchase or rent that unit.

B. **Transfers and Conveyances.** A new affordability housing covenant will be entered into upon each change of ownership of an inclusionary unit and upon any transfer or conveyance (whether voluntarily or by operation of law) of an owner-occupied inclusionary unit.

C. **Resale Price.** The maximum sales price and qualifications of purchasers permitted on resale of an inclusionary unit must be specified in an affordability housing covenant to be approved by the City Attorney. The maximum sales price permitted on resale of an inclusionary unit intended for owner-occupancy shall not exceed the seller's purchase price, adjusted for the percentage increase in median income since the seller's purchase, plus the value of substantial structural or permanent fixed improvements to the property.

17.28.090 Construction Standards for Inclusionary Units

Inclusionary housing units built under the provisions of this Chapter must conform to the following standards:

A. **Design.** Except as otherwise provided in this Chapter or specified in an Inclusionary Housing Agreement, inclusionary units must contain, on average, the same number of bedrooms, bathrooms, and square footage as the non-inclusionary units in the development. The units must be compatible with market-rate units with regard to appearance, materials, and exterior design. The façades of inclusionary units must be constructed of the same materials as the market-rate units in the same development.

B. **Utilities.** Inclusionary units made available for purchase must include space and connections for a clothes washer and dryer within the unit. Inclusionary units made available for rent must include either connections for a clothes washer and dryer within the inclusionary unit or sufficient on-site, self-serve laundry facilities to meet the needs of all tenants without laundry connections in their units.

C. **Location.** All for-sale inclusionary units must be reasonably dispersed throughout the development and not clustered together or segregated in any way from market-rate units. For-rent inclusionary units may be clustered to ~~facility~~ facilitate third-party management.

D. **Timing.** All inclusionary units must be constructed and occupied concurrently with or before the construction and occupancy of market-rate units. In phased developments, inclusionary units may be constructed and occupied in proportion to the number of units in each phase of the residential development.

17.28.100 Adjustments and Waivers

A. **Application for Adjustments or Waiver.** The requirements of this Chapter may be modified or waived if the developer demonstrates to the City that application of this Chapter would constitute a taking of property in violation of the United States or California Constitutions.

B. **Developer Bears Burden to Present Evidence.** Any developer requesting an adjustment or waiver must submit documentation at the same time the developer files the project application presenting substantial evidence to support the request. The application must set forth in detail the factual and legal basis for any claim.

C. **Written Decision.** Before or in conjunction with its decision on the project, the City must render a written decision including findings within 90 days from the date the complete application is filed. The decision may be appealed to the City Council in the manner provided in Chapter 17.52, Common Procedures. The City Council's decision is the City's final decision. A developer may appeal the decision to a court of competent jurisdiction within 90 days after the decision in accordance with Code of Civil Procedure, Section 1094.6.

~~**17.28.110 Performance Security for Inclusionary Housing Units**~~

~~Upon application by a developer and for good cause shown, the Director may, but is not required to, allow a developer to delay construction of inclusionary housing units.~~

~~A. **Performance Security.** Any such approval is conditioned upon the developer providing sufficient security, in a form approved by the City Attorney, to insure performance under this Chapter.~~

~~B. **Good Cause.** Without limitation, good cause may include funding restrictions for projects involving nonprofit corporations or use of Public Agency monies.~~

~~C. **Time Limits.** Any delay approved by the Director is limited to a maximum of two years with one additional time extension allowance of up to two years.~~

~~17.28.120~~17.28.110 Enforcement

A. **Enforcement Action.** In addition to the general remedies provided by this Title and other applicable law, the Director and City Attorney are authorized to take any appropriate enforcement action to ensure compliance with this Chapter, including, without limitation:

1. Actions to revoke, deny or suspend any permit, including a building permit, certificate of occupancy, or discretionary approval.
2. Actions to recover civil fines, restitution to prevent unjust enrichment from a violation of this Chapter, and/or enforcement costs, including attorney's fees.
3. Eviction or foreclosure.
4. Any other appropriate action for injunctive relief or damages.

B. **Compliance.** Failure of any public official, employee, or agent to fulfill the requirements of this Chapter does not excuse any person, owner, household, or other party from complying with the requirements of this Chapter.

Chapter 17.29 Demolition and Relocation

Sections:

17.29.010 Purpose
17.29.020 Applicability
17.29.030 Permit Requirements
17.29.040 Multiple-Unit Dwelling Demolition
17.29.050 Relocation of Structures

17.29.010 Purpose

The purpose of this Chapter is to provide procedures for proposed demolitions and relocations of buildings within both the Coastal Zone and Inland Area of the City.

17.29.020 Applicability

No structure in the City may be demolished, removed, or relocated, except as authorized under the provisions of this Chapter.

A. **Removal Considered Development.** For purposes of this Chapter, the removal of a structure for relocation to another lot is considered a demolition on the origin site and new development on the receiving site. Structures may be relocated subject to the requirements of Section 17.29.050, Relocation of Structures.

B. **Exemptions.** The following structures are exempt from the provisions of this Chapter:

1. Any structures that are less than 50 years old as long as they are not:
    a. Located within the Coastal Zone or within the Old Town Heritage Overlay District;
    b. On the City's local register of historic structures once established; or
    c. Identified as a historical resource under the California Environmental Quality Act (CEQA).
2. Any structure at least 50 years old where a historical determination states the structure is neither historically nor architecturally significant.
3. Notwithstanding anything to the contrary, if a building or structure is determined by the City's Building Official to be unsafe, present a public hazard, is not securable and/or is in imminent danger of collapse so as to endanger persons or property, it must be demolished. The Building Official's determination in this matter will be governed by applicable law.

17.29.030 Permit Requirements

Demolition or relocation of structures subject to this Chapter must obtain the following permit types:

A. **Coastal Zone.** All structures proposed for demolition or relocation that are located on property within the Coastal Zone of the City are subject to the permit requirements of Chapter 17.61, Coastal Development Permits.

B. **Inland Area.** All structures proposed for demolition or relocation that are located on property within the Inland Area of the City are subject to the following:

1. ***Zoning Clearance.*** Any demolition of a structure that is 50 years or more in age and is neither a protected historic resource nor within a buffer of any other protected resource (e.g., ESHA, Cultural, oak tree CRZ, etc.) and structures less than 50 years in the Old Town Heritage Overlay District.

2. ***Land Use Permit.*** Any demolition of a structure that is 50 years or more in age and is not a protected historic resource but is within the buffer area of a protected resource.

3. ***Discretionary Action.*** Any demolition associated with a permit application that involves other development that requires discretionary review and approval. The demolition must be concurrently processed as part of the overall project.

17.29.040 Multiple-Unit Dwelling Demolition

The City will not allow the demolition of any structure unless the applicant has complied with all of the following:

A. For multiple-unit dwelling structures, the final permit to commence construction for a replacement project has been issued, or the building or structure is exempt from this requirement pursuant to Section 17.29.020, Demolition and Relocation – Applicability.

B. Has received all necessary approvals from the City and any other agency with review authority over a project (e.g., Fire Department, Environmental Health Services, Air Pollution Control District, etc.).

17.29.050 Relocation of Structures

Structures may be relocated within the City if the following requirements are met:

A. The relocated structure must comply with all regulations of this Title, including all applicable development standards for the base zoning district of the property upon which the structure is proposed to be relocated.

B. Prior to relocating oversized structures using the public roadway, the approval of a City Encroachment Permit or a Single Trip Transportation Permit is also required by the Public Works Department.

Chapter 17.30 Environmentally Sensitive Habitat Areas

Sections:

17.30.010 Purpose and Intent
17.30.020 Applicability
17.30.030 Application Requirements
17.30.040 Development and Mitigation of Impacts
17.30.050 Development Standards
17.30.060 Management of ESHAs
17.30.070 Streamside Protection Areas
17.30.080 Dedication of Easements or Other Property Interests
17.30.090 Protection of Wetlands Within the Coastal Zone
17.30.100 Protection of Wetlands Outside the Coastal Zone
17.30.110 Mitigation of Wetland Infill
17.30.120 Lagoon Protection
17.30.130 Vernal Pool Protection
17.30.140 Protection of Coastal Bluff Scrub, Coastal Sage Scrub, and Chaparral
17.30.150 Protection of Native Oak Woodlands and Savannas
17.30.160 Protection of Native Grasslands
17.30.170 Protection of Marine and Beach Habitats
17.30.180 Protection of Monarch Butterfly ESHA
17.30.190 Protection of Other Areas Designated as Sensitive Habitat

17.30.010 Purpose and Intent

The purpose of this Chapter is to establish standards for development that could impact Environmentally Sensitive Habitat Areas (ESHA) that are identified and mapped within the General Plan or meet the criteria for ESHA designation as specified in the General Plan and to describe the permit requirements and the review process for such proposed development. More specifically, this Chapter is intended to:

A. Protect, maintain, and enhance natural ecosystem processes and functions in Goleta's ESHA in order to maintain their natural ecological diversity.

B. Preserve, restore, and enhance the physical and biological integrity of Goleta's creeks and natural drainages and their associated riparian and creek-side habitats.

C. Protect, restore, and enhance coastal bluffs and dune areas.

D. Identify and protect wetlands, including vernal pools, as highly productive and complex ecosystems that provide special habitats for flora and fauna, as well as for their role in cleansing surface waters and drainages.

E. Protect and enhance other important aquatic and terrestrial habitats, including those associated with rare, threatened, or endangered species of plants or animals.

F. Protect marine aquatic habitats.

G. Protect monarch butterfly habitats.

17.30.020 Applicability

This Chapter applies to land use and development with the potential to have a direct or indirect effect on ESHAs that could negatively impact the protected sensitive resource. No new development, except as specifically identified in this Title, is allowed within an ESHA.

17.30.030 Application Requirements

A. **Initial Site Assessment Screening.** The Applicant must conduct an initial site assessment screening for all development proposals to determine the potential presence of ESHA within 300 feet of the development activity. The initial site assessment screening must include a review of reports, resource maps, aerial photographs, site inspection and additional resources as necessary to determine the presence of ESHA.

B. **Biological Study.** For any development activity within 300 feet of ESHA, or with the potential to adversely impact ESHA, a site-specific biological study must be prepared. The biological study must address all relevant General Plan policies and may be peer reviewed, at the Director's discretion. All costs of the biological study and any peer review are borne by the applicant.

1. The biological study must contain a topographic map at an appropriate scale and contour interval that adequately delineates the boundaries of creek beds and banks, wetlands, native riparian and upland vegetation, vegetation driplines, and ESHA boundaries. The map must clearly show areas that would be directly impacted by project construction and development footprints.

2. The biological study must confirm the extent of the ESHA, document any site constraints and the presence of other sensitive resources. The study must use all required ESHA buffers, discuss the timing of proposed development, analyze potential impacts to all protected sensitive resources, and provide other information, analysis or potential project revisions or modifications necessary to protect the nearby resources to the maximum extent feasible.

3. The biological study must provide alternatives and mitigation measures to avoid significant impacts to ESHA, and any finding that there is no feasible alternative to avoid ESHA impacts must be supported by substantial evidence in the analysis of the study. Where habitat restoration or mitigation is required to eliminate or offset potential impacts to an ESHA, a detailed Restoration and Monitoring Plan is required, as provided later in this Section.

4. The biological study must also describe the flora and/or fauna known to occur or having the potential to occur on the site, including specific discussion for any sensitive species with protected status.

5. Where trees suitable for nesting, roosting, or significant foraging habitat are present, a formal raptor survey must be conducted as part of the biological study. The study must include an analysis of the potential impacts of the proposed development on the identified habitat or species, an analysis of project alternatives designed to avoid or minimize those impacts.

6. Where the Initial Site Assessment indicates the presence or potential for wetland species or indicators, the Biological Study must include a wetland delineation of all wetland areas

on the project site. A preponderance of hydric soils or preponderance of wetland indicator species will be considered presumptive evidence of wetland conditions. At a minimum, the wetland delineations must contain:

a. A map at a scale of 1":200' or larger showing topographic contours.

b. An aerial base map.

c. A map at a scale of 1":200' or large with polygons delineating all wetland areas, polygons delineating all areas of vegetation with a preponderance of wetland indicator species, and the locations of sampling points.

d. All area 100 feet upland of the extent of the wetland.

e. A description of the survey methods and surface indicators used for delineating the wetland polygons.

f. A statement of the qualifications of the person preparing the wetland delineation.

7. Where the Initial Site Assessment indicates the presence or potential for monarch butterfly ESHA, the Biological Study must include a Monarch Butterfly Protection Plan. At a minimum, the Plan must contain:

a. The mapped location of the cluster of trees where monarchs are known, or have been known, to roost in both autumnal and over-wintering aggregations.

b. An estimate of the size of the population within the colony.

c. The mapped extent of the entire habitat area.

d. The boundaries of the buffer zone around the habitat area.

8. The research and survey methodology used to complete the study must also be provided.

9. The biological study must be prepared by a professional biologist and have been completed within two years of the date of submittal of the application.

C. **Scale of Plans.** The Site Plan and Grading Plan must be of a scale and contour interval to adequately depict the proposed work and delineate environmental features on the site.

D. **Restoration and Monitoring Plan.** Where required, a Restoration and Monitoring Plan must be prepared by a professional biologist and include the following:

1. A clear statement of the goals for ESHA habitat restoration. Characterization of the desired habitat, including an actual habitat, that can act both as a model for the restoration and as a reference site for developing success criteria must be included.

2. Sampling of reference habitat using the methods that would be applied to the restoration site with reporting of resultant data.

3. Quantitative description of the chosen restoration site.

4. Requirements for designation of a qualified restoration biologist as the restoration manager who will be responsible for all phases of the restoration. Phases of the restoration may not be assigned to different contractors without on-site supervision by the restoration manager.

5. A specific Grading Plan if the topography is proposed to be altered.

6. A specific Erosion Control plan if soil or other substrate would be significantly disturbed during the course of the restoration.

7. A Weed Eradication Plan designed to eradicate existing weeds and to control future invasion by exotic species that is carried out by hand weeding and supervised by a licensed biologist.

8. A Planting Plan that specifies a detailed plant palette based on the natural habitat type that is the model for the restoration, using local native and non-invasive stock and requiring that if plants, cuttings, or seed are obtained from a nursery, the nursery must certify that they are of local origin and are not cultivars. The Planting Plan should provide specifications for preparation of nursery stock and include technical details of planting methods (e.g., spacing, mycorrhizal inoculation, etc.).

9. An Irrigation Plan that describes the method and timing of watering and ensures removal of watering infrastructure by the end of the monitoring period.

10. An Interim Monitoring Plan that includes maintenance and remediation activities, interim performance goals, assessment methods, and schedule.

11. A Final Monitoring Plan to determine whether the restoration has been successful that specifies all of the following:

    a. A basis for selection of the performance criteria;

    b. Types of performance criteria;

    c. Procedure for judging success;

    d. Formal sampling design;

    e. Sample size;

    f. Approval of a final report; and

    g. Provision for possible further action if monitoring indicates that initial restoration has failed.

17.30.040 Development and Mitigation of Impacts

A. No new development, is allowed within an ESHA or ESHA buffer.

   1. ***Exception.*** New Capital Improvement Program projects, public accessways and trails, habitat restoration and enhancement projects when consistent with subsections 17.30.060(G) and 17.54.020(A)(6), and nature education and research activities.

B. New development must minimize impacts to habitat values or sensitive species to the maximum extent feasible. Native vegetation must be provided in buffer areas to serve as transitional habitat. All ESHA buffers must be of a sufficient size to ensure the biological integrity and preservation of the ESHA they are designed to protect.

C. Unless stated elsewhere in this Title or in the General Plan, new development must be sited and designed to avoid impacts to ESHAs. If there is no feasible alternative that can eliminate all impacts, then the alternative that would result in the fewest or least significant impacts must be

selected. Any impacts that cannot be avoided must be fully mitigated, with priority given to on-site mitigation. Mitigation must be fully mitigated at a 3:1 ratio, unless otherwise specified in this Chapter.

D. Off-site mitigation measures will only be approved when it is not feasible to fully mitigate impacts on site. If impacts to on-site ESHAs occur in the Coastal Zone, any off-site mitigation area must also be located within the Coastal Zone.

E. All mitigation sites must be monitored for a minimum period of five years following completion of installation, with changes made as necessary based on annual monitoring reports.

F. Sites with required mitigation will be subject to deed restrictions and performance securities in a form acceptable to the City (e.g., bonds, letter of credit, etc.), in the amount of 125 percent of the estimated costs of mitigation to guarantee completion. The performance security will be released upon the City's final inspection of the completed mitigation.

17.30.050 Development Standards

All development must be designed and located to avoid disruption or degradation of habitat values. This standard requires that any project that has the potential to cause adverse impacts to an ESHA be redesigned, reduced in size, or relocated so as to avoid the impact or reduce the impact where complete avoidance is not possible.

A. Proposed site designs must preserve wildlife corridors or habitat networks. Corridors must be of sufficient width to protect habitat and dispersal zones for small mammals, amphibians, reptiles, and birds.

B. Land divisions are only allowed if each new lot being created, except for open space lots, is capable of being developed without building in any ESHA or ESHA buffer and without any need for impacts to ESHAs related to fuel modification for fire safety purposes.

C. Site plans and landscaping must be designed to protect ESHAs. Landscaping, screening, or vegetated buffers, must retain, salvage, and/or re-establish vegetation that supports wildlife habitat whenever feasible. New development must incorporate design techniques that protect, support, and enhance wildlife habitat values. Planting of non-native, invasive species within ESHA or ESHA buffers must not be permitted.

D. New development must not degrade water quality, including the ocean, lagoons, creeks, ponds, wetlands, or any other waterbody. Pollutants that could adversely affect protected, sensitive resources shall not be discharged or allowed to flow off site.

E. All new development must be sited and designed to minimize grading, alteration of natural landforms and physical features, and vegetation clearance in order to reduce or avoid soil erosion, creek siltation, increased runoff, and reduced infiltration of stormwater, and to prevent net increases in baseline flows for any receiving water body.

F. Light and glare from new development must be controlled and directed away from wildlife habitats. Exterior night lighting must be minimized, restricted to low-intensity fixtures, shielded, and directed away from ESHAs, consistent with the requirements and standards in Chapter 17.35, Lighting.

G. All new development must minimize potentially significant noise impacts on special-status species, consistent with the requirements of Chapter 17.39, Performance Standards.

H. All new development must be sited and designed to minimize the need for fuel modification or weed abatement for fire safety in order to preserve native and/or non-native supporting habitats. Development must use fire-resistant materials and incorporate alternative measures, such as firewalls and landscaping techniques that will reduce or avoid fuel modification activities.

I. The timing of construction activities must be controlled to minimize potential disruptions or impacts to wildlife during critical time periods, such as nesting or breeding seasons.

J. Grading, earthmoving, and vegetation clearance within or adjacent to ESHA is prohibited during the rainy season, generally from November 1st to March 31st, except:

1. Where necessary to protect or enhance the ESHA itself; or

2. Where erosion control measures and best management practices (BMPs), such as sediment basins, silt fencing, sandbagging, or installation of geo-fabrics have been incorporated into the project, approved by the City, and installed prior to any grading operations; or

3. Where necessary to remediate hazardous flooding or geologic conditions that endanger public health and safety.

17.30.060 Management of ESHAs

The following standards apply to the ongoing management of ESHAs:

A. The use of insecticides, herbicides, artificial fertilizers, or other toxic chemical substances that have the potential to degrade ESHAs shall be prohibited within and adjacent to ESHA, except where part of an approved project that protects, restores, or enhances the ESHA itself.

B. Mosquito abatement must be limited to the implementation of the minimum measures necessary to protect human health and must be undertaken in a manner that minimizes adverse impacts to the ESHAs.

C. Weed abatement, brush-clearing, and fire fuel reduction activities for fire safety purposes must be the minimum that is necessary to accomplish the intended purpose. Techniques will be limited to mowing and other low-impact methods, such as using hand crews for brushing, tarping, and hot water/foam for weed control. Disking is prohibited.

D. Where there are feasible alternatives, existing sewer lines and other utilities that are located within an ESHA must be taken out of service, abandoned in place, and replaced by facilities located outside the ESHA to avoid degradation of the ESHA resources.

E. Removal of non-native, invasive plant species within ESHAs may be allowed and encouraged, unless the non-native plants significantly contribute to habitat values.

F. The following flood management activities may be allowed in creek and creek protection areas: desilting, obstruction clearance, minor vegetation removal, and similar flood management methods.

G. Habitat restoration or enhancement projects that are not subject to subsection 17.54.020(A)(6), Zoning Clearance, shall be subject to review and approval of a Minor Conditional Use Permit.

17.30.070 Streamside Protection Areas

A. **Purpose and Applicability.** The purpose of a Streamside Protection Area (SPA) designation in the General Plan is to preserve and enhance the SPA in order to protect the associated riparian habitats and ecosystems as well as the water quality of streams. The SPA consists of the riparian vegetation in the buffer area adjacent to streams.

B. **Required SPA Buffer.** The SPA upland buffer must be 100 feet outward on both sides of the stream, measured from the top of the bank or the outer limit of the riparian vegetation, whichever feature is further from the creek. The Review Authority may expand or reduce the upland buffer, or portions thereof, on a case-by-case basis, as provided in this Section.

C. **Reduction in the SPA Buffer.**

1. Upon request of an applicant, the Review Authority may allow portions of a SPA upland buffer to be less than 100 feet, as such measurement is prescribed in paragraph B above, but not less than 25 feet, with approval of a Major Conditional Use Permit, provided the Review Authority finds, on the basis of substantial evidence in the record, that:

   a. The reduction in the SPA upland buffer will not have a significant adverse effect on streamside vegetation or the biotic quality of the stream;

   b. There is no feasible alternative siting for the proposed project that will avoid an incursion into the SPA upland buffer;

   c. In the absence of a reduction in the SPA upland buffer, the applicant cannot make reasonable economic use of the parcel; and

   d. The approved amount of reduction in the SPA upland buffer is no greater than necessary to allow a reasonable economic use of the parcel.

2. Upon receipt of an application for an SPA upland buffer reduction, the Director may direct preparation by a City-selected consultant of a Biological Report, an economic/financial analysis and/or any other study or report the Director deems necessary in his or her reasonable discretion, at the applicant's expense, to assist the Review Authority in making the above findings. At the request of the Director, the applicant shall provide information that the Director deems necessary, in his or her reasonable discretion, to produce the above-referenced studies or reports, including but not limited to financial data, land appraisal data, acquisition cost, land development/construction cost data, prospectuses, and financial/revenue projections. The application will not be deemed complete until the required reports are completed to the Director's satisfaction.

D. **Expansion of the SPA Buffer.** In connection with consideration of any discretionary entitlement for a parcel adjoining a creek, the Review Authority may expand the SPA upland buffer beyond 100 feet as necessary to avoid a significant adverse effect on streamside vegetation or the biotic quality of the stream. The buffer may be expanded provided that the applicant may still make reasonable economic use of the parcel.

E. **Allowable Uses within SPAs.** The following compatible land uses may be allowed within SPAs, subject to certain limitations and permit requirements of this Title, including those requiring avoidance or mitigation of impacts:

1. Agricultural operations, provided they are compatible with preservation of riparian resources.
2. Fencing and other access barriers along property boundaries and along SPA boundaries.
3. Maintenance of existing roads, driveways, utilities, structures, and drainage improvements.
4. Construction of public road crossings and utilities, provided there is no feasible, less environmentally damaging alternative.
5. Construction and maintenance of foot trails, bicycle paths, and similar low-impact facilities for public access.
6. Resource restoration or enhancement projects.
7. Nature education and research activities.
8. Low-impact interpretive and public access signage.
9. Other Public Works projects, as identified in the Capital Improvement Plan, only where there are no reasonably feasible, less environmentally damaging alternatives.

~~A. **Purpose and Applicability.** The purpose of a Streamside Protection Area (SPA) designation in the General Plan is to preserve the SPA in a natural state, in order to protect the associated riparian habitats and ecosystems as well as the water quality of streams. The SPA must include the creek channel, wetlands and/or riparian vegetation related to the creek hydrology, and an adjacent upland buffer area.~~

~~B. **Required ESHA Buffer.** The width of the SPA upland buffer must be at least 100 feet outward on both sides of the creek, measured from the top-of-bank or the outer limit of wetlands and/or riparian vegetation, whichever is greater. The Review Authority may increase or decrease the width of the SPA upland buffer on a case-by-case basis at the time of environmental review.~~

~~1. The Review Authority may allow portions of a SPA upland buffer to be less than 100 feet, but not less than 25 feet, subject to approval of a Major Conditional Use Permit. A decision to decrease the 100-foot buffer shall be based on a finding that:~~

~~a. The project's impacts will not have a significant adverse effect on streamside vegetation or the biotic quality of the stream, and~~

~~b. There is no feasible alternative siting for development that will avoid the SPA upland buffer.~~

~~2. A SPA upland buffer must not be adjusted downward unless the Review Authority makes affirmative findings of fact in writing supported by substantial evidence with respect to subsections (a) and (b) above.~~

~~a. The Review Authority must make one or more written findings for each potentially significant adverse effect on streamside vegetation or the biotic quality of the stream, accompanied by a brief explanation of the rationale for each finding. The possible findings are:~~

i. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect.

ii. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

b. Any and all findings required by the above sections shall be supported by substantial evidence derived from a City-approved, third-party biologist review and consideration of the application, project plans, Initial Assessment and Biological Report, public testimony, reports, and other relevant materials presented to the Review Authority.

c. The Review Authority may decrease the 100-foot buffer only if the Review Authority makes the following findings in addition to the findings required in Title V for approval or denial of a project and for the issuance of a Major Conditional Use Permit:

i. Based on a City-approved, third-party economic consultant's review and consideration of the economic information provided by the applicant, as well as any other relevant evidence, adherence to the 100-foot SPA upland buffer would not provide an economically viable use of the applicant's property.

ii. Application of the 100-foot SPA upland buffer would unreasonably interfere with the applicant's investment-backed expectations.

iii. The use proposed by the applicant is consistent with the applicable zoning.

iv. The use and project design, siting, and size are the minimum necessary to avoid a taking.

v. The project is the least environmentally damaging alternative and is consistent with all provisions of the Zoning Ordinance other than the provision for which the exception is requested.

vi. The development will not be a public nuisance or violate other "background principles of the State's law of property," as that phrase was used in the U.S. Supreme Court's decision in *Lucas v. South Carolina Coastal Council*, 505 U.S. 20 1003, 1028-30 (e.g., public trust doctrine). If it would violate any such background principle of property law, the development shall be denied.

vii. The project is located on a legally created lot.

viii. The project is consistent with all other applicable biologic goals, objectives, policies, actions and development standards from the Goleta General Plan, Local Coastal Program, and Zoning Ordinances.

d. A finding of infeasibility must be supported by substantial evidence based upon a City-approved, third-party biologist and economic consultant's review and consideration of the application, project plans, Initial Assessment and Biological Report, public testimony, reports, and other relevant materials presented to the Review Authority. The applicant shall also provide the following information, unless the Review Authority determines that one or more of the particular categories of information is not relevant to its analysis:

i. The date the applicant purchased or otherwise acquired the property, and from whom.

ii. The purchase price paid by the applicant for the property.

iii. The fair market value of the property at the time the applicant acquired it, describing the basis upon which the fair market value is derived, including any appraisals done at that time.

iv. The general plan, local coastal program, zoning or similar land use designations applicable to the property at the time the applicant acquired it, as well as any changes to these designations that occurred after acquisition.

v. Any development restrictions or other restrictions on use, other than government regulatory restrictions described in subsection 4 above, that applied to the property at the time the applicant acquired it, or which have been imposed after acquisition.

vi. Any change in the size of the property since the time the applicant acquired it, including a discussion of the nature of the change, the circumstances and the relevant dates.

vii. A discussion of whether the applicant has sold or leased a portion of, or interest in, the property since the time of purchase, indicating the relevant dates, sales prices, rents, and nature of the portion or interests in the property that were sold or leased.

viii. Any title reports, litigation guarantees or similar documents in connection with all or a portion of the property of which the applicant is aware.

ix. Any offers to buy all or a portion of the property which the applicant solicited or received, including the approximate date of the offer and offered price.

x. The applicant's costs associated with the ownership of the property, annualized for each of the last five calendar years, including property taxes, property assessments, debt service costs (such as mortgage and interest costs), and operation and management costs.

xi. Apart from any rents received from the leasing of all or a portion of the property, any income generated by the use of all or a portion of the

~~property over the last five calendar years. If there is any such income to report it should be listed on an annualized basis along with a description of the uses that generate or has generated such income.~~

~~xii. Any additional information that the Review Authority requires to make the determination.~~

~~3. If this provision above would result in any legally created lot being made unusable in its entirety, exceptions to the foregoing may be made to allow a reasonable economic or beneficial use of the lot, subject to the approval of a Major Conditional Use Permit.~~

~~C. **Allowable Uses within SPAs.** The following compatible land uses may be allowed within SPAs, subject to certain limitations and permit requirements of this Title, including those requiring avoidance or mitigation of impacts:~~

~~1. Agricultural operations, provided they are compatible with preservation of riparian resources.~~

~~2. Fencing and other access barriers along property boundaries and along SPA boundaries.~~

~~3. Maintenance of existing roads, driveways, utilities, structures, and drainage improvements.~~

~~4. Construction of public road crossings and utilities, provided there is no feasible, less environmentally damaging alternative.~~

~~5. Construction and maintenance of foot trails, bicycle paths, and similar low-impact facilities for public access.~~

~~6. Resource restoration or enhancement projects.~~

~~7. Nature education and research activities.~~

~~8. Low-impact interpretive and public access signage.~~

~~9. Other Public Works projects, as identified in the Capital Improvement Plan, only where there are no reasonably feasible, less environmentally damaging alternatives.~~

17.30.080 Dedication of Easements or Other Property Interests

In new subdivisions of land, SPAs must not be included within developable lots. SPAs must be located within a separate parcel or parcels, unless the subdivider demonstrates that it is not feasible to create a separate open space lot for the SPA. An easement or deed restriction must be required that limits the types of uses allowed within or upon the open space lot to those set forth in subsection 17.30.070(C) above.

17.30.090 Protection of Wetlands Within the Coastal Zone

The biological productivity and the quality of wetlands must be protected and, where feasible, restored in accordance with the federal and State regulations that apply to wetlands within the Coastal Zone. Only uses permitted by the regulating agencies are allowed within wetlands.

A. **Filling, Diking, or Dredging.** The filling, diking, or dredging of open coastal waters, wetlands, estuaries, and lakes is prohibited, unless it can be demonstrated that:

1. There is no feasible, environmentally less damaging alternative to wetland fill, as determined through environmental review under CEQA;
2. The extent of the fill is the least amount necessary to allow development of the permitted use;
3. Mitigation measures have been incorporated into the project design or are included in conditions of approval to minimize adverse environmental effects; and
4. The purposes of the fill are limited to: incidental public services (e.g., burying cables or pipes, etc.); restoration of wetlands; and nature study, education, or similar resource-dependent activities.

B. **Required ESHA Buffer.** A wetland buffer is required to ensure the biological integrity and preservation of the wetland is required. The buffer area must serve as transitional habitat with native vegetation and must provide physical barriers to human intrusion while still allowing wildlife passage.

1. Generally, the required wetland buffer shall be at least 100 feet in width, but in no case shall the wetland buffer be less than 50 feet in width.
2. The Review Authority must consider the type and size of the development; the sensitivity of the wetland resources to detrimental edge-effects of the development to protected resources; natural features such as topography, the functions and values of the wetland; and the need for upland transitional habitat.
3. In no case shall the 100-foot minimum wetland buffer area be reduced in width by the Review Authority when it serves the function of slowing and absorbing water for flood and erosion control, sediment filtration, water purification, and groundwater recharge.

17.30.100 Protection of Wetlands Outside the Coastal Zone

A. **Filling of Wetlands.** The biological productivity and the quality of inland wetlands must be protected and, where feasible, restored. The filling of wetlands outside the Coastal Zone is prohibited, unless it can be demonstrated that:

1. The wetland area is small, isolated, not part of a larger hydrologic system, and generally lacks productive or functional habitat value;
2. The extent of the fill is the least amount necessary to allow reasonable development of a use allowed this Title; and
3. Mitigation measures are incorporated into the project design, or are included in conditions of approval, to minimize adverse environmental effects, including restoration or enhancement of habitat values of wetlands at another location on the site, or at another appropriate off-site location within the City.

B. **Required ESHA Buffer.** A wetland buffer is required to ensure the biological integrity and preservation of the wetland is required. The buffer area must serve as transitional habitat with native vegetation and must provide physical barriers to human intrusion while still allowing wildlife passage.

1. The required wetland buffer shall be no less than 50 feet in width.

2. The Review Authority must consider the type and size of the development, the sensitivity of the wetland resources to detrimental edge-effects of the development to the resources, natural features such as topography, the functions and values of the wetland, and the need for upland transitional habitat.

17.30.110 Mitigation of Wetland Infill

Where any dike or fill development is permitted in a wetland pursuant to this Chapter, creation or substantial restoration of wetlands of a similar type is required to mitigate the loss of wetland area. Impacts must be mitigated at a ratio of 3:1, unless the project applicant provides evidence that the creation or restoration of a lesser area of wetlands will fully mitigate the adverse impacts. However, in no event can the required mitigation ratio be less than 2:1.

17.30.120 Lagoon Protection

The lagoon areas at the mouths of Bell Canyon and Tecolote Creeks must be preserved and protected. Lagoon breaching or water level modification is not allowed.

~~A. **Required ESHA Buffer.** The required lagoon buffer shall be at least 100 feet in width.~~

17.30.130 Vernal Pool Protection

Vernal pools shall be preserved and protected. New trails must be sited and constructed in a manner that avoids impacts to vernal pool hydrology and that will allow restoration by removing several informal trail segments that bisect sensitive vernal pool habitats.

17.30.140 Protection of Coastal Bluff Scrub, Coastal Sage Scrub, and Chaparral

The following standards apply to any development in an ESHA that would potentially affect coastal bluff scrub, coastal sage scrub, and chaparral:

A. **Wildlife Corridors.** To the maximum extent feasible, development must avoid impacts to habitat that is part of a wildlife movement corridor and the impact would preclude animal movement or isolate ESHAs previously connected by the corridor, such as (1) disrupting associated bird and animal movement patterns and seed dispersal, and/or (2) increasing erosion and sedimentation impacts to nearby creeks or drainages.

B. **Required ESHA Buffer.** Impacts to ESHA discussed within this Section shall be minimized by providing at least a 25 foot buffer restored with native species around the perimeter.

C. **Vegetation Removal.** The removal of non-native, invasive, or exotic species is allowed; however, any revegetation must be with plants or seeds collected within the same watershed whenever feasible.

17.30.150 Protection of Native Oak Woodlands and Savannas.

Native oak woodland and savanna areas must be preserved and protected.

~~A. **Required ESHA Buffer.** Development on a site containing native oak woodland or savanna must provide a buffer of no less than 50 feet to ensure the biological integrity and preservation of the native oak woodland and savanna is required.~~

17.30.160 Protection of Native Grasslands

Native grasslands must be preserved and protected.

A. **Applicability.** This Section applies to areas where native grassland species comprise ten percent or more of the total relative plant cover. Where a high density of separate small patches occurs in an area, the whole area must be delineated as native grasslands.

B. **Native Grassland Protection Standards.**

1. To the maximum extent feasible, development shall avoid impacts to native grasslands that would destroy, isolate, interrupt, or cause a break in continuous habitat that would:

   a. Disrupt associated animal movement patterns and seed dispersal, or

   b. Increase vulnerability to weed invasions.

2. Removal or disturbance to a patch of native grasses less than 0.25 acre that is clearly isolated and is not part of a significant native grassland or an integral component of a larger ecosystem may be allowed. Removal or disturbance to restoration areas shall not be allowed.

C. **Required ESHA Buffer.** Impacts to protected native grasslands must be minimized by providing at least a 10-foot buffer that is restored with native grass species around the perimeter of the delineated native grassland area.

D. **Vegetation Removal.** The removal of non-native, invasive, or exotic species is allowed. Native grassland revegetation must be done with plants or seeds collected within the same watershed whenever feasible.

17.30.170 Protection of Marine and Beach Habitats

A. Any development on the beach or ocean bluff areas adjacent to marine ESHAs must be sited and designed to prevent impacts that could significantly degrade the marine ESHAs. Grading and landform alteration must be limited to minimize impacts from erosion and sedimentation on marine resources.

B. Marine mammal habitats, including haul-out areas, must not be altered or disturbed by development.

C. Near-shore, shallow fish habitats and shore fishing areas must be preserved and, where appropriate and feasible, enhanced.

D. **Beach Activities.** Beaches and shoreline areas shall be limited to coastal-dependent activities that are compatible with preservation of the quality of the resource, including coastal-dependent recreation activities such as swimming, surfing, boating and kayaking, and fishing.

1. ***Motorized Vehicles.*** The use of motorized vehicles on the beach, including off-road vehicles, is prohibited, except for beach maintenance and emergency response vehicles of public agencies.

2. ***Permit Required.*** Any commercial coastal-dependent recreation activities that would limit use of beach and shoreline areas to customers and exclude the general public shall be subject to approval of a Major Conditional Use Permit.

17.30.180 Protection of Monarch Butterfly ESHA

All monarch butterfly ESHAs within the City must be protected against significant disruption of habitat values. Only those uses or development that are dependent upon and compatible with maintaining such sensitive habitat must be allowed within these ESHAs or their required buffers.

A. **Applicability.** Sites that provide the key elements essential for successful monarch butterfly aggregation areas and locations where monarchs have been historically present are both classified as ESHAs. These areas include stands of eucalyptus or other suitable trees that offer shelter from strong winds and storms, provide a microclimate with adequate sunlight, are situated near a source of water or moisture, and provide a source of nectar to nourish the butterflies.

B. **Monarch Butterfly Protection Standards.**

1. No development, except as otherwise allowed by this Section, is allowed within monarch butterfly ESHAs or ESHA buffers including grading and other activities that could alter or negatively impact the surface and subsurface hydrology that sustains the groves of trees.

2. Since the specific locations of aggregation sites may vary from year to year, the focus of protection must be the entire grove or stand of trees rather than individual trees where aggregation and roosting occurs.

3. Removal of vegetation within monarch butterfly ESHAs is prohibited, except for minor pruning of trees, or removal of dead trees and debris that threaten public safety, private property, or other public facilities.

4. Public accessways are considered resource-dependent uses and may be located within a monarch butterfly ESHA or its buffer; however, such accessways must be sited to avoid or minimize negative impacts to aggregation sites.

5. Interpretative signage is permitted within a monarch butterfly ESHA or its buffer, but shall be designed to be visually unobtrusive.

6. Butterfly research, including tree disturbance or other invasive methods, may be allowed subject to the approval of a Zoning Clearance.

C. **Required ESHA Buffer.** A buffer of a sufficient size is required to ensure the biological integrity and preservation of the monarch butterfly ESHA, including aggregation sites and surrounding grove of trees.

1. Buffers shall not be less than 100 feet around existing and historic aggregation and roost sites, as measured from the outer extent of the tree canopy. The required buffer area must include native vegetation and provide physical barriers to human intrusion.

2. The required buffer may be reduced to 50 feet only in circumstances where the trees contribute to the habitat but are not considered likely to function as an aggregation site, such as along narrow windrows.

D. **Construction Standards.** A temporary fence must be installed along the outer boundary of the ESHA buffer prior to and during any grading and construction activities on the site. If an active roost or aggregation is present on the project site, any construction grading, or other development within 200 feet will be prohibited between October 1st through March 1st.

17.30.190 Protection of Other Areas Designated as Sensitive Habitat

A. **Dunes.** Dunes must be protected and, where feasible, enhanced as ESHAs.

1. Vehicle traffic through dunes is prohibited.

2. Where pedestrian access through dunes is allowed, well-defined footpaths or other means of directing use and minimizing adverse impacts must be used.

3. Active nesting areas for sensitive bird species, such as western snowy plovers and least terns, must be protected by fencing, signing, or other means.

B. **Seabird Nest Areas.** In order to protect seabird nesting areas, new pedestrian access is not permitted on the bluff face, except along existing and planned public trails or stairways shown in the General Plan.

C. **Buffer Areas for Raptor Species.** Active and historical raptor nests are to be protected.

1. New development must be designed to provide a 100-foot buffer around active and historical nesting sites for protected species of raptors when feasible.

2. If a biological study determines that an active raptor nest exists on a development site, no vegetation clearing, grading, construction, or other development activity is permitted within a 300 feet of the nest site during the nesting and fledging season to the extent feasible.

D. **Protection of Special-Status Species.** Habitats for individual occurrences of special-status plants and animals, including candidate species for listing under the State and federal Endangered Species Acts, California species of special concern, California Native Plant Society List of Rare Plant Rank 1B plants, and other species protected under the provisions of the California Fish and Wildlife Code must be protected. All development must be located, designed, constructed, and managed to avoid disturbance of adverse impacts to special-status species and their habitats, including spawning, nesting, rearing, roosting, foraging, and other elements of the required habitats.

Chapter 17.31 Floodplain Management

Sections:

17.31.010 Purpose
17.31.020 Applicability
17.31.030 Development Standards

17.31.010 Purpose

The purpose of this Chapter is to regulate the location of new development that could negatively impact the City's floodways and drainageways.

17.31.020 Applicability

This Chapter applies to all areas of special flood hazards within the City's jurisdiction as designated by the Federal Emergency Management Agency (FEMA) and as depicted on the federal Flood Insurance Rate Map (FIRM).

17.31.030 Development Standards

In all areas of special flood hazards the following standards apply in addition to the standards set forth in Goleta Municipal Code, Chapter 15.10:

A. **Prohibited Development.** Development is prohibited within the 100-year floodplain where the development would:

1. Obstruct flood flow;
2. Displace floodwaters onto other property; or
3. Be subject to flood damage.

B. **Hazards Evaluation Report.** A Hazards Evaluation Report may be required in compliance with Section 17.32.030, Hazards Evaluation Report.

C. **Required Setback.** Development must be setback at least 50 feet from the top of streambanks and flood control channels.

D. **Reduced Setback.** If a project applicant deems their project infeasible due to the setback, the applicant must provide a site-specific engineering study, including recommended mitigation measures, which demonstrates a reduced setback does not expose development to unacceptable risk.

1. ***Required Approval.*** Any reduction to the 50-foot setback must be issued through a Discretionary Approval or approval of a Land Use Permit or Coastal Development Permit.
2. ***Required Finding.*** The Review Authority must find that, in consultation with the Santa Barbara County Flood Control District, the proposed lesser setback would be appropriate, in that it would allow access for flood control maintenance and enable proper operation of the channels.

3. ***ESHA Protections.*** Any reduction must also adhere to Section 17.30.070, Environmentally Sensitive Habitat Areas – Streamside Protection Areas, when applicable.

Chapter 17.32 Hazards

Sections:

17.32.010 Purpose
17.32.020 Applicability
17.32.030 Hazards Evaluation Report
17.32.040 Shoreline Development
17.32.050 Geologic Hazards
17.32.060 Fire Safety
17.32.070 Subdivisions

17.32.010 Purpose

This Chapter provides standards for development and land uses in areas with coastal, geologic, and high fire hazards to protect the public health, safety, general welfare, and coastal resources.

17.32.020 Applicability

The provisions of this Chapter apply to all development undertaken and proposed to be undertaken within coastal, geologic, and high fire hazard areas within the City.

17.32.030 Hazards Evaluation Report

A. **Initial Site Assessment.** The Applicant must conduct an initial site assessment screening for all permit applications to determine the potential presence of hazards. Hazards include earthquake hazards zones; areas subject to tsunami run-up, landslides, liquefaction, episodic and long-term shoreline retreat (including beach or bluff erosion), high seas, ocean waves, storms, tidal scour, flooding; slopes averaging greater than 25 percent; unstable slopes; and flood hazard areas, including those areas potentially inundated by future sea level rise. The initial screening must include a review of reports, resource maps, aerial photographs, site inspection, and the City's hazards maps.

1. The City's hazard mapping may be used as a resource for identification of hazard areas; however, absence of mapping cannot alone be considered absence of hazard. Local site conditions must be examined at the time of permit application using the best available science.

B. **Site Specific Hazard Study.** For any development activity with the potential presence of hazards on-site, a site-specific hazard study must be prepared. The hazards study must address all relevant General Plan policies and identify recommended mitigation measures to reduce the risk from hazards. The study may be peer reviewed, at the Director's discretion. All costs of the hazard study and any peer review are borne by the applicant.

17.32.040 Shoreline Development

A. **Applicability.** This Section applies to all development or expansion of existing structures or uses located on or adjacent to a beach or coastal bluff. In the event of any conflict between the provisions of this Section and any other provision of this Title, this Section will govern.

B. **Limitations on Development.** Development must be safe from bluff retreat, waves, and flood hazards without the use of any shoreline protection devices. Piers, groins, breakwaters, drainages, seawalls, revetments, rip-rap, pipelines, and other shoreline structures are not permitted, except when required to serve coastal-dependent uses such as public access and recreational uses, or to protect structures existing as of January 1, 1977, or public beaches in danger of erosion, and only when non-structured alternatives have failed.

C. **Application Requirements.** Permit applications for new development or expansion of existing legal structures and uses proposed to be developed on or adjacent to a beach or coastal bluff must include the following:

1. ***Coastal Hazards Report.*** The site-specific Hazard Study must include an analysis of beach erosion, wave run-up, inundation, and flood hazards under current and expected conditions due to sea level rise during the expected life of the project. The report must consider, describe, and analyze the following:

   a. The cross-shore profile of the beach;

   b. Surveyed location of the mean high tide line acceptable to the State Lands Commission;

   c. Bluff geometry and site topography, extending the surveying work beyond the site as needed to depict unusual geomorphic conditions that could affect the site;

   d. Historic, current, and foreseeable bluff erosion/retreat rate, including investigation of recorded land surveys and tax assessment records, in addition to the use of historic maps and photographs, where available, and possible changes in shore configuration and sand transport;

   e. Geologic conditions, including soil, sediment, and rock types and characteristics, in addition to structural features such as bedding, joints and faults;

   f. Evidence of past or potential landslide conditions, the implications of such condition for the proposed development, and the potential effects of the development on landslide activity;

   g. Existing ground and surface water conditions and variations, including hydrologic changes that could be caused by the development (e.g., introduction of sewage, effluent, and irrigation water to the groundwater system, alterations to surface drainage, etc.);

   h. The availability of public access to and along the beach and potential to impact public access and recreation over the life of the project;

   i. On lots with a legally established shoreline protection, a description of the condition of the existing shoreline protection device, identify any impacts it may be having on public access and recreation, scenic view, sand supplies, and other coastal resources, and evaluate opportunities to modify or replace the existing protection in a manner that would eliminate or reduce these impacts;

   j. The area of the site subject to inundation, flooding, and wave run-up during at least a 100-year wave event, with high tide, elevated water level resulting from

sea level rise, storm surge, and basin-wide events such as El Niño and Pacific Decadal Oscillation;

k. A tsunami hazard assessment, including sea level rise and tsunami wave run-up calculations;

l. A minimum of two future scenarios representing the range of projections of rise in sea levels, including a worst-case scenario based on the best available science;

m. The long-term effects of the proposed development on shoreline sand supply and movement;

n. The potential need for a shoreline protection device over the life of the development;

o. Potential erosion of the site and any mitigation measures to be used to minimize erosion before and after construction (i.e., landscape and drainage design);

p. Foundation design requirements to facilitate elevating or relocating the proposed development;

q. Project alternatives designed to avoid or lessen impacts from and/or exposure to hazards;

r. Adaptation strategies that could be incorporated into the development to reduce the long-term exposure to hazards; and

s. Any other factor that might affect slope or bluff stability.

D. **Bluff Face Development.** No development will be permitted on a bluff face, except for engineered public beach accessways.

E. **Development Seaward of the Top of the Bluff.** New development is prohibited seaward of the top of the bluff except:

1. Wooden stairs and other lightly constructed structures that provide public beach access.

2. Improvements necessary to provide access to the beach for emergency responders.

3. Temporary structures, subject to approval of a Minor Conditional Use Permit, pursuant to Chapter 17.57, Conditional Use Permits, and the following additional findings:

a. The temporary structure will not substantially interfere with lateral or vertical beach access or adversely impact coastal processes.

b. The temporary structure will not remain in place for longer than three years.

4. Removal of existing beach and shoreline structures, such as seawalls, roadways, and riprap, and removal of remnants of shoreline oil and gas facilities where the removal area is restored to a natural condition.

F. **Structures on the Beach.** No permanent structure will be permitted on a dry, sandy beach except facilities necessary for public health and safety.

G. **Site Planning and Setback Standards.** New development must be sited to ensure that it is safe from hazards associated with coastal erosion and without the need for shoreline protection

devices for the life span of the project, or 100 years for Public Works projects in the City's Capital Improvement Program.

1. ***Bluff-top Setbacks.*** Where a lot line is adjacent to a bluff the following setback standards apply:

    a. *Principal Structures.* Any principal structure must be set back from any bluff-top at least 130 feet.

        i. A lesser setback may be considered by the Review Authority with the approval of a Major Conditional Use Permit.

            (1) A site-specific geological or geotechnical engineering study demonstrates that the average annual bluff retreat rate at the site is less than one foot per year and that the proposed setback meets the 100-year bluff-retreat rate is required.

            (2) A 30-foot safety buffer must be added to the reduced bluff retreat rate setback.

    b. *Accessory Structures.* An accessory structure may encroach into the 130-foot setback but must be set back from any bluff-top 30 feet and must be easily moveable and replaceable.

        i. Passive recreational structures, such as signs and benches, may be sited within the bluff-top setback.

    c. *Landscaping.* Drought-tolerant landscaping must be installed and maintained in the required bluff-top setback. Grading, as may be required for drainage or to install landscaping and minor improvements (e.g., patios, fences, etc.) that do not impact public views or bluff stability, may be permitted.

2. ***Non-bluff Coastline Setbacks.*** For all structures proposed within 500 feet of the mean high tide line in areas that lack coastal bluffs, a site-specific shoreline erosion rate and shoreline hazards study is required, consistent with the following:

    a. Existing shoreline protection may not be factored into the analysis unless otherwise directed by the Director.

    b. The study must demonstrate that the proposed structure would not be expected to be subject to shoreline erosion or other hazards for the life of the structure or for 50 years, whichever is greater.

3. ***Access and Recreational Area Setbacks.*** Additional setbacks may be required to accommodate public access and recreational areas in compliance with Chapter 17.25, Coastal Access.

H. **Shoreline Protection Devices.** Shoreline protection devices to protect development constructed after January 1, 1977 are prohibited. The following applies to shoreline protection devices to protect development constructed before January 1, 1977.

1. ***Application Requirements.*** Any application for installation or repair and maintenance of shoreline protection devices must include an engineering or geological study that includes evidence and discussion for each of the following:

a. The shoreline protection device is necessary to serve coastal-dependent uses such as public access and recreational uses, or to protect principal structures existing as of January 1, 1977 or public beaches in danger of erosion.

   i. For existing shoreline protective devices that are being reconstructed and/or replaced, the application must include a re-assessment of the need for the device, the need for any repair or maintenance of the device. The application must, at a minimum, include an evaluation of the age and condition of the existing principal structure being protected; changed geologic site conditions including but not limited to changes relative to sea level rise; and impacts to coastal resources, including but not limited to public access and recreation.

b. Provide feasible alternatives to coastal shoreline protection devices as well as siting or design alternatives that would minimize impacts on coastal resources.

   i. The alternatives analysis must include, but not be limited to, the relocation of the threatened structure or development as well as the removal of portions of the threatened structure or development.

   ii. The alternatives analysis must identify the least environmentally damaging alternative and demonstrate the proposed shoreline protection device has been designed to eliminate or minimize adverse impacts on local shoreline sand supply, protected coastal resources, lateral access, and public recreation on the beach.

2. ***Required Findings.*** A shoreline protection device, including repairs, may be allowed by approval of a Major Conditional Use Permit and Coastal Development Permit approval, only when the Review Authority makes each the following findings:

   a. The shoreline protection device is required to serve coastal-dependent uses such as public access and recreational uses, or to protect principal structures existing as of January 1, 1977 or public beaches in danger of erosion.

   b. The proposed shoreline protection device has been designed to eliminate or minimize adverse impacts on local shoreline sand supply and protected coastal resources.

   c. No other non-structural alternative, such as sand replenishment, beach nourishment, or managed retreat is feasible, and the device is the least environmentally damaging feasible alternative.

   d. The size and scope of the shoreline protection device is the minimum necessary and least environmentally damaging, feasible alternative.

   e. There will be no reduction in public access, use, or enjoyment of the natural shoreline environment, and construction of a shoreline protective device will preserve or provide access to related public recreational lands or facilities.

   f. The shoreline protection device is designed to respect natural land forms and minimize visual impact through the use of visually compatible colors and materials.

I. **Monitoring.** The shoreline protection device must be regularly monitored by an engineer or engineering geologist familiar and experienced with coastal structures and processes. Monitoring reports to the City and the Coastal Commission are required every five years from the issuance date of the effectuating Coastal Development Permit. The report will evaluate the effectiveness and impacts of the shoreline protection device.

J. **Maintenance.** Maintenance and repairs must not enlarge the size of the shoreline protection device and will not encroach seaward of the existing device.

1. Any maintenance or repair requires an engineering or geological study demonstrating that in the absence of maintenance or repair, the structure protected by the device would be further exposed coastal hazards.

17.32.050 Geologic Hazards

The following standards apply to all development within areas with geologic hazards, including but not limited to, high and moderate landslide potential, medium-to-high liquefaction and seismic settlement potential, soil-related hazard areas, and areas with 25 percent slope or more.

A. **Geological, Geotechnical, Soil, and Engineering Studies.** Site-specific geotechnical, geologic, soil, and/or structural engineering studies must be prepared for new development in areas with known geologic hazards. Studies must assess the type and degree of hazards on the site and recommend any appropriate site design modifications or considerations that would adequately address and minimize any potentially significant and/or negative impacts relating to the identified hazards.

B. **Setback from Active Fault.** New development may not be located closer than 50 feet to any active or potentially active fault line to reduce potential damage from surface rupture. Nonstructural development may be allowed in such areas, depending on how such nonstructural development would withstand or respond to fault rupture or other seismic damage.

1. ***Potentially Active Faults.*** Potentially active faults shall be subject to the same requirements as active faults unless and until a geologic or geotechnical study has adequately demonstrated that the fault is not active.

C. **Site Disturbance.** All construction proposed for areas with 25 percent slope or more, or subject to soil-related and slope-related hazards, must minimize the area of vegetation removal, disturbance, and grading.

17.32.060 Fire Safety

A. **Fire Protection Measures for New Structures.** New structures must be sited, designed, and constructed in accordance with National Fire Protection Association standards to minimize fire hazards. Special attention must also be given to fuel management and improved access in areas with higher fire risk, with access or water supply deficiencies, or beyond a 5-minute fire response time.

B. **Fire Fuel Modification Plans.** Applications for projects that require fire fuel modification must include a Fire Fuel Modification Plan. This plan must be prepared by a landscape architect or resource specialist and include measures to minimize removal of native vegetation, protect ESHAs, and incorporate fire-resistant and/or fire-retardant vegetation in new plantings.

C. **Rebuilding in High Fire Hazard Areas.** Any rebuilding of structures locate within high fire hazard areas must incorporate development standards and precautions that reduce the risk of loss of life and of the structure from a future fire.

D. **Automatic Fire Sprinklers.** The installation of automatic fire sprinklers are required in the following instances:

1. All new structures that have a total floor area of 5,000 square feet

2. Any existing structure proposed for remodeling or an addition, which, upon completion of the remodel or addition, will have a total floor area of 5,000 square feet or more.

3. The 5,000-square-foot threshold cited in subsections D(1) and D(2), above, shall be reduced to 1,000 square feet for any structure zoned or used for commercial or industrial purposes if such structures is within 100 feet of any "R" District.

17.32.070 Subdivisions

Land divisions, including lot line adjustments, are prohibited in areas subject to hazards unless it is demonstrated by the subdivider that all resulting lots will have sufficient developable land area that is situated outside the hazardous portions of the property.

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Chapter 17.33 Historic Resource Preservation

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Chapter 17.34 Landscaping

Sections:

17.34.010 Purpose
17.34.020 Applicability
17.34.030 Required Landscaping Areas
17.34.040 General Requirements
17.34.050 Materials
17.34.060 Landscape Plans

17.34.010 Purpose

The purpose of this Chapter is to:

A. Improve the appearance of the community by requiring aesthetically pleasing landscaping on public and private sites, which is permanently maintained for the life of the project;

B. Aid in energy conservation by providing shade in summer, and allowing sunlight passage in winter;

C. Soften the appearance of parking lots and other development;

D. Promote conservation of water resources through the use of native, drought-tolerant plants and water-conserving irrigation practices; and

E. Minimize or eliminate conflicts between potentially incompatible, but otherwise permitted, land uses on adjoining lots through visual screening and promote the general welfare and prosperity in the City.

17.34.020 Applicability

The regulations of this Chapter apply to:

A. **New Structures.** All new structures, except active agricultural buildings located further than 100 feet from public rights-of-way;

B. **Additions.** Additions that require Design Review Board approval;

C. **Changes in Use.** A change in use or building occupancy designation that results in increased parking requirements where sufficient parking to meet the increase does not exist on the site; and

D. **Rehabilitation.** Rehabilitated landscape projects with an aggregate landscape area equal to or greater than 2,500 square feet requiring a building permit.

17.34.030 Required Landscaping Areas

The following areas must be adequately screened and landscaped to meet the purpose of this Chapter.

A. **Parking Areas.** Parking areas, as required pursuant to Chapter 17.38, Parking and Loading.

B. **Unused Areas.** All visible, undeveloped areas of a project site not intended for a specific use, including areas planned for future phases of a phased development, must be landscaped or left in an undisturbed state provided there is adequate vegetation to prevent erosion and the area is adequately maintained for weed control and fuel maintenance.

17.34.040 General Requirements

A. **Landscaped Areas.** Required landscaped areas must be maintained free from encroachment by any use, structure, vehicle, or feature not a part of the landscaping design, except for any fire hydrants and related fire protection devices, mailbox clusters, pedestals, poles, cabinets, utility-housing boxes, or other permanent fixtures as approved for emergency or service access, or as otherwise allowed by this Chapter.

B. **Vision Clearance.** Landscaping must be planted and maintained so that it does not interfere with public safety or traffic safety sight areas; see Section 17.24.210, Regulations Applying to Multiple Districts – Vision Clearance.

C. **Public Safety.** Landscaping must not encroach into the public road right-of-way, unless obtaining the required approvals from the City, nor be allowed to grow into public accessways, such as sidewalk or trails, so as to create an impediment, hazard, risk of injury, or public nuisance.

17.34.050 Materials

A. **Public Landscaping.** Landscaping within City rights-of-way or on other City-owned facilities must comply with the City's Urban Forest Management Plan.

B. **Private Landscaping.** Landscaping may consist of a combination of turf, groundcovers, shrubs, vines, trees, and incidental hardscaping, such as stepping stones, benches, sculptures, decorative stones, and other ornamental features placed within a landscaped setting.

1. Plant materials must be selected from among native or non-invasive drought-tolerant species and varieties known to thrive in the region's climate.

2. Recirculating water must be used for decorative water features.

17.34.060 Landscape Plans

A Landscape Plan must be submitted with the permit application whenever new or rehabilitated landscaping is required, pursuant Section 17.34.020, Landscaping – Applicability, and must contain all required elements of the State and City's Water Efficient Landscape Ordinances (WELO).

Chapter 17.35 Lighting

Sections:

17.35.010 Purpose
17.35.020 Applicability
17.35.030 Prohibitions
17.35.040 General Requirements
17.35.050 Supplemental Requirements
17.35.060 Lighting Plans

17.35.010 Purpose

The purpose of this Chapter is to provide development standards to control outdoor lighting in order to maintain adequate visibility and safety, conserve energy, and also protect against direct glare, excessive lighting, and light trespass. In addition, this Chapter aims to preserve the community's character and enhance the ability to view the nighttime sky.

17.35.020 Applicability

The standards of this Chapter apply to all new development and to all exterior alterations and additions that involve replacement of exterior light fixtures or systems, except as provided below.

A. **Exemptions.** The following types of lighting are exempt from the provisions of this Chapter.

1. ***Interior Lighting.*** All forms of interior lighting and light fixtures, unless directed toward or illuminating the exterior of the structure, creating a lantern effect or nighttime glow that impacts neighboring homes or public viewing areas.

2. ***Emergency Lighting.*** Temporary emergency lighting needed by police, fire, or other emergency service providers.

3. ***City Facilities.*** Lighting required pursuant to ordinance or law that are owned or operated by the City.

4. ***Federal and State Facilities or Requirements.*** Lighting required pursuant to state or federal law or for facilities and lands owned or operated as protected by the U.S. Federal Government or the State of California.

5. ***Seasonal Lights.*** Temporary lighting installed and operated for the time period commencing 30 days prior to the festivity or holiday and extending no later than 30 days afterwards, provided that no individual light fixture or lamp exceeds ten watts and 70 lumens.

6. ***Temporary Exemptions.*** Any individual may submit a written request to the Director for a temporary exemption from one or more requirements of this Chapter. If approved, such exemption will be valid for up to 30 days, renewable at the discretion of the Director. Lighting associated with an approved Temporary Use Permit is considered an approved temporary exemption from the requirements of this Chapter. The request for a temporary exemption must describe:

a. The reason and type of each specific exemption being requested;

b. Type and use of exterior lighting involved;

c. Duration of time for requested exemption;

d. Type of lamp and calculated lumens;

e. Total wattage of lamp or lamps;

f. Proposed locations of exterior lighting;

g. Previous temporary exemptions at the site, if any; and

h. Physical size of exterior lighting and type(s) of shielding provided.

17.35.030 Prohibitions

The following types of exterior lighting are prohibited in all Zone Districts.

A. **Searchlights.** The operation of searchlights for advertising or attention-getting purposes.

B. **Nighttime Recreational Facility Lighting.** No outdoor recreational facility, public or private, may be illuminated after 11:00 p.m. unless a temporary use permit for a special event has been approved.

C. **Uplighting.** Exterior lights directed upward to light up or otherwise illuminate structures, signage, or landscaping unless fully shielded to prevent any light trespass and approved by the Design Review Board.

D. **Mercury Vapor.** Mercury vapor, fluorescent lights.

E. **Other Types of Light.** Laser lights or any other lighting that flashes, blinks, alternates, or moves, and any form of lighting that does not comply with the requirements of this Chapter. This prohibition does not apply to lights that are exempt, pursuant to this Chapter, nor to digital displays, regulated in Chapter 17.40, Signs.

17.35.040 General Requirements

Outdoor lighting must be designed to be an integral part of the built environment, reflecting a balance for the lighting needs with the contextual ambient light level and surrounding nighttime characteristics of the community. Lighting for commercial installations adjacent to or near residential uses must be compatible with and not directly or purposely illuminate or unintentionally spill into nearby residential uses.

A. **Design of Fixtures.** Fixtures must be appropriate to the style and scale of the architecture it is illuminating.

B. **Timing Controls.**

1. Outdoor lighting must be turned off during daylight hours and during any hours when the structure is not in use. Photocells or photocontrols must be used to automatically extinguish all outdoor lighting when sufficient daylight is available.

2. Outdoor lighting that is not otherwise exempt from this Chapter may utilize automated control systems such as motion sensors in non-residential development. However, when

an automated control system is utilized, the timer switches must be programmed to keep any lights on for no more than ten minutes after activation.

C. **Light Trespass.** To prevent light trespass or glare onto adjacent properties or protected ESHA, all lights must be directed downward, fully shielded, and full cutoff. The light level at property lines must not exceed 0.1 foot-candles and must be directed away from ESHAs.

17.35.050 Supplemental Requirements

A. **Height of Wall Mounted Fixtures.** In pedestrian-oriented areas, no portion of a wall-mounted fixtures may be more than 12 feet in height above finished grade at the base of the wall, unless a greater height is approved by the Review Authority specifically for accentuating historic architectural features of a building, accentuating signage and/or landscape features, or for security.

B. **Pedestrian Area Lighting.** Lighting of pedestrian areas shall be of minimum height and intensity to provide adequate illumination and safety and must not create glare or over-spill onto adjacent lots.

C. **Parking Lot Lighting.** Parking lot lighting must be designed to provide the minimum lighting necessary to ensure adequate vision, comfort and safety in parking areas and to not cause glare or direct illumination onto adjacent properties or streets.

1. Parking lot and pole-mounted security lighting must not exceed maximum mounting height of 14 feet to the top of the fixture including any base within 100 feet of an "R" Zone District. In all other areas, parking and security lighting must not exceed a maximum height of 20 feet. The Review Authority may allow light fixtures to exceed 20 feet in height in large parking lots that may require higher and fewer poles for aesthetic reasons, and to better accomplish lighting uniformity.

D. **Exterior Display/Sales Areas.** Lighting levels on exterior display/sales areas must be adequate to facilitate the activities taking place in such locations and may not be used to attract attention to the business.

1. Areas designated as exterior display/sales areas must be illuminated so that the average horizontal illuminance is no more than 5.0 foot-candles.

2. Fixtures must be mounted no more than 20 feet above finished grade and the concrete pedestals used to protect the light pole must not exceed 24 inches in height and must be included in the overall height calculation.

E. **Service and Gas Stations.** Lighting levels on gasoline station/convenience store aprons and under canopies must be adequate to facilitate the activities taking place in such locations.

1. Fixtures must be mounted no more than 20 feet in height above finished grade.

2. Light fixtures mounted on the bottom surface of canopies must be recessed so that the lens cover is recessed or flush with the bottom surface of the canopy and/or shielded by the fixture or the edge of the canopy.

3. All other light sources must comply with all General Requirements of Section 17.35.040 above.

F. **Signs.** Lighting of signs must comply with all applicable standards for signage specified in Chapter 17.40, Signs.

17.35.060 Lighting Plans

An outdoor lighting plan must be submitted with the permit application whenever exterior lighting is proposed or required as a part of any development not otherwise specifically listed as exempt from the requirement of this Chapter, pursuant to Section 17.35.020, Lighting – Applicability.

A. **General Requirements.** A required Lighting Plan must be depicted on a separate plan sheet and at a minimum must contain the following information:

1. The location of each existing and proposed outdoor light fixture within the development area. This information must be shown on the landscape plan to demonstrate coordination of fixtures and tree plantings. The location of light fixtures and landscaping on adjacent properties and on the street right of way that effect lighting/landscaping on the project is also necessary;
2. Lighting manufacturer-supplied specifications ("cut sheets") that include photographs and manufacturer model number(s) of the fixtures, indicating the certified "cut off characteristics" of each fixture proposed;
3. Lamp source type (e.g., bulb type, lumen output, wattage, etc.);
4. Mounting height for each luminaire and depiction of the direction each fixture is aimed;
5. Total lumens and light temperature for each fixture, and total square footage of areas to be illuminated; and
6. Types of timing devices used to control the hours set for illumination, as well as the proposed hours when each fixture will be operated.

B. **Additional Requirements.** A project that is subject to an approved lighting plan shall be subject to the following additional requirements:

1. No changes to approved outdoor light fixtures may occur without prior review and approval by the City.
2. No additional exterior lighting may be added to the site without review and approval by the City.
3. ***Non-Single Unit Dwellings.*** For all development except Single Unit Dwellings, the applicant must provide photometric diagrams and data, color rendering index of all lamps, and computer generated photometric grid showing foot-candle readings every ten feet within the property or site and ten feet beyond the property lines. The grid should also indicate maximum and minimum uniformity for each specific use area.

Chapter 17.36 Nonconforming Uses and Structures

Sections:

17.36.010 Purpose and Intent
17.36.020 Establishment of Nonconformity
17.36.030 Nonconforming Uses
17.36.040 Termination of Nonconforming Uses
17.36.050 Nonconforming Structures
17.36.060 Involuntary Nonconformities

17.36.010 Purpose and Intent

The purpose of this Chapter is to establish provisions for the regulation of nonconforming uses, structures, lot, or other development that was lawfully permitted before the adoption of or an amendment to this Title or previously adopted City ordinance, but which would be prohibited, regulated, or restricted differently under this Title. This Chapter also establishes affirmative termination provisions for nonconforming uses to protect the community by bringing nonconforming properties into compliance with existing land use and environmental standards, while balancing property owners' legal rights to protect legitimate investment-backed expectations.

The intent of this Chapter is to allow for the short-term continuation of nonconformities until they are removed, but not encourage their perpetuation. The development standards in this Chapter are administered in a manner that encourages the eventual abatement and discontinuance of all nonconformities throughout the City. As such, previous development that may have been exempt pursuant to a previous ordinance shall be subject to the provisions of this Title for such use and shall neither be considered nonconforming nor afforded the allowances within this Chapter.

17.36.020 Establishment of Nonconformity

A. **Nonconforming Uses, Structures, and Lots.** Any lawfully established use, structure, or lot that is in existence on the effective date of this Title or any subsequent amendment, but which does not comply with all of the standards and requirements of this Title, is considered nonconforming. Nonconforming status may result from any inconsistency with the requirements of this Title, including, without limitation, location, density, height, setbacks, open space, buffering, screening, landscaping, provision of parking, and performance standards, or the lack of an approved Zoning Permit, Development Plan, Conditional Use Permit, or other required authorization.

B. **Continuation of Nonconformities.** Nonconformities may only be continued subject to the requirements of this Chapter.

C. **Unpermitted Nonconformities.** Any nonconforming use, structure, or lot not deemed to be legally permitted or created, shall be determined illegal and must be abandoned ~~or permitted by the City within 90 days of notice from the Director~~and/or otherwise remedied pursuant to Chapter 17.69, Enforcement.

D. **Previously-Approved Development Plans.** Any project legally permitted through the approval of a Development Plan and in existence prior to the adoption of this Title shall not be considered

nonconforming pursuant to this Title. In the event of damage or destruction, such projects shall be allowed to be restored or reconstructed as originally permitted with the approval of a Zoning Clearance as to conformance with the previously-approved Development Plan. This subsection does not apply to any uses, or structures associated with said uses, that are inconsistent with the underlying base Zoning District.

17.36.030 Nonconforming Uses

A. **Changes of Use.** A nonconforming use may be changed to a different use based on the new use as follows:

1. ***New Use Permitted By-Right.*** Any nonconforming use may be changed to a use that is allowed "by-right" in the zoning district in which it is located and complies with all applicable standards for such by-right use;

2. ***New Use Requires a Use Permit.*** No nonconforming use may be changed to a different use without approval of a Use Permit, unless the new use is permitted by-right. This requirement does not apply to a change of ownership, tenancy, or management where the new use is in the same classification as the previous use, as defined in this Title, and the use is not expanded; and

3. ***New Nonconforming Use Not Permitted.*** Nonconforming uses may not be changed to a different nonconforming use.

B. **Absence of Use Permit.** Any use that is nonconforming solely by reason of the absence of a use permit may be changed to a conforming use by obtaining the appropriate permit.

C. **Expansion of Nonconforming Uses.** No nonconforming use may be expanded subject to the following requirements:

1. ***Within a Conforming Structure.*** A nonconforming use in a structure that conforms to the applicable requirements of this Title and to the Building Code, as adopted by the City, may expand the floor area that it occupies;

2. ***Within a Structure That Does Not Conform to the Building Code.*** Any nonconforming use in a structure that does not conform to the Building Code, as adopted by the City, may not expand the area it occupies until and unless the structure is brought into conformance with all applicable Building Code requirements;

3. ***Within a Structure That Does Not Conform to this Title.*** A nonconforming use in a structure that does not conform to the requirements of this Title but does conform to the requirements of the Building Code may expand the floor area it occupies; and

4. ***Expansions to Other Structures or Lots.*** A nonconforming use may not be expanded to occupy all or any part of another structure or another lot that it did not occupy on the effective date of this Title.

D. **Discontinuance of Use.** If a nonconforming use is discontinued, any future use shall comply with the provisions of the district in which the use is located. Proof of discontinuation of a nonconforming use for 12 consecutive months shall be prima facie evidence that the nonconforming use has been discontinued.

17.36.040 Termination of Nonconforming Uses

A. **Termination of Previously Permitted Nonconforming Uses.**

1. The City Council may consider whether or not to order the termination of any previously permitted use that is nonconforming pursuant to this Title. The time period within which such use must be terminated as provided herein only after a duly noticed public hearing pursuant to Chapter 17.52, Common Procedures.

2. The property owner of record and any tenant, individual or business operator known to be occupying the property shall be notified in writing no less than ten days in advance of the hearing that the City Council will be considering whether or not to order the termination of the nonconforming use. The notice shall state the specific date, time, and location of the hearing.

3. If the City Council orders termination of the nonconforming use, the Order of Termination shall include the effective date of the termination and shall be served on the owner of record and any tenant and/or business operator or any other person or business entity known to be occupying the premises via personal service or delivery through the United States Postal Service or any other service designated for overnight delivery. If the City Council determines that there is no known address for an owner of record and any tenant and/or business operator, the Council may direct service of the Order of Termination to be accomplished by posting the Order on the property and publishing the Notice of the Order of Termination in a newspaper of general circulation. Service of the Termination Order shall be deemed complete at such time as it is served in the manner provided herein.

B. **Termination Period.** The following time periods shall apply to the termination of a nonconforming use:

1. Except as otherwise provided herein, a nonconforming use that does not occupy a structure shall cease within one year from the date of a City Council Order of Termination.

2. Except as otherwise provided herein, all other nonconforming uses shall cease within five years from the date of a City Council Order of Termination.

3. The City Council may, within its discretion, order termination of a nonconforming use within any other time period that is less than five years where it determines that it would be appropriate in consideration of one or more of the following factors:

   a. The total cost of land and improvements;

   b. The length of time the use has existed;

   c. The length of time the use has existed as a nonconforming use;

   d. The intended use and scope of use of the property before it became nonconforming;

   e. Whether the originally intended use and scope of use of the property before it became nonconforming was expanded after it became a nonconforming use or is proposed to be expanded;

f. Whether and to what extent the original investment in the improvements on the property was recouped;

g. The extent to which the use on the property is incompatible with surrounding uses and properties within the zone, the General Plan and any applicable land use elements;

h. The potential threat to public health, safety, or general welfare by the continuation of the nonconforming use;

i. The cost of moving and reestablishing the use elsewhere; and

j. Any other relevant factors.

C. **Application for Modification of Order of Termination.**

1. Within one year of the issuance of the City Council's Order of Termination, as provided herein, the property owner of record or any lessee of the property, acting with the written consent of the current owner may apply for a modification of the Termination Order to extend the date by which all nonconforming uses shall cease up to an additional 15 years.

2. An Application for Modification shall be submitted on a form to be supplied by the City and shall be signed by the property owner, shall state the reasons why the use should be allowed to continue, and shall state how the continued use will not be incompatible with or detrimental to the uses in the surrounding area adjacent to the property; and shall state how the continued use will be consistent or can be modified to become consistent with the General Plan for the surrounding zoning area.

D. **Planning Commission Hearing on the Application for Modification.** The Planning Commission shall conduct a duly noticed public hearing within a reasonable time not to exceed 90 days after the application for modification of a Termination Order is deemed complete and accepted by the City, and may approve, conditionally approve, or deny such request for modification. The Planning Commission may also impose such conditions as they may deem necessary to protect the public health, safety and general welfare, to provide greater compatibility with the surrounding property and to secure the objectives of the General Plan. In no event may any modification of a Termination Order be approved for a period of more than 15 additional years beyond the date the City Council ordered the elimination of the nonconforming use.

E. **Planning Commission Determination.**

1. Before making a determination whether or not to grant an application for modification of the Termination Period, as defined herein, the Planning Commission may direct that an amortization analysis be prepared, at the applicant's cost, to assist them in evaluating the application. The amortization analysis shall be conducted by a reputable firm, selected by and retained under contract to the City. Said firm should have the appropriate knowledge and expertise in conducting amortization analyses, including but not limited to experience in analyzing operations, relevant accounting and financial reporting standards, compliance demands and valuation of facilities for the use or uses being conducted on the property.

2. Applicant shall make a deposit with the City of the estimated cost of the amortization analysis, staff time and hearing costs relating to the application and shall thereafter promptly pay any additional costs over the initial estimate. Failure to make the required

deposit within seven days of being advised by the City of the estimated costs for the application for modification, including the amortization analysis shall be deemed a withdrawal of the Application for Modification of the Termination Period and no further action will be taken by the City on such application. The time period to make the deposit may be extended by the City Manager for an additional seven days.

3. The Planning Commission may continue the hearing on the application for modification as necessary to complete such amortization analysis.

4. The Planning Commission must consider all documentary and oral evidence and testimony submitted for or at the hearing, and in making its decision to modify the Termination Order shall consider the following, where applicable:

   a. The total cost of land and improvements when the property was first constructed and/or began operating, including any expansions or modifications during the period when the use was a lawful (conforming) use;

   b. The total length of time the use has existed since it was first constructed and/or became operational;

   c. The length of time the use has been nonconforming;

   d. The intended scope of the business operating on the property at the time the use became nonconforming (e.g., business permits, licenses, applications, etc.);

   e. Whether the intended scope of the business operating on the property before it became nonconforming has been or is proposed to be expanded or intensified since the property became nonconforming;

   f. Whether and to what extent the investment in the improvements on the property before it became a nonconforming use was recouped;

   g. The extent to which the use on the property is incompatible with surrounding uses and properties within the zone, the General Plan and any applicable land use elements;

   h. The possible threat to public health, safety, or general welfare by the continuation of the nonconforming use beyond the five-year elimination period;

   i. The cost of moving and re-establishing the use elsewhere; and

   j. Any other relevant factors.

F. **Appeal.** The Planning Commission determination may be appealed to the City Council pursuant to Section 17.52.120, Common Procedures – Appeals.

17.36.050 Nonconforming Structures

A. **Right to Continue.** Any nonconforming structure may only be continued and maintained provided there is no alteration, enlargement, or addition; no increase in occupant load; nor any enlargement of the area, space, or volume occupied by or devoted to any use therein, except as provided in this Section. The right to continue to use a nonconforming structure attaches to the land and is not affected by a change in ownership. No substitution, expansion, or other change in use and no alteration or other change in structures is permitted, except as provided in this Section.

B. **Right to Repair or Restore.** Nonconforming structures may be repaired, maintained, or restored in compliance with the requirements of this Section, unless deemed to be a public nuisance because of health or safety conditions.

C. **Enlargements or Alterations.** Nonconforming structures may be enlarged, extended, structurally altered, or repaired in compliance with all applicable laws, subject to the following provisions:

1. Alterations and enlargements that comply with the following, subject to approval of the Director.

   a. Alterations or enlargements necessary to meet City or State requirements;

   b. Alterations or enlargements consistent with the current requirements of the zoning district in which the structure is located or otherwise allowed in that zoning district; and

   c. Energy-efficient upgrades, including replacement of lamps within light fixtures.

2. Alterations and enlargements that comply with the following are subject to approval of a Major Conditional Use Permit.

   a. Alterations or enlargements that extend into a nonconforming setback, where the alteration or enlargement would not:

      i. Further reduce any existing nonconforming setback;

      ii. Exceed applicable building height limits;

      iii. Further increase any existing nonconforming lot coverage; nor

      iv. Increase the required number of off-street parking spaces unless parking is provided under current standards for the additional floor area.

D. **Restoration of a Damaged Structure.**

1. ***Up to 75 Percent Damaged.*** A nonconforming building or structure that is damaged or partially destroyed by fire, flood, earthquake, or other natural disaster may be restored or rebuilt if the cost of repair or reconstruction does not exceed 75 percent of the replacement cost of the nonconforming structure as determined by the Building Official. Replacement of the damaged portions of the building is allowed by-right provided that the replaced portions are the same size, extent, and configuration as previously existed, and repair work commences within 24 months of the date of damage.

2. ***More Than 75% Damaged.*** If the cost of repair or reconstruction of a nonconforming building or structure exceeds 75 percent of the replacement cost of the nonconforming structure as determined by the Building Official, the land and building will be subject to all of the requirements and applicable standards of this Title in effect at the time of the loss.

E. Where nonconforming structures dedicated to residential uses, except in the IS and IG Zone Districts, are damaged or destroyed by fire, flood, earthquake, other catastrophic event, or the public enemy, such structures may be reconstructed to the same or lesser size, in the same general footprint location, and to its pre-damaged size and number of dwelling units provided that reconstruction shall commence within 24 months of the time of damage and be diligently carried out to completion.

17.36.060 Involuntary Nonconformities

A. **Involuntary Nonconformance of a Lot, Structure, or Use.** Notwithstanding any other provision of this Chapter, no lot, structure, or use will be considered nonconforming as a result of a conveyance of any interest in the subject lot to a public entity through eminent domain proceedings, under threat of eminent domain proceedings, or to meet a requirement of any public entity having jurisdiction.

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Chapter 17.37 Oil and Gas Facilities

Sections:

17.37.010 Purpose
17.37.020 Applicability
17.37.030 Oil and Gas Pipelines
17.37.040 Abandonment and Removal procedures for Oil and Gas Facilities
17.37.050 Other Types of Resource Extraction

17.37.010 Purpose

This Chapter outlines regulations for those onshore and offshore oil and gas facilities that are identified in the General Plan; identifies the types of permits and approvals required for operation, abandonment, and decommissioning of those facilities; provides regulations for the operation of oil and gas facilities; and describes the requirements for modifications or alterations of existing oil and gas facilities, consistent with the General Plan and with the provisions described in Chapter 17.36, Nonconforming Uses and Structures.

17.37.020 Applicability

Where the City retains permit authority, the regulations of this Chapter apply to oil and gas production from onshore and offshore facilities. Unless otherwise allowed pursuant to this Chapter, all new oil and gas facilities are prohibited in the City. These regulations must also be applied in accordance with the provisions of Chapter 8.09 of the Goleta Municipal Code regarding any change in owner, operator, or guarantor for certain oil and gas facilities.

17.37.030 Oil and Gas Pipelines

This Section describes oil and gas pipelines that are subject to regulation and provides standards for their location and continued operation.

A. **Applicability.** The regulations in this Section apply to:

1. Pipelines that extend outside an oil and gas facility;
2. Pipelines transporting oil and gas or related content from or to an off-shore facility; and
3. Facilities related to the pipeline, including in-line pump stations, oil storage, and gas containment.

B. **Major Conditional Use Permit Required.** Where allowed pursuant to this Title, approval of a Major Conditional Use Permit is required.

C. **Development Standards.** In addition to the applicable standards outlined in Section 17.10.030, Industrial Districts – Development Regulations, the following development standards apply to oil and gas pipelines:

1. ***Location of Pipeline Corridor.***

a. *New Pipelines.* No new oil and gas pipelines and storage facilities, except for transmission and distribution facilities of a Public Utilities Commission (PUC)-regulated utility, may be approved within the City, unless there is no feasible or less environmentally damaging alternative location for a proposed pipeline.

b. *Existing Pipelines.* Alterations or replacement of existing pipelines or segments of pipelines will be limited to the minimum necessary to ensure safety or prevent environmental damage. Applicants must consult with the federal Office of Pipeline Safety and/or the PUC as appropriate.

2. ***Oil Storage Capacity.*** Oil storage capacity must be limited to the amount necessary to conduct operations, and no long-term storage is allowed without explicit approval of a Major Conditional Use Permit.

3. ***Exterior Color.*** Permanent and temporary structures and equipment must be painted a neutral color to blend with natural surroundings.

4. ***Required Setback.*** All pipelines must have a minimum setback of at least 25 feet from any building or structure, as measured from each side of the pipeline. The following are exempt from this requirement:

   a. Corridor-type locations, such as pipelines within roads and highways, other pipelines, bicycle and pedestrian paths, utilities, and appurtenances of corridors located into public rights-of-way;

   b. Pipeline endpoints and interconnecting pipelines;

   c. Replacement with a functionally equivalent pipeline;

   d. Instances where this requirement is pre-empted by State or federal law; and

   e. Instances where the City finds the 25-foot setback poses an undue hardship to proposed development, provided that any reduced setback is not less than 15 feet, measured from each side of the pipeline.

5. ***Survey Required.*** Except for pipelines exempted from a Coastal Development Permit under the California Coastal Act, specifically, Public Resources Code, Sections 30610(c) and (e), as defined by the State Coastal Commission's Interpretive Guidelines, a survey must be conducted along the route of any pipeline to determine what, if any, coastal resources may be impacted by the construction and operation of a pipeline. The applicant must pay the costs of this survey. The survey may be conducted as part of environmental review as required for a particular project under CEQA.

6. ***Undergrounding Pipelines.*** Permits for new pipeline construction must require burial within an easement corridor at an appropriate depth to avoid exposure due to erosion or other forms of earth movement for the life of the project.

7. ***Pipeline Marking and Warning.*** New pipelines or relocation of existing pipelines must include measures to clearly warn the general public and other interested parties about the presence of the pipeline, including proper marking of the road right-of-way with signage and use of brightly colored flagging and/or warning tape approximately one-foot above buried pipelines, where feasible.

8. ***Contingency Plans.*** In compliance with all applicable federal and State requirements, an Emergency Response Plan, Fire Protection Plan, Hazardous Materials and Waste Management Plan, Oil Spill Contingency Plan, and Hydrogen Sulfide Incident Plan, and any additional plans required by local law or ordinance must be prepared for the facility. Additional plans (e.g., Flood Control Plan, Pipeline Maintenance Plan, etc.) may be required on a project-by-project basis.

9. ***Revegetation and Habitat Restoration.***

   a. *Submittal of Revegetation and/or Habitat Restoration Plan.* The applicant must submit a revegetation plan with all applications to modify, abandon, or change the location of a pipeline. The plan must also include provisions for restoration of sensitive habitats that would be disturbed by construction or operation procedures and a monitoring plan to assess progress in returning the site to pre-construction conditions. The Review Authority must review and approve all revegetation and/or habitat restoration plans prior to commencement of construction.

   b. *Performance Securities.* Two performance securities are required for projects in which a Revegetation and/or Habitat Restoration Plan has been prepared pursuant to this Chapter.

      i. An installation security must be provided to the City in an amount sufficient to ensure complete installation of all requirements of the approved Revegetation and/or Habitat Restoration Plan and will be released upon final inspection clearance by City staff for satisfactory completion required revegetation consistent with the Revegetation and/or Habitat Restoration Plan.

      ii. A maintenance security must be provided to the City in an amount sufficient to provide periodic monitoring. Site monitoring must ensure compliance with the final goals of the Revegetation and/or Habitat Restoration Plan.

   c. *Annual Surveys to Assess Effectiveness.* For projects where a Revegetation and/or Habitat Restoration Plan has been prepared, the affected pipeline segment must be resurveyed 12 months after construction is completed to assess the effectiveness of the revegetation or restoration program. Subsequent surveys must be completed and submitted to the City compliance monitoring staff on an annual basis to demonstrate progress in returning the site to pre-construction conditions for the length of time stipulated in the Revegetation and/or Habitat Restoration Plan.

10. ***Abandonment Security.*** To ensure that abandonment of any new facility is properly carried out, a performance security must be posted by the owner/operator before issuance of any permits in an amount of 125 percent of the estimated cost of obtaining the required permits, implementing abandonment and decommissioning procedures, and restoring the site to pre-facility conditions. The financial surety security will be returned to the owner/operator upon successful abandonment and restoration of the site.

11. ***Safety Measures Required.*** Oil and gas operation pipelines that cross fault lines, coastal resources areas, and areas that are susceptible to erosion, sliding, earthquakes, or other geologic events will be subject to additional safety standards, including emergency shut-off or other measures deemed necessary by the City.

12. ***Repair or Replacement of Existing Pipelines.*** The repair or replacement of existing underground oil or gas pipelines will not require a permit, provided that each of the following criteria is met:

    a. The repair or replacement activities will not take place in, or require access through, an environmentally sensitive habitat area or other sensitive area identified by the City;

    b. The repair or replacement will not result in a substantial increase in volume of oil or gas transported through the pipeline;

    c. The pipeline, after repair or replacement will comply with all applicable safety and engineering standards established by State and federal law;

    d. The repair or replacement will not significantly expand or alter the area occupied by the existing pipeline; and

    e. The ground surface above the pipeline will be restored to its pre-construction condition. Where the ground surface was previously vegetated, the pipeline operator will revegetate the surface within three months of the completion of repair or replacement.

13. ***Safety Inspection, Maintenance, and Quality Assurance Program.*** All new or substantially upgraded gas and oil pipelines shall establish a Safety Inspection, Maintenance, and Quality Assurance Program or similar mechanism to ensure adequate ongoing inspection, maintenance, and other operating procedures. Any such mechanism shall be subject to City approval prior to commencement of pipeline operations and provide for systematic updates as appropriate. Requirements shall be commensurate with the level and anticipated duration of the risk.

D. **Required Findings.** In addition to any findings required for the project, new pipeline construction will not be approved unless the applicable Review Authority also makes all of the following required findings:

1. The use of available or planned common-carrier and multiple-user pipelines is not feasible.

2. The pipeline will be constructed, operated, and maintained as common-carrier or multiple-user pipelines, unless the applicable review authority determines it is not feasible, taking into account the reasonably foreseeable needs of other potential shippers.

3. There are no feasible alternative locations or less environmentally damaging alternative locations for the proposed pipeline, as determined through environmental review under the California Environmental Quality Act.

4. Where the pipeline setback is less than 25 feet, a 25-foot setback poses an undue hardship to proposed development and the reduced setback is not less than 15 feet, measured from each side of the pipeline.

17.37.040 Abandonment and Removal Procedures for Oil and Gas Facilities

All abandonment and removal of ~~oil~~ Oil and ~~gas~~ Gas Facilities require the approval of a Development Plan by the Planning Commission.

17.37.050 Other Types of Resource Extraction

Any other type of resource extraction from the ground or waters within the City's jurisdiction that are not explicitly authorized within the Goleta Municipal Code are strictly prohibited, including but not limited to surface mining, reclamation, and new private water wells.

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Chapter 17.38 Parking and Loading

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17.38.010 Purpose

The purpose of this Chapter is to provide development standards to ensure the following:

A. Adequate off-street vehicle and bicycle parking and loading facilities are provided for new development and major alterations to existing development;

B. Minimize the negative environmental impacts that can result from parking lots, driveways, and drive aisles within parking lots;

C. Establish standards and regulations for parking, loading, and vehicle circulation areas that minimize conflicts between pedestrian and vehicles, provide landscaped islands and strips, and, where appropriate, create buffers from surrounding land uses;

D. Offer flexible means of minimizing the amount of area devoted to parking by allowing reductions in the number of required spaces in transit-served locations and for shared parking facilities; and

E. Reduce urban run-off and heat island effects from paving in parking lots.

17.38.020 Applicability

A. **New Buildings and Land Uses.** On-site parking must be provided at the time any main building or structure is erected, when there is any new or expanded land use, or when a change in an existing land use occurs.

B. **Reconstruction, Expansion, or Change of Use in Existing Non-Residential Buildings.** When a change of use, expansion of a use, or expansion of floor area creates an increase of ten percent or more in the number of required on-site parking or loading spaces, additional on-site parking and loading must be provided for such addition, enlargement, or change in use and not for the entire building or site. The existing parking must be maintained. If the number of existing parking spaces is greater than the requirements for such use, the number of spaces in excess of the prescribed minimum may be counted toward meeting the parking requirements for the addition,

enlargement, or change in use. A change in occupancy is not considered a change in use, unless the new occupant is in a different use classification than the former occupant.

C. **Alterations that Increase the Number of Dwelling Units.** Except in the case of Accessory Dwelling Units, the creation of additional dwelling units through the alteration of an existing building or construction of an additional structure or structures requires on-site parking to serve the new dwelling units, either through existing or through new parking spaces.

D. **When Constructed.** Construction of required parking facilities must be completed and the spaces available for use before a Certificate of Occupancy may be issued.

E. **Damage or Destruction.** When a use that has been involuntarily damaged or destroyed is re-established, off-street parking or loading facilities must also be re-established or continued in operation in an amount equal to the number of parking spaces and loading facilities maintained at the time of such damage or destruction.

17.38.030 General Provisions

A. **Existing Parking and Loading.**

1. No existing parking and/or loading serving any use may be reduced in amount or changed in design, location, or maintenance below the requirements for such use, unless equivalent substitute facilities are provided.
2. No property owner may sublease, sub-rent, or otherwise encumber the required off-street parking spaces, unless specifically allowed pursuant to this Chapter.
3. Existing off-street parking spaces that are not required for the development on site may be used for other uses pursuant to this Chapter.
4. Required off-street parking must not be used for storage or other non-parking related uses.

B. **Nonconforming Parking or Loading.**

1. An existing use of land or structure will not be deemed to be nonconforming solely because of lack of on-site parking or loading facilities required by this Chapter, provided that facilities used for on-site parking and/or loading are not reduced further in number.
2. Any resurfacing and/or restriping of parking areas may remain nonconforming, provided there is not an increase in the nonconforming parking or loading.

C. **Accessibility.** Required parking for non-residential uses must be accessible during all business hours.

D. **Materials.** All areas on which parking or loading occurs, including both required and additional parking, must be paved with a minimum of two inches of asphalt, concrete, interlocking masonry pavers, or other permeable material on a suitable base and may not be on grassy lawn areas unless using a form of grassblock or grasscrete.

E. **Valet Parking.** Valet, or "stacked" parking is allowed if an attendant is present to move vehicles. If valet parking managed by an attendant is used for required parking spaces, an acceptable form of guarantee must be filed with the Director ensuring that an attendant will be present when necessary for operation.

F. **Vehicle Lifts.** The use of vehicle lifts to accommodate parking on lots with residential uses shall be limited to subterranean lift systems.

G. **Residential Garage Conversion.** The conversion of residential garages into additional living space for the primary unit is allowed only if an equivalent number of permanent, covered off-street parking spaces will be provided on site.

17.38.040 Required Parking Spaces

A. **Minimum Number of Spaces Required.** In all Zoning Districts, each use classification stated in Table 17.38.040(A), Required On-Site Parking Spaces, must provide at least the minimum number of required on-site parking spaces. For Accessory Uses, additional parking is required according to the parking requirements listed for that specific type of Accessory Use.

TABLE 17.38.040(A): REQUIRED ON-SITE PARKING SPACES

Use Classification	*Required Parking Spaces and Additional Regulations*	
Residential Uses		
Single-Unit Dwelling	2 covered spaces per dwelling unit.	
Multiple-Unit Development		
Studio and one-bedroom units	2 space per unit.	One covered space must be designated for each unit. One additional guest parking space must be provided for every 3 units. Up to 25-percent reduction allowed for senior housing and income-restricted units.
Two or more bedrooms	2 spaces per unit.	
Group Residential	1 space per 4 beds, plus 1 for every 10 units.	
Mobile Home Parks	2 spaces per site which may be in tandem, 1 space for every 5 sites for guest parking.	
Residential Care		
Small	None in addition to what is required for the residential use.	
Large	1 space for every 4 beds.	
Single-Room Occupancy (SRO) Housing	1 space per 2 units.	
Public/Quasi-Public Uses		
Cemetery	As determined by the Review Authority.	
Colleges and Trade Schools, Public or Private	1 space per 5 members of the school population (including students, faculty, and staff) based on maximum enrollment.	
Community Assembly	1 space for each 4 permanent seats in main assembly area, or 1 space for every 50 sq. ft. of assembly area where temporary or moveable seats are provided.	
Community Garden	As determined by the Review Authority.	
Cultural Institutions and Facilities	Performing Arts Centers: 1 space for each 4 permanent seats in main assembly area, or 1 for every 50 sq. ft. of assembly area where temporary or moveable seats are provided. Galleries, Libraries and Museums: 1 space for every 500 sq. ft. of floor area. Other establishments: as determined by the Review Authority.	

TABLE 17.38.040(A): REQUIRED ON-SITE PARKING SPACES	
Use Classification	*Required Parking Spaces and Additional Regulations*
Day Care Facility	One space for each 10 students/clients, plus one drop-off/loading space for each ten students/clients. These standards are based on the capacity the facility is licensed to accommodate.
Emergency Shelter	1 space per four beds at maximum capacity, plus two spaces for facility staff.
Government Buildings	1 space per 300 sq. ft. of floor area.
Hospital	1 space per two beds plus one space per three employees.
Park and Recreation Facilities	As determined by the Review Authority.
Parking, Public or Private	1 space per attendant station (in addition to the spaces that are available on the site).
Public Safety Facilities	As determined by the Review Authority.
Schools, Public or Private	Elementary and Middle Schools: 1.5 spaces per classroom, plus 1 space per 300 sq. ft. of office area. High Schools: 6 spaces per classroom.
Skilled Nursing Facility	1 space per two beds plus one space per three employees.
Social Service Facilities	1 space per 300 sq. ft. of floor area.
Commercial Use Classifications	
Adult-Oriented Business	1 space per 500 sq. ft. of floor area.
Animal Care, Sales and Services	
Animal Sales and Grooming	1 space per 500 sq. ft. of floor area.
Boarding, Kennel	1 space per employee, plus an area for loading and unloading animals on site.
Veterinary Services	1 space per 300 sq. ft. of floor area.
Automobile/Vehicle Sales and Services	
Auction	1 space per 500 sq. ft. of floor area.
Automobile Rentals	1 space per 500 sq. ft. of office area, in addition to spaces for all vehicles for rent.
Automobile/Vehicle Sales and Leasing	1 space per 3,000 sq. ft. of lot area for customer and employee parking. Any accessory auto repair: 2 spaces per service bay.
Automobile/Vehicle Repair, Major	4 spaces per service bay. 1 space per 300 sq. ft. of any retail or office on site.
Automobile/Vehicle Repair, Minor	4 spaces per service bay. 1 space per 300 sq. ft. of any retail or office on site.
Service and Gas Station	4 spaces per service bay, if service bays are included on site. 1 per 300 sq. ft. of any retail or office on site. Spaces at each pump may count toward required parking provided a minimum of 2 separate spaces are provided.
Automobile/Vehicle Washing	1 space per 300 sq. ft. of any indoor sales, office, or lounge areas.
Banks and Financial Institutions	1 space per 300 sq. ft. of floor area.

TABLE 17.38.040(A): REQUIRED ON-SITE PARKING SPACES	
Use Classification	*Required Parking Spaces and Additional Regulations*
Building Materials, Sales and Service	1 space per 1,000 sq. ft. of floor area plus 1 per 2,000 sq. ft. of outdoor display area.
Business Services	1 space per 300 sq. ft. of floor area.
Cannabis Microbusiness	Based on the individual uses that make up the Microbusiness.
Cannabis Retail	
Storefront Retailer	1 space per 500 sq. ft. of floor area
Non-Storefront Retailer	1 space per 300 sq. ft. of office floor area, plus one space for each fleet vehicle
Catering Services	1 space per 300 sq. ft. of floor area.
Commercial Entertainment and Recreation	1 space per 300 sq. ft. of assembly area.
Eating and Drinking Establishments	1 space per 250 sq. ft. of floor area of space devoted to patrons.
Food and Beverage Sales	1 space per 500 sq. ft. of floor area.
Funeral Parlors and Internment Services	1 space for each 4 permanent seats in assembly areas. In addition, 1 space per 300 sq. ft. of office area or 1 for every 50 sq. ft. of assembly area where temporary or moveable seats are provided.
Information Technology Services	1 space per 300 sq. ft. of floor area
Instructional Services	1 space per 500 sq. ft. of floor area.
Live/Work Units	1 space per 1,000 sq. ft. of non-residential floor area plus 1 space for each residential unit.
Lodging and Visitor-Services	
Hotels and Motels; Time Share Uses	1 space per guest room, plus 1 space per 5 employees.
Maintenance and Repair Services	1 space per 1,000 sq. ft. of floor area, plus one space for each fleet vehicle.
Media Production Facility	1 space per 500 sq. ft. of floor area.
Medical, Dental, and Health-Related Services	1 space per 300 sq. ft. of floor area.
Nurseries and Garden Centers	1 space per 1,000 sq. ft. of floor area; including outdoor display area.
Outdoor Sales	As determined by the Review Authority.
Professional Services	1 space per 300 sq. ft. of floor area
Personal Services	1 space per 500 sq. ft. of floor area.
Retail Sales	1 space per 500 sq. ft. of floor area.

TABLE 17.38.040(A): REQUIRED ON-SITE PARKING SPACES	
Use Classification	*Required Parking Spaces and Additional Regulations*
Industrial Uses	
Automobile Wrecking/Junk Yard	1 space per two employees.
Cannabis Cultivation	1 space per 500 sq. ft. of floor area
Cannabis Distribution	1 space per 1,000 sq. ft. of floor area
Cannabis Manufacturing	1 space per 500 sq. ft. of floor area
Cannabis Testing	1 space per 500 sq. ft. of floor area
Construction and Materials Yards	As determined by the Review Authority.
Custom Manufacturing	1 space per 500 sq. ft. of floor area.
Heavy Manufacturing	1 space per 500 sq. ft. of floor area.
Limited Industrial	1 space per 500 sq. ft. of floor area.
Oil and Gas Facilities	As determined by the Review Authority.
R&D and Technology	1 space per 500 sq. ft. of floor area.
Vehicle/Equipment Facilities	As determined by the Review Authority.
Wholesale Trade, Warehouse, Storage and Distribution	
Chemical, Mineral, and Explosives Storage	1 space per 1,000 sq. ft. of floor area.
Indoor Warehousing and Storage	1 space per 1,000 sq. ft. of floor area.
Outdoor Storage Yard	As determined by the Review Authority.
Personal Storage	1 space per 15,000 sq. ft. of floor area. However, a minimum of 5 spaces must be provided.
Wholesaling and Distribution	1 space per 1,000 sq. ft. of floor area.
Transportation, Communication, and Utilities Uses	
Communication Facilities	As determined by the Review Authority.
Light Fleet-Based Services	1 space per 300 sq. ft. of office floor area, plus one space for each fleet vehicle
Utilities, Major	As determined by the Review Authority.
Agricultural Uses	
Agricultural Processing	As determined by the Review Authority.
Agricultural Support Services	As determined by the Review Authority.
Animal Raising	As determined by the Review Authority.

TABLE 17.38.040(A): REQUIRED ON-SITE PARKING SPACES	
Use Classification	*Required Parking Spaces and Additional Regulations*
Crop Cultivation	2 spaces per acre of cultivated land.
Greenhouse	1 space per 1,000 sq. ft. floor area.
Accessory Uses	
Caretaker Unit	1 space
Family Day Care	
Small	None in addition to what is required for the residential use.
Large	None in addition to what is required for the residential use.

B. **Calculation of Required Spaces.** The number of required parking spaces must be calculated according to the following rules:

1. ***Employees.*** Where an on-site parking or loading requirement is stated as a ratio of parking spaces to employees, the number of employees must be based on the total employees employed by the use;

2. ***Bedrooms.*** Where an on-site parking requirement is stated as a ratio of parking spaces to bedrooms, any rooms having the potential of being a bedroom and meeting the standards of the California Building Code as a sleeping room must be counted as a bedroom;

3. ***Students or Clients.*** Where a parking or loading requirement is stated as a ratio of parking spaces to students, the number is assumed to be the number of students or clients at the State-certified capacity or at Building Code occupancy where no State certification is required; and

4. ***Seats.*** Where parking requirements are stated as a ratio of parking spaces to seats, each 30 inches of bench-type seating at maximum seating capacity is counted as one seat.

C. **Sites with Multiple Uses.** If more than one type of land use is located on a site, the number of required on-site parking spaces and loading spaces must be equal to the sum of the requirements calculated separately for each use, unless a reduction is approved pursuant to this Chapter.

D. **Calculation of Parking Requirements for Industrial Uses.** The following standards apply when calculating the required number of parking for Industrial uses:

1. ***Specified Tenants.*** Where tenants are specified and listed by name of company, parking is calculated according to uses identified on the floor plan; and

2. ***Unspecified Tenants.*** Where tenants are not specified, and the use described on the plans is industrial or warehouse, parking is calculated based on 25 percent of the floor space being used for office uses, and 75 percent of the space being used for warehouse use, based on the parking ratios for those uses specified in Table 17.38.040(A), above.

17.38.050 Parking Reductions

The number of on-site parking spaces required by Section 17.38.040, Parking and Loading – Required Parking Spaces, may be reduced by the Review Authority, as follows:

A. **Motorcycle and Moped Parking.** Motorcycle and moped parking may be used to substitute up to five percent of required automobile parking for any use.

B. **Shared Parking.** Where shared parking serving more than one use will be provided, the total combined number of required parking spaces may be reduced up to 50 percent with Planning Commission approval of a Major Conditional Use Permit, if the Commission finds that:

1. The peak hours of use will not overlap or coincide to the degree that peak demand for parking spaces from all uses will be greater than the total supply of spaces;

2. The proposed shared parking provided will be adequate to serve each use at its peak demand;

3. A parking demand study has been prepared by a traffic engineer and supports the proposed reduction; and

4. In the case of a shared parking facility that serves more than one property, a Conjunctive Parking Agreement has been prepared consistent with the provisions of Section 17.38.070(C), Off-Site Parking, below.

C. **Other Parking Reductions.** Required parking may be further reduced through approval of a Conditional Use Permit, Development Plan, or Modification.

1. In considering a required parking reduction, the Review Authority may consider an approved Transportation Demand Management Program (TDM). In determining the parking reduction for a TDM Program, the Review Authority must consider whether the Program includes the following:

a. Promotion of telecommuting;

b. Establishment of flexible work schedules;

c. Provision of incentives for carpooling;

d. Provision of vanpools;

e. Support for car sharing/ride sharing;

f. Guaranteed ride home programs;

g. Provision of pedestrian amenities on site;

h. Provision of bicycle facilities and amenities on site; and

i. Bus pass programs for employees.

D. **OT District Redevelopment.** In the OT District, where existing development with nonconforming parking is replaced with new development or a change of use, the new development or change of use shall receive a parking credit equal to the number of required automobile parking spaces unmet by the previous development or use.

17.38.060 Parking In-Lieu Fee

A parking assessment district may be created for all or part of Old Town. If a parking assessment district has been established, a fee may be paid to the City in-lieu of providing required parking within the district.

A. **In-lieu Fee Amount.** The amount of the in-lieu fee must be calculated and paid as set forth in a resolution of the City Council.

B. **Use of Funds.** In-lieu fees must be used for the acquisition of land and/or construction of off-street parking facilities located in the parking assessment district.

17.38.070 Location of Required Parking

A. **Residential Uses.**

1. ***Single-Unit Dwellings.***

a. *Required Parking.* Required parking for single-unit dwellings must be located on the same lot as the dwelling served. Required parking may not be located within required front or side setbacks ~~unless allowed pursuant to Section 17.41.030, Standards for Specific Uses and Activities – Accessory Dwelling Units (ADU), for replacement parking related to a City-approved garage conversion to an Accessory Dwelling Unit~~.

b. *Additional Parking.* Additional parking spaces beyond those that are required as part of the permitted or allowable land use may be located anywhere on the subject lot, including setbacks, and in any configuration.

2. ***Other Residential Uses.*** Required parking for residential uses other than single-unit dwellings must be on the same lot as the dwelling or use they serve or at an off-site location as provided in subsection (C), Off-Site Parking. Required parking may not be located within a required front or street side setback.

B. **Non-Residential Uses.** Required parking spaces serving non-residential uses must be located on site a minimum of ten feet from any right-of-way or at an off-site parking location as provided below in subsection (C), Off-Site Parking.

C. **Off-Site Parking.** Parking for uses other than single-unit dwellings may be provided off-site with Review Authority approval of a Conjunctive Parking Agreement, provided the following standards are met.

1. ***Location.***

a. *Residential Uses.* Any off-site parking must be located within 200 feet, measured along a pedestrian route, of the unit served.

b. *Non-residential Uses.* Any off-site parking must be located within 500 feet, measured along a pedestrian route, of the principal entrance containing the use(s) for which the parking is required.

2. ***Conjunctive Parking Agreement.*** A written agreement between the landowner(s) and the City, in a form satisfactory to the City Attorney, must be executed and recorded in the Office of the County Recorder. The agreement must include:

a. A guarantee among the landowner(s) for access to and use of the parking facility; and

b. A guarantee that the spaces to be provided will be maintained and reserved for the uses served for as long as such uses are in operation.

17.38.080 Trailers and Recreational Vehicle Parking/Storage

A. Trailers and recreational vehicles (RV) may be parked/stored anywhere on a residentially zoned lot, subject to Section 17.38.030, Parking and Loading – General Provisions, and all of the following provisions:

1. No more than one trailer or RV may be parked/stored on a single lot outside of either a fully enclosed structure or an area on the lot that is fully screened by a fence, freestanding wall, or hedge of at least five feet in height, subject to Section 17.24.090, Regulations Applying to Multiple Districts – Fences, Freestanding Walls, and Hedges.

2. The owner of the trailer or RV must reside on the same lot where it is being parked/stored.

3. The trailer or RV must be capable of operation and if required to be registered, must have a current, unexpired registration with the California Department of Motor Vehicles.

4. The trailer or RV must not be occupied for living purposes on a site longer than 14 days in a six-month period, except as authorized in Section 17.01.040(B)(6), Introductory Provisions – Applicability.

5. The trailer or RV must not project into the public right-of-way, impede vision clearance, or cause any other public safety hazards while parked and/or stored.

B. The use of trailers and RVs within the City shall also be subject to Goleta Municipal Code, Title 10, Vehicles and Traffic and Title 12, Streets, Sidewalks and Public Places.

17.38.090 Bicycle Parking

A. **Short-Term Bicycle Parking.** Short-term bicycle parking must be provided in order to serve shoppers, customers, guests, and other visitors to a site who generally stay for less than four hours.

1. ***Parking Spaces Required.*** For the following uses, the number of short-term bicycle parking spaces must be equal to at least ten percent of the number of required automobile parking spaces, with a minimum of three bicycle parking spaces provided per establishment.

   a. Multiple-unit residential, group residential, and SRO housing with five or more units.

   b. All uses in the Public/Quasi-Public Use Classification.

   c. All uses in the Commercial Use Classification, except for the following:

      i. Animal Care, Sales, and Services; or

      ii. Automobile/Vehicle Sales and Services.

2. ***Location.*** Short-term bicycle parking must be located outside of the public right-of-way when feasible, must not encroach upon pedestrian walkways, and must be within 100 feet of a main entrance to the use it serves.

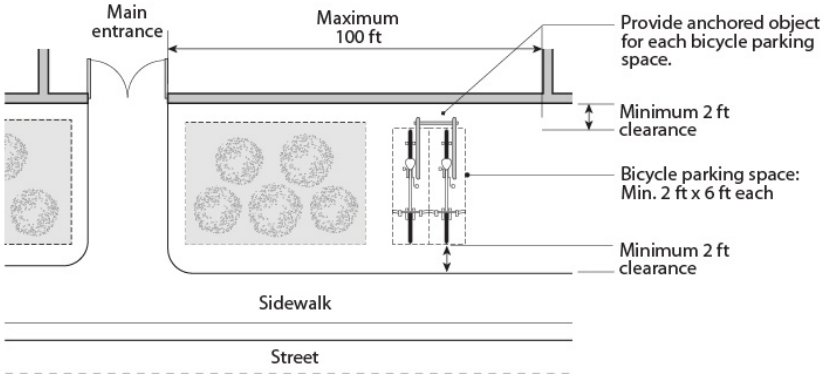
   a. *Commercial Centers.* Co-location of required bicycle parking for multiple tenant spaces is permissible.

b. *Old Town District.* Bicycle parking in the Old Town District may be located in the public right-of-way with an Encroachment Permit, provided an unobstructed sidewalk clearance of six feet is maintained for pedestrians at all times.

3. ***Anchoring and Security.*** For each short-term bicycle parking space required, a stationary, securely anchored object must be provided to which a bicycle frame and one wheel can be secured with a high-security lock if both wheels are left on the bicycle. One such object may serve multiple bicycle parking spaces.

4. ***Size and Accessibility.*** Each short-term bicycle parking space must be a minimum of two feet in width and six feet in length and must be accessible without moving another bicycle. Two feet of clearance must be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian ways and at least five feet from vehicle parking spaces.

FIGURE 17.38.090(A): SHORT-TERM BICYCLE PARKING



B. **Long-term Bicycle Parking.** Long-term bicycle parking must be provided in order to serve employees, students, residents, commuters, and others who generally stay at a site for four hours or longer.

1. ***Parking Spaces Required.***

a. *Residential Uses.* A minimum of one long-term bicycle parking space must be provided for every unit for multiple-unit residential and group residential projects.

b. *Other Uses.* Any use with 25 or more full-time-equivalent employees must provide long-term bicycle parking at a minimum ratio of one space per ten vehicle spaces with a minimum of one long-term space.

c. *Public or Private Parking Use.* Long-term bicycle parking must be provided at a minimum ratio of one space per ten vehicle spaces with a minimum of one long-term space.

2. ***Location.*** Long-term bicycle parking must be located on the same lot as the use it serves. In public or private parking uses, long-term bicycle parking must be located near an entrance to the structure or parking lot.

3. ***Covered Spaces.*** At least 50 percent of required long-term bicycle parking must be covered. Covered parking can be provided inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures.

4. ***Security.*** Long-term bicycle parking must be located in one or more of the following:

   a. An enclosed bicycle locker;

   b. A fenced, covered, locked, or guarded bicycle storage area;

   c. A secure area within a building or structure; or

   d. Another type of secure area approved by the Review Authority.

5. ***Size and Accessibility.*** Each long-term bicycle parking space must be a minimum of two feet in width and six feet in length and must be accessible without moving another bicycle. Two feet of clearance must be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian ways, and at least five feet from vehicle parking spaces.

C. **Bicycle Charging.** One charging electrical outlet for every ten bicycle parking spaces is required.

17.38.100 On-Site Loading

A. **Loading Spaces Required.** Every new commercial and industrial building and every building enlarged by more than 5,000 square feet of floor area that is to be occupied by a use requiring the receipt or distribution by vehicles or trucks of material or merchandise must provide off-street loading and unloading areas as follows.

TABLE 17.38.100(A): REQUIRED LOADING SPACES	
Floor Area (sq. ft.)	*Required Loading Spaces*
0 – 5,000	0
5,001 – 30,000	1
30,001 – 90,000	2
90,001 – 150,000	3
150,001 – 230,000	4
230,001 +	1 per each additional 100,000 square feet or portion thereof.

1. ***Multi-Tenant Buildings.*** The floor area of the entire building must be used in determining spaces for multi-tenant buildings. A common loading area may be required if each tenant space is not provided a loading area. Drive-in, roll-up doors for multi-tenant industrial projects may be substituted for required loading areas.

2. ***Additional Loading Spaces Required.*** The required number of loading spaces may be increased by the Review Authority to ensure that trucks will not be loaded, unloaded, or stored on public streets. Such requirement must be based on the anticipated frequency of truck pickups and deliveries and of the truck storage requirements of the use for which the on-site loading spaces are required.

B. **Location.**

1. All required loading spaces must be located on the same site as the use served.
2. No loading space for vehicles over two-ton capacity may be closer than 50 feet to any property in a Residential "R" Zone District, unless completely enclosed by building walls, or a uniformly solid fence or wall, or any combination thereof, not less than six feet in height and loading activities are prohibited between the hours of 7:00 p.m. to 7:00 a.m..
3. No permitted or required loading space can be located within 25 feet of the nearest point of any street intersection.
4. No loading space may be located within a front or street-side setback or in the public right-of-way.

C. **Minimum Size.** Each loading space required by this Section must not be less than ten feet wide, 30 feet long, and 14 feet high, exclusive of driveways for ingress and egress, maneuvering areas, and setbacks.

D. **Driveways for Ingress and Egress and Maneuvering Areas.** Each loading space required by this Section must be provided with driveways for ingress and egress and maneuvering space of the same type, and meeting the same criteria required for on-site parking spaces. Truck-maneuvering areas must not encroach into required parking areas, travel-ways, or street rights-of-way.

E. **Surfacing.** All open loading spaces must be improved with a compacted base, not less than five inches thick, surfaced with not less than three inches of plant-mix asphalt, concrete, or comparable material approved by the Review Authority.

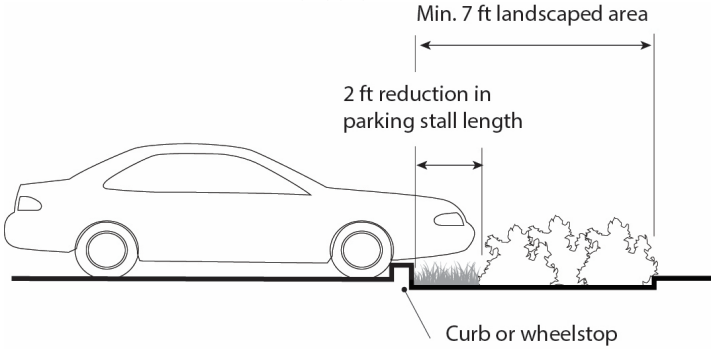
17.38.110 Parking Area Design and Development Standards

Parking areas must be designed and developed consistent with the following standards.

A. **Size of Parking Spaces.** Parking spaces must meet the minimum dimensions required by this subsection. Screening walls, roof support posts, columns, or other structural members, equipment, and work benches must not intrude into the required dimensions for parking spaces.

1. ***Residential Uses.*** 8.5 feet by 16.5 feet.
2. ***Non-Residential Uses.*** Nine feet by 16.5 feet.
3. ***Motorcycle and Moped Spaces.*** Four feet by nine feet, and all motorcycle and moped parking areas must be clearly marked and dedicated to these vehicles.
4. ***Parallel Parking Spaces.*** 22 feet by eight feet.
5. ***Compact Spaces.*** Where allowed pursuant to a Modification or through a Discretionary Approval, compact spaces must have a minimum width of eight feet and depth of 14.5 feet. Except for parallel parking, standard spaces must have a minimum width of nine feet and a minimum depth of 18 feet. Parking space dimensions are illustrated in Figure 17.38.110(B-1 to B-10) and detailed in Table 17.38.110(A) and Table 17.38.110(B).
6. ***Overhang.*** Parking stall lengths, except for parallel spaces, may be reduced by two feet where the parking stall is designed to abut a landscaped area or sidewalk that has a minimum of seven feet. This landscape area must be protected by a wheel stop (or a curb where one already exists).

FIGURE 17.38.110(A)(6): VEHICLE OVERHANG



B. **Parking Lot Configuration.** Parking lot widths must be consistent with the following based on the angle of parking spaces and lot traffic patterns.

FIGURE 17.38.110(B-1) ONE WAY WITH PARALLEL PARKING

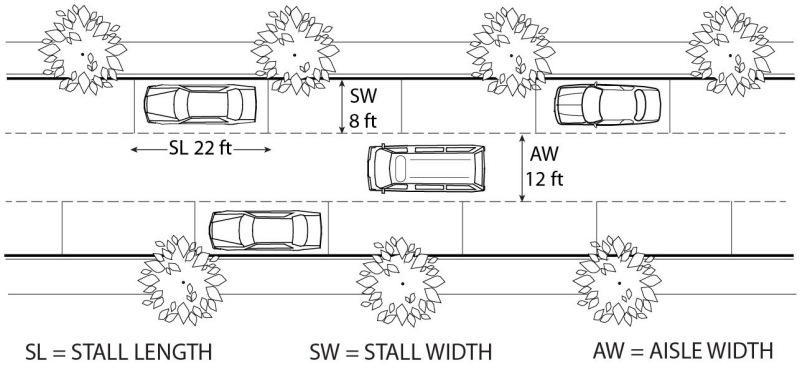


FIGURE 17.38.110(B-2): TWO WAY WITH PARALLEL PARKING

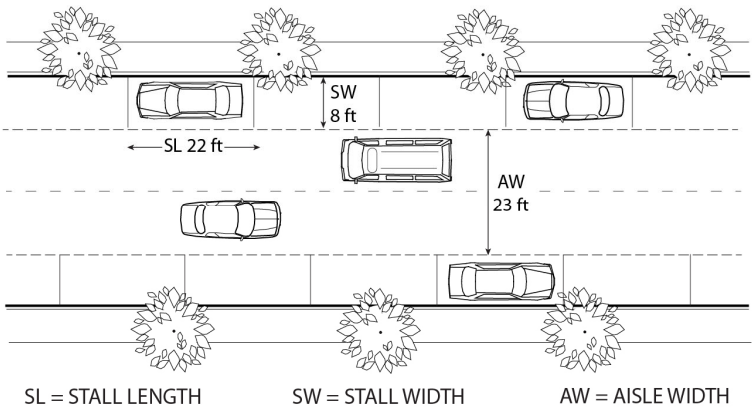


FIGURE 17.38.110(B-3) ONE WAY WITH ANGLED PARKING (W1)

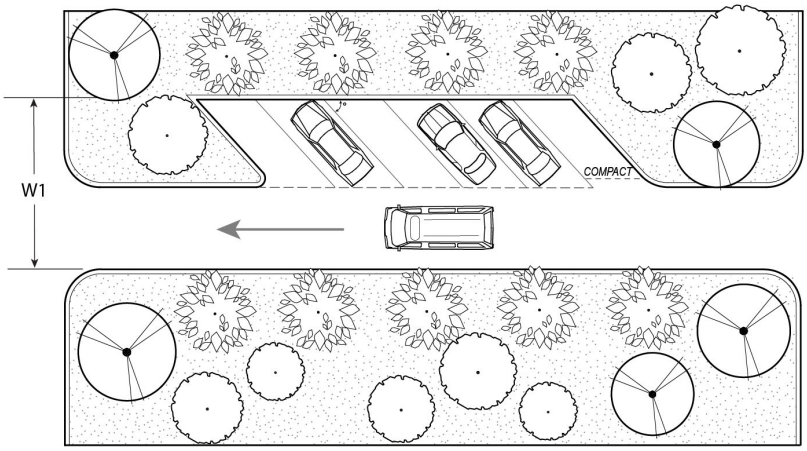
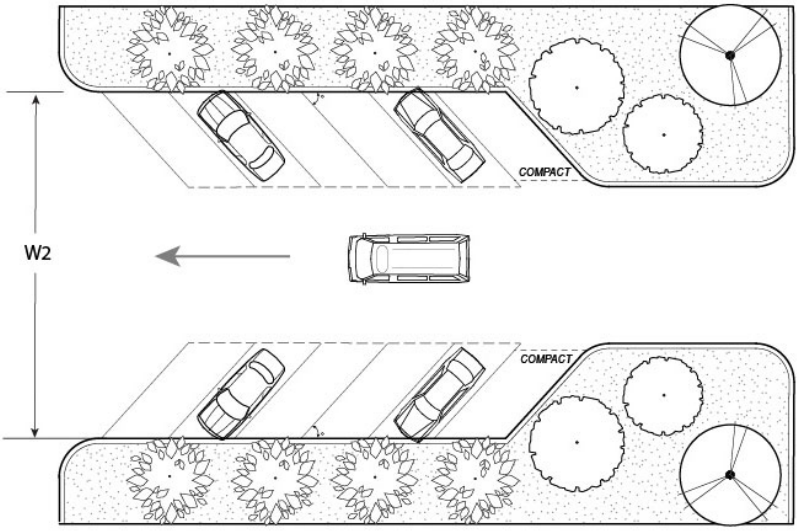


FIGURE 17.38.110(B-4) ONE-WAY WITH ANGLED PARKING (W2):



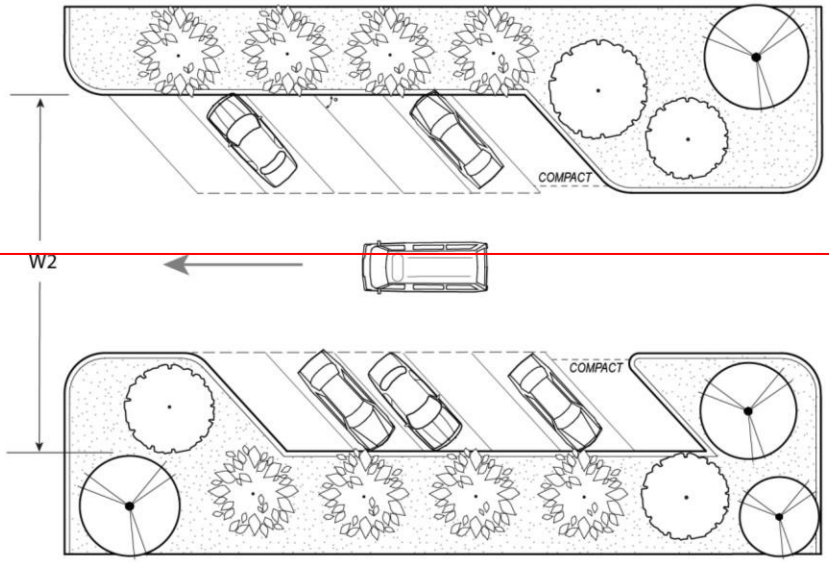
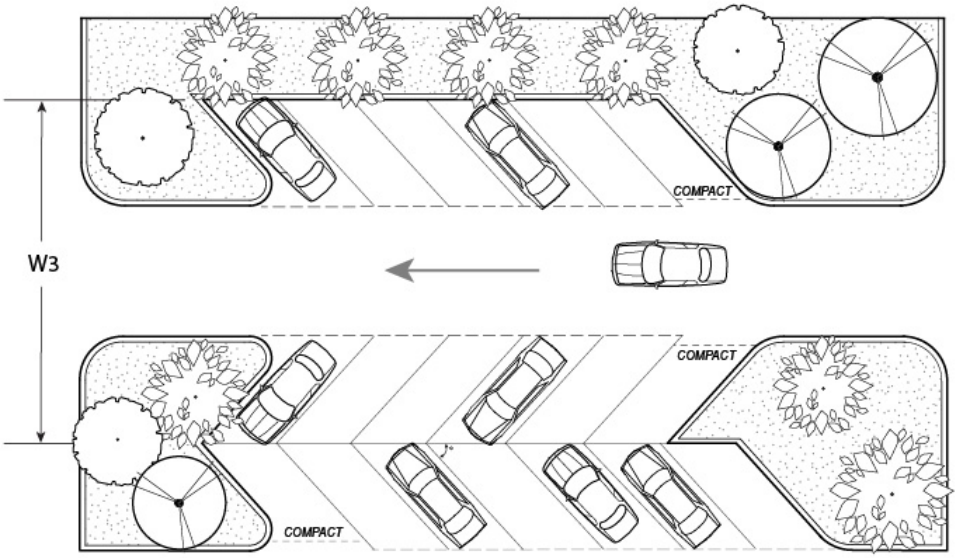


FIGURE 17.38.110(B-5): ONE-WAY WITH ANGLED PARKING (W3)



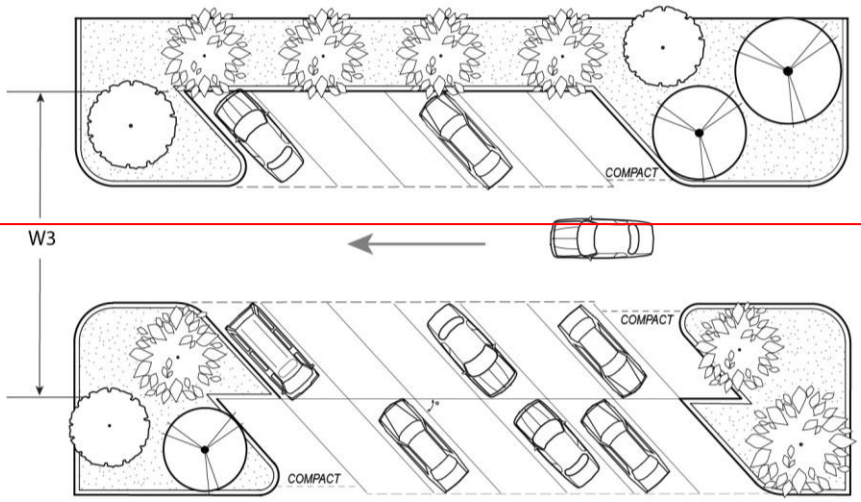
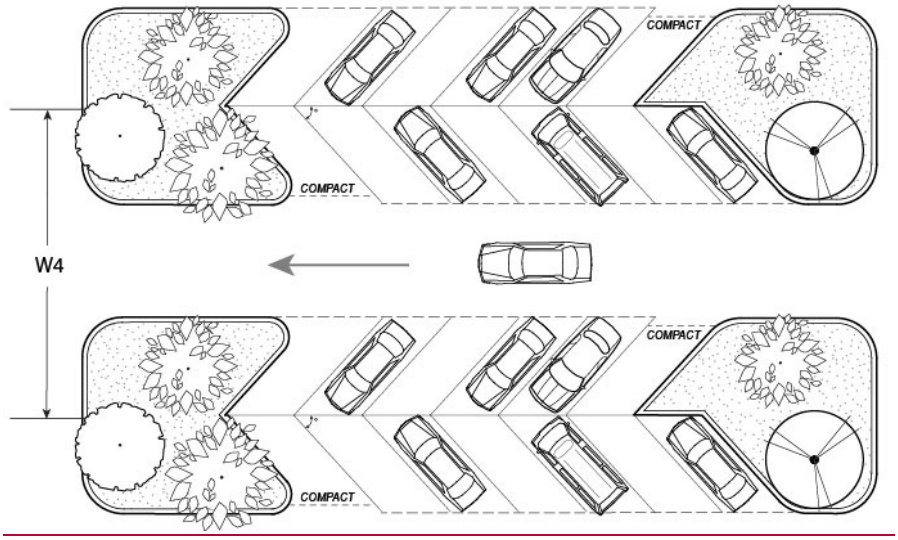


FIGURE 17.38.110(B-6): ONE-WAY WITH ANGLED PARKING (W4)



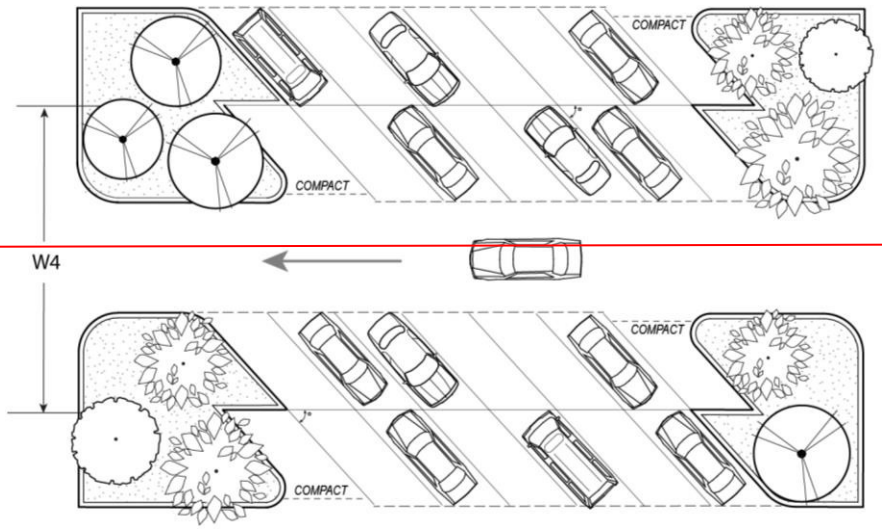


FIGURE 17.38.110(B-7): TWO-WAY WITH ANGLED PARKING (W1)

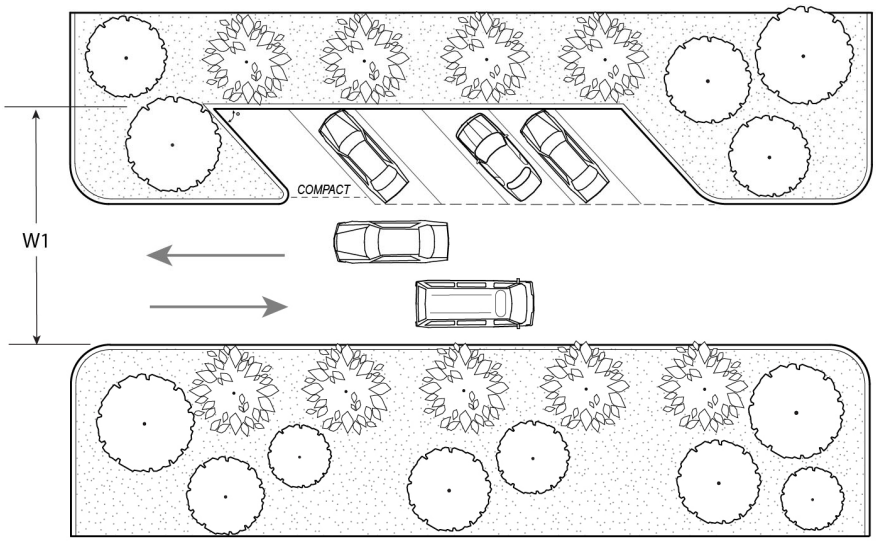


FIGURE 17.38.110(B-8) TWO-WAY WITH ANGLED PARKING (W2):

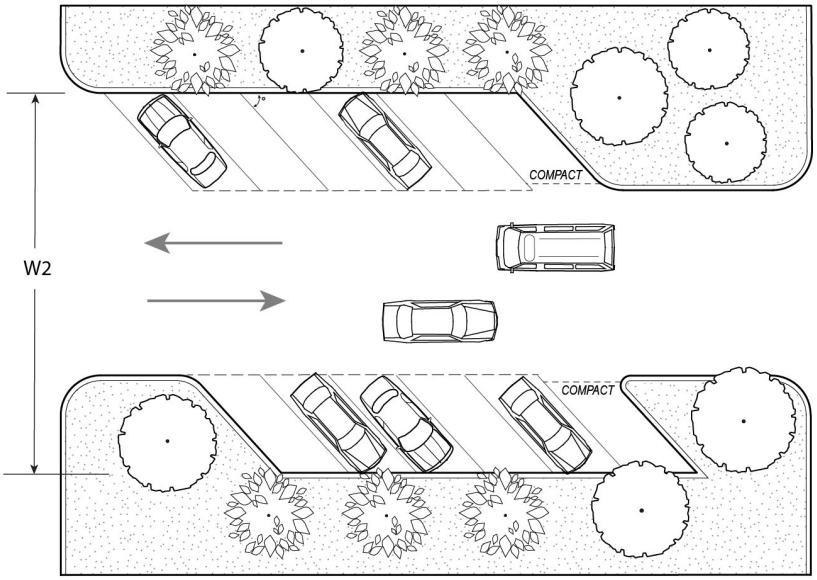


FIGURE 17.38.110(B-9) TWO-WAY WITH ANGLED PARKING (W3):

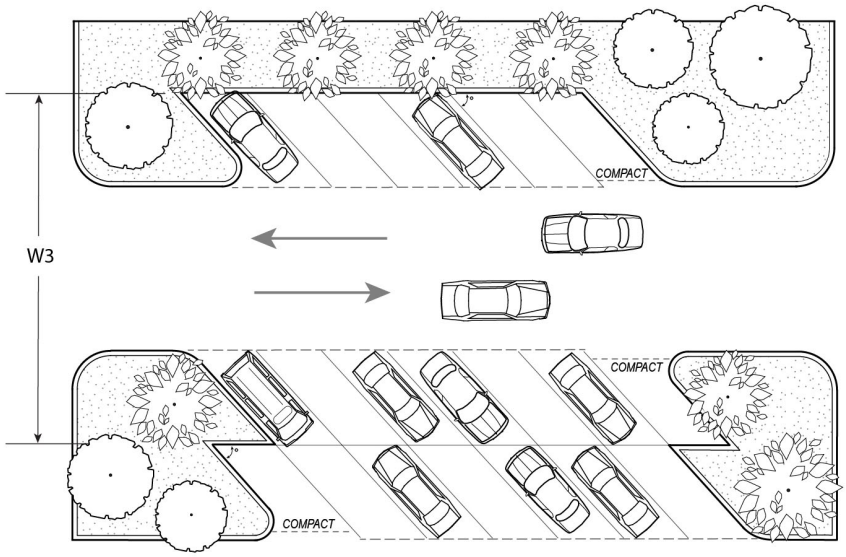


FIGURE 17.38.110(B-10) TWO-WAY WITH ANGLED PARKING (W4):

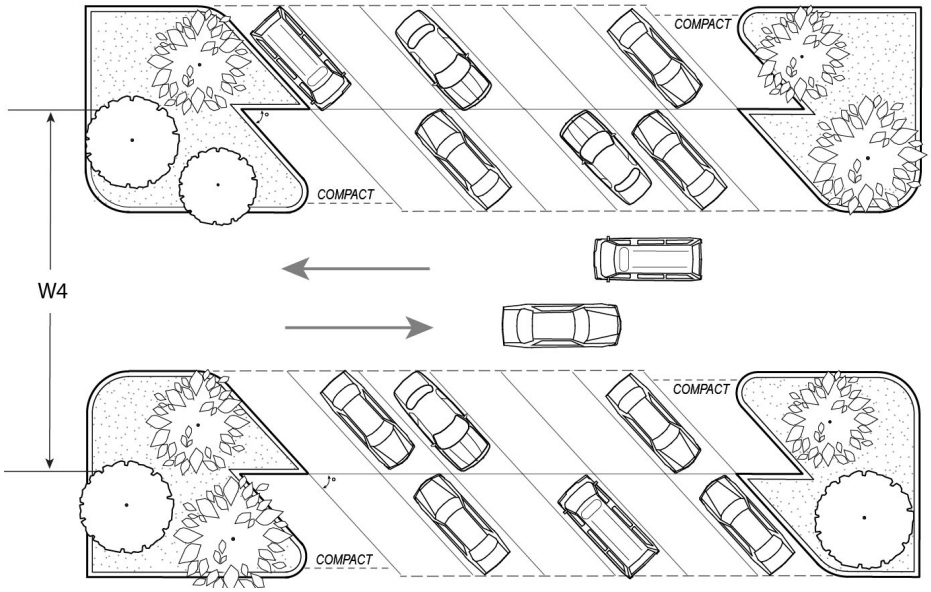


TABLE 17.38.110(A): PARKING DIMENSIONS (ONE-WAY TRAFFIC)												
Angle (in degrees)	*W1*			*W2*			*W3*			*W4*		
	8.0' Stall Width	*8.5' Stall Width*	*9.0' Stall Width*	*8.0' Stall Width*	*8.5' Stall Width*	*9.0' Stall Width*	*8.0' Stall Width*	*8.5' Stall Width*	*9.0' Stall Width*	*8.0' Stall Width*	*8.5' Stall Width*	*9.0' Stall Width*
30	24.0	25.0	25.0	36.0	38.5	38.5	33.5	36.0	36.0	31.0	33.0	33.0
35	24.5	26.0	26.0	37.5	40.5	40.5	35.5	38.0	38.0	33.0	35.5	35.5
40	25.5	26.5	26.5	39.0	42.0	42.0	37.0	40.0	40.0	35.0	37.5	37.5
45	26.0	27.5	27.5	40.5	43.5	43.5	38.5	41.5	41.5	36.5	39.0	39.0
50	26.5	28.0	28.0	41.5	45.0	45.0	39.5	43.0	43.0	38.0	41.0	41.0
55	27.0	29.0	28.5	42.5	46.5	46.0	40.5	44.5	44.0	39.0	42.5	42.0
60	28.0	31.5	30.0	43.5	49.5	48.0	42.0	47.5	46.5	41.0	46.0	45.0
65	30.0	34.0	33.0	46.0	52.0	51.0	44.5	51.0	48.5	43.5	49.5	48.0
70	32.0	36.5	35.0	48.0	54.5	53.0	47.0	53.5	52.0	46.0	52.5	51.0
75	34.0	38.5	37.5	50.0	56.5	55.5	49.0	56.0	54.5	48.5	55.0	54.0
80	36.0	41.0	39.5	51.5	58.5	57.5	51.0	58.0	57.0	50.5	57.5	56.5
85	37.5	42.5	41.5	53.0	60.0	59.0	52.5	60.0	58.5	52.5	59.5	58.5
90	39.0	44.5	43.5	54.0	61.5	60.5	54.0	61.5	60.5	54.0	61.5	60.5
Specifications for any parking angle not specifically enumerated can be determined by interpolation from the above table.												

TABLE 17.38.110(B): PARKING DIMENSIONS (TWO-WAY TRAFFIC)												
Angle (in degrees)	*W1*			*W2*			*W3*			*W4*		
	8.0' Stall Width	*8.5' Stall Width*	*9.0' Stall Width*	*8.0' Stall Width*	*8.5' Stall Width*	*9.0' Stall Width*	*8.0' Stall Width*	*8.5' Stall Width*	*9.0' Stall Width*	*8.0' Stall Width*	*8.5' Stall Width*	*9.0' Stall Width*
30	32.0	33.0	33.0	44.5	47.0	47.0	42.0	44.5	44.5	39.5	41.5	41.5
35	33.0	34.0	34.0	46.0	49.0	49.0	44.0	46.0	46.5	41.5	43.5	43.5
40	33.5	35.0	35.0	47.5	50.5	50.5	45.5	48.0	48.0	43.0	45.5	45.5
45	34.5	35.5	35.5	48.5	52.0	52.0	47.0	50.0	50.0	45.0	47.5	47.5
50	35.0	36.5	36.5	50.0	53.0	53.0	48.0	51.0	51.0	46.0	49.0	49.0
55	35.5	37.0	37.0	50.5	54.0	54.0	49.0	52.5	52.5	47.5	50.5	50.5
60	35.5	37.0	37.0	51.5	55.0	55.0	50.0	53.5	53.5	48.5	52.0	52.0
65	35.5	37.5	37.5	51.5	55.5	55.5	50.5	54.0	54.0	49.5	52.5	52.5
70	36.0	37.5	37.5	51.5	55.5	55.5	51.0	54.5	54.5	50.0	53.5	53.5
75	36.0	38.5	37.5	51.5	56.5	55.5	51.0	56.0	54.5	50.0	55.0	53.5
80	36.0	41.5	39.5	51.5	58.5	57.5	51.0	58.0	57.0	50.5	57.5	56.5
85	37.5	42.5	41.5	53.0	60.0	59.0	52.5	60.0	58.5	52.5	59.5	58.5
90	39.0	44.5	43.5	54.0	61.5	60.5	54.0	61.5	60.5	54.0	61.5	60.5
Specifications for any parking angle not specifically enumerated can be determined by interpolation from the above table.												

C. **Striping and Marking.**

1. Each parking space must be clearly striped with paint or other similar distinguishable material, except spaces established in a garage or carport having not more than three parking spaces.

2. Striping for parking spaces may be modified by the Zoning Administrator if there is a dual use of the parking facility or if an alternate surfacing material approved by the City. In approving such modification, the Zoning Administrator is authorized to require suitable alternate means of marking the spaces.

D. **Wheel Stops.** Wheel stops must be provided for parking lots with a slope of more than three percent, except that the installation of wheel stops is optional for parking stalls oriented at right angles to the direction of slope. Wheel stops are also required on the perimeter of parking lots that are adjacent to walls, fences, or pedestrian walkways, and when abutting landscaped areas.

E. **Shopping Cart Storage.** When there are businesses that utilize shopping carts, adequate temporary shopping cart storage areas must be well-distributed throughout the parking area.

1. No temporary storage of shopping carts is allowed on pedestrian walkways outside of buildings.
2. Cart storage may be located adjacent to buildings provided the cart storage is physically separated from the pedestrian walkway and pedestrian walkway is a minimum of four feet wide.
3. Shopping carts must have disabling devices, which are activated when they cross a barrier at the perimeter of the premises.

F. **Parking Access.**

1. ***Forward Entry.*** Parking areas of four or more spaces must be provided with suitable maneuvering room so that all vehicles therein may enter an abutting street in a forward direction.
2. ***Driveway Length.*** Driveways providing direct access from a public street to a garage or carport must be at least 20 feet in depth.
3. ***Driveway Width.***
    a. The minimum width of a driveway serving one to two residences must be no less than 12 feet total. The maximum width is 20 feet.
    b. The minimum width of a driveway serving three to seven residential unit is eight feet for a one-way driveway, or 14 feet for a two-way driveway.
    c. The minimum width of a driveway serving seven or more residential or commercial uses is ten feet for a one-way driveway, or 20 feet for a two-way driveway.
    d. The maximum driveway width for non-residential uses is 20 feet for a one-way driveway and 33 feet for a two-way driveway.

G. **Electric Vehicle Charging Stations.** In parking facilities containing 20 or more spaces serving residential, offices, and lodging uses, at least ten percent of parking spaces must be electric vehicle (EV) charging stations.

1. ***Signage.*** Each EV charging must be clearly marked with a sign reading "Electric Vehicle Charging Station."
2. ***Public Use.*** EV charging stations may be equipped with card readers, controls, connector devices, and other equipment as necessary to enable use by the general public.

H. **Surfacing.** All parking areas must be paved and improved, and all sites must be properly drained, subject to the approval of the Public Works Director.

1. ***Cross-Grades.*** Cross-grades must be designed for slower stormwater flow and to direct stormwater toward landscaping, bio-retention areas, or other water collection/treatment areas.
2. ***Overflow Parking Areas.*** Permeable materials must be used in all overflow parking areas and installed in accordance with manufacturer recommended specifications.
3. ***Low Traffic Areas.*** Turf grids, grassblock permeable pavers, gravel, or similar materials must be installed in areas of low traffic or infrequent use wherever feasible.

I. **Perimeter Curbing.** A six-inch wide and six-inch high concrete curb must be provided along the outer edge of the parking facility, except where said paved area abuts a fence or wall. Curbs separating landscaped areas from parking areas must be designed to allow stormwater runoff to pass through.

J. **Heat Island Reduction.** In order to reduce ambient surface temperatures in parking areas, at least 50 percent of the areas not landscaped must be shaded, of light-colored materials with a Solar Reflectance Index of at least 29, or a combination of shading and light-colored materials.

1. Shade may be provided by tree canopies. If shade is provided by tree canopies, the amount of required shading is to be reached within 15 years.

2. Shade may also be provided by shade structures, subject to Design Review.

K. **Landscaping.** Landscaping of parking areas must be provided and maintained according to the general standards of Chapter 17.34, Landscaping, as well as the standards of this subsection for all parking areas:

1. ***Landscape Area Required.*** A minimum of ten percent of any parking area, excluding setbacks, must be landscaped.

2. ***Materials.*** All landscape planting areas that are not dedicated to trees or shrubs must be permeable. No hardscape materials are permitted in designated planting areas.

3. ***Layout.*** Landscaped areas must be well-distributed throughout the parking area.

4. ***Visibility and Clearance.*** Landscaping in planters at the end of parking aisles must not obstruct driver's vision of vehicular and pedestrian cross-traffic. Mature trees must have a foliage clearance maintained at eight feet from the surface of the parking area. Other plant materials located in the interior of a parking lot must not exceed 30 inches in height.

5. ***Trees.*** One tree must be provided per four parking spaces unless a lesser amount is approved through Design Review.

L. **Screening.** Parking areas containing ten or more spaces must be screened from public streets, according to the following standards.

1. ***Height.*** Screening of parking lots from adjacent public streets must be three feet in height.

a. A reduced height for screening devices of up to 18 inches is permissible when permitted display of automobiles, trucks, recreational vehicles, manufactured homes, boats, motorcycles, and utility trailers is allowed adjacent to public streets.

2. ***Materials.*** Screening must be consistent with the following:

a. *Walls.* Plain concrete blocks are not allowed as a screening wall material unless capped and finished with stucco or other material;

b. *Fences.* Use of chain-link for screening purposes is prohibited;

c. *Planting.* Plant materials consisting of compact plants that form an opaque screen. Such plant materials must achieve a minimum height of two feet within 18 months after initial installation; and

d. *Berms.* Berms planted with grass, ground cover, or other low-growing plant materials that meet the height requirement for screening.

M. **Circulation and Safety.**

1. ***Visibility.*** Clear sight lines must be provided for pedestrians, bicyclists, and motorists entering individual parking spaces, circulating within a parking facility, and entering or exiting a parking facility.

2. ***Services.*** Parking lots must be designed so that sanitation, emergency, and other public service vehicles can provide service without backing unreasonable distances or making other dangerous or hazardous turning movements.

3. ***Pedestrian Access.*** Separate vehicular and pedestrian circulation systems must be provided where possible. Multiple-unit residential developments must provide pedestrian access that is separate and distinct from driveways. Parking areas for commercial and mixed-use developments that are 80 feet or more in depth and/or include 25 or more parking spaces must have distinct and dedicated pedestrian access from the commercial use to parking areas and public sidewalks, according to the following standards:

   a. *Connection to Public Sidewalk.* An on-site walkway must connect the main building entry to a public sidewalk on each street frontage;

   b. *Materials and Width.* Walkways must provide at least five feet of unobstructed width and be hard-surfaced;

   c. *Identification.* Pedestrian walkways must be clearly differentiated from driveways, parking aisles, and parking and loading spaces through the use of elevation changes, a different paving material, or similar method; and

   d. *Separation.* Where a pedestrian walkway is parallel and adjacent to an auto travel lane, it must be raised and separated from the auto travel lane by a raised curb at least four inches high, bollards, or another physical barrier.

N. **Alternative Parking Area Designs.** Where an applicant can demonstrate to the satisfaction of the Review Authority that variations in the requirements of this Section are warranted in order to achieve to environmental design and green building objectives, including, without limitation, achieving certification under the LEED™ Green Building Rating System or equivalent, an alternative parking area design may be approved.

O. **Maintenance.** Parking lots, including landscaped areas, driveways, and loading areas, must be maintained free of refuse, debris, or other accumulated matter and must be kept in good repair for the life of the project.

Chapter 17.39 Performance Standards

Sections:

17.39.010 Purpose
17.39.020 Applicability
17.39.030 General Requirements
17.39.040 Air Quality
17.39.050 Liquid or Solid Waste
17.39.060 Hazardous Materials
17.39.070 Noise

17.39.010 Purpose

The purpose of this Chapter is to:

A. Establish permissible limits and permit objective measurement of nuisances, hazards, and objectionable conditions;

B. Minimize various potential operational impacts of land uses and development within the City and promote compatibility with adjoining areas and land uses; and

C. Affirm City requirements for construction and demolition waste management as they apply to new development.

17.39.020 Applicability

The minimum requirements in this Chapter apply to all new and existing land uses in all zoning districts, including permanent and temporary uses, unless otherwise specified.

17.39.030 General Requirements

Land or structures shall not be used or occupied in a manner creating any dangerous, injurious, or noxious conditions, chemical fires, explosive, or other hazards that could adversely affect the surrounding area.

17.39.040 Air Quality

A. **Compliance.** Sources of air pollution must comply with rules identified by the U.S. Environmental Protection Agency (Code of Federal Regulations, Title 40), the California Air Resources Board, and the Santa Barbara County Air Pollution Control District (APCD).

B. **APCD Permits.** Applicants are responsible for obtaining any and all permits from APCD prior to issuance of final permits by the City.

C. **Highway Buffer.** When development that includes a sensitive receptor is proposed within 500 feet of U.S. Highway 101, an analysis of mobile source emissions and associated health risks shall be required. Such developments shall be required to provide an adequate setback as determined by the Review Authority, from the highway and, if necessary, identify design mitigation measures to reduce health risks to acceptable levels.

17.39.050 Liquid or Solid Waste

A. **Discharges to Water or Sewers.** Liquids and solids of any kind must not be discharged, whether directly or indirectly, into a public or private body of water, sewage system, waterway, or into the ground, except in compliance with applicable regulations of the Regional Water Quality Control Board (RWQCB).

B. **Solid Wastes.** Solid wastes must be handled and stored so as to prevent nuisances, health, safety, and fire hazards, and to facilitate recycling. There can be no accumulation outdoors of solid wastes conducive to the breeding of rodents or insects, unless stored in closed containers.

17.39.060 Hazardous Materials

The use, handling, storage, and transportation of hazardous and extremely hazardous materials must comply with the provisions of the California Hazardous Materials Regulations and the California Fire and Building Code, as well as the laws and regulations of the California Department of Toxic Substances Control, the Santa Barbara County Fire Department (County Fire), and the Santa Barbara County Office of Emergency Management.

A. **Risk Exposure.** The City will not allow any use that would expose existing residential or commercial development to significant risk.

B. **Hazard Assessment Required.** All new uses with hazardous materials and any proposed substantial increase in intensity of use with existing hazardous materials must submit a hazard assessment to the City. The hazard assessment must identify the risks posed by the new or expanded use and the geographical extent of significant risk and be approved by County Fire.

C. **Contaminated Land.**

1. Before development of a site identified as having been used for the storage of hazardous materials or activities involving the use of hazardous materials, the developer must submit documentation to the City sufficient to demonstrate that:

    a. Testing has been conducted as required to determine the existence and extent of soil and/or groundwater contamination and either:

        i. Based on the results of the testing, an appropriate clean-up program is not needed; or

        ii. An appropriate Soil Management and Safety Plan consistent with subsection (C)(3) below has been developed.

2. No development is permitted on land determined to contain actionable contamination until financial responsibility has been accepted for any required remediation. The posting of a bond or other surety in an amount and form acceptable to the Review Authority is required.

3. Where required, a site-specific Soil Management and Safety Plan must be developed and submitted as part of the project application. The Plan must, at a minimum:

    a. Identify and document the extent of contamination;

    b. Characterize contaminated soil and/or groundwater;

c. Identification of appropriate personal protective equipment to minimize potential worker exposure to hazards; and

d. Provide remediation procedures for contaminated material including, as warranted:

i. Interim storage on site.

ii. Transportation procedures.

iii. Final disposal location.

D. **Applicant Responsibilities.** Development that will involve the generation, use, transportation, and/or storage of hazardous materials must comply with the following requirements:

1. The use, storage, transportation, and disposal of hazardous materials, including underground or above-ground storage tanks, must comply with RWQCB requirements and must ensure that the use, storage, transportation, and disposal of hazardous materials does not result in hazardous discharge or runoff; and

2. Hazardous materials or wastes stored in closed containers at a facility must be setback a minimum of 50 feet from all property lines.

17.39.070 Noise

A. **Noise Limits.** Noise and land use compatibility criteria specified in Table 17.39.070(A) below apply to all new development and conditions of approval may be imposed to minimize or eliminate incompatibilities.

1. Proposals for new development that would cause standards to exceed the Normally Acceptable noise exposure for any use may only be approved if the project would provide a substantial benefit to the City.

2. These compatibility criteria also may justify denial of an application if a proposed use or adjacent use would be exposed to Clearly Unacceptable noise exposure, as defined in the table.

TABLE 17.39.070(A): NOISE AND LAND USE COMPATIBILITY CRITERIA

Land Use Category	*Community Exposure (Ldn or CNEL, dBA)*			
	Normally Acceptable[1]	*Conditionally Acceptable*[2]	*Normally Unacceptable*[3]	*Clearly Unacceptable*[4]
Residential-single unit	50-60	60-65	65-75	75+
Residential-multiple unit	50-60	60-65	65-75	75+
Other Residential Uses	50-60	60-65	65-80	80+
Auditoriums, concert halls, and amphitheaters	N/A	50-65	N/A	65+
Park and Recreation Facilities	50-70	N/A	70-75	75+
Other Public/Quasi-Public Uses	50-60	60-65	65-80	80+
Sports arenas and outdoor spectator sports	N/A	50-70	N/A	70+

TABLE 17.39.070(A): NOISE AND LAND USE COMPATIBILITY CRITERIA				
Land Use Category	*Community Exposure (Ldn or CNEL, dBA)*			
	Normally Acceptable[1]	*Conditionally Acceptable*[2]	*Normally Unacceptable*[3]	*Clearly Unacceptable*[4]
Golf courses, riding stables, water recreation, and cemeteries	50-70	N/A	70-80	80+
Lodging	50-65	65-70	70-80	80+
Other Commercial Uses	50-67.5	67.5-75	75+	N/A
Industrial, Transportation, Communication, and Utility, and Agricultural Uses	50-70	70-75	75+	N/A

Notes:

1. Normally Acceptable: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without special noise-insulation requirements.
2. Conditionally Acceptable: New construction or development may be undertaken only after detailed analysis of the noise reduction requirements is made and needed noise-insulation features are included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning, will normally suffice.
3. Normally Unacceptable: New construction or development is discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features must be included in the design. See Section 17.39.070(D), Acoustical Study.
4. Clearly Unacceptable: New construction or development must generally not be undertaken.
5. N/A: Not applicable.

B. **Adjustments to Noise Exposure Limits.** The maximum 'Normally Unacceptable' or 'Clearly Unacceptable' noise levels of Table 17.39.070(A), may be adjusted according to the following provisions. No more than one increase in the maximum permissible noise level will be applied to the noise generated on each property.

1. ***Nuisance Noise.*** If a noise contains a steady audible tone (i.e., hum or buzz), rises or falls in pitch or volume (i.e., whine or screech), or is a repetitive noise (i.e., hammering or riveting) or contains music or speech conveying informational content, the maximum noise levels will be reduced by five dBA.

C. **Short Duration Noise.** In addition to the durational noise standards above, the following standards apply to episodic noise affecting Residential Uses:

1. Noise that is produced for no more than a cumulative period of five minutes in any hour must not exceed 80 dBA; and

2. Noise that is produced for no more than a cumulative period of one minute in any hour must not exceed 85 dBA.

D. **Acoustical Study.** The Review Authority may require an acoustical study that includes field measurement of noise levels for any proposed project that would impact or be impacted by noise levels at the Conditionally ~~Unacceptable~~ Acceptable level.

1. Acoustical studies must identify noise sources, magnitudes, and potential noise attenuation measures, and describe existing and future noise exposure.

2. All costs of the acoustical study and any peer review are borne by the applicant.

E. **Noise Attenuation Measures.** Any project subject to the acoustic study requirements of subsection (D), above, must incorporate noise attenuation features deemed necessary to ensure that noise standards are not exceeded.

1. Where any portion of a site proposed for a new residential use exceeds 60 dBA CNEL, noise-attenuation features to achieve and maintain an interior noise level of 45 dBA CNEL must be included.

F. **Exemptions.** The following are exempt from the provisions of this Section:

1. ***Emergencies.*** The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work;

2. ***Warning Devices.*** Warning devices necessary for the protection of the public safety, such as police, fire, and ambulance sirens;

3. ***Special Events.*** Occasional outdoor gatherings, public dances, shows, and sporting and entertainment events, provided that such events are conducted pursuant to a permit or license issued by the City;

4. ***Municipal Solid Waste Collection.*** Collection of solid waste, vegetative waste, and recyclable materials by the City or under contract with the City; and

5. ***Public Works Construction Projects, Maintenance, and Repair.*** Street, utility, and similar construction projects undertaken by or under contract to or direction of the City, or the State of California or a public utility regulated by the California Public Utilities Commission, as well as maintenance and repair operations conducted by such parties.

G. **Construction Hours.** Construction-related noise-generating activities are subject to the following:

1. ***Limitation on Hours.***

a. Noise-generating construction activities within 1,600 feet of sensitive receptors are limited to Monday through Friday, 8:00 a.m. to 5:00 p.m.

b. Noise-generating construction activities not within 1,600 feet of sensitive receptors are limited to Monday through Friday, 7:00 a.m. to 4:00 p.m.

c. Exceptions to these restrictions for on-site work may be made for good cause at the sole discretion of the Director. Exceptions to these restrictions may be made for good cause at the sole discretion of the Public Works Director or designee, for work in the City Right-of-Way.

2. ***Holidays.*** No noise-generating construction activities may occur on State holidays.

3. ***Construction Hours.*** Construction hours of operation must be posted on site near the entrance of the development site.

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Chapter 17.40 Signs

Sections:

17.40.010 Purpose
17.40.020 Applicability
17.40.030 Exempt Signs
17.40.040 Prohibited Signs
17.40.050 Sign Design Principles
17.40.060 General Provisions for All Sign Types
17.40.070 Signage Allowances for Specific Uses and Special Signs
17.40.080 Standards for Specific Sign Types
17.40.090 Overall Sign Plan
17.40.100 Nonconforming Signs

17.40.010 Purpose

The purpose of this Chapter is to regulate signs as an information system that preserves and enhances the aesthetic character and environmental values of the City, its residential neighborhoods, its visitor-oriented uses, and commercial/industrial areas, while also providing an effective means for members of the public to express themselves through the display of signs. More specifically, this Chapter is intended to:

A. Promote communications through signs that provide information and orientation and also to promote economic activity and vitality to the community;

B. Maintain and enhance the City's appearance by regulating the design, character, location, number, type, quality of materials, size, illumination, and maintenance of signs;

C. Limit commercial signage to on-site locations to ensure that signage is primarily used as identification in order to protect the City's aesthetic environment from the visual clutter associated with the unrestricted proliferation of signs;

D. Restrict signs that may create a nuisance to nearby properties, violate privacy, or create hazards or unreasonable distractions for pedestrians or drivers; and

E. Ensure the protection of the rights of free speech and expression are guaranteed by the United States Constitution and State of California Constitution while setting local design standards and expectations.

17.40.020 Applicability

This Chapter regulates signs that are located or mounted on private property within the corporate limits of the City, as well as signs located or mounted on public property, over which the City has land use or zoning authority. The provisions in this Chapter apply in all zoning districts of the City. No sign within the regulatory scope of this Chapter may be erected or maintained anywhere in the City except in conformance with this Chapter.

17.40.030 Exempt Signs

The following signs are exempt from the requirements of this Chapter, provided that they conform to the specified standards of this Chapter. Exempt signs do not count toward the total sign area limit for a site.

A. **Address Signs.** Address identification and signage in conformance with all applicable Fire Department and Building Code requirements.

B. **Change of Business Signs.** A temporary attachment or covering of wood, plastic, or canvas over a permitted permanent sign indicating a change of ownership or activity. The temporary sign may be displayed for no longer than 60 days following the change of ownership or activity for which the sign is intended. The temporary sign must be no larger than the previously permitted permanent sign.

C. **Commemorative Signs.** Plaques, memorial signs or tablets, or other form of signage commemorating the site of a historical event, the residence or workplace of a historical figure, or a building whose architectural or historical character is recognized by the City as part of the City's cultural heritage. The signs may indicate the names of buildings or dates of building erection and may either be attached to or cut into the surfaces of buildings, provided that the signage does not exceed three square feet.

D. **Construction Signs.** A temporary on-site construction sign may be erected for the duration of construction activities, provided it is immediately removed after issuance of Final Inspection Clearance for the project or if the construction is ceased and work on the site is abandoned. A temporary construction sign may not exceed 20 square feet and six feet in height within non-residential zones or eight square feet and four feet in height within residential zones unless a larger area is approved as part of the project's Development Plan approval.

E. **Directional Signs.** Directional signs that do not exceed two square feet.

F. **Directional Signs for Open Houses.** Off-site signs directing the public to "open house" events, for housing units that are listed for sale or for lease, provided they comply with the following standards:

   1. For an individual lot, up to three offsite directional signs are allowed;

   2. For two or more lots premises, dwellings or structures that are for sale, lease, or rent, are permitted on private land in the same development, up to a maximum of six directional signs are allowed;

   3. No sign exceeds five square feet per side and three feet in height, including support structure, from finished grade;

   4. The sign or signs may not be placed more than two hours before the start or remain more than two hours after the conclusion of the open house event; and

   5. No signage may be displayed within the public road right-of-way, nor impede or obstruct pedestrian use of public sidewalks or access ways.

G. **Door Signs.**

   1. Signs displaying a business as open or closed and do not exceed one square foot.

2. Stickers or decals indicating accepted payment types (i.e., credit/debit cards) and do not exceed one square foot.

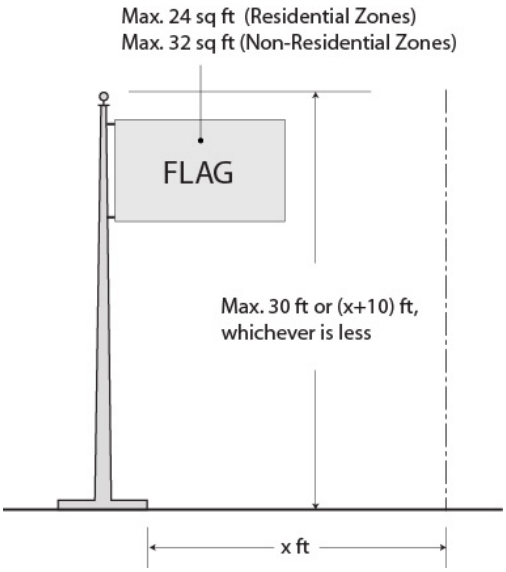
3. Stickers, decals, or etching on glass that display store hours and do not exceed two square feet.

H. **Flags.** Noncommercial flags may be erected and located on a property only in accordance with the following standards:

1. ***Maximum Flagpole Height.*** If a flag is on a flag pole, the pole height must not exceed 30 feet, or the distance from the base of the pole to the closest property line plus ten feet, whichever is less.

2. ***Maximum Size.*** The maximum individual flag area on a lot is 24 square feet in Residential Zone Districts and 32 square feet in all other Zone Districts.

FIGURE 17.40.030(H): FLAGS



I. **Government Signs.** Official notices issued by a court, public body, or office and posted in the performance of a public duty; informational signs posted by the City, notices posted by a utility or other quasi-public agency; signs erected by a governmental body to direct or regulate pedestrian or vehicular traffic; non-commercial bus stop signs erected by a public transit agency, or other signs required or authorized by law.

J. **Interior Signs.** Signs that are located within interior areas of a building, not intended to attract outside attention, and are at least three feet from a window, door, or other exterior wall opening.

K. **Menu Displays.** Menu displays, not exceeding a total of two square feet in cumulative area, mounted on a wall or in a window near the main entrance of establishments serving food to customers who eat on the premises.

~~L. **Mobile Vendor Signs.** Signs fixed onto, but not extending more than one foot from, mobile vending vehicles or equipment that identify or advertise the name, product, or service provided by a licensed vendor (e.g., vehicle wraps, magnets, and stickers; car toppers, such as for pizza delivery; taxi medallions, etc.).~~

~~M.~~L. **Murals.** Murals that do not contain any advertising copy or function as advertising.

~~N.~~M. **One-Time Event Sign.** One-Time Event signs with a maximum area of 40 square feet.

1. One One-Time Event sign is allowed per street frontage.
2. One-Time Event signs must not be posted more than seven days prior to the special event.
3. One-Time Event signs must be removed within 24 hours of completion of the event.

~~O.~~N. **On-Site Real Estate Signs.** Signs conveying information about the sale, rental, or lease of the subject lot, premises, dwelling, or structure, provided that they comply with the following provisions:

1. ***Illumination.*** The sign or signs are not illuminated.
2. ***Removal.*** The sign or signs are removed within seven days after the sale, lease, or rental of the property has been completed.
3. ***Freestanding Real Estate Signs.***
   a. No more than one real estate sign is displayed at any one time per public street frontage per lot;
   b. The sign or signs do not exceed an aggregate area of 32 square feet within non-residential zones or eight square feet in area within residential zones; and
   c. The maximum height of the signs and supports is six feet.

FIGURE 17.40.030(~~O~~N): ON-SITE REAL ESTATE SIGNS



4. ***Real Estate Wall Signs.***
   a. No more than one wall sign may be displayed at any one time per public street frontage;
   b. Wall signs may not exceed six square feet in area; and
   c. The maximum height of a wall sign is 12 feet.

~~P.~~O. **Subdivision Signs.** A maximum of three, unlighted, double-faced temporary subdivision signs, not exceeding 40 square feet in area per display face and 15 feet in overall height, may be erected and maintained with a subdivision during sale of the lots. Such signs must be located within the

subdivision and also be a minimum distance of 300 feet apart from each other. All subdivision signs must be removed at the close of escrow of the model complex houses.

~~Q.~~P. **Sponsorship Signs.** One temporary commercial sponsorship sign for each sponsor or one sign for all sponsors, who support and/or contribute to activities occurring on a premise open to the public. The signs must not to exceed an area of 36 square feet per site and may remain on the premises for a period determined by the host agency or owner not to exceed three months preceding the activity or event and removed within 15 days after the event or activity.

~~R.~~Q. **Vehicle and Vessel Insignia.** On properly licensed vehicles and watercraft: license plates and frames, registration stickers and insignia, and messages relating to the proposed sale, lease, or exchange of the vehicle or vessel.

~~S.~~R. **Window Signs.** Window Signs in "R" zone districts and on residential uses, whether permanent or temporary, one non-illuminated window sign not exceeding three square feet on any building façade when not used to advertise a home occupation.

~~T.~~S. **Protected Non-Commercial Speech Signs ~~on Residential Uses~~.** Non-illuminated temporary signs displaying protected non-commercial messages that are no more than four feet in height and no more than six square feet in area may be displayed at any time. However, during the period of time beginning 60 days before a general, special, primary or runoff election, and ending 15 days after such election, the amount of display area may be doubled. All signage displayed under this Section must be removed 15 days after the corresponding election.

~~U. **Protected Non-Commercial Speech Signs on Non-Residential Uses.** On commercial, business, industrial, and manufacturing uses, non-illuminated temporary signs displaying protected non-commercial messages, a maximum of six feet in height and totaling no more than 25 square feet in area, may be displayed at any time. However, during the period of time beginning 60 days before a general, special, primary, or runoff election, and ending 15 days after such election, the amount of display area may be doubled.~~

17.40.040 Prohibited Signs

Unless otherwise permitted by a specific provision of this Chapter, the following sign types are prohibited in all zones:

A. **Animated Signs.** Signs that blink, flash, shimmer, glitter, rotate, oscillate, move, or which give the appearance of blinking, flashing, shimmering, glittering, rotating, or oscillating.

B. **Cabinet or Can Signs.** Internally lit cabinet and can signs.

C. **General Advertising for Hire.** Permanent or temporary billboards or signage that publicize or promote other off-site businesses or causes using methods of advertising (in contrast to self-promotion, on-site sales, or on-site advertising).

D. **Human Directional Signs.** Sign holders, spinners, twirlers or other forms of advertising using human billboards.

E. **Mobile Billboards.** Any sign carried or conveyed by a vehicle for the primary purpose of general advertising for hire, excluding signs on taxis and buses.

FIGURE 17.40.040(E): PROHIBITED MOBILE BILLBOARD EXAMPLE



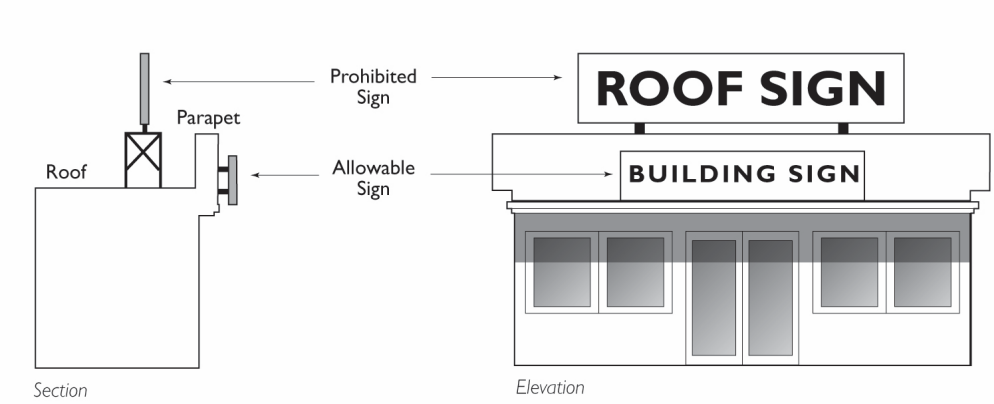
F. **Portable Signs.** Portable signs are prohibited in all City rights-of-way unless issued an Encroachment Permit.

G. **Pole Signs.** A sign that is mounted on a freestanding pole or other support structure placed on or anchored to the ground that is independent from any building or other structure.

H. **Roof Signs.**

1. Signs that extend above the roofline or parapet (whichever is higher) of a building with a flat roof, including signs affixed to roof-top mechanical equipment.
2. Signs that extend above the deck line of a mansard roof.
3. Signs on roof-tops that are only visible from above.

FIGURE 17.40.040(H): ROOF SIGNS



I. **Signs Located in the Public Right-of-Way or on Public Property.** Other than official government signs or warning signs required by law, no inanimate sign can be placed in public right-of-way, on any public utility pole or fire hydrant, or on public property unless authorized by a City Encroachment Permit.

J. **Signs Affixed to Trees.** No sign may be affixed to or cut into any public or private tree or other living vegetation.

K. **Signs on Terrain.** No sign may be cut, burned, marked, or displayed in any manner on a street, sidewalk, rock, outcropping, cliff, or hillside.

L. **Search Lights and Klieg Lights.** When used as attention-attracting devices for commercial sales or special events.

M. **Signs Creating Traffic Hazards or Affecting Pedestrian Safety.** No signs may be placed, located, or situated in such a manner as to constitute a safety hazard or to impede the public use of the public right-of-way, such as:

1. Signs placed, mounted, erected, or installed in any manner that obstructs use of any door, window or fire escape;

2. Signs mounted or displayed in such a manner that blocks or impedes the normal pedestrian use or public sidewalks. A minimum unobstructed width of four feet must be maintained on sidewalks at all times;

3. Signs located in such a manner as to constitute a traffic hazard or obstruct the view of traffic, fire hydrants, any authorized traffic sign, or signal device;

4. Signs that may create confusion with any authorized traffic sign, signal, or device because their color, location, or wording, or use of any phrase, symbol, or character interferes with, misleads, or confuses vehicular drivers in their use of roads or conflicts with any traffic control sign or device; or

5. Signs at or near any street intersection that distract or will obstruct the free and clear vision of drivers and pedestrians. Other than traffic control signals, no sign may be installed or displayed in the visibility triangle at intersections, as determined by the City.

N. **Signs for Prohibited Uses.** A sign displaying a commercial message promoting a business that is either a prohibited use or has not been established as a legally permitted use.

O. **Signs that Produce Noise or Emissions.** Signs that produce visible smoke, vapor, particles, odor, noise, or sounds that can be heard at the property line, excluding voice units at menu board signs and devices for servicing customers from their vehicles, such as drive-up windows at banks.

P. **Wind Movement Devices.** Balloons, inflatable signs, streamers, banners, pennants, and other attention-getting devices, made of plastic, light-weight fabric, or similar material, designed to rotate or move with the wind. Such devices are prohibited unless permitted by the City as a Temporary Use, pursuant to Section 17.41.260, Standards for Specific Uses and Activities – Temporary Uses.

17.40.050 Sign Design Principles

The following sign design principles will be used as criteria for review and approval a permit for individual signs and for Overall Sign Plans.

A. **Architectural Compatibility.** A sign, including its supporting structure, should be designed as an integral design element of a building's architecture and be architecturally compatible, in terms of color, materials, and scale, with the building the sign is attached to as well as with surrounding structures to the maximum extent feasible. A sign that covers a window, spills over "natural" boundaries or architectural features, or obliterates parts of upper floors of buildings is

detrimental to visual order and would not be compatible. Common indicators of compatibility include:

1. Quality sign design and construction;
2. Proportional size and scale; and
3. Use of materials, shapes and colors that complement the building's architectural style and the surrounding environment.

B. **Legibility.** The size, length, and proportion of the elements of the sign's message, including logos, letters, icons and other graphic images, should be selected based on the average distance and average travel speed of the intended viewer. Sign messages oriented towards pedestrians may be smaller than those oriented towards automobile drivers. Colors and materials chosen for the sign text and/or graphics should have sufficient contrast with the sign background in order to be easily read during both day and night.

C. **Placement.** The architectural details of a building often create logical places for signage. Signs should not cover or interrupt architectural details or ornaments of a building's façade. On buildings with a monolithic or plain façade, signs can establish or continue appropriate design rhythm, scale and proportion. Well-designed and well-located retail signs create visual interest and continuity with other storefronts on the same or adjacent buildings and should not obscure windows or doors.

D. **Readability.** A sign message should be easily recognized and designed in a clear, unambiguous and concise manner, so that a viewer can understand or make sense of what appears on the sign.

FIGURE 17.40.050(D): SIGN READABILITY



E. **Visibility.** A sign should be conspicuous and readily distinguishable from its surroundings, so a viewer can easily see the information it communicates. Appropriate illumination can add to visibility, but the type and strength must be carefully considered.

17.40.060 General Provisions for All Sign Types

A. **Permit Required.** Except as otherwise expressly provided in this Chapter, it is unlawful for any person to affix, place, erect, suspend, attach, construct, structurally or electrically alter, move, or display any temporary or permanent sign within the City without first obtaining a Design Review Board approval and issuance of a Zoning Clearance. No Design Review Board approval and Zoning Clearance is required for exempt signs and for cleaning and other normal maintenance of a properly approved sign, unless a structural or electrical change is made.

B. **Design Review.**

1. Applications for individual signs that are not subject to Section 17.40.090, Signs – Overall Sign Plan, but are submitted in accordance with the applicable standards of this Chapter will be subject to Design Review by the Design Review Board.

2. Applications for individual signs submitted in accordance with the applicable standards of this Chapter on property with an approved Overall Sign Plan will be subject to Administrative Design Review.

C. **Owner's Consent Required.** The expressed or written consent of the property owner or business owner is required before any sign may be displayed on any real or personal property within the City.

D. **Non-commercial Signs.** Non-commercial signs are allowed wherever commercial signage is permitted and are subject to the same standards and total maximum allowances per site or building of each sign type specified in this Chapter. A Zoning Clearance for signage is required only if the sign qualifies as a structure and is subject to a building permit under the Building Code. For purposes of this Chapter, all non-commercial speech messages are considered "on-site," regardless of location.

E. **Maximum Sign Area.** The maximum allowable sign area for permanent signs, exclusive of area of exempt signs, is based on the Zoning District in which the sign is located and the type of sign to be used. These standards are established in subsequent sections of this Chapter. These standards are maximums permitted and may be reduced during the Design Review process due to site context, visibility needs, and sign design, as determined by the Review Authority.

F. **Applicable Codes.** In addition to complying with the provisions of this Chapter, all signs must be constructed in accordance with the Uniform Building Code, the Uniform Sign Code, the Electrical Code, and all other applicable laws, rules, regulations, and policies.

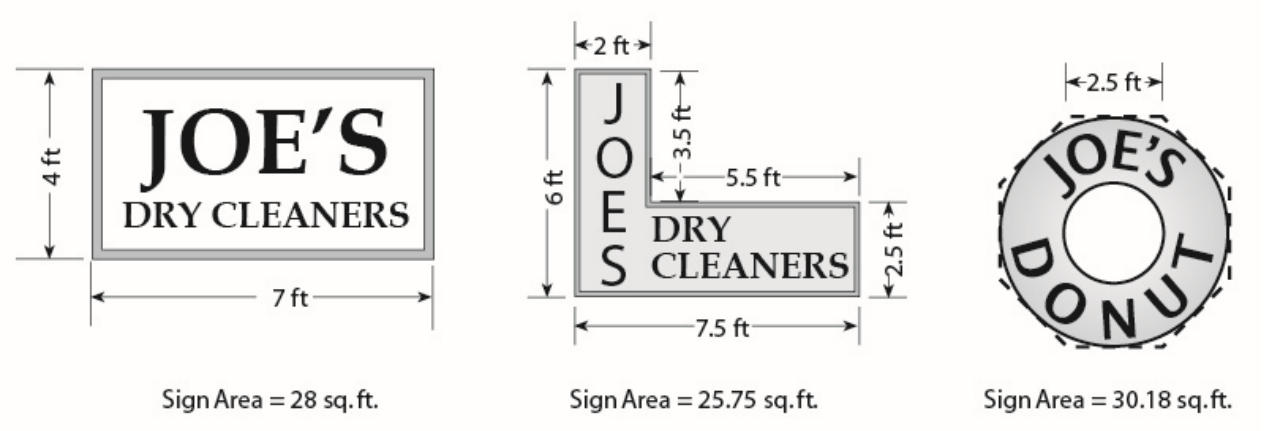
G. **Encroachment Permits.** Signs mounted on private property may project into or above public property or the public right-of-way only with approval of an Encroachment Permit or exemption by the Public Works Director. Violations of this provision shall result in the removal and confiscation of the sign by the City staff.

H. **Measuring Sign Area.** The area of a sign face includes the entire area within the periphery of the sign, which is established by drawing not more than eight straight lines encompassing the extremities of the sign within the smallest possible area. Supporting structures, such as sign bases

and columns, are not included in sign area provided that they contain no lettering or graphics except for addresses or required tags. The area of an individual sign must be calculated as follows:

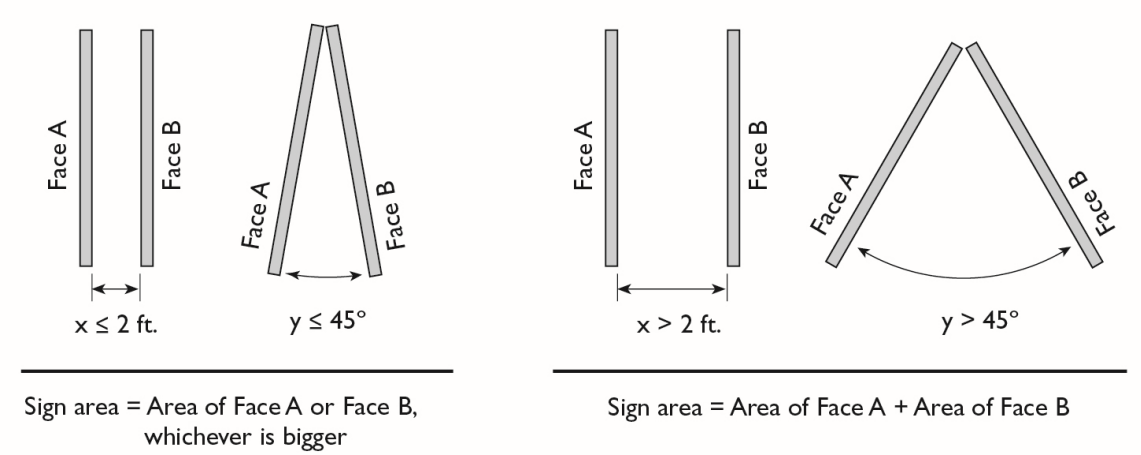
1. ***Single-Faced Signs.*** Sign area of single-faced signs is the area of the sign face;

FIGURE 17.40.060(H)(1): SINGLE-FACED SIGNS



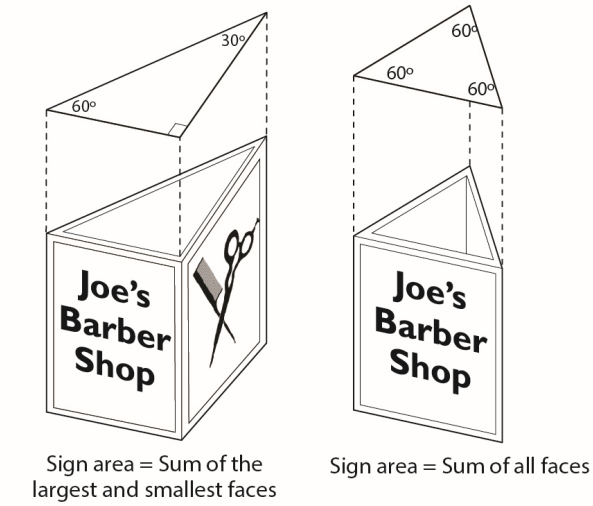
2. ***Double-Faced Signs.*** Where two faces of a double-faced sign are located two feet or less from one another at all points or located at an interior angle of 45 degrees or less from one another, the sign area of double-faced signs is computed as the area of one face. Where the two faces are not equal in size, the larger sign face will be used. Where two faces of a double-faced sign are located more than two feet or greater than 45 degrees from one another, both sign faces are counted toward the total sign area;

FIGURE 17.40.060(H)(2): DOUBLE-FACED SIGNS



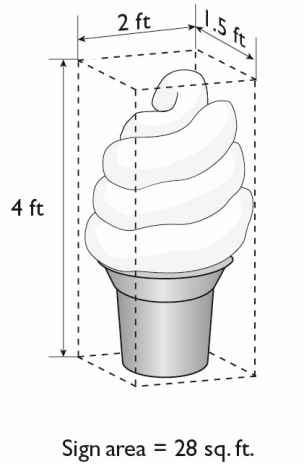
3. ***Multi-Faced Signs.*** On a three-faced sign, where at least one interior angle is 45 degrees or less, the area of two faces (the largest and smallest face) must be summed to determine sign area. In all other situations involving a sign with three or more sides, sign area will be calculated as the sum of all faces; and

FIGURE 17.40.060(H)(3): MULTI-FACED SIGNS



4. ***Three-Dimensional Signs.*** Signs that consist of, or have attached to them, one or more three-dimensional objects (e.g., balls, cubes, clusters of objects, sculpture, or statue-like trademarks such as a barberpole, etc.), may have a sign area that is the sum of all areas using the four or more vertical sides of the smallest rectangular prism that will encompass the sign.

FIGURE 17.40.060(H)(4): THREE-DIMENSIONAL SIGNS



I. **Changeable Copy.** The use of changeable copy on signage is subject to Design Review and may only be permitted in accordance with the following regulations.

1. ***Electronic Copy.*** Electronic changeable copy is only allowed in~~is~~ non-residential districts and as follows:

a. *Location.* Electronic copy may only be used for the following with approval of a Major Conditional Use Permit.

i. Fuel price signs at service and gas station sites.

ii. Indoor theaters to display current and future showings.

iii. Public/Quasi-Public uses on land with at least 400 feet of continuous street frontage.

b. *Maximum Number.* One per legal lot or permitted use.

c. Maximum Height. Ten feet.

d. *Maximum Area.* Electronic copy can represent no more than 50 percent of the maximum allowable sign area.

e. *Display Duration.* Changes to copy are limited to a maximum of twice per day.

f. *Light Color.* Light color shall be static and must not give the appearance of animation. No changes in light color is permitted without review and approval by the Design Review Board.

g. *Light Intensity.* The intensity of the sign lighting may not exceed 0.3 foot-candles over ambient lighting conditions when measured at the nearest property line. All electronic copy must be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 foot-candle limitation.

2. ***Non-Electronic Copy.*** Non-electronic changeable copy is allowed in all districts and can represent no more than 20 percent of the total allowable sign area, except for the following uses which are allowed up to 75 percent of the maximum allowable sign area to be changeable copy: all Public/Quasi-Public uses, indoor theaters and cinemas, and fuel price signs.

J. **Message Substitution.** On permitted signs, a commercial message of any type may be substituted, in whole or in part, with a non-commercial message. Additionally, any commercial message may be substituted, in whole or in part, with another commercial message.

1. ***No Additional Approval.*** Such message substitution may be made without any additional approval, permitting, registration, or notice to the City. The purpose of this provision is to allow for the updating of information and to prevent any inadvertent favoring of commercial speech over non-commercial speech or favoring of any particular non-commercial message over any other noncommercial message.

2. ***Limitations.*** This message substitution provision does not:

a. Create a right to increase the total amount of signage on a parcel, lot or land use;

b. Affect the requirement that a sign structure or mounting device be properly permitted;

c. Allow a change in the physical structure of a sign or its mounting device; or

d. Authorize the substitution of an off-site commercial message in place of an on-site commercial message or in place of a non-commercial message.

K. **Materials.** Sign materials must be appropriate for the type, location, size, and purpose of the sign, whether intended to be a permanent or temporary sign.

L. **Illumination.** The illumination of signs, from either an internal or external source, must be designed to avoid negatively impacting surrounding properties and roadways. The following standards apply to all illuminated signs:

1. Sign lighting must not be of an intensity or brightness that will create a nuisance for residential buildings in a direct line of sight to the sign;

2. Signs using exposed light sources, such as neon and other gas-filled tubing, or any interior lighted sign with transparent or translucent faces may be approved by the Design Review Board, provided that the Board determines that the light from the sign would not cause unreasonable glare, annoyance to passersby or neighbors, or create any safety hazards. Unshielded light bulbs are prohibited for the illumination of signs;

3. Light sources must be hard-wired fluorescent or compact fluorescent lamps, or other lighting technology that is of equal or greater energy efficiency. Incandescent bulbs or lamps are prohibited, except when used in signs of historic character as part of the architectural design; and

4. External light sources must be directed, shielded, and filtered to limit direct illumination of any object other than the sign, according to Chapter 17.35, Lighting.

M. **Maintenance.** Sign must be maintained in a secure and safe condition and must be cleaned, painted, and replaced as necessary to present a neat appearance. If the City determines that a sign is not secure, safe, or in a good state of repair, it must give written notice of this fact to the property owner and specify a time period for correcting the defect. If the defect is not corrected within the time specified by the City, the City may cause such sign to be removed, or altered to correct the defect, at the expense of the sign owner or owner of the property upon which it is located.

N. **Abandonment.** An on-premises sign advertising an activity, business, service or product must be removed within 90 days following the actual discontinuance of the activity, business, service or product. If the sign is not so removed, the Code Enforcement Officer may have the sign removed in accordance with the public nuisance abatement provisions of the Goleta Municipal Code.

O. **Allowable Sign Area.**

1. ***Maximum Sign Area.*** Table 17.40.060(O) establishes the maximum sign area per zoning district, exclusive of exempt signs and signage allowances for specific uses.

TABLE 17.40.060(O): TOTAL MAXIMUM SIGN AREA BY DISTRICT				
Zoning District:	*Commercial*	*Office*	*Industrial*	*Public and Quasi Public*
Total Sign Area Allowed (sq. ft.)	1 per lineal foot of street frontage	0.5 per lineal foot of street frontage	0.5 per lineal foot of street frontage	0.5 per lineal foot of street frontage

2. ***Individual Tenants.*** When a parcel contains two or more tenants and there is no approved Overall Sign Plan for the site, each individual tenant is limited in overall sign area based on the lineal feet of the façade of that tenant space.

P. **Flag Lots.** In all zoning districts, signage for a flag lot may be grouped with the signage for businesses on either of the neighboring properties. If signage is combined, the total allowed sign area of the sign may be increased to accommodate all properties and permitted uses.

17.40.070 Signage Allowances for Specific Uses and Special Signs

This Section establishes signage allowances for specific uses.

A. **Agricultural Operations.** Signs for agricultural operations and accessory use(s) may be erected subject to the following standards:

1. ***Maximum Number.*** One sign per street frontage.
2. ***Location.*** A minimum of five feet from the edge of the public right-of-way.
3. ***Maximum Sign Area.*** 25 square feet in area per sign.

B. **Open Space Uses.** Signs within the OSAR and OSPR Districts may be erected subject to the following standards:

1. ***Maximum Number.*** One sign per street frontage.
2. ***Maximum Sign Area.*** 25 square feet in area per sign.

C. **Non-Residential Uses in Residential Zoning Districts.** Signs for non-residential uses in "R" Zone Districts are allowed subject to the following standards:

1. ***Maximum Number.*** One freestanding sign and one wall sign.
2. ***Maximum Sign Area.*** Freestanding signs must not exceed 32 square feet in area per sign. Wall signs must not exceed ten square feet in area.
3. ***Location.*** Signs must be a minimum of ten feet from the edge of the public right-of-way or five feet from any interior lot line.
4. ***Maximum Height.*** Six feet for freestanding signs. Wall signs must not be more than 12 feet above grade.

D. **Residential and Mixed-Use Developments.** Identification signs for residential and mixed-use developments with more than ten residential units or parcels are permitted for the purpose of identifying a development subject to the following standards:

1. ***Maximum Number of Signs.*** One sign per street frontage.
2. ***Maximum Sign Area.*** 40 square feet per sign.

3. ***Height Limit and Location.***

   a. *Outside of all Setbacks:* Ten feet maximum height.

   b. *Within a Setback:* Five feet maximum height.

E. **Service and Gas Stations.**

1. ***Canopy Signs.*** Signs on service and gas station canopies must not exceed 25 square feet on each side.

2. ***Gas Pump Signs.*** Signage on gas pumps shall count toward overall allowable sign area.

F. **Cinemas.** One square foot of signage for each linear foot of street frontage of the lot, up to a maximum of 150 square feet.

G. **Murals.** Murals and other forms of art or artwork that are visible to the public and that contains advertising copy or functions as advertising are subject to zoning review and approval of a Zoning Clearance. Upon review, the Director may require Design Review by the Design Review Board.

H. **Time and Temperature Devices.** Time and temperature devices, not taller in height than permitted signs or larger than 12 square feet, located wholly on private property and bearing no commercial message.

I. **Vending Machines.** If visible from a public right-of-way, each of the following standards apply:

1. Signage for outdoor vending machines shall be subject to Design Review;

2. A single lot may not contain more than two outdoor vending machines visible from a public right-of-way; and

3. In no case shall an outdoor vending machine contain any form of interior lighting or illumination.

17.40.080 Standards for Specific Sign Types

A. **A-Frame Signs.** A-Frame signs are allowed in Commercial zoning districts, subject to the following standards:

1. ***Maximum Number.*** Each establishment is limited to no more than one sign.

2. ***Placement.*** A-Frame signs must be placed on private property directly in front of the business it is identifying.

3. ***Hours of Display.*** A-Frame signs must be removed during hours when the establishment is not open to the public and may not be displayed after the activity with which they are associated with is over.

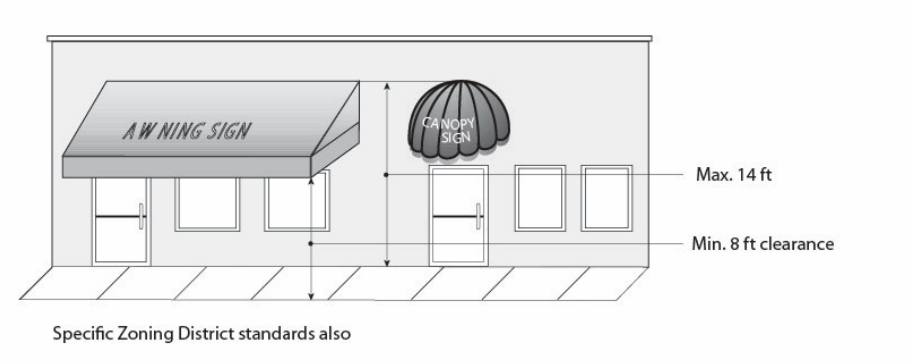
4. ***Maximum Size.*** Six square feet.

5. ***Maximum Height.*** Four feet.

B. **Awning and Canopy Signs.** Awning and canopy signs may be attached to or painted on the vertical edges or valance of awnings, canopies, arcades, or similar features or structures. Awning and canopy signs are also subject to the additional standards:

1. ***Maximum Number.*** One sign for each establishment per street frontage having an entrance under or offering service under the awning or canopy.
2. ***Maximum Size.*** Six square feet of sign area.
3. ***Maximum Height.*** Awning height is limited to 14 feet.
4. ***Minimum Vertical Clearance.*** The bottom of the awning must be a minimum of eight feet above the sidewalk.

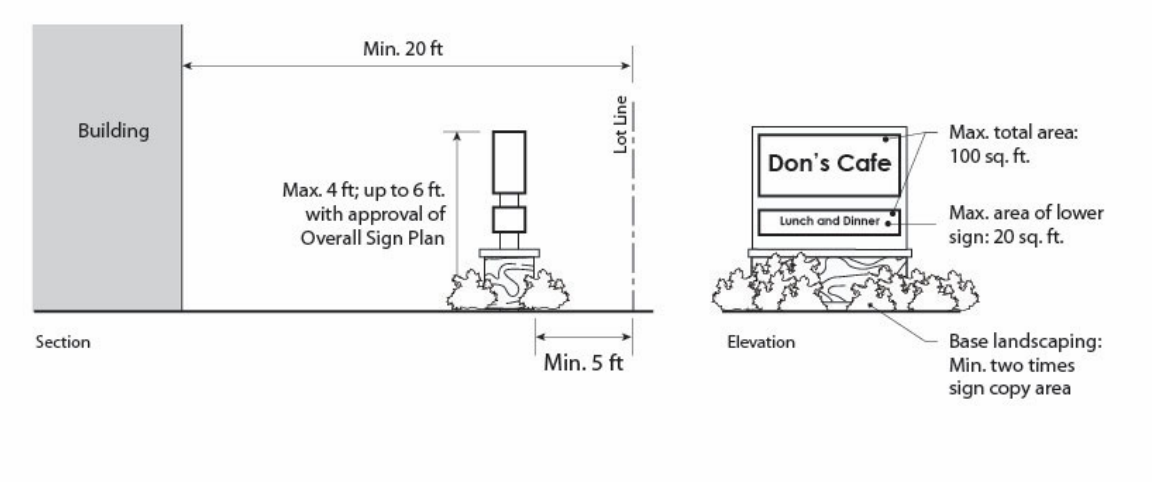
FIGURE 17.40.080(B): AWNING AND CANOPY SIGNS



C. **Freestanding Signs.** Freestanding signs are subject to the following standards:

1. ***Where Allowed.*** Freestanding signs are permitted only on a parcel of land with at least 125 feet of continuous street frontage and where the main building is set back at least 20 feet from the lot line. The base of the supporting structure must be set back at least five feet from the edge of the public right-of-way.
2. ***Maximum Number.*** One sign per street frontage. No more than two separate signs may be placed on each freestanding sign structure if being grouped with a flag lot.
3. ***Maximum Height.*** The standard allowable height for freestanding signs is four feet. An increased height allowance may be approved as part of an Overall Sign Plan, but in no case exceed six feet in height.
4. ***Maximum Area.*** 100 square feet. If two signs are placed on the same freestanding structure, the lower sign may not exceed 20 square feet and the areas of the two signs, added together, may not exceed 100 square feet in area.
5. ***Landscaping Required.*** All freestanding signs require landscaping at the base equivalent to two times the area of the sign if the area is not otherwise part of an approved landscape plan.

FIGURE 17.40.080(C): FREESTANDING SIGNS



D. **Menu Boards.** Any business proposing to include a Menu Board must conform to the following standards:

1. ***Location.*** Limited to adjacent vehicle queuing lane for the service point of the drive-through.

2. ***Maximum Number.*** Not to exceed one single-faced sign.

3. ***Maximum Size.*** Not to exceed 20 square feet and shall count toward the overall allowable sign area for the Use of the lot.

4. ***Maximum Height.***

   a. *Freestanding*: Not to exceed eight feet.

   b. *Wall Sign*: Not to exceed the height of the eave of the roof over the wall on which the sign is located.

5. ***Illumination.*** Subject to Section 17.35.050(D)(1), Lighting – Exterior Display/Sales Areas.

6. ***Noise.*** Subject to Section 17.39.070, Performance Standards – Noise.

E. **Projecting Signs.** A sign may project horizontally from the exterior wall of a building or suspended beneath a marquee, covered walkway, canopy, or awning, provided that such projection conforms to the following standards:

1. ***Maximum Number.*** One sign per building or tenant space, whichever is greater.

2. ***Maximum Size.*** Three square feet.

3. ***Maximum Height.*** 15 feet measured from grade to the top of the sign.

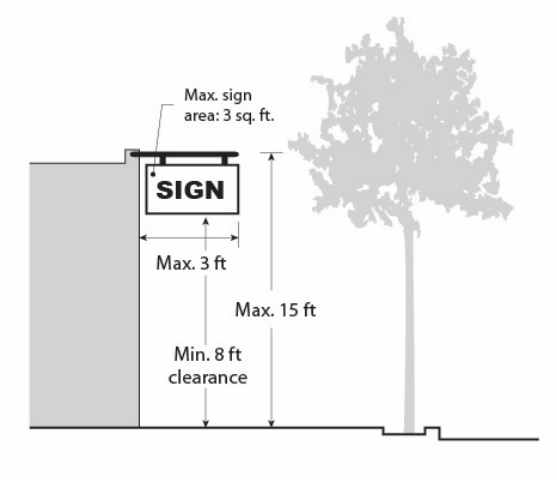
4. ***Minimum Vertical Clearance.*** Eight feet above the sidewalk.

5. ***Projection Allowed.*** A projecting sign may not extend more than three feet from the building to which it is attached. If connected to a marquee or awning, the sign may not

extend further than the outer edge from what it is suspended from and must be designed and located so as to cause no harm to street trees.

6. ***Illumination.*** No special illumination is allowed for projecting signs.

FIGURE 17.40.080(E): PROJECTING SIGNS



F. **Wall Signs.** Wall signs are subject to the following standards:

1. ***Maximum Number.*** One per street frontage or one per tenant space, whichever is greater.

2. ***Maximum Height.*** Wall signs may be located up to, but must not exceed, the height of the wall to which they are attached.

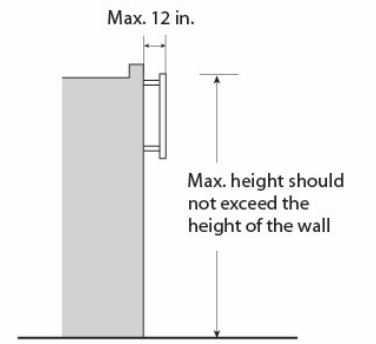
3. ***Maximum Size.*** One-eighth of the building facade area of that portion of the first floor occupied by the tenant and upon which façade the wall sign is to be located, to a maximum of 100 square feet.

4. ***Projection Allowed.*** Wall signs may not extend more than 12 inches beyond the face of the wall to which they are attached.

5. ***Placement.*** No wall sign may cover, wholly or partially, any required wall opening.

6. ***Orientation.*** Unless a different orientation is specifically authorized, each wall-mounted sign must be placed flat against the wall of the building.

FIGURE 17.40.080(F): WALL SIGNS



G. **Window Signs.** Window signs are subject to the following standards:

1. ***Percent of Window.*** The total area of window sign shall not exceed ten percent of the window area.

2. ***Maximum Size.*** 24 square feet.

17.40.090 Overall Sign Plan

The purpose of an Overall Sign Plan is to allow coordinated review of all signage on a property for non-residential and/or mixed-use development subject to approval by the Design Review Board. An Overall Sign Plan allows some sign standards to be modified in order to allow design creativity and to simplify the review process for individual signs once the Overall Sign Plan is adopted. The total aggregate area of the signs permitted by the Sign Program may be up to ten percent larger than the total aggregate areas of all signs otherwise permitted by this Chapter.

A. **Applicability.** An Overall Sign Plan is required for the following:

1. New development in commercial, office, and industrial zoning districts with four or more occupancies in commercial or office developments, including mixed-use projects; and

2. All construction and renovation projects involving more than 40,000 square feet of land area where a previous Overall Sign Plan was not approved.

B. **Processing.**

1. New Overall Sign Plan shall be subject to Design Review approval by the Design Review Board prior to any subsequent, associated ministerial review by the Director for individual signs.

2. Subsequent individual signs on the Overall Sign Plan are not subject to further Design Review Board approval unless such a review is required based on a specific provision of the Plan. When no Design Review Board approval is required, applications for individual signs must be submitted to the Director and reviewed for conformance with the standards of the approved Overall Sign Plan. A Zoning Clearance must be issued if determined that a sign substantially conforms to the previously-approved Overall Sign Plan.

3. Applications for individual signs that are not in conformance with the standards of an approved Overall Sign Plan, are subject to a review and approval of a new or revised Overall Sign Plan before the Design Review Board.

C. **Required Findings.** The Design Review Board will only approve a new Overall Sign Plan or changes to an approved Overall Sign Plan shall only be approved, if all of the following findings are made:

1. The proposed signage is in harmony with and visually related to the common design elements of the buildings the signage will identify.

2. The proposed signage does not cover, alter, or otherwise obscure important associated architectural features of the building.

3. The proposed signage does not have significant adverse effects on nearby properties.

4. The choice of materials and colors enhance the overall project design.

5. Any changes to dimensional or locational standards are appropriate from a design perspective.

6. The proposed amount of signage conforms to all applicable development standards of this Title.

17.40.100 Nonconforming Signs

A. **Applicability.** Except for illegal/unpermitted signs, all exempt and/or permitted signage that exists within the City on the date this Title becomes effective that is made nonconforming as to this Chapter shall be subject to Chapter 17.36, Nonconforming Uses and Structures.

B. **Continuance and Maintenance.** Routine repair and maintenance may be performed on a nonconforming sign provided there is no expansion of nonconformity. Any repair of a damaged nonconforming sign may not exceed 50 percent of the sign area or a cost of $2,000 or more without requiring the entire sign to be brought into conformity with all applicable zoning regulations, unless otherwise specified and allowed as part of this Title.

C. **Abandonment of Nonconforming Sign.** Whenever a nonconforming sign has been abandoned, or the use of the property associated with the nonconforming sign has been discontinued for a period of 90 consecutive days, the sign shall lose its nonconforming status and associated allowances and must be removed. If not removed, the property owner will be in violation of this Section.

D. **Restoration.** A nonconforming sign may only be restored if it meets the following criteria:

1. The sign has been recognized by the City as a local Historic Resource or is designated either locally, or by the State as a Historic Landmark or as having Historical Merit. Any repairs and restoration shall be subject to any applicable requirements, restrictions, and/or conditions associated with the historic designation, including any special permitting, CEQA, or Design Review requirements;

2. If damaged by natural causes (e.g., fire, flood, earthquake, etc.) and the damage does not exceed 50 percent of the total sign area, including hardware and attachments, “in-kind” repairs would be exempt from Zoning Permits provided that the repairs are approved by the Building Department within 45 days and completed within 90 days of the date of damage; or

3. If damaged by natural causes (e.g., fire, flood, earthquake, etc.) and the damage exceeds 50 percent of the total sign area, including hardware and attachments, any repairs would be subject to Design Review and approval by the Design Review Board.

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Chapter 17.41 Standards for Specific Uses and Activities

Sections:

17.41.010 Purpose
17.41.020 Applicability
17.41.030 Accessory Dwelling Units (ADU)
17.41.040 Accessory Uses
17.41.050 Adult-Oriented Businesses
17.41.060 Animal Keeping
17.41.070 Automobile/Vehicle Service and Repair
17.41.080 Automobile/Vehicle Washing
17.41.090 Cannabis Uses
17.41.100 Community Gardens
17.41.110 Day Care Facilities
17.41.120 Eating and Drinking Establishments
17.41.130 Emergency Shelters
17.41.140 Family Day Care
17.41.150 Farmworker Housing
17.41.160 Group Residential
17.41.170 Home Occupations
17.41.180 Live/Work Units
17.41.190 Mobile Vendors
17.41.200 Outdoor Sales
17.41.210 Personal Storage
17.41.220 Residential Care Facilities
17.41.230 Service and Gas Stations
17.41.240 Short-term Vacation Rentals
17.41.250 Single-Room Occupancy (SRO) Housing
17.41.260 Temporary Uses

17.41.010 Purpose

The purpose of this Chapter is to establish standards for specific uses and activities that are permitted or conditionally permitted in several or all base zoning districts. These provisions are intended to minimize the impacts of these uses and activities on surrounding properties and to protect the health, safety, and general welfare of their occupants and of the public.

17.41.020 Applicability

Each activity covered by this Chapter must comply with the requirements of the Section applicable to the specific use or activity, in addition to any base zoning district standards where the use or activity is proposed, and all other applicable provisions of this Title. The uses that are subject to the standards in this Chapter are allowed only when authorized by the planning permit identified in the base zoning district regulations except where this Chapter establishes a different planning permit requirement for a specific use.

17.41.030 Accessory Dwelling Units (ADU)

A. **Purpose.** The purpose of this section is to allow and regulate Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) in compliance with California Government Code Sections 65852.2 and 65852.22.

B. **Effect of Conforming.** An ADU or JADU that conforms to the standards in this section will not be:

1. Deemed to be inconsistent with the City's General Plan/Coastal Land Use Plan land use designation and zone district for the lot on which the ADU or JADU is located.

2. Deemed to exceed the allowable dwelling unit density for the lot on which the ADU or JADU is located.

3. Considered in the application of any City ordinance, policy, or program to limit residential growth.

4. Required to correct a Nonconforming Zoning Condition, as defined in subsection C.7 below. This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code Section 17980.12.

C. **Definitions.** As used in this section, terms are defined as follows:

1. ***Accessory Dwelling Unit (ADU).*** An attached or a detached residential dwelling unit that provides Complete Independent Living Facilities for one or more persons and is located on a lot with a proposed or existing principal residence. An accessory dwelling unit also includes the following:

   a. An efficiency unit, as defined by Section 17958.1 of the California Health and Safety Code; and

   b. A manufactured home, as defined by Section 18007 of the California Health and Safety Code.

2. ***Accessory Structure.*** A structure that is accessory and incidental to a dwelling located on the same lot.

3. ***Complete Independent Living Facilities.*** Permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the Single-Unit or Multi-Family Dwelling is or will be situated.

4. ***Efficiency Kitchen.*** A kitchen that includes each of the following:

   a. A cooking facility with appliances.

   b. A food preparation counter or counters that total at least 15 square feet in area.

   c. Food storage cabinets that total at least 30 square feet of shelf space.

5. ***Junior Accessory Dwelling Unit (JADU).*** means a residential unit that:

   a. Is no more than 500 square feet in size;

   b. Is contained entirely within an existing or proposed Single-Unit Dwelling structure;

c. Includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed Single-Unit Dwelling structure; and

d. Includes an Efficiency Kitchen.

6. ***Multifamily Dwelling.*** Any structure designed for human habitation that has been divided into two or more legally created independent living quarters.

7. ***Nonconforming Zoning Condition.*** A physical improvement on a property that does not conform with current zoning standards.

8. ***Passageway.*** A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.

9. ***Single-Unit Dwelling.*** Any structure designed for human habitation that has been legally created for a single independent living quarters.

D. **Permit Requirements.** The following permit requirements apply to ADUs and JADUs under this section:

1. ***Exempt.*** If an ADU or JADU complies with each of the general requirements in subsection E below, the ADU or JADU is exempt from zoning permits under this section in the following scenarios:

a. *Converted on Single-Unit Lot:* Only one ADU or JADU on a lot with a proposed or existing Single-Unit Dwelling on it, where the ADU or JADU:

i. Is either:

(1) Within the space of a proposed Single-Unit Dwelling;

(2) Within the existing space of an existing Single-Unit Dwelling; or

(3) Within the existing space of an Accessory Structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress.

ii. Has exterior access that is independent of that for the Single-Unit Dwelling.

iii. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.

b. *Detached on Single-Unit Dwelling Lot:* One detached, new-construction ADU on a lot with a proposed or existing Single-Unit Dwelling (in addition to any JADU that might otherwise be established on the lot under subsection (D)(1)(a) above) if the detached ADU satisfies the following limitations:

i. The side and rear setbacks are at least four feet.

ii. The floor area is 800 square feet or smaller.

iii. The height is 16 feet or less.

c. *Converted on Multifamily Dwelling Lot:*

i. Multiple ADUs within portions of existing Multifamily Dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings.

ii. At least one converted ADU is allowed within an existing Multifamily Dwelling, and up to 25 percent of the existing Multifamily Dwelling units may each have a converted ADU under this subsection.

d. *Detached on Multifamily Dwelling Lot:* No more than two detached ADUs on a lot that has an existing Multifamily Dwelling if each detached ADU satisfies the following limitations:

i. The side and rear setbacks are at least four feet.

ii. The total floor area is 800 square feet or smaller.

2. ***Non-Exempt.***

a. *Permit Required.* Except as allowed under subsection (D)(1), no ADU may be constructed or legalized without a building permit and zoning permit in compliance with the standards set forth in subsections (E) and (F) below.

i. Inland Area. Within the inland area of the City, ministerial review, approval, and issuance of a Land Use Permit by the Director is required for construction of an ADU as well as the legalization of any existing unpermitted ADU.

ii. Coastal Zone. Within the Coastal Zone of the City, review, approval, and issuance of a Coastal Development Permit by the California Coastal Commission is required for construction of an ADU as well as for the legalization of any existing unpermitted ADU.

b. *Required Findings.* The required findings for a Land Use Permit under this section are limited to the following findings:

i. Based upon City consultation with the Goleta Water District and Goleta or Goleta West Sanitary District, there are adequate water and sewer services to support the ADU.

ii. The proposed ADU conforms to the applicable regulations of this section.

c. *Processing Time.* The City must act on an application to create an ADU or JADU within 60 days from the date that the City receives a completed application, unless either:

i. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or

ii. In the case of a JADU and the application to create a JADU is submitted with a permit application to create a new Single-Unit Dwelling on the lot, the City may delay acting on the permit application for the JADU until the City acts on the permit application to create the new Single-Unit Dwelling,

but the application to create the JADU will still be processed without discretionary review or a hearing.

d. *Appeals.* An action of the Director to approve, conditionally approve, or deny an application for an ADU is final unless the applicant or opposing party appeals the decision within ten calendar days of the decision. For an Appeal to be accepted by the Director, it must identify how the decision is inconsistent with applicable development standards of subsection (E) and (F) below. The grounds for an Appeal of an approved, conditionally approved, or denied Land Use Permit is limited to whether the decision on the project is inconsistent with one or more of the applicable Development Standards. The City will not accept an Appeal of the decision on the requested ADU if the applicant or opposing party fails to identify the specific Development Standard inconsistency. The Review Authority for an accepted Appeal shall be the Zoning Administrator.

E. **Development Standards for ADUs and JADUs.** The following requirements apply to all ADUs and JADUs that are approved under subsections (D)(1) or (D)(2) above:

1. ***Fire Sprinklers.*** Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.

2. ***Rental Term.*** No ADU or JADU may be rented for a term that is shorter than 30 days.

3. ***No Separate Conveyance.*** An ADU or JADU may be rented, but no ADU or JADU may be sold or otherwise conveyed separately from the lot and the principal dwelling (in the case of a Single-Unit Dwelling lot) or from the lot and all of the dwellings (in the case of a Multifamily Dwelling lot).

4. ***Septic System.*** ADUs or JADUs shall not use an on-site water-treatment system.

5. ***Owner-Occupancy.***

a. All ADUs permitted before January 1, 2020 are subject to the owner-occupancy requirement that was in place when the ADU was permitted.

b. An ADU that is permitted after that date but before January 1, 2025, is not subject to any owner-occupancy requirement.

c. All ADUs that are permitted on or after January 1, 2025 are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property as the person's legal domicile and permanent residence.

d. All JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the principal dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement of this paragraph does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.

6. ***Minimum Size.*** The minimum floor area of an ADU is 200 square feet for a standard unit. An "efficiency unit" ADU, in accordance with California Health and Safety Code Section 17958.1, may be a minimum of 150 square feet.

7. ***Unique Address.*** Each ADU and JADU must have a unique address assigned and issued by the Santa Barbara County Fire Department.

8. ***Deed Restriction.*** Prior to issuance of a building permit for an ADU or JADU, a deed restriction must be recorded against the title of the property in the Santa Barbara County Recorder's office and a copy filed with the Director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the City and must provide that:

   a. The ADU or JADU may not be sold separately from the principal dwelling.

   b. The ADU or JADU is restricted to the approved size and to other attributes allowed by this section.

   c. The deed restriction runs with the land and may be enforced against future property owners.

   d. The deed restriction may be removed if the owner eliminates the ADU or JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Director, providing evidence that the ADU or JADU has in fact been eliminated. The Director may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the Director's determination consistent with other provisions of City zoning regulations. If the ADU or JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of the City's zoning regulations.

   e. The deed restriction is enforceable by the Director or his or her designee for the benefit of the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.

F. **Supplemental Development Standards for ADUs.** The following requirements apply only to ADUs that require a zoning permit under subsection (D)(2) above:

1. ***Maximum Size.***

   a. The maximum size of an ADU subject to this subsection (F) is as follows:

      i. 850 square feet for a studio or one-bedroom ADU.

      ii. 1,000 square feet for an ADU with two bedrooms.

      iii. No more than two bedrooms are allowed.

   b. An attached ADU that is created on a lot with an existing or proposed principal dwelling is further limited to 50 percent of the floor area of the existing or proposed principal dwelling.

c. Application of other development standards in this subsection (F), such as lot coverage and setbacks, might further limit the size of the ADU, but no application of other development standards may require the ADU to be less than 800 square feet.

2. ***Lot Coverage.*** No ADU subject to this subsection (F) may exceed ten percent of the total net lot area of the subject lot.

3. ***Height.***

a. *Attached ADUs.*

i. The height of an attached ADU located above a garage or above a portion of the principal dwelling may not exceed the height of the principal dwelling.

ii. An attached ADU that is not situated atop another structure may only contain one story (an interior loft is not considered a second story) and may not exceed the following heights:

(1) 12 feet if located within 25 feet of a rear setback line;

(2) 12 feet if located within ten percent of lot width with a minimum of five feet and a maximum of ten feet from an interior side setback line; or

(3) 16 feet if located completely outside of all setbacks outlined above.

b. *Detached ADUs.*

i. A detached ADU not located atop an existing detached garage may only contain one story and may not exceed 12 feet in height

ii. A detached ADU located atop a legally permitted existing detached garage may not exceed the height of the principal dwelling unit.

4. ***Setbacks.*** New Construction ADUs must observe the following setback requirements:

a. Interior Side Setback: Four feet.

b. Rear Setback: Four feet.

c. Front Setback: 20 feet.

d. Secondary Front Setback on Cornet Lots: Ten feet.

5. ***Separation.*** The minimum separation between the principal dwelling unit and a detached ADU must be at least five feet for new construction.

6. ***Passageway.*** No Passageway, as defined by subsection (C)(8) above, is required for an ADU.

7. ***Parking.***

a. Parking spaces are not required for ADUs.

b. No Replacement. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.

8. ***Design Requirements.*** Administrative design review approval is required. If the property owner wishes to receive advice and informal guidance on the ADU design from the Design Review Board, the applicant will not need to pay any fees associated with such one-time voluntary presentation of the ADU design to the Design Review Board. However, this review must be completed prior to application submittal. Administrative Design Review will be formally conducted by the Director, or designee. The following standards apply for Administrative Design Review of ADUs.

a. The exterior appearance, design style and character of an attached ADU must have the same exterior appearance and architectural style of the principal dwelling and use the same exterior materials, colors, and design (e.g., siding, trim, windows, and other exterior physical features, etc.).

i. A manufactured or modular (HUD-Certified) home proposed to be used as a detached ADU can be different in architectural style from that of the principal dwelling on the lot.

ii. Samples and/or photos of existing and proposed colors, materials, roofing, and features must be provided as part of a complete ADU application.

b. Roof pitch and roof materials for a newly constructed ADU can be different from that of the principal dwelling on the lot only if accommodating installation of solar energy systems at the same time as construction of the ADU.

i. An ADU with a roof with a 4:12 pitch or more for solar energy systems can increase the maximum height allowance of the ADU by three feet, as specified in the development standards in subsection (F)(3).

c. Landscaping is required to enhance the appearance of the ADU as follows:

i. At least one 15-gallon size plant shall be provided for every five linear feet of exterior wall. Alternatively, at least one 24-inch box size plant shall be provided for every ten linear feet of exterior wall.

ii. New landscaping must use water-efficient species only.

d. Windows and doors of the ADU may not have a direct line of sight to an adjoining residential property. Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight. Samples of proposed vegetative screening and planting locations must be provided as part of a complete ADU application. Exceptions to this design standard apply only to conversion of legally permitted structures that do not include installation of new exterior windows facing an adjacent property line or when only clerestory windows are used and do not provide views into neighboring lots.

G. **Development Impact Fees.**

1. No Development Impact Fees are required for an ADU that is less than 750 square feet in floor area.

2. Any Development Impact Fee that is required for an ADU that is 750 square feet or larger in floor area must be charged proportionately in relation to the square footage of the principal dwelling unit. "Development Impact Fee" here does not include any connection fee or capacity charge for water or sewer service.

H. **Utility Fees.** Converted ADUs and JADUs on a single-unit dwelling lot, created under subsection (D)(1)(a) above, are not required to have a new or separate utility connection directly between the ADU or JADU and the utility. Nor is a connection fee or capacity charge required unless the ADU or JADU is constructed with a new Single-Unit Dwelling.

I. **Discretionary Approval.** Any proposed ADU or JADU that does not conform to all of the objective standards set forth in this section may be allowed through other applicable City discretionary zoning provisions, including the Modification and Design Review Board processes.

~~A. **Purpose and Intent.** This Section establishes the procedures and development standards for the ministerial processing of applications for new attached and detached ADUs in compliance with California Government Code, Section 65852.2. The intent of this Government Code Section is to encourage a more efficient use of residentially zoned land use districts, which are seeing a decrease in household size, changes in social patterns, increasing housing costs, and decreased affordable housing stock. ADUs are recognized as providing a valuable alternative housing opportunity for the elderly, low-income, student, and other economic groups.~~

~~B. **Location.** An ADU can be located within the inland area or coastal zone of the City on any lot zoned for residential use. The lot must be developed with an existing single-unit dwelling or can be a vacant lot where construction of both a new single-unit dwelling and ADU are proposed. If the subject lot is vacant, the new principal dwelling must receive its entitlement prior to the separate permit application submittal for the ADU.~~

~~C. **Permit Required.** Ministerial review of a Zoning Permit is required for construction of an ADU as well as the legalization of any existing unpermitted ADU. As required under current State Law, permit processing for the ADU will be completed by the City within 120 days of acceptance of a complete application and either approved, approved with conditions, or denied.~~

~~1. ***Inland Area.*** Within the inland area of the City, ministerial review, approval, and issuance of a Land Use Permit by the Director is required for construction of an ADU as well as the legalization of any existing unpermitted ADU.~~

~~2. ***Coastal Zone.*** Within the Coastal Zone of the City, ministerial review, approval, and issuance of a Coastal Development Permit by the Director is required for construction of an ADU as well as the legalization of any existing unpermitted ADU.~~

~~D. **Application Requirements.** Only the property owner who resides on the subject lot can submit an application for an ADU. All of the following information must be provided to the City as part of a complete application submittal. An application that is missing any required information will not be accepted.~~

~~1. ***Plan Sheets.*** At a minimum, a site plan, floor plan, and elevations drawn to scale of the existing or proposed principal dwelling and the proposed ADU are required. The site plan or separate sheet must depict any required and/or proposed parking, grading, drainage,~~

exterior lighting, and landscaping. If the ADU is located completely within an existing permitted structure and no exterior changes would occur as part of the project (e.g., no new door(s) or window(s)), then elevation plan sheets are not required.

2. ***Adequate Services.*** The proposed method of water supply and sewage disposal for the ADU must be provided. Letters of service availability must be provided by the appropriate water and sewer service provider(s) for the lot. The property owner must also demonstrate existing or future legal access as well as service availability from any associated electric and gas provider for the lot.

3. ***Owner-Occupancy.*** The property owner of the subject lot must reside on the property as their primary place of residence at the time of application submittal. Additionally, the owner must reside in either the principal dwelling or the ADU for a minimum of five years after approval and construction of the ADU, except when an exception is made by the Director as provided below. The decision of the Director is final and not subject to Appeal. Exceptions can be granted for one of the following circumstances:

   a. Disability or infirmity requires institutionalization of the property owner, or

   b. Death of the property owner and hardship to heirs or trustees inheriting or managing the property, or

   c. The Director approves the property owner's written request for a temporary absence due to illness, temporary employment relocation, sabbatical, extended travels, or when other good cause can be demonstrated.

4. ***Primary Residency.*** A Homeowners' Property Tax Exemption from the Santa Barbara County Assessor is required as proof of primary residency on the subject lot at the time of application submittal. Additional, in the following instances, proof of owner-occupancy on the lot must be demonstrated at the following time:

   a. If the lot contains an existing single-unit dwelling, documentation (e.g., utility bills) verifying that the dwelling is owner-occupied must be provided as part of the application.

   b. If the subject lot is vacant, the applicant must provide documentation verifying that the property will be their primary place of residence prior to final building inspection clearance.

E. **Design Review.** Administrative design review approval is required for all ADUs. If the property owner wishes to receive advice and informal guidance on the ADU design from the Design Review Board, the applicant will not need to pay any fees associated with such one-time voluntary presentation of the ADU design to the Design Review Board. However, this review must be completed prior to application submittal. Administrative Design Review will be formally conducted by the Director, or designee. The following standards apply for the Administrative Design Review of ADU applications.

1. The ADU is to be subordinate to the principal dwelling on the subject lot in terms of size, location, and appearance. Comparative photos and plans must be provided as part of a complete ADU application.

2. The exterior appearance, design style and character of an attached ADU must reflect the exterior appearance and architectural style of the principal dwelling and use similar

exterior materials, colors, and design (e.g., siding, trim, windows, and other exterior physical features, etc.).

3. The exterior appearance and character of a new detached ADU must comply with the following design standards:

   a. A manufactured or modular (HUD-Certified) home proposed to be used as a detached ADU can be different in architectural style from that of the principal dwelling on the lot.

   b. New ground-up construction of a detached ADU must reflect the exterior appearance and architectural style of the principal dwelling and must use similar exterior materials, colors, and design.

4. Roof pitch and roof materials for a newly constructed ADU can be different from that of the principal dwelling on the lot only if accommodating installation of solar energy systems at the same time as construction of the ADU.

   a. Samples and/or photos of existing and proposed colors, materials, roofing, and features must be provided as part of a complete ADU application.

   b. An ADU with a roof with a 4:12 pitch or more for solar energy systems can increase the maximum height allowance of the ADU by three feet, as specified in the Development Standards subsection (F) below.

5. If a new ADU is located or constructed within a side or rear setback, landscaping of sufficient size, height, and breadth must be provided in order to protect the privacy of adjoining residences.

   a. Landscaping must be installed and maintained to provide immediate screening of views from windows within the ADU into the windows of adjacent residential buildings or into outdoor living areas, such as decks, patios, terraces, and swimming pools.

   b. Samples of proposed vegetative screening and planting locations must be provided as part of a complete ADU application.

   c. The exceptions to this design standard apply only to conversion of legally permitted structures that do not include installation of new exterior windows facing an adjacent property line or when only clerestory windows are used and do not provide views into neighboring lots.

6. Adequate landscaping is required to enhance the appearance of the ADU and provide appropriate screening to blend the dwelling into the existing development on the lot. New landscaping must use water-efficient species only.

F. **Development Standards.** The following standards apply to all ADUs, including all existing unpermitted units that are applying for a permit to legalize the structure and use. Any request for a Modification to any of these development standards will require submittal of a separate permit application for discretionary review by the Zoning Administrator and the Design Review Board. The associated Zoning Permit application will be accepted at the same time as the Modification application and both will be concurrently processed. Approval of the requested Modification is

required prior to approval of the ADU. The final decision on both permit applications will occur within 120 days of acceptance of complete applications.

1. ***Standards applicable to all ADUs.***

a. Only one ADU may be permitted on any single legal lot of record.

b. The minimum floor area of an ADU is 200 square feet for a standard unit. An "efficiency unit" ADU may be a minimum of 150 square feet, but must be less than 200 square feet.

c. The floor area of an ADU must not exceed ten percent of the total net lot area of the subject lot.

d. A standard ADU must not exceed a maximum floor area of 800 square feet, or 50 percent of the existing floor area of the principal dwelling, whichever is less.

e. The total floor area of all covered structures, including an attached or detached ADU, must not exceed the maximum lot coverage of the underlying zone district.

f. An ADU may have no more than two bedrooms.

g. An ADU must contain its own full kitchen, except for an efficiency unit ADU, which may have a partial kitchen.

h. An ADU must have its own full bathroom facility.

i. New construction for an ADU, or placement of a manufactured or modular ADU, may not be located between the front of the principal dwelling and the road right-of-way.

j. All required setbacks for the base zone district shall be applicable to the location of newly constructed ADUs, except for an ADU located entirely within an existing and legally permitted structure that is currently nonconforming as to setbacks.

k. An ADU will not be permitted on a lot where there is a guesthouse, artist studio, or other dwelling or structure used for habitation other than the principal dwelling. Any existing guesthouse, artist studio, or other dwelling must be removed or can be converted into the ADU.

l. Any loss in existing required off-street parking for the principal dwelling due to conversion of a garage to an ADU must be replaced on the subject lot. Replacement residential parking spaces can be located within any setback, as tandem parking, or any other configuration authorized by State Law, but must be located outside of any public right-of-way, including roadways and sidewalks.

m. On-site parking for an ADU is not required. If on-site parking is voluntarily provided for an ADU, it may be located within the setbacks and/or in a tandem configuration, but must be located outside of any public right-of-way, including roadways and sidewalks.

n. An ADU must have its own unique address assigned and issued by the Santa Barbara County Fire Department.

o. An ADU must not be sold separately from the principal dwelling.

p. An ADU located within a setback or above a portion of the principal dwelling or an attached garage shall not be subject to subsection 17.41.030(E)(4)(b) above.

q. An ADU may be used as a rental unit provided that:

i. The anticipated rental rate for the ADU is provided to the City;

ii. Any increase in actual rental cost for an approved ADU is reported to the City Planning staff for reporting to the California Department of Housing and Community Development. Any subsequent sale of a property with an approved ADU must be reported to the Planning and Environmental Review Department so rental rates can continue to be tracked and reported accurately; and

r. Rental of an ADU must be for longer than 30 consecutive days. Any ADU found in violation of this standard will be in violation of this Title and subject to Goleta Municipal Code, Section 3.06, Transient Occupancy Tax, and all applicable enforcement, penalties, and fines.

2. ***Supplemental Standards for Attached ADUs.***

a. The vertical height of an attached ADU located above a garage or above a portion of the principal dwelling must not exceed the height of the principal dwelling nor the maximum allowable height of the base zone district.

b. An attached ADU that is not situated atop another structure may only contain one story and must not exceed 12 vertical feet in height if located within a setback, or 16 feet if located completely outside of all setbacks. An interior loft area is not considered a second story.

c. An attached ADU must provide a separate entrance to the unit. However, if an ADU is located on a second story, any external stairway for the ADU must not extend into a front, side, or rear setback.

3. ***Supplemental Standards for Detached ADUs.***

a. The minimum building separation between the principal dwelling and a detached ADU must be at least five feet for new construction. If the detached ADU is located in an existing structure that is less than five feet from the principal dwelling, a fire wall must be installed pursuant to current Building Code requirements.

b. A detached ADU located atop a legally permitted existing detached garage or other accessory structure must be setback at least five feet from the side and rear property line and may not exceed the height of the principal dwelling.

c. A detached ADU that is not located atop an existing detached garage may only contain one story and must not exceed 12 vertical feet in height if located within a setback, or 16 feet if located completely outside of all setbacks. An interior loft area is not considered a second story.

G. **Site Visit.** Planning staff may conduct a site visit to the subject lot prior to approval of the project. If requested, the property owner or authorized agent must allow City staff to access the lot and any existing structure on the subject lot for land use inspection.

~~H. **Permit Fees.** Prior to approval of first grading and/or building permit(s), the owner/applicant must pay all applicable permit fees in full as required by City ordinances and resolutions.~~

~~I. **Appeals.** An action of the Review Authority to approve, conditionally approve, or deny an application for an ADU is final unless the applicant or opposing party appeals the decision within ten calendar days of the decision in compliance with Section 17.52.120, Common Procedures – Appeals. For an Appeal to be accepted by the Director, it must identify how the decision is inconsistent with applicable Development Standards of subsection (F) above. The grounds for an Appeal of an approved, conditionally approved, or denied Zoning Permit is limited to whether the decision on the project is inconsistent with one or more of the applicable Development Standards. The City will not accept an Appeal of the decision on the requested ADU if the applicant or opposing party fails to identify the specific Development Standard inconsistency. The Review Authority for an accepted Appeal shall be the Zoning Administrator.~~

~~J. **Covenant.** A covenant in a form approved by the City Attorney must be recorded with the County Recorder's Office detailing the owner-occupancy restriction as well as the restriction on the size, use, and other attributes of the ADU, as set forth in this Section. The covenant must also include a prohibition on the sale of the ADU separate from the sale of the principal dwelling, including a statement that the deed restriction shall be enforced against future purchasers of the lot. Proof of recordation of the covenant must be provided to the City prior to final building inspection clearance.~~

17.41.040 Accessory Uses

Accessory Uses that are not permitted uses within a Zone District must comply with the requirements of this Section and are allowed only when in conjunction with a principal use on the premises.

A. **Determination of Use as Accessory.** Accessory Uses must serve the purpose of and be incidental, subordinate, and related to the principal use, which can be demonstrated by elements including but not limited to:

1. The floor area and/or lot area devoted to the use;
2. The economic importance of the use;
3. The expenses devoted to the use;
4. The hours of operation of the use;
5. The number of employees devoted to the use; and
6. The number of customers/visitors generated by the use.

B. **Permit Required.** No permit or approval is required for accessory uses beyond what is required for the principal use(s) on the premises. However, the accessory uses must be included on any submittal for the principal use(s). In cases where the principal use requires a Conditional Use, Accessory Uses may be further limited or even prohibited.

C. **Size.** Unless otherwise allowed in this Title, the aggregate floor area of non-residential accessory uses per structure, or tenant space/lot area is limited as follows:

1. Structure or tenant space with floor area of less than 1,000 square feet: Maximum 25 percent of the structure or tenant space.

2. Structure or tenant space with floor area of 1,000 to 3,000 square feet: Maximum 250 square feet or 15 percent of the structure or tenant space, whichever is greater.

3. Structure or tenant space floor area of more than 3,000 square feet: Maximum 600 square feet or ten percent of the structure or tenant space, whichever is greater.

4. Additional square footage may be allowed pursuant to approval of a Major Conditional Use Permit.

D. **Parking.** Parking for Accessory Uses must be provided based upon Chapter 17.38, Parking and Loading.

E. **Prohibited Uses.** The following uses are prohibited from being Accessory Uses:

1. Adult-Oriented Businesses;

2. Cannabis Uses, except when accessory to other cannabis businesses;

3. Liquor Stores;

4. Oil and Gas Facilities;

5. Bar/Nightclub/Lounge, except in hotels, restaurants, resorts, golf courses, breweries, wineries, and distilleries; and

6. Heavy Manufacturing.

F. **Exempt Accessory Uses.** Any Accessory Uses that are specifically defined and regulated under this Title, including but not limited to Family Day Care facilities, are exempt from this Section.

17.41.050 Adult-Oriented Businesses

Adult-oriented businesses must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning District Standards and Allowed Uses:

A. **Development Standards.** Adult-oriented businesses must comply with the following development and operational standards.

1. ***Specific Location.*** Adult-oriented businesses must be located as follows:

a. Any lot with an Adult-Oriented Business must at least 1,000 feet from a lot containing the following uses:

i. Any educational institution, including, without limitation, public or private schools for primary or secondary education, nursery schools or day care facilities, religious and/or cultural institutions, or private or public parks.

ii. Another adult-oriented business.

b. Adult Bookstores, Adult Novelty Stores, or Adult Video Stores must be located on a lot at least 600 feet from any Residential "R" Zone District lot.

c. Adult Live Entertainment Theaters, Adult Motion Picture or Video Arcades, and Adult Motion Picture Theaters must be located on a lot at least 1,000 feet from any Residential "R" Zone District lot.

2. ***Hours of Operation.*** Adult-Oriented Business hours of operation are limited to the time period between 8:00 a.m. and 10:00 p.m. on Sunday, Monday, Tuesday, Wednesday and Thursday, and from 8:00 a.m. to 11:00 p.m. on Friday and Saturday.

3. ***Display.*** No Adult-Oriented Business may display or exhibit any material in a manner which exposes to the public view, photographs or illustrations of specified sexual activities, nude, or partially nude adults or models in poses which emphasize or direct the viewer's attention to the subject's genitals. Adult news racks are also subject to this limitation.

4. ***Security Program.*** An on-site security program must be prepared and implemented as follows:

   a. *Interior Lighting.* All interior portions of the adult-oriented business, except those devoted to mini-motion or motion pictures, must be illuminated during all hours of operation with a lighting system that provides a minimum maintained horizontal illumination of not less than two foot-candles of light on the floor surface.

   b. *Security Guards*. Security guards may be required if it is determined by law enforcement that their presence is necessary.

17.41.060 Animal Keeping

The following standards apply to the noncommercial keeping of animals.

A. **Household Pets.** The keeping of small domestic household pets such as cats, dogs, and birds for noncommercial purposes is allowed. The keeping of more than three dogs aged six months or more is subject to approval of a Minor Conditional Use Permit, pursuant to Chapter 17.57, Conditional Use Permits.

B. **Other Animals.** Other Animals are allowed based on the following regulations:

1. ***Horses.***

   a. *Residential Districts.* The minimum lot size required for the keeping of horses is 20,000 square feet. No more than one horse is permitted per 20,000 square feet of lot area provided no more than five horse are permitted on any one lot.

   b. *Agricultural District.* Horses are permitted consistent with subsection (B)(2) below.

2. ***Other Large Animals.*** Large animals, such mules, goats, cows, swine, or other similar size animal are only allowed in the Agriculture Zone District on parcels larger than one acre in size and not to exceed one large animal per 20,000 square feet of lot area.

3. ***Small Animals.*** Small animals (e.g., bees, chickens, ducks, rabbits, etc.) are permitted, provided that:

   a. Such small animals are for the domestic use or enjoyment of the residents of the lot only and are not kept for commercial purposes.

   b. Keeping of such small animals is not injurious to the health, safety, or general welfare of the neighborhood and does not create offensive noise or odor as

determined by the ~~Zoning Administrator~~Director after advice from the County Public Health Department or the Mosquito and Vector Management District of Santa Barbara County.

4. ***Enclosures.*** Pens, coops, cages, and other enclosures for such small animals are no closer than 20 feet to any dwelling on another lot.

C. **Prohibited Animals.** No predatory wild animals, roosters, peacocks, endangered animals, or otherwise protected animals are allowed to be kept within the City.

D. **Odor and Vector Control.** Animal enclosures and feed areas must be maintained free from litter, garbage, and the accumulation of waste and manure so as to prevent the proliferation of flies, other disease vectors and offensive odors. Manure must not be allowed to accumulate within setback areas.

E. **Containment.** Animals must be effectively contained on site and not able to run free on any other lot under separate ownership or in a public road right-of-way.

17.41.070 Automobile/Vehicle Service and Repair

Automobile/vehicle service and repair facilities must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning District Standards and Allowed Uses:

A. **Applicability.** This Section applies to all major and minor automobile/vehicle service and repair uses as well as any other uses, such as auto dealerships or service stations that perform auto servicing as an accessory use.

B. **Spray/Paint Booths.** Spray booths must be fully-enclosed and separated a minimum of 500 feet from residential "R" zone districts, parks, schools, and day care facilities, unless approved with a Major Conditional Use Permit approval.

17.41.080 Automobile/Vehicle Washing

Automobile/vehicle washing facilities must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning District Standards and Allowed Uses:

A. **Recycled Water.** A recycled water system is required.

B. **Hours of Operation.** When adjacent to a Residential "R" Zone District, the hours of operation are limited to 8:00 a.m. to 7:00 p.m., seven days a week.

17.41.090 Cannabis Uses

A. **Purpose.** This Section establishes standards to protect the public health, safety, and welfare, enact strong and effective regulatory and enforcement controls in compliance with State law, protect neighborhood character, and minimize potential for negative impacts on people, communities, and the environment by establishing minimum land use requirements for all cannabis activities including the cultivation, distribution, transportation, storage, manufacturing, processing, and sales.

B. **Applicability.** The standards of this Section apply to all cannabis uses and activities as defined in this Title. Additionally:

1. All cannabis uses and activities shall comply with the provisions of this Section, as well as all applicable State laws, regardless of whether the use existed or occurred prior to the effective date of this Section.

2. Nothing in this Section is intended, nor shall it be construed, to allow persons to engage in conduct that endangers others or causes a public nuisance, or allows any use relating to personal or commercial cannabis activity that is illegal under State law.

3. Nothing in this Section is intended, nor shall it be construed, to exempt cannabis uses from compliance with all other applicable City regulations, including development standards, as well as other applicable provisions of the Goleta Municipal Code, State and local cannabis licensing requirements, or compliance with any applicable State laws.

4. All persons operating facilities and conducting cannabis activities, as defined in this Section, are subject to possible federal prosecution, regardless of the protections provided by State or local law.

C. **Cannabis-Related Terms.** If a term in this Section is not defined in this Title or in other provisions of the Goleta Municipal Code, the definition shall be as in State Cannabis Laws or, in cases where a definition is not provided in State Cannabis Laws, as determined by the Director.

D. **Cannabis Personal Use Cultivation.** This subsection applies only to Personal Use Cultivation.

1. ***Location.*** Personal Use Cultivation, consistent with the requirements of this subsection, is allowed all Base Zoning Districts and a Zoning Permit is not required.

2. ***Standards.***

a. Cultivation is limited to six plants per private residence for adult use pursuant to California Health and Safety Code, Section 11362.2, as amended. Cultivation is limited to the number of plants allowable under State Cannabis Laws for one qualified patient per private residence.

b. Personal use cultivation is limited to indoor cultivation in a permanently affixed, fully enclosed structure.

c. No cannabis odors shall be detectable from any place outside the residence. An odor absorbing ventilation and exhaust system must be installed if the odor generated inside the residence is detected outside the property or premises, or anywhere on adjacent property or public rights-of-way, or within another unit located within the same building as the cultivation.

d. No exterior evidence of cultivation occurring at the property can be visible from the public right-of-way.

e. Cultivation is limited to parcels with a residence and a full-time resident on the premises where the cultivation is occurring.

f. Grow lights must not exceed 1,200 watts per light and are prohibited from producing a glare that interferes with other residents' reasonable enjoyment of life or property.

g. Cannabis plants cultivated must remain at least 12 inches below the ceiling.

h. Cultivation shall not occur on required on-site parking areas unless that required parking is replaced in compliance with the City's Inland and Coastal Zoning Ordinances.

i. Cultivation shall not interfere with the primary occupancy of the building or structure, including regular use of the kitchen(s) or bathroom(s).

j. The living plants and any cannabis produced by the plants in excess of 28.5 grams must be kept within the person's private residence in a locked space.

k. Generators. The use of generators for cultivation is prohibited, except for temporary use in the event of a power outage or for emergency use.

i. For purposes of this subsection, emergency use is defined in accordance with 17 California Code of Regulations, Section 93115, as may be amended.

ii. For purposes of this subsection, the limit on use of a generator in an emergency is 90 days. The use of CO2 or any volatile solvents to manufacture cannabis products is prohibited.

l. Nothing in the section is intended, nor shall it be construed, to preclude any landlord from limiting or prohibiting personal cultivation by tenants.

m. Nuisance abatement. Any violation of this Section is declared to be a public nuisance and may be abated by the City pursuant to Title I of the Goleta Municipal Code.

n. Personal Use Cultivation is exempt from the requirements of Section 17.41.040, Standards for Specific Uses and Activities – Accessory Uses.

E. **Commercial Cannabis Uses.** The following standards apply to commercial cannabis uses:

1. ***Outdoor Cultivation and Mixed-Light Cultivation.*** Outdoor Cultivation and Mixed-Light Cultivation are prohibited.

2. ***All Allowed Cannabis Uses.***

a. *Licenses.*

i. State Cannabis License. The permittee of a cannabis use that requires one or more of the State cannabis license types set forth in California Business and Professions Code must:

(1) Obtain the requisite State Cannabis License for the cannabis use prior to the commencement of the use, and

(2) Conduct the cannabis use in compliance with the State Cannabis License at all times.

ii. City Cannabis Business License (CBL). The permittee of a cannabis use must:

(1) Obtain a CBL (Goleta Municipal Code, Ch. 5.09) from the City of Goleta prior to the commencement of the use, and

(2) Conduct the cannabis use in compliance with the CBL at all times.

b. *Location.*

i. Measurements. Distance requirements (buffers) between parcels specified in this Section must be the horizontal distance measured in a straight line between the closest property line of the first lot to the closest property line of the second lot without regard to intervening structures.

ii. Distance. Cannabis uses, except for storefront cannabis retailers, shall not be subject to prohibitive buffer requirements based on the following:

(1) School providing K-12 education;

(2) Day Care Centers; and

(3) Youth Centers.

3. ***Accessory Uses.***

a. For all cannabis accessory uses, the Principal Use must also be a cannabis use.

b. Cannabis uses shall not have non-cannabis related accessory uses.

c. Volatile Manufacturing as an accessory use is only allowed in IG, IS, and BP.

d. A Cannabis Microbusiness shall not have an accessory use and shall not be an accessory use.

e. All accessory cannabis uses must adhere to the standards for such uses as identified in this Section.

f. Accessory cannabis uses must adhere to the standards set forth for Accessory Uses in Section 17.41.040, Standards for Specific Uses and Activities – Accessory Uses.

4. ***Storefront Cannabis Retailer.***

a. *Location.*

i. Separation. A Storefront Cannabis Retailer shall not be located within 600 feet from another Storefront Cannabis Retailer that was legally established before or after the adoption of this Title.

ii. Goleta Valley Community Center. A Storefront Cannabis Retailer shall not be located within 600 feet from the Goleta Valley Community Center property.

iii. Schools. A Storefront Cannabis Retailer shall not be located within 600 feet from a School providing K-12 education.

iv. Residential. A Storefront Cannabis Retailer shall not be located within 100 feet of a parcel within an "R" Zone District.

v. Day Care Centers or Youth Centers. No prohibitive buffers are required from Day Care Centers or Youth Centers.

b. *Limit of Businesses.* A limit of 6 Storefront Cannabis Retailer uses is established no more than one of which may be located in the -OTH Old Town Heritage Overlay District.

c. *On-Site Consumption Prohibited.* On-site consumption is prohibited. The premises of each Storefront Cannabis Retailer shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the retailer is prohibited.

d. *Drive-Through Facilities.* Drive-through facilities are prohibited.

5. ***Non-Storefront Cannabis Retailer.*** On-Site consumption is prohibited. The premises of each Non-Storefront Cannabis Retailer shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the retailer is prohibited.

6. ***Cannabis Microbusiness.*** No storefront retail is allowed except where a cannabis dispensary was legally located prior to June 16, 2009.

7. ***Cannabis Events.*** Temporary events where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are displayed, manufactured, offered, either individually or in any combination, for retail sale and includes delivery are prohibited.

F. **Inspection.** All permitted cannabis use sites are subject to review and inspection from Law Enforcement, Fire Department, and the City or any agents of the State or City charged with enforcement of this Ordinance and any other State or local license.

G. **Industrial Hemp.** It is unlawful for any person to engage in, conduct or carry on any commercial industrial hemp business or any commercial industrial hemp activity. This includes but not limited to cultivating, manufacturing, processing, transporting, distributing, testing or selling any cannabidiol (CBD) oil derived from industrial hemp, CBD products derived from industrial hemp, industrial hemp oil that is not derived from industrial hemp seeds, industrial hemp seed oil that has been enhanced with CBD or other cannabinoids and CBD products derived from cannabis. Notwithstanding the previous sentence it shall not be unlawful to sell industrial hemp which has been approved by the California Department of Public Health-Food and Drug Branch as a food additive or dietary supplement as industrial hemp seeds and industrial hemp seed oil which is only extracted from the seeds of industrial hemp plants.

17.41.100 Community Gardens

Community gardens must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning District Standards and Allowed Uses:

A. **Management.** Community gardens may be organized by community groups, nonprofit organizations, land owners, or the City. A responsible representative must be designated for each community garden who will serve as liaison between gardeners, property owner(s), and the City.

B. **Operational Plan.** The applicant must submit an operational plan to the City that identifies roles and responsibilities, contact information, and operations of the community garden.

17.41.110 Day Care Facilities

Day Care Facilities, including nurseries, preschools, and facilities for children or adults, providing supervision and non-medical care for durations of less than 24 hours per day must be located, developed, and operated in compliance with the following standards:

A. **Permit Required.** Day Care Facilities operating as the principal use on a subject parcel shall be subject to the following permit requirements unless a different requirement is required by this Title:

1. ***Exempt.*** Day Care Facilities are allowed and exempt from Zoning Permits and Approvals in the following districts: CC, OT. CG, BP, OI, and PQ.

2. ***Minor Conditional Use Permit.*** Day Care Facilities are allowed with the approval of a Minor Conditional Use Permit in the following districts: RS, RP, RM, RH, CR, VS, and CI.

3. ***Major Conditional Use Permit.*** Day Care Facilities are allowed with the approval of a Minor Conditional Use Permit in the following districts: IS and IG.

4. ***Not Allowed.*** Day Care Facilities are not allowed in the following districts: RMHP, OSPR, OSAR, and AG.

B. **Accessory Use.** Day Care Facilities operating accessory to another Principal Use on a subject parcel shall be exempt from the requirement for a Major Conditional Use Permit where otherwise required pursuant to subsection 17.41.040(C)(4).

C. **Licensing.** In addition to any State licensing requirements, all Day Care Facilities shall require a Business License from the City.

D. **Required Parking/Loading.** One designated parking space for each ten patrons, plus one drop-off/loading space for each ten patrons.

E. **Contact Person(s).** The current name(s) and telephone number(s) of the operator(s) must be on file with the Planning and Environmental Review Department at all times.

F. **Development Impact Fees.** All Day Care Facilities shall be subject to the City's fee reductions program for Beneficial Projects (Day Care and Child Care).

G. **Incentives.**

1. ***Director.*** The Director may grant the following incentive to developers for constructing and operating a Day Care Facility.

   a. *Processing.* Priority processing of applications for Day Care Facilities will be provided.

2. ***All Review Authorities.*** The Review Authority may grant one or more of the following incentives to developers for constructing and operating a Day Care Facility.

   a. *Parking Reduction.* The number of required parking spaces may be reduced up to 20 percent, through the approval of a Land Use Permit, for a Day Care Facility with an approved TDM Program.

   b. *Lot Coverage.*

i. As Accessory Use. Day Care Facilities operating accessory to a Principal Use will not be counted toward the overall Lot Coverage of the site.

ii. As Principal Use. Day Care Facilities operating as a Principal Use may increase the maximum allowable Lot Coverage by up to ten percent.

c. *Other.* The Review Authority may grant up to five percent bonus for up to one requested Modification, pursuant to Chapter 17.62, for a Day Care Facility project.

17.41.120 Eating and Drinking Establishments

Where Eating and Drinking Establishments include outdoor dining and seating facilities, these facilities must be located, developed, and operated in compliance with the following standards:

A. **Applicability.** The standards of this Section apply to outdoor dining and seating located on private property and in the right-of-way. Outdoor dining and seating located within the public-right-of-way is subject to an Encroachment Permit issued by the Public Works Department prior to its establishment and operation.

B. **Enclosure.** Any awnings or umbrellas must be adequately secured and/or retractable.

C. **Pedestrian Pathway.** A four-foot pedestrian pathway must be maintained and unobstructed. If there is more than a four-foot-wide pathway provided, outdoor dining may be located outside of the required four feet.

D. **Litter Removal.** Outdoor dining and seating areas must remain clear of litter at all times.

E. **Hours of Operation.** The hours of operation for outdoor dining are limited to the permitted hours of operation of the associated eating and drinking establishment.

F. **Parking.** Where an outdoor dining and seating area occupies 200 square feet or less, additional parking spaces for the associated eating and drinking establishment are not required. Parking must be provided according to the required ratio in Chapter 17.38, Parking and Loading, for any outdoor dining and seating area exceeding 200 square feet.

17.41.130 Emergency Shelters

Emergency shelters must be located, developed, and operated in compliance with the following standards where allowed by Part II, Base Zoning District Standards and Allowed Uses:

A. **Permit Required.** Unless Discretionary Approval of a Conditional Use Permit is required pursuant to Table 17.08.020, a Land Use Permit is required where Emergency Shelters are allowed.

B. **Proximity.** No emergency shelter is permitted within 300 feet of a site with an operating emergency shelter.

C. **Facilities.** The emergency shelter facility must provide sleeping and bathing facilities and one or more of the following specific facilities and services including, without limitation:

1. Child care facilities;

2. Commercial kitchen facilities designed and operated in compliance with California Health and Safety Code, Section 113700 et seq.;

3. Dining area;

4. Laundry;

5. Recreation room; and

6. Support services (e.g., training, counseling, etc.).

D. **Number of Residents.** Not more than 25 persons may be served on a nightly basis. A shelter operator may request a higher capacity with Discretionary Approval of a Minor Conditional Use Permit by demonstrating that the combined shelter capacities in the City is less than the most recent homeless census.

E. **Length of Stay.** Maximum length of stay of a person in an emergency shelter is limited to 180 days in any 12-month period.

F. **Hours of Operation.** Emergency shelters may operate 24 hours a day to provide sleeping facilities and other facilities and services.

G. **Management.** Each emergency shelter must have an on-site management office, with at least one staff member present at all times the emergency shelter is in operation. A minimum of two staff members must be on duty when more than ten beds are occupied.

H. **Security.** If required by law enforcement, an emergency shelter must have on-site security staff, with at least one security staff present at all times the emergency shelter is in operation.

I. **Site Design.** Client waiting, intake, and pick-up areas must be located inside a building or interior courtyard, or at a rear or side entrance physically and visually separated from public view of adjacent right-of-way with a minimum six-foot tall decorative masonry wall or hedge or similar mature landscaping.

17.41.140 Family Day Care

A. **Applicability.** The following standards shall apply to all Family Day Care facilities providing childcare and operating as an accessory use to the principal residential use of a lot, unless otherwise preempted by State law:

1. ***Permit Required.*** No permit is required for Family Day Care Facilities.

2. ***Residency.*** The operator of a Family Day Care must be a full-time resident of the dwelling unit in which the facility is located.

3. ***Development Impact Fees.*** Family Day Care Facilities are not subject to Development Impact Fees pursuant to Chapter 17.70.

4. ***Licensing.*** A Family Day Care facility must obtain a State license, but shall not require a Business License from the City.

B. **Small Family Day Care.** Small Family Day Care facilities must be located, developed, and operated in compliance with the following, where allowed by Part II, Base Zoning District Standards and Allowed Uses, unless otherwise preempted by State law:

1. ***Number.*** A Small Family Day Care facility may provide care for more than six and up to eight children, as defined in California Health and Safety Code, Section 1597.44.

C. **Large Family Day Care.** Large Family Day Care must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning District Standards and Allowed Uses, unless otherwise preempted by State law:

1. ***Number.*** A Large Family Day Care facility may provide care for more than 12 children and up to and including 14 children, as defined in California Health and Safety Code, Section 1597.465.

17.41.150 Farmworker Housing

Farmworker Housing must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning District Standards and Allowed Uses:

A. **Location.** In Residential Districts, Farmworker Housing providing accommodations for six or fewer employees is a single-unit use subject only to those standards and permit procedures as they apply to other residential dwellings of the same type in the same zoning district.

B. **Operation Permit.** Before commencement of the use, the applicant must have a valid permit to operate from the California Department of Housing and Community Development (HCD).

C. **Deed Restriction.** Farmworker Housing must be deed restricted or otherwise restricted for occupancy to qualifying farmworker households.

17.41.160 Group Residential

Group Residential facilities must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning District Standards and Allowed Uses:

A. **Proximity.** No new Group Residential is permitted within 300 feet of a site with an operating Group Residential facility.

B. **Minimum Lot Area.** The minimum lot area is 12,000 square feet.

17.41.170 Home Occupations

Home occupations must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning District Standards and Allowed Uses:

A. **Applicability.** This Section applies to Home Occupations in any residential unit in the City regardless of the zone district designation. This Section does not apply to Family Day Care, which is regulated separately in Section 17.41.140, Standards for Specific Uses and Activities – Family Day Care.

B. **Permit Required.** A Zoning Clearance is required for Home Occupations where clients or customers are served on site. If no clients or customers are served on site, no permit is required.

C. **Residential Appearance.** The residential appearance of the dwelling unit within which the Home Occupation is conducted must be maintained.

1. ***Location.*** All Home Occupation activities must be conducted entirely within the dwelling unit and/or an associated garage or accessory structure(s) on the same lot, subject to applicable provisions for garage parking.

2. ***Maximum Size.*** The space exclusively devoted to the Home Occupation (including any associated storage) must not exceed 25 percent of the combined floor area of the dwelling unit, accessory structure(s), and available garage not used for parking.

3. ***Employees.*** One employee or independent contractor other than residents of the dwelling may be permitted to work at the location of a Home Occupation.

4. ***On-Site Client Contact.*** Customer and client visits are permitted; however, the Home Occupation shall not generate pedestrian or vehicular traffic in excess of that customarily associated with the zone district in which the use is located.

5. ***Employee/Client Parking.***

   a. Customers, clients, and/or employees must park on site. If the site cannot accommodate an on-site parking space, they may park directly on the street adjacent to and in close proximity to the home.

   b. Parking required for customers/clients/employees may be provided on site in a tandem configuration.

6. ***Hours of Operation.*** Employees, visitors, students, and/or clients are permitted between the hours of 8:00 a.m. to 9:00 p.m.

7. ***Vehicles.*** Only one vehicle, owned by the operator of the home occupation, and not to exceed one ton in capacity, may be used by the operator in conjunction with the home occupation.

8. ***Signage.*** No commercial signage for the Home Occupation is allowed on site.

9. ***Hazardous Materials.*** Activities conducted, and equipment or materials used, must not change the fire safety or occupancy classifications of the premises, nor use utilities different from those normally provided for residential use. There must be no storage or use of toxic or hazardous materials other than the types and quantities customarily found in connection with a dwelling unit.

10. ***Nuisances.*** A Home Occupation must be conducted such that no offensive or objectionable noise, dust, vibration, smell, smoke, heat, humidity, glare, refuse, radiation, electrical disturbance, interference with the transmission of communications, interference with radio or television reception, or other hazard or nuisance is perceptible on adjacent lots or in neighboring units in a multiple-unit building.

D. **Multiple Home Occupations.** Multiple Home Occupations in a dwelling are allowed provided the space exclusively devoted to the Home Occupations, including any associated storage, complies with all other provisions in this Section.

E. **Prohibited Uses.** The following uses are not permitted as Home Occupations:

1. Adult-Oriented businesses;

2. Automobile/vehicle sales and services;

3. Eating and drinking establishments;

4. Hotels and motels;

5. Hospitals;

6. Fire arms manufacturing and on-site sales; and

7. Cannabis uses.

17.41.180 Live/Work Units

Live/Work units must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning District Standards and Allowed Uses:

A. **Permit Required.** Work activities in Live/Work Units are limited to uses that are permitted outright or allowed with a Land Use Permit or Conditional Use Permit within the zone district the units are located.

B. **Allowable Uses.** Live/Work Units must contain a residential uses, but are not required to maintain a "work" or commercial uses.

C. **Sale or Rental of Live or Work Portions of Unit.** No portion of a Live/Work Unit may be separately rented or sold as a commercial space for a person or persons not living on the premises, or as a residential space for a person or persons not working on the premises.

D. **Floor Area Distribution.** An applicant must submit a floor plan of all proposed units to the City to differentiate areas designated for commercial activities and those areas designated for residential use.

E. **Outdoor Living Area.** Common or private outdoor living area must be provided for the use of occupants at a rate of at least 60 square feet per Live/Work Unit. This space may be attached to individual units or located on the roof or adjoining the building in a yard.

17.41.190 Mobile Vendors

Mobile Vendors are neither regulated nor prohibited by this Title. ~~Mobile Vendor must be located and operated in compliance with the following standards:~~

~~A. **Exempt.** A property owner seeking to have one or more Mobile Vendors operate on their private property and in full compliance with subsection (E) below, will be exempt from Zoning Permits in the following instances:~~

~~1. One-time private events where a single Mobile Vendor would operate on a site that is not open to the general public (e.g., birthday party, family reunion, holiday celebration, etc.).~~

~~2. Special events, pursuant to Chapter 12.07 of the Goleta Municipal Code, which are open to the public and where there are not more than three Mobile Vendors on site.~~

~~3. Infrequent events on private property where any Mobile Vendor(s) would operate on a site in accordance to the following:~~

~~a. Not more than four hours per day;~~

~~b. Not more than two consecutive days; and~~

~~c. Not more than five days per month.~~

B. **Temporary Use Permit.** A Zoning Permit must be issued to the property or business owner, pursuant to Chapter 17.56, Temporary Use Permits, prior to operation of any Mobile Vendor on private property in the following instances:

1. Any events on private property where any Mobile Vendor(s) would exceed the limits provided above in subsection (A) above for operations that are exempt from Zoning Permits.

2. Any other instance determined by the Director to require review and approval of a Zoning Permit due to unique circumstances or potential impacts to the surrounding area.

C. **Other Required Permits.**

1. ***Health Permit.*** If selling or preparing food, a County of Santa Barbara Health Permit is required from the County Environmental Health Department and must be retained on-premises with the Mobile Vendor at all times.

2. ***Business License.*** All Mobile Vendors must obtain a Business License, issued by the City of Goleta, prior to operating within the City.

D. **Equipment.** Mobile Vendor vehicles and equipment must not:

1. Be left unattended at any time.

2. Be permitted as a permanent or proprietary location on any property within the City.

3. Be kept on a site where sales occur when not in use.

4. Impede pedestrian or ADA access.

5. Occupy required on-site parking.

6. Obstruct emergency fire access.

7. Create any other nuisance or disturbance to the general health, safety, or general welfare of the public.

E. **Development Standards**.

1. ***Permission.*** No Mobile Vendor may operate on private property without the direct authorization of the property owner or business owner.

2. ***Location.*** Mobile Vendors must not operate within 300 feet of the closest property line of a permanent permitted principal use within the same type of use, as each are defined in Chapter 17.72, Use Classifications.

3. ***Trash.*** Trash, debris, and other waste created by the Mobile Vendor operation must be cleaned up at the conclusion of each individual event where mobile vending occurs.

4. ***Time Limits.***

a. *Residential Zones.* No Mobile Vendor may operate within any "R" Zone District before 7:00 a.m. or after 10:00 p.m. on any day of the week.

b. *Non-Residential Zones*. No Mobile Vendor may continue to operate on a site after the host business has closed operations for the day.

17.41.200 Outdoor Sales

Outdoor sales facilities must be located, developed, and operated in compliance with the following:

A. **Permit Required.** Where permissible, seasonal and temporary sales, such as Christmas tree and pumpkin lots, are subject to Section 17.41.260, Standards for Specific Uses and Activities – Temporary Uses.

B. **Permanent Outdoor Display and Sales.** The permanent outdoor display of merchandise must comply with the following standards:

1. ***Relationship to Main Use.*** The outdoor display and sales area must be directly related to a business occupying a primary structure on the subject parcel.

2. ***Display Locations.***

a. Outdoor sales or display located within the public road right-of-way is subject to an Encroachment Permit issued by the Public Works Department.

b. The displayed merchandise must not disrupt the vehicle, bicycle, and pedestrian circulation on the site, obstruct driver or rider visibility or otherwise create hazards for vehicles, bicyclists, or pedestrians.

c. Except for Automobile/Vehicle Sales and Leasing, a four-foot pedestrian pathway must be maintained and remain unobstructed by either merchandise or displays. If there is more than a four-foot-wide pathway provided, merchandise may be displayed in an area outside of the required four feet.

3. ***Allowable Merchandise.*** Only merchandise generally sold at the business is permitted to be displayed outdoors.

4. ***Refuse/Litter.*** The operator is responsible for collecting all trash created from outdoor sales operations.

5. ***Monitoring.*** All outdoor sales locations must be monitored by store personnel.

17.41.210 Personal Storage

Personal storage facilities must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning District Standards and Allowed Uses:

A. **Prohibited Activity.** No living plants, animals, or persons may be kept in a personal storage unit. No retail sales, repair, or other commercial use may be conducted out of a personal storage unit. No live music or noise amplification is allowed.

B. **No Hazardous Materials Storage.** No storage of hazardous materials is permitted.

C. **Notice to Tenants.** As part of the rental process, the facility manager must inform all tenants of conditions restricting storage of hazardous materials and use limitations of the storage units, including no habitation. These restrictions must be included in rental contracts and posted at a conspicuous location within the front of each rental unit.

D. **Open Storage.** Open storage, outside an enclosed building, is limited to vehicles and trailers with a valid registration which are screened from public view.

E. **Hours of Operation.** Hours of operation are limited to 7:00 a.m. to 7:00 p.m. if the facility abuts a Residential Zone District.

17.41.220 Residential Care Facilities

Large residential care facilities must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning District Standards and Allowed Uses:

A. **Small Residential Care Facilities.** There are not City-specific standards for Small Residential Care Facilities.

B. **Large Residential Care Facilities.**

1. ***Proximity.*** No Large Residential Care Facility is permitted within 300 feet of a site with an operating Large Residential Care Facility.

2. ***Common Open Space.*** At least 50 square feet of common open space must be provided for each person who resides in the facility.

17.41.230 Service and Gas Stations

Service and gas stations must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning District Standards and Allowed Uses:

A. **Site Design.**

1. Designs must incorporate landscaping and screen walls to screen vehicles while allowing eye-level visibility into the site. Fleet fuel stations in industrial zoning districts are exempt from this requirement.

2. Propane tanks, vapor-recovery systems, air compressors, utility boxes, garbage, recycling containers/enclosures, and other similar mechanical equipment must be screened from public view, where feasible.

B. **Air and Water Stations.** Air and water stations must be identified on site plans and located outside required setback areas.

C. **Pump Islands.** Pump islands must be located a minimum of 15 feet from any lot line to the nearest edge of the pump island. A canopy or roof structure over a pump island may encroach up to ten feet within this distance.

17.41.240 Short-term Vacation Rentals

A property owner may only rent, offer to rent, or advertise for rent, a Short-term Vacation Rental to another person in compliance with Chapter 5.08 of the Goleta Municipal Code.

A. **Permit Required.** No Zoning Permit is required for Short-Term Vacation Rentals. However, a City Short-Term Vacation Rental Permit is required from the City Finance Director.

17.41.250 Single-Room Occupancy (SRO) Housing

Single-Room Occupancy (SRO) Housing must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning District Standards and Allowed Uses.

A. **Residential Density.** If SRO Housing contains a common kitchen that serves all residents, the Review Authority may increase the maximum allowable number of individual units available for rent by 20 percent above the number otherwise allowed by the base density applicable to residential development in the zoning district where the project is located.

B. **Design.**

1. ***Maximum Occupancy.*** Each living unit must be designed to accommodate a maximum of two persons.

2. ***Minimum Width.*** A unit comprised of one room, not including a bathroom, must not be less than 12 feet in width, and must comply with applicable State Health and Safety Code minimum size requirements.

3. ***Entrances.*** All units must be independently accessible from a single main entry, excluding emergency and other service support exits.

4. ***Cooking Facilities.*** Cooking facilities must be provided either in individual units or in a community kitchen. Where cooking is in individual units, each unit must have a sink with hot and cold water; a counter with dedicated electrical outlets and a microwave oven or a properly engineered cook top unit pursuant to Building Code requirements; at minimum a small refrigerator; and cabinets for storage.

5. ***Bathroom.*** A unit is not required to, but may contain partial or full bathroom facilities. A partial bathroom facility must have at least a toilet and sink. If a full bathroom facility is not provided, common bathroom facilities must be provided that meet the standards of the California Building Code for congregate residences with at least one full bathroom per floor.

6. ***Closet.*** Each unit must have a separate closet.

7. ***Common Area.*** At least 200 square feet in area of interior common space must be on the ground floor near the entry to serve as a central focus for tenant social interaction and meetings.

C. **Tenancy.** Tenancy of SRO Housing is limited to 30 or more days.

D. **Management Plan.** A management plan must be submitted with the permit application for an SRO Housing for review and approval by the Review Authority. At minimum, the management plan must include the following:

1. ***Security/Safety.*** Proposed security and safety features such as lighting, security cameras, access, and natural surveillance through design that maximizes visibility of spaces;

2. ***Management Policies.*** Management policies, including desk service, visitation rights, occupancy restrictions, and use of cooking appliances;

3. ***Rental Procedures.*** All rental procedures, including the monthly tenancy requirement;

4. ***Staffing and Services.*** Information regarding all support services, such as job referral and social programs; and

5. ***Maintenance.*** Maintenance provisions, including sidewalk cleaning and litter control, recycling programs, general upkeep, and the use of durable materials.

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.

2. ***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.

4. ***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.

5. ***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.

6. ***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.

~~7.~~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 17.41.260(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.

3. ***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.

4. ***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.

5. ***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.

6. ***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.

7. ***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.

8. ***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.

9. ***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.

~~9.~~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.

~~10. ***Mobile Vendors.*** Mobile Vendors, when required pursuant to Section 17.41.190, Standards for Specific Uses and Activities – Mobile Vendors.~~

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.

Chapter 17.42 Telecommunications Facilities

Sections:

17.42.010 Purpose and Applicability
17.42.020 Permit Requirements
17.42.030 Development Standards
17.42.040 Required Findings
17.42.050 Abandonment/Removal of Facilities
17.42.060 Transfer of Ownership

17.42.010 Purpose and Applicability

This Chapter provides standards and procedures to regulate the development, siting, installation, and operation of wireless telecommunications antennas and related facilities consistent with the applicable requirements of federal law. The regulations are intended to provide for the appropriate development of wireless telecommunication facilities within the City to meet the needs of residents, business-owners, and visitors while protecting public health and safety and preventing visual blight and degradation of the community's aesthetic character.

The requirements of this Chapter apply to all telecommunication facilities within the City, not otherwise regulated by the City, pursuant to GMC 12.20, Wireless Facilities in Public Road Rights-of-Way, that transmit and/or receive wireless electromagnetic signals, including but not limited to personal communications services (cellular and paging) and radio and television broadcast facilities.

A. These facilities include small and large cell facilities on privately-owned property and ~~large cell~~ wireless facilities on public property not regulated by GMC 12.20 ~~in the public right-of-way~~.

B. The requirements apply to telecommunication facilities that are the primary use of a property as well as those that are accessory facilities.

17.42.020 Permit Requirements

This Section establishes the permit requirements for all new and existing wireless telecommunication facilities within the City.

A. **Exempt.** The following types of telecommunication facilities that do not exceed the maximum height permitted by this Title are exempt from requiring a Zoning Permit:

1. Licensed amateur radio antennas and citizen band operations.
2. Hand-held, mobile, marine, and portable radio transmitters and/or receivers.
3. Emergency services radio.
4. Radio and television mobile broadcast facilities.
5. Antennas and equipment cabinets or rooms completely located inside of permitted structures.

6. A single ground-mounted or building-mounted receive-only radio or television antenna, including any mast, or a receive-only radio or television satellite dish antenna, subject to the following restrictions:

   a. *Residential Districts.*

      i. Satellite Dish One Meter or Less. A satellite dish that does not exceed one meter in diameter and is for the sole use of a resident occupying the same residential parcel is permitted anywhere on a lot in the residential district so long as it does not exceed the height of the ridgeline of the primary structure on the same parcel.

   b. *Non-Residential Districts.*

      i. Satellite Dish Two Meters or Less. A satellite dish that does not exceed two meters in diameter is permitted anywhere on a lot in a non-residential district so long as the location does not reduce required parking, diminish pedestrian or vehicular access, or require removal of required landscaping.

7. City-owned and operated facilities used for public purposes.

8. Telecommunication facilities subject to FCC ruling (WT Docket No. 17-79, WC Docket No. 17-84; FCC 18-133).

9. Any other private or commercial antenna or wireless communications facility that is exempt from all local regulation and development standards, pursuant to the rules and regulations of the Federal Communications Commission (FCC) or a permit issued by the California Public Utilities Commission (CPUC). The owner or operator of such facility shall provide the Director with a copy of a current FCC or CPUC permit or a copy of applicable FCC regulations along with the required building permit application, or if no building permit is required, prior to its installation.

B. **Zoning Clearance.** The following types of telecommunication facilities that do not exceed the maximum height permitted by this Title must receive issuance of a Zoning Clearance prior to approval of any building permit for installation:

1. ***Existing Facilities.*** Minor modifications to existing wireless facilities, including replacement in-kind or with smaller or less visible equipment, that meet the standards set forth in this Title and will have little or no change in the visual appearance of the facility require the review and issuance of a Zoning Clearance.

2. ***New Facilities on Private Lands or Structures.*** When located within a residential or non-residential zone district, the following types of new telecommunication facilities require review and approval of a Zoning Clearance.

   a. *Residential Districts.*

      i. Satellite Dish Greater than One Meter. A satellite dish that is greater than one meter in diameter, is not located within a required front yard or side yard abutting a street and is screened from view from any public right-of-way and adjoining property.

ii. Antennas. An antenna that is mounted on any existing building or other structure that does not exceed 25 feet in height. The antenna must be for the sole use of a resident occupying the same residential parcel on which the antenna is located.

b. *Non-Residential Districts.*

i. Satellite Dish Greater than Two Meters. A satellite dish that is greater than two meters in diameter that is not located within a required front yard or side yard abutting a street and is screened from view from any public right-of-way and adjoining property.

ii. Mounted Antennas. An antenna that is mounted on any existing building or other structure when the overall height of the antenna and its supporting tower, pole or mast does not exceed a height of 30 feet, or 25 feet if located within 20 feet of a Residential district.

iii. Freestanding Antennas. A free-standing antenna and its supporting tower, pole, or mast that complies with all applicable setback ordinances when the overall height of the antenna and its supporting structure does not exceed a height of 30 feet or 25 feet if located within 20 feet of a Residential district.

c. *All Zone Districts.*

i. Stealth Facilities. Stealth facilities where the antenna and support equipment are completely hidden from public view within a structure or fully concealed by an architectural feature on the exterior of a structure.

C. **Land Use Permit or Coastal Development Permit.** The following types of telecommunication facilities that do not exceed the maximum height permitted by this Title must receive approval of a Land Use Permit, pursuant to Chapter 17.55, or a Coastal Development Permit, pursuant to Chapter 17.61, prior to approval of a building permit for installation:

1. ***All Zone Districts.***

a. *Co-located Facilities*. Permitted when proposed to be co-located on a facility that was subject to a discretionary permit issued on or after January 1, 2007 and an environmental impact report was certified, or a negative declaration or mitigated negative declaration was adopted for the wireless telecommunication collocation facility in compliance with the California Environmental Quality Act and the collocation facility incorporates required mitigation measures specified in that environmental impact report, negative declaration, or mitigated negative declaration.

b. *Non-stealth Facilities.* Non-stealth facilities where the antenna and support equipment are clearly visible from public viewing areas but are not subject to review by the Design Review Board, pursuant to Chapter 17.58, Design Review.

D. **Conditional Use Permit.** Discretionary Approval of both a Minor Conditional Use Permit, pursuant to Chapter 17.57, and Design Review, pursuant to Chapter 17.58 are required for the following:

1. All new telecommunication facilities that do not fall into one of the permit types above.

2. Any alteration to an existing facility that does not fall into the limited standards for a minor change to a previously approved project, pursuant to Chapter 17.36, Nonconforming Uses and Structures.

E. **Modification.** Any antenna that would otherwise be subject to subsection (A-C) above, but exceeds the maximum height for the base Zone District must request approval of a height Modification, pursuant to Chapter 17.62, Modifications.

17.42.030 Development Standards

All wireless telecommunication facilities shall be located, developed, and operated in compliance with all of the following development and operational standards and with applicable standards of the base Zone District that they are located in.

A. **Location and Siting.**

1. All wires and/or cables necessary for operation of an antenna shall be placed underground or attached flush with the surface of the building or the structure of the antenna.

2. No new freestanding facility, including a tower, lattice tower, or monopole, shall be located within 1,000 feet of another freestanding facility, unless appropriate camouflage techniques have been used to minimize the visual impact of the facility to the extent feasible, and mounting on a building or co-location on an existing pole or tower is not feasible.

3. All wireless telecommunication facilities shall meet the building setback standards of the district which they are to be located.

4. When feasible, providers of personal wireless services shall co-locate facilities in order to reduce adverse visual impacts. The Director may require co-location or multiple-user wireless telecommunication facilities based on a determination that it is feasible and consistent with the purposes and requirements of this Chapter.

5. When determined to be feasible and consistent with the purposes and requirements of this Chapter, the Director shall require the applicant to make unused space available for future co-location of other wireless telecommunication facilities, including space for different operators providing similar, competing services.

B. **Support Structures.** Support structures for wireless telecommunication facilities may be any of the following:

1. A new ground-mounted monopole that allows for co-location of at least one other similar wireless communications provider.

2. A monopole mounted on a trailer or other type of portable foundation, but only if used as a temporary wireless communications facility and subject to Chapter 17.56, Temporary Use Permits.

3. An existing non-residential building.

4. An existing structure other than a building, including, but not limited to, light poles, electric utility poles, water towers, smokestacks, billboards, lattice towers, and flag poles.

This term includes an electric utility pole erected to replace an existing electric utility pole, if the replacement pole will serve both electric and wireless communications functions, and if the replacement pole is substantially equivalent to the predecessor pole in placement, height, diameter and profile.

5. An alternative tower structure such as a clock tower, steeple, functioning security light pole, functioning recreational light pole, or any similar alternative-design support structure that conceals or camouflages the wireless telecommunication facility. The term "functioning" as used herein means the light pole serves a useful and appropriate lighting function as well as a wireless communications function.

6. Existing publicly-owned and operated monopole or a lattice tower exceeding the maximum height limit.

C. **Height Requirements.**

1. ***Freestanding Antenna or Monopole.*** A freestanding antenna or monopole shall not exceed the height limit of the district in which it is located.

2. ***Building-Mounted Facilities.*** Building-mounted wireless telecommunication facilities shall not exceed a height of 15 feet above the height limit of the district or 15 feet above the existing height of a legally established building or structure, whichever is higher, measured from the top of the facility to the point of attachment to the building.

3. ***Facilities Mounted on Structures.*** Wireless telecommunication facilities mounted on an existing structure shall not exceed the height of the existing structure unless camouflaged as part of the structure design, except antennas may extend up to 15 feet above the height of an electric utility pole.

4. ***Facilities Mounted on Light Poles.*** A functioning security light pole or functioning recreational light pole shall have a height consistent with existing poles in the surrounding area or height usually allowed for such light poles.

D. **Design and Screening.** Wireless telecommunication facility structures and equipment shall be located, designed and screened to blend with the existing natural or built surroundings, as well as any existing support structures, so as to reduce visual impacts to the extent feasible.

1. ***Stealth Facilities.*** State of the art stealth design technology shall be utilized as appropriate to the site and type of facility. Where no stealth design technology is proposed for the site, a detailed analysis as to why stealth design technology is physically and technically infeasible for the project shall be submitted with the application.

2. ***Other Facility Types.*** If a stealth facility is not feasible, the order of preference for facility type is, based on their potential aesthetic impact: façade-mounted, roof-mounted, ground-mounted, and free-standing tower or monopole. A proposal for a new ground-mounted or free-standing tower shall include factual information to explain why other facility types are not feasible.

3. ***Minimum Functional Height.*** All free-standing antennas, monopoles, and lattice towers shall be designed to be the minimum functional height and width required to support the proposed antenna installation, unless it can be demonstrated that a higher antenna, monopole, or tower will facilitate co-location.

4. ***Camouflage Design.*** Wireless telecommunication facilities that are mounted on buildings or structures shall be designed to match existing architectural features, incorporated in building design elements, camouflaged, or otherwise screened or painted to minimize their appearance in a manner that is compatible with the architectural design of the building or structure. New facilities must not include the use of faux trees as camouflage.

5. ***Equipment Cabinets.*** Equipment cabinets shall be located within the building upon which antennae are placed, if technically feasible. Otherwise, equipment cabinets and buildings, and associated equipment such as air conditioning units and emergency generators, shall be screened from view by a wall or landscaping, as approved by the Review Authority. Any wall must be architecturally compatible with the building or surrounding area.

6. ***Landscaping.*** Landscaping shall be provided for and maintained to screen any ground structures or equipment visible from a public right-of-way.

7. ***Lighting.*** Artificial lighting of a telecommunication facility, including its components, is prohibited, unless required by the Federal Aviation Administration. A motion-sensor light may be used for security purposes if the beam is directed downwards, shielded from adjacent properties, and kept off except when personnel are present at night.

8. ***Advertising.*** No advertising shall be placed on wireless telecommunication facilities, equipment cabinets, or associated structures.

E. **Security Features.** All facilities shall be designed to minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions that would result in hazardous conditions, visual blight, or attractive nuisances.

1. ***Fencing.*** Security fencing, if any, shall not exceed the fence height limit of the base district. Fencing shall be effectively screened from view through the use of landscaping. No chain link fences shall be visible from public view.

2. ***Maintenance.*** The permittee shall be responsible for maintaining the site and facilities free from graffiti.

F. **Radio Frequency and Noise Standards.**

1. ***Radio Frequency.*** Wireless telecommunication facilities shall comply with federal standards for radio frequency emissions and interference. Failure to meet federal standards may result in termination or modification of the permit.

2. ***Noise.*** Wireless telecommunication facilities and any related equipment, including backup generators and air conditioning units, shall not generate continuous noise in excess of 40 dBa measured at the property line of any adjacent residential property, and shall not generate continuous noise in excess of 50 dBa during the hours of 7:00 a.m. to 10:00 p.m. and 40 dBa during the hours of 10:00 p.m. to 7:00 a.m. measured at the property line of any non-residential adjacent property. Backup generators shall only be operated during power outages and for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m.

G. **Co-location.** The applicant and owner of any site on which a wireless facility is located shall cooperate and exercise good faith in co-locating wireless facilities on the same support structures or site. Good faith shall include sharing technical information to evaluate the feasibility of co-

location and may include negotiations for erection of a replacement support structure to accommodate co-location. A competitive conflict to co-location or financial burden caused by sharing information normally will not be considered as an excuse to the duty of good faith.

1. All facilities shall make available unused space for co-location of other wireless telecommunication facilities, including space for these entities providing similar, competing services. Co-location is not required if the host facility can demonstrate that the addition of the new service or facilities would impair existing service or cause the host to go offline for a significant period of time. In the event a dispute arises as to whether a permittee has exercised good faith in accommodating other users, the City may require the applicant to obtain a third-party technical study at applicant's expense. The City may review any information submitted by applicant and permittee(s) in determining whether good faith has been exercised.

2. All co-located and multiple-user telecommunication facilities shall be designed to promote facility and site sharing. Telecommunication towers and necessary appurtenances, including but not limited to parking areas, access roads, utilities and equipment buildings, shall be designed to be shared by site users whenever possible.

3. No co-location may be required where it can be shown that the shared use would or does result in significant interference in the broadcast or reception capabilities of the existing telecommunication facilities or failure of the existing facilities to meet federal standards for emissions.

4. Failure to comply with co-location requirements when feasible or cooperate in good faith as provided for in this Chapter is grounds for denial of a permit request.

H. **Fire Prevention.** All wireless telecommunication facilities shall be designed and operated in a manner that will minimize the risk of igniting a fire or intensifying one that otherwise occurs.

1. At least one-hour fire resistant interior surfaces shall be used in the construction of all buildings.

2. The exterior walls and roof covering of all above-ground equipment shelters and cabinets shall be constructed of materials rated as non-flammable in the Building Code.

3. Monitored automatic fire extinguishing systems approved by County Fire shall be installed in all equipment buildings and enclosures.

4. Openings in all above-ground equipment shelters and cabinets shall be protected against penetration by fire and wind-blown embers to the extent feasible.

I. **Surety Bond.** As a condition of approval, an applicant for a building permit to erect or install a wireless telecommunication facility shall be required to post a cash or surety bond in a form and amount acceptable to the City Attorney to cover the full removal costs of the facility in the event that its use is abandoned or the approval is otherwise terminated or revoked.

J. **Photo-Simulations.** All applications for development associated with new or existing telecommunication facilities that are subject to this Title shall provide color photo-simulations that visually depict each of the applicable development standards of this Section.

17.42.040 Required Findings

A. **Findings for All Telecommunication Projects.** In additional to any required findings for the specific Zoning Permit or Discretionary Action require by this Chapter for the approval of a wireless telecommunication facility, and all Common Procedures findings of Section 17.52.070, the Review Authority shall make all of the following additional project-specific findings:

1. The proposed telecommunication facility conforms with all applicable development standards of this Chapter.

2. The proposed telecommunication facility will be a co-located facility, or additional findings for non-co-located facilities can be made.

3. The proposed site results in fewer or less severe environmental impacts than any feasible alternative site.

4. The proposed facility will not be readily visible, or it is not feasible to incorporate additional measures that would make the facility not readily visible.

5. The applicant has demonstrated that the facility will be operated within the frequency range allowed by the Federal Communications Commission and complies with all other applicable safety standards.

6. The applicant has demonstrated that there is a need for service (i.e., coverage or capacity) and the area proposed to be served would not otherwise be served by the carrier proposing the facility.

B. **Additional Findings for Facilities Not Co-located.** In additional to all findings required in subsection (A) above, in order to approve a wireless telecommunication facility that is not co-located with other existing or proposed facilities or a new ground-mounted antenna, monopole, or lattice tower the Review Authority must make at least one of the following additional findings:

1. The applicant has made good faith and reasonable efforts to locate the proposed wireless facility on an existing support structure to accomplish co-location, but no sites exist or are available within the area where coverage or capacity improvements are needed;

2. Co-location or siting on an existing structure is not feasible because of technical, aesthetic, or legal considerations (i.e., co-location would have more significant adverse effects on views or other environmental considerations; co-location is not permitted by the property-owner; co-location would impair the quality of service to the existing facility; or, co-location would require existing facilities at the same location to go off-line for a significant period of time).

C. **Setback Reductions.** Any request for a reduction to a required setback must be reviewed as part of the Discretionary Review of the Conditional Use Permit, pursuant to Chapter 17.57, Conditional Use Permits, or by submitting an application for a Modification to be concurrently processed with the applicable Ministerial Permit. The Review Authority must still be able to make all applicable Findings for Approval to approval the project with the setback reduction.

D. **Other Exceptions to Development Standards.** The Review Authority may waive or modify requirements of this Title upon making a finding that strict compliance with any specific requirement would result in noncompliance with applicable federal or State law.

17.42.050 Abandonment/Removal of Facilities

A. The service provider shall notify the Director of the intent to vacate a site at least 30 days prior to the vacation.

B. The permit for any antenna or tower that is not operated for a continuous period of 12 months shall be deemed lapsed and the site will be considered abandoned unless:

1. The Zoning Administrator has determined that the same operator resumed operation within six months of the notice; or

2. The City has received an application to transfer the permit to another service provider as provided for in Section 17.42.060, Telecommunications Facilities – Transfer of Ownership.

C. No later than 90 days from the date the use is discontinued or the provider has notified the Zoning Administrator of the intent to vacate the site, the owner of the abandoned antenna or tower or the owner of the property on which the facilities are sited shall remove all equipment and improvements associated with the use and shall restore the site to its original condition as shown on the plans submitted with the original approved application or as required by the Zoning Administrator.

1. The provider or owner may use any bond or other assurances provided by the operator to accomplish the required restoration.

2. The owner or his agent shall provide written verification of the removal of the wireless telecommunication facility within 30 days of the date the removal is completed.

D. If the antenna or tower is not removed within 30 days after the permit has lapsed under subsection (B) above, the site shall be referred to Code Enforcement and the Zoning Administrator may cause the antenna or tower to be removed at the owners' expense or by calling any bond or other financial assurance to pay for removal.

1. If there are two or more users of a single tower, then this provision shall apply to the abandoned antenna but not become effective for the tower until all users cease using the tower.

2. The requirement for removal of equipment in compliance with this Section shall be included as a provision in any lease of private property for wireless telecommunication facilities.

17.42.060 Transfer of Ownership

In the event that the original permittee sells or otherwise transfers its interest in a wireless telecommunications facility, or an interest in a wireless telecommunication facility is otherwise assumed by a different carrier, the succeeding carrier must assume all responsibilities concerning the project, including, without limitation, City-issued permits for the project, and will be held responsible to the City for maintaining consistency with all project conditions of approval. A new contact name for the project and a new signed and recorded "Agreement to Comply with Conditions of Approval" must be provided by the succeeding carrier to the Director within 30 days of the transfer of interest in the facility.

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Chapter 17.43 Cultural Resources

[Placeholder. Chapter to be added at later date]

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Chapter 17.44 Reserved

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Part V:
Administration and Permits

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Chapter 17.50 Review Authorities

Sections:

17.50.010 Purpose
17.50.020 Review Authority
17.50.030 City Council
17.50.040 Planning Commission
17.50.050 Zoning Administrator
17.50.060 Director of Planning and Environmental Review
17.50.070 Design Review Board

17.50.010 Purpose

This Chapter identifies the duties, organization, and powers of the City bodies and administrators authorized to make decisions under various Chapters of this Title.

17.50.020 Review Authority

A. **Applications Subject to More Than one Review Authority.** When two or more discretionary applications are submitted that relate to the same development project and the individual applications are under the separate jurisdiction of more than one Review Authority in compliance with Table 17.50.020, Review Authority, all applications for the project shall be under the jurisdiction of the Review Authority with the highest jurisdiction in compliance with the following descending order:

1. City Council;
2. Planning Commission;
3. Zoning Administrator; and
4. Director.

B. **Advisory Roles and Recommendations.**

1. If the City Council is the Review Authority for a project due to a companion discretionary application (e.g., Zoning Map Amendment, Zoning Ordinance Amendment, etc.) the Planning Commission must make an advisory recommendation to the City Council on each project.
2. If the City Council or Planning Commission is the Review Authority for a project that has a companion Design Review application (e.g., Development Plan, Conditional Use Permit, etc.) the Design Review Board must make an advisory recommendation on the design elements of the project after it has determined that the project is ready for Preliminary Review, pursuant to subsection (B) of Section 17.58.060, Design Review – Design Review Board Levels of Review.

C. **City Review Authorities.** The table below identifies the Review Authority responsible for reviewing and making decisions on each type of application required by this Title.

TABLE 17.50.020: REVIEW AUTHORITY				
	Director	*Zoning Administrator*	*Planning Commission*	*City Council*
Administrative and Legislative Action				
Zoning Code Amendment			Recommend	Decision
General Plan Amendment			Recommend	Decision
Development Agreement			Recommend	Decision
Reasonable Accommodation	See Chapter 17.63, Reasonable Accommodation for Persons with Disabilities			
Specific Plans and Amendment			Recommend	Decision
Subdivision and Lot Line Adjustment	See Title 16, Subdivisions			
Zoning Code Determination	Decision		Appeal	Appeal
Planning Permit or Action				
Amendment	Decision		Appeal	Appeal
Coastal Development Permit	Decision		Appeal	Appeal
Coastal Development Permit (within Appeals Jurisdiction)	Decision	Decision	Appeal	Appeal
Design Review	See Chapter 17.58, Design Review			
Development Impact Fee Adjustment, Reduction, or Waiver				Decision
Development Plan (and Revisions to approved DPs)	See Chapter 17.59, Development Plans			
Emergency Permit	Decision			
Land Use Permit	Decision		Appeal	Appeal
Major Conditional Use Permit			Decision	Appeal
Minor Conditional Use Permit		Decision		Appeal
Modification		Decision		Appeal
Minor Change to a Zoning Permit~~or Amendment~~	Decision			
Substantial Conformity Determination	Decision		Appeal	Appeal
Temporary Use Permit	Decision		Appeal	Appeal
Time Extension	See Section 17.52.090(D), Time Extensions			
Variance		Decision		Appeal
Zoning Clearance	Decision			

17.50.030 City Council

The City Council has the following powers and duties under this Title in addition to its general responsibilities established in Title 2 of the Goleta Municipal Code.

A. Consider and initiate, adopt, reject, or modify amendments to the General Plan, amendments to Zoning Regulations or Maps, amendments to the Local Coastal Program, and Specific Plans.

B. Make decisions on Development Agreements, including approval, termination, and/or modification.

C. Act as the final local Review Authority on appeals of a decision made by the Planning Commission or Zoning Administrator.

D. Establish fee schedules by resolution that list planning application fees, impact fees and development mitigation fees, charges, and deposits for various applications, services, and required payments pursuant to this Title.

E. Adopt guidelines for design review pursuant to Title 2 of the Goleta Municipal Code.

F. Take other actions necessary for implementation of the General Plan and this Title.

G. Make environmental determinations pursuant to CEQA on any projects under its purview.

~~G.~~H. Act as the Review Authority for all zoning permits, except Zoning Clearances, and all discretionary approvals required by this Title for City projects, including Capital Improvement Program projects.

17.50.040 Planning Commission

The Planning Commission has the following powers and duties under this Title in addition to its responsibilities established in Title 2 of the Goleta Municipal Code.

A. Review and provide recommendations on amendments to the General Plan, Zoning Ordinance, Zoning Map, and Local Coastal Program.

B. Hold public meetings and public hearings to receive and consider public comments, and review and approve, conditionally approve, or deny Major Conditional Use Permits, certain Development Plans, and other discretionary reviews.

C. Make environmental determinations pursuant to CEQA on any projects under its purview.

D. Hold public hearing and decide appeals of a decision made by the Design Review Board or Director in accordance with the provisions of this Title.

E. Hold public hearings and make recommendations to the City Council on Development Agreements and Specific Plans.

F. Hold public hearings and decide on Development Plan Amendments when referred to the Planning Commission by the Director.

G. Perform other duties as may be necessary under this Title to implement the General Plan as directed by the City Council.

17.50.050 Zoning Administrator

The Zoning Administrator has the following duties and powers under this Title.

A. Act on requests for Variances and Modifications when not associated with a discretionary permit under a higher Review Authority's purview.

B. Review, approve, conditionally approve, or deny applications for Minor Conditional Use Permits, certain Development Plans, and requests for Reasonable Accommodation that accompany another Zoning Permit application.

C. Make environmental determinations pursuant to CEQA on any projects under its purview.

17.50.060 Director of Planning and Environmental Review

A. **Duties and Authorities.** The Director has the following duties and powers under this Title.

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.
2. Make official, written determinations of applicability or interpretation of any provision of this Title as required.
3. Issue written rules and procedures for the administration of this Title.
4. Provide formal feedback on Planner Consultations prior to application submittal for entitlements.
5. Review applications to determine if they are complete and can be accepted for processing under the requirements of this Title.
6. Act on requests for Zoning Permits, Substantial Conformity Determinations, and requests for Reasonable Accommodation that do not accompany another Zoning Permit application.
7. Approve minor changes and amendments to previously approved plans and Zoning Permits.
8. Make environmental determinations pursuant to CEQA on any projects under the Director's purview.
9. Serve as or designate a member of the Planning and Environmental Review Department staff to serve as Secretary of the Planning Commission and Design Review Board.
10. Provide recommendations to the City Council, Planning Commission, Design Review Board, other appointed officials and City management on matters related to the planning and development of the community.
11. Investigate and make reports on zoning code violations and any violation of permit terms and conditions.
12. Initiate code enforcement procedures and City initiated revocation procedures.
13. Provide initial screening of Appeal applications to determine if they meet the specific submittal requirements for acceptance and to reject those that do not.
14. Maintain and periodically update the City's standard conditions of approval for projects.

B. **Responsibility of the Director.**

1. The Review Authority of the Director may be delegated by the Director to Planning staff, unless otherwise specified by this Title.

2. Wherever this Title makes reference to "Planning staff," it is expressly understood that the staff is making decisions on behalf of, or acting under the direction and control of the Director.

17.50.070 Design Review Board

The Design Review Board has the following powers and duties under this Title:

A. Conduct Design Review of proposed development, pursuant to Chapter 17.58, Design Review, for which Review Authority is assigned to the Design Review Board.

B. Upon request by the Director, Planning Commission, or the City Council, make recommendations on design policies and guidelines.

C. Conduct conceptual Design Review for proposed development and make recommendations on projects that are under the Review Authority of a higher decision-maker.

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Chapter 17.51 Actions and Permits

Sections:

17.51.010 Purpose
17.51.020 Discretionary Actions
17.51.030 Zoning Permits
17.51.040 Other Director Actions

17.51.010 Purpose

The purpose of this Section is to differentiate between a discretionary action by a Review Authority on a request for development and a ministerial review and Director-level action on a Zoning Permit. A Zoning Permit may act as a stand-alone approval or effectuate discretionary action. Discretionary actions always require an effectuating follow-on Zoning Permit.

17.51.020 Discretionary Actions

As specified in this Title, the Review Authority reviews and will take action on the following discretionary requests:

A. **Coastal Development Permit within the Appeals Jurisdiction** (CDH). See Chapter 17.61

B. **Conditional Use Permit** (CUP), includes "Major" and "Minor." See Chapter 17.57

C. **Design Review** (DR). See Chapter 17.58

D. **Development Plan** (DP). See Chapter 17.59

E. **General Plan Amendment** (GPA). See Chapter 17.67

F. **Modification** (MOD). See Chapter 17.62

G. **Zoning Ordinance Amendment** (ORD), including Text and Zoning Maps. See Chapter 17.66.

H. **Overall Sign Plan** (OSP). See Section 17.40.090

I. **Specific Plan** (SP). See Chapter 17.68

J. **Time Extension** (TEX). See subsection 17.52.090(D)

K. **Variance** (VAR). See Chapter 17.60

17.51.030 Zoning Permits

The Director approves and/or issues the following types of ministerial Zoning Permits pursuant to this Title:

A. **Coastal Development Permits** (CDP). See Chapter 17.61

B. **Emergency Permits** (EMP). See Chapter 17.64

C. **Land Use Permits** (LUP). See Chapter 17.55

D. **Temporary Use Permits** (TUP). See Chapter 17.56

E. **Zoning Clearance** (ZC). See Chapter 17.54

17.51.040 Other Director Actions

A. **Amendments** (AMD). See Section 17.52.100

B. **Zoning Code Determination** (DET). See subsection 17.01.040(D)

C. **Substantial Conformity Determination** (SCD). See Section 17.52.100

D. **Time Extensions** (TEX). See subsection 17.52.090(D)

Chapter 17.52 Common Procedures

Sections:

17.52.010 Purpose
17.52.020 Application Submittal and Review
17.52.030 Review of Applications
17.52.040 Environmental Review
17.52.050 Public Notification
17.52.060 Conduct of Public Hearings
17.52.070 Findings for Approval
17.52.080 Conditions of Approval
17.52.090 Dates and Timing
17.52.100 Changes to Prior Permits and Approvals
17.52.110 Revocation of Approval
17.52.120 Appeals
17.52.130 Resubmission
17.52.140 Multiple Permits and Approvals

17.52.010 Purpose

This Chapter establishes procedures that are common to all application submittals for development provided for in this Title, unless superseded by any specific requirement of this Title or applicable law.

17.52.020 Application Submittal and Review

A. **Applicant.** The following persons may file applications:

1. The owner(s) of the subject property;
2. An Authorized Agent representing the owner(s); and
3. The City.

B. **Application Forms.** Each application for a permit, amendment, or other matter pertaining to this Title must be filed with the Director on a City application form, together with required fees and/or deposits, and all other information and materials as identified in the specific type of application. Submittal requirements may be increased or waived on a project-specific basis as determined necessary or appropriate by the Director.

C. **Supporting Materials.** It is the responsibility of the applicant to provide all necessary information, plans, or other documentation in order to establish evidence in support of the findings required by the applicable permit, amendment, or other matter pertaining to this Title. A project shall not be approved without the Review Authority having all of the required or requested information needed to make all of the findings for approval.

1. ***Electronic Submissions.*** A copy of all application materials must also be submitted to the City electronically.

2. ***Availability of Materials.*** All material submitted in support of an application becomes the property of the City.

D. **Application Fees.**

1. ***Schedule of Fees.*** The City Council will establish fees for permits, development mitigation fees (i.e., impact fees), informational materials, penalties, copying, and other such items. Applications will not be accepted without payment of an application fee or placement of a deposit.

2. ***Multiple Applications.*** The City's processing fees are cumulative. When more than one type of action or permit is being requested, the total fee is the sum of the individual fees specified on the fee schedule unless a lower fee amount is authorized by the Director.

3. ***Refunds.*** In the case of a denial, expiration, withdrawal, or approval of an application with a deposit with a remaining balance, the City must provide a partial refund based upon the pro-rated costs to-date and the status of the application at the time of denial, expiration, withdrawal, or approval. No refunds are provided for applications with fixed fees.

17.52.030 Review of Applications

A. **Review for Completeness.**

B. A determination of whether an application is complete will be made within 30 days of the date the application is accepted.

C. No application will be processed pursuant to this Chapter before:

1. A determination by the Director that the application is complete; and

2. Any illegal conditions on the subject property have been remedied.

D. **Incomplete Application.** If an application is incomplete and the applicant fails to submit the requested information within 90 days of the date of the letter identifying what is needed, the Director may notify the applicant of an intent to close due to the application's inactivity. Once closed, a new application will be required for the proposed project. Such notification is not intended to be construed as denial of the application.

17.52.040 Environmental Review

All applications are subject to environmental review. As part of this review, additional information may be requested or changes to the project description may be required to address any potential significant impacts.

17.52.050 Public Notification

A. **Applicability.** Public notice is required for the following types of permits and hearings:

1. ***Zoning Permits.*** All Zoning Permits, except for Zoning Clearances, required public noticing.

2. ***Zoning Code Determinations.*** All determinations by the Director pertaining to the interpretation or applicability of this Title require noticing only on the City's website.

3. ***Public Hearings.*** All applications that require a public hearing before the City Council, Planning Commission, Design Review Board, or Zoning Administrator. All notices must be given pursuant to California Government Code, Sections 65090-65096.

B. **Contents of Public Notice.**

1. ***General.*** All notices must include the following information:

   a. The names of the applicant and the owner of the property that is the subject of the application;

   b. The location of the real property, if any, which is the subject of the application. The location of the real property must include both the street address and Assessor Parcel Number, if available;

   c. A general description of the proposed project, requested permit action, and any requested modifications;

   d. The case number assigned to the project by the City;

   e. The location and times at which the complete application and project file, including any environmental analysis prepared in connection with the application, may be viewed by the public;

   f. A statement describing how to submit written comments;

   g. A brief description of the City's general procedure concerning the decision-making process; and

   h. Procedures for public comment prior to decision or for appeal, as appropriate.

2. ***Public Hearings.*** All notices for public hearings must include the following:

   a. The date, time, location, and purpose of the public hearing;

   b. The identity of the hearing body or officer;

   c. A brief project description;

   d. The procedure for the submission of public comments in writing before the hearing and the procedure for public comments at the hearing;

   e. A statement, that if a person challenges the subject project in court, that person may be limited to raising only those issues that the person, or someone else speaking on their behalf, raised at the public hearing or in written correspondence delivered to the City at, or before, the public hearing; and

   f. For City Council hearings, the Planning Commission recommendation.

3. ***Coastal Zone.*** Additional Public Notice content for Coastal Development Permits and other actions requiring public notice by the Coastal Act must include the following:

   a. A statement that the project is within the Coastal Zone, and that the project decision will include a determination on a Coastal Development Permit;

   b. A determination of whether the project is appealable to the Coastal Commission under Public Resources Code, Section 30603(a); and

c. If there is no public hearing, the date the application will be acted on and a statement that a public comment period of sufficient time to allow for the submission of comments by mail will be provided before the decision is rendered.

C. **Notification Requirements.** At a minimum, public notice must be provided in the following manner:

1. ***Mailed Notice.*** The City must provide notice by First Class mail for public hearings and for all Zoning Permits or other actions requiring notification pursuant to the Coastal Act.

a. *Time Period*. At least ten days before the date of the public hearing or before an action on the application could be taken if there is no hearing.

b. *Recipients*.

i. The applicant and the owner of the subject property;

ii. Any person or group who has filed a written request.

iii. All property owners of record of property within 500 feet of the exterior boundaries of the subject parcel(s);

iv. Tenants of the subject parcel(s) and tenants within 500 feet of the exterior boundaries of the subject parcel(s).

v. Additional recipients for projects within the Coastal Zone:

(1) The California Coastal Commission.

(2) All persons who have filed a written request for notice of projects in the Coastal Zone.

c. *Alternative Method for Large Mailings.* If the number of property owners/tenants to whom notice would be mailed or delivered pursuant to this Section is greater than 1,000, the City may instead provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the City at least ten days before the date of the public hearing.

2. ***Newspaper Notice.*** Newspaper notice is required for all public hearings. The City must publish a notice in at least one newspaper of general circulation within the City at least ten days before the date of the public hearing.

3. ***On-Site Posted Notice.*** One or more posted notice is required on the project parcel(s) for all proposed development except Zoning Clearances. Notice must be provided on the site of the proposed project in the form of a City-issued placard as follows:

a. *Number and Location*.

i. At least one poster must be posted on each property line facing a public right-of-way. The Director may require additional posted notices, if necessary.

ii. Posted notices must be located at the property line or within ten feet from the property line and at a height accessible for the public to read.

b. *Time Period*. For at least the 15 days immediately preceding the date of the public hearing or Director action, if required.

c. *Size*. On-site posted notice signs for all new Development Plans, Amendments, and Revisions to Development Plans, and all new Conditional Use Permits, Amendments, and Revisions to Conditional Use Permits shall be:

i. Residential Districts. Eight square feet.

ii. Non-Residential Districts. 32 square feet.

~~4. ***Electronic Notice.*** Notice shall be provided for public hearings by electronic means, including emailed notice, posted notice on the City's website, and any other means determined by the Director. Any persons or organizations may request electronic notice.~~

~~5.~~4. ***Additional Notice for Drive-Through Facilities.*** For drive through facilities, blind, aged, and disabled community members and groups must be noticed.

5. ***Story Poles.*** All development over 20 feet in height, except for single-unit dwellings, shall require story poles that accurately depict the proposed structure(s). When required, story poles must convey size, bulk, and scale and must be installed consistent with the following provisions:

a. The story poles must be satisfactorily installed at least 14 days before the first scheduled public hearing date, unless an earlier date is deemed necessary by the Director.

b. The story poles must remain in place until the expiration of the project's local Appeal period and must be removed within ten calendar days afterwards.

c. Story poles shall depict a three-dimensional, full-scale silhouette that outlines major wall planes, gables, and ridges.

d. Installation of story poles must be certified by a licensed land surveyor as to their accuracy. Any deviations from proposed heights stated on plan sheets and what is depicted by the story poles must be calculated and disclosed.

e. Story poles must be of sturdy construction and braced or reinforced for safety purposes.

f. Installed story poles and associated flagging and/or netting shall be of materials and method of installation to withstand reasonably foreseeable weather or other site factors for the required duration of display.

~~a.~~g. If at any time the story poles become unsafe or shift location, they shall be repaired and reset.

6. ***Press Release***. For projects proposing 10,000 square feet or more of structural development, a press release shall be issued at the time of notice for the first Conceptual Review by the Design Review Board.

D. **Receipt of Public Notice.** The failure of any person or entity to receive public notice that was provided pursuant to this Section, or as provided by Government Code, Sections 65090-65096, does not invalidate the actions of the Review Authority.

~~E. **Spanish Translation.** All required email and print notices must include Spanish translation. On-site notices must include information on how to obtain project details in Spanish.~~

17.52.060 Conduct of Public Hearings

All public hearings held pursuant to this Title must comply with the following procedures:

A. **Held at Noticed Time and Place.** A public hearing must be held at the date, time, and place for which notice was given;

B. **Public Hearing Testimony.** Any person may appear at a public hearing and submit oral or written evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing representing an organization must identify the organization being represented and, if appearing on behalf of a person or organization, state the name and mailing address of the person or organization being represented. The presiding officer may establish time limits for individual testimony;

C. **Continuance of a Noticed Public Hearing.** The Review Authority may continue the public hearing to a fixed date, time, and place without additional noticing required. If an announcement of a continued date, time, and place is not given, notice of further hearings must be provided in compliance with this Chapter; and

D. **Action.** The Review Authority action to approve, modify, revoke, or deny any discretionary decision must occur following the close of the public hearing.

17.52.070 Findings for Approval

The Review Authority must make affirmative findings of fact as required by this Title for any approval of new development or at least one negative finding of fact for denial of a project. When a proposed project includes more than one concurrently-processed action, the Review Authority must only make the following Common Procedures findings once. Findings for approval or denial must be based upon substantial evidence derived from consideration of the application, project plans, public testimony, reports, and other relevant materials presented to the Review Authority.

A. **Required Findings.** In addition to any other findings required pursuant to this Title, in order to approve any new development and to determine compatibility with the General Plan and the character of surrounding development, the Review Authority must make all of the following findings:

1. There are adequate infrastructure and public services available to serve the proposed development, including water and sewer service, existing or planned transportation facilities, fire and police protection, schools, parks, and legal access to the lot.

2. The proposed project conforms to the applicable regulations of this Title and any zoning violation enforcement on the subject premises has been resolved.

3. The proposed development is located on a legally created lot.

4. The development is within the project definition of an adopted or certified CEQA document or is statutorily or categorically exempt from CEQA.

17.52.080 Conditions of Approval

The Review Authority may impose reasonable conditions on any approval in accordance with applicable law and demonstrated nexus to protect the persons or property in the neighborhood, to preserve the neighborhood character, natural resources or scenic quality of the area, to preserve or enhance the public peace, health, safety, and general welfare, or to implement the purposes of this Title. In addition to the conditions imposed by the Review Authority and any other agency with jurisdiction over a project, the City may consider as a requirement or condition, any plan, exhibit, statement, or other material provided by the applicant and on record with the decision.

17.52.090 Dates and Timing

A. **Effective Date.** The final decision on an application for proposed development becomes effective after the expiration of the 10-day appeal period following the approval date, unless an appeal is filed, except for Emergency Permits and Zoning Clearances. Emergency Permits and Zoning Clearances become effective on the date of approval.

B. **Issuance Date.** A Zoning Permit under this Title is issued after the effective date and when all applicable Prior to Issuance conditions of approval have been met.

C. **Expiration.** Except for legislative actions, every approval by a Review Authority is subject to expiration. The following expiration terms apply:

1. ***Discretionary Actions.*** Discretionary actions include ~~a~~ project-specific expiration terms as detailed in its relevant Chapter of this Title.

2. ***Zoning Permits.***

a. *Approval.* An action to approve a Zoning Permit expires one year after the effective date, unless the Zoning Permit has been issued.

b. *Issuance.* Unless otherwise specified, an issued permit expires two years after its issuance date unless the use or structure for which the permit was issued has been established or commenced in compliance with the issued permit or unless a time extension is approved in compliance with subsection (D) below.

3. ***City Projects.*** There is no expiration date for actions on City projects, including Capital Improvement Program projects.

D. **Time Extensions.** The original Review Authority may approve one or more-time extension up to a total of two-years for any Discretionary Action or Zoning Permit.

1. ***Application and Fee.*** The extension must be based upon receipt of a written application with the required fee prior to expiration date of the action or permit.

2. ***Status of Previous Approval.*** An application for a time extension stays the expiration of the previous approval or permit until action on the request is made. Any time after the original expiration date of the previous approval or permit used to process the extension request counts against the maximum extension period.

3. ***Required Findings.*** In considering a time extension, the Review Authority must make the following findings:

a. The grant of the extension must be based upon a finding of good cause.

b. All original findings for approval can still be made.

E. **Tolling.** Any expiration date or other time limit imposed by this Title shall be tolled while any action, claim or proceeding to attack, set aside or void a permit is pending before any court of law. A case is pending from the day the action, claim or proceeding is filed with any court until the court enters its ultimate disposition of the case, such as entry of an order, judgment or final decision, or issuance of remittitur, whichever action occurs last.

17.52.100 Changes to Prior Permits and Approvals

~~Revisions~~ Changes to prior Discretionary Approvals and Zoning Permits must be processed as follows:

A. **Zoning Permit.** Minor changes to an approved or issued Zoning Permit may be allowed; provided the changes substantially conform to the approved or issued permit. A request must be processed in the following manner:

1. The Director may approve a minor change to an approved or issued Zoning Permit, subject to all of the following:

   a. The minor change conforms substantially with the approved plans and the originally approved or issued permit;

   b. There is no change in the use or scope of the development;

   c. The minor change does not result in a change to the City's conclusions regarding the project's specific conformance to development standards and findings;

   d. The permit has not expired;

   e. The minor change is exempt from review by the Design Review Board, pursuant to Section 17.53.020, Exemptions – Exempt Development, and would not be counter to design direction provided;

   f. The change would otherwise be exempt from a Zoning Permit;

   g. The project has not been the subject of substantial public controversy or interest and there is no reason to believe that the proposed change has the potential to create substantial controversy;

   h. If the site is one acre or less, the footprint of the structure may not be moved more than five percent closer to any property line. If the site is more than one acre, the footprint of the structure may not be moved more than ten percent closer to any property line; and

   i. The change does not affect easements for trails, public access, or open space.

2. Where a minor change of an approved or issued Zoning Permit is approved, the permit has the same effective and expiration dates as the original permit and no additional public notice is required.

3. Where it cannot be determined that the minor change materially conforms to an approved or issued permit in compliance with the above criteria, a new permit is required.

4. The determination to allow a minor change to an approved or issued Zoning Permit is final and not subject to appeal, pursuant to this Title.

B. **Substantial Conformity Determination.**

1. ***Minor Changes to Approved Development.*** The Director may approve a minor change to any Conditional Use Permit or Development Plan issued pursuant to this Title prior to the approval expiration, if applicable. The Director must determine that the change is in substantial conformity with the approval such that the change would not result in a change to the project, which would alter the scope and intent of the approval the Review Authority originally acted on, pursuant to the standards and findings below:

   a. *Development Thresholds*.

      i. The change will not result in an increase of 1,000 square feet or more than ten percent of building coverage of new structures over total previous Permit or Plan approval, whichever is less.

      ii. The change will not result in an overall height, which is greater than ten percent above the previous Permit or Plan approval height.

      iii. The change will not result in more than 1,500 cubic yards of new cut and/or fill in the Inland Area (50 cubic yards in the Coastal Zone) and avoids slopes of 30 percent or greater unless these impacts were addressed in the environmental analysis for the project; mitigation measures were imposed to mitigate said impacts and the proposal would not compromise the mitigation measures imposed.

      iv. The project is located within the same general location as, and is topographically similar to, approved plans. The location must not be moved more than ten percent closer to a property line than the originally approved Permit or Plan.

      ~~iv.~~v. The project has not been the subject of substantial public controversy, nor is there reason to believe the change is likely to create substantial public controversy.

2. ***Required Findings.*** A Substantial Conformity Determination may only be approved if all of the following findings can be made.

   a. The findings required for the original approval must be re-made.

   b. The change does not conflict with project conditions of approval and/or final map conditions and the change can be effectuated through existing permit conditions.

   c. The change will not result in environmental impacts not analyzed or discussed at the time of the previous approval or result in the need for additional mitigation measures and the change does not alter; findings that the benefits of the project outweigh the significant unavoidable environmental effects, if any, made in connection with the original approval.

   d. Any revisions to the original project have received Design Review Board approvals for landscaping and structures, if necessary.

3. ***Notice and Appeal.*** Notice must be given at least ten days prior to the date of the Director's decision as provided in Section 17.52.050, Common Procedures – Public

Notification, and subject to appeal in compliance with Section 17.52.120, Common Procedures – Appeals.

~~3. ***Process.*** A Substantial Conformity Determination is not subject to public noticing, a public hearing, or appeal.~~

4. ***Consideration.*** The Planning Commission must consider Substantial Conformity Determinations, if the Director determines one or more of the required findings cannot be made.

~~4.~~5. ***Effectuation.*** The ~~Director's~~ Review Authority's approval must be effectuated by a Zoning Clearance.

C. **Amendments.** Where a change to a Discretionary Approval cannot meet the findings for a Substantial Conformity Determination above, the Director may approve or conditionally approve an application to alter, add, replace, relocate or otherwise amend the approval, provided:

1. ***Previous Project.*** The previous project was:

   a. Analyzed for potential environmental impacts and policy consistency as a part of the approval and an addendum to the previous environmental document can be prepared for the change; or

   b. Not analyzed in a previous environmental document and policy consistency was not considered as part of the approval, but the proposed change is found to be exempt from CEQA.

2. ***Required Findings.*** All of the following findings must be made:

   a. The findings required for the original approval can still be made, including CEQA findings.

   b. The environmental impacts related to the proposed change are substantially the same or less than those identified for the previous approval.

3. ***Public Hearing.*** A public hearing is not required for Amendments to a previous approval.

4. ***Notice and Appeal.*** Notice must be given at least ten days prior to the date of the Director's decision as provided in Section 17.52.050, Common Procedures – Public Notification, and subject to appeal in compliance with Section 17.52.120, Common Procedures – Appeals.

5. ***Consideration.*** The Planning Commission must consider Amendments to an approval, if the Director determines there are issues that require Planning Commission review.

D. ~~**Significant Changes**~~**Revisions.** Proposed changes to a previous approval, which are not subject to subsections (A-C) above, are considered significant and must be processed in the same manner as a new project.

17.52.110 Revocation of Approval

Any Zoning Permit or Discretionary Approval may be revoked in accordance with applicable law. An approval may be revoked by the City's Review Authority with jurisdiction pursuant to this Title. The provisions of this Section are not applicable to the termination of nonconforming uses which are governed by the provisions of Chapter 17.36, Nonconforming Uses and Structures.

A. **Initiation of Proceeding.** The Director or the City Attorney's Office may initiate revocation proceedings.

B. **Notification.** Notice of the proposed action to revoke an approval must be provided in the same manner as the original Zoning Permit or Discretionary Approval must be noticed pursuant to Section 17.52.050, Common Procedures – Public Notification.

C. **Circumstances.** An action to approve a project may be revoked under any one of the following situations:

1. The approval was obtained by means of fraud or misrepresentation of a material fact; or

2. 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.

D. **Termination.** The City's action to revoke an approval has the effect of terminating the approval and denying the privileges granted by the original approval.

17.52.120 Appeals

This Section provides procedures to be used whenever an applicant or aggrieved party challenges a decision made by a Review Authority.

A. **Applicability.** Any action by a Review Authority made in the administration or enforcement of the provisions of this Title may be appealed in accordance with this Section.

1. ***Appeals of Director Decisions.***

a. The following decisions of the Director may not be appealed: Zoning Clearances, Emergency Permits, and Minor Changes to a Zoning Permit~~, and Substantial Conformity Determinations~~.

b. The following decisions of the Director may be appealed to the Planning Commission: Land Use Permits, Temporary Use Permits, Coastal Development Permits, and Waivers for *De Minimis* Development~~, and~~ Zoning Code Determinations, Amendments, and Substantial Conformity Determinations.

2. ***Appeals of Zoning Administrator Decisions.*** Decisions of the Zoning Administrator may be appealed to the City Council.

3. ***Appeals of Design Review Board Decisions.*** Decisions of the Design Review Board may be appealed to the Planning Commission.

a. An appeal of a Design Review Board decision shall be stayed until action on any accompanying Zoning Permit occurs.

b. If both actions are appealed, the appeals must be heard together at the higher Review Authority.

4. ***Appeals of Planning Commission Decisions.*** Decisions of the Planning Commission may be appealed to the City Council.

5. ***Appeals of City Council Decisions.*** Decisions of the City Council on projects located within the Inland Area of the City are final and not subject to appeal, pursuant to this Title.

6. ***Appeals to California Coastal Commission.*** City approval of development within the Coastal Zone is appealable to the California Coastal Commission only in the following instances:

   a. The approved development is located within the Appeals Jurisdiction, or

   b. The approved development is a Conditional Use.

B. **Right to Appeal.** An appeal may only be filed by an applicant or any aggrieved party.

C. **Time Limits.** Unless otherwise specified in State or federal law, all appeals must be filed in writing, as specified in subsection (D) below.

D. **Procedures.**

1. ***Proceedings Stayed by Appeal.*** The timely filing of an appeal stays all proceedings in the matter appealed.

2. ***Filing of Appeals.***

   a. *Process.* A written appeal must be filed no later than close of business of the Planning and Environmental Review Department on the last day of the appeal period. All appeals must be accompanied by payment of the required fee established by City Council resolution. Failure to file a timely appeal results in the decision becoming effective.

   b. *Effect.* The filing of an appeal in compliance with this chapter shall have the effect of suspending the effective date of the decision being appealed, and no further actions or proceedings shall occur in reliance on the decision being appealed except as allowed by the outcome of the appeal.

   c. *Withdrawal.* Once filed, an appeal may only be withdrawn by a written request submitted to the Director, with the signatures of all persons who filed the appeal.

3. ***Submittal Requirements.*** The appeal must set forth, in concise language, the following:

   a. The identity of the decision or determination appealed, which may include the conditions of that decision or determination and must include the following information:

      i. Case Number;

      ii. Review Authority;

      iii. Date of Decision; and

      iv. Reason for the Appeal.

   b. If an applicant or aggrieved party wishes to appeal a Review Authority's decision on a project, an appeal application shall not be accepted by the Director unless it identifies one or more of the following:

      i. Zoning Regulations. A clear, complete, and concise statement of the reasons why the decision or determination is inconsistent with a specific zoning requirement or development standard set forth within this Title, the General Plan, or other applicable law.

ii. Design Standards. A clear, complete, and concise statement of the reasons why the decision or determination is inconsistent with a specific design requirement set forth within this Title or the General Plan.

iii. Error or Abuse of Discretion. If it is claimed that there was an error or abuse of discretion on the part of the Review Authority, or other officer or authorized employee, or that there was a lack of a fair and impartial hearing, or that the decision is not supported by the evidence presented for consideration leading to the making of the decision or determination that is being appealed, or that there is significant new evidence relevant to the decision which could not have been presented at the time the decision was made, then these grounds shall be specifically stated.

4. ***Receipt of Appeal Application.*** The decision of the Director to accept or reject an appeal application is final and not subject to appeal, pursuant to this Title.

5. ***Action.*** The appeal body must conduct a public hearing, after which it may affirm, reverse, or modify the previous decision. If the appeal body is deadlocked, the decision of the lower Review Authority remains in effect.

6. ***Standards of Review.*** Appeals shall be heard de novo. At the hearing, the appeal body may only consider any issue involving or related to the matter that is the subject of the appeal, in addition to the specific grounds for the appeal.

E. **Right to Judicial Review.** Any party aggrieved by a final decision of the City, pursuant to this Title, may seek judicial review of the decision.

17.52.130 Resubmission

A. **Denial With Prejudice.**

1. ***Effect.*** An application or appeal may be denied with prejudice. If the denial becomes final, no further application for the same or substantially similar Zoning Permit or Discretionary Approval for the same parcel shall be filed for a period of one year. An application may be denied with prejudice on the grounds that two or more similar applications for the same parcel have been denied in the past two years, or that another cause exists for limiting the refiling of the application.

2. ***Similar Project.*** The Director shall determine whether a subsequent application for a Zoning Permit or Discretionary Approval is for the same or a substantially similar use, or land use request that was denied with prejudice.

B. **Denial Without Prejudice.** There shall be no limitation on subsequent Zoning Permit or Discretionary Approval applications for a parcel on which a project was denied without prejudice.

17.52.140 Multiple Permits and Approvals

Permits and Approvals pursuant to this Title are cumulative. A specific development may require multiple permits and/or approvals based on the specific project description. Any permit or approval requirement for a use is separate and distinct from any permit or approval requirement for a structure. Any stated exemption from permitting for a use does not eliminate any permit or approval requirements for a proposed structure, and vice versa.

Chapter 17.53 Exemptions

Sections:

17.53.010 Purpose
17.53.020 Exempt Development

17.53.010 Purpose

This Chapter identifies development that is exempt from permitting pursuant to this Title.

17.53.020 Exempt Development

The following development is exempt from the requirement to obtain a Zoning Permit otherwise required of this Title. Exempt development must still comply with all applicable regulations of this Title, all associated policies of the General Plan, all State or federal laws and codes, as well as any applicable conditions of a previously approved permit for the subject property.

A. Repair and maintenance activities that do not result in an addition to, or enlargement or expansion of the structure.

B. Installation of low-impact interpretive and public access signage.

C. Uses that are listed as "P" in Land Use Regulation Table 17.07.020, Table 17.08.020, Table 17.09.020, Table 17.10.020, and Table 17.12.020. Exceptions to this exemption apply if a permit or discretionary approval is required for the use pursuant to this Title, including new tenants or uses that constitute a Change of Use.

D. Improvements required by law, such as ADA accessibility.

E. Installation of irrigation lines not otherwise requiring a Grading Permit.

F. Poles, wires, underground gas pipelines less than 12 inches in diameter, and similar installations erected, installed, or maintained by public agencies or public service or utility districts or companies; however, such structures shall be subject to height limitations when located in the -AE Overlay District.

G. Decks, platforms, walkways, and driveways that do not require a Grading Permit and are not over 30 inches above finish grade and not over any basement or story below.

H. Installation of skylights and re-roofing of an existing structure.

I. Installation of windows and doors that do not significantly change the streetscape nor require Design Review Board approval.

J. Residential window awnings that are supported by an exterior wall and non-residential window awnings that are supported by an exterior wall and do not extend more than 36 inches from such exterior wall.

K. Spas, hot tubs, fish ponds, and other water-containing structures that do not exceed 120 square feet, including related equipment, do not contain more than 2,000 gallons of water,

L. Decorative water features that are located within the rear of a lot and not visible from public viewing areas, or if visible are less than three feet in height and contain less than 50 gallons of water.

M. Interior alterations, including tenant improvements that do not result in an increase in the floor area within the structure and does not increase the required number of parking spaces.

N. In the AG District, agricultural accessory structures that are roofed and supported by posts or poles, do not exceed 250 square feet of roof area, are unenclosed on all sides, and have no plumbing or electrical facilities and are less than 16 feet in height.

O. Liquefied petroleum gas (i.e., propane, propylene, butane) tanks of up to 20 lbs/5 gallons) when located a residential district and up to 33 lbs/8 gallons when located in an agricultural district.

P. Seismic retrofits to existing structures.

1. Seismic retrofits are limited to the addition of foundation bolts, hold-downs, lateral bracing at cripple walls and other structural elements required by the City.

2. The seismic retrofits must not increase the floor area of the structure, involve exterior alterations to the structure, alter the footprint of the structure, nor increase the height of the structure.

Q. The replacement or restoration of conforming structures or structures damaged or destroyed by a disaster, as determined by the Director.

1. The replaced or restored structure must:

a. Conform to all applicable district requirements (including permitted uses);

b. Be for the same use;

c. Be in the same general footprint location; and

d. Not exceed either the floor area, height, or bulk of the destroyed structure by more than ten percent or 250 square feet, whichever is less.

2. If the Director determines that the exterior design or specifications are proposed to be changed, the restored or replaced structure will be subject to the provisions of Chapter 17.58, Design Review.

R. One satellite dish, which is one meter in diameter or less and is used solely by the occupants of the dwelling or property on which the dish is located for the non-commercial, private reception.

S. The annual or semiannual plowing, tilling, preparation, and planting of land for ongoing farming and agricultural operations.

T. Other types of earthwork, which do not require a Grading Permit or are otherwise specifically listed as exempt within Section 17.24.100, General Site Regulations – Grading and Grubbing.

U. New or replacement of roof-mounted equipment that is not visible from public viewing areas.

V. The temporary use of generators in the event of a power outage or for emergency use. For purposes of this subsection, emergency use is defined in accordance with 17 California Code of Regulations, Section 93115, as may be amended. For purposes of this subsection, the limit on use of a generator in an emergency is 90 days.

W. Exterior air conditioning equipment is exempt if the following requirements are met:

1. ***Location.***

a. The equipment is located outside of all required setbacks; or

b. The equipment does not encroach more than three feet into any interior side or rear setback provided a five-foot wide accessway is maintained for emergency access.

2. ***Noise.*** The equipment complies with the acoustical standards of Section 17.39.070, Performance Standards – Noise.

X. City Projects, including Capital Improvement Program projects, as follows:

1. ***Inland Area.*** All projects, except where located within an ESHA.

2. ***Coastal Zone.*** Repair and maintenance activities where not located within an ESHA.

Chapter 17.54 Zoning Clearance

Sections:

17.54.010 Purpose
17.54.020 Applicability
17.54.030 Review and Decision
17.54.040 Required Findings
17.54.050 Exemptions
17.54.060 Appeals

17.54.010 Purpose

This Chapter establishes procedures for conducting Zoning Clearance review to verify that certain new or expanded uses, activities, or structures that would otherwise not need a different permit under this Title from the City comply with all of the applicable requirements of this Title. This Chapter also establishes procedures for issuing a Zoning Permit to effectuate Discretionary Approval.

17.54.020 Applicability

A. **Entitlement Permit.** Issuance of a Zoning Clearance is required for development as specified by this Title and for the following development:

1. Window awnings that are supported by an exterior wall and extend 36 inches or more from such exterior wall.
2. Additions of less than 150 square feet of footprint area to existing structures are not subject to Design Review Board approval.
3. Individual signs associated with and conforming to an approved Overall Sign Plan.
4. Liquefied petroleum gas (i.e., propane, propylene, butane) tanks that are not otherwise exempt from this Title.
5. Decorative water features that are not otherwise exempt from this Title.
6. Small habitat restoration or enhancement projects that are exempt from CEQA, pursuant to CEQA §15333.

B. **Effectuating Permit.** Issuance of a Zoning Clearance is required to effectuate the following Discretionary Approvals and Director Actions:

1. Development Plan.
2. Conditional Use Permit.
3. Design Review Board Approvals for individual Signs not associated with an Overall Sign Plan and actions to grand Design Review approval for a project where the Design Review Board is the Review Authority.
4. Any Substantial Conformity Determination or Amendment pursuant to Section 17.52.100, Common Procedures – Changes to Prior Permits and Approvals.

17.54.030 Review and Decision

The Director must determine whether the zoning regulations allow the proposed use, activity, building, alteration, or addition, is permitted and conforms to all the applicable regulations and standards of this Title. A Zoning Clearance effectuating a discretionary approval must carry forward all applicable conditions and shall only be issued after Director makes the required findings.

17.54.040 Required Findings

In addition to those findings required pursuant to Section 17.52.070, Common Procedures – Findings for Approval, the following findings must be made:

A. Any necessary prior approvals have been obtained.

B. Any "Prior to Issuance of Zoning Clearance" conditions from the Discretionary Approval have been met.

17.54.050 Exemptions

No Zoning Clearance is required for the continuation of previously approved uses and structures, uses and structures, or that are not subject to any building or zoning regulations.

17.54.060 Appeals

A decision to approve or deny a Zoning Clearance is not subject to appeal, pursuant to this Title.

Chapter 17.55 Land Use Permits

Sections:

17.55.010 Purpose
17.55.020 Applicability
17.55.030 Exceptions
17.55.040 Review and Decision
17.55.050 Required Findings

17.55.010 Purpose

This Chapter establishes the applicability of Land Use Permits which are required for certain uses and developments under the regulations of this Title outside of the Coastal Zone.

17.55.020 Applicability

Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, rebuilding, or demolishing of any building, structure, or improvement within the City a Land Use Permit must be issued by the Planning and Environmental Review Department under the provisions of this Title.

A. **Change of Use.** A Change of Use requires a Land Use Permit when, based on a legally permitted use consistent the zoning district of the site, any of the following occur unless a Discretionary Approval is required pursuant to this Title:

1. The change from one Use Classification to another as provided in Chapter 17.72 (e.g., a Residential to Commercial, Commercial to Residential, etc.);
2. The new use requires additional parking on the site pursuant to Chapter 17.38, Parking and Loading; or
3. The new use includes any additions to existing structures to accommodate the use, unless the additions are solely to provide facilities that are compliant with ADA requirements (e.g., restrooms, walkways, ramps, etc.).

17.55.030 Exceptions

A Land Use Permit is not required under the following circumstances:

1. The development requires a Discretionary Approval, other than by the Design Review Board;
2. Regulations of this Title specifically indicate a Land Use Permit is not required;
3. Regulations of this Title specifically states that a different type of Zoning Permit is required for the development; or
4. The activity is exempt from the issuance of a Zoning Permit.

17.55.040 Review and Decision

The Director must determine whether the zoning regulations allow the proposed uses or structures, including proposed additions or alterations, by-right. A Land Use Permit shall be issued if the Director determines that the proposed use or building, or alteration or addition, is permitted and conforms to all the applicable regulations and standards of this Title.

17.55.050 Required Findings

Other than those findings required pursuant to Section 17.52.070, Common Procedures – Findings for Approval, no permit-specific findings are required.

Chapter 17.56 Temporary Use Permits

Sections:

17.56.010 Purpose
17.56.020 Applicability
17.56.030 Application
17.56.040 Required Findings
17.56.050 Additional Finding for Coastal Zone
17.56.060 Conditions of Approval

17.56.010 Purpose

This Section establishes a process for review and approval of certain uses that are intended to be of limited duration of time and will not permanently alter the character or physical facilities of the site where they occur.

17.56.020 Applicability

Before using any land or structure, or commencing any work pertaining to the temporary erection, moving, alteration, or use any building, structure, or land within the City wherein no discretionary approval is required under the provisions of this Title, a Zoning Permit must be issued by the Planning and Environmental Review Department.

A. **Inland Area.** Approval of a Temporary Use Permit is required for temporary uses or structures proposed within the Inland Area of the City, which require a permit pursuant to Section 17.41.260, Standards for Specific Uses and Activities – Temporary Uses.

B. **Coastal Zone.** Temporary uses or structures that are proposed within the Coastal Zone of the City are subject to Chapter 17.61, Coastal Development Permits.

17.56.030 Application

Any person may apply to the Director for approval of a temporary use, not less than 30 days before the use is intended to begin.

17.56.040 Required Findings

The Director may approve an application to allow a temporary use for a period of time, only upon making all of the following findings:

A. The proposed use will not unreasonably affect or have a 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 use, or to the general welfare of the City.

B. The proposed use will not unreasonably interfere with pedestrian or vehicular traffic or circulation in the area surrounding the proposed use, and will not create a demand for additional parking that cannot be safely and efficiently accommodated by existing parking areas.

C. 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.

17.56.050 Additional Finding for Coastal Zone

If a temporary use or structure is proposed within the Coastal Zone and would be located seaward of the bluff-top, the following additional finding must be made as part of an approval of a Minor Conditional Use Permit by the City:

A. The temporary use or structure will not substantially interfere with lateral or vertical beach access or adversely impact coastal processes.

17.56.060 Conditions of Approval

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

A. Regulation of vehicular ingress and egress and traffic circulation;

B. Regulation of dust, if using unpaved surfaces for the event including parking;

C. Regulation of lighting;

D. Regulation of noise;

E. Regulation of hours, and other characteristics of operation;

F. Regulation regarding trash/debris/waste disposal and site/area clean up during and at the conclusion of the event;

G. Requirement of bonds or other guarantees for cleanup or removal of structure or equipment; and

H. Such other conditions as the Director may deem necessary to carry out the intent and purpose of this Chapter.

Chapter 17.57 Conditional Use Permits

Sections:

17.57.010 Purpose
17.57.020 Applicability
17.57.030 Adjustments to Development Standards
17.57.040 Review Authority
17.57.050 Required Findings
17.57.060 Time Limit

17.57.010 Purpose

This Chapter describes the process and general requirements applicable to those uses for which a Conditional Use Permits is required. These uses require consideration to ensure that they can be designed, located, and operated in a manner that will not interfere with the use and enjoyment of surrounding properties. The process for review of applications is designed to evaluate possible adverse impacts and to minimize them, where possible, through the imposition of specific conditions of approval.

17.57.020 Applicability

Approval of a Conditional Use Permit is required for uses or development specifically identified as conditional uses in this Title, including both primary and accessory uses.

17.57.030 Adjustments to Development Standards

The applicant may request that the Review Authority approve an adjustment to one or more of the following: buildings separation, setbacks, parking, landscaping, or screening standards specified in the applicable district. To approve any requested adjustment, the Review Authority must make the following finding for each requested adjustment:

A. **Required Adjustment Finding.** The adjustment is justified and consistent with the General Plan and the intent of other applicable regulations and guidelines.

17.57.040 Review Authority

A. **Minor Conditional Use Permits.** The Zoning Administrator.

B. **Major Conditional Use Permits.** The Planning Commission.

17.57.050 Required Findings

In addition to the findings required pursuant to Section 17.52.070, Common Procedures – Findings for Approval, and any other findings required by this Title, the Review Authority must make the following findings:

A. The use as proposed is consistent with the General Plan.

B. The use will not be more injurious to the health, safety, and general welfare of the surrounding neighborhood due to noise, dust, smoke, or vibration than from uses allowed in the district.

C. If processed without an associated Development Plan, these additional findings must also be made:

1. The site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.

2. Any significant environmental impacts are mitigated to the maximum extent feasible.

17.57.060 Time Limit

A. The decision of the Review Authority to approve a Conditional Use Permit shall expire after 18 months from the approval date, unless a Zoning Clearance has been issued, pursuant to Chapter 17.54, to effectuate the approval.

B. Once the approval is effectuated, this Conditional Use Permit shall run with the land and the rights and obligations thereof, including the responsibility to comply with all Conditions of Approval, shall be binding upon successors in interest

Chapter 17.58 Design Review

Sections:

17.58.010 Purpose and Applicability
17.58.020 Exemptions
17.58.030 Scope of Design Review
17.58.040 Design Review Actions
17.58.050 Goal of Design Review
17.58.060 Design Review Board Levels of Review
17.58.070 Additional Design Review Procedures
17.58.080 Required Findings
17.58.090 Conditions of Approval
17.58.100 Time Limits of Approval and Time Extensions

17.58.010 Purpose and Applicability

Inappropriate or poor-quality design in the appearance of buildings, structures, and signs adversely affect the visual quality of the surrounding areas and neighborhoods. The purpose of Design Review is to encourage the highest quality of design, both visually and functionally, and to reduce or prevent the negative effects of development while also promoting the health, safety, and general welfare of the City's public. The City will conduct Design Review for proposed projects, except those exempt pursuant to Section 17.58.020, and make decisions to approve, approve with amendments, or deny the overall design of projects pursuant to this Title.

17.58.020 Exemptions

A. The following developments are exempt from Design Review in all instances:

1. All interior alterations and Tenant Improvements (TI);
2. Solar energy systems;
3. Alterations, additions, and repairs that do not substantially change the exterior appearance of a structure, including replacement in kind of existing features. To be considered "replacement in kind," the features must reasonably match the design, profile, material, and general appearance of the existing or original features;
4. Required regulatory signage (e.g., ADA, City, County, etc.); and
5. Signage on private property of two square feet or less conveying a message about the property (e.g., No Trespassing, For Sale, Garage Sale, etc.).

B. The following development is exempt from Design Review, except when part of a larger development project under review by the City, which is subject to this Chapter:

1. Decks that are less than 30 inches above grade;
2. Fences or walls six feet or less in height and gateposts of eight feet or less in height, that are not considered integral to the design of a structure (e.g., perimeter fences);

3. Hedges that are ten feet or less in height; and

4. Minor additions that do not significantly change the streetscape of the existing dwelling.

   a. Ground floor additions of 750 square feet or less (based on an exterior footprint measurement) to a Single-Unit Dwelling or duplex unit;

   b. Second story additions of less than 100 square feet to a Single-Unit Dwelling or duplex unit and provided the addition is to the rear of the structure; and

   c. Patios or porches of 100 square feet or less that use the same or similar materials as the existing dwelling.

17.58.030 Scope of Design Review

A. The City must review proposed development for conformity with the following:

1. The purpose of this Chapter;
2. Applicable General Plan policies and guidelines;
3. The Goleta Old Town Heritage District Architecture and Design Guidelines;
4. The Highway 101 Corridor Design Guidelines;
5. The Goleta Architecture and Design Standards for Commercial Projects; and
6. Applicable City sign and zoning regulations.

B. The scope of Design Review includes, but is not limited to the following:

1. Size, bulk and scale of new structures;
2. Colors and types of building materials and application;
3. Relation to existing and proposed structures on the same site;
4. Pedestrian and bicycle access and circulation;
5. Site layout, orientation, and location of structures, and relationship to open areas and topography;
6. Materials, colors, and variations in boundary walls, fences, or screen planting;
7. Location and type of landscaping;
8. Sign design and exterior lighting;
9. Consideration of neighboring development;
10. Consideration of energy efficient or environmentally-friendly design and materials; and
11. Appropriate dark sky compliant exterior lighting.

17.58.040 Design Review Actions

A. **Administrative Review.** The Director and shall make decisions to approve, approve with conditions, or deny, the following development:

1. Decks that are 30 inches or more above grade;

2. Swimming pools, hot tubs, and spas that are not subject to Section 17.24.190, General Site Regulations – Swimming Pools and Spas, and are otherwise exempt from Zoning Permits;

3. Accessory Dwelling Units; and

4. Other accessory structures not subject to review by the Design Review Board;

B. **Design Review Board.**

1. The Design Review Board shall conduct Design Review and make decisions to approve, approve with conditions, or deny the following:

   a. All projects for which a building and/or grading permit is required that involve new construction or development, the erection, replacement, or alteration of signage, or changes in landscaping that are not listed as exempt in Section 17.58.020, Design Review – Exemptions;

   b. New construction or development that would otherwise be exempt, but is associated with a project previously subject to Design Review;

   c. Any project where Design Review Board review is specified by action of the City Council or Planning Commission or the Director of Planning and Environmental Review;

   d. Projects referred by the Director to the Design Review Board for review;

   e. Exterior changes to the main structure that result from an additional residential unit in a single-unit home or in a multiple-unit residential building; and

   f. Applications for permits which, if combined with other permits applied for on the same property within the previous four years, meets the criteria established above to avoid the "piecemeal" review of development.

2. The Design Review Board must conduct Design Review and make a recommendation to approve, approve with conditions, or deny the following:

   a. Development requiring Discretionary Review by the Zoning Administrator, Planning Commission, or City Council.

3. The Design Review Board shall be responsible for Final Design Review for all projects subject to this Chapter.

C. **Higher Review Authorities.** In compliance with Chapter 17.50, Review Authorities, the Planning Commission or City Council shall conduct Design Review and make decisions to approve, approve with conditions, or deny the following projects:

1. Appeals of the Final Approval of the Design Review Board.

2. Projects requiring both Design Review and Discretionary Review.

TABLE 17.58.040: DESIGN REVIEW AUTHORITIES				
	Design Review Board	*Zoning Administrator*	*Planning Commission*	*City Council*
Design Review Accompanying the Following:				
Zoning Permits (LUP, CDP, ZC)	Decision		Appeal	Appeal
Small Discretionary Projects (Minor CUP, CDH, MOD, VAR)	Recommendation	Decision		Appeal
Large Discretionary Projects (Major CUP, DP)	Recommendation		Decision	Appeal
All Projects with Legislative Actions	Recommendation		Recommendation	Decision

17.58.050 Goal of Design Review

The goal of the Design Review Board to work in partnership with property owners and developers to help implement the City's adopted plans and design guidelines as well as to identify and help resolve any design issues that may be of concern to the broader community. To assist project proponents, the Design Review Board offers three levels of collaborative review prior to taking action on Ministerial Permits or providing a recommendation on Discretionary Actions that will go to a higher Review Authority.

17.58.060 Design Review Board Levels of Review

The Design Review Board holds public hearings as part of the standard three-step process described below:

A. **Conceptual Review.** All development subject to review by the Design Review Board will be reviewed at the conceptual level.

1. Conceptual Review provides an opportunity for the City to review and comment on a project's concept or theme when it is still in the early stages of development before the applicant has committed to and significantly invested in a particular design.

2. At Conceptual Review, the applicant and the Design Review Board discuss and consider only broad issues such as site planning, general architectural style, and the project's relationship to its site and the surrounding neighborhood.

3. Applicants may bring sketches and/or conceptual drawings, including schematic sections and three-dimensional renderings, and should have completed site studies that address various aspects of site design (e.g., general massing of buildings, grading, access, landscaping concepts, etc.).

4. No formal action is taken by the Design Review Board at a conceptual level; however, comments may be offered that give the applicant general direction for future review. Additionally, the Design Review Board, the Director, or Planning staff may determine during the Conceptual Review that a site visit and/or story-poles will be required, and/or that the preparation of other plans will be needed in order to determine project compatibility with the neighborhood or compliance with applicable development standards (e.g., landscape, lighting, grading and drainage, etc.).

B. **Preliminary Review.** Preliminary Review is a formal review of an application in order to confirm that the proposed development complies with all applicable design standards. Fundamental design issues such as precise size of all built elements, site plan, floor plan, elevations, landscaping, and hardscaping are resolved at this stage of review. The Review Authority's decision at Preliminary Review is the formal action for Design Review, which may be appealed.

1. ***Design Review Accompanying Zoning Permits.***

   a. A project may receive Preliminary Approval only if the accompanying Zoning Permit, pursuant to Section 17.51.030, Actions and Permits – Zoning Permits, for a project has been reviewed by Planning staff and the Design Review Board has been authorized to take formal action to approve, approve with conditions, or deny the design of a project.

   b. To be approved at the Preliminary level, all significant elements of the project's appearance, landscaping and site and/or building orientation must be found to be consistent with the applicable design standards within the scope of Design Review.

   c. If a project is granted Preliminary approval, the Design Review Board is indicating that all fundamental design issues have been resolved and that it can make the required Findings for Approval.

2. ***Design Review Accompanying Discretionary Actions.***

   a. The Design Review Board will review proposed development at the Conceptual level as many times as deemed necessary prior to authorizing the project to proceed to the higher Review Authority with jurisdiction over the entire proposed project. The higher Review Authority will conduct Preliminary Design Review and consider the requested Discretionary Action, pursuant to Section 17.51.020, Actions and Permits – Discretionary Actions.

   b. For development subject to a higher Review Authority, pursuant to Chapter 17.52, Common Procedures, the Design Review Board may request additional specific plans or special studies to provide the required information and evidence needed to make draft Preliminary Review findings for the project and transmit a recommended action to the subsequent Review Authority.

   c. The Design Review Board action to provide draft findings is not subject to Appeal.

   d. The higher Review Authority's Discretionary Action on both Design Review and the accompanying permits is subject to Section 17.52.120, Common Procedures – Appeals.

C. **Final Review.** Final Review is the last level of Design Review of the completed working drawings for a project, excluding electrical, plumbing, mechanical and structural drawings, unless components of these plans would affect the exterior of the building or are requested earlier in the process by a Review Authority.

1. All details, color samples, material samples, door hardware, fenestration and exterior light fixtures, final site grading and drainage, and final landscaping must be included in the plans submitted for Final Review.

2. Plans submitted for Final Review must conform to those plans that received Preliminary Approval. If changes to the plans are proposed at this stage by the applicant, a new Preliminary Approval may be required.

3. The Design Review Board may grant Final Approval to a project as proposed or may add a condition that the Director confirm or verify that minor items (e.g., notations, verification of a color code or plant type, etc.) are added to the plan sheets.

4. An action of the Design Review Board to grant Final Approval is not subject to Appeal, pursuant to this Title.

17.58.070 Additional Design Review Procedures

A. **Multiple Levels of Review at a Single Meeting.** The Director may accept and process applications for Conceptual / Preliminary / Final Design Review and approval at a single meeting when appropriate for the project, all required information is submitted, and the project is properly noticed and agendized for such multiple levels of approval.

B. **CEQA Review.** Decisions by the Design Review Board or any higher Review Authority at Preliminary Review are discretionary actions and are therefore subject to environmental review under the provisions of CEQA.

C. **Project Changes Requiring Additional Review.**

1. ***Revised Preliminary Review.*** Revised Preliminary Review is used when a project has already received Preliminary approval and the applicant wishes to make substantial changes that would require further Design Review and approval prior to Final Approval.

   a. Plans submitted should include all information on drawings that reflect and call out the proposed revisions.

   b. If the revisions are not clearly delineated and identified, they shall not be construed as being a part of the revised approval.

   c. Substantial changes after a project has received approval at Preliminary Approval require a new Preliminary Design Review by the original Review Authority in order to review those changes against the required Findings for Approval.

2. ***Revised Final Review.*** Revised Final Review is used when a project has already received Final Approval and the applicant wishes to make minor changes that require further Design Review by either the Design Review Board or the Director, but do not change any of the development entitlements previously granted by the City that would require additional review and analysis.

   a. Plans submitted must include all information on drawings that reflect and call out the proposed revisions.

   b. If the revisions are not clearly delineated, they shall not be construed as approved.

   c. Substantial changes after a project has received Final Approval will require Revised Preliminary Review.

   d. Revised Final Review is not subject to Appeal, pursuant to this Title.

17.58.080 Required Findings

The Review Authority may only grant Final Design Review Approval if it is determined that the proposed project is consistent with the standards of this Chapter and all of the following findings can be made:

A. The development will be compatible with the neighborhood, and its size, bulk and scale will be appropriate to the site and the neighborhood.

B. Site layout, orientation, and location of structures, including any signage and circulation, are in an appropriate and harmonious relationship to one another and the property.

C. The development demonstrates a harmonious relationship with existing adjoining development, avoiding both excessive variety as well as monotonous repetition, but allowing similarity of style, if warranted.

D. There is harmony of material, color, and composition on all sides of structures.

E. Any outdoor mechanical or electrical equipment is well integrated in the total design and is screened from public view to the maximum extent practicable.

F. The site grading is minimized and the finished topography will be appropriate for the site.

G. Adequate landscaping is provided in proportion to the project and the site with due regard to preservation of specimen and protected trees, and existing native vegetation.

H. The selection of plant materials is appropriate to the project and its environment, and adequate provisions have been made for long-term maintenance of the plant materials.

I. All exterior lighting, including for signage, is well designed, appropriate in size and location, and dark-sky compliant.

J. The project architecture will respect the privacy of neighbors, is considerate of private views, and is protective of solar access off site.

K. The proposed development is consistent with any additional design standards as expressly adopted by the City Council.

17.58.090 Conditions of Approval

The Review Authority may impose reasonable conditions on a Design Review approval that is related and proportionate to what is being requested by the application, as deemed necessary or appropriate in order to ensure that the standards and requirements of this Title are met, including, without limitation:

A. Modification of materials and/or design elements;

B. Additional landscaping;

C. Walls, fences, and screening devices;

D. Noise-attenuation construction and/or devices; or

E. Any other conditions that are found to be necessary to ensure that the provisions of the General Plan and this Title are met.

17.58.100 Time Limits of Approval and Time Extensions

A. Design Review approval shall expire one year from the date of Preliminary Approval, unless the project receives Final Approval.

1. Prior to expiration of such one-year period, the Director may grant one extension of up to one year.

B. The Design Review approval shall expire three years from the date of Final Approval, unless the associated Zoning Permit has been approved.

1. Prior to the expiration of such three-year period, the Director may grant one extension of up to two years.

Chapter 17.59 Development Plans

Sections

17.59.010 Purpose and Intent
17.59.020 Applicability and Review Authority
17.59.030 Required Findings
17.59.040 Adjustments to Development Standards
17.59.050 Time Limit

17.59.010 Purpose and Intent

The purpose of a Development Plan is to provide Discretionary Review which, because of the size and scale of the proposed development, requires comprehensive analysis at a public hearing.

17.59.020 Applicability and Review Authority

No permit shall be issued for structural development, including grading, for any project subject to the provisions of this Chapter until a Development Plan has been approved as provided below.

A. **Exemptions.** The following do not require a Development Plan:

1. One Single-Unit Dwelling and Accessory Structures on a single lot in the "RS" Zone Districts.
2. Residential projects that do not exceed four units in the "RP", "RM", and "RH" Zone Districts.
3. Structures in "C" Zone Districts that do not exceed 5,000 square feet for the entire site.
4. Development, other than greenhouses and related structures (e.g., packing sheds) of 20,000 square feet or more, within the "AG" Zone District.
5. Any development where another approval requirement is specified under this Title or where the development is exempt pursuant to Chapter 17.53, Exemptions.

B. **Review Authority.**

1. Where no height or lot coverage modification is being requested as part of a development proposal, the Review Authority is the Zoning Administrator for the following:
   a. New structures and outdoor areas designated for sales or storage that do not exceed 10,000 square feet for the entire site.
   b. Applications for as-built development without an effectuated Development Plan that is considered nonconforming only due to the absence of a Development Plan.
2. All Development Plans outside the jurisdiction of the Zoning Administrator are within the jurisdiction of the Planning Commission.

17.59.030 Required Findings

In addition to the findings required pursuant to Section 17.52.070, Common Procedures – Findings for Approval, and any other findings required by this Title, the Review Authority must make the following findings:

A. The project as proposed is consistent with the General Plan.

B. The site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and intensity of development proposed.

C. Any significant environmental impacts are mitigated to the maximum extent feasible.

D. The project will not conflict with any easements required for public access through, or public use of a portion of the property.

17.59.040 Adjustments to Development Standards

As part of a Development Plan, an applicant may request that the Review Authority consider approving an adjustment to one or more of the following development standards: height, lot coverage, buildings separation, setbacks, parking, landscaping, or screening requirements specified in the applicable Zone District.

A. **Additional Finding.** To approve any requested adjustment to one of the standards listed in this Section, the Review Authority must make the following finding for each requested adjustment:

   1. The adjustment is justified and consistent with the intent of applicable General Plan policies.

B. **Resolution Required.** Any deviation from a height or lot coverage standard must be reviewed and approved by Resolution by the Planning Commission.

17.59.050 Time Limit

An approved Development Plan expires five years after its effective date unless, prior to the expiration, substantial physical construction has been completed on the development or a Time Extension has been requested.

Chapter 17.60 Variances

Sections:

17.60.010 Purpose
17.60.020 Applicability
17.60.030 Review Authority
17.60.040 Findings for Approval
17.60.050 Time Limit

17.60.010 Purpose

The purpose of this Chapter is to allow variances from the strict application of the regulations on land, buildings, and structures of this Title where, because of exceptional conditions such as the size, shape, unusual topography, or other extraordinary situation or condition of such piece of property, the literal enforcement of this Title would impose practical difficulties or would cause undue hardship unnecessary to carry out the intent and purpose of this Title.

17.60.020 Applicability

A. The provisions of this Chapter apply to all districts.

B. In no case may a Variance be granted to allow a use or activity which is not otherwise permitted in the district in which the property is located.

C. Variances may only be granted from the regulations on land, buildings, and structures, and no variances may be granted from the procedural regulations of this Title.

17.60.030 Review Authority

Consideration of a Variance requires a public hearing before the Zoning Administrator or higher Review Authority, if the Variance is concurrently processed with an action requiring Planning Commission or City Council review.

17.60.040 Findings for Approval

Variance applications shall only be granted if the Review Authority determines that the project, as submitted or as modified, conforms to all of the following criteria, in addition to any criteria that may be required or associated with the specific request. If it is determined that it is not possible to make all of the required findings, the application shall be denied. The specific basis for denial must be established for the record.

A. **Required Findings.** The following findings must all be met in order to grant a Variance:

1. The granting of the Variance will not be in conflict with the intent and purpose of this Title or the adopted General Plan.

2. There are special circumstances applicable to the property, relative to its size, shape, topography, location, or surroundings.

3. The strict application of the zoning regulations will deprive such property of privileges enjoyed by other properties in the vicinity and under the same zoning classification.

4. The Variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

B. **Additional Coastal Zone Finding.**

1. Approval of the Variance is consistent with the provisions of the California Coastal Act that are applicable to the subject property.

17.60.050 Time Limit

An approved Variance expires five years after its effective date unless, prior to the expiration, substantial physical construction has been completed on the development or a Time Extension has been requested.

Chapter 17.61 Coastal Development Permits

Sections:

17.61.010 Purpose
17.61.020 Applicability
17.61.030 Exemptions
17.61.040 Record of Permit Exemptions
17.61.050 Waiver for *De Minimis* Development
17.61.060 Application Requirements
17.61.070 Public Hearing
17.61.080 Required Findings
17.61.090 Coastal Zone Easements
17.61.100 Notice of Final Action

17.61.010 Purpose

This Chapter establishes a process for review and approval of Coastal Development Permits, which is intended to implement the California Coastal Act of 1976 (Division 20 of the Public Resources Code), as amended, in accordance with the City's Local Coastal Program.

17.61.020 Applicability

The provisions of this Chapter apply to all public and private development on all properties located within the Coastal Zone as defined in the California Coastal Act, subject to the following provisions:

A. **Tidelands, Submerged Lands, or Public Trust Lands.** Projects on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled, lying within the Coastal Zone, or within any State university or college within the Coastal Zone require a permit issued by the California Coastal Commission in accordance with procedures specified by the Coastal Commission, in addition to other permits or approvals required by the City.

B. **Development by Public Agency.** A person undertaking development included in a Public Works plan or long-range development plan that has been approved by the Coastal Commission is not required to obtain a Coastal Development Permit from the City. Other City permits may be required.

C. **Exemptions.** Projects or activities specifically identified by the California Coastal Commission as exempted from the requirement for a Coastal Development Permit, listed in Section 17.61.030, do not require a Coastal Development Permit.

D. **Precedence of Local Coastal Program.** Where the plans, policies, requirements or standards of the Local Coastal Program, as applied to any project in the Coastal Zone, conflict with those of the underlying Zoning District or other provisions of this Title, the plans, policies, requirements or standards of the Local Coastal Program govern.

17.61.030 Exemptions

The following projects are exempt from the requirement to obtain a Coastal Development Permit, pursuant to the Coastal Act.

A. **Categorically Excluded Development.** Projects pursuant to a Categorical Exclusion Order certified by the California Coastal Commission, pursuant to Public Resources Code, Sections 30610(e) and 30610.5 and 14 California Code of Regulations, Section 13240 et seq.

B. **Improvements to Existing Single-Unit Dwellings.** Minor Development or improvements to existing Single-Unit Dwellings, subject to the following provisions:

1. ***Part of a Single-Unit Dwelling.*** For the purposes of this Chapter, where there is an existing Single-Unit Dwelling, all of the following are considered a part of that structure:

   a. All fixtures or other features directly attached to a dwelling;

   b. Accessory Structures on the property normally associated with a Single-Unit Dwelling, such as Garages, Swimming Pools, and Fences, but not Cabañas~~,~~ or Guesthouses~~, or Accessory Dwelling Units~~; and

   c. Landscaping on the lot.

2. ***Limits on Exemption.*** Based on Environmental Effects. The following classes of development require a Coastal Development Permit because they involve a risk of adverse environmental effects:

   a. Improvements to a Single-Unit Dwelling if the structure or improvement is located on a beach, in a wetland, seaward of the mean high tide line, in an ESHA, in an area designated as highly scenic in the General Plan, or within 50 feet of the edge of a coastal bluff.

   b. Any significant alteration of land forms including the removal or placement of vegetation on a beach, wetland, or sand dune, in an ESHA, or within 50 feet of the edge of a coastal bluff.

   c. The expansion or construction of private water wells or septic systems.

   d. Improvements on property that is located between the sea and first public road paralleling the sea, or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated by the Coastal Commission, when such improvements would constitute or result in any of the following:

      i. An increase of ten percent or more of internal floor area of an existing structure or constitute an additional improvement of ten percent or less where an improvement to the structure has previously been undertaken pursuant to Public Resources Code, Section 30610(a);

      ii. An increase in height of an existing structure by more than ten percent of an existing structure; and

iii. The construction, placement, or establishment of any significant detached Accessory Structure, such as Garages, Fences, or Shoreline Protective Devices.

e. Any improvement to a Single-Unit Dwelling where the development permit issued for the original structure by the Coastal Commission or City indicated that any future improvements would require a Coastal Development Permit.

C. **Other Improvements.** Improvements to any structure other than a Single-Unit Dwelling or a Public Works facility, subject to the following provisions:

1. ***Definition of Existing Structure.*** For the purposes of this Chapter, where there is an existing structure, other than a Single-Unit Dwelling or Public Works facility, all of the following are considered a part of that structure:

a. All fixtures and other structures directly attached to the structure.

b. Landscaping on the lot.

2. ***Limits on Exemption Based on Environmental Effects.*** The following classes of development require a Coastal Development Permit because they involve a risk of adverse environmental effect, adversely affect public access, or involve a change in use contrary to a policy of the Coastal Act.

a. Improvement to any structure if the structure or the improvement is located on a beach, in a wetland, stream or lake, seaward of the mean high tide line, in an area designated as highly scenic in the General Plan, or within 50 feet of the edge of a coastal bluff.

b. Any significant alteration of land forms, including removal or placement of vegetation, on a beach or sand dune, in a wetland or stream, within 100 feet of the edge of a coastal bluff, in a highly scenic area, or in an ESHA.

c. The expansion or construction of private water wells or septic systems.

d. Improvements on property that is located between the sea and first public road paralleling the sea, or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated by the Coastal Commission, when such improvements would constitute or result in any of the following:

i. An increase of ten percent or more of internal floor area of an existing structure or constitute an additional improvement of ten percent or less where an improvement to the structure has previously been undertaken, pursuant to Public Resources Code, Section 30610(b).

ii. Result in an increase in height by more than ten percent of an existing structure.

e. Any improvement to a structure where the Coastal Development Permit issued for the original structure by the Coastal Commission or City indicated that any future improvements would require a Coastal Development Permit.

f. Any improvement to a structure that changes the intensity of use of the structure.

g. Any improvement made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold including, without limitation, a condominium conversion, stock cooperative conversion, or motel/hotel timesharing conversion.

D. **Maintenance Dredging.** Maintenance dredging of existing navigation channels or moving dredged material from those channels to a disposal area outside the Coastal Zone pursuant to a permit from the United States Army Corps of Engineers.

E. **Repair and Maintenance Activities.** Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities.

1. ***Repair and Maintenance from Natural Disaster.*** Unless destroyed by natural disaster, the replacement of 50 percent or more of a Single-Unit Dwelling, seawall, revetment, bluff retaining wall, breakwater, groin, or any other structure is not repair and maintenance, but instead constitutes a replacement structure requiring a Coastal Development Permit.

2. ***Limits on Exemption Based on Environmental Effects.*** The following extraordinary methods of repair and maintenance require a Coastal Development Permit because they involve a risk of substantial adverse environmental impact:

a. Any method of repair or maintenance of a seawall, revetment, bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work that involves any of the following:

i. Repair or maintenance involving substantial alteration of the foundation of the protective work, including pilings and other surface or subsurface structures.

ii. The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, streams, wetlands, estuaries, and lakes, or on shoreline protective work, except for agricultural dikes within enclosed bays or estuaries.

iii. The replacement of 20 percent or more of the materials of an existing structure with materials of a different kind.

iv. The presence, whether temporary or permanent of mechanized construction equipment or construction materials on any sand areas, bluff, or environmentally sensitive habitat, or within 20 feet of coastal waters or streams.

b. Any method of routine maintenance dredging that involves any of the following:

i. The dredging of 100,000 cubic yards or more within a 12-month period.

ii. The placement of dredged spoil of any quantity within an Environmentally Sensitive Habitat Area, on any sand area, within 50 feet of the edge of a coastal bluff or Environmentally Sensitive Habitat Area, or within 20 feet of coastal waters or streams.

iii. The removal, sale, or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the Coastal Commission has declared by resolution to have a critically short sand supply that must be maintained for protection of structures, coastal access, or public recreational use.

c. Any repair or maintenance to facilities or structures or work located in an Environmentally Sensitive Habitat Area, any sand area, within 50 feet of the edge of a coastal bluff or ESHA, or within 20 feet of coastal waters or streams that include:

i. The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand, or other beach materials or any other forms of solid materials.

ii. The presence, whether temporary or permanent, of mechanized equipment or construction materials.

3. ***Other Provisions.*** All repair and maintenance activities that are not exempt are subject to the Coastal Development Permit regulations of this Chapter, including, without limitation, the regulations governing administrative and emergency permits. The provisions of this subsection (E) are not applicable to those activities specifically described in the document entitled Repair, Maintenance and Utility Hookups, adopted by the Coastal Commission on September 5, 1978, and any revisions or updates to that document by the Coastal Commission, unless a proposed activity will have a risk of substantial adverse impact on public access, ESHA, wetlands, or public views to the ocean.

F. **Utility Connections.** The installation, testing, and placement of any necessary utility connection between an existing service facility and any development that has been granted a valid Coastal Development Permit; provided, however, that the City may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources.

G. **Structures Destroyed by Natural Disaster.** The replacement of any structure, other than a Public Works facility, destroyed by a disaster, provided that the replacement structure meets all of the following criteria:

1. The structure is for the same use as the destroyed structure;

2. The structure does not exceed either the floor area, height, or bulk of the destroyed structure by more than ten percent; and

3. The structure is sited in the same location on the affected property as the destroyed structure.

H. **Timeshare Conversions.** Any activity anywhere in the Coastal Zone that involves the conversion of any existing Multiple-Unit Development to a timeshare project, estate, or use, as defined in Business and Professions Code, Section 11212. If any improvement to an existing structure is otherwise exempt from the permit requirements of this Title, no Coastal Development Permit is required for that improvement on the basis that it is to be made in connection with any conversion that is exempt pursuant to this Title. The division of a Multiple-Unit Development into condominiums, as defined in Civil Code, Section 783, must not be considered a time-share project, estate, or use for purposes of this Chapter.

I. ***De Minimis* Development.** Development determined to be *de minimis* by the Review Authority, pursuant to Section 17.61.050 below.

17.61.040 Record of Permit Exemptions

The Director must maintain a record of all those developments within the Coastal Zone that have been authorized as being exempt from the requirement of a Coastal Development Permit pursuant to this Chapter. This record must be available for review by members of the public and representatives of the Coastal Commission. The Record of Exemption must include the name of the applicant, the location of the project, and a brief description of the project and why the project is exempt.

17.61.050 Waiver for *De Minimis* Development

A. **Authority.** The Director may issue a written waiver from the Coastal Development Permit requirements of this Chapter for any development that is *de minimis*.

B. **Determination of Applicability.** A proposed development is *de minimis* if the Director determines, based on a review of an application for a Coastal Development Permit, that the development satisfied all of the following requirements:

1. The proposed development is not located within the Appeals Jurisdiction or within an area where the Coastal Commission retains permit jurisdiction.

2. The proposed development is consistent with the certified Local Coastal Program.

17.61.060 Application Requirements

A. **Permit Requirements.** Any person, partnership, or corporation, or State or local government agency wishing to undertake development as defined in Public Resources Code, Section 30106 in the Coastal Zone must obtain a Coastal Development Permit in accord with the provisions of this Chapter, unless exempt, determined *de minimis*, or categorically excluded. Application for a Coastal Development Permit may be submitted and processed concurrently with other required permits; however, the Coastal Development Permit must be issued before commencing development and must be required in addition to any other Zoning Permit or Discretionary Review required by the City.

B. **Initial Determination.** At the time a Coastal Development Permit application is submitted, the Director must determine whether a development project is:

1. Within an area where the Coastal Commission exercises original permit jurisdiction;

2. Categorically excluded, de minimis, or otherwise exempt from the provisions of this Chapter;

3. Appealable to the Coastal Commission; or

4. Non-appealable to the Coastal Commission.

C. **Challenge of Determination.** Upon receipt of the Director's initial determination with respect to what type of development is proposed, an applicant, other interested person, or local government who does not agree with the Director's determination may challenge the determination. If any interested party does not agree with the Director's determination, the matter must be forwarded to the City Council at the earliest available regularly scheduled meeting to determine whether the project is categorically excluded or otherwise exempt, non-appealable, or appealable. If such challenge is not resolved and the determination remains disputed, the City must notify the Coastal Commission Executive Director by telephone of the dispute/question and must request the Coastal Commission Executive Director's opinion. The Coastal Commission Executive Director may either concur with the Council's determination or forward the request to the Coastal Commission for a final determination.

D. **Responsibilities for Issuance.** After certification of the LCP by the Coastal Commission, the City must issue all Coastal Development Permits for development not located within the Coastal Commission's original permit jurisdiction. The Coastal Commission's original permit jurisdiction includes all tidelands, submerged lands, or public trust lands whether filled or unfilled, unless the Coastal Commission has delegated original permit jurisdiction to the City for areas potentially subject to the public trust but which are determined by the Coastal Commission to be filled, developed, and committed to urban use pursuant to Public Resources Code, Section 30613. Development located in the Coastal Commission's original permit jurisdiction requires approval of a Coastal Development Permit issued by the Coastal Commission in accordance with the procedure specified by the California Coastal Act.

1. Coastal Development Permit Issued by the Coastal Commission. Developments on tidelands, submerged lands, or navigable waterways require a permit issued by the California Coastal Commission in accordance with the procedure as specified by the California Coastal Act, as amended.

2. Coastal Development Permits Issued by the City. All development requires a Coastal Development Permit, unless specifically exempted or excluded. After certification of the LCP, the City must issue all Coastal Development Permits for development not located within the Coastal Commission's original permit jurisdiction.

E. **Application Requirements.** Application requirements are as established in Chapter 17.52, Common Procedures, as supplemented by specific requirements for development in the Coastal Zone established by the Director.

17.61.070 Public Hearing

A. **Required Public Hearing.** Any proposed development within the Coastal Zone, which otherwise would be a ministerial Coastal Development Permit, but due to its location within the Appeals Jurisdiction, shall be subject to review and approval of a Coastal Development with a Public Hearing before the Zoning Administrator.

B. **Option to Require a Public Hearing.**

1. ***Director-determined Zoning Administrator Hearing.*** The Director may determine that the Zoning Administrator must hold a public hearing to consider the application if there is significant public controversy and/or the hearing affords an opportunity to resolve issues of concern.

2. ***Director-determined Planning Commission Hearing.*** The Director may require a public hearing before the Planning Commission for any application that the Director determines to have special neighborhood or community significance. In such cases the applicant must pay the fee for the Planning Commission public hearing specified in the schedule adopted by the City Council.

C. **Waiver of Required Public Hearing.** For proposed Minor Development within the Appeals Jurisdiction of the Coastal Zone, the following provisions apply:

1. ***Basis for Waiver.*** If requested, the Director may waive the requirement for a public hearing before the Zoning Administrator on a Coastal Development Permit application for Minor Development only if all the following occurs:

a. A public notice of the waived hearing request must be provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice;

b. The notice must include a statement that a public hearing will be held upon the City's receipt of a request for a hearing by any person receiving notice of the waived hearing request; and

c. If no public request for hearing is received by the local government within 15 working days from the date of sending the public notice pursuant to subsection (a) above.

2. ***Appeal Rights.*** The notice provided pursuant to this Chapter must include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal to the Coastal Commission any action taken by the City on a Coastal Development Permit application.

D. **Time Limit.** The approval of a Coastal Development Permit at a public hearing shall be subject to Section 17.52.090, Common Procedures - Dates and Timing.

17.61.080 Required Findings

In addition to the findings required pursuant to Section 17.52.070, Common Procedure – Findings for Approval, and any other finding required by this Title, a Coastal Development Permit application may be approved or conditionally approved only after the Review Authority has made the following additional finding:

A. The proposed development conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act.

17.61.090 Coastal Zone Easements

All Coastal Development Permits subject to conditions of approval pertaining to public access, open space, or conservation easements are subject to the following procedures:

A. **Review and Approval.** The Executive Director of the Coastal Commission must review and approve all legal documents specified in the conditions of approval of a Coastal Development

Permit for public access, open space, or conservation easements pursuant to the following procedures:

1. ***Completion of Permit Review.*** Upon completion of permit review by the City and before the issuance of the permit, the Director must forward a copy of the Zoning Permit conditions, findings of approval, and copies of the legal documents to the Executive Director of the Coastal Commission for review and approval of the legal adequacy and consistency with the requirements of potential accepting agencies.

2. ***Review Period.*** The Executive Director of the Coastal Commission has 15 business days from receipt of the documents in which to complete the review and notify the applicant of recommended revisions, if any.

3. ***Expiration of Review Period.*** The Director must issue the Coastal Development Permit upon expiration of the 15-day review period if notification of inadequacy from the Executive Director of the Coastal Commission has not been received by the City within that time period and all prior to issuance conditions have been met.

4. ***Revisions.*** If the Executive Director of the Coastal Commission has recommended revisions to the applicant, the permit cannot be issued until the deficiencies have been resolved to the satisfaction of the Executive Director.

B. **Delegation of Authority.** If the City requests, the Coastal Commission must delegate the authority to process the recordation of the necessary legal documents to the City, if the City identifies the City department, public agency, or private association that has the resources and authorization to accept, open and operate, and maintain the accessways, open space, or conservation areas required as a condition of approval of Coastal Development Permits. Upon completion of the recordation of the documents, the City must forward a copy of the permit conditions, findings of approval, and copies of the legal documents pertaining to the public access, open space, or conservation conditions to the Executive Director of the Coastal Commission.

17.61.100 Notice of Final Action

A. **Finality of City Action.** The City's decision on an application for a development is not deemed complete until:

1. The City takes action on the application and all required findings have been made, including specific factual findings supporting the legal conclusions that the proposed development is or is not in conformity with the certified Local Coastal Program and, where applicable, with the public access and recreation policies of Chapter 3 of the Coastal Act; and

2. When all City rights of appeal have been exhausted, as defined in 14 California Code of Regulations, Section 13573.

B. **Notice of Final Action Required.** Within seven calendar days of the City completing its review and taking action on the requested development application, the City must notify by first-class mail, the Coastal Commission and any other persons who specifically requested notice of such action and having provided a self-addressed, stamped envelope to the Director.

C. **Notice of Failure to Act.**

1. ***Notification by Applicant.*** If the City has failed to act on an application within the time limits set forth in Government Code, Sections 65950-65957.1, thereby approving the development by operation of law, the person claiming a right to proceed pursuant to Government Code, Sections 65950-65957.1, must notify, in writing, the City and the Coastal Commission of his or her claim that the development has been approved by operation of law. Such notice must specify the application that is claimed to be approved.

2. ***Notification by City.*** When the City determines that the time limits established pursuant to Government Code, Sections 65950-65957.1 have expired, the City will, within seven calendar days of such determination, notify any person entitled to receive notice, pursuant to 14 California Code of Regulations, Section 13571(a), that the application has been approved by operation of law pursuant to Government Code, Sections 65950-65957.1 and the application may be appealed to the Coastal Commission pursuant to 14 California Code of Regulations, Section 13110 et seq.

D. **Effective Date of City Action.** The City's decision on an application for Appealable Development becomes effective on the eleventh day after the Coastal Commission has received the notice of final action unless either of the following occurs:

1. An appeal is filed; or

2. The notice of final City action does not meet the requirements of this Chapter.

Chapter 17.62 Modifications

Sections:

17.62.010 Purpose
17.62.020 Applicability
17.62.030 Review Authority
17.62.040 Required Findings
17.62.050 Time Limit

17.62.010 Purpose

The purpose of this Chapter is to establish a means of granting a limited amount of relief from the requirements of this Title, when so doing would be consistent with the purposes of this Title.

17.62.020 Applicability

The provisions of this Chapter apply to specific development proposals. In no case may a Modification be granted to allow a use or activity that is not otherwise permitted in the District in which the property is located, nor shall a Modification be granted which alters the procedural or timing requirements of this Title.

A. **General Modifications.** The Review Authority may grant relief from the development standards specified in this Title, as provided below.

1. ***Setbacks.***

a. The total area of each side, front and/or rear setback area may not be reduced by more than 20 percent of the minimum setback area required pursuant to the applicable District.

b. No setback reduction for structures shall result in:

i. A front yard setback depth, as measured from the right of way or easement line of a street or driveway, of less than 16.5 feet.

ii. A side yard setback depth from property lines of less than five feet.

iii. A rear yard setback depth from property lines of less than 15 feet.

c. No unenclosed, attached porch or entryway may result in a front yard setback depth, as measured from the right of way or easement line of a street or driveway, of less than ten feet.

2. ***Parking.*** A reduction in the required number and/or a modification in the design, loading zone, or location of parking spaces is allowed through a Modification. However, in no case may:

a. Any required number of bicycle parking spaces be reduced;

~~b. Any Modification of parking requirements be granted, pursuant to this subsection for replacement parking associated with the conversion of a garage to an Accessory Dwelling Unit;~~

~~c.~~b. Any parking or screening requirement Modification be granted for a vehicle with more than two-axles, a recreational vehicle or bus, a trailer or other non-passenger vehicle; or

~~d.~~c. Any modification to allow compact spaces may not allow more than 20 percent of all required spaces be compact.

3. ***Signs.*** The allowable signage may be exceeded through the approval of a Modification for the following:

   a. Maximum area for Wall Signs in non-residential districts.

   b. Maximum area for Menu Boards for drive-through restaurants.

   c. Maximum area, maximum number, and maximum height for Freestanding Signs within Shopping Centers.

B. **Special Modifications.** The Planning Commission or City Council may grant relief from the dimensional requirements specified in this Title, as provided below.

1. ***Height.***

   a. *Structures.* The Review Authority may allow an increase in height above the base Zone District height standard as follows:

      i. Residential Districts.

         (1) Up to 30 percent.

            (a) All RS and RMHP Zone Districts; and

            (b) RP, RM, and RH Zone Districts within the Coastal Zone.

         (2) Up to 20 percent.

            (a) RP, RM, and RH Zone Districts within the Inland area.

      ii. Non-Residential Districts. Up to 20 percent.

   b. *Antennas.* The Review Authority may increase the allowable height of an antenna based upon the physical requirements and purpose of the facility in order to reasonably accommodate the proposed project.

2. ***Lot Coverage.*** Up to 50 percent of the maximum lot coverage otherwise allowed.

3. ***Required Finding.*** The Review Authority for all Special Modifications must make the following good cause finding:

   a. The requested Modification is of public or community necessity (e.g., a better site or architectural design that will result in better resource protection, will provide a significant community benefit, and/or does not create an adverse impact to the community character, aesthetics, or public views, etc.).

C. **Limits to Modifications.** In no case may a Modification be granted for a reduction in a required buffer, open space, or other regulation within this Title, except as provided above.

17.62.030 Review Authority

A. **Authority and Duties.** Consideration of a Modification requires a public hearing before the Zoning Administrator or higher Review Authority, if the Modification is concurrently processed with an action requiring Planning Commission or City Council review. The Review Authority may approve, conditionally approve, or deny applications for modifications with consideration of the requirements of this Chapter.

B. **Concurrent Processing.** If a request for Modification is being submitted in conjunction with an application for another approval, permit, or entitlement under this Title, it must be heard and acted upon at the same time and in the same manner by the same Review Authority.

C. **Design Review.** A project requesting a Modification shall be subject to Design Review.

17.62.040 Required Findings

To grant a Modification, the following findings must be made:

A. The Modification is necessary due to the physical characteristics of the property and the proposed use or structure or other circumstances, including, without limitation, topography, noise exposure, irregular property boundaries, or other unusual circumstance.

B. The Modification is minor in nature and will result in a better site or architectural design and/or will result in greater resource protection than the project without such Modification.

17.62.050 Time Limit

The approval of a Modification shall be subject to dates and timing of the underlying Zoning Permit as discussed in Section 17.52.090, Common Procedures – Dates and Timing.

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Chapter 17.63 Reasonable Accommodation for Persons with Disabilities

Sections:

17.63.010 Applicability
17.63.020 Application
17.63.030 Review Authority
17.63.040 Actions on Application
17.63.050 Rescission
17.63.060 Fees
17.63.070 Time Limit

17.63.010 Applicability

A. Any person lacking fair housing opportunities due to the disability of existing or planned residents, may request a reasonable accommodation in the City's rules, policies, practices, and procedures. This request for reasonable accommodation must be made on a form prescribed by the City for that purpose.

B. If, pursuant to this Chapter, the project for which the request is being made requires an application for an additional approval, permit or entitlement, the applicant must file the request for reasonable accommodation along with such additional application for approval, permit or entitlement.

C. An applicant seeking reasonable accommodation pursuant to this Chapter may seek an accommodation that is also available under other provisions allowing for modifications of otherwise applicable standards under this Title. In such case, an accommodation under this Title must be in-lieu of any approval, permit or entitlement that would otherwise be required.

D. An applicant submitting a request for reasonable accommodation pursuant to this Chapter may request an accommodation not otherwise available under the Goleta Municipal Code.

17.63.020 Application

In addition to any other information that is required under the Goleta Municipal Code, an applicant submitting a request for reasonable accommodation must provide the following information:

A. Applicant's name, address and telephone number;

B. Address of the property for which the request is being made;

C. The current actual use of the property;

D. The Goleta Municipal Code provision, regulation, policy, or procedure for which accommodation is requested;

E. A statement describing why the requested accommodation is reasonably necessary to make the specific housing available to the applicant, including information establishing that the applicant is disabled or handicapped. Any information related to a disability status and identified by the applicant as confidential must be retained in a manner so as to respect the applicant's privacy rights and must not be made available for public inspection; and

F. Such other relevant and permissible information as may be requested by the Director.

17.63.030 Review Authority

A. If an application filed pursuant to this Chapter is filed along with an application for an additional approval, permit or entitlement pursuant to this Title, it must be heard and acted upon at the same time, in the same manner, and in accordance with the same procedures, as such additional application. If an application filed pursuant to this Chapter is filed along with more than one additional application pursuant to this Title, the Zoning Administrator must determine the appropriate procedure to evaluate the applications.

B. If an application filed pursuant to this Chapter is the only application filed by the applicant, the Director must consider and act on the requests for reasonable accommodation.

17.63.040 Actions on Application

A. **Decision.** An application filed pursuant to this Chapter may be approved, approved subject to conditions, or denied.

B. **Considerations.** The following factors must be considered in making a determination regarding an application filed pursuant to this Chapter:

1. Need for the requested modification, including alternatives that may provide an equivalent level of benefit that satisfies the need;

2. Physical attributes of, and any proposed changes to, the subject property and structures;

3. Whether the requested modification would impose an undue financial or administrative burden on the City;

4. Whether the requested modification would constitute a fundamental alteration of the City's zoning or building laws, policies, procedures, or subdivision program;

5. Whether the requested accommodation would result in a concentration of uses otherwise not allowed in a residential neighborhood to the substantial detriment of the residential character of that neighborhood; and

6. Any other factor that may bear on the request.

C. **Required Finding.** Any decision on an application filed pursuant to this Chapter must be supported by making the following finding:

1. Based upon each of the factors in subsection 17.63.040(B) of Title 17, the reasonable accommodation request is appropriate.

D. **Appeal.** Granting or denying a reasonable accommodation is subject to appeal pursuant to Section 17.52.120, Common Procedures – Appeals. A written determination to the applicant, which must include notice of the right to appeal the determination must be provided.

17.63.050 Rescission

Any approval or conditional approval of an application filed pursuant to this Chapter may provide for its rescission or automatic expiration under appropriate circumstances.

17.63.060 Fees

There must be no fee in connection with the filing of a request for reasonable accommodation. If the request for reasonable accommodation is filed concurrently with an application for an additional approval or permit, the applicant must pay only the fee for the additional approval or permit.

17.63.070 Time Limit

The approval of a request for Reasonable Accommodation for Persons with Disabilities shall be subject to dates and timing of the underlying Zoning Permit as discussed in Section 17.52.090, Common Procedures – Dates and Timing.

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Chapter 17.64 Emergency Permits

Sections:

17.64.010 Purpose
17.64.020 Applicability
17.64.030 Permit Procedures

17.64.010 Purpose

The purpose of this Chapter is to establish procedures for the issuance of Emergency Permits where the circumstances of an emergency do not allow sufficient time for the permit process otherwise applicable to the work needed to address an emergency.

17.64.020 Applicability

When emergency action by a person or public agency is warranted, the requirements of obtaining a Zoning Permit otherwise required by this Title may be temporarily deferred by the Director, and the Director may grant an Emergency Permit prior to a Zoning Permit or other required Discretionary Review.

17.64.030 Permit Procedures

A. **Application Submittal.** An application for an Emergency Permit must be submitted during regular business hours to the Director in person, if time allows, or by facsimile, electronic mail, or telephone if time does not allow. The application must contain the following information, which is to be reported at the time of the emergency or within three days after the emergency:

1. Nature of the emergency;
2. Cause of the emergency insofar as it can be established;
3. Location of the emergency;
4. The remedial, protective, or preventive work required to deal with the emergency;
5. The circumstances during the emergency that justify the action proposed to be taken, including the probable consequences of failing to take action;
6. The identities of other public agencies alerted to the emergency;
7. The access routes to the emergency site(s);
8. The identities of, and means of contact with, the individual(s) directing the emergency action;
9. Disclosure of whether or not the applicant has made any prior or concurrent request to the California Coastal Commission for an emergency waiver of permit requirements pursuant to Public Resources Code, Section 30611; and
10. Any other reasonable information which the Director deems necessary to evaluate the application.

B. **Verification of Emergency.** The Director must verify the facts, including the existence and the nature of the emergency, insofar as time allows, prior to granting the Emergency Permit.

C. **Noticing.** A public notice of the emergency work shall be mailed to property owners and tenants within 500 feet of the subject property and such notice shall be posted in three locations on the project site. Notice is not required to precede commencement of emergency work.

D. **Required Findings.** The Director may grant an Emergency Permit upon reasonable terms and conditions, which must include an expiration date and the necessity for a regular permit application later, if the Director makes the following findings:

1. An emergency exists that requires action more quickly than permitted by the procedures for a regular permit application and the work can and will be completed within 30 days, unless otherwise specified by the terms of the permit.

2. Public comment on the proposed emergency action has been reviewed, if time allows.

3. The work proposed would be consistent with the requirements of the General Plan and this Title.

E. **No Entitlement Granted.** The issuance of an Emergency Permit shall not constitute an entitlement to the erection of permanent structures.

F. **Expiration of Emergency Permit.** An application for the required Zoning Permit and any discretionary review required by this Title shall be made no later than 30 days following the granting of an Emergency Permit. Any materials required for a completed application shall be submitted within 90 days after the issuance of the Emergency Permit, unless this time period is extended by the Director.

G. **Reporting Requirements of the Director.** The report of the Director shall be informational only; the decision to issue an Emergency Permit is solely at the discretion of the Director, pursuant to this Chapter. The Director must report on an Emergency Permit as follows:

1. ***Inland Area.*** The Director shall report, in writing, to the City Council at its first scheduled meeting after the Emergency Permit has been issued, the nature of the emergency and the work involved. Copies of this report shall be available at the meeting and shall be mailed to all persons who have requested such notification in writing.

2. ***Coastal Zone.*** In additional to the reporting requirements for the Inland Area, the Director shall also report to the California Coastal Commission, in writing, the nature of the emergency and the work involved.

Chapter 17.65 Development Agreements

Sections:

17.65.010 Purpose
17.65.020 Applicability
17.65.030 Review Authority
17.65.040 Application Procedure
17.65.050 Execution and Recordation of Development Agreement
17.65.060 Compliance Review
17.65.070 Termination
17.65.080 Effect of Approved Agreement
17.65.090 Enforcement
17.65.100 Time Limit

17.65.010 Purpose

The purpose of this Chapter is to establish a procedure for the preparation, adoption, and administration of Development Agreements and to implement Government Code, Section 65864 et seq., authorizing governmental entities to enter into legally binding agreements with private parties. A Development Agreement is a contract that is negotiated and voluntarily entered into by the City and applicant and may contain any additional or modified conditions, terms, or provisions agreed upon by the parties.

17.65.020 Applicability

An applicant with legal or equitable interest in the real property that is the subject of the proposed Development Agreement may request and apply through the Director to enter into a Development Agreement. Acceptance of the application is contingent on the following:

A. The status of the applicant, as an owner of the property, is established to the satisfaction of the Director.

B. The application is made on approved forms and contains all the information required by the City.

C. The application is accompanied by all lawfully required documents, materials, and supporting information.

17.65.030 Review Authority

A. The City Manager, in consultation with the City Attorney, may negotiate the specific components and provisions of the Development Agreement on behalf of the City for recommendation to the City Council.

B. The City Council has the exclusive authority to approve a Development Agreement.

17.65.040 Application Procedure

An applicant for a development project may request that the City review the application as a Development Agreement application in accordance with the following procedures:

A. **Application Submittal.** An applicant must submit an application for a Development Agreement on a form prescribed by the City, accompanied by a fee according to the City's fee schedule. The Director must require an applicant to submit proof of the applicant's interest in the real property and of the authority of any agent to act for the applicant.

B. **Recommendations of the Planning Commission.** Following conclusion of a public hearing, the Planning Commission must make a written recommendation to the City Council regarding the application.

C. **Required Findings.** In order for the Planning Commission to recommend adoption of and for City Council to adopt a Development Agreement all of the following findings must be made:

1. The Development Agreement is consistent with the goals, objectives, policies, general land uses, and programs specified in the General Plan and any applicable Specific Plan.
2. The Development Agreement is or will be compatible with the uses authorized in this Title, the district, and any applicable Specific Plan in which the property is located.
3. The Development Agreement will provide substantial public benefits.
4. The Development Agreement will be non-detrimental to the public health, safety and general welfare of persons residing or working in the neighborhood, and to property and improvements in the neighborhood.
5. The Development Agreement complies with the provisions for the implementation of the California Environmental Quality Act.

D. **City Council Determination.** Upon receipt of the Planning Commission's recommendation, the City Clerk must set the application and written report of the Planning Commission for a public hearing before the City Council in compliance with Chapter 17.52, Common Procedures. The City Council will not approve a proposed Development Agreement unless it finds that its provisions are consistent with the General Plan and any applicable specific plan.

17.65.050 Execution and Recordation of Development Agreement

A. **Effective Date.** The City shall not execute any Development Agreement until on or after the date on which the ordinance approving the Development Agreement becomes effective, and until it has been executed by the applicant.

B. **Execution.** The applicant shall submit a signed copy of the Development Agreement before the ordinance approving the agreement is placed on the City Council agenda for adoption. Should the applicant fail or refuse to sign the Development Agreement, the City Council will adopt a resolution denying the application.

C. **Recordation.** A Development Agreement shall be recorded with the Santa Barbara County Recorder no later than ten days after its execution, in compliance with Government Code, Section 65868.5

D. **Refusal to Sign.** If the parties to the Development Agreement or their successors in interest amend or cancel the Development Agreement, or if the City terminates or modifies the Development Agreement for failure of the applicant to comply fully with the provisions of the Development Agreement, the City Clerk must record notice of such action with the Santa Barbara County Recorder.

17.65.060 Compliance Review

A. **Finding of Compliance or Noncompliance.** The Director must review the Development Agreement periodically for compliance with the provisions of the Development Agreement. If the Director finds the applicant has not complied with the provisions of the Development Agreement, the Director must specify in writing to the applicant, the respects in which the applicant has failed to comply and must set forth terms of compliance and specify a reasonable time for the applicant to meet the terms of compliance. If the applicant does not comply with any terms of compliance within the prescribed time limits, the Development Agreement must be referred to the City Council for termination, modification, or rescission of finding of noncompliance following a public hearing.

17.65.070 Termination

A. **Termination after Finding of Noncompliance.** After the public hearing, the City Council may terminate the Development Agreement, modify the finding of noncompliance, or rescind the finding of noncompliance, and issue a finding of compliance.

B. **Recordation.** If the parties to the Development Agreement or their successors in interest amend or terminate the Development Agreement, or if the City terminates or modifies the Development Agreement for failure of the applicant to fully comply with the provisions of the Development Agreement, the City Clerk must record notice of such action.

C. **Rights of the Parties after Cancellation or Termination.** In the event that a Development Agreement is cancelled or terminated, all rights of the applicant, property owner or successors in interest under the Development Agreement must terminate. If a Development Agreement is terminated following a finding of noncompliance, the City may, in its sole discretion, determine to return or not return any and all benefits, including reservations or dedications of land, and payments of fees, received by the City.

17.65.080 Effect of Approved Agreement

A. **Existing Rules and Regulations.** Unless otherwise specified in the Development Agreement, the City's rules, regulations, and official policies governing permitted uses of the property, density, design, and improvement standards and specifications applicable to development of the property must be those City rules, regulations, and official policies in force on the effective date of the Development Agreement. The applicant must not be exempt from otherwise applicable City ordinances or regulations pertaining to persons contracting with the City.

B. **Future Rules and Regulations.** A Development Agreement will not prevent the City, in subsequent actions applicable to the property, from applying new rules, regulations, and policies that do not conflict with those rules, regulations, and policies applicable to the property as set forth in the development agreement. A Development Agreement will not prevent the City from denying or conditionally approving any subsequent development project application on the basis of such existing or new rules, regulations, and policies. Unless otherwise specified in the Development Agreement, a Development Agreement will not exempt the applicant from obtaining future discretionary approvals.

C. **State and Federal Rules and Regulations.** In the event that any applicable law enacted or interpreted after a Development Agreement becomes effective prevents or precludes compliance

with one or more provisions of the Development Agreement, then the Development Agreement may be modified or suspended in the manner and pursuant to the procedures specified in the Development Agreement, as may be necessary to comply with such regulation or law.

D. **Severability Clause.** Should any provision of this Chapter or a subsequent Development Agreement be held by a court of competent jurisdiction to be either invalid, void, or unenforceable, the remaining provisions of this Chapter and the Development Agreement must remain in full force and effect, unimpaired by the holding, except as may otherwise be provided in the Development Agreement.

E. **To be Effective.** In addition to any other requirement of applicable law, no Development Agreement can take effect, unless it is approved by ordinance; executed by the Mayor or City Manager (when directed by the City Council); and approved as to form by the City Attorney.

17.65.090 Enforcement

A Development Agreement may be enforced, amended, modified, cancelled, or terminated by any manner otherwise provided by law or by the provisions of the Development Agreement.

17.65.100 Time Limit

The approval of a Development Agreement shall be subject to dates and timing of the associated Discretionary Action and/or any underlying Zoning Permit or as otherwise specified in the Development Agreement.

Chapter 17.66 Amendments to Zoning Regulations and Zoning Map

Sections:

17.66.010 Purpose and Applicability
17.66.020 Initiation of Amendments
17.66.030 Public Hearing
17.66.040 Planning Commission Recommendation
17.66.050 City Council Hearing and Action

17.66.010 Purpose and Applicability

Any amendment to the zoning regulations or the Zoning Map that changes any property from one zone to another, imposes any regulation not previously imposed, or removes or modifies any regulation previously imposed, must be adopted in the manner set forth in this Chapter.

17.66.020 Initiation of Amendments

A proposal to amend the zoning map or zoning regulations text may be initiated by:

A. Resolution of the City Council;

B. Resolution of the Planning Commission;

C. Application by any person representing at least 50 percent of the assessed valuation of the property which will be affected by such amendment; or

D. The Director.

17.66.030 Public Hearing

All Zoning Map and zoning regulations text amendments require at least one public hearing by the Planning Commission and one public hearing by the City Council before adoption, followed by a second reading if the Code amendment is adopted.

17.66.040 Planning Commission Recommendation

A. **Recommendation to Council.** Following a public hearing, the Planning Commission must make a written recommendation on the adoption or amendment of the zoning regulations or Zoning Map or any portion thereof based on the findings listed below. A recommendation for approval must be made by a resolution. The Director must promptly transmit to the City Council the Planning Commission's written recommendation, together with any maps, charts, studies, or other materials, including any required environmental analysis.

B. **Required Findings.** The Planning Commission must make all of the following findings in its recommendation to the City Council:

1. The amendment is consistent with the General Plan, the requirements of State planning and zoning laws, and this Title.

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

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

17.66.050 City Council Hearing and Action

A. **Action.** After the conclusion of a public hearing, the City Council may approve, modify, or deny, or take no action regarding a proposed Zoning Map or zoning regulations text amendment. If the Council proposes any substantial modification not previously considered by the Planning Commission during its hearings, the proposed modification must first be referred back to the Planning Commission for its recommendation.

B. **Required Findings.** Before making any amendments, the City Council must make all of the following findings:

1. The amendment is consistent with the General Plan, the requirements of State planning and zoning laws, and this Title.

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

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

Chapter 17.67 Amendments to the General Plan

Sections:

17.67.010 Purpose
17.67.020 Applicability
17.67.030 Initiation of Amendments
17.67.040 Planning Commission hearing and Recommendation
17.67.050 City Council Hearing and Action

17.67.010 Purpose

The purpose of this Chapter is to establish procedures for making changes to the General Plan, as provided for in applicable law when there are reasons to do so. These circumstances include, without limitation, changes in applicable law, in the public interest, property owner interest, opportunities that were unanticipated at the time of General Plan adoption or the last amendment, or as required by State law.

17.67.020 Applicability

The procedures of this Chapter apply to all proposals to change the content of the General Plan.

17.67.030 Initiation of Amendments

A. **Request.** A request to initiate an amendment to the General Plan may be submitted by an applicant or the City. This request must occur before the City processes any applications associated with the request to amend the General Plan.

B. **Initiation Factors.** The following factors must be considered by the City Council for the initiation of all proposed General Plan amendments as applicable:

1. The amendment proposed appears to be consistent with the Guiding Principles and Goals of the General Plan;
2. The amendment proposed appears to have no material effect on the community or the General Plan;
3. The amendment proposed provides additional public benefit to the community as compared to the existing land use designation or policy;
4. Public facilities appear to be available to serve the affected site, or their provision will be addressed as a component of the amendment process; or
5. The amendment proposed is required under other rules or regulations.

C. **Public Hearing.** The City Council will consider, deliberate, and act upon the initiation of all proposed General Plan amendments at a duly noticed public hearing. If the General Plan Amendment request is not initiated, then the General Plan Amendment application will not be processed by the City.

17.67.040 Planning Commission Hearing and Recommendation

A. **Hearing.** Following City Council initiation and project processing by the City, the Planning Commission must conduct a public hearing in conformance with Chapter 17.52, Common Procedures.

B. **Recommendation to Council.** Following the public hearing, the Planning Commission must make a written recommendation on the adoption or amendment of the General Plan or any Element thereof based on the findings listed below. A recommendation for approval must be made by a resolution carried by an affirmative vote of not less than a majority of the Planning Commission membership in accordance with California Government Code, Section 65354. The Director must promptly transmit to the City Council the Planning Commission's written recommendation, together with any maps, charts, studies, or other materials, including any required environmental analysis.

C. **Required Findings.** The Planning Commission must make all of the following findings in its recommendation to the City Council:

1. The amendment is consistent with the guiding principles and goals of the General Plan.
2. The amendment is deemed to be in the public interest.

17.67.050 City Council Hearing and Action

A. **Council Hearing.** Before acting upon any proposed General Plan Amendment, the City Council must hold a duly noticed public hearing.

B. **Council Action.** After the conclusion of the hearing, the City Council may approve, modify, or deny the proposed General Plan amendment. If the Council proposes any substantial modification not previously considered by the Planning Commission during its hearings, the proposed modification must first be referred back to the Planning Commission for its recommendation.

C. **Required Findings.** The City Council must make all of the following findings to amend the General Plan:

1. The amendment is consistent with the guiding principles and goals of the General Plan.
2. The amendment is deemed to be in the public interest.

Chapter 17.68 Specific Plans

Sections:

17.68.010 Purpose
17.68.020 Procedures

17.68.010 Purpose

The purpose of this Chapter is to establish a procedure for the preparation, adoption, and administration of Specific Plans.

17.68.020 Procedures

The procedure for the preparation, adoption and administration of Specific Plans is as provided by Government Code, Section 65450 et seq., as most recently amended, except that a Specific Plan may only be approved or amended in the same manner that the General Plan may be approved or amended pursuant to the procedures outlined in Chapter 17.67, Amendments to the General Plan.

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Chapter 17.69 Enforcement

Sections:

17.69.010 Purpose
17.69.020 Relation to Other Codes and Statutes
17.69.030 Enforcement Responsibilities
17.69.040 Penalties
17.69.050 Remedies
17.69.060 Recording a Notice of Violation

17.69.010 Purpose

This Chapter establishes the responsibilities of various departments, officials, and public employees of the City to enforce the requirements of this Title and sets forth the procedures the City will use to identify, abate, remove, and enjoin those uses or structures that are deemed to be in violation of this Title.

17.69.020 Relation to Other Codes and Statutes

Nothing in this Chapter will remove the enforcement powers and duties of any other agency or department or City official as outlined in the Goleta Municipal Code.

17.69.030 Enforcement Responsibilities

All departments, officials, and public employees of the City, vested with the duty or authority to issue permits or licenses, must conform to the provisions of this Title, and may issue no permit or license for uses, buildings, or purposes in conflict with the provisions of this Title, and any such permit or license issued in conflict with the provisions of this Title will be null and void. All other officers not specified in this Section must enforce the provisions related to their areas of responsibilities, when necessary. The following officials, departments, and employees have specific responsibilities as follows:

A. **Director.** The Director will enforce all provisions of this Title related to issuance of discretionary approvals and will have responsibility for ordering the correction of violations and initiating the revocation of discretionary approvals pursuant to Section 17.52.110, Common Procedures – Revocation of Approval, and the abatement of nuisances as defined in this Title.

B. **Building Official.** Prior to issuance of building permits, the Building Official must ascertain that plans presented with the building permit application conform to those approved subject to the requirements of this Title.

C. **Code Compliance Officer.** The Code Compliance Officer must enforce all provisions of this Title pertaining to the use, erection, construction, reconstruction, relocation, conversion, alteration, or addition to any structure, signage, conditions of approval, use permits, variances, nuisance abatements, or other discretionary approvals. The Code Compliance Officer is hereby authorized to cause to be stopped any work or use undertaken without or contrary to approval granted pursuant to this Title, or in violation of any of its other provisions.

D. **City Attorney.** The City Attorney may, at their discretion, or upon order of the City Council, immediately commence action or proceedings for the abatement and removal and enjoinment of

violations in the manner provided by law, and may take such other steps and may apply to such courts as may have jurisdiction to grant such relief that will abate and remove such use or structure, and may seek to restrain and enjoin any person, firm, or corporation from such use of any property or structure, or from setting up, erecting, building, maintaining, or demolishing any such structure contrary to the provisions of this Title.

17.69.040 Penalties

Any person, firm or corporation, whether as principal, owner, agent, tenant, employee, or otherwise, who violates any provisions of this Title, is subject to an administrative fine pursuant to Goleta Municipal Code, Chapter 1.02.

17.69.050 Remedies

An alleged violator who is served with notice of violation subject to a civil penalty will not be subject to a criminal prosecution for the same factual situation. However, all other remedies provided for herein will be cumulative and not exclusive. The conviction and punishment of any person hereunder will not relieve such person from the responsibility to correct prohibited conditions or to remove prohibited buildings, structures, or improvements nor prevent the enforcement, correction, or removal thereof. In addition to the other remedies provided in this Title, the City Council, the City Attorney, or any adjacent or neighboring property owner who would be especially damaged by the violation of any provision of this Title, may institute, in addition to the other remedies provided by law, injunction, mandamus, abatement, or any other appropriate action, proceeding or proceedings to prevent or abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance, or use.

17.69.060 Recording a Notice of Violation

If compliance is not had with an order of the Code Compliance Officer or their designee, to correct violations of this Title within the time specified in a Notice of Violation, the City may file with the Santa Barbara County Recorder a certified statement describing the property and certifying that:

A. The property and/or structure is in violation of this Title; and

B. The owner has been so notified.

C. The notice must specifically describe the violations and a proof of service must also be recorded with the Notice of Violation.

D. Whenever the corrections ordered thereafter have been completed, the City must file a new certified statement with the Santa Barbara County Recorder, certifying that all required corrections have been made so that the property and/or structure is no longer in violation of this Title.

Chapter 17.70 Development Impact Fees

Sections:

17.70.010 Purpose
17.70.020 Applicability
17.70.030 Definitions
17.70.040 List of Types of Development Impact Fees
17.70.050 Amount of Fee, Automatic Adjustment and Special Fund
17.70.060 Imposition of Development Impact Fees
17.70.070 Beneficial Projects
17.70.080 Protests and Adjustments
17.70.090 Payment
17.70.100 Use of Funds
17.70.110 Refunds of DIFs Paid
17.70.120 Credits

17.70.010 Purpose

This Chapter establishes the categories of Development Impact Fees (DIFs) to be imposed on Development in order to defray the cost of new or rehabilitated Public Facilities required, incrementally, by new Development within the City, which are needed to accommodate the attendant growth in the City and to maintain an acceptable level of facilities and services for all areas within the City. The imposition of the respective DIFs ensures that new Development bear a proportionate share of the cost of Public Facilities and service improvements necessary to accommodate such Development, to the extent that such Development creates impacts that require mitigation that may be offset by the respective type of DIF. The imposition of DIFs through this Chapter is necessary to protect the public health, safety, and welfare by ensuring the provision of adequate Public Facilities.

17.70.020 Applicability

A. The standards in this Chapter shall apply to all Development and Development Projects as defined in this Chapter. This Chapter is adopted to implement the provisions of Government Code, Sections 66000 et seq. (the Mitigation Fee Act), which authorize a city to impose impact fees as a condition of approval on a Development Project for the purpose of defraying all or a portion of the cost of Public Facilities related to such project.

B. DIFs are hereby established to be imposed on new Development and Development Projects within the City to pay a proportionate share of the reasonably estimated costs of Public Facilities related to bicycle, pedestrian, transportation, fire, police, library, parks and recreation (to the extent not covered by Quimby Fees), public administration, and storm drain facilities, to the extent impacted by a Development Project. The DIFs authorized by this Chapter shall be used only for defraying costs associated with developing new or rehabilitating existing bicycle, pedestrian, transportation, fire, police, library, parks and recreation (to the extent not covered by Quimby Fees), public administration, and storm drain facilities, to the extent applicable, resulting from new Development Projects, and shall not exceed the estimated cost associated with providing those facilities.

17.70.030 Definitions

For purposes of this Chapter, the following terms, phrases, words and their derivation shall have the meanings respectively ascribed to them by this Section:

A. **Development or Development Project.** A Development or Development Project means any project undertaken for the purpose of development. Development or Development Project shall include all projects involving any use or work requiring a Land Use Permit or the issuance of a permit for construction or reconstruction, for erection of manufactured housing or structures, or for structures moved into the City, but shall not include a permit to operate.

B. **Development Area.** The Floor Area of the use plus any other area, including, but not limited to, outdoor areas devoted to patrons of the use.

C. **Peak Hour Trips (PHT).** The maximum one-hour quantity of vehicle trips accessing a particular Land Use during the PM peak period (4:00 p.m. – 6:00 p.m.).

17.70.040 List of Types of Development Impact Fees

Unless otherwise indicated, the following types of DIFs shall be imposed at the time of approval for Development within the City to finance the cost of the related Public Facilities:

A. Bicycle and Pedestrian Facilities.

B. Fire Facilities.

C. Library Facilities.

D. Parks and Recreation Facilities (not applicable to residential subdivisions for which Quimby Fees are imposed).

E. Public Administration Facilities.

F. Storm Drain Facilities.

G. Transportation Facilities.

17.70.050 Amount of Fee, Automatic Adjustment and Special Fund

A. The City Council may, after noticed public hearing and in compliance with the Mitigation Fee Act, adopt a resolution (i) setting forth the amount of each specific type of Development Impact Fee identified in Section 17.70.040 above, or (ii) revising any such previously adopted fee amounts, with the ordinance codified in this Chapter being considered as enabling and directive in this regard. Any resolution adopted under this Chapter shall establish how each DIF amount is calculated and shall be in accordance with the provisions of the Mitigation Fee Act. The City Council shall do all of the following:

   1. Identify the purpose of the DIF;

   2. Identify the use to which the DIF is to be put;

   3. Determine how there is a reasonable relationship between the DIF's use and the type of Development Project on which the DIF is imposed;

4. Determine there is a reasonable relationship between the need for the Public Facility and the type of Development Project on which the DIF is imposed;

5. Determine how there is a reasonable relationship between the amount of the DIF and the cost of the Public Facility or portion of the Public Facility attributable to the Development on which the DIF is imposed; and

6. Establish a schedule of DIFs.

B. An adopted DIF resolution, as referenced in Section 17.70.050(A) may allow for automatic adjustments of fees on July 1st of each fiscal year, by a percentage equal to the appropriate Construction Cost Index (CCI) as published by Engineering News Record, or its successor publication, for the preceding 12 months for which the CCI is available and such CCI shall be specific to California or the nearest region; provided, however, that the adopted DIF resolution shall identify the specific types of DIFs subject to such automatic adjustments and shall apply only to the types of DIFs for which the Mitigation Fee Act authorizes automatic adjustments.

C. All revenues derived from and all moneys collected for each type of DIF, as identified in section 17.70.040, including accrued interest thereon, shall be deposited in a separate, special fund created to hold the revenue generated for each respective type of DIF. Each such fund is hereby established and shall be administered in accordance with the Mitigation Fee Act, including specifically Government Code Sections 66001(c)-(e) and 66006. Moneys within each such fund may be expended only for the identified purpose or purposes for which the respective DIF was collected.

17.70.060 Imposition of Development Impact Fees

A. **Required Fees.** Any person who seeks to develop land within the City shall be subject to the imposition of DIFs for the following types of development:

1. ***Transportation Facilities Fees.*** Approval of any Development that generates a Peak Hour Trip (PHT) or fraction thereof.

2. ***All Other DIFs.***

a. *Residential Development.* Permitting of one or more Dwelling Unit(s).

b. *Non-Residential Development.* Permitting of 500 or more square feet of Development Area.

B. **Exemptions.** The following shall be exempted from payment of the DIFs:

1. A new use that does not constitute a Change of Use as specified in subsection 17.55.020(A).

2. The replacement of a destroyed or partially destroyed or damaged structure with a new structure of the same size.

17.70.070 Beneficial Projects

The City may establish by resolution categories of “beneficial projects” which are eligible for DIF reductions or waivers. The City will establish administrative procedures for granting these DIF reductions or waivers.

17.70.080 Protests and Adjustments

A. A developer of any Development Project subject to the fees described in this Chapter may apply to the City Council for a reduction, adjustment, or waiver of any one or more of the DIFs. The application for such protest must be made in writing and filed with the City Clerk, state in detail the factual basis for the claim of waiver, reduction or adjustment, and meet all requirements of Government Code, Section 66020, as may be amended.

B. The City Council shall consider the protest application, referenced in subsection (A) above, at a public hearing. The decision of the City Council shall be final. If a reduction, adjustment, or waiver is granted, any change in use within the Development Project shall invalidate the waiver, adjustment, or reduction of the DIF if such change in use would render the same inappropriate.

C. The City Council may, from time to time, and as the need may arise, set forth by resolution specific limitations which will apply to reductions, adjustments or waivers of DIFs which may be made pursuant to this section. In this regard, this section shall be considered enabling and directory.

17.70.090 Payment

A. The DIFs established pursuant to this Chapter shall be paid by the developer for the property on which a Development Project is proposed at the time of final inspection or the date on which the certificate of occupancy is issued, whichever occurs first, except as otherwise provided below. DIFs imposed on residential Development, however, shall be collected in accordance with the provisions of Government Code, Section 66007. Where a Development Project does not require a building permit, DIFs will be collected at permit issuance.

B. Unless otherwise specified by the City, the amount of DIFs shall be based on those DIFs and amounts in effect at the time payment is made or due.

17.70.100 Use of Funds

A. Funds collected from DIFs shall be used for the purpose of paying the actual or estimated costs of designing, constructing and/or improving the Public Facilities within the City to which the specific DIF or DIFs relate, including any required acquisition of land or rights-of-way therefor. No DIF funds shall be used for costs attributable to existing deficiencies in Public Facilities, but may be used for the costs for increased demand for additional facilities and services reasonably related to the proposed Development Project.

B. In the event that bonds or similar debt instruments are issued for advanced provision of Public Facilities for which DIFs may be expended, DIFs may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are of the type to which the DIFs involved relate.

17.70.110 Refund of DIFs Paid

If a permit for a Development Project for which DIFs have been imposed expires without commencement of Development and the required DIFs under such permit have already been paid, then the feepayer shall be entitled to a refund, without interest, of the DIF(s) paid. The feepayer must submit an application for such a refund to the City Manager within 30 days of the expiration of the permit. Failure to timely submit the required application for refund shall constitute a waiver of any right to the refund.

17.70.120 Credits

A. New Development that, through demolition or conversion, will eliminate existing Development is entitled to a DIF credit if the demolished or converted Development was a lawful use and was in use within two years of the new Development under this Title.

B. New Development that will replace Development that was partially or totally destroyed by fire, flood, earthquake, mudslide, or other casualty or act of God, is entitled to a DIF credit if the Development that was partially or totally destroyed was a lawful use and such destruction occurred within five years of the new Development under this Title.

C. If an existing Development undergoes a change of use, only costs proportional to the amount of the improvement or facility that mitigates the need therefor attributable to and reasonably related to the given Development shall be eligible for an in-lieu credit within 10 years, and then only against the specific relevant DIF(s) involved to which the facility or improvement relates.

D. The City may allow for DIFs collected for Transportation Facilities to be satisfied or partially satisfied if the obligor of the Transportation Facilities Fees donates real property which is needed by the City for local transportation purposes pursuant to Government Code, Section 66006.5.

E. Credit shall not be given for site-related improvements, including, but not limited to, traffic signals, right-of-way dedications, or providing paved access to the property, which are specifically required by the Development Project in order to serve it and which do not constitute facilities or improvements associated with a specific category of DIF.

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Chapter 17.71 Reserved

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Part VI:
General Terms

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Chapter 17.72 Use Classifications

Sections:

17.72.010 Residential Uses
17.72.020 Public/Quasi-Public Uses
17.72.030 Commercial Uses
17.72.040 Industrial Uses
17.72.050 Transportation, Communication, and Utility Uses
17.72.060 Agricultural Uses
17.72.070 Accessory Uses

17.72.010 Residential Uses

Residential Housing Types:

Single-Unit Dwelling, Detached. A dwelling unit occupied or intended for occupancy by only one household that is structurally independent from any other such dwelling unit or structure intended for residential or other use.

Single-Unit Dwelling, Attached. A dwelling unit occupied or intended for occupancy by only one household that is structurally connected with one other such dwelling unit. An attached single-unit dwelling is sometimes called a "townhouse" or "duplex" and may be in a "condominium" form of ownership.

Multiple-Unit Development. A detached structure designed and used exclusively as a dwelling by three or more households occupying separate living quarters and are typically occupied as rental units.

Accessory Dwelling Unit (ADU). See Section 17.41.030. ~~An attached or a detached residential dwelling unit on a permanent foundation that is located on the same lot as a single-unit dwelling to which the ADU is accessory and (1) provides complete independent living facilities for one or more persons including permanent provisions for cooking, eating, living, sanitation, and sleeping, (2) provides interior access between all habitable rooms of the ADU, and (3) includes an exterior access that is separate from the access to the principal dwelling or accessory structure in which the ADU is located. An ADU may also be an efficiency unit, as defined in California Health and Safety Code, Section 17958.1 of Health and Safety Code, or a manufactured home, as defined in California Health and Safety Code, Section 18007 of the Health and Safety Code.~~

~~***Attached ADU.*** An ADU that is either attached to (e.g., shares a common wall) or located entirely within the living area of the existing or proposed principal dwelling, or is located within the attached garage of an existing principal dwelling.~~

~~***Detached ADU.*** An ADU that is fully disconnected and structurally separate from the existing or proposed principal dwelling and is located on the same lot as the existing or proposed principal dwelling. A detached ADU may be attached to another accessory structure provided there is no interior access between the two.~~

Farmworker Housing. Has the same meaning as "Employee Housing" as set forth in California Health and Safety Code, Section 17008(a) for farmworkers.

> ***Farmworker Housing Complex.*** Farmworker housing that: (1) contains a maximum of 36 beds if the housing consists of any group living quarters, such as barracks or a bunkhouse, and is occupied exclusively by farmworkers; or (2) contains a maximum of 12 residential units occupied exclusively by farmworkers and their households, if the housing does not consist of any group living quarters.

Group Residential. Shared living quarters without separate kitchen or bathroom facilities for each room or living space, offered for rent for residents on a 30 day or longer basis. This classification includes halfway houses, rooming and boarding houses, dormitories and other types of organizational housing, and private residential clubs. Includes both licensed and unlicensed facilities. It does not include licensed Residential Care Facilities, Employee Housing as set forth in California Health and Safety Code, Sections 17021.5 and 17021.6, and Hotels and Motels.

Mobile Home Parks. A development designed and occupied by mobile or manufactured homes, including facilities and amenities used in common by occupants who rent, lease, or own spaces for mobile homes through a subdivision, cooperative, condominium or other form of resident ownership.

Residential Care Facilities. Facilities that are licensed by the State of California to provide living accommodations and 24-hour, primarily non-medical care and supervision for persons in need of personal services, supervision, protection, or assistance for sustaining the activities of daily living. Living accommodations are shared living quarters with or without separate kitchen or bathroom facilities for each room or unit. This classification includes facilities that are operated for profit as well as those operated by public or not-for-profit institutions, including hospices, nursing homes, convalescent facilities, and group homes for minors, persons with disabilities, and people in recovery from alcohol or drug addictions. This use classification excludes Group Residential, Supportive Housing, Transitional Housing, and Social Service Facilities.

> ***Large.*** A facility providing care for more than six persons.
>
> ***Small.*** A facility providing care for six or fewer persons.

Single-Room Occupancy (SRO) Housing. A residential hotel, as defined in California Health and Safety Code, Section 50519(b)(1), provides six or more guestrooms or efficiency units that are intended or designed to be used, or which are used or rented to the public as sleeping rooms for occupancy for a period of more than 30 days as the primary residence of those occupants. Rooms may have partial kitchen or bathroom facilities. This classification does not include Hotels and Motels and other transient accommodations that are occupied primarily by guests who maintain a primary residence elsewhere and does not include Residential Care Facilities licensed by the State of California.

Supportive Housing. Housing with no limit on length of stay, that is occupied by the target population as defined in California Government Code, Section 65582, and that is linked to an on-site or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

Transitional Housing. Buildings configured as rental housing developments but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that is not less than six months from the beginning of the assistance.

17.72.020 Public/Quasi-Public Uses

Cemetery. Establishments primarily engaged in operating sites or structures reserved for the interment of human or animal remains, including mausoleums, columbarium, burial places, and memorial gardens.

Colleges and Trade Schools. Institutions of higher education providing curricula of a general, religious or professional nature, typically granting recognized degrees, including conference centers and academic retreats associated with such institutions. This classification includes junior colleges, business and computer schools, management training, technical and trade schools, but excludes personal instructional services such as music lessons.

Community Assembly. A facility for public or private meetings, including community centers, religious assembly facilities, civic and private auditoriums, union halls, meeting halls for clubs, and other membership organizations. This classification includes functionally related facilities for the use of members and attendees such as kitchens, multi-purpose rooms, classrooms, playfields, and storage.

Community Garden. Use of land for and limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity by several individuals or households.

Cultural Institutions and Facilities. A facility engaged in activities to serve and promote aesthetic and educational interest in the community that are open to the public on a regular basis. This includes performing arts centers for performances and events; spaces for display or preservation of objects of interest in the arts or sciences; libraries; museums; historical sites; aquariums; art galleries; and zoos and botanical gardens. This does not include schools or institutions of higher education providing curricula of a general nature.

Day Care Facility. Establishments providing non-medical care for persons on a less than 24-hour basis other than Family Day Care. This classification includes nursery schools, preschools, and day care facilities for children or adults, and any other day care facility licensed by the State of California.

Emergency Shelter. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay in accordance with California Health and Safety Code, Section 50801(e).

Government Buildings. Administrative, clerical, or public contact offices of a government agency, including postal facilities and courts, together with incidental storage and maintenance of vehicles. This classification excludes corporation yards, equipment service centers, and similar facilities that primarily provide maintenance and repair services and storage facilities for vehicles and equipment (see "Major Utilities").

Hospitals. State-licensed facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons on an inpatient basis, and including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors. This classification excludes veterinaries and animal hospitals (see "Animal Care, Sales, and Services").

Park and Recreation Facilities. Parks, playgrounds, recreation facilities, trails, wildlife preserves, and related open spaces, all of which are noncommercial. This classification also includes other commercial facilities such as playing fields, sports courts, gymnasiums, swimming pools, picnic facilities, tennis courts, golf courses, and botanical gardens, as well as related food concessions or community centers.

Parking, Public or Private. Structures and surface lots for use of occupants, employees, or patrons on-site or offering parking to the general public for a fee when parking is not incidental to another on-site activity.

Passive Open Space. Areas primarily left in a natural state, with little to no improvements or development (e.g., trails, signage, parking area, etc.), and reserved for the enjoyment of nature and the general outdoors (e.g., bird-watching, walking, painting, etc.).

Public Safety Facilities. Facilities providing public safety and emergency services, including police and fire protection and emergency medical services, with incidental storage, training, and maintenance facilities.

Schools, Private. Facilities for primary or secondary education, including charter schools, and private and parochial schools having curricula comparable to that required in the public schools of the State of California.

Skilled Nursing Facility. A State-licensed facility or a distinct part of a Hospital that provides continuous skilled nursing care and supportive care to patients whose primary need is for the availability of skilled nursing care on an extended basis. It provides 24-hour inpatient care and, as a minimum, includes physician, nursing, dietary, pharmaceutical services and an activity program. Intermediate care programs that provide skilled nursing and supportive care for patients on a less-than-continuous basis are classified as skilled nursing facilities.

Social Service Facilities. Facilities providing a variety of supportive services for disabled and homeless individuals and other targeted groups on a less than 24-hour basis. Examples of services provided are counseling, meal programs, personal storage lockers, showers, instructional programs, television rooms, and meeting spaces. This classification is distinguished from licensed day care centers (see "Day Care Facility"), clinics (see "Medical, Dental, and Health-Related Services"), and emergency shelters providing 24-hour care (see "Emergency Shelter").

17.72.030 Commercial Uses

Adult-Oriented Business. An establishment that, as a regular and substantial course of conduct, offers, sells or distributes adult-oriented merchandise, or that offers to its patrons materials, products, merchandise, services, entertainment or performances that have sexual arousal, sexual gratification, and/or sexual stimulation as their dominant theme, or are characterized by an emphasis on specified sexual activities or specified anatomical areas and are not customarily open to the general public because they exclude minors by virtue of their age. This classification does not include any establishment offering professional services conducted, operated, or supervised by medical practitioners, physical therapists,

nurses, chiropractors, psychologist, social workers, marriage and family counselors, osteopaths, and persons holding licenses or certificates under applicable State law or accreditation from recognized programs when performing functions pursuant to the respective license or certificate. In addition, this classification does not include: Persons depicting "specified anatomical areas" in a modeling class operated by a college, junior college, or university supported entirely or partly by public revenue; or by a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by public revenue; or in a structure operated either as a profit or nonprofit facility which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and where, in order to participate in a class, a student must enroll at least three days in advance of the class. This classification also does not include the practice of massage in compliance with Section 5.05.050 of the Goleta Municipal Code.

Adult Bookstore, Adult Novelty Store, or Adult Video Store. An establishment with a majority of: its floor area devoted to; or stock-in-trade consisting of; or gross revenues derived from, and offering for sale for any form of consideration, any one or more of the following: books, magazines, periodicals or other printed matter, photographs, drawings, motion pictures, slides, films, tapes, video cassettes, records, or other visual or audio representations which are characterized by an emphasis upon the depiction or description of "Specified Sexual Activities" or "Specified Anatomical Areas"; instruments, devices or paraphernalia which are designed to be used in connection with "Specified Sexual Activities;" or goods which are replicas of, or which simulate "Specified Anatomical Areas," or goods which are designed to be placed on or in "Specified Anatomical Areas," or to be used in conjunction with "Specified Sexual Activities."

Adult Live Entertainment Theater. Any place, building, enclosure, or structure, partially or entirely used for live adult entertainment performances or presentations characterized by an emphasis on depicting, exposing, displaying, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.

Adult Motion Picture or Video Arcade. Any business wherein coin-, paper note-, or token-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to four or fewer persons per machine, at any one time, and where the predominant character or theme of the images so displayed is distinguished or characterized by its emphasis on matter depicting, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas."

Adult Motion Picture Theater. Any business, other than a hotel or motel, with the capacity of five or more persons where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions, in which the predominant character and theme is distinguished or characterized by its emphasis on matter depicting or relating to "Specified Sexual Activities" or "Specified Anatomical Areas," as defined in this Title. This includes, without limitation, showing any such slides, motion pictures or videos by means of any video tape system which has a display, viewer, screen, or a television set.

Animal Care, Sales and Services. Retail sales and services related to the boarding, grooming, and care of household pets including:

Animal Sales and Grooming. Retail sales of animals and/or services, including grooming, for animals on a commercial basis. Typical uses include dog bathing and clipping salons, pet grooming shops, and pet stores and shops. This classification excludes dog walking and similar pet-care services not carried out at a fixed location and excludes pet- supply stores that do not sell animals or provide on-site animal services.

Boarding, Kennel. A commercial, non-profit, or governmental facility for keeping, boarding, training, breeding or maintaining dogs, cats, or other household pets not owned by the kennel owner or operator. Typical uses include pet clinics, pet day care, and animal shelters, but exclude pet shops and animal hospitals that provide 24-hour accommodation of animals receiving medical or grooming services.

Veterinary Services. Veterinary services for small animals. This classification allows 24-hour accommodation of animals receiving medical services, but does not include kennels or other boarding facilities.

Automobile/Vehicle Sales and Services. Retail or wholesale businesses that sell, rent, and/or repair automobiles, recreational vehicles, light duty trucks, vans, trailers, and motorcycles, including the following:

Auction. A facility that sells new or used automobiles and other vehicles through a bidding process.

Automobile Rentals. Rental of automobiles. Typical uses include car rental agencies.

Automobile/Vehicle Sales and Leasing. Sale or lease, retail or wholesale, of automobiles, light trucks, motorcycles, motor homes, and trailers, together with associated repair services and parts sales, but excluding body repair and painting. Typical uses include automobile dealers and recreational vehicle sales agencies. This classification does not include automobile brokerage and other establishments which solely provide services of arranging, negotiating, assisting, or effectuating the purchase of an automobile for others.

Automobile/Vehicle Service and Repair, Major. Repair of automobiles, trucks, motorcycles, motor homes, boats and recreational vehicles, generally on an overnight basis that may include disassembly, removal or replacement of major components such as engines, drive trains, transmissions or axles; automotive body and fender work, vehicle painting or other operations that generate excessive noise, objectionable odors or hazardous materials, and towing services. This classification excludes vehicle dismantling or salvaging and tire retreading or recapping.

Automobile/Vehicle Service and Repair, Minor. The service and repair of automobiles, light-duty trucks, boats, and motorcycles, including the incidental sale, installation, and servicing of related equipment and parts. This classification includes the replacement of small automotive parts and liquids as an accessory use to a gasoline sales station or automotive accessories and supply store, and smog checks, tire sales and installation, auto radio/electronics installation, auto air conditioning/heater service, and quick-service oil, tune-up and brake and muffler shops where repairs are made or service provided in enclosed bays and no vehicles are stored overnight.

Service and Gas Stations. Establishments primarily engaged in retailing automotive fuels or retailing these fuels in combination with activities, such as providing minor automobile/vehicle repair services; selling automotive oils, replacement parts, and accessories; and/or providing incidental food and retail services. This classification includes "mini marts" and/or conveniences stores that sell products, merchandise, or services that are ancillary to the principal use related to the operation of motor vehicles where such sale is by means other than vending machines.

Automobile/Vehicle Washing. Washing, waxing, or cleaning of automobiles or similar light vehicles.

Building Materials, Sales, and Service. Establishments whose primary activity is the sales or rental of building supplies or equipment to individuals and business, and whose activities may include storage and delivery of items to customers. This classification includes lumberyards, tool and equipment sales or rental establishments, and includes establishments devoted principally to taxable retail sales to individuals for their own use. This use classification does not include hardware stores less than 10,000 square feet in floor area (see "General Retail Sales"), stores 80,000 square feet or larger (see "Large Format Retail"), or retail nurseries (see "Nurseries and Garden Centers"). Nurseries and Garden Centers may be included as an accessory use.

Business Services. A subcategory of commercial land use that permits establishments primarily engaged in rendering services to other business establishments on a fee or contract basis, such as advertising and mailing, building maintenance, personnel and employment services, management and consulting services, protective services, equipment rental and leasing, photo finishing, copying and printing, travel, office supply, and similar services.

Cannabis Microbusiness. A business involving any combination of the cultivation of cannabis on an area less than 10,000 square feet, cannabis distribution, manufacturing with non-volatile solvents, and cannabis retail. In order to be considered a Cannabis Microbusiness, three of four of the activities described must be conducted on the same premises.

Cannabis Retailer. Establishment where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale and includes delivery.

Storefront. Cannabis retailer with premises, meaning a "brick and mortar" facility, with direct physical access for the public.

Non-Storefront. Cannabis retailer with premises, meaning a "brick and mortar" facility, that does not have a storefront with direct physical access for, nor is open to the public.

Catering Service. A business that prepares food for consumption on the premises of a client or at any other location separate from where the food was prepared.

Check-Cashing Business. An establishment that provides compensation for checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. This classification also includes establishments offering deferred deposits, whereby the check casher refrains from depositing a personal check written by a customer until a specific date pursuant to a written agreement.

Commercial Entertainment and Recreation. These classifications may include restaurants, snack bars, and other incidental food and beverage services to patrons.

Banquet and Conference Center. A facility with one or more structures accommodating multiple assembly, meeting, and/or exhibit rooms, and related support facilities (e.g., kitchens, offices, etc.).

Cinemas. Facilities for the indoor display of films and motion pictures on single or multiple screens. This classification may include incidental food and beverage service to patrons.

Indoor Sports and Recreation. Predominantly participant sports conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, card rooms, health clubs, ice- and roller-skating rinks, indoor racquetball courts, martial arts and dance studios, indoor soccer, indoor soccer instruction, athletic clubs, and physical fitness centers.

Outdoor Entertainment. Predominantly spectator uses conducted in open or partially enclosed or screened facilities. Typical uses include amusement and theme parks, sports stadiums and arenas, racetracks, amphitheaters, and drive-in theaters.

Outdoor Recreation. Predominantly participant sports conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, golf courses, tennis club facilities, swimming or wave pools, miniature golf courses, club and professional soccer, club and minor league baseball fields, archery ranges, and riding stables.

Eating and Drinking Establishments. Businesses primarily engaged in serving prepared food and/or beverages for consumption on or off the premises.

Bars/Night Clubs/Lounges. Businesses serving beverages for consumption on the premises as a principal use and including on-sale service of alcohol including beer, wine, and mixed drinks.

Restaurant. Establishments where food and beverages are consumed on the premises, taken out, or delivered. This classification includes sit-down restaurants, cafes, cafeterias, coffee shops, delicatessens, fast-food restaurants, sandwich shops, limited-service pizza parlors, self-service restaurants, restaurants where food and beverages are prepared on a customer-demand basis and can be taken out or delivered but are not consumed on the premises, and snack bars with indoor or outdoor seating for customers. It excludes catering services that do not sell food or beverages for on-site consumption.

Finance, Insurance, and Real Estate Services. This use also includes financial institutions, including those that provide retail banking services, insurance agent offices, real estate offices, and similar service providers. Examples of retail banking services include institutions engaged in the on-site circulation of money, including credit unions. This classification does not include check-cashing businesses.

Food and Beverage Sales. Retail sales of food and beverages for off-site preparation and consumption. Typical uses include food markets, groceries, and liquor stores.

General Market. Retail food markets of food and grocery items for off-site preparation and consumption. Typical uses include supermarkets and neighborhood grocery stores.

Liquor Store. Establishments primarily engaged in selling packaged alcoholic beverages, such as ale, beer, wine, and liquor.

Specialty Food Sales and Facilities. Retail establishments that process and prepare food on site and are small- to medium-scale in size. Typical uses include bakeries; butchers, candy, nuts, and confectionary stores; cheese stores; and pasta shops.

Funeral Parlors and Internment Services. An establishment primarily engaged in the provision of services, involving the care, preparation, or disposition of the human remains and conducting memorial services. Typical uses include a crematory or mortuary. Cremation of pets may be an accessory use.

Information Technology Services. An establishment providing services designed to facilitate the use of technology by enterprises and end users. Examples include Internet Service Providers (ISPs), web hosts, and technical support companies.

Instructional Services. Establishments that offer specialized programs in personal growth and development. Typical uses include classes or instruction in music, art, or academics. Instructional Services also include rehearsal studios as an accessory use. This use does not include educational opportunities such as private universities or trade schools.

Live/Work Units. A unit that combines a work space and incidental residential occupancy occupied and used by a single household in a structure that has been constructed for such use or converted from commercial or industrial use and structurally modified to accommodate residential occupancy and work activity in compliance with the Building regulations. The working space is reserved for and regularly used by one or more occupants of the unit.

Lodging and Visitor-Services.

Hotels and Motels. An establishment providing overnight lodging to transient patrons. These establishments may provide additional services, such as conference and meeting rooms, restaurants, bars, wine tasting, personal services, recreation facilities, weddings, or receptions that are available to guests or to the general public. This use classification includes hostels, bed and breakfast inns, motor lodges, and tourist courts, but does not include Group Residential or Time Share uses, which are separately defined and regulated. However, time-share units may be included as part of this use.

Recreational Vehicle Parks. A facility that provides short-term rental spaces for overnight use and typically with support facilities, such as connections to electricity, water, and sewer services. Also referred to as “Campgrounds” or “Campsites,” which may or may not provide tent camping.

Time Share Use. A multi-unit residential development in which a purchaser receives the right in perpetuity, for life, or for a term of years, to the recurrent, exclusive use or occupancy of a lot, parcel, unit, or segment of real property, annually or on some other periodic basis, for a specified

period of time that has been or will be allotted from the use or occupancy periods into which the project has been divided.

Maintenance and Repair Services. Establishments engaged in the maintenance or repair of office machines, household appliances, furniture, and similar items. This classification excludes maintenance and repair of motor vehicles (see "Automotive Sales and Services") and personal apparel (see "Personal Services").

Media-Production Facility. A facility that provides indoor commercial and public communication uses, as well as outdoor sets, backlots, and other outdoor facilities for motion picture, television, video, sound, computer, and other communications media production. Indoor communication uses include without limitation radio and television broadcasting, receiving stations and studios with facilities entirely within buildings. This classification does not include transmission and receiving apparatus, antennas, and towers.

Medical, Dental, and Health-Related Services. Offices providing consultation, counseling, diagnosis, therapeutic, preventive, or corrective personal-treatment services by doctors and dentists; medical and dental laboratories that see patients; and similar practitioners of medical and healing arts for humans licensed for such practice by the State of California. Incidental medical and/or dental research within the office is considered part of the office use if it supports the on-site patient services. This use also includes clinics, which are State-licensed facilities providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an outpatient basis, including emergency treatment, diagnostic services, administration, and related services to patients who are not lodged overnight. Services may be available without a prior appointment. This classification includes licensed facilities offering substance abuse treatment, blood banks and plasma centers, and emergency medical services offered exclusively on an outpatient basis. This classification does not include private medical and dental offices that typically require appointments and are usually smaller scale.

Mobile Vendors. A self-contained truck or trailer that is readily movable without disassembling and is used to sell or prepare and serve: food, clothes, printed materials, or other consumer products or provide other services. This classification includes push carts used in conjunction with a commissary, commercial kitchen, or other permanent food facility upon which food is sold or distributed at retail. This classification does not include sidewalk vendors subject to Government Code, Chapter 6.3, Section 51036 et seq.

Nurseries and Garden Center. Establishments primarily engaged in retailing nursery and garden products such as trees, shrubs, plants, seeds, bulbs, and sod that are predominantly grown elsewhere and yard and garden care and related products such as shovels, fertilizer, ornaments, and similar items. These establishments may sell a limited amount of a plant product they grow themselves. This classification includes wholesale and retail nurseries offering plants for sale.

Outdoor Sales. The sale or offering for sale to the general public of merchandise outside of a permanent structure on property owned or leased by the person, firm, or corporation. These sales are of a limited duration and conducted on an occasional basis and are secondary or incidental to the principal permitted use or structure existing on the property.

Personal Services.

General Personal Services. Services provided primarily to an individual rather to large groups or the general public. These services also include those that are for personal convenience. Personal services include barber and beauty shops, massage establishments operating in compliance with Goleta Municipal Code, Chapter 5.05, shoe and luggage repair, fortune tellers, photographers, laundry and cleaning services and pick-up stations, copying, repair and fitting of clothes, and similar services.

Restricted Personal Services. An establishment whose principal business activity is one or more of the following: 1) using ink or other substances that result in the permanent coloration of the skin through the use of needles or other instruments designed to contact or puncture the skin, or 2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration, or 3) massage establishments.

Professional Services. Offices of firms, organizations, or public agencies providing professional, executive, management, administrative, or design services, such as: accounting; architectural; computer software engineering, design, and development; graphic design; interior design; and legal offices.

Retail Sales.

General Retail. The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes retail establishments with 80,000 square feet or less of sales area, including department stores, drug stores, clothing stores, furniture stores, pet-supply stores, hardware stores, and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies, electronic equipment, sporting goods, kitchen utensils, hardware, appliances, antiques, art galleries, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, video rental, and new automotive parts and accessories (excluding vehicle service and installation). Retail sales may be combined with other services, such as office machine, computer, electronics, and similar small-item repairs.

Large Format Retail (80,000 square feet and larger). Retail establishments (over 80,000 square feet of sales area) that sell merchandise and bulk goods for individual consumption, including membership warehouse clubs.

With Drive-Through. A retail establishment with drive-through facilities.

17.72.040 Industrial Uses

Automobile Wrecking/Junk Yard. Storage and dismantling of vehicles and equipment for sale of parts, as well as the collection, storage, exchange, or sales of goods, including, but not limited to, any used building materials, used containers or steel drums, used tires, and similar or related articles on the property.

Cannabis Cultivation. Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

Outdoor Cultivation. The cultivation of cannabis without the use of light deprivation and/or artificial lighting in the canopy area. Supplemental low intensity lighting is permissible only to maintain immature plants as a source for propagation.

Mixed-Light Cultivation. The cultivation of mature cannabis in a greenhouse, hoop-house, glasshouse, conservatory, hothouse, or other similar structure using light deprivation and/or artificial lighting.

Indoor Cultivation. The cultivation of cannabis within a permanently affixed, fully enclosed structure using exclusively artificial light or within any type of structure using artificial light at a rate above twenty-five watts per square foot.

Nursery. Operation that produces only cannabis clones, immature plants, seeds, and other agricultural products used in cannabis cultivation.

Processor. A cultivation site that conducts only trimming, drying, curing, grading, packaging, or labeling of cannabis and non-manufactured cannabis products. Cultivation of cannabis plants is prohibited.

Cannabis Distribution. Facility for the distribution of cannabis and cannabis products.

Cannabis Manufacturing. A building, or portion thereof, used for a business involving the manufacture for off-site sale of cannabis products.

Non-Volatile Solvent Manufacturing. Manufacture, including extractions, of cannabis products using nonvolatile solvents, or no solvents. May also conduct packaging and labeling of cannabis products.

Volatile Solvent Manufacturing. Manufacture, including extractions, of cannabis products using volatile solvents. May also conduct infusion operations and packaging and labeling of cannabis products.

Infusions. Production of edible products or topical products using infusion processes, or other types of cannabis products other than extracts or concentrates, and that do not conduct extractions.

Packaging and Labeling. Establishments engaged only in the packaging or repackaging of cannabis products or labeling or relabeling of cannabis product containers in preparation of retail sale.

Cannabis Testing. Establishments involving the materials testing, investigation, scientific research, or experimentation of medicinal or nonmedicinal cannabis or cannabis products.

Construction and Material Yards. Storage of construction materials or equipment on a site other than a construction site.

Custom Manufacturing. Establishments primarily engaged in on-site production of goods by hand manufacturing or artistic endeavor, which involves only the use of hand tools or small mechanical

equipment. Typical uses include ceramic studios, candle-making shops, woodworking, and custom jewelry manufacturers.

Heavy Manufacturing. Manufacturing of products from extracted or raw materials or recycled or secondary materials, or bulk storage and handling of such products and materials. This classification includes operations, such as biomass energy conversion, food and beverage processing, including breweries producing 15,000 barrels or more of beer annually, production apparel manufacturing, photographic processing plants, leather and allied product manufacturing, wood product manufacturing, paper manufacturing, chemical manufacturing, plastics and rubber products manufacturing, nonmetallic mineral product manufacturing, primary metal manufacturing, fabricated metal product manufacturing, and automotive and heavy equipment manufacturing.

Limited Industrial. Establishments engaged in light industrial activities taking place primarily within enclosed buildings and producing minimal impacts on nearby properties. This classification includes manufacturing finished parts or products primarily from previously prepared materials; micro-breweries that produce less than 15,000 barrels of beer annually, wineries, and distilleries; commercial laundries and dry-cleaning plants; monument works; printing, engraving and publishing; computer and electronic product manufacturing; furniture and related product manufacturing; and industrial services.

Oil and Gas Facilities. Oil and gas production from onshore and offshore oil and gas production facilities, including all equipment, structures, and appurtenances necessary for the exploration, development, production, piping, processing, treatment, decommissioning, and shipment of oil and gas resources.

R&D and Technology. A facility for scientific research and the design, development, and testing of tangible electrical, electronic, magnetic, optical, pharmaceutical, chemical, and biotechnology components and products in advance of product manufacturing. This classification includes assembly of related products from parts produced off site, where the manufacturing activity is secondary to the research and development activities.

Vehicle/Equipment Facilities.

> ***Heavy Vehicle and Large Equipment Sales/Rental, Service, and Repair.*** An establishment that sells/rents and may provide service and repairs to construction, farm or other heavy equipment. This classification does not include autos, trucks, and other passenger vehicles used for personal or business travel (see "Automobile/Vehicle Sales").
>
> ***Towing Services.*** A facility that dispatches tow trucks and provides temporary storage of operative or inoperative vehicles. This classification does not include automobile wrecking or dismantling. Also referred to as "Automobile Wrecking/Junk Yard."

Wholesale Trade, Warehouse, Storage, and Distribution. Storage and distribution facilities without sales to the public on site or direct public access except for public storage in a small, individual space exclusively and directly accessible to a specific tenant. This classification includes mini-warehouses.

> ***Chemical, Mineral, and Explosives Storage.*** Storage of hazardous materials, including but not limited to: bottled gas, chemicals, minerals and ores, petroleum or petroleum-based fuels, fireworks, and explosives.

Indoor Warehousing and Storage. Storage within an enclosed building of commercial goods prior to their distribution to wholesale and retail outlets and the storage of industrial equipment, products, and materials, including but not limited to automobiles, feed, and lumber. Also includes cold storage, draying or freight, moving and storage, and warehouses. This classification excludes the storage of hazardous chemical, mineral, and explosive materials.

Outdoor Storage Yard. Storage of vehicles, goods, or materials in open lots. Includes facilities for the storage and/or servicing of fleet vehicles.

Personal Storage. Facilities offering enclosed storage with individual access for personal effects and household goods including mini-warehouses and mini-storage. This use excludes workshops, hobby shops, manufacturing, or commercial activity.

Wholesaling and Distribution. Indoor storage and sale of goods to other firms for resale; storage of goods for transfer to retail outlets of the same firm; or storage and sale of materials and supplies used in production or operation, including janitorial and restaurant supplies. Wholesalers are primarily engaged in business-to-business sales, but may sell to individual consumers through mail or internet orders. They normally operate from a warehouse or office having little or no display of merchandise and are not designed to solicit walk-in traffic.

17.72.050 Transportation, Communication, and Utility Uses

Communication Facilities. Facilities for the provision of broadcasting and other information-relay services through the use of electronic and telephonic mechanisms.

Antenna and Transmission Towers. Broadcasting and other communication services accomplished through electronic or telephonic mechanisms, as well as structures and equipment cabinets designed to support one or more reception/transmission systems. Typical uses include wireless telecommunication towers and facilities, radio towers, television towers, telephone exchange/microwave relay towers, cellular telephone transmission/personal communications systems towers, and associated equipment cabinets and enclosures.

Facilities within Buildings. Includes radio, television or recording studios, and telephone switching centers, but excludes Antennae and Transmission Towers.

Light Fleet-Based Services. Passenger transportation services, local delivery services, medical transport, and other businesses that rely on fleets of three or more vehicles with rated capacities less than 15,000 lbs. This classification includes parking, dispatching, and offices for taxicab and limousine operations, ambulance services, non-emergency medical transport, local messenger and document delivery services, home cleaning services, and similar businesses. This classification does not include towing operations, such as “Automobile/Vehicle Sales and Service” and “Towing Services,” or taxi or delivery services with two or fewer fleet vehicles on site. See also “Business Services.”

Major Utilities. Generating plants, electric substations, solid waste collection, including transfer stations and materials-recovery facilities, cogeneration facilities, commercial renewable energy and battery storage facilities, solid waste treatment and disposal, water or wastewater treatment plants, telephone switching facilities, and similar facilities of public agencies or public utilities that are exempt from local land use permit requirements by California Government Code, Section 53091.

Transportation Passenger Terminals. Facilities for passenger transportation operations. This classification includes rail stations, bus terminals, and scenic and sightseeing facilities, but does not include terminals serving airports or heliports.

17.72.060 Agricultural Uses

Agricultural Processing. Establishments performing a variety of operations on crops after harvest, to prepare them for market on site or further processing and packaging at a distance from the agricultural area, including but not limited to: alfalfa cubing; hay baling and cubing; corn shelling; drying of corn, rice, hay, fruits and vegetables; pre-cooling and packaging of fresh or farm-dried fruits and vegetables; grain cleaning and custom grinding; custom grist mills; custom milling of flour, feed and grain; sorting, grading and packing of fruits and vegetables; tree nut hulling and shelling; cotton ginning; wineries; alcohol fuel production; and receiving and processing of green material, other than that produced on site (e.g., commercial composting).

Agricultural-Support Services. Agriculturally related services, such as storage of agricultural products; sales, maintenance, and repair of farm machinery and equipment; farm animal veterinary clinics; custom farming services; agriculturally related building, feed, and farm-supply stores; agricultural waste handling and disposal services; and other similar related services.

Animal Raising. The raising, grazing, or feeding of animals for animal products, animal increase, or value increase.

Crop Cultivation. The cultivation of tree, vine, field, forage, and other plant crops intended to provide food or fibers. The classification includes floriculture but excludes wholesale or retail nurseries. See also "Nurseries and Garden Centers."

Greenhouse. A structure with permanent or temporary structural elements used for cultivation and to shade or protect plants from climatic variations. This classification includes facilities associated with and accessory to greenhouses, such as shade structures and hoop structures, packing and shipping facilities, paved parking and driveways, and other accessory structures (e.g., boiler rooms and storage sheds).

17.72.070 Accessory Uses

The following is non-exhaustive list of common Accessory Uses.

Animal Keeping. The keeping of animals, such as small household pets, for personal use and enjoyment.

Cannabis Personal Use Cultivation. The cultivation, harvest, drying, or processing of plants with the intent to possess, smoke, or ingest cannabis or cannabis products for one's own individual use pursuant to Health and Safety Code section 11362.1(a), as amended, and for medicinal use pursuant to Health and Safety Code section 11362.77, as amended.

Caretaker Unit. A dwelling unit for employees and their immediate families employed for the exclusive purpose of on-site management, maintenance, or upkeep.

Family Day Care. A State-licensed home which regularly provides care, protection, and supervision of children under 18 years of age in the provider's own home, for periods of less than 24 hours per day, while

the parents or guardians are away, as further defined and permitted pursuant to the California Health and Safety Code and other applicable State Regulations. The term "Family Day Care" includes the terms “Large Family Day Care” and “Small Family Day Care” as such terms are defined in California Health and Safety Code, Sections 1597.465 and 1597.44.

Small. As defined in California Health and Safety Code, Section 1597.44.

Large. As defined in California Health and Safety Code, Section 1597.465.

Farmers’ Stand. A stand located on an active farm that sells processed agricultural products, such as jams, preserves, pickles, juices, cured olives, and other “value-added” products made with ingredients produced on or near the farm, in addition to fresh produce, eggs, and other goods produced on the farm. These stands are accessory to on-site agricultural operations in order to promote the sale of locally grown fresh produce. Also referred to as a “Produce Stand.”

Home Occupation. A commercial use conducted on residential property by the inhabitants of the subject residence, which is incidental and secondary to the residential use of the dwelling.

Chapter 17.73 List of Terms and Definitions

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17.73.020 Definitions

The following words and phrases, when used in the context of this Title, shall have the following meanings:

§. A symbol used when referencing a specific Section of State, County, or City code.

Abandonment. The relinquishment, giving up or renunciation of an interest, claim, civil proceedings, appeal, privilege, possession, or right, especially with the intent of never again resuming or reasserting it.

Abutting. Having a common boundary, except that parcels having no common boundary other than a common corner are not considered abutting. Also referred to as "Adjoining" or "Adjacent."

Access. The place or way through which pedestrians and/or vehicles must have safe, adequate, and usable ingress and egress to a property or use as required by this Title.

Accessory Structure. An attached or detached subordinate structure, used only as incidental to the main structure on the same lot. The term "Accessory Structure" includes, but is not limited to, the following: Aviary, Artist Studio, Barn, Cabaña, Carport, Garage, Gazebo, Greenhouse, Guesthouse, Pergola, Playhouse, Pool, Pool house, Shed, Spa, Sports Court, Trellis, and Workshop. Additionally, a "Wind Machine" used solely for direct climate control or water pumping is also considered an Accessory Structure.

> ***Attached.*** An accessory structure that is structurally connected to either the primary structure or another accessory structure. No internal access may exist between two attached accessory structures, and except for an attached garage, no internal access may exist between an accessory structure and the principle dwelling.
>
> ***Detached.*** An accessory structure that is structurally disconnected from the principle structure.

Accessory Use. A use that is customarily associated with, and is incidental and subordinate to, a principal use and located on the same premises as the permitted principal use.

Affordable Housing Trust Fund. An account into which in-lieu fees or payments or other housing impact fees or payments will be deposited. The funds of the account may not be commingled with other City funds.

Affordable Housing Unit. A dwelling unit within a residential development which will be reserved for sale or rent and is made available at an affordable rent or affordable ownership cost based on affordable household income levels (extremely low, very low, low, moderate or above moderate income).

Affordable Sales Price. Using the annual HUD calculations for the median income of the County, the maximum sales price permitted under the City's affordable housing program.

Aggregation Site. A location, including trees, topographic features, and plants that support a monarch butterfly aggregation. The site includes trees or vegetation that butterflies roost on, and vegetation that creates protection, structure, and microclimate conditions for the aggregation.

Aggrieved Party. Any person who, in person or through a representative, appeared at a public hearing or by other appropriate means before action on a permit, informed the City of his or her concerns about an application for such permit, or who, for good cause, was unable to do either.

Alley. A public or private thoroughfare for automobiles through the middle of a City block giving access to the rear of lots or buildings. Also referred to as an "Alleyway."

Alteration. Any change, addition, or modification that changes the exterior architectural appearance or materials of a structure or object. Alteration includes changes in exterior surfaces, changes in materials, additions, remodels, demolitions, and relocation of buildings or structures, but excludes "Maintenance and Repairs."

Amendment (AMD). Pursuant to Section 17.52.100, Changes to Prior Permits and Approvals, the Discretionary review of a proposed change to a previously approved project that cannot be found to substantially conform to the prior approval.

Appeal (APL). Pursuant to Section 17.52.120, Appeals, the de novo review of a previously-approved project where either the applicant or an aggrieved party opposes the prior action taken to approve, approve with conditions, or deny a project.

Appealable Development. Within the Coastal Zone, approval of any Conditional Use Permit or any other development within the Appeals Jurisdiction and approval or denial of any development that constitutes a "major public works project" or a "major energy facility." Appealable development may be appealed to the California Coastal Commission in accord with the regulations adopted by the Commission.

Appeals Jurisdiction. Within the Coastal Zone, that area between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or the mean high tide line of the sea where there is no beach, whichever is greater; tidelands; submerged lands; public trust lands; that area within 300 feet of the top of any coastal bluff; and that area within 100 feet of any wetland, estuary, or stream. (See PRC, Section 30603(b)).

Applicant. The property owner, the owner's agent, or any person, corporation, partnership, or other legal entity that has a legal or equitable title to land that is the subject of a development proposal, or is the holder of an option or contract to purchase such land, or otherwise has an enforceable proprietary interest in such land and is applying for a permit, certificate, zoning clearance, or other land use entitlement.

Aquaculture. The cultivation of aquatic produce such as aquatic plants, fish, and other aquatic organisms, which are included within "Agricultural Uses" and regulated in the same manner by this Title.

Arbor. An outdoor structure forming a shaded walkway or passageway of vertical posts or pillars that usually support cross-beams and a sturdy open-framed roof and often upon which woody vines are trained.

Architectural Feature. An exterior building feature, including a roof, walls, windows, doors, porches, posts, pillars, recesses or projections, and exterior articulation or walls, and other building surfaces.

Arterial Street. A street classified as a Major Arterial or Minor Arterial in the Transportation Element of the General Plan.

Artist Studio. A structure or portion of a structure legally permitted to be used as a place of work by a professional artist (e.g., painter, writer, sculptor, etc.) for the commercial production of art and may contain a toilet and wash basin, but no cooking or bathing facilities and no wetbar.

Attached Structure. A structure having at least five lineal feet of wall serving as a common wall with the building to which it is attached.

Attic. The unfinished space between the ceiling of the uppermost story and the roof assembly of a structure, which may be empty air space or used for storage.

Authorized Agent. A person or firm approved by a property owner for a project to directly act on their behalf with the City.

Awning. An architectural projection that provides weather protection, identity, or decoration, and is wholly supported by the building to which it is attached. An awning is typically constructed of non-rigid materials on a supporting framework which projects from and is supported by the exterior wall of a building.

Balcony. A platform that projects from the wall of a building 30 inches or more above grade that is accessible from the building's interior, is not accessible from the ground, and is not enclosed by walls on more than two sides.

Base Zoning District. A zoning designation specifically delineated on the Zoning Map which uses are allowed, not allowed, or conditionally allowed and development standards and other regulations apply. Overlay and other districts and zoning designation may also apply in selected areas. See Table 17.01.070(A). Also referred to as "Base District", "Zoning District", or "District."

Basement. A non-habitable space beneath the first or ground floor of a building, the ceiling of which does not extend more than four feet above finished grade.

Bathroom, Full. A room within a dwelling containing at least a toilet, sink, and bathing facilities.

Bathroom, Half. A room within a dwelling containing a toilet and sink, but no bathing facilities.

Bedroom. An enclosed habitable room within the conditioned area of a structure that (1) is arranged, designed or intended to be occupied by one or more persons primarily for sleeping purposes, (2) complies with applicable building and housing codes, and (3) is permitted by the City to be used as a bedroom.

Belt Course. A horizontal band forming part of an interior or exterior architectural composition (as around pillars or engaged columns).

Best Management Practices (BMPs). Activities, practices, and procedures to prevent or reduce the discharge of pollutants directly or indirectly to the municipal storm drain system and waters of the United States. Best Management Practices include: treatment facilities to remove pollutants from stormwater; operating and maintenance procedures; facility management practices to control runoff, spillage, or leaks

of non-stormwater, waste disposal, and drainage from materials storage; erosion and sediment-control practices; and the prohibition of specific activities, practices, and procedures, and such other provisions as the City determines appropriate for the control of pollutants.

Bicycle / Pedestrian Facilities. Public improvements that facilitate walking and bicycling in the City, including but not limited to sidewalks, multi-use trails, bike lanes, bike paths and related planning, engineering, construction and administrative activity.

Bluff. A coastal bluff is a naturally formed precipitous landform that generally has a gradient of at least 200 percent (1:2 slope) with a vertical elevation of at least ten feet and measured from the toe of the slope located along or adjacent to the ocean up to the bluff-top. The bluff may be a simple planar or curved surface, or it may be step-like in section. Also referred to as "Coastal Bluff," "Bluff Face," and "Sea Cliff."

Bluff-top. The coastal bluff-top is the upper termination of a bluff face where the downward gradient of the top of bluff increases more or less continuously until it reaches the general gradient of the bluff face. In a case where there is a step-like feature at the top of the coastal bluff, the landward edge of the topmost step shall be considered the bluff-top.

Block. Property bounded on all sides by a public right-of-way.

Block Face. All property between two intersections that fronts upon the same street or abuts the same public right-of-way.

Buffer. An open area or barrier used to separate potentially incompatible activities and/or development features; for example, a required setback to separate an area of development from environmentally sensitive habitat, to reduce or eliminate the effects of the development on the habitat.

Building. Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods, or materials.

Building Code. Any regulations of the City governing the type and method of construction of buildings and structures, including sign structures.

Building Face. The general outer surface of the structure or walls of a building. Where bay windows or pillars project beyond the walls, the outer surface of the windows or pillars is considered to be the face of the building.

Building Permit. As used within this Title, a permit issued by the City's Department of Building and Safety (B&S) to allow physical development on a property consistent with applicable State and City building regulations or other provisions of the Goleta Municipal Code. The following are some of the most common types of B&S Permits: Building, Demolition, Electrical, Grading, Mechanical, Plumbing, and Re-Roof.

Building Site. A lot or parcel of land occupied or to be occupied by a main building and accessory buildings together with such open spaces as are required by the terms of this Title and having its principal frontage on a street, road, highway, or waterway.

Bulk. The total interior cubic volume as measured from the exterior surface of the structure.

Cabaña. A building, the use of which is incidental and accessory to the use of a swimming pool, or sports court that may include bathrooms with bathing facilities, but does not include sleeping quarters, kitchen, or other cooking facilities. Also referred to as a "Poolhouse."

California Environmental Quality Act (CEQA). Public Resources Code, Section 21000 et seq., or any successor statute and regulations promulgated thereto (14 California Code of Regulations, Section 15000 et seq.), which require public agencies to document and consider the environmental effects of a proposed action before a decision.

Cannabis-related Terms. The following words and phrases, when used in the context of Section 17.41.090 Cannabis Uses, and when referring to Cannabis Uses as defined in Chapter 17.72 Use Classifications, shall have the following meanings:

Cannabis. All parts of the Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this division, "cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the California Health and Safety Code.

Cannabis Concentrate. Cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a cannabis plant is a concentrate for purposes of this division. A cannabis concentrate is not considered food, as defined by Section 109935 of the Health and Safety Code, or drug, as defined by Section 109925 of the Health and Safety Code.

Cannabis Products. Cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including but not limited to concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

Canopy. The designated area(s) at a cannabis business, except nurseries and processors, that will contain mature plants at any point in time, as follows:

For Indoor Cultivation, canopy is calculated in square feet and measured using the room boundaries, walls, or ceiling-to-floor partitions of each enclosed area that will contain mature plants at any point in time. If mature plants are being cultivated using a shelving system, the surface area of each level is included in the total canopy calculation.

Commercial Cannabis Activity. Activities that include the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, dispensing, or retail sale of cannabis and cannabis products.

Cultivation. Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

Cultivation Site. A location where cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occurs.

Delivery. The commercial transfer of cannabis or cannabis products to a customer. Delivery also includes the use by a retailer of any technology platform.

Dispensing. Any activity involving the retail sale of cannabis or cannabis products from a retailer.

Distribution. The procurement, sale, and transport of cannabis and cannabis products between licensees.

Edible Cannabis Product. Cannabis product that is intended to be used, in whole or in part, for human consumption, and is not considered food.

Extraction. A process by which cannabinoids are separated from cannabis plant material through chemical, physical, or any other means.

Industrial Hemp. A crop that is limited to types of the plant Cannabis sativa L. having no more than three-tenths of 1 percent tetrahydrocannabinol (THC) contained in the dried flowering tops, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin produced therefrom.

Industrial Hemp Products. Any raw hemp that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product. “Hemp product” also means hemp products as defined by Section 11018.5 of the California Health and Safety Code.

Manufacture. To compound, blend, extract, infuse, or otherwise make or prepare a cannabis product. Manufacture includes the following processes: Extraction processes; Infusion processes; Packaging or repackaging of cannabis products; and Labeling or relabeling the packages of cannabis products.

Owner. Any of the following:

a. A person with an aggregate ownership interest of 20 percent or more in the use applying for a license or a licensee, unless the interest is solely a security, lien, or encumbrance.

b. The chief executive officer of a nonprofit or other entity.

c. A member of the board of directors of a nonprofit.

d. An individual who will be participating in the direction, control, or management of the person applying for a license.

State Cannabis Laws. Laws of the State of California, which include California Health and Safety Code Sections 11362.1 through 11362.45; California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996); California Health and Safety Code Sections 11362.7 to 11362.83 (Medical Marijuana Program); California Health and Safety Code Sections 26000 through 26211 (Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA," Senate Bill 94 (2017))); California Health and Safety Code Sections 26220 through 26231.2; the California Attorney General's Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use issued in August, 2008, as such guidelines may be revised from time to time by action of the Attorney General; California Labor Code Section 147.5; California Revenue and Taxation Code Sections 31020 and 34010 through 34021.5; California Fish and Game Code Section 12029; California Water Code Section 13276; all state regulations adopted pursuant to MAUCRSA; and all other applicable laws of the State of California.

State Cannabis License. A permit or license issued by the State of California, or one of its departments or divisions, under MAUCRSA and any subsequent State of California legislation regarding the same, to engage in commercial cannabis activity.

Topical Cannabis. A product intended for external application and/or absorption through the skin. A topical cannabis product is not considered a drug as defined by Section 109925 of the California Health and Safety Code.

Canopy. A roofed shelter projecting over a sidewalk, driveway, entry, window, or similar area that may be wholly supported by a building or may be wholly or partially supported by columns, poles, or braces extending from the ground.

Carport. An accessible and usable covered space enclosed on not more than three sides, designed, constructed, and maintained for the parking or storage of one or more motor vehicles.

Categorical Exclusion. An exception from the requirements of a Coastal Development Permit, as identified in the California Public Resources Code, Sections 30610(e) and 30610.5 et seq.

Centerline. The geographic center of a public or private road right-of-way or easement.

Change of Use. The replacement of an existing use on a lot or parcel, or any portion thereof, by a new use, or a change in the nature of an existing use; but does not include a change of ownership, tenancy, or management associated with a use for which the previous nature of the use will remain substantially unchanged.

Chaparral. Fire-resistant and drought-tolerant woody, evergreen shrubs generally occurring on hillside and lower-mountain slopes.

Chapter. A Chapter set out in this Title, unless another ordinance or statute is mentioned.

City. The City of Goleta.

City Attorney. The City Attorney of the City of Goleta and such assistants as may be authorized by the City Council, pursuant to Chapter 2.06 of the Goleta Municipal Code.

City Council. The City Council of the City of Goleta, pursuant to Chapter 2.01 of the Goleta Municipal Code.

City Manager. The administrative head of the government of the City of Goleta who is under the direction and control of the City Council, pursuant to Chapter 2.03 of the Goleta Municipal Code.

Clerestory. A high section of wall that contains windows above eye level, the purpose of which is to admit light and fresh air without offering views of the surrounding landscape or neighboring properties.

Coastal Access. The ability for the public to gain entry to areas with Coastal Resources.

> ***Bluff-top Access.*** Provides vertical access from a headland or higher terrain along bluff-tops that runs parallel to the shoreline, and in some cases from which provides there is the only opportunity for public access to along the shoreline above to a rocky intertidal zone with no continuously accessible lateral access sandy beach.
>
> ***Lateral Access.*** Provides access and use along the shoreline.
>
> ***Vertical Access.*** Provides access from the first public road to the shore, or perpendicular to the shore.

Coastal Act. The California Coastal Act of 1976, California Public Resources Code, Section 30000 et seq., and as amended by the State.

Coastal Bluff Edge. The uppermost termination of a coastal bluff. Where the bluff edge is rounded away as a result of erosion, the bluff edge is defined as that point nearest the bluff at which the downward slope gradient of the land begins to increase more or less continuously until it reaches the general slope gradient of the bluff face. In the case where there are one or more step-like features on the bluff, the landward edge of the uppermost riser is considered the bluff edge.

Coastal Bluff Scrub. All scrub habitat occurring on exposed coastal bluffs. Example species in bluff scrub habitat include Brewer's saltbush (*Atriplex lentiformis*), lemonade berry (*Rhus integrifolia*), seashore blight (*Suaeda californica*), and seacliff buckwheat (*Eriogonum parvifolium*). Also includes "Coastal Sage Scrub" species.

Coastal Commission. The California Coastal Commission.

Coastal Development Permit (CDP). A type of entitlement permit for development within the Coastal Zone for projects that are within the jurisdictional boundary of the Coastal Commission.

Coastal Development Permit with a Public Hearing (CDH). A type of entitlement permit for development within the Coastal Zone that requires a Public Hearing due to its location within the Appeals Jurisdiction of the Coastal Commission.

Coastal Plan. The Coastal Land Use Plan, a component of the "Local Coastal Program," as adopted by the City.

Coastal-related Use. Any use that is associated with coastal-dependent development or a coastal-dependent use.

Coastal Resources. Coastal resources including, but not limited to, public access opportunities, visitor and recreational facilities, water-oriented activities, marine resources, biological resources, environmentally sensitive habitat areas, agricultural lands, visual resources, and archaeological or paleontological resources within the Coastal Zone.

Coastal Sage Scrub. A drought-tolerant, Mediterranean habitat characterized by soft-leaved, shallow-rooted subshrubs, such as California sagebrush (*Artemisia californica*), coyote bush (*Baccharis pilularis*), and California encelia (*Encelia californica*) that is found at lower elevations in both coastal areas and interior areas where moist maritime air penetrates inland.

Coastal Zone. That portion of the Coastal Zone, as established by the California Coastal Act of 1976, as amended, which lies within the City, as indicated on the Zoning Map.

Community Noise Equivalent Level (CNEL). A 24-hour energy equivalent level derived from a variety of single-noise events, with weighting factors of five and ten dBA applied to the evening (7:00 p.m. to 10:00 p.m.) and nighttime (10:00 p.m. to 7:00 a.m.) periods, respectively, to allow for the greater sensitivity to noise during these hours.

Compatible. That which is harmonious with and will not adversely affect surrounding buildings and/or uses.

Condition of Approval. A performance standard, required change in a project, environmental mitigation measure, or other requirement imposed by the Review Authority to alter, modify, or control certain aspects of a project, including timing, monitoring, restrictions, etc., in order to minimize potential negative effects created by the project.

Conditional Use Permit (CUP). Includes both "Major" and "Minor" Conditional Use Permits, pursuant to Chapter 17.57, Conditional Use Permits, of this Title, which are subject to Discretionary approval due to the potential negative effective of the use on the surrounding area or because it is not an outright permitted use in a particular base zone district. Such uses require public hearing(s), a higher level of scrutiny and environmental review, and strict application of project-specific Conditions of Approvals.

Condominium. A development where undivided interest in common in a portion of real property is coupled with a separate interest in space called a unit, the boundaries of which are shown on a Final Map or Parcel Map recorded with the County Surveyor.

Construction. Construction, erection, enlargement, alteration, conversion, or movement of any building, structures, or land, together with any scientific surveys associated therewith.

County. The County of Santa Barbara.

Critical Facilities. Facilities housing or serving many people, which are necessary in the event of an earthquake, flood, or similar emergency, such as hospitals, fire, police, and emergency service facilities, including Goleta City Hall, utility "lifeline" facilities, such as water, electricity, and gas supply, sewage disposal, and communications and transportation facilities.

Critical Root Zone (CRZ). The protected area on the ground around a tree trunk that corresponds to the dripline of the tree canopy, which can be irregularly-shaped in most instances, and is to be avoided during construction activities. Also referred to as "Root Protection Zone."

Cultural Resources. Native American archaeological sites and areas of the natural landscape that have traditional cultural significance, including sacred areas where religious ceremonies are practiced or which are central to their origins as a people, as well as areas traditionally used to gather plants for food, medicinal, or economic purposes.

Day Care Center. Day care center has the same meaning as in California Health and Safety Code, Section 1596.76.

De Minimis. Latin term used to describe something that is small, minor, or insignificant; negligible.

De Novo. Latin term used to describe the standard of review in a subsequent Review Authority's hearing of a project, often on Appeal, where a decision is made without prejudice or deference to any previous decision and as if the project was being reviewed for the first time.

Deck. An uncovered platform, typically made of wood, composite material, or vinyl, which is either freestanding or attached to a building and is supported by pillars or posts.

Demolition. When either (1) more than 50 percent of the exterior walls of a building or structure are removed or are no longer a necessary and integral structural component of the overall building. Existing exterior walls supporting a roof that is being modified to accommodate a new floor level or roofline will continue to be considered necessary and integral structural components, provided the existing wall elements remain in place and provide necessary structural support to the building upon completion of the roofline modifications, or (2) more than 50 percent of the exterior wall elements are removed, including, without limitation, the cladding, columns, studs, cripple walls, or similar vertical load-bearing elements and associated footings, windows, or doors.

Density. The number of dwelling units per acre of land. See Section 17.03.060, Dwelling Unit Density.

Design Review (DR). Pursuant to Chapter 17.58, Design Review, the Discretionary Review of a project by design professionals appointed to the Design Review Board for the review of proposed development to ensure the incorporation of best professional design practices, promote enhancement of the visual quality of the surrounding environment, and prevent poor quality of design as a benefit to the City and surrounding properties.

Design Review Board (DRB). The Design Review Board of the City of Goleta, pursuant to Chapter 2.08 of the Goleta Municipal Code.

Detached Structure. A structure, no part of which is attached by any means to any other structure.

Developer. Any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities that seeks City approvals for all or part of a development project.

Development. The placement or erection of any solid material or structure on land, in, or under water; discharge or disposal of any materials; grading, removing, dredging, mining, or extraction of any materials;

change in the density or intensity of use of land, including, without limitation, subdivision pursuant to the California Government Code, Section 66410 et seq., and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreation use; and change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation.

Development Agreement. An agreement between the City and any person having a legal or equitable interest in real property for the development of such property, and which complies with the applicable provisions of the Government Code for such development agreements.

Development Plan (DP). Pursuant to Chapter 17.59, Development Plans, the Discretionary review of a project that due to its size, location, scale, or type of development being proposed requires comprehensive review.

Director. The Director of Planning and Environmental Review of the City of Goleta, or designee acting on authority delegated from the Director.

Disabled or Handicapped Person. An individual who has a physical or mental impairment that makes difficult the achievement of one or more of that person's major life activities; anyone who is regarded as having such impairment; or anyone who has a record of having such an impairment, but not including an individual's current, illegal use of a controlled substance.

Discretionary Approval. An action to approve or deny a project that requires the exercise of judgment or deliberation.

Discretionary Review. The review of a project that requires the exercise of judgment or deliberation and as distinguished from situations where the City merely has to determine whether there has been conformity with objective standards in applicable statutes, ordinances, or regulations. Discretionary Review includes review by a Review Authority on any of the following: Coastal Development Permits within the Appeals Jurisdiction, Conditional Use Permits, Design Review and Overall Sign Plans reviewed by the Design Review Board, Development Plans, General Plan Amendments, Modifications, Government Code Consistency Determination, Specific Plans, Time Extensions, Variances, Zoning Ordinance Amendments, and Zoning Map Amendments.

Drive-Through Facilities. Facilities designed to enable persons to receive a service or purchase or consume goods while remaining within a motor vehicle, typically associated with banks, eating and drinking establishments, pharmacies, and other commercial uses.

Driveway, Non-Residential. A vehicle access way extending from a road or street to a building or structure, vehicle parking or delivery area, or pedestrian drop-off point on the site of a land use, or between such areas on a site.

Driveway, Residential. A vehicle access way that is typically paved and provides direct access from a public or private street to an individual dwelling unit or to the garage or parking area for the residential unit.

Dwelling Unit. A unit of habitation that provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement. A portion of land created by grant or agreement for specific purpose; an easement is the right, privilege, or interest which one party has in the land of another.

Effective Date. The issuance date on which a permit or other approval becomes enforceable or otherwise takes effect, rather than the date it was signed or circulated.

~~**Efficiency Unit.** A type of Accessory Dwelling Unit for occupancy by no more than two persons, which has a minimum floor area of 150 square feet and no more than 200 square feet, and as further defined in Health and Safety Code, Section 17958.1.~~

Electrical Code. Any ordinance of the City regulating the alteration, repair, and the installation and use of electricity or electrical fixtures.

Emergency. A sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.

Emergency Permit (EMP). A type of Zoning Permit required for development subject to Chapter 17.64, Emergency Permits, to allow flexibility in dealing with a legitimate Emergency, while also ensuring development is in compliance with the provisions of this Title and all applicable standards and policies of the General Plan.

Enclosed, Fully. A structure that has walls on all sides and a solid overhead roof. The area within a structure as measured from the inside face of the external perimeter walls, ignoring any projections such as plinths, columns or piers.

Enclosed, Partially. A structure that does not have walls on all sides and may or may not have a solid overhead roof. The area within a structure as measured from the inside face of the external perimeter walls, ignoring any projections such as plinths, columns or piers.

Enclosure. A structure, such as a fence or wall, that surrounds an area and that may or may not have a roof.

Encroachment Permit. Written approval granted by the City for activity to occur within the road right-of-way.

Energy Facility. A public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy.

Entitlement. The legal process of obtaining all required land use approvals for development, concluding any associated local appeal period, meeting any prior to issuance conditions of approval, and successfully obtaining issuance of the effectuating Zoning Permit.

Environmentally Sensitive Habitat Area (ESHA). Any area in which plant or animal life or their habitats are rare or especially valuable because of their special nature or role in an ecosystem, and which could be easily disturbed or degraded by human activities and development; any area that includes habitat for

species and plant communities recognized as threatened or endangered by the state or federal governments, plant communities recognized by the State of California (in the Terrestrial Natural Communities Inventory) as restricted in distribution and very threatened, and those habitat types of limited distribution recognized to be of particular habitat value, including wetlands, riparian vegetation, eucalyptus groves associated with monarch butterfly roosts, oak woodlands, and savannas; and any area that has been previously designated as an ESHA by the California Coastal Commission, the California Department of Fish and Game, the City, or other agency with jurisdiction over the designated area. ESHAs include, but are not limited to the following: creek and riparian areas; wetlands, such as vernal pools; coastal dunes, lagoons or estuaries, and coastal bluffs/coastal bluff scrub; beach and shoreline habitats, including all areas extending from the mean high tide line landward to the top of the ocean bluffs; marine habitats; coastal sage scrub and chaparral; native woodlands and savannahs, including oak woodlands; native grassland; monarch butterfly aggregation sites, including autumnal and winter roost sites, and related habitat areas; beach and dune areas that are nesting and foraging locations for the western snowy plover; nesting and roosting sites and related habitat areas for various species of raptors; other habitat areas for species of wildlife or plants designated as rare, threatened, or endangered under state or federal law; and any other habitat areas that are rare or especially valuable from a local, regional, or statewide perspective.

Environmental Review. An evaluation process pursuant to CEQA to determine whether a proposed project may have a significant impact on the environment.

Establishment. Any use of land involving buildings or structures in which human activities routinely occur, not including residential or transient occupancy uses or uses where human presence is not routine (e.g., transmission towers, power transformers, automated facilities, etc.).

Estuary. The widening channel of a river, creek, or other waterway, where is nears the ocean and a mixing of fresh water and salt tidal water occurs.

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

Exempt. Not requiring a Zoning Permit pursuant to this Title as long as the development, activity, or structure complies with all applicable provisions, standards, and policies of the City General Plan/Coastal Land Use Plan. A project that is exempt from this Title may still require other federal, State, County, City, or other agency permits or approvals.

Exterior Storage. The outdoor placement or keeping of materials in an area not fully enclosed by a storage structure.

Façade. The portion of any exterior elevation of a building extending vertically from the finished grade to the top of a parapet wall or eave, and horizontally across the entire width of the building elevation.

Family. One or more persons, related or unrelated, living together as a single housekeeping unit. Also referred to as “Household”, “Extended Family”, and “Immediate Family.”

Farmworker. As used within this Title, having the same meaning as an “Agricultural Employee” as set forth in California Labor Code, Section 1140.4(b).

Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

Fee / Payment Terms.

> ***Development Impact Fee (DIF).*** A monetary exaction, other than a tax or special assessment, which is charged by City to an applicant in connection with approval of a Development Project for the purpose of defraying all or a portion of the cost of Public Facilities related to the Development Project, but does not include fees specified in Government Code, Section 66477, fees for processing applications for governmental regulatory actions or approvals, or fees collected under Development Agreements adopted pursuant to Chapter 17.65.
>
> ***Inclusionary Housing In-Lieu Payment.*** A monetary exaction or dedication, other than a tax or special assessment, which is required by the City of the applicant in-lieu of constructing affordable units on-site to meet his or her affordable housing obligations through such payment. The City must deposit the payment in an Affordable Housing Trust Fund.

Fence. A structure serving as an enclosure, a barrier, or a boundary and typically intended to prevent escape or intrusion or to mark a boundary

Fire Facilities. Public improvements and facilities for fire suppression and protection, emergency medical response and transport, and rescue and hazardous materials response purposes and related planning, engineering, construction and administrative activity.

Floodplain. An area of land adjacent to a waterway, which stretches from the top-of-bank outward to include any land area susceptible to being inundated by floodwaters.

Floodway. The channel of a river or other waterway and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as “Regulatory Floodway.”

Floor Area. The area included within the surrounding exterior walls of all floors or levels of a structure or portion thereof as measured to the interior surfaces of exterior walls, or from the centerline of a common or party wall separating two attached structures. See Section 17.03.070, Rules of Measurement – Floor Area, for specific rules for measuring Floor Area.

Footprint. The horizontal area, as seen in plan view, of a building or structure, measured from the outside of exterior walls and supporting columns, and excluding eaves.

Frontage, Street. That portion of a lot or parcel of land that borders a public street. Street frontage will be measured along the common lot line separating said lot or parcel of land from the public road, highway, or parkway.

Functional Capacity. The ability of the wetland or estuary to be self-sustaining and to maintain natural species diversity.

Garage. A fully enclosed building or portion thereof, containing accessible and usable enclosed space designed, constructed, maintained, and used for the parking or storage of one or more motor vehicles.

Gazebo. An outdoor structure forming a shaded walkway, passageway, or sitting area of vertical posts or pillars that usually support a sturdy roof and used as an outdoor meeting space or eating area. Also referred to as a "Pavilion."

General Plan. The City of Goleta General Plan/Coastal Land Use Plan.

General Plan Amendment (GPA). Pursuant to Chapter 17.67, Amendments to the General Plan, the Discretionary review of proposed changes to the General Plan.

Glare. The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, such as to cause annoyance, discomfort, or loss of visual performance and ability.

Government Code. The Government Code of the State of California.

Grade. The slope, incline, gradient, mainfall, pitch or rise of the ground surface.

> ***Existing Grade.*** On vacant parcels before any land development activities are undertaken, the elevation of the ground at any point on a lot as shown on the required survey submitted in conjunction with an application for a building permit or grading permit. Existing grade also may be referred to as "Natural Grade." On previously developed parcels, existing grade shall be the approved finished grade as depicted on the final approved permit by the City, or by the County if approved prior to City incorporation.
>
> ***Finished Grade.*** The lowest point of elevation of the approved finished surface of the ground, paving, or sidewalk within the area between the building and the lot line, or when the lot line is more than five feet from the building, between the building and a line five feet from the building.

Grading. Any excavation, moving, dredging, or filling of earth or combination thereof.

Grassblock. Concrete pavers designed with open cells for soil and grass that also provide environmentally-friendly alternative that allow stormwater infiltration and a reduction of heat island effect caused by solidly paved areas, such as those using asphalt. Also referred to as "Permeable Pavers" or "Grasscrete."

Grubbing. The act by which vegetation, including trees, timber, shrubbery and plants, is uprooted and removed from the surface of the ground.

Guesthouse. A detached living quarters of a permanent type of construction without a kitchen or cooking facilities, legally permitted to be used primarily for temporary guests of the occupants of the principal dwelling on the lot, and not rented or otherwise used as a separate dwelling and may only be occupied on a temporary basis by the occupants of the primary dwelling or their non-paying guests for no more than 120 days in any 12 month period.

Guidelines. Documents that outline and display various specifications that are adopted by the City Council, Planning Commission, or Design Review Board, including without limitation the Goleta Old Town Heritage District and Architecture and Design Guidelines, and the Design Guidelines for Commercial Projects.

Habitable. Space within a building that is suitable for living, cooking, eating, and sleeping by humans, and which may or may not be conditioned space (i.e., insulated, heated, cooled).

Habitable Room. A space intended for living, sleeping, eating, or cooking, including living rooms, dining rooms, bedrooms, kitchens, dens, family rooms, recreation rooms, and enclosed porches suitable for year-round use. Specifically excluded are balconies, bathrooms, foyers, garages, hallways, laundries, open porches, pantries, storage closets, utility rooms, unfinished attics and basements, other unfinished spaces used for storage, and water closets.

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human or animal health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Heat. Thermal energy of a radiating, conductive, or convective nature.

Heat Island Effect. Term used to describe higher air and structure temperatures in an urban setting as opposed to the lower temperatures found in more rural areas.

Hedge. A row of closely planted trees, shrubs, or grasses planted in line or in groups so that the branches of any one plant are intermingled or form contact with the branches of any other plant in the line and together effectively form a fence or wall to provide screening or delineate a boundary of naturally grown vegetation rather than constructed materials. Hedges are not considered trees for the purposes of this Title.

Height. The vertical distance from a point on the ground below a structure to a point directly above and as further defined in Section 17.03.090, Rules of Measurement – Height.

Heliport. A facility that includes one or more designated areas for helicopters to take-off and land.

Historical Resources. Locally significant historic sites or structures designated as Landmarks or Places of Historic Merit by the County and the City upon its incorporation. Other structures, site, or feature having special historic, aesthetic, or cultural value to the City may also be designated as “locally significant” historic resources.

Household Pets. Animals that are customarily kept within a dwelling or a yard for the personal use or enjoyment of the residents.

Housing and Community Development (HCD). California Department of Housing and Community Development.

Housing and Urban Development (HUD). United States Department of Housing and Urban Development.

Housing Costs. The total monthly or annual recurring expenses required of a household to obtain shelter. For a rental unit, total housing costs include the monthly rent payment and utilities. For an ownership unit, total housing costs include the mortgage payment (principal and interest), homeowner's association

dues, mortgage insurance, community facility district fees, taxes, utilities, and any other related assessments.

Illegal Use. Any use of land or building that does not have the currently required permits and was originally constructed and/or established without permits or approvals required for the use at the time it was brought into existence.

Implementation Plan. A component of the "Local Coastal Program," that implements the City's adopted Coastal Land Use Plan.

Improvement. An object affixed to the ground other than a structure.

Inclusionary Unit. An ownership or rental housing unit that is deed-restricted at an affordable price or rent for households with extremely low, very low, low or moderate income pursuant to the City's Inclusionary Housing Program.

Income Levels. Annual household income categories (extremely low, very low, low, moderate, above moderate) based on median household income ranges by household size established in California Code of Regulations, Section 6932 and amended updated by the U.S. Department of Housing and Urban Development (HUD), benchmarked to Santa Barbara County median household incomes by household size. These income limits are equivalent to the following:

> ***Extremely Low-Income Household.*** Under 30 percent of area median income, adjusted for household size appropriate for the unit
>
> ***Very Low-Income Household.*** 30 to 50 percent of area median income, adjusted for household size appropriate for the unit
>
> ***Low Income Household.*** 50 to 80 percent of area median income, adjusted for household size appropriate for the unit
>
> ***Moderate Income Household.*** 80 to 120 percent of area median income, adjusted for household size appropriate for the unit
>
> ***Above Moderate-Income Household.*** 120 to 200 percent of area median income, adjusted for household size as appropriate for the unit.

Inland Area. All areas within the City that are located outside of the Coastal Zone.

Intensity of Use. The extent to which a particular use or the use in combination with other uses affects the natural and built environment in which it is located; the demand for services; and persons who live, work, and visit the area. Measures of intensity include, without limitation, requirements for water, gas, electricity, or public services; number of automobile trips generated by a use; parking demand; number of employees on a site; hours of operation; the amount of noise, light, or glare generated; the number of persons attracted to the site, or in eating establishments, the number of seats.

Intersection, Street. The area common to two or more intersecting streets.

Kitchen, Full. A room or space within a dwelling with cooking facilities, such as an oven and/or stove, a refrigerator/freezer, sink, cupboards, and countertop space used for the preparation and cooking of food. The phrase "cooking facilities" does not include the following: microwave, micro-fridge, hot plate, or wetbar.

Kitchen, Partial. A room or space within a dwelling with limited cooking facilities less than a Full Kitchen, such as a microwave, micro-fridge, hot plate, and/or wetbar.

Lagoon. An area of shallow water separated from the sea by low sandy dunes.

Land Use. The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained, including residential, commercial, industrial, etc.

Land Use Permit (LUP). A type of Zoning Permit required prior to development subject to Chapter 17.55, Land Use Permits, to ensure compliance with the provisions herein and all applicable standards and policies of the General Plan.

Landscaping-related Terms.

Backflow-Prevention Device. A safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

Hydrozone. A portion of the landscaped area having plants with similar water needs.

Landscaping. The planting, configuration and maintenance of trees, ground cover, shrubbery, and other plant material, decorative natural and structural features (walls, fences, hedges, trellises, fountains, sculptures), earth-patterning and bedding materials, and other similar site improvements that serve an aesthetic or functional purpose.

Mulch. Any organic material, such as leaves, bark, straw, compost, or inorganic mineral materials, such as rocks, gravel, and decomposed granite, left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

Permeable. Any surface or material that is pervious and allows the passage of water through the material and into the underlying soil.

Pruning. The removal of more than one-third of the crown or existing foliage of the tree or more than one-third of the root system.

Runoff. Water that is not absorbed by the soil or landscape to which it is applied and flows from the landscape area.

Shrub. A bush, hedge, or any plant that is not a tree more than 12 inches tall.

Tree. Any live woody or fibrous plant, the branches of which spring from and are supported upon a trunk.

Trim. The cutting or removal of a portion of a tree, which removes less than one-third of the crown or existing foliage of a tree, removes less than one-third of the root system, and does not kill the tree.

Legislative Action. The exercise of the power and function of making rules (e.g., policies, regulations, agreements, laws, etc.) that have the force of authority by virtue of their promulgation by the City Council.

Library Facilities. Public improvements and facilities for public libraries; related equipment, buildings, and books; related planning, engineering, construction and administrative activity; and any other capital Library Facility projects identified in the City's Five-Year Capital Improvement Program.

Lighting-related Terms.

Foot-candle. A quantitative unit of measure for luminance. One foot-candle is equal to the amount of light generated by one candle shining on one square foot surface located one foot away. It is equal to one lumen uniformly distributed over an area of one square foot.

Kelvin. A unit of measure used to describe hue, or correlated color temperature, of a light source.

Light Fixture. The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirrors, and a refractor or lens. Also known as a luminaire.

Lumen. Unit of measure for the amount of light produced by a lamp or emitted from a light fixture.

Shielded Fixture. Outdoor light fixtures shielded or constructed so that emitted light rays are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted.

Live Adult Entertainment. Any physical human body activity, whether performed or engaged in alone or with other persons, including, without limitation, singing, walking, speaking, dancing, acting, posing, simulating, wrestling or pantomiming, in which the performer or performers expose to public view without opaque covering of "specified anatomical areas" for entertainment value for any form of consideration.

Loading Facility. An area of a building where goods are loaded and unloaded from vehicles and that are commonly associated with commercial or industrial buildings, and warehouses. Also referred to as "Loading Bay."

Local Coastal Program (LCP). Together, the City's Coastal Land Use Plan (CLUP) and its Implementation Plan (IP), including zoning, and zoning map, which are certified by the Coastal Commission pursuant to the Coastal Act and adopted by the City Council for the purpose of carrying out the provisions of the Coastal Act.

Loft. A raised or elevated area of a structure that can be used for sleeping quarters or storage and typically accessible only by a ladder and is not included in the overall floor area.

Lot Area. The calculated area of a lot as measured horizontally between all bounding lot lines.

Lot Area, Net. The lot area minus any public rights-of-way, public easements, ESHAs, floodways, and areas with archaeological or cultural resources.

Lot Coverage. Defined in Section 17.03.110, Lot Coverage, as the ratio of the total footprint area of all structures on a lot to the net lot area, which is typically expressed as a percentage.

Lot, Legal. A single unit of land that can be proven to have been legally created and recorded, and upon which development can legally occur.

Lot Line. The boundary between a lot and an adjacent property or the public right-of-way. The following are various types of lot lines used for planning purposes within the City:

> ***Front Lot Line.*** On a normal lot, that portion abutting a public or private street. On an interior lot or irregular lot, the lot line most parallel to and nearest the street or lane from which access is obtained. On a corner lot, the narrowest lot line abutting a public or private roadway.
>
> ***Interior Lot Line.*** Any lot line that does not abut a public or private street.
>
> ***Rear Lot Line.*** The lot line that is opposite and most distant from the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, a line ten feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed the rear lot line for the purpose of establishing the minimum rear yard.
>
> ***Side Lot Line.*** Any lot line that is not a front or rear lot line.
>
> ***Street Side Lot Line.*** Any lot line that is abutting a public or private street that is not a front lot line.

Lot Type. A parcel, tract, or area of land whose boundaries have been established by a legal instrument, such as a deed or map recorded with Santa Barbara County, and is recognized as a separate legal entity for purposes of transfer of title, except public easements or rights-of-way. Lot types include the following:

> ***Abutting Lot.*** A lot having a common property line or separated by a public path or lane, private street, or easement to the subject lot.
>
> ***Corner Lot.*** A lot or parcel bounded on two or more sides by street lines that have an angle intersection that is not more than 135 degrees.
>
> ***Flag Lot.*** A lot so shaped that the main portion of the lot area does not have access to a street other than by means of a narrow corridor, typically of less than 20 feet of width. Also called a "panhandle" lot.
>
> ***Interior Lot.*** A lot that is bound on all sides by other adjacent lots, has no street frontage of its own, and requires legal access from a public roadway via private easements.
>
> ***Irregular Lot.*** Any lot that does not conform to the definition of a corner lot or a normal lot including, but not limited to, through lots, pie- and reverse-pie-shaped lots, triangular lots with double street frontages, and multi-sided lots.

Key Lot. A lot the side line of which abuts the rear line of one or more adjoining lots.

Normal Lot. A lot bounded on one side by a street line and on all other sides by lot lines between adjacent lots.

Through Lot. A lot having frontage on two parallel or approximately parallel streets.

Maintenance and Repair. The renovation or replacement of nonbearing walls, roofing, malfunctioning fixtures, wiring, or plumbing that has been weathered or damaged in a manner that restores the function, character, scope, size, or design of a structure to its previously existing, authorized, and undamaged condition.

Major Energy Facility. Any energy facility as defined by Public Resources Code, Section 30107 and California Code of Regulations, Section 13012.

Major Public Works Project. Any public works project as defined by California Code of Regulations, Section 13012.

Mansard. A wall which has a slope equal to or greater than two vertical feet for each horizontal foot and has been designed to look like a roof.

Manufactured Home (HUD-certified). Pursuant to California Health and Safety Code, Section 18007, a structure, transportable in one or more sections, which in the traveling mode is eight feet or more in width, or 40 feet or more in length, or which when erected on-site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a permanent dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure.

Mezzanine. An open, intermediate floor within a building interior that is not separated from the floor or level below by a wall and is accessed via a stairway.

Minor Development. Development that the City determines to be: 1) consistent with the General Plan, including the Local Coastal Program if located within the Coastal Zone, 2) either exempt or requires only a ministerial Zoning Permit and no other Discretionary Review, and 3) would have no significant adverse effect either individually or cumulatively on protected Inland Area resources, Coastal Resources, or public access to the shoreline or along the coast.

Mixed-Use Development. A development that combines both residential and non-residential uses on the same lot in an integrated pattern with significant functional interrelationships and a coherent physical design.

Mobile Home. A dwelling structure built on a steel chassis and fitted with wheels that is intended to be hauled, typically to a permanent or semi-permanent site for continuous habitation. Also referred to as "Trailer Coach," "Park Trailer," and "Tiny Home."

Modification (MOD). Discretionary review of a project, pursuant to Chapter 17.62, Modifications, when proposed development includes a request to reduce or otherwise modify certain development standards, due to practical difficulties, such as topography, nearby ESHA, or other difficult site conditions or

constraints, and where the design could be improved and constraints avoided or protected with minor relaxation of a limited number of applicable standards.

Modular Home. A sectional prefabricated permanent dwelling that is constructed to the same or higher building standard of a standard home, but are built off-site and then delivered to the intended site of use for final assembly and placement on a permanent foundation.

Municipal Code. The City of Goleta Municipal Code.

Mural. A piece of artwork painted or applied directly on a wall, ceiling, or other permanent surface.

Noise-related Terms:

A-weighted Decibel (dBA). Decibel A-weighting is applied to instrument-measured sound levels in an effort to account for the relative loudness perceived by the human ear, as the ear is less sensitive to low audio frequencies.

Ambient Noise Level. The composite of noise from all sources, excluding an alleged offensive noise. In this context, the ambient noise level represents the normal or existing level of environmental noise at a given location for a specified time of day or night.

Decibel (dB). A unit of measure to describe the loudness or relative intensity of a sound by comparing it with a given level on a logarithmic scale.

Noise. Any sound that annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

Noise-Level Reduction (NLR). The difference in decibels of noise level from the outside of a building to the interior of a building, generally resulting from various construction methods and the materials used in walls, windows, ceilings, doors, and vents of a building.

Nonconforming. To not be in compliance with any applicable requirement or development standard of this Title, including the following.

Nonconforming Lot. A legally created parcel of land having less area, frontage, or dimensions than the zoning regulations require in the Zoning District in which it is located.

Nonconforming Structure. A structure that complied with zoning and development regulations at the time it was built but which, because of subsequent changes to the zoning and/or development regulations, no longer fully complies with those regulations.

Nonconforming Use. A use of real property that was in compliance with zoning regulations at the time the use was established, but which, because of subsequent changes in those regulations, is no longer a permitted use. "Nonconforming use" shall refer to both use of real property and use of structures on real property.

Notice to Property Owner (NTPO). As prescribed by this Title and provided by the City, a written notice, which is recorded against the deed of real property and officially advises the current owner and/or future

owners of a property as to the legal limitations placed upon the use of a permitted structure (e.g., ADU, Artist Studio, Cabaña, Guesthouse, etc.). Also referred to as a "Covenant."

Off-Site. Development or some other activity or use that is not located on the subject lot.

On-Site. Development or some other activity or use that is located entirely on the subject lot.

Open Space Types:

> ***(Private) Restricted Open Space.*** Open areas for outdoor living and recreation that are adjacent and directly accessible to a single dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests. Private areas typically consist of courtyards, balconies, decks, patios, fenced yards, and other similar areas.
>
> ***(Private) Common Open Space.*** Areas for outdoor living and recreation that are intended for the use of residents and guests of more than one dwelling unit. Common areas typically consist of patios, swimming pools, playgrounds, turf, or other such improvements as are appropriate to enhance the outdoor environment of the development and offering amenities for different age groups, including ADA accessibility, but does not include unusable landscaped areas or any roof-top area.
>
> ***Public Open Space.*** Outdoor areas, under either private or public land ownership, which are dedicated as being open to public use and provide for outdoor recreation (active or passive). Also referred to as "Public Land" or "Public Park."

Ordinance Amendment (ORD). Pursuant to Chapter 17.66, Amendments to Zoning Regulations and Zoning Map, the Discretionary review of proposed changes to the text of the City's Zoning Ordinance or changes to the official City Zoning Map.

Outdoor Storage, Private. The keeping, in an unroofed area, of any privately-owned goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours, except for the keeping of building materials reasonably required for construction work on the premises pursuant to a valid and current Building Permit issued by the City. Does not include the Use Classification "Outdoor Storage Yard," which is defined in Section 17.72.040 of this Title.

Overall Sign Plan (OSP). An Overall Sign Plan is subject to Section 17.40.090, Overall Sign Plan, which are subject to Discretionary approval, and is a coordinated plan that includes details of all signs that are proposed to be placed on a site, including master identification, individual business and directory signs.

Overlay District. A zoning designation specifically delineated on the Zoning Overlay Districts Map establishing land use requirements that govern in addition to the standards set forth in the underlying base district. See Table 17.01.070(B), Introductory Provisions – Overlay Zoning Districts.

Parapet Wall. That part of a wall that extends above the roof line.

Parcel. An area of land and/or water that is spatially defined by an accepted cadastral mapping system, publicly and permanently recorded by a County Recorder or similar government office, and upon which

applicable property taxes are determined and assessed. A parcel may not be conterminous with a legal lot.

Parking Area. An area of a lot, structure, or any other area, including driveways, which is designed for and the primary purpose of which is to provide for the temporary storage of operable motor vehicles.

Parking, Bicycle. A covered or uncovered area equipped with a rack or racks designed and useable for the secure, temporary storage of bicycles.

> ***Long-term.*** Bicycle parking that is designed to serve employees, students, residents, commuters, and others who generally stay at a site for extended periods of time.
>
> ***Short-term.*** Bicycle parking that is designed to serve shoppers, customers, messengers, guests, and other visitors to a site who generally stay for a short time.

Parks and Recreation Facilities. Public park facilities for recreation, open space, riding and hiking trails, ancillary facilities, related planning, engineering, construction and administrative activity and any other capital park and recreation facility projects identified in the five-year Capital Improvement Program.

Patio. An outdoor structure, typically made of concrete, pavers, stone, brick, or gravel, which may be detached or attached to a dwelling or other structure and may have a roof or pergola overhead.

Paved. To be covered with a hard material, which may be either permeable or impermeable, in order to provide adequate surface to ingress, egress, park, and/or store one or more vehicles on a site.

Pavement. An artificially created hard, smooth, impervious surface that will bear travel and is typically constructed of asphalt or poured concrete over a suitable base. Also referred to as “Paving.”

Peak Hours. Period of time with the greatest amount of activity and vehicles on the site.

Pergola. An outdoor structure forming a shaded area with vertical posts or pillars that usually support cross-beams and a sturdy open-framed roof and often used as an outdoor sitting and/or eating area, often upon which woody vines are trained.

Permitted Use. Any use that is allowed in a zoning district and subject to any restrictions applicable to that zoning district.

Person. Any individual, firm, trust, association, organization, partnership, company, corporation, or other legal entity.

Pier. A platform extending from the shoreline into the ocean for the purposes of mooring, loading, or unloading ships or boats. Also referred to as a “Dock.”

Planning and Environmental Review (PER). Department of Planning and Environmental Review of the City of Goleta, which includes the following three divisions: Current Planning, Advance Planning, and Building and Safety. Also referred to as “City Planning” or “Planning staff.”

Planning Commission. The Planning Commission of the City of Goleta.

Porch. An outdoor structure that is attached to a dwelling or other structure, which may be roofed or unroofed, but is typically open at the sides. Also referred to as a "Veranda" or "Loggia."

Pre-existing. In existence before the effective date of this Title.

Premises. A legal parcel, or leasehold interest in land, or a leased or owned space in a building where a use or activity is or will be conducted.

Principal Dwelling. A detached single-unit dwelling, which is the principal residential use of the lot.

Principal Use. A use that fulfills a primary or predominant function of an establishment, institution, household, or other entity.

Primary Structure. A structure in which the principal use of its lot is conducted. In any residential or agricultural zone, a principal dwelling is deemed to be the primary structure on the lot on which it is situated.

Project. Any proposal for a new or changed use or for new construction, alteration, or enlargement of any structure that is subject to the provisions of this ordinance. This term includes, but is not limited to, any action that qualifies as a "Project" as defined by the California Environmental Quality Act.

Property. Anything that is owned by a person or entity.

> ***Personal Property.*** Movable possessions or other types of property not affixed to the ground and intended for personal use. Also referred to as "Chattels", "Movables", and "Tangibles."
>
> ***Public Property.*** Land, structures and other things dedicated to public use or for the use of government officials to the benefit of the public.
>
> ***Real Property.*** Land, structures and other things that are attached to or affixed to the land. Also referred to as "Real Estate" and "Realty."

Property Line. The recorded boundary of a lot or parcel of land.

Property Owner. The lawful titleholder of a legal lot.

Protected Resource. A sensitive natural or man-made resource, including but not limited to archaeological resources, ESHA, and biological habitats.

Public Administration Facilities. Public improvements and facilities for governmental buildings and facilities; police facilities including patrol cars, equipment, jail, juvenile and probation facilities; community and civic centers; portions of community buildings devoted to Public Administration in Goleta; related planning, engineering, construction and Administrative activity; and any other capital Public Administration Facility projects identified in the City's Five-Year Capital Improvement Program.

Public Facilities. Includes, but is not limited to, public improvements, public services, community amenities, and related planning, engineering, construction and administrative activity.

Public Hearing. A noticed, open gathering of officials, citizens, and interested parties, in which the general public are permitted to offer comments on projects, programs, or other matters being considered by the Review Authority.

Public Land. Any government-owned land, including, without limitation, public parks, beaches, playgrounds, trails, paths, schools, public buildings, and other recreational areas or public open spaces.

Public Official. The City's elected and appointed officials and those employees who have, because of their position, policy-making authority or influence over City housing programs.

Public Resources Code (PRC). The Public Resources Code of the State of California.

Public Works. Public facilities and infrastructure, including:

All production, storage, transmission, and recovery facilities for utilities subject to the jurisdiction of the California Public Utilities Commission, except for energy facilities;

All public transportation facilities, including streets, roads, highways, mass-transit facilities and stations and bridges, public parking lots and structures, ports, harbors, airports, railroads, and other related facilities; and

All publicly financed recreational facilities.

Public Works Director. The Public Works Director of the City of Goleta or designee acting on authority delegated from the Public Works Director.

Reasonable Accommodation. Any deviation requested and/or granted from the strict application of the City's zoning and land use laws, rules, policies, practices and/or procedures under provisions of federal or California law to make housing or other facilities readily accessible to and usable by persons with disabilities and thus enjoy equal employment or housing opportunities or other benefits guaranteed by law.

Recreational Vehicle (RV). A motor home, travel trailer, truck camper, carry-all, or camp trailer, house car, with or without motive power, typically designed for human habitation for recreational, emergency, or other short-term occupancy. Also includes non-habitational vehicles for recreational and work purposes such as boats, boat trailers, off-road vehicles, other types of trailers, golf carts, and busses, but does not include Manufactured, Mobile, or Modular Homes.

Regional Housing Needs Allocation (RHNA). As determined by the Santa Barbara County Association of Governments (SBCAG), the number of new homes to be constructed within a jurisdiction to meet their very low, low, moderate, and above moderate-income housing need.

Relocation. Moving and locating an existing structure onto a lot that was previously located on a different lot.

Reverse Vending Machine. An automated mechanical device that accepts, sorts, and processes recyclable materials and issues a cash refund or a redeemable credit slip.

Review Authority. The decision-making body tasked with the responsibility for taking an action to approve, approve with conditions, or deny zoning applications for proposed development.

Right-of-Way. A strip of land acquired by reservation, dedication, prescription, or condemnation, and intended to be occupied or occupied by a road, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, or other similar use.

Roadways. A strip of land occupied or intended to be occupied by certain transportation and public use facilities, which are usually designated and mapped as road right-of-way or easement.

Roof. The covering on the uppermost part of a structure, the characteristics of which are dependent upon the purpose of the structure it covers.

Roofline. The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, elevator shafts, stair towers, or other projections.

Screening. A wall, fence, hedge, informal planting, or berm provided for the purpose of buffering a building or activity from neighboring areas or from the street.

Sea Level. The height of the ocean relative to land; tides, wind, atmospheric pressure changes, heating, cooling, and other factors cause sea level changes.

Sea Level Rise. Increase in the surface level of the ocean relative to the land.

Sensitive Receptors. Animals, persons, or types of uses that are susceptible to the effects of noise, air quality, or other potential hazards. Such receptors include, but are not limited to, residential neighborhoods, schools, libraries, hospitals and rest homes, places of public assembly, certain open space areas, and various fauna within mapped and unmapped ESHA.

Setback. The required distance between a property line and the area where a building or structure may be constructed pursuant to this Title. This area is intended to provide emergency access and adequate ventilation between structures on adjacent properties and which is to be kept clear and unobstructed from the ground to the sky, except as otherwise permitted by this Title. The following types of setbacks are used within this Title:

> ***Front Setback.*** A setback extending across the front of a lot for the full width of the lot between the side lot lines. The depth of a front setback is a distance specified by this Title for the Zone District it is located in and measured inward from the front lot line.
>
> ***Interior Side Setback.*** A setback extending along an interior side of a lot from the front lot line to the rear lot line, and to a depth specified by this Title for the Zone District it is located in and measured inward from the interior side lot line.
>
> ***Street Side Setback.*** A setback extending along the street side of a corner lot from the front lot line to the rear lot line, and to a depth specified by this Title for the Zone District it is located in and measured inward from the street side lot line.

Rear Setback. A setback extending across the rear of a lot for its full width between side lot lines, and to a depth specified by this Title for the Zone District it is located in. If a triangular or other irregularly-shaped lot has no rear lot line, a line ten feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be used as an "imaginary rear lot line" for the purpose of establishing the minimum rear setback.

Shopping Center. A retail commercial center, or group of retail commercial enterprises, planned, developed, managed, and maintained as a unit; with common off-street parking provided to serve all uses on the property.

Shoreline Protection Device. A structure placed along the shoreline or coastal bluff that is designed to prevent coastal erosion or coastal bluff retreat. Examples include seawalls, revetments, and rip rap.

Short-term Vacation Rental. A dwelling, other than a hotel or motel, which is rented to a tenant for a period of not more than 30 consecutive days.

Sidewalk. A paved, concrete, or other hard-surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

Sign. Any identification, description, illustration, or device illuminated or non-illuminated, which is visible to the general public from any exterior public right-of-way, and directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, or placard designed to advertise, identify, or convey information. A display, device, or thing need not contain lettering to be a sign. Notwithstanding the generality of the foregoing, the following are not within this definition:

Architectural Features. Decorative or architectural features of buildings (not including lettering, trademarks or moving parts), that do not perform a communicative function;

Fire. The legal use of fireworks, candles and artificial lighting not otherwise regulated by this Code;

Grave Markers. Including grave stones, headstones, mausoleums, shrines, and other markers of the deceased;

Mural. A work of graphic art on an exterior building wall that may or may not contain a commercial logo or trademark but does not serve to advertise or promote any business, product, activity, service, interest, or entertainment.

Personal Appearance. Items or devices of personal apparel, decoration or appearance, including tattoos, makeup, wigs, costumes, and masks, but not including commercial mascots or hand-held signs; and

Stonework. The use of foundation stones or cornerstones;

Symbols Embedded in Architecture. Symbols of noncommercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently integrated into the structure of a permanent building, including stained glass windows on churches, carved or bas relief doors or walls, bells, and religious statuary.

Sign-related Terms:

Commercial Message or Commercial Speech. An image on a sign that concerns primarily the economic interests of the message sponsor or the viewing audience, or both, or that proposes a commercial transaction.

Copy. The visually communicative elements of a sign. Also referred to as "Sign Copy."

Digital Display. A method of displaying a communicative visual image by use of LEDs (light emitting diodes) or their functional equivalent, that allows for the message or image to be easily changed, typically by remote control or computer programming. This definition applies to signs displaying a series of still images, as well as those presenting the appearance of motion.

Electronic Copy. A sign having the capability of presenting variable message displays by projecting an electronically controlled pattern, and which can be programmed to periodically change the message display.

Flag. Any fabric or banner containing distinctive colors, patterns, or design that displays the symbol(s) of a nation, state, local government, company, organization, belief system, idea, decoration, or other meaning.

Graffiti. Marks, such as inscriptions, drawings, or designs, which are placed, scratched, etched, painted, or sprayed on public or private property without the owner's consent.

Non-Commercial Message. A message or image on a sign that directs public attention to or advocates an idea or issue of public interest or concern that does not serve to advertise or promote any business, product, activity, service, interest, or entertainment.

Pennant. A device made of flexible materials, (e.g., cloth, paper, plastic, etc.) that may or may not contain copy, and which is installed for the purpose of attracting attention.

Sign Area. The area contained within a single continuous perimeter enclosing all parts of such sign copy, excluding any structural elements outside the limits of the sign required to support the sign.

Sign Face. An exterior display surface of a sign, including non-structural trim, exclusive of the supporting structure. The area of a sign which is available for mounting and public display of the visually communicative image.

Sign Types:

A-Frame Sign. A portable upright, rigid, self-supporting frame sign in the form of a triangle or letter "A." Also referred to as a "Sandwich Board" sign.

Animated Sign. A sign with messages that visually change, or images that move or appear to move, more frequently than once every 24 hours, regardless of the method by which the visual change is affected. This definition does not include holiday displays, traditional barber poles, hand-held signs, personally attended signs, commercial mascots, scoreboards, or signs which merely display

time or temperature. Animated signs include electronic message signs, sometimes called electronic reader boards. Any sign that displays a series of still images that change more frequently than once per 24 hours, whether by digital, LED, or functionally equivalent method, is also included within this definition.

Awning Sign. A sign affixed permanently to the outside surface of an awning.

Balloon. An inflatable, airtight bag that can be strung together in multiple numbers to attract attention to a business location. A balloon is not within the definition of an "Inflatable Sign."

Banner Sign. A sign made of fabric or any non-rigid material with no enclosing framework on which a message or image is painted or otherwise affixed.

Billboard. A sign used for the purpose of general advertising for hire, that is, some or all of the display area is customarily used to display the messages of advertisers or sponsors other than the owner of the sign.

Cabinet Sign. An internally illuminated sign consisting of frame and face(s), with a continuous translucent message panel. Also referred to as a "Panel Sign."

Can Sign. A sign which contains all the text and/or logo symbols within a single enclosed cabinet that is mounted to a wall or other surface. Also referred to as a "Box Sign."

Canopy Sign. A sign attached to a fixed overhead shelter used as a roof, which may or may not be attached to a building.

Changeable Copy Sign. A sign constructed or designed to allow for periodic changes of copy manually, and for which the copy is changed not more than once each 24-hour period. Examples include signs for an auditorium, theater, school, house of worship, meeting hall, or similar uses characterized by public assembly and changing programs or events, or gas station prices. This definition does not include "Animated Signs" or "Electronic Copy."

Construction Sign. A temporary sign that describes a planned future development project on a property in words and/or drawings. Also referred to as a "Development Sign."

Directional Sign. An on-site sign that directs or guides pedestrian or vehicular traffic and which is non-advertising in nature, except for a logo, unit numbers, business name(s), and directional information (e.g., handicapped parking, one-way, exit, entrance, etc.).

Door Sign. A sign, sticker, decal, or etching on glass, which may or may not be on a door, and that displays general information for the business, such as store hours, if the business is open or closed, and what types or forms of payment are accepted.

Flashing Sign. A sign which, by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion or creates the illusion of motion, or revolves to create the illusion of being on or off. This definition does not include electronic signs with digital displays of changeable copy that change less frequently than twice during a 24-hour period.

Freestanding Sign. A sign supported by structures or supports that are placed on or anchored in the ground, and which are structurally independent from any building, including "Monument Signs," "Pole Signs," and "Ground Signs."

Fuel Pricing Sign. A sign that indicates, and is limited to, the brand or trade name, method of sale, grade designation, and price per gallon of gasoline or other motor vehicle fuel offered for sale on the business premises, and such other information as may be required by county ordinance or State law.

Human Directional Sign. A temporary sign using a human to hold, walk, wave, twirler or wear the advertisement or promotional message in order to attract attention.

Illuminated Sign. A sign with an artificial source of light incorporated internally or externally for the purpose of illuminating the sign.

Inflatable Sign. A form of inflatable device (e.g., shaped as an animal, blimp, or other object) that is displayed, printed, or painted on the surface of an inflatable background, and is primarily installed outside or on the roof of a building to attract attention to or to advertise a business, a business location, a service, a product, or an event.

Internally Illuminated Sign. A sign that is illuminated by a light source that is contained inside the sign where the message area is luminous, including "Cabinet Signs" and "Changeable Copy Signs."

Lighted Sign. A sign that is illuminated by any artificial light source, whether internal, external, or indirect.

Menu Board. A sign that is either affixed to a wall or freestanding, which may be illuminated, which indicates information essential for the efficient intake of orders for customers of a drive-through.

Mobile Billboard. Any vehicle, or wheeled conveyance which carries, conveys, pulls, displays, or transports any sign or billboard for the primary purpose of advertising a commercial or noncommercial message, or other general advertising for hire.

Moving Sign. A sign or any portion thereof that rotates, moves, or appears to move in some manner by mechanical, electrical, natural, or other means.

Pole Sign. A freestanding sign supported by one or more poles that are permanently attached directly into or upon the ground.

Portable Sign. A freestanding sign that is not permanently affixed, anchored, or secured to either the ground or a structure on the property it occupies.

Projecting Sign. A single- or double-faced sign that is perpendicular to the face of a building and projects more than 18 inches from the face. This category includes "Awning Signs", "Shingle Signs", and "Under-Canopy Signs."

Real Estate Sign. A temporary sign that advertises the sale, lease, or rental of the property on which the sign is located, but not including signs on establishments offering transient occupancy, such as hotels, motels, and inns.

Roof Sign. Any sign located on a roof of a building or having its major structural supports attached to a roof.

Subdivision Sign. A temporary sign which provides necessary travel directions to and within a subdivision offered for sale or lease for the first time, but which contains no other advertising matter.

Temporary Sign. A structure or device used for the public display of visual messages or images, which is typically made of lightweight materials which is not intended for or suitable for long term or permanent display.

Traffic Sign. A sign for traffic direction, warning, and roadway identification.

Wall Sign. A sign affixed to and wholly supported by a building in such a manner that its exposed face is approximately parallel to the plane of such building and is not projecting more than 18 inches from the building face or from a permanent, roofed structure projecting therefrom. Also referred to as a "Wall-Mounted Sign."

Window Sign. A temporary or permanent sign with a single face of copy that is painted or installed on a glass window or door, or located within two feet from inside the window, in a manner that it can be viewed from the exterior of a structure.

Site. A lot, or group of contiguous lots, that is proposed for development in accordance with the provisions of this Title and is in a single ownership or under unified control.

Site Coverage. The percentage of total site area occupied by structures, sidewalks, pavement, and other impervious surfaces.

Solar Energy System. Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating or structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.

Special Needs Housing. Housing for the disadvantaged, including: homeless and those at risk of homelessness; persons with mental, physical, and developmental disabilities; lower-income seniors; farmworkers; single parents with children; victims of domestic violence; persons with drug and alcohol dependence; persons with HIV/AIDS. Types of Special Needs Housing include: Emergency Shelters, Transitional and Supportive Housing, Residential Care Facilities, and Farmworker Housing.

Specialist. A person or agency with specific training, experience, and any requisite certifications necessary to perform specialized analyses and studies in their respective fields (e.g., arborist, archaeologist, biologist, engineer, historian, geologist, etc.).

Specific Plan (SP). A plan prepared pursuant to Chapter 17.68, Specific Plans, is subject to Discretionary approval, and which proposes development within an area of the City that must be consistent the General Plan, and is processed in accordance with California Government Code, Section 65450 et seq.

Specified Anatomical Areas. Any of the following: less than completely and opaquely covered human genitals or pubic region, buttocks, and female breast below a point immediately above the top of the areola; human male genitals in a discernibly turgid state even if completely and opaquely covered; and any device, costume, or covering that simulates any of the body parts described above.

Specified Sexual Activities. Any of the following, whether performed directly or indirectly through clothing or other covering: the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; sex acts, actual or simulated, including intercourse, oral copulation, or sodomy; masturbation, actual or simulated; or excretory functions as part of, or in connection with, any of the activities described above.

State. The State of California.

Storm Drain Facilities. Public improvements and facilities for storm drainage, including but not limited to inlets and outlets, storm drain pipes, box culverts, and pump stations and related planning, engineering, construction and administrative activity.

Story. The habitable portions of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story is that portion of a building included between the upper surface of the topmost floor and the upper surface of the roof above, but not including a non-habitable "Basement." Also referred to as "Floor."

Stream. Waterways, including streams, drainage ways, small lakes, ponds, and marshy areas through which streams pass. Coastal wetlands are not considered streams.

Street. A public or private thoroughfare, which affords the principal means of access to a block and to abutting property. The term "Street" includes the following: Avenue, Court, Circle, Crescent, Place, Way, Drive, Boulevard, Highway, Road, and any other thoroughfare for a motorized vehicle.

Street Line. The boundary between a street and a lot or parcel of land.

Structural Alterations. Any physical change to or the removal of the supporting members of a structure or building, such as bearing walls, columns, beams, or girders, including the creation, enlargement, or removal of doors or windows and changes to a roofline or roof shape.

Structure. Anything constructed or erected, the use of which requires being affixed to a location on the ground or attachment to something having an affixed location on the ground.

Subject Lot. A single legal lot upon which existing or proposed development occurs.

Substantial Conformity Determination (SCD). Pursuant to Section 17.52.100, Common Procedures – Changes to Prior Permits and Approvals, the Discretionary review of a request by an applicant for approval of a slight deviation, or deviations, from a previous approval in order to carry out a project.

Swimming Pool. A structure, such as a pool, pond, lake, or open tank, which is capable of containing water to a depth greater than 1.5 feet at any point and is used for wading or swimming.

Tandem Parking. The arrangement of two or more automobiles that are parked on a driveway or in any other location on a lot and are lined up behind one another.

Target Unit. Pursuant to State Density Bonus Law, an Affordable Housing Unit that is used to qualify for allowances under California Government Code, Section 65915 et seq.

Temporary Structure. A structure without any foundation or footings, and which is intended to be removed when the designated time period, activity, or use for which the temporary structure was erected has ceased. Structures that will be retained no longer than three years and then be removed from the site.

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

Temporary Use Permit (TUP). A type of Zoning Permit required prior to the use of real or private property in a manner that is subject to Chapter 17.56, Temporary Use Permits, and intended to be conducted for a short period of time, or intermittently for short periods of time for a duration of not more than one year, in compliance with all applicable standards of this Title.

Tenant. A person, persons, or business or organization renting or leasing a housing unit, non-residential space, or area of land usually for a set period of time and established recurring payment of rent.

Termination of Use. To stop a previous use of real or private property. The following are terms used to describe a Termination of Use within this Title:

> ***Termination Order.*** An Order made by the City Council as provided herein to order that a nonconforming use shall be terminated and/or discontinued and shall no longer exist at the end of a specified period of time. Also referred to as "Order of Termination."
>
> ***Termination Period.*** The time period between the date that the City Council issues a Termination Order as provided herein, and the date by which the nonconforming use must be terminated and/or discontinued and after which it shall no longer exist.
>
> ***Effective Date of Termination.*** The date that the nonconforming use shall be discontinued, removed, or altered to conform to the provisions of the Goleta Municipal Code and Zoning Ordinance and after which it shall no longer exist.

Title. A part of the Goleta Municipal Code, including Title 17, which codifies the City's Zoning Ordinance and Zoning Map.

Top-of-Bank. The first major change in the slope of the incline from the mean high-water line of a waterbody or waterway. A major change is a change of ten degrees or more. If there is no major change within a distance of 50 feet from the mean high-water line, then the top-of-bank will be the elevation two feet above the mean high-water line.

Trailer. A vehicle designed for carrying persons or property on its own structure and that does not have its own means of propulsion, but rather is pulled by a separate motorized vehicle.

Transmission Line. Transport facilities for the long-distance conveyance of liquid, gas, or electrical commodities. Also includes pipeline surface and terminal facilities, pump stations, bulk stations surge and storage tanks, but does not include lateral extensions or service lines. Also referred to as "Pipeline."

Transportation Demand Management (TDM). A program developed for the application of strategies and policies to reduce travel demand and congestion, or to redistribute it in space or in time.

Transportation Facilities. Public improvements and facilities for transportation purposes, including but not limited to, roads, road rights of way, striping, curbs, gutters, sidewalks, bridges, traffic control devices, street lighting, bike lanes built in conjunction with standard roadway design and related planning, engineering, construction and administrative activity.

Trellis. An architectural structure, usually made from an open framework or lattice of interwoven or intersecting pieces of wood, bamboo or metal that is normally used to support and display climbing plants, especially shrubs.

Time Extension (TEX). Pursuant to Chapter 17.52, Common Procedures, a request by an applicant for an approval to extend the expiration date of a previously approved project, which must be submitted prior to the current expiration date.

Upland. The area located on both sides of a creek, as measured outward from the top of the bank or the outer limit of wetlands and/or riparian vegetation, whichever is greater.

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

Use Classification. A system of classifying uses into a limited number of use types on the basis of common functional, product, or compatibility characteristics. All use types are grouped into the following use classifications: residential; public/quasi-public; commercial; industrial; transportation, communication, and utilities; agricultural; and accessory.

Utilities. Equipment and associated features related to the mechanical functions of a building(s) and services such as water, electrical, telecommunications, and waste.

Variance (VAR). Pursuant to Chapter 17.60, Variances, a Discretionary approval that grants special permission to a subject lot that is a departure from the specific requirements of this Title due to special circumstances regarding the physical characteristics of the property and/or the deprivation of property rights or privileges available to other property in the same zoning classification if the City strictly applied all applicable development standards.

Vehicle. Any vehicle, as vehicle is defined by the California Vehicle Code, including any automobile, camper, camp trailer, trailer, trailer coach, motorcycle, house car, boat, or similar conveyance.

Vehicle Lift. A mechanized structure used to raise and lower parked/stored automobiles.

Vending Machine. A machine or other mechanical device or container that dispenses a product or service through a self-service method of payment, but not including an automatic bank teller machine

incorporated within a wall of a building, a gas pump, compressed air, or water at a service station, or a public telephone.

Vernal Pool. Seasonal depressions and wetland areas covered by shallow water for variable periods from winter to spring, but may be completely dry for most of the summer and fall.

Visible. Capable of being legibly or illegibly seen by a person of normal height and visual acuity while walking or driving on a public road or in a public place.

Volatile Solvent. A solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures.

Wall. A vertical masonry structure; or, any vertical exterior surface of building or any part thereof, including windows.

Wetbar. An area of a room within a structure that may include: 1) a countertop with a maximum length of seven feet, 2) a sink or wash basin, and 3) an under-counter refrigerator.

Wetland. Wetlands are those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Lands classified as wetlands generally have one or more of the three indicators: 1) a substrate that is predominately undrained hydric soils; 2) a preponderance of plants adapted to moist areas, or hydrophytic plants; or 3) a surface or subsurface water source which is present for sufficient periods of time to promote formation of hydric soils or growth of hydrophytic plant species.

Youth Center. Used within this Title to have the same meaning as in California Health and Safety Code, Section 11353.1.

Zone District. A grouping of properties that allow similar uses or use types to be legally developed, which are discussed within the General Plan and displayed on the City's official Zoning Map.

Zoning Administrator (ZA). The Zoning Administrator of the City of Goleta, tasked as the Review Authority for minor discretionary permits and whose duties are carried out by a designee of the City Manager.

Zoning Clearance (ZC). A type of Zoning Permit required prior to development subject to Chapter 17.54, Zoning Clearance, to ensure compliance with the provisions herein and all applicable standards and policies of the General Plan.

Zoning Map. A map of the City of Goleta, which delineates the extent of each Zone District within the City and as described within this Title.

Zoning Ordinance. Title 17 of the Goleta Municipal Code, which regulates how property in specific Zone Districts can be used.

Zoning Permit. As used within this Title, a tangible permit issued by the City to entitle development and/or use of property consistent with applicable zoning regulations, the City General Plan, or other provisions of the Goleta Municipal Code. A Zoning Permit describes in detail the entitlement granted by the City, all

permissible new development, and any conditions or restrictions associated with approval of the project. Some Zoning Permits effectuate decision of a Review Authority made at a public hearing, while some are reviewed and approved by the Director without a public hearing. The following are the types of Zoning Permits described within this Title: Emergency Permit (EMP), Land Use Permit (LUP), Coastal Development Permit (CDP), Temporary Use Permit (TUP), and Zoning Clearance (ZC).

Attachment 4

Ordinance No. 20-__

An Ordinance of the City Council of the City of Goleta, California, Adopting the New Zoning Ordinance as Title 17 of the Goleta Municipal Code, Repealing Various City Ordinances, and Repealing or Amending Various Sections of the Goleta Municipal Code

ORDINANCE NO. 20-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, ADOPTING THE NEW ZONING ORDINANCE AS TITLE 17 OF THE GOLETA MUNICIPAL CODE, REPEALING VARIOUS CITY ORDINANCES, AND REPEALING OR AMENDING VARIOUS SECTIONS OF THE GOLETA MUNICIPAL CODE

WHEREAS the City of Goleta (City) incorporated on February 1, 2002; and

WHEREAS, upon incorporation, the City adopted the County of Santa Barbara's Inland and Coastal Zoning Ordinances and Sign Ordinance to serve as the zoning regulations for the City; and

WHEREAS the City Council adopted the City of Goleta General Plan/Coastal Land Use Plan (General Plan) on October 2, 2006; and

WHEREAS, in 2013, City Council authorized staff to prepare new zoning regulations and a new zoning map that will be consistent with the General Plan; and

WHEREAS, over the course of extensive public outreach throughout 2014, including 23 public meetings and hearings, a Public Review Draft New Zoning Ordinance was released on November 19, 2015; and

WHEREAS, over the course of extensive public outreach throughout 2016 and again in 2019, including nearly 50 public meetings and hearings, as detailed in the Planning Commission Resolution (Reso. 19-10), Planning staff assessed the input and proceeded to thoroughly revise the entire document accordingly; and

WHEREAS the City released a Public Hearing Draft New Zoning Ordinance (New Zoning Ordinance) on August 14, 2019; and

WHEREAS the Planning Commission conducted a duly noticed public hearing on September 9, 2019 at which time all interested persons were given an opportunity to be heard; and

WHEREAS the Planning Commission considered the entire administrative record, including the staff report, the General Plan, the New Zoning Ordinance, the staff presentation, and oral and written testimony from interested persons; and

WHEREAS the Planning Commission recommended to City Council adoption of the New Zoning Ordinance on October 7, 2019; and

WHEREAS the City Council conducted a duly noticed public hearing on November 5, 2019, as continued on December 3, 2019, December 17, 2019, January 21, 2020, and

February 18, 2020 at which time all interested persons were given an opportunity to be heard; and

WHEREAS the City Council considered the entire administrative record, including the staff report, the General Plan, the New Zoning Ordinance, the staff presentation, the recommendation of the Planning Commission, and oral and written testimony from interested persons; and

WHEREAS the City Council adopted the New Zoning Ordinance by a majority vote on _____ __, 2020;

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 an Ordinance Amendment

Pursuant to Coastal Zoning Ordinance, Section 35-180.6 and Inland Zoning Ordinance, Section 35-325.5, the City Council makes the following findings:

A. **The request is in the interests of the general community welfare.**

This Ordinance will allow the City to exercise its police power rights over privately-owned real property in order to implement the goals and policies of the City's General Plan. Therefore, it is in the interest of the general community welfare and this finding can be made; and

B. **The request is consistent with the Comprehensive Plan, the Coastal Land Use Plan, the requirements of State planning and zoning laws and this Article.**

This Ordinance implements all applicable policies of the City's General Plan that relate to development on real property throughout the City. The land use regulations within the Ordinance are fully consistent with the Goleta General Plan/Coastal Land Use Plan (General Plan) as demonstrated by the General Plan Policy Consistency Table, included as Exhibit 1 and incorporated herein by reference. Therefore, this finding can be made.

C. **The request is consistent with good zoning and planning practices.**

This Ordinance will help the City implement the community goals, objectives, and policies of the General Plan and give the City control over land uses and

development on real property throughout Goleta. As such, it is consistent with good zoning and planning practices since the Ordinance and this finding can be made.

SECTION 3. Environmental Assessment

Pursuant to Public Resources Code Section 21083.3 and California Environmental Quality Act (CEQA) Guidelines Section 15183, projects that are consistent with the development density of existing zoning, community plan or General Plan policies for which an Environmental Impact Report (EIR) was certified shall be exempt from additional CEQA analysis except as may be necessary to determine whether there are project-specific significant effects that are peculiar to the project or site that would otherwise require additional CEQA review. Based on the Notice of Exemption provided as Exhibit 2, there is no new substantial information indicating that the impacts of the project will be more severe than described in the General Plan EIR and there are no cumulative or off-site impacts from the proposed project that were not addressed in the General Plan EIR. As such, the New Zoning Ordinance is exempt from further CEQA review.

SECTION 4. Repeals

A. Ordinance No. 15-03, entitled ‘‘An Ordinance of the City Council of the City of Goleta, California, Implementing the Housing Element 2015-2023 of the Goleta General Plan by Amending the Goleta Municipal Code as Adopted by City Council Ordinance No. 02-17 on April 22, 2002 to Include New Definitions, Add Regulations to Reasonably Accommodate Persons with Disabilities, and Update Affordable Housing Density Bonus Regulations” is hereby repealed.

B. Ordinance No. 15-01, entitled “An Ordinance of the City Council of the City of Goleta, California, Establishing Procedures and Guidelines for the Termination of Nonconforming Uses and Repealing Sections 35-309, 35-310, 35-311, 35-164, 35-165 and 35-166 of the Goleta Zoning Ordinance” is hereby repealed.

C. Ordinance No. 18-01, entitled “An Ordinance of the City Council of the City of Goleta, California, Repealing or Amending Sections 35-69.3.9, 35-68.12, 35-70.3.9, 35-70.5.2, 35-70.10, 35-71.3.8, 35-71.13, 35-73.3.9, 35-73.4.2(c), 35-73.10, 35-120.14, 35-142, 35-179.2.3.f.(2), 35-216.3.11, 35-219.3.8, 35-219.13.B, 35-291, and 35-321.2.3.f.(2) of the Goleta Municipal Code pertaining to the Processing of and Development Standards for Residential Second Units and Adopting New Development Standards for Accessory Dwelling Units” is hereby repealed.

D. Ordinance No. 20-02, entitled, “An Ordinance of the City Council of the City of Goleta, California Repealing and Replacing Ordinance No. 18-01 Relating to Accessory Dwelling Units and Junior Accessory Dwelling Units and Determining the Ordinance to be Exempt from CEQA” is hereby repealed.

E. Ordinance No. 18-03, entitled “An Ordinance of the City Council of the City of Goleta, California, Repealing Definitions and Regulations from the Inland and Coastal Zoning Ordinances and Establishing Regulations for Various Cannabis Uses within the City” is hereby repealed.

F. Ordinance No. 19-11, entitled “An Ordinance of the City Council of the City of Goleta, California, Repealing Ordinance No. 18-03, Repealing Definitions and Regulations from the Inland and Coastal Zoning Ordinances, and Establishing Regulations for Various Cannabis Uses within the City” is hereby repealed.

G. Article III of Chapter 35, Goleta Municipal Code, the City’s Inland Zoning Ordinance is hereby repealed.

H. Article II of Chapter 35, Goleta Municipal Code, the City’s Coastal Zoning Ordinance is hereby repealed.

I. Article I of Chapter 35, Goleta Municipal Code, the City’s Sign Ordinance is hereby repealed.

J. The following provisions of the Goleta Municipal Code are hereby repealed:
    1. The following subsections of Section 2.08, Design Review Board
        a. 2.08.120, Powers and Duties
        b. 2.08.130, Application for Approval and Fees
        c. 2.08.140, Scope of Review
        d. 2.08.150, Levels of Design Review and Responsible Party
        e. 2.08.160, Findings
        f. 2.08.170, Time Limits on Approvals and Time Extensions
        g. 2.08.180, Appeals—Hearings
    2. The following subsections of Chapter 2.09, Planning Commission
        a. 2.09.110, Approval Authority
        b. 2.09.120, Appeal to Commission
        c. 2.09.130, Appeal to City Council
    3. Chapter 5.02, Junk Yards and Dumps
    4. Chapter 8.08, Oil and Petroleum Wells
    5. Chapter 9.01, Bingo Games
    6. Chapter 9.02, Amusements
    7. Chapter 9.03, Billiard Rooms
    8. Chapter 9.04, Mechanical Amusement Devices
    9. Chapter 9.05, Pinball Machines
    10. Chapter 9.06, Card Games
    11. Chapter 9.08, Outdoor Festivals
    12. Chapter 12.10, Development Along Watercourses
    13. Chapter 15.09, subsection 060(C), Scope—General
    14. Chapter 16.06, subsection 080, Subdivision Standards and Principles

SECTION 5. **Amendments**

The following provisions of the Goleta Municipal Code are hereby amended:

A. Section 2.09.100 is amended to read in its entirety:
The Commission shall have such duties as are prescribed by California law, including the following:
1. *Make recommendations to the City Council regarding reasonable and practical means for implementing the General Plan or elements of the General Plan, so that it will serve as an effective guide for orderly growth and development, preservation and conservation of open space and natural resources, and the efficient expenditure of public funds relating to the subjects addressed in the general plan;*
2. *Provide an annual report to the City Council on the status of the General Plan and progress in its implementation, including the progress in meeting the City's share of the regional housing needs determined pursuant to Government Code, Section 65584, local efforts to remove governmental constraints on housing pursuant to Government Code, Section 65583(c)(3), and compliance of the General Plan with the guidelines contained at Government Code, Section 65040.2;*
3. *Hold hearings and make recommendations to the City Council on tentative subdivision maps;*
4. *Annually review the Capital Improvement Program of the City and the local public works projects of other local agencies for their consistency with the City's General Plan and make recommendations to the City Council;*
5. *Report and make recommendations to the City Council on the conformity of proposed public land acquisition or disposal with the adopted General Plan; and*
6. *Those duties and responsibilities as described in Title 17.*

B. The definition of "Grading" in subsection 15.09.070 is amended to remove the reference to SMARA and to read in its entirety:
"Grading" means any activity which involves the physical movement of earth material, including any excavating, filling, stockpiling, movement of material, compaction of soil, creation of borrow pits, land reclamation, surface mining operations exempted from the City's surface mining and reclamation ordinance, or combinations thereof.

C. Subsection 16.02.020(A)(7) is amended to remove the reference to "net and gross area" and to read in its entirety:
"The proposed division lines with dimensions of each new lot created by such division and a parcel number designated on each new lot;"

D. The following definition sections of the GMC are amended to include a preamble stating that "*As used in this chapter, the following terms shall have the meanings as designated:"*

1. Section 3.07.015
2. Section 8.07.030
3. Section 8.17.130
4. Section 12.12.020 (replacing “As used in this policy:”)

SECTION 6. Adoption of the New Zoning Ordinance

The New Zoning Ordinance, provided as Exhibit 3, is adopted in its entirety as Title 17 of the Goleta Municipal Code.

SECTION 7. Adoption of the Zoning Map and Zoning Overlay Map

The new Zoning Map and Zoning Overlay Districts Map, provided as Exhibit 4 and Exhibit 5 respectively, are hereby adopted.

SECTION 8. Effect of Repeals or Amendments

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 9. Severability

If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 10. Certification of City Clerk.

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

SECTION 11. Effective Date.

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

INTRODUCED ON the ___ day of _____, 2020.

PASSED, APPROVED, AND ADOPTED this _____day of _____ 2020.

_____
PAULA PEROTTE, MAYOR

ATTEST:

_____
DEBORAH S. LOPEZ
CITY CLERK

APPROVED AS TO FORM:

_____
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. 20-__ 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

Exhibit 1

General Plan / Coastal Land Use Plan Policy Consistency Matrix

Goleta New Zoning Ordinance General Plan / Coastal Land Use Plan Policy Consistency Matrix

CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN: POLICIES RELATED TO NEW ZONING ORDINANCE		
General Plan Policy		*New Zoning Ordinance Citation*
LAND USE ELEMENT		
Policy LU 1: Land Use Plan Map and General Policies - Maintain a land use pattern that provides continuity with the past and present use and development of the city and locates the various uses in a manner that is consistent with the fundamental goals and principles of the plan.		
LU 1.1	**Land Use Plan Map. [GP/CP]** The Land Use Plan map in Figure 2-1 is hereby adopted. The Land Use Plan map establishes the future distribution, extent, and geographic locations of the various land uses within Goleta. The standards applicable to each of the various use categories and sites are set forth in Policies LU 2 through LU 9.	Zoning Map; Part II: Base Zoning Districts and Allowed Uses
LU 1.2	**Residential Character. [GP/CP]** The Land Use Plan map shall ensure that Goleta's land use pattern remains predominately residential and open, with the majority of nonresidential development concentrated along the primary transportation corridor—east and west along Hollister Avenue and US-101. The intent of the Land Use Plan is to protect and preserve residential neighborhoods by preventing intrusion of nonresidential uses that would be detrimental to the preservation of the existing character of the neighborhoods.	Chapter 17.07, Residential Districts
LU 1.3	**Goleta Old Town. [GP]** The City and the City of Goleta Redevelopment Agency shall continue to develop and implement programs to revitalize the Old Town area. When considering development proposals, lots designated for commercial or multifamily residential use that are less than 6,000 square feet shall be encouraged to be combined with any adjacent small lots to provide adequate parking and circulation, minimize driveway cuts on Hollister Avenue and other busy streets, and maximize design potential.	Chapter 17.08, Commercial Districts, Chapter 17.19, -OTH Old Town Heritage Overlay District
LU 1.4	**Employment Centers. [GP]** Existing developed office and industrial areas shall be preserved and protected to continue their role of providing employment opportunities for the community. A mix of industries and economic activities is encouraged in order to provide a wide range of employment opportunities and wage levels and to avoid over reliance on any one economic sector.	Chapter 17.09, Office Districts; Chapter 17.10, Industrial Districts
LU 1.5	**Compatibility of Existing and New Industrial Areas with Adjacent Residential Development. [GP/CP]** The Zoning Code shall include performance standards that will mitigate the effects of industrial uses and development on nearby residential areas. These standards shall include, but are not limited to, the following subjects: a. Air pollution, both direct and indirect; b. Dust; c. Noise; d. Drainage and stormwater runoff; e. Water pollution; f. Light pollution; g. Visual impacts; and h. Truck traffic. Standards may include requirements for industrial uses and development to provide an adequate physical buffer or separation as well as fencing and screening to help lessen the effects on adjacent residential development. Performance standards shall be applicable to discretionary approvals pertaining to alteration or expansion of existing industrial uses and development as well as to new industrial uses and development.	Chapter 17.35, Lighting; Chapter 17.39, Performance Standards; Chapter 17.58, Design Review
LU 1.6	**Retail and Other Commercial Centers. [GP/CP]** The priority for commercial uses, including large regional commercial centers, shall be for the types that will meet local needs and those that provide goods and services not now available in the city. Goleta's retail areas shall be designed to serve as community focal points and shall include appropriate outdoor gathering places. Retail and other commercial centers shall provide high levels of maintenance and upkeep to assure their quality appearance.	Chapter 17.08, Commercial Districts
LU 1.7	**New Development and Protection of Environmental Resources. [GP/CP]** Approvals of all new development shall require adherence to high environmental standards and the preservation and protection of environmental resources, such as environmentally sensitive habitats, consistent with the standards set forth in the Conservation Element and the City's Zoning Code.	Chapter 17.30, Environmentally Sensitive Habitat Areas
LU 1.8	**New Development and Neighborhood Compatibility. [GP/CP]** Approvals of all new development shall require compatibility with the character of existing development in the immediate area, including size, bulk, scale, and height. New development shall not substantially impair or block important viewsheds and scenic vistas, as set forth in the Visual and Historical Resources Element.	Part II: Base Zoning Districts and Allowed Uses; Chapter 17.58, Design Review
LU 1.9	**Quality Design in the Built Environment. [GP/CP]** The City shall encourage quality site, architectural, and landscape design in all new development proposals. Development proposals shall include coordinated site planning, circulation, and design. Public and/or common open spaces with quality visual environments shall be included to create attractive community gathering areas with a sense of place and scale.	Part II: Base Zoning Districts and Allowed Uses; Chapter 17.58, Design Review
LU 1.10	**Multifamily Residential Development. [GP/CP]** The Medium- and High-Density Multifamily designations shall provide appropriate locations for multifamily dwellings as well as allow development standards that enable creativity and diversity in design while protecting health and safety. The use categories differ in terms of maximum permitted densities allowed, but each designation shall permit a range of housing types, including detached units, attached townhouses, and garden apartments. All multifamily developments shall be required to provide or ensure: a. Adequate open space and recreational facilities, such as parks, open spaces, or bike paths as an integral part of the development; community garden areas are encouraged. b. Appropriate amounts of outdoor space for the exclusive use of individual residential units. c. Appropriate pedestrian and bicyclist access to commercial or other activity centers and appropriate facilities to encourage use of public transit. d. Adequate services and facilities (such as sewer, water, and roadway capacity) concurrent with development. e. Adequate off-street parking. f. Appropriate access by emergency vehicles.	Chapter 17.07, Residential Districts; Chapter 17.38, Parking and Loading; Section 17.52.070, Findings for Approval; Chapter 17.58, Design Review
LU 1.11	**Multiple-Use Development. [GP/CP]** New larger developments, including multifamily, commercial, retail, office, and industrial uses, shall be designed to incorporate features that enable a choice of various alternative modes of travel, such as transit, biking, and walking. Mixed-use development, where certain commercial and residential uses are provided in a single integrated development project, shall be allowed in appropriate areas, including, but not limited to, the Hollister corridor in Old Town.	Chapter 17.08, Commercial Districts; Section17.24.120, Mixed-Use Developments

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LU 1.13	**Adequate Infrastructure and Services. [GP/CP]** For health, safety, and general welfare reasons, approvals of new development shall be subject to a finding that adequate infrastructure and services will be available to serve the proposed development in accordance with the Public Facilities and Transportation Elements.	Section 17.52.070, Findings for Approval
Policy LU 2: Residential Land Uses - Provide appropriate land areas for the residential needs of existing and future city residents consistent with the existing character of the city's neighborhoods.		
LU 2.1	**Residential Land Use Categories. [GP/CP]** The residential land use categories, permitted uses, and recommended standards for density and building intensity are shown in Table 2-1. The recommended planned residential densities and building intensities in residential neighborhoods have been established to be consistent with the density, intensity, and scale of existing development in order to reinforce the character of well-established neighborhoods.	Chapter 17.07, Residential Districts
LU 2.2	**Residential Use Densities. [GP/CP]** All proposed residential projects shall be consistent with the recommended standards for density and building intensity set forth in this plan. The recommended densities described in the policies for the residential use categories and in Table 2-1 are maximum permitted densities but are not guaranteed. Density of development allowed on any site shall reflect site constraints, including: a. Environmentally sensitive habitat areas (ESHA). Areas prone to flooding and geologic, slope instability, or other natural hazards. b. Areas with stormwater drainage problems. c. Presence of other significant hazards or hazardous materials. d. Protection of significant public and private views. e. Exposure to exterior noise levels that exceed a Community Noise Exposure Level (CNEL) of 60 dBA (see related NE 1.2). f. Areas with archaeological or cultural resources. g. Deficiencies in the type or level of services necessary for urban development, such as transportation facilities (roadway and pedestrian), sewer and water service, and emergency service response time. h. Prevailing densities of adjacent developed residential areas.	Section 17.03.060, Dwelling Unit Density; Chapter 17.07, Residential Districts
LU 2.3	**Residential Development Standards. [GP/CP]** The following standards or criteria shall be applicable to residential development proposals: a. The privacy of existing residential uses in the immediate area shall be protected in the design of new or expanded structures. b. Solar access of residential uses shall be protected in the design of new or expanded structures. Proposals for construction of new or expanded homes shall be required to have a size, bulk, scale, and height that are compatible with the character of the immediate existing neighborhood.	Chapter 17.07, Residential Districts; Chapter 17.58, Design Review
LU 2.4	**Single-Family Residential Use Category (R-SF). [GP/CP]** The intent of this use category is to identify and protect appropriately located land areas for family living in low-density residential environments. Existing developed areas with this designation were generally subdivided at four units per acre or less and are characterized by a suburban atmosphere. This designation may be applied to provide a transition from the more intensely developed areas of the city to rural open spaces. The designation is also appropriate for areas that are subject to hazards or environmental constraints that limit the suitability of such areas for higher intensity uses. This designation is intended to provide for development of one single-family residence per lot at densities ranging from one or fewer to five units per acre. Assuming an average household size of 2.0 to 3.0 persons, this use category will allow population densities between 2.0 and 15.0 persons per acre.	Chapter 17.07, Residential Districts RS District
LU 2.5	**Planned Residential (R-P). [GP/CP]** The intent of the Planned Residential designation is to allow flexibility and encourage innovation and diversity in design of residential developments. This is accomplished by allowing a wide range of densities and housing types while requiring provision of a substantial amount of open space and other common amenities within new developments. Clustering of residential units is encouraged where appropriate to provide efficient use of space while preserving natural, cultural, and scenic resources of a site. Planned residential areas may also function as a transition between business uses and single-family residential neighborhoods. This designation permits single-family detached and attached dwellings, duplexes, apartments in multiunit structures, and accessory uses customarily associated with residences. This designation is intended to provide for development of residential units at densities ranging from 5.01 units per acre to 13.0 units per acre, with densities for individual parcels as shown on the map in Figure 2-1. Assuming an average household size of 2.0 to 3.0 persons, this use category will allow population densities between 10 persons per acre and 39 persons per acre.	Chapter 17.07, Residential Districts RP District
LU 2.6	**Medium-Density Residential (R-MD). [GP/CP]** This use category permits multifamily housing and accessory uses customarily associated with residences. Development may also include attached and detached single-family dwellings and duplex structures. Medium-density areas may also function as a transition between business uses and single-family residential neighborhoods. This designation is intended to provide for development of residential units at densities of up to 20.0 units per acre. In order to achieve efficient use of a limited supply of land designated in this use category, the minimum density permitted shall be 15.0 units per acre, except where site-specific constraints are determined to limit development to fewer units. Central Hollister Housing Opportunity Sites as identified in Housing Element Subpolicy HE 11.6 shall provide for development of residential units at densities ranging from a minimum of 20 to a maximum of 25 units per acre in support of the achievement of affordable housing goals. Assuming an average household size of 2.0 to 3.0 persons, the range of population densities allowed in this use category is between 26.0 persons per acre and 60.0 persons per acre. (See related Policy LU 8 and Subpolicy HE 11.6)	Chapter 17.07, Residential Districts RM District
LU 2.7	**High-Density Residential (R-HD). [GP]** This category permits multifamily housing units and accessory uses customarily associated with residences. Such areas may also function as a transition between higher intensity business uses and medium-density multifamily housing and single-family residential neighborhoods. Housing for special needs populations may be approved at higher than the base density in this designation provided that the City finds that the impacts on traffic, public facilities and services, biological resources, air and water quality, visual resources, or other environmental resources would not be greater than the impacts associated with development at the base density. This designation is intended to provide for development of residential units at densities ranging from 20.01 units per acre to 30.0 units per acre. In order to achieve efficient use of a limited supply of land designated in this use category, the minimum density permitted shall be 15.0 units per acre, except where site-specific constraints are determined to limit development to fewer units. Assuming an average household size of 2.0 to 3.0 persons, this use category allows population densities between 40 persons per acre and 90 persons per acre.	Chapter 17.07, Residential Districts RH District
LU 2.8	**Mobile Home Park (R-MHP). [GP/CP]** This category shall permit planned mobile home parks where sites for placement of individual mobile home units may be unsubdivided and held in a common ownership or subdivided and sold as separate lots to individual mobile home unit owners. The intent is that mobile home park sites be planned as a whole, with an adequate internal vehicular and pedestrian circulation system, adequate common and individual parking, common open space and recreation facilities, and other common amenities. Mobile homes usually provide a more-affordable housing alternative, and this designation is intended to preserve and protect existing mobile home parks in the city. The Mobile Home Park designation is intended to provide for development of residential units at densities ranging up to a maximum of 15.0 units per acre. Assuming an average household size of 2.0 to 3.0 persons, this use category allows population densities between 30.0 persons per acre and 45.0 persons per acre.	Chapter 17.07, Residential Districts RMHP District
Policy LU 3: Provide lands in locations that are suitable, functional, attractive, and convenient for an appropriate mix and scale of residential- and business-serving commercial uses, including business and professional offices, retail trade, business services, and residential mixed uses.		

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General Plan Policy		*New Zoning Ordinance Citation*
LU 3.1	**Commercial Land Use Categories. [GP/CP]** Table 2-2 shows the permitted uses and recommended standards for building intensity in each of the commercial land use designations. The commercial use categories are intended to provide appropriate locations for business uses that serve neighborhoods, the community, the region, and the traveling public while seeking to minimize traffic congestion, visual, and other impacts on surrounding residential areas. The intent of each use category is further described in the following sections.	Chapter 17.08, Commercial Districts
LU 3.2	**Regional Commercial (C-R). [GP]** This category is intended to provide for a wide range of retail commercial uses, including, but not limited to, larger scale commercial uses that serve the community, the region, and the traveling public. These uses are typically land-extensive. The Regional Commercial use designation provides for commercial uses that require large sites or attract large volumes of activity, such as "large box" retail uses, restaurants, high-volume retail businesses, and professional, personal, and financial services. In order to limit regional traffic impacts, lands designated in this category shall be limited to existing locations of "large-box" uses as of 2005, shown on the Land Use Plan map in Figure 2-1, and no additional areas shall be designated.	Chapter 17.08, Commercial Districts CR District
LU 3.3	**Community Commercial (C-C). [GP]** The Community Commercial category is intended to allow relatively small commercial centers that provide convenience goods and services to serve the everyday needs of the surrounding residential neighborhoods while protecting the residential character of the area. Uses that may attract significant traffic volumes from outside the Goleta Valley are discouraged. Mixed-use, including residential, development at densities up to 12 units per acre may be permitted subject to approval of a conditional use permit in appropriate locations provided that it is compatible with adjacent uses, does not break up the continuity of commercial use at the sidewalk level, or is not within the airport approach zone as designated in the Safety Element. All community commercial development shall be designed to facilitate and promote pedestrian circulation in and to the area, as well as to link these areas to other activity centers. Noise levels and hours of operation may be regulated to avoid any potential conflict with adjacent residential uses. The size of any mixed-use developments shall be consistent with street and utility capacities. The Fairview Shopping Center and Calle Real Center are included in this designation.	Chapter 17.08, Commercial Districts CC District
LU 3.4	**Old Town Commercial (C-OT). [GP]** This designation is intended to permit a wide range of local- and community-serving retail and office uses. A major purpose is to enhance the physical and economic environment for existing businesses and uses of the Old Town commercial district, the historic center for the Goleta Valley situated along Hollister Avenue between Fairview Avenue and State Route 217 (SR-217). The following criteria and standards shall apply to lands designated Old Town Commercial: a. Management of this area shall emphasize improving and reinforcing the character of the area as a pedestrian-oriented retail business area with a mix of businesses and services. b. "Large box" uses shall not be permitted within this use designation. c. Visitor-serving commercial uses, including transient lodging, may be permitted by conditional use permit. *d.* Existing heavy commercial uses (including printing and auto services and repair) are permitted uses although significant expansion of these activities shall be allowed only by conditional use permit if the expansion is compatible with adjacent uses. e. Allowed uses include retail uses; professional and business office uses; public uses, including governmental administration activities; restaurants; entertainment; cultural activities; personal, financial, and small business services; and various other public and quasi-public uses. See Table 2-2 for a complete listing of permitted uses. f. Any new development in the Old Town Commercial category shall include buildings, pedestrian plazas, design amenities, and facilities that are consistent with the Goleta Old Town Heritage District architecture and design guidelines. g. Continuity of retail and office uses is required at the street or sidewalk level. Residential and office uses may be allowed on the second floor of a structure or behind the portion of a building adjacent to the street, subject to approval of a conditional use permit. h. Residential uses may be approved only in conjunction with a permitted principal nonresidential use on the same site. i. New uses or design features (such as drive-through windows, excessive light and glare) that are incompatible with residential uses or pedestrian-oriented retail activities are prohibited.	Chapter 17.08, Commercial Districts OT District; Chapter 17.19, -OTH Old Town Heritage Overlay District
LU 3.5	**Intersection or Highway Commercial (C-I). [GP]** This use category is intended to provide for a limited variety of commercial uses of low to moderate intensity located at major roadway intersections. Customers are anticipated to drive to these establishments. Uses are limited to various commercial and retail services oriented to the traveling public, including, but not limited to, gas stations, convenience markets, highway-oriented restaurants, and similar uses.	Chapter 17.08, Commercial Districts CI District
LU 3.6	**Visitor Commercial (C-V). [GP/CP]** This use category is intended to provide for a variety of commercial uses of low to moderate intensity often at or near scenic locations that may serve as destinations for visitors. Customers are anticipated to drive or be transported to these establishments by vehicles. Development in Visitor Commercial areas shall be designed in a manner that will limit encroachment into residential or resource areas. When located near the beach or other natural areas, public access to resource areas shall be required. Transient lodging units such as hotels that are operated as hotel condominiums, time-shares, or under a fractional ownership model shall be permitted uses, regulated through measures including but not limited to owner-occupancy limitations, to assure these accommodations are available without limitation to the general public and protect the City's transient occupancy tax base.	Chapter 17.08, Commercial Districts VS District
LU 3.7	**General Commercial (C-G). [GP]** The purpose of this category is to provide appropriate sites to accommodate a diverse set of commercial uses that do not need highly visible locations, such as wholesale trade and service commercial, or that may involve activities that reduce compatibility with other uses. Appropriate sites are in locations that may have limited suitability for other more retail-oriented uses. General commercial uses may serve as a buffer between industrial activities or major transportation corridors and residential areas. The following criteria and standards apply to lands within this designation: a. The permitted uses in this classification have similar characteristics to some industrial uses, and mixed-use developments that include residential uses, except for assisted living residential uses, are not allowed. b. While General Commercial uses do not usually generate high volumes of traffic, sites within this designation should be accessible from major arterials in order to minimize the need for traffic to pass through residential areas on local streets. c. Uses that require access by heavy vehicles shall be permitted only in locations where the street can support such heavy vehicle traffic and such uses would be compatible with adjacent uses. d. Heavy commercial uses that may cause noise, air emissions, hazardous materials, or excessive light and glare shall require approval of a conditional use permit.	Chapter 17.08, Commercial Districts CG District
Policy LU 4: Provide lands in areas suitable for businesses that create diverse ty pes of employment opportunities and related economic activities where impacts of these uses on the surrounding residential neighborhoods can be minimized and where traffic impacts can be adequately managed.		
LU 4.1	**General Purpose. [GP/CP]** Table 2-3 shows the various office and industrial land use designations, including permitted uses and recommended standards for building intensity for each category. The categories are intended to provide appropriate locations for a range of employment-creating economic activities, from those based on advanced technology to storage and warehousing, while seeking to minimize traffic congestion, visual, and other impacts on the surrounding residential areas. The intent of each office and industrial use category is further described in the following sections.	Part II: Base Zoning Districts and Allowed Uses
LU 4.2	**Business Park (I-BP). [GP/CP]** This use designation is intended to identify lands for attractive, well-designed business parks that provide employment opportunities to the community and surrounding area. The intensity, design, and landscaping of development should be consistent with the character of existing development currently located in these areas. Uses in the Business Park designation may include a wide variety of	Chapter 17.09, Office Districts BP District;

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General Plan Policy		*New Zoning Ordinance Citation*
	research and development, light industrial, and office uses, as well as small-scale commercial uses that serve the needs of business park employees. In addition, lands designated with a Hotel Overlay may include transient lodging that emphasizes extended stays, as set forth in LU 1.12. Activities in business park areas shall be conducted primarily indoors, and outdoor storage, processing, manufacturing, and vehicle repair are prohibited. Performance standards for Business Park uses shall ensure that: a. The scale and design of these uses are compatible with each other and with the existing character of the park and surrounding neighborhoods. b. Lighting from these uses will not interfere or conflict with adjacent nonindustrial properties. c. Signage will be controlled. d. Curb cuts will be minimized and sharing of access encouraged. e. Adequate and safe motorized and nonmotorized access to the site is provided, and transportation and circulation impacts, especially on residential areas, will be mitigated. f. Quality landscaping, including outdoor seating areas, will be provided to enhance the visual appeal of the area.	Chapter 17.34, Landscaping; Chapter 17.35, Lighting; Chapter 17.40, Signs; Chapter 17.58, Design Review
LU 4.3	**Office and Institutional (I-OI). [GP]** This designation is intended to provide areas for existing and future office-based uses. Uses allowed include moderate-density business and professional offices, medical and medical-related uses, hospitals, research and development, services oriented primarily to employees (such as day care centers, restaurants, personal and professional services), and public and quasi-public uses. In addition, lands designated with a Hotel Overlay may include transient lodging and related uses. Mixed-use developments with residential uses on the same site may be permitted at appropriate locations where the residential uses are compatible with adjacent uses and do not break up the continuity of office and institutional uses. The Office and Institutional use category includes lands intended to support the needs of the Goleta Valley Cottage Hospital and related medical services. These lands, which are in the vicinity of Hollister Avenue and Patterson Avenue, are designated within a Hospital Overlay on the land use plan map (Figure 2-1). The following shall apply solely to lands within the Hospital Overlay: a. The recommended structure height set forth in Table 2-3 is increased from 35 feet to 55 feet for hospital buildings and to 45 feet for medical office buildings, provided however that no building shall exceed 3 stories in height. The heights of hospital and medical office buildings shall be the minimum height necessary to comply with applicable state hospital construction standards and/or technical requirements. b. The maximum recommended lot coverage ratio set forth in Table 2-3 is increased from 0.4 to 0.6 for hospitals and to 0.5 for medical office buildings.	Chapter 17.09, Office Districts OI District; Chapter 17.18, -H Hospital Overlay District
LU 4.4	**Service Industrial (I-S). [GP/CP]** This designation is applied to properties within the airport flight path where airport operations limit the range and density of activities that may be allowed. Densities shall not exceed 25 persons per acre to conform to the Airport Land Use Plan and airport operations, as well as to maintain acceptable levels of service on roadways serving these areas. Uses may occur in a less-managed environment than in the Business Park category. Allowed uses include warehouses, storage, outdoor storage (including storage of vehicles and recreational vehicles), automotive sales and rentals, manufacturing, heavy commercial uses, and similar uses that may be compatible with airport operations. The processing or storage of flammable or hazardous materials shall be strictly controlled. Near the airport, heights of structures and landscaping shall be limited so as not to interfere with the airspace in the airport approach zone and clear zone.	Chapter 17.10, Industrial Districts IS District; Chapter 17.16, -AE Airport Environs Overlay District
LU 4.5	**General Industrial (I-G). [GP/CP]** This designation is intended to provide land areas for a wide range of manufacturing uses, including those with potential noxious impacts, and for similar heavy commercial uses. Uses in these areas may occur in a less managed environment than in the Business Park designation. The processing or storage of hazardous materials shall be strictly controlled and subject to necessary permits in accordance with state and federal law. Uses appropriate in this land use designation include but are not limited to general manufacturing, assembly and fabrication, heavy commercial uses, high-technology manufacturing, research and development, wineries, breweries, building and construction services, and public facilities.	Chapter 17.10, Industrial Districts IG District
Policy LU 5: Provide land areas for governmental administration and operations, schools, fire stations, and other public and institutional uses within the city.		
LU 5.1	**General. [GP/CP]** Table 2-4 shows the permitted uses and recommended standards for building intensity for the Public and Quasi-Public land use category.	Chapter 17.11 Public and Quasi-Public District
LU 5.2	**Public and Quasi-Public Use (P-QP). [GP]** This designation is intended to identify existing and planned land areas for public facilities, such as, but not limited to, community centers, governmental administration, governmental operations, libraries, and public schools. The designation also allows quasi-public uses, such as private schools, religious institutions, lodges, social clubs, day care centers, and similar uses. Land within the rights-of-way for US-101 and SR-217 are also designated within this use category. Public and quasi-public uses are also permitted in various other land use categories in order to provide maximum flexibility in determining locations for future public facilities. The Public and Quasi-Public use category does not include public and private parks, recreation, or open space, which are accommodated in a separate use category.	Chapter 17.11, Public and Quasi-Public District
Policy LU 6: Provide land areas for public parks, recreation, and open space land uses and private recreational lands within the city and recognize the importance of their contribution to the overall quality of life in Goleta.		
LU 6.1	**General. [GP/CP]** Table 2-4 shows the Park and Open Space use categories, including permitted uses and recommended standards for building intensity for each category. The two use categories are intended to identify appropriate locations for parks and other active recreational uses and for open space and passive recreation. The intent of each use category is further described in the following sections.	Chapter 17.12, Open Space and Agricultural Districts OSPR and OSAR Districts
LU 6.2	**Open Space/Passive Recreation. [GP/CP]** This use category is intended to identify and reserve areas with significant environmental values or resources, wildlife habitats, significant views, and other open space values. It may be used to designate both private and public open space areas. The category includes areas reserved for natural drainage courses that may be managed as part of the City's stormwater management program. The following criteria and standards shall apply to lands within this designation: a. Open space lands are intended to maintain the land in a natural condition in order to protect and conserve sensitive habitats. b. Resource management activities, including, but not limited to, habitat restorations, are permitted. c. Minimal improvements to accommodate passive public use, such as trails, nature education, beach access, and public viewing areas, are permitted. d. Except for existing facilities, active recreational uses involving structures or improvements to the land shall not be permitted. e. Limited parking and public access improvements may be allowed provided that any adverse impacts on the associated resources are either avoided or mitigated.	Chapter 17.12, Open Space and Agricultural Districts OSPR District
LU 6.3	**Open Space/Active Recreation. [GP/CP]** This designation is intended to identify existing or planned areas for public parks and active recreational activities and facilities, such as playgrounds, picnic areas, tennis courts, ballparks, and sports fields. This use category is also intended to apply to significant private outdoor recreational facilities, such as golf courses and privately owned parks. Individual recreational areas may include a mix of passive and active recreational features or improvements. Appropriate caretaker facilities and residences may also be allowed if consistent with the character of the planned uses. The designation may also include storm drainage facilities.	Chapter 17.12, Open Space and Agricultural Districts OSAR District
Policy LU 7: Preserve existing agricultural lands and reserve vacant lands suitable for agriculture to maintain the option of future agricultural uses, including local production of food commodities.		

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LU 7.1	**General. [GP]** Table 2-4 shows the permitted uses and recommended standards for building intensity for the Agriculture land use category. Related standards for management of agricultural areas are set forth in Policy CE 11 in the Conservation Element.	Chapter 17.12, Open Space and Agricultural Districts AG District
LU 7.2	**Purpose. [GP]** The Agriculture use designation shall identify land areas reserved for or used for agricultural production. The intent of this designation is to preserve lands used for agriculture, as well as lands with characteristics that make them suitable for agriculture, to meet the needs of present and future generations.	Chapter 17.12, Open Space and Agricultural Districts AG District
LU 7.4	**Permitted Uses. [GP]** The Agriculture designation allows for a wide range of agricultural uses, including, but not limited to, grazing, raising of livestock and poultry, orchards, vineyards, growing of food and fiber crops, nurseries, and other forms of horticulture. Structures customary and incidental to agricultural activities are permitted, including one primary dwelling unit; farmworker housing, limited to workers employed on-site; barns; storage sheds; fences; and similar improvements. Except for these structures and appropriate utility and access improvements, activities or structures that impair the productivity of soils shall not be allowed. Retail sale of produce and products produced on the site, products produced by wineries and other small-scale processing facilities, and agricultural products grown off-site are allowed subject to approval of a conditional use permit.	Chapter 17.12, Open Space and Agricultural Districts AG District
LU 7.5	**City of Goleta Heritage Farmlands. [GP]** The voters of the City of Goleta have, through the City of Goleta Heritage Farmlands Initiative ("Initiative"), established and adopted a Heritage Farmlands Policy in the City of Goleta General Plan. Section 3 of the Initiative: (1) reaffirmed and readopted General Plan goals and policies regarding agricultural lands; (2) reaffirmed and readopted the General Plan Land Use Map's designations for lands designated "Agriculture," which were ten (10) or more acres in size as of February 21, 2012; and (3) designated as "Agriculture" lands which were on the County of Santa Barbara Comprehensive Land Use Map and which were ten (10) or more acres in size as of February 21, 2012, and which were located within the City of Goleta's Planning Area. The lands affected by the Initiative are "Heritage Farmlands." Until December 31, 2032, the General Plan provisions readopted and/or amended by Section 3 of the Initiative ("Initiative's Plan Amendments") may not be further amended or repealed except by a vote of the people or as follows: Agriculture Uses at Fairview Gardens Farm Goleta General Plan/Coastal Land Use Plan 2.0 Land Use Element September 2006 2-24 a. The City Council, following at least one , may amend the Initiative's Plan Amendments to comply with state law regarding the provision of housing for all economic segments of the community. Such amendment may be adopted only if the City Council makes each of the following findings based on substantial evidence: 1. That the proposed development is necessary to comply with a state law imposing a mandatory housing obligation (e.g., the provision of low and very low income housing), and the area of land within the proposed development will not exceed the minimum necessary to comply with the mandatory housing obligation; and 2. That there is no existing non-agricultural land available within the City of Goleta to accommodate development that will address the housing need identified in the analysis by which the City has determined that it is not in compliance with state. b. Upon request of an affected landowner, the City Council may, following at least one , amend the Initiative's Plan Amendments if the City Council does so pursuant to a finding, based on substantial evidence in the record, that the application of such Policy to any specific property for which a development application has been submitted constitutes an unconstitutional taking of the landowner's property; however, any such amendment shall be made only to the extent necessary to avoid such unconstitutional taking. c. The City Council may, following at least one , amend the Initiative's Plan Amendments to exempt land contemplated for construction of public schools or public parks. Such amendment may be adopted only if the City Council makes each of the following findings based on substantial evidence: 1. The land is immediately adjacent to existing compatibly developed areas and there is evidence that the Fire Department, Police Department, Department of Public Works, the Community Services Department, and the applicable water and sewer districts with jurisdiction over such land have or will have adequate capacity to accommodate the proposed development and provide it with adequate public services; and 2. That there is no existing non-agricultural or open space land available to accommodate the proposed development. d. d. The City Council may reorganize, reorder, and renumber the Initiative's Plan Amendments.	Chapter 17.67, Amendments to the General Plan
Policy LU 8: Promote coordinated planning and development of designated medium-density residential sites in the Central Hollister area in order to create a quality, livable environment with appropriate design and amenities for future residents of this new residential neighborhood.		
LU 8.1	**Applicability. [GP]**	N/A
LU 8.2	**Purpose. [GP]**	N/A
LU 8.3	**Permitted Uses. [GP]**	N/A
LU 8.4	**Affordable Housing Development. [GP]** The land area addressed by this policy, which was redesignated from nonresidential to residential use through adoption of this plan, is intended to accommodate a substantial portion of the future production of affordable housing units within the city. These sites shall be subject to an Affordable Housing Overlay Zone.	Chapter 17.17, -AH Affordable Housing Overlay District
LU 8.5	**Coordinated Development Plan and Quality Design. [GP]**	N/A
LU 8.6	**Performance Standards. [GP]** Performance standards applicable to development within this area shall ensure that: a. The scale and design of uses are compatible with each other and reinforce the character and functions of other uses in the area and surrounding areas. b. The timing of new development will ensure a balance of housing and commercial uses. c. Lighting, noise, odors, and air pollutant emissions from commercial and Business Park uses will not interfere or conflict with residential uses. d. Signage will be controlled and limited to maintain an attractive living environment. e. Curb cuts for driveway access to individual properties will be minimized and sharing of access encouraged. f. Efficient and attractive pedestrian and bicycle connectivity will be provided between uses. g. Pedestrian-oriented outdoor spaces will be provided at strategic locations in the development. h. Adequate and safe motorized and nonmotorized access to each site is provided.	Chapter 17.35, Lighting, Chapter 17.39, Performance Standards, Chapter 17.40, Signs; Chapter 17.58 Design Review
Policy LU 9: Coastal-Development and –Related Uses– Designate lands in appropriate locations near or on the shoreline for uses that are dependent upon coastal locations and cannot readily be provided at inland sites.		

CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN: POLICIES RELATED TO NEW ZONING ORDINANCE	
General Plan Policy	*New Zoning Ordinance Citation*
LU 9.1 **Site #1 – Coastal Resort Parcels (Visitor Commercial). [GP/CP]** The Land Use Plan map designates the lands that comprise the Bacara Resort as Visitor Commercial. This site is the only shoreline land in the City that is designated in this category or that is suitable for this type of use. The requirements applicable to this property are as follows: a. The site shall continue to be used for transient lodging, such as a hotel, and various facilities and services accessory to transient lodging, such as restaurants, retail shops, conferences and meetings, hotel-related events, recreational services, and other services that are dependent upon a coastal location, while ensuring the conservation and protection of coastal resources. b. Residential use shall be prohibited. c. All transient lodging units such as hotels that are operated as hotel condominiums, time-shares, or under a fractional ownership model shall be limited to occupancy for no more than 30 consecutive days at any one time and shall be available for overnight stays by the general public. d. Transient lodging units such as hotels that are operated as hotel condominiums, time-shares, or under a fractional ownership model shall be a permitted use regulated by mechanisms such as owner-occupancy limits, to ensure that these accommodations are available to the general public. e. Approval of any proposal for transient lodging units such as hotels that are operated as hotel condominiums, time-shares, or under a fractional ownership model shall limit occupancy by owners of individual units to 30 or fewer consecutive days for any single stay and no more than 90 total days in any calendar year. All transient lodging units in above-mentioned forms of ownership shall be made available for transient occupancy use by the general public through the hotel reservation system at times when units are not occupied. f. Any expansion or alteration of existing development shall be required to maintain or expand the extent of existing coastal access facilities, including parking and vertical access to the beach. "Maintain or expand" is clarified to include flexibility, if at least one of the following is met: 1. To provide better protection of coastal resources; 2. To maximize public access; and/or 3. If natural processes impede existing access. g. Any expansion or alteration of existing development shall be required to protect environmentally sensitive habitats and archaeological resources, including provision of the buffers set forth in the Conservation Element.	Chapter 17.08, Commercial Districts VS District
LU 9.2 **Site #2 – Coastal Recreation. [GP/CP]** This parcel, occupied as of 2005 by the Venoco EOF, is designated in the Open Space/Active Recreation use category. The requirements applicable to this site are as follows (see Figure 2-2): a. The Recreation designation shall continue the nonconforming status of the existing use. The use was nonconforming at the time of incorporation of the City of Goleta. Its nonconforming status dates to the early 1990s when the property's zoning was changed by the County of Santa Barbara to the Recreation District as part of a plan to consolidate onshore oil and gas processing at the Las Flores Canyon site in the unincorporated area west of Goleta. b. The intent is that in the long-term use of the property for oil and gas processing shall be terminated. The processing of hazardous materials and the risks associated with air emissions make this location, which is adjacent to Bacara Resort and Sandpiper Golf Course and near Ellwood School and the residential neighborhoods of Santa Barbara Shores and Winchester Commons, unsuitable for oil and gas processing in the long term. c. Until such time as the oil and gas processing use is terminated, any modifications or alternations of the existing facilities shall be in accordance with the provisions of LU 10.1 and shall be designed to improve air quality, reduce environmental impacts and hazards, and improve safety for nearby lodging, recreational, and residential uses. d. Upon termination of the oil and gas processing use, the priority use for the site shall be coastal-dependent and coastal-related recreational uses that are conducted primarily outdoors or limited to small-scale structures. Adequate on-site parking shall be provided to serve all recreational uses (see related Policy OS 2).	Chapter 17.12, Open Space and Agricultural Districts OSAR District; Chapter 17.36, Nonconforming Uses and Structures; Chapter 17.37, Oil and Gas Facilities
LU 9.3 **Site #3 – Coastal Recreation Parcels. [GP/CP]** These parcels, which were occupied by the Sandpiper Golf Course as of 2005, are designated in the Open Space/Active Recreation use category. The requirements applicable to this site are as follows (see Figure 2-2): a. The Sandpiper site shall continue to be used for golf course and other related outdoor recreation purposes. b. The golf course shall be maintained as a public course and shall not be converted to a members-only course. c. Any future project that requires a discretionary approval by the City shall be subject to a condition that requires preference to be given to local residents in terms of fees and tee times during appropriate time periods each week. d. The size and design of any new buildings and structures, or expansions and alterations of existing buildings, shall be controlled so as to preserve the character of the property as open land and minimize impacts on views of the ocean and Channel Islands from Hollister Avenue and views of the Santa Ynez Mountains from within the property and from beach and water areas. e. Any new development or alternation of the existing facilities and golf course shall be required to maintain or expand the extent of existing coastal access facilities, including parking and vertical access to the beach. Lateral bluff-top access may also be considered and should connect with the bluff-top trail on Santa Barbara Shores Park, with a transition down the bluff to the SL 421 access road. The intent is to secure access easements, or offers to dedicate, that will provide for lateral access during all seasons and tide conditions. Conceptual locations for future coastal accessways are shown on Figure 3-1 in the Open Space Element (see also OS 1.7). f. Any commercial uses, including restaurants, shall be open to the general public. g. Views from Hollister Avenue to the ocean and islands shall be preserved. Perimeter walls and landscaping that would obstruct or impair coastal views shall not be permitted. h. Any rerouting or alteration of the golf course shall be designed in a manner that protects and enhances environmental resources, including adjacent monarch butterfly habitat areas, Devereux Creek, and other drainages, and that protects safety on the beach. (See related Policies OS 1 and OS 2.).	Chapter 17.12, Open Space and Agricultural Districts OSAR District; Chapter 17.25, Coastal Access; Chapter 17.26, Coastal/Inland Visual Resource Preservation; Chapter 17.30, Environmentally Sensitive Habitat Areas
LU 9.4 **Site #4 – Santa Barbara Shores Park and Sperling Preserve Parcels (Open Space/Passive Recreation). [GP/CP]** This group of parcels, with a total of about 229 acres, is owned by the City. These lands are subject to deed restrictions that require the use of the property to be restricted in perpetuity to passive recreational activities and habitat protection. The criteria applicable to these parcels are as follows (see Figure 2-2): a. All future actions shall be consistent with the primary purposes of (1) preserving and enhancing the properties' sensitive habitats, including habitats for monarch butterflies, various raptors, and western snowy plovers, as well as vernal pools, riparian areas, native grasslands, coastal scrub, and other sensitive aquatic and terrestrial habitats and (2) preserving or improving the past level of access and use by the public.	Chapter 17.12, Open Space and Agricultural Districts OSPR District; Chapter 17.25, Coastal Access; Chapter 17.34, Landscaping

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b. Any development of structures shall be limited to a public restroom facility to be located at the public parking lot at Hollister Avenue. c. An extensive coastal access trail system shall be maintained, as shown in Figure 3-2 of the Open Space Element. The trails shall include segments of the California Coastal Trail and the Juan Bautista de Anza Historic Trail. d. Any trail improvements shall be designed to maintain the natural, low-impact appearance of the existing informal trails; surfacing materials shall be limited to compacted fines or native soil materials without binders. The widths of trails shall be the minimum necessary to accommodate the planned types of users. e. A public coastal access parking lot, not to exceed 45 parking spaces, shall be maintained at Santa Barbara Shores Park, with vehicular access from Hollister Avenue. f. Any ornamental landscaping shall be limited to native species that will maintain the natural appearance of the area and that will not impair or obstruct scenic views from Hollister Avenue to the coastal bluffs, Pacific Ocean, and Channel Islands and preserve views from within the property to the Santa Ynez Mountains. (See related Policy OS 5 and Figures 3-3 and 3-4.)	
Policy LU 10: Energy-Related On-and Off-Shore Uses – Promote the discontinuation of onshore processing and transport facilities for oil and gas, the removal of unused or abandoned facilities, and the restoration of areas affected by existing or former oil and gas facilities within the city	
LU 10.1 **Oil and Gas Processing Facilities (Venoco Ellwood Onshore Oil and Gas Processing Facility). [GP/CP]** As of 2005, the city had one existing oil and gas processing facility situated within its boundaries, the Venoco-owned EOF, which is a nonconforming use. The EOF and other oil and gas processing facilities generate emissions of air pollutants, pose safety hazards to nearby areas, create visual impacts, and create risks to marine and land resources associated with spills, leaks, or pipeline ruptures. The following standards shall apply to oil and gas processing facilities: a. The City supports County policies regarding consolidation of oil and gas processing in the South Coast Consolidation Planning Area at Las Flores Canyon in the unincorporated area west of Goleta. No new oil and gas processing facilities shall be permitted within Goleta. b. The Venoco EOF site is an inappropriate location for processing of oil and gas because of the public safety and environmental hazards associated with this type of use and its close proximity to residential neighborhoods, Ellwood School, Bacara Resort, and environmentally sensitive habitat areas. The site is designated in the Open Space/Active Recreation use category on the Land Use Plan map and shall continue to be a nonconforming use. c. The EOF shall continue to be subject to the rights and limitations applicable to nonconforming uses under California law. No modifications or alterations of the facility or other actions shall be authorized that would result in the expansion of the permitted throughput capacity of the EOF. The existing maximum permitted capacity shall not be exceeded, except for very minor increases that may be incidental to actions designed to improve safety or reduce environmental impacts. d. Until the EOF use is terminated, the priority shall be to insure that the facility strictly meets or exceeds all applicable environmental and safety standards.	Chapter 17.12, Open Space and Agricultural Districts OSAR District; Chapter 17.36, Nonconforming Uses and Structures; Chapter 17.37, Oil and Gas Facilities
LU 10.2 **Decommissioning of the Venoco Ellwood Onshore Oil and Gas Processing Facility. [GP/CP]** The following requirements shall apply to the cessation of operations and decommissioning of the facility: a. Within 12 months of cessation of operations, the existing owner/operator shall submit an Abandonment Plan application for City review and approval. The Abandonment Plan shall include a detailed description of all decommissioning work and site restoration, including, but not limited to, remediation of soil and groundwater contamination if required by the City or County Fire Department. Removal of all oil and gas facilities and debris from the site shall be required, except where such removal would result in greater adverse impacts than abandonment in place. Disposition of all materials shall be at a properly licensed disposal site and in compliance with any applicable requirements. The estimated cost of the decommissioning work shall be deposited to an escrow account no later than the time the Abandonment Plan is submitted to the City. b. An Abandonment Plan shall also be required as part of any request for expansion of production levels for oil or gas. This Abandonment Plan shall be subject to a requirement for the owner/operator to provide a sinking fund or other financial instrument or surety that would pay for the full costs of decommissioning, including any required soil or groundwater remediation. c. The owner/operator shall commence the decommissioning activities within 2 years of the cessation of operations and shall complete removal of all oil and gas facilities within 2 years following the start of the decommissioning project. d. Decommissioning shall include restoration of the EOF site to a natural condition or to a condition that is suitable for the uses and development that are allowed within the Open Space/Active Recreation use category designated for the property. Restoration shall include recontouring the site, if appropriate, and revegetation with suitable native plant material. The restoration plan shall be prepared by the owner/operator and shall be subject to review and approval by the City.	Chapter 17.12, Open Space and Agricultural Districts OSAR District
LU 10.3 **Oil and Gas Transport and Storage Facilities. [GP/CP]** Existing active oil and gas pipelines and storage facilities as of 2005 are associated with transporting oil and gas from Platform Holly and shoreline wells at S.L. 421 to the EOF and to Line 96, which transports oil from the EOF to the Ellwood Marine Terminal (EMT). Inactive and abandoned pipelines may exist at various locations within the city, particularly near the shoreline. The following shall apply to oil and gas transport and storage facilities within the city: a. New oil and gas pipelines and storage facilities, except for transmission and distribution facilities of a Public Utility Commission (PUC) regulated utility, shall not be approved within the city unless there is no feasible or less environmentally damaging alternative location for a proposed pipeline. Existing facilities shall be maintained and operated in a manner that assures safety, minimizes or avoids risks of leakage or rupture, and that avoids impacts to visual and recreation and scenic resources, including beaches. Alterations or replacement of existing pipelines or segments of pipelines shall be limited to the minimum necessary to ensure safety or prevent environmental damage. b. In the event that extended field development from Platform Holly is approved, the City supports the processing of oil and gas production at the South Coast Consolidation Planning Area at Las Flores Canyon. Any increase in throughput above currently permitted levels shall require a General Plan amendment and rezone of the EOF site to a use category and zoning district that allow oil and gas processing. c. Unused, inactive, or abandoned pipelines as of 2005, including the remnants of the Arco pipeline, shall be required to be decommissioned. An Abandonment Plan application shall be required to be submitted for City review and approval. Where such pipelines exist on property that is proposed for development or redevelopment, the Abandonment Plan application shall be submitted concurrent with the application for development of the property but shall be processed separately. d. Existing pipelines that were actively used as of 2005 shall be decommissioned as part of and concurrent with the decommissioning of the related oil and gas facilities, such as the EOF, EMT, the S.L. 421 shoreline wells and piers, and Platform Holly. e. When onshore and offshore oil and gas pipelines are decommissioned, regardless of whether the pipeline was active or unused as of 2005, the pipeline and all related debris shall be removed. Exceptions may be granted for segments of onshore pipelines that are within city street rights-of-way or that traverse environmentally sensitive habitat areas, provided that the applicable pipeline segments are properly cleaned and treated prior to abandonment in place. Areas of ground disturbance shall be restored to pre-project conditions, including revegetation of the affected area. Where segments of pipelines that traverse	Chapter 17.30, Environmentally Sensitive Habitat Areas; Chapter 17.37, Oil and Gas Facilities

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environmentally sensitive habitats, including, but not limited to, wetlands, streams, or coastal dunes and beaches, are decommissioned and/or removed, all affected habitat areas shall be restored consistent with the character of the habitat. f. The existing owner/operator of a pipeline to be decommissioned shall be responsible for all costs related to the decommissioning. When a responsible owner/operator of an inactive or abandoned pipeline cannot be found, any successor in interest shall be the responsible party, including the owner of the real property on which the pipeline is situated	
LU 10.4 State Lands Commission Lease 421. [GP/CP]	N/A
LU 10.5 Ellwood Marine Terminal. [GP]	N/A
LU 10.6 Oil and Gas Production Areas. [GP] As of 2005, all oil and gas transported by or processed at facilities within the city was produced from wells in offshore lease areas. These include leases within state waters administered by SLC, specifically State Leases 421, 3120, and 3242. Leases beyond the 3-mile boundary of the state within the waters of the outer continental shelf (OCS) are administered by the U.S. Minerals Management Service (MMS). a. The City shall oppose any new leases in the western Santa Barbara Channel for offshore oil and gas production within state waters and within the waters of the outer continental shelf. b. The City shall oppose the construction of any new oil and gas production or processing facilities in the waters offshore of Goleta. c. Upon cessation of production at Platform Holly, the City supports the timely quitclaim of all associated leases, permanent discontinuation of all oil and gas production, and inclusion of all former lease areas into the California Coastal Sanctuary offshore of Goleta and the County of Santa Barbara. d. If oil and gas production from new offshore leases or facilities occurs, the new production shall not be processed at the EOF. Any such production should be transported by pipeline to the nearest consolidated processing facility as defined by the County of Santa Barbara's South Coast Consolidation Planning Area policies.	Chapter 17.36, Nonconforming Uses and Structures; Chapter 17.37, Oil and Gas Facilities
Policy LU 11 Growth Management – Manage the timing of future growth based on maintenance of service levels and quality of life.	
LU 11.1 Pacing of Growth. [GP] The City shall ensure that the timing of new development is consistent with resource and service constraints, including, but not limited to, transportation infrastructure, parks, water supply, sewer system capacity, and energy availability. (See also LU Guiding Principle and Goal #9; LU 1.13; TE 1.2; TE 13; TE 14; PF Guiding Principles and Goals #6, 7 and 9; PF 4; PF 7.1; PF 7.2; HE 3).	Section 17.52.070, Findings for Approval
Policy LU 12 Land Use In Goleta's Environs	N/A
OPEN SPACE ELEMENT	
Policy OS 1: Lateral Shoreline Access – Provide for the creation of continuous public lateral beach and bluff-top access along the entire Goleta shoreline and increase and enhance opportunities for enjoyment of beach, shoreline, and bluff-top areas, consistent with the natural shoreline character, private property rights, and public safety.	
OS 1.1 Definition. [GP/CP] Lateral shoreline access is defined as the right of public access and use of areas generally along and parallel to the shoreline that have been secured for public use by the granting and recordation of access easements or by offers to dedicate such access. As used in this plan, such public access may be on the beach landward from the mean high tide line for a particular specified distance or to the base of the ocean bluffs. Beach areas seaward of the mean high tide line are considered by Article X of the Constitution of the State of California to be public tidelands and are administered by the California State Lands Commission. Lateral shoreline access may also include public access and use of areas along and generally parallel to the top of the ocean bluffs.	Chapter 17.25, Coastal Access; Chapter 17.73, List of Terms and Definitions
OS 1.2 Adoption of Coastal Access Plan Map. [GP/CP]	N/A
OS 1.3 Preservation of Existing Coastal Access and Recreation. [GP/CP] Goleta's limited Pacific shoreline of approximately two miles provides a treasured and scarce recreational resource for residents of the city, region, and state. Existing public beaches, shoreline, parklands, trails, and coastal access facilities shall be protected and preserved and shall be expanded or enhanced where feasible (see related Policies LU 9 and OS 4).	Chapter 17.25, Coastal Access
OS 1.4 Mitigation of Impacts to Lateral Coastal Access. [GP/CP] New development, including expansions and/or alterations of existing development, shall be sited and designed to avoid impacts to public access and recreation along the beach and shoreline. If there is no feasible alternative that can eliminate all access impacts, then the alternative that would result in the least significant adverse impact shall be required. Impacts shall be mitigated through the dedication of an access and/or trail easement where the project site encompasses an existing or planned coastal accessway, as shown on the map in Figure 3-1.	Chapter 17.25, Coastal Access
OS 1.5 Existing and Planned Lateral Coastal Access. [GP/CP] Existing and planned lateral beach and bluff-top accessways within Goleta are shown on the map in Figure 3-1. Lateral beach and shoreline public access and recreation shall be permitted uses in the Visitor-serving Commercial, Recreation, and Open Space land use categories, which are the land-use categories applicable to lands situated along Goleta's shoreline.	Chapter 17.25, Coastal Access
OS 1.6 Dedication of Lateral Beach Accessways. [GP/CP] Lateral beach access along the entire length of Goleta's shoreline shall be required. Access easements shall be a required condition for approval of coastal development permits for projects within the city, provided there is a clear nexus to project impacts and the required condition is roughly proportional to the extent of the impacts. The following criteria and standards shall apply to lateral accessways: a. The access easement, or offer to dedicate, shall apply to the beach area extending from the mean high tide line landward to the base of the ocean bluffs. Where there is no ocean bluff, the area shall extend to the nearest nonbeach natural feature, but generally shall not be less than 25 feet in width. b. It shall be the intent of the City to accept all dedications or offers to dedicate for lateral beach access for areas located within the city boundaries. If the City is unable to accept the dedication of particular access easements, it shall have authority to designate another public entity or a private nonprofit organization such as a land trust to accept the easement, provided the entity is willing to operate and maintain the easement. c. Mitigation measures that require dedication of public access and recreational opportunities shall be implemented prior to or concurrent with construction of the proposed development or initiation of the proposed use in instances where there is no physical development.	Chapter 17.25, Coastal Access
OS 1.7 Lateral Bluff-Top Accessways. [GP/CP] Lateral bluff-top access easements, or offers to dedicate easements, may be required as a condition of approval of coastal development permits for projects located on shoreline parcels, provided there is a clear nexus to project impacts and the required condition is roughly proportional to the extent of the impacts. The intent shall be to provide a trail along the entire shoreline of the city that is usable during all seasons and tide conditions, extending from the eastern boundary of the City-owned Sperling Preserve westward through the Bacara Resort site to the City's western boundary. Some segments of the trail, such as part of the alignment on the Sandpiper Golf Course property, may be located below the bluff but above the beach on an access road to State Lease 421.	Chapter 17.25, Coastal Access
OS 1.8 Prescriptive Access Rights. [GP/CP] Public prescriptive rights may exist in certain areas along the beach and shoreline within Goleta. Development shall not interfere with the public's right of access to the sea where such right has been acquired through historic use or legislative authorization. Where there is substantial evidence that such rights exist, these rights shall be protected through public acquisition measures or through conditions imposed on approvals of permits for new development.	Chapter 17.25, Coastal Access

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General Plan Policy	*New Zoning Ordinance Citation*
OS 1.9 **Siting and Design of Lateral Accessways. [GP/CP]** Public accessways and trails shall be an allowed use in environmentally sensitive habitat areas (ESHAs). The following criteria and standards shall apply to the siting and design of lateral accessways: a. Sensitive habitat areas shall be avoided to the extent practicable in circumstances where there are feasible alternative alignments of lateral accessways. b. Except as expressly provided for the Anza Trail (in Policy OS 4), all lateral accessways shall be designed to use native beach or soil materials and have no more than the minimum width needed to accommodate the intended type(s) of users. c. Lateral beach accessways shall be maintained in a natural condition free of structures and other constructed facilities and shall be limited to native sand supply. d. Lateral beach accessways shall be sited, designed, managed to avoid and/or protect marine mammal hauling grounds, seabird and shorebird nesting and roosting sites, sensitive rocky points and intertidal areas, and coastal dunes. e. New public beach facilities shall be limited to only those structures that provide or enhance public access and recreation activities. No structures shall be permitted on sandy beach areas. f. All lateral shoreline access and recreation improvements shall be designed to minimize any adverse impacts to visual resources and shall be compatible with maintenance of a natural appearance. g. Signs shall be designed to minimize impacts to scenic coastal resources and shall be limited to trail markers and regulatory and interpretative signs. Commercial signs are prohibited.	Chapter 17.25, Coastal Access; Chapter 17.26, Chapter 17.26 Coastal/Inland Visual Resource Preservation; Chapter 17.30, Environmentally Sensitive Habitat Areas
OS 1.10 **Management of Public Lateral Access Areas. [GP/CP]** The following criteria and standards shall apply to use and management of lateral shoreline access areas: a. Private commercial uses of public beach areas shall be limited to coastal-dependent recreational uses, including but not limited to surfing schools, ocean kayaking, and similar uses. All commercial uses of beach areas and other lateral accessways shall be subject to approval of a permit by the City. The number, size, duration, and other characteristics of commercial uses of beach areas may be limited in order to preserve opportunities for use and enjoyment of the beach area by the general public. For-profit commercial uses at the City-owned Santa Barbara Shores Park and Sperling Preserve (the Ellwood-Devereux Open Space and Habitat Management Plan [OSHMP] area) are prohibited (see related Policy OS 5). b. Temporary special events shall minimize impacts to public access and recreation along the shoreline. Coastal Development Permits shall be required for any temporary event that proposes to use a sandy beach area and involves a charge for admission or participation. c. Where sensitive habitat resources are present, limited or controlled methods of access and/or mitigation designed to eliminate or reduce impacts to ESHAs shall be implemented. d. The hours during which coastal access areas are available for public use shall be the maximum feasible while maintaining compatibility with nearby neighborhoods and land uses. The hours for public use shall be set forth in each individual coastal development permit. Unless specific hours are described within a permit, the access shall be deemed to be 24 hours per day and 7 days per week. e. In order to maximize public use and enjoyment, user fees for access to lateral beach and shoreline areas shall be prohibited. Activities and/or uses that would deter or obstruct public lateral access shall be prohibited. f. Overnight camping and use of motorized vehicles, except for public safety vehicles and vehicles associated with construction of access improvements and maintenance and restoration or enhancement activities, shall be prohibited in lateral shoreline access areas.	Chapter 17.25, Coastal Access; Chapter 17.30, Environmentally Sensitive Habitat Areas; Chapter 17.56, Temporary Use Permits; Chapter 17.57, Conditional Use Permits; Chapter17.61, Coastal Development Permits
Policy OS 2: Vertical Access to the Shoreline – Provide for expanded and enhanced public vertical access to Goleta's shoreline by preserving existing accessways and establishing new vertical access opportunities at key locations so as to increase opportunities for public enjoyment of beach, bluff-top, and other shoreline areas, consistent with the natural shoreline character, private property rights, and public safety.	
OS 2.1 **Definition. [GP/CP]** "Vertical" accessways are defined as the right of public access and use of areas generally perpendicular to the beach and shoreline that provide access to beach and shoreline areas from public street rights-of-way or parking areas and that have been secured for public use by the granting and recordation of access easements or by offers to dedicate such access.	Chapter 17.25, Coastal Access; Chapter 17.73, List of Terms and Definitions
OS 2.2 **Planned Vertical Accessways. [GP/CP]**	N/A
OS 2.3 **Preservation of Existing Vertical Accessways. [GP/CP]** Vertical access to Goleta's Pacific shoreline was limited to two locations as of 2005. These include access to Haskell's Beach within the Bacara Resort property and access at the City-owned Santa Barbara Shores Park and Sperling Preserve properties. The latter includes numerous trails that provide access to the bluff tops, although access from the bluff top to Ellwood Beach is available at only two locations. Existing public vertical coastal access facilities shall be protected and preserved and shall be expanded or enhanced where feasible (see related Policies LU 9 and OS 4).	Section 17.25.030, Access Location Requirements; Section 17.25.050, Prescriptive Rights
OS 2.4 **Mitigation of Impacts to Vertical Coastal Access. [GP/CP]** New development, including expansions and/or alterations of existing development, shall be sited and designed to avoid impacts to public vertical accessways to the shoreline unless a comparable, feasible alternative is provided. If there is no feasible alternative that can eliminate all access impacts, then the alternative that would result in the least significant adverse impact shall be required. Impacts shall be mitigated through the dedication of an access and/or trail easement in the general location where the project site encompasses an existing or planned coastal accessway, as shown generally on the map in Figure 3-1.	Section 17.25.070, Mitigation of Impacts to Coastal Access
OS 2.5 **Dedication of Vertical Accessways. [GP/CP]** Dedication of vertical access easements, or offers to dedicate, shall be a required condition of approval of coastal development permits for projects on shoreline sites within the city, provided there is a clear nexus to the project impacts and the required condition is roughly proportional to the extent of the impacts. The following criteria and standards shall apply to vertical accessways: a. The access easement, or offer to dedicate, shall apply to an area that includes the entire public accessway that extends from the public road or parking area to the shoreline. b. The width of the access easement should not be less than 25 feet and shall be centered on a pathway of at least 5 feet in width. c. It shall be the intent of the City to accept all dedications or offers to dedicate for vertical beach access for areas located within the city boundaries. If the City is unable to accept the dedication of particular access easements, it shall have authority to designate another public entity or a private nonprofit organization, such as a land trust, to accept the easement, provided the entity is willing to operate and maintain the easement. d. Mitigation measures that require dedication of public access and recreational opportunities shall be implemented prior to or concurrent with construction of the proposed development or initiation of the proposed use in instances where there is no physical development. e. The opening of access easements that are dedicated as a condition of approval of coastal development permits shall occur only after the City, or other public or nonprofit entity designated by the City, has accepted the offer of dedication and agreed to open, operate, and maintain the accessway. f. New offers to dedicate access easements shall include an interim deed restriction that: (1) states the terms and conditions of the permit do not authorize any interference with prescriptive rights prior to acceptance of the offer and (2) prohibits any development or obstruction in the easement area prior to acceptance of the offer.	Chapter 17.25, Coastal Access

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OS 2.6 **Prescriptive Vertical Access Rights. [GP/CP]** Public prescriptive vertical access rights to the shoreline may exist in certain areas within Goleta. Development or uses shall not interfere with the public's right of access to the sea where such right has been acquired through historic use or legislative authorization. Where there is substantial evidence that such rights exist, these rights shall be protected through public acquisition measures or through conditions imposed on approvals of permits for new development.	Section 17.25.050, Prescriptive Rights
OS 2.7 **Siting and Design of Vertical Accessways. [GP/CP]** Public vertical accessways and trails shall be an allowed use in ESHAs. The following criteria and standards shall apply to the siting and design of all vertical accessways: a. Sensitive habitat areas shall be avoided to the extent practicable in circumstances where there are feasible alternative alignments of vertical accessways. b. Public access paths shall maintain a natural appearance and shall not be paved with impervious materials, except for segments that are intended to provide handicapped access or short segments to beach overlook points. c. No structures shall be permitted on bluff faces except for vertical beach accessways. d. Access to the beach shall be provided by natural trails or ramps down the face of the bluff rather than by concrete or wooden stairways. Railroad ties or a similar material may be used to provide stability to the access route and to reduce bluff erosion. e. Where vertical access to the beach area is not feasible or appropriate, vertical accessways may terminate at a beach overlook or vista point.	Chapter 17.25, Coastal Access
OS 2.8 **Management of Vertical Accessways. [GP/CP]** The following standards shall apply to management of vertical accessways: a. Where sensitive habitat resources are present, limited or controlled methods of access and/or mitigation designed to eliminate or reduce impacts to ESHAs shall be required. b. The hours during which vertical coastal access areas are available for public use shall be the maximum feasible while maintaining compatibility with nearby neighborhoods and land uses. The hours for public use shall be set forth in each individual coastal development permit. Unless specific hours are described within a permit, the access shall be deemed to be 24 hours per day, 7 days per week. c. In order to maximize public use and enjoyment, user fees for access to vertical beach and shoreline areas shall be prohibited. Activities and/or uses that would deter or obstruct public vertical access shall be prohibited. d. Private for-profit commercial use of vertical accessways shall be prohibited. e. Camping or other use of vertical accessways for overnight accommodations shall be prohibited. f. Motorized vehicles shall be prohibited on vertical accessways.	Chapter 17.25, Coastal Access; Chapter 17.30, Environmentally Sensitive Habitat Areas; Chapter17.61, Coastal Development Permits
Policy OS 3: Coastal Access Routes, Parking, and Signage – Provide an adequate supply of public coastal access parking in lots or areas that are appropriately distributed along Goleta's shoreline with convenient and linkages to regional transportation routes.	
OS 3.1 **Coastal Access Highway Routes. [GP/CP]**	N/A
OS 3.2 **Coastal Access Parking. [GP/CP]** Adequate public parking shall be provided and maintained to serve coastal access and recreation uses to the extent feasible. The following criteria and standards shall apply: a. Existing and planned public coastal access parking areas are shown on Figure 3-1. b. Existing public parking areas serving coastal recreation users shall not be displaced unless a comparable replacement parking area is provided. c. New development shall be required to provide offstreet parking sufficient to serve the proposed uses in order to minimize impacts to public onstreet parking available for coastal access and recreation. d. New or expanded nonresidential development that may individually or cumulatively impact public shoreline access and recreation shall include parking areas that are designed to serve beach access during weekends as well the proposed uses on weekdays. In addition, vehicular access to the shoreline with a drop-off point for marine recreation equipment shall be required in appropriate locations, as shown on the map in Figure 3-1.	Chapter 17.25, Coastal Access; Chapter 17.38, Parking and Loading
OS 3.3 **Signage for Coastal Access. [GP/CP]** Coastal access signage should be provided as follows: a. Distinctive logo signs or markers consistent with visual resources may be provided for the California Coastal Trail, the Coastal Bluff-Top Trail, and the Anza Trail. b. Coastal access signs shall be provided at appropriate locations within street and highway rights-of-way to direct visitors to coastal access sites, including signs at appropriate locations along the California Department of Transportation right-of-way for US-101. c. Coastal access signs shall be provided at entrances to public coastal access parking lots.	Chapter 17.40, Signs
OS 3.4 **Coastal Access Amenities. [GP/CP]**	N/A
Policy OS 4: Trails and Bikeways [GP/CP]	**N/A**
Policy OS 5: Ellwood-Devereux Open Space Area [GP/CP]	**N/A**
Policy OS 6: Public Park System Plan [GP]	**N/A**
Policy OS 7: Adoption of Open Space Plan Map – Designate, preserve, and protect significant open space resources including agricultural, ecological, recreational, and scenic lands in Goleta and surrounding areas for current and future generations.	
OS 7.1 **Definition. [GP]**	N/A
OS 7.2 **Adoption of Open Space Plan Map. [GP]**	N/A
OS 7.3 **Open Space for Preservation of Natural Resources. [GP]** Goleta's natural resource lands include sandy beaches and dunes; rocky intertidal areas; coastal lagoons; coastal bluffs; eucalyptus groves and monarch butterfly aggregation sites; native grasslands; streams and associated riparian areas; wetlands, lakes, and ponds; and habitats for various protected plant and animal species. Figure 3-5 designates all ESHAs as protected open space. The following standards shall apply to these areas: a. The designated natural resource areas shall be managed by the City in accord with the policies described in the Conservation Element. b. The City may require dedication of open space easements as a condition of approval of development on sites that have open space resources as shown in Figure 3-5. c. The City encourages the donation of easements or fee-simple interests in open space lands to the City or other appropriate nonprofit entity, such as a land trust.	Chapter 17.30, Environmentally Sensitive Habitat Areas

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OS 7.4	**Open Space for Managed Production of Resources. [GP]** Goleta's managed resource lands include lands actively used for agricultural production, vacant lands that were historically used and zoned for agriculture and that have soils suitable for agricultural production, watersheds appropriate for recharge of groundwater basins, and coastal streams and marshes important for the management of recreational and commercial fisheries. Figure 3-5 designates land areas that are to be preserved as open space for managed production of resources. The following standards shall apply to these areas: a. Lands designated for agricultural use by the Land Use Element include areas devoted to agricultural production as of 2005 and those lands that were zoned for agriculture at the time of incorporation of the City in February 2002. These lands, shown on the Land Use Plan map in Figure 2-1, shall be protected as open space to preserve the potential for future agricultural production. Although some of these lands were not actively used for agriculture, their historical use for agricultural activities and soil characteristics make them suitable for agricultural production in the long term. b. Agricultural lands shall be managed in accord with Land Use Element Policy LU 7 and with Conservation Element Policy CE 11. Conversion of lands designated for agriculture to urban or other nonagricultural uses shall not be permitted. c. Streams and their associated watershed lands shall be managed in accord with Conservation Element Policy CE 10. d. Open space easements or deed restrictions may be acquired by dedication, where feasible, or by donation or purchase.	Chapter 17.12, Open Space and Agricultural Districts; Chapter 17.30, Environmentally Sensitive Habitat Areas
OS 7.5	**Open Space for Outdoor Recreation. [GP]** Lands designated in Figure 3-5 for outdoor recreation include Goleta's diverse City-owned parks and open space areas, as well as private lands that are devoted to active recreation. Private lands, such as Girsh Park and the Sandpiper Golf Course, may be available to the general public or may be for the exclusive use and enjoyment of residents or customers of particular development projects. The following shall apply to lands designated for outdoor recreation: a. City-owned parks and recreation areas shall be managed in accord with the provisions of Policy OS 7. b. Lake Los Carneros Natural and Historic Preserve shall be managed primarily as a passive preserve, with low-intensity activities allowed near the Stow House, the historic farm buildings, and the historic Goleta Train Depot and South Coast Railroad Museum. c. Private lands for outdoor recreation, including but not limited to Girsh Park and Sandpiper Golf Course, shall be protected and preserved for the valuable contribution that they make to the supply of recreation services available to residents of Goleta and adjacent areas. d. The City should maximize the use of the existing park, recreation, and open space resources within the City by connecting them with an integrated system of trails and sidewalks. e. General locations for proposed or planned future park sites are shown in Figure 3-2.	Chapter 17.12, Open Space and Agricultural Districts
OS 7.6	**Open Space for Protection of Public Health and Safety. [GP]** Although lands that provide open space for public health and safety are not specifically designated on Figure 3-5, the following land areas that are subject to hazardous conditions shall be considered to be designated open space as if fully depicted on the map: a. Lands situated along streams identified on the latest edition of the Flood Insurance Rate Maps (FIRM) published by the Federal Emergency Management Agency (FEMA), or any successor agency, as falling within the area of inundation caused by a 100-year flood event. b. Lands along the Pacific shoreline and at the mouths of streams identified on the FIRM maps as subject to 100-year event coastal flooding hazards, including areas potentially inundated by high velocity wave action. c. Lands subject to wildland fire hazards or lands needed as a buffer between urban development and wildland fire hazard areas. d. Lands within 50 feet on each side of active earthquake fault zones. e. Land areas with slopes in excess of 25 percent. f. Lands subject to the safety hazards identified in items a through e above shall be managed in accord with the applicable policies and standards of the Safety Element of this plan.	Chapter 17.31, Floodplain Management; Chapter 17.32, Hazards
OS 7.7	**Ownership of Open Space Lands. [GP]**	N/A
OS 7.8	**Provision of Open Space in New Development. [GP]** A minimum open space area shall be required in new development situated in certain land use categories, as set forth in the applicable policies of the Land Use Element. These private open space areas shall be in addition to any public park and open space land that may be required to be dedicated pursuant to the Quimby Act or other state or local statutes. Although private open space areas may be reserved to protect resources or avoid development in areas subject to hazards, such reservations shall include lands usable for outdoor recreation activities, where feasible.	Part II: Base Zoning Districts and Allowed Uses; Chapter 17.30, Environmentally Sensitive Habitat Areas; Chapter 17.32, Hazards; Chapter 17.34, Landscaping; Chapter 17.43, Cultural Resources (placeholder)
OS 7.9	**Open Space or Greenbelt around Goleta. [GP]**	N/A
Policy OS 8: Protection of Native American and Paleontological Resources [GP/CP]		
OS 8.1	**Definition. [GP/CP]** Cultural resources include Native American archaeological sites and areas of the natural landscape that have traditional cultural significance. Archaeological sites include prehistoric sites that represent the material remains of Native American societies and their activities and ethnohistoric sites that are Native American settlements occupied after the arrival of European settlers in California. Such archaeological sites may include villages, seasonal campsites, burial sites, stone tool quarry sites, hunting sites, traditional trails, and sites with rock carvings or paintings. Areas of traditional cultural significance include Native American sacred areas where religious ceremonies are practiced or which are central to their origins as a people, as well as areas traditionally used to gather plants for food, medicinal, or economic purposes.	Chapter 17.43, Cultural Resources (placeholder)
OS 8.2	**Inventory. [GP/CP]**	N/A
OS 8.3	**Preservation. [GP/CP]** The City shall protect and preserve cultural resources from destruction. The preferred method for preserving a recorded archeological site shall be by preservation in place to maintain the relationship between the artifacts and the archaeological context. Preservation in place may be accomplished by deed restriction as a permanent conservation easement, avoidance through site planning and design, or incorporation of sites into other open spaces to prevent any future development or use that might otherwise adversely impact these resources.	Chapter 17.43, Cultural Resources (placeholder)
OS 8.4	**Evaluation of Significance. [GP/CP]** For any development proposal identified as being located in an area of archaeological sensitivity, a Phase I cultural resources inventory shall be conducted by a professional archaeologist or other qualified expert. All sites determined through a Phase 1 investigation to potentially include cultural resources must undergo subsurface investigation to determine the extent, integrity, and significance of the site. Where Native American artifacts have been found or where oral traditions indicate the site was used by Native Americans in the past, research shall be conducted to determine the extent of the archaeological significance of the site.	Chapter 17.43, Cultural Resources (placeholder)
OS 8.5	**Mitigation. [GP/CP]** If research and surface reconnaissance shows that the project area contains a resource of cultural significance that would be adversely impacted by proposed development and avoidance is infeasible, mitigation measures sensitive to the cultural beliefs of the affected population shall be required. Reasonable efforts to leave these resources in an undisturbed state through capping or covering resources with a soil layer	Chapter 17.43, Cultural Resources (placeholder)

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	prior to development shall be required. If data recovery through excavation is the only feasible mitigation, the City shall confer with the affected Native American nation or most-likely descendants, as well as agencies charged with the responsibility of preserving these resources and organizations having a professional or cultural interest, prior to the removal and disposition of any artifacts.	
OS 8.6	**Monitoring and Discovery. [GP/CP]** On-site monitoring by a qualified archaeologist and appropriate Native American observer shall be required for all grading, excavation, and site preparation that involves earth moving operations on sites identified as archaeologically sensitive. If cultural resources of potential importance are uncovered during construction, the following shall occur: a. The grading or excavation shall cease and the City shall be notified. b. A qualified archeologist shall prepare a report assessing the significance of the find and provide recommendations regarding appropriate disposition. c. Disposition will be determined by the City in conjunction with the affected Native American nation.	Section 17.24.100, Grading and Grubbing; Chapter 17.43, Cultural Resources
OS 8.7	**Protection of Paleontological Resources. [GP/CP]** Should substantial paleontological resources be encountered during construction activities, all work that could further disturb the find shall be stopped and the City of Goleta shall be notified within 24 hours. The applicant shall retain a qualified consultant to prepare a report to the City that evaluates the significance of the find and, if warranted, identifies recovery measures. Upon review and approval of the report by the City, construction may continue after implementation of any identified recovery measures.	Chapter 17.43, Cultural Resources (placeholder)
Policy OS 9: Financing Public Parks, Open Space, and Recreation Facilities [GP]		
OS 9.1	**Park and Open Space Standards and Fee Study. [GP]**	N/A
OS 9.2	**Mitigation of Impacts of New Development on Parks and Recreation Facilities. [GP]** The following shall apply to approvals of new development projects: a. To ensure new development pays a proportionate share of the cost of acquisition and improvement of parks, recreation facilities, and open space, the City shall require a one-time impact fee to offset costs necessary to accommodate the development. These fees shall be used for acquiring and/or developing new or improving/rehabilitating existing park, recreation, or open space facilities. b. At its discretion, the City may allow any appropriate park and recreational facilities provided within a development to meet all or part of the mitigation requirement in lieu of payment of a portion of the impact fee only if they are open and accessible to the public. c. Within new subdivisions, where the City may allow dedications of land in lieu of payment of fees pursuant to California Government Code Section 66477 (Quimby Act), the land area to be dedicated shall be usable space for active recreation purposes.	Chapter 17.70, Development Impact Fees
OS 9.3	**Alternatives to Impact Fees. [GP]** In appropriate circumstances for larger development proposals, the City may consider using alternatives to impact fees for meeting park, recreation, and open space needs. These alternatives may include negotiated development agreements wherein the developer agrees to provide land and construct appropriate park, recreation, and open space facilities that will be dedicated to the City and made available for use by the general public. Any agreements may also include a funding mechanism for maintenance of the dedicated facilities.	Chapter 17.65, Development Agreements; Chapter 17.70, Development Impact Fees
OS 9.4	**Other Funding Sources. [GP]**	N/A
OS 9.5	**Park and Recreation Facilities of Other Public and Private Entities. [GP]**	N/A
OS 9.6	**Private Support. [GP]**	N/A
CONSERVATION ELEMENT		
Policy CE 1: Environmentally Sensitive Habitat Area Designations and Policy – Identify, preserve, and protect the city's natural heritage by preventing disturbance of ESHAs.		
CE 1.1	**Definition of Environmentally Sensitive Habitat Areas. [GP/CP]** ESHAs shall include, but are not limited to, any areas that through professional biological evaluation are determined to meet the following criteria: a. Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and that could be easily disturbed or degraded by human activities and developments. b. Any area that includes habitat for species and plant communities recognized as threatened or endangered by the state or federal governments; plant communities recognized by the State of California (in the Terrestrial Natural Communities Inventory) as restricted in distribution and very threatened; and those habitat types of limited distribution recognized to be of particular habitat value, including wetlands, riparian vegetation, eucalyptus groves associated with monarch butterfly roosts, oak woodlands, and savannas. c. Any area that has been previously designated as an ESHA by the California Coastal Commission, the California Department of Fish and Game, City of Goleta, or other agency with jurisdiction over the designated area.	Chapter 17.73, List of Terms and Definitions
CE 1.2	**Designation of Environmentally Sensitive Habitat Areas. [GP/CP]** ESHAs in Goleta are generally shown in Figure 4-1, and Table 4-2 provides examples of the ESHAs and some locations of each. The provisions of this policy shall apply to all designated ESHAs. ESHAs generally include but are not limited to the following: a. Creek and riparian areas. b. Wetlands, such as vernal pools. c. Coastal dunes, lagoons or estuaries, and coastal bluffs/coastal bluff scrub. d. Beach and shoreline habitats. e. Marine habitats. f. Coastal sage scrub and chaparral. g. Native woodlands and savannahs, including oak woodlands. h. Native grassland. i. Monarch butterfly aggregation sites, including autumnal and winter roost sites, and related habitat areas. j. Beach and dune areas that are nesting and foraging locations for the western snowy plover. k. Nesting and roosting sites and related habitat areas for various species of raptors. l. Other habitat areas for species of wildlife or plants designated as rare, threatened, or endangered under state or federal law.	Chapter 17.73, List of Terms and Definitions

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	m. Any other habitat areas that are rare or especially valuable from a local, regional, or statewide perspective.	
CE 1.3	**Site-Specific Studies and Unmapped ESHAs. [GP/CP]** Any area not designated on the ESHA map in Figure 4-1 that meets the ESHA criteria for the resources specified in CE 1.1 shall be granted the same protections as if the area was shown on the map. Proposals for development on sites where ESHAs are shown on the map or where there is probable cause to believe that ESHAs may exist shall be required to provide the City with a site-specific biological study that includes the following information: a. A base map that delineates topographic lines, parcel boundaries, and adjacent roads. b. A vegetation map that identifies species that may be indicators of ESHAs. c. A soils map that delineates hydric and nonhydric soils, if applicable. d. A census of animal species that indicates the potential existence of ESHAs. e. A detailed map that shows the conclusions regarding the boundary, precise location and extent, or current status of the ESHA based on substantial evidence provided in the biological studies.	Section 17.30.030(B), Biological Study
CE 1.4	**Illegal Destruction of ESHAs. [GP/CP]**	N/A
CE 1.5	**Corrections to Map of ESHAs. [GP/CP]**	N/A
CE 1.6	**Protection of ESHAs. [GP/CP]** Protection of ESHAs. [GP/CP] ESHAs shall be protected against significant disruption of habitat values, and only uses or development dependent on and compatible with maintaining such resources shall be allowed within ESHAs or their buffers. The following shall apply: a. No development, except as otherwise allowed by this element, shall be allowed within ESHAs and/or ESHA buffers. b. A setback or buffer separating all permitted development from an adjacent ESHA shall be required and shall have a minimum width as set forth in subsequent policies of this element. The purpose of such setbacks shall be to prevent any degradation of the ecological functions provided by the habitat area. c. Public accessways and trails are considered resource-dependent uses and may be located within or adjacent to ESHAs. These uses shall be sited to avoid or minimize impacts on the resource to the maximum extent feasible. Measures— such as signage, placement of boardwalks, and limited fencing or other barriers—shall be implemented as necessary to protect ESHAs. d. The following uses and development may be allowed in ESHAs or ESHA buffers only where there are no feasible, less environmentally damaging alternatives and will be subject to requirements for mitigation measures to avoid or lessen impacts to the maximum extent feasible: 1) public road crossings, 2) utility lines, 3) resource restoration and enhancement projects, 4) nature education, 5) biological research, and 6) Public Works projects as identified in the Capital Improvement Plan, only where there are no feasible, less environmentally damaging alternatives. e. If the provisions herein would result in any legal parcel created prior to the date of this plan being made unusable in its entirety for any purpose allowed by the land use plan, exceptions to the foregoing may be made to allow a reasonable economic use of the parcel. Alternatively, the City may establish a program to allow transfer of development rights for such parcels to receiving parcels that have areas suitable for and are designated on the Land Use Plan map for the appropriate type of use and development.	Section 17.01.040(A)(2), Private Property Takings; Section 17.30.020, Applicability; Section 17.30.040, Development and Mitigation of Impacts
CE 1.7	**Mitigation of Impacts to EHSAs. [GP/CP]** New development shall be sited and designed to avoid impacts to ESHAs. If there is no feasible alternative that can eliminate all impacts, then the alternative that would result in the fewest or least significant impacts shall be selected. Any impacts that cannot be avoided shall be fully mitigated, with priority given to onsite mitigation. Offsite mitigation measures shall only be approved when it is not feasible to fully mitigate impacts on site. If impacts to onsite ESHAs occur in the Coastal Zone, any offsite mitigation area shall also be located within the Coastal Zone. All mitigation sites shall be monitored for a minimum period of 5 years following completion, with changes made as necessary based on annual monitoring reports. Where appropriate, mitigation sites shall be subject to deed restrictions. Mitigation sites shall be subject to the protections set forth in this plan for the habitat type unless the City has made a specific determination that the mitigation is unsuccessful and is to be discontinued.	Section 17.30.040, Development and Mitigation of Impacts
CE 1.8	**ESHA Buffers. [GP/CP]** Development adjacent to an ESHA shall minimize impacts to habitat values or sensitive species to the maximum extent feasible. Native vegetation shall be provided in buffer areas to serve as transitional habitat. All buffers shall be of a sufficient size to ensure the biological integrity and preservation of the ESHA they are designed to protect.	Chapter 17.30, Environmentally Sensitive Habitat Areas
CE 1.9	**Standards Applicable to Development Projects. [GP/CP]** The following standards shall apply to consideration of developments within or adjacent to ESHAs: a. Site designs shall preserve wildlife corridors or habitat networks. Corridors shall be of sufficient width to protect habitat and dispersal zones for small mammals, amphibians, reptiles, and birds. b. Land divisions for parcels within or adjacent to an ESHA shall only be allowed if each new lot being created, except for open space lots, is capable of being developed without building in any ESHA or ESHA buffer and without any need for impacts to ESHAs related to fuel modification for fire safety purposes. c. Site plans and landscaping shall be designed to protect ESHAs. Landscaping, screening, or vegetated buffers shall retain, salvage, and/or reestablish vegetation that supports wildlife habitat whenever feasible. Development within or adjacent to wildlife habitat networks shall incorporate design techniques that protect, support, and enhance wildlife habitat values. Planting of nonnative, invasive species shall not be allowed in ESHAs and buffer areas adjacent to ESHAs. d. All new development shall be sited and designed so as to minimize grading, alteration of natural landforms and physical features, and vegetation clearance in order to reduce or avoid soil erosion, creek siltation, increased runoff, and reduced infiltration of stormwater and to prevent net increases in baseline flows for any receiving water body. e. Light and glare from new development shall be controlled and directed away from wildlife habitats. Exterior night lighting shall be minimized, restricted to low intensity fixtures, shielded, and directed away from ESHAs. f. All new development should minimize potentially significant noise impacts on special-status species in adjacent ESHAs. g. All new development shall be sited and designed to minimize the need for fuel modification, or weed abatement, for fire safety in order to preserve native and/or nonnative supporting habitats. Development shall use fire-resistant materials and incorporate alternative measures, such as firewalls and landscaping techniques, that will reduce or avoid fuel modification activities. h. The timing of grading and construction activities shall be controlled to minimize potential disruption of wildlife during critical time periods such as nesting or breeding seasons. i. Grading, earthmoving, and vegetation clearance adjacent to an ESHA shall be prohibited during the rainy season, generally from November 1 to March 31, except as follows: 1) where erosion control measures such as sediment basins, silt fencing, sandbagging, or installation of geofabrics have been incorporated into the project and approved in advance by the City; 2) where necessary to protect or enhance the ESHA itself; or 3) where necessary to remediate hazardous flooding or geologic conditions that endanger public health and safety. j. In areas that are not adjacent to ESHAs, where grading may be allowed during the rainy season, erosion control measures such as sediment basins, silt fencing, sandbagging, and installation of geofabrics shall be implemented prior to and concurrent with all grading operations.	Section 17.30.050, Development Standards

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CE 1.10 Management of ESHAs. [GP/CP] The following standards shall apply to the ongoing management of ESHAs: a. The use of insecticides, herbicides, artificial fertilizers, or other toxic chemical substances that have the potential to degrade ESHAs shall be prohibited within and adjacent to such areas, except where necessary to protect or enhance the ESHA itself. b. The use of insecticides, herbicides, or other toxic substances by City employees and contractors in construction and maintenance of City facilities and open space lands shall be minimized. c. Mosquito abatement within or adjacent to ESHAs shall be limited to the implementation of the minimum measures necessary to protect human health and shall be undertaken in a manner that minimizes adverse impacts to the ESHAs. d. Weed abatement and brush-clearing activities for fire safety purposes shall be the minimum that is necessary to accomplish the intended purpose. Techniques shall be limited to mowing and other low-impact methods such as hand crews for brushing, tarping, and hot water/foam for weed control. Disking shall be prohibited. e. Where there are feasible alternatives, existing sewer lines and other utilities that are located within an ESHA shall be taken out of service, abandoned in place, and replaced by facilities located outside the ESHA to avoid degradation of the ESHA resources, which could be caused by pipeline rupture or leakage and by routine maintenance practices such as clearing of vegetation. f. Removal of nonnative invasive plant species within ESHAs may be allowed and encouraged, unless the nonnatives contribute to habitat values. g. The following flood management activities may be allowed in creek and creek protection areas: desilting, obstruction clearance, minor vegetation removal, and similar flood management methods.	Section 17.30.060, Management of ESHAs
Policy CE 2: Protection of Creeks and Riparian Areas [GP/CP]	
CE 2.1 Designation of Protected Creeks. [GP/CP]	N/A
CE 2.2 Streamside Protection Areas. [GP/CP] A streamside protection area (SPA) is hereby established along both sides of the creeks identified in Figure 4-1. The purpose of the designation shall be to preserve the SPA in a natural state in order to protect the associated riparian habitats and ecosystems. The SPA shall include the creek channel, wetlands and/or riparian vegetation related to the creek hydrology, and an adjacent upland buffer area. The width of the SPA upland buffer shall be as follows: a. The SPA upland buffer shall be 100 feet outward on both sides of the creek, measured from the top of the bank or the outer limit of wetlands and/or riparian vegetation, whichever is greater. The City may consider increasing or decreasing the width of the SPA upland buffer on a case-by-case basis at the time of environmental review. The City may allow portions of a SPA upland buffer to be less than 100 feet wide, but not less than 25 feet wide, based on a site specific assessment if (1) there is no feasible alternative siting for development that will avoid the SPA upland buffer; and (2) the project's impacts will not have significant adverse effects on streamside vegetation or the biotic quality of the stream. b. If the provisions above would result in any legal parcel created prior to the date of this plan being made unusable in its entirety for any purpose allowed by the land-use plan, exceptions to the foregoing may be made to allow a reasonable economic use of the parcel, subject to approval of a conditional use permit.	Section 17.30.070, Streamside Protection Areas
CE 2.3 Allowable Uses and Activities in Streamside Protection Areas. [GP/CP] The following compatible land uses and activities may be allowed in SPAs, subject to all other policies of this plan, including those requiring avoidance or mitigation of impacts: a. Agricultural operations, provided they are compatible with preservation of riparian resources. b. Fencing and other access barriers along property boundaries and along SPA boundaries. c. Maintenance of existing roads, driveways, utilities, structures, and drainage improvements. d. Construction of public road crossings and utilities, provided that there is no feasible, less environmentally damaging alternative. e. Construction and maintenance of foot trails, bicycle paths, and similar low-impact facilities for public access. f. Resource restoration or enhancement projects. g. Nature education and research activities. h. Low-impact interpretive and public access signage. i. Other such Public Works projects as identified in the Capital Improvement Plan, only where there are no feasible, less environmentally damaging alternatives.	Section 17.30.020, Applicability; Section 17.30.070, Streamside Protection Areas; Section 17.53.020, Exempt Development
CE 2.4 Dedication of Easements or Other Property Interests. [GP/CP] In new subdivisions of land, SPAs shall not be included in developable lots but shall be within a separate parcel or parcels, unless the subdivider demonstrates that it is not feasible to create a separate open space lot for the SPA. An easement or deed restriction limiting the uses allowed on the open space lot to those set forth in CE 2.3 shall be required. Dedication of the open space lot or easement area to the City or a nonprofit land trust is encouraged.	Section 17.30.080, Dedication of Easements or Other Property Interests
CE 2.5 Maintenance of Creeks as Natural Drainage Systems. [GP/CP]	N/A
CE 2.6 Restoration of Degraded Creeks. [GP/CP]	N/A
Policy CE 3: Protection of Wetlands – Preserve, protect, and enhance the functions and values of Goleta's wetlands.	
CE 3.1 Definition of Wetlands. [GP/CP] *Wetlands* are defined as any area that meets the definition of a wetland as defined by the California Coastal Commission, California Department of Fish and Game, and U.S. Fish and Wildlife Service. The most protective of definitions shall be applied and used to determine the boundary of a wetland. The City of Goleta uses the identification of a single indicator (soil, hydrology, or plants) to determine the boundary of a wetland.	Chapter 17.73, List of Terms and Definitions
CE 3.2 Designation of Wetland ESHAs. [GP/CP]	N/A
CE 3.3 Site-Specific Wetland Delineations. [GP/CP] In considering development proposals where an initial site inventory or reconnaissance indicates the presence or potential for wetland species or indicators, the City shall require the submittal of a detailed biological study of the site, with the addition of a delineation of all wetland areas on the project site. Wetland delineations shall be based on the definitions contained in Section 13577(b) of Title 14 of the California Code of Regulations. A preponderance of hydric soils or a preponderance of wetland indicator species will be considered presumptive evidence of wetland conditions. At a minimum, the delineation report shall contain: a. A map at a scale of 1":200' or larger showing topographic contours. b. An aerial photo base map.	Section 17.30.030(B), Biological Study

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	c. A map at a scale of 1":200' or larger with polygons delineating all wetland areas, polygons delineating all areas of vegetation with a preponderance of wetland indicator species, and the locations of sampling points. d. A description of the survey methods and surface indicators used for delineating the wetland polygons. e. e. A statement of the qualifications of the person preparing the wetland delineation.	
CE 3.4	**Protection of Wetlands in the Coastal Zone. [CP]** The biological productivity and the quality of wetlands shall be protected and, where feasible, restored in accordance with the federal and state regulations and policies that apply to wetlands within the Coastal Zone. Only uses permitted by the regulating agencies shall be allowed within wetlands. The filling, diking, or dredging of open coastal waters, wetlands, estuaries, and lakes is prohibited unless it can be demonstrated that: a. There is no feasible, environmentally less damaging alternative to wetland fill. b. The extent of the fill is the least amount necessary to allow development of the permitted use. c. Mitigation measures have been provided to minimize adverse environmental effects. d. The purposes of the fill are limited to: incidental public services, such as burying cables or pipes; restoration of wetlands; and nature study, education, or similar resource-dependent activities. A wetland buffer of a sufficient size to ensure the biological integrity and preservation of the wetland shall be required. Generally the required buffer shall be 100 feet, but in no case shall wetland buffers be less than 50 feet. The buffer size should take into consideration the type and size of the development, the sensitivity of the wetland resources to detrimental edge effects of the development to the resources, natural features such as topography, the functions and values of the wetland, and the need for upland transitional habitat. A 100-foot minimum buffer area shall not be reduced when it serves the functions and values of slowing and absorbing flood waters for flood and erosion control, sediment filtration, water purification, and ground water recharge. The buffer area shall serve as transitional habitat with native vegetation and shall provide physical barriers to human intrusion.	Section 17.30.090, Protection of Wetlands Within the Coastal Zone
CE 3.5	**Protection of Wetlands Outside the Coastal Zone. [GP]** The biological productivity and the quality of inland wetlands shall be protected and, where feasible, restored. The filling of wetlands outside the Coastal Zone is prohibited unless it can be demonstrated that: a. The wetland area is small, isolated, not part of a larger hydrologic system, and generally lacks productive or functional habitat value. b. The extent of the fill is the least amount necessary to allow reasonable development of a use allowed by the Land Use Element. c. Mitigation measures will be provided to minimize adverse environmental effects, including restoration or enhancement of habitat values of wetlands at another location on the site or at another appropriate offsite location within the City. A wetland buffer of a sufficient size to ensure the biological integrity and preservation of the wetland shall be required. A wetland buffer shall be no less than 50 feet. The buffer size should take into consideration the type and size of the development, the sensitivity of the wetland resources to detrimental edge effects of the development to the resources, natural features such as topography, the functions and values of the wetland and the need for upland transitional habitat. The buffer area shall serve as transitional habitat with native vegetation and shall provide physical barriers to human intrusion.	Section 17.30.100, Protection of Wetlands Outside the Coastal Zone
CE 3.6	**Mitigation of Wetland Fill. [GP/CP]** Where any dike or fill development is permitted in wetlands in accordance with the Coastal Act and the policies of this plan, at a minimum mitigation measures shall include creation or substantial restoration of wetlands of a similar type. Adverse impacts shall be mitigated at a ratio of 3:1 unless the project proponent provides evidence that the creation or restoration of a lesser area of wetlands will fully mitigate the adverse impacts of the fill. However, in no event shall the mitigation ratio be less than 2:1. All mitigation measures are subject to the requirements of CE 1.7.	Chapter 17.30, Environmentally Sensitive Habitat Areas
CE 3.7	**Lagoon Protection. [GP/CP]** The lagoons at the mouths of Bell Canyon and Tecolote Creeks shall be protected. Lagoon breaching or water level modification shall not be allowed.	Section 17.30.120, Lagoon Protection
CE 3.8	**Vernal Pool Protection. [GP/CP]** Vernal pools, an especially rare wetland habitat on the south coast of Santa Barbara County, shall be preserved and protected. Vernal pools in Goleta, which are generally small in area and only a few inches deep, are found at scattered locations on the City-owned Ellwood Mesa and Santa Barbara Shores Park. These appear to be naturally formed and exhibit little or no evidence of altered hydrology. Trails on these two properties shall be sited and constructed in a manner that avoids impacts to vernal pool hydrology and that will allow restoration by removing several informal trail segments that bisect vernal pool habitats. Additional vernal pools are found at Lake Los Carneros Natural and Historical Preserve.	Section 17.30.130, Vernal Pool Protection
Policy CE 4: Protection of Monarch Butterfly Habitat Areas [GP/CP]		
CE 4.1	**Definition of Habitat Area. [GP/CP]** The monarch butterfly is recognized as a California and Goleta special resource. Although the species is not threatened with extinction, its autumnal and winter aggregation sites, or roosts, are especially vulnerable to disturbance. Sites that provide the key elements essential for successful monarch butterfly aggregation areas and are locations where monarchs have been historically present shall be considered ESHAs. These elements include stands of eucalyptus or other suitable trees that offer shelter from strong winds and storms, provide a microclimate with adequate sunlight, are situated near a source of water or moisture, and that provide a source of nectar to nourish the butterflies.	Section 17.30.180(A), Applicability
CE 4.2	**Designation of Monarch Butterfly ESHAs. [GP/CP]**	N/A
CE 4.3	**Site-Specific Studies and Unmapped Monarch ESHAs. [GP/CP]** Any area not designated on Figure 4-1 that is determined by a site-specific study to contain monarch habitats, including autumnal and winter roost sites, shall be granted the same protections as if the area was shown on the figure. Proposals for development on sites shown on this figure or where there is probable cause to believe that monarch habitats may exist shall be required to provide a site-specific study.	Section 17.30.030(B), Biological Study
CE 4.4	**Protection of Monarch Butterfly ESHAs. [GP/CP]** Monarch butterfly ESHAs shall be protected against significant disruption of habitat values, and only uses or development dependent on and compatible with maintaining such resources shall be allowed within these ESHAs or their buffer areas. The following standards shall apply: a. No development, except as otherwise allowed by this policy, shall be allowed within monarch butterfly ESHAs or ESHA buffers. b. Since the specific locations of aggregation sites may vary from one year to the next, the focus of protection shall be the entire grove of trees rather than individual trees that are the location of the roost. c. Removal of vegetation within monarch ESHAs shall be prohibited, except for minor pruning of trees or removal of dead trees and debris that are a threat to public safety. d. Public accessways are considered resource-dependent uses and may be located within a monarch ESHA or its buffer; however, such accessways shall be sited to avoid or minimize impacts to aggregation sites. e. Interpretative signage is allowed within a monarch ESHA or its buffer, but shall be designed to be visually unobtrusive. f. Butterfly research, including tree disturbance or other invasive methods, may be allowed subject to City approval of a permit.	Section 17.30.180(B), Monarch Butterfly Protection Standards

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CE 4.5 **Buffers Adjacent to Monarch Butterfly ESHAs. [GP/CP]** A buffer of a sufficient size to ensure the biological integrity and preservation of the monarch butterfly habitat, including aggregation sites and the surrounding grove of trees, shall be required. Buffers shall not be less than 100 feet around existing and historic roost sites as measured from the outer extent of the tree canopy. The buffer area shall serve as transitional habitat with native vegetation and shall provide physical barriers to human intrusion. The buffer may be reduced to 50 feet in circumstances where the trees contribute to the habitat but are not considered likely to function as an aggregation site, such as along narrow windrows. Grading and other activities that could alter the surface hydrology that sustains the groves of trees are prohibited within or adjacent to the buffer area.	Section 17.24.100, Grading and Grubbing; Section 17.30.180(C), Required ESHA Buffer
CE 4.6 **Standards Applicable to New Development Adjacent to Monarch ESHAs. [GP/CP]** The following standards shall apply to consideration of proposals for new development adjacent to monarch ESHAs or ESHA buffers: a. A site-specific biological study, prepared by an expert approved by the City who is qualified by virtue of education and experience in the study of monarch butterflies, shall be required to be submitted by the project proponent. b. The study shall include preparation of a Monarch Butterfly Habitat Protection Plan, which at a minimum shall include: 1) the mapped location of the cluster of trees where monarchs are known, or have been known, to roost in both autumnal and over-wintering aggregations; 2) an estimate of the size of the population within the colony; 3) the mapped extent of the entire habitat area; and 4) the boundaries of the buffer zone around the habitat area. c. A temporary fence shall be installed along the outer boundary of the buffer zone prior to and during any grading and construction activities on the site. d. If an active roost or aggregation is present on the project site, any construction grading, or other development within 200 feet of the active roost, shall be prohibited between October 1 and March 1.	Section 17.30.030(B)(7), Biological Study; Section 17.30.180(D), Construction Standards
Policy CE 5: Protection of Other Terrestrial Habitat Areas – Preserve, protect, and enhance unique, rare, or fragile native flora and plant communities.	
CE 5.1 **Designation of Other Terrestrial ESHAs. [GP/CP]**	N/A
CE 5.2 **Protection of Native Grasslands. [GP/CP]** In addition to the provisions of Policy CE 1, the following standards shall apply: a. For purposes of this policy, existing native grasslands are defined as an area where native grassland species comprise 10 percent or more of the total relative plant cover. Native grasslands that are dominated by perennial bunch grasses tend to be patchy. Where a high density of separate small patches occurs in an area, the whole area shall be delineated as native grasslands. b. To the maximum extent feasible, development shall avoid impacts to native grasslands that would destroy, isolate, interrupt, or cause a break in continuous habitat that would (1) disrupt associated animal movement patterns and seed dispersal, or (2) increase vulnerability to weed invasions. c. Removal or disturbance to a patch of native grasses less than 0.25 acre that is clearly isolated and is not part of a significant native grassland or an integral component of a larger ecosystem may be allowed. Removal or disturbance to restoration areas shall not be allowed. d. Impacts to protected native grasslands shall be minimized by providing at least a 10-foot buffer that is restored with native species around the perimeter of the delineated native grassland area. e. Removal of nonnative and invasive exotic species shall be allowed; revegetation shall be with plants or seeds collected within the same watershed whenever feasible.	Section 17.30.160, Protection of Native Grassland
CE 5.3 **Protection of Costal Bluff Scrub, Coastal Sage Scrub, and Chaparral ESHA. [GP/CP]** In addition to the provisions of Policy CE 1, the following standards shall apply: a. For purposes of this policy, coastal bluff scrub is defined as scrub habitat occurring on exposed coastal bluffs. Example species in bluff scrub habitat include Brewer's saltbush (Atriplex lentiformis), lemonade berry (Rhus integrifolia), seashore blight (Suaeda californica), seacliff buckwheat (Eriogonum parvifolium), California sagebrush (Artemisia californica), and coyote bush (Baccharis pilularis). Coastal sage scrub is defined as a drought-tolerant, Mediterranean habitat characterized by soft-leaved, shallow-rooted subshrubs such as California sagebrush (Artemisia californica), coyote bush (Baccharis pilularis), and California encelia (Encelia californica). It is found at lower elevations in both coastal and interior areas where moist maritime air penetrates inland. Chaparral is defined as fire- and drought-adapted woody, evergreen shrubs generally occurring on hills and lower mountain slopes. The area must have both the compositional and structural characteristics of coastal bluff scrub, coastal sage scrub, or chaparral habitat as described in Preliminary Descriptions of Terrestrial Natural Communities of California (Holland 1986) or other classification system recognized by the California Department of Fish and Game. b. To the maximum extent feasible, development shall avoid impacts to coastal bluff scrub, coastal sage scrub, or chaparral habitat that is part of a wildlife movement corridor and the impact would preclude animal movement or isolate ESHAs previously connected by the corridor such as (1) disrupting associated bird and animal movement patterns and seed dispersal, and/or (2) increasing erosion and sedimentation impacts to nearby creeks or drainages. c. Impacts to coastal bluff scrub, coastal sage scrub, and chaparral ESHAs shall be minimized by providing at least a 25-foot buffer restored with native species around the perimeter of the ESHA, unless the activity is allowed under other CE subpolicies and mitigation is applied per CE 1.7. d. Removal of nonnative and invasive exotic species shall be allowed; revegetation shall be with plants or seeds collected within the same watershed whenever feasible.	Section 17.30.140, Protection of Coastal Bluff Scrub, Coastal Sage Scrub, and Chaparral; Chapter 17.73, List of Terms and Definitions
Policy CE 6: Protection of Marine Habitat Areas [GP/CP] -- Preserve and protect the biological integrity of marine habitats and resources within and adjacent to Goleta.	
CE 6.1 **Designation of Marine ESHAs. [GP/CP]**	N/A
CE 6.2 **Protection of Marine ESHAs. [GP/CP]** The following protections shall apply to marine ESHAs: a. Marine ESHAs shall be protected against significant disruption of habitat values, and only uses dependent on such resources, such as fishing, whale watching, ocean kayaking, and similar recreational activities, should be allowed within the offshore area. b. All existing oil and gas production facilities, including platform Holly and the piers at State Lease 421, shall be decommissioned immediately upon termination of production activities. All facilities and debris shall be completely removed and the sites restored to their prior natural condition as part of the decommissioning activities. No new oil and gas leases or facilities shall be allowed within state waters offshore from Goleta. c. Permitted uses or developments shall be compatible with marine and beach ESHAs. d. Any development on beach or ocean bluff areas adjacent to marine and beach habitats shall be sited and designed to prevent impacts that could significantly degrade the marine ESHAs. All uses shall be compatible with the maintenance of the biological productivity of such areas. Grading and landform alteration shall be limited to minimize impacts from erosion and sedimentation on marine resources. e. Marine mammal habitats, including haul-out areas, shall not be altered or disturbed by development of recreational facilities or activities, or any other new land uses and development.	Section 17.30.170, Protection of Marine and Beach Habitats

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	f. Near-shore shallow fish habitats and shore fishing areas shall be preserved and, where appropriate and feasible, enhanced. g. Activities by the California Department of Fish and Game; Central Coast Regional Water Quality Control Board; State Lands Commission; and Division of Oil, Gas and Geothermal Resources to increase monitoring to assess the conditions of near-shore species, water quality, and kelp beds, and/or to rehabilitate areas that have been degraded by human activities, such as oil and gas production facilities, shall be encouraged and allowed.	
Policy CE 7: Protection of Beach and Shoreline Habitats – To preserve and protect the biological integrity of Goleta's beaches, dunes, coastal bluffs and other shoreline resources.		
CE 7.1	**Designation of Beach and Shoreline ESHAs. [GP/CP]** All areas extending from the mean high tide line landward to the top of the ocean bluffs are hereby designated as ESHAs.	Chapter 17.73, List of Terms and Definitions
CE 7.2	**Protection of Dunes. [GP/CP]** Dune ESHAs shall be protected and, where feasible, enhanced. Vehicle traffic through dunes shall be prohibited. Where pedestrian access through dunes is allowed, well-defined footpaths or other means of directing use and minimizing adverse impacts shall be used. Active nesting areas for sensitive birds, such as the western snowy plovers and least terns, shall be protected by fencing, signing, and other means.	Section 17.30.190(A), Dunes
CE 7.3	**Protection of Beach Areas. [GP/CP]** Access to beach areas by motorized vehicles, including offroad vehicles, shall be prohibited, except for beach maintenance and emergency response vehicles of public agencies. Emergency services shall not include routine vehicular patrolling by private security forces. Any beach grooming activities shall employ hand-grooming methods, and mechanical beach grooming equipment and methods shall be prohibited. All vehicular uses on beach areas shall avoid ESHAs to the maximum extent feasible.	Section 17.30.170(D), Beach Activities
CE 7.4	**Permitted Uses of Beaches and Shoreline Areas. [GP/CP]** Uses on beaches and shoreline areas shall be limited to coastal-dependent activities that are compatible with preservation of the quality of the resource, including coastal-dependent recreation activities such as swimming, surfing, boating and kayaking, and fishing. Any commercial coastal-dependent recreation activities that would limit use of beach and shoreline areas to customers and exclude the general public shall be subject to approval of a permit by the City. Any such permitted uses shall not degrade the quality or the habitat or cause impacts to birds and other wildlife.	Section 17.30.170(D), Beach Activities
CE 7.5	**Shoreline Protective Structures. [GP/CP]** New shoreline protective structures such as seawalls, revetments, and riprap shall be prohibited, except as provided in Policies SE 2 and SE 3.	Section 17.32.040(H), Shoreline Protection Devices
CE 7.6	**Restoration of Degraded Shoreline Areas. [GP/CP]** Removal of existing beach and shoreline structures, such as seawalls, roadways, and riprap, and removal of remnants of shoreline oil and gas facilities are allowed and encouraged activities. Such areas shall be restored to a natural condition.	Section 17.32.040(E)(4), Development Seaward of the Top of the Bluff
CE 7.7	**Recreation Facilities on Beach Areas. [GP/CP]** When permitted, new public access and recreational facilities or structures on beaches shall be designed and located to minimize impacts to ESHAs and marine resources.	Section 17.30.170, Protection of Marine and Beach Habitats
CE 7.8	**Protection of Seabird Nest Areas. [GP/CP]** To protect seabird nesting areas, no pedestrian access shall be provided on bluff faces except along existing and planned formal trails or stairways shown in this plan. New structures shall be prohibited on bluff faces except for stairs, ramps, or trails to provide for public beach access.	Section 17.25.030, Access Location Requirements; Section 17.32.040(D), Bluff Face Development
Policy CE 8: Protection of Special-Status Species – Preserve and protect habitats for threatened, endangered, or other special-status species of plants and animals in order to maintain biodiversity.		
CE 8.1	**ESHA Designation. [GP/CP]** Requisite habitats for individual occurrences of special-status plants and animals, including candidate species for listing under the state and federal endangered species acts, California species of special concern, California Native Plant Society List 1B plants, and other species protected under provisions of the California Fish and Game Code shall be preserved and protected, and their occurrences, including habitat requirements, shall be designated as ESHAs. These habitats include, but are not limited to, the following: a. Special-status plant species such as Santa Barbara honeysuckle (Lonicera subspicata var. subspicata), southern tarplant (Centromadia parryi ssp. australis) and black-flowered figwort (Scrophularia atrata). b. Habitat capable of supporting special-status invertebrate species, such as the globose dune beetle (Coelus globosus), and roosting habitat for the monarch butterfly. c. Aquatic habitat capable of supporting special-status fish species such as the steelhead trout (Oncorhynchus mykiss) and tidewater goby (Eucyclogobius newberryi). d. Habitat capable of supporting special-status amphibians and reptiles such as the red-legged frog (Rana aurora draytonii) and western pond turtle (Clemmys marmorata pallida). e. Nesting and roosting areas for various species of raptors such as Cooper's hawks (Accipiter cooperii), red-tailed hawks (Buteo jamaicensis), white-tailed kites (Elanus leucurus), and turkey vultures (Cathartes aura). f. Nesting habitat for other special-status bird species such as western snowy plover, southwestern willow flycatcher (Empidonax traillii extimus), loggerhead shrike (Lanius ludovicianus), yellow warbler (Dendroica petechia), or tri-colored blackbird (Agelaius tricolor). g. Nesting and foraging habitat for special-status mammals such as pallid bat (Antrozous pallidus), western red bat (Lasiurus blossevillii), Yuma myotis (Myotis yumanensis), and American badger (Taxidea taxus).	Section 17.30.190(D), Protection of Special-Status Species
CE 8.2	**Protection of Habitat Areas. [GP/CP]** All development shall be located, designed, constructed, and managed to avoid disturbance of adverse impacts to special-status species and their habitats, including spawning, nesting, rearing, roosting, foraging, and other elements of the required habitats.	Section 17.30.190(D), Protection of Special-Status Species
CE 8.3	**Site-Specific Biological Resources Study. [GP/CP]** Any areas not designated on Figure 4-1 that meet the ESHA criteria for the resources specified in CE 8.1 shall be accorded the same protections as if the area were shown on the figure. Proposals for development on sites where ESHAs are shown on the figure, or where there is probable cause to believe that an ESHA may exist, shall be required to provide the City with a site-specific biological study that includes the following information: a. A base map that delineates topographic lines, parcel boundaries, and adjacent roads. b. A vegetation map that 1) identifies trees or other sites that are existing or historical nests for the species of concern and 2) delineates other elements of the habitat such as roosting sites and foraging areas. c. A detailed map that shows the conclusions regarding the boundary, precise location and extent, or current status of the ESHA based on substantial evidence provided in the biological studies. d. A written report that summarizes the survey methods, data, observations, findings, and recommendations.	Section 17.30.030(B), Biological Study
CE 8.4	**Buffer Areas for Raptor Species. [GP/CP]** Development shall be designed to provide a 100-foot buffer around active and historical nest sites for protected species of raptors when feasible. In existing developed areas, the width of the buffer may be reduced to correspond to the actual width of the buffer for adjacent development. If the biological study described in CE 8.3 determines that an active raptor nest site exists on the subject property, whenever feasible no vegetation clearing, grading, construction, or other development activity shall be allowed within a 300-foot radius of the nest site during the nesting and fledging season.	Section 17.30.190(C), Buffer Areas for Raptor Species
Policy CE 9: Protection of Native Woodlands – Maintain and protect native trees and woodlands as a valuable resource needed to support wildlife and provide visual amenities.		
CE 9.1	**Definition of Protected Trees. [GP/CP]**	N/A

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CE 9.2	**Tree Protection Plan. [GP/CP]**	N/A
CE 9.3	**Native Oak Woodlands or Savannas. [GP/CP]** Native oak woodlands and savannas are designated as ESHAs and shall be preserved and protected. A minimum buffer area shall be established via the implementation of CE-IA-4, Preparation of a Tree Protection Ordinance.	Section 17.30.150, Protection of Native Oak Woodlands and Savannas
CE 9.4	**Tree Protection Standards. [GP/CP]**	N/A
CE 9.5	**Mitigation of Impacts to Native Trees. [GP/CP]**	N/A
Policy CE 10: Watershed Management and Water Quality – Prevent the degradation of the quality of groundwater basins and surface waters in and adjacent to Goleta.		
CE 10.1	**New Development and Water Quality. [GP/CP]**	N/A
CE 10.2	**Siting and Design of New Development. [GP/CP]** New development shall be sited and designed to protect water quality and minimize impacts to coastal waters by incorporating measures designed to ensure the following: a. Protection of areas that provide important water quality benefits, areas necessary to maintain riparian and aquatic biota, and areas susceptible to erosion and sediment loss. b. Limiting increases in areas covered by impervious surfaces. c. Limiting the area where land disturbances occur, such as clearing of vegetation, cut-and-fill, and grading, to reduce erosion and sediment loss. d. Limiting disturbance of natural drainage features and vegetation.	Section 17.24.100, Grading and Grubbing; Chapter 17.30, Environmentally Sensitive Habitat Areas; Chapter 17.31, Floodplain Management; Chapter 17.34, Landscaping;
CE 10.3	**Incorporation of Best Management Practices for Stormwater Management. [GP/CP]**	N/A
CE 10.4	**New Facilities. [GP/CP]**	N/A
CE 10.5	**Beachfront and Blufftop Development. [GP/CP]** Development adjacent to the beach or blufftop shall incorporate BMPs designed to prevent or minimize polluted runoff to the beach and ocean waters.	N/A
CE 10.6	**Stormwater Management Requirements. [GP/CP]**	N/A
CE 10.7	**Drainage and Stormwater Management Plans. [GP/CP**]	N/A
CE 10.8	**Maintenance of Stormwater Management Facilities. [GP/CP]**	N/A
CE 10.9	**Landscaping to Control Erosion. [GP/CP]** Any landscaping that is required to control erosion shall use native or drought-tolerant noninvasive plants to minimize the need for fertilizer, pesticides, herbicides, and excessive irrigation.	Section 17.34.050, Materials
Policy CE 11: Preservation of Agricultural Lands – Promote and retain Goleta's agricultural heritage by conserving existing agricultural resources for future generations and supporting agricultural production by minimizing activities and uses that may conflict with agricultural use of the land.		
CE 11.1	**Agricultural Uses. [GP/CP]** The City shall encourage agriculture and floriculture uses as part of its land use program, and expansion and intensification of agricultural activities (except for large-scale confined animal uses and the addition of structures that could reduce the productive capacity of soils) shall be supported.	Table 17.12.020: Land Use Regulations – Open Space and Agricultural Districts
CE 11.2	**Conversion of Agricultural Lands. [GP/CP]** Conversion of agricultural lands as designated on the Land Use Plan Map (Figure 2-1) to other uses shall not be allowed. Lands designated for agriculture within the urban boundary shall be preserved for agricultural use.	Table 17.12.020: Land Use Regulations – Open Space and Agricultural Districts
CE 11.3	**Compatibility of New Development With Agriculture. [GP/CP]** Development adjacent to lands designated for agriculture shall be designed and located so as to avoid or minimize potential conflicts with agricultural activities. Right-to-farm covenants and disclosure notices will be required for any development located adjacent to agricultural land.	17.24.030, Buffers Adjacent to Agricultural Districts; 17.24.160, Right to Farm Covenants
CE 11.4	**Buffers Adjacent to Agricultural Parcels. [GP/CP]** New development adjacent to property designated for agricultural uses shall include buffers and other measures such as landscape screening to minimize potential conflicts with agricultural activities. The widths of the buffers shall be determined based on site-specific findings at the time of approval of the development.	17.24.030, Buffers Adjacent to Agricultural Districts
CE 11.5	**Productive Agricultural Use. [GP/CP]** The City supports appropriate agricultural activities on land designated for agriculture on the Land Use Plan Map (Figure 2-1) and Open Space Plan Map (Figure 3-5).	Zoning Map
CE 11.6	**Community Supported Agriculture. [GP/CP]**	N/A
CE 11.7	**Agricultural Practices. [GP/CP]**	N/A
CE 11.8	**Mitigation of Impacts of New Development on Agriculture. [GP/CP]** The review of discretionary land use development proposals near the designated agricultural lands shall include an analysis of the direct and indirect effects of the proposal on conducting agricultural practices. The City shall apply appropriate conditions on the proposal to mitigate any potential impacts. If such impacts cannot be mitigated, the proposal may be denied.	17.24.030, Buffers Adjacent to Agricultural Districts; 17.24.160, Right to Farm Covenants
CE 11.9	**Direct Marketing of Agricultural Products. [GP/CP]** The City shall promote and support the direct marketing of local agricultural products to the community by farmers. Marketing methods or activities include certified farmers' markets, community supported agriculture, seasonal produce stands, and year-round markets. Such uses should be allowed subject to appropriate controls to manage traffic and potential use conflicts in any commercial or industrial land use designation. Seasonal sales of agricultural products may be allowed on agricultural lands, provided that the emphasis is on marketing of commodities produced on the site and at farms in the nearby south coast area.	Table 17.12.020: Land Use Regulations – Open Space and Agricultural Districts; Section 17.41.260, Temporary Uses
CE 11.10	**Permanent Protection of Agricultural Lands. [GP/CP]**	N/A
Policy CE 12: Protection of Air Quality – Maintain and promote a safe and healthy environment by protecting air quality and minimizing pollutant emissions from new development and from transportation sources.		
CE 12.1	**Land Use Compatibility. [GP]** The designation of land uses on the Land Use Plan Map (Figure 2-1) and the review of new development shall ensure that siting of any new sensitive receptors provides for adequate buffers from existing sources of emissions of air pollutants or odors. *Sensitive receptors* are a facility or land use that includes members of the population sensitive to the effects of air pollutants. Sensitive receptors may	Section 17.39.040(C), Highway Buffer

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include children, the elderly, and people with illnesses. If a development that is a sensitive receptor is proposed within 500 feet of U.S. Highway 101 (US-101), an analysis of mobile source emissions and associated health risks shall be required. Such developments shall be required to provide an adequate setback from the highway and, if necessary, identify design mitigation measures to reduce health risks to acceptable levels.	
CE 12.2 **Control of Air Emissions from New Development. [GP]** The following shall apply to reduction of air emissions from new development: a. Any development proposal that has the potential to increase emissions of air pollutants shall be referred to the Santa Barbara County Air Pollution Control District for comments and recommended conditions prior to final action by the City. b. All new commercial and industrial sources shall be required to use the best-available air pollution control technology. Emissions control equipment shall be properly maintained to ensure efficient and effective operation. c. Wood-burning fireplace installations in new residential development shall be limited to low-emitting state- and U.S. Environmental Protection Agency (EPA) -certified fireplace inserts and woodstoves, pellet stoves, or natural gas fireplaces. In locations near monarch butterfly ESHAs, fireplaces shall be limited to natural gas. d. Adequate buffers between new sources and sensitive receptors shall be required. e. Any permit required by the Santa Barbara County Air Pollution Control District shall be obtained prior to issuance of final development clearance by the City.	Section 17.39.040, Air Quality
CE 12.3 **Control of Emissions during Grading and Construction. [GP]**	N/A
CE 12.4 **Minimizing Air Pollution from Transportation Sources. [GP]**	N/A
Policy CE 13: Energy Conservation – Promote energy efficiency	
CE 13.1 **Energy Efficiency in Existing and New Residential Development. [GP]**	N/A
CE 13.2 **Energy Efficiency in Existing and New Commercial and Industrial Development. [GP]**	N/A
CE 13.3 **Use of Renewable Energy Sources. [GP]** For new projects, the City encourages the incorporation of renewable energy sources. Consideration shall be given to incorporation of renewable energy sources that do not have adverse effects on the environment or on any adjacent residential uses. The following considerations shall apply: a. Solar access shall be protected in accordance with the state Solar Rights Act (AB 2473). South wall and rooftop access should be achievable in low-density residential areas, while rooftop access should be possible in other areas. b. New development shall not impair the performance of existing solar energy systems. Compensatory or mitigation measures may be considered in instances where there is no reasonable alternative. c. Alternative energy sources are encouraged, provided that the technology does not contribute to noise, visual, air quality, or other potential impacts on nearby uses and neighborhoods.	Section 17.24.080, Exceptions to Height Limits; Section 17.24.180, Solar Installations; Section 17.58.080, Required Findings
CE 13.4 **Energy Conservation for City Facilities and Operations. [GP]**	N/A
CE 13.5 **Public Information and Education. [GP]**	N/A
Policy CE 14: Preservation and Enhancement of Urban Forest [GP] – To protect, preserve, and enhance Goleta's urban forest for its aesthetic, visual, and environmental benefits to the community.	**N/A**
Policy CE 15: Water Conservation and Materials Recycling – Conserve scarce water supply resources and encourage reduction in the generation of waste materials at the source and recycling of waste materials.	
CE 15.1 **Water Conservation. [GP]**	N/A
CE 15.2 **Water Conservation for City Facilities. [GP]**	N/A
CE 15.3 **Water Conservation for New Development. [GP]** In order to minimize water use, all new development shall use low water use plumbing fixtures, water-conserving landscaping, low flow irrigation, and reclaimed water for exterior landscaping, where appropriate.	Chapter 17.34, Landscaping
CE 15.4 **Waste Reduction and Recycling. [GP]** The City shall promote waste reduction and recycling programs for residences and businesses, encourage commercial composting and education programs, recycle public green waste materials for mulch and compost, reuse removed trees for lumber when possible, and implement waste and recycling standards for all new developments and remodels.	N/A
CE 15.5 **Reduction of Construction Wastes. [GP]**	N/A
CE – IMPLEMENTATION ACTIONS	
SAFETY ELEMENT	
Policy SE 1: Safety in General – Avoid siting of development or land use activities in hazardous areas, and where this is infeasible, require appropriate mitigation to lessen or minimize exposure to hazards.	
SE 1.2 **Guidelines for Siting Highly Sensitive Uses and Critical Facilities. [GP/CP]**	N/A
SE 1.3 **Site-Specific Hazards Studies. [GP/CP]** Applications for new development shall consider exposure of the new development to coastal and other hazards. Where appropriate, an application for new development shall include a geologic/soils/geotechnical study and any other studies that identify geologic hazards affecting the proposed project site and any necessary mitigation measures. The study report shall contain a statement certifying that the project site is suitable for the proposed development and that the development will be safe from geologic hazards. The report shall be prepared and signed by a licensed certified engineering geologist or geotechnical engineer and shall be subject to review and acceptance by the City.	Section 17.32.030(B), Site Specific Hazard Study
SE 1.4 **Deed Restriction in Hazardous Areas. [GP/CP]**	N/A
SE 1.5 **Subdivision of New Lots in Hazard Areas. [GP/CP]** Land divisions, including lot line adjustments, shall be prohibited in areas subject to geologic, seismic, flooding, and other hazards unless it is demonstrated by the subdivider that all lots in the new subdivision will have sufficient buildable land area that is situated outside the hazardous portions of the property.	Section 17.32.070, Subdivisions
SE 1.6 **Enforcement of Building Codes. [GP]**	N/A
SE 1.7 **Abatement of Public Safety Hazards. [GP]**	N/A

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SE 1.8	**Reduction of Non-Conforming or Substandard Structural Conditions. [GP]**	N/A
SE 1.9	**Reduction of Radon Hazards. [GP]**	N/A
Policy SE 2: Bluff Erosion and Retreat – Ensure safe siting of bluff-top buildings and other development and avoid the need for shoreline erosion-control structures.		
SE 2.1	**Coastal Bluff Setbacks for Buildings. [GP/CP]** All new permanent buildings shall be set back at least 130 feet from the top of the bluff. The 130-foot setback consists of the sum of a) 100 times a conservative average rate of bluff retreat of 1.0 feet per year, and b) a 30-foot additional safety buffer. A lesser setback may be considered provided that a site-specific geological or geotechnical engineering study demonstrates that the average annual bluff retreat rate is less than 1.0 feet per year and that the proposed setback meets the 100-year bluff-retreat rate, plus 30 feet, standard. Repair and maintenance of existing bluff structures that encroach into the required setback are allowed. Minor additions (less than 10 percent of the existing building's floor area) to existing bluff-top structures within the bluff setback may be allowed, provided that the addition does not encroach further into the setback than the existing structure.	Section 17.32.040(G), Site Planning and Setback Standards
SE 2.2	**Coastal Bluff Setbacks for Other Structures. [GP/CP]** Structures other than buildings may be permitted within the 130-foot bluff setback area, but in no case shall any new structure be located less than 30 feet from the top of the coastal bluff. All such structures should be moveable or replaceable such that coastal armoring or coastal bluff retaining walls are not permitted should these structures be threatened by bluff retreat. This setback prohibition does not apply to minor structures associated with passive recreational uses such as signs and benches.	Section 17.32.040(G), Site Planning and Setback Standards
SE 2.3	**Prohibition of Shoreline Armoring for Bluff-Top Development. [GP/CP]** The installation of coastal armoring to protect bluff-top development constructed after the effective date of Public Resources Code Section 30235 shall be prohibited. Such prohibited armoring includes but is not limited to seawalls, revetments, and riprap. Should existing bluff-top buildings be threatened by coastal bluff retreat, threatened structures shall be relocated or removed.	Section 17.32.040(H), Shoreline Protection Devices
SE 2.4	**Building Setbacks along Non-Bluff Coastlines. [GP/CP]** Appropriate setbacks shall be required for shoreline segments that lack coastal bluffs. For all structures proposed within 500 feet of the mean high tide line in areas that lack coastal bluffs, a site-specific shoreline erosion rate and shoreline hazards study shall be required. Such a study must demonstrate that the proposed structure would not be expected to be subject to shoreline erosion or other hazards for the structure's lifetime or for 50 years, whichever is greater.	Section 17.32.040(G), Site Planning and Setback Standards
SE 2.5	**Prohibition on Armoring for Non-Bluff Coastlines. [GP/CP]** The installation of coastal armoring along nonbluff segments of the coastline to protect shoreline development constructed after the effective date of Public Resources Code Section 30235 shall be prohibited. Such prohibited armoring includes but is not limited to seawalls, revetments, and riprap. Should shoreline structures constructed after adoption of these policies be threatened by coastal bluff retreat, threatened structures shall be relocated or removed.	Section 17.32.040(H), Shoreline Protection Devices
SE 2.6	**Prohibition of Structures on Bluff Faces. [GP/CP]** No permanent structures shall be permitted on a bluff face, except for engineered public beach accessways. Such structures shall be designed and constructed to prevent any further erosion of the bluff face and to be visually compatible with the surrounding area.	Section 17.32.040(D), Bluff Face Development
SE 2.7	**Deed Restriction Regarding Coastal Hazards. [GP/CP]**	N/A
Policy SE 3: Beach Erosion and Shoreline Hazards – Minimize or eliminate the need for shoreline protection structures while siting development safely, maintaining shoreline sand supply, and providing safe lateral and vertical shoreline access.		
SE 3.1	**Permanent Structures. [GP/CP]** New permanent structures shall be prohibited seaward of the top of the coastal bluff. The exceptions to this prohibition include: 1) wooden stairs and other lightly constructed structures that provide public beach access, and 2) improvements necessary to provide access to the beach for emergency responders, if such access is appropriate and no other methods of access are feasible.	Section 17.32.040(E), Development Seaward of the Top of the Bluff
SE 3.2	**Coastal Engineering Report. [GP/CP]** Where appropriate, applications for new development on a beach, dune, or bluff-top property shall include a wave uprush and impact report and analysis prepared by a licensed civil engineer with expertise in coastal engineering that addresses and demonstrates the effects of the proposed development in relation to the following: a. The profile of the beach. b. Surveyed locations of mean high tide lines acceptable to the State Lands Commission. c. The availability of public access to and along the beach. d. The area of the site subject to wave uprush. e. Foundation design requirements. f. The potential need for a shoreline protection structure over the life of the project. g. The long-term effects of the proposed development on shoreline sand supply. h. Future projections of rise in sea levels. i. Project alternatives designed to avoid or lessen impacts and/or exposure to shoreline hazards.	Section 17.32.040(C), Application Requirements
SE 3.3	**Temporary Structures. [GP/CP]** Temporary structures seaward of the top of the coastal bluff shall be allowed subject to approval of an appropriate discretionary permit. The findings for approval of such a permit shall include the requirement that the temporary structure not substantially interfere with lateral or vertical beach access or adversely impact coastal processes. *Temporary structures* are defined as structures that will be retained no longer than 3 years. Standards for review of temporary structures and the appropriate permit process shall be included in the City's new zoning code.	Section 17.32.040(E), Development Seaward of the Top of the Bluff
SE 3.4	**Installation of New Coastal Armoring. [GP/CP]** Pursuant to Public Resources Code Section 30235, revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall only be permitted when required to serve coastal-dependent uses or to protect structures existing as of the effective date of Public Resources Code Section 30235 or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. In particular, the goals of mitigation shall include, but not be limited to, maintaining beach widths fronting and adjacent to coastal armoring structures and maintaining safe lateral beach access.	Section 17.32.040(H), Shoreline Protection Devices
SE 3.5	**Permitted Coastal Armoring for Publicly Owned Beaches and Vertical Beach Accesses. [GP/CP]** Coastal armoring may be allowed to protect and maintain safe public vertical beach accessways. Coastal armoring may also be allowed as a component of a beach restoration project for a publicly owned beach. Coastal armoring designed to provide for safe vertical beach access should be limited in size and scope to the minimum amount necessary and be placed as far landward as possible to minimize impacts to beach processes and maximize the provision of safe lateral beach access. Similar standards for limiting armoring to the least amount necessary apply to armoring associated with public-beach restoration projects.	Section 17.32.040(B), Limitations on Development; Section 17.32.040(H), Shoreline Protection Devices
SE 3.6	**Repair and Maintenance of Coastal Armoring. [GP/CP]** Repair and maintenance of existing or legally permitted coastal armoring may be permitted only if the repair and maintenance activities do not result in an enlargement or extension of armoring, and where an engineering or geological study demonstrates that in the absence of such repair and maintenance, the structure protected by the armoring would be subject to damage	Section 17.32.040(J), Maintenance

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	from identified coastal hazards. "Existing" as used in this policy shall mean existing as of the effective date of Public Resources Code Section 30235. Repair and maintenance activities shall not result in a seaward encroachment of the coastal armoring.	
SE 3.7	**Standards for Coastal Armoring and Requirements for Applications. [GP/CP]** Any proposal for installation or repair and maintenance of coastal armoring submitted pursuant to Subpolicies SE 3.4, SE 3.5, or SE 3.6 shall include an engineering or geological study that demonstrates that in the absence of the proposed project, the structure to be protected by the armoring would be subject to damage by identified coastal hazards. Such a proposal shall also include an analysis of all feasible alternatives to coastal armoring. The alternatives analysis shall include but not be limited to the relocation of the threatened structure or development as well as the removal of portions of the threatened structure or development. The alternatives analysis should demonstrate that the proposed armoring is the least environmentally damaging alternative and that the armoring has been designed to eliminate or mitigate adverse impacts on local shoreline sand supply. All armoring structures shall be designed to be visually compatible with the adjacent shoreline segment.	Section 17.32.040(H), Shoreline Protection Devices
SE 3.8	**Removal of Derelict Coastal Armoring Structures. [GP/CP]**	N/A
SE 3.9	**Removal of Beach Hazards. [GP/CP]**	N/A
SE 3.10	**Complete and Prompt Abandonment of Shoreline Structures. [GP/CP]**	N/A
Policy SE 4: Seismic and Seismically Induced Hazards – Minimize the potential for loss of life and property and economic and social disruption resulting from seismic events and seismically induced hazards.		
SE 4.1	**Information on Faults and Geologic Hazards. [GP/CP]**	N/A
SE 4.2	**Potentially Active Faults. [GP/CP]** Potentially active faults shall be subject to the same requirements as active faults unless and until geological or geotechnical studies demonstrate that a given potentially active fault is not active.	Section 17.32.050(B), Setback from Active Fault
SE 4.3	**Geotechnical and Geologic Studies Required. [GP/CP]** Where appropriate, the City shall require applications for planning entitlements for new or expanded development to address potential geologic and seismic hazards through the preparation of geotechnical and geologic reports for City review and acceptance.	Section 17.32.050(A), Geological, Geotechnical, Soil, and Engineering Studies
SE 4.4	**Setback from Faults. [GP/CP]** New development shall not be located closer than 50 feet to any active or potentially active fault line to reduce potential damage from surface rupture. Nonstructural development may be allowed in such areas, depending on how such nonstructural development would withstand or respond to fault rupture or other seismic damage.	Section 17.32.050(B), Setback from Active Fault
SE 4.5	**Adoption of Updated California Building Code Requirements. [GP]**	N/A
SE 4.6	**Identification of Un-reinforced Buildings. [GP]**	N/A
SE 4.7	**Seismic Retrofit Program. [GP]**	N/A
SE 4.8	**Seismic Standards for Critical Facilities. [GP]**	N/A
SE 4.9	**Safety Measures for Utilities. [GP]** For certain utilities, such as gas, oil, sewer, and water pipelines, that are not or cannot be routed to avoid crossing faults, appropriate safety measures (valve shutoffs, leak detection, etc.) shall be required to minimize earthquake-related impacts and promote rapid post-event repair and cleanup.	Chapter 17.30, Environmentally Sensitive Habitat Areas; Section 17.37.030(C), Development Standards
SE 4.10	**Avoidance of Liquefaction Hazard Areas for Critical Facilities. [GP/CP]** The City shall discourage the construction of critical facilities in areas of potential liquefaction. In cases where construction of such facilities cannot avoid liquefaction-hazard areas, the City shall require implementation of appropriate mitigation as recommended in site-specific geotechnical and soils studies.	Section 17.32.050(A), Geological, Geotechnical, Soil, and Engineering Studies
SE 4.11	**Geotechnical Report Required. [GP/CP]** The City shall require geotechnical and/or geologic reports as part of the application for construction of habitable structures and essential services buildings (as defined by the building code) sited in areas having a medium-to-high potential for liquefaction and seismic settlement. The geotechnical study shall evaluate the potential for liquefaction and/or seismic-related settlement to impact the development, and identify appropriate structural-design parameters to mitigate potential hazards.	Section 17.32.050(A), Geological, Geotechnical, Soil, and Engineering Studies
SE 4.12	**Safety Measures for Tsunami Hazard Areas. [GP/CP]** The following shall apply in tsunami hazard areas: a. New developments shall include design features or other measures that provide for safe harbor on site. b. Existing critical facilities within the tsunami hazard area should be reviewed by the City Building Official, or designee, in conjunction with the appropriate state agency, to ensure that adequate areas for safe harbor are available on site and/or that other measures or features exist to minimize risk of injuries and deaths in the event of a tsunami. c. The City, in cooperation with the County and/or State Offices of Emergency Services, encourages development of an emergency notification and evacuation plan in response to a tsunami warning. The City shall cooperate with these agencies to develop educational materials informing people of the causes of tsunamis, tsunami characteristics and warning signs (such as a locally felt earthquake or unusually recession of near-shore waters), and appropriate tsunami-response measures. These educational materials shall be made available to residents of and visitors to Goleta.	17.32.050(A), Geological, Geotechnical, Soil, and Engineering Studies
Policy SE 5: Soil and Slope Stability Hazards – Promote safely sized, sited, and designed development in erosion-prone hazard areas. Reduce the potential loss of both public and private property in areas subject to steep slopes and erosion hazards.		
SE 5.1	**Evaluation of Slope-Related Hazards. [GP/CP]** The City shall require geotechnical/geological, soil, and structural engineering studies for all development proposed in areas of known high and moderate landslide potential or on slopes equaling or exceeding 25 percent. The studies shall evaluate the potential for landslides, rockfalls, creep, and other mass movement processes that could impact the development; they shall also identify mitigation to reduce these potential impacts, if needed. The studies shall be included as part of an application for development.	17.32.050(A), Geological, Geotechnical, Soil, and Engineering Studies
SE 5.2	**Evaluation of Soil-Related Hazards. [GP/CP]** The City shall require structural evaluation reports with appropriate mitigation measures to be provided for all new subdivisions, and for discretionary projects proposing new nonresidential buildings or substantial additions. Depending on the conclusions of the structural evaluation report, soil and geological reports may also be required. Such studies shall evaluate the potential for soil expansion, compression, and collapse to impact the development; they shall also identify mitigation to reduce these potential impacts, if needed.	17.32.050(A), Geological, Geotechnical, Soil, and Engineering Studies
SE 5.3	**Avoidance of Landslide Hazards for Critical Facilities. [GP/CP]** The City shall prohibit the construction of critical facilities (hospitals, schools, communication centers, fire and police facilities, power plants, etc.) in areas of high landslide potential. The City shall discourage the construction of critical facilities in areas of moderate landslide potential. In cases where construction of such facilities cannot avoid moderate landslide hazard areas, the City shall require implementation of appropriate mitigation as recommended in site-specific geotechnical and soils studies.	17.32.050(A), Geological, Geotechnical, Soil, and Engineering Studies
SE 5.4	**Avoidance of Soil-Related Hazards. [GP/CP]** For the proposed development of any critical facilities in areas subject to soil-related hazards, as well as for noncritical facilities in areas subject to soil-related hazards, the City shall require site-specific geotechnical, soil, and/or structural engineering studies to assess the degree of hazard on the proposed site and recommend any appropriate site design modifications or considerations as	17.32.050(A), Geological, Geotechnical, Soil, and Engineering Studies

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	well as any other mitigation measures. The City shall not approve development in areas subject to soil-related hazards, unless mitigation measures are identified and committed to that would reduce hazards to an acceptable level.	
SE 5.5	**Minimization of Grading in Hazardous Areas. [GP/CP]** All construction proposed for areas with steep (equal to or greater than 25 percent) slopes or subject to soil- and slope-related hazards shall minimize the area to be graded and shall also minimize the area of vegetation removal or disturbance.	17.32.050(C), Site Disturbance
SE 5.6	**Streambed Stabilization Projects. [GP/CP]**	N/A
Policy SE 6: Flood Hazards – Minimize damage to structures and the danger to life caused by stream flooding, dam failure, inundation, and other flooding hazards.		
SE 6.1	**Map of Flood Hazard Areas. [GP/CP]** The City shall use the most recent edition of the federal Flood Insurance Rate Maps (FIRM maps) in evaluating applications for new or expanded development on properties subject to flood hazards. All applications for new or expanded development shall be required to show, where applicable, the floodway, 100-year floodplain, and the 500-year floodplain on the site plan showing the proposed development. The map in Figure 5-2 is a facsimile rather than the official flood hazard map and is intended only to be illustrative of possible flood hazard areas.	Section 17.31.020, Applicability
SE 6.2	**Areas Subject to Local Urban Flooding. [GP]** In addition to flood hazard areas shown on the FIRM maps, the City may require applications for new or expanded development in areas with known persistent local urban flooding to include measures that lessen the urban flooding hazard and/or that mitigate its effects on the proposed development. This requirement shall apply to flooding on any street or roadway that provides access to the proposed development.	Section 17.32.030(B), Site Specific Hazard Study
SE 6.3	**Floodplain Management Ordinance. [GP]**	N/A
SE 6.4	**Avoidance of Flood Hazard Areas. [GP/CP]** The City shall discourage any new intensive development in any flood hazard area. Similarly, the City shall require appropriate flood mitigation for intensification of existing development in any flood-prone area. The City shall not approve development within areas designated as the 100-year floodplain that would obstruct flood flow (such as construction in the designated floodway), displace floodwaters onto other property, or be subject to flood damage. The City shall not allow development that will create or worsen drainage problems.	Section 17.31.030(A), Prohibited Development
SE 6.5	**Siting of Critical Facilities. [GP]** The City shall discourage the construction of critical facilities within the 100-year floodplain. In cases where construction of such facilities cannot avoid flood hazard areas, the City shall require implementation of appropriate mitigation as recommended in site-specific hydrology/hydraulic and/or engineering studies.	Section 17.31.030(B), Hazards Evaluation Report
SE 6.6	**Enforcement of Watercourse Setback Ordinance. [GP/CP]** A minimum 50-foot setback shall be required from streambanks and flood control channels for all new development (see related CE 2.2). For projects that would be rendered infeasible by the application of such minimum setbacks, the project applicant shall provide a site-specific engineering study with recommended mitigation measures to allow for a reduced setback that would not expose development to unacceptable risk. Furthermore, in these cases, the City shall consult with the Santa Barbara County Flood Control District to determine whether the proposed lesser setback would be appropriate, in that it would allow access for flood control maintenance and enable proper operation of the channels. The City shall maintain and enforce the policies and standards within a Water Course Setback Ordinance.	Section 17.31.030(C), Required Setback; Section 17.31.030(D), Reduced Setback
SE 6.7	**Evaluation of Potential Inundation Hazard. [GP/CP]** When reviewing proposals for development of water reservoirs, large retention basins, or drainage channels, the City shall require an evaluation of potential inundation areas and require design to withstand potential seismic activity.	Section 17.32.050(A), Geological, Geotechnical, Soil, and Engineering Studies
SE 6.8	**Flood Control Projects. [GP/CP]**	N/A
SE 6.9	**Restoration of Armored or Channelized Stream Beds. [GP/CP]**	N/A
Policy SE 7: Urban and Wildland Fire Hazards – Reduce the threat to life, structures, and the environment caused by urban and wildland fires.		
SE 7.1	**Fire Prevention and Response Measures for New Development. [GP/CP]** New development and redevelopment projects shall be designed and constructed in accordance with National Fire Protection Association standards to minimize fire hazards, with special attention given to fuel management and improved access in areas with higher fire risk, with access or water supply deficiencies, or beyond a 5-minute response time.	Section 17.32.060(A), Fire Protection Measures for New Structures
SE 7.2	**Review of New Development. [GP/CP]**	N/A
SE 7.3	**Identification of Fire Hazard Areas. [GP/CP]**	N/A
SE 7.4	**Fuel Modification Plans. [GP/CP]** Applications for new development that require fuel modification shall include a Fuel Modification Plan for the project. This plan shall be prepared by a landscape architect or resource specialist and shall include measures to minimize removal of native vegetation, minimize disturbance to environmentally sensitive habitat areas (ESHAs), and incorporate fire-retardant vegetation in new plantings. Such plans shall be reviewed and approved by the Santa Barbara County Fire Department.	Section 17.32.060(B), Fuel Modification Plans
SE 7.5	**Automatic Fire Sprinkler Systems. [GP]** The City shall require the installation of automatic fire sprinklers for: a) all new buildings that have a total floor area of 5,000 square feet or more and b) any existing building proposed for remodeling or an addition, which, upon completion of the remodel or addition, will have a total floor area of 5,000 square feet or more. The 5,000-square-foot threshold cited in criteria a) and b), above, shall be reduced to 1,000 square feet for any building zoned or used for commercial or industrial purposes if such building is within 100 feet of any residentially zoned parcel.	Section 17.32.060(D), Automatic Fire Sprinklers
SE 7.6	**Standards for Rebuilding in High Fire Hazard Areas. [GP]** Any rebuilding in high fire hazard areas shall incorporate development standards and precautions that reduce the chance of structure losses from fire.	Section 17.32.060(C), Rebuilding in High Fire Hazard Areas
Policy SE 8: Oil and Gas Industry Hazards [GP/CP] – To minimize the risk of potential short- and long-term hazards associated with the operation of the Venoco Ellwood facilities and other oil and gas extraction, processing, and transportation facilities.		
SE 8.1	**Nonconforming Status of EOF. [GP/CP]**	Section 17.36.030, Nonconforming Uses
SE 8.2	**Consideration of Offshore Gas Processing. [GP/CP]**	N/A
SE 8.3	**Annual Safety Audits Required. [GP/CP**]	N/A
SE 8.4	**Enhanced Preparedness for Hydrogen Sulfide Release. [GP]**	N/A
SE 8.5	**Inventory of Oil and Gas Pipelines. [GP/CP]**	N/A
SE 8.6	**Quantitative Risk Assessment. [GP/CP]**	N/A

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SE 8.7	**Routing of Gas Pipelines. [GP/CP]** When reviewing proposals for new or relocated gas pipeline routes, the City shall consult with the federal Office of Pipeline Safety or the California Public Utilities Commission as appropriate. New gas pipelines, or relocations of existing gas pipelines, shall be routed to avoid significant risk to populated areas where feasible. This policy applies to gathering and transmission pipelines but not to distribution pipelines. The determination of populated areas shall consider both present and reasonably anticipated future development according to applicable land-use plans, zoning, and urban spheres of influence. New or relocated pipelines shall also be routed to prevent significant risk to highly sensitive land uses as defined in this element, unless the risk can be rendered insignificant by incorporation of feasible mitigation measures.	Section 17.37.030(C), Development Standards
SE 8.8	**Development near Gas Pipelines. [GP/CP]**	N/A
SE 8.9	**Safety Requirements for New Petroleum Pipelines. [GP/CP]** In a manner consistent with applicable law, the City shall condition discretionary land use approvals of new petroleum pipelines to require safe design, including technology to prevent failure and reduce the consequences of failure. Examples include proven controls for preventing internal and external corrosion and fractures, proven leak detection, safe venting systems, appropriate capabilities for shutting the pipeline down and isolating potential pipeline leaks, and effective public-warning systems. Requirements shall be commensurate with the level and anticipated duration of the risk.	Section 17.37.030(B), Major Conditional Use Permit Required
SE 8.10	**Safety, Inspection, and Maintenance of Oil and Gas Pipelines. [GP/CP]** The City shall condition discretionary land use approvals of new or substantially upgraded gas and oil pipelines to require a Safety Inspection, Maintenance, and Quality Assurance Program or similar mechanism to ensure adequate ongoing inspection, maintenance, and other operating procedures. Any such mechanism shall be subject to City approval prior to commencement of pipeline operations and provide for systematic updates as appropriate. Requirements shall be commensurate with the level and anticipated duration of the risk.	Section 17.37.030(C)(13), Safety Inspection, Maintenance, and Quality Assurance Program
SE 8.11	**Safety Measures for Pipelines Transporting Produced Gas. [GP/CP]** Consistent with applicable law, the City shall require feasible operating methods for reducing the hazard along natural gas pipeline corridors that are commensurate with the level of risk. Potential considerations include, but are not limited to, one or more of the following methods: sweetening of gas offshore, removal of condensate at the production site to achieve a single-phased flow in the gas pipeline, reduction of maximum allowable operating pressure, thicker-walled pipelines, and systematic surveillance of the right-of-way. Measures required shall be commensurate with the level of significant risk posed by the pipeline, and may be adjusted as that level of significance changes over time.	Section 17.37.030(B), Major Conditional Use Permit Required
SE 8.12	**Consultation with Pipeline Operators. [GP/CP]**	N/A
SE 8.13	**Setbacks from Gas Pipelines. [GP/CP]** The City shall generally require a minimum setback of 25 feet from the centerline of gas gathering and transmission pipelines, including public-utility high-pressure pipelines, for all buildings and structures to prevent damage to the pipeline by external mechanical forces and to permit operators timely and unhindered access for repair, maintenance, survey, and emergency response. Exceptions to this requirement shall include: a. Corridor-type locations such as roads and highways, and corridor-type uses such as other pipelines, bicycle and pedestrian paths, utilities, and appurtenances of corridors located in public rights-of-way. b. Pipeline endpoints and interconnecting pipelines. c. Replacement of a public-utility pipeline with a functionally equivalent pipeline. d. Instances where this requirement is preempted by state or federal law. e. Instances where the City finds the 25-foot setback poses an undue hardship to proposed development, provided that any reduced setback shall not be less than 15 feet and shall substantially accomplish the purpose.	Section 17.37.030(C), Development Standards
SE 8.14	**Pipeline Burial Depths. [GP/CP]** New oil and gas pipelines, or relocation of existing oil and gas pipelines, excluding gas distribution pipelines, shall be buried at an appropriate depth, one that safely accommodates potential of scouring, slope failure, and other forms of natural or human-caused erosion and earth movement. The calculation of initial burial depth should take into account depth reduction via erosion and other forms of earth movement (including grading and construction) unless other means of maintaining a safe minimum burial depth can be incorporated throughout the operating life of a pipeline. Pipeline operators should assess burial depths every five years, or at a more frequent interval when geologic characteristics, flooding, and other circumstances indicate a prudent need for special monitoring. These requirements shall apply to new and existing pipelines where burial depths are specified. It shall also apply to existing, buried pipelines where depths are not prescribed but maintenance of a minimum depth is warranted. A minimum burial depth shall be maintained for the entire operating life of the pipelines.	Section 17.37.030(C), Development Standards
SE 8.15	**Pipeline Marking and Warning. [GP/CP]** New oil and gas pipelines, or relocation of existing pipelines, shall include measures to clearly warn outside parties about the presence of the pipeline, including proper marking of the right-of-way with signage and use of brightly colored warning tape approximately 1 foot above buried pipelines where feasible.	Section 17.37.030(C), Development Standards
Policy SE 9: Airport-Related Hazards – Minimize the risk of potential hazards associated with aircraft operations at the Santa Barbara Airport.		
SE 9.1	**Clear Zone and Airport Approach Zone Regulations. [GP]** The City will maintain and enforce through appropriate zoning measures the Clear Zone and Airport Approach Zone regulations pursuant to the plans and policies of the Santa Barbara County ALUC. The City may also require, as a condition of approval of development applications, dedication of avigation easements for areas within the Airport Clear Zones and Airport Approach Zones (see Figure 5-3).	Section 17.16.030, Use Restrictions
SE 9.2	**Height Restrictions. [GP]** The City shall ensure that the heights of proposed buildings, other structures, and landscaping conform to airport operational requirements to minimize the risk of aircraft accidents. The City shall establish and maintain standards in its zoning ordinance for building and structure height restrictions for development in proximity to the Santa Barbara Municipal Airport. To ensure compliance with height restrictions, proposed development or uses that require ALUC review pursuant to the Airport Land Use Plan shall be referred to the ALUC for review.	Section 17.16.050(A), Height Limitations
SE 9.3	**Limitations on Development and Uses. [GP]** The City shall establish and maintain standards in its zoning ordinance for use restrictions for development near the Santa Barbara Municipal Airport. These standards should identify uses that may be compatible in each zone. Proposed development or uses that require ALUC review pursuant to the Airport Land Use Plan shall be referred to the ALUC for review.	Section 17.16.030, Use Restrictions
SE 9.4	**Maintenance of an Airport Safety Corridor for Runway 7. [GP]** A minimum 300-foot-wide clear zone limited to open space, landscaping, roadways, and parking shall be maintained on the Camino Real Marketplace and the Cabrillo Business Park properties. This airport safety corridor shall be set approximately along an extension of the Runway 7 centerline and shall be 300 feet wide as depicted in Figure 5-3. The airport safety corridor shall be shown on all development plans submitted to the City.	Section 17.16.030(D), Runway 7 Safety Corridor
SE 9.5	**Limitations on Density. [GP]** The City shall establish and maintain standards in its zoning ordinance for density limitations for development near the Santa Barbara Municipal Airport. These standards should comply with the Santa Barbara County Airport Land Use Plan and should specify the density considered compatible in each zone. Proposed developments that require ALUC review pursuant to the Airport Land Use Plan shall be referred to the ALUC for review.	Section 17.16.030, Use Restrictions
SE 9.6	**Limitations on Residential Development. [GP]** The City shall not allow new residential development within the clear zones associated with the Santa Barbara Airport runways. The City shall limit residential development beyond the clear zone but within the 1-mile zone of the runway ends to new single-family construction on existing recorded lots, and rebuilding and alteration projects that do not increase onsite residential density.	Section 17.16.030(B), Residential Uses

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SE 9.7	**Real Estate Disclosure. [GP]** Any new residential development proposed in the Santa Barbara Municipal Airport's AIA, which is shown on ALUC maps and generally depicted in Figure 5-3, shall be subject to a condition of approval requiring recordation of a notice informing potential residents (whether the owner, lessee, or renter) that the subject property is within the AIA and is subject to noise and other potential hazards from low-altitude aircraft overflights.	Section 17.16.060(B), Airport in Vicinity Notification Recordation
SE 9.8	**Limitations on Hazardous Facilities. [GP]** Development that includes new hazardous installations or materials such as, but not limited to, oil or gas storage and explosive or highly flammable materials within the clear zone and the approach zone, as generally depicted in Figure 5-3, shall be referred to the ALUC for review.	Section 17.16.030, Use Restrictions
Policy SE 10: Hazardous Materials and Facilities – Minimize injuries, illnesses, loss of life and property, and economic and social disruption due to potential upsets associated with the storage, use, handling, and transport of hazardous materials, and ensure proper oversight of hazardous waste sites within the city.		
SE 10.1	**Identification of Hazardous Materials Facilities. [GP]**	N/A
SE 10.2	**Compliance with Law. [GP]** The storage, handling, and disposal of any hazardous material shall be done only in strict compliance with applicable City, state, and federal law.	Section 17.39.060, Hazardous Materials
SE 10.3	**Hazard Assessment Required for Hazardous Materials Facilities. [GP]** For all new hazardous facilities, and for any proposed substantial increase in intensity of use for existing hazardous facilities, the City shall require a hazard assessment to be submitted as part of the development application. The hazard assessment shall identify the risks posed by the new or expanded facility and the geographical extent of significant risk	Section 17.39.060(B), Hazards Assessment Required
SE 10.4	**Prohibition on New Facilities Posing Unacceptable Risks. [GP]** The City shall not allow new hazardous facilities or expanded hazardous facilities that would expose existing residential or commercial development to unacceptable risk. New or expanded hazardous facilities in proximity to existing residential and commercial development shall incorporate appropriate mitigation measures to minimize potential risks and exposure.	Section 17.39.060(A), Risk Exposure
SE 10.5	**Restriction on Residential Development near Hazardous Facilities. [GP]**	N/A
SE 10.6	**Responsibility for Cleanup by Responsible Party. [GP]** No new development or substantial redevelopment shall be permitted on land determined to contain actionable contamination until the party responsible for such contamination has been identified and has accepted financial responsibility for any required remediation. The posting of a bond or other appropriate surety in an amount and form acceptable to the City shall be required as a condition of development approval. In appropriate circumstances, the City may assist in attempting to obtain outside grants or other resources to address contamination issues and help fund remediation.	Section 17.39.060(C), Contaminated Land
SE 10.7	**Identification, Transport, and Disposition of Potentially Contaminated Soil. [GP]** The City shall require a Soil Management Plan and a project-specific Health and Safety Plan for all new development and redevelopment within areas containing potentially contaminated soil. The Soil Management Plan and Health and Safety Plan should establish standards and guidelines for the following: • Identification of contaminated soil. • Identification of appropriate personal protective equipment to minimize potential worker exposure to contaminated soil. • Characterization of contaminated soil. • Soil excavation. • Interim and final soil storage. • Verification sampling. • Soil transportation and disposal. The Soil Management Plan and Health and Safety Plan should also address naturally occurring hazardous materials that may be present in the soil, such as methane and Radon-222, and include contingencies (e.g., characterization, management, and disposal) if they are present.	Section 17.39.060(C), Contaminated Land
Policy SE 11: Emergency Preparedness [GP]		**N/A**
VISUAL AND HISTORIC RESOURCES ELEMENT		
Policy VH 1: Scenic Views – Identify, protect, and enhance Goleta's scenic resources and protect views or vistas of these resources from public and private areas.		
VH 1.1	**Scenic Resources. [GP/CP]** An essential aspect of Goleta's character is derived from the various scenic resources within and around the city. Views of these resources from public and private areas contribute to the overall attractiveness of the city and the quality of life enjoyed by its residents, visitors, and workforce. The City shall support the protection and preservation of the following scenic resources: a. The open waters of the Pacific Ocean/Santa Barbara Channel, with the Channel Islands visible in the distance. b. Goleta's Pacific shoreline, including beaches, dunes, lagoons, coastal bluffs, and open costal mesas. c. Goleta and Devereux Sloughs. d. Creeks and the vegetation associated with their riparian corridors. e. Agricultural areas, including orchards, lands in vegetable or other crop production, and fallow agricultural lands. f. Lake Los Carneros and the surrounding woodlands. g. Prominent natural landforms, such as the foothills and the Santa Ynez Mountains.	Section 17.26.040, Scenic Views
VH 1.2	**Scenic Resources Map. [GP/CP]** The Scenic Resources Map in Figure 6-1 identifies locations on public roads, trails, parks, open spaces, and beaches that serve as public vantage points for viewing scenic resources. Views from these locations shall be protected by minimizing any impairment that could result from new development.	Section 17.26.040, Scenic Views
VH 1.3	**Protection of Ocean and Island Views. [GP/CP]** Ocean and island views from public viewing areas shall be protected. View protection associated with development should be accomplished first through site selection and then by use of design alternatives that enhance rather than obstruct or degrade such views. To minimize impacts to these scenic resources and ensure visual compatibility, the following development practices shall be used, where appropriate: a. Limitations on the height and size of structures. b. Limitations on the height and use of reflective materials for exterior walls (including retaining walls) and fences. c. Clustering of building sites and structures.	Section 17.26.040, Scenic Views

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d. Shared vehicular access to minimize curb cuts. e. Downcast, fully shielded, full cut off lighting of the minimum intensity needed for the purpose. f. Use of landscaping for screening purposes and/or minimizing view blockage as applicable. g. Selection of colors and materials that harmonize with the surrounding landscape.	
VH 1.4 **Protection of Mountain and Foothill Views. [GP/CP]** Views of mountains and foothills from public areas shall be protected. View protection associated with development that may affect views of mountains or foothills should be accomplished first through site selection and then by use of design alternatives that enhance, rather than obstruct or degrade, such views. To minimize structural intrusion into the skyline, the following development practices shall be used where appropriate: a. Limitations on the height and size of structures. b. Limitations on the height of exterior walls (including retaining walls) and fences. c. Stepping of buildings so that the heights of building elements are lower near the street and increase with distance from the public viewing area. Increased setbacks along major roadways to preserve views and create an attractive visual corridor. d. Downcast, fully shielded, full cut off lighting of the minimum intensity needed for the purpose. e. Limitations on removal of native vegetation. f. Use of landscaping for screening purposes and/or minimizing view blockage as applicable. g. Revegetation of disturbed areas. h. Limitations on the use of reflective materials and colors for roofs, walls (including retaining walls), and fences. i. Selection of colors and materials that harmonize with the surrounding landscape. j. Clustering of building sites and structures.	Section 17.26.040, Scenic Views
VH 1.5 **Protection of Open Space Views. [GP/CP]** Views of open space, including agricultural lands, from public areas shall be protected. View protection associated with development should be accomplished first through site selection and then by use of design alternatives that enhance rather than obstruct or degrade such views. To minimize impacts to these scenic resources, the following development practices shall be used, where appropriate: a. Limitations on the height and size of structures. b. Clustering of building sites and structures. c. Shared vehicular access to minimize curb cuts. d. Downcast, fully shielded, full cut off lighting of the minimum intensity needed for the purpose. e. Use of landscaping for screening purposes and/or minimizing view blockage as applicable. f. Selection of colors and materials that harmonize with the surrounding landscape.	Section 17.26.040, Scenic Views
VH 1.6 **Preservation of Natural Landforms. [GP/CP]** Natural landforms shall be protected. Protection associated with development should be accomplished first through site selection to protect natural landforms and then by use of alternatives that enhance and incorporate natural landforms in the design. To minimize alteration of natural landforms and ensure that development is subordinate to surrounding natural features such as mature trees, native vegetation, drainage courses, prominent slopes, and bluffs, the following development practices shall be used, where appropriate: a. Limit grading for all development including structures, access roads, and driveways. Minimize the length of access roads and driveways and follow the natural contour of the land. b. Blend graded slopes with the natural topography. c. On slopes, step buildings to conform to site topography. d. Minimize use of retaining walls. e. Minimize vegetation clearance for fuel management. f. Cluster building sites and structures. g. Share vehicular access to minimize curb cuts.	Section 17.26.050, Natural Landforms
VH 1.7 **Scenic Easements. [GP/CP]**	N/A
VH 1.8 **Private Views. [GP]** Project development and architecture shall be considerate of private views.	Section 17.58.080, Required Findings
Policy VH 2: Local Scenic Corridors – Protect and enhance the visual character and public views within and from Goleta's scenic corridors and locations from which scenic vistas can be enjoyed.	
VH 2.1 **Designated Scenic Corridors. [GP]**	Section 17.26.060, Scenic Corridors
VH 2.2 **Preservation of Scenic Corridors. [GP]** The aesthetic qualities of scenic corridors shall be preserved through retention of the general character of significant natural features; views of the ocean, foothills, and mountainous areas; and open space associated with recreational and agricultural areas including orchards, prominent vegetation, and historic structures. If landscaping is used to add visual interest or for screening, care should be taken to prevent a wall-like appearance. Bridges, culverts, drainage ditches and other roadway ancillary elements should be appropriately designed; side slopes and earthen berms adjacent to roadways should be natural in appearance.	Section 17.26.060, Scenic Corridors
VH 2.3 **Development Projects Along Scenic Corridors. [GP]** Development adjacent to scenic corridors should not degrade or obstruct views of scenic areas. To ensure visual compatibility with the scenic qualities, the following practices shall be used, where appropriate: a. Incorporate natural features in design. b. Use landscaping for screening purposes and/or for minimizing view blockage as applicable.	Section 17.26.060, Scenic Corridors

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c. Minimize vegetation removal. d. Limit the height and size of structures. e. Cluster building sites and structures. f. Limit grading for development including structures, access roads, and driveways. Minimize the length of access roads and driveways and follow the natural contour of the land. g. Preserve historical structures or sites. h. Plant and preserve trees. i. Minimize use of signage. j. Provide site-specific visual assessments, including use of story poles. k. Provide a similar level of architectural detail on all elevations visible from scenic corridors. l. Place existing overhead utilities and all new utilities underground. m. Establish setbacks along major roadways to help protect views and create an attractive scenic corridor. On flat sites, step the heights of buildings so that the height of building elements is lower close to the street and increases with distance from the street.	
VH 2.4 **Public Improvements. [GP]**	N/A
VH 2.5 **Linkages between Scenic Areas. [GP]**	N/A
VH 2.6 **Gateways to the City. [GP]**	N/A
VH 2.7 **Coordination with Other Jurisdictions. [GP]**	N/A
Policy VH 3: Community Character – Protect and enhance Goleta's visual character.	
VH 3.1 **Community Design Character. [GP]** The visual character of Goleta is derived from the natural landscape and the built environment. The city's agricultural heritage, open spaces, views of natural features, established low-density residential neighborhoods, and small-scale development with few visually prominent buildings contribute to this character. Residential, commercial, and industrial development should acknowledge and respect the desired aspects of Goleta's visual character and make a positive contribution to the city through exemplary design.	Section 17.58.080, Required Findings
VH 3.2 **Neighborhood Identity. [GP]** The unique qualities and character of each neighborhood shall be preserved and strengthened. Neighborhood context and scale shall be maintained. New development shall be compatible with existing architectural styles of adjacent development, except where poor quality design exists.	Section 17.58.080, Required Findings
VH 3.3 **Site Design. [GP]** The city's visual character shall be enhanced through appropriate site design. Site plans shall provide for buildings, structures, and uses that are subordinate to the natural topography, existing vegetation, and drainage courses; adequate landscaping; adequate vehicular circulation and parking; adequate pedestrian circulation; and provision and/or maintenance of solar access.	Chapter 17.34, Landscaping; Chapter 17.35, Lighting; Chapter 17.38, Parking and Loading; Section 17.58.080, Required Findings
VH 3.4 **Building Design. [GP]** The city's visual character shall be enhanced through development of structures that are appropriate in scale and orientation and that use high quality, durable materials. Structures shall incorporate architectural styles, landscaping, and amenities that are compatible with and complement surrounding development.	Chapter 17.34, Landscaping; Section 17.58.080, Required Findings
VH 3.5 **Pedestrian-Oriented Design. [GP]** The city's visual character shall be enhanced through provision of aesthetically pleasing pedestrian connections within and between neighborhoods, recreational facilities, shopping, workplaces, and other modes of transportation, including bicycles and transit.	Section 17.58.080, Required Findings
VH 3.6 **Public Spaces. [GP]**	N/A
VH 3.7 **Signage. [GP]** The city's visual character shall be enhanced through the use of restrained and tasteful signage that conveys an orderly and attractive appearance, complements project design, and enhances the city's image. Excessive signage should be minimized. A graphics image should be developed to consistently identify public amenities citywide, such as signage on public buildings, streets and rights-of-way, public parks, and city entry points.	Chapter 17.40, Signs
Policy VH 4: Design Review – Preserve, protect, and enhance Goleta's character through high quality design.	
VH 4.1 **Design Review Board. [GP]** To enhance Goleta's visual quality, the City shall maintain a Design Review Board, consisting of licensed professionals and city residents, to encourage development that exemplifies the best professional design practices. (See also LU 1.8.)	Chapter 17.58, Design Review
VH 4.2 **Old Town. [GP]** Old Town is a unique asset and the historic center of Goleta. Accordingly, all design shall maintain and enhance the historic character and be consistent with the Goleta Heritage District Architecture and Design Guidelines, where applicable. Superior materials and architectural detailing shall be used. Development shall continue to reflect Goleta's small-scale character, promote individual identity, and avoid uniformity or a false historic look. The Design Review Board shall evaluate applicable proposals for new development within the Heritage District to achieve variation in heights of structures along the Hollister corridor to avoid a "canyonization" effect. The pedestrian experience shall be supported and enhanced by provision of street trees; landscaped passageways; human-scale entries; and amenities such as benches, bicycle racks, trash containers, and public art. Transitional areas between residential neighborhoods and adjacent commercial and industrial areas shall be established and maintained by use of increased setbacks and heavy landscaping. (See also LU 1.3.)	Chapter 17.19, -OTH Old Town Heritage Overlay District; Section 17.58.080, Required Findings
VH 4.3 **Single-Family Residential Areas**. **[GP]** The following standards shall be applicable to single-family residential development (see related LU 2.3): a. The distinct architectural character of Goleta's existing neighborhoods shall be protected. b. Buildings and structures shall be designed to be compatible with adjacent development relative to size, bulk, and scale. c. New construction shall utilize consistent architectural detailing and high quality materials to promote cohesiveness and compatibility. Strong contrasts in size, bulk, scale, color, and roof forms shall be avoided. d. All building elevations should be well articulated and include architectural features to vary wall planes.	Chapter 17.58, Design Review

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e. Safe and aesthetically pleasing pedestrian access that is physically separated from vehicular access shall be provided in all new residential developments, whenever feasible. Transitional spaces, including landscape or hardscape elements, should be provided from the pedestrian access to the main entrance. Main entrances should not open directly onto driveways or streets. Safe bicycle access should be considered in all residential developments. f. Visual impacts of parking, including driveways, garages, and garage doors, should be minimized. Forward-facing garages should be designed so that the garage does not dominate the streetscape or overall residential design. g. To maximize safety, garages should not open directly onto public or private accessways. h. Private open space shall be provided in proportion to building size. i. Privacy of residents and adjacent neighbors shall be protected. Examples of measures that might provide protection include site selection and design that uses setbacks and considers placement of windows, decks, balconies, and noise producing equipment. The use of landscape screening to provide privacy should be secondary to appropriate structural design. j. New gated residential communities shall be prohibited. Connectivity to neighborhood commercial areas, schools, recreational areas, and other facilities shall be encouraged. Fencing and walls used to define private yards shall be designed to prevent isolation of structures from the street.	
VH 4.4 **Multifamily Residential Areas. [GP]** In addition to the items listed in VH 4.3, the following standards shall be applicable to multifamily residential development (see LU 1.9 and LU 2.3): a. Roof lines should be varied to create visual interest. b. Large building masses should be avoided, and where feasible, several smaller buildings are encouraged rather than one large structure. Multiple structures should be clustered to maximize open space. c. Multifamily residential developments shall include common open space that is appropriately located, is functional, and provides amenities for different age groups. d. Where multifamily developments are located next to less dense existing residential development, open space should provide a buffer along the perimeter. e. Individual units shall be distinguishable from each other. Long continuous wall planes and parking corridors shall be avoided. Three-dimensional façades are encouraged. f. Extensive landscaping is encouraged to soften building edges and provide a transition between adjacent properties. g. Storage areas for recycling and trash shall be covered and conveniently located for all residents and screened with landscaping or walls. h. Safe and aesthetically pleasing pedestrian access that is physically separated from vehicular access shall be provided in all new residential developments whenever feasible. Transitional spaces, including landscape or hardscape elements, should be provided from the pedestrian access to the main entrance. Main entrances should not open directly onto driveways or streets. Safe bicycle access should be considered in all residential developments.	Chapter 17.07, Residential Districts RP, RM, and RH Districts; Section 17.24.140(B), Collection and Containment; Section 17.38.110(M), Circulation and Safety; Chapter 17.58, Design Review
VH 4.5 **Retail Commercial Areas. [GP]** The following standards shall be applicable to retail commercial development: a. Buildings and structures shall be designed to be compatible with adjacent development relative to size, bulk, and scale. b. Where appropriate, buildings should be sited at or near the front setback line to project a desirable architectural image contiguous to the street and to promote pedestrian access. c. Quality architectural design shall be maintained through the use of detailing and high quality, durable materials. Blank wall planes shall be avoided. d. Safe, convenient pedestrian and bicycle access shall be provided and encouraged via continuous sidewalks; bike lanes; and sufficient, secure, and protected bicycle parking. Landscaping should be used where possible to buffer pedestrians and cyclists from traffic. Where feasible, other pedestrian amenities such as outdoor seating shall be provided. e. Commercial displays, outdoor dining, and outdoor shopping cart storage shall not encroach into pedestrian accessways. f. Shopping cart returns should be conveniently located and screened. g. Public transit shall be encouraged through effective placement of stops for local and regional transit services. Existing stops shall be upgraded as appropriate. h. Landscaping, including canopy trees, shall be used extensively to unify the structural development, reinforce the pedestrian scale, minimize heat and glare from pavement, and break up expanses of parking. i. Shared vehicular access shall be considered to minimize the number of driveways and curb cuts. j. Where appropriate, parking lots should be located behind, beside, or beneath buildings to minimize visibility. Where buildings do not screen parking, landscaping, berms, or low walls shall be used to screen cars from adjacent roadways and other developments. k. Parking lots should provide adequate space for maneuverability and safety. Angled parking spaces are encouraged rather than 90-degree parking stalls to increase visibility for drivers and pedestrians. l. Loading areas and recycling and trash facilities shall be easily accessed and shall be screened from view with landscaping, fencing, or walls. Adjacent uses shall be considered when such areas are sited. m. Roof mounted equipment shall be screened and considered as part of the structure for height calculations.	Section 17.03.090, Height; Chapter 17.08, Commercial Districts; Section 17.38.090, Bicycle Parking; Section 17.38.110(E), Shopping Cart Storage; Section 17.38.110(M), Circulation and Safety; Chapter 17.58, Design Review
VH 4.6 **Industrial Areas. [GP]** The following standards shall be applicable to industrial development (see related LU 4.2): a. All structures shall be designed to be compatible with adjacent development relative to size, bulk, and scale. b. Where residential or commercial uses exist adjacent to industrial properties, such areas shall be buffered from industrial uses by increased setbacks and heavily landscaped screens. c. Transfer of noise off-site shall be minimized by the use of screen walls, acoustical enclosures, or building placement. Noise generating activities shall be located as far as possible from nonindustrial uses. d. All outdoor storage or maintenance areas shall be screened. Landscaping may be used alone or in conjunction with fencing or walls. e. Loading areas and recycling and trash facilities shall be easily accessed and screened from view with landscaping and/or fencing or walls. Adjacent uses shall be considered when siting such areas. f. Roof-mounted equipment shall be screened and considered as part of the structure for height calculations. g. Architectural detailing shall be used to break up the box-like appearance of construction typically used for industrial buildings. h. Adequate lighting shall be provided for security and safety purposes but designed to prevent encroachment onto adjacent uses, wildlife habitats, or the night sky. i. Sufficient, secure, and protected bicycle parking shall be provided. j. Public transit shall be encouraged through effective placement of stops for local and regional transit services. Existing stops shall be upgraded as appropriate.	Section 17.03.090, Height; Chapter 17.10, Industrial District; Section 17.24.130, Private Outdoor Storage; Section 17.24.140, Trash, Recycling, and Green Waste Storage Areas; Section 17.38.090, Bicycle Parking; Chapter 17.58, Design Review

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VH 4.7 **Office Buildings, Business Parks, Institutional, and Public/Quasi-Public Uses. [GP]** The following standards shall be applicable to office and business park development and institutional and public/quasi-public uses: a. Buildings and structures shall be designed to be compatible with adjacent development relative to size, bulk, and scale. b. Street elevations of buildings and structures should enhance the streetscape and should be pedestrian friendly. To create diversity and avoid monotonous façades, varied building setbacks should be provided and be proportionate to the scale of the building. c. Plazas, courtyards, and landscaped open space should be provided to create a campus-like setting and encourage pedestrian access. d. Parking lots should not be the dominant visual element and shall be located behind or beside buildings, where appropriate. Where buildings do not screen parking lots, landscaping, berms, and/or low walls shall be used to screen cars from adjacent roadways and other developments. e. Architectural elements such as arcades are encouraged to identify the main entrance and reinforce the pedestrian scale. f. Bicycle access shall be provided and encouraged via bike lanes. Sufficient, secure, and protected bicycle parking shall be provided. g. Public transit shall be encouraged through effective placement of stops for local and regional transit services. Existing stops shall be upgraded as appropriate. h. Loading areas and recycling and trash facilities shall be easily accessed and screened from view with landscaping and/or fencing or walls. Adjacent uses shall be considered when such areas are sited. i. Roof mounted equipment shall be screened and considered as part of the structure for height calculations.	Section 17.03.090, Height; Chapter 17.09, Office Districts; Chapter 17.11, Public and Quasi-Public District; 17.24.140, Trash, Recycling, and Green Waste Storage Areas; Section 17.38.090, Bicycle Parking; Chapter 17.58, Design Review
VH 4.8 **Telecommunications Facilities. [GP]** Telecommunications facilities shall be subject to the following standards: a. Facilities shall be sited and designed to minimize visibility. b. Facilities shall ensure and maintain the architectural integrity of buildings and structures. c. Internalized, ground-mounted, and/or underground equipment is encouraged. Roof-mounted equipment is discouraged, and when allowed, shall be adequately screened. Any such equipment shall be located away from, or screened from, street views. d. Any roof-mounted equipment shall be considered part of the building or structure for purposes of height calculations. e. Colors and materials that blend with existing development, the skyline, and/or natural features shall be used. f. Landscaping shall be used for screening purposes where possible and to enhance compatibility with the architectural character of existing structures. g. Location of wireless communications facilities within or adjacent to residential uses is discouraged. h. The use of faux trees to camouflage or create stealth designs for antennas is discouraged.	Chapter 17.42, Telecommunications Facilities
VH 4.9 **Landscape Design. [GP]** Landscaping shall be considered and designed as an integral part of development, not relegated to remaining portions of a site following placement of buildings, parking, or vehicular access. Landscaping shall conform to the following standards: a. Landscaping that conforms to the natural topography and protects existing specimen trees is encouraged. b. Any specimen trees removed shall be replaced with a similar size tree or with a tree deemed appropriate by the City. c. Landscaping shall emphasize the use of native and drought-tolerant vegetation and should include a range and density of plantings including trees, shrubs, groundcover, and vines of various heights and species. d. The use of invasive plants shall be prohibited.	Chapter 17.34, Landscaping; Chapter 17.58, Design Review
VH 4.10 **Streetscape and Frontage Design. [GP]**	N/A
VH 4.11 **Parking Lots. [GP]** Parking lots shall be adequately designed and landscaped. The following standards shall apply (see related Policy TE 9): a. Adequate parking requirements shall be established for all zone districts and conditionally permitted uses. b. Adequate parking space dimensions and aisle widths shall be established. c. Angled parking spaces are encouraged in order to maximize visibility for drivers and pedestrians. Retail parking lot design that includes 90-degree parking spaces is discouraged. d. Pedestrian circulation shall be adequate, clearly delineated, and integrated with internal vehicle circulation to allow for safe and convenient pedestrian links from parking areas to building entrances. Planting strips should be used between traffic zones and sidewalks wherever possible. e. Retail parking lots shall provide for adequate shopping cart storage that is adequately screened. f. Parking lot landscaping shall provide for adequate visual relief, screening, and shade. Adequate tree density shall be established and shall include approximately one tree for every four parking spaces. Deciduous trees in parking lots are discouraged due to the visual effects of loss of canopy. g. Parking lot lighting shall be considered relative to the selection and location of parking lot trees and their height at maturity. h. Shared parking arrangements are encouraged where neighboring uses have different peak use periods. i. Permeable parking surfaces and grass-incorporated paving systems are encouraged to reduce stormwater runoff. Water quality protection measures such as storm drain filters should be used to minimize pollutants that would result in impacts to downstream water bodies or habitat.	Section 17.38.040, Required Parking Spaces; Section 17.38.070(C), Off-Site Parking; Section 17.38.110(E), Shopping Cart Storage; Section 17.38.110(J), Heat Island Reduction; Section 17.38.110(K), Landscaping; Section 17.38.110(M), Circulation and Safety
VH 4.12 **Lighting. [GP]** Outdoor lighting fixtures shall be designed, located, aimed downward or toward structures (if properly shielded), retrofitted if feasible, and maintained in order to prevent over-lighting, energy waste, glare, light trespass, and sky glow. The following standards shall apply: a. Outdoor lighting shall be the minimum number of fixtures and intensity needed for the intended purpose. Fixtures shall be fully shielded and have full cut off lights to minimize visibility from public viewing areas and prevent light pollution into residential areas or other sensitive uses such as wildlife habitats or migration routes. b. Direct upward light emission shall be avoided to protect views of the night sky. c. Light fixtures used in new development shall be appropriate to the architectural style and scale and compatible with the surrounding area.	Chapter 17.35, Lighting; Chapter 17.58, Design Review
VH 4.13 **Signage. [GP]** Signs shall maintain and enhance the city's appearance through design, character, location, number, type, quality of materials, size, height, and illumination. The following standards shall apply:	Chapter 17.40, Signs; Chapter 17.58, Design Review

CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN: POLICIES RELATED TO NEW ZONING ORDINANCE		
General Plan Policy		*New Zoning Ordinance Citation*
	a. Signs shall minimize possible adverse effects on nearby public and private property, including streets, roads, and highways. b. Signs shall be integrated into the site and structural design, shall be compatible with their surroundings, and shall clearly inform pedestrians, bicyclists, and motorists of business names. c. Signs shall not detract from views or the architectural quality of buildings, structures, and/or the streetscape. Protrusion of signs and/or sign structures into the skyline should be minimized to avoid a cluttered appearance. d. Signs shall be of appropriate and high quality style, color, materials, size, height, and illumination. e. Lighting is considered an integral part of sign design and shall be controlled to prevent glare and spillage onto adjacent areas. f. Internally illuminated cabinet or can signs shall be prohibited. g. Billboards and other off-premises advertising signs shall be prohibited.	
VH 4.14	**Utilities. [GP]** New development projects shall be required to place new utility lines underground. Existing overhead utility lines should be placed underground when feasible. Undergrounding of utility hardware is encouraged. Any aboveground utility hardware, such as water meters, electrical transformers, or backflow devices, shall not inhibit line of sight or encroach into public walkways and, where feasible, should be screened from public view by methods including, but not limited to, appropriate paint color, landscaping, and/or walls.	Section 17.24.200, Underground Utilities
VH 4.15	**Site-Specific Visual Assessments. [GP]** The use of story poles, physical or software-based models, photo-realistic visual simulations, perspectives, photographs, or other tools shall be required, when appropriate, to evaluate the visual effects of proposed development and demonstrate visual compatibility and impacts on scenic views**.**	Section 17.58.060(A), Conceptual Review
VH 4.16	**Green Building. [GP]** The City encourages the incorporation of green building practices in design. Such practices may include the use of recycled materials, drought-tolerant and native plants, energy efficient features, water conservation, allowance for solar access, and permeable surfaces.	Section 17.24.180, Solar Installations; Chapter 17.34, Landscaping
Policy VH 5: Historic Resources – Identify, protect, and encourage preservation of significant architectural, historic, and prehistoric sites, structures, and properties that comprise Goleta's heritage.		
VH 5.1	**Local Historic Landmarks. [GP]**	N/A
VH 5.2	**Locally Significant Historic Resources. [GP]**	N/A
VH 5.3	**Inventory of Historic Resources. [GP]**	N/A
VH 5.4	**Preservation of Historic Resources. [GP]** Historic resources and the heritage they represent shall be protected, preserved, and enhanced to the fullest extent feasible. The City shall recognize, preserve and rehabilitate publicly owned historic resources and provide incentive programs to encourage the designation, protection, and preservation of privately owned historic resources. Various incentives or benefits to the property owner shall be considered, such as direct financial assistance, reduced permitting fees to upgrade structures, flexibility with regard to allowed uses, compliance with the State Historic Building Code rather than the Uniform Building Code, façade conservation easements, identification of grant sources, provision of information regarding rehabilitation loan financing, and tax advantages.	Chapter 17.33, Historic Resource Preservation (placeholder)
VH 5.5	**Alterations to Historic Resources. [GP]** Any proposed alterations to historic resources shall be subject to a Phase 1 and/or Phase 2 historical study. Any alterations deemed acceptable that may affect the historical integrity of a historic site or structure shall respect the character of the building and its setting and maintain architectural consistency with the original site or structure. Such proposals may require an evaluation from a cultural resources professional or landmarks commission and/or design review prior to approval. To encourage rehabilitation, maintenance, and sensitivity in additions and remodels, the City shall support adaptive reuse of historic sites and structures and may consider allowing for flexibility when applying zoning regulations that retain or promote the historical significance.	Chapter 17.33, Historic Resource Preservation (placeholder)
VH 5.6	**Demolition of Historic Structures. [GP]** Structures proposed for demolition shall be subject to a Phase 1 and/or Phase 2 historical study. If a structure or site is determined important to the city's heritage, preservation or relocation shall be pursued before demolition. In the event preservation or relocation is not feasible and/or demolition is deemed acceptable, the Phase 1 and/or Phase 2 historical study shall identify appropriate mitigation measures, which may include but not be limited to the following: a. Provide public notice of the availability of the structure through advertisements or other means. b. Salvage and reuse building elements that have value and may be irreplaceable such as cornices, columns, mantels, doors, hardware, and lighting fixtures. c. Video- and photo-document the structure and its setting using archival quality materials.	Chapter 17.29, Demolition and Relocation; Chapter 17.33, Historic Resource Preservation (placeholder)
VH 5.7	**New Construction. [GP]** Development approved in proximity to an identified historic resource shall respect and be aesthetically compatible with the structures or sites in terms of scale, materials, and character**.**	Chapter 17.33, Historic Resource Preservation (placeholder)
VH 5.8	**Public Information and Involvement. [GP]**	N/A
VH 5.9	**Coordination with Other Organizations. [GP]**	N/A
VH 5.10	**Historic Districts. [GP]** The City may identify areas appropriate for the formation of Historic Districts as a means of preserving those areas that exemplify particular architectural styles and possess attributes that create a unique neighborhood character. The architectural significance of the structures and associated landscapes shall be protected by requiring any proposed alterations or adjacent development to be compatible with the heritage of the district. Demolition shall be discouraged.	Chapter 17.33, Historic Resource Preservation (placeholder)
Policy VH 6: Historical and Cultural Landscapes [GP] – To identify, preserve, protect, and enhance significant historic landscaping, gardens, and open spaces, including agricultural areas and heritage trees, which contribute to the setting or context of Goleta.		
VH 6.1	**Historical and Cultural Landscapes Definition. [GP]**A cultural landscape is defined as a geographical area including both cultural and natural resources associated with a historic event, activity, or person. A historical landscape is composed of character-defining features that contribute to the physical appearance over time. Such features may include vegetation, topography, water features, circulation features, buildings, and furnishings such as lights, benches, or fences. Historical and cultural landscapes may have been created through specific intent of a designer or by vernacular means.	Chapter 17.33, Historic Resource Preservation (placeholder); Chapter 17.43, Cultural Resources (placeholder)
VH 6.2	**Preservation. [GP]**Historical and cultural landscapes and the heritage they represent shall be protected, preserved, and enhanced to the fullest extent feasible. Particular attention shall be paid to retention of the elements of agricultural areas that provide a historic context for buildings, such as the landscape around the caretaker's residence on Bishop Ranch. The City may consider acquiring protective easements to maintain such landscapes.	Chapter 17.33, Historic Resource Preservation (placeholder); Chapter 17.43, Cultural Resources (placeholder)
TRANSPORTATION ELEMENT		

CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN: POLICIES RELATED TO NEW ZONING ORDINANCE	
General Plan Policy	*New Zoning Ordinance Citation*
Policy TE 1: Integrated Multi-Modal Transportation System	
TE 1.1 **Alternative Modes. [GP/CP]**	N/A
TE 1.2 **Transportation and Land Use. [GP/CP]**	N/A
TE 1.3 **Improved Connectivity in Street, Pedestrian, and Bikeway Systems. [GP/CP]**	N/A
TE 1.4 **Multi-Use Street System. [GP/CP]**	N/A
TE 1.5 **Multimodal Transportation Center. [GP]**	N/A
TE 1.6 **Development Review. [GP/CP]** As a condition of approval of new non-residential projects, the City may require developers to provide improvements that will reduce the use of single-occupancy vehicles. These improvements may include, but are not limited to, the following: a. Preferential parking spaces for carpools. b. Bicycle storage, parking spaces, and shower facilities for employees. c. Bus turnouts and shelters at bus stops. d. Other improvements as may be appropriate to the site.	Section 17.38.090, Bicycle Parking; Section 17.52.080, Conditions of Approval
Policy TE 2: Transportation Demand Management – Attempt to influence individual travel behavior, particularly at larger-scale employers, to lower future increases in peak-hour commute trips and other trips by persons in single-occupant vehicles.	
TE 2.1 **Reduction/Shifting of Peak-Hour Vehicle Trips. [GP]** The City supports efforts to limit traffic congestion through reducing low-occupancy auto trips and shifting peak-hour vehicle trips to off-peak hours. Possible means for accomplishing this include the following: a. Increased telecommuting. b. Establishment of flexible work schedules. c. Provision of incentives for carpooling. d. Provision of vanpools. e. Car sharing/ride sharing. f. Guaranteed ride home programs. g. Safe routes to school programs. h. Provision of pedestrian amenities. i. Provision of bicycle facilities and amenities. j. Bus pass programs for employees. k. Public information and promotion of ridesharing.	Section 17.38.090, Bicycle Parking; Chapter 17.58, Design Review
TE 2.2 **Land Use Strategies to Reduce Automobile Travel Demand. [GP]** The City supports the following land use strategies, as provided in the Land Use and Housing Elements, which may enable greater reliance by commuters, shoppers, and others, on alternative modes of travel: a. Live-work development, wherein residential units in some areas may be designed to include work spaces for the residents. b. Mixed-use development on individual sites, whereby residential and non-residential uses are permitted in an integrated development project on a single site. c. Mixed-use development within particular subareas of the city, whereby varying uses on separate parcels are located in close proximity to one another so as to enable walking and bicycling between residences, workplaces, and shopping areas. These sub-areas include, but are not limited to: Old Town, the Hollister Corridor, and the Calle Real-Fairview Avenue areas. d. The provision of onsite commercial services for employees in new non-residential development, such as but not limited to cafeterias, childcare, financial services, convenience retail services, concierge services, and others as appropriate. e. The provision of onsite or nearby employee housing within business parks, office and institutional uses, and other employment concentrations as appropriate, to encourage walking to work.	Part II: Base Zoning District Standards and Allowed Uses; Section 17.24.120, Mixed-Use Development
TE 2.3 **Diversion of Automobile Trips to Alternative Modes. [GP]**	N/A
TE 2.4 **Employer-Based or Project-Based Transportation Management Plans. [GP]** When appropriate, the City may as a condition of approval require proposed larger-sized non-residential developments with 100 or more employees to prepare and adopt a Transportation Management Plan (TMP) and to maintain a designated Transportation Manager. The TMP shall establish quantified objectives for trip reduction and shall identify the specific measures that will be employed to accomplish trip reduction, including but not limited to the measures identified in TE 2.1. The Transportation Manager shall work with Santa Barbara County Association of Governments' (SBCAG) Traffic Solutions (the county's rideshare organization) and the City in developing, implementing, and monitoring the TDM measures and shall provide an annual report to the City on the status and effectiveness of the measures.	Section 17.52.080, Conditions of Approval
TE 2.5 **City of Goleta TDM Program. [GP]**	N/A
TE 2.6 **Reduction of School-Related Automobile Traffic. [GP]**	N/A
Policy TE 3: Streets and Highways Plan and Standards [GP/CP] – To provide a street network, including appropriate provisions for bicycles and pedestrians, that is adequate to support the mobility needs of city residents and businesses.	
TE 3.1 **Overall Street Plan. [GP/CP]**	N/A
TE 3.2 **Freeways. [GP/CP]**	N/A
TE 3.3 **Principal Arterials. [GP/CP]**	N/A

CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN: POLICIES RELATED TO NEW ZONING ORDINANCE	
General Plan Policy	*New Zoning Ordinance Citation*
TE 3.4 Minor Arterials. [GP]	N/A
TE 3.5 Major Collectors. [GP/CP]	N/A
TE 3.6 Local Streets. [GP/CP]	N/A
TE 3.7 Guidelines for Geometric Cross Sections. [GP/CP]	N/A
TE 3.8 Truck Routes. [GP]	N/A
TE 3.9 Right-of-Way Dedications and Improvements. [GP/CP] Existing and future rights-of-way may vary along different segments of individual streets within a single functional classification, based upon the existing patterns of development along the various segments. The appropriate street cross section, frontage improvements, and right-of-way dedications shall be established by the City Engineer when imposing conditions of approval for development applications on abutting parcels. Dedications of right-of-way may be greater in locations where it is appropriate to secure space for utilities, street appurtenances, transit facilities, and landscaped areas.	Section 17.52.080, Conditions of Approval
Policy TE 4: Target Level of Service Standards [GP]	**N/A**
Policy TE 5: Planned Street and Road Improvements [GP/CP]	**N/A**
Policy TE 6: Street Design and Streetscape Character [GP]	**N/A**
Policy TE 7: Public Transit (Bus Transportation) – Support the efforts by MTD and other transit providers to sustain and expand the bus transit system to serve the needs of local and regional commuters, the transit-dependent population, and other users in a convenient, reliable, and efficient manner. Increase bus ridership levels in order to reduce peak-period automobile trips on area roadways.	
TE 7.1 Transit Network. [GP/CP]	N/A
TE 7.2 Linkage between Transit Services and Land Use. [GP/CP]	N/A
TE 7.3 Intermodal Transportation Center/Bus Transfer Areas. [GP]	N/A
TE 7.4 Regional and Express Commuter Bus Service. [GP]	N/A
TE 7.5 Local Commuter Bus Service. [GP]	N/A
TE 7.6 Other Local Bus Service. [GP]	N/A
TE 7.7 Shuttle Bus Service. [GP]	N/A
TE 7.8 Hollister Avenue Transit Corridor. [GP]	N/A
TE 7.9 Paratransit Services. [GP]	N/A
TE 7.10 UCSB Bus Service Programs. [GP]	N/A
TE 7.11 Other Bus Transportation Providers. [GP]	N/A
TE 7.12 Transit Amenities in New Development. [GP/CP] The City shall require new or substantially renovated development to incorporate appropriate measures to facilitate transit use, such as integrating bus stop design with the design of the development. Bus turnouts, comfortable and attractive all-weather shelters, lighting, benches, secure bicycle parking, and other appropriate amenities shall be incorporated into development, when appropriate, along Hollister Avenue and along other bus routes within the city. Existing facilities that are inadequate or deteriorated shall be improved or upgraded where appropriate and feasible.	Section 17.38.090, Bicycle Parking; Section 17.52.080, Conditions of Approval
TE 7.13 Assessments of Transit Needs. [GP]	N/A
Policy TE 8: Rail Transportation – Accommodate commuter-oriented rail passenger service along the UPRR corridor that would serve employment centers in Goleta and UCSB, in the event that the region determines to pursue this option to accommodate long-distance work trips between Venture County and Goleta.	
TE 8.1 Commuter Rail Service. [GP]	N/A
TE 8.2 Rail Terminal. [GP]	N/A
TE 8.3 Coordination of Bus Service with Commuter Rail. [GP]	N/A
TE 8.4 Linkage of Land Use With Potential Commuter Rail. [GP] The land-use plan map designates land areas along and near the railroad corridor in the mid-Hollister area for business park and medium-density multi-family residential development. It is the intent that these higher-intensity uses support and not prevent potential passenger rail service as well as support existing and potential expanded bus commute services along the Hollister Corridor.	Part II: Base Zoning District Standards and Allowed Uses
TE 8.5 Amtrak and Caltrans-Supported Passenger Rail Services. [GP]	N/A
TE 8.6 Rail Freight Transportation. [GP]	N/A
TE 8.7 Retention of Railroad Right-of-Way. [GP]	N/A
Policy TE 9: Parking – Ensure that an adequate amount of parking is provided to accommodate the needs of existing, new, and expanded development, with convenient accessibility and attention to good design. Assure that on- and off-street parking is responsive to the varying and unique needs of individual commercial areas and residential neighborhoods.	
TE 9.1 Off-Street Parking. [GP/CP] The primary source of parking supply for new development of all types of uses within the city shall be off-street parking spaces that are provided on site within the development.	Section 17.38.070, Location of Required Parking
TE 9.2 Adequacy of Parking Supply in Proposed Development. [GP/CP] The City shall require all proposed new development and changes/intensifications in use of existing nonresidential structures to provide a sufficient number of off-street parking spaces to accommodate the parking demand generated by the proposed use(s), and to avoid spillover of parking onto neighboring properties and streets.	Section 17.38.040, Required Parking Spaces; Section 17.55.020(A), Change of Use

CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN: POLICIES RELATED TO NEW ZONING ORDINANCE		
General Plan Policy		*New Zoning Ordinance Citation*
TE 9.3	**Parking in Residential Neighborhoods. [GP/CP]** Any proposed new or expanded use in residential areas shall provide adequate onsite parking to support the use. Adequate parking shall be provided to minimize the need for parking in public rights-of-way and to avoid spillover of parking onto adjacent uses and into other areas. The existing supply of on-street parking spaces shall be preserved to the maximum extent feasible. Off-street parking for proposed new single-family dwellings in all residential use categories shall be provided in enclosed garages. Driveway aprons in single-family residential neighborhoods shall have sufficient widths and depths to allow parking of two standard-sized vehicles in front of the garage.	Section 17.38.040, Required Parking Spaces
TE 9.4	**Parking within Commercial and Industrial Areas. [GP/CP]** The following standards shall apply to parking within nonresidential areas: a. An adequate number and appropriate type of parking spaces shall be provided on site for new development or changes of use in commercial, business park, and other industrial areas. b. Supplemental satellite parking facilities are encouraged for large employers to prevent spillover parking into neighboring areas. c. In determining the adequacy of proposed parking for new or substantially modified development, the City may consider proximity to transit facilities and the provisions of a TMP where it is demonstrated that the plan's measures will sufficiently reduce the demand for onsite parking. d. Conditions of approval for large nonresidential projects may include a requirement to prepare a TMP that includes monitoring of parking lot utilization and measures that will be implemented if the event that the supply of onsite parking spaces is inadequate. e. Provision of large amounts of excess parking is discouraged, except that surplus landscaped areas may be identified and reserved for future expansion of parking areas if warranted by future conditions. f. Compact parking spaces and 90-degree parking stalls are discouraged in parking lots serving high-turnover uses, such as (but not limited to) retail commercial centers.	Section 17.38.040, Required Parking Spaces; Section 17.38.050, Parking Reductions; Section 17.52.080, Conditions of Approval
TE 9.5	**Parking Lot Design. [GP]** Design standards applicable to retail, commercial, business parks, and parking lots are set forth in the Visual and Historic Resources Element Subpolicies VH 4.5, 4.7, and 4.11. In addition, the following standards and criteria shall apply to parking lots of three or more spaces: a. Parking lot design shall provide that all individual spaces are clearly delineated and have easy ingress and egress by vehicles. b. Proposals that include compact parking spaces shall be subject to discretionary approval by the City, and the number of compact parking spaces shall not exceed 20 percent of the total; parking spaces for oversized vehicles shall be included when appropriate. c. Access driveways and aisles shall have adequate geometrics, and the layout shall be clear, functional, and well organized. d. Pedestrian walkways between the parking area and the street, main entrance, and transit stops should be protected by landscaped or other buffers to the extent feasible. e. The visual impact of large expanses of parking lots shall be reduced by appropriate response to the design standards set forth in the Visual and Historic Resources Element's Policy VH 4.	Section 17.38.110, Parking Area Design and Development Standards
TE 9.6	**Old Town Parking. [GP]** The following criteria and standards shall apply to parking in the Goleta Old Town area: a. … b. Where practical and feasible, on-street parking shall be used to create a buffer between pedestrians and vehicle traffic, reduce the speed of traffic, and provide for needed short-termparking. c. The City may consider establishing a program whereby new development could be allowed to pay a fee in lieu of providing all or a portion of the required onsite parking. Such fee receipts… shall be used exclusively to acquire land and/or construct or improve one or more off-street parking facilities. d. Any proposed parking structures shall be compatible with the surrounding area in terms of size, bulk, scale, and design. Commercial space shall be incorporated in the structure along the street and sidewalk frontage.	Section 17.38.060, Parking In-Lieu Fee
TE 9.7	**Shared (Joint Use) Parking. [GP/CP]** The City's new Zoning Code shall include provisions to allow consideration and approval of proposals for shared parking for multiple uses on a single site and/or adjacent sites where some proposed uses have peak demand in the daytime while the peak demand for other uses is in the nighttime hours. The intent shall be to promote efficient use of parking areas and to reduce the amount of paved or impervious surfaces.	Section 17.38.050(B), Shared Parking
Policy TE 10: Pedestrian Circulation – Encourage increased walking for recreational and other purposes by developing an interconnected, safe, convenient, and visually attractive pedestrian circulation system.		
TE 10.1	**Pedestrian System Map. [GP]**	N/A
TE 10.2	**Master Plan for Pedestrian Facilities. [GP]**	N/A
TE 10.3	**Design Criteria for Pedestrian Facilities. [GP]**	N/A
TE 10.4	**Pedestrian Facilities in New Development. [GP]** Proposals for new development or substantial alterations of existing development shall be required to include pedestrian linkages and standard frontage improvements. These improvements may include construction of sidewalks and other pedestrian paths, provision of benches, public art, informational signage, appropriate landscaping, and lighting. In planning new subdivisions or large-scale development, pedestrian connections should be provided through subdivisions and cul-de-sacs to interconnect with adjacent areas. Dedications of public access easements shall be required where appropriate.	Section 17.38.110(M), Circulation and Safety; Section 17.58.080, Required Findings
TE 10.5	**Pedestrian Safety. [GP]**	N/A
TE 10.6	**Study of Grade-Separated Pedestrian Crossing of US-101 in Old Town. [GP]**	N/A
Policy TE 11: Bikeways Plan – Encourage increased bicycle use for commuting and recreational purposes by developing an interconnected circulation system for bicycles that is safe, convenient, and within a visually attractive environment.		
TE 11.1	**Bikeways Plan Map. [GP]**	N/A
TE 11.2	**Bicycle Transportation Plan. [GP]**	N/A
TE 11.3	**Design Guidelines. [GP]**	N/A
TE 11.4	**Facilities in New Development. [GP]** Bicycle facilities such as lockers, secure enclosed parking, and lighting shall be incorporated into the design of all new development to encourage bicycle travel and facilitate and encourage bicycle commuting. Showers and changing rooms should be incorporated into the design of all new development where feasible. Transportation improvements necessitated by new development should provide onsite connections to existing and proposed bikeways.	17.38.090, Bicycle Parking
TE 11.5	**Bicyclist Safety. [GP]**	N/A

CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN: POLICIES RELATED TO NEW ZONING ORDINANCE	
General Plan Policy	*New Zoning Ordinance Citation*
Policy TE 12: Transportation Systems Management [GP] – To establish operational controls that will manage the street network in a manner that will efficiently and safely utilize the existing limited capacity consistent with protection of the surrounding neighborhood.	**N/A**
Policy TE 13: Mitigating Traffic Impacts of Development [GP] – To ensure that new development is supported by adequate capacities in transportation systems, including city streets and roads, without reducing the quality of services to existing residents, commuters, and other users of the city street system.	
TE 13.1 Traffic Studies for Development Proposals. [GP]	N/A
TE 13.2 Content of Traffic Studies. [GP]	N/A
TE 13.3 Maintenance of LOS Standards. [GP] New development shall only be allowed when and where such development can be adequately (as defined by the LOS standards in Policy TE 4) served by existing and/or planned transportation facilities. Transportation facilities are considered adequate if, at the time of development: a. Existing transportation facilities serving the development, including those to be constructed by the developer as part of the project, will result in meeting the adopted LOS standards set in Policy TE 4; or b. A binding financial commitment and agreement is in place to complete the necessary transportation system improvements (except for the planned new grade-separated freeway crossings), or to implement other strategies which will mitigate the project-specific impacts to an acceptable level, within 6 or fewer years; and c. Any additional offsite traffic mitigation measures are incorporated into the impact fee system for addressing cumulative transportation impacts of future development.	Section 17.52.070(A), Required Findings
TE 13.4 Options If Traffic Mitigations Are Not Fully Funded. [GP] If the transportation capital improvements needed to maintain adopted transportation LOS standards are not able to be funded, then the City shall take one or more of the following four actions: a. Phase or delay development until such time that adequate fiscal resources can be provided to build the necessary facilities transportation improvements (or to include them in the impact fee system). b. Require the developer to construct the necessary transportation system improvements, with a reimbursement agreement that uses future payments of impact fees by other projects. c. Reduce the scope of the development to reduce the traffic generation below the thresholds set in Policy TE 4. d. Require the developer to identify alternative strategies, such as transit improvements, improving signalization, improving other streets, adding pedestrian or bicycle improvements, etc., to mitigate potential traffic impacts.	Section 17.52.070(A), Required Findings
TE 13.5 Developer-Constructed Transportation Improvements. [GP] Developers shall be required to construct transportation improvements along their property frontages in accordance with City standards. The Developer shall be required to provide all necessary access and circulation facilities within the property; such facilities shall be designed to meet City standards.	Section 17.52.070(A), Required Findings
Policy TE 14: Financing Transportation Improvements [GP] – To ensure that there is adequate funding for construction of transportation facilities that are needed to support new development and address existing deficiencies to achieve the targeted level of service.	
TE 14.1 Traffic Impact Fees. [GP] The City shall adopt a citywide traffic impact fee in accordance with the requirements of Assembly Bill1600 to fund transportation improvements to mitigate the traffic impacts of new development. The impact fee study shall identify and be based on the estimated costs of construction of all transportation system improvements needed to ensure adequate levels of service system wide. Each new development project shall be charged a fee that represents its proportionate share of potential need for and impacts on the facilities included in the fee system. The impact fee system may incorporate improvements made and fees collected by the City since its incorporation in 2002.	Chapter 17.70, Development Impact Fees
TE 14.2 Capital Facility Plan. [GP]	N/A
TE 14.3 Mitigation Payments by UCSB. [GP]	N/A
TE 14.4 Mitigation Fees by Projects in the City of Santa Barbara. [GP]	N/A
TE 14.5 Mitigation Fees by Projects in the County of Santa Barbara. [GP]	N/A
TE 14.6 State and Federal Funding. [GP]	N/A
TE 14.7 Local Transportation Tax Measure. [GP]	N/A
TE 14.8 Redevelopment Funding. [GP]	N/A
TE 14.9 Other Financing Mechanisms. [GP]	N/A
Policy TE 15: Regional Transportation [GP]	**N/A**
PUBLIC FACILITIES ELEMENT	
Policy PF 1: Development of a Civic Center [GP]	**N/A**
Policy PF 2: Other Facilities of the City of Goleta [GP]	**N/A**
Policy PF 3: Public Safety Services and Facilities [GP] –Ensure that adequate fire and police services and facilities are available to meet the needs of both existing and new development in the city as well as service demands from outside Goleta's boundaries	
PF 3.1 Fire Protection Standards. [GP]	N/A
PF 3.2 New Fire Station in Western Goleta. [GP/CP]	N/A
PF 3.3 Impact Fees for Fire Protection Facilities/Equipment. [GP] Construction of the new Fire Station 10 shall be funded in part by revenues from an impact fee imposed on new development within the city, as well as upon development in the nearby unincorporated areas. Such fees may also be imposed for upgrades of existing fire stations and for new fire apparatus.	Section 17.70.040(B), Fire Facilities
PF 3.4 Fire Safety in New Development. [GP/CP] The following fire safety standards shall be met, where applicable, in new development within the city: a. Two routes of ingress and egress shall be required for any new development or subdivision of land requiring approval of a discretionary action. This requirement may be waived by the City when secondary access cannot be provided and maintenance of fire safety standards are ensured by other means.	Section 17.52.070(A), Required Findings

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General Plan Policy	*New Zoning Ordinance Citation*
b. All private roads that provide access to structures served by the Santa Barbara County Fire Department shall be constructed at a minimum to the department's standards. c. All nonagricultural development in the foothills area shall include provisions for connection to the GWD or another public water purveyor. d. Emergency access shall be a consideration in the siting and design of all new development within the city.	
PF 3.5 **Periodic Evaluation of Adequacy of Fire Facilities. [GP]**	N/A
PF 3.6 **Police Service Standards. [GP]**	N/A
PF 3.7 **Police Facilities. [GP]**	N/A
PF 3.8 **Impact Fee for Police Facilities. [GP]** The City shall continue to require a development impact fee to provide revenue to assist with funding capital facilities for police services.	Section 17.70.040(E), Public Administration Facilities
PF 3.9 **Safety Considerations in New Development. [GP]** All proposals for new or substantially remodeled development shall be reviewed for potential demand for and impacts on safety and demand for police services. The design of streets and buildings should reinforce secure, safe, and crime-free environments. Safety and crime reduction or prevention, as well as ease of policing, shall be a consideration in the siting and design of all new development within the city.	Section 17.52.070(A), Required Findings
Policy PF 4: Water and Sewer Facilities [GP/CP] – Ensure that adequate water supply and distribution facilities and sewage collection facilities and treatment capacity are available to meet the cumulative needs of both existing users and new development in the city as well as outside Goleta's boundaries.	
PF 4.1 **Water Facilities and Services. [GP/CP]** The following criteria, standards, and procedures shall apply to water facilities and services: a. The City shall coordinate with GWD regarding new development within its boundaries to allow the GWD to continue to plan its capital improvements in an orderly manner consistent with the levels of growth allowed by the Land Use Plan. b. The City shall review and monitor GWD's existing Urban Water Management Plan, adopted in December 2005, and future updates to that plan, and shall monitor actions of GWD to meet the projected long-term water demand. c. The City shall monitor and compare the planned and potential consumption of the available and planned water capacity within the service area of the GWD. If the available and planned capacity of water supply and delivery services is not adequate to serve the planned and potential consumption, then the City shall take one or more of the following three actions in order of priority: 1. Phase development within the city consistent with the Land Use Plan until such time that adequate resources can be identified to provide adequate supplies and improvements and urge other entities in the service areas to also reassess their plans. 2. Reassess the City's Land Use Plan to reduce the demand for services to the degree necessary to match the supply and urge other entities in the service areas to also reassess their plans. 3. Explore and support ways to reduce consumption in order to conserve available capacity and to reduce the volume of discharges of treated effluent in ocean waters. d. Environmental reviews of new development shall evaluate the adequacy of water supply capacity to serve cumulative demand for all existing and planned development, including during extended periods of drought. e. Water piping systems should be interconnected ("looped") wherever feasible to facilitate the reliable delivery of water to all locations within the city. The distribution system should be sized to provide minimum operating pressure of 45 pounds per square inch (psi) under normal conditions and 20 psi under emergency conditions such as fires. f. Water supply and delivery systems shall be available in time to meet the demand created by new development or shall be assured through the use of bonds or other sureties. An assured water supply and delivery system shall be identified prior to discretionary approvals of projects to the satisfaction of the City. GWD or the project applicant may provide several alternative methods of documentation, including an unconditional "ability to serve" letter from the district. g. The applicant and GWD shall demonstrate prior to issuance of final land use clearance that sufficient capacity shall be available to serve the development and all other cumulative projects within GWD's service area. This may be evidenced by an unconditional "will serve" letter or contract for service from GWD. All required water infrastructure for a project shall either be in place at the time of approval of the land use clearance or shall be assured through the use of bonds, payment of fees, or other sureties to the City's and GWD's satisfaction. h. Within new subdivisions, offsite and onsite water distribution systems required to serve the subdivision shall be in place and contain water at sufficient quantity and pressure prior to the issuance of any building permit. Model homes may be exempted from this policy, subject to approval by the City. i. The City shall encourage and actively promote long-term water conservation through water-conserving features in new development, including low water-use plumbing fixtures and drought-tolerant landscaping. The City also encourages the reclamation of treated wastewater and development of distribution facilities for reclaimed water to serve appropriate uses and locations. j. New water lines shall not be located within an Environmentally Sensitive Habitat Area (ESHA) or ESHA buffer unless there is no feasible alternative location. The City supports the decommissioning and relocation of existing facilities located within ESHA or ESHA buffers. k. The City shall require new water infrastructure to be located and painted so as to not be visually obtrusive and, where feasible, to be located within roadway rights-of-way or existing utility easements. l. The City shall seek to protect the quality and quantity of groundwater resources, including those that serve households and businesses that rely on private wells. The City encourages that such existing development be connected to the public water system of GWD and that the private wells be properly abandoned and closed. m. All new development within the City shall be served by the public water system. n. New development along corridors identified by the GWD in its Master Plan as locations of future water conveyance facilities shall provide appropriate easements as a condition of approval.	Section 17.52.070(A), Required Findings
PF 4.2 **Sewer Facilities and Services. [GP/CP]** The following criteria, standards, and procedures shall apply to sewer facilities and services: a. The City shall monitor and compare the planned and potential consumption of the available and planned sewer capacity within the service areas of these utilities. If the available and planned capacity of sewerage services is not adequate to serve the planned and potential consumption, then the City shall take one or more of the following three actions in order of priority: 1. Phase development within the City consistent with the Land Use Plan until such time that adequate resources can be identified to provide adequate supplies and improvements and urge other entities in the service areas to also reassess their plans. 2. Reassess the City's Land Use Plan to reduce the demand for services to the degree necessary to match the supply and urge other entities in the service areas to also reassess their plans. 3. Explore and support ways to reduce consumption in order to conserve available capacity and reduce the volume of discharges of treated effluent in ocean waters.	Section 17.52.070(A), Required Findings

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General Plan Policy	*New Zoning Ordinance Citation*
b. The City shall encourage effective and cost-efficient organization and delivery systems for provision of wastewater collection, treatment, and disposal services within its boundaries. c. The City shall work with the GSD to ensure completion of a Capacity Management Alternatives Study to determine the scope of needed improvements for a higher level of treatment in order to improve the quality of effluent discharged by an outfall into ocean waters offshore from Goleta Beach Park. The City supports completion of this project as quickly as possible. The study should include a full evaluation of alternatives and costs. Alternatives should avoid construction of excess wastewater treatment capacity. d. The City shall encourage recycling of treated wastewater to reduce water consumption and reduce ocean discharges of treated effluent. e. Sewage collection and wastewater treatment capacity shall be available in time to meet the demand created by new development or shall be assured through the use of bonds or other sureties. The adequacy of sewerage facilities shall be identified prior to discretionary approvals of projects to the satisfaction of the City. The applicable sanitation district or project applicant may provide several alternative methods of documentation, including an unconditional "ability to serve" letter from the district. f. The applicant and the applicable sanitation district shall demonstrate prior to issuance of final land use clearance that sufficient capacity and facilities shall be available to serve the development and all other cumulative projects within the service area. This may be evidenced by an unconditional "will serve" letter or contract for service from the district. All required wastewater management infrastructure for a project shall either be in place at the time of approval of the land use clearance or shall be assured through the use of bonds, payment of fees, or other sureties to the City's and the applicable district's satisfaction. g. All necessary sewage collection facilities shall be in place at the time of approval of building permits. h. New sewer lines shall not be located within ESHA or ESHA buffer unless there is no feasible alternative location. The City supports the decommissioning and relocation of existing facilities located within ESHA or ESHA buffers. i. Development along corridors identified by sewer providers in their master plans as locations of future sewerage facilities shall provide appropriate easements as a condition of approval. j. The City shall discourage and oppose extension of sewer service into any land area not designated for urban development, including to areas west of Goleta and the Embarcadero Community Services District. k. Within the urban boundary, all new development shall be required to connect to the public sewerage system. New septic systems shall not be approved within the urban boundary unless it is demonstrated that there is no feasible alternative. l. Independent community sewer systems shall not be approved or established for new development within the city.	
Policy PF 5: School Facilities [GP] – Ensure that adequate public school services and facility capacities are available to meet the long-term needs of both existing and new development in the city as well as service demands from outside Goleta's boundaries.	
PF 5.1 **Collaboration with School Districts. [GP]**	N/A
PF 5.2 **Assessment of School Impacts of Large Development Projects. [GP]**	N/A
PF 5.3 **Design of School Facilities. [GP]** New or remodeled school facilities should be designed to be compatible with the neighborhood and adjacent land uses. Facilities should be sited and designed to avoid or minimize noise, light and glare, traffic, and other potential adverse impacts on adjacent residential areas. Adequate onsite parking should be provided to prevent impacts to on street parking in the neighborhood.	Chapter 17.35, Lighting; Section 17.38.040, Required Parking Spaces; Section 17.39.070(E), Noise Attenuation Measures
PF 5.4 **Reservation of Future School Sites. [GP]**	N/A
PF 5.5 **Joint Use of School Facilities. [GP]**	N/A
PF 5.6 **Surplus Lands of School Districts. [GP]**	N/A
PF 5.7 **School Impact Fees. [GP]**	N/A
Policy PF 6: Utilities [GP]	
PF 6.1 **Referral of Development Applications. [GP]**	N/A
PF 6.2 **Undergrounding of Overhead Utilities. [GP]** The City shall encourage the undergrounding of electrical power lines and other overhead utilities to the greatest extent practical, as follows: a. The City shall pursue funding opportunities to underground existing overhead utilities, including SCE's dedicated underground funding ("Rule 20A/20B"), private funding, and assessment districts. The City shall establish priorities for locations for potential undergrounding projects. b. To the extent practicable, all utilities shall be required to be placed underground in new development (see related VH 4.14).	Section 17.24.200, Underground Utilities
PF 6.3 **Franchise Agreements. [GP]**	N/A
PF 6.4 **Telecommunications Improvements. [GP]** The City encourages upgrading of telecommunications infrastructure to ensure adequate coverage. The number of separate sites shall be minimized. Visual and aesthetic obtrusiveness of wireless and cellular telecommunications facilities shall be mitigated by provision of stealth designs, for example, location within elements of buildings such as parapets, chimneys, or other architectural features. A public notice shall be posted at telecommunications sites with electromagnetic field emissions; these notices shall inform employees, customers, and the general public as to the location of the facility (see related VH 4.8).	Section 17.42.030(D), Design and Screening; Chapter 17.58, Design Review
Policy PF 7: Coordinating Facilities and Services with Other Agencies [GP] – To ensure the appropriate provision of public facilities and buildings by all public agencies and related nonprofit organizations.	
PF 7.1 **Coordination of Facility Planning. [GP**]	N/A
PF 7.2 **Consultation with Other Service Providers. [GP]**	N/A
PF 7.3 **Compatibility of Utility Facilities. [GP]**	N/A
PF 7.4 **Shared Use of Facilities. [GP]**	N/A
PF 7.6 **Coordination of Construction Schedules. [GP]**	N/A

CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN: POLICIES RELATED TO NEW ZONING ORDINANCE		
General Plan Policy		*New Zoning Ordinance Citation*
PF 7.7	**Review of Public Works and Land Acquisitions of Other Agencies. [GP]** Pursuant to Government Code Section 65401, 65402, and 65403, other agencies (such as water districts, sanitation districts, and school districts) that provide or maintain public facilities essential to the growth and maintenance of Goleta area's urban population are required to submit proposed public works projects and/or 5-year capital improvement programs (CIPs) to the City for a determination by the Planning Agency as to the consistency of the proposed project or CIP with the adopted General Plan or applicable part thereof. Goleta's Planning Agency shall review such proposals and submit its report to the agency or district no later than 40 days after receipt of the proposed public works project, land acquisition, and/or CIP. Although the agency or district may overrule the City's finding and carry out its intended project or CIP, the City encourages a cooperative approach to achieve consistency between the General Plan and the actions of other agencies. Upon certification of the City's Local Coastal Program by the California Coastal Commission, proposed projects within the California Coastal Zone that constitute "development" under the Coastal Act will be subject to City approval of a Coastal Development Permit.	Chapter 17.61, Coastal Development Permits
Policy PF 8: General Standards for Public Facilities [GP] – To ensure compatible and aesthetically appropriate integration of public buildings and facilities into the city's built and natural environments at appropriate locations.		
PF 8.1	**General Standard. [GP]** The City shall ensure that all public buildings and facilities comply with the same development standards and regulations as would be applicable to private development.	Section 17.01.040(A)(5), Applicability to the City
PF 8.2	**Siting of Public Facilities. [GP]**	N/A
PF 8.3	**Design of Public Facilities. [GP]**	N/A
PF 8.4	**Critical Facilities Standards. [GP]**	N/A
PF 8.5	**Management Standards. [GP]**	N/A
Policy PF 9: Coordination of Facilities with Future Development – Ensure that land use decisions are based on the planned capacity of capital facilities and that such facilities are provided when they are needed to support new development.		
PF 9.1	**Integration of Land Use and Public Facilities Planning. [GP/CP]** The Land Use Plan and actions on individual development applications shall be consistent with the existing or planned capacities of necessary supporting public facilities and the fiscal capacity of the City to finance new facilities. a. The City shall integrate its land use and public works planning activities with an ongoing program of long-range financial planning to ensure that the City's Land Use Plan is supported by quality public facilities. b. Individual land use decisions, including but not limited to General Plan amendments, shall be based on a finding that any proposed development can be supported by adequate public facilities.	Section 17.52.070(A), Required Findings
PF 9.2	**Phasing of New Development. [GP/CP]** Development shall be allowed only when and where it is demonstrated that all public facilities are adequate and only when and where such development can be adequately served by essential public services without reducing levels of service elsewhere.	Section 17.52.070(A), Required Findings
PF 9.3	**Responsibilities of Developers. [GP/CP]** Construction permits shall not be granted until the developer provides for the installation and/or financing of needed public facilities. If adequate facilities are currently unavailable and public funds are not committed to provide such facilities, the burden shall be on the developer to arrange appropriate financing or provide such facilities in order to develop. Developers shall provide or pay for the costs of generating technical information as to impacts the proposed development will have on public facilities and services. The City shall require new development to finance the facilities needed to support the development wherever a direct connection or nexus of benefit or impact can be demonstrated.	Section 17.52.070(A), Required Findings
PF 9.4	**City Infrastructure Investments to Guide Development. [GP/CP]**	N/A
PF 9.5	**Extensions of Infrastructure and Facilities. [GP/CP]** The extension of any individual infrastructure or public facility to serve new development, regardless of the method of financing, should be approved only if it is determined that adequate fiscal capacity exists to support: a. The extension of any other needed facilities. b. Services to the cumulative development that could be supported by the extension. c. Cost-effective service delivery by all ongoing public services.	Section 17.52.070(A), Required Findings
PF 9.6	**Concurrency. [GP/CP]** The City shall develop ordinances and procedures to achieve "concurrency" for facilities essential to support development. Pursuant to those procedures, the City shall evaluate the impact of any new development on the capacity of the supporting public facilities and require, prior to final development approval, that financing be in place to correct any public facility deficiency. The evaluation of impacts shall include an analysis of the cumulative effects of other development proposals in the service area.	Section 17.52.070(A), Required Findings
PF 9.7	**Essential Services for New Development. [GP/CP]** Development shall be allowed only when and where all essential utility services are adequate in accord with the service standards of their providers and only when and where such development can be adequately served by essential utilities without reducing levels of service below the level of service guidelines elsewhere. a. Domestic water service, sanitary sewer service, stormwater management facilities, streets, fire services, schools, and parks shall be considered essential for supporting new development. b. A development shall not be approved if it causes the level of service of an essential utility service to decline below the standards referenced above unless improvements to mitigate the impacts are made concurrent with the development for the purposes of this policy. "Concurrent with the development" shall mean that improvements are in place at the time of the development or that a financial commitment is in place to complete the improvements. c. If adequate essential utility services are currently unavailable and public funds are not committed to provide such facilities, developers must provide such facilities at their own expense in order to develop.	Section 17.52.070(A), Required Findings
Policy PF 10: Financing Public Facilities [GP] – To use all available capital improvement revenues to finance facilities to meet the community's needs.		
PF 10.1	**Sources of Revenue for Capital Facilities. [GP]**	N/A
PF 10.2	**Development Impact Fees. [GP]** The City shall adopt and maintain a development impact fee program that requires new development to pay a proportionate share of the costs of new or upgraded capital facilities attributable to new development. Impact fee programs for capital facilities shall include sufficient funding for all of the following: a. Design and engineering. b. Environmental compliance and permitting. c. Land acquisition and/or right-of-way acquisition.	Chapter 17.70, Development Impact Fees

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General Plan Policy	*New Zoning Ordinance Citation*
d. Site preparation, including grading and installation of utilities, drainage, and other necessary infrastructure. e. Construction of the public facility. f. Parking, landscaping, and street trees, where applicable. g. Necessary off-site improvements, such as sidewalks, extensions of utilities, and others as applicable. The impact fee program shall be reviewed regularly to ensure that sufficient funding will be available to construct all required facilities.	
PF 10.3 Use of Existing Revenue Sources. [GP]	N/A
PF 10.4 Community Support. [GP]	N/A
PF 10.5 Financing Methods. [GP]	N/A
PF 10.6 Capital Facility Impacts of New Services. [GP]	N/A
PF 10.7 Operating Cost Impacts of New Facilities. [GP]	N/A
PF 10.8 Periodic Evaluation of Capital Facilities. [GP]	N/A
PF 10.9 Alternatives to City-Financed Facilities. [GP]	N/A
PF 10.10 Capital Improvements Program and Budget. [GP]	N/A
NOISE ELEMENT	
Policy NE 1: Noise and Land Use Compatibility Standards – Protect Goleta's residents, workers, and visitors from excessive noise by applying noise standards in land use decisions. Ensure compatibility of land uses with noise exposure levels, and neither introduce new development in areas with unacceptable noise levels nor allow new noise sources that would impact existing development.	
NE 1.1 Land Use Compatibility Standards. [GP] The City shall use the standards and criteria of Table 9-2 to establish compatibility of land use and noise exposure. The City shall require appropriate mitigation, if feasible, or prohibit development that would subject proposed or existing land uses to noise levels that exceed acceptable levels as indicated in this table. Proposals for new development that would cause standards to be exceeded shall only be approved if the project would provide a substantial benefit to the City (including but not limited to provision of affordable housing units or as part of a redevelopment project), and if adequate mitigation measures are employed to reduce interior noise levels to acceptable levels.	Section 17.39.070(A), Noise Limits
NE 1.2 Location of New Residential Development. [GP] Where sites, or portions of sites, designated by the land use element for residential use exceed 60 dBA CNEL, the City shall require measures to be incorporated into the design of projects that will mitigate interior noise levels and noise levels for exterior living and play areas to an acceptable level. In the event that a proposed residential or mixed-use project exceeds these standards, the project may be approved only if it would provide a substantial benefit to the City, including, but not limited to, provision of affordable residential units. Mitigation measures shall reduce interior noise levels to 45 dBA CNEL or less, while noise levels at exterior living areas and play areas should in general not exceed 60 dBA CNEL and 65 dBA CNEL, respectively.	Section 17.39.070(E), Noise Attenuation Measures
NE 1.3 Noise Buffers. [GP] When feasible, the City should require an open space or other noise buffer between new projects that are a source of noise and nearby sensitive receptors. The nature and extent of the noise buffer shall be determined based upon site-specific conditions.	Section 17.39.070(E), Noise Attenuation Measures
NE 1.4 Acoustical Studies. [GP] An acoustical study that includes field measurement of noise levels may be required for any proposed project that would: a) locate a potentially intrusive noise source near an existing sensitive receptor, or b) locate a noise-sensitive land use near an existing known or potentially intrusive noise source such as a freeway, arterial roadway, railroad, industrial facility, or airport traffic pattern. Acoustical studies should identify noise sources, magnitudes, and potential noise mitigation measures and describe existing and future noise exposure. The acoustical study shall be funded by the applicant and conducted by a qualified person or firm that is experienced in the fields of environmental noise assessment and architectural acoustics. The determination of applicability of this requirement shall be made by the Planning and Environmental Services Department by applying the standards and criteria of Table 9-2.	Section 17.39.070(D), Acoustical Study
NE 1.5 Acceptable Noise Levels. [GP]	N/A
Policy NE 2: Traffic Noise Sources [GP] – To reduce or mitigate noise from existing and projected future vehicular traffic through street improvements, law enforcement, and support of alternative transportation programs.	**N/A**
Policy NE 3: Airport Noise [GP] – To seek measures and operational changes that result in a reduction in noise and noise-related impacts generated by the Santa Barbara Municipal Airport.	
NE 3.1 Support of Noise-Reducing Airport Programs and Improvements. [GP]	N/A
NE 3.2 Support for Smaller and Quieter Commercial Jets. [GP]	N/A
NE 3.3 Consultation with ALUC Staff and City of Santa Barbara Staff. [GP]	**N/A**
NE 3.4 Noise Mitigation and Avigation Easements. [GP] In compliance with state law, the City shall discourage new residential development or new sensitive uses in areas subject to high levels (65+ dB CNEL) of airport noise. The City shall require appropriate acoustic insulation measures to be components of any such development. Acoustic insulation should ensure that the interior noise level for any habitable room does not exceed 45 dBA CNEL. For all new development proposed in the clear and approach zones as defined in the Santa Barbara County ALUP, an aviation easement for noise and safety purposes shall be required.	Section 17.16.040, Residential Interior Noise-Level Reduction; Section 17.16.060(A), Avigation Easement Dedication
NE 3.5 Non-Aviation Sources of Noise. [GP]	N/A
Policy NE 4: Railway Noise [GP] – To reduce noise and minimize the impact of noise from existing and projected future railway operations and activities.	

CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN: POLICIES RELATED TO NEW ZONING ORDINANCE		
General Plan Policy		*New Zoning Ordinance Citation*
NE 4.1	**Consideration of Exposure to Railway Noise. [GP]** The City shall consider current and projected exposure to noise levels for any proposed development or use on land adjacent to the UPRR. The City should not approve any development that would result in unacceptable levels of noise exposure in accordance with the standards of Policy NE 1 above.	Section 17.39.070(A), Noise Limits
NE 4.2	**Encouragement of Noise-Reduction Measures. [GP]**	N/A
NE 4.3	**Potential Establishment of a Quiet Zone. [GP]**	N/A
NE 4.4	**Avoidance of New At-Grade Railroad Crossings. [GP]**	N/A
Policy NE 5: Industrial and Other Point Sources [GP] – To minimize noise generated by industrial sources and other point sources and to limit the impacts of such noise sources.		
NE 5.1	**New, Expanded, or Upgraded Stationary Noise Sources. [GP]** The City shall require proposals for new stationary sources or expansions or alterations of use for an existing stationary source to include appropriate noise mitigation measures. Retrofits and facility upgrades under the permitting jurisdiction of the City should ensure that noise levels are reduced, particularly for sources that impact adjacent sensitive receivers.	Section 17.39.070(A), Noise Limits
NE 5.2	**Equipment Maintenance. [GP]**	N/A
NE 5.3	**Standards for City Equipment and Vehicles. [GP]**	N/A
NE 5.4	**Noise Barriers for Industrial/Commercial Sources. [GP]**	N/A
NE 5.5	**Limits on Truck Deliveries and Other Activities. [GP]**	N/A
NE 5.6	**Reduction of Noise at the Venoco Ellwood Onshore Oil and Gas Processing Facility. [GP]**	N/A
Policy NE 6: Single-Event and Nuisance Noise [GP] – To prevent community and environmental disruptions by limiting single-event and nuisance noise levels, so that relative quiet and peace is achieved and maintained at residential areas and other sensitive receptors.		
NE 6.1	**Enforcement of Noise Ordinances. [GP]** The City shall enforce regulations and standards set forth in a City Noise Ordinance. The City shall periodically review noise regulations and update or add regulations that control noise generation appropriately.	Chapter 17.69, Enforcement
NE 6.2	**Enforcement of Restrictions in Open-Space Areas. [GP]**	N/A
NE 6.3	**Special-Event Noise Control. [GP]** For all special-event permit applications where the proposed event or activity is expected to generate significant noise, the City shall consider imposing limitations on the hours of the event or activity or other noise-reduction measures.	Section 17.39.070(F), Exemptions; Section 17.56.060, Conditions of Approval
NE 6.4	**Restrictions on Construction Hours. [GP]** The City shall require, as a condition of approval for any land use permit or other planning permit, restrictions on construction hours. Noise-generating construction activities for projects near or adjacent to residential buildings and neighborhoods or other sensitive receptors shall be limited to Monday through Friday, 8:00 a.m. to 5:00 p.m. Construction in nonresidential areas away from sensitive receivers shall be limited to Monday through Friday, 7:00 a.m. to 4:00 p.m. Construction shall generally not be allowed on weekends and state holidays. Exceptions to these restrictions may be made in extenuating circumstances (in the event of an emergency, for example) on a case by case basis at the discretion of the Director of Planning and Environmental Services. All construction sites subject to such restrictions shall post the allowed hours of operation near the entrance to the site, so that workers on site are aware of this limitation. City staff shall closely monitor compliance with restrictions on construction hours, and shall promptly investigate and respond to all noncompliance complaints.	Section 17.39.070(G), Construction Hours
NE 6.5	**Other Measures to Reduce Construction Noise. [GP]**	N/A
NE 6.6	**Limits on Hours for Trash Pickup in Residential Areas. [GP]**	N/A
Policy NE 7: Design Criteria to Attenuate Noise – Employ noise-reduction measures that reduce levels of noise-generated at the source. Use site design and noise insulation techniques that attenuate noise levels experienced at receiver sites to acceptable levels.		
NE 7.1	**Control of Noise. [GP]** The City shall require that primary emphasis on the control of noise be accomplished at the source by reducing the intensity of the noise generated or through appropriate placement of noisy components of a project or use. Secondary emphasis should be through site design of receiver sites and noise attenuation and insulation measures.	Section 17.39.070, Noise
NE 7.2	**Site-Design Techniques. [GP]**	N/A
NE 7.3	**Architectural Techniques. [GP]**	N/A
NE 7.4	**Alternatives to Sound Walls. [GP]**	N/A
NE 7.5	**Implementation of Recommendations from Acoustical Analyses. [GP]** For projects where an acoustical analysis is required because of potential noise impacts, the City, through its development review and building permit processes, shall ensure that all appropriate noise reduction measures are incorporated.	Section 17.39.070(D), Acoustical Study
NE 7.6	**Noise-Insulation Standards for Multi-Family Dwellings. [GP]** In compliance with state law, the City shall require all multi-family residential developments that are proposed within the 60-dBA-CNEL noise contour to include appropriate noise-insulation measures.	Section 17.39.070(E), Noise Attenuation Measures
NE 7.7	**Acoustic Design Manual Requirements. [GP]**	N/A
HOUSING ELEMENT		
Policy HE 1: Maintain and Improve Existing Housing and Neighborhoods [GP] – To protect, conserve, and enhance the existing housing stock and ensure that existing affordable housing at risk of conversion to market rates will remain affordable to the greatest extent feasible.		
HE 1.1	**Code Compliance.** The City will continue its proactive efforts to preserve residential neighborhoods, encourage good property management practices, and minimize physical deterioration of existing housing units through compliance with zoning and building standards. When code violations or deferred maintenance exist, property owners will be notified and encouraged to avail themselves of available resources to assist with maintenance or repairs.	Chapter 17.69, Enforcement

CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN: POLICIES RELATED TO NEW ZONING ORDINANCE		
General Plan Policy		*New Zoning Ordinance Citation*
HE 1.2	**Housing Rehabilitation.**	N/A
HE 1.3	**Monitor and Preserve Assisted Affordable Housing Units**.	N/A
HE 1.4	**Preserve Mobile Home Parks and Facilitate Mobile Home Park Ownership Opportunities.**	N/A
HE 1.5	**Limit Conversion of Rental Housing to Condominiums or Nonresidential Use.** The City will deny condominium conversions unless the rental vacancy rate has averaged 5 percent or greater during the preceding 3-year period. The following provisions are also required: (1) exemptions for limited-equity residential cooperatives that provide long-term affordability for extremely low-, very low- or low-income households; (2) required relocation assistance when units are converted; (3) first right of refusal of purchase of units by occupants; (4) required percentage of units, consistent with Implementation Program HE 2.5 Inclusionary Housing to be set aside for extremely low- to moderate-income households; and (5) recordation of an Agreement to Provide Affordable Housing and deed restrictions that include implementation of resale controls and/or equity sharing. The City will consider adopting and implementing regulations to discourage the conversion of conforming residential units to nonresidential uses and regulate, to the extent permitted by law, conversion of rental housing developments to nonresidential uses to protect and conserve the rental housing stock.	Chapter 17.07, Residential Districts
HE 1.6	**Assist in the Effective Use of Available Rental Assistance Programs.**	N/A
Policy HE 2: Facilitate New Housing Development to Meet Growth Needs for Persons of All Income Levels [GP] – To facilitate a variety of residential development types commensurate with the City's RHNA and needs of the local workforce, designed to be compatible with and enhance Goleta's neighborhoods and the community as a whole.		
HE 2.1	**Encourage a Diverse Range of New Housing.** The City will ensure that plans and regulations encourage a range of housing types, sizes, densities, tenure, affordability levels, and designs in appropriate locations to accommodate residents of diverse age, social, and economic backgrounds, and the local workforce. Specific actions will include the following: a. Residential Development Capacity to Accommodate the RHNA. The City will continue to ensure that sufficient land is zoned for housing with appropriate densities and development standards to accommodate the City's RHNA allocation at all income levels during the planning period. b. No Net Loss of Capacity. The City may only allow development of a site at a lower residential density than assumed in the Housing Element Land Inventory if it makes findings consistent with California Government Code Section 65863. c. Facilitate a Wide Variety of Housing Types. The City will adopt and implement regulations and standards for multifamily housing, mixed use, live/work developments, single-room occupancy (SRO) housing, co-op housing, transit-oriented development (TOD), and other development types to take advantage of affordable housing opportunities and ensure that regulations do not unreasonably limit housing options. d. Mixed-Use Housing. Well-designed mixed-use residential/nonresidential developments are encouraged by the City at locations where appropriate, including but not limited to areas designated as Old Town Commercial, Community Commercial, and Office and Institutionalon the Land Use Plan Map. The City will develop incentives to encourage mixed-use development in appropriate locations.	Chapter 17.07, Residential Districts; Chapter 17.08, Commercial Districts; Chapter 17.09, Office Districts; Section 17.24.120, Mixed-Use Development; Chapter 17.41, Standards for Specific Uses and Activities
HE 2.2	**Linkage of Housing and Jobs.** To encourage adequate housing opportunities that meet the needs of the local workforce, the City will pursue the following actions: a. Housing Priority for Goleta Residents and Employees. To the extent permitted by law, the City will give persons working and/or residing in Goleta priority notice regarding available units, marketing, and selecting occupants for affordable units, including rental and ownership units. The intent is to meet local housing needs consistent with the RHNA and contribute to mitigation of traffic, economic development, and community safety conditions. b. Mitigation of Employee Housing Impacts. The City will require new nonresidential development and proposed expansion or intensification of existing nonresidential development to contribute to providing affordable employee housing. The proposed amount of floor area and type of nonresidential use must be factors in establishing the requirement for individual projects. Alternatives to satisfy this requirement may, at the discretion of the City, include payment of a development impact fee, providing housing on site, housing assistance as part of employee benefit packages, or other alternatives of similar value. The City will prepare an Affordable Employee Housing Plan that includes details of the program, including the results of a development impact fee study and/or alternativeprograms. c. Live/Work. Live/work units can provide affordable employee housing, generate additional economic activity in the community, and help maintain an appropriate jobs-housing balance in Goleta. The City will encourage opportunities for live/work developments in appropriate locations where housing can be provided for workers on site or through caretaker or other types of housing. d. Housing Opportunities for Existing and New Employees. The City will cooperate with local school districts, public agencies, and businesses to identify opportunities for assisting their employees in finding housing, such as employer-assisted development of new housing units, mortgage buy-downs or subsidies, rent subsidies, etc. Moreover, the City will seek the commitment of other organizations, such as the Chamber of Commerce or Board of Realtors, to have their members, particularly larger employers, address employee housing needs.	Chapter 17.08, Commercial Districts; Chapter 17.09, Office Districts; Section 17.41.180, Live/Work Units
HE 2.3	**Housing Design Principles for Multifamily and Affordable Housing.** The design of new multifamily and affordable housing must provide stable, safe, and attractive neighborhoods through high-quality architecture, site planning, and amenities that address the following principles: a. Reduce the Appearance of Building Bulk. Require designs that break up the perceived bulk and minimize the apparent height and size of new buildings, including the use of upper-story step-backs, variations in wall and roof planes, and landscaping. For example, windows, doors, and application of exterior finish materials and trim are important elements of building design and an indicator of overall building quality. b. Recognize Existing Street Patterns. Incorporate transitions in height and setbacks from adjacent properties to respect adjacent development character and privacy. Design new housing so that it relates to the existing street pattern and integrates with pedestrian and bicycle circulation systems. c. Enhance the "Sense of Place" by Incorporating Focal Areas. Design new housing around natural and/or designed focal points that are emphasized through direct pedestrian and bicycle pathway connections. Site design and placement of structures should include the maximum feasible amount of usable, contiguous open space. d. Parking Standards. Review parking standards to ensure that they facilitate affordable housing development while avoiding impacts on other developed areas. Options may include, but are not limited to, the following: 1. Multifamily parking requirements. 2. Opportunities for shared parking for mixed-use developments. 3. Parking requirements for projects located near transit stops on the Hollister Avenue corridor. 4. Parking requirements for small-sized units, including SRO and accessory dwelling units. 5. Allowances for the establishment of a landscaped parking reserve that is designated for parking if needed in the future.	Chapter 17.07, Residential Districts; Chapter 17.38, Parking and Loading; Chapter 17.58, Design Review

CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN: POLICIES RELATED TO NEW ZONING ORDINANCE	
General Plan Policy	*New Zoning Ordinance Citation*
6. Evaluation of opportunities for undergrounding parking and auto sharing. 7. Allowances, in certain instances, for parking standards to be adjusted on a case-by-case basis, depending upon the location and characteristics of the development and its intended occupants. e. Minimize the Visual Impact of Parking and Garages. Discourage residential designs in which garages dominate the public façade of the residential building. f. Provide Buffers between Housing and Nonresidential Uses. Ensure compatibility of residential and nonresidential uses by addressing parking and driveway patterns, transitions between uses, entries, site planning, and the provision of appropriate buffers to minimize noise, lighting, or use impacts. g. Privacy for Individual Units. Site design, including placement of structures, pedestrian circulation, and common areas, as well as elements of architectural design such as placement of windows, must strive to maintain privacy for individual dwelling units within multifamily projects, including privacy for individual exterior spaces, to the extent possible with consideration for security and crime prevention. h. Security and Safety. Site and architectural design of multifamily residential projects must incorporate principles of "defensible space," security for residents, and public safety and facilitate policing and observation by law enforcement from public streets and rights-of-way to the extent feasible.	
HE 2.4 **Facilitate Affordable Housing Development**. The City will use its regulatory, financial, and administrative resources to assist in developing affordable housing units. Specific actions to be taken include the following: a. Provide Assistance and Incentives to Developers. Work with developers, nonprofit organizations, other agencies, and the community to address Goleta's extremely low-, very low-, low-, and moderate-income housing need by offering incentives such as density bonuses, modified standards, assistance with grant applications, development clustering, land dedication as an alternative to inclusionary requirements, second units, use of inclusionary housing in-lieu or impact funds, fast-track processing, and/or reduced processing and infrastructure fees. Priority will be given to housing affordable to extremely low-income households to the extent feasible. b. Long-Term Affordability Covenants. The City will apply resale controls and income restrictions consistent with current law to ensure that affordable housing provided through incentives and as a condition of development approval remains affordable to the income group for which it is intended. c. Land Banking. Consider financial-equivalent options for affordable housing and special needs housing, including land acquisition and land banking. d. Lot Consolidation. The City will facilitate affordable multi-family housing development on small parcels by encouraging the consolidation of adjacent parcels. Parcel maps or lot line adjustments will be processed as part of development applications at no additional cost for developments that provide affordable units.	Chapter 17.27, Density Bonuses and Other Incentives; Chapter 17.28, Inclusionary Housing; Section 17.41.030, Accessory Dwelling Units (ADU)
HE 2.5 **Inclusionary Housing.** To the extent permitted by law, the City will require all residential developments—including, but not limited to, single-family housing, multifamily housing, condominiums, townhouses, stock cooperatives, and land subdivisions—to provide affordable housing as follows: a. Projects consisting of one for-sale single-family unit will be exempt from the inclusionary requirement. b. Projects consisting of two to four for-sale units shall be required to pay an inclusionary housing in-lieu payment. c. Projects of five or more for-sale units will be required to construct the applicable number of units, except that the City Council, at its sole discretion, may allow the inclusionary requirement for these projects to be satisfied by alternative means as set forth in this Implementation Program. d. Projects of five or more for-sale units located outside of the Central Hollister Affordable Housing Opportunity Sites, including subdivisions for purposes of condominium conversions, are required to provide 20 percent affordable units of the total number of for-sale units. The City may consider decreasing the 20 percent affordable unit requirement, but not less than 15 percent, on a case-by-case basis where the community services, such as new onsite or nearby park/open space facilities, resulting from the project exceed standards set forth in applicable law. Proposed projects including for-sale units qualifying for a 15 percent affordability level shall provide 2 percent of the total number of for-sale units at prices affordable to extremely low- and very low-income households, 5 percent affordable to low-income households, 4 percent affordable to moderate-income households, and 4 percent affordable to above moderate-income households earning 120 to 200 percent of the median income. Proposed projects including for-sale units qualifying for a 20 percent affordability level shall provide 5 percent of the total number of for-sale units at prices affordable to extremely low- and very low-income households, 5 percent affordable to low-income households, 5 percent affordable to moderate-income households, and 5 percent affordable to above moderate-income households earning 120 to 200 percent of the median income. e. Projects of five or more for-sale units located within the Central Hollister Affordable Housing Opportunity Sites, including subdivisions for purposes of condominium conversions, are required to provide 20 percent affordable units of the total number of for-sale units. The Central Hollister Affordable Housing Opportunity Sites, shown in Figure 10A-5 of the Technical Appendix, are site numbers 10, 11, and 12. Required affordability levels on these sites shall be as follows: 1. 5 percent of the total number of for-sale units within the project shall be provided at prices affordable to extremely low- and very low-income households. 2. 5 percent of the total number of for-sale units within the project shall be provided at prices affordable to low-income households. 3. 5 percent of the total number of for-sale units within the project shall be provided at prices affordable to moderate-income households. 4. 5 percent of the total number of for-sale units within the project shall be provided at prices affordable to above moderate-income households earning 120 to 200 percent of the median income. f. The primary intent of the inclusionary requirement is to achieve the construction of new affordable units on site. A second priority is construction of affordable units off site or the transfer of sufficient land and funds to the City or a nonprofit housing organization to develop the required number of affordable units. If these options are determined to be infeasible by the City, other alternatives of equal value, such as, but not limited to, payment of an inclusionary housing in-lieu payment or acquisition and rehabilitation of existing units, may be considered at the sole discretion of the City. g. It is the City's intent to facilitate the production of new affordable housing commensurate with the needs of the community. Creative ways to meet the City's inclusionary requirement to help achieve City housing goals are encouraged, especially for extremely low-, very low-, and low-income housing, such as through partnership with a nonprofit housing agency. In addition, tradeoffs of extremely low- and very low-income units for moderate-income units may be considered if it can be demonstrated that the City's housing goals can be more effectively achieved. Such tradeoffs may incorporate a unit equivalency based on a financial pro forma provided by the applicant. h. The City will secure the affordability of inclusionary units by requiring a covenant, or other instrument approved as to form by the City Attorney, to be recorded against the property. The term of affordability restrictions shall be based on applicable federal laws and financing mechanisms, generally 45 years but not less than 30 years, and provide for monitoring and reporting in a manner acceptable to the City Attorney.	Chapter 17.17, -AH Affordable Housing Overlay District; Chapter 17.28, Inclusionary Housing
HE 2.6 **Transfer of Development Rights.**	N/A
HE 2.7 **Encourage Accessory (Second) Residential Units.** The City will encourage construction of well-designed accessory dwelling units on existing single-family lots and in new single-family subdivisions with four or more lots, consistent with minimum lot size, parking, and street capacity. If public and/or nonprofit funding is used to assist in the construction of an accessory dwelling unit, the City will require a use agreement to ensure that	Section 17.41.030, Accessory Dwelling Units (ADU)

CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN: POLICIES RELATED TO NEW ZONING ORDINANCE	
General Plan Policy	*New Zoning Ordinance Citation*
second unit rents are affordable to lower-income persons. The City's objective is to encourage 20 new accessory dwelling units (five low-income and 15 moderate-income) during the planning period through the following actions. a. Continue to allow accessory dwelling units as a permitted "use by-right" when the single-family lot, primary structure, and second unit meet all of the zoning and building development standards established for the zoning district in which they are located and adequate traffic safety and parking are available. Second units approvable "by-right" may be limited in size to a maximum of 650 square feet. b. Ensure ministerial approval of second units by developing standard design guidelines for second units. c. Continue to maintain a tiered development impact fee structure that provides lower impact fees for accessory dwelling units commensurate with their small size and level of impacts.	
HE 2.8 **Funding for Affordable Housing.** The City will develop ongoing City and external sources of funding to support affordable housing as follows: a. Maintain the collection of housing in-lieu payments, housing development impact fees for nonresidential development, and any other voluntary donations, grants, and matching funds or other similar payments in a City-managed Affordable Housing Trust Fund(s) to be used in support of the production, acquisition of at risk affordable housing units, or rehabilitation of affordable housing. b. Participate in external housing programs such as the HOME Investment Partnerships Program (HOME) and Community Development Block Grant (CDBG) and other programs when appropriate to leverage the City's affordable housing funds for specific projects and programs (such as mortgage buy-downs, etc.). c. Prepare a Comprehensive Affordable Housing Finance Plan (CAHFP) that addresses all local and external sources of housing assistance funds and identifies appropriate strategies for the use and disbursement of those funds to affordable housing projects and activities	Section 17.73.020, Definitions
Policy HE 3: Fair Housing and Special Needs [GP] – Promote equal housing opportunities for all persons; encourage the provision of housing for those who require special assistance, such as seniors, people with disabilities, and the homeless; and facilitate linkages between housing and services for those with special needs.	
HE 3.1 **Support Fair Housing Opportunities.**	N/A
HE 3.2 **Facilitate the Provision of Housing for Persons with Special Needs.** The City will facilitate the provision of housing for persons with disabilities and other special needs through the following actions: a. Single Room Occupancy (SRO) Housing. Promulgate regulations to facilitate development of SRO units and small efficiency apartments in appropriate locations as lower-cost rental alternatives for single-person households. SRO rooms are typically between 80 and 200 square feet, include a sink and a closet but possibly share bathroom and shower facilities with other SRO units. b. Emergency Shelters. Continue to facilitate the provision of emergency shelters for the homeless consistent with state law. c. Transitional and Supportive Housing. Continue to facilitate the provision of transitional and supportive housing as residential uses subject only to the same standards and procedures that apply to other uses of the same type in the same zone consistent with state law. d. Residential Care Facilities. The City will facilitate the provision of small state-licensed residential care facilities for six or fewer persons as a family residential use, and establish standards for larger care facilities in appropriate locations. e. Farmworker Housing. Continue to allow housing for agricultural employees consistent with Health and Safety Code Sections 17021.5 and 17021.6. f. Assist Development of Special Needs Housing. Work cooperatively with developers and sponsors of housing for persons with special needs including, without limitation, persons with developmental disabilities, and provide assistance such as support for grant funding applications, fast-track processing, and financial assistance when feasible. g. Family Housing Amenities. The City will ensure that adequate provisions are made in new housing developments for families with children, including recreation areas such as, but not limited to, tot lots, play yards and lawn areas, child care, and other amenities. h. Reasonable Accommodation. Continue to implement procedures for reviewing and approving requests by persons with disabilities for reasonable accommodation in the application of the City's zoning and building regulations.	Part II: Base Zoning Districts and Allowed Uses and Allowed Uses; Section 17.41.040, Accessory Uses, Section 17.41.130, Emergency Shelters; Section 17.41.150, Farmworker Housing; Section 17.41.220, Residential Care Facilities, Large; Section 17.41.250, Single-Room Occupancy (SRO) Housing; Chapter 17.63, Reasonable Accommodation for Persons with Disabilities
HE 3.3 **Encourage Cooperative and Similar Collaborative Housing Development.**	N/A
Policy HE 4: Energy Conservation and Sustainable Development [GP] – Promote energy conservation by encouraging energy efficiency, renewable energy sources, sustainable building materials, and transit-oriented development.	
HE 4.1 **Rehabilitation and Energy Loan Programs.**	N/A
HE 4.2 **Resource Conservation in Existing and New Residential Development.**	N/A
HE 4.3 **Use of Renewable Energy Sources.** For new projects, the City encourages the incorporation of renewable energy sources. The City will consider incorporating renewable energy sources that do not have adverse effects on the environment or on any adjacent residential uses. Solar access must be protected in accordance with the State of California Solar Rights Act. New development cannot impair the performance of existing solar energy systems. Compensatory or mitigation measures may be considered in instances where there is no reasonable alternative.	Section 17.24.180, Solar Installations; Section 17.58.080, Required Findings
HE 4.4 **Transit-Oriented Development.** The City will encourage transit-oriented housing development to enable efficient public transit systems and alternatives to driving (walking and bicycling). In coordination with regional transportation planning activities, the City will work with developers to incorporate transit improvements, such as bus shelters and turnouts or other transit improvements, as appropriate and feasible for a project. Residential development plans will incorporate pedestrian and bicycle facilities, including, but not limited to, sidewalks, benches, bicycle racks, and bicycle storage areas, to the extent feasible.	Section 17.38.090, Bicycle Parking
Policy HE 5: Community Partnerships in Support of Local and Regional Housing Policies [GP]	**N/A**

GP = General Plan; NZO = New Zoning Ordinance

"P" – Zoning Permit or Exempt, "MU" – Minor Conditional Use Permit, "CU" – Major Conditional Use Permit, "X" - Allowed Use (permit path is not identified), " – " Use Not Allowed

Note: The uses from the GP and NZO are not always identical and as such, compared uses are not always a one-to-one match.

Use	RS	RP	RM	RH	RMHP	CR	CC	OT	VS	CI	CG	BP	OI	IS	IG	AG	OSPR	OSAR	PQ
GP: Single Family Detached (one per lot)	X	X	-	-	-	-	-	-	-	-	-	-	-	-	-	X	-	-	-
NZO: Single-Unit Dwelling, Detached	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-
GP: Single-Family Attached and Detached Dwellings	X	X	X	X	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
NZO: Single-Unit Dwelling, Attached	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
NZO: Single-Unit Dwelling, Detached	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-
GP: Multiunit Apartment Dwellings	-	X	X	X	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
GP: Residential Units	-	-	-	-	-	-	X	X	-	-	-	-	X	-	-	-	-	-	-
NZO: Single Room Occupancy (SRO) Housing	-	CU	CU	CU	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
NZO: Group Residential	-	CU	CU	CU	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
NZO: Live-Work Units	-	-	-	-	-	-	MU	MU	-	-	-	-	MU	-	-	-	-	-	-
NZO: Multiple-Unit Development	-	P	P	P	-	-	CU*	CU*	-	-	-	-	CU*	-	-	-	-	-	-
GP: Mobile Home Parks	-	-	-	-	X	-	-	-	-	-	-	-	-	-	-	-	-	-	-
NZO: Mobile Home Parks	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-
GP: Secondary (Accessory) Residential Units	X	X	-	-	-	-	-	-	-	-	-	-	-	-	-	X	-	-	-
NZO: Accessory Dwelling Unit	*See Section 17.41.030, Accessory Dwelling Unit*																		
GP: Assisted-Living Residential Units	-	-	X	X	-	-	-	-	-	-	X	-	X	-	-	-	-	-	-
NZO: Residential Care Facilities, Large	-	-	CU	CU	-	-	-	-	-	-	CU*	-	CU	-	-	-	-	-	-
GP: Caretaker Unit	-	-	-	-	-	X	X	X	X	-	X	X	X	X	X	-	-	X	X
NZO: Caretaker Unit	-	-	-	-	-	MU	MU	MU	MU	-	MU	P	P	MU	MU	-	-	P	MU
GP: Farmworker Residential Unit	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	X	-	-	-
NZO: Farmworker Housing Complex	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-
GP: Religious Institutions	X	X	X	X	-	-	X	X	-	-	X	-	X	-	-	-	-	-	X
NZO: Community Assembly	MU	MU	MU	MU	-	-	MU	MU	-	-	MU	-	P	-	-	-	-	-	MU
GP: Small-Scale Residential Care Facility	X	X	-	-	-	-	-	-	-	-	-	-	-	-	-	X	-	-	-
NZO: Residential Care Facilities, Small	P	P	P	P	P	-	P	P	-	-	-	-	-	-	-	P	-	-	-
GP: Small-Scale Day Care Center	X	X	X	X	X	-	-	-	-	-	-	-	-	-	-	-	-	-	X
NZO: Family Day Care, Small	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
GP: Public and Quasi-public Uses	X	X	X	X	-	X	X	X	-	X	X	X	X	X	X	-	-	-	-
GP: Fire Stations	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	X	-	-	X
NZO: Community Garden	MU	MU	MU	MU	-	P	P	P	-	P	P	-	-	P	P	P	P	P	P
NZO: Transportation Passenger Terminal	-	-	-	-	-	-	-	-	CU	-	CU	CU	CU	MU	MU	-	-	-	MU
NZO: Social Service Facilities	-	-	-	-	-	MU	MU	MU	-	-	MU	MU	P	-	-	-	-	-	-
NZO: Public Safety Facilities	P	P	P	P	-	P	P	P	-	P	P	-	-	-	-	P*	-	-	P
NZO: Cultural Institutions and Facilities	-	-	-	-	-	P	P	P	-	P	-	-	-	-	-	-	-	-	P
NZO: Day Care Facility	MU	MU	MU	MU	-	MU	P	P	MU	MU	P	P	P	CU	CU	-	-	-	P
NZO: Emergency Shelters	-	-	-	-	-	CU	-	-	-	-	P	P	-	-	P	-	-	-	-
NZO: Government Buildings	P*	P*	P*	P*	P*	P	P	P	P*	CU	P	P	P	P*	P	P*	P*	P*	P
NZO: Hospital	-	-	-	-	-	CU	-	-	-	-	CU	CU	P	CU	CU	-	-	-	CU
NZO: Skilled Nursing Facility	-	-	-	-	-	MU	MU	MU	-	-	P	MU	P	CU	CU	-	-	-	-
NZO: Parking, Public or Private	-	-	-	-	-	MU	MU	MU	MU	MU	MU	-	-	-	-	-	-	-	-
NZO: Schools, Private	-	-	-	-	-	CU	CU	MU	-	-	CU	-	P	-	-	-	-	-	P

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Use	RS	RP	RM	RH	RMHP	CR	CC	OT	VS	CI	CG	BP	OI	IS	IG	AG	OSPR	OSAR	PQ
NZO: Colleges and Trade Schools	-	-	-	-	-	*CU*	*CU*	*MU*	-	-	*P*	-	*P*	-	-	-	-	-	*P*
NZO: Cemetery	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	*CU*
NZO: Funeral Parlors and Internment Services	-	-	-	-	-	-	-	-	-	-	-	-	*MU*	-	-	-	-	-	-
GP: Home Occupations	*X*	*X*	*X*	*X*	*X*	-	-	-	-	-	-	-	-	-	-	-	-	-	-
NZO: Home Occupation	*P*	*P*	*P*	*P*	*P*	-	*P*	*P*	-	-	-	*P*	*P*	-	-	*P*	-	-	-
GP: Large-Scale Retail Establishments	-	-	-	-	-	*X*	*X*	-	-	-	-	-	-	-	-	-	-	-	-
NZO: Large Format Retail (80,000 sf. and larger).	-	-	-	-	-	*P*	*P*	-	-	-	-	-	-	-	-	-	-	-	-
GP: General Merchandise	-	-	-	-	-	*X*	*X*	*X*	-	-	*X*	-	-	-	-	-	-	-	-
GP: Apparel and Specialty Stores	-	-	-	-	-	*X*	*X*	*X*	-	-	*X*	-	-	-	-	-	-	-	-
NZO: General Retail	-	-	-	-	-	*P*	*P*	*P*	-	-	*P*	-	-	-	-	-	-	-	-
GP: Food and Drug Stores	-	-	-	-	-	*X*	*X*	*X*	-	*X*	*X*	-	-	-	-	-	-	-	-
NZO: General Market	-	-	-	-	-	*P*	*P*	*P*	-	*P*	*P*	-	-	-	-	-	-	-	-
NZO: Liquor Store	-	-	-	-	-	*P*	*P*	*MU*	-	-	*P*	-	-	-	-	-	-	-	-
NZO: Specialty Food Sales and Facilities	-	-	-	-	-	*P*	*P*	*P*	-	-	*P*	-	-	-	-	-	-	-	-
GP: Building/Landscape Materials and Equipment	-	-	-	-	-	*X*	*X*	*X*	-	-	*X*	-	*X*	-	*X*	-	-	-	-
NZO: Building Materials, Sales, and Service	-	-	-	-	-	*P*	*P*	*CU*	-	-	*P*	-	*CU*	-	*P*	-	-	-	-
NZO: Nurseries and Garden Centers	-	-	-	-	-	*P*	*P*	*CU*	-	-	*P*	-	*MU*	-	*CU*	-	-	-	-
NZO: Large Format Retail (80,000 sf. and larger).	-	-	-	-	-	*P*	*P*	-	-	-	-	-	-	-	-	-	-	-	
GP: Eating and Drinking Establishments	-	-	-	-	-	*X*	*X*	*X*	*X*	*X*	*X*	*X*	*X*	-	-	-	-	-	-
NZO: Bars/Night Clubs/Lounges.	-	-	-	-	-	*CU*	*P*	*P*	-	-	*P*	-	*CU**	-	-	-	-	-	-
NZO: Restaurant	-	-	-	-	-	*P*	*P*	*P*	*P*	*P*	*P*	*P**	*P**	-	-	-	-	-	-
GP: Other Retail Trade Establishments	-	-	-	-	-	*X*	*X*	*X*	*X*	-	*X*	*X*	*X*	-	-	-	-	-	-
NZO: Adult Bookstore, Adult Novelty Store, or Adult Video Store	-	-	-	-	-	-	-	-	-	-	*P*	-	-	-	-	-	-	-	-
GP: Coastal Related Commercial	-	-	-	-	-	*X*	*X*	*X*	*X*	-	-	-	-	-	-	-	-	-	-
GP: Finance, Insurance, and Real Estate	-	-	-	-	-	*X*	*X*	*X*	-	-	*X*	*X*	*X*	-	-	-	-	-	-
NZO: Finance, Insurance, and Real Estate	-	-	-	-	-	*P*	*P*	*P/CU**	-	-	*P*	*P*	*P*	-	-	-	-	-	-
GP: Information Technology Services	-	-	-	-	-	-	-	-	-	-	*X*	*X*	*X*	-	-	-	-	-	-
NZO: Information Technology Services	-	-	-	-	-	-	-	-	-	-	*P*	*P*	*P*	-	-	-	-	-	-
GP: Professional Services	-	-	-	-	-	-	*X*	*X*	-	-	*X*	-	*X*	-	-	-	-	-	-
NZO: Professional Services	-	-	-	-	-	-	*P*	*P/CU**	-	-	*P*	-	*P*	-	-	-	-	-	-
GP: Personal Services	-	-	-	-	-	*X*	*X*	*X*	-	-	*X*	*X*	*X*	-	-	-	-	-	-
NZO: General Personal Services	-	-	-	-	-	*P*	*P*	*P*	-	-	*P*	*P**	*P**	-	-	-	-	-	-
NZO: Restricted Personal Services	-	-	-	-	-	*MU*	*MU*	*CU*	-	-	*P*	-	-	-	-	-	-	-	-
NZO: Maintenance and Repair Services	-	-	-	-	-	*P*	*P*	*P*	-	-	*P*	-	-	-	-	-	-	-	-
GP: Business Services	-	-	-	-	-	-	*X*	*X*	-	-	*X*	*X*	*X*	-	-	-	-	-	-
NZO: Business Services	-	-	-	-	-	-	*P*	*P*	-	-	*P*	*P*	*P*	-	-	-	-	-	-
GP: Medical and Health-Related Services	-	-	-	-	-	*X*	*X*	*X*	-	-	-	-	*X*	-	-	-	-	-	-
NZO: Medical, Dental, and Health-Related Services	`	-	-	-	-	*P*	*P*	*P/CU**	-	-	-	-	*P*	-	-	-	-	-	-
GP: Educational Services	-	-	-	-	-	-	-	*X*	-	-	*X*	-	*X*	-	-	-	-	-	-

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Note: The uses from the GP and NZO are not always identical and as such, compared uses are not always a one-to-one match.

Use	RS	RP	RM	RH	RMHP	CR	CC	OT	VS	CI	CG	BP	OI	IS	IG	AG	OSPR	OSAR	PQ
NZO: Instructional Services	-	-	-	-	-	-	-	P	-	-	P	-	P	-	-	-	-	-	-
GP: Entertainment and Recreation Services	-	-	-	-	-	X	X	X	X	-	-	-	X	-	-	-	-	-	-
NZO: Banquet and Conference Center	-	-	-	-	-	CU	-	CU	P	-	-	-	-	-	-	-	-	-	-
NZO: Indoor Sports and Recreation	-	-	-	-	-	P	P	MU	P	-	-	-	MU	-	-	-	-	-	-
NZO: Cinemas	-	-	-	-	-	P	P	-	P	-	-	-	-	-	-	-	-	-	-
NZO: Outdoor Entertainment	-	-	-	-	-	CU	-	-	CU	-	-	-	-	-	-	-	-	-	-
GP: Building and Construction Services	-	-	-	-	-	-	-	-	-	-	X	-	-	X	X	-	-	-	-
NZO: Construction and Material Yards	-	-	-	-	-	-	-	-	-	-	CU	-	-	P	P	-	-	-	-
GP: Other Services	-	-	-	-	-	X	X	X	X	X	X	-	-	X	X	-	-	-	-
NZO: Adult Live Entertainment Theater	-	-	-	-	-	-	-	-	-	-	-	-	-	CU	CU	-	-	-	-
NZO: Adult Motion Picture or Video Arcade	-	-	-	-	-	-	-	-	-	-	-	-	-	CU	CU	-	-	-	-
NZO: Adult Motion Picture Theater	-	-	-	-	-	-	-	-	-	-	-	-	-	CU	CU	-	-	-	-
NZO: Catering Service	-	-	-	-	-	P	P	P	P	-	P	-	-	P	P	-	-	-	-
NZO: Animal Sales and Grooming	-	-	-	-	-	P	P	P	-	-	P	-	-	-	-	-	-	-	-
NZO: Boarding, Kennel	-	-	-	-	-	CU	MU	MU	-	-	CU	-	-	-	-	-	-	-	-
NZO: Veterinary Services	-	-	-	-	-	-	MU	MU	-	-	P	-	-	P	P	-	-	-	-
NZO: Towing Services	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-
NZO: Light Fleet-Based Services	-	-	-	-	-	-	-	-	-	-	CU	-	-	P	P	-	-	-	-
NZO: Check Cashing Business	-	-	-	-	-	-	-	CU	-	-	P	-	-	-	-	-	-	-	-
NZO: Cannabis Retailer, Non-storefront	-	-	-	-	-	P	P	-	-	-	P	-	-	P	P	-	-	-	-
GP: Resorts	-	-	-	-	-	-	-	-	X	-	-	-	-	-	-	-	-	-	-
NZO: Time Share Use	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-
GP: Hotels, Motels, Bed and Breakfast Inns	-	-	-	-	-	X	X	X	X	-	-	-	-	-	-	-	-	-	-
NZO: Hotels and Motels	-	-	-	-	-	P	P	CU	P	-	-	P*	P*	-	-	-	-	-	-
GP: RV Parks	-	-	-	-	-	-	-	X	X	-	X	-	-	-	-	-	-	-	-
NZO: Recreational Vehicle Parks	-	-	-	-	-	-	-	CU	CU	-	CU	-	-	-	-	-	-	-	-
GP: Other Visitor Services and Attractions	-	-	-	-	-	-	-	-	X	-	X	-	-	-	-	-	-	-	-
GP: (Retail –) Automotive Sales and Rentals	-	-	-	-	-	-	-	X	-	-	X	-	-	X	X	-	-	-	-
NZO: Automobile/Vehicle Sales and Leasing	-	-	-	-	-	-	-	CU	-	-	MU	-	-	P	P	-	-	-	-
NZO: Auction	-	-	-	-	-	-	-	-	-	-	P	-	-	P	-	-	-	-	-
NZO: Automobile Rentals	-	-	-	-	-	-	-	CU	-	-	P	-	-	P	P	-	-	-	-
GP: Auto Repair and Painting	-	-	-	-	-	-	-	-	-	-	X	-	-	X	X	-	-	-	-
NZO: Automobile/Vehicle Service and Repair, Major	-	-	-	-	-	-	-	P*	-	-	CU	-	-	MU	P	-	-	-	
NZO: Automobile/Vehicle Service and Repair, Minor	-	-	-	-	-	-	-	P*	-	-	P	-	-	MU	P	-	-	-	
NZO: Heavy Vehicle & Large Equipment Sales/Rental, Service, & Repair	-	-	-	-	-	-	-	-	-	-	CU	-	-	P	P	-	-	-	-
GP: Auto Wrecking Yard/Junk Yard	-	-	-	-	-	-	-	-	-	-	X	-	-	X	X	-	-	-	-
NZO: Automobile Wrecking/Junk Yard	-	-	-	-	-	-	-	-	-	-	CU	-	-	CU	CU	-	-	-	-
GP: Auto Service (Gas) Station	-	-	-	-	-	X	-	X	-	X	X	-	-	-	X	-	-	-	-
NZO: Service and Gas Stations	-	-	-	-	-	CU	-	CU	-	P	CU	-	-	-	P	-	-	-	-
GP: Car Wash	-	-	-	-	-	-	X	X	-	X	X	-	-	-	-	-	-	-	-

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Use	RS	RP	RM	RH	RMHP	CR	CC	OT	VS	CI	CG	BP	OI	IS	IG	AG	OSPR	OSAR	PQ
NZO: Automobile/Vehicle Washing	-	-	-	-	-	-	*P*	*CU*	-	*P*	*P*	-	-	-	-	-	-	-	-
GP: General Wholesale Trade	-	-	-	-	-	-	-	-	-	-	*X*	*X**	-	*X*	*X*	-	-	-	-
NZO: Wholesaling and Distribution	-	-	-	-	-	-	-	-	-	-	*P*	-	-	*P*	*P*	-	-	-	-
NZO: Cannabis Distribution	-	-	-	-	-	-	-	-	-	-	*P*	*P**	-	*P*	*P*	-	-	-	-
GP: Warehousing – General	-	-	-	-	-	-	-	-	-	-	*X*	*X*	-	*X*	*X*	-	-	-	-
NZO: Indoor Warehousing and Storage	-	-	-	-	-	-	-	-	-	-	*P*	*P**	-	*P*	*P*	-	-	-	-
NZO: Chemical, Mineral and Explosives Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	*CU*	*CU*	-	-	-	-
GP: Warehousing – Self-Storage	-	-	-	-	-	-	-	-	-	-	*X*	-	-	*X*	*X*	-	-	-	-
NZO: Personal Storage	-	-	-	-	-	-	-	-	-	-	*MU*	-	-	*P*	*P*	-	-	-	-
GP: Outdoor Storage	-	-	-	-	-	-	-	-	-	-	*X*	-	-	*X*	*X*	-	-	-	-
NZO: Outdoor Storage	-	-	-	-	-	-	-	-	-	-	*CU*	-	-	*P*	*P*	-	-	-	-
GP: General Manufacturing – No Noxious Impacts	-	-	-	-	-	-	-	-	-	-	-	*X*	-	*X*	*X*	-	-	-	-
NZO: Limited Industrial	-	-	-	-	-	-	-	-	-	-	-	*P*	-	*P*	*P*	-	-	-	-
NZO: Custom Manufacturing	-	-	-	-	-	-	-	-	-	-	-	*P*	-	*P*	*P*	-	-	-	-
NZO: Cannabis Manufacturing, Non-Volatile Solvent Manufacturing	-	-	-	-	-	-	-	-	-	-	-	*P*	-	*P*	*P*	-	-	-	-
NZO: Cannabis Manufacturing, Volatile Solvent Manufacturing	-	-	-	-	-	-	-	-	-	-	-	*P*	-	*P*	*P*	-	-	-	-
NZO: Cannabis Manufacturing, Infusions	-	-	-	-	-	-	-	-	-	-	-	*P*	-	*P*	*P*	-	-	-	-
NZO: Cannabis Manufacturing, Packaging and Labeling	-	-	-	-	-	-	-	-	-	-	-	*P*	-	*P*	*P*	-	-	-	-
NZO: Cannabis Cultivation, Indoor Cultivation	-	-	-	-	-	-	-	-	-	-	-	*P*	-	*P*	*P*	-	-	-	-
NZO: Cannabis Cultivation, Nursery	-	-	-	-	-	-	-	-	-	-	-	*P*	-	*P*	*P*	-	-	-	-
NZO: Cannabis Cultivation, Processor	-	-	-	-	-	-	-	-	-	-	-	*P*	-	*P*	*P*	-	-	-	-
GP: General Manufacturing – Potential Noxious Impacts	-	-	-	-	-	-	-	-	-	-	-	-	-	-	*X*	-	-	-	-
NZO: Heavy Manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	*MU*	*P*	-	-	-	-
NZO: Oil and Gas Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	*CU*	-	-	-	-
GP: Research and Development	-	-	-	-	-	-	-	-	-	-	-	*X*	*X*	-	*X*	-	-	-	-
GP: Scientific and Similar Instruments	-	-	-	-	-	-	-	-	-	-	-	*X*	*X*	-	*X*	-	-	-	-
GP: Bio-Medical Technology	-	-	-	-	-	-	-	-	-	-	-	*X*	*X*	-	*X*	-	-	-	-
GP: Other Advanced Technology	-	-	-	-	-	-	-	-	-	-	-	*X*	*X*	-	*X*	-	-	-	-
NZO: R&D and Technology	-	-	-	-	-	-	-	-	-	-	-	*P*	*P*	-	*P*	-	-	-	-
NZO: Cannabis Testing	-	-	-	-	-	-	-	-	-	-	-	*P*	*P*	-	*P*	-	-	-	-
GP: Transportation (other than right-of-way)	-	-	-	-	-	-	-	-	-	-	-	-	-	*X*	*X*	-	-	-	-
GP: Wireless Communications/Telecommunications	-	-	-	-	-	*X*	*X*	*X*	*X*	*X*	*X*	*X*	*X*	*X*	*X*	*X*	-	-	*X*
NZO: Facilities within Buildings	-	-	-	-	-	-	-	-	-	-	*P*	*P*	*P*	*P*	*P*	-	-	-	-
GP: Utilities	-	-	-	-	-	-	-	-	-	-	-	*X*	*X*	-	-	-	-	-	-
NZO: Utilities, Major	-	-	-	-	-	-	-	-	-	-	-	*CU*	*CU*	-	-	-	-	-	-
GP: Orchards and Vineyards	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	*X*	-	-	-
GP: Row Crop Production	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	*X*	-	-	-

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Use	RS	RP	RM	RH	RMHP	CR	CC	OT	VS	CI	CG	BP	OI	IS	IG	AG	OSPR	OSAR	PQ
GP: Specialty Agriculture and Floriculture	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	*X*	-	-	-
NZO: Crop Cultivation	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	*P*	-	-	-
GP: Livestock Grazing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	*X*	-	-	-
GP: Small-Scale Confined Animal Operations	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	*X*	-	-	-
NZO: Animal Raising	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	*P*	-	-	-
GP: Small-Scale Agricultural Processing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	*X*	-	-	-
NZO: Agricultural Processing	-	-	-	-	-	-	-	-	-	-	-	-	-		-	*CU*	-	-	-
GP: Small-Scale Greenhouses	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	*X*	-	-	-
NZO: Greenhouse	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	*P*	-	-	-
GP: Sale of On-Site Agricultural Products	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	*X*	-	-	-
NZO: Farmers' Stand	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	*CU*	-	-	-
GP: Other	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	*X*	-	-	-
NZO: Agricultural Support Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	*CU*	-	-	-
GP: Active Recreation	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	*X*	*X*
NZO: Outdoor Recreation	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	*CU*	-
NZO: Park and Recreation Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	*P*	*P*
GP: Open Space and Passive Recreation	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	*X*	*X*	*X*
GP: Nature Preserve	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	*X*	*X*	*X*
NZO: Passive Open Space	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	*P*	*P*	*P*
GP: Golf Course, including customary ancillary uses & structures	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	*X*	*X*
NZO: Outdoor Recreation	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	*CU*	-
GP: General Government Administration	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	*X*
NZO: Government Buildings	*P**	*P**	*P**	*P**	*P**	*P*	*P*	*P*	-	*CU*	*P*	*P*	*P*	*P**	*P*	*P**	*P**	*P**	*P*
GP: Fire Stations	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	*X*	-	-	*X*
NZO: See "Public Safety Facility"	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
GP: Schools (Public and Private)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	*X*
NZO: Schools, Private	-	-	-	-	-	*CU*	*CU*	*MU*	-	-	*CU*	-	*P*	-	-	-	-	-	*P*
GP: Other Governmental Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	*X*
NZO: Government Buildings	*P**	*P**	*P**	*P**	*P**	*P*	*P*	*P*	-	*CU*	*P*	*P*	*P*	-	*P*	*P**	*P**	*P**	*P*
GP: Cannabis Storefront Retail	-	-	-	-	-	*X*	*X*	*X*	-	-	*X*	-	-	-	*X**	-	-	-	-
NZO: Cannabis Retailer, Storefront	-	-	-	-	-	*P*	*P*	*P*	-	-	*P*	-	-	-	*P**	-	-	-	-
GP: Cannabis Microbusiness	-	-	-	-	-	-	-	-	-	-	*X**	-	-	*X*	*X*	-	-	-	-
NZO: Cannabis Microbusiness	-	-	-	-	-	-	-	-	-	-	*P**	-	-	*P*	*P*	-	-	-	-
Not Matched																			
NZO: Family Day Care, Large	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*
NZO: Media Production Facility	-	-	-	-	-	*MU*	*MU*	-	-	-	*P*	-	-	-	-	-	-	-	-
NZO: Animal Keeping	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	-	*P*	*P*	*P*	*P*	*P*	*P*	-	*P*	*P*
NZO: Cannabis Personal Use Cultivation	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*

Exhibit 2

New Zoning Ordinance CEQA Notice of Exemption

NOTICE OF EXEMPTION

Planning and Environmental Services
130 Cremona Drive, Suite B, Goleta, CA 93117
Phone: (805) 961-7500 Fax: (805) 685-2635
www.cityofgoleta.org

TO: City of Goleta, City Council and Planning Commission

FROM: Peter Imhof, Planning Director
Planning and Environmental Review

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970 as defined in the State and County Guidelines for the implementation of CEQA.

Project Title: City of Goleta, New Zoning Ordinance

APN(s): Not applicable

Case No.: 13-084-ORD

Location: Citywide within the City of Goleta, including both the Inland and Coastal Zone areas, within the County of Santa Barbara

Entity carrying out the project: City of Goleta

Project Description:

The proposed New Zoning Ordinance provides rules and regulations for land use and development on private property to implement the General Plan. The purpose is to implement the General Plan/Coastal Land Use Plan (General Plan), and to protect and promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare. The Zoning Ordinance implements the City's adopted General Plan and neither proposes changes to the land uses or levels of development that are allowed under the General Plan nor proposes any development that was not accounted for in the preparation of the General Plan. The Zoning Ordinance includes standards and requirements to implement the General Plan. Review of future projects will also continue to be carried out to ensure that all proposed projects are consistent with all applicable General Plan goals, objectives, and policies.

Finding:

The Planning and Environmental Services Department of the City of Goleta has reviewed the above proposed project and found it to be exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to the following:

- ☒ Statutory Exemption (Pub. Resources Code, § 21083.3; CEQA Guidelines, § 15083)
- ☐ Categorical Exemption
- ☐ Quick Disapproval [CEQA Guidelines, Section 15270]
- ☐ No Possibility of Significant Effect [CEQA Guidelines, Section 15061(b)(3)]
- ☐ Other:

Supporting Reasons:

Public Resources Code section 21083.3 and State CEQA Guidelines section 15183 (Projects Consistent with a Community Plan or Zoning) exempt from further environmental review certain qualifying projects that are consistent with a community plan or zoning. Under this statutory exemption, projects that are consistent with the development density of existing zoning, community plan or General Plan policies for which an Environmental Impact Report (EIR) was certified shall not require additional CEQA review except as may be necessary to determine whether there are project-specific significant effects that are peculiar to the project or site that would otherwise require additional CEQA review. Specifically, where a prior EIR relied upon by the lead agency was prepared for a General Plan meeting the requirements of State CEQA Guidelines section 15183, any rezoning action consistent with the General Plan shall be treated as an exempt project pursuant to section 15183.

Here, the City of Goleta has an existing, adopted General Plan for which an EIR was certified. The New Zoning Ordinance is consistent with the existing, adopted General Plan and its development densities. No project-specific significant effects would occur that are particular to the adoption of the New Zoning Ordinance. Therefore, no additional CEQA review is required.

Anne Wells
Manager, Advance Planning

Date

NOTE: A copy must be filed with the County Clerk of the Board after project approval and posted by the Clerk of the Board for a period of 30 days to begin a 35-day statute of limitations on legal challenges.

Exhibit 3

New Zoning Ordinance

CITY OF Goleta

Zoning Ordinance

TITLE 17 OF THE MUNICIPAL CODE

February 2020

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Part I: General Provisions

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Chapter 17.01 Introductory Provisions

Sections:

17.01.010 Title and Authority
17.01.020 Purpose
17.01.030 Structure of this Title
17.01.040 Applicability
17.01.050 Severability
17.01.060 Fees and Deposits
17.01.070 Districts Established
17.01.080 Zoning Map and District Boundaries

17.01.010 Title and Authority

Title 17, Zoning, of the Goleta Municipal Code is to be known as the "Goleta Zoning Ordinance" and may also be referenced as the "Zoning Ordinance of the City of Goleta" or "Zoning Ordinance." The Goleta Zoning Ordinance is referenced herein as "this Title" or "this Ordinance." The Goleta Zoning Ordinance is adopted pursuant to the authority of California Government Code, Section 65850.

17.01.020 Purpose

The purpose of this Title is to implement the General Plan, and to protect and promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare. More specifically, this Title is adopted to achieve the following objectives:

A. To provide a precise guide for the physical development of the City in a manner as to achieve the arrangement of land uses depicted in the General Plan, consistent with the goals and policies of the General Plan;

B. To implement the Coastal Land Use Plan, consistent with the California Coastal Act (California Public Resources Code, Section 30000 et seq.);

C. To foster a harmonious, convenient, and workable relationship among land uses and ensure compatible development, consistent with the General Plan; and

D. To define the duties and powers of City bodies, officials, and administrators responsible for implementation and enforcement of this Title.

17.01.030 Structure of this Title

A. **Organization.** This Title consists of six parts:

1. Part I: General Provisions (Chapters 17.01 to 17.06);
2. Part II: Base Zoning District Standards and Allowed Uses (Chapters 17.07 to 17.15);
3. Part III: Overlay Districts (Chapters 17.16 to 17.23);
4. Part IV: Regulations Applying to Multiple Districts (Chapters 17.24 to 17.49);

5. Part V: Administration and Permits (Chapters 17.50 to 17.71); and

6. Part VI: General Terms (Chapters 17.72 to 17.73).

B. **Types of Regulations.** Four types of zoning regulations control the use and development of property within the City:

1. ***Land Use Regulations.*** Land use regulations specify land uses permitted, conditionally permitted, or specifically prohibited in each zoning district, and include special requirements, if any, applicable to specific uses. Land use regulations for base zoning districts are in Part II of this Title, while land use regulations for overlay districts are in Part III of this Title. Certain regulations applicable in multiple districts and performance standards that govern special uses are in Part IV.

2. ***Development Regulations.*** Development regulations control building density and intensity and the height, bulk, location, and appearance of structures on development sites. Development regulations for base zoning districts and for overlay districts are in Parts II and III of this Title. Certain development regulations applicable to multiple districts are in Part IV.

3. ***Administrative Regulations.*** Administrative regulations contain detailed procedures for permitting all development as well as the administration of this Title and include common procedures, and permit processes. Administrative regulations are in Part V.

4. ***Use Classifications and Definitions.*** Part VI provides a list of use classifications and definitions of terms used within this Title.

17.01.040 Applicability

A. **General Rules for Applicability of Zoning Regulations.**

1. ***Minimum Requirements.*** In interpreting, analyzing, and applying the provisions of this Title, unless otherwise stated, they shall be held to be the minimum requirements for promotion of public health, safety, peace, comfort, and general welfare. Discretionary Approvals required by this Title may include the imposition of conditions and standards that are stricter than those required by this Title.

2. ***Timing.*** All development within the City shall be subject to the development standards and regulations herein upon the effective date of this Title.

3. ***Private Property Takings.***

a. This Title is not intended, and shall not be construed as authorizing the City acting pursuant to this Title to exercise its power in a manner which will take or damage private property for public use, without the payment of just compensation therefor. This Section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States.

b. Where strict adherence to this Title would preclude all economically beneficial use of private property, the City may apply the provisions of this Title to the maximum extent possible to avoid an unconstitutional taking of private property. However, where proposed use or development of property would violate

background principles of property law, such as nuisance law, then the City shall fully apply this Title as applicable.

c. Where strict adherence to this Title would constitute an unconstitutional taking, the Review Authority may, at its sole discretion, waive an application or parts of an application only if the following findings can be made supported with substantial evidence. The waiver shall:

i. Extend only as far as necessary to allow some economically beneficial use of the property;

ii. Comply with CEQA and other applicable state and federal laws; and

iii. Not constitute a nuisance.

4. ***Applicability to Property.*** This Title applies, to the extent permitted by law, to all property within the corporate limits of the City.

5. ***Compliance with Regulations.*** Land or buildings may be used and structures may be erected or altered only in accordance with the provisions of this Title.

6. ***Applicability to the City.*** The City will ensure that all public buildings and facilities comply with the same development standards and regulations as would be applicable to private development.

7. ***Applicability to Other Agencies.*** Other governmental agencies, including State and federal, are exempt from the provisions of this Title only to the extent that the agency's property cannot be lawfully regulated by the City.

B. **Relationship to Other Regulations.**

1. ***Local, State, and Federal Regulations.***

a. The regulations of this Title and requirements or conditions imposed pursuant to this Title do not supersede any other regulations or requirements adopted or imposed by the City Council, the State, or any federal agency that has jurisdiction by law over uses and development authorized by this Title. All uses and development authorized by this Title must comply with all other such regulations and requirements. Where conflict occurs between the provisions of the Title and any other provision of the Goleta Municipal Code or uncodified ordinances, resolutions, guidelines, or administrative procedures, the more restrictive provisions control, unless otherwise specified.

b. Issuance of a regulatory business license and/or payment of a tax, whether valid or invalid, does not constitute compliance with this Title or establish a vested right to operate under this Title.

2. ***Other Agency Review.*** Due to a proposed project's location, size, use, or potential effects, development within the City may be subject to additional reviews and approvals by outside agencies prior to the City taking local action on the project. It is the applicant's responsibility to contact all other agencies to determine whether the project is subject to additional standards that are outside of this Title. Other agencies that may have some level of jurisdiction over specific projects within the City may include, but are not limited to, the following: Goleta Water District, Goleta Sanitary District, Goleta West Sanitary

District, County Air Pollution Control District, County Environmental Health Services, County Fire, Santa Ynez Band of Chumash Indians, Central Coast Regional Water Quality Control Board, California Coastal Commission, California Department of Fish and Wildlife, California Department of Transportation, California State Lands Commission, and the U.S. Army Corps of Engineers.

3. ***Permit Streamlining Act.*** It is the intent of this Title that all actions taken by the decision-making body pursuant to this Title that are solely adjudicatory in nature are to be within a timeframe consistent with the provisions of the Permit Streamlining Act (California Government Code, Section 65920 et seq.). Nothing in this Title is to be interpreted as imposing time limits on actions taken by the decision-making body pursuant to this Title that are legislative in nature or that require both adjudicatory and legislative judgments.

4. ***Subdivision Map Act.*** The provisions of the State's Map Act, Sections 66410 et seq., of the California Government Code pertaining to the subdivision of real property (e.g., Parcel Maps, Lot Line Adjustments, Lot Mergers, etc.) are codified within Title 16 of the Goleta Municipal Code.

5. ***Relation to Prior Ordinances.*** The provisions of this Title supersede all prior zoning ordinances, codified or uncodified, adopted by the City. No provision of this Title validates any land use or structure established, constructed, or maintained in violation of prior zoning ordinances, unless such validation is specifically and expressly authorized by this Title and the land use or structure conforms to this Title, the General Plan, and all other applicable regulations.

6. ***Application During Local Emergency.*** The City Council may authorize a deviation from a provision of this Title during a local emergency declared and ratified under the Goleta Municipal Code or by the County Office of Emergency Management. The City Council may authorize such a deviation by resolution without notice or public hearing.

C. **Consistency with the General Plan.** Any permit, license, or approval issued pursuant to this Title must be consistent with the General Plan and all applicable area and specific plans. In any case where there is a conflict between this Title and the General Plan, the General Plan prevails.

D. **Zoning Code Determinations.** The Director has the authority to determine the interpretation of any provision of this Title. Whenever the Director determines that the meaning or applicability of any development standard or requirement is subject to interpretation or clarification, the Director must issue an official determination, which is subject to Appeal, pursuant to Section 17.52.120 of this Title.

E. **Project Vesting.**

1. ***Projects Under the Authority of a Different Zoning Code.*** Unless specifically discussed elsewhere in this Title, any project approved and constructed under a different zoning ordinance but which does not conform to the standards of this Title shall be subject to Chapter 17.36, Nonconforming Uses and Structures.

2. ***Previously Approved Projects Under Construction.*** Any structure for which a building permit has been issued prior to adoption of this Title may be built in accordance with the approved zoning and building permits, provided construction commences prior to the expiration of any approved permit.

3. ***Previously Approved Projects Not Yet Under Construction.*** Any project with an approved or issued Zoning Permit may be built in accordance with the permit and all associated conditions of approval.

    a. *Time Extensions.* Any request for extending the life of a project that has received an entitlement prior to the effective date of this Title may request a time extension in accordance with Section 17.52.090(D), Dates and Timing – Time Extensions.

4. ***Project Applications Deemed Complete.*** At the Applicant's election, a project application that is determined to be complete prior to September 1, 2019, shall either:

    a. Be processed under the zoning regulations in effect at the time of the determination; or

    b. Be processed under this Title.

    The Applicant's option in accordance with subparagraph (a) of this provision shall terminate on December 31, 2021. If a project has not received all required land use entitlements by December 31, 2021, the project shall be subject to all regulations of this Title.

5. ***Project Applications Not Deemed Complete.*** Projects for which an application has not been submitted and deemed complete prior to September 1, 2019 shall be subject to the regulations of this Title.

17.01.050 Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Title is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Title. The City Council hereby declares that it would have passed this Title, and each section, subsection, sentence, clause, and phrase thereof, regardless of the fact that any or one or more sections, subsections, sentences, clauses, or phrases is declared invalid or unconstitutional.

17.01.060 Fees and Deposits

The City Council may establish, by resolution, fees and deposits for processing applications and other permits authorized or required by this Title. The City Council may, from time to time, amend and revise the processing fees and deposits. All processing fees and deposits must be paid at the time an application is filed, and no processing can commence until the fees and deposits are paid in full.

17.01.070 Districts Established

All parcels in the City are and must be classified by districts for the purpose of implementing the regulations set forth in this Title and as follows:

A. **Base Zoning Districts.** Base zoning districts are established as shown in Table 17.01.070(A), Base Zoning Districts.

TABLE 17.01.070(A): BASE ZONING DISTRICTS		
Map Symbol	*Full Name*	*General Plan Land Use Designation*
Residential Districts		
RS*	Single Family Residential	Single-Family Residential
RP	Planned Residential	Planned Residential
RM	Residential - Medium Density	Medium-Density Residential
RH	Residential - High Density	High-Density Residential
RMHP	Residential - Mobile Home Park	Mobile Home Park
Commercial Districts		
CR	Regional Commercial	Regional Commercial
CC	Community Commercial	Community Commercial
OT	Old Town - Commercial	Old Town Commercial
VS	Visitor Serving - Commercial	Visitor Commercial
CI	Intersection or Highway Commercial	Intersection or Highway Commercial
CG	General Commercial	General Commercial
Office Districts		
BP	Business Park	Business Park
OI	Office Institutional	Office and Institutional
Industrial Districts		
IS	Service Industrial	Service Industrial
IG	General Industrial	General Industrial
Public and Quasi-Public Districts		
PQ	Public and Quasi-Public	Public and Quasi-Public
Open Space and Agricultural Districts		
OSPR	Open Space – Passive Recreation	Open Space/Passive Recreation
OSAR	Open Space – Active Recreation	Open Space/Active Recreation
AG	Agricultural	Agriculture
* Numerical designators denote the minimum lot area allowed (in 1,000's of square feet). Where there is not designator, the minimum lot area is set through the land division.		

B. **Overlay Zoning Districts.** Overlay zoning districts, one or more of which may be combined with and apply in addition to the underlying base district, are established as shown in Table 17.01.070(B), Overlay Zoning Districts.

TABLE 17.01.070(B): OVERLAY ZONING DISTRICTS	
Map Symbol	*Full Name*
-AE	Airport Environs
-AH	Affordable Housing
-H	Hospital
-OTH	Old Town Heritage
-CBPSP	Cabrillo Business Park Specific Plan
-CRMSP	Camino Real Marketplace Specific Plan

C. **References to Classes of Base Districts.** Throughout this Title, the following references apply:

1. The phrase ""R" Zone District" or "Residential District" means one or more of the following districts: RS, Single Family; RP, Planned Residential; RM, Residential - Medium Density; RH, Residential - High Density; and RMHP, Residential - Mobile Home Park.

2. "Non-residential District" means any base zoning district except RS, RP, RM, RH, and RMHP districts.

3. "C District" or "Commercial District" means one or more of the following districts: CR Regional Commercial, CC Community Commercial, OT Old Town, VS Visitor-Serving Commercial, CI Intersection or Highway Commercial, or CG General Commercial.

4. "O District" or "Office District" means one or more of the following: BP Business Park or OI Office Institutional.

5. "I District" or "Industrial District" means one or more of the following: IS Service Industrial or IG General Industrial.

17.01.080 Zoning Map and District Boundaries

The boundaries of the zoning districts established by this Title are shown on the Zoning Map maintained by the City Clerk. The Zoning Map, together with all legends, symbols, notations, references, zoning district boundaries, map symbols, and other information on the maps, has been adopted by the City Council and is hereby incorporated into this Title by reference, together with any zoning map amendments previously or hereafter adopted, as though they were fully included here.

A. **Uncertainty of Boundaries.** If an uncertainty exists as to the boundaries of any district shown on the Zoning Map, the following rules apply:

1. Boundaries indicated as approximately following the centerlines of public or private alleys, lanes, streets, highways, streams, or railroads must be construed to follow such centerlines.

2. Boundaries indicated as approximately following lot lines, City limits, or extraterritorial boundary lines must be construed as following such lines, limits, or boundaries.

3. In the case of unsubdivided property or where a district boundary divides a lot and no dimensions are indicated, the location of such boundary is determined by the use of the scale appearing on the Zoning Map, metadata within an electronic graphic document

maintained by the City, or historical information pertaining to the original adoption of the district boundary in question.

4. In the case of any remaining uncertainty, the Director must determine the location of boundaries.

B. **Vacated or Abandoned Land.**

1. Where any public street or alley is officially vacated or abandoned, the regulations applicable to each parcel of abutting property apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

2. Any private right-of-way or easement of any railroad, railway, transportation, or public utility company that is vacated or abandoned and said property is unclassified, said property is automatically classified as being in the PQ Public and Quasi-Public District.

Chapter 17.02 Rules for Construction of Language

Sections:

17.02.010 Purpose
17.02.020 Rules for Construction of Language
17.02.030 Rules of Interpretation

17.02.010 Purpose

The purpose of this Chapter is to provide for precision in the interpretation of the zoning regulations. The meaning and construction of words and phrases defined in this Chapter apply throughout this Title, except where the context clearly indicates a different meaning.

17.02.020 Rules for Construction of Language

The following rules of construction apply:

A. The specific controls the general.

B. Absent ambiguity, plain meaning governs.

C. Unless the context clearly indicates the contrary, the following conjunctions are to be interpreted as follows:

1. The term “and” indicates that all connected words or provisions apply.

2. The phrase “and/or” indicates that the connected words or provisions apply singularly or in any combination.

3. The term “or” indicates that the connected words or provisions apply singularly or in any combination.

4. The phrase “either/or” indicates that the connected words or provisions apply singularly but not in combination.

D. In case of conflict between the text and a diagram or graphic, the text controls.

E. All references to departments, committees, commissions, boards, or other public agencies are to those of the City, unless otherwise indicated.

F. All references to public officials are to those of the City, and include designees of such officials, unless otherwise indicated.

G. All references to the City are to a specific department or decision-making body with Review Authority over a project or development.

H. All references to days are to calendar days, unless otherwise indicated. If a deadline falls on a weekend or City-observed holiday, or a day when the City offices are closed, the deadline shall be extended to the next working day. The end of a time period is the regular close of business on the last day of the period.

I. The terms and phrases “shall,” “have to,” “must,” “will,” “are to,” “is to,” and “may not” are always mandatory and not discretionary. The words "should" or "may" are permissive.

J. The present tense includes the past and future tenses, and the future tense includes the past.

K. The singular number includes the plural, and the plural includes the singular.

L. Sections and section headings contained herein are for reference only and are not to be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section.

17.02.030 Rules of Interpretation

A. **Definitions.** The Director shall determine the interpretation for any definition not expressly identified in this Title or provide clarification and determination of these rules.

B. **Unlisted Uses Prohibited.** Use classifications are listed and defined in Chapter 17.72, Use Classifications.

1. Any use not listed in Chapter 17.72 is prohibited unless the Director determines that the unlisted use is substantially similar in character to a permitted or conditionally permitted listed use.

2. In cases where a specific land use or activity is not defined, the Director will assign the land use or activity to a classification that is substantially similar in character.

Chapter 17.03 Rules of Measurement

Sections:

17.03.010 Purpose
17.03.020 Demonstrating Calculations
17.03.030 Lot Frontage
17.03.040 Demolition
17.03.050 Distances
17.03.060 Dwelling Unit Density
17.03.070 Floor Area
17.03.080 Fractions
17.03.090 Height
17.03.100 Landscaped Area
17.03.110 Lot Coverage
17.03.120 Lot Width and Depth
17.03.130 Restricted and Common Open Space
17.03.140 Setbacks
17.03.150 Sign Area

17.03.010 Purpose

The purpose of this Chapter is to explain how various measurements referred to in this Title are to be calculated.

17.03.020 Demonstrating Calculations

For all calculations, the applicant is responsible for supplying drawings and/or graphics illustrating the measurements that apply to a project. These drawings must be drawn to scale and be of sufficient detail to allow verification upon inspection by the Director or other Review Authority.

17.03.030 Lot Frontage

A. **Corner Lot.** The frontage of a corner lot is measured from whichever adjoining lot line to corner yields the shortest dimension. The location of the corner for purposes of the lot frontage measurement is the intersection of the two side lot lines or, if there is a rounded corner, the intersection of the two lot lines as projected and extended into the adjoining street.

B. **Through Lot.** The frontage of a through lot is measured along the street from which the principal use is architecturally oriented and is the primary pedestrian access. For an undeveloped lot, the owner/applicant may irrevocably designate either street for purposes of lot frontage provided the proposed and/or future uses are architecturally oriented towards and take primary pedestrian access from the same designated street.

17.03.040 Demolition

The calculation for determining whether more than 50 percent of a structure has been demolished pursuant to this Title is based on a horizontal measurement of the perimeter exterior wall removed between the structure's footings and the ceiling of the first story.

17.03.050 Distances

A. **Measurements are Shortest Distance.** When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two objects.

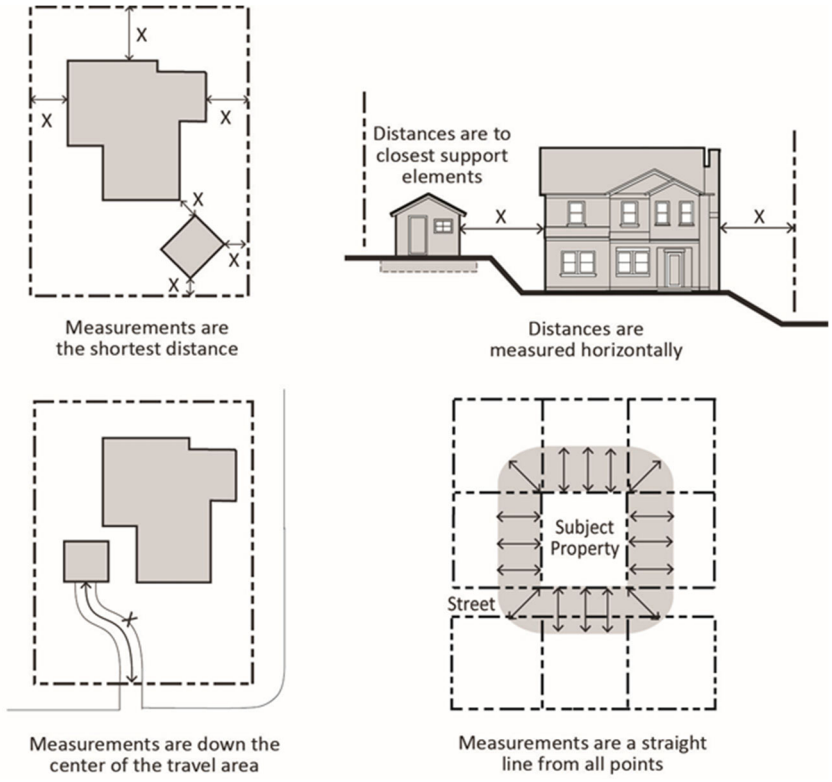
B. **Distances are Measured Horizontally.** When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography or slope of the land.

C. **Measurements Involving a Structure.** Measurements involving a structure are made to the closest support element of the structure. Eaves, overhangs, and structures or portions of structures that are entirely underground are not included in measuring required distances.

D. **Measurement of Vehicle Stacking or Travel Areas.** Measurement of a minimum travel distance for vehicles, such as garage entrance setbacks and stacking lane distances, are measured down the center of the vehicle travel area. For example, curving driveways and travel lanes are measured along the center arc of the driveway or traffic lane.

E. **Measuring Distances for Noticing and Between Land Uses.** When measuring distance for required public noticing or for separation of uses where specified land use is required to be located a minimum distance from another land use, the minimum distance is measured in a straight line from all points along the lot line of the subject property, in all directions.

FIGURE 17.03.050: DISTANCES



17.03.060 Dwelling Unit Density

Dwelling Unit Density per acre is calculated using total area less all areas of public rights-of-way, public easements, floodplains, environmentally sensitive areas, and areas with archaeological or cultural resources.

17.03.070 Floor Area

The floor area of a building is the sum of the horizontal areas of all floors of a building and other enclosed structures, measured from the inside perimeter of the exterior walls, subject to measurement particulars provided below:

A. **Included in Floor Area.** Floor area includes, without limitation, all space that is below the roof and within the inner surface of the main walls of principal or accessory structures, or within lines drawn parallel to and within two feet of the roof line of any building without walls. In the case of a multi-story building that has covered or enclosed stairways, stairwells, or elevator shafts, the total horizontal area of such features is counted only once at the floor level of their greatest area of horizontal extent.

B. **Excluded from Floor Area.** Floor area does not include mechanical, electrical, and communication equipment rooms; attics; any crawl space or other non-habitable space below finished grade; bay windows or other architectural projections where the vertical distance between the lowest surface of the projection and the finished floor is 30 inches or greater; areas that qualify as restricted open space; and areas used for off-street parking spaces or loading spaces, driveways,

ramps between floors of a multi-level parking garage, and maneuvering aisles that are located below the finished grade of the property.

C. **Non-Residential Uses.** For non-residential uses, floor area includes interior courtyards, walkways, paseos, arcades, or corridors covered by a roof or skylight. Non-residential floor area does not include exterior courtyards, porticos, and similar open areas provided they are not designed or used as sales, display, storage, service, habitable, or production areas.

17.03.080 Fractions

A. **Rounding Required.** Whenever this Title requires consideration of aspects of development or the physical environment expressed in whole numerical quantities, the numeric quantity must be a whole number (e.g., number of units, parking spaces, etc.). If the result of a calculation contains a fraction of a whole number, then, except as otherwise provided, fractions of one-half (0.5) or greater are to be rounded up to the nearest whole number and fractions of less than one-half (0.5) are to be rounded down to the nearest whole number.

B. **Fractions and Decimals Required.** Whenever this Title requires aspects of development or the physical environment to be expressed in fractions or decimals, the resulting numeric quantity shall not be rounded to a whole number (e.g., height, setbacks, buffers, noise and light levels, etc.).

17.03.090 Height

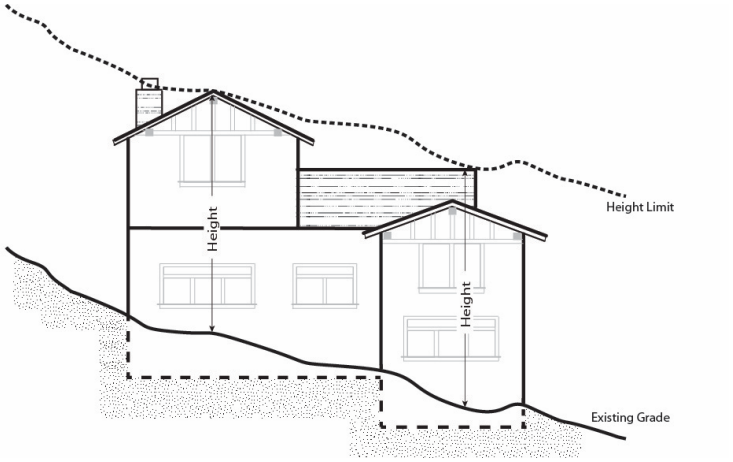
A. **Exception to Height Limits.** The height of a habitable building may exceed the applicable height limit in compliance with the following:

1. ***Roof Pitch.*** When the entire roof of the structure exhibits a pitch of 4:12 (rise to run) or greater, an additional three feet may be added to the applicable height limit.

B. **Measuring Building Height.**

1. ***Maximum Allowable Height.*** Building height is the vertical distance between the existing grade and the uppermost point of the roof of the structure directly above that grade, including mechanical equipment but not including allowed projections.

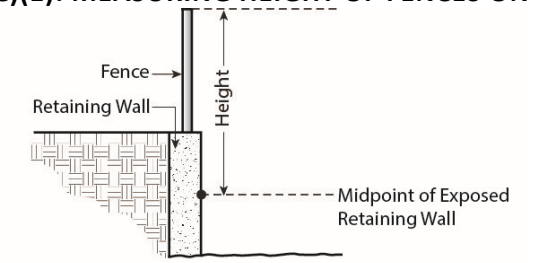
FIGURE 17.03.090(B)(1): BUILDING HEIGHT



C. **Measuring Height of Other Structures.** The height of other structures, such as a fence or exterior deck, is measured as the vertical distance from the existing grade immediately under the structure to the top of the structure unless special measurement provisions are provided below.

1. ***Measuring the Height of Fences on Retaining Walls.*** The overall height of a fence that is situated on top of or within two feet of the top of a retaining wall is measured from the midpoint of the exposed retaining wall to the top of the fence.

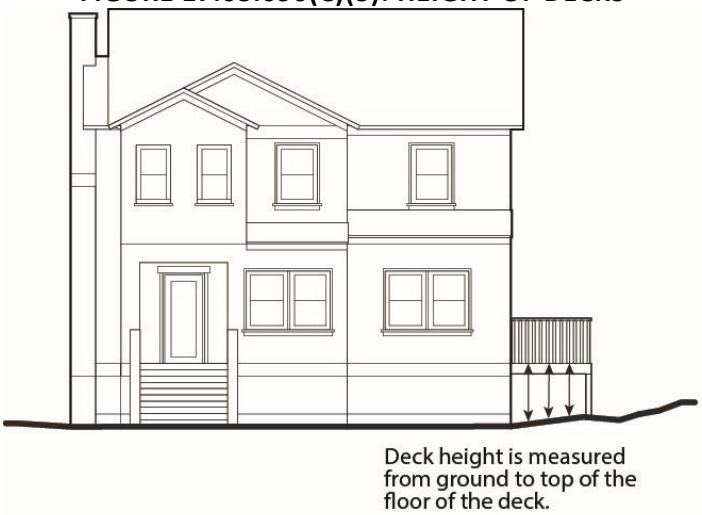
FIGURE 17.03.090(C)(1): MEASURING HEIGHT OF FENCES ON RETAINING WALLS



2. ***Measuring the Height of Fences that are Separated from Retaining Walls.*** The overall height of a fence situated more than two feet from the top of a retaining wall is measured separate from the wall if providing landscape screening between the two structures.

3. ***Measuring the Height of Decks.*** Deck height is determined by measuring from the finished grade below to the top of the floor of the deck directly above.

FIGURE 17.03.090(C)(3): HEIGHT OF DECKS



D. **Number of Stories in a Building.** In determining the number of stories in a building, the following rules apply:

1. ***Mezzanines.*** A mezzanine is counted as a full story if its floor area exceeds one-third of the total area of the nearest full floor directly below or if it is enclosed on more than two sides.

17.03.100 Landscaped Area

A. **Dimension of Landscaped Areas.** Landscaped areas must be greater than two feet by three feet to count toward required landscaping.

B. **Prescribed Heights.** The prescribed heights of landscaping in this Title are the heights to be attained within five years after planting.

17.03.110 Lot Coverage

Lot coverage is the ratio of the total footprint area of all structures on a lot to the net lot area, typically expressed as a percentage. The footprints of all principal and accessory structures (including but not limited to garages, carports, covered patios, and roofed porches) are summed in order to calculate lot coverage. The following structures are excluded from the total footprint area used in the lot coverage calculation:

A. Unenclosed and unroofed decks, uncovered paved patio area(s), porches, landings, balconies, and stairways less than 18 inches in height at surface of deck (and less than six feet including railings);

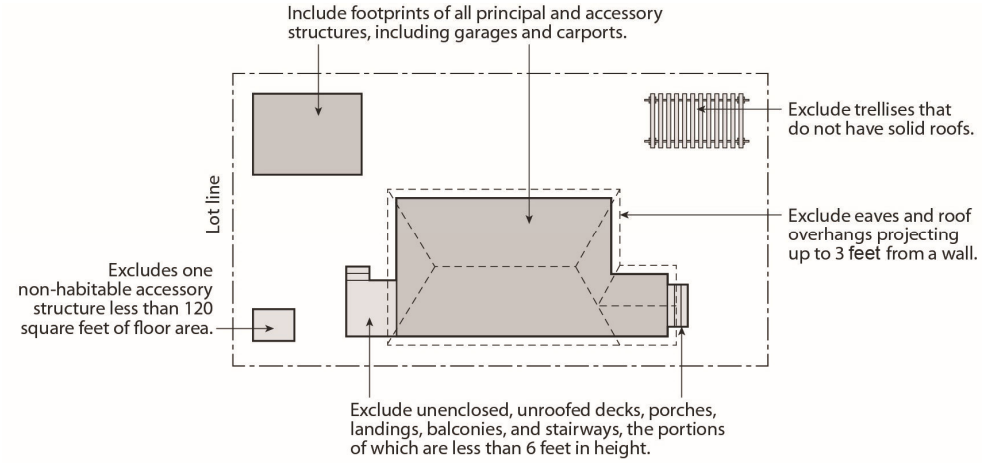
B. Eaves and roof overhangs projecting up to three feet from a wall; any portion of an eave or roof overhang beyond three feet is considered part of lot coverage;

C. Trellises and similar structures that have roofs that are at least 50 percent open to the sky with uniformly distributed openings;

D. Swimming pools and hot tubs that are not enclosed in roofed structures or decks; and

E. One, non-habitable accessory structure under 120 square feet.

FIGURE 17.03.110: LOT COVERAGE



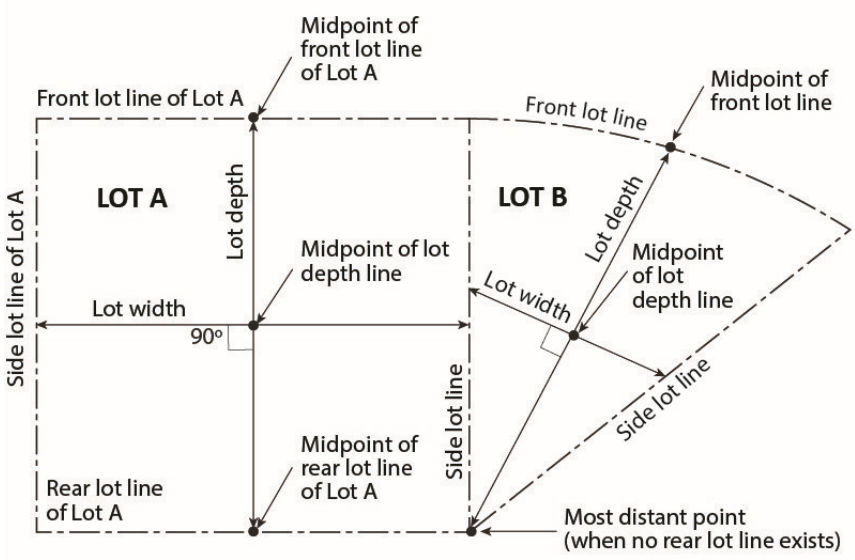
17.03.120 Lot Width and Depth

A. **Lot Width.** Lot width is the horizontal distance between the side lot lines, measured at right angles to the lot depth line at a point midway between the front and rear lot lines.

B. **Lot Depth.** Lot depth is measured along a straight line drawn from the midpoint of the front property line of the lot to the midpoint of the rear property line or to the most distant point on any other lot line where there is no rear lot line.

C. **Irregular Lots.** In the case of irregular lots, the Director shall determine the width and/or depth of the lot. Dimensions shall approximate as closely as possible the standard width and depth measurements above, with the intent of having the average width of the buildable portion of the lot be the lot width.

FIGURE 17.03.120: LOT WIDTH AND DEPTH



17.03.130 Restricted and Common Open Space

Open space areas must meet the following minimum dimensions to count toward required open space.

A. **Restricted Open Space.** Restricted open space must have horizontal dimensions of six feet or more in each direction.

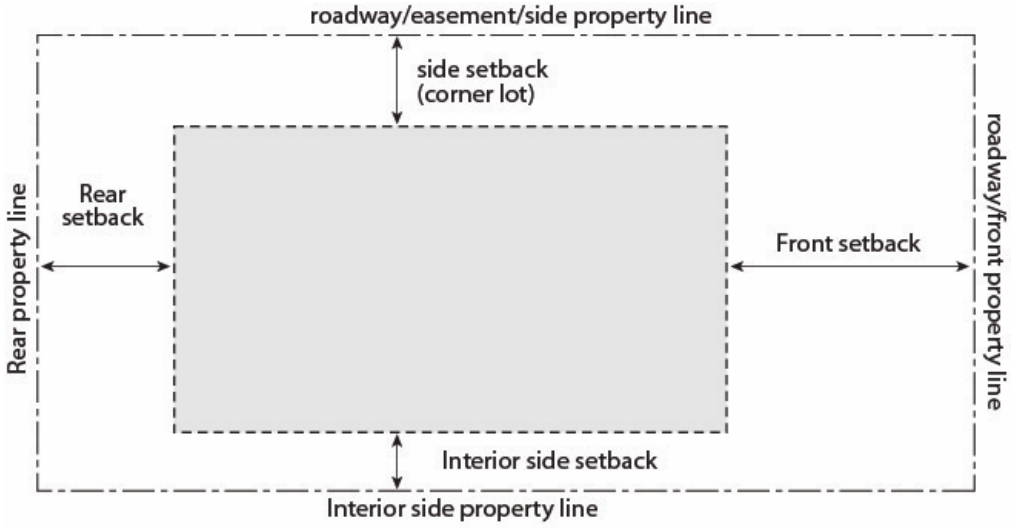
B. **Common Open Space.** Common open spaces must have horizontal dimensions of 20 feet or more in each direction and less than ten percent slope.

17.03.140 Setbacks

A setback line delineates the required area parallel to and at the specified distance from the corresponding front, side, or rear property line where no development is intended to occur.

A. **Determining Setbacks.** Setbacks are measured from the property line or edge of a public or private road right-of-way/easement, inward at right angles to the lot line to the distance prescribed for the required setback. Setbacks must be unobstructed from the ground to the sky, except as otherwise provided in this Title.

FIGURE 17.03.140: SETBACKS



B. **Special Setback Requirements.** The following special requirements apply when a lot abuts a proposed street or existing alleyway.

1. ***Abutting Planned Street Expansions.*** If a property abuts an existing or proposed street for which the existing right-of-way is narrower than the established ultimate future right-of-way for the street as determined by the Public Works Department, the required setback is measured from the future right-of-way line rather than the current property line.

2. ***Abutting Alleyways.***

   a. If a side lot line abuts a public or private alley or easement, the side setback is considered an interior side setback rather than a street side setback.

   b. In measuring the minimum setback for any lot where such setback abuts a public or private alley or easement, no part of the width of the alley is considered as part of the required setback.

3. ***Flag Lots.*** The front setback for a Flag Lot shall only be taken from the property line abutting the public road right-of-way. Any additional lot line parallel to the road will be considered a side lot line.

4. ***Interior Lots.*** The setback regulations of the applicable zone district shall not apply to an interior lot.

   a. Any structure located upon an Interior Lot shall have a setback of at least ten feet from all property lines.

   b. The total setback area of all setbacks combined shall equal the total area of all setbacks otherwise required in the zone district.

5. ***Through Lots.*** The interior side setbacks shall extend the full depth of the lot between the street lines and there shall be two front setbacks for the purpose of computing setbacks.

6. ***Irregular Lots.*** Setbacks for Irregular Lots, except for Interior, Through, and Flag Lots, shall be determined by the Director. The setbacks shall approximate as closely as possible the required setbacks of corresponding setbacks on rectangular lots in the applicable zone district.

17.03.150 Sign Area

The calculation of measuring sign area is described in Section 17.40.060(H), General Provisions for All Signs-Sign Area.

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Chapter 17.04 Reserved

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Chapter 17.05 Reserved

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Chapter 17.06 Reserved

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Part II:
Base Zoning District Standards and Allowed Uses

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Chapter 17.07 Residential Districts

Sections:

17.07.010 Purpose and Intent
17.07.020 Land Use Regulations
17.07.030 Development Regulations
17.07.040 Additional Development Regulations for the RS District
17.07.050 Additional Development Regulations for RP, RM and RH Districts
17.07.060 Additional Development Regulations for the RMHP District

17.07.010 Purpose and Intent

The general purposes of the Residential Districts are to:

A. Provide for a variety of residential development with a range of housing opportunities necessary to meet the needs of all segments of the community, consistent with the General Plan;

B. Protect and enhance the character of well-established residential neighborhoods;

C. Establish development and design standards to help create distinct and attractive residential neighborhoods and ensure that new residential development and the expansion of existing structures is compatible with the character of adjacent existing development; and

D. Provide for appropriate public and quasi-public uses where they are compatible with and contribute to the scale, sense of place, and quality of life in residential neighborhoods.

The specific intent of each Residential District are as follows:

RS Single Family Residential. This District is intended to protect land areas for families living in low-density residential environments by implementing the Single-Family Residential Use Category (R-SF) land use designation established in the General Plan.

RP Planned Residential. This District is intended to provide flexibility and encourage innovation and diversity in design of residential developments by allowing a wide range of densities and housing types while requiring provision of a substantial amount of restricted open space and other common amenities within new developments through implementation of the Planned Residential (R-P) land use designation set forth in the General Plan. Clustering of residential units is encouraged, where appropriate, to provide efficient use of space while preserving natural, cultural, and scenic resources of a site.

RM Residential – Medium Density. This District is intended for multi-family housing and accessory uses customarily associated with residences by implementing the Medium-Density (R-MD) land use designation of the General Plan. Development may also include attached and detached single-unit dwellings. This District may also function as a transition between business uses and single-family residential neighborhoods.

RH Residential - High Density. This District is intended for multi-family housing and accessory uses customarily associated with residences by implementing the High-Density (R-HD) land use designation of the General Plan. Development may also include attached and detached single-unit dwellings. This District

may also function as a transition between higher intensity business uses and medium-density multi-family housing and single-family residential neighborhoods.

RMHP Residential - Mobile Home Park. This District is intended to provide for housing in mobile home parks through implementation of the Mobile Home Park (R-MHP) land use designation set forth in the General Plan. It is further intended that the mobile home park sites be planned as a whole to include an adequate internal vehicular and pedestrian circulation system and parking facilities, common open space, recreation facilities, and other common amenities.

17.07.020 Land Use Regulations

Table 17.07.020 below prescribes the land use regulations for Residential Districts. The table also notes additional use regulations that apply to various uses. Section numbers in the right-hand column refer to other sections of this Title. Use classifications are defined in Chapter 17.72, Use Classifications.

TABLE 17.07.020: LAND USE REGULATIONS – RESIDENTIAL DISTRICTS						**"P" – Zoning Permit or Exempt** **"MU" – Minor Conditional Use Permit** **"CU" – Major Conditional Use Permit** **"-" - Use Not allowed**
Uses	*District*					*Additional Regulations*
	RS	*RP*	*RM*	*RH*	*RMHP*	
Residential Uses						
Residential Housing Types						
Single-Unit Dwelling, Detached	P	P	P	P	-	
Single-Unit Dwelling, Attached	P	P	P	P	-	
Multiple-Unit Development	-	P	P	P	-	
Accessory Dwelling Unit	See § 17.41.030, Accessory Dwelling Units (ADU)					
Farmworker Housing	See § 17.41.150, Farmworker Housing					
Group Residential	-	CU	CU	CU	-	See § 17.41.160 Group Residential
Mobile Home Parks	-	-	-	-	P	
Residential Care Facilities						
Small	P	P	P	P	P	
Large	-	-	CU	CU	-	See § 17.41.220, Residential Care Facilities
Single-Room Occupancy (SRO) Housing	-	CU	CU	CU	-	See § 17.41.250 Single-Room Occupancy (SRO) Housing

TABLE 17.07.020: LAND USE REGULATIONS – RESIDENTIAL DISTRICTS						**"P" – Zoning Permit or Exempt** **"MU" – Minor Conditional Use Permit** **"CU" – Major Conditional Use Permit** **"-" - Use Not allowed**
Uses	*District*					*Additional Regulations*
	RS	*RP*	*RM*	*RH*	*RMHP*	
Supportive Housing	Subject only to those standards and permit procedures as they apply to other residential dwellings of the same type (use) in the same zone or as allowed pursuant to State law.					
Transitional Housing	Subject only to those standards and permit procedures as they apply to other residential dwellings of the same type (use) in the same zone.					
Public/Quasi-Public Uses						
Community Assembly	MU	MU	MU	MU	-	
Community Garden	MU	MU	MU	MU	-	See § 17.41.100, Community Gardens
Day Care Facility	MU	MU	MU	MU	-	See § 17.41.110, Day Care Facilities
Government Buildings[1]	P	P	P	P	P	
Public Safety Facilities	P	P	P	P	-	
Transportation, Communication, and Utility Uses						
Communication Facilities	See Chapter 17.42, Telecommunications Facilities.					
Accessory Uses						
Animal Keeping	P	P	P	P	P	See § 17.41.060, Animal Keeping
Cannabis Personal Use Cultivation	P	P	P	P	P	See § 17.41.090, Cannabis Uses
Family Day Care						
Small	P	P	P	P	P	See § 17.41.140, Family Day Care
Large	P	P	P	P	P	See § 17.41.140, Family Day Care
Home Occupation	P	P	P	P	P	See § 17.41.170, Home Occupations
Temporary Uses	See § 17.41.260, Temporary Uses, for permit requirements for each type of temporary use					
Nonconforming Uses	See Chapter 17.36, Nonconforming Uses and Structures					
Notes: 1. Limited to City Hall only.						

17.07.030 Development Regulations

Table 17.07.030 prescribes development regulations for the Residential Districts for permitted and conditionally permitted uses. Letters in parenthesis (e.g., (A)) refer to the regulations following the table. When in the "Additional Regulations" column, the regulations apply to all districts. When in just one

district's column, the regulations apply only to that particular district. The numbers in each illustration below refer to corresponding regulations in the "#" column in the associated table. Regulations applicable to multiple districts are in Part IV of this Title.

TABLE 17.07.030: DEVELOPMENT REGULATIONS– RESIDENTIAL DISTRICTS

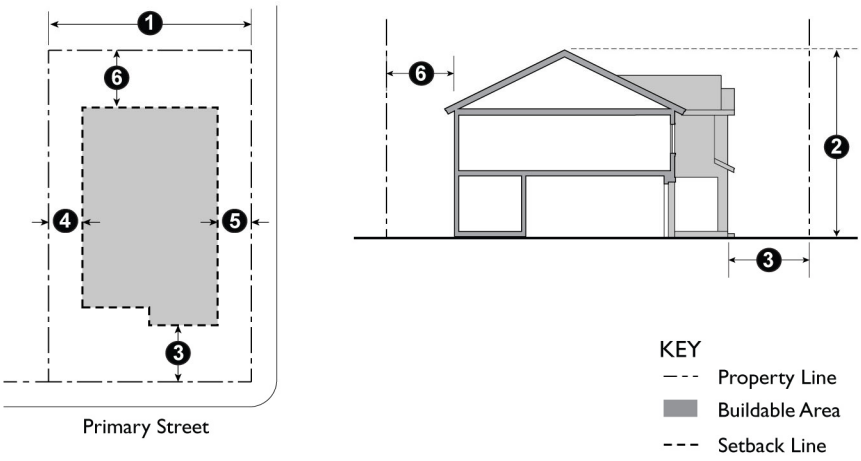
	District					*Additional Regulations*	*#*
	RS	*RP*	*RM*	*RH*	*RMHP*		
							
Minimum Lot Area (sq. ft.)	RS-43.6: 43,560 RS-20: 20,000 RS-12: 12,000 RS-10: 10,000 RS-8: 8,000 RS-7: 7,000	N/A	N/A	N/A	4,000		
Minimum Lot Width (ft.)	RS-43.6:120 RS-20: 100 RS-12: 80 RS-10: 80 RS-8: 75 RS-7: 65	N/A	N/A	N/A	50		❶
Maximum Lot Coverage	N/A	30%	30%	40%	75%		
Dwelling Unit Density (units/acre) - See § 17.41.030, Accessory Dwelling Units (ADU)							
Maximum	5	13	20	30(A)	15		
Minimum	N/A	N/A	15	15	N/A		
Maximum Building Height (ft.)	25	35 Inland Area; 25 Coastal Zone			25		❷
Minimum Setbacks (ft.)	For RMHP, the setback standards apply to the perimeter of the Mobile Home Park. Setbacks from individual mobile homes are provided in Sec. 17.07.060(C).						
Front	20	20	20	20	20	(B)	❸

TABLE 17.07.030: DEVELOPMENT REGULATIONS– RESIDENTIAL DISTRICTS							
	District					*Additional Regulations*	*#*
	RS	*RP*	*RM*	*RH*	*RMHP*		
Interior Side	10% of lot width; min 5, max 10	10	10	10	15	(C)	❹
Street Side	10	• Lots less than 100 feet in width: 20% of lot width, min 10 • Lots 100 feet or more in width: Same as required front setback				(B)	❺
Rear	25(D)	10	10	10	15	(E)	❻
Parking	See Chapter 17.38, Parking and Loading						

A. **Increased Density for Special Needs Housing, RH District.** Housing for special needs populations may be approved at higher than the base density in the RH District with Major Conditional Use Permit approval.

1. ***Required Finding.*** The impacts on traffic, public facilities and services, biological resources, air and water quality, visual resources, or other environmental resources would not be greater than the impacts associated with development at the base density.

B. **Landscaping and Paving.** All required front and street-side setbacks, except walks and driveways, must be landscaped consistent with Chapter 17.34, Landscaping. The maximum amount of impervious paving and other hardscape (inclusive of driveways and parking areas) in front and street side setbacks is 50 percent of the required setback area.

C. **Zero Side Setback Allowance.** A zero-side setback may be permitted provided the opposite side setback on the lot is 20 percent of the lot width and the adjacent lot is in the same ownership or an agreement has been recorded giving the written consent of the adjacent lot owner and providing for access for maintenance of the zero-lot-line structure. A recorded maintenance easement must be an irrevocable covenant running with the land.

D. **Reduced Rear Setbacks Abutting Public Open Space.** The required rear setback is reduced to 15 feet if the rear setback abuts a permanently dedicated public open space or a street to which access has been denied as part of an approved subdivision or other approved permit.

E. **Reduced Rear Setbacks, Corner Lots Backing on Key Lots.** The rear setback for a corner lot backing up on a key lot may be reduced to the size of the required side setback for the key lot or ten feet, whichever is greater, provided the front, side, and rear setback area required by the applicable district regulations is not reduced. An accessory structure on a corner lot backing up on a key lot shall be setback from the rear property line by a distance equal to the side setback requirements applicable to the key lot.

17.07.040 Additional Development Regulations for the RS District

A. **Maximum Floor Area.** No single-unit dwelling or accessory structure may be constructed or expanded unless the proposed structure or expansion complies with the following standards for maximum allowable floor area for all structures on the lot, including garages not otherwise

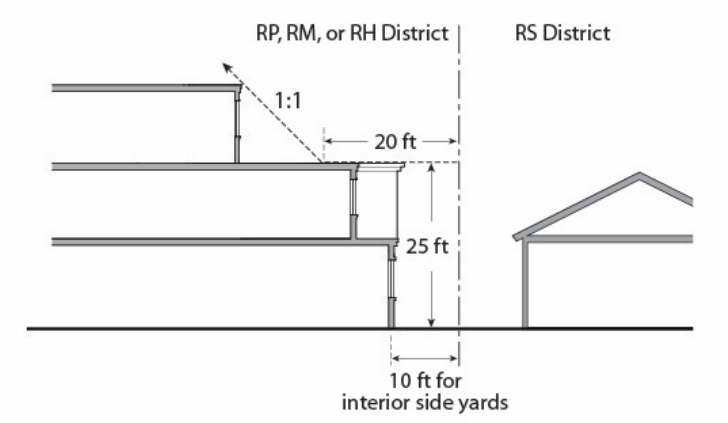
counted towards floor area. Development that exceeds these floor area standards may be approved subject to Design Review approval by the Design Review Board.

TABLE 17.07.040: MAXIMUM FLOOR AREA – RS DISTRICT	
Lot Size	*Maximum Allowed Floor Area*
Less than 5,000 sq. ft.	1,600 sq. ft.
5,000-5,999 sq. ft.	1,600 sq. ft. + (0.3 x lot area over 5,000 sq. ft.)
6,000-6,999 sq. ft.	1,900 sq. ft. + (0.28 x lot area over 6,000 sq. ft.)
7,000-7,999 sq. ft.	2,180 sq. ft. + (0.25 x lot area over 7,000 sq. ft.)
8,000-8,999 sq. ft.	2,430 sq. ft. + (0.22 x lot area over 8,000 sq. ft.)
9,000-9,999 sq. ft.	2,650 sq. ft. + (0.18 x lot area over 9,000 sq. ft.)
10,000-11,999 sq. ft.	2,830 sq. ft. + (0.14 x lot area over 10,000 sq. ft.)
12,000-14,999 sq. ft.	3,110 sq. ft. + (0.10 x lot area over 12,000 sq. ft.)
15,000-19,999 sq. ft.	3,410 sq. ft. + (0.05 x lot area over 15,000 sq. ft.)
20,000+ sq. ft.	3,660 sq. ft. + (0.03 x lot area over 20,000 sq. ft.)

17.07.050 Additional Development Regulations for RP, RM, and RH Districts

A. **Transitional Standards.** Within 20 feet of an RS District boundary, the maximum building height is 25 feet. From this point, the building height may be increased one foot for each additional foot of upper-story building setback to the maximum building height.

FIGURE 17.07.050(A): TRANSITIONAL STANDARDS-RP, RM, AND RH DISTRICTS ADJACENT TO RS OR RP DISTRICT



B. **Open Space.** The following private open space standards apply to all multiple-unit dwellings in the RM, RP, and RH districts:

1. ***Common Open Space.*** Common Open Space must be provided for all multiple-unit developments as follows:

a. *RM and RP Districts*: 150 square feet per unit.

b. *RH Districts*: 100 square feet per unit.

2. ***Restricted Open Space.*** Restricted Open Space must be provided for all multiple-unit developments as follows:

a. Units with any floor area on the ground story must provide a minimum of 200 square feet.

b. Units without floor area on the ground story must provide a minimum of 60 square feet.

C. **Small-Scale Units.** The following standards apply to multiple-unit dwellings in the RM and RH districts with 500 square feet or less of floor area.

1. ***Required Internal Areas.***

a. At least one habitable room with at least 150 square feet of floor area, exclusive of closet space. In no case may a habitable room or space contain less than 80 square feet in floor area; and

b. Food preparation areas must have at least 80 square feet of floor area intended, arranged, designed or used for cooking or warming of food.

2. ***Cooking Facilities.*** The food preparation area must include a sink with hot and cold water, a counter with dedicated electrical outlets, and a permanently installed stove and range.

3. ***Dwelling Unit Density Calculation.*** For density calculations, each small-scale unit is considered to have a "dwelling unit equivalent" of 0.75, meaning a project with 20 small-scale units is considered only to have a "dwelling unit equivalent" of 15 units.

17.07.060 Additional Development Regulations for the RMHP District

A. **Transitional Standards.** Where an RMHP District adjoins an interior lot line in an RS or RP District, the minimum building setback from an RS or RP District boundary is ten feet for interior side setbacks and 20 feet for rear setbacks.

B. **Open Space.** A minimum of 100 square feet of private open space must be provided per unit. Each unit must be provided a minimum of 60 square feet of restricted open space. The balance of the required open space may be provided as restricted or common open space.

C. **Individual Mobile Home Setbacks.** The following setback standards apply to mobile homes or manufactured homes within the RMHP District:

1. From any permanent structure: Ten feet.

2. From any other mobile home:

a. Ten feet when measured from the sides of each mobile home.

b. Eight feet when measured from the side of one mobile home to the rear or front of another mobile home.

c. Six feet when measured from the rear of each mobile home, from the front of each mobile home, or from the front of one mobile home to the rear of another mobile home.

Chapter 17.08 Commercial Districts

Sections:

17.08.010 Purpose and Intent
17.08.020 Land Use Regulations
17.08.030 Development Regulations

17.08.010 Purpose and Intent

The purposes of the Commercial Districts are to:

A. Designate adequate land for a full range of residential- and business-serving commercial uses and services, consistent with the General Plan, to maintain and strengthen the City's economic resources, and meet the needs of local community for goods and services;

B. Establish development and design standards that improve the visual quality of commercial development to ensure appropriate buffers and transitions to adjacent neighborhoods; and

C. Ensure that new development is designed to minimize traffic and parking impacts and is appropriate to the physical characteristics of the area.

The specific intent of each District are as follows:

CR Regional Commercial. This District is intended to provide for a wide range of retail commercial uses, including, but not limited to larger scale commercial uses that service the community, region, and traveling public through implementation of the Regional Commercial (C-R) land use designation in the General Plan.

CC Community Commercial. This District is intended for relatively small commercial centers that provide convenience goods and services to the surrounding residential neighborhoods while protecting the residential character of the area through implementation of the Community Commercial (C-C) land use designation in the General Plan.

OT Old Town - Commercial. This District is intended to permit a wide range of local- and community-serving retail and office uses to enhance the physical and economic environment for existing businesses and uses of the historic center by implementing the Old Town Commercial (OT) land use designation set forth in the General Plan. Regulations and development standards are intended to reinforce the character of the area as a pedestrian-oriented, retail business area with a mix of businesses and services and through consistency with the Goleta Old Town Heritage District Architecture and Design Guidelines.

VS Visitor Serving - Commercial. This District is intended to provide for a range of commercial uses of low to moderate intensity, often at or near scenic locations that serve as destinations for visitors, through implementation of the Visitor Commercial (C-V) land use designation of the General Plan.

CI Intersection or Highway Commercial. This District is intended to provide for a limited range of commercial uses of low to moderate intensity located at major roadway intersections by implementing the Intersection or Highway Commercial (C-I) land use designation of the General Plan.

CG General Commercial. This District is intended to provide appropriate sites for a diverse set of commercial uses that do not need highly visible locations or that may involve activities that are not compatible with other uses through implementation of the General Commercial (C-G) land use designation in the General Plan.

17.08.020 Land Use Regulations

Table 17.08.020 below prescribes the land use regulations for Commercial Districts. The table also notes additional use regulations that apply to various uses. Section numbers in the right-hand column refer to other sections of this Title. Use classifications are defined in Chapter 17.72, Use Classifications.

TABLE 17.08.020: LAND USE REGULATIONS—COMMERCIAL DISTRICTS							**"P" – Zoning Permit or Exempt** **"MU" – Minor Conditional Use Permit** **"CU" – Major Conditional Use Permit** **"-" - Use Not allowed**
Uses	*District*						*Additional Regulations*
	CR	*CC*	*OT*	*VS*	*CI*	*CG*	
Residential Uses							
Residential Housing Types							
Multiple-Unit Development	-	CU[1]	CU[1]	-	-	-	See § 17.24.120, Mixed-Use Development
Accessory Dwelling Unit	See § 17.41.030, Accessory Dwelling Units (ADU)						
Residential Care Facilities							
Small	-	P	P	-	-	-	
Large	-	-	-	-	-	CU[1]	See § 17.41.220, Residential Care Facilities
Supportive Housing	Subject only to those standards and permit procedures as they apply to other residential dwellings of the same type (use) in the same zone or as allowed pursuant to State law.						
Transitional Housing	Subject only to those standards and permit procedures as they apply to other residential dwellings of the same type (use) in the same zone.						
Public/Quasi-Public Uses							
Colleges and Trade Schools	CU	CU	MU	-	-	P	
Community Assembly	-	MU	MU	-	-	MU	
Community Garden	P	P	P	-	P	P	See § 17.41.100, Community Gardens
Cultural Institutions and Facilities	P	P	P	-	P	-	
Day Care Facility	MU	P	P	MU	MU	P	See § 17.41.110, Day Care Facilities
Emergency Shelter	CU	-	-	-	-	P	See § 17.41.130, Emergency Shelters
Government Buildings	P	P	P	P[2]	CU	P	

TABLE 17.08.020: LAND USE REGULATIONS—COMMERCIAL DISTRICTS							"P" – Zoning Permit or Exempt "MU" – Minor Conditional Use Permit "CU" – Major Conditional Use Permit "-" - Use Not allowed
Uses	*District*						*Additional Regulations*
	CR	*CC*	*OT*	*VS*	*CI*	*CG*	
Hospital	CU	-	-	-	-	CU	
Parking, Public or Private	MU	MU	MU	MU	MU	MU	
Public Safety Facilities	P	P	P	-	P	P	
Schools, Private	CU	CU	MU	-	-	CU	
Skilled Nursing Facility	MU	MU	MU	-	-	P	
Social Service Facilities	MU	MU	MU	-	-	MU	
Commercial Uses							
Adult-Oriented Business							
Adult Bookstore, Adult Novelty Store, or Adult Video Store	-	-	-	-	-	P	See § 17.41.050, Adult-Oriented Businesses
Animal Sales, Care and Services							
Animal Sales and Grooming	P	P	P	-	-	P	
Boarding, Kennel	CU	MU	MU	-	-	CU	
Veterinary Services	-	MU	MU	-	-	P	
Automobile/Vehicles Sales and Services							
Auction	-	-	-	-	-	P	
Automobile Rentals	-	-	CU	-	-	P	
Automobile/Vehicle Sales and Leasing	-	-	CU	-	-	MU	See § 17.41.070, Automobile/Vehicle Service and Repair
Automobile/Vehicle Service and Repair, Major	-	-	P[3]	-	-	CU	See § 17.41.070, Automobile/Vehicle Service and Repair
Automobile/Vehicle Service and Repair, Minor	-	-	P[3]	-	-	P	See § 17.41.070, Automobile/Vehicle Service and Repair
Service and Gas Stations	CU	-	CU	-	P	CU	See § 17.41.230, Service and Gas Stations
Automobile/Vehicle Washing	-	P	CU	-	P	P	See § 17.41.080, Automobile/Vehicle Washing

TABLE 17.08.020: LAND USE REGULATIONS—COMMERCIAL DISTRICTS							"P" – Zoning Permit or Exempt "MU" – Minor Conditional Use Permit "CU" – Major Conditional Use Permit "-" - Use Not allowed
Uses	*District*						*Additional Regulations*
	CR	*CC*	*OT*	*VS*	*CI*	*CG*	
Building Materials, Sales, and Service	P	P	CU	-	-	P	See § 17.41.200, Outdoor Sales
Business Services	-	P	P	-	-	P	
Cannabis Microbusiness	-	-	-	-	-	P[4]	See § 17.41.090 Cannabis Uses
Cannabis Retailer							
Storefront	P	P	P	-	-	P	See § 17.41.090 Cannabis Uses
Non-Storefront	P	P	-	-	-	P	See § 17.41.090 Cannabis Uses
Catering Service	P	P	P	P	-	P	
Check-Cashing Business	-	-	CU	-	-	P	
Commercial Entertainment and Recreation							
Banquet and Conference Center	CU	-	CU	P	-	-	
Cinemas	P	P	-	P	-	-	
Indoor Sports and Recreation	P	P	MU	P	-	-	
Outdoor Entertainment	CU	-	-	CU	-	-	
Eating and Drinking Establishments							
Bars/Night Clubs/ Lounges	CU	P	P	-	-	P	
Restaurant	P	P	P	P	P	P	See § 17.41.120, Eating and Drinking Establishments
Finance, Insurance, and Real Estate Services	P	P	P/CU[5]	-	-	P	
Food and Beverage Sales							
General Market	P	P	P	-	P	P	See § 17.41.200, Outdoor Sales
Liquor Store	P	P	MU	-	-	P	
Specialty Food Sales and Facilities	P	P	P	-	-	P	See § 17.41.200, Outdoor Sales
Information Technology Services	-	-	-	-	-	P	
Instructional Services	-	-	P	-	-	P	

TABLE 17.08.020: LAND USE REGULATIONS—COMMERCIAL DISTRICTS							**"P" – Zoning Permit or Exempt** **"MU" – Minor Conditional Use Permit** **"CU" – Major Conditional Use Permit** **"-" - Use Not allowed**
Uses	*District*						*Additional Regulations*
	CR	*CC*	*OT*	*VS*	*CI*	*CG*	
Live/Work Units	-	MU	MU	-	-	-	See § 17.41.180, Live/Work Units
Lodging and Visitor-Services							
Hotels and Motels	P	P	CU	P	-	-	
Recreational Vehicle Parks	-	-	CU	CU	-	CU	
Time Share Use	-	-	-	P	-	-	
Maintenance and Repair Services	P	P	P	-	-	P	
Media-Production Facility	MU	MU	-	-	-	P	
Medical, Dental, and Health-Related Services	P	P	P/CU[5]	-	-	-	
Nurseries and Garden Centers	P	P	CU	-	-	P	See § 17.41.200, Outdoor Sales
Personal Services							
General Personal Services	P	P	P	-	-	P	
Restricted Personal Services	MU	MU	CU	-	-	P	
Professional Services	-	P	P/CU[5]	-	-	P	
Retail Sales							
General Retail	P	P	P	-	-	P	See § 17.41.200, Outdoor Sales
Large Format Retail	P	P	-	-	-	-	See § 17.41.200, Outdoor Sales
Industrial Uses							
Automobile Wrecking/Junk Yard	-	-	-	-	-	CU	
Cannabis Distribution	-	-	-	-	-	P	See § 17.41.090 Cannabis Uses
Construction and Material Yards	-	-	-	-	-	CU	

TABLE 17.08.020: LAND USE REGULATIONS—COMMERCIAL DISTRICTS							**"P" – Zoning Permit or Exempt** **"MU" – Minor Conditional Use Permit** **"CU" – Major Conditional Use Permit** **"-" - Use Not allowed**
Uses	*District*						*Additional Regulations*
	CR	*CC*	*OT*	*VS*	*CI*	*CG*	
Vehicle/Equipment Facilities							
Heavy Vehicle and Large Equipment Sales/Rental, Service, and Repair	-	-	-	-	-	CU	
Wholesale Trade, Warehouse, Storage and Distribution							
Indoor Warehousing and Storage	-	-	-	-	-	P	
Outdoor Storage Yard	-	-	-	-	-	CU	
Personal Storage	-	-	-	-	-	MU	See § 17.41.210, Personal Storage
Wholesaling and Distribution	-	-	-	-	-	P	
Transportation, Communication, and Utility Uses							
Communication Facilities							
Antennas and Transmission Towers	See Chapter 17.42, Telecommunications Facilities						
Facilities within Buildings	-	-	-	-	-	P	
Light Fleet-Based Services	-	-	-	-	-	CU	
Transportation Passenger Terminal	-	-	-	CU	-	CU	
Accessory Uses	See § 17.41.040, Accessory Uses.						
Animal Keeping	P	P	P	P	-	P	See § 17.41.060, Animal Keeping
Cannabis Personal Use Cultivation	P	P	P	P	P	P	See § 17.41.090, Cannabis Uses
Caretaker Unit	MU	MU	MU	MU	-	MU	
Family Day Care							
Small	P	P	P	P	P	P	See § 17.41.140, Family Day Care
Large	P	P	P	P	P	P	See § 17.41.140, Family Day Care
Home Occupation	-	P	P	-	-	-	See § 17.41.170, Home Occupations

TABLE 17.08.020: LAND USE REGULATIONS—COMMERCIAL DISTRICTS							**"P" – Zoning Permit or Exempt** **"MU" – Minor Conditional Use Permit** **"CU" – Major Conditional Use Permit** **"-" - Use Not allowed**
Uses	*District*						*Additional Regulations*
	CR	*CC*	*OT*	*VS*	*CI*	*CG*	
Temporary Uses	See § 17.41.260, Temporary Uses for permit requirements for each type of temporary use						
Nonconforming Uses	Chapter 17.36, Nonconforming Uses and Structures						

Notes:

1. Only in mixed-use developments.

2. Limited to City Hall only.

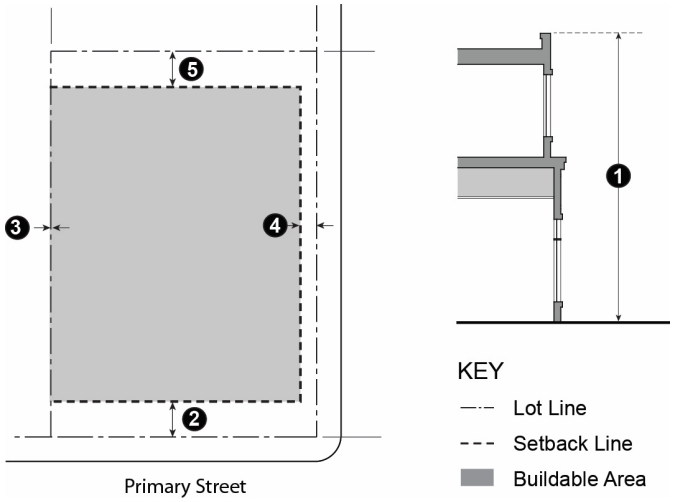
3. Only for pre-existing uses. Any significant expansion requires a Major Conditional Use Permit and a finding that the expansion is consistent with adjacent uses.

4. Microbusinesses in CG are only allowed for cannabis businesses legally located prior to June 16, 2009.

5. Office uses are permitted on the street facing ground floor. Office uses on the second floor of a structure or behind the portion of a building adjacent to the street are subject to approval of a Minor Conditional Use Permit.

17.08.030 Development Regulations

Table 17.08.030 prescribes development regulations for the Commercial Districts for permitted and conditionally permitted uses. Letters in parenthesis (e.g., (A)) refer to the regulations following the table. When in the "Additional Regulations" column, the regulations apply to all districts. When in just one district's column, the regulations apply only to that particular district. The numbers in each illustration below refer to corresponding regulations in the "#" column in the associated table. Regulations applicable to multiple districts are in Part IV of this Title.

TABLE 17.08.030: DEVELOPMENT REGULATIONS—COMMERCIAL DISTRICTS								
	District						*Additional Regulations*	*#*
	CR	*CC*	*OT*	*VS*	*CI*	*CG*		
								
Maximum Dwelling Unit Density (units/acre)	N/A	12	20	N/A	N/A	20	See § 17.24.120, Mixed-Use Development	
Maximum Building Height (ft.)	35	35	30	35	25	35		❶
Minimum Setbacks (ft.)	See also § 17.24.120, Mixed-Use Development Where the minimum required setback is 0 and a setback is provided, the setback shall be a minimum of 5feet.							
Front	20	10	0(A)	20	10	10		❷
Interior Side	10	0	0	20	5	0		❸
Street Side	OT District: 0(A) Other Districts: • Lots less than 100 feet in width: 20% of lot width, min 10 • Lots 100 feet or more in width: Same as required front setback							❹
Rear	10% of lot depth, max 10			20(B)	10% of lot depth, max 10			❺
Minimum Common Open Space	N/A	N/A	N/A	40% (combined)	N/A	N/A		
Minimum Landscaping	5%	N/A	N/A		5%	N/A		
Limitations on Curb Cuts	(C)	(C)	(C)	(C)	(C)	(C)		
Parking	See Chapter 17.38, Parking and Loading							

A. **Front and Street Side Setback in OT Zone District.** A setback is required to ensure ten feet between the face of gutter and the back of sidewalk.

B. **Reduced Rear Setbacks, Corner Lots Backing on Key Lots.** The rear setback for a corner lot backing up on a key lot may be reduced to the size of the required side setback for the key lot or ten feet, whichever is greater, provided the front, side, and rear setback area required by the applicable district regulations is not reduced. An accessory structure on a corner lot backing up on a key lot shall be setback from the rear property line by a distance equal to the side setback requirements applicable to the key lot.

C. **Limitations on Curb Cuts.** Wherever possible, parking and loading entrances must share curb cuts in order to minimize the overall number of curb cuts. Curb cuts are limited to one per parcel unless an absolute need is demonstrated. On corner lots, curb cuts must be located on the street frontage with the least traffic volume wherever feasible.

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Chapter 17.09 Office Districts

Sections:

17.09.010 Purpose and Intent
17.09.020 Land Use Regulations
17.09.030 Development Regulations

17.09.010 Purpose and Intent

The purposes of the Office Districts are to:

A. Provide for orderly, well-planned, and balanced business park and office development that serves the community, consistent with the General Plan; and

B. Establish development standards that create a unified and distinctive character, contribute to the pedestrian environment, and ensure appropriate transitions and buffers between business parks and offices and residential uses.

The specific intent of each Office District are as follows:

BP Business Park. This District is intended to provide for attractive, well-designed business parks that provide employment opportunities to the community and surrounding area through implementation of the Business Park (I-BP) land use designation of the General Plan.

OI Office Institutional. This District is intended to provide areas for existing and future office-based uses by implementing the Office and Institutional (I-OI) land use designation in the General Plan.

17.09.020 Land Use Regulations

Table 17.09.020 below prescribes the land use regulations for Office Districts. The table also notes additional use regulations that apply to various uses. Section numbers in the right-hand column refer to other sections of this Title. Use classifications are defined in Chapter 17.72, Use Classifications.

TABLE 17.09.020: LAND USE REGULATIONS—OFFICE DISTRICTS			**"P" – Zoning Permit or Exempt** **"MU" – Minor Conditional Use Permit** **"CU" – Major Conditional Use Permit** **"-" - Use Not allowed**
Uses	*District*		*Additional Regulations*
	BP	*OI*	
Residential Uses			
Residential Care Facility, Large	-	CU	
Residential Housing Types			
Multiple-Unit Development	-	CU[1]	See § 17.24.120, Mixed-Use Development

TABLE 17.09.020: LAND USE REGULATIONS—OFFICE DISTRICTS			"P" – Zoning Permit or Exempt "MU" – Minor Conditional Use Permit "CU" – Major Conditional Use Permit "-" - Use Not allowed
Uses	*District*		*Additional Regulations*
	BP	*OI*	
Accessory Dwelling Unit	See § 17.41.030, Accessory Dwelling Units (ADU)		
Supportive Housing and Transitional Housing	Subject only to those standards permit procedures as they apply to other residential dwellings of the same type (use) in the same zone or as allowed pursuant to State law.		
Public/Quasi-Public Uses			
Colleges and Trade Schools	-	P	
Community Assembly	-	P	
Day Care Facility	P	P	See § 17.41.110, Day Care Facilities
Emergency Shelters	P	-	See § 17.41.130, Emergency Shelters
Government Buildings	P	P	
Hospital	CU	P	
Schools, Private	-	P	
Skilled Nursing Facility	MU	P	
Social Service Facilities	MU	P	
Commercial Uses			
Building Materials, Sales, and Service	-	CU	See § 17.41.200, Outdoor Sales
Business Services	P	P	
Commercial Entertainment and Recreation			
Indoor Sports and Recreation	-	MU	
Eating and Drinking Establishments			
Bars/Night Clubs/Lounges	-	CU[2]	
Restaurant	P[2]	P[2]	See § 17.41.120, Eating and Drinking Establishments
Finance, Insurance, and Real Estate Services	P	P	
Funeral Parlors and Internment Services	-	MU	
Information Technology Services	P	P	
Instructional Services	-	P	
Live/Work Units	-	MU	See § 17.41.180, Live/Work Units
Lodging and Visitor-Services			

TABLE 17.09.020: LAND USE REGULATIONS—OFFICE DISTRICTS			**"P" – Zoning Permit or Exempt** **"MU" – Minor Conditional Use Permit** **"CU" – Major Conditional Use Permit** **"-" - Use Not allowed**
Uses	*District*		*Additional Regulations*
	BP	*OI*	
Hotels and Motels	P[3]	P[3]	
Nurseries and Garden Centers	-	MU	See § 17.41.200, Outdoor Sales
Medical, Dental, and Health-Related Services	-	P	
Personal Services			
General Personal Services	P[2]	P[2]	
Professional Services	-	P	
Industrial Uses			
Cannabis Cultivation			
Indoor Cultivation	P	-	See § 17.41.090 Cannabis Uses
Nursery	P	-	See § 17.41.090 Cannabis Uses
Processor	P	-	See § 17.41.090 Cannabis Uses
Cannabis Distribution	P[4]	-	See § 17.41.090 Cannabis Uses
Cannabis Manufacturing			
Non-Volatile Solvent Manufacturing	P	-	See § 17.41.090 Cannabis Uses
Volatile Solvent Manufacturing	P	-	See § 17.41.090 Cannabis Uses
Infusions	P	-	See § 17.41.090 Cannabis Uses
Packaging and Labeling	P	-	See § 17.41.090 Cannabis Uses
Cannabis Testing	P	P	See § 17.41.090 Cannabis Uses
Custom Manufacturing	P	-	
Limited Industrial	P	-	
R&D and Technology	P	P	
Wholesale Trade, Warehouse, Storage and Distribution			
Indoor Warehousing and Storage	P[5]	-	
Transportation, Communication, and Utility Uses			
Communication Facilities			
Antennas and Transmission Towers	See Chapter 17.42, Telecommunications Facilities		
Facilities within Buildings	P	P	
Major Utilities	CU	CU	

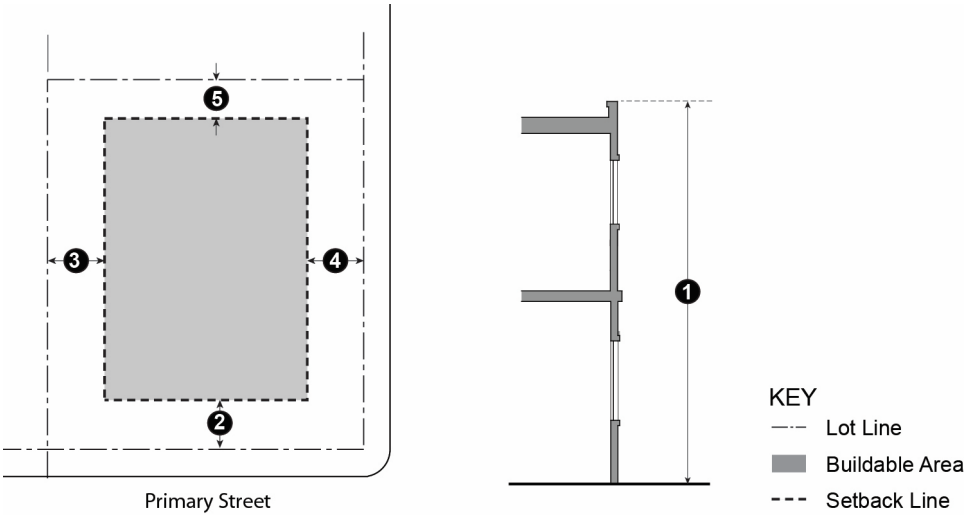
TABLE 17.09.020: LAND USE REGULATIONS—OFFICE DISTRICTS			"P" – Zoning Permit or Exempt "MU" – Minor Conditional Use Permit "CU" – Major Conditional Use Permit "-" - Use Not allowed
Uses	*District*		*Additional Regulations*
	BP	*OI*	
Transportation Passenger Terminal	CU	CU	
Accessory Uses	See § 17.41.040, Accessory Uses		
Animal Keeping	P	P	See § 17.41.060, Animal Keeping
Cannabis Personal Use Cultivation	P	P	See § 17.41.090, Cannabis Uses
Caretaker Unit	P	P	
Family Day Care			
Small	P	P	See § 17.41.140, Family Day Care
Large	P	P	See § 17.41.140, Family Day Care
Home Occupations	P	P	See § 17.41.170, Home Occupations
Temporary Uses	See § 17.41.260, Temporary Uses for permit requirements for each type of temporary use.		
Nonconforming Uses	Chapter 17.36, Nonconforming Uses and Structures		

Notes:

1. Only in mixed-use developments.
2. Cumulative development of these uses must not exceed 20% of the total floor area on any one lot.
3. Only in the Hotel Overlay identified in the General Plan.
4. Floor area of each licensed distributor shall not exceed 30,000 square feet per parcel.
5. Only if it is in association with a permitted use. Where a parcel has multiple tenant spaces, Indoor Warehousing and Storage must be within the same tenant space as the permitted use but is not subject to the Accessory Use standards in Section 17.41.040.

17.09.030 Development Regulations

Table 17.09.030 prescribes development regulations for Office Districts for permitted and conditionally permitted uses. Letters in parenthesis (e.g., (A)) refer to the regulations following the table. When in the "Additional Regulations" column, the regulations apply to all districts. When in just one district's column, the regulations apply only to that particular district. The numbers in each illustration below refer to corresponding regulations in the "#" column in the associated table. Regulations applicable to multiple districts are in Part IV of this Title.

TABLE 17.09.030: DEVELOPMENT REGULATIONS—OFFICE DISTRICTS				
	District		*Additional Regulations*	*#*
	BP	*OI*		
				
Minimum Lot Area (acre)	1	N/A		
Maximum Lot Coverage	35%	40%		
Maximum Dwelling Unit Density (units/acre)	N/A	20	See § 17.24.120, Mixed-Use Development	
Maximum Building Height (ft.)	35	35		❶
Minimum Setbacks (ft.)	See also § 17.24.120, Mixed-Use Development for upper-story setbacks for residential uses in mixed-use development			
Front	50	15		❷
Interior Side	10	15		❸
Street Side	• Lots less than 100 feet in width: 20% of lot width, min 10 • Lots 100 feet or more in width: Same as required front setback			❹
Rear	10	15(A)		❺
Minimum Landscaping	30%	10%		
Limitations on Curb Cuts	(B)	(B)		
Parking	See Chapter 17.38, Parking and Loading			
Limitations on Outdoor Activities	(C)	N/A		

A. **Corner Lots Backing on Key Lots.** The rear setback for a corner lot backing up on a key lot may be reduced to the size of the required side setback for the key lot or ten feet, whichever is greater,

provided the front, side, and rear setback area required by the applicable district regulations is not reduced. An accessory structure on a corner lot backing up on a key lot shall be setback from the rear property line by a distance equal to the side setback requirements applicable to the key lot.

B. **Limitations on Curb Cuts.** Wherever possible, parking and loading entrances must share curb cuts in order to minimize the overall number of curb cuts. Curb cuts are limited to one per parcel unless an absolute need is demonstrated. On corner lots, curb cuts must be located on the street frontage with the least traffic volume wherever feasible.

C. **Limits on Outdoor Activities.** Allowed uses are prohibited from conducting vehicular repair, processing, and manufacturing activities outdoors and are prohibited from private outdoor storage.

Chapter 17.10 Industrial Districts

Sections:

17.10.010 Purpose and Intent
17.10.020 Land Use Regulations
17.10.030 Development Regulations

17.10.010 Purpose and Intent

The purposes of the Industrial Districts are to:

A. Provide appropriately located areas for a range of employment-creating economic activities, including those that may have the potential to generate off-site impacts, to minimize impacts on surrounding neighborhoods while promoting a robust economy, and

B. Assure high-quality design and site planning of office and employment areas and support the adaptive reuse of industrial buildings that contribute to the character of the City as a whole.

The specific intent of each Industrial District are as follows:

IS Service Industrial. This District is intended for land within the airport flight path where airport operations limit the range and density of activities with uses may occur in less-managed environments than in the BP District through implementation of the Service Industrial (I-S) land use designation in the General Plan.

IG General Industrial. This District is intended to provide areas for a wide range of manufacturing uses, including those with potential noxious impacts, and for similar heavy commercial uses by implementing the General Industrial (I-G) land use designation in the General Plan.

17.10.020 Land Use Regulations

Table 17.10.020 prescribes the types of permit levels and land use regulations for Industrial Districts. The table also notes additional use regulations that apply to various uses. Section numbers in the right-hand column refer to other sections of this Title. Use classifications are defined in Chapter 17.72, Use Classifications.

TABLE 17.10.020: LAND USE REGULATIONS—INDUSTRIAL DISTRICTS			"P" – Zoning Permit or Exempt "MU" – Minor Conditional Use Permit "CU" – Major Conditional Use Permit "-" - Use Not allowed
Uses	*District*		*Additional Regulations*
	IS	*IG*	
Public/Quasi-Public Uses			
Community Garden	P	P	See § 17.41.100, Community Gardens
Day Care Facility	CU	CU	See § 17.41.110, Day Care Facilities
Emergency Shelter	-	P	See § 17.41.130, Emergency Shelters
Government Buildings	P[1]	P	
Hospital	CU	CU	
Skilled Nursing Facility	CU	CU	
Commercial Uses			
Adult-Oriented Business			
Adult Live Entertainment Theater	CU	CU	See § 17.41.050, Adult-Oriented Businesses
Adult Motion Picture or Video Arcade	CU	CU	See § 17.41.050, Adult-Oriented Businesses
Adult Motion Picture Theater	CU	CU	See § 17.41.050, Adult-Oriented Businesses
Animal Sales, Care and Services			
Veterinary Services	P	P	
Automobile/Vehicles Sales and Services			
Auction	P	-	
Automobile Rentals	P	P	
Automobile/Vehicle Sales and Leasing	P	P	See § 17.41.070, Automobile/Vehicle Service and Repair
Automobile/Vehicle Services and Repair, Major	MU	P	See § 17.41.070, Automobile/Vehicle Service and Repair
Automobile/Vehicle Services and Repair, Minor	MU	P	See § 17.41.070, Automobile/Vehicle Service and Repair
Service and Gas Stations	-	P	See § 17.41.230, Service and Gas Stations
Building Materials, Sales, and Service	-	P	See § 17.41.200, Outdoor Sales
Cannabis Microbusiness	P	P	See § 17.41.090 Cannabis Uses
Cannabis Retailer			
Storefront	-	P[2]	See § 17.41.090 Cannabis Uses
Non-Storefront	P	P	See § 17.41.090 Cannabis Uses

TABLE 17.10.020: LAND USE REGULATIONS—INDUSTRIAL DISTRICTS			**"P" – Zoning Permit or Exempt** **"MU" – Minor Conditional Use Permit** **"CU" – Major Conditional Use Permit** **"-" - Use Not allowed**
Uses	*District*		*Additional Regulations*
	IS	*IG*	
Catering Service	P	P	
Nurseries and Garden Centers	-	CU	See § 17.41.200, Outdoor Sales
Industrial Uses			
Automobile Wrecking/Junk Yard	CU	CU	
Cannabis Cultivation			
Indoor Cultivation	P	P	See § 17.41.090 Cannabis Uses
Nursery	P	P	See § 17.41.090 Cannabis Uses
Processor	P	P	See § 17.41.090 Cannabis Uses
Cannabis Distribution	P	P	See § 17.41.090 Cannabis Uses
Cannabis Manufacturing			
Non-Volatile Solvent Manufacturing	P	P	See § 17.41.090 Cannabis Uses
Volatile Solvent Manufacturing	P	P	See § 17.41.090 Cannabis Uses
Infusions	P	P	See § 17.41.090 Cannabis Uses
Packaging and Labeling	P	P	See § 17.41.090 Cannabis Uses
Cannabis Testing	-	P	See § 17.41.090 Cannabis Uses
Construction and Material Yards	P	P	
Custom Manufacturing	P	P	
Heavy Manufacturing	MU	P	
Limited Industrial	P	P	
Oil and Gas Facilities	-	CU	See Chapter 17.37, Oil and Gas Facilities
R&D and Technology	-	P	
Vehicle/Equipment Facilities			
Heavy Vehicle and Large Equipment Sales/Rental, Service, and Repair	P	P	
Towing Services	P	P	
Wholesale Trade, Warehouse, Storage and Distribution			
Chemical, Mineral and Explosives Storage	CU	CU	See Chapter 17.16, -AE Airport Environs Overlay District

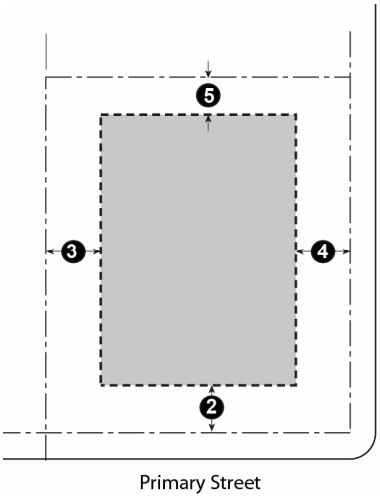
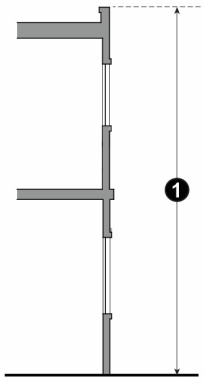
TABLE 17.10.020: LAND USE REGULATIONS—INDUSTRIAL DISTRICTS			"P" – Zoning Permit or Exempt "MU" – Minor Conditional Use Permit "CU" – Major Conditional Use Permit "-" - Use Not allowed
Uses	*District*		*Additional Regulations*
	IS	*IG*	
Indoor Warehousing and Storage	P	P	
Outdoor Storage Yard	P	P	
Personal Storage	P	P	See § 17.41.210, Personal Storage
Wholesaling and Distribution	P	P	
Transportation, Communication, and Utility Uses			
Communication Facilities			
Antennas and Transmission Towers	See Chapter 17.42, Telecommunications Facilities		
Facilities within Buildings	P	P	
Light Fleet-Based Services	P	P	
Transportation Passenger Terminal	MU	MU	
Accessory Uses	See § 17.41.040, Accessory Uses		
Animal Keeping	P	P	See § 17.41.060, Animal Keeping
Cannabis Personal Use Cultivation	P	P	See § 17.41.090, Cannabis Uses
Caretaker Unit	MU	MU	
Family Day Care			
Small	P	P	See § 17.41.140, Family Day Care
Large	P	P	See § 17.41.140, Family Day Care
Temporary Uses	See § 17.41.260, Temporary Uses for permit requirements for each type of temporary use.		
Nonconforming Uses	Chapter 17.36, Nonconforming Uses and Structures		
Notes: 1. Limited to City Hall only. 2. Storefront cannabis retailers allowed within IG only in locations where a cannabis dispensary was legally located prior to June 16, 2009, the date of the City's former ban on cannabis businesses.			

17.10.030 Development Regulations

Table 17.10.030 prescribes development regulations for Industrial Districts for permitted and conditionally permitted uses. Letters in parenthesis (e.g., (A)) refer to the regulations following the table. When in the "Additional Regulations" column, the regulations apply to all districts. When in just one

district's column, the regulations apply only to that particular district. The numbers in each illustration below refer to corresponding regulations in the "#" column in the associated table. Regulations applicable to multiple districts are in Part IV of this Title.

TABLE 17.10.030: DEVELOPMENT REGULATIONS—INDUSTRIAL DISTRICTS

	District		*Additional Regulations*	*#*
	IS	*IG*		
  KEY — Lot Line; Buildable Area; Setback Line				
Maximum Building Height (ft.)	35	35		❶
Maximum Lot Coverage	None	None		
Minimum Setbacks (ft.)				
Front	20	20		❷
Interior Side	10	10		❸
Street Side	• Lots less than 100 feet in width: 20% of lot width, min 10 • Lots 100 feet or more in width: Same as required front setback			❹
Rear	10	10		❺
Minimum Landscaping	10%	10%		
Maximum Intensity of Employment	See Chapter 17.16, -AE Airport Environs Overlay District	N/A		
Limitations on Curb Cuts	(A)	(A)		
Parking	See Chapter 17.38, Parking and Loading			

A. **Limitations on Curb Cuts.** Wherever possible, parking and loading entrances must share curb cuts in order to minimize the overall number of curb cuts. Curb cuts are limited to one per parcel unless

an absolute need is demonstrated. On corner lots, curb cuts must be located on the street frontage with the least traffic volume wherever feasible.

B. **Transitional Standards.** The following minimum structure setbacks in the IS and IG Districts apply:

1. From any "R" District Boundary: 50 feet.

2. From any "C" District Boundary: 25 feet.

Chapter 17.11 Public and Quasi-Public District

Sections:

17.11.010 Purpose
17.11.020 Land Use Regulations
17.11.030 Development Regulations

17.11.010 Purpose

The purposes of the PQ Public and Quasi-Public District are to:

A. Provide areas for various types of Public and Quasi-Public facilities needed to serve residents, businesses, and visitors by implementing the Public and Quasi-Public Land Use (P-Q) land use designation in the General Plan; and

B. Ensure that the development and operation of Public and Quasi-Public uses protects and enhances the character and quality of life of surrounding residential areas and that their uses are compatible with adjoining uses.

C. Provides for uses and services that are provided by both Public entities and Quasi-Public entities regulated by the Public Utility Commission that serve residents, businesses, and visitors.

17.11.020 Land Use Regulations

Table 17.11.020 below prescribes the land use regulations for the Public and Quasi-Public District. The table also notes additional use regulations that apply to various uses. Section numbers in the right-hand column refer to other sections of this Title. Use classifications are defined in Chapter 17.72, Use Classifications.

TABLE 17.11.020: LAND USE REGULATIONS—PUBLIC AND QUASI-PUBLIC DISTRICT		**"P" – Zoning Permit or Exempt** **"MU" – Minor Conditional Use Permit** **"CU" – Major Conditional Use Permit** **"-" - Use Not allowed**
Uses	*District* *PQ*	*Additional Regulations*
Public/Quasi-Public Uses		
Cemetery	CU	
Colleges and Trade Schools	P	
Community Assembly	MU	
Community Garden	P	See § 17.41.100, Community Gardens
Cultural Institutions and Facilities	P	

TABLE 17.11.020: LAND USE REGULATIONS—PUBLIC AND QUASI-PUBLIC DISTRICT		"P" – Zoning Permit or Exempt "MU" – Minor Conditional Use Permit "CU" – Major Conditional Use Permit "-" - Use Not allowed
Uses	*District* *PQ*	*Additional Regulations*
Day Care Facility	P	See § 17.41.110, Day Care Facilities
Government Buildings	P	
Hospital	CU	
Park and Recreation Facilities	P	
Passive Open Space	P	
Public Safety Facility	P	
Schools, Private	P	
Transportation, Communication, and Utility Uses		
Communication Facilities		
Antennas and Transmission Towers	See Chapter 17.42, Telecommunications Facilities	
Transportation Passenger Terminal	MU	
Accessory Uses	See § 17.41.040, Accessory Uses	
Animal Keeping	P	See § 17.41.060, Animal Keeping
Cannabis Personal Use Cultivation	P	See § 17.41.090, Cannabis Uses
Caretaker Unit	MU	
Family Day Care		
Small	P	See § 17.41.140, Family Day Care
Large	P	See § 17.41.140, Family Day Care
Temporary Uses	See § 17.41.260, Temporary Uses for permit requirements for each type of temporary use.	
Nonconforming Uses	Chapter 17.36, Nonconforming Uses and Structures	

17.11.030 Development Regulations

Table 17.11.030 prescribes development regulations for the Public and Quasi-Public Districts for permitted and conditionally permitted uses. Letters in parenthesis (e.g., (A)) refer to regulations following the table. When in the "Additional Regulations" column, the regulations apply to all districts. When in just one district's column, the regulations apply only to that particular district. Regulations applicable to multiple districts are in Part IV of this Title.

TABLE 17.11.030: DEVELOPMENT REGULATIONS— PUBLIC AND QUASI-PUBLIC DISTRICTS		
	District	*Additional Regulations*
	PQ	
Minimum Lot Area (sq. ft.)	10,000	
Maximum Lot Coverage	N/A	
Maximum Building Height (ft.)	35	
Minimum Setbacks (ft.)		
Front	20	
Interior Side	10	
Street Side	• Lots less than 100 feet in width: 20% of lot width, min 10 • Lots 100 feet or more in width: Same as required front setback	
Rear	10	
Minimum Landscaping	25%	
Parking	See Chapter 17.38, Parking and Loading	

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Chapter 17.12 Open Space and Agricultural Districts

Sections:

17.12.010 Purpose and Intent
17.12.020 Land Use Regulations
17.12.030 Development Regulations

17.12.010 Purpose and Intent

The general purposes of the Open Space and Agricultural Districts are to:

A. Protect and preserve agricultural and open space areas, while providing opportunities for other compatible activities;

B. Protect agricultural lands from incompatible land uses and encroachment; and

C. Establish limitations on development that will protect open space and agricultural areas in a manner consistent with the General Plan.

The specific intent of each Open Space and Agricultural District are as follows:

OSPR Open Space – Passive Recreation. This District is intended for the conservation of both public and private open space areas with significant environmental values or resources, wildlife habitats, significant views, and other open space values by implementation of the Open Space/Passive Recreation land use designation in the General Plan.

OSAR Open Space – Active Recreation. This District is intended for existing or planned areas for public parks and active recreational activities and facilities through implementation of the Open Space/Active Recreation land use designation in the General Plan. Individual recreational areas may include a mix of passive and active recreational features or improvements.

AG Agricultural. This District is intended to preserve agricultural land and reserve vacant lands suitable for agriculture through implementation of the Agriculture land use designation of the General Plan.

17.12.020 Land Use Regulations

Table 17.12.020 prescribes the land use regulations for Open Space and Agricultural Districts. The table also notes additional use regulations that apply to various uses. Section numbers in the right-hand column refer to other sections of this Title. Use classifications are defined in Chapter 17.72, Use Classifications.

TABLE 17.12.020: LAND USE REGULATIONS – OPEN SPACE AND AGRICULTURAL DISTRICTS				**"P" – Zoning Permit or Exempt** **"MU" – Minor Conditional Use Permit** **"CU" – Major Conditional Use Permit** **"-" - Use Not allowed**
Uses	*District*			*Additional Regulations*
	OSPR	*OSAR*	*AG*	
Residential Uses				
Farmworker Housing				
Farmworker Housing Complex	-	-	P	See § 17.41.150, Farmworker Housing
Residential Housing Types				
Single-Unit Dwelling, Detached	-	-	P	
Accessory Dwelling Unit	-	-	P	See § 17.41.030, Accessory Dwelling Units (ADU)
Residential Care Facility, Small	-	-	P	
Supportive Housing	Subject only to those standards and permit procedures as they apply to other residential dwellings of the same type (use) in the same zone or as allowed pursuant to State law.			
Transitional Housing	Subject only to those standards and permit procedures as they apply to other residential dwellings of the same type (use) in the same zone.			
Public/Quasi-Public Uses				
Community Garden	P	P	P	See § 17.41.100, Community Gardens
Government Buildings[1]	P	P	P	
Park and Recreation Facilities	-	P	-	
Passive Open Space	P	P	-	
Public Safety Facility	-	-	P[2]	
Commercial Uses				
Commercial Entertainment and Recreation				
Outdoor Recreation	-	CU	-	
Transportation, Communication, and Utility Uses				
Communication Facilities				
Antenna and Transmission Towers	See Chapter 17.42, Telecommunications Facilities.			
Agricultural Uses				
Agricultural Processing	-	-	CU	
Agricultural-Support Services	-	-	CU	
Animal Raising	-	-	P	

TABLE 17.12.020: LAND USE REGULATIONS – OPEN SPACE AND AGRICULTURAL DISTRICTS				**"P" – Zoning Permit or Exempt** **"MU" – Minor Conditional Use Permit** **"CU" – Major Conditional Use Permit** **"-" - Use Not allowed**
Uses	*District*			*Additional Regulations*
	OSPR	*OSAR*	*AG*	
Crop Cultivation	-	-	P	
Greenhouse	-	-	P	
Accessory Uses	See § 17.41.040, Accessory Uses			
Animal Keeping	-	P	P	See § 17.41.060, Animal Keeping
Cannabis Personal Use Cultivation	P	P	P	See § 17.41.090, Cannabis Uses
Caretaker Units	-	P	-	
Family Day Care				
Small	P	P	P	See § 17.41.140, Family Day Care
Large	P	P	P	See § 17.41.140, Family Day Care
Home Occupation	-	-	P	See § 17.41.170, Home Occupations
Farmers' Stand	-	-	CU	
Temporary Uses	See § 17.41.260, Temporary Uses, for permit requirements for each type of temporary use			
Nonconforming Uses	See Chapter 17.36, Nonconforming Uses and Structures			
Notes: 1. Limited to City Hall only. 2. Limited to Fire Stations only.				

17.12.030 Development Regulations

Table 17.12.030 prescribes development regulations for the Open Space and Agricultural Districts for permitted and conditionally permitted uses. Letters in parenthesis (e.g., (A)) refer to the regulations following the table. When in the "Additional Regulations" column, the regulations apply to all districts. When in just one district's column, the regulations apply only to that particular district. Regulations applicable to multiple districts are in Part IV of this Title.

TABLE 17.12.030: DEVELOPMENT REGULATIONS - OPEN SPACE AND AGRICULTURAL DISTRICTS				
	District			*Additional Regulations*
	OSPR	*OSAR*	*AG*	
Minimum Lot Area (acres)	N/A	N/A	AG-5: 5 AG-10:10 AG-40: 40	
Maximum Lot Coverage	5%	20%	Greenhouses are limited to 10% lot coverage. A larger lot coverage (up to 25%) may be permitted with a Major CUP.	
Maximum Building Height (ft.)	14	25	35	
Minimum Setbacks (ft.)				
Front	10	10	20	(A)
Interior Side	10	10	20	(A)
Street Side	• Lots less than 100 feet in width: 20% of lot width, min 10 • Lots 100 feet or more in width: Same as required front setback			(A)
Rear	10	10	20(B)	(A)
Parking	See Chapter 17.38, Parking and Loading			

A. **Required Setbacks.** Lots that contain one acre or less are subject to the setback regulations of the RS Single-Family Residential District.

B. **Reduced Rear Setbacks, Corner Lots Backing on Key Lots.** The rear setback for a corner lot backing up on a key lot may be reduced to the size of the required side setback for the key lot or ten feet, whichever is greater, provided the front, side, and rear setback area required by the applicable district regulations is not reduced. An accessory structure on a corner lot backing up on a key lot shall be setback from the rear property line by a distance equal to the side setback requirements applicable to the key lot.

Chapter 17.13 Reserved

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Chapter 17.14 Reserved

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Chapter 17.15 Reserved

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Part III:
Overlay Districts

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Chapter 17.16 -AE Airport Environs Overlay District

Sections:

17.16.010 Purpose
17.16.020 Applicability
17.16.030 Use Restrictions
17.16.040 Residential Interior Noise-Level Reduction
17.16.050 Regulations for Airspace Protection
17.16.060 Avigation Overflight Notification

17.16.010 Purpose

The purpose of the -AE Airport Environs Overlay District is to regulate land uses within the Airport Influence Area consistent with the adopted Airport Land Use Plan (ALUP) for Santa Barbara County, and to limit the height of structures and appurtenances (including vegetation) within these areas. The intent is to protect the safety of people both in the air and on the ground, to reduce and avoid noise and safety conflicts between airport operations and surrounding land uses, and to preserve navigable airspace around the Santa Barbara Municipal Airport.

17.16.020 Applicability

The standards and regulations of this Chapter apply within the Airport Influence Area of the Santa Barbara Municipal Airport shown on the Zoning Overlay Map. As used herein, "Airport" means the Santa Barbara Municipal Airport. Regulations in the -AE Overlay District modify and supplement the base zoning district regulations. In cases where the regulations of the -AE Overlay District conflict with the regulations of the base zoning district, the more restrictive regulations take precedence.

17.16.030 Use Restrictions

A. **General.** No use may be made of land or water within the -AE Overlay District in such a manner that would:

1. Create a "Hazard to Air Navigation," as determined by the Federal Aviation Administration (FAA);
2. Result in glare in the eyes of pilots using the airport;
3. Make it difficult for pilots to distinguish between airport lights and others;
4. Impair visibility in the vicinity of the airport;
5. Create steam or other emissions that cause thermal plumes or other forms of unstable air;
6. Create electrical interference with navigation signals or radio communication between the airport and aircraft;
7. Create an increased attraction for wildlife, which could pose bird strike hazards to aircraft in flight; or

8. Otherwise, in any way, endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

B. **Residential Uses.** The following restrictions apply to residential development in the -AE Overlay District:

1. ***Within the Clear Zone.*** No new residential development of any kind is allowed.

2. ***Within the One-Mile Marker.*** Residential development within the Approach Zones and also within the one-mile marker as shown on the Overlay Map is limited to new single-unit dwelling construction on existing recorded lots, and rebuilding and alteration projects that do not increase on-site residential density.

3. ***Within the Approach Zone but Outside the One-Mile Marker.*** New residential uses consistent with the ALUP are allowed.

C. **Non-Residential Uses.** All new non-residential uses within the Clear and Approach Zones consistent with the ALUP are allowed.

1. ***Prohibited Uses.*** The following uses are not permitted within the Airport Clear and Approach Zones unless such use is consistent with the ALUP.

a. Hazardous installations or materials such as, but not limited to, oil or gas storage and explosive or highly flammable materials.

D. **Runway 7 Safety Corridor.** Only the following may be permitted within the Runway 7 Safety Corridor:

1. Open Space.

2. Landscaping.

3. Roadways.

4. Parking.

17.16.040 Residential Interior Noise-Level Reduction

New residential development exposed to sounds above 60 Community Noise Equivalent Level (CNEL) shall incorporate adequate sound attenuation to assure that all structures have been designed to limit interior noise levels in any habitable room to 45 CNEL.

17.16.050 Regulations for Airspace Protection

A. **Height Limitations.** The criteria for determining the acceptability of a project with respect to height must be based upon the standards set forth in Title 14 of the Code of Federal Regulations (CFR) Part 77, Subpart C, Objects Affecting Navigable Airspace (14 CFR 77C). Additionally, where an FAA aeronautical study of a proposed object is required in accordance with 14 CFR 77C, the results of that study must be taken into account by the Review Authority.

1. ***Maximum Height.*** No object, including a mobile or temporary object, such as a construction crane, may have a height that would result in an obstruction within any of the imaginary surfaces depicted in the ALUP.

B. **FAA Notification.** Any person proposing construction or alteration within the -AE Overlay District must submit notification of the proposal to the FAA if such construction or alteration exceeds one of the following height standards:

1. 200 feet above ground level; or

2. The plane of an imaginary surface extending outward and upward at a slope of 100 to one for a distance of 20,000 feet from the nearest point of any runway.

17.16.060 Avigation Overflight Notification

A. **Avigation Easement Dedication.** An avigation easement for noise and safety must be dedicated to the City of Santa Barbara for any development within an Airport Clear Zone or Airport Approach Zone.

B. **Airport in Vicinity Notification Recordation.** An overflight notification consistent with the following must be recorded for any residential development within the Airport Influence Area.

1. ***Disclosure.*** The notification must contain the following language, as dictated by applicable law, with regard to real estate transfer disclosure:

a. *Notice of Airport in Vicinity.* This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

2. ***Notice.*** The notification must be made evident to prospective purchasers, lessees, and renters of the property and must appear on the property deed or Covenants, Conditions, and Restrictions (CC&Rs).

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Chapter 17.17 -AH Affordable Housing Overlay District

Sections:

17.17.010 Purpose
17.17.020 Applicability
17.17.030 Affordable Housing Requirement
17.17.040 Dwelling Unit Density
17.17.050 Increased Density with State Density Bonus Program

17.17.010 Purpose

The -AH Affordable Housing Overlay District is intended to enable development of affordable housing on the Central Hollister Affordable Housing Opportunity Sites, consistent with the General Plan. The -AH Overlay District serves to implement the General Plan Housing Element policy of providing new housing that addresses affordable housing needs in the City by establishing development regulations and incentives for designated housing opportunity sites.

17.17.020 Applicability

The standards and regulations of this Chapter apply to the Central Hollister Housing Opportunity Sites, as shown with an -AH extension on the Zoning Overlay Map. Except as provided in this Chapter, all standards and regulations in Chapter 17.28, Inclusionary Housing, also apply.

17.17.030 Affordable Housing Requirement

Any new residential development project in the -AH Overlay District that includes more than five dwelling units must provide units, as listed below. This requirement supersedes the percentage requirements for inclusionary housing, established in subsection 17.28.050, Inclusionary Housing Requirements, for projects not located in the -AH Overlay District.

A. **Affordability Housing Requirement by Income Category.** The provision of affordable housing shall be provided as follows:

1. 2.5 percent of the total number of units within the project must be provided at prices affordable to extremely low-income households.
2. 2.5 percent of the total number of units within the project must be provided at prices affordable to very low-income households.
3. Five percent of the total number of units within the project shall be provided at prices affordable to low-income households.
4. Five percent of the total number of units within the project shall be provided at prices affordable to moderate-income households.
5. Five percent of the total number of units within the project shall be provided at prices affordable to above moderate-income households earning 120 to 200 percent of the median income.

B. **No Reduction Allowed.** No reduction in these individual percentages is permitted for any reason.

17.17.040 Dwelling Unit Density

The following dwelling unit density standards apply in the -AH Overlay District:

A. **Minimum:** 20 units per acre.

B. **Maximum:** 25 units per acre.

17.17.050 Increased Density with State Density Bonus Program

All development in the -AH Overlay District is eligible to participate in the State density bonus program, under the provisions of Chapter 17.27, Density Bonuses and Other Incentives.

Chapter 17.18 -H Hospital Overlay District

Sections:

17.18.010 Purpose
17.18.020 Applicability
17.18.030 Permit and Processing Requirements
17.18.040 Additional Height
17.18.050 Lot Coverage

17.18.010 Purpose

The -H Hospital Overlay District is intended to support the needs of the Goleta Valley Cottage Hospital and related medical services.

17.18.020 Applicability

The standards of this Chapter apply to sites designated with an -H extension on the Zoning Overlay Map. Except as provided in this Chapter, all new structures and development as well as alterations to existing structures must comply with the requirements of the base district.

17.18.030 Permit and Processing Requirements

All new structures and development as well as alterations to existing structures within the -H Overlay District must be subject to Design Review Board approval. No permits for development within the -H Overlay District shall be issued except in conformance with an approved Development Plan.

17.18.040 Additional Height

The maximum allowable structure height is 55 feet for hospital buildings and 45 feet for medical office buildings, provided that no building exceeds three stories in height and the height is the minimum height necessary to comply with applicable State hospital construction standards and/or technical requirements.

17.18.050 Lot Coverage

The maximum lot coverage is 60 percent for hospitals and 50 percent for medical office buildings.

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Chapter 17.19 -OTH Old Town Heritage Overlay District

Sections:

17.19.010 Purpose
17.19.020 Applicability
17.19.030 Permit and Processing Requirements
17.19.040 Front Setback, Hollister Avenue Frontage

17.19.010 Purpose

The -OTH Old Town Heritage District Overlay is intended to guide development of designated prominent Old Town parcels to enhance the image of Old Town, ensure development of a distinctive and unified streetscape, and contribute to a more pedestrian-oriented downtown area.

17.19.020 Applicability

The standards of this Chapter apply to sites designated with an -OTH extension on the Zoning Overlay Map. Except as provided in this Chapter, all new structures and development, including signs, as well as alterations to existing structures must comply with the requirements of the Base District and the regulations applying to multiple districts contained in Part IV of this Title.

17.19.030 Permit and Processing Requirements

All new structures and development, including signs, as well as alterations to existing structures within the -OTH Overlay District are subject to Design Review by the Design Review Board, pursuant to Chapter 17.58. When conducting Design Review, the Design Review Board must find that the project is consistent with the Goleta Old Town Heritage District Architecture and Design Guidelines.

17.19.040 Front Setback, Hollister Avenue Frontage

A. **Zero Setback.** On -OTH designated parcels that have Hollister Avenue frontage, new structures must be built without setback from the front property line except that a setback is required to ensure ten feet between the face of gutter and the back of sidewalk.

B. **Exceptions.** Exceptions to the zero-setback requirement may be granted if it can be clearly demonstrated that the pedestrian character of the sidewalk and street frontage will be better maintained and enhanced by the alternative setback and design. Examples of such exceptions include setbacks for front yard patios and courtyards that enhance pedestrian access to retail commercial areas. The maximum allowed Hollister Avenue front setback is 15 feet.

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Chapter 17.20 Specific Plan (SP) Overlay Districts

Sections:

17.20.010 Purpose
17.20.020 Adopted Specific Plans

17.20.010 Purpose

The Specific Plan (SP) Overlay District is intended to identify locations within the City regulated by an adopted Specific Plan, in conformance with Chapter 17.68, Specific Plans.

17.20.020 Adopted Specific Plans

A. **Applicability.** Once adopted, a Specific Plan governs all use and development of properties within the bounds of that Specific Plan.

1. Where a Specific Plan is silent with regard to particular development standards, the provisions of this Title shall govern. The Director has the authority to determine which provisions of this Title apply where a Specific Plan is silent.

2. When a use is not specifically listed as permitted in the Specific Plan, the Director must assign the land use or activity to a classification that is substantially similar in character as appropriate. Land uses not listed in the Specific Plan as permitted or not found to be substantially similar to a permitted use are prohibited.

3. No discretionary entitlement applications or other permits may be approved, adopted, or amended within an area covered by a Specific Plan, unless found to be consistent with the adopted Specific Plan.

B. **Adopted Specific Plans.** The following is a list of the City's adopted Specific Plans.

1. ***Cabrillo Business Park Specific Plan (-CBPSP).*** See the Cabrillo Business Park Specific Plan on file with the City of Goleta.

2. ***Camino Real Marketplace Specific Plan (-CRMSP).*** See the Camino Real Specific Plan on file with the City of Goleta.

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Chapter 17.21 Reserved

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Chapter 17.22 Reserved

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Chapter 17.23 Reserved

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Part IV:
Regulations Applying to Multiple Districts

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Chapter 17.24 General Site Regulations

Sections:

17.24.010 Purpose and Applicability
17.24.020 Accessory Structures
17.24.030 Buffers Adjacent to Agricultural Districts
17.24.040 Architectural Projections into Setbacks
17.24.050 Development on Lots Divided by District Boundaries
17.24.060 Development on Nonconforming Lots
17.24.070 Drive-Through Facilities
17.24.080 Exceptions to Height Limits
17.24.090 Fences, Freestanding Walls, and Hedges
17.24.100 Grading and Grubbing
17.24.110 Heliports
17.24.120 Mixed-Use Development
17.24.130 Private Outdoor Storage
17.24.140 Trash, Recycling, and Green Waste Storage Areas
17.24.150 Reverse Vending Machines
17.24.160 Right to Farm Covenants
17.24.170 Screening of Mechanical Equipment
17.24.180 Solar Installations
17.24.190 Swimming Pools and Spas
17.24.200 Underground Utilities
17.24.210 Vision Clearance

17.24.010 Purpose and Applicability

The purpose of this Chapter is to establish development and site regulations that apply, except where specifically stated, to development in all zoning districts. These standards are to be used in conjunction with the standards for each zoning district located in Part II, Base Zoning District Standards and Allowed Uses. In any case of conflict, the standards specific to the zoning district will override these Citywide regulations.

17.24.020 Accessory Structures

A. **Applicability.** These provisions apply to all accessory structures. This Section does not apply to Accessory Dwelling Units, which are regulated by Section 17.41.030, Standards for Specific Uses and Activities – Accessory Dwelling Units (ADU).

B. **Permit Requirements.** Unless otherwise regulated under this Title, Accessory Structures are permitted based on the following:

1. ***Exempt.*** Accessory structures are exempt from permitting if all of the following requirements are met:

a. Does not exceed 12 feet in height;

b. The floor area or roof area of an open framework does not exceed 120 square feet;

c. No plumbing is required; and

d. The accessory structure does not require Design Review Board approval.

2. ***Zoning Clearance.*** Accessory structures require a Zoning Clearance if any of the following are met:

a. The height exceeds 12 feet;

b. The floor area or roof area of an open framework of greater than 120 square feet;

c. The accessory structure requires plumbing and does not otherwise require a Land Use Permit; or

d. The accessory structure requires Design Board Approval.

3. ***Land Use Permit or Coastal Development Permit.*** Accessory structures shall require a Land Use Permit or Coastal Development Permit if any of the following are met:

a. A Land Use Permit or Coastal Development Permit is specifically required under this Title; or

b. The type of accessory structures requires a Notice to Property Owner.

C. **Relation to Other Structures.** An attached or detached accessory structure may be constructed on a lot on which there is a primary use to which the accessory structure is related.

D. **Location.** All accessory structures must comply with the following standards:

1. ***Residential District Setbacks***.

a. *Front and Side Setbacks.* Accessory structures must conform to the setback regulations of the district, or as otherwise allowed under this Title.

b. *Rear Setbacks.*

i. If height greater than 12 feet. Accessory structures must conform to the setback regulations of the district, or as otherwise allowed under this Title.

ii. If height less than or equal to 12 feet. Accessory structures may be located no less than three feet from the rear lot line. In addition, located no closer than five feet from the principal structure, and occupy no more than 40 percent of the required rear setback area.

2. ***Non-Residential District Setbacks.*** Accessory structures must comply with the setbacks per the underlying zoning district.

3. ***Wind Machines.*** Wind machine structures are allowed only in the Agricultural Zone District and requires a Zoning Clearance.

a. *Additional Setbacks.* Where allowed, Wind Machines must be setback 100 feet from all lot lines.

E. **Height.** Accessory structures are subject to the height limitations specific to the zoning district in which they are located, except as provided below:

1. ***Residential Districts.*** Accessory Structures must be no greater than 16 feet in height. Additional height, up to the height limitation of the specific zone district in which they are located, may be permitted for accessory structures outside all setbacks, subject to Design Review by the Design Review Board and a Zoning Clearance.

F. **Size.** The floor area of an accessory structure shall not exceed 800 square feet. However, accessory structures may be attached to another accessory structure provided that the total floor area of the combined building does not exceed 800 square feet and there is no interior access between the structures.

G. **Limitations.**

1. There shall not be more than one accessory structure on a lot with habitable space.

2. Unless otherwise allowed within this Title, the following standards apply:

a. There shall not be any kitchen or cooking facilities within an accessory structure;

b. An accessory structure may contain a wetbar; and

c. An accessory structure may only contain one story.

H. **Notice to Property Owner (NTPO).** In addition to any other structures that require an NTPO pursuant to this Title, the following types of accessory structures require an NTPO:

1. Artist Studios;

2. Cabañas;

3. Guesthouses; and

4. Other accessory structures as determined by the Director.

17.24.030 Buffers Adjacent to Agricultural Districts

Development adjacent to any parcel within the Agricultural District must include an on-site buffer so as to avoid and minimize potential conflicts with adjacent agricultural zones.

A. **Width.** The standard setbacks of the base district apply and must not be encroached upon by any structure. An additional buffer may be required by the Review Authority on a site-specific basis at the time of approval of the development. Factors to consider when determining the width of an additional buffer include, but are not limited to:

1. The historical land use on the agriculturally zoned parcel;

2. The current crop type and agricultural practices on the agriculturally zoned parcel;

3. The future farming potential of the agriculturally zoned parcel;

4. The elevation and topographical differences of the two parcels;

5. The location of existing roads or naturally occurring barriers;

6. The extent and location of existing non-agricultural development;

7. The type of use proposed for the new development and the potential for that use to impact use of the adjacent agriculturally zoned parcel for agricultural purposes;

8. The site design of new development including the use of landscape screening that may be used within the buffer itself;

9. The lot size and configuration of the new development; and

10. The prevailing wind direction.

B. **Location.** The buffer from an agriculturally zoned parcel must be located on the lot where the new development is proposed along the shared lot line with the agriculturally zoned parcel.

C. **Additional Finding.** For any development on a parcel adjacent to an Agriculture District parcel, the following finding must be made in addition to any other required findings:

1. The standard setback and any additional buffer are sufficient to minimize potential conflicts with agricultural activities.

17.24.040 Architectural Projections into Setbacks

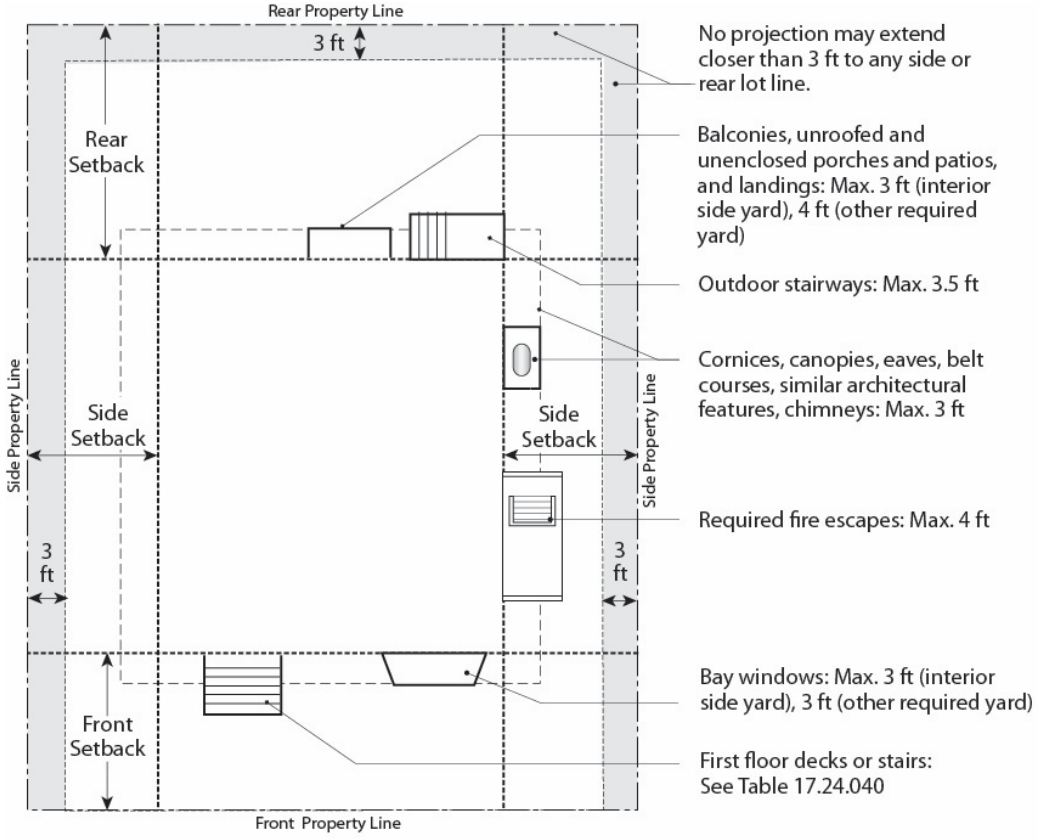
Architectural projections may extend into required setbacks, according to the standards of Table 17.24.040 below. The "Limitations" column states any dimensional, area, or other limitations that apply to such structures when they project into required setbacks. Notwithstanding the Table, no architectural project may project closer than five feet from any interior lot line.

TABLE 17.24.040: ALLOWED ARCHITECTURAL PROJECTIONS INTO SETBACKS

Projection	*Front or Street Side Setback (ft)*	*Interior Side Setback (ft)*	*Rear Setback (ft)*	*Limitations*
All projections	No projection may extend into a public utility easement.			
Cornices, canopies, eaves, belt courses, and similar architectural features; chimneys.	3	3	3	
Bay windows	3	3	3	Must not occupy more than one-third of the length of the building wall on which they are located and must be located at least 1 foot above finished grade.
Fire escapes required by law or public agency regulation	4	4	4	
Balconies, unroofed and unenclosed porches and patios, and landings	4	3	4	
Outdoor stairways	3.5	3.5	3.5	

TABLE 17.24.040: ALLOWED ARCHITECTURAL PROJECTIONS INTO SETBACKS				
Projection	*Front or Street Side Setback (ft)*	*Interior Side Setback (ft)*	*Rear Setback (ft)*	*Limitations*
Decks and stairs				
Less than 18 inches above ground elevation	6	2	Entire Setback	Must be open on at least three sides. No closer than 7 ft. to a street-facing property line or 3 ft. to an interior property line.
18 inches or more above ground elevation	3	2	3	
Ramps and similar structures that provide access for persons with disabilities	Reasonable accommodation will be made, consistent with the Americans with Disabilities Act; see Chapter 17.63, Reasonable Accommodation for Persons with Disabilities.			

FIGURE 17.24.040: ALLOWED BUILDING PROJECTIONS



17.24.050 Development on Lots Divided by District Boundaries

A. **Generally.** Where a lot is within two or more zoning districts, the regulations applicable to each zone district will be applied only to that portion of the lot area within that zone district.

B. **Minimum Lot Area and Width.** The minimum lot area and width requirements of the base zone district covering the greatest portion of the lot area will apply to the entire lot. If the lot area is

divided equally between two or more zones, the requirements of the district with greater minimum lot area and width will apply to the entire lot.

17.24.060 Development on Nonconforming Lots

Any lot or parcel of land that was legally created may be used as a building site even when consisting of less area, width, or depth than that required by the regulations for the zoning district in which it is located. However, no nonconforming lot can be further reduced in area, width, or depth, unless such reduction is required as part of a public improvement. Unless a Variance is approved, pursuant to Chapter 17.60, a nonconforming lot will be subject to the same setback, lot coverage, and density requirements as a standard lot.

17.24.070 Drive-Through Facilities

Drive-Through Facilities must be located, developed, and operated in compliance with the following standards:

A. **Approval Required.** All Drive-Through Facilities require the approval of a Major Conditional Use Permit.

B. **Circulation.** Drive-Through Facilities must provide safe, unimpeded movement of vehicles at street access points, in travel aisles, and parking areas.

C. **Pedestrian Walkways.** Interior pedestrian walkways must not intersect vehicle aisles, unless no alternative exists. In such cases, pedestrian walkways must have clear visibility, emphasized by enhanced paving or markings and comply with applicable Americans with Disabilities Act (ADA) requirements.

D. **Stacking.** Vehicular stacking areas must be provided to ensure vehicle queue will not interfere with public rights-of-way, pedestrian and ADA pathways, private streets, or with on- or off-site parking and circulation.

17.24.080 Exceptions to Height Limits

The standards of this Section apply to all new development and to all existing structures. The structures listed in Table 17.24.080 below may exceed the maximum permitted building height for the zoning district in which they are located, subject to the limitations stated in the Table limiting the height of the vertical projection above the structure it is on and further provided that no portion of a structure in excess of the building height limit may be used for sleeping quarters or advertising.

TABLE 17.24.080: ALLOWED PROJECTIONS ABOVE STRUCTURES

Structures Allowed Above the Height Limit	*Maximum Vertical Projection Above the Structure*	*Size and Location Limitations of Projection*
Skylights	1 foot	None
Solar energy systems	Subject to the provisions of Section 17.24.180, Solar Installations	
Other energy production or capture structure located on roof-tops	5 feet	None

TABLE 17.24.080: ALLOWED PROJECTIONS ABOVE STRUCTURES		
Structures Allowed Above the Height Limit	*Maximum Vertical Projection Above the Structure*	*Size and Location Limitations of Projection*
• Chimneys • Decorative features such as cupolas, pediments, obelisks, and monuments • Roof-top open space features such as sun decks, sunshade and windscreen devices, open trellises, and landscaping, excluding detached residential structures • Architectural features, such as spires, bell towers, and domes	20% of structure height	Limited to a total of 20% of roof area, including all structures and projections.
Elevator and stair towers (for multiple-unit and non-residential buildings only)	10 feet	No additional projections may be located above the tower.
Flagpoles	Subject to the provisions of Chapter 17.40, Signs	
Fire escapes, catwalks, and open railings required by law	No restriction	None
Parapets, excluding detached residential structures	4 feet	None
• Distribution and transmission towers, lines, and poles • Water tanks • Airway beacons	10 feet as an accessory structure; None as a principal use	Limited to 20% of the area of the lot, or 20% of the roof area of all on-site structures, whichever is less; No limit if principal use permitted in the district
Recreational Facility lighting	Up to a maximum of 60 feet in total height	None

17.24.090 Fences, Freestanding Walls, and Hedges

Fences, freestanding walls, and hedges must comply with the following standards.

A. **Measuring Height.** The height of structures or hedges subject to this Section shall be measured in conformance with subsection 17.03.090(C), Height – Measuring Height of Other Structures.

B. **Permit Requirements.**

1. ***Front Setbacks and Street Side Setbacks.*** Within the front and street side setbacks, or along the exterior boundaries of such setbacks, fences and freestanding walls may be allowed based on the following standards. Columns, gateposts, pilasters and entry lights may exceed the maximum height by two feet. However, no portion of the structure may encroach into a clearance triangle, pursuant to subsection 17.24.210(A).

   a. *Six Feet or Less.* Exempt.

   b. *More than Six Feet.* Land Use Permit or Coastal Development Permit.

2. ***Interior Side Setbacks and Rear Setbacks.*** Within interior side setbacks and rear setbacks, or along the exterior boundaries of such setbacks, fences and freestanding walls may be

allowed based on the following standards. Columns, gateposts, pilasters and entry lights may exceed the maximum height by two feet.

a. *Eight Feet or Less.* Exempt.

b. *More than Eight Feet.* Land Use Permit or Coastal Development Permit.

3. ***Other Parcel Locations.*** If located outside of required setbacks, the maximum height for fences and freestanding walls is eight feet, unless a higher fence or wall height is allowed pursuant to Design Review Approval.

4. ***Exceedance.*** A maximum of ten percent of the total linear length of a fence or freestanding wall may be allowed to exceed the heights specified above, where topographic or other unavoidable conditions will destroy its architectural integrity if held to the maximum height specified for its entire length.

5. ***Retaining Walls.*** Walls that are retaining earth only and that are less than four feet in height, as measured from the bottom of the footing to the top of the wall and do not require a Grading Permit, are exempt from requiring a Zoning Permit.

C. **Materials.**

1. ***Limitation on Concrete/Masonry Block.*** Plain, concrete block may not be the primary material along arterial streets. Concrete block must be split-face or finished with stucco and capped with a decorative cap or other decorative material.

2. ***Exterior Appearance.*** A fence or wall with one side having a more-finished or smoother appearance than the other side must have the side with the more-finished appearance facing the exterior of the lot and the supporting members facing the interior of the lot.

3. ***Vegetation.*** Hedges must be adequately maintained and shall be subject to the height standards of subsection (B)(1) above, but may exceed the height standards of subsection (B)(2) of this Section by an additional two feet. It is the responsibility of the property owner to ensure hedge heights are at or below the appropriate heights to ensure vision clearance and neighborhood compatibility and to avoid uncontrolled vegetation growth becoming a hazard or nuisance to the general public.

D. **Recreational Fencing.** Fencing located around tennis courts, basketball or volleyball courts, and similar areas up to 12 feet in height may be allowed outside of required setback areas.

E. **Vision Clearance.** Notwithstanding other provisions of this Section, fences, walls, hedges, and other similar or related structures must not obstruct visibility along roadways, intersections, and driveways, pursuant to Section 17.24.210. Any obstruction to visibility that creates a safety hazard must be removed.

F. **Hedge Amortization.** All nonconforming hedges may be continued and maintained for three months from the effective date of this Title. At the end of this three-month amortization period, such nonconforming hedges lose their status as nonconforming hedges and the property owner's maintenance of such a hedge above the legal height constitutes a violation of the provisions of this Title and shall be removed or brought into conformance with this Chapter.

17.24.100 Grading and Grubbing

This Section provides additional information for grading and grubbing activities that are not associated with a larger approved project, which are themselves cumulatively considered a project and subject to this Section.

A. **Permit Requirements.**

1. ***Exempt.*** The following grading and grubbing activities are exempt from Zoning Permits, pursuant to this Title:

    a. Grading on a single lot of less than 50 cubic yards, less than two feet in depth, and not within 500 feet of any sensitive habitat or protected resource.

    b. Grubbing on a single lot of less than 0.5 acre and not within 500 feet of any sensitive habitat or protected resource.

    c. The annual or semiannual plowing, tilling, preparation, and planting of land for ongoing farming and agricultural operations.

2. ***Zoning Clearance.*** The following grading and grubbing activities require a Zoning Clearance, pursuant to this Title:

    a. Grading of less than 50 cubic yards and within 500 feet, but not closer than 300 feet, of any sensitive habitat or protected resource.

    b. Grading activities occurring on two or more contiguous lots and less than 500 square feet in area.

    c. Grubbing of more than 0.5 acre, but less than one acre.

    d. Grubbing less than 500 feet, but not within 300 feet, of any sensitive habitat or protected resource.

3. ***Land Use Permit or Coastal Development Permit.*** The following grading and grubbing activities require a Land Use Permit or Coastal Development Permit, pursuant to this Title:

    a. Grading of 50 cubic yards or more.

    b. Grading activities requiring a Grading Permit from the City.

    c. Grading activities occurring on two or more contiguous lots and 500 square feet or more in area.

    d. Grading or grubbing within 300 feet of, but more than 100 feet from any ESHA or any other protected resource.

    e. Grubbing of more than one acre.

4. ***Major Conditional Use Permit.*** The following grading and grubbing activities require a Major Conditional Use Permit pursuant to this Title:

    a. Grading or grubbing within 100 feet of ESHA or any other protected resource.

17.24.110 Heliports

Heliports, including helipads and helistops, are limited to accessory uses and must be located, developed, and operated in compliance with the following standards.

A. **Permit Required.** Heliports require the approval of a Major Conditional Use Permit.

B. **Findings for Approval.** In addition to the requirements of Chapter 17.57, Conditional Use Permits, a heliport can only be approved if the following additional findings can be made:

1. The development conforms to the location criteria and standards of this Section and the requirements of the California Department of Transportation, Division of Aeronautics.

2. Santa Barbara Municipal Airport and/or the FAA confirms that proposed Heliport will not conflict with current airport operations.

3. The proposed facility obtains all required reviews and approvals by the California Department of Transportation Division of Aeronautics and/or the FAA.

4. The proposed operation of the helicopter facility does not pose a threat to public health, safety or general welfare, or to sensitive and protected environmental resources.

17.24.120 Mixed-Use Development

Mixed-use development must comply with the following standards for open space:

A. For Mixed-Use Development where no more than 40 percent of the total floor are of the development is devoted to residential use, a minimum of 60 square feet of open space per unit is required, which may be provided as restricted or common open space.

B. For Mixed-Use Development where 40 percent or more of the total floor are of the development is devoted to residential use, the open space requirements consistent with subsections (1)(b) and (2) of Section 17.07.050(B), Additional Development Regulations for RP, RM, and RH Districts – Open Space, must be met.

17.24.130 Private Outdoor Storage

Private Outdoor Storage of materials, including, but not limited to machines, equipment, and unregistered vehicles or parts, or goods for sale or use as part of a business outside of a residential or non-residential building for more than 72 hours must conform to the standards of this Section. The regulations of this Section do not apply to temporary storage of construction materials reasonably required for construction work on the premises pursuant to a Building Permit and to agricultural/farming equipment used for agriculture or farming on the property.

A. **Permitted Districts.** Table 17.24.130 below states where private outdoor storage is permitted.

TABLE 17.24.130: PRIVATE OUTDOOR STORAGE REGULATIONS BY DISTRICT AND LOCATION	
Districts	*Permissibility of Private Outdoor Storage*
Residential, Commercial, and Office	Not permitted. All storage must be within an enclosed building, except as allowed for Outdoor Sales or otherwise specifically permitted. Portable On-Demand Storage (PODS), shipping containers, and similar temporary storage

TABLE 17.24.130: PRIVATE OUTDOOR STORAGE REGULATIONS BY DISTRICT AND LOCATION	
Districts	*Permissibility of Private Outdoor Storage*
	containment qualify as an enclosed building and are subject to all development standards of Section 17.24.020, Accessory Structures.
Industrial and Public and Quasi-Public	Not permitted in front or street side setbacks. Permitted in interior side and rear setbacks, or outside of required setbacks, subject to the standards of this Section.
Agricultural	Permitted if associated with a permitted agricultural use, located outside of all required setbacks, and screened subject to the standards of this Section from adjacent residential properties and public rights-of-way.
Open Space	Not permitted.

B. **Screening.** Storage areas visible from public streets that are not separated from the street by intervening building(s) must be screened. Screening walls and fences must be high enough to sufficiently screen stored material. Fences and walls must not exceed the maximum allowable fence heights unless allowed pursuant to approval of a Minor Conditional Use Permit.

C. **Location.** Any use of outdoor storage containers (e.g., shipping containers, PODS, etc.) shall not be located within any required parking space, required landscape area or setback, and shall not impede emergency access to the site.

17.24.140 Trash, Recycling, and Green Waste Storage Areas

This Section establishes design and location standards for the construction of storage areas for refuse, solid waste, recycling, compost, organic, and green waste containers, which are all collectively referred to as "trash and recycling."

A. **General Requirements.** All trash and recycling must be placed in an appropriate receptacle. All garbage cans, mobile trash bins, receptacles, and all recycling materials and containers must have a lid, be maintained in good repair, and stored in accord with this Section.

B. **Collection and Containment.** All development must provide individual trash, recycling, and green waste containers or enclosures consistent with either the following:

1. ***Individual Trash, Recycling, and Green Waste Containers.*** Individual trash, recycling, and green waste containers for each dwelling unit or non-residential tenant may be provided as follows:

a. *Development Type.* Individual collection containers may be provided for:

i. Single-unit Dwelling.

ii. Multi-unit Dwellings where the Review Authority finds that the nature of the proposed development is such that the development will be adequately served with individual trash, recycling, and green waste containers.

iii. Non-residential development where the Review Authority finds that the nature of the proposed development is such that the development will be adequately served with individual trash and recycling containers.

b. *Location.* The trash and recycling containers must not be located within any required front setback, street side setback, any required parking and landscaped areas, or any other area required by this Title to be constructed or maintained unencumbered, according to fire and other applicable building and public safety codes.

c. *Visibility.* The trash and recycling containers must not be visible from a public right-of-way except as required for pick up as required by the trash and recycling haul operator.

2. ***Trash, Recycling, and Green Waste Container Enclosures.*** Trash, recycling, and green waste container enclosures are required for all new non-residential development except where the Review Authority finds the development will be adequately served with individual trash and recycling containers pursuant to subsection (B)(1) above.

a. *Size.* Trash and recycling enclosures must be sized to contain all trash, garbage, recyclables, and other waste generated on site based on the periodic pick up schedule by the City or its contracted trash and recycling collector(s).

b. *Location.* The trash and recycling storage area must be located outside of any required front setback, street side setback, any required parking and landscaped areas, any rear or interior side setback abutting an "R" Zone District parcel, or any other area required by this Title. Trash and recycling storage areas are to be maintained open, clear and unencumbered, pursuant to all applicable fire and building and public safety codes.

c. *Accessibility.* Trash and recycling storage areas must be directly accessible to trucks and equipment used by the trash and recycling collector(s). If feasible, access must have sufficient maneuvering areas, so collection equipment does not need to back into or out of the storage area.

d. *Screening.* Trash and recycling storage areas located outside of any building must be screened with a solid enclosure at least six feet in height and include a solid roof structure that fully shields the top of the container.

17.24.150 Reverse Vending Machines

Reverse Vending Machines must be located, developed, and operated in compliance with the following standards:

A. **Location.** Machines must be located adjacent or as near as feasibly possible, to the entrance of the commercial host use and must not obstruct pedestrian or vehicular circulation. Machines can be located against a wall, but not in parking areas.

B. **Identification.** Reverse Vending Machines must be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.

C. **Trash Receptacle.** Machines must provide a minimum 40 gallon garbage can for non-recyclable materials located adjacent to the vending machine.

17.24.160 Right to Farm Covenants

A. **Disclosure Requirement.**

1. ***Disclosure by Subdivider.*** The subdivider of any property located within 1,000 feet of land zoned or used for agriculture, within or outside of the City, must disclose, through a notation on the Final Map, within CC&Rs if prepared, and through the recordation of a separate acknowledgment statement on each individual deed describing the newly created lots, the presence of agricultural and appurtenant uses in the vicinity through the following or similar statement:

   "The property within this subdivision is located within 1,000 feet of land utilized or zoned for agricultural operations and residents/occupants of the property may be subject to inconvenience or discomfort arising from use of agricultural chemicals, including, without limitation, acaricides, fertilizers, fungicides, herbicides, insecticides, predacides and rodenticides; and from pursuit of agricultural operations, including, without limitation, crop protection, cultivation, harvesting, plowing, processing, pruning, shipping, spraying, and animal keeping and related activities, which may generate dust, light, noise, odor, smoke, and/or traffic. The City of Goleta has adopted policies to encourage and preserve agricultural lands and operations within and in the vicinity of the City. Residents/occupants of property should be prepared to accept inconveniences or discomfort as normal and necessary to properly conducted agricultural operations."

2. ***Disclosure Before Issuance of a Building Permit.*** Where a new structure intended for human occupancy is to be located on land that is located within 1,000 feet of land zoned or used for agriculture within or outside of the City, the owner must, before the City issues a building permit, sign and record a statement in a form equivalent to that specified in Paragraph (A)(1), Disclosure by Subdivider. In lieu of signing the statement required above, the owner may submit evidence that the statement in Paragraph (A)(1), Disclosure by Subdivider, has been made a part of subdivision documents creating the lot on which the structure is proposed and appears on the deed for each lot.

17.24.170 Screening of Mechanical Equipment

A. **Applicability.**

1. The standards of this Section apply to:
   a. New development.
   b. Replacement or new equipment that is added to serve existing buildings.
   c. Condominium conversions.
2. The standards of this Section do not apply to:
   a. Continued routine operation of existing equipment that serves existing buildings unless that equipment is the subject of a building code compliance case and is determined to be unsafe to operate and needs either replacement or repair, then subject to this Section.

b. Solar energy systems which are subject to Section 17.24.180, General Site Regulations – Solar Installations.

B. **General Requirements.** All exterior mechanical equipment, whether on a roof, on the side of a structure, or located on the ground, must be screened from public view. Exterior mechanical equipment to be screened includes, without limitation, heating, ventilation, air conditioning, refrigeration equipment, plumbing lines, ductwork, transformers, smoke exhaust fans, water meters, backflow preventers, service entry section, and similar utility devices.

1. Screening must be architecturally integrated into the main structure with regard to materials, color, shape, and size to appear as an integral part of the building or structure.

2. Equipment must be screened on all sides.

3. The use of expanded metal lath or chain link for the purpose of screening is prohibited.

C. **Requirements for Specific Types of Mechanical Equipment.** The following additional screening standards apply to the specified types of mechanical equipment:

1. ***Ground-Mounted Equipment.*** Ground-mounted equipment that faces a public viewing area must be screened to a height of 12 inches above the equipment and designed and painted to blend in with the surrounding area, unless such screening conflicts with utility access, in which case reasonable accommodation must be allowed. Acceptable screening devices consist of decorative walls, berms, and/or plant materials.

2. ***Exterior Wall Equipment.*** Screening for wall-mounted equipment, (e.g., electrical meters, cable-connection boxes, electrical distribution cabinets, etc.) must incorporate elements of the building design (e.g., shape, color, texture, material, etc.). For screen walls that are three feet in height or lower, vegetative materials may be substituted for the screening device. This requirement does not apply to equipment that has accessibility and visibility requirements for health and safety.

17.24.180 Solar Installations

This Section establishes development standards for solar energy systems.

A. **Permit Requirements.** Solar energy systems are exempt.

B. **Height and Setback.** No height or setback standards may be applied to solar energy systems.

17.24.190 Swimming Pools and Spas

This Section establishes standards for private swimming pools and spas that are not open to the general public. Public pools are subject to Chapter 17.57, Conditional Use Permits.

A. **Location.** Swimming pools, spas, and appurtenant structures must not be located in the front or street side setback and must not be closer than five feet of any property line.

B. **Equipment.** All equipment must be mounted and enclosed/screened so that its sound is in compliance with Chapter 17.39, Performance Standards.

C. **Safety.** Any construction of a new swimming pool or spa, or the remodeling of an existing pool or spa must comply with the California Health and Safety Code, Section 115922 et seq., also known as the Swimming Pool Safety Act.

17.24.200 Underground Utilities

For all new development, all electrical, telephone, cable television, fiber-optic cable, gas, water, sewer, and similar utility lines providing direct service to a project must be installed underground within the site. This requirement may be waived by the Review Authority upon determining that underground installation is infeasible, or the utility line is otherwise exempt from an undergrounding requirement.

17.24.210 Vision Clearance

A. **Clearance Triangle.** No wall, fence, or other structure may be erected, and no hedge, shrub, tree or other growth shall be maintained that will materially impede vision clearance within the road right-of-way for vehicular traffic, cyclists, and pedestrians.

1. ***Corner Lots.*** A hazard exists when a structure or vegetation exceeds the height of three feet within a triangle formed by the intersecting property lines nearest the streets and a straight line joining such property lines at points which are ten feet from the point of intersection, measured along such property lines.

2. ***Driveways.*** A hazard exists when a structure or vegetation exceeds the height of three feet within the triangle. The triangle is measured along the property line with roadway frontage from which access to the lot is taken and extends ten feet parallel to the public right-of-way and ten feet parallel to the driveway on both sides.

3. ***Other Considerations.*** The Review Authority may further limit the height of construction by the terms of any zoning entitlement in order to prevent impairment of vision clearance. In consultation with Public Works staff, the City may require vision clearance triangles greater than those detailed in this subsection in order to protect the health, safety, and general welfare of the public.

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Chapter 17.25 Coastal Access

Sections:

17.25.010 Purpose
17.25.020 Applicability
17.25.030 Access Location Requirements
17.25.040 Access Design Standards
17.25.050 Prescriptive Rights
17.25.060 Access Title and Guarantee
17.25.070 Mitigation of Impacts to Coastal Access

17.25.010 Purpose

This Chapter provides requirements for the dedication and improvement of public access to and along the Pacific Ocean coast for proposed development and new land uses within the Coastal Zone of the City. The intent of this Chapter is to ensure that public rights of access to and along the coast are protected as guaranteed by the California Constitution and in compliance with the California Coastal Act, consistent with private property right.

17.25.020 Applicability

A. **Protection of Existing Coastal Access.** Development must not interfere with public rights of access to the shoreline where the rights were acquired through use or legislative authorization. Public access rights may include the use of a path of safe pedestrian travel from dry sand and rocky beaches to the bluff or first line of terrestrial vegetation.

B. **Access Requirements.** Public access from the nearest public roadway to the shoreline and along the coast must be provided in new development projects, except where:

1. It would be inconsistent with public safety or the protection of fragile coastal resources;
2. Adequate permanent public access exists nearby;
3. Agriculture would be adversely affected;
4. Access at the site would be inconsistent with policies of the Local Coastal Program, other than those requiring access;
5. There is no clear nexus between the requirement for public access and the impacts of the new development project;
6. The required public access is not roughly proportional to the extent of the impacts of the development project;
7. Requiring or providing the access would be inconsistent with federal or State law; or
8. The activity is not considered development. Pursuant to this Section, development does not include the activities described below:
    a. Replacement of any structure pursuant to the provisions of subdivision (g) of California Coastal Act, Section 30610.

b. The demolition and reconstruction of a single-unit dwelling; provided that the reconstructed residence does not exceed either the floor area, height, or bulk of the former structure by more than ten percent, and that the reconstructed residence must be sited in the same location on the affected property as the former structure.

c. Improvements to any structure that do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than ten percent, which do not block public access, and which do not result in a seaward encroachment by the structure.

d. The reconstruction or repair of any seawall, provided however, that the reconstructed or repaired seawall is not seaward of the location of the former structure.

e. Any repair or maintenance activity for which the California Coastal Commission has determined, pursuant to Section 30610 of the California Coastal Act, a coastal development permit will be required, unless the Commission determines that the activity will have an adverse impact on lateral public access along the beach.

Nothing in this Section will be interpreted to restrict public access, nor will it excuse the performance of duties and responsibilities of public agencies that are required by California Government Code, Sections 66478.1 to 66478.14 and Section 4 of Article 3.5 of the California Constitution.

C. **Timing of Access Implementation.** The type and extent of public access to be dedicated and/or constructed and maintained, as well as the method by which its continuing availability for public use is to be guaranteed, must be established as provided by this Chapter at the time of planning permit approval.

1. ***Easement or In-Fee Dedication.*** Must occur before issuance of construction permits or the start of any construction activity requiring a permit.

2. ***Construction of Access Improvements.*** Must occur in tandem with construction of the approved development, unless another schedule is established through a planning permit condition of approval, or mitigation measure.

3. ***Interference with Public Use Prohibited.*** Following an offer to dedicate public access in compliance with this Section, the property owner must not interfere with use by the public of the areas subject to the offer before and after acceptance by the responsible party of the agency accepting the dedication.

17.25.030 Access Location Requirements

Vertical, lateral, and/or bluff-top access is required for all development in compliance with this Chapter and within the locations specified in the Local Coastal Program.

17.25.040 Access Design Standards

This Section provides standards for the appropriate design of coastal accessways and trails.

A. **Design Objectives.**

1. ***Design and Siting.*** Accessways and trails may be located within area of mapped or known ESHA, but must be sited and designed to:

   a. Minimize alteration of natural landforms, conform to the existing contours of the land, and to be subordinate to the character of their setting;

   b. Prevent unwarranted hazards to the land and public safety;

   c. Provide for the privacy of adjoining residences and to minimize conflicts with adjacent or nearby established uses; and

   d. Prevent damage to sensitive coastal resource areas to the maximum extent feasible.

2. ***Hazard Reduction.*** Coastal accessways and trails located in areas of high erosion hazard must be constructed and maintained in a manner that does not increase the hazard potential.

3. ***Correction of Existing Damage.*** Where appropriate, coastal accessways and trails must be designed to repair damage resulting from past use or other existing hazards and prevent such damage from reoccurring.

B. **General Design Standards.** Coastal accessways and trails must be designed in compliance with the following standards, where feasible. The review authority may modify these standards to provide greater protection of coastal resources.

1. ***Access Easement Specifications.*** Each public access easement offered for dedication for public use must be a minimum of 25 feet wide, or as close to that width as feasible.

2. ***Accessway Specifications.***

   a. *Width.* The area where public access is allowed within an easement may be reduced to the minimum necessary for pedestrian traffic to avoid:

      i. Adverse impacts on adjoining sensitive environmental areas;

      ii. Encroachment closer than ten feet to an existing residence; and/or

      iii. Hazardous topographic conditions.

   b. *Slope.* The preferred slope gradient for the walking surface of an accessway is zero to five percent, and in no case can it exceed eight percent.

   c. *Overhead Clearance.* The minimum overheard clearance for an accessway is seven feet.

3. ***Access for Persons with Disabilities.*** When feasible, wheelchair access to the ocean must be provided. Ramps must have dimensions and gradients consistent with current ADA requirements. Where beach access for disabled persons is provided, parking spaces for

disabled persons must also be provided in compliance with Chapter 17.38, Parking and Loading.

4. ***Residential Privacy.*** The design and placement of accessways and trails must provide for reasonable privacy of adjacent residences. Accessways may be wide enough to allow the placement of a trail, fencing, and a landscape buffer. A vertical accessway abutting a residential area may be fenced at the property line and restricted for use only during daylight hours.

5. ***Parking.*** Where public access sites are required, parking areas must also be provided, where feasible pursuant to Chapter 17.38, Parking and Loading.

6. ***Directional Signs.*** Appropriate signage directing the public toward vertical, lateral, and bluff-top trails and public parking must be placed in prominent locations along accessways.

    a. The City shall ensure that all public buildings and facilities comply with the same development standards and regulations as would be applicable to private development.

    b. Coastal access signs shall be provided at appropriate locations within street and highway rights-of-way to direct visitors to coastal access sites, including signs at appropriate locations along the California Department of Transportation right-of-way for Highway 101.

    c. Coastal access signs shall be provided at entrances to public coastal access parking lots.

7. ***Hazard Warnings.*** Proper warnings for potential hazards along coastal accessways and trails, such as steep cliffs, steps, or slopes, must be installed where necessary.

C. **Vertical Access.** All vertical accessways must comply with the following standards in addition to all other applicable requirements of this Section.

1. Sensitive habitat areas shall be avoided to the extent practicable in circumstances where there are feasible alternative alignments of vertical accessways.

2. Public access paths shall maintain a natural appearance and shall not be paved with impervious materials, except for segments that are intended to provide handicapped access or short segments to beach overlook points.

3. No structures shall be permitted on bluff faces except for vertical beach accessways.

4. Access to the beach shall be provided by natural trails or ramps down the face of the bluff rather than by concrete or wooden stairways. Railroad ties or a similar material may be used to provide stability to the access route and to reduce bluff erosion.

5. Where vertical access to the beach area is not feasible or appropriate, vertical accessways may terminate at a beach overlook or vista point.

6. Vertical accessways must be sited along the border of the development and extend from the public road right-of-way to the bluff's edge or shoreline; a different location may be approved if determined by the review authority to be more appropriate after considering site topography and the design of the proposed project.

7. If the proposed development includes residential structures, an accessway may not be sited closer than ten feet to any residential structure.

8. Vertical access must have a minimum width of ten feet to allow for pedestrian use of the corridor, but the required width may be reduced in compliance with subsection (B)(2), Accessway Specifications.

D. **Lateral Access.** All lateral accessways must comply with the following standards, in addition to all other applicable requirements of this Section.

1. Sensitive habitat areas shall be avoided to the extent practicable in circumstances where there are feasible alternative alignments of lateral accessways.

2. Except as expressly provided for the Juan Bautista de Anza Trail (in Policy OS 4), all lateral accessways shall be designed to use native beach or soil materials and have no more than the minimum width needed to accommodate the intended type(s) of users.

3. Lateral beach accessways shall be maintained in a natural condition free of structures and other constructed facilities and shall be limited to native sand supply.

4. Lateral beach accessways shall be sited, designed, managed to avoid and/or protect marine mammal hauling grounds, seabird and shorebird nesting and roosting sites, sensitive rocky points and intertidal areas, and coastal dunes.

5. New public beach facilities shall be limited to only those structures that provide or enhance public access and recreation activities. No structures shall be permitted on sandy beach areas.

6. All lateral shoreline access and recreation improvements shall be designed to minimize any adverse impacts to visual resources and shall be compatible with maintenance of a natural appearance.

7. Signs shall be designed to minimize impacts to scenic coastal resources and shall be limited to trail markers and regulatory and interpretive signs.

   a. Commercial signs are prohibited.

8. A lateral access easement extends from the mean high tide line landward to the base of the ocean bluff. Where there is no ocean bluff, the area must extend to the nearest non-beach natural feature.

9. A lateral access easement may not be closer than ten feet to an existing residence; however, in determining the appropriate separation of the accessway from private development, privacy for the adjacent residence will be considered.

E. **Bluff-top Access.** A lateral bluff-top access easement must have a minimum width of 25 feet, provided that the width within the easement where public access is allowed may be reduced in compliance with subsection (B)(2), Accessway Specifications. Average annual erosion rate for bluff retreat will be considered by the review authority when determining the width of the required lateral bluff-top access.

17.25.050 Prescriptive Rights

In areas where it has been established and documented that the public acquired a right of access through use, custom, or legislative authorization, development must not interfere with or diminish such public access. This requirement will be interpreted to allow flexibility in accommodating both new development and continuation of historic public parking and access.

17.25.060 Access Title and Guarantee

Where public coastal accessways are required by this Chapter, approval of a Coastal Development Permit will require guarantee of the access through either a deed restriction or dedication of right-of-way or easement approved by the City Attorney. Before issuance of a Coastal Development Permit, the access guarantee will be recorded in the office of the County Recorder, identifying the precise location and area to be set aside for public access. The method of access guarantee will be chosen according to the following criteria:

A. **Deed Restriction.** To be used only where an owner, association, or corporation agrees to assume responsibility for maintenance of and liability for the public access area, subject to approval by the Zoning Administrator.

B. **Grant of Fee Interest or Easement.** To be used when a public agency or private organization approved by the Zoning Administrator is willing to assume ownership, maintenance and liability for the access.

C. **Offer of Dedication.** To be used when no public agency, private organization, or individual is willing to accept fee interest or easement for accessway maintenance and liability. These offers will not be accepted until maintenance responsibility and liability are established.

17.25.070 Mitigation of Impacts to Coastal Access

New development, including expansions and/or alterations of existing development, shall be sited and designed to avoid impacts to public access and recreation along the beach and shoreline.

A. If there is no feasible alternative that can eliminate all access impacts, then the alternative that would result in the least significant adverse impact shall be required.

B. Impacts shall be mitigated through the dedication of an access and/or trail easement where the project site encompasses an existing or planned coastal accessway.

Chapter 17.26 Coastal/Inland Visual Resource Preservation

Sections:

17.26.010 Purpose
17.26.020 Applicability
17.26.030 Application Requirements
17.26.040 Scenic Views
17.26.050 Natural Landforms
17.26.060 Scenic Corridors

17.26.010 Purpose

The purpose of this Section is to provide standards for development on lots in both the Coastal Zone and Inland area of the City where additional design considerations are necessary to preserve significant scenic and public views that contribute to the overall attractiveness of the City and the quality of life enjoyed by its residents, visitors, and workforce and to implement the General Plan.

17.26.020 Applicability

This Chapter applies to all development located on or adjacent to a scenic and visual resource area within the City, as identified in the General Plan. Significant coastal visual resources include, but are not limited to the Pacific Ocean, the shoreline, beaches, dunes, coastal bluffs, and open coastal mesas. Significant inland visual resources include, but are not limited to the Santa Ynez Mountains, the Pacific Ocean, and the Channel Islands. In the event of any conflict between the provisions of this Chapter and any other provision of this Title, the development standards of this Chapter will govern.

17.26.030 Application Requirements

Development applications must provide adequate information to identify existing and future public views and demonstrate how the project proposes to avoid potential significant negative impacts to protected public views, viewing areas, and scenic corridors.

17.26.040 Scenic Views

Proposed development must be designed to preserve existing public views of scenic resources to the maximum extent feasible. While potential impacts to private views will be considered during the Design Review process, they do not have the same protections that are afforded to those public viewing areas, including scenic views depicted in Figure 6-1 of the General Plan.

A. **Design of Development.** The Design Review Board will review the design of the proposed development, including the location of structures and uses on the lot, the size, bulk, scale, and height of the structure(s), and existing and proposed landscaping to ensure that public views are identified and protected. Design alternatives that enhance, rather than obstruct or degrade existing public views, may be requested.

B. **View Protection Development Standards.** To minimize impacts to public views and ensure visual compatibility of new development, the following development practices must be used, where applicable:

1. Limitations on the height and width of structures where more than ten percent of a protected public view would otherwise be impacted;
2. Setbacks of ocean-fronting structures a distance sufficient to ensure that the structure does not infringe on views of the mountains from the beach;
3. Limitations on the height and use of reflective materials for exterior walls, including retaining walls and fences;
4. Clustering of building sites and structures;
5. Shared vehicular access to minimize curb cuts;
6. Use of appropriate landscaping for screening development but also minimizes impacts to public views of and from the ocean and mountains; and
7. Selection of colors and materials that harmonize with the surrounding landscape;
8. Stepping of buildings so that the heights of building elements are lower near the street and increase with the distance from the public viewing area;
9. Limitations on removal of native vegetation; and
10. Revegetation of disturbed areas.

17.26.050 Natural Landforms

Proposed development on or adjacent to natural features, including but not limited mature trees, native vegetation, drainage courses, prominent slopes, and bluffs, must be designed and sited to prevent adverse impacts on the visual quality of these resources as viewed from public streets and publicly accessible areas on public or private property.

A. **Design of Development.** The Design Review Board will review the design of the proposed development, including the location of structures and uses on the lot, the size, bulk, scale, and height of the structure(s), and existing and proposed landscaping to ensure that natural landforms are identified and protected. Design alternatives that enhance, rather than obstruct or degrade natural landforms, may be requested.

B. **Natural Landform Development Standards.** To minimize alteration of natural landforms and ensure that development is subordinate to surrounding natural features, the following development practices shall be used, where appropriate:

1. Limit grading for all development including structures, access roads, and driveways. Minimize the length of access roads and driveways and follow the natural contour of the land;
2. Blend graded slopes with the natural topography;
3. On slopes, step buildings to conform to site topography;
4. Minimize use of retaining walls;

5. Minimize vegetation clearance for fuel management;
6. Cluster building sites and structures; and
7. Share vehicular access to minimize curb cuts.

17.26.060 Scenic Corridors

Proposed development must be designed to preserve scenic corridors, as depicted in Figure 6-1 of the City's General Plan.

A. **Design of Development.** The Design Review Board will review the design of the proposed development, including the location of structures and uses on the lot, the size, bulk, scale, and height of the structure(s), and existing and proposed landscaping to ensure that the aesthetic qualities of scenic corridors shall be preserved through retention of the general character of significant natural features; views of the ocean, foothills, and mountainous areas; and open space associated with recreational and agricultural areas including orchards, prominent vegetation, and historic structures. Design alternatives that enhance, rather than obstruct or degrade existing scenic corridors, may be requested.

B. **Scenic Corridor Development Standards.** To minimize impacts to scenic corridors and ensure visual compatibility of new development, the following development practices must be used, where applicable:

1. Incorporate natural features in design;
2. Use landscaping for screening purposes and/or for minimizing view blockage as applicable;
3. Minimize vegetation removal;
4. Limit the height and size of structures;
5. Cluster building sites and structures;
6. Limit grading for development including structures, access roads, and driveways;
7. Minimize the length of access roads and driveways and follow the natural contour of the land;
8. Preserve historical structures or sites;
9. Plant and preserve trees;
10. Minimize use of signage;
11. Provide site-specific visual assessments, including use of story poles;
12. Provide a similar level of architectural detail on all elevations visible from scenic corridors;
13. Place existing overhead utilities and all new utilities underground; and
14. Establish setbacks along major roadways to help protect views and create an attractive scenic corridor. On flat sites, step the heights of buildings so that the height of building elements is lower close to the street and increases with distance from the street.

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Chapter 17.27 Density Bonuses and Other Incentives

Sections:

17.27.010 Purpose
17.27.020 General Provisions
17.27.030 Administration and Procedures

17.27.010 Purpose

The purpose of this Chapter is to:

A. Implement Housing Element policies of the General Plan that promote an increase in housing opportunities for households of all income categories, including populations such as farmworkers, seniors, and the disabled.

B. Establish procedures for providing density bonuses and other potential incentives or concessions consistent with State law to provide additional housing to meet the needs of the City.

17.27.020 General Provisions

A. **State Law Governs.** Persons seeking to construct affordable housing developments in accordance with this Title may utilize the density bonus allowances set forth in State Density Bonus Law, pursuant to California Government Code, Section 65915 et seq. Where a conflict occurs between the provisions of this Chapter and State law, the State law will govern.

B. **Compatibility.** All affordable housing units must be dispersed within market-rate projects whenever feasible. Affordable housing units within market-rate projects must be comparable with market-rate units in exterior appearance and use of materials.

C. **Availability.** All affordable housing units must be constructed and occupied concurrently with or before the construction and occupancy of market-rate units. In phased developments, inclusionary units may be constructed and occupied in proportion to the number of units in each phase of the residential development unless both the City and the developer agree in the Density Bonus Agreement to an alternative schedule for development.

D. **Density Bonus Agreement.** A Density Bonus Agreement will be made a condition of planning permit approval for all projects granted a density bonus, pursuant to this Chapter. Consistent with all applicable requirements of this Chapter, the Agreement must be recorded as a restriction on the parcel(s) on which the affordable housing units will be constructed.

E. **Effect of Granting Density Bonus.** The granting of a density bonus will not require a General Plan amendment, Local Coastal Program amendment, Zoning Ordinance or Map change, unless associated with development that otherwise would require such discretionary review and approval(s).

17.27.030 Administration and Procedures

A. **Application and Review Process.**

1. The applicant must request in the application the incentives or concessions the applicant wishes to obtain, together with financial data showing how the incentives are necessary to make the affordable units feasible. Applications will be reviewed and processed according to the provisions of Chapter 17.52, Common Procedures.

2. In accordance with State law, neither the granting of a density bonus nor the granting of a concession, incentive, waiver, or modification will be interpreted, in and of itself, to require a variance, zoning amendment, General Plan amendment, Local Coastal Program amendment, or any discretionary approval in addition to that required for the underlying housing development.

B. **Density Bonus Agreement Required.** All affordable housing projects receiving a density bonus or incentive require approval of a Density Bonus Agreement conforming to the provisions of Title 7, Division 1, Chapter 4, Article 4.3 of the Government Code. The Agreement must be recorded as a covenant on the title to the property. The Agreement must include, without limitation, the following:

1. ***Number of Units.*** The total number of units approved for the project, including the number of affordable housing units.

2. ***Unit Detail.*** The location, unit sizes (in square feet), and number of bedrooms of the affordable housing units.

3. ***Household Income Group.*** A description of the household income groups to be accommodated by the project and a calculation of the Affordable Rent or Sales Price.

4. ***Certification Procedures.*** The party responsible for certifying rents or sales prices of units, and the process that will be used to certify renters or purchasers of such units throughout the term of the agreement.

5. ***Schedule.*** A schedule for the completion and occupancy of both the affordable and the market-rate housing units.

6. ***Remedies for Breach.*** A description of the remedies for breach of the Agreement by either party.

7. ***Required Term of Affordability.*** The minimum duration of affordability of the housing units will be as provided by California Government Code, Section 65915(c)(1). Provisions must cover resale control and deed restrictions on affordable housing units that are binding on the property upon sale or transfer.

8. ***Expiration of Agreement.*** Provisions covering the expiration of the agreement, including notice prior to conversion to market rate units and right of first refusal option for the City and/or the public disclosure of accrued equity for for-sale units.

9. ***Common Interest Developments.*** In the case of common interest developments, the Agreement must provide for the following conditions governing the affordable housing units:

a. Affordable units must, upon initial sale, be sold to qualified purchasers at an Affordable Sales Price.

b. Upon resale, the seller of an affordable housing unit will retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The City will recapture its proportionate share of appreciation, which will be used to promote home ownership opportunities. The City's proportionate share will be equal to the percentage by which the initial sale price to the targeted household was less than the fair market value of the dwelling unit at the time of initial or most recent sale.

c. Affordable units may not be rented unless a hardship waiver is granted by the Director.

10. ***Rental Housing Developments.*** In the case of rental housing developments, the Agreement must provide for the following conditions governing the use of affordable housing units during the use restriction period:

a. The rules and procedures for qualifying tenants, establishing affordable rent rates, filling vacancies, and maintaining affordable housing units for qualified tenants;

b. Provisions requiring owners to verify tenant incomes and maintain books and records to demonstrate compliance with this Chapter; and

c. Provisions requiring owners to submit an annual report to the City, which includes the name, address, and income of each person occupying affordable housing units, and which identifies the bedroom size(s) and monthly rent or cost of each affordable housing unit. The City will ensure this information is not shared except for reporting purposes.

11. ***Other Provisions.*** Any other provisions necessary to ensure implementation and compliance with this Chapter, as determined by the City Attorney.

C. **Notice of Conversions.** Notice of conversions of affordable units to market-rate units after fulfilment of the Required Term of Affordability must be provided pursuant to the following requirements:

1. ***General.*** At least one-year notice is required prior to the conversion of any rental units for affordable households to market-rate.

2. ***Required Notice.*** Notice must be given to the following:

a. The City;

b. The California Department of Housing and Community Development;

c. The Housing Authority of the County of Santa Barbara;

d. The residents of the affordable housing units proposed to be converted; and

e. Any other person deemed appropriate by the City.

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Chapter 17.28 Inclusionary Housing

Sections:

17.28.010 Purpose and Intent
17.28.020 Applicability
17.28.030 Income Levels
17.28.040 Inclusionary Housing Unit Affordability
17.28.050 Inclusionary Housing Requirements
17.28.060 Inclusionary Housing Plan and Agreement
17.28.070 Eligibility and Selection for Inclusionary Units
17.28.080 Inclusionary Unit Restrictions
17.28.090 Construction Standards for Inclusionary Units
17.28.100 Adjustments and Waivers
17.28.110 Enforcement

17.28.010 Purpose and Intent

The purpose of this Chapter is to:

A. Implement Statewide policies to make available an adequate supply of housing for persons and households from all economic sectors of the community because persons with low and moderate incomes who work and/or live within the City are unable to locate housing at prices they can afford and are increasingly excluded from living in the City;

B. Support General Plan policies intended to promote and maintain balanced and economically diverse community with a mix of workplaces and residential uses that offer a variety of housing types to meet the needs of an economically diverse work force, thereby reducing both adverse impacts on air quality and energy consumed by commuting;

C. Avoid the depletion of limited land resources needed to accommodate the demand for housing that is affordable to low- and moderate-income households by requiring the development of affordable housing when market-rate units are constructed, which is a more efficient use of land;

D. Construct new affordable units on the same site as new market-rate construction and only when this is infeasible, provide comparable new or substantially rehabilitated affordable units at another site or similar neighborhood character;

E. Establish standards and procedures to implement the inclusionary housing requirements in a streamlined manner that complies with federal and State law; and

F. Provide additional incentives for the development of affordable housing units that exceed those to which developers are entitled under State law.

The primary intent of the inclusionary requirement is to achieve the construction of new affordable units on site. A second priority is construction of affordable units off site, or the transfer of sufficient land to the City or a City-approved affordable housing specialist or an in-lieu payment to the City. This Chapter may be implemented by way of a resolution adopted by the City Council.

17.28.020 Applicability

A. **Applicability.** The requirements of this Chapter apply to every residential development project that includes two or more housing units, unless exempt by subsection (B), below.

1. ***Compliance before Approvals, Issuances, Granting of Maps, Permits, Entitlements.*** Developers must comply with this Chapter before the City grants any ministerial or discretionary land use approvals for a Project.

2. ***Verification of Compliance.*** The Director cannot find a development application to be complete until the developer provides a written proposal demonstrating how the requirements of this Chapter will be met.

3. ***Sales and Rental of Inclusionary Dwelling Units.*** Each inclusionary dwelling unit required by this Chapter must be sold or rented in compliance with this Chapter and all applicable conditions of approval.

B. **Exempt Projects.** The following types of residential projects are exempt from the requirements of this Chapter:

1. Single-unit dwellings;

2. Projects that are developed pursuant to the terms of a development agreement executed prior to the effective date of this Title, provided that such residential developments must comply with any affordable housing requirements included in the development agreement or any predecessor Title in effect on the date the development agreement was executed;

3. An affordable, multiple-unit rental housing project that will be developed by a nonprofit housing provider receiving financial assistance from the City, so long as the project is maintained as an affordable project subject to an affordable housing agreement with the City;

4. Projects processed pursuant to Section 17.41.030, Accessory Dwelling Units (ADU);

5. Residential building additions, repairs, or remodels, provided that the work does not increase the number of existing units by more than one unit, excluding the addition of one or more ADUs;

6. Projects consisting of 100 percent affordable units in which rents are controlled or regulated by a government unit, agency, or authority, excepting those unsubsidized and/or unassisted units that are insured by the United States Department of Housing and Urban Development (HUD);

7. Projects that replace or restore residential units damaged or destroyed by fire, flood, earthquake, or other disaster; and

8. Units above the allowed density of a Zone District granted through a Density Bonus Agreement pursuant to Chapter 17.27, Density Bonus and Other Incentives.

17.28.030 Income Levels

For the purpose of determining the income levels for potentially eligible households under this Chapter, the City shall use the Santa Barbara County income limits found in Title 25, Section 6932 of the California

Code of Regulations, and regularly updated and published by the California Department of Housing and Community Development (HCD), or other income limits adopted by the City Council, if HCD fails to provide regular updates.

17.28.040 Inclusionary Housing Unit Affordability

A. **Base Requirement.** Multiple-unit project developers proposing projects of five or more units must provide 20 percent affordable units of the total number of units.

1. ***Affordability Levels.*** Projects qualifying for a 20 percent affordability level must provide:

a. 2.5 percent of the total number of units at prices affordable to extremely low-income households;

b. 2.5 percent affordable to very low-income households;

c. Five percent affordable to low-income households;

d. Five percent affordable to moderate-income households; and

e. Five percent affordable to above moderate-income households earning 120 to 200 percent of the median income in the County.

B. **Reduced Requirement.** The Review Authority may reduce the 20 percent affordability level to 15 percent upon making the required finding that a developer will provide a public benefit exceeding the requirements of this Title, including, without limitation, a new on-site or nearby public park or open space facilities exceeding the park and recreation dedication requirements established in Chapter 16.14 of Title 16, Subdivisions of the Goleta Municipal Code.

1. ***Affordability Levels.*** If the Review Authority reduces the affordability level in accordance with this Section, the Projects must provide:

a. One percent of the total number of units as affordable housing to extremely low-income households;

b. One percent of units to very low-income households,

c. Five percent of units to low-income households,

d. Four percent of units to moderate-income households, and

e. Four percent of units to above moderate-income households earning 120 to 200 percent of median income in the County.

17.28.050 Inclusionary Housing Requirements

The number of inclusionary housing units that a developer must construct in accordance with this Chapter is subject to the following:

A. **Applicability.** The percentage of inclusionary housing units required by this Chapter is applied to the total number of dwelling units proposed for a Project.

B. **Fractional Units.** In the event the calculation for the number of inclusionary units in any income category results in a fraction, the developer must account for inclusionary units as follows:

1. For projects of two to four units, the developer must make an in-lieu payment in an amount equal to the percentage represented by the fractional unit (out to two decimal places) for each income category multiplied by the applicable in-lieu payment amount for a full unit at that income level.

2. For projects of five or more units, in the event the calculation for the number of inclusionary units in any income category results in a fraction of an inclusionary unit, the developer has the option of either: (1) providing a full inclusionary unit within the residential development at the specific income level; or (2) combining fractional units at various income levels to sum a whole unit or units and build that unit or units at the low-income level. Any remaining fraction must be accounted for through an in-lieu payment in an amount equal to the percentage represented by the fractional unit multiplied by the applicable in-lieu payment amount. The amount of the in-lieu payment will be in direct proportion to the fractional unit out to two decimal places.

C. **Length of Term.** The term of affordability restrictions must be based on applicable federal laws and financing mechanisms, generally 45 to 55 years but not less than 30 years, and must provide for monitoring and reporting in a manner acceptable to the City.

1. ***Required Finding.*** If proposing an affordability restriction term of less than 45 years, the following finding must be made by the City Council:

a. The term of affordability of less than 45 years better serves the City's goals for affordable housing.

D. **Compliance Hierarchy and Findings.** Pursuant to subsection (B)(2) above, compliance with the requirement for inclusionary units must adhere to the following:

1. ***On-Site.*** Developers must provide affordable units on-site unless otherwise compliant with the findings in this Chapter.

2. ***Off-Site or Land Dedication.*** Developers may propose to provide affordable units on another site or meet the requirements of this Chapter by dedicating land for the construction of affordable housing.

a. *Off-site Development.* Off-site development must comply with the following requirements:

i. If units will be provided through partnership with a nonprofit housing agency, the partner must agree to all the provisions of this Chapter and be a signatory to the Inclusionary Housing Agreement and Affordability Control Covenants, as required by this Chapter.

ii. Inclusionary units must be regulated by a recorded agreement that requires maintenance of affordable housing units and an affordability covenant or deed restriction. The term of affordability restrictions must consistent with the length of term consistent with this Chapter.

b. *Land Dedication.* Land dedication must comply with each of the following:

i. The developer donates and transfers the land prior to recordation of the final subdivision map, or parcel map;

ii. The developable acreage and zoning classification of the land being transferred are sufficient to make the development of the affordable units feasible, as determined by the Director;

iii. The transferred land and the affordable units will be subject to a deed restriction in a form approved by the City Attorney ensuring continued affordability of the units;

iv. The land is transferred to the City or to an owner specializing in affordable housing construction approved by the City;

v. The transferred land is within the City; and

vi. A proposed source of funding for development of the affordable units is identified by the date of approval of the final subdivision map, or parcel map, as required by the Director.

c. *Required Findings.* If proposing either off-site development or a land dedication to meet the requirements of this Chapter, each of the following findings must be made by the City Council:

i. The development of on-site affordable units is infeasible.

ii. The off-site location is comparable in character and location to the market-rate development location.

3. ***Other Alternatives.*** If unable to provide the required affordable housing pursuant to this Chapter on-site, off-site, or through a land dedication, the developer may propose meeting this Section's affordable housing obligations by paying an inclusionary housing in-lieu payment, acquisition or rehabilitation of existing units, or other alternatives of equal value to the development of affordable units on site.

a. *In-Lieu Payment.* If providing an in-lieu payment, the developer must pay the amount in accordance with the following requirements:

i. Amount. The amount of the in-lieu payment must of equal value to the provision of the affordable units on site.

ii. Payment Due Before Occupancy Permit. The inclusionary housing in-lieu payment must be paid in full to the City prior to the City granting any approval for occupancy of the project, but no earlier than the issuance of the building permit.

iii. Density Bonus Eligibility. The payment of an inclusionary housing in-lieu payment pursuant to this Chapter is not considered a provision of an affordable housing unit for purposes of determining eligibility for a density bonus pursuant to Chapter 17.27, Density Bonuses and Other Incentives, or California Government Code, Section 65915 et seq.

b. *Acquisition and Rehabilitation.* If acquiring and rehabilitating existing units, the following requirements must be met:

i. The value of the rehabilitation work is 25 percent or more than the value of the dwelling unit prior to rehabilitation, inclusive of land value.

ii. The site is zoned for residential units at a density to accommodate the number of rehabilitated units.

iii. The rehabilitated dwelling units must comply with all applicable building codes.

iv. The acquisition and rehabilitation are included in the project description for the market-rate unit project and is included in environmental review.

v. The rehabilitation of dwelling units must be completed prior to or concurrently with the market-rate units.

vi. The developer of the market-rate units must provide all costs of notice and relocation of existing residence in the residential units to be rehabilitated.

vii. Except as otherwise provided in this Chapter or specified in an inclusionary housing agreement, inclusionary units must contain, on average, the same number of bedrooms, bathrooms, and square footage as the non-inclusionary units proposed. The units must be compatible with the market-rate units proposed with regard to appearance, materials, and exterior design.

c. *Required Findings.* If proposing an inclusionary housing in-lieu payment, acquisition or rehabilitation of existing units, or other alternatives of equal value to the development of affordable units on site dedication to meet the requirements of this Chapter, each of the following findings must be made by the City Council:

i. The development of on-site affordable units is infeasible.

ii. The developer demonstrates that the in-lieu payment, acquisition and rehabilitation of existing units, or other alternative is of equal value to the provision of the affordable units on site.

E. **Tradeoffs.** The Review Authority may approve tradeoffs of extremely low- and very low-income units for low- or moderate-income units.

1. ***Required Findings.*** If proposing tradeoffs pursuant to this Chapter, each of the following findings must be made by the City Council:

a. The development of on-site extremely low- and very low- income units is infeasible.

b. The developer provides substantial evidence to demonstrate that the City's housing goals can be more effectively achieved through the proposed tradeoffs.

17.28.060 Inclusionary Housing Plan and Agreement

Each residential development that is subject to this Chapter that will construct or acquire and rehabilitate affordable units must provide an Inclusionary Housing Plan in compliance with this Section.

A. **Inclusionary Housing Plan.** No development application will be deemed complete until an Inclusionary Housing Plan containing all of the following elements has been submitted in a form meeting the approval of the Director:

1. For each construction phase, the Affordable Housing Plan must specify, at the same level of detail as the application for the residential development: the inclusionary housing option selected; the number, unit type, tenure, number of bedrooms and baths, approximate location, size, and design; construction and completion schedule of all inclusionary units; phasing of inclusionary units in relation to market-rate units, and general outline of the marketing plan.
2. Identification of the affordable income level for the proposed inclusionary units.
3. Calculation of the proposed number of inclusionary units consistent with this Chapter.
4. A written explanation of the method for restricting the units for the required term at the affordable income levels.
5. If on-site development of affordable units is not proposed, supporting evidence demonstrating on-site development is infeasible.
6. If the developer proposes meeting this Section's affordable housing obligations by paying an inclusionary housing in-lieu payment, acquisition or rehabilitation of existing units, or other alternatives of equal value to the development of affordable units on-site pursuant to Section 17.28.050, Inclusionary Housing Requirements, supporting evidence demonstrating that the in-lieu payment, acquisition and rehabilitation of existing units, or other alternative is of equal value to the provision of the affordable units on site.
7. If the developer proposed tradeoffs of extremely low- and very low-income units for low- or moderate-income units, supporting evidence demonstrating that the development of on-site extremely low- and very low- income units is infeasible and that the City's housing goals can be more effectively achieved through the proposed tradeoffs.
8. Description of the methods to be used to verify tenant incomes and to maintain the affordability of the inclusionary units and must specify a financing mechanism for the ongoing administration and monitoring of the inclusionary units.
9. Any other information that may be requested by the Director to aid in the evaluation of the sufficiency of the plan under the requirements of this Chapter.

B. **Inclusionary Housing Agreement and Affordability Control Covenants.** Before the City issues a building permit or approves a final map, whichever occurs first, the developer must record an Inclusionary Housing Agreement that conforms to the requirements of Section 17.28.050, Inclusionary Housing Requirements, and a separate Affordability Control Covenant in a form approved by the City Attorney that complies with this Chapter.

C. **Owner-Occupancy Required.** All inclusionary units sold or rented to eligible households are subject to the following regulations. Compliance reporting shall be the responsibility of the property owner or affordable housing management entity in the case of rental units.

1. ***Principal Residence.*** The owner/renter must use and occupy the inclusionary unit as their principal place of residence.

2. ***No Rental of For-Sale Units.*** The owner is expressly prohibited from leasing or renting the inclusionary unit, unless the City has given its prior written consent to such lease or rental on the basis of a demonstrated hardship by the owner.

3. ***No Subleasing of Rental Units.*** An eligible renter is expressly prohibited from subleasing the inclusionary unit, unless the City has given its prior written consent to such sublease on the basis of a demonstrated hardship by the renter.

4. ***Reporting.*** The Director may require certification of continuing occupancy of the inclusionary unit by eligible households, which must be verified to the reasonable satisfaction of the Director by means of a written report to the Director, setting forth the income and family size of the occupants of the inclusionary unit. The property owner or housing management entity will be deemed in default of the Inclusionary Housing Agreement if failing to deliver such annual report within 30 days after receipt of written notice from the Director requesting such report and subject to enforcement pursuant to Section 17.28.120, Inclusionary Housing – Enforcement. The Director will have the option of establishing the type of form to be used for the report.

17.28.070 Eligibility and Selection for Inclusionary Units

A. **General Eligibility.** No household may purchase, rent, or occupy an inclusionary unit unless the City or City's designee has approved the household's eligibility based on income and affordability levels, as defined in California Health and Safety Code, Section 50105 and California Code of Regulations, Section 6932, and the household and City have executed and recorded an affordability housing covenant in the chain of title of the inclusionary unit.

B. **Owner Occupancy.** A household that purchases or rents an inclusionary unit must occupy that unit as a "principal residence" as that term is defined for federal tax purposes by the United States Internal Revenue Code, unless a hardship exception is approved by the Director.

C. **Ineligibility.** The following individuals, by virtue of their position or relationship, are ineligible to occupy an affordable housing unit created pursuant to this Section:

1. All employees and officials of the City or its agencies, authorities, or commissions who have, by the authority of their position, policy-making authority or influence over the implementation of this Chapter and the immediate family of such City employees and officials.

2. The immediate relatives of the developer or owner who sells or rents the home(s) for initial sale or rental to the first set of income eligible households.

D. **Selection.** The procedure for selection of eligible households for individual inclusionary units shall be determined by the City.

17.28.080 Inclusionary Unit Restrictions

A. **Initial Sales Price or Rent.** The initial sales price or rent of an inclusionary unit will be set in compliance with any affordable housing policy or resolution adopted by the City Council and/or an inclusionary housing agreement entered into with the City. The sales price or rent of each inclusionary unit is determined by the household income of the eligible household meeting the target income requirements specified in this Chapter that offers to purchase or rent that unit.

B. **Transfers and Conveyances.** A new affordability housing covenant will be entered into upon each change of ownership of an inclusionary unit and upon any transfer or conveyance (whether voluntarily or by operation of law) of an owner-occupied inclusionary unit.

C. **Resale Price.** The maximum sales price and qualifications of purchasers permitted on resale of an inclusionary unit must be specified in an affordability housing covenant to be approved by the City Attorney. The maximum sales price permitted on resale of an inclusionary unit intended for owner-occupancy shall not exceed the seller's purchase price, adjusted for the percentage increase in median income since the seller's purchase, plus the value of substantial structural or permanent fixed improvements to the property.

17.28.090 Construction Standards for Inclusionary Units

Inclusionary housing units built under the provisions of this Chapter must conform to the following standards:

A. **Design.** Except as otherwise provided in this Chapter or specified in an Inclusionary Housing Agreement, inclusionary units must contain, on average, the same number of bedrooms, bathrooms, and square footage as the non-inclusionary units in the development. The units must be compatible with market-rate units with regard to appearance, materials, and exterior design. The façades of inclusionary units must be constructed of the same materials as the market-rate units in the same development.

B. **Utilities.** Inclusionary units made available for purchase must include space and connections for a clothes washer and dryer within the unit. Inclusionary units made available for rent must include either connections for a clothes washer and dryer within the inclusionary unit or sufficient on-site, self-serve laundry facilities to meet the needs of all tenants without laundry connections in their units.

C. **Location.** All for-sale inclusionary units must be reasonably dispersed throughout the development and not clustered together or segregated in any way from market-rate units. For-rent inclusionary units may be clustered to facilitate third-party management.

D. **Timing.** All inclusionary units must be constructed and occupied concurrently with or before the construction and occupancy of market-rate units. In phased developments, inclusionary units may be constructed and occupied in proportion to the number of units in each phase of the residential development.

17.28.100 Adjustments and Waivers

A. **Application for Adjustments or Waiver.** The requirements of this Chapter may be modified or waived if the developer demonstrates to the City that application of this Chapter would constitute a taking of property in violation of the United States or California Constitutions.

B. **Developer Bears Burden to Present Evidence.** Any developer requesting an adjustment or waiver must submit documentation at the same time the developer files the project application presenting substantial evidence to support the request. The application must set forth in detail the factual and legal basis for any claim.

C. **Written Decision.** Before or in conjunction with its decision on the project, the City must render a written decision including findings within 90 days from the date the complete application is filed.

The decision may be appealed to the City Council in the manner provided in Chapter 17.52, Common Procedures. The City Council's decision is the City's final decision. A developer may appeal the decision to a court of competent jurisdiction within 90 days after the decision in accordance with Code of Civil Procedure, Section 1094.6.

17.28.110 Enforcement

A. **Enforcement Action.** In addition to the general remedies provided by this Title and other applicable law, the Director and City Attorney are authorized to take any appropriate enforcement action to ensure compliance with this Chapter, including, without limitation:

1. Actions to revoke, deny or suspend any permit, including a building permit, certificate of occupancy, or discretionary approval.
2. Actions to recover civil fines, restitution to prevent unjust enrichment from a violation of this Chapter, and/or enforcement costs, including attorney's fees.
3. Eviction or foreclosure.
4. Any other appropriate action for injunctive relief or damages.

B. **Compliance.** Failure of any public official, employee, or agent to fulfill the requirements of this Chapter does not excuse any person, owner, household, or other party from complying with the requirements of this Chapter.

Chapter 17.29 Demolition and Relocation

Sections:

17.29.010 Purpose
17.29.020 Applicability
17.29.030 Permit Requirements
17.29.040 Multiple-Unit Dwelling Demolition
17.29.050 Relocation of Structures

17.29.010 Purpose

The purpose of this Chapter is to provide procedures for proposed demolitions and relocations of buildings within both the Coastal Zone and Inland Area of the City.

17.29.020 Applicability

No structure in the City may be demolished, removed, or relocated, except as authorized under the provisions of this Chapter.

A. **Removal Considered Development.** For purposes of this Chapter, the removal of a structure for relocation to another lot is considered a demolition on the origin site and new development on the receiving site. Structures may be relocated subject to the requirements of Section 17.29.050, Relocation of Structures.

B. **Exemptions.** The following structures are exempt from the provisions of this Chapter:

1. Any structures that are less than 50 years old as long as they are not:
    a. Located within the Coastal Zone or within the Old Town Heritage Overlay District;
    b. On the City's local register of historic structures once established; or
    c. Identified as a historical resource under the California Environmental Quality Act (CEQA).
2. Any structure at least 50 years old where a historical determination states the structure is neither historically nor architecturally significant.
3. Notwithstanding anything to the contrary, if a building or structure is determined by the City's Building Official to be unsafe, present a public hazard, is not securable and/or is in imminent danger of collapse so as to endanger persons or property, it must be demolished. The Building Official's determination in this matter will be governed by applicable law.

17.29.030 Permit Requirements

Demolition or relocation of structures subject to this Chapter must obtain the following permit types:

A. **Coastal Zone.** All structures proposed for demolition or relocation that are located on property within the Coastal Zone of the City are subject to the permit requirements of Chapter 17.61, Coastal Development Permits.

B. **Inland Area.** All structures proposed for demolition or relocation that are located on property within the Inland Area of the City are subject to the following:

1. ***Zoning Clearance.*** Any demolition of a structure that is 50 years or more in age and is neither a protected historic resource nor within a buffer of any other protected resource (e.g., ESHA, Cultural, oak tree CRZ, etc.) and structures less than 50 years in the Old Town Heritage Overlay District.

2. ***Land Use Permit.*** Any demolition of a structure that is 50 years or more in age and is not a protected historic resource but is within the buffer area of a protected resource.

3. ***Discretionary Action.*** Any demolition associated with a permit application that involves other development that requires discretionary review and approval. The demolition must be concurrently processed as part of the overall project.

17.29.040 Multiple-Unit Dwelling Demolition

The City will not allow the demolition of any structure unless the applicant has complied with all of the following:

A. For multiple-unit dwelling structures, the final permit to commence construction for a replacement project has been issued, or the building or structure is exempt from this requirement pursuant to Section 17.29.020, Demolition and Relocation – Applicability.

B. Has received all necessary approvals from the City and any other agency with review authority over a project (e.g., Fire Department, Environmental Health Services, Air Pollution Control District, etc.).

17.29.050 Relocation of Structures

Structures may be relocated within the City if the following requirements are met:

A. The relocated structure must comply with all regulations of this Title, including all applicable development standards for the base zoning district of the property upon which the structure is proposed to be relocated.

B. Prior to relocating oversized structures using the public roadway, the approval of a City Encroachment Permit or a Single Trip Transportation Permit is also required by the Public Works Department.

Chapter 17.30 Environmentally Sensitive Habitat Areas

Sections:

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17.30.030 Application Requirements
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17.30.010 Purpose and Intent

The purpose of this Chapter is to establish standards for development that could impact Environmentally Sensitive Habitat Areas (ESHA) that are identified and mapped within the General Plan or meet the criteria for ESHA designation as specified in the General Plan and to describe the permit requirements and the review process for such proposed development. More specifically, this Chapter is intended to:

A. Protect, maintain, and enhance natural ecosystem processes and functions in Goleta's ESHA in order to maintain their natural ecological diversity.

B. Preserve, restore, and enhance the physical and biological integrity of Goleta's creeks and natural drainages and their associated riparian and creek-side habitats.

C. Protect, restore, and enhance coastal bluffs and dune areas.

D. Identify and protect wetlands, including vernal pools, as highly productive and complex ecosystems that provide special habitats for flora and fauna, as well as for their role in cleansing surface waters and drainages.

E. Protect and enhance other important aquatic and terrestrial habitats, including those associated with rare, threatened, or endangered species of plants or animals.

F. Protect marine aquatic habitats.

G. Protect monarch butterfly habitats.

17.30.020 Applicability

This Chapter applies to land use and development with the potential to have a direct or indirect effect on ESHAs that could negatively impact the protected sensitive resource. No new development, except as specifically identified in this Title, is allowed within an ESHA.

17.30.030 Application Requirements

A. **Initial Site Assessment Screening.** The Applicant must conduct an initial site assessment screening for all development proposals to determine the potential presence of ESHA within 300 feet of the development activity. The initial site assessment screening must include a review of reports, resource maps, aerial photographs, site inspection and additional resources as necessary to determine the presence of ESHA.

B. **Biological Study.** For any development activity within 300 feet of ESHA, or with the potential to adversely impact ESHA, a site-specific biological study must be prepared. The biological study must address all relevant General Plan policies and may be peer reviewed, at the Director's discretion. All costs of the biological study and any peer review are borne by the applicant.

1. The biological study must contain a topographic map at an appropriate scale and contour interval that adequately delineates the boundaries of creek beds and banks, wetlands, native riparian and upland vegetation, vegetation driplines, and ESHA boundaries. The map must clearly show areas that would be directly impacted by project construction and development footprints.

2. The biological study must confirm the extent of the ESHA, document any site constraints and the presence of other sensitive resources. The study must use all required ESHA buffers, discuss the timing of proposed development, analyze potential impacts to all protected sensitive resources, and provide other information, analysis or potential project revisions or modifications necessary to protect the nearby resources to the maximum extent feasible.

3. The biological study must provide alternatives and mitigation measures to avoid significant impacts to ESHA, and any finding that there is no feasible alternative to avoid ESHA impacts must be supported by substantial evidence in the analysis of the study. Where habitat restoration or mitigation is required to eliminate or offset potential impacts to an ESHA, a detailed Restoration and Monitoring Plan is required, as provided later in this Section.

4. The biological study must also describe the flora and/or fauna known to occur or having the potential to occur on the site, including specific discussion for any sensitive species with protected status.

5. Where trees suitable for nesting, roosting, or significant foraging habitat are present, a formal raptor survey must be conducted as part of the biological study. The study must include an analysis of the potential impacts of the proposed development on the identified habitat or species, an analysis of project alternatives designed to avoid or minimize those impacts.

6. Where the Initial Site Assessment indicates the presence or potential for wetland species or indicators, the Biological Study must include a wetland delineation of all wetland areas

on the project site. A preponderance of hydric soils or preponderance of wetland indicator species will be considered presumptive evidence of wetland conditions. At a minimum, the wetland delineations must contain:

a. A map at a scale of 1":200' or larger showing topographic contours.

b. An aerial base map.

c. A map at a scale of 1":200' or large with polygons delineating all wetland areas, polygons delineating all areas of vegetation with a preponderance of wetland indicator species, and the locations of sampling points.

d. All area 100 feet upland of the extent of the wetland.

e. A description of the survey methods and surface indicators used for delineating the wetland polygons.

f. A statement of the qualifications of the person preparing the wetland delineation.

7. Where the Initial Site Assessment indicates the presence or potential for monarch butterfly ESHA, the Biological Study must include a Monarch Butterfly Protection Plan. At a minimum, the Plan must contain:

a. The mapped location of the cluster of trees where monarchs are known, or have been known, to roost in both autumnal and over-wintering aggregations.

b. An estimate of the size of the population within the colony.

c. The mapped extent of the entire habitat area.

d. The boundaries of the buffer zone around the habitat area.

8. The research and survey methodology used to complete the study must also be provided.

9. The biological study must be prepared by a professional biologist and have been completed within two years of the date of submittal of the application.

C. **Scale of Plans.** The Site Plan and Grading Plan must be of a scale and contour interval to adequately depict the proposed work and delineate environmental features on the site.

D. **Restoration and Monitoring Plan.** Where required, a Restoration and Monitoring Plan must be prepared by a professional biologist and include the following:

1. A clear statement of the goals for ESHA habitat restoration. Characterization of the desired habitat, including an actual habitat, that can act both as a model for the restoration and as a reference site for developing success criteria must be included.

2. Sampling of reference habitat using the methods that would be applied to the restoration site with reporting of resultant data.

3. Quantitative description of the chosen restoration site.

4. Requirements for designation of a qualified restoration biologist as the restoration manager who will be responsible for all phases of the restoration. Phases of the restoration may not be assigned to different contractors without on-site supervision by the restoration manager.

5. A specific Grading Plan if the topography is proposed to be altered.

6. A specific Erosion Control plan if soil or other substrate would be significantly disturbed during the course of the restoration.

7. A Weed Eradication Plan designed to eradicate existing weeds and to control future invasion by exotic species that is carried out by hand weeding and supervised by a licensed biologist.

8. A Planting Plan that specifies a detailed plant palette based on the natural habitat type that is the model for the restoration, using local native and non-invasive stock and requiring that if plants, cuttings, or seed are obtained from a nursery, the nursery must certify that they are of local origin and are not cultivars. The Planting Plan should provide specifications for preparation of nursery stock and include technical details of planting methods (e.g., spacing, mycorrhizal inoculation, etc.).

9. An Irrigation Plan that describes the method and timing of watering and ensures removal of watering infrastructure by the end of the monitoring period.

10. An Interim Monitoring Plan that includes maintenance and remediation activities, interim performance goals, assessment methods, and schedule.

11. A Final Monitoring Plan to determine whether the restoration has been successful that specifies all of the following:

    a. A basis for selection of the performance criteria;

    b. Types of performance criteria;

    c. Procedure for judging success;

    d. Formal sampling design;

    e. Sample size;

    f. Approval of a final report; and

    g. Provision for possible further action if monitoring indicates that initial restoration has failed.

17.30.040 Development and Mitigation of Impacts

A. No new development, is allowed within an ESHA or ESHA buffer.

1. ***Exception.*** New Capital Improvement Program projects, public accessways and trails, habitat restoration and enhancement projects when consistent with subsections 17.30.060(G) and 17.54.020(A)(6), and nature education and research activities.

B. New development must minimize impacts to habitat values or sensitive species to the maximum extent feasible. Native vegetation must be provided in buffer areas to serve as transitional habitat. All ESHA buffers must be of a sufficient size to ensure the biological integrity and preservation of the ESHA they are designed to protect.

C. Unless stated elsewhere in this Title or in the General Plan, new development must be sited and designed to avoid impacts to ESHAs. If there is no feasible alternative that can eliminate all impacts, then the alternative that would result in the fewest or least significant impacts must be

selected. Any impacts that cannot be avoided must be fully mitigated, with priority given to on-site mitigation. Mitigation must be fully mitigated at a 3:1 ratio, unless otherwise specified in this Chapter.

D. Off-site mitigation measures will only be approved when it is not feasible to fully mitigate impacts on site. If impacts to on-site ESHAs occur in the Coastal Zone, any off-site mitigation area must also be located within the Coastal Zone.

E. All mitigation sites must be monitored for a minimum period of five years following completion of installation, with changes made as necessary based on annual monitoring reports.

F. Sites with required mitigation will be subject to deed restrictions and performance securities in a form acceptable to the City (e.g., bonds, letter of credit, etc.), in the amount of 125 percent of the estimated costs of mitigation to guarantee completion. The performance security will be released upon the City's final inspection of the completed mitigation.

17.30.050 Development Standards

All development must be designed and located to avoid disruption or degradation of habitat values. This standard requires that any project that has the potential to cause adverse impacts to an ESHA be redesigned, reduced in size, or relocated so as to avoid the impact or reduce the impact where complete avoidance is not possible.

A. Proposed site designs must preserve wildlife corridors or habitat networks. Corridors must be of sufficient width to protect habitat and dispersal zones for small mammals, amphibians, reptiles, and birds.

B. Land divisions are only allowed if each new lot being created, except for open space lots, is capable of being developed without building in any ESHA or ESHA buffer and without any need for impacts to ESHAs related to fuel modification for fire safety purposes.

C. Site plans and landscaping must be designed to protect ESHAs. Landscaping, screening, or vegetated buffers, must retain, salvage, and/or re-establish vegetation that supports wildlife habitat whenever feasible. New development must incorporate design techniques that protect, support, and enhance wildlife habitat values. Planting of non-native, invasive species within ESHA or ESHA buffers must not be permitted.

D. New development must not degrade water quality, including the ocean, lagoons, creeks, ponds, wetlands, or any other waterbody. Pollutants that could adversely affect protected, sensitive resources shall not be discharged or allowed to flow off site.

E. All new development must be sited and designed to minimize grading, alteration of natural landforms and physical features, and vegetation clearance in order to reduce or avoid soil erosion, creek siltation, increased runoff, and reduced infiltration of stormwater, and to prevent net increases in baseline flows for any receiving water body.

F. Light and glare from new development must be controlled and directed away from wildlife habitats. Exterior night lighting must be minimized, restricted to low-intensity fixtures, shielded, and directed away from ESHAs, consistent with the requirements and standards in Chapter 17.35, Lighting.

G. All new development must minimize potentially significant noise impacts on special-status species, consistent with the requirements of Chapter 17.39, Performance Standards.

H. All new development must be sited and designed to minimize the need for fuel modification or weed abatement for fire safety in order to preserve native and/or non-native supporting habitats. Development must use fire-resistant materials and incorporate alternative measures, such as firewalls and landscaping techniques that will reduce or avoid fuel modification activities.

I. The timing of construction activities must be controlled to minimize potential disruptions or impacts to wildlife during critical time periods, such as nesting or breeding seasons.

J. Grading, earthmoving, and vegetation clearance within or adjacent to ESHA is prohibited during the rainy season, generally from November 1st to March 31st, except:

1. Where necessary to protect or enhance the ESHA itself; or

2. Where erosion control measures and best management practices (BMPs), such as sediment basins, silt fencing, sandbagging, or installation of geo-fabrics have been incorporated into the project, approved by the City, and installed prior to any grading operations; or

3. Where necessary to remediate hazardous flooding or geologic conditions that endanger public health and safety.

17.30.060 Management of ESHAs

The following standards apply to the ongoing management of ESHAs:

A. The use of insecticides, herbicides, artificial fertilizers, or other toxic chemical substances that have the potential to degrade ESHAs shall be prohibited within and adjacent to ESHA, except where part of an approved project that protects, restores, or enhances the ESHA itself.

B. Mosquito abatement must be limited to the implementation of the minimum measures necessary to protect human health and must be undertaken in a manner that minimizes adverse impacts to the ESHAs.

C. Weed abatement, brush-clearing, and fire fuel reduction activities for fire safety purposes must be the minimum that is necessary to accomplish the intended purpose. Techniques will be limited to mowing and other low-impact methods, such as using hand crews for brushing, tarping, and hot water/foam for weed control. Disking is prohibited.

D. Where there are feasible alternatives, existing sewer lines and other utilities that are located within an ESHA must be taken out of service, abandoned in place, and replaced by facilities located outside the ESHA to avoid degradation of the ESHA resources.

E. Removal of non-native, invasive plant species within ESHAs may be allowed and encouraged, unless the non-native plants significantly contribute to habitat values.

F. The following flood management activities may be allowed in creek and creek protection areas: desilting, obstruction clearance, minor vegetation removal, and similar flood management methods.

G. Habitat restoration or enhancement projects that are not subject to subsection 17.54.020(A)(6), Zoning Clearance, shall be subject to review and approval of a Minor Conditional Use Permit.

17.30.070 Streamside Protection Areas

A. **Purpose and Applicability.** The purpose of a Streamside Protection Area (SPA) designation in the General Plan is to preserve and enhance the SPA in order to protect the associated riparian habitats and ecosystems as well as the water quality of streams. The SPA consists of the riparian vegetation in the buffer area adjacent to streams.

B. **Required SPA Buffer.** The SPA upland buffer must be 100 feet outward on both sides of the stream, measured from the top of the bank or the outer limit of the riparian vegetation, whichever feature is further from the creek. The Review Authority may expand or reduce the upland buffer, or portions thereof, on a case-by-case basis, as provided in this Section.

C. **Reduction in the SPA Buffer.**

1. Upon request of an applicant, the Review Authority may allow portions of a SPA upland buffer to be less than 100 feet, as such measurement is prescribed in paragraph B above, but not less than 25 feet, with approval of a Major Conditional Use Permit, provided the Review Authority finds, on the basis of substantial evidence in the record, that:

    a. The reduction in the SPA upland buffer will not have a significant adverse effect on streamside vegetation or the biotic quality of the stream;

    b. There is no feasible alternative siting for the proposed project that will avoid an incursion into the SPA upland buffer;

    c. In the absence of a reduction in the SPA upland buffer, the applicant cannot make reasonable economic use of the parcel; and

    d. The approved amount of reduction in the SPA upland buffer is no greater than necessary to allow a reasonable economic use of the parcel.

2. Upon receipt of an application for an SPA upland buffer reduction, the Director may direct preparation by a City-selected consultant of a Biological Report, an economic/financial analysis and/or any other study or report the Director deems necessary in his or her reasonable discretion, at the applicant's expense, to assist the Review Authority in making the above findings. At the request of the Director, the applicant shall provide information that the Director deems necessary, in his or her reasonable discretion, to produce the above-referenced studies or reports, including but not limited to financial data, land appraisal data, acquisition cost, land development/construction cost data, prospectuses, and financial/revenue projections. The application will not be deemed complete until the required reports are completed to the Director's satisfaction.

D. **Expansion of the SPA Buffer.** In connection with consideration of any discretionary entitlement for a parcel adjoining a creek, the Review Authority may expand the SPA upland buffer beyond 100 feet as necessary to avoid a significant adverse effect on streamside vegetation or the biotic quality of the stream. The buffer may be expanded provided that the applicant may still make reasonable economic use of the parcel.

E. **Allowable Uses within SPAs.** The following compatible land uses may be allowed within SPAs, subject to certain limitations and permit requirements of this Title, including those requiring avoidance or mitigation of impacts:

1. Agricultural operations, provided they are compatible with preservation of riparian resources.
2. Fencing and other access barriers along property boundaries and along SPA boundaries.
3. Maintenance of existing roads, driveways, utilities, structures, and drainage improvements.
4. Construction of public road crossings and utilities, provided there is no feasible, less environmentally damaging alternative.
5. Construction and maintenance of foot trails, bicycle paths, and similar low-impact facilities for public access.
6. Resource restoration or enhancement projects.
7. Nature education and research activities.
8. Low-impact interpretive and public access signage.
9. Other Public Works projects, as identified in the Capital Improvement Plan, only where there are no reasonably feasible, less environmentally damaging alternatives.

17.30.080 Dedication of Easements or Other Property Interests

In new subdivisions of land, SPAs must not be included within developable lots. SPAs must be located within a separate parcel or parcels, unless the subdivider demonstrates that it is not feasible to create a separate open space lot for the SPA. An easement or deed restriction must be required that limits the types of uses allowed within or upon the open space lot to those set forth in subsection 17.30.070(C) above.

17.30.090 Protection of Wetlands Within the Coastal Zone

The biological productivity and the quality of wetlands must be protected and, where feasible, restored in accordance with the federal and State regulations that apply to wetlands within the Coastal Zone. Only uses permitted by the regulating agencies are allowed within wetlands.

A. **Filling, Diking, or Dredging.** The filling, diking, or dredging of open coastal waters, wetlands, estuaries, and lakes is prohibited, unless it can be demonstrated that:

1. There is no feasible, environmentally less damaging alternative to wetland fill, as determined through environmental review under CEQA;
2. The extent of the fill is the least amount necessary to allow development of the permitted use;
3. Mitigation measures have been incorporated into the project design or are included in conditions of approval to minimize adverse environmental effects; and
4. The purposes of the fill are limited to: incidental public services (e.g., burying cables or pipes, etc.); restoration of wetlands; and nature study, education, or similar resource-dependent activities.

B. **Required ESHA Buffer.** A wetland buffer is required to ensure the biological integrity and preservation of the wetland is required. The buffer area must serve as transitional habitat with

native vegetation and must provide physical barriers to human intrusion while still allowing wildlife passage.

1. Generally, the required wetland buffer shall be at least 100 feet in width, but in no case shall the wetland buffer be less than 50 feet in width.

2. The Review Authority must consider the type and size of the development; the sensitivity of the wetland resources to detrimental edge-effects of the development to protected resources; natural features such as topography, the functions and values of the wetland; and the need for upland transitional habitat.

3. In no case shall the 100-foot minimum wetland buffer area be reduced in width by the Review Authority when it serves the function of slowing and absorbing water for flood and erosion control, sediment filtration, water purification, and groundwater recharge.

17.30.100 Protection of Wetlands Outside the Coastal Zone

A. **Filling of Wetlands.** The biological productivity and the quality of inland wetlands must be protected and, where feasible, restored. The filling of wetlands outside the Coastal Zone is prohibited, unless it can be demonstrated that:

1. The wetland area is small, isolated, not part of a larger hydrologic system, and generally lacks productive or functional habitat value;

2. The extent of the fill is the least amount necessary to allow reasonable development of a use allowed this Title; and

3. Mitigation measures are incorporated into the project design, or are included in conditions of approval, to minimize adverse environmental effects, including restoration or enhancement of habitat values of wetlands at another location on the site, or at another appropriate off-site location within the City.

B. **Required ESHA Buffer.** A wetland buffer is required to ensure the biological integrity and preservation of the wetland is required. The buffer area must serve as transitional habitat with native vegetation and must provide physical barriers to human intrusion while still allowing wildlife passage.

1. The required wetland buffer shall be no less than 50 feet in width.

2. The Review Authority must consider the type and size of the development, the sensitivity of the wetland resources to detrimental edge-effects of the development to the resources, natural features such as topography, the functions and values of the wetland, and the need for upland transitional habitat.

17.30.110 Mitigation of Wetland Infill

Where any dike or fill development is permitted in a wetland pursuant to this Chapter, creation or substantial restoration of wetlands of a similar type is required to mitigate the loss of wetland area. Impacts must be mitigated at a ratio of 3:1, unless the project applicant provides evidence that the creation or restoration of a lesser area of wetlands will fully mitigate the adverse impacts. However, in no event can the required mitigation ratio be less than 2:1.

17.30.120 Lagoon Protection

The lagoon areas at the mouths of Bell Canyon and Tecolote Creeks must be preserved and protected. Lagoon breaching or water level modification is not allowed.

17.30.130 Vernal Pool Protection

Vernal pools shall be preserved and protected. New trails must be sited and constructed in a manner that avoids impacts to vernal pool hydrology and that will allow restoration by removing several informal trail segments that bisect sensitive vernal pool habitats.

17.30.140 Protection of Coastal Bluff Scrub, Coastal Sage Scrub, and Chaparral

The following standards apply to any development in an ESHA that would potentially affect coastal bluff scrub, coastal sage scrub, and chaparral:

A. **Wildlife Corridors.** To the maximum extent feasible, development must avoid impacts to habitat that is part of a wildlife movement corridor and the impact would preclude animal movement or isolate ESHAs previously connected by the corridor, such as (1) disrupting associated bird and animal movement patterns and seed dispersal, and/or (2) increasing erosion and sedimentation impacts to nearby creeks or drainages.

B. **Required ESHA Buffer.** Impacts to ESHA discussed within this Section shall be minimized by providing at least a 25 foot buffer restored with native species around the perimeter.

C. **Vegetation Removal.** The removal of non-native, invasive, or exotic species is allowed; however, any revegetation must be with plants or seeds collected within the same watershed whenever feasible.

17.30.150 Protection of Native Oak Woodlands and Savannas.

Native oak woodland and savanna areas must be preserved and protected.

17.30.160 Protection of Native Grasslands

Native grasslands must be preserved and protected.

A. **Applicability.** This Section applies to areas where native grassland species comprise ten percent or more of the total relative plant cover. Where a high density of separate small patches occurs in an area, the whole area must be delineated as native grasslands.

B. **Native Grassland Protection Standards.**

1. To the maximum extent feasible, development shall avoid impacts to native grasslands that would destroy, isolate, interrupt, or cause a break in continuous habitat that would:

    a. Disrupt associated animal movement patterns and seed dispersal, or

    b. Increase vulnerability to weed invasions.

2. Removal or disturbance to a patch of native grasses less than 0.25 acre that is clearly isolated and is not part of a significant native grassland or an integral component of a

larger ecosystem may be allowed. Removal or disturbance to restoration areas shall not be allowed.

C. **Required ESHA Buffer.** Impacts to protected native grasslands must be minimized by providing at least a 10-foot buffer that is restored with native grass species around the perimeter of the delineated native grassland area.

D. **Vegetation Removal.** The removal of non-native, invasive, or exotic species is allowed. Native grassland revegetation must be done with plants or seeds collected within the same watershed whenever feasible.

17.30.170 Protection of Marine and Beach Habitats

A. Any development on the beach or ocean bluff areas adjacent to marine ESHAs must be sited and designed to prevent impacts that could significantly degrade the marine ESHAs. Grading and landform alteration must be limited to minimize impacts from erosion and sedimentation on marine resources.

B. Marine mammal habitats, including haul-out areas, must not be altered or disturbed by development.

C. Near-shore, shallow fish habitats and shore fishing areas must be preserved and, where appropriate and feasible, enhanced.

D. **Beach Activities.** Beaches and shoreline areas shall be limited to coastal-dependent activities that are compatible with preservation of the quality of the resource, including coastal-dependent recreation activities such as swimming, surfing, boating and kayaking, and fishing.

1. ***Motorized Vehicles.*** The use of motorized vehicles on the beach, including off-road vehicles, is prohibited, except for beach maintenance and emergency response vehicles of public agencies.

2. ***Permit Required.*** Any commercial coastal-dependent recreation activities that would limit use of beach and shoreline areas to customers and exclude the general public shall be subject to approval of a Major Conditional Use Permit.

17.30.180 Protection of Monarch Butterfly ESHA

All monarch butterfly ESHAs within the City must be protected against significant disruption of habitat values. Only those uses or development that are dependent upon and compatible with maintaining such sensitive habitat must be allowed within these ESHAs or their required buffers.

A. **Applicability.** Sites that provide the key elements essential for successful monarch butterfly aggregation areas and locations where monarchs have been historically present are both classified as ESHAs. These areas include stands of eucalyptus or other suitable trees that offer shelter from strong winds and storms, provide a microclimate with adequate sunlight, are situated near a source of water or moisture, and provide a source of nectar to nourish the butterflies.

B. **Monarch Butterfly Protection Standards.**

1. No development, except as otherwise allowed by this Section, is allowed within monarch butterfly ESHAs or ESHA buffers including grading and other activities that could alter or negatively impact the surface and subsurface hydrology that sustains the groves of trees.
2. Since the specific locations of aggregation sites may vary from year to year, the focus of protection must be the entire grove or stand of trees rather than individual trees where aggregation and roosting occurs.
3. Removal of vegetation within monarch butterfly ESHAs is prohibited, except for minor pruning of trees, or removal of dead trees and debris that threaten public safety, private property, or other public facilities.
4. Public accessways are considered resource-dependent uses and may be located within a monarch butterfly ESHA or its buffer; however, such accessways must be sited to avoid or minimize negative impacts to aggregation sites.
5. Interpretative signage is permitted within a monarch butterfly ESHA or its buffer, but shall be designed to be visually unobtrusive.
6. Butterfly research, including tree disturbance or other invasive methods, may be allowed subject to the approval of a Zoning Clearance.

C. **Required ESHA Buffer.** A buffer of a sufficient size is required to ensure the biological integrity and preservation of the monarch butterfly ESHA, including aggregation sites and surrounding grove of trees.

1. Buffers shall not be less than 100 feet around existing and historic aggregation and roost sites, as measured from the outer extent of the tree canopy. The required buffer area must include native vegetation and provide physical barriers to human intrusion.
2. The required buffer may be reduced to 50 feet only in circumstances where the trees contribute to the habitat but are not considered likely to function as an aggregation site, such as along narrow windrows.

D. **Construction Standards.** A temporary fence must be installed along the outer boundary of the ESHA buffer prior to and during any grading and construction activities on the site. If an active roost or aggregation is present on the project site, any construction grading, or other development within 200 feet will be prohibited between October 1st through March 1st.

17.30.190 Protection of Other Areas Designated as Sensitive Habitat

A. **Dunes.** Dunes must be protected and, where feasible, enhanced as ESHAs.

1. Vehicle traffic through dunes is prohibited.
2. Where pedestrian access through dunes is allowed, well-defined footpaths or other means of directing use and minimizing adverse impacts must be used.
3. Active nesting areas for sensitive bird species, such as western snowy plovers and least terns, must be protected by fencing, signing, or other means.

B. **Seabird Nest Areas.** In order to protect seabird nesting areas, new pedestrian access is not permitted on the bluff face, except along existing and planned public trails or stairways shown in the General Plan.

C. **Buffer Areas for Raptor Species.** Active and historical raptor nests are to be protected.

1. New development must be designed to provide a 100-foot buffer around active and historical nesting sites for protected species of raptors when feasible.

2. If a biological study determines that an active raptor nest exists on a development site, no vegetation clearing, grading, construction, or other development activity is permitted within a 300 feet of the nest site during the nesting and fledging season to the extent feasible.

D. **Protection of Special-Status Species.** Habitats for individual occurrences of special-status plants and animals, including candidate species for listing under the State and federal Endangered Species Acts, California species of special concern, California Native Plant Society List of Rare Plant Rank 1B plants, and other species protected under the provisions of the California Fish and Wildlife Code must be protected. All development must be located, designed, constructed, and managed to avoid disturbance of adverse impacts to special-status species and their habitats, including spawning, nesting, rearing, roosting, foraging, and other elements of the required habitats.

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Chapter 17.31 Floodplain Management

Sections:

17.31.010 Purpose
17.31.020 Applicability
17.31.030 Development Standards

17.31.010 Purpose

The purpose of this Chapter is to regulate the location of new development that could negatively impact the City's floodways and drainageways.

17.31.020 Applicability

This Chapter applies to all areas of special flood hazards within the City's jurisdiction as designated by the Federal Emergency Management Agency (FEMA) and as depicted on the federal Flood Insurance Rate Map (FIRM).

17.31.030 Development Standards

In all areas of special flood hazards the following standards apply in addition to the standards set forth in Goleta Municipal Code, Chapter 15.10:

A. **Prohibited Development.** Development is prohibited within the 100-year floodplain where the development would:

1. Obstruct flood flow;
2. Displace floodwaters onto other property; or
3. Be subject to flood damage.

B. **Hazards Evaluation Report.** A Hazards Evaluation Report may be required in compliance with Section 17.32.030, Hazards Evaluation Report.

C. **Required Setback.** Development must be setback at least 50 feet from the top of streambanks and flood control channels.

D. **Reduced Setback.** If a project applicant deems their project infeasible due to the setback, the applicant must provide a site-specific engineering study, including recommended mitigation measures, which demonstrates a reduced setback does not expose development to unacceptable risk.

1. ***Required Approval.*** Any reduction to the 50-foot setback must be issued through a Discretionary Approval or approval of a Land Use Permit or Coastal Development Permit.
2. ***Required Finding.*** The Review Authority must find that, in consultation with the Santa Barbara County Flood Control District, the proposed lesser setback would be appropriate, in that it would allow access for flood control maintenance and enable proper operation of the channels.

3. ***ESHA Protections.*** Any reduction must also adhere to Section 17.30.070, Environmentally Sensitive Habitat Areas – Streamside Protection Areas, when applicable.

Chapter 17.32 Hazards

Sections:

17.32.010 Purpose
17.32.020 Applicability
17.32.030 Hazards Evaluation Report
17.32.040 Shoreline Development
17.32.050 Geologic Hazards
17.32.060 Fire Safety
17.32.070 Subdivisions

17.32.010 Purpose

This Chapter provides standards for development and land uses in areas with coastal, geologic, and high fire hazards to protect the public health, safety, general welfare, and coastal resources.

17.32.020 Applicability

The provisions of this Chapter apply to all development undertaken and proposed to be undertaken within coastal, geologic, and high fire hazard areas within the City.

17.32.030 Hazards Evaluation Report

A. **Initial Site Assessment.** The Applicant must conduct an initial site assessment screening for all permit applications to determine the potential presence of hazards. Hazards include earthquake hazards zones; areas subject to tsunami run-up, landslides, liquefaction, episodic and long-term shoreline retreat (including beach or bluff erosion), high seas, ocean waves, storms, tidal scour, flooding; slopes averaging greater than 25 percent; unstable slopes; and flood hazard areas, including those areas potentially inundated by future sea level rise. The initial screening must include a review of reports, resource maps, aerial photographs, site inspection, and the City's hazards maps.

1. The City's hazard mapping may be used as a resource for identification of hazard areas; however, absence of mapping cannot alone be considered absence of hazard. Local site conditions must be examined at the time of permit application using the best available science.

B. **Site Specific Hazard Study.** For any development activity with the potential presence of hazards on-site, a site-specific hazard study must be prepared. The hazards study must address all relevant General Plan policies and identify recommended mitigation measures to reduce the risk from hazards. The study may be peer reviewed, at the Director's discretion. All costs of the hazard study and any peer review are borne by the applicant.

17.32.040 Shoreline Development

A. **Applicability.** This Section applies to all development or expansion of existing structures or uses located on or adjacent to a beach or coastal bluff. In the event of any conflict between the provisions of this Section and any other provision of this Title, this Section will govern.

B. **Limitations on Development.** Development must be safe from bluff retreat, waves, and flood hazards without the use of any shoreline protection devices. Piers, groins, breakwaters, drainages, seawalls, revetments, rip-rap, pipelines, and other shoreline structures are not permitted, except when required to serve coastal-dependent uses such as public access and recreational uses, or to protect structures existing as of January 1, 1977, or public beaches in danger of erosion, and only when non-structured alternatives have failed.

C. **Application Requirements.** Permit applications for new development or expansion of existing legal structures and uses proposed to be developed on or adjacent to a beach or coastal bluff must include the following:

1. ***Coastal Hazards Report.*** The site-specific Hazard Study must include an analysis of beach erosion, wave run-up, inundation, and flood hazards under current and expected conditions due to sea level rise during the expected life of the project. The report must consider, describe, and analyze the following:

   a. The cross-shore profile of the beach;

   b. Surveyed location of the mean high tide line acceptable to the State Lands Commission;

   c. Bluff geometry and site topography, extending the surveying work beyond the site as needed to depict unusual geomorphic conditions that could affect the site;

   d. Historic, current, and foreseeable bluff erosion/retreat rate, including investigation of recorded land surveys and tax assessment records, in addition to the use of historic maps and photographs, where available, and possible changes in shore configuration and sand transport;

   e. Geologic conditions, including soil, sediment, and rock types and characteristics, in addition to structural features such as bedding, joints and faults;

   f. Evidence of past or potential landslide conditions, the implications of such condition for the proposed development, and the potential effects of the development on landslide activity;

   g. Existing ground and surface water conditions and variations, including hydrologic changes that could be caused by the development (e.g., introduction of sewage, effluent, and irrigation water to the groundwater system, alterations to surface drainage, etc.);

   h. The availability of public access to and along the beach and potential to impact public access and recreation over the life of the project;

   i. On lots with a legally established shoreline protection, a description of the condition of the existing shoreline protection device, identify any impacts it may be having on public access and recreation, scenic view, sand supplies, and other coastal resources, and evaluate opportunities to modify or replace the existing protection in a manner that would eliminate or reduce these impacts;

   j. The area of the site subject to inundation, flooding, and wave run-up during at least a 100-year wave event, with high tide, elevated water level resulting from

sea level rise, storm surge, and basin-wide events such as El Niño and Pacific Decadal Oscillation;

k. A tsunami hazard assessment, including sea level rise and tsunami wave run-up calculations;

l. A minimum of two future scenarios representing the range of projections of rise in sea levels, including a worst-case scenario based on the best available science;

m. The long-term effects of the proposed development on shoreline sand supply and movement;

n. The potential need for a shoreline protection device over the life of the development;

o. Potential erosion of the site and any mitigation measures to be used to minimize erosion before and after construction (i.e., landscape and drainage design);

p. Foundation design requirements to facilitate elevating or relocating the proposed development;

q. Project alternatives designed to avoid or lessen impacts from and/or exposure to hazards;

r. Adaptation strategies that could be incorporated into the development to reduce the long-term exposure to hazards; and

s. Any other factor that might affect slope or bluff stability.

D. **Bluff Face Development.** No development will be permitted on a bluff face, except for engineered public beach accessways.

E. **Development Seaward of the Top of the Bluff.** New development is prohibited seaward of the top of the bluff except:

1. Wooden stairs and other lightly constructed structures that provide public beach access.

2. Improvements necessary to provide access to the beach for emergency responders.

3. Temporary structures, subject to approval of a Minor Conditional Use Permit, pursuant to Chapter 17.57, Conditional Use Permits, and the following additional findings:

a. The temporary structure will not substantially interfere with lateral or vertical beach access or adversely impact coastal processes.

b. The temporary structure will not remain in place for longer than three years.

4. Removal of existing beach and shoreline structures, such as seawalls, roadways, and riprap, and removal of remnants of shoreline oil and gas facilities where the removal area is restored to a natural condition.

F. **Structures on the Beach.** No permanent structure will be permitted on a dry, sandy beach except facilities necessary for public health and safety.

G. **Site Planning and Setback Standards.** New development must be sited to ensure that it is safe from hazards associated with coastal erosion and without the need for shoreline protection

devices for the life span of the project, or 100 years for Public Works projects in the City's Capital Improvement Program.

1. ***Bluff-top Setbacks.*** Where a lot line is adjacent to a bluff the following setback standards apply:

    a. *Principal Structures.* Any principal structure must be set back from any bluff-top at least 130 feet.

        i. A lesser setback may be considered by the Review Authority with the approval of a Major Conditional Use Permit.

            (1) A site-specific geological or geotechnical engineering study demonstrates that the average annual bluff retreat rate at the site is less than one foot per year and that the proposed setback meets the 100-year bluff-retreat rate is required.

            (2) A 30-foot safety buffer must be added to the reduced bluff retreat rate setback.

    b. *Accessory Structures.* An accessory structure may encroach into the 130-foot setback but must be set back from any bluff-top 30 feet and must be easily moveable and replaceable.

        i. Passive recreational structures, such as signs and benches, may be sited within the bluff-top setback.

    c. *Landscaping.* Drought-tolerant landscaping must be installed and maintained in the required bluff-top setback. Grading, as may be required for drainage or to install landscaping and minor improvements (e.g., patios, fences, etc.) that do not impact public views or bluff stability, may be permitted.

2. ***Non-bluff Coastline Setbacks.*** For all structures proposed within 500 feet of the mean high tide line in areas that lack coastal bluffs, a site-specific shoreline erosion rate and shoreline hazards study is required, consistent with the following:

    a. Existing shoreline protection may not be factored into the analysis unless otherwise directed by the Director.

    b. The study must demonstrate that the proposed structure would not be expected to be subject to shoreline erosion or other hazards for the life of the structure or for 50 years, whichever is greater.

3. ***Access and Recreational Area Setbacks.*** Additional setbacks may be required to accommodate public access and recreational areas in compliance with Chapter 17.25, Coastal Access.

H. **Shoreline Protection Devices.** Shoreline protection devices to protect development constructed after January 1, 1977 are prohibited. The following applies to shoreline protection devices to protect development constructed before January 1, 1977.

1. ***Application Requirements.*** Any application for installation or repair and maintenance of shoreline protection devices must include an engineering or geological study that includes evidence and discussion for each of the following:

a. The shoreline protection device is necessary to serve coastal-dependent uses such as public access and recreational uses, or to protect principal structures existing as of January 1, 1977 or public beaches in danger of erosion.

   i. For existing shoreline protective devices that are being reconstructed and/or replaced, the application must include a re-assessment of the need for the device, the need for any repair or maintenance of the device. The application must, at a minimum, include an evaluation of the age and condition of the existing principal structure being protected; changed geologic site conditions including but not limited to changes relative to sea level rise; and impacts to coastal resources, including but not limited to public access and recreation.

b. Provide feasible alternatives to coastal shoreline protection devices as well as siting or design alternatives that would minimize impacts on coastal resources.

   i. The alternatives analysis must include, but not be limited to, the relocation of the threatened structure or development as well as the removal of portions of the threatened structure or development.

   ii. The alternatives analysis must identify the least environmentally damaging alternative and demonstrate the proposed shoreline protection device has been designed to eliminate or minimize adverse impacts on local shoreline sand supply, protected coastal resources, lateral access, and public recreation on the beach.

2. ***Required Findings.*** A shoreline protection device, including repairs, may be allowed by approval of a Major Conditional Use Permit and Coastal Development Permit approval, only when the Review Authority makes each the following findings:

   a. The shoreline protection device is required to serve coastal-dependent uses such as public access and recreational uses, or to protect principal structures existing as of January 1, 1977 or public beaches in danger of erosion.

   b. The proposed shoreline protection device has been designed to eliminate or minimize adverse impacts on local shoreline sand supply and protected coastal resources.

   c. No other non-structural alternative, such as sand replenishment, beach nourishment, or managed retreat is feasible, and the device is the least environmentally damaging feasible alternative.

   d. The size and scope of the shoreline protection device is the minimum necessary and least environmentally damaging, feasible alternative.

   e. There will be no reduction in public access, use, or enjoyment of the natural shoreline environment, and construction of a shoreline protective device will preserve or provide access to related public recreational lands or facilities.

   f. The shoreline protection device is designed to respect natural land forms and minimize visual impact through the use of visually compatible colors and materials.

I. **Monitoring.** The shoreline protection device must be regularly monitored by an engineer or engineering geologist familiar and experienced with coastal structures and processes. Monitoring reports to the City and the Coastal Commission are required every five years from the issuance date of the effectuating Coastal Development Permit. The report will evaluate the effectiveness and impacts of the shoreline protection device.

J. **Maintenance.** Maintenance and repairs must not enlarge the size of the shoreline protection device and will not encroach seaward of the existing device.

1. Any maintenance or repair requires an engineering or geological study demonstrating that in the absence of maintenance or repair, the structure protected by the device would be further exposed coastal hazards.

17.32.050 Geologic Hazards

The following standards apply to all development within areas with geologic hazards, including but not limited to, high and moderate landslide potential, medium-to-high liquefaction and seismic settlement potential, soil-related hazard areas, and areas with 25 percent slope or more.

A. **Geological, Geotechnical, Soil, and Engineering Studies.** Site-specific geotechnical, geologic, soil, and/or structural engineering studies must be prepared for new development in areas with known geologic hazards. Studies must assess the type and degree of hazards on the site and recommend any appropriate site design modifications or considerations that would adequately address and minimize any potentially significant and/or negative impacts relating to the identified hazards.

B. **Setback from Active Fault.** New development may not be located closer than 50 feet to any active or potentially active fault line to reduce potential damage from surface rupture. Nonstructural development may be allowed in such areas, depending on how such nonstructural development would withstand or respond to fault rupture or other seismic damage.

1. ***Potentially Active Faults.*** Potentially active faults shall be subject to the same requirements as active faults unless and until a geologic or geotechnical study has adequately demonstrated that the fault is not active.

C. **Site Disturbance.** All construction proposed for areas with 25 percent slope or more, or subject to soil-related and slope-related hazards, must minimize the area of vegetation removal, disturbance, and grading.

17.32.060 Fire Safety

A. **Fire Protection Measures for New Structures.** New structures must be sited, designed, and constructed in accordance with National Fire Protection Association standards to minimize fire hazards. Special attention must also be given to fuel management and improved access in areas with higher fire risk, with access or water supply deficiencies, or beyond a 5-minute fire response time.

B. **Fire Fuel Modification Plans.** Applications for projects that require fire fuel modification must include a Fire Fuel Modification Plan. This plan must be prepared by a landscape architect or resource specialist and include measures to minimize removal of native vegetation, protect ESHAs, and incorporate fire-resistant and/or fire-retardant vegetation in new plantings.

C. **Rebuilding in High Fire Hazard Areas.** Any rebuilding of structures locate within high fire hazard areas must incorporate development standards and precautions that reduce the risk of loss of life and of the structure from a future fire.

D. **Automatic Fire Sprinklers.** The installation of automatic fire sprinklers are required in the following instances:

1. All new structures that have a total floor area of 5,000 square feet

2. Any existing structure proposed for remodeling or an addition, which, upon completion of the remodel or addition, will have a total floor area of 5,000 square feet or more.

3. The 5,000-square-foot threshold cited in subsections D(1) and D(2), above, shall be reduced to 1,000 square feet for any structure zoned or used for commercial or industrial purposes if such structures is within 100 feet of any "R" District.

17.32.070 Subdivisions

Land divisions, including lot line adjustments, are prohibited in areas subject to hazards unless it is demonstrated by the subdivider that all resulting lots will have sufficient developable land area that is situated outside the hazardous portions of the property.

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Chapter 17.33 Historic Resource Preservation

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Chapter 17.34 Landscaping

Sections:

17.34.010 Purpose
17.34.020 Applicability
17.34.030 Required Landscaping Areas
17.34.040 General Requirements
17.34.050 Materials
17.34.060 Landscape Plans

17.34.010 Purpose

The purpose of this Chapter is to:

A. Improve the appearance of the community by requiring aesthetically pleasing landscaping on public and private sites, which is permanently maintained for the life of the project;

B. Aid in energy conservation by providing shade in summer, and allowing sunlight passage in winter;

C. Soften the appearance of parking lots and other development;

D. Promote conservation of water resources through the use of native, drought-tolerant plants and water-conserving irrigation practices; and

E. Minimize or eliminate conflicts between potentially incompatible, but otherwise permitted, land uses on adjoining lots through visual screening and promote the general welfare and prosperity in the City.

17.34.020 Applicability

The regulations of this Chapter apply to:

A. **New Structures.** All new structures, except active agricultural buildings located further than 100 feet from public rights-of-way;

B. **Additions.** Additions that require Design Review Board approval;

C. **Changes in Use.** A change in use or building occupancy designation that results in increased parking requirements where sufficient parking to meet the increase does not exist on the site; and

D. **Rehabilitation.** Rehabilitated landscape projects with an aggregate landscape area equal to or greater than 2,500 square feet requiring a building permit.

17.34.030 Required Landscaping Areas

The following areas must be adequately screened and landscaped to meet the purpose of this Chapter.

A. **Parking Areas.** Parking areas, as required pursuant to Chapter 17.38, Parking and Loading.

B. **Unused Areas.** All visible, undeveloped areas of a project site not intended for a specific use, including areas planned for future phases of a phased development, must be landscaped or left in an undisturbed state provided there is adequate vegetation to prevent erosion and the area is adequately maintained for weed control and fuel maintenance.

17.34.040 General Requirements

A. **Landscaped Areas.** Required landscaped areas must be maintained free from encroachment by any use, structure, vehicle, or feature not a part of the landscaping design, except for any fire hydrants and related fire protection devices, mailbox clusters, pedestals, poles, cabinets, utility-housing boxes, or other permanent fixtures as approved for emergency or service access, or as otherwise allowed by this Chapter.

B. **Vision Clearance.** Landscaping must be planted and maintained so that it does not interfere with public safety or traffic safety sight areas; see Section 17.24.210, Regulations Applying to Multiple Districts – Vision Clearance.

C. **Public Safety.** Landscaping must not encroach into the public road right-of-way, unless obtaining the required approvals from the City, nor be allowed to grow into public accessways, such as sidewalk or trails, so as to create an impediment, hazard, risk of injury, or public nuisance.

17.34.050 Materials

A. **Public Landscaping.** Landscaping within City rights-of-way or on other City-owned facilities must comply with the City's Urban Forest Management Plan.

B. **Private Landscaping.** Landscaping may consist of a combination of turf, groundcovers, shrubs, vines, trees, and incidental hardscaping, such as stepping stones, benches, sculptures, decorative stones, and other ornamental features placed within a landscaped setting.

1. Plant materials must be selected from among native or non-invasive drought-tolerant species and varieties known to thrive in the region's climate.

2. Recirculating water must be used for decorative water features.

17.34.060 Landscape Plans

A Landscape Plan must be submitted with the permit application whenever new or rehabilitated landscaping is required, pursuant Section 17.34.020, Landscaping – Applicability, and must contain all required elements of the State and City's Water Efficient Landscape Ordinances (WELO).

Chapter 17.35 Lighting

Sections:

17.35.010 Purpose
17.35.020 Applicability
17.35.030 Prohibitions
17.35.040 General Requirements
17.35.050 Supplemental Requirements
17.35.060 Lighting Plans

17.35.010 Purpose

The purpose of this Chapter is to provide development standards to control outdoor lighting in order to maintain adequate visibility and safety, conserve energy, and also protect against direct glare, excessive lighting, and light trespass. In addition, this Chapter aims to preserve the community's character and enhance the ability to view the nighttime sky.

17.35.020 Applicability

The standards of this Chapter apply to all new development and to all exterior alterations and additions that involve replacement of exterior light fixtures or systems, except as provided below.

A. **Exemptions.** The following types of lighting are exempt from the provisions of this Chapter.

1. ***Interior Lighting.*** All forms of interior lighting and light fixtures, unless directed toward or illuminating the exterior of the structure, creating a lantern effect or nighttime glow that impacts neighboring homes or public viewing areas.

2. ***Emergency Lighting.*** Temporary emergency lighting needed by police, fire, or other emergency service providers.

3. ***City Facilities.*** Lighting required pursuant to ordinance or law that are owned or operated by the City.

4. ***Federal and State Facilities or Requirements.*** Lighting required pursuant to state or federal law or for facilities and lands owned or operated as protected by the U.S. Federal Government or the State of California.

5. ***Seasonal Lights.*** Temporary lighting installed and operated for the time period commencing 30 days prior to the festivity or holiday and extending no later than 30 days afterwards, provided that no individual light fixture or lamp exceeds ten watts and 70 lumens.

6. ***Temporary Exemptions.*** Any individual may submit a written request to the Director for a temporary exemption from one or more requirements of this Chapter. If approved, such exemption will be valid for up to 30 days, renewable at the discretion of the Director. Lighting associated with an approved Temporary Use Permit is considered an approved temporary exemption from the requirements of this Chapter. The request for a temporary exemption must describe:

a. The reason and type of each specific exemption being requested;

b. Type and use of exterior lighting involved;

c. Duration of time for requested exemption;

d. Type of lamp and calculated lumens;

e. Total wattage of lamp or lamps;

f. Proposed locations of exterior lighting;

g. Previous temporary exemptions at the site, if any; and

h. Physical size of exterior lighting and type(s) of shielding provided.

17.35.030 Prohibitions

The following types of exterior lighting are prohibited in all Zone Districts.

A. **Searchlights.** The operation of searchlights for advertising or attention-getting purposes.

B. **Nighttime Recreational Facility Lighting.** No outdoor recreational facility, public or private, may be illuminated after 11:00 p.m. unless a temporary use permit for a special event has been approved.

C. **Uplighting.** Exterior lights directed upward to light up or otherwise illuminate structures, signage, or landscaping unless fully shielded to prevent any light trespass and approved by the Design Review Board.

D. **Mercury Vapor.** Mercury vapor, fluorescent lights.

E. **Other Types of Light.** Laser lights or any other lighting that flashes, blinks, alternates, or moves, and any form of lighting that does not comply with the requirements of this Chapter. This prohibition does not apply to lights that are exempt, pursuant to this Chapter, nor to digital displays, regulated in Chapter 17.40, Signs.

17.35.040 General Requirements

Outdoor lighting must be designed to be an integral part of the built environment, reflecting a balance for the lighting needs with the contextual ambient light level and surrounding nighttime characteristics of the community. Lighting for commercial installations adjacent to or near residential uses must be compatible with and not directly or purposely illuminate or unintentionally spill into nearby residential uses.

A. **Design of Fixtures.** Fixtures must be appropriate to the style and scale of the architecture it is illuminating.

B. **Timing Controls.**

1. Outdoor lighting must be turned off during daylight hours and during any hours when the structure is not in use. Photocells or photocontrols must be used to automatically extinguish all outdoor lighting when sufficient daylight is available.

2. Outdoor lighting that is not otherwise exempt from this Chapter may utilize automated control systems such as motion sensors in non-residential development. However, when

an automated control system is utilized, the timer switches must be programmed to keep any lights on for no more than ten minutes after activation.

C. **Light Trespass.** To prevent light trespass or glare onto adjacent properties or protected ESHA, all lights must be directed downward, fully shielded, and full cutoff. The light level at property lines must not exceed 0.1 foot-candles and must be directed away from ESHAs.

17.35.050 Supplemental Requirements

A. **Height of Wall Mounted Fixtures.** In pedestrian-oriented areas, no portion of a wall-mounted fixtures may be more than 12 feet in height above finished grade at the base of the wall, unless a greater height is approved by the Review Authority specifically for accentuating historic architectural features of a building, accentuating signage and/or landscape features, or for security.

B. **Pedestrian Area Lighting.** Lighting of pedestrian areas shall be of minimum height and intensity to provide adequate illumination and safety and must not create glare or over-spill onto adjacent lots.

C. **Parking Lot Lighting.** Parking lot lighting must be designed to provide the minimum lighting necessary to ensure adequate vision, comfort and safety in parking areas and to not cause glare or direct illumination onto adjacent properties or streets.

1. Parking lot and pole-mounted security lighting must not exceed maximum mounting height of 14 feet to the top of the fixture including any base within 100 feet of an "R" Zone District. In all other areas, parking and security lighting must not exceed a maximum height of 20 feet. The Review Authority may allow light fixtures to exceed 20 feet in height in large parking lots that may require higher and fewer poles for aesthetic reasons, and to better accomplish lighting uniformity.

D. **Exterior Display/Sales Areas.** Lighting levels on exterior display/sales areas must be adequate to facilitate the activities taking place in such locations and may not be used to attract attention to the business.

1. Areas designated as exterior display/sales areas must be illuminated so that the average horizontal illuminance is no more than 5.0 foot-candles.

2. Fixtures must be mounted no more than 20 feet above finished grade and the concrete pedestals used to protect the light pole must not exceed 24 inches in height and must be included in the overall height calculation.

E. **Service and Gas Stations.** Lighting levels on gasoline station/convenience store aprons and under canopies must be adequate to facilitate the activities taking place in such locations.

1. Fixtures must be mounted no more than 20 feet in height above finished grade.

2. Light fixtures mounted on the bottom surface of canopies must be recessed so that the lens cover is recessed or flush with the bottom surface of the canopy and/or shielded by the fixture or the edge of the canopy.

3. All other light sources must comply with all General Requirements of Section 17.35.040 above.

F. **Signs.** Lighting of signs must comply with all applicable standards for signage specified in Chapter 17.40, Signs.

17.35.060 Lighting Plans

An outdoor lighting plan must be submitted with the permit application whenever exterior lighting is proposed or required as a part of any development not otherwise specifically listed as exempt from the requirement of this Chapter, pursuant to Section 17.35.020, Lighting – Applicability.

A. **General Requirements.** A required Lighting Plan must be depicted on a separate plan sheet and at a minimum must contain the following information:

1. The location of each existing and proposed outdoor light fixture within the development area. This information must be shown on the landscape plan to demonstrate coordination of fixtures and tree plantings. The location of light fixtures and landscaping on adjacent properties and on the street right of way that effect lighting/landscaping on the project is also necessary;
2. Lighting manufacturer-supplied specifications ("cut sheets") that include photographs and manufacturer model number(s) of the fixtures, indicating the certified "cut off characteristics" of each fixture proposed;
3. Lamp source type (e.g., bulb type, lumen output, wattage, etc.);
4. Mounting height for each luminaire and depiction of the direction each fixture is aimed;
5. Total lumens and light temperature for each fixture, and total square footage of areas to be illuminated; and
6. Types of timing devices used to control the hours set for illumination, as well as the proposed hours when each fixture will be operated.

B. **Additional Requirements.** A project that is subject to an approved lighting plan shall be subject to the following additional requirements:

1. No changes to approved outdoor light fixtures may occur without prior review and approval by the City.
2. No additional exterior lighting may be added to the site without review and approval by the City.
3. ***Non-Single Unit Dwellings.*** For all development except Single Unit Dwellings, the applicant must provide photometric diagrams and data, color rendering index of all lamps, and computer generated photometric grid showing foot-candle readings every ten feet within the property or site and ten feet beyond the property lines. The grid should also indicate maximum and minimum uniformity for each specific use area.

Chapter 17.36 Nonconforming Uses and Structures

Sections:

17.36.010 Purpose and Intent
17.36.020 Establishment of Nonconformity
17.36.030 Nonconforming Uses
17.36.040 Termination of Nonconforming Uses
17.36.050 Nonconforming Structures
17.36.060 Involuntary Nonconformities

17.36.010 Purpose and Intent

The purpose of this Chapter is to establish provisions for the regulation of nonconforming uses, structures, lot, or other development that was lawfully permitted before the adoption of or an amendment to this Title or previously adopted City ordinance, but which would be prohibited, regulated, or restricted differently under this Title. This Chapter also establishes affirmative termination provisions for nonconforming uses to protect the community by bringing nonconforming properties into compliance with existing land use and environmental standards, while balancing property owners' legal rights to protect legitimate investment-backed expectations.

The intent of this Chapter is to allow for the short-term continuation of nonconformities until they are removed, but not encourage their perpetuation. The development standards in this Chapter are administered in a manner that encourages the eventual abatement and discontinuance of all nonconformities throughout the City. As such, previous development that may have been exempt pursuant to a previous ordinance shall be subject to the provisions of this Title for such use and shall neither be considered nonconforming nor afforded the allowances within this Chapter.

17.36.020 Establishment of Nonconformity

A. **Nonconforming Uses, Structures, and Lots.** Any lawfully established use, structure, or lot that is in existence on the effective date of this Title or any subsequent amendment, but which does not comply with all of the standards and requirements of this Title, is considered nonconforming. Nonconforming status may result from any inconsistency with the requirements of this Title, including, without limitation, location, density, height, setbacks, open space, buffering, screening, landscaping, provision of parking, and performance standards, or the lack of an approved Zoning Permit, Development Plan, Conditional Use Permit, or other required authorization.

B. **Continuation of Nonconformities.** Nonconformities may only be continued subject to the requirements of this Chapter.

C. **Unpermitted Nonconformities.** Any nonconforming use, structure, or lot not deemed to be legally permitted or created, shall be determined illegal and must be abandoned and/or otherwise remedied pursuant to Chapter 17.69, Enforcement.

D. **Previously-Approved Development Plans.** Any project legally permitted through the approval of a Development Plan and in existence prior to the adoption of this Title shall not be considered nonconforming pursuant to this Title. In the event of damage or destruction, such projects shall

be allowed to be restored or reconstructed as originally permitted with the approval of a Zoning Clearance as to conformance with the previously-approved Development Plan. This subsection does not apply to any uses, or structures associated with said uses, that are inconsistent with the underlying base Zoning District.

17.36.030 Nonconforming Uses

A. **Changes of Use.** A nonconforming use may be changed to a different use based on the new use as follows:

1. ***New Use Permitted By-Right.*** Any nonconforming use may be changed to a use that is allowed "by-right" in the zoning district in which it is located and complies with all applicable standards for such by-right use;

2. ***New Use Requires a Use Permit.*** No nonconforming use may be changed to a different use without approval of a Use Permit, unless the new use is permitted by-right. This requirement does not apply to a change of ownership, tenancy, or management where the new use is in the same classification as the previous use, as defined in this Title, and the use is not expanded; and

3. ***New Nonconforming Use Not Permitted.*** Nonconforming uses may not be changed to a different nonconforming use.

B. **Absence of Use Permit.** Any use that is nonconforming solely by reason of the absence of a use permit may be changed to a conforming use by obtaining the appropriate permit.

C. **Expansion of Nonconforming Uses.** No nonconforming use may be expanded subject to the following requirements:

1. ***Within a Conforming Structure.*** A nonconforming use in a structure that conforms to the applicable requirements of this Title and to the Building Code, as adopted by the City, may expand the floor area that it occupies;

2. ***Within a Structure That Does Not Conform to the Building Code.*** Any nonconforming use in a structure that does not conform to the Building Code, as adopted by the City, may not expand the area it occupies until and unless the structure is brought into conformance with all applicable Building Code requirements;

3. ***Within a Structure That Does Not Conform to this Title.*** A nonconforming use in a structure that does not conform to the requirements of this Title but does conform to the requirements of the Building Code may expand the floor area it occupies; and

4. ***Expansions to Other Structures or Lots.*** A nonconforming use may not be expanded to occupy all or any part of another structure or another lot that it did not occupy on the effective date of this Title.

D. **Discontinuance of Use.** If a nonconforming use is discontinued, any future use shall comply with the provisions of the district in which the use is located. Proof of discontinuation of a nonconforming use for 12 consecutive months shall be prima facie evidence that the nonconforming use has been discontinued.

17.36.040 Termination of Nonconforming Uses

A. **Termination of Previously Permitted Nonconforming Uses.**

1. The City Council may consider whether or not to order the termination of any previously permitted use that is nonconforming pursuant to this Title. The time period within which such use must be terminated as provided herein only after a duly noticed public hearing pursuant to Chapter 17.52, Common Procedures.

2. The property owner of record and any tenant, individual or business operator known to be occupying the property shall be notified in writing no less than ten days in advance of the hearing that the City Council will be considering whether or not to order the termination of the nonconforming use. The notice shall state the specific date, time, and location of the hearing.

3. If the City Council orders termination of the nonconforming use, the Order of Termination shall include the effective date of the termination and shall be served on the owner of record and any tenant and/or business operator or any other person or business entity known to be occupying the premises via personal service or delivery through the United States Postal Service or any other service designated for overnight delivery. If the City Council determines that there is no known address for an owner of record and any tenant and/or business operator, the Council may direct service of the Order of Termination to be accomplished by posting the Order on the property and publishing the Notice of the Order of Termination in a newspaper of general circulation. Service of the Termination Order shall be deemed complete at such time as it is served in the manner provided herein.

B. **Termination Period.** The following time periods shall apply to the termination of a nonconforming use:

1. Except as otherwise provided herein, a nonconforming use that does not occupy a structure shall cease within one year from the date of a City Council Order of Termination.

2. Except as otherwise provided herein, all other nonconforming uses shall cease within five years from the date of a City Council Order of Termination.

3. The City Council may, within its discretion, order termination of a nonconforming use within any other time period that is less than five years where it determines that it would be appropriate in consideration of one or more of the following factors:

   a. The total cost of land and improvements;

   b. The length of time the use has existed;

   c. The length of time the use has existed as a nonconforming use;

   d. The intended use and scope of use of the property before it became nonconforming;

   e. Whether the originally intended use and scope of use of the property before it became nonconforming was expanded after it became a nonconforming use or is proposed to be expanded;

f. Whether and to what extent the original investment in the improvements on the property was recouped;

g. The extent to which the use on the property is incompatible with surrounding uses and properties within the zone, the General Plan and any applicable land use elements;

h. The potential threat to public health, safety, or general welfare by the continuation of the nonconforming use;

i. The cost of moving and reestablishing the use elsewhere; and

j. Any other relevant factors.

C. **Application for Modification of Order of Termination.**

1. Within one year of the issuance of the City Council's Order of Termination, as provided herein, the property owner of record or any lessee of the property, acting with the written consent of the current owner may apply for a modification of the Termination Order to extend the date by which all nonconforming uses shall cease up to an additional 15 years.

2. An Application for Modification shall be submitted on a form to be supplied by the City and shall be signed by the property owner, shall state the reasons why the use should be allowed to continue, and shall state how the continued use will not be incompatible with or detrimental to the uses in the surrounding area adjacent to the property; and shall state how the continued use will be consistent or can be modified to become consistent with the General Plan for the surrounding zoning area.

D. **Planning Commission Hearing on the Application for Modification.** The Planning Commission shall conduct a duly noticed public hearing within a reasonable time not to exceed 90 days after the application for modification of a Termination Order is deemed complete and accepted by the City, and may approve, conditionally approve, or deny such request for modification. The Planning Commission may also impose such conditions as they may deem necessary to protect the public health, safety and general welfare, to provide greater compatibility with the surrounding property and to secure the objectives of the General Plan. In no event may any modification of a Termination Order be approved for a period of more than 15 additional years beyond the date the City Council ordered the elimination of the nonconforming use.

E. **Planning Commission Determination.**

1. Before making a determination whether or not to grant an application for modification of the Termination Period, as defined herein, the Planning Commission may direct that an amortization analysis be prepared, at the applicant's cost, to assist them in evaluating the application. The amortization analysis shall be conducted by a reputable firm, selected by and retained under contract to the City. Said firm should have the appropriate knowledge and expertise in conducting amortization analyses, including but not limited to experience in analyzing operations, relevant accounting and financial reporting standards, compliance demands and valuation of facilities for the use or uses being conducted on the property.

2. Applicant shall make a deposit with the City of the estimated cost of the amortization analysis, staff time and hearing costs relating to the application and shall thereafter promptly pay any additional costs over the initial estimate. Failure to make the required

deposit within seven days of being advised by the City of the estimated costs for the application for modification, including the amortization analysis shall be deemed a withdrawal of the Application for Modification of the Termination Period and no further action will be taken by the City on such application. The time period to make the deposit may be extended by the City Manager for an additional seven days.

3. The Planning Commission may continue the hearing on the application for modification as necessary to complete such amortization analysis.

4. The Planning Commission must consider all documentary and oral evidence and testimony submitted for or at the hearing, and in making its decision to modify the Termination Order shall consider the following, where applicable:

   a. The total cost of land and improvements when the property was first constructed and/or began operating, including any expansions or modifications during the period when the use was a lawful (conforming) use;

   b. The total length of time the use has existed since it was first constructed and/or became operational;

   c. The length of time the use has been nonconforming;

   d. The intended scope of the business operating on the property at the time the use became nonconforming (e.g., business permits, licenses, applications, etc.);

   e. Whether the intended scope of the business operating on the property before it became nonconforming has been or is proposed to be expanded or intensified since the property became nonconforming;

   f. Whether and to what extent the investment in the improvements on the property before it became a nonconforming use was recouped;

   g. The extent to which the use on the property is incompatible with surrounding uses and properties within the zone, the General Plan and any applicable land use elements;

   h. The possible threat to public health, safety, or general welfare by the continuation of the nonconforming use beyond the five-year elimination period;

   i. The cost of moving and re-establishing the use elsewhere; and

   j. Any other relevant factors.

F. **Appeal.** The Planning Commission determination may be appealed to the City Council pursuant to Section 17.52.120, Common Procedures – Appeals.

17.36.050 Nonconforming Structures

A. **Right to Continue.** Any nonconforming structure may only be continued and maintained provided there is no alteration, enlargement, or addition; no increase in occupant load; nor any enlargement of the area, space, or volume occupied by or devoted to any use therein, except as provided in this Section. The right to continue to use a nonconforming structure attaches to the land and is not affected by a change in ownership. No substitution, expansion, or other change in use and no alteration or other change in structures is permitted, except as provided in this Section.

B. **Right to Repair or Restore.** Nonconforming structures may be repaired, maintained, or restored in compliance with the requirements of this Section, unless deemed to be a public nuisance because of health or safety conditions.

C. **Enlargements or Alterations.** Nonconforming structures may be enlarged, extended, structurally altered, or repaired in compliance with all applicable laws, subject to the following provisions:

1. Alterations and enlargements that comply with the following, subject to approval of the Director.

   a. Alterations or enlargements necessary to meet City or State requirements;

   b. Alterations or enlargements consistent with the current requirements of the zoning district in which the structure is located or otherwise allowed in that zoning district; and

   c. Energy-efficient upgrades, including replacement of lamps within light fixtures.

2. Alterations and enlargements that comply with the following are subject to approval of a Major Conditional Use Permit.

   a. Alterations or enlargements that extend into a nonconforming setback, where the alteration or enlargement would not:

      i. Further reduce any existing nonconforming setback;

      ii. Exceed applicable building height limits;

      iii. Further increase any existing nonconforming lot coverage; nor

      iv. Increase the required number of off-street parking spaces unless parking is provided under current standards for the additional floor area.

D. **Restoration of a Damaged Structure.**

1. ***Up to 75 Percent Damaged.*** A nonconforming building or structure that is damaged or partially destroyed by fire, flood, earthquake, or other natural disaster may be restored or rebuilt if the cost of repair or reconstruction does not exceed 75 percent of the replacement cost of the nonconforming structure as determined by the Building Official. Replacement of the damaged portions of the building is allowed by-right provided that the replaced portions are the same size, extent, and configuration as previously existed, and repair work commences within 24 months of the date of damage.

2. ***More Than 75% Damaged.*** If the cost of repair or reconstruction of a nonconforming building or structure exceeds 75 percent of the replacement cost of the nonconforming structure as determined by the Building Official, the land and building will be subject to all of the requirements and applicable standards of this Title in effect at the time of the loss.

E. Where nonconforming structures dedicated to residential uses, except in the IS and IG Zone Districts, are damaged or destroyed by fire, flood, earthquake, other catastrophic event, or the public enemy, such structures may be reconstructed to the same or lesser size, in the same general footprint location, and to its pre-damaged size and number of dwelling units provided that reconstruction shall commence within 24 months of the time of damage and be diligently carried out to completion.

17.36.060 Involuntary Nonconformities

A. **Involuntary Nonconformance of a Lot, Structure, or Use.** Notwithstanding any other provision of this Chapter, no lot, structure, or use will be considered nonconforming as a result of a conveyance of any interest in the subject lot to a public entity through eminent domain proceedings, under threat of eminent domain proceedings, or to meet a requirement of any public entity having jurisdiction.

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Chapter 17.37 Oil and Gas Facilities

Sections:

17.37.010 Purpose
17.37.020 Applicability
17.37.030 Oil and Gas Pipelines
17.37.040 Abandonment and Removal procedures for Oil and Gas Facilities
17.37.050 Other Types of Resource Extraction

17.37.010 Purpose

This Chapter outlines regulations for those onshore and offshore oil and gas facilities that are identified in the General Plan; identifies the types of permits and approvals required for operation, abandonment, and decommissioning of those facilities; provides regulations for the operation of oil and gas facilities; and describes the requirements for modifications or alterations of existing oil and gas facilities, consistent with the General Plan and with the provisions described in Chapter 17.36, Nonconforming Uses and Structures.

17.37.020 Applicability

Where the City retains permit authority, the regulations of this Chapter apply to oil and gas production from onshore and offshore facilities. Unless otherwise allowed pursuant to this Chapter, all new oil and gas facilities are prohibited in the City. These regulations must also be applied in accordance with the provisions of Chapter 8.09 of the Goleta Municipal Code regarding any change in owner, operator, or guarantor for certain oil and gas facilities.

17.37.030 Oil and Gas Pipelines

This Section describes oil and gas pipelines that are subject to regulation and provides standards for their location and continued operation.

A. **Applicability.** The regulations in this Section apply to:

1. Pipelines that extend outside an oil and gas facility;
2. Pipelines transporting oil and gas or related content from or to an off-shore facility; and
3. Facilities related to the pipeline, including in-line pump stations, oil storage, and gas containment.

B. **Major Conditional Use Permit Required.** Where allowed pursuant to this Title, approval of a Major Conditional Use Permit is required.

C. **Development Standards.** In addition to the applicable standards outlined in Section 17.10.030, Industrial Districts – Development Regulations, the following development standards apply to oil and gas pipelines:

1. ***Location of Pipeline Corridor.***

a. *New Pipelines.* No new oil and gas pipelines and storage facilities, except for transmission and distribution facilities of a Public Utilities Commission (PUC)-regulated utility, may be approved within the City, unless there is no feasible or less environmentally damaging alternative location for a proposed pipeline.

b. *Existing Pipelines.* Alterations or replacement of existing pipelines or segments of pipelines will be limited to the minimum necessary to ensure safety or prevent environmental damage. Applicants must consult with the federal Office of Pipeline Safety and/or the PUC as appropriate.

2. ***Oil Storage Capacity.*** Oil storage capacity must be limited to the amount necessary to conduct operations, and no long-term storage is allowed without explicit approval of a Major Conditional Use Permit.

3. ***Exterior Color.*** Permanent and temporary structures and equipment must be painted a neutral color to blend with natural surroundings.

4. ***Required Setback.*** All pipelines must have a minimum setback of at least 25 feet from any building or structure, as measured from each side of the pipeline. The following are exempt from this requirement:

   a. Corridor-type locations, such as pipelines within roads and highways, other pipelines, bicycle and pedestrian paths, utilities, and appurtenances of corridors located into public rights-of-way;

   b. Pipeline endpoints and interconnecting pipelines;

   c. Replacement with a functionally equivalent pipeline;

   d. Instances where this requirement is pre-empted by State or federal law; and

   e. Instances where the City finds the 25-foot setback poses an undue hardship to proposed development, provided that any reduced setback is not less than 15 feet, measured from each side of the pipeline.

5. ***Survey Required.*** Except for pipelines exempted from a Coastal Development Permit under the California Coastal Act, specifically, Public Resources Code, Sections 30610(c) and (e), as defined by the State Coastal Commission's Interpretive Guidelines, a survey must be conducted along the route of any pipeline to determine what, if any, coastal resources may be impacted by the construction and operation of a pipeline. The applicant must pay the costs of this survey. The survey may be conducted as part of environmental review as required for a particular project under CEQA.

6. ***Undergrounding Pipelines.*** Permits for new pipeline construction must require burial within an easement corridor at an appropriate depth to avoid exposure due to erosion or other forms of earth movement for the life of the project.

7. ***Pipeline Marking and Warning.*** New pipelines or relocation of existing pipelines must include measures to clearly warn the general public and other interested parties about the presence of the pipeline, including proper marking of the road right-of-way with signage and use of brightly colored flagging and/or warning tape approximately one-foot above buried pipelines, where feasible.

8. ***Contingency Plans.*** In compliance with all applicable federal and State requirements, an Emergency Response Plan, Fire Protection Plan, Hazardous Materials and Waste Management Plan, Oil Spill Contingency Plan, and Hydrogen Sulfide Incident Plan, and any additional plans required by local law or ordinance must be prepared for the facility. Additional plans (e.g., Flood Control Plan, Pipeline Maintenance Plan, etc.) may be required on a project-by-project basis.

9. ***Revegetation and Habitat Restoration.***

   a. *Submittal of Revegetation and/or Habitat Restoration Plan.* The applicant must submit a revegetation plan with all applications to modify, abandon, or change the location of a pipeline. The plan must also include provisions for restoration of sensitive habitats that would be disturbed by construction or operation procedures and a monitoring plan to assess progress in returning the site to pre-construction conditions. The Review Authority must review and approve all revegetation and/or habitat restoration plans prior to commencement of construction.

   b. *Performance Securities.* Two performance securities are required for projects in which a Revegetation and/or Habitat Restoration Plan has been prepared pursuant to this Chapter.

      i. An installation security must be provided to the City in an amount sufficient to ensure complete installation of all requirements of the approved Revegetation and/or Habitat Restoration Plan and will be released upon final inspection clearance by City staff for satisfactory completion required revegetation consistent with the Revegetation and/or Habitat Restoration Plan.

      ii. A maintenance security must be provided to the City in an amount sufficient to provide periodic monitoring. Site monitoring must ensure compliance with the final goals of the Revegetation and/or Habitat Restoration Plan.

   c. *Annual Surveys to Assess Effectiveness.* For projects where a Revegetation and/or Habitat Restoration Plan has been prepared, the affected pipeline segment must be resurveyed 12 months after construction is completed to assess the effectiveness of the revegetation or restoration program. Subsequent surveys must be completed and submitted to the City compliance monitoring staff on an annual basis to demonstrate progress in returning the site to pre-construction conditions for the length of time stipulated in the Revegetation and/or Habitat Restoration Plan.

10. ***Abandonment Security.*** To ensure that abandonment of any new facility is properly carried out, a performance security must be posted by the owner/operator before issuance of any permits in an amount of 125 percent of the estimated cost of obtaining the required permits, implementing abandonment and decommissioning procedures, and restoring the site to pre-facility conditions. The financial surety security will be returned to the owner/operator upon successful abandonment and restoration of the site.

11. ***Safety Measures Required.*** Oil and gas operation pipelines that cross fault lines, coastal resources areas, and areas that are susceptible to erosion, sliding, earthquakes, or other geologic events will be subject to additional safety standards, including emergency shut-off or other measures deemed necessary by the City.

12. ***Repair or Replacement of Existing Pipelines.*** The repair or replacement of existing underground oil or gas pipelines will not require a permit, provided that each of the following criteria is met:

    a. The repair or replacement activities will not take place in, or require access through, an environmentally sensitive habitat area or other sensitive area identified by the City;

    b. The repair or replacement will not result in a substantial increase in volume of oil or gas transported through the pipeline;

    c. The pipeline, after repair or replacement will comply with all applicable safety and engineering standards established by State and federal law;

    d. The repair or replacement will not significantly expand or alter the area occupied by the existing pipeline; and

    e. The ground surface above the pipeline will be restored to its pre-construction condition. Where the ground surface was previously vegetated, the pipeline operator will revegetate the surface within three months of the completion of repair or replacement.

13. ***Safety Inspection, Maintenance, and Quality Assurance Program.*** All new or substantially upgraded gas and oil pipelines shall establish a Safety Inspection, Maintenance, and Quality Assurance Program or similar mechanism to ensure adequate ongoing inspection, maintenance, and other operating procedures. Any such mechanism shall be subject to City approval prior to commencement of pipeline operations and provide for systematic updates as appropriate. Requirements shall be commensurate with the level and anticipated duration of the risk.

D. **Required Findings.** In addition to any findings required for the project, new pipeline construction will not be approved unless the applicable Review Authority also makes all of the following required findings:

1. The use of available or planned common-carrier and multiple-user pipelines is not feasible.

2. The pipeline will be constructed, operated, and maintained as common-carrier or multiple-user pipelines, unless the applicable review authority determines it is not feasible, taking into account the reasonably foreseeable needs of other potential shippers.

3. There are no feasible alternative locations or less environmentally damaging alternative locations for the proposed pipeline, as determined through environmental review under the California Environmental Quality Act.

4. Where the pipeline setback is less than 25 feet, a 25-foot setback poses an undue hardship to proposed development and the reduced setback is not less than 15 feet, measured from each side of the pipeline.

17.37.040 Abandonment and Removal Procedures for Oil and Gas Facilities

All abandonment and removal of Oil and Gas Facilities require the approval of a Development Plan by the Planning Commission.

17.37.050 Other Types of Resource Extraction

Any other type of resource extraction from the ground or waters within the City's jurisdiction that are not explicitly authorized within the Goleta Municipal Code are strictly prohibited, including but not limited to surface mining, reclamation, and new private water wells.

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Chapter 17.38 Parking and Loading

Sections:

17.38.010 Purpose
17.38.020 Applicability
17.38.030 General Provisions
17.38.040 Required Parking Spaces
17.38.050 Parking Reductions
17.38.060 Parking In-Lieu Fee
17.38.070 Location of Required Parking
17.38.080 Trailers and Recreational Vehicle Parking/Storage
17.38.090 Bicycle Parking
17.38.100 On-Site Loading
17.38.110 Parking Area Design and Development Standards

17.38.010 Purpose

The purpose of this Chapter is to provide development standards to ensure the following:

A. Adequate off-street vehicle and bicycle parking and loading facilities are provided for new development and major alterations to existing development;

B. Minimize the negative environmental impacts that can result from parking lots, driveways, and drive aisles within parking lots;

C. Establish standards and regulations for parking, loading, and vehicle circulation areas that minimize conflicts between pedestrian and vehicles, provide landscaped islands and strips, and, where appropriate, create buffers from surrounding land uses;

D. Offer flexible means of minimizing the amount of area devoted to parking by allowing reductions in the number of required spaces in transit-served locations and for shared parking facilities; and

E. Reduce urban run-off and heat island effects from paving in parking lots.

17.38.020 Applicability

A. **New Buildings and Land Uses.** On-site parking must be provided at the time any main building or structure is erected, when there is any new or expanded land use, or when a change in an existing land use occurs.

B. **Reconstruction, Expansion, or Change of Use in Existing Non-Residential Buildings.** When a change of use, expansion of a use, or expansion of floor area creates an increase of ten percent or more in the number of required on-site parking or loading spaces, additional on-site parking and loading must be provided for such addition, enlargement, or change in use and not for the entire building or site. The existing parking must be maintained. If the number of existing parking spaces is greater than the requirements for such use, the number of spaces in excess of the prescribed minimum may be counted toward meeting the parking requirements for the addition,

enlargement, or change in use. A change in occupancy is not considered a change in use, unless the new occupant is in a different use classification than the former occupant.

C. **Alterations that Increase the Number of Dwelling Units.** Except in the case of Accessory Dwelling Units, the creation of additional dwelling units through the alteration of an existing building or construction of an additional structure or structures requires on-site parking to serve the new dwelling units, either through existing or through new parking spaces.

D. **When Constructed.** Construction of required parking facilities must be completed and the spaces available for use before a Certificate of Occupancy may be issued.

E. **Damage or Destruction.** When a use that has been involuntarily damaged or destroyed is re-established, off-street parking or loading facilities must also be re-established or continued in operation in an amount equal to the number of parking spaces and loading facilities maintained at the time of such damage or destruction.

17.38.030 General Provisions

A. **Existing Parking and Loading.**

1. No existing parking and/or loading serving any use may be reduced in amount or changed in design, location, or maintenance below the requirements for such use, unless equivalent substitute facilities are provided.

2. No property owner may sublease, sub-rent, or otherwise encumber the required off-street parking spaces, unless specifically allowed pursuant to this Chapter.

3. Existing off-street parking spaces that are not required for the development on site may be used for other uses pursuant to this Chapter.

4. Required off-street parking must not be used for storage or other non-parking related uses.

B. **Nonconforming Parking or Loading.**

1. An existing use of land or structure will not be deemed to be nonconforming solely because of lack of on-site parking or loading facilities required by this Chapter, provided that facilities used for on-site parking and/or loading are not reduced further in number.

2. Any resurfacing and/or restriping of parking areas may remain nonconforming, provided there is not an increase in the nonconforming parking or loading.

C. **Accessibility.** Required parking for non-residential uses must be accessible during all business hours.

D. **Materials.** All areas on which parking or loading occurs, including both required and additional parking, must be paved with a minimum of two inches of asphalt, concrete, interlocking masonry pavers, or other permeable material on a suitable base and may not be on grassy lawn areas unless using a form of grassblock or grasscrete.

E. **Valet Parking.** Valet, or "stacked" parking is allowed if an attendant is present to move vehicles. If valet parking managed by an attendant is used for required parking spaces, an acceptable form of guarantee must be filed with the Director ensuring that an attendant will be present when necessary for operation.

F. **Vehicle Lifts.** The use of vehicle lifts to accommodate parking on lots with residential uses shall be limited to subterranean lift systems.

G. **Residential Garage Conversion.** The conversion of residential garages into additional living space for the primary unit is allowed only if an equivalent number of permanent, covered off-street parking spaces will be provided on site.

17.38.040 Required Parking Spaces

A. **Minimum Number of Spaces Required.** In all Zoning Districts, each use classification stated in Table 17.38.040(A), Required On-Site Parking Spaces, must provide at least the minimum number of required on-site parking spaces. For Accessory Uses, additional parking is required according to the parking requirements listed for that specific type of Accessory Use.

TABLE 17.38.040(A): REQUIRED ON-SITE PARKING SPACES

Use Classification	*Required Parking Spaces and Additional Regulations*	
Residential Uses		
Single-Unit Dwelling	2 covered spaces per dwelling unit.	
Multiple-Unit Development		
Studio and one-bedroom units	2 space per unit.	One covered space must be designated for each unit. One additional guest parking space must be provided for every 3 units. Up to 25-percent reduction allowed for senior housing and income-restricted units.
Two or more bedrooms	2 spaces per unit.	
Group Residential	1 space per 4 beds, plus 1 for every 10 units.	
Mobile Home Parks	2 spaces per site which may be in tandem, 1 space for every 5 sites for guest parking.	
Residential Care		
Small	None in addition to what is required for the residential use.	
Large	1 space for every 4 beds.	
Single-Room Occupancy (SRO) Housing	1 space per 2 units.	
Public/Quasi-Public Uses		
Cemetery	As determined by the Review Authority.	
Colleges and Trade Schools, Public or Private	1 space per 5 members of the school population (including students, faculty, and staff) based on maximum enrollment.	
Community Assembly	1 space for each 4 permanent seats in main assembly area, or 1 space for every 50 sq. ft. of assembly area where temporary or moveable seats are provided.	
Community Garden	As determined by the Review Authority.	
Cultural Institutions and Facilities	Performing Arts Centers: 1 space for each 4 permanent seats in main assembly area, or 1 for every 50 sq. ft. of assembly area where temporary or moveable seats are provided. Galleries, Libraries and Museums: 1 space for every 500 sq. ft. of floor area. Other establishments: as determined by the Review Authority.	

TABLE 17.38.040(A): REQUIRED ON-SITE PARKING SPACES	
Use Classification	*Required Parking Spaces and Additional Regulations*
Day Care Facility	One space for each 10 students/clients, plus one drop-off/loading space for each ten students/clients. These standards are based on the capacity the facility is licensed to accommodate.
Emergency Shelter	1 space per four beds at maximum capacity, plus two spaces for facility staff.
Government Buildings	1 space per 300 sq. ft. of floor area.
Hospital	1 space per two beds plus one space per three employees.
Park and Recreation Facilities	As determined by the Review Authority.
Parking, Public or Private	1 space per attendant station (in addition to the spaces that are available on the site).
Public Safety Facilities	As determined by the Review Authority.
Schools, Public or Private	Elementary and Middle Schools: 1.5 spaces per classroom, plus 1 space per 300 sq. ft. of office area. High Schools: 6 spaces per classroom.
Skilled Nursing Facility	1 space per two beds plus one space per three employees.
Social Service Facilities	1 space per 300 sq. ft. of floor area.
Commercial Use Classifications	
Adult-Oriented Business	1 space per 500 sq. ft. of floor area.
Animal Care, Sales and Services	
Animal Sales and Grooming	1 space per 500 sq. ft. of floor area.
Boarding, Kennel	1 space per employee, plus an area for loading and unloading animals on site.
Veterinary Services	1 space per 300 sq. ft. of floor area.
Automobile/Vehicle Sales and Services	
Auction	1 space per 500 sq. ft. of floor area.
Automobile Rentals	1 space per 500 sq. ft. of office area, in addition to spaces for all vehicles for rent.
Automobile/Vehicle Sales and Leasing	1 space per 3,000 sq. ft. of lot area for customer and employee parking. Any accessory auto repair: 2 spaces per service bay.
Automobile/Vehicle Repair, Major	4 spaces per service bay. 1 space per 300 sq. ft. of any retail or office on site.
Automobile/Vehicle Repair, Minor	4 spaces per service bay. 1 space per 300 sq. ft. of any retail or office on site.
Service and Gas Station	4 spaces per service bay, if service bays are included on site. 1 per 300 sq. ft. of any retail or office on site. Spaces at each pump may count toward required parking provided a minimum of 2 separate spaces are provided.
Automobile/Vehicle Washing	1 space per 300 sq. ft. of any indoor sales, office, or lounge areas.
Banks and Financial Institutions	1 space per 300 sq. ft. of floor area.

TABLE 17.38.040(A): REQUIRED ON-SITE PARKING SPACES	
Use Classification	*Required Parking Spaces and Additional Regulations*
Building Materials, Sales and Service	1 space per 1,000 sq. ft. of floor area plus 1 per 2,000 sq. ft. of outdoor display area.
Business Services	1 space per 300 sq. ft. of floor area.
Cannabis Microbusiness	Based on the individual uses that make up the Microbusiness.
Cannabis Retail	
Storefront Retailer	1 space per 500 sq. ft. of floor area
Non-Storefront Retailer	1 space per 300 sq. ft. of office floor area, plus one space for each fleet vehicle
Catering Services	1 space per 300 sq. ft. of floor area.
Commercial Entertainment and Recreation	1 space per 300 sq. ft. of assembly area.
Eating and Drinking Establishments	1 space per 250 sq. ft. of floor area of space devoted to patrons.
Food and Beverage Sales	1 space per 500 sq. ft. of floor area.
Funeral Parlors and Internment Services	1 space for each 4 permanent seats in assembly areas. In addition, 1 space per 300 sq. ft. of office area or 1 for every 50 sq. ft. of assembly area where temporary or moveable seats are provided.
Information Technology Services	1 space per 300 sq. ft. of floor area
Instructional Services	1 space per 500 sq. ft. of floor area.
Live/Work Units	1 space per 1,000 sq. ft. of non-residential floor area plus 1 space for each residential unit.
Lodging and Visitor-Services	
Hotels and Motels; Time Share Uses	1 space per guest room, plus 1 space per 5 employees.
Maintenance and Repair Services	1 space per 1,000 sq. ft. of floor area, plus one space for each fleet vehicle.
Media Production Facility	1 space per 500 sq. ft. of floor area.
Medical, Dental, and Health-Related Services	1 space per 300 sq. ft. of floor area.
Nurseries and Garden Centers	1 space per 1,000 sq. ft. of floor area; including outdoor display area.
Outdoor Sales	As determined by the Review Authority.
Professional Services	1 space per 300 sq. ft. of floor area
Personal Services	1 space per 500 sq. ft. of floor area.
Retail Sales	1 space per 500 sq. ft. of floor area.

TABLE 17.38.040(A): REQUIRED ON-SITE PARKING SPACES	
Use Classification	*Required Parking Spaces and Additional Regulations*
Industrial Uses	
Automobile Wrecking/Junk Yard	1 space per two employees.
Cannabis Cultivation	1 space per 500 sq. ft. of floor area
Cannabis Distribution	1 space per 1,000 sq. ft. of floor area
Cannabis Manufacturing	1 space per 500 sq. ft. of floor area
Cannabis Testing	1 space per 500 sq. ft. of floor area
Construction and Materials Yards	As determined by the Review Authority.
Custom Manufacturing	1 space per 500 sq. ft. of floor area.
Heavy Manufacturing	1 space per 500 sq. ft. of floor area.
Limited Industrial	1 space per 500 sq. ft. of floor area.
Oil and Gas Facilities	As determined by the Review Authority.
R&D and Technology	1 space per 500 sq. ft. of floor area.
Vehicle/Equipment Facilities	As determined by the Review Authority.
Wholesale Trade, Warehouse, Storage and Distribution	
Chemical, Mineral, and Explosives Storage	1 space per 1,000 sq. ft. of floor area.
Indoor Warehousing and Storage	1 space per 1,000 sq. ft. of floor area.
Outdoor Storage Yard	As determined by the Review Authority.
Personal Storage	1 space per 15,000 sq. ft. of floor area. However, a minimum of 5 spaces must be provided.
Wholesaling and Distribution	1 space per 1,000 sq. ft. of floor area.
Transportation, Communication, and Utilities Uses	
Communication Facilities	As determined by the Review Authority.
Light Fleet-Based Services	1 space per 300 sq. ft. of office floor area, plus one space for each fleet vehicle
Utilities, Major	As determined by the Review Authority.
Agricultural Uses	
Agricultural Processing	As determined by the Review Authority.
Agricultural Support Services	As determined by the Review Authority.
Animal Raising	As determined by the Review Authority.

TABLE 17.38.040(A): REQUIRED ON-SITE PARKING SPACES	
Use Classification	*Required Parking Spaces and Additional Regulations*
Crop Cultivation	2 spaces per acre of cultivated land.
Greenhouse	1 space per 1,000 sq. ft. floor area.
Accessory Uses	
Caretaker Unit	1 space
Family Day Care	
Small	None in addition to what is required for the residential use.
Large	None in addition to what is required for the residential use.

B. **Calculation of Required Spaces.** The number of required parking spaces must be calculated according to the following rules:

1. ***Employees.*** Where an on-site parking or loading requirement is stated as a ratio of parking spaces to employees, the number of employees must be based on the total employees employed by the use;

2. ***Bedrooms.*** Where an on-site parking requirement is stated as a ratio of parking spaces to bedrooms, any rooms having the potential of being a bedroom and meeting the standards of the California Building Code as a sleeping room must be counted as a bedroom;

3. ***Students or Clients.*** Where a parking or loading requirement is stated as a ratio of parking spaces to students, the number is assumed to be the number of students or clients at the State-certified capacity or at Building Code occupancy where no State certification is required; and

4. ***Seats.*** Where parking requirements are stated as a ratio of parking spaces to seats, each 30 inches of bench-type seating at maximum seating capacity is counted as one seat.

C. **Sites with Multiple Uses.** If more than one type of land use is located on a site, the number of required on-site parking spaces and loading spaces must be equal to the sum of the requirements calculated separately for each use, unless a reduction is approved pursuant to this Chapter.

D. **Calculation of Parking Requirements for Industrial Uses.** The following standards apply when calculating the required number of parking for Industrial uses:

1. ***Specified Tenants.*** Where tenants are specified and listed by name of company, parking is calculated according to uses identified on the floor plan; and

2. ***Unspecified Tenants.*** Where tenants are not specified, and the use described on the plans is industrial or warehouse, parking is calculated based on 25 percent of the floor space being used for office uses, and 75 percent of the space being used for warehouse use, based on the parking ratios for those uses specified in Table 17.38.040(A), above.

17.38.050 Parking Reductions

The number of on-site parking spaces required by Section 17.38.040, Parking and Loading – Required Parking Spaces, may be reduced by the Review Authority, as follows:

A. **Motorcycle and Moped Parking.** Motorcycle and moped parking may be used to substitute up to five percent of required automobile parking for any use.

B. **Shared Parking.** Where shared parking serving more than one use will be provided, the total combined number of required parking spaces may be reduced up to 50 percent with Planning Commission approval of a Major Conditional Use Permit, if the Commission finds that:

1. The peak hours of use will not overlap or coincide to the degree that peak demand for parking spaces from all uses will be greater than the total supply of spaces;

2. The proposed shared parking provided will be adequate to serve each use at its peak demand;

3. A parking demand study has been prepared by a traffic engineer and supports the proposed reduction; and

4. In the case of a shared parking facility that serves more than one property, a Conjunctive Parking Agreement has been prepared consistent with the provisions of Section 17.38.070(C), Off-Site Parking, below.

C. **Other Parking Reductions.** Required parking may be further reduced through approval of a Conditional Use Permit, Development Plan, or Modification.

1. In considering a required parking reduction, the Review Authority may consider an approved Transportation Demand Management Program (TDM). In determining the parking reduction for a TDM Program, the Review Authority must consider whether the Program includes the following:

a. Promotion of telecommuting;

b. Establishment of flexible work schedules;

c. Provision of incentives for carpooling;

d. Provision of vanpools;

e. Support for car sharing/ride sharing;

f. Guaranteed ride home programs;

g. Provision of pedestrian amenities on site;

h. Provision of bicycle facilities and amenities on site; and

i. Bus pass programs for employees.

D. **OT District Redevelopment.** In the OT District, where existing development with nonconforming parking is replaced with new development or a change of use, the new development or change of use shall receive a parking credit equal to the number of required automobile parking spaces unmet by the previous development or use.

17.38.060 Parking In-Lieu Fee

A parking assessment district may be created for all or part of Old Town. If a parking assessment district has been established, a fee may be paid to the City in-lieu of providing required parking within the district.

A. **In-lieu Fee Amount.** The amount of the in-lieu fee must be calculated and paid as set forth in a resolution of the City Council.

B. **Use of Funds.** In-lieu fees must be used for the acquisition of land and/or construction of off-street parking facilities located in the parking assessment district.

17.38.070 Location of Required Parking

A. **Residential Uses.**

1. ***Single-Unit Dwellings.***

a. *Required Parking.* Required parking for single-unit dwellings must be located on the same lot as the dwelling served. Required parking may not be located within required front or side setbacks.

b. *Additional Parking.* Additional parking spaces beyond those that are required as part of the permitted or allowable land use may be located anywhere on the subject lot, including setbacks, and in any configuration.

2. ***Other Residential Uses.*** Required parking for residential uses other than single-unit dwellings must be on the same lot as the dwelling or use they serve or at an off-site location as provided in subsection (C), Off-Site Parking. Required parking may not be located within a required front or street side setback.

B. **Non-Residential Uses.** Required parking spaces serving non-residential uses must be located on site a minimum of ten feet from any right-of-way or at an off-site parking location as provided below in subsection (C), Off-Site Parking.

C. **Off-Site Parking.** Parking for uses other than single-unit dwellings may be provided off-site with Review Authority approval of a Conjunctive Parking Agreement, provided the following standards are met.

1. ***Location.***

a. *Residential Uses.* Any off-site parking must be located within 200 feet, measured along a pedestrian route, of the unit served.

b. *Non-residential Uses.* Any off-site parking must be located within 500 feet, measured along a pedestrian route, of the principal entrance containing the use(s) for which the parking is required.

2. ***Conjunctive Parking Agreement.*** A written agreement between the landowner(s) and the City, in a form satisfactory to the City Attorney, must be executed and recorded in the Office of the County Recorder. The agreement must include:

a. A guarantee among the landowner(s) for access to and use of the parking facility; and

b. A guarantee that the spaces to be provided will be maintained and reserved for the uses served for as long as such uses are in operation.

17.38.080 Trailers and Recreational Vehicle Parking/Storage

A. Trailers and recreational vehicles (RV) may be parked/stored anywhere on a residentially zoned lot, subject to Section 17.38.030, Parking and Loading – General Provisions, and all of the following provisions:

1. No more than one trailer or RV may be parked/stored on a single lot outside of either a fully enclosed structure or an area on the lot that is fully screened by a fence, freestanding wall, or hedge of at least five feet in height, subject to Section 17.24.090, Regulations Applying to Multiple Districts – Fences, Freestanding Walls, and Hedges.

2. The owner of the trailer or RV must reside on the same lot where it is being parked/stored.

3. The trailer or RV must be capable of operation and if required to be registered, must have a current, unexpired registration with the California Department of Motor Vehicles.

4. The trailer or RV must not be occupied for living purposes on a site longer than 14 days in a six-month period, except as authorized in Section 17.01.040(B)(6), Introductory Provisions – Applicability.

5. The trailer or RV must not project into the public right-of-way, impede vision clearance, or cause any other public safety hazards while parked and/or stored.

B. The use of trailers and RVs within the City shall also be subject to Goleta Municipal Code, Title 10, Vehicles and Traffic and Title 12, Streets, Sidewalks and Public Places.

17.38.090 Bicycle Parking

A. **Short-Term Bicycle Parking.** Short-term bicycle parking must be provided in order to serve shoppers, customers, guests, and other visitors to a site who generally stay for less than four hours.

1. ***Parking Spaces Required.*** For the following uses, the number of short-term bicycle parking spaces must be equal to at least ten percent of the number of required automobile parking spaces, with a minimum of three bicycle parking spaces provided per establishment.

   a. Multiple-unit residential, group residential, and SRO housing with five or more units.

   b. All uses in the Public/Quasi-Public Use Classification.

   c. All uses in the Commercial Use Classification, except for the following:

      i. Animal Care, Sales, and Services; or

      ii. Automobile/Vehicle Sales and Services.

2. ***Location.*** Short-term bicycle parking must be located outside of the public right-of-way when feasible, must not encroach upon pedestrian walkways, and must be within 100 feet of a main entrance to the use it serves.

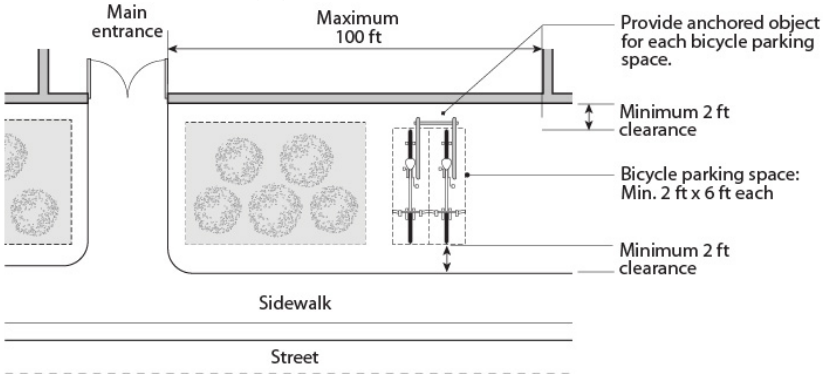
   a. *Commercial Centers.* Co-location of required bicycle parking for multiple tenant spaces is permissible.

b. *Old Town District.* Bicycle parking in the Old Town District may be located in the public right-of-way with an Encroachment Permit, provided an unobstructed sidewalk clearance of six feet is maintained for pedestrians at all times.

3. ***Anchoring and Security.*** For each short-term bicycle parking space required, a stationary, securely anchored object must be provided to which a bicycle frame and one wheel can be secured with a high-security lock if both wheels are left on the bicycle. One such object may serve multiple bicycle parking spaces.

4. ***Size and Accessibility.*** Each short-term bicycle parking space must be a minimum of two feet in width and six feet in length and must be accessible without moving another bicycle. Two feet of clearance must be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian ways and at least five feet from vehicle parking spaces.

FIGURE 17.38.090(A): SHORT-TERM BICYCLE PARKING



B. **Long-term Bicycle Parking.** Long-term bicycle parking must be provided in order to serve employees, students, residents, commuters, and others who generally stay at a site for four hours or longer.

1. ***Parking Spaces Required.***

a. *Residential Uses.* A minimum of one long-term bicycle parking space must be provided for every unit for multiple-unit residential and group residential projects.

b. *Other Uses.* Any use with 25 or more full-time-equivalent employees must provide long-term bicycle parking at a minimum ratio of one space per ten vehicle spaces with a minimum of one long-term space.

c. *Public or Private Parking Use.* Long-term bicycle parking must be provided at a minimum ratio of one space per ten vehicle spaces with a minimum of one long-term space.

2. ***Location.*** Long-term bicycle parking must be located on the same lot as the use it serves. In public or private parking uses, long-term bicycle parking must be located near an entrance to the structure or parking lot.

3. ***Covered Spaces.*** At least 50 percent of required long-term bicycle parking must be covered. Covered parking can be provided inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures.

4. ***Security.*** Long-term bicycle parking must be located in one or more of the following:

   a. An enclosed bicycle locker;

   b. A fenced, covered, locked, or guarded bicycle storage area;

   c. A secure area within a building or structure; or

   d. Another type of secure area approved by the Review Authority.

5. ***Size and Accessibility.*** Each long-term bicycle parking space must be a minimum of two feet in width and six feet in length and must be accessible without moving another bicycle. Two feet of clearance must be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian ways, and at least five feet from vehicle parking spaces.

C. **Bicycle Charging.** One charging electrical outlet for every ten bicycle parking spaces is required.

17.38.100 On-Site Loading

A. **Loading Spaces Required.** Every new commercial and industrial building and every building enlarged by more than 5,000 square feet of floor area that is to be occupied by a use requiring the receipt or distribution by vehicles or trucks of material or merchandise must provide off-street loading and unloading areas as follows.

TABLE 17.38.100(A): REQUIRED LOADING SPACES	
Floor Area (sq. ft.)	*Required Loading Spaces*
0 – 5,000	0
5,001 – 30,000	1
30,001 – 90,000	2
90,001 – 150,000	3
150,001 – 230,000	4
230,001 +	1 per each additional 100,000 square feet or portion thereof.

1. ***Multi-Tenant Buildings.*** The floor area of the entire building must be used in determining spaces for multi-tenant buildings. A common loading area may be required if each tenant space is not provided a loading area. Drive-in, roll-up doors for multi-tenant industrial projects may be substituted for required loading areas.

2. ***Additional Loading Spaces Required.*** The required number of loading spaces may be increased by the Review Authority to ensure that trucks will not be loaded, unloaded, or stored on public streets. Such requirement must be based on the anticipated frequency of truck pickups and deliveries and of the truck storage requirements of the use for which the on-site loading spaces are required.

B. **Location.**

1. All required loading spaces must be located on the same site as the use served.
2. No loading space for vehicles over two-ton capacity may be closer than 50 feet to any property in a Residential "R" Zone District, unless completely enclosed by building walls, or a uniformly solid fence or wall, or any combination thereof, not less than six feet in height and loading activities are prohibited between the hours of 7:00 p.m. to 7:00 a.m..
3. No permitted or required loading space can be located within 25 feet of the nearest point of any street intersection.
4. No loading space may be located within a front or street-side setback or in the public right-of-way.

C. **Minimum Size.** Each loading space required by this Section must not be less than ten feet wide, 30 feet long, and 14 feet high, exclusive of driveways for ingress and egress, maneuvering areas, and setbacks.

D. **Driveways for Ingress and Egress and Maneuvering Areas.** Each loading space required by this Section must be provided with driveways for ingress and egress and maneuvering space of the same type, and meeting the same criteria required for on-site parking spaces. Truck-maneuvering areas must not encroach into required parking areas, travel-ways, or street rights-of-way.

E. **Surfacing.** All open loading spaces must be improved with a compacted base, not less than five inches thick, surfaced with not less than three inches of plant-mix asphalt, concrete, or comparable material approved by the Review Authority.

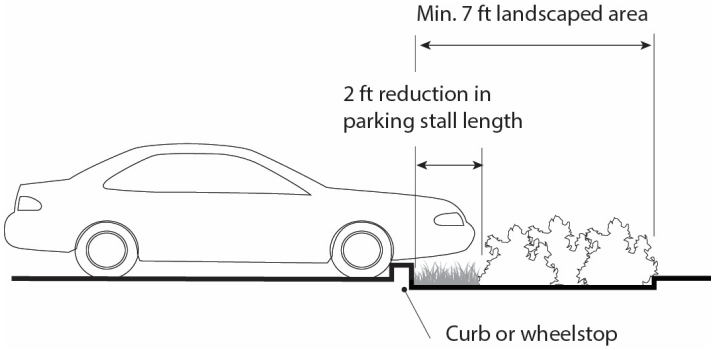
17.38.110 Parking Area Design and Development Standards

Parking areas must be designed and developed consistent with the following standards.

A. **Size of Parking Spaces.** Parking spaces must meet the minimum dimensions required by this subsection. Screening walls, roof support posts, columns, or other structural members, equipment, and work benches must not intrude into the required dimensions for parking spaces.

1. ***Residential Uses.*** 8.5 feet by 16.5 feet.
2. ***Non-Residential Uses.*** Nine feet by 16.5 feet.
3. ***Motorcycle and Moped Spaces.*** Four feet by nine feet, and all motorcycle and moped parking areas must be clearly marked and dedicated to these vehicles.
4. ***Parallel Parking Spaces.*** 22 feet by eight feet.
5. ***Compact Spaces.*** Where allowed pursuant to a Modification or through a Discretionary Approval, compact spaces must have a minimum width of eight feet and depth of 14.5 feet. Except for parallel parking, standard spaces must have a minimum width of nine feet and a minimum depth of 18 feet. Parking space dimensions are illustrated in Figure 17.38.110(B-1 to B-10) and detailed in Table 17.38.110(A) and Table 17.38.110(B).
6. ***Overhang.*** Parking stall lengths, except for parallel spaces, may be reduced by two feet where the parking stall is designed to abut a landscaped area or sidewalk that has a minimum of seven feet. This landscape area must be protected by a wheel stop (or a curb where one already exists).

FIGURE 17.38.110(A)(6): VEHICLE OVERHANG



B. **Parking Lot Configuration.** Parking lot widths must be consistent with the following based on the angle of parking spaces and lot traffic patterns.

FIGURE 17.38.110(B-1) ONE WAY WITH PARALLEL PARKING

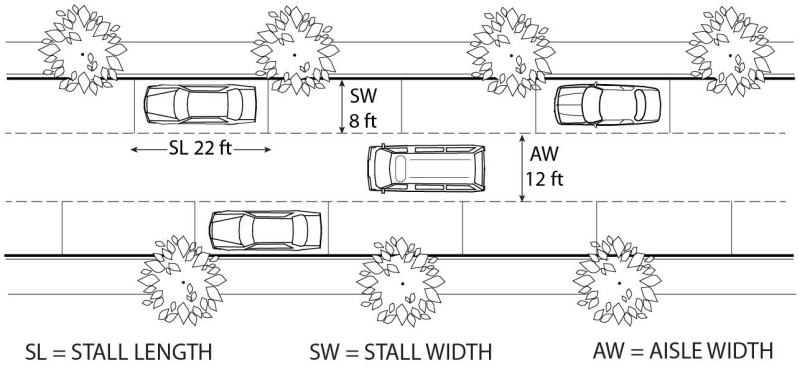


FIGURE 17.38.110(B-2): TWO WAY WITH PARALLEL PARKING

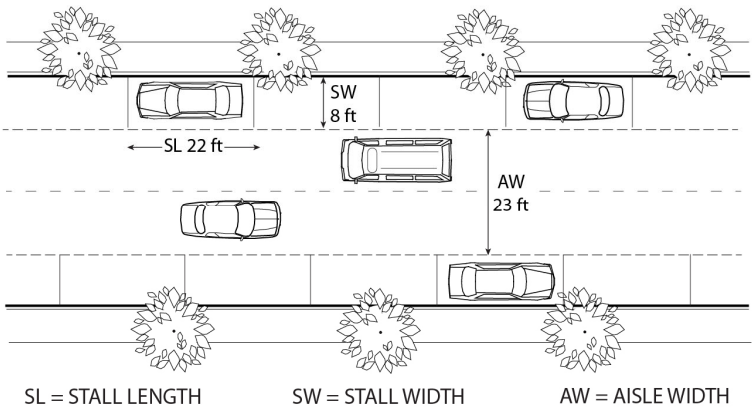


FIGURE 17.38.110(B-3) ONE WAY WITH ANGLED PARKING (W1)

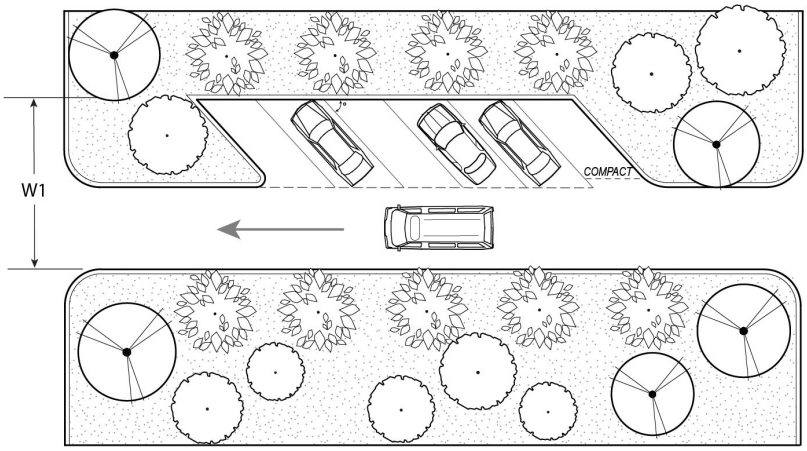


FIGURE 17.38.110(B-4) ONE-WAY WITH ANGLED PARKING (W2):

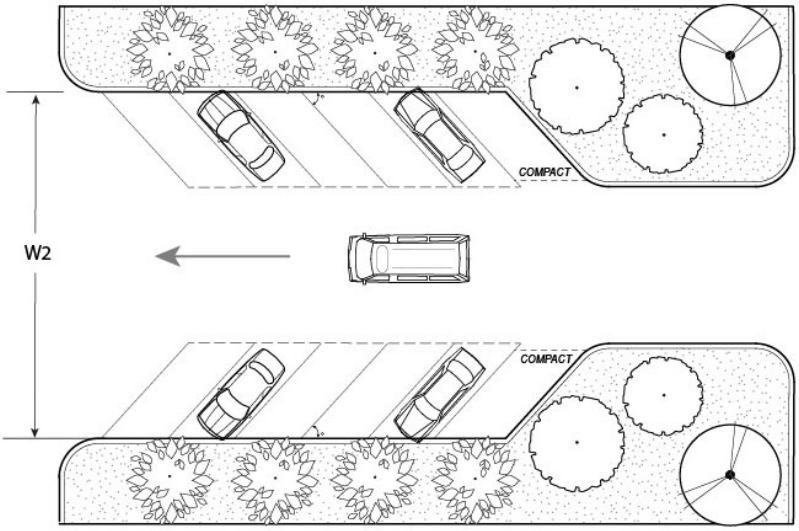


FIGURE 17.38.110(B-5): ONE-WAY WITH ANGLED PARKING (W3)

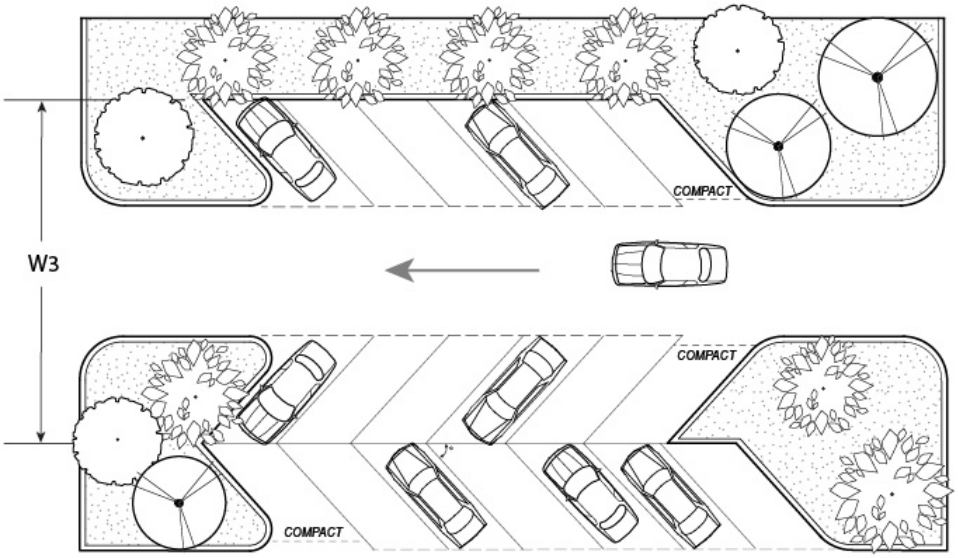


FIGURE 17.38.110(B-6): ONE-WAY WITH ANGLED PARKING (W4)

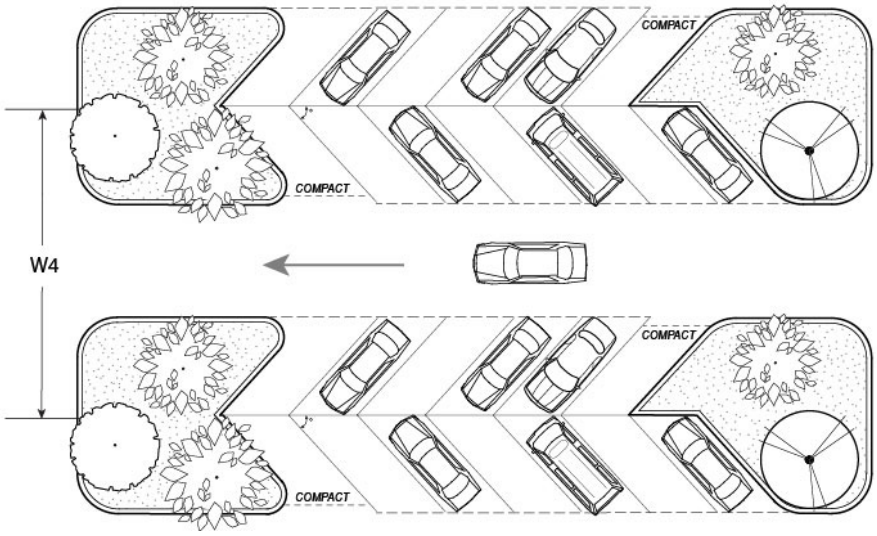


FIGURE 17.38.110(B-7): TWO-WAY WITH ANGLED PARKING (W1)

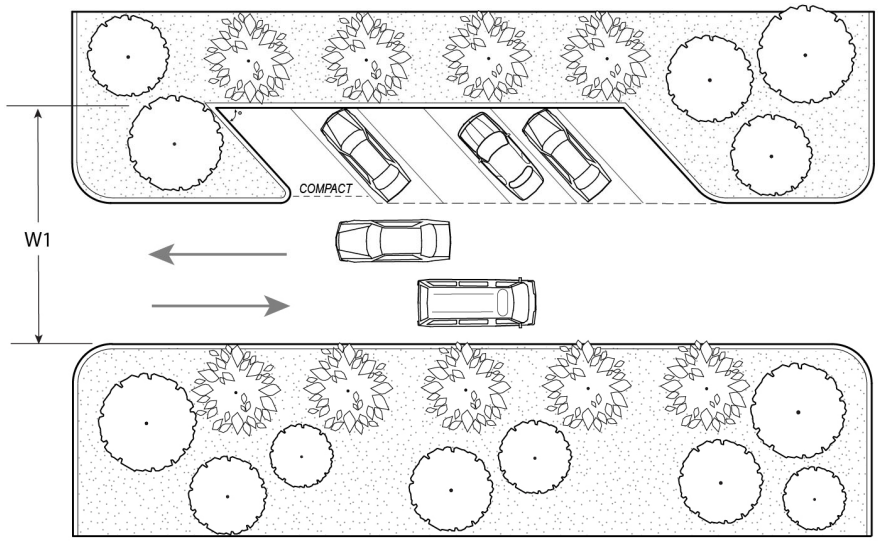


FIGURE 17.38.110(B-8) TWO-WAY WITH ANGLED PARKING (W2):

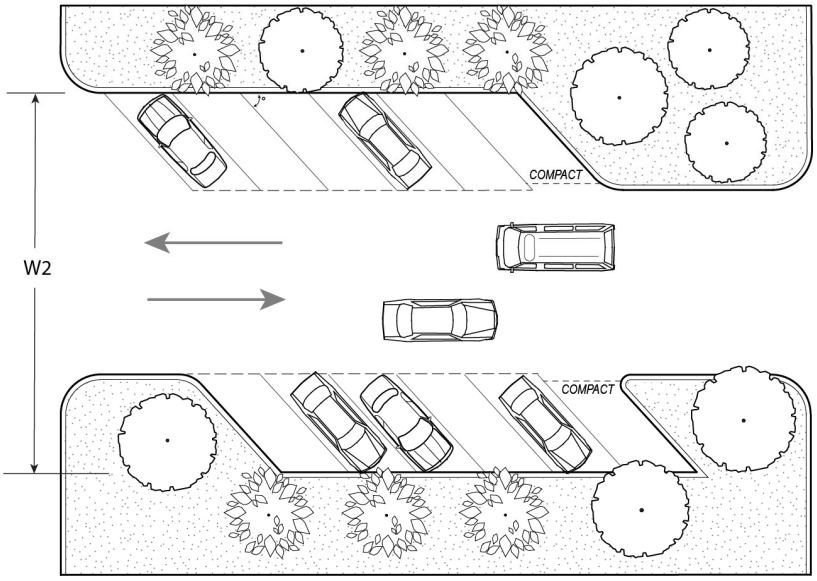


FIGURE 17.38.110(B-9) TWO-WAY WITH ANGLED PARKING (W3):

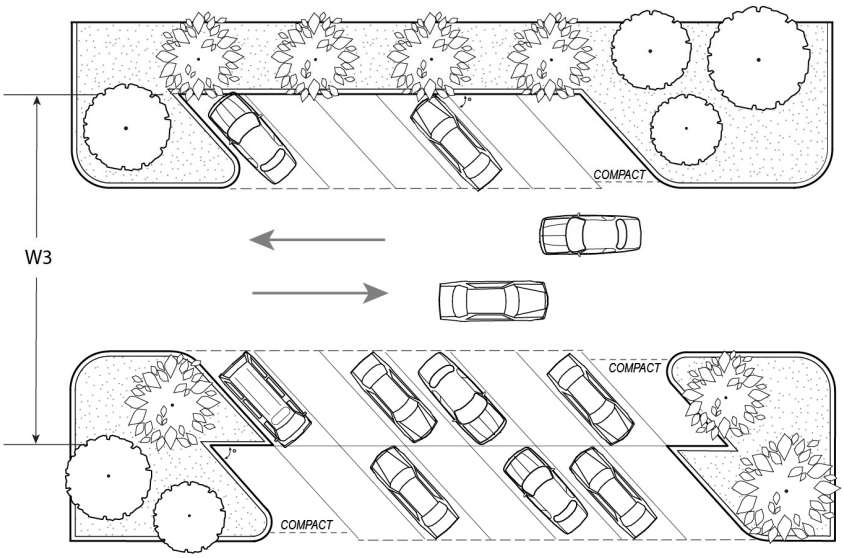


FIGURE 17.38.110(B-10) TWO-WAY WITH ANGLED PARKING (W4):

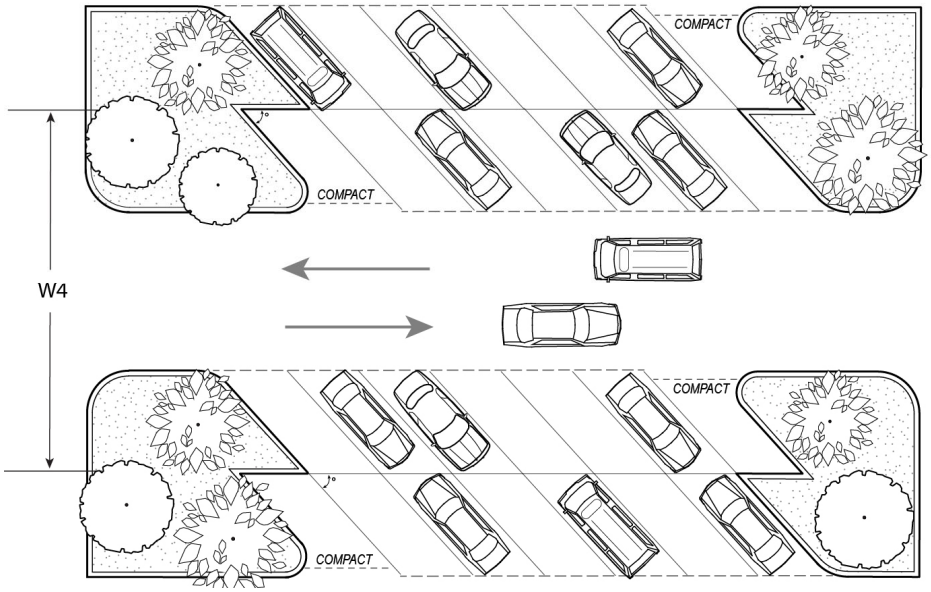


TABLE 17.38.110(A): PARKING DIMENSIONS (ONE-WAY TRAFFIC)

Angle (in degrees)	*W1*			*W2*			*W3*			*W4*		
	8.0' Stall Width	*8.5' Stall Width*	*9.0' Stall Width*	*8.0' Stall Width*	*8.5' Stall Width*	*9.0' Stall Width*	*8.0' Stall Width*	*8.5' Stall Width*	*9.0' Stall Width*	*8.0' Stall Width*	*8.5' Stall Width*	*9.0' Stall Width*
30	24.0	25.0	25.0	36.0	38.5	38.5	33.5	36.0	36.0	31.0	33.0	33.0
35	24.5	26.0	26.0	37.5	40.5	40.5	35.5	38.0	38.0	33.0	35.5	35.5
40	25.5	26.5	26.5	39.0	42.0	42.0	37.0	40.0	40.0	35.0	37.5	37.5
45	26.0	27.5	27.5	40.5	43.5	43.5	38.5	41.5	41.5	36.5	39.0	39.0
50	26.5	28.0	28.0	41.5	45.0	45.0	39.5	43.0	43.0	38.0	41.0	41.0
55	27.0	29.0	28.5	42.5	46.5	46.0	40.5	44.5	44.0	39.0	42.5	42.0
60	28.0	31.5	30.0	43.5	49.5	48.0	42.0	47.5	46.5	41.0	46.0	45.0
65	30.0	34.0	33.0	46.0	52.0	51.0	44.5	51.0	48.5	43.5	49.5	48.0
70	32.0	36.5	35.0	48.0	54.5	53.0	47.0	53.5	52.0	46.0	52.5	51.0
75	34.0	38.5	37.5	50.0	56.5	55.5	49.0	56.0	54.5	48.5	55.0	54.0
80	36.0	41.0	39.5	51.5	58.5	57.5	51.0	58.0	57.0	50.5	57.5	56.5
85	37.5	42.5	41.5	53.0	60.0	59.0	52.5	60.0	58.5	52.5	59.5	58.5
90	39.0	44.5	43.5	54.0	61.5	60.5	54.0	61.5	60.5	54.0	61.5	60.5

Specifications for any parking angle not specifically enumerated can be determined by interpolation from the above table.

TABLE 17.38.110(B): PARKING DIMENSIONS (TWO-WAY TRAFFIC)

Angle (in degrees)	*W1*			*W2*			*W3*			*W4*		
	8.0' Stall Width	*8.5' Stall Width*	*9.0' Stall Width*	*8.0' Stall Width*	*8.5' Stall Width*	*9.0' Stall Width*	*8.0' Stall Width*	*8.5' Stall Width*	*9.0' Stall Width*	*8.0' Stall Width*	*8.5' Stall Width*	*9.0' Stall Width*
30	32.0	33.0	33.0	44.5	47.0	47.0	42.0	44.5	44.5	39.5	41.5	41.5
35	33.0	34.0	34.0	46.0	49.0	49.0	44.0	46.0	46.5	41.5	43.5	43.5
40	33.5	35.0	35.0	47.5	50.5	50.5	45.5	48.0	48.0	43.0	45.5	45.5
45	34.5	35.5	35.5	48.5	52.0	52.0	47.0	50.0	50.0	45.0	47.5	47.5
50	35.0	36.5	36.5	50.0	53.0	53.0	48.0	51.0	51.0	46.0	49.0	49.0
55	35.5	37.0	37.0	50.5	54.0	54.0	49.0	52.5	52.5	47.5	50.5	50.5
60	35.5	37.0	37.0	51.5	55.0	55.0	50.0	53.5	53.5	48.5	52.0	52.0

TABLE 17.38.110(B): PARKING DIMENSIONS (TWO-WAY TRAFFIC)												
Angle (in degrees)	*W1*			*W2*			*W3*			*W4*		
	8.0' Stall Width	*8.5' Stall Width*	*9.0' Stall Width*	*8.0' Stall Width*	*8.5' Stall Width*	*9.0' Stall Width*	*8.0' Stall Width*	*8.5' Stall Width*	*9.0' Stall Width*	*8.0' Stall Width*	*8.5' Stall Width*	*9.0' Stall Width*
65	35.5	37.5	37.5	51.5	55.5	55.5	50.5	54.0	54.0	49.5	52.5	52.5
70	36.0	37.5	37.5	51.5	55.5	55.5	51.0	54.5	54.5	50.0	53.5	53.5
75	36.0	38.5	37.5	51.5	56.5	55.5	51.0	56.0	54.5	50.0	55.0	53.5
80	36.0	41.5	39.5	51.5	58.5	57.5	51.0	58.0	57.0	50.5	57.5	56.5
85	37.5	42.5	41.5	53.0	60.0	59.0	52.5	60.0	58.5	52.5	59.5	58.5
90	39.0	44.5	43.5	54.0	61.5	60.5	54.0	61.5	60.5	54.0	61.5	60.5
Specifications for any parking angle not specifically enumerated can be determined by interpolation from the above table.												

C. **Striping and Marking.**

1. Each parking space must be clearly striped with paint or other similar distinguishable material, except spaces established in a garage or carport having not more than three parking spaces.

2. Striping for parking spaces may be modified by the Zoning Administrator if there is a dual use of the parking facility or if an alternate surfacing material approved by the City. In approving such modification, the Zoning Administrator is authorized to require suitable alternate means of marking the spaces.

D. **Wheel Stops.** Wheel stops must be provided for parking lots with a slope of more than three percent, except that the installation of wheel stops is optional for parking stalls oriented at right angles to the direction of slope. Wheel stops are also required on the perimeter of parking lots that are adjacent to walls, fences, or pedestrian walkways, and when abutting landscaped areas.

E. **Shopping Cart Storage.** When there are businesses that utilize shopping carts, adequate temporary shopping cart storage areas must be well-distributed throughout the parking area.

1. No temporary storage of shopping carts is allowed on pedestrian walkways outside of buildings.

2. Cart storage may be located adjacent to buildings provided the cart storage is physically separated from the pedestrian walkway and pedestrian walkway is a minimum of four feet wide.

3. Shopping carts must have disabling devices, which are activated when they cross a barrier at the perimeter of the premises.

F. **Parking Access.**

1. ***Forward Entry.*** Parking areas of four or more spaces must be provided with suitable maneuvering room so that all vehicles therein may enter an abutting street in a forward direction.

2. ***Driveway Length.*** Driveways providing direct access from a public street to a garage or carport must be at least 20 feet in depth.

3. ***Driveway Width.***

   a. The minimum width of a driveway serving one to two residences must be no less than 12 feet total. The maximum width is 20 feet.

   b. The minimum width of a driveway serving three to seven residential unit is eight feet for a one-way driveway, or 14 feet for a two-way driveway.

   c. The minimum width of a driveway serving seven or more residential or commercial uses is ten feet for a one-way driveway, or 20 feet for a two-way driveway.

   d. The maximum driveway width for non-residential uses is 20 feet for a one-way driveway and 33 feet for a two-way driveway.

G. **Electric Vehicle Charging Stations.** In parking facilities containing 20 or more spaces serving residential, offices, and lodging uses, at least ten percent of parking spaces must be electric vehicle (EV) charging stations.

1. ***Signage.*** Each EV charging must be clearly marked with a sign reading "Electric Vehicle Charging Station."

2. ***Public Use.*** EV charging stations may be equipped with card readers, controls, connector devices, and other equipment as necessary to enable use by the general public.

H. **Surfacing.** All parking areas must be paved and improved, and all sites must be properly drained, subject to the approval of the Public Works Director.

1. ***Cross-Grades.*** Cross-grades must be designed for slower stormwater flow and to direct stormwater toward landscaping, bio-retention areas, or other water collection/treatment areas.

2. ***Overflow Parking Areas.*** Permeable materials must be used in all overflow parking areas and installed in accordance with manufacturer recommended specifications.

3. ***Low Traffic Areas.*** Turf grids, grassblock permeable pavers, gravel, or similar materials must be installed in areas of low traffic or infrequent use wherever feasible.

I. **Perimeter Curbing.** A six-inch wide and six-inch high concrete curb must be provided along the outer edge of the parking facility, except where said paved area abuts a fence or wall. Curbs separating landscaped areas from parking areas must be designed to allow stormwater runoff to pass through.

J. **Heat Island Reduction.** In order to reduce ambient surface temperatures in parking areas, at least 50 percent of the areas not landscaped must be shaded, of light-colored materials with a Solar Reflectance Index of at least 29, or a combination of shading and light-colored materials.

1. Shade may be provided by tree canopies. If shade is provided by tree canopies, the amount of required shading is to be reached within 15 years.

2. Shade may also be provided by shade structures, subject to Design Review.

K. **Landscaping.** Landscaping of parking areas must be provided and maintained according to the general standards of Chapter 17.34, Landscaping, as well as the standards of this subsection for all parking areas:

1. ***Landscape Area Required.*** A minimum of ten percent of any parking area, excluding setbacks, must be landscaped.

2. ***Materials.*** All landscape planting areas that are not dedicated to trees or shrubs must be permeable. No hardscape materials are permitted in designated planting areas.

3. ***Layout.*** Landscaped areas must be well-distributed throughout the parking area.

4. ***Visibility and Clearance.*** Landscaping in planters at the end of parking aisles must not obstruct driver's vision of vehicular and pedestrian cross-traffic. Mature trees must have a foliage clearance maintained at eight feet from the surface of the parking area. Other plant materials located in the interior of a parking lot must not exceed 30 inches in height.

5. ***Trees.*** One tree must be provided per four parking spaces unless a lesser amount is approved through Design Review.

L. **Screening.** Parking areas containing ten or more spaces must be screened from public streets, according to the following standards.

1. ***Height.*** Screening of parking lots from adjacent public streets must be three feet in height.

   a. A reduced height for screening devices of up to 18 inches is permissible when permitted display of automobiles, trucks, recreational vehicles, manufactured homes, boats, motorcycles, and utility trailers is allowed adjacent to public streets.

2. ***Materials.*** Screening must be consistent with the following:

   a. *Walls.* Plain concrete blocks are not allowed as a screening wall material unless capped and finished with stucco or other material;

   b. *Fences.* Use of chain-link for screening purposes is prohibited;

   c. *Planting.* Plant materials consisting of compact plants that form an opaque screen. Such plant materials must achieve a minimum height of two feet within 18 months after initial installation; and

   d. *Berms.* Berms planted with grass, ground cover, or other low-growing plant materials that meet the height requirement for screening.

M. **Circulation and Safety.**

1. ***Visibility.*** Clear sight lines must be provided for pedestrians, bicyclists, and motorists entering individual parking spaces, circulating within a parking facility, and entering or exiting a parking facility.

2. ***Services.*** Parking lots must be designed so that sanitation, emergency, and other public service vehicles can provide service without backing unreasonable distances or making other dangerous or hazardous turning movements.

3. ***Pedestrian Access.*** Separate vehicular and pedestrian circulation systems must be provided where possible. Multiple-unit residential developments must provide

pedestrian access that is separate and distinct from driveways. Parking areas for commercial and mixed-use developments that are 80 feet or more in depth and/or include 25 or more parking spaces must have distinct and dedicated pedestrian access from the commercial use to parking areas and public sidewalks, according to the following standards:

a. *Connection to Public Sidewalk.* An on-site walkway must connect the main building entry to a public sidewalk on each street frontage;

b. *Materials and Width.* Walkways must provide at least five feet of unobstructed width and be hard-surfaced;

c. *Identification.* Pedestrian walkways must be clearly differentiated from driveways, parking aisles, and parking and loading spaces through the use of elevation changes, a different paving material, or similar method; and

d. *Separation.* Where a pedestrian walkway is parallel and adjacent to an auto travel lane, it must be raised and separated from the auto travel lane by a raised curb at least four inches high, bollards, or another physical barrier.

N. **Alternative Parking Area Designs.** Where an applicant can demonstrate to the satisfaction of the Review Authority that variations in the requirements of this Section are warranted in order to achieve to environmental design and green building objectives, including, without limitation, achieving certification under the LEED™ Green Building Rating System or equivalent, an alternative parking area design may be approved.

O. **Maintenance.** Parking lots, including landscaped areas, driveways, and loading areas, must be maintained free of refuse, debris, or other accumulated matter and must be kept in good repair for the life of the project.

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Chapter 17.39 Performance Standards

Sections:

17.39.010 Purpose
17.39.020 Applicability
17.39.030 General Requirements
17.39.040 Air Quality
17.39.050 Liquid or Solid Waste
17.39.060 Hazardous Materials
17.39.070 Noise

17.39.010 Purpose

The purpose of this Chapter is to:

A. Establish permissible limits and permit objective measurement of nuisances, hazards, and objectionable conditions;

B. Minimize various potential operational impacts of land uses and development within the City and promote compatibility with adjoining areas and land uses; and

C. Affirm City requirements for construction and demolition waste management as they apply to new development.

17.39.020 Applicability

The minimum requirements in this Chapter apply to all new and existing land uses in all zoning districts, including permanent and temporary uses, unless otherwise specified.

17.39.030 General Requirements

Land or structures shall not be used or occupied in a manner creating any dangerous, injurious, or noxious conditions, chemical fires, explosive, or other hazards that could adversely affect the surrounding area.

17.39.040 Air Quality

A. **Compliance.** Sources of air pollution must comply with rules identified by the U.S. Environmental Protection Agency (Code of Federal Regulations, Title 40), the California Air Resources Board, and the Santa Barbara County Air Pollution Control District (APCD).

B. **APCD Permits.** Applicants are responsible for obtaining any and all permits from APCD prior to issuance of final permits by the City.

C. **Highway Buffer.** When development that includes a sensitive receptor is proposed within 500 feet of U.S. Highway 101, an analysis of mobile source emissions and associated health risks shall be required. Such developments shall be required to provide an adequate setback as determined by the Review Authority, from the highway and, if necessary, identify design mitigation measures to reduce health risks to acceptable levels.

17.39.050 Liquid or Solid Waste

A. **Discharges to Water or Sewers.** Liquids and solids of any kind must not be discharged, whether directly or indirectly, into a public or private body of water, sewage system, waterway, or into the ground, except in compliance with applicable regulations of the Regional Water Quality Control Board (RWQCB).

B. **Solid Wastes.** Solid wastes must be handled and stored so as to prevent nuisances, health, safety, and fire hazards, and to facilitate recycling. There can be no accumulation outdoors of solid wastes conducive to the breeding of rodents or insects, unless stored in closed containers.

17.39.060 Hazardous Materials

The use, handling, storage, and transportation of hazardous and extremely hazardous materials must comply with the provisions of the California Hazardous Materials Regulations and the California Fire and Building Code, as well as the laws and regulations of the California Department of Toxic Substances Control, the Santa Barbara County Fire Department (County Fire), and the Santa Barbara County Office of Emergency Management.

A. **Risk Exposure.** The City will not allow any use that would expose existing residential or commercial development to significant risk.

B. **Hazard Assessment Required.** All new uses with hazardous materials and any proposed substantial increase in intensity of use with existing hazardous materials must submit a hazard assessment to the City. The hazard assessment must identify the risks posed by the new or expanded use and the geographical extent of significant risk and be approved by County Fire.

C. **Contaminated Land.**

1. Before development of a site identified as having been used for the storage of hazardous materials or activities involving the use of hazardous materials, the developer must submit documentation to the City sufficient to demonstrate that:

    a. Testing has been conducted as required to determine the existence and extent of soil and/or groundwater contamination and either:

        i. Based on the results of the testing, an appropriate clean-up program is not needed; or

        ii. An appropriate Soil Management and Safety Plan consistent with subsection (C)(3) below has been developed.

2. No development is permitted on land determined to contain actionable contamination until financial responsibility has been accepted for any required remediation. The posting of a bond or other surety in an amount and form acceptable to the Review Authority is required.

3. Where required, a site-specific Soil Management and Safety Plan must be developed and submitted as part of the project application. The Plan must, at a minimum:

    a. Identify and document the extent of contamination;

    b. Characterize contaminated soil and/or groundwater;

c. Identification of appropriate personal protective equipment to minimize potential worker exposure to hazards; and

d. Provide remediation procedures for contaminated material including, as warranted:

i. Interim storage on site.

ii. Transportation procedures.

iii. Final disposal location.

D. **Applicant Responsibilities.** Development that will involve the generation, use, transportation, and/or storage of hazardous materials must comply with the following requirements:

1. The use, storage, transportation, and disposal of hazardous materials, including underground or above-ground storage tanks, must comply with RWQCB requirements and must ensure that the use, storage, transportation, and disposal of hazardous materials does not result in hazardous discharge or runoff; and

2. Hazardous materials or wastes stored in closed containers at a facility must be setback a minimum of 50 feet from all property lines.

17.39.070 Noise

A. **Noise Limits.** Noise and land use compatibility criteria specified in Table 17.39.070(A) below apply to all new development and conditions of approval may be imposed to minimize or eliminate incompatibilities.

1. Proposals for new development that would cause standards to exceed the Normally Acceptable noise exposure for any use may only be approved if the project would provide a substantial benefit to the City.

2. These compatibility criteria also may justify denial of an application if a proposed use or adjacent use would be exposed to Clearly Unacceptable noise exposure, as defined in the table.

TABLE 17.39.070(A): NOISE AND LAND USE COMPATIBILITY CRITERIA

Land Use Category	*Community Exposure (Ldn or CNEL, dBA)*			
	Normally Acceptable[1]	*Conditionally Acceptable*[2]	*Normally Unacceptable*[3]	*Clearly Unacceptable*[4]
Residential-single unit	50-60	60-65	65-75	75+
Residential-multiple unit	50-60	60-65	65-75	75+
Other Residential Uses	50-60	60-65	65-80	80+
Auditoriums, concert halls, and amphitheaters	N/A	50-65	N/A	65+
Park and Recreation Facilities	50-70	N/A	70-75	75+
Other Public/Quasi-Public Uses	50-60	60-65	65-80	80+
Sports arenas and outdoor spectator sports	N/A	50-70	N/A	70+

TABLE 17.39.070(A): NOISE AND LAND USE COMPATIBILITY CRITERIA				
Land Use Category	*Community Exposure (Ldn or CNEL, dBA)*			
	Normally Acceptable[1]	*Conditionally Acceptable*[2]	*Normally Unacceptable*[3]	*Clearly Unacceptable*[4]
Golf courses, riding stables, water recreation, and cemeteries	50-70	N/A	70-80	80+
Lodging	50-65	65-70	70-80	80+
Other Commercial Uses	50-67.5	67.5-75	75+	N/A
Industrial, Transportation, Communication, and Utility, and Agricultural Uses	50-70	70-75	75+	N/A

Notes:

1. Normally Acceptable: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without special noise-insulation requirements.
2. Conditionally Acceptable: New construction or development may be undertaken only after detailed analysis of the noise reduction requirements is made and needed noise-insulation features are included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning, will normally suffice.
3. Normally Unacceptable: New construction or development is discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features must be included in the design. See Section 17.39.070(D), Acoustical Study.
4. Clearly Unacceptable: New construction or development must generally not be undertaken.
5. N/A: Not applicable.

B. **Adjustments to Noise Exposure Limits.** The maximum 'Normally Unacceptable' or 'Clearly Unacceptable' noise levels of Table 17.39.070(A), may be adjusted according to the following provisions. No more than one increase in the maximum permissible noise level will be applied to the noise generated on each property.

1. ***Nuisance Noise.*** If a noise contains a steady audible tone (i.e., hum or buzz), rises or falls in pitch or volume (i.e., whine or screech), or is a repetitive noise (i.e., hammering or riveting) or contains music or speech conveying informational content, the maximum noise levels will be reduced by five dBA.

C. **Short Duration Noise.** In addition to the durational noise standards above, the following standards apply to episodic noise affecting Residential Uses:

1. Noise that is produced for no more than a cumulative period of five minutes in any hour must not exceed 80 dBA; and

2. Noise that is produced for no more than a cumulative period of one minute in any hour must not exceed 85 dBA.

D. **Acoustical Study.** The Review Authority may require an acoustical study that includes field measurement of noise levels for any proposed project that would impact or be impacted by noise levels at the Conditionally Acceptable level.

1. Acoustical studies must identify noise sources, magnitudes, and potential noise attenuation measures, and describe existing and future noise exposure.

2. All costs of the acoustical study and any peer review are borne by the applicant.

E. **Noise Attenuation Measures.** Any project subject to the acoustic study requirements of subsection (D), above, must incorporate noise attenuation features deemed necessary to ensure that noise standards are not exceeded.

1. Where any portion of a site proposed for a new residential use exceeds 60 dBA CNEL, noise-attenuation features to achieve and maintain an interior noise level of 45 dBA CNEL must be included.

F. **Exemptions.** The following are exempt from the provisions of this Section:

1. ***Emergencies.*** The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work;

2. ***Warning Devices.*** Warning devices necessary for the protection of the public safety, such as police, fire, and ambulance sirens;

3. ***Special Events.*** Occasional outdoor gatherings, public dances, shows, and sporting and entertainment events, provided that such events are conducted pursuant to a permit or license issued by the City;

4. ***Municipal Solid Waste Collection.*** Collection of solid waste, vegetative waste, and recyclable materials by the City or under contract with the City; and

5. ***Public Works Construction Projects, Maintenance, and Repair.*** Street, utility, and similar construction projects undertaken by or under contract to or direction of the City, or the State of California or a public utility regulated by the California Public Utilities Commission, as well as maintenance and repair operations conducted by such parties.

G. **Construction Hours.** Construction-related noise-generating activities are subject to the following:

1. ***Limitation on Hours.***

a. Noise-generating construction activities within 1,600 feet of sensitive receptors are limited to Monday through Friday, 8:00 a.m. to 5:00 p.m.

b. Noise-generating construction activities not within 1,600 feet of sensitive receptors are limited to Monday through Friday, 7:00 a.m. to 4:00 p.m.

c. Exceptions to these restrictions for on-site work may be made for good cause at the sole discretion of the Director. Exceptions to these restrictions may be made for good cause at the sole discretion of the Public Works Director or designee, for work in the City Right-of-Way.

2. ***Holidays.*** No noise-generating construction activities may occur on State holidays.

3. ***Construction Hours.*** Construction hours of operation must be posted on site near the entrance of the development site.

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Chapter 17.40 Signs

Sections:

17.40.010 Purpose
17.40.020 Applicability
17.40.030 Exempt Signs
17.40.040 Prohibited Signs
17.40.050 Sign Design Principles
17.40.060 General Provisions for All Sign Types
17.40.070 Signage Allowances for Specific Uses and Special Signs
17.40.080 Standards for Specific Sign Types
17.40.090 Overall Sign Plan
17.40.100 Nonconforming Signs

17.40.010 Purpose

The purpose of this Chapter is to regulate signs as an information system that preserves and enhances the aesthetic character and environmental values of the City, its residential neighborhoods, its visitor-oriented uses, and commercial/industrial areas, while also providing an effective means for members of the public to express themselves through the display of signs. More specifically, this Chapter is intended to:

A. Promote communications through signs that provide information and orientation and also to promote economic activity and vitality to the community;

B. Maintain and enhance the City's appearance by regulating the design, character, location, number, type, quality of materials, size, illumination, and maintenance of signs;

C. Limit commercial signage to on-site locations to ensure that signage is primarily used as identification in order to protect the City's aesthetic environment from the visual clutter associated with the unrestricted proliferation of signs;

D. Restrict signs that may create a nuisance to nearby properties, violate privacy, or create hazards or unreasonable distractions for pedestrians or drivers; and

E. Ensure the protection of the rights of free speech and expression are guaranteed by the United States Constitution and State of California Constitution while setting local design standards and expectations.

17.40.020 Applicability

This Chapter regulates signs that are located or mounted on private property within the corporate limits of the City, as well as signs located or mounted on public property, over which the City has land use or zoning authority. The provisions in this Chapter apply in all zoning districts of the City. No sign within the regulatory scope of this Chapter may be erected or maintained anywhere in the City except in conformance with this Chapter.

17.40.030 Exempt Signs

The following signs are exempt from the requirements of this Chapter, provided that they conform to the specified standards of this Chapter. Exempt signs do not count toward the total sign area limit for a site.

A. **Address Signs.** Address identification and signage in conformance with all applicable Fire Department and Building Code requirements.

B. **Change of Business Signs.** A temporary attachment or covering of wood, plastic, or canvas over a permitted permanent sign indicating a change of ownership or activity. The temporary sign may be displayed for no longer than 60 days following the change of ownership or activity for which the sign is intended. The temporary sign must be no larger than the previously permitted permanent sign.

C. **Commemorative Signs.** Plaques, memorial signs or tablets, or other form of signage commemorating the site of a historical event, the residence or workplace of a historical figure, or a building whose architectural or historical character is recognized by the City as part of the City's cultural heritage. The signs may indicate the names of buildings or dates of building erection and may either be attached to or cut into the surfaces of buildings, provided that the signage does not exceed three square feet.

D. **Construction Signs.** A temporary on-site construction sign may be erected for the duration of construction activities, provided it is immediately removed after issuance of Final Inspection Clearance for the project or if the construction is ceased and work on the site is abandoned. A temporary construction sign may not exceed 20 square feet and six feet in height within non-residential zones or eight square feet and four feet in height within residential zones unless a larger area is approved as part of the project's Development Plan approval.

E. **Directional Signs.** Directional signs that do not exceed two square feet.

F. **Directional Signs for Open Houses.** Off-site signs directing the public to "open house" events, for housing units that are listed for sale or for lease, provided they comply with the following standards:

1. For an individual lot, up to three offsite directional signs are allowed;
2. For two or more lots premises, dwellings or structures that are for sale, lease, or rent, are permitted on private land in the same development, up to a maximum of six directional signs are allowed;
3. No sign exceeds five square feet per side and three feet in height, including support structure, from finished grade;
4. The sign or signs may not be placed more than two hours before the start or remain more than two hours after the conclusion of the open house event; and
5. No signage may be displayed within the public road right-of-way, nor impede or obstruct pedestrian use of public sidewalks or access ways.

G. **Door Signs.**

1. Signs displaying a business as open or closed and do not exceed one square foot.

2. Stickers or decals indicating accepted payment types (i.e., credit/debit cards) and do not exceed one square foot.

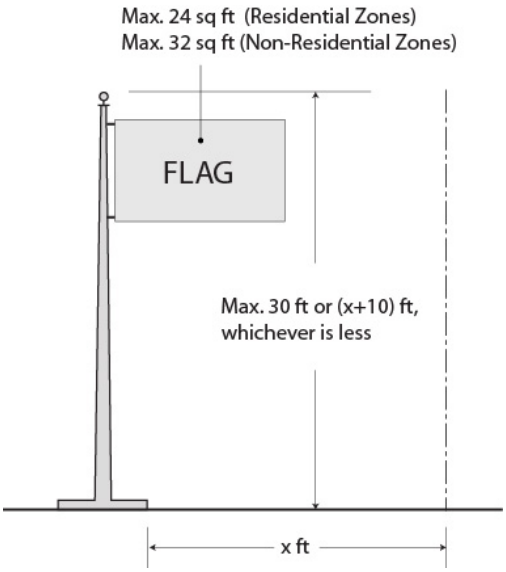
3. Stickers, decals, or etching on glass that display store hours and do not exceed two square feet.

H. **Flags.** Noncommercial flags may be erected and located on a property only in accordance with the following standards:

1. ***Maximum Flagpole Height.*** If a flag is on a flag pole, the pole height must not exceed 30 feet, or the distance from the base of the pole to the closest property line plus ten feet, whichever is less.

2. ***Maximum Size.*** The maximum individual flag area on a lot is 24 square feet in Residential Zone Districts and 32 square feet in all other Zone Districts.

FIGURE 17.40.030(H): FLAGS



I. **Government Signs.** Official notices issued by a court, public body, or office and posted in the performance of a public duty; informational signs posted by the City, notices posted by a utility or other quasi-public agency; signs erected by a governmental body to direct or regulate pedestrian or vehicular traffic; non-commercial bus stop signs erected by a public transit agency, or other signs required or authorized by law.

J. **Interior Signs.** Signs that are located within interior areas of a building, not intended to attract outside attention, and are at least three feet from a window, door, or other exterior wall opening.

K. **Menu Displays.** Menu displays, not exceeding a total of two square feet in cumulative area, mounted on a wall or in a window near the main entrance of establishments serving food to customers who eat on the premises.

L. **Murals.** Murals that do not contain any advertising copy or function as advertising.

M. **One-Time Event Sign.** One-Time Event signs with a maximum area of 40 square feet.

1. One One-Time Event sign is allowed per street frontage.

2. One-Time Event signs must not be posted more than seven days prior to the special event.

3. One-Time Event signs must be removed within 24 hours of completion of the event.

N. **On-Site Real Estate Signs.** Signs conveying information about the sale, rental, or lease of the subject lot, premises, dwelling, or structure, provided that they comply with the following provisions:

1. ***Illumination.*** The sign or signs are not illuminated.

2. ***Removal.*** The sign or signs are removed within seven days after the sale, lease, or rental of the property has been completed.

3. ***Freestanding Real Estate Signs.***

a. No more than one real estate sign is displayed at any one time per public street frontage per lot;

b. The sign or signs do not exceed an aggregate area of 32 square feet within non-residential zones or eight square feet in area within residential zones; and

c. The maximum height of the signs and supports is six feet.

FIGURE 17.40.030(N): ON-SITE REAL ESTATE SIGNS



4. ***Real Estate Wall Signs.***

a. No more than one wall sign may be displayed at any one time per public street frontage;

b. Wall signs may not exceed six square feet in area; and

c. The maximum height of a wall sign is 12 feet.

O. **Subdivision Signs.** A maximum of three, unlighted, double-faced temporary subdivision signs, not exceeding 40 square feet in area per display face and 15 feet in overall height, may be erected and maintained with a subdivision during sale of the lots. Such signs must be located within the subdivision and also be a minimum distance of 300 feet apart from each other. All subdivision signs must be removed at the close of escrow of the model complex houses.

P. **Sponsorship Signs.** One temporary commercial sponsorship sign for each sponsor or one sign for all sponsors, who support and/or contribute to activities occurring on a premise open to the public. The signs must not to exceed an area of 36 square feet per site and may remain on the

premises for a period determined by the host agency or owner not to exceed three months preceding the activity or event and removed within 15 days after the event or activity.

Q. **Vehicle and Vessel Insignia.** On properly licensed vehicles and watercraft: license plates and frames, registration stickers and insignia, and messages relating to the proposed sale, lease, or exchange of the vehicle or vessel.

R. **Window Signs.** Window Signs in "R" zone districts and on residential uses, whether permanent or temporary, one non-illuminated window sign not exceeding three square feet on any building façade when not used to advertise a home occupation.

S. **Protected Non-Commercial Speech Signs.** Non-illuminated temporary signs displaying protected non-commercial messages that are no more than four feet in height and no more than six square feet in area may be displayed at any time. However, during the period of time beginning 60 days before a general, special, primary or runoff election, and ending 15 days after such election, the amount of display area may be doubled. All signage displayed under this Section must be removed 15 days after the corresponding election.

17.40.040 Prohibited Signs

Unless otherwise permitted by a specific provision of this Chapter, the following sign types are prohibited in all zones:

A. **Animated Signs.** Signs that blink, flash, shimmer, glitter, rotate, oscillate, move, or which give the appearance of blinking, flashing, shimmering, glittering, rotating, or oscillating.

B. **Cabinet or Can Signs.** Internally lit cabinet and can signs.

C. **General Advertising for Hire.** Permanent or temporary billboards or signage that publicize or promote other off-site businesses or causes using methods of advertising (in contrast to self-promotion, on-site sales, or on-site advertising).

D. **Human Directional Signs.** Sign holders, spinners, twirlers or other forms of advertising using human billboards.

E. **Mobile Billboards.** Any sign carried or conveyed by a vehicle for the primary purpose of general advertising for hire, excluding signs on taxis and buses.

FIGURE 17.40.040(E): PROHIBITED MOBILE BILLBOARD EXAMPLE



F. **Portable Signs.** Portable signs are prohibited in all City rights-of-way unless issued an Encroachment Permit.

G. **Pole Signs.** A sign that is mounted on a freestanding pole or other support structure placed on or anchored to the ground that is independent from any building or other structure.

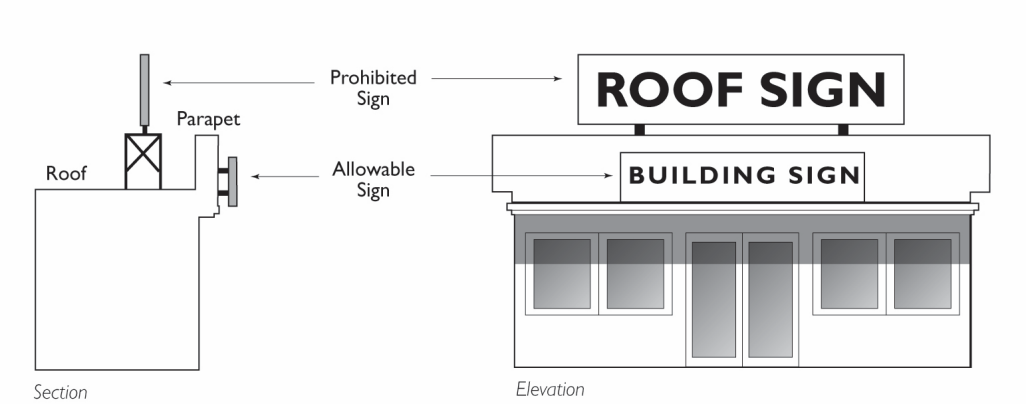
H. **Roof Signs.**

1. Signs that extend above the roofline or parapet (whichever is higher) of a building with a flat roof, including signs affixed to roof-top mechanical equipment.

2. Signs that extend above the deck line of a mansard roof.

3. Signs on roof-tops that are only visible from above.

FIGURE 17.40.040(H): ROOF SIGNS



I. **Signs Located in the Public Right-of-Way or on Public Property.** Other than official government signs or warning signs required by law, no inanimate sign can be placed in public right-of-way, on any public utility pole or fire hydrant, or on public property unless authorized by a City Encroachment Permit.

J. **Signs Affixed to Trees.** No sign may be affixed to or cut into any public or private tree or other living vegetation.

K. **Signs on Terrain.** No sign may be cut, burned, marked, or displayed in any manner on a street, sidewalk, rock, outcropping, cliff, or hillside.

L. **Search Lights and Klieg Lights.** When used as attention-attracting devices for commercial sales or special events.

M. **Signs Creating Traffic Hazards or Affecting Pedestrian Safety.** No signs may be placed, located, or situated in such a manner as to constitute a safety hazard or to impede the public use of the public right-of-way, such as:

1. Signs placed, mounted, erected, or installed in any manner that obstructs use of any door, window or fire escape;

2. Signs mounted or displayed in such a manner that blocks or impedes the normal pedestrian use or public sidewalks. A minimum unobstructed width of four feet must be maintained on sidewalks at all times;

3. Signs located in such a manner as to constitute a traffic hazard or obstruct the view of traffic, fire hydrants, any authorized traffic sign, or signal device;

4. Signs that may create confusion with any authorized traffic sign, signal, or device because their color, location, or wording, or use of any phrase, symbol, or character interferes with, misleads, or confuses vehicular drivers in their use of roads or conflicts with any traffic control sign or device; or

5. Signs at or near any street intersection that distract or will obstruct the free and clear vision of drivers and pedestrians. Other than traffic control signals, no sign may be installed or displayed in the visibility triangle at intersections, as determined by the City.

N. **Signs for Prohibited Uses.** A sign displaying a commercial message promoting a business that is either a prohibited use or has not been established as a legally permitted use.

O. **Signs that Produce Noise or Emissions.** Signs that produce visible smoke, vapor, particles, odor, noise, or sounds that can be heard at the property line, excluding voice units at menu board signs and devices for servicing customers from their vehicles, such as drive-up windows at banks.

P. **Wind Movement Devices.** Balloons, inflatable signs, streamers, banners, pennants, and other attention-getting devices, made of plastic, light-weight fabric, or similar material, designed to rotate or move with the wind. Such devices are prohibited unless permitted by the City as a Temporary Use, pursuant to Section 17.41.260, Standards for Specific Uses and Activities – Temporary Uses.

17.40.050 Sign Design Principles

The following sign design principles will be used as criteria for review and approval a permit for individual signs and for Overall Sign Plans.

A. **Architectural Compatibility.** A sign, including its supporting structure, should be designed as an integral design element of a building's architecture and be architecturally compatible, in terms of color, materials, and scale, with the building the sign is attached to as well as with surrounding structures to the maximum extent feasible. A sign that covers a window, spills over "natural" boundaries or architectural features, or obliterates parts of upper floors of buildings is detrimental to visual order and would not be compatible. Common indicators of compatibility include:

1. Quality sign design and construction;

2. Proportional size and scale; and

3. Use of materials, shapes and colors that complement the building's architectural style and the surrounding environment.

B. **Legibility.** The size, length, and proportion of the elements of the sign's message, including logos, letters, icons and other graphic images, should be selected based on the average distance and average travel speed of the intended viewer. Sign messages oriented towards pedestrians may be smaller than those oriented towards automobile drivers. Colors and materials chosen for the sign text and/or graphics should have sufficient contrast with the sign background in order to be easily read during both day and night.

C. **Placement.** The architectural details of a building often create logical places for signage. Signs should not cover or interrupt architectural details or ornaments of a building's façade. On buildings with a monolithic or plain façade, signs can establish or continue appropriate design rhythm, scale and proportion. Well-designed and well-located retail signs create visual interest and continuity with other storefronts on the same or adjacent buildings and should not obscure windows or doors.

D. **Readability.** A sign message should be easily recognized and designed in a clear, unambiguous and concise manner, so that a viewer can understand or make sense of what appears on the sign.

FIGURE 17.40.050(D): SIGN READABILITY



E. **Visibility.** A sign should be conspicuous and readily distinguishable from its surroundings, so a viewer can easily see the information it communicates. Appropriate illumination can add to visibility, but the type and strength must be carefully considered.

17.40.060 General Provisions for All Sign Types

A. **Permit Required.** Except as otherwise expressly provided in this Chapter, it is unlawful for any person to affix, place, erect, suspend, attach, construct, structurally or electrically alter, move, or display any temporary or permanent sign within the City without first obtaining a Design Review Board approval and issuance of a Zoning Clearance. No Design Review Board approval and Zoning Clearance is required for exempt signs and for cleaning and other normal maintenance of a properly approved sign, unless a structural or electrical change is made.

B. **Design Review.**

1. Applications for individual signs that are not subject to Section 17.40.090, Signs – Overall Sign Plan, but are submitted in accordance with the applicable standards of this Chapter will be subject to Design Review by the Design Review Board.

2. Applications for individual signs submitted in accordance with the applicable standards of this Chapter on property with an approved Overall Sign Plan will be subject to Administrative Design Review.

C. **Owner's Consent Required.** The expressed or written consent of the property owner or business owner is required before any sign may be displayed on any real or personal property within the City.

D. **Non-commercial Signs.** Non-commercial signs are allowed wherever commercial signage is permitted and are subject to the same standards and total maximum allowances per site or building of each sign type specified in this Chapter. A Zoning Clearance for signage is required only if the sign qualifies as a structure and is subject to a building permit under the Building Code. For purposes of this Chapter, all non-commercial speech messages are considered "on-site," regardless of location.

E. **Maximum Sign Area.** The maximum allowable sign area for permanent signs, exclusive of area of exempt signs, is based on the Zoning District in which the sign is located and the type of sign to be used. These standards are established in subsequent sections of this Chapter. These standards are maximums permitted and may be reduced during the Design Review process due to site context, visibility needs, and sign design, as determined by the Review Authority.

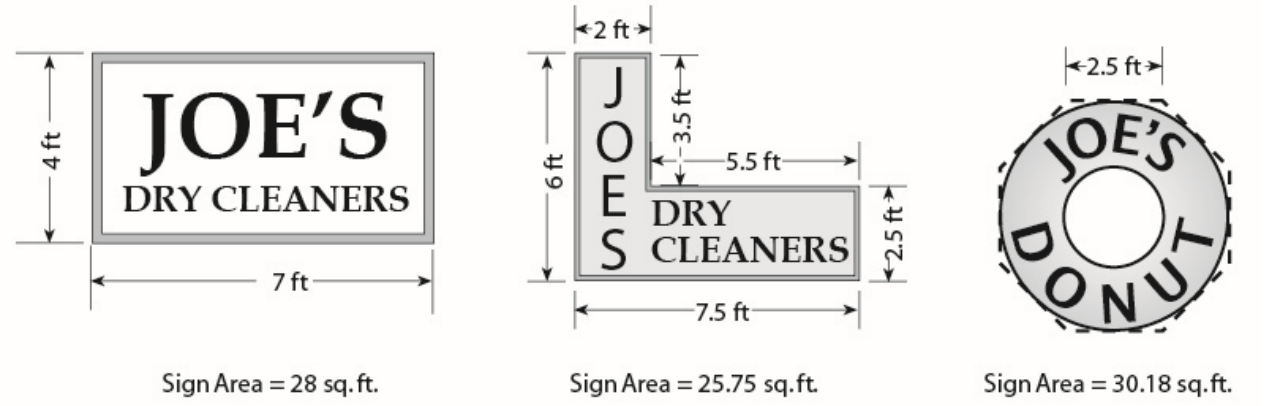
F. **Applicable Codes.** In addition to complying with the provisions of this Chapter, all signs must be constructed in accordance with the Uniform Building Code, the Uniform Sign Code, the Electrical Code, and all other applicable laws, rules, regulations, and policies.

G. **Encroachment Permits.** Signs mounted on private property may project into or above public property or the public right-of-way only with approval of an Encroachment Permit or exemption by the Public Works Director. Violations of this provision shall result in the removal and confiscation of the sign by the City staff.

H. **Measuring Sign Area.** The area of a sign face includes the entire area within the periphery of the sign, which is established by drawing not more than eight straight lines encompassing the extremities of the sign within the smallest possible area. Supporting structures, such as sign bases and columns, are not included in sign area provided that they contain no lettering or graphics except for addresses or required tags. The area of an individual sign must be calculated as follows:

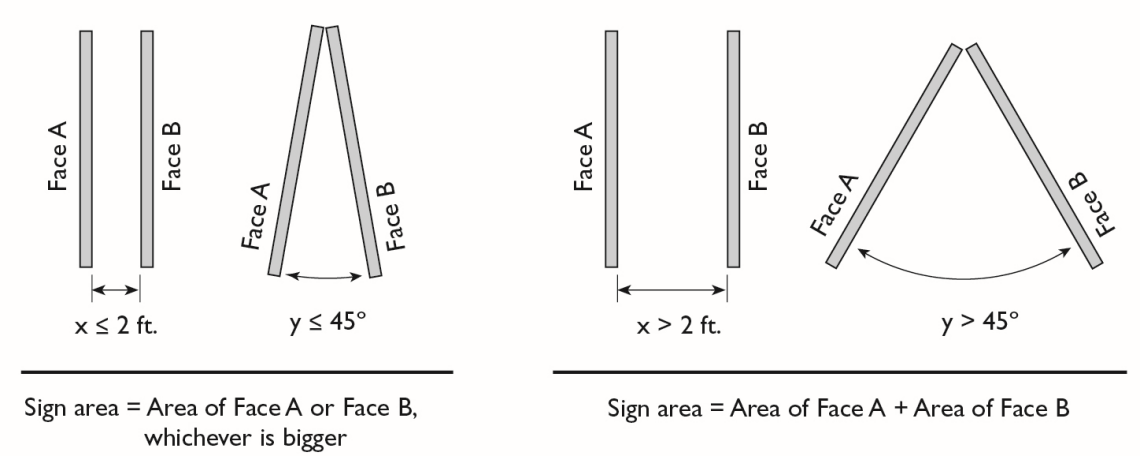
1. ***Single-Faced Signs.*** Sign area of single-faced signs is the area of the sign face;

FIGURE 17.40.060(H)(1): SINGLE-FACED SIGNS



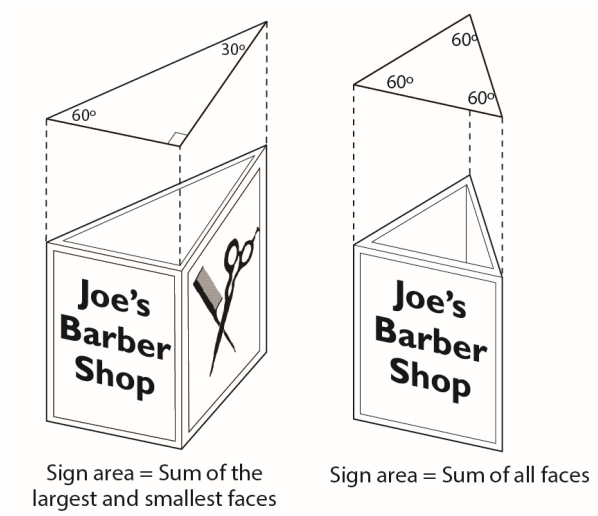
2. ***Double-Faced Signs.*** Where two faces of a double-faced sign are located two feet or less from one another at all points or located at an interior angle of 45 degrees or less from one another, the sign area of double-faced signs is computed as the area of one face. Where the two faces are not equal in size, the larger sign face will be used. Where two faces of a double-faced sign are located more than two feet or greater than 45 degrees from one another, both sign faces are counted toward the total sign area;

FIGURE 17.40.060(H)(2): DOUBLE-FACED SIGNS



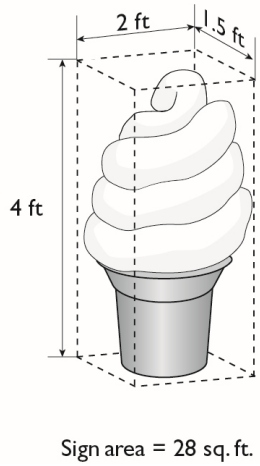
3. ***Multi-Faced Signs.*** On a three-faced sign, where at least one interior angle is 45 degrees or less, the area of two faces (the largest and smallest face) must be summed to determine sign area. In all other situations involving a sign with three or more sides, sign area will be calculated as the sum of all faces; and

FIGURE 17.40.060(H)(3): MULTI-FACED SIGNS



4. ***Three-Dimensional Signs.*** Signs that consist of, or have attached to them, one or more three-dimensional objects (e.g., balls, cubes, clusters of objects, sculpture, or statue-like trademarks such as a barberpole, etc.), may have a sign area that is the sum of all areas using the four or more vertical sides of the smallest rectangular prism that will encompass the sign.

FIGURE 17.40.060(H)(4): THREE-DIMENSIONAL SIGNS



I. **Changeable Copy.** The use of changeable copy on signage is subject to Design Review and may only be permitted in accordance with the following regulations.

1. ***Electronic Copy.*** Electronic changeable copy is only allowed in non-residential districts and as follows:

a. *Location.* Electronic copy may only be used for the following with approval of a Major Conditional Use Permit.

i. Fuel price signs at service and gas station sites.

ii. Indoor theaters to display current and future showings.

iii. Public/Quasi-Public uses on land with at least 400 feet of continuous street frontage.

b. *Maximum Number.* One per legal lot or permitted use.

c. Maximum Height. Ten feet.

d. *Maximum Area.* Electronic copy can represent no more than 50 percent of the maximum allowable sign area.

e. *Display Duration.* Changes to copy are limited to a maximum of twice per day.

f. *Light Color.* Light color shall be static and must not give the appearance of animation. No changes in light color is permitted without review and approval by the Design Review Board.

g. *Light Intensity.* The intensity of the sign lighting may not exceed 0.3 foot-candles over ambient lighting conditions when measured at the nearest property line. All electronic copy must be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 foot-candle limitation.

2. ***Non-Electronic Copy.*** Non-electronic changeable copy is allowed in all districts and can represent no more than 20 percent of the total allowable sign area, except for the following uses which are allowed up to 75 percent of the maximum allowable sign area to be changeable copy: all Public/Quasi-Public uses, indoor theaters and cinemas, and fuel price signs.

J. **Message Substitution.** On permitted signs, a commercial message of any type may be substituted, in whole or in part, with a non-commercial message. Additionally, any commercial message may be substituted, in whole or in part, with another commercial message.

1. ***No Additional Approval.*** Such message substitution may be made without any additional approval, permitting, registration, or notice to the City. The purpose of this provision is to allow for the updating of information and to prevent any inadvertent favoring of commercial speech over non-commercial speech or favoring of any particular non-commercial message over any other noncommercial message.

2. ***Limitations.*** This message substitution provision does not:

a. Create a right to increase the total amount of signage on a parcel, lot or land use;

b. Affect the requirement that a sign structure or mounting device be properly permitted;

c. Allow a change in the physical structure of a sign or its mounting device; or

d. Authorize the substitution of an off-site commercial message in place of an on-site commercial message or in place of a non-commercial message.

K. **Materials.** Sign materials must be appropriate for the type, location, size, and purpose of the sign, whether intended to be a permanent or temporary sign.

L. **Illumination.** The illumination of signs, from either an internal or external source, must be designed to avoid negatively impacting surrounding properties and roadways. The following standards apply to all illuminated signs:

1. Sign lighting must not be of an intensity or brightness that will create a nuisance for residential buildings in a direct line of sight to the sign;

2. Signs using exposed light sources, such as neon and other gas-filled tubing, or any interior lighted sign with transparent or translucent faces may be approved by the Design Review Board, provided that the Board determines that the light from the sign would not cause unreasonable glare, annoyance to passersby or neighbors, or create any safety hazards. Unshielded light bulbs are prohibited for the illumination of signs;

3. Light sources must be hard-wired fluorescent or compact fluorescent lamps, or other lighting technology that is of equal or greater energy efficiency. Incandescent bulbs or lamps are prohibited, except when used in signs of historic character as part of the architectural design; and

4. External light sources must be directed, shielded, and filtered to limit direct illumination of any object other than the sign, according to Chapter 17.35, Lighting.

M. **Maintenance.** Sign must be maintained in a secure and safe condition and must be cleaned, painted, and replaced as necessary to present a neat appearance. If the City determines that a sign is not secure, safe, or in a good state of repair, it must give written notice of this fact to the property owner and specify a time period for correcting the defect. If the defect is not corrected within the time specified by the City, the City may cause such sign to be removed, or altered to correct the defect, at the expense of the sign owner or owner of the property upon which it is located.

N. **Abandonment.** An on-premises sign advertising an activity, business, service or product must be removed within 90 days following the actual discontinuance of the activity, business, service or product. If the sign is not so removed, the Code Enforcement Officer may have the sign removed in accordance with the public nuisance abatement provisions of the Goleta Municipal Code.

O. **Allowable Sign Area.**

1. ***Maximum Sign Area.*** Table 17.40.060(O) establishes the maximum sign area per zoning district, exclusive of exempt signs and signage allowances for specific uses.

TABLE 17.40.060(O): TOTAL MAXIMUM SIGN AREA BY DISTRICT				
Zoning District:	*Commercial*	*Office*	*Industrial*	*Public and Quasi Public*
Total Sign Area Allowed (sq. ft.)	1 per lineal foot of street frontage	0.5 per lineal foot of street frontage	0.5 per lineal foot of street frontage	0.5 per lineal foot of street frontage

2. ***Individual Tenants.*** When a parcel contains two or more tenants and there is no approved Overall Sign Plan for the site, each individual tenant is limited in overall sign area based on the lineal feet of the façade of that tenant space.

P. **Flag Lots.** In all zoning districts, signage for a flag lot may be grouped with the signage for businesses on either of the neighboring properties. If signage is combined, the total allowed sign area of the sign may be increased to accommodate all properties and permitted uses.

17.40.070 Signage Allowances for Specific Uses and Special Signs

This Section establishes signage allowances for specific uses.

A. **Agricultural Operations.** Signs for agricultural operations and accessory use(s) may be erected subject to the following standards:

1. ***Maximum Number.*** One sign per street frontage.
2. ***Location.*** A minimum of five feet from the edge of the public right-of-way.
3. ***Maximum Sign Area.*** 25 square feet in area per sign.

B. **Open Space Uses.** Signs within the OSAR and OSPR Districts may be erected subject to the following standards:

1. ***Maximum Number.*** One sign per street frontage.
2. ***Maximum Sign Area.*** 25 square feet in area per sign.

C. **Non-Residential Uses in Residential Zoning Districts.** Signs for non-residential uses in "R" Zone Districts are allowed subject to the following standards:

1. ***Maximum Number.*** One freestanding sign and one wall sign.
2. ***Maximum Sign Area.*** Freestanding signs must not exceed 32 square feet in area per sign. Wall signs must not exceed ten square feet in area.
3. ***Location.*** Signs must be a minimum of ten feet from the edge of the public right-of-way or five feet from any interior lot line.
4. ***Maximum Height.*** Six feet for freestanding signs. Wall signs must not be more than 12 feet above grade.

D. **Residential and Mixed-Use Developments.** Identification signs for residential and mixed-use developments with more than ten residential units or parcels are permitted for the purpose of identifying a development subject to the following standards:

1. ***Maximum Number of Signs.*** One sign per street frontage.
2. ***Maximum Sign Area.*** 40 square feet per sign.

3. ***Height Limit and Location.***

   a. *Outside of all Setbacks:* Ten feet maximum height.

   b. *Within a Setback:* Five feet maximum height.

E. **Service and Gas Stations.**

1. ***Canopy Signs.*** Signs on service and gas station canopies must not exceed 25 square feet on each side.

2. ***Gas Pump Signs.*** Signage on gas pumps shall count toward overall allowable sign area.

F. **Cinemas.** One square foot of signage for each linear foot of street frontage of the lot, up to a maximum of 150 square feet.

G. **Murals.** Murals and other forms of art or artwork that are visible to the public and that contains advertising copy or functions as advertising are subject to zoning review and approval of a Zoning Clearance. Upon review, the Director may require Design Review by the Design Review Board.

H. **Time and Temperature Devices.** Time and temperature devices, not taller in height than permitted signs or larger than 12 square feet, located wholly on private property and bearing no commercial message.

I. **Vending Machines.** If visible from a public right-of-way, each of the following standards apply:

1. Signage for outdoor vending machines shall be subject to Design Review;

2. A single lot may not contain more than two outdoor vending machines visible from a public right-of-way; and

3. In no case shall an outdoor vending machine contain any form of interior lighting or illumination.

17.40.080 Standards for Specific Sign Types

A. **A-Frame Signs.** A-Frame signs are allowed in Commercial zoning districts, subject to the following standards:

1. ***Maximum Number.*** Each establishment is limited to no more than one sign.

2. ***Placement.*** A-Frame signs must be placed on private property directly in front of the business it is identifying.

3. ***Hours of Display.*** A-Frame signs must be removed during hours when the establishment is not open to the public and may not be displayed after the activity with which they are associated with is over.

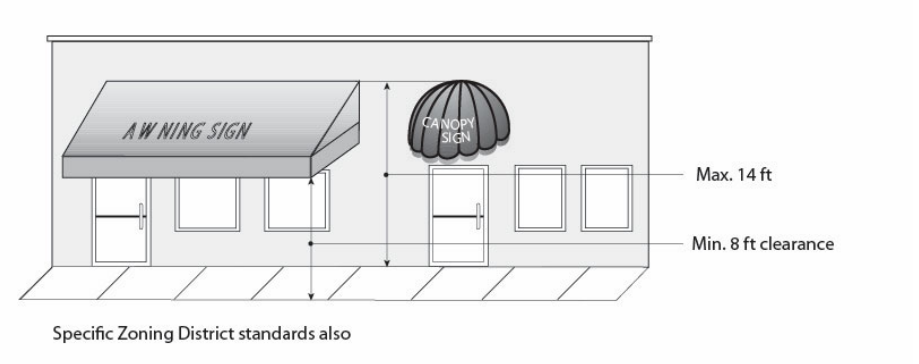
4. ***Maximum Size.*** Six square feet.

5. ***Maximum Height.*** Four feet.

B. **Awning and Canopy Signs.** Awning and canopy signs may be attached to or painted on the vertical edges or valance of awnings, canopies, arcades, or similar features or structures. Awning and canopy signs are also subject to the additional standards:

1. ***Maximum Number.*** One sign for each establishment per street frontage having an entrance under or offering service under the awning or canopy.
2. ***Maximum Size.*** Six square feet of sign area.
3. ***Maximum Height.*** Awning height is limited to 14 feet.
4. ***Minimum Vertical Clearance.*** The bottom of the awning must be a minimum of eight feet above the sidewalk.

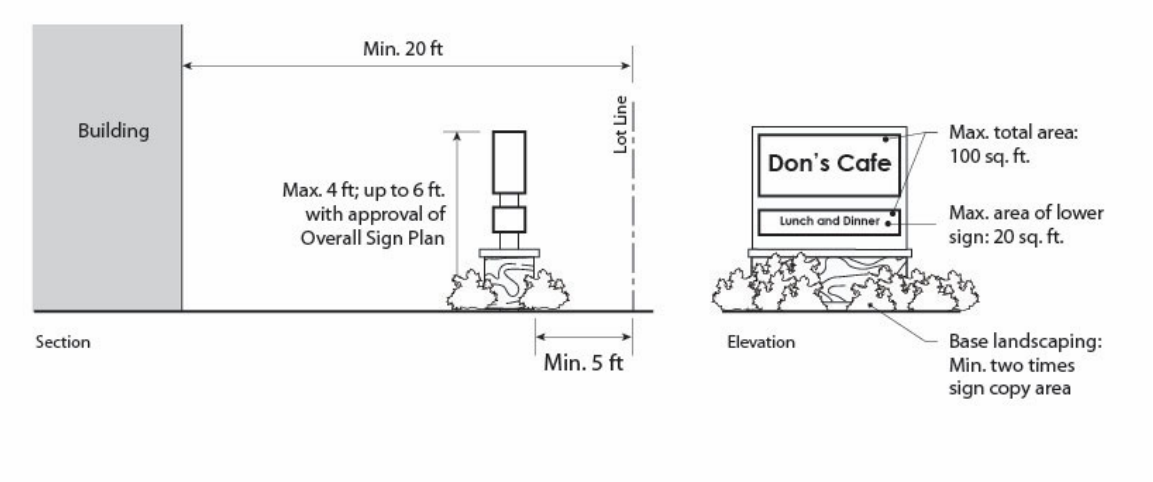
FIGURE 17.40.080(B): AWNING AND CANOPY SIGNS



C. **Freestanding Signs.** Freestanding signs are subject to the following standards:

1. ***Where Allowed.*** Freestanding signs are permitted only on a parcel of land with at least 125 feet of continuous street frontage and where the main building is set back at least 20 feet from the lot line. The base of the supporting structure must be set back at least five feet from the edge of the public right-of-way.
2. ***Maximum Number.*** One sign per street frontage. No more than two separate signs may be placed on each freestanding sign structure if being grouped with a flag lot.
3. ***Maximum Height.*** The standard allowable height for freestanding signs is four feet. An increased height allowance may be approved as part of an Overall Sign Plan, but in no case exceed six feet in height.
4. ***Maximum Area.*** 100 square feet. If two signs are placed on the same freestanding structure, the lower sign may not exceed 20 square feet and the areas of the two signs, added together, may not exceed 100 square feet in area.
5. ***Landscaping Required.*** All freestanding signs require landscaping at the base equivalent to two times the area of the sign if the area is not otherwise part of an approved landscape plan.

FIGURE 17.40.080(C): FREESTANDING SIGNS



D. **Menu Boards.** Any business proposing to include a Menu Board must conform to the following standards:

1. ***Location.*** Limited to adjacent vehicle queuing lane for the service point of the drive-through.

2. ***Maximum Number.*** Not to exceed one single-faced sign.

3. ***Maximum Size.*** Not to exceed 20 square feet and shall count toward the overall allowable sign area for the Use of the lot.

4. ***Maximum Height.***

   a. *Freestanding*: Not to exceed eight feet.

   b. *Wall Sign*: Not to exceed the height of the eave of the roof over the wall on which the sign is located.

5. ***Illumination.*** Subject to Section 17.35.050(D)(1), Lighting – Exterior Display/Sales Areas.

6. ***Noise.*** Subject to Section 17.39.070, Performance Standards – Noise.

E. **Projecting Signs.** A sign may project horizontally from the exterior wall of a building or suspended beneath a marquee, covered walkway, canopy, or awning, provided that such projection conforms to the following standards:

1. ***Maximum Number.*** One sign per building or tenant space, whichever is greater.

2. ***Maximum Size.*** Three square feet.

3. ***Maximum Height.*** 15 feet measured from grade to the top of the sign.

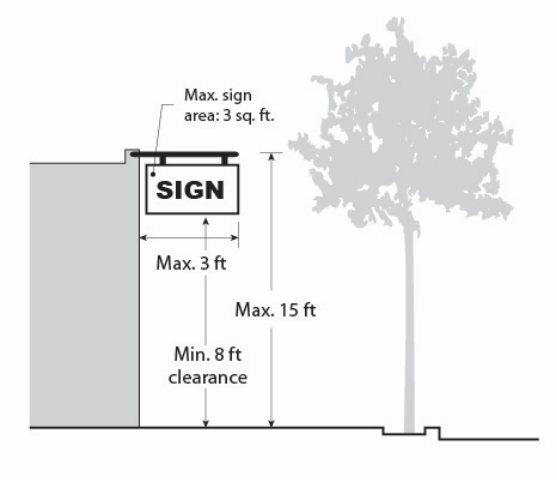
4. ***Minimum Vertical Clearance.*** Eight feet above the sidewalk.

5. ***Projection Allowed.*** A projecting sign may not extend more than three feet from the building to which it is attached. If connected to a marquee or awning, the sign may not

extend further than the outer edge from what it is suspended from and must be designed and located so as to cause no harm to street trees.

6. ***Illumination.*** No special illumination is allowed for projecting signs.

FIGURE 17.40.080(E): PROJECTING SIGNS



F. **Wall Signs.** Wall signs are subject to the following standards:

1. ***Maximum Number.*** One per street frontage or one per tenant space, whichever is greater.

2. ***Maximum Height.*** Wall signs may be located up to, but must not exceed, the height of the wall to which they are attached.

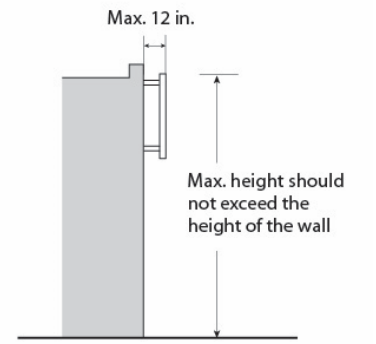
3. ***Maximum Size.*** One-eighth of the building facade area of that portion of the first floor occupied by the tenant and upon which façade the wall sign is to be located, to a maximum of 100 square feet.

4. ***Projection Allowed.*** Wall signs may not extend more than 12 inches beyond the face of the wall to which they are attached.

5. ***Placement.*** No wall sign may cover, wholly or partially, any required wall opening.

6. ***Orientation.*** Unless a different orientation is specifically authorized, each wall-mounted sign must be placed flat against the wall of the building.

FIGURE 17.40.080(F): WALL SIGNS



G. **Window Signs.** Window signs are subject to the following standards:

1. ***Percent of Window.*** The total area of window sign shall not exceed ten percent of the window area.

2. ***Maximum Size.*** 24 square feet.

17.40.090 Overall Sign Plan

The purpose of an Overall Sign Plan is to allow coordinated review of all signage on a property for non-residential and/or mixed-use development subject to approval by the Design Review Board. An Overall Sign Plan allows some sign standards to be modified in order to allow design creativity and to simplify the review process for individual signs once the Overall Sign Plan is adopted. The total aggregate area of the signs permitted by the Sign Program may be up to ten percent larger than the total aggregate areas of all signs otherwise permitted by this Chapter.

A. **Applicability.** An Overall Sign Plan is required for the following:

1. New development in commercial, office, and industrial zoning districts with four or more occupancies in commercial or office developments, including mixed-use projects; and

2. All construction and renovation projects involving more than 40,000 square feet of land area where a previous Overall Sign Plan was not approved.

B. **Processing.**

1. New Overall Sign Plan shall be subject to Design Review approval by the Design Review Board prior to any subsequent, associated ministerial review by the Director for individual signs.

2. Subsequent individual signs on the Overall Sign Plan are not subject to further Design Review Board approval unless such a review is required based on a specific provision of the Plan. When no Design Review Board approval is required, applications for individual signs must be submitted to the Director and reviewed for conformance with the standards of the approved Overall Sign Plan. A Zoning Clearance must be issued if determined that a sign substantially conforms to the previously-approved Overall Sign Plan.

3. Applications for individual signs that are not in conformance with the standards of an approved Overall Sign Plan, are subject to a review and approval of a new or revised Overall Sign Plan before the Design Review Board.

C. **Required Findings.** The Design Review Board will only approve a new Overall Sign Plan or changes to an approved Overall Sign Plan shall only be approved, if all of the following findings are made:

1. The proposed signage is in harmony with and visually related to the common design elements of the buildings the signage will identify.

2. The proposed signage does not cover, alter, or otherwise obscure important associated architectural features of the building.

3. The proposed signage does not have significant adverse effects on nearby properties.

4. The choice of materials and colors enhance the overall project design.

5. Any changes to dimensional or locational standards are appropriate from a design perspective.

6. The proposed amount of signage conforms to all applicable development standards of this Title.

17.40.100 Nonconforming Signs

A. **Applicability.** Except for illegal/unpermitted signs, all exempt and/or permitted signage that exists within the City on the date this Title becomes effective that is made nonconforming as to this Chapter shall be subject to Chapter 17.36, Nonconforming Uses and Structures.

B. **Continuance and Maintenance.** Routine repair and maintenance may be performed on a nonconforming sign provided there is no expansion of nonconformity. Any repair of a damaged nonconforming sign may not exceed 50 percent of the sign area or a cost of $2,000 or more without requiring the entire sign to be brought into conformity with all applicable zoning regulations, unless otherwise specified and allowed as part of this Title.

C. **Abandonment of Nonconforming Sign.** Whenever a nonconforming sign has been abandoned, or the use of the property associated with the nonconforming sign has been discontinued for a period of 90 consecutive days, the sign shall lose its nonconforming status and associated allowances and must be removed. If not removed, the property owner will be in violation of this Section.

D. **Restoration.** A nonconforming sign may only be restored if it meets the following criteria:

1. The sign has been recognized by the City as a local Historic Resource or is designated either locally, or by the State as a Historic Landmark or as having Historical Merit. Any repairs and restoration shall be subject to any applicable requirements, restrictions, and/or conditions associated with the historic designation, including any special permitting, CEQA, or Design Review requirements;

2. If damaged by natural causes (e.g., fire, flood, earthquake, etc.) and the damage does not exceed 50 percent of the total sign area, including hardware and attachments, “in-kind” repairs would be exempt from Zoning Permits provided that the repairs are approved by the Building Department within 45 days and completed within 90 days of the date of damage; or

3. If damaged by natural causes (e.g., fire, flood, earthquake, etc.) and the damage exceeds 50 percent of the total sign area, including hardware and attachments, any repairs would be subject to Design Review and approval by the Design Review Board.

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Chapter 17.41 Standards for Specific Uses and Activities

Sections:

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17.41.010 Purpose

The purpose of this Chapter is to establish standards for specific uses and activities that are permitted or conditionally permitted in several or all base zoning districts. These provisions are intended to minimize the impacts of these uses and activities on surrounding properties and to protect the health, safety, and general welfare of their occupants and of the public.

17.41.020 Applicability

Each activity covered by this Chapter must comply with the requirements of the Section applicable to the specific use or activity, in addition to any base zoning district standards where the use or activity is proposed, and all other applicable provisions of this Title. The uses that are subject to the standards in this Chapter are allowed only when authorized by the planning permit identified in the base zoning district regulations except where this Chapter establishes a different planning permit requirement for a specific use.

17.41.030 Accessory Dwelling Units (ADU)

A. **Purpose.** The purpose of this section is to allow and regulate Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) in compliance with California Government Code Sections 65852.2 and 65852.22.

B. **Effect of Conforming.** An ADU or JADU that conforms to the standards in this section will not be:

1. Deemed to be inconsistent with the City's General Plan/Coastal Land Use Plan land use designation and zone district for the lot on which the ADU or JADU is located.

2. Deemed to exceed the allowable dwelling unit density for the lot on which the ADU or JADU is located.

3. Considered in the application of any City ordinance, policy, or program to limit residential growth.

4. Required to correct a Nonconforming Zoning Condition, as defined in subsection C.7 below. This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code Section 17980.12.

C. **Definitions.** As used in this section, terms are defined as follows:

1. ***Accessory Dwelling Unit (ADU).*** An attached or a detached residential dwelling unit that provides Complete Independent Living Facilities for one or more persons and is located on a lot with a proposed or existing principal residence. An accessory dwelling unit also includes the following:

   a. An efficiency unit, as defined by Section 17958.1 of the California Health and Safety Code; and

   b. A manufactured home, as defined by Section 18007 of the California Health and Safety Code.

2. ***Accessory Structure.*** A structure that is accessory and incidental to a dwelling located on the same lot.

3. ***Complete Independent Living Facilities.*** Permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the Single-Unit or Multi-Family Dwelling is or will be situated.

4. ***Efficiency Kitchen.*** A kitchen that includes each of the following:

   a. A cooking facility with appliances.

   b. A food preparation counter or counters that total at least 15 square feet in area.

   c. Food storage cabinets that total at least 30 square feet of shelf space.

5. ***Junior Accessory Dwelling Unit (JADU).*** means a residential unit that:

   a. Is no more than 500 square feet in size;

   b. Is contained entirely within an existing or proposed Single-Unit Dwelling structure;

c. Includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed Single-Unit Dwelling structure; and

d. Includes an Efficiency Kitchen.

6. ***Multifamily Dwelling.*** Any structure designed for human habitation that has been divided into two or more legally created independent living quarters.

7. ***Nonconforming Zoning Condition.*** A physical improvement on a property that does not conform with current zoning standards.

8. ***Passageway.*** A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.

9. ***Single-Unit Dwelling.*** Any structure designed for human habitation that has been legally created for a single independent living quarters.

D. **Permit Requirements.** The following permit requirements apply to ADUs and JADUs under this section:

1. ***Exempt.*** If an ADU or JADU complies with each of the general requirements in subsection E below, the ADU or JADU is exempt from zoning permits under this section in the following scenarios:

a. *Converted on Single-Unit Lot:* Only one ADU or JADU on a lot with a proposed or existing Single-Unit Dwelling on it, where the ADU or JADU:

i. Is either:

(1) Within the space of a proposed Single-Unit Dwelling;

(2) Within the existing space of an existing Single-Unit Dwelling; or

(3) Within the existing space of an Accessory Structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress.

ii. Has exterior access that is independent of that for the Single-Unit Dwelling.

iii. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.

b. *Detached on Single-Unit Dwelling Lot:* One detached, new-construction ADU on a lot with a proposed or existing Single-Unit Dwelling (in addition to any JADU that might otherwise be established on the lot under subsection (D)(1)(a) above) if the detached ADU satisfies the following limitations:

i. The side and rear setbacks are at least four feet.

ii. The floor area is 800 square feet or smaller.

iii. The height is 16 feet or less.

c. *Converted on Multifamily Dwelling Lot:*

i. Multiple ADUs within portions of existing Multifamily Dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings.

ii. At least one converted ADU is allowed within an existing Multifamily Dwelling, and up to 25 percent of the existing Multifamily Dwelling units may each have a converted ADU under this subsection.

d. *Detached on Multifamily Dwelling Lot:* No more than two detached ADUs on a lot that has an existing Multifamily Dwelling if each detached ADU satisfies the following limitations:

i. The side and rear setbacks are at least four feet.

ii. The total floor area is 800 square feet or smaller.

2. ***Non-Exempt.***

a. *Permit Required.* Except as allowed under subsection (D)(1), no ADU may be constructed or legalized without a building permit and zoning permit in compliance with the standards set forth in subsections (E) and (F) below.

i. Inland Area. Within the inland area of the City, ministerial review, approval, and issuance of a Land Use Permit by the Director is required for construction of an ADU as well as the legalization of any existing unpermitted ADU.

ii. Coastal Zone. Within the Coastal Zone of the City, review, approval, and issuance of a Coastal Development Permit by the California Coastal Commission is required for construction of an ADU as well as for the legalization of any existing unpermitted ADU.

b. *Required Findings.* The required findings for a Land Use Permit under this section are limited to the following findings:

i. Based upon City consultation with the Goleta Water District and Goleta or Goleta West Sanitary District, there are adequate water and sewer services to support the ADU.

ii. The proposed ADU conforms to the applicable regulations of this section.

c. *Processing Time.* The City must act on an application to create an ADU or JADU within 60 days from the date that the City receives a completed application, unless either:

i. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or

ii. In the case of a JADU and the application to create a JADU is submitted with a permit application to create a new Single-Unit Dwelling on the lot, the City may delay acting on the permit application for the JADU until the City acts on the permit application to create the new Single-Unit Dwelling,

but the application to create the JADU will still be processed without discretionary review or a hearing.

d. *Appeals.* An action of the Director to approve, conditionally approve, or deny an application for an ADU is final unless the applicant or opposing party appeals the decision within ten calendar days of the decision. For an Appeal to be accepted by the Director, it must identify how the decision is inconsistent with applicable development standards of subsection (E) and (F) below. The grounds for an Appeal of an approved, conditionally approved, or denied Land Use Permit is limited to whether the decision on the project is inconsistent with one or more of the applicable Development Standards. The City will not accept an Appeal of the decision on the requested ADU if the applicant or opposing party fails to identify the specific Development Standard inconsistency. The Review Authority for an accepted Appeal shall be the Zoning Administrator.

E. **Development Standards for ADUs and JADUs.** The following requirements apply to all ADUs and JADUs that are approved under subsections (D)(1) or (D)(2) above:

1. ***Fire Sprinklers.*** Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.

2. ***Rental Term.*** No ADU or JADU may be rented for a term that is shorter than 30 days.

3. ***No Separate Conveyance.*** An ADU or JADU may be rented, but no ADU or JADU may be sold or otherwise conveyed separately from the lot and the principal dwelling (in the case of a Single-Unit Dwelling lot) or from the lot and all of the dwellings (in the case of a Multifamily Dwelling lot).

4. ***Septic System.*** ADUs or JADUs shall not use an on-site water-treatment system.

5. ***Owner-Occupancy.***

   a. All ADUs permitted before January 1, 2020 are subject to the owner-occupancy requirement that was in place when the ADU was permitted.

   b. An ADU that is permitted after that date but before January 1, 2025, is not subject to any owner-occupancy requirement.

   c. All ADUs that are permitted on or after January 1, 2025 are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property as the person's legal domicile and permanent residence.

   d. All JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the principal dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement of this paragraph does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.

6. ***Minimum Size.*** The minimum floor area of an ADU is 200 square feet for a standard unit. An "efficiency unit" ADU, in accordance with California Health and Safety Code Section 17958.1, may be a minimum of 150 square feet.

7. ***Unique Address.*** Each ADU and JADU must have a unique address assigned and issued by the Santa Barbara County Fire Department.

8. ***Deed Restriction.*** Prior to issuance of a building permit for an ADU or JADU, a deed restriction must be recorded against the title of the property in the Santa Barbara County Recorder's office and a copy filed with the Director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the City and must provide that:

   a. The ADU or JADU may not be sold separately from the principal dwelling.

   b. The ADU or JADU is restricted to the approved size and to other attributes allowed by this section.

   c. The deed restriction runs with the land and may be enforced against future property owners.

   d. The deed restriction may be removed if the owner eliminates the ADU or JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Director, providing evidence that the ADU or JADU has in fact been eliminated. The Director may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the Director's determination consistent with other provisions of City zoning regulations. If the ADU or JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of the City's zoning regulations.

   e. The deed restriction is enforceable by the Director or his or her designee for the benefit of the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.

F. **Supplemental Development Standards for ADUs.** The following requirements apply only to ADUs that require a zoning permit under subsection (D)(2) above:

1. ***Maximum Size.***

   a. The maximum size of an ADU subject to this subsection (F) is as follows:

      i. 850 square feet for a studio or one-bedroom ADU.

      ii. 1,000 square feet for an ADU with two bedrooms.

      iii. No more than two bedrooms are allowed.

   b. An attached ADU that is created on a lot with an existing or proposed principal dwelling is further limited to 50 percent of the floor area of the existing or proposed principal dwelling.

c. Application of other development standards in this subsection (F), such as lot coverage and setbacks, might further limit the size of the ADU, but no application of other development standards may require the ADU to be less than 800 square feet.

2. ***Lot Coverage.*** No ADU subject to this subsection (F) may exceed ten percent of the total net lot area of the subject lot.

3. ***Height.***

a. *Attached ADUs.*

i. The height of an attached ADU located above a garage or above a portion of the principal dwelling may not exceed the height of the principal dwelling.

ii. An attached ADU that is not situated atop another structure may only contain one story (an interior loft is not considered a second story) and may not exceed the following heights:

(1) 12 feet if located within 25 feet of a rear setback line;

(2) 12 feet if located within ten percent of lot width with a minimum of five feet and a maximum of ten feet from an interior side setback line; or

(3) 16 feet if located completely outside of all setbacks outlined above.

b. *Detached ADUs.*

i. A detached ADU not located atop an existing detached garage may only contain one story and may not exceed 12 feet in height

ii. A detached ADU located atop a legally permitted existing detached garage may not exceed the height of the principal dwelling unit.

4. ***Setbacks.*** New Construction ADUs must observe the following setback requirements:

a. Interior Side Setback: Four feet.

b. Rear Setback: Four feet.

c. Front Setback: 20 feet.

d. Secondary Front Setback on Cornet Lots: Ten feet.

5. ***Separation.*** The minimum separation between the principal dwelling unit and a detached ADU must be at least five feet for new construction.

6. ***Passageway.*** No Passageway, as defined by subsection (C)(8) above, is required for an ADU.

7. ***Parking.***

a. Parking spaces are not required for ADUs.

b. No Replacement. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.

8. ***Design Requirements.*** Administrative design review approval is required. If the property owner wishes to receive advice and informal guidance on the ADU design from the Design Review Board, the applicant will not need to pay any fees associated with such one-time voluntary presentation of the ADU design to the Design Review Board. However, this review must be completed prior to application submittal. Administrative Design Review will be formally conducted by the Director, or designee. The following standards apply for Administrative Design Review of ADUs.

a. The exterior appearance, design style and character of an attached ADU must have the same exterior appearance and architectural style of the principal dwelling and use the same exterior materials, colors, and design (e.g., siding, trim, windows, and other exterior physical features, etc.).

i. A manufactured or modular (HUD-Certified) home proposed to be used as a detached ADU can be different in architectural style from that of the principal dwelling on the lot.

ii. Samples and/or photos of existing and proposed colors, materials, roofing, and features must be provided as part of a complete ADU application.

b. Roof pitch and roof materials for a newly constructed ADU can be different from that of the principal dwelling on the lot only if accommodating installation of solar energy systems at the same time as construction of the ADU.

i. An ADU with a roof with a 4:12 pitch or more for solar energy systems can increase the maximum height allowance of the ADU by three feet, as specified in the development standards in subsection (F)(3).

c. Landscaping is required to enhance the appearance of the ADU as follows:

i. At least one 15-gallon size plant shall be provided for every five linear feet of exterior wall. Alternatively, at least one 24-inch box size plant shall be provided for every ten linear feet of exterior wall.

ii. New landscaping must use water-efficient species only.

d. Windows and doors of the ADU may not have a direct line of sight to an adjoining residential property. Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight. Samples of proposed vegetative screening and planting locations must be provided as part of a complete ADU application. Exceptions to this design standard apply only to conversion of legally permitted structures that do not include installation of new exterior windows facing an adjacent property line or when only clerestory windows are used and do not provide views into neighboring lots.

G. **Development Impact Fees.**

1. No Development Impact Fees are required for an ADU that is less than 750 square feet in floor area.

2. Any Development Impact Fee that is required for an ADU that is 750 square feet or larger in floor area must be charged proportionately in relation to the square footage of the principal dwelling unit. "Development Impact Fee" here does not include any connection fee or capacity charge for water or sewer service.

H. **Utility Fees.** Converted ADUs and JADUs on a single-unit dwelling lot, created under subsection (D)(1)(a) above, are not required to have a new or separate utility connection directly between the ADU or JADU and the utility. Nor is a connection fee or capacity charge required unless the ADU or JADU is constructed with a new Single-Unit Dwelling.

I. **Discretionary Approval.** Any proposed ADU or JADU that does not conform to all of the objective standards set forth in this section may be allowed through other applicable City discretionary zoning provisions, including the Modification and Design Review Board processes.

17.41.040 Accessory Uses

Accessory Uses that are not permitted uses within a Zone District must comply with the requirements of this Section and are allowed only when in conjunction with a principal use on the premises.

A. **Determination of Use as Accessory.** Accessory Uses must serve the purpose of and be incidental, subordinate, and related to the principal use, which can be demonstrated by elements including but not limited to:

1. The floor area and/or lot area devoted to the use;

2. The economic importance of the use;

3. The expenses devoted to the use;

4. The hours of operation of the use;

5. The number of employees devoted to the use; and

6. The number of customers/visitors generated by the use.

B. **Permit Required.** No permit or approval is required for accessory uses beyond what is required for the principal use(s) on the premises. However, the accessory uses must be included on any submittal for the principal use(s). In cases where the principal use requires a Conditional Use, Accessory Uses may be further limited or even prohibited.

C. **Size.** Unless otherwise allowed in this Title, the aggregate floor area of non-residential accessory uses per structure, or tenant space/lot area is limited as follows:

1. Structure or tenant space with floor area of less than 1,000 square feet: Maximum 25 percent of the structure or tenant space.

2. Structure or tenant space with floor area of 1,000 to 3,000 square feet: Maximum 250 square feet or 15 percent of the structure or tenant space, whichever is greater.

3. Structure or tenant space floor area of more than 3,000 square feet: Maximum 600 square feet or ten percent of the structure or tenant space, whichever is greater.

4. Additional square footage may be allowed pursuant to approval of a Major Conditional Use Permit.

D. **Parking.** Parking for Accessory Uses must be provided based upon Chapter 17.38, Parking and Loading.

E. **Prohibited Uses.** The following uses are prohibited from being Accessory Uses:

1. Adult-Oriented Businesses;
2. Cannabis Uses, except when accessory to other cannabis businesses;
3. Liquor Stores;
4. Oil and Gas Facilities;
5. Bar/Nightclub/Lounge, except in hotels, restaurants, resorts, golf courses, breweries, wineries, and distilleries; and
6. Heavy Manufacturing.

F. **Exempt Accessory Uses.** Any Accessory Uses that are specifically defined and regulated under this Title, including but not limited to Family Day Care facilities, are exempt from this Section.

17.41.050 Adult-Oriented Businesses

Adult-oriented businesses must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning District Standards and Allowed Uses:

A. **Development Standards.** Adult-oriented businesses must comply with the following development and operational standards.

1. ***Specific Location.*** Adult-oriented businesses must be located as follows:
    a. Any lot with an Adult-Oriented Business must at least 1,000 feet from a lot containing the following uses:
        i. Any educational institution, including, without limitation, public or private schools for primary or secondary education, nursery schools or day care facilities, religious and/or cultural institutions, or private or public parks.
        ii. Another adult-oriented business.
    b. Adult Bookstores, Adult Novelty Stores, or Adult Video Stores must be located on a lot at least 600 feet from any Residential "R" Zone District lot.
    c. Adult Live Entertainment Theaters, Adult Motion Picture or Video Arcades, and Adult Motion Picture Theaters must be located on a lot at least 1,000 feet from any Residential "R" Zone District lot.
2. ***Hours of Operation.*** Adult-Oriented Business hours of operation are limited to the time period between 8:00 a.m. and 10:00 p.m. on Sunday, Monday, Tuesday, Wednesday and Thursday, and from 8:00 a.m. to 11:00 p.m. on Friday and Saturday.

3. ***Display.*** No Adult-Oriented Business may display or exhibit any material in a manner which exposes to the public view, photographs or illustrations of specified sexual activities, nude, or partially nude adults or models in poses which emphasize or direct the viewer's attention to the subject's genitals. Adult news racks are also subject to this limitation.

4. ***Security Program.*** An on-site security program must be prepared and implemented as follows:

   a. *Interior Lighting.* All interior portions of the adult-oriented business, except those devoted to mini-motion or motion pictures, must be illuminated during all hours of operation with a lighting system that provides a minimum maintained horizontal illumination of not less than two foot-candles of light on the floor surface.

   b. *Security Guards*. Security guards may be required if it is determined by law enforcement that their presence is necessary.

17.41.060 Animal Keeping

The following standards apply to the noncommercial keeping of animals.

A. **Household Pets.** The keeping of small domestic household pets such as cats, dogs, and birds for noncommercial purposes is allowed. The keeping of more than three dogs aged six months or more is subject to approval of a Minor Conditional Use Permit, pursuant to Chapter 17.57, Conditional Use Permits.

B. **Other Animals.** Other Animals are allowed based on the following regulations:

   1. ***Horses.***

      a. *Residential Districts.* The minimum lot size required for the keeping of horses is 20,000 square feet. No more than one horse is permitted per 20,000 square feet of lot area provided no more than five horse are permitted on any one lot.

      b. *Agricultural District.* Horses are permitted consistent with subsection (B)(2) below.

   2. ***Other Large Animals.*** Large animals, such mules, goats, cows, swine, or other similar size animal are only allowed in the Agriculture Zone District on parcels larger than one acre in size and not to exceed one large animal per 20,000 square feet of lot area.

   3. ***Small Animals.*** Small animals (e.g., bees, chickens, ducks, rabbits, etc.) are permitted, provided that:

      a. Such small animals are for the domestic use or enjoyment of the residents of the lot only and are not kept for commercial purposes.

      b. Keeping of such small animals is not injurious to the health, safety, or general welfare of the neighborhood and does not create offensive noise or odor as determined by the Director after advice from the County Public Health Department or the Mosquito and Vector Management District of Santa Barbara County.

4. ***Enclosures.*** Pens, coops, cages, and other enclosures for such small animals are no closer than 20 feet to any dwelling on another lot.

C. **Prohibited Animals.** No predatory wild animals, roosters, peacocks, endangered animals, or otherwise protected animals are allowed to be kept within the City.

D. **Odor and Vector Control.** Animal enclosures and feed areas must be maintained free from litter, garbage, and the accumulation of waste and manure so as to prevent the proliferation of flies, other disease vectors and offensive odors. Manure must not be allowed to accumulate within setback areas.

E. **Containment.** Animals must be effectively contained on site and not able to run free on any other lot under separate ownership or in a public road right-of-way.

17.41.070 Automobile/Vehicle Service and Repair

Automobile/vehicle service and repair facilities must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning District Standards and Allowed Uses:

A. **Applicability.** This Section applies to all major and minor automobile/vehicle service and repair uses as well as any other uses, such as auto dealerships or service stations that perform auto servicing as an accessory use.

B. **Spray/Paint Booths.** Spray booths must be fully-enclosed and separated a minimum of 500 feet from residential "R" zone districts, parks, schools, and day care facilities, unless approved with a Major Conditional Use Permit approval.

17.41.080 Automobile/Vehicle Washing

Automobile/vehicle washing facilities must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning District Standards and Allowed Uses:

A. **Recycled Water.** A recycled water system is required.

B. **Hours of Operation.** When adjacent to a Residential "R" Zone District, the hours of operation are limited to 8:00 a.m. to 7:00 p.m., seven days a week.

17.41.090 Cannabis Uses

A. **Purpose.** This Section establishes standards to protect the public health, safety, and welfare, enact strong and effective regulatory and enforcement controls in compliance with State law, protect neighborhood character, and minimize potential for negative impacts on people, communities, and the environment by establishing minimum land use requirements for all cannabis activities including the cultivation, distribution, transportation, storage, manufacturing, processing, and sales.

B. **Applicability.** The standards of this Section apply to all cannabis uses and activities as defined in this Title. Additionally:

1. All cannabis uses and activities shall comply with the provisions of this Section, as well as all applicable State laws, regardless of whether the use existed or occurred prior to the effective date of this Section.

2. Nothing in this Section is intended, nor shall it be construed, to allow persons to engage in conduct that endangers others or causes a public nuisance, or allows any use relating to personal or commercial cannabis activity that is illegal under State law.

3. Nothing in this Section is intended, nor shall it be construed, to exempt cannabis uses from compliance with all other applicable City regulations, including development standards, as well as other applicable provisions of the Goleta Municipal Code, State and local cannabis licensing requirements, or compliance with any applicable State laws.

4. All persons operating facilities and conducting cannabis activities, as defined in this Section, are subject to possible federal prosecution, regardless of the protections provided by State or local law.

C. **Cannabis-Related Terms.** If a term in this Section is not defined in this Title or in other provisions of the Goleta Municipal Code, the definition shall be as in State Cannabis Laws or, in cases where a definition is not provided in State Cannabis Laws, as determined by the Director.

D. **Cannabis Personal Use Cultivation.** This subsection applies only to Personal Use Cultivation.

1. ***Location.*** Personal Use Cultivation, consistent with the requirements of this subsection, is allowed all Base Zoning Districts and a Zoning Permit is not required.

2. ***Standards.***

a. Cultivation is limited to six plants per private residence for adult use pursuant to California Health and Safety Code, Section 11362.2, as amended. Cultivation is limited to the number of plants allowable under State Cannabis Laws for one qualified patient per private residence.

b. Personal use cultivation is limited to indoor cultivation in a permanently affixed, fully enclosed structure.

c. No cannabis odors shall be detectable from any place outside the residence. An odor absorbing ventilation and exhaust system must be installed if the odor generated inside the residence is detected outside the property or premises, or anywhere on adjacent property or public rights-of-way, or within another unit located within the same building as the cultivation.

d. No exterior evidence of cultivation occurring at the property can be visible from the public right-of-way.

e. Cultivation is limited to parcels with a residence and a full-time resident on the premises where the cultivation is occurring.

f. Grow lights must not exceed 1,200 watts per light and are prohibited from producing a glare that interferes with other residents' reasonable enjoyment of life or property.

g. Cannabis plants cultivated must remain at least 12 inches below the ceiling.

h. Cultivation shall not occur on required on-site parking areas unless that required parking is replaced in compliance with the City's Inland and Coastal Zoning Ordinances.

i. Cultivation shall not interfere with the primary occupancy of the building or structure, including regular use of the kitchen(s) or bathroom(s).

j. The living plants and any cannabis produced by the plants in excess of 28.5 grams must be kept within the person's private residence in a locked space.

k. Generators. The use of generators for cultivation is prohibited, except for temporary use in the event of a power outage or for emergency use.

i. For purposes of this subsection, emergency use is defined in accordance with 17 California Code of Regulations, Section 93115, as may be amended.

ii. For purposes of this subsection, the limit on use of a generator in an emergency is 90 days. The use of CO2 or any volatile solvents to manufacture cannabis products is prohibited.

l. Nothing in the section is intended, nor shall it be construed, to preclude any landlord from limiting or prohibiting personal cultivation by tenants.

m. Nuisance abatement. Any violation of this Section is declared to be a public nuisance and may be abated by the City pursuant to Title I of the Goleta Municipal Code.

n. Personal Use Cultivation is exempt from the requirements of Section 17.41.040, Standards for Specific Uses and Activities – Accessory Uses.

E. **Commercial Cannabis Uses.** The following standards apply to commercial cannabis uses:

1. ***Outdoor Cultivation and Mixed-Light Cultivation.*** Outdoor Cultivation and Mixed-Light Cultivation are prohibited.

2. ***All Allowed Cannabis Uses.***

a. *Licenses.*

i. State Cannabis License. The permittee of a cannabis use that requires one or more of the State cannabis license types set forth in California Business and Professions Code must:

(1) Obtain the requisite State Cannabis License for the cannabis use prior to the commencement of the use, and

(2) Conduct the cannabis use in compliance with the State Cannabis License at all times.

ii. City Cannabis Business License (CBL). The permittee of a cannabis use must:

(1) Obtain a CBL (Goleta Municipal Code, Ch. 5.09) from the City of Goleta prior to the commencement of the use, and

(2) Conduct the cannabis use in compliance with the CBL at all times.

b. *Location.*

i. Measurements. Distance requirements (buffers) between parcels specified in this Section must be the horizontal distance measured in a straight line between the closest property line of the first lot to the closest property line of the second lot without regard to intervening structures.

ii. Distance. Cannabis uses, except for storefront cannabis retailers, shall not be subject to prohibitive buffer requirements based on the following:

(1) School providing K-12 education;

(2) Day Care Centers; and

(3) Youth Centers.

3. ***Accessory Uses.***

a. For all cannabis accessory uses, the Principal Use must also be a cannabis use.

b. Cannabis uses shall not have non-cannabis related accessory uses.

c. Volatile Manufacturing as an accessory use is only allowed in IG, IS, and BP.

d. A Cannabis Microbusiness shall not have an accessory use and shall not be an accessory use.

e. All accessory cannabis uses must adhere to the standards for such uses as identified in this Section.

f. Accessory cannabis uses must adhere to the standards set forth for Accessory Uses in Section 17.41.040, Standards for Specific Uses and Activities – Accessory Uses.

4. ***Storefront Cannabis Retailer.***

a. *Location.*

i. Separation. A Storefront Cannabis Retailer shall not be located within 600 feet from another Storefront Cannabis Retailer that was legally established before or after the adoption of this Title.

ii. Goleta Valley Community Center. A Storefront Cannabis Retailer shall not be located within 600 feet from the Goleta Valley Community Center property.

iii. Schools. A Storefront Cannabis Retailer shall not be located within 600 feet from a School providing K-12 education.

iv. Residential. A Storefront Cannabis Retailer shall not be located within 100 feet of a parcel within an "R" Zone District.

v. Day Care Centers or Youth Centers. No prohibitive buffers are required from Day Care Centers or Youth Centers.

b. *Limit of Businesses.* A limit of 6 Storefront Cannabis Retailer uses is established no more than one of which may be located in the -OTH Old Town Heritage Overlay District.

c. *On-Site Consumption Prohibited.* On-site consumption is prohibited. The premises of each Storefront Cannabis Retailer shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the retailer is prohibited.

d. *Drive-Through Facilities.* Drive-through facilities are prohibited.

5. ***Non-Storefront Cannabis Retailer.*** On-Site consumption is prohibited. The premises of each Non-Storefront Cannabis Retailer shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the retailer is prohibited.

6. ***Cannabis Microbusiness.*** No storefront retail is allowed except where a cannabis dispensary was legally located prior to June 16, 2009.

7. ***Cannabis Events.*** Temporary events where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are displayed, manufactured, offered, either individually or in any combination, for retail sale and includes delivery are prohibited.

F. **Inspection.** All permitted cannabis use sites are subject to review and inspection from Law Enforcement, Fire Department, and the City or any agents of the State or City charged with enforcement of this Ordinance and any other State or local license.

G. **Industrial Hemp.** It is unlawful for any person to engage in, conduct or carry on any commercial industrial hemp business or any commercial industrial hemp activity. This includes but not limited to cultivating, manufacturing, processing, transporting, distributing, testing or selling any cannabidiol (CBD) oil derived from industrial hemp, CBD products derived from industrial hemp, industrial hemp oil that is not derived from industrial hemp seeds, industrial hemp seed oil that has been enhanced with CBD or other cannabinoids and CBD products derived from cannabis. Notwithstanding the previous sentence it shall not be unlawful to sell industrial hemp which has been approved by the California Department of Public Health-Food and Drug Branch as a food additive or dietary supplement as industrial hemp seeds and industrial hemp seed oil which is only extracted from the seeds of industrial hemp plants.

17.41.100 Community Gardens

Community gardens must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning District Standards and Allowed Uses:

A. **Management.** Community gardens may be organized by community groups, nonprofit organizations, land owners, or the City. A responsible representative must be designated for each community garden who will serve as liaison between gardeners, property owner(s), and the City.

B. **Operational Plan.** The applicant must submit an operational plan to the City that identifies roles and responsibilities, contact information, and operations of the community garden.

17.41.110 Day Care Facilities

Day Care Facilities, including nurseries, preschools, and facilities for children or adults, providing supervision and non-medical care for durations of less than 24 hours per day must be located, developed, and operated in compliance with the following standards:

A. **Permit Required.** Day Care Facilities operating as the principal use on a subject parcel shall be subject to the following permit requirements unless a different requirement is required by this Title:

1. ***Exempt.*** Day Care Facilities are allowed and exempt from Zoning Permits and Approvals in the following districts: CC, OT. CG, BP, OI, and PQ.

2. ***Minor Conditional Use Permit.*** Day Care Facilities are allowed with the approval of a Minor Conditional Use Permit in the following districts: RS, RP, RM, RH, CR, VS, and CI.

3. ***Major Conditional Use Permit.*** Day Care Facilities are allowed with the approval of a Minor Conditional Use Permit in the following districts: IS and IG.

4. ***Not Allowed.*** Day Care Facilities are not allowed in the following districts: RMHP, OSPR, OSAR, and AG.

B. **Accessory Use.** Day Care Facilities operating accessory to another Principal Use on a subject parcel shall be exempt from the requirement for a Major Conditional Use Permit where otherwise required pursuant to subsection 17.41.040(C)(4).

C. **Licensing.** In addition to any State licensing requirements, all Day Care Facilities shall require a Business License from the City.

D. **Required Parking/Loading.** One designated parking space for each ten patrons, plus one drop-off/loading space for each ten patrons.

E. **Contact Person(s).** The current name(s) and telephone number(s) of the operator(s) must be on file with the Planning and Environmental Review Department at all times.

F. **Development Impact Fees.** All Day Care Facilities shall be subject to the City's fee reductions program for Beneficial Projects (Day Care and Child Care).

G. **Incentives.**

1. ***Director.*** The Director may grant the following incentive to developers for constructing and operating a Day Care Facility.

   a. *Processing.* Priority processing of applications for Day Care Facilities will be provided.

2. ***All Review Authorities.*** The Review Authority may grant one or more of the following incentives to developers for constructing and operating a Day Care Facility.

   a. *Parking Reduction.* The number of required parking spaces may be reduced up to 20 percent, through the approval of a Land Use Permit, for a Day Care Facility with an approved TDM Program.

   b. *Lot Coverage.*

      i. As Accessory Use. Day Care Facilities operating accessory to a Principal Use will not be counted toward the overall Lot Coverage of the site.

      ii. As Principal Use. Day Care Facilities operating as a Principal Use may increase the maximum allowable Lot Coverage by up to ten percent.

c. *Other.* The Review Authority may grant up to five percent bonus for up to one requested Modification, pursuant to Chapter 17.62, for a Day Care Facility project.

17.41.120 Eating and Drinking Establishments

Where Eating and Drinking Establishments include outdoor dining and seating facilities, these facilities must be located, developed, and operated in compliance with the following standards:

A. **Applicability.** The standards of this Section apply to outdoor dining and seating located on private property and in the right-of-way. Outdoor dining and seating located within the public-right-of-way is subject to an Encroachment Permit issued by the Public Works Department prior to its establishment and operation.

B. **Enclosure.** Any awnings or umbrellas must be adequately secured and/or retractable.

C. **Pedestrian Pathway.** A four-foot pedestrian pathway must be maintained and unobstructed. If there is more than a four-foot-wide pathway provided, outdoor dining may be located outside of the required four feet.

D. **Litter Removal.** Outdoor dining and seating areas must remain clear of litter at all times.

E. **Hours of Operation.** The hours of operation for outdoor dining are limited to the permitted hours of operation of the associated eating and drinking establishment.

F. **Parking.** Where an outdoor dining and seating area occupies 200 square feet or less, additional parking spaces for the associated eating and drinking establishment are not required. Parking must be provided according to the required ratio in Chapter 17.38, Parking and Loading, for any outdoor dining and seating area exceeding 200 square feet.

17.41.130 Emergency Shelters

Emergency shelters must be located, developed, and operated in compliance with the following standards where allowed by Part II, Base Zoning District Standards and Allowed Uses:

A. **Permit Required.** Unless Discretionary Approval of a Conditional Use Permit is required pursuant to Table 17.08.020, a Land Use Permit is required where Emergency Shelters are allowed.

B. **Proximity.** No emergency shelter is permitted within 300 feet of a site with an operating emergency shelter.

C. **Facilities.** The emergency shelter facility must provide sleeping and bathing facilities and one or more of the following specific facilities and services including, without limitation:

1. Child care facilities;
2. Commercial kitchen facilities designed and operated in compliance with California Health and Safety Code, Section 113700 et seq.;
3. Dining area;
4. Laundry;
5. Recreation room; and
6. Support services (e.g., training, counseling, etc.).

D. **Number of Residents.** Not more than 25 persons may be served on a nightly basis. A shelter operator may request a higher capacity with Discretionary Approval of a Minor Conditional Use Permit by demonstrating that the combined shelter capacities in the City is less than the most recent homeless census.

E. **Length of Stay.** Maximum length of stay of a person in an emergency shelter is limited to 180 days in any 12-month period.

F. **Hours of Operation.** Emergency shelters may operate 24 hours a day to provide sleeping facilities and other facilities and services.

G. **Management.** Each emergency shelter must have an on-site management office, with at least one staff member present at all times the emergency shelter is in operation. A minimum of two staff members must be on duty when more than ten beds are occupied.

H. **Security.** If required by law enforcement, an emergency shelter must have on-site security staff, with at least one security staff present at all times the emergency shelter is in operation.

I. **Site Design.** Client waiting, intake, and pick-up areas must be located inside a building or interior courtyard, or at a rear or side entrance physically and visually separated from public view of adjacent right-of-way with a minimum six-foot tall decorative masonry wall or hedge or similar mature landscaping.

17.41.140 Family Day Care

A. **Applicability.** The following standards shall apply to all Family Day Care facilities providing childcare and operating as an accessory use to the principal residential use of a lot, unless otherwise preempted by State law:

1. ***Permit Required.*** No permit is required for Family Day Care Facilities.

2. ***Residency.*** The operator of a Family Day Care must be a full-time resident of the dwelling unit in which the facility is located.

3. ***Development Impact Fees.*** Family Day Care Facilities are not subject to Development Impact Fees pursuant to Chapter 17.70.

4. ***Licensing.*** A Family Day Care facility must obtain a State license, but shall not require a Business License from the City.

B. **Small Family Day Care.** Small Family Day Care facilities must be located, developed, and operated in compliance with the following, where allowed by Part II, Base Zoning District Standards and Allowed Uses, unless otherwise preempted by State law:

1. ***Number.*** A Small Family Day Care facility may provide care for more than six and up to eight children, as defined in California Health and Safety Code, Section 1597.44.

C. **Large Family Day Care.** Large Family Day Care must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning District Standards and Allowed Uses, unless otherwise preempted by State law:

1. ***Number.*** A Large Family Day Care facility may provide care for more than 12 children and up to and including 14 children, as defined in California Health and Safety Code, Section 1597.465.

17.41.150 Farmworker Housing

Farmworker Housing must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning District Standards and Allowed Uses:

A. **Location.** In Residential Districts, Farmworker Housing providing accommodations for six or fewer employees is a single-unit use subject only to those standards and permit procedures as they apply to other residential dwellings of the same type in the same zoning district.

B. **Operation Permit.** Before commencement of the use, the applicant must have a valid permit to operate from the California Department of Housing and Community Development (HCD).

C. **Deed Restriction.** Farmworker Housing must be deed restricted or otherwise restricted for occupancy to qualifying farmworker households.

17.41.160 Group Residential

Group Residential facilities must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning District Standards and Allowed Uses:

A. **Proximity.** No new Group Residential is permitted within 300 feet of a site with an operating Group Residential facility.

B. **Minimum Lot Area.** The minimum lot area is 12,000 square feet.

17.41.170 Home Occupations

Home occupations must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning District Standards and Allowed Uses:

A. **Applicability.** This Section applies to Home Occupations in any residential unit in the City regardless of the zone district designation. This Section does not apply to Family Day Care, which is regulated separately in Section 17.41.140, Standards for Specific Uses and Activities – Family Day Care.

B. **Permit Required.** A Zoning Clearance is required for Home Occupations where clients or customers are served on site. If no clients or customers are served on site, no permit is required.

C. **Residential Appearance.** The residential appearance of the dwelling unit within which the Home Occupation is conducted must be maintained.

1. ***Location.*** All Home Occupation activities must be conducted entirely within the dwelling unit and/or an associated garage or accessory structure(s) on the same lot, subject to applicable provisions for garage parking.

2. ***Maximum Size.*** The space exclusively devoted to the Home Occupation (including any associated storage) must not exceed 25 percent of the combined floor area of the dwelling unit, accessory structure(s), and available garage not used for parking.

3. ***Employees.*** One employee or independent contractor other than residents of the dwelling may be permitted to work at the location of a Home Occupation.

4. ***On-Site Client Contact.*** Customer and client visits are permitted; however, the Home Occupation shall not generate pedestrian or vehicular traffic in excess of that customarily associated with the zone district in which the use is located.

5. ***Employee/Client Parking.***

   a. Customers, clients, and/or employees must park on site. If the site cannot accommodate an on-site parking space, they may park directly on the street adjacent to and in close proximity to the home.

   b. Parking required for customers/clients/employees may be provided on site in a tandem configuration.

6. ***Hours of Operation.*** Employees, visitors, students, and/or clients are permitted between the hours of 8:00 a.m. to 9:00 p.m.

7. ***Vehicles.*** Only one vehicle, owned by the operator of the home occupation, and not to exceed one ton in capacity, may be used by the operator in conjunction with the home occupation.

8. ***Signage.*** No commercial signage for the Home Occupation is allowed on site.

9. ***Hazardous Materials.*** Activities conducted, and equipment or materials used, must not change the fire safety or occupancy classifications of the premises, nor use utilities different from those normally provided for residential use. There must be no storage or use of toxic or hazardous materials other than the types and quantities customarily found in connection with a dwelling unit.

10. ***Nuisances.*** A Home Occupation must be conducted such that no offensive or objectionable noise, dust, vibration, smell, smoke, heat, humidity, glare, refuse, radiation, electrical disturbance, interference with the transmission of communications, interference with radio or television reception, or other hazard or nuisance is perceptible on adjacent lots or in neighboring units in a multiple-unit building.

D. **Multiple Home Occupations.** Multiple Home Occupations in a dwelling are allowed provided the space exclusively devoted to the Home Occupations, including any associated storage, complies with all other provisions in this Section.

E. **Prohibited Uses.** The following uses are not permitted as Home Occupations:

1. Adult-Oriented businesses;
2. Automobile/vehicle sales and services;
3. Eating and drinking establishments;
4. Hotels and motels;
5. Hospitals;
6. Fire arms manufacturing and on-site sales; and
7. Cannabis uses.

17.41.180 Live/Work Units

Live/Work units must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning District Standards and Allowed Uses:

A. **Permit Required.** Work activities in Live/Work Units are limited to uses that are permitted outright or allowed with a Land Use Permit or Conditional Use Permit within the zone district the units are located.

B. **Allowable Uses.** Live/Work Units must contain a residential uses, but are not required to maintain a "work" or commercial uses.

C. **Sale or Rental of Live or Work Portions of Unit.** No portion of a Live/Work Unit may be separately rented or sold as a commercial space for a person or persons not living on the premises, or as a residential space for a person or persons not working on the premises.

D. **Floor Area Distribution.** An applicant must submit a floor plan of all proposed units to the City to differentiate areas designated for commercial activities and those areas designated for residential use.

E. **Outdoor Living Area.** Common or private outdoor living area must be provided for the use of occupants at a rate of at least 60 square feet per Live/Work Unit. This space may be attached to individual units or located on the roof or adjoining the building in a yard.

17.41.190 Mobile Vendors

Mobile Vendors are neither regulated nor prohibited by this Title.

17.41.200 Outdoor Sales

Outdoor sales facilities must be located, developed, and operated in compliance with the following:

A. **Permit Required.** Where permissible, seasonal and temporary sales, such as Christmas tree and pumpkin lots, are subject to Section 17.41.260, Standards for Specific Uses and Activities – Temporary Uses.

B. **Permanent Outdoor Display and Sales.** The permanent outdoor display of merchandise must comply with the following standards:

1. ***Relationship to Main Use.*** The outdoor display and sales area must be directly related to a business occupying a primary structure on the subject parcel.

2. ***Display Locations.***

   a. Outdoor sales or display located within the public road right-of-way is subject to an Encroachment Permit issued by the Public Works Department.

   b. The displayed merchandise must not disrupt the vehicle, bicycle, and pedestrian circulation on the site, obstruct driver or rider visibility or otherwise create hazards for vehicles, bicyclists, or pedestrians.

   c. Except for Automobile/Vehicle Sales and Leasing, a four-foot pedestrian pathway must be maintained and remain unobstructed by either merchandise or displays.

If there is more than a four-foot-wide pathway provided, merchandise may be displayed in an area outside of the required four feet.

3. ***Allowable Merchandise.*** Only merchandise generally sold at the business is permitted to be displayed outdoors.

4. ***Refuse/Litter.*** The operator is responsible for collecting all trash created from outdoor sales operations.

5. ***Monitoring.*** All outdoor sales locations must be monitored by store personnel.

17.41.210 Personal Storage

Personal storage facilities must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning District Standards and Allowed Uses:

A. **Prohibited Activity.** No living plants, animals, or persons may be kept in a personal storage unit. No retail sales, repair, or other commercial use may be conducted out of a personal storage unit. No live music or noise amplification is allowed.

B. **No Hazardous Materials Storage.** No storage of hazardous materials is permitted.

C. **Notice to Tenants.** As part of the rental process, the facility manager must inform all tenants of conditions restricting storage of hazardous materials and use limitations of the storage units, including no habitation. These restrictions must be included in rental contracts and posted at a conspicuous location within the front of each rental unit.

D. **Open Storage.** Open storage, outside an enclosed building, is limited to vehicles and trailers with a valid registration which are screened from public view.

E. **Hours of Operation.** Hours of operation are limited to 7:00 a.m. to 7:00 p.m. if the facility abuts a Residential Zone District.

17.41.220 Residential Care Facilities

Large residential care facilities must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning District Standards and Allowed Uses:

A. **Small Residential Care Facilities.** There are not City-specific standards for Small Residential Care Facilities.

B. **Large Residential Care Facilities.**

1. ***Proximity.*** No Large Residential Care Facility is permitted within 300 feet of a site with an operating Large Residential Care Facility.

2. ***Common Open Space.*** At least 50 square feet of common open space must be provided for each person who resides in the facility.

17.41.230 Service and Gas Stations

Service and gas stations must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning District Standards and Allowed Uses:

A. **Site Design.**

1. Designs must incorporate landscaping and screen walls to screen vehicles while allowing eye-level visibility into the site. Fleet fuel stations in industrial zoning districts are exempt from this requirement.

2. Propane tanks, vapor-recovery systems, air compressors, utility boxes, garbage, recycling containers/enclosures, and other similar mechanical equipment must be screened from public view, where feasible.

B. **Air and Water Stations.** Air and water stations must be identified on site plans and located outside required setback areas.

C. **Pump Islands.** Pump islands must be located a minimum of 15 feet from any lot line to the nearest edge of the pump island. A canopy or roof structure over a pump island may encroach up to ten feet within this distance.

17.41.240 Short-term Vacation Rentals

A property owner may only rent, offer to rent, or advertise for rent, a Short-term Vacation Rental to another person in compliance with Chapter 5.08 of the Goleta Municipal Code.

A. **Permit Required.** No Zoning Permit is required for Short-Term Vacation Rentals. However, a City Short-Term Vacation Rental Permit is required from the City Finance Director.

17.41.250 Single-Room Occupancy (SRO) Housing

Single-Room Occupancy (SRO) Housing must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning District Standards and Allowed Uses.

A. **Residential Density.** If SRO Housing contains a common kitchen that serves all residents, the Review Authority may increase the maximum allowable number of individual units available for rent by 20 percent above the number otherwise allowed by the base density applicable to residential development in the zoning district where the project is located.

B. **Design.**

1. ***Maximum Occupancy.*** Each living unit must be designed to accommodate a maximum of two persons.

2. ***Minimum Width.*** A unit comprised of one room, not including a bathroom, must not be less than 12 feet in width, and must comply with applicable State Health and Safety Code minimum size requirements.

3. ***Entrances.*** All units must be independently accessible from a single main entry, excluding emergency and other service support exits.

4. ***Cooking Facilities.*** Cooking facilities must be provided either in individual units or in a community kitchen. Where cooking is in individual units, each unit must have a sink with hot and cold water; a counter with dedicated electrical outlets and a microwave oven or a properly engineered cook top unit pursuant to Building Code requirements; at minimum a small refrigerator; and cabinets for storage.

5. ***Bathroom.*** A unit is not required to, but may contain partial or full bathroom facilities. A partial bathroom facility must have at least a toilet and sink. If a full bathroom facility is not provided, common bathroom facilities must be provided that meet the standards of the California Building Code for congregate residences with at least one full bathroom per floor.

6. ***Closet.*** Each unit must have a separate closet.

7. ***Common Area.*** At least 200 square feet in area of interior common space must be on the ground floor near the entry to serve as a central focus for tenant social interaction and meetings.

C. **Tenancy.** Tenancy of SRO Housing is limited to 30 or more days.

D. **Management Plan.** A management plan must be submitted with the permit application for an SRO Housing for review and approval by the Review Authority. At minimum, the management plan must include the following:

1. ***Security/Safety.*** Proposed security and safety features such as lighting, security cameras, access, and natural surveillance through design that maximizes visibility of spaces;

2. ***Management Policies.*** Management policies, including desk service, visitation rights, occupancy restrictions, and use of cooking appliances;

3. ***Rental Procedures.*** All rental procedures, including the monthly tenancy requirement;

4. ***Staffing and Services.*** Information regarding all support services, such as job referral and social programs; and

5. ***Maintenance.*** Maintenance provisions, including sidewalk cleaning and litter control, recycling programs, general upkeep, and the use of durable materials.

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.

2. ***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.

4. ***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.

5. ***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.

6. ***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 17.41.260(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.

3. ***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.

4. ***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.

5. ***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.

6. ***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.

7. ***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.

8. ***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.

9. ***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.

Chapter 17.42 Telecommunications Facilities

Sections:

17.42.010 Purpose and Applicability
17.42.020 Permit Requirements
17.42.030 Development Standards
17.42.040 Required Findings
17.42.050 Abandonment/Removal of Facilities
17.42.060 Transfer of Ownership

17.42.010 Purpose and Applicability

This Chapter provides standards and procedures to regulate the development, siting, installation, and operation of wireless telecommunications antennas and related facilities consistent with the applicable requirements of federal law. The regulations are intended to provide for the appropriate development of wireless telecommunication facilities within the City to meet the needs of residents, business-owners, and visitors while protecting public health and safety and preventing visual blight and degradation of the community's aesthetic character.

The requirements of this Chapter apply to all telecommunication facilities within the City, not otherwise regulated by the City, pursuant to GMC 12.20, Wireless Facilities in Public Road Rights-of-Way, that transmit and/or receive wireless electromagnetic signals, including but not limited to personal communications services (cellular and paging) and radio and television broadcast facilities.

A. These facilities include small and large cell facilities on privately-owned property and wireless facilities on public property not regulated by GMC 12.20.

B. The requirements apply to telecommunication facilities that are the primary use of a property as well as those that are accessory facilities.

17.42.020 Permit Requirements

This Section establishes the permit requirements for all new and existing wireless telecommunication facilities within the City.

A. **Exempt.** The following types of telecommunication facilities that do not exceed the maximum height permitted by this Title are exempt from requiring a Zoning Permit:

1. Licensed amateur radio antennas and citizen band operations.
2. Hand-held, mobile, marine, and portable radio transmitters and/or receivers.
3. Emergency services radio.
4. Radio and television mobile broadcast facilities.
5. Antennas and equipment cabinets or rooms completely located inside of permitted structures.

6. A single ground-mounted or building-mounted receive-only radio or television antenna, including any mast, or a receive-only radio or television satellite dish antenna, subject to the following restrictions:

   a. *Residential Districts.*

      i. Satellite Dish One Meter or Less. A satellite dish that does not exceed one meter in diameter and is for the sole use of a resident occupying the same residential parcel is permitted anywhere on a lot in the residential district so long as it does not exceed the height of the ridgeline of the primary structure on the same parcel.

   b. *Non-Residential Districts.*

      i. Satellite Dish Two Meters or Less. A satellite dish that does not exceed two meters in diameter is permitted anywhere on a lot in a non-residential district so long as the location does not reduce required parking, diminish pedestrian or vehicular access, or require removal of required landscaping.

7. City-owned and operated facilities used for public purposes.

8. Telecommunication facilities subject to FCC ruling (WT Docket No. 17-79, WC Docket No. 17-84; FCC 18-133).

9. Any other private or commercial antenna or wireless communications facility that is exempt from all local regulation and development standards, pursuant to the rules and regulations of the Federal Communications Commission (FCC) or a permit issued by the California Public Utilities Commission (CPUC). The owner or operator of such facility shall provide the Director with a copy of a current FCC or CPUC permit or a copy of applicable FCC regulations along with the required building permit application, or if no building permit is required, prior to its installation.

B. **Zoning Clearance.** The following types of telecommunication facilities that do not exceed the maximum height permitted by this Title must receive issuance of a Zoning Clearance prior to approval of any building permit for installation:

1. ***Existing Facilities.*** Minor modifications to existing wireless facilities, including replacement in-kind or with smaller or less visible equipment, that meet the standards set forth in this Title and will have little or no change in the visual appearance of the facility require the review and issuance of a Zoning Clearance.

2. ***New Facilities on Private Lands or Structures.*** When located within a residential or non-residential zone district, the following types of new telecommunication facilities require review and approval of a Zoning Clearance.

   a. *Residential Districts.*

      i. Satellite Dish Greater than One Meter. A satellite dish that is greater than one meter in diameter, is not located within a required front yard or side yard abutting a street and is screened from view from any public right-of-way and adjoining property.

ii. Antennas. An antenna that is mounted on any existing building or other structure that does not exceed 25 feet in height. The antenna must be for the sole use of a resident occupying the same residential parcel on which the antenna is located.

b. *Non-Residential Districts.*

i. Satellite Dish Greater than Two Meters. A satellite dish that is greater than two meters in diameter that is not located within a required front yard or side yard abutting a street and is screened from view from any public right-of-way and adjoining property.

ii. Mounted Antennas. An antenna that is mounted on any existing building or other structure when the overall height of the antenna and its supporting tower, pole or mast does not exceed a height of 30 feet, or 25 feet if located within 20 feet of a Residential district.

iii. Freestanding Antennas. A free-standing antenna and its supporting tower, pole, or mast that complies with all applicable setback ordinances when the overall height of the antenna and its supporting structure does not exceed a height of 30 feet or 25 feet if located within 20 feet of a Residential district.

c. *All Zone Districts.*

i. Stealth Facilities. Stealth facilities where the antenna and support equipment are completely hidden from public view within a structure or fully concealed by an architectural feature on the exterior of a structure.

C. **Land Use Permit or Coastal Development Permit.** The following types of telecommunication facilities that do not exceed the maximum height permitted by this Title must receive approval of a Land Use Permit, pursuant to Chapter 17.55, or a Coastal Development Permit, pursuant to Chapter 17.61, prior to approval of a building permit for installation:

1. ***All Zone Districts.***

a. *Co-located Facilities*. Permitted when proposed to be co-located on a facility that was subject to a discretionary permit issued on or after January 1, 2007 and an environmental impact report was certified, or a negative declaration or mitigated negative declaration was adopted for the wireless telecommunication collocation facility in compliance with the California Environmental Quality Act and the collocation facility incorporates required mitigation measures specified in that environmental impact report, negative declaration, or mitigated negative declaration.

b. *Non-stealth Facilities.* Non-stealth facilities where the antenna and support equipment are clearly visible from public viewing areas but are not subject to review by the Design Review Board, pursuant to Chapter 17.58, Design Review.

D. **Conditional Use Permit.** Discretionary Approval of both a Minor Conditional Use Permit, pursuant to Chapter 17.57, and Design Review, pursuant to Chapter 17.58 are required for the following:

1. All new telecommunication facilities that do not fall into one of the permit types above.

2. Any alteration to an existing facility that does not fall into the limited standards for a minor change to a previously approved project, pursuant to Chapter 17.36, Nonconforming Uses and Structures.

E. **Modification.** Any antenna that would otherwise be subject to subsection (A-C) above, but exceeds the maximum height for the base Zone District must request approval of a height Modification, pursuant to Chapter 17.62, Modifications.

17.42.030 Development Standards

All wireless telecommunication facilities shall be located, developed, and operated in compliance with all of the following development and operational standards and with applicable standards of the base Zone District that they are located in.

A. **Location and Siting.**

1. All wires and/or cables necessary for operation of an antenna shall be placed underground or attached flush with the surface of the building or the structure of the antenna.

2. No new freestanding facility, including a tower, lattice tower, or monopole, shall be located within 1,000 feet of another freestanding facility, unless appropriate camouflage techniques have been used to minimize the visual impact of the facility to the extent feasible, and mounting on a building or co-location on an existing pole or tower is not feasible.

3. All wireless telecommunication facilities shall meet the building setback standards of the district which they are to be located.

4. When feasible, providers of personal wireless services shall co-locate facilities in order to reduce adverse visual impacts. The Director may require co-location or multiple-user wireless telecommunication facilities based on a determination that it is feasible and consistent with the purposes and requirements of this Chapter.

5. When determined to be feasible and consistent with the purposes and requirements of this Chapter, the Director shall require the applicant to make unused space available for future co-location of other wireless telecommunication facilities, including space for different operators providing similar, competing services.

B. **Support Structures.** Support structures for wireless telecommunication facilities may be any of the following:

1. A new ground-mounted monopole that allows for co-location of at least one other similar wireless communications provider.

2. A monopole mounted on a trailer or other type of portable foundation, but only if used as a temporary wireless communications facility and subject to Chapter 17.56, Temporary Use Permits.

3. An existing non-residential building.

4. An existing structure other than a building, including, but not limited to, light poles, electric utility poles, water towers, smokestacks, billboards, lattice towers, and flag poles.

This term includes an electric utility pole erected to replace an existing electric utility pole, if the replacement pole will serve both electric and wireless communications functions, and if the replacement pole is substantially equivalent to the predecessor pole in placement, height, diameter and profile.

5. An alternative tower structure such as a clock tower, steeple, functioning security light pole, functioning recreational light pole, or any similar alternative-design support structure that conceals or camouflages the wireless telecommunication facility. The term "functioning" as used herein means the light pole serves a useful and appropriate lighting function as well as a wireless communications function.

6. Existing publicly-owned and operated monopole or a lattice tower exceeding the maximum height limit.

C. **Height Requirements.**

1. ***Freestanding Antenna or Monopole.*** A freestanding antenna or monopole shall not exceed the height limit of the district in which it is located.

2. ***Building-Mounted Facilities.*** Building-mounted wireless telecommunication facilities shall not exceed a height of 15 feet above the height limit of the district or 15 feet above the existing height of a legally established building or structure, whichever is higher, measured from the top of the facility to the point of attachment to the building.

3. ***Facilities Mounted on Structures.*** Wireless telecommunication facilities mounted on an existing structure shall not exceed the height of the existing structure unless camouflaged as part of the structure design, except antennas may extend up to 15 feet above the height of an electric utility pole.

4. ***Facilities Mounted on Light Poles.*** A functioning security light pole or functioning recreational light pole shall have a height consistent with existing poles in the surrounding area or height usually allowed for such light poles.

D. **Design and Screening.** Wireless telecommunication facility structures and equipment shall be located, designed and screened to blend with the existing natural or built surroundings, as well as any existing support structures, so as to reduce visual impacts to the extent feasible.

1. ***Stealth Facilities.*** State of the art stealth design technology shall be utilized as appropriate to the site and type of facility. Where no stealth design technology is proposed for the site, a detailed analysis as to why stealth design technology is physically and technically infeasible for the project shall be submitted with the application.

2. ***Other Facility Types.*** If a stealth facility is not feasible, the order of preference for facility type is, based on their potential aesthetic impact: façade-mounted, roof-mounted, ground-mounted, and free-standing tower or monopole. A proposal for a new ground-mounted or free-standing tower shall include factual information to explain why other facility types are not feasible.

3. ***Minimum Functional Height.*** All free-standing antennas, monopoles, and lattice towers shall be designed to be the minimum functional height and width required to support the proposed antenna installation, unless it can be demonstrated that a higher antenna, monopole, or tower will facilitate co-location.

4. ***Camouflage Design.*** Wireless telecommunication facilities that are mounted on buildings or structures shall be designed to match existing architectural features, incorporated in building design elements, camouflaged, or otherwise screened or painted to minimize their appearance in a manner that is compatible with the architectural design of the building or structure. New facilities must not include the use of faux trees as camouflage.

5. ***Equipment Cabinets.*** Equipment cabinets shall be located within the building upon which antennae are placed, if technically feasible. Otherwise, equipment cabinets and buildings, and associated equipment such as air conditioning units and emergency generators, shall be screened from view by a wall or landscaping, as approved by the Review Authority. Any wall must be architecturally compatible with the building or surrounding area.

6. ***Landscaping.*** Landscaping shall be provided for and maintained to screen any ground structures or equipment visible from a public right-of-way.

7. ***Lighting.*** Artificial lighting of a telecommunication facility, including its components, is prohibited, unless required by the Federal Aviation Administration. A motion-sensor light may be used for security purposes if the beam is directed downwards, shielded from adjacent properties, and kept off except when personnel are present at night.

8. ***Advertising.*** No advertising shall be placed on wireless telecommunication facilities, equipment cabinets, or associated structures.

E. **Security Features.** All facilities shall be designed to minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions that would result in hazardous conditions, visual blight, or attractive nuisances.

1. ***Fencing.*** Security fencing, if any, shall not exceed the fence height limit of the base district. Fencing shall be effectively screened from view through the use of landscaping. No chain link fences shall be visible from public view.

2. ***Maintenance.*** The permittee shall be responsible for maintaining the site and facilities free from graffiti.

F. **Radio Frequency and Noise Standards.**

1. ***Radio Frequency.*** Wireless telecommunication facilities shall comply with federal standards for radio frequency emissions and interference. Failure to meet federal standards may result in termination or modification of the permit.

2. ***Noise.*** Wireless telecommunication facilities and any related equipment, including backup generators and air conditioning units, shall not generate continuous noise in excess of 40 dBa measured at the property line of any adjacent residential property, and shall not generate continuous noise in excess of 50 dBa during the hours of 7:00 a.m. to 10:00 p.m. and 40 dBa during the hours of 10:00 p.m. to 7:00 a.m. measured at the property line of any non-residential adjacent property. Backup generators shall only be operated during power outages and for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m.

G. **Co-location.** The applicant and owner of any site on which a wireless facility is located shall cooperate and exercise good faith in co-locating wireless facilities on the same support structures or site. Good faith shall include sharing technical information to evaluate the feasibility of co-

location and may include negotiations for erection of a replacement support structure to accommodate co-location. A competitive conflict to co-location or financial burden caused by sharing information normally will not be considered as an excuse to the duty of good faith.

1. All facilities shall make available unused space for co-location of other wireless telecommunication facilities, including space for these entities providing similar, competing services. Co-location is not required if the host facility can demonstrate that the addition of the new service or facilities would impair existing service or cause the host to go offline for a significant period of time. In the event a dispute arises as to whether a permittee has exercised good faith in accommodating other users, the City may require the applicant to obtain a third-party technical study at applicant's expense. The City may review any information submitted by applicant and permittee(s) in determining whether good faith has been exercised.

2. All co-located and multiple-user telecommunication facilities shall be designed to promote facility and site sharing. Telecommunication towers and necessary appurtenances, including but not limited to parking areas, access roads, utilities and equipment buildings, shall be designed to be shared by site users whenever possible.

3. No co-location may be required where it can be shown that the shared use would or does result in significant interference in the broadcast or reception capabilities of the existing telecommunication facilities or failure of the existing facilities to meet federal standards for emissions.

4. Failure to comply with co-location requirements when feasible or cooperate in good faith as provided for in this Chapter is grounds for denial of a permit request.

H. **Fire Prevention.** All wireless telecommunication facilities shall be designed and operated in a manner that will minimize the risk of igniting a fire or intensifying one that otherwise occurs.

1. At least one-hour fire resistant interior surfaces shall be used in the construction of all buildings.

2. The exterior walls and roof covering of all above-ground equipment shelters and cabinets shall be constructed of materials rated as non-flammable in the Building Code.

3. Monitored automatic fire extinguishing systems approved by County Fire shall be installed in all equipment buildings and enclosures.

4. Openings in all above-ground equipment shelters and cabinets shall be protected against penetration by fire and wind-blown embers to the extent feasible.

I. **Surety Bond.** As a condition of approval, an applicant for a building permit to erect or install a wireless telecommunication facility shall be required to post a cash or surety bond in a form and amount acceptable to the City Attorney to cover the full removal costs of the facility in the event that its use is abandoned or the approval is otherwise terminated or revoked.

J. **Photo-Simulations.** All applications for development associated with new or existing telecommunication facilities that are subject to this Title shall provide color photo-simulations that visually depict each of the applicable development standards of this Section.

17.42.040 Required Findings

A. **Findings for All Telecommunication Projects.** In additional to any required findings for the specific Zoning Permit or Discretionary Action require by this Chapter for the approval of a wireless telecommunication facility, and all Common Procedures findings of Section 17.52.070, the Review Authority shall make all of the following additional project-specific findings:

1. The proposed telecommunication facility conforms with all applicable development standards of this Chapter.

2. The proposed telecommunication facility will be a co-located facility, or additional findings for non-co-located facilities can be made.

3. The proposed site results in fewer or less severe environmental impacts than any feasible alternative site.

4. The proposed facility will not be readily visible, or it is not feasible to incorporate additional measures that would make the facility not readily visible.

5. The applicant has demonstrated that the facility will be operated within the frequency range allowed by the Federal Communications Commission and complies with all other applicable safety standards.

6. The applicant has demonstrated that there is a need for service (i.e., coverage or capacity) and the area proposed to be served would not otherwise be served by the carrier proposing the facility.

B. **Additional Findings for Facilities Not Co-located.** In additional to all findings required in subsection (A) above, in order to approve a wireless telecommunication facility that is not co-located with other existing or proposed facilities or a new ground-mounted antenna, monopole, or lattice tower the Review Authority must make at least one of the following additional findings:

1. The applicant has made good faith and reasonable efforts to locate the proposed wireless facility on an existing support structure to accomplish co-location, but no sites exist or are available within the area where coverage or capacity improvements are needed;

2. Co-location or siting on an existing structure is not feasible because of technical, aesthetic, or legal considerations (i.e., co-location would have more significant adverse effects on views or other environmental considerations; co-location is not permitted by the property-owner; co-location would impair the quality of service to the existing facility; or, co-location would require existing facilities at the same location to go off-line for a significant period of time).

C. **Setback Reductions.** Any request for a reduction to a required setback must be reviewed as part of the Discretionary Review of the Conditional Use Permit, pursuant to Chapter 17.57, Conditional Use Permits, or by submitting an application for a Modification to be concurrently processed with the applicable Ministerial Permit. The Review Authority must still be able to make all applicable Findings for Approval to approval the project with the setback reduction.

D. **Other Exceptions to Development Standards.** The Review Authority may waive or modify requirements of this Title upon making a finding that strict compliance with any specific requirement would result in noncompliance with applicable federal or State law.

17.42.050 Abandonment/Removal of Facilities

A. The service provider shall notify the Director of the intent to vacate a site at least 30 days prior to the vacation.

B. The permit for any antenna or tower that is not operated for a continuous period of 12 months shall be deemed lapsed and the site will be considered abandoned unless:

1. The Zoning Administrator has determined that the same operator resumed operation within six months of the notice; or

2. The City has received an application to transfer the permit to another service provider as provided for in Section 17.42.060, Telecommunications Facilities – Transfer of Ownership.

C. No later than 90 days from the date the use is discontinued or the provider has notified the Zoning Administrator of the intent to vacate the site, the owner of the abandoned antenna or tower or the owner of the property on which the facilities are sited shall remove all equipment and improvements associated with the use and shall restore the site to its original condition as shown on the plans submitted with the original approved application or as required by the Zoning Administrator.

1. The provider or owner may use any bond or other assurances provided by the operator to accomplish the required restoration.

2. The owner or his agent shall provide written verification of the removal of the wireless telecommunication facility within 30 days of the date the removal is completed.

D. If the antenna or tower is not removed within 30 days after the permit has lapsed under subsection (B) above, the site shall be referred to Code Enforcement and the Zoning Administrator may cause the antenna or tower to be removed at the owners' expense or by calling any bond or other financial assurance to pay for removal.

1. If there are two or more users of a single tower, then this provision shall apply to the abandoned antenna but not become effective for the tower until all users cease using the tower.

2. The requirement for removal of equipment in compliance with this Section shall be included as a provision in any lease of private property for wireless telecommunication facilities.

17.42.060 Transfer of Ownership

In the event that the original permittee sells or otherwise transfers its interest in a wireless telecommunications facility, or an interest in a wireless telecommunication facility is otherwise assumed by a different carrier, the succeeding carrier must assume all responsibilities concerning the project, including, without limitation, City-issued permits for the project, and will be held responsible to the City for maintaining consistency with all project conditions of approval. A new contact name for the project and a new signed and recorded "Agreement to Comply with Conditions of Approval" must be provided by the succeeding carrier to the Director within 30 days of the transfer of interest in the facility.

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Chapter 17.43 Cultural Resources

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Chapter 17.44 Reserved

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Part V:
Administration and Permits

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Chapter 17.50 Review Authorities

Sections:

17.50.010 Purpose
17.50.020 Review Authority
17.50.030 City Council
17.50.040 Planning Commission
17.50.050 Zoning Administrator
17.50.060 Director of Planning and Environmental Review
17.50.070 Design Review Board

17.50.010 Purpose

This Chapter identifies the duties, organization, and powers of the City bodies and administrators authorized to make decisions under various Chapters of this Title.

17.50.020 Review Authority

A. **Applications Subject to More Than one Review Authority.** When two or more discretionary applications are submitted that relate to the same development project and the individual applications are under the separate jurisdiction of more than one Review Authority in compliance with Table 17.50.020, Review Authority, all applications for the project shall be under the jurisdiction of the Review Authority with the highest jurisdiction in compliance with the following descending order:

1. City Council;
2. Planning Commission;
3. Zoning Administrator; and
4. Director.

B. **Advisory Roles and Recommendations.**

1. If the City Council is the Review Authority for a project due to a companion discretionary application (e.g., Zoning Map Amendment, Zoning Ordinance Amendment, etc.) the Planning Commission must make an advisory recommendation to the City Council on each project.
2. If the City Council or Planning Commission is the Review Authority for a project that has a companion Design Review application (e.g., Development Plan, Conditional Use Permit, etc.) the Design Review Board must make an advisory recommendation on the design elements of the project after it has determined that the project is ready for Preliminary Review, pursuant to subsection (B) of Section 17.58.060, Design Review – Design Review Board Levels of Review.

C. **City Review Authorities.** The table below identifies the Review Authority responsible for reviewing and making decisions on each type of application required by this Title.

TABLE 17.50.020: REVIEW AUTHORITY				
	Director	*Zoning Administrator*	*Planning Commission*	*City Council*
Administrative and Legislative Action				
Zoning Code Amendment			Recommend	Decision
General Plan Amendment			Recommend	Decision
Development Agreement			Recommend	Decision
Reasonable Accommodation	See Chapter 17.63, Reasonable Accommodation for Persons with Disabilities			
Specific Plans and Amendment			Recommend	Decision
Subdivision and Lot Line Adjustment	See Title 16, Subdivisions			
Zoning Code Determination	Decision		Appeal	Appeal
Planning Permit or Action				
Amendment	Decision		Appeal	Appeal
Coastal Development Permit	Decision		Appeal	Appeal
Coastal Development Permit (within Appeals Jurisdiction)	Decision	Decision	Appeal	Appeal
Design Review	See Chapter 17.58, Design Review			
Development Impact Fee Adjustment, Reduction, or Waiver				Decision
Development Plan (and Revisions to approved DPs)	See Chapter 17.59, Development Plans			
Emergency Permit	Decision			
Land Use Permit	Decision		Appeal	Appeal
Major Conditional Use Permit			Decision	Appeal
Minor Conditional Use Permit		Decision		Appeal
Modification		Decision		Appeal
Minor Change to a Zoning Permit	Decision			
Substantial Conformity Determination	Decision		Appeal	Appeal
Temporary Use Permit	Decision		Appeal	Appeal
Time Extension	See Section 17.52.090(D), Time Extensions			
Variance		Decision		Appeal
Zoning Clearance	Decision			

17.50.030 City Council

The City Council has the following powers and duties under this Title in addition to its general responsibilities established in Title 2 of the Goleta Municipal Code.

A. Consider and initiate, adopt, reject, or modify amendments to the General Plan, amendments to Zoning Regulations or Maps, amendments to the Local Coastal Program, and Specific Plans.

B. Make decisions on Development Agreements, including approval, termination, and/or modification.

C. Act as the final local Review Authority on appeals of a decision made by the Planning Commission or Zoning Administrator.

D. Establish fee schedules by resolution that list planning application fees, impact fees and development mitigation fees, charges, and deposits for various applications, services, and required payments pursuant to this Title.

E. Adopt guidelines for design review pursuant to Title 2 of the Goleta Municipal Code.

F. Take other actions necessary for implementation of the General Plan and this Title.

G. Make environmental determinations pursuant to CEQA on any projects under its purview.

H. Act as the Review Authority for all zoning permits, except Zoning Clearances, and all discretionary approvals required by this Title for City projects, including Capital Improvement Program projects.

17.50.040 Planning Commission

The Planning Commission has the following powers and duties under this Title in addition to its responsibilities established in Title 2 of the Goleta Municipal Code.

A. Review and provide recommendations on amendments to the General Plan, Zoning Ordinance, Zoning Map, and Local Coastal Program.

B. Hold public meetings and public hearings to receive and consider public comments, and review and approve, conditionally approve, or deny Major Conditional Use Permits, certain Development Plans, and other discretionary reviews.

C. Make environmental determinations pursuant to CEQA on any projects under its purview.

D. Hold public hearing and decide appeals of a decision made by the Design Review Board or Director in accordance with the provisions of this Title.

E. Hold public hearings and make recommendations to the City Council on Development Agreements and Specific Plans.

F. Hold public hearings and decide on Development Plan Amendments when referred to the Planning Commission by the Director.

G. Perform other duties as may be necessary under this Title to implement the General Plan as directed by the City Council.

17.50.050 Zoning Administrator

The Zoning Administrator has the following duties and powers under this Title.

A. Act on requests for Variances and Modifications when not associated with a discretionary permit under a higher Review Authority's purview.

B. Review, approve, conditionally approve, or deny applications for Minor Conditional Use Permits, certain Development Plans, and requests for Reasonable Accommodation that accompany another Zoning Permit application.

C. Make environmental determinations pursuant to CEQA on any projects under its purview.

17.50.060 Director of Planning and Environmental Review

A. **Duties and Authorities.** The Director has the following duties and powers under this Title.

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.
2. Make official, written determinations of applicability or interpretation of any provision of this Title as required.
3. Issue written rules and procedures for the administration of this Title.
4. Provide formal feedback on Planner Consultations prior to application submittal for entitlements.
5. Review applications to determine if they are complete and can be accepted for processing under the requirements of this Title.
6. Act on requests for Zoning Permits, Substantial Conformity Determinations, and requests for Reasonable Accommodation that do not accompany another Zoning Permit application.
7. Approve minor changes and amendments to previously approved plans and Zoning Permits.
8. Make environmental determinations pursuant to CEQA on any projects under the Director's purview.
9. Serve as or designate a member of the Planning and Environmental Review Department staff to serve as Secretary of the Planning Commission and Design Review Board.
10. Provide recommendations to the City Council, Planning Commission, Design Review Board, other appointed officials and City management on matters related to the planning and development of the community.
11. Investigate and make reports on zoning code violations and any violation of permit terms and conditions.
12. Initiate code enforcement procedures and City initiated revocation procedures.
13. Provide initial screening of Appeal applications to determine if they meet the specific submittal requirements for acceptance and to reject those that do not.
14. Maintain and periodically update the City's standard conditions of approval for projects.

B. **Responsibility of the Director.**

1. The Review Authority of the Director may be delegated by the Director to Planning staff, unless otherwise specified by this Title.

2. Wherever this Title makes reference to "Planning staff," it is expressly understood that the staff is making decisions on behalf of, or acting under the direction and control of the Director.

17.50.070 Design Review Board

The Design Review Board has the following powers and duties under this Title:

A. Conduct Design Review of proposed development, pursuant to Chapter 17.58, Design Review, for which Review Authority is assigned to the Design Review Board.

B. Upon request by the Director, Planning Commission, or the City Council, make recommendations on design policies and guidelines.

C. Conduct conceptual Design Review for proposed development and make recommendations on projects that are under the Review Authority of a higher decision-maker.

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Chapter 17.51 Actions and Permits

Sections:

17.51.010 Purpose
17.51.020 Discretionary Actions
17.51.030 Zoning Permits
17.51.040 Other Director Actions

17.51.010 Purpose

The purpose of this Section is to differentiate between a discretionary action by a Review Authority on a request for development and a ministerial review and Director-level action on a Zoning Permit. A Zoning Permit may act as a stand-alone approval or effectuate discretionary action. Discretionary actions always require an effectuating follow-on Zoning Permit.

17.51.020 Discretionary Actions

As specified in this Title, the Review Authority reviews and will take action on the following discretionary requests:

A. **Coastal Development Permit within the Appeals Jurisdiction** (CDH). See Chapter 17.61

B. **Conditional Use Permit** (CUP), includes "Major" and "Minor." See Chapter 17.57

C. **Design Review** (DR). See Chapter 17.58

D. **Development Plan** (DP). See Chapter 17.59

E. **General Plan Amendment** (GPA). See Chapter 17.67

F. **Modification** (MOD). See Chapter 17.62

G. **Zoning Ordinance Amendment** (ORD), including Text and Zoning Maps. See Chapter 17.66

H. **Overall Sign Plan** (OSP). See Section 17.40.090

I. **Revisions** (REV). See Section 17.52.100

J. **Specific Plan** (SP). See Chapter 17.68

K. **Time Extension** (TEX). See subsection 17.52.090(D)

L. **Variance** (VAR). See Chapter 17.60

17.51.030 Zoning Permits

The Director approves and/or issues the following types of ministerial Zoning Permits pursuant to this Title:

A. **Coastal Development Permits** (CDP). See Chapter 17.61

B. **Emergency Permits** (EMP). See Chapter 17.64

C. **Land Use Permits** (LUP). See Chapter 17.55

D. **Temporary Use Permits** (TUP). See Chapter 17.56

E. **Zoning Clearance** (ZC). See Chapter 17.54

17.51.040 Other Director Actions

A. **Amendments** (AMD). See Section 17.52.100

B. **Zoning Code Determination** (DET). See subsection 17.01.040(D)

C. **Substantial Conformity Determination** (SCD). See Section 17.52.100

D. **Time Extensions** (TEX). See subsection 17.52.090(D)

Chapter 17.52 Common Procedures

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17.52.010 Purpose

This Chapter establishes procedures that are common to all application submittals for development provided for in this Title, unless superseded by any specific requirement of this Title or applicable law.

17.52.020 Application Submittal and Review

A. **Applicant.** The following persons may file applications:

1. The owner(s) of the subject property;
2. An Authorized Agent representing the owner(s); and
3. The City.

B. **Application Forms.** Each application for a permit, amendment, or other matter pertaining to this Title must be filed with the Director on a City application form, together with required fees and/or deposits, and all other information and materials as identified in the specific type of application. Submittal requirements may be increased or waived on a project-specific basis as determined necessary or appropriate by the Director.

C. **Supporting Materials.** It is the responsibility of the applicant to provide all necessary information, plans, or other documentation in order to establish evidence in support of the findings required by the applicable permit, amendment, or other matter pertaining to this Title. A project shall not be approved without the Review Authority having all of the required or requested information needed to make all of the findings for approval.

1. ***Electronic Submissions.*** A copy of all application materials must also be submitted to the City electronically.

2. ***Availability of Materials.*** All material submitted in support of an application becomes the property of the City.

D. **Application Fees.**

1. ***Schedule of Fees.*** The City Council will establish fees for permits, development mitigation fees (i.e., impact fees), informational materials, penalties, copying, and other such items. Applications will not be accepted without payment of an application fee or placement of a deposit.

2. ***Multiple Applications.*** The City's processing fees are cumulative. When more than one type of action or permit is being requested, the total fee is the sum of the individual fees specified on the fee schedule unless a lower fee amount is authorized by the Director.

3. ***Refunds.*** In the case of a denial, expiration, withdrawal, or approval of an application with a deposit with a remaining balance, the City must provide a partial refund based upon the pro-rated costs to-date and the status of the application at the time of denial, expiration, withdrawal, or approval. No refunds are provided for applications with fixed fees.

17.52.030 Review of Applications

A. **Review for Completeness.**

B. A determination of whether an application is complete will be made within 30 days of the date the application is accepted.

C. No application will be processed pursuant to this Chapter before:

1. A determination by the Director that the application is complete; and

2. Any illegal conditions on the subject property have been remedied.

D. **Incomplete Application.** If an application is incomplete and the applicant fails to submit the requested information within 90 days of the date of the letter identifying what is needed, the Director may notify the applicant of an intent to close due to the application's inactivity. Once closed, a new application will be required for the proposed project. Such notification is not intended to be construed as denial of the application.

17.52.040 Environmental Review

All applications are subject to environmental review. As part of this review, additional information may be requested or changes to the project description may be required to address any potential significant impacts.

17.52.050 Public Notification

A. **Applicability.** Public notice is required for the following types of permits and hearings:

1. ***Zoning Permits.*** All Zoning Permits, except for Zoning Clearances, required public noticing.

2. ***Zoning Code Determinations.*** All determinations by the Director pertaining to the interpretation or applicability of this Title require noticing only on the City's website.

3. ***Public Hearings.*** All applications that require a public hearing before the City Council, Planning Commission, Design Review Board, or Zoning Administrator. All notices must be given pursuant to California Government Code, Sections 65090-65096.

B. **Contents of Public Notice.**

1. ***General.*** All notices must include the following information:

   a. The names of the applicant and the owner of the property that is the subject of the application;

   b. The location of the real property, if any, which is the subject of the application. The location of the real property must include both the street address and Assessor Parcel Number, if available;

   c. A general description of the proposed project, requested permit action, and any requested modifications;

   d. The case number assigned to the project by the City;

   e. The location and times at which the complete application and project file, including any environmental analysis prepared in connection with the application, may be viewed by the public;

   f. A statement describing how to submit written comments;

   g. A brief description of the City's general procedure concerning the decision-making process; and

   h. Procedures for public comment prior to decision or for appeal, as appropriate.

2. ***Public Hearings.*** All notices for public hearings must include the following:

   a. The date, time, location, and purpose of the public hearing;

   b. The identity of the hearing body or officer;

   c. A brief project description;

   d. The procedure for the submission of public comments in writing before the hearing and the procedure for public comments at the hearing;

   e. A statement, that if a person challenges the subject project in court, that person may be limited to raising only those issues that the person, or someone else speaking on their behalf, raised at the public hearing or in written correspondence delivered to the City at, or before, the public hearing; and

   f. For City Council hearings, the Planning Commission recommendation.

3. ***Coastal Zone.*** Additional Public Notice content for Coastal Development Permits and other actions requiring public notice by the Coastal Act must include the following:

   a. A statement that the project is within the Coastal Zone, and that the project decision will include a determination on a Coastal Development Permit;

   b. A determination of whether the project is appealable to the Coastal Commission under Public Resources Code, Section 30603(a); and

c. If there is no public hearing, the date the application will be acted on and a statement that a public comment period of sufficient time to allow for the submission of comments by mail will be provided before the decision is rendered.

C. **Notification Requirements.** At a minimum, public notice must be provided in the following manner:

1. ***Mailed Notice.*** The City must provide notice by First Class mail for public hearings and for all Zoning Permits or other actions requiring notification pursuant to the Coastal Act.

a. *Time Period*. At least ten days before the date of the public hearing or before an action on the application could be taken if there is no hearing.

b. *Recipients*.

i. The applicant and the owner of the subject property;

ii. Any person or group who has filed a written request.

iii. All property owners of record of property within 500 feet of the exterior boundaries of the subject parcel(s);

iv. Tenants of the subject parcel(s) and tenants within 500 feet of the exterior boundaries of the subject parcel(s).

v. Additional recipients for projects within the Coastal Zone:

(1) The California Coastal Commission.

(2) All persons who have filed a written request for notice of projects in the Coastal Zone.

c. *Alternative Method for Large Mailings.* If the number of property owners/tenants to whom notice would be mailed or delivered pursuant to this Section is greater than 1,000, the City may instead provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the City at least ten days before the date of the public hearing.

2. ***Newspaper Notice.*** Newspaper notice is required for all public hearings. The City must publish a notice in at least one newspaper of general circulation within the City at least ten days before the date of the public hearing.

3. ***On-Site Posted Notice.*** One or more posted notice is required on the project parcel(s) for all proposed development except Zoning Clearances. Notice must be provided on the site of the proposed project in the form of a City-issued placard as follows:

a. *Number and Location*.

i. At least one poster must be posted on each property line facing a public right-of-way. The Director may require additional posted notices, if necessary.

ii. Posted notices must be located at the property line or within ten feet from the property line and at a height accessible for the public to read.

b. *Time Period*. For at least the 15 days immediately preceding the date of the public hearing or Director action, if required.

c. *Size*. On-site posted notice signs for all new Development Plans, Amendments, and Revisions to Development Plans, and all new Conditional Use Permits, Amendments, and Revisions to Conditional Use Permits shall be:

i. Residential Districts. Eight square feet.

ii. Non-Residential Districts. 32 square feet.

4. ***Additional Notice for Drive-Through Facilities.*** For drive through facilities, blind, aged, and disabled community members and groups must be noticed.

5. ***Story Poles.*** All development over 20 feet in height, except for single-unit dwellings, shall require story poles that accurately depict the proposed structure(s). When required, story poles must convey size, bulk, and scale and must be installed consistent with the following provisions:

a. The story poles must be satisfactorily installed at least 14 days before the first scheduled public hearing date, unless an earlier date is deemed necessary by the Director.

b. The story poles must remain in place until the expiration of the project's local Appeal period and must be removed within ten calendar days afterwards.

c. Story poles shall depict a three-dimensional, full-scale silhouette that outlines major wall planes, gables, and ridges.

d. Installation of story poles must be certified by a licensed land surveyor as to their accuracy. Any deviations from proposed heights stated on plan sheets and what is depicted by the story poles must be calculated and disclosed.

e. Story poles must be of sturdy construction and braced or reinforced for safety purposes.

f. Installed story poles and associated flagging and/or netting shall be of materials and method of installation to withstand reasonably foreseeable weather or other site factors for the required duration of display.

g. If at any time the story poles become unsafe or shift location, they shall be repaired and reset.

6. ***Press Release***. For projects proposing 10,000 square feet or more of structural development, a press release shall be issued at the time of notice for the first Conceptual Review by the Design Review Board.

D. **Receipt of Public Notice.** The failure of any person or entity to receive public notice that was provided pursuant to this Section, or as provided by Government Code, Sections 65090-65096, does not invalidate the actions of the Review Authority.

17.52.060 Conduct of Public Hearings

All public hearings held pursuant to this Title must comply with the following procedures:

A. **Held at Noticed Time and Place.** A public hearing must be held at the date, time, and place for which notice was given;

B. **Public Hearing Testimony.** Any person may appear at a public hearing and submit oral or written evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing representing an organization must identify the organization being represented and, if appearing on behalf of a person or organization, state the name and mailing address of the person or organization being represented. The presiding officer may establish time limits for individual testimony;

C. **Continuance of a Noticed Public Hearing.** The Review Authority may continue the public hearing to a fixed date, time, and place without additional noticing required. If an announcement of a continued date, time, and place is not given, notice of further hearings must be provided in compliance with this Chapter; and

D. **Action.** The Review Authority action to approve, modify, revoke, or deny any discretionary decision must occur following the close of the public hearing.

17.52.070 Findings for Approval

The Review Authority must make affirmative findings of fact as required by this Title for any approval of new development or at least one negative finding of fact for denial of a project. When a proposed project includes more than one concurrently-processed action, the Review Authority must only make the following Common Procedures findings once. Findings for approval or denial must be based upon substantial evidence derived from consideration of the application, project plans, public testimony, reports, and other relevant materials presented to the Review Authority.

A. **Required Findings.** In addition to any other findings required pursuant to this Title, in order to approve any new development and to determine compatibility with the General Plan and the character of surrounding development, the Review Authority must make all of the following findings:

1. There are adequate infrastructure and public services available to serve the proposed development, including water and sewer service, existing or planned transportation facilities, fire and police protection, schools, parks, and legal access to the lot.

2. The proposed project conforms to the applicable regulations of this Title and any zoning violation enforcement on the subject premises has been resolved.

3. The proposed development is located on a legally created lot.

4. The development is within the project definition of an adopted or certified CEQA document or is statutorily or categorically exempt from CEQA.

17.52.080 Conditions of Approval

The Review Authority may impose reasonable conditions on any approval in accordance with applicable law and demonstrated nexus to protect the persons or property in the neighborhood, to preserve the neighborhood character, natural resources or scenic quality of the area, to preserve or enhance the public peace, health, safety, and general welfare, or to implement the purposes of this Title. In addition to the conditions imposed by the Review Authority and any other agency with jurisdiction over a project, the

City may consider as a requirement or condition, any plan, exhibit, statement, or other material provided by the applicant and on record with the decision.

17.52.090 Dates and Timing

A. **Effective Date.** The final decision on an application for proposed development becomes effective after the expiration of the 10-day appeal period following the approval date, unless an appeal is filed, except for Emergency Permits and Zoning Clearances. Emergency Permits and Zoning Clearances become effective on the date of approval.

B. **Issuance Date.** A Zoning Permit under this Title is issued after the effective date and when all applicable Prior to Issuance conditions of approval have been met.

C. **Expiration.** Except for legislative actions, every approval by a Review Authority is subject to expiration. The following expiration terms apply:

1. ***Discretionary Actions.*** Discretionary actions include project-specific expiration terms as detailed in its relevant Chapter of this Title.

2. ***Zoning Permits.***

a. *Approval.* An action to approve a Zoning Permit expires one year after the effective date, unless the Zoning Permit has been issued.

b. *Issuance.* Unless otherwise specified, an issued permit expires two years after its issuance date unless the use or structure for which the permit was issued has been established or commenced in compliance with the issued permit or unless a time extension is approved in compliance with subsection (D) below.

3. ***City Projects.*** There is no expiration date for actions on City projects, including Capital Improvement Program projects.

D. **Time Extensions.** The original Review Authority may approve one or more-time extension up to a total of two-years for any Discretionary Action or Zoning Permit.

1. ***Application and Fee.*** The extension must be based upon receipt of a written application with the required fee prior to expiration date of the action or permit.

2. ***Status of Previous Approval.*** An application for a time extension stays the expiration of the previous approval or permit until action on the request is made. Any time after the original expiration date of the previous approval or permit used to process the extension request counts against the maximum extension period.

3. ***Required Findings.*** In considering a time extension, the Review Authority must make the following findings:

a. The grant of the extension must be based upon a finding of good cause.

b. All original findings for approval can still be made.

E. **Tolling.** Any expiration date or other time limit imposed by this Title shall be tolled while any action, claim or proceeding to attack, set aside or void a permit is pending before any court of law. A case is pending from the day the action, claim or proceeding is filed with any court until the court enters its ultimate disposition of the case, such as entry of an order, judgment or final decision, or issuance of remittitur, whichever action occurs last.

17.52.100 Changes to Prior Permits and Approvals

Changes to prior Discretionary Approvals and Zoning Permits must be processed as follows:

A. **Zoning Permit.** Minor changes to an approved or issued Zoning Permit may be allowed; provided the changes substantially conform to the approved or issued permit. A request must be processed in the following manner:

1. The Director may approve a minor change to an approved or issued Zoning Permit, subject to all of the following:

   a. The minor change conforms substantially with the approved plans and the originally approved or issued permit;

   b. There is no change in the use or scope of the development;

   c. The minor change does not result in a change to the City's conclusions regarding the project's specific conformance to development standards and findings;

   d. The permit has not expired;

   e. The minor change is exempt from review by the Design Review Board, pursuant to Section 17.53.020, Exemptions – Exempt Development, and would not be counter to design direction provided;

   f. The change would otherwise be exempt from a Zoning Permit;

   g. The project has not been the subject of substantial public controversy or interest and there is no reason to believe that the proposed change has the potential to create substantial controversy;

   h. If the site is one acre or less, the footprint of the structure may not be moved more than five percent closer to any property line. If the site is more than one acre, the footprint of the structure may not be moved more than ten percent closer to any property line; and

   i. The change does not affect easements for trails, public access, or open space.

2. Where a minor change of an approved or issued Zoning Permit is approved, the permit has the same effective and expiration dates as the original permit and no additional public notice is required.

3. Where it cannot be determined that the minor change materially conforms to an approved or issued permit in compliance with the above criteria, a new permit is required.

4. The determination to allow a minor change to an approved or issued Zoning Permit is final and not subject to appeal, pursuant to this Title.

B. **Substantial Conformity Determination.**

1. ***Minor Changes to Approved Development.*** The Director may approve a minor change to any Conditional Use Permit or Development Plan issued pursuant to this Title prior to the approval expiration, if applicable. The Director must determine that the change is in substantial conformity with the approval such that the change would not result in a

change to the project, which would alter the scope and intent of the approval the Review Authority originally acted on, pursuant to the standards and findings below:

a. *Development Thresholds*.

i. The change will not result in an increase of 1,000 square feet or more than ten percent of building coverage of new structures over total previous Permit or Plan approval, whichever is less.

ii. The change will not result in an overall height, which is greater than ten percent above the previous Permit or Plan approval height.

iii. The change will not result in more than 1,500 cubic yards of new cut and/or fill in the Inland Area (50 cubic yards in the Coastal Zone) and avoids slopes of 30 percent or greater unless these impacts were addressed in the environmental analysis for the project; mitigation measures were imposed to mitigate said impacts and the proposal would not compromise the mitigation measures imposed.

iv. The project is located within the same general location as, and is topographically similar to, approved plans. The location must not be moved more than ten percent closer to a property line than the originally approved Permit or Plan.

v. The project has not been the subject of substantial public controversy, nor is there reason to believe the change is likely to create substantial public controversy.

2. ***Required Findings.*** A Substantial Conformity Determination may only be approved if all of the following findings can be made.

a. The findings required for the original approval must be re-made.

b. The change does not conflict with project conditions of approval and/or final map conditions and the change can be effectuated through existing permit conditions.

c. The change will not result in environmental impacts not analyzed or discussed at the time of the previous approval or result in the need for additional mitigation measures and the change does not alter; findings that the benefits of the project outweigh the significant unavoidable environmental effects, if any, made in connection with the original approval.

d. Any revisions to the original project have received Design Review Board approvals for landscaping and structures, if necessary.

3. ***Notice and Appeal.*** Notice must be given at least ten days prior to the date of the Director's decision as provided in Section 17.52.050, Common Procedures – Public Notification, and subject to appeal in compliance with Section 17.52.120, Common Procedures – Appeals.

4. ***Effectuation.*** The Review Authority's approval must be effectuated by a Zoning Clearance.

C. **Amendments.** Where a change to a Discretionary Approval cannot meet the findings for a Substantial Conformity Determination above, the Director may approve or conditionally approve an application to alter, add, replace, relocate or otherwise amend the approval, provided:

1. ***Previous Project.*** The previous project was:

   a. Analyzed for potential environmental impacts and policy consistency as a part of the approval and an addendum to the previous environmental document can be prepared for the change; or

   b. Not analyzed in a previous environmental document and policy consistency was not considered as part of the approval, but the proposed change is found to be exempt from CEQA.

2. ***Required Findings.*** All of the following findings must be made:

   a. The findings required for the original approval can still be made, including CEQA findings.

   b. The environmental impacts related to the proposed change are substantially the same or less than those identified for the previous approval.

3. ***Public Hearing.*** A public hearing is not required for Amendments to a previous approval.

4. ***Notice and Appeal.*** Notice must be given at least ten days prior to the date of the Director's decision as provided in Section 17.52.050, Common Procedures – Public Notification, and subject to appeal in compliance with Section 17.52.120, Common Procedures – Appeals.

5. ***Consideration.*** The Planning Commission must consider Amendments to an approval, if the Director determines there are issues that require Planning Commission review.

D. **Revisions.** Proposed changes to a previous approval, which are not subject to subsections (A-C) above, are considered significant and must be processed in the same manner as a new project.

17.52.110 Revocation of Approval

Any Zoning Permit or Discretionary Approval may be revoked in accordance with applicable law. An approval may be revoked by the City's Review Authority with jurisdiction pursuant to this Title. The provisions of this Section are not applicable to the termination of nonconforming uses which are governed by the provisions of Chapter 17.36, Nonconforming Uses and Structures.

A. **Initiation of Proceeding.** The Director or the City Attorney's Office may initiate revocation proceedings.

B. **Notification.** Notice of the proposed action to revoke an approval must be provided in the same manner as the original Zoning Permit or Discretionary Approval must be noticed pursuant to Section 17.52.050, Common Procedures – Public Notification.

C. **Circumstances.** An action to approve a project may be revoked under any one of the following situations:

1. The approval was obtained by means of fraud or misrepresentation of a material fact; or

2. 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.

D. **Termination.** The City's action to revoke an approval has the effect of terminating the approval and denying the privileges granted by the original approval.

17.52.120 Appeals

This Section provides procedures to be used whenever an applicant or aggrieved party challenges a decision made by a Review Authority.

A. **Applicability.** Any action by a Review Authority made in the administration or enforcement of the provisions of this Title may be appealed in accordance with this Section.

1. ***Appeals of Director Decisions.***

   a. The following decisions of the Director may not be appealed: Zoning Clearances, Emergency Permits, and Minor Changes to a Zoning Permit.

   b. The following decisions of the Director may be appealed to the Planning Commission: Land Use Permits, Temporary Use Permits, Coastal Development Permits, and Waivers for De Minimis Development, Zoning Code Determinations, Amendments, and Substantial Conformity Determinations.

2. ***Appeals of Zoning Administrator Decisions.*** Decisions of the Zoning Administrator may be appealed to the City Council.

3. ***Appeals of Design Review Board Decisions.*** Decisions of the Design Review Board may be appealed to the Planning Commission.

   a. An appeal of a Design Review Board decision shall be stayed until action on any accompanying Zoning Permit occurs.

   b. If both actions are appealed, the appeals must be heard together at the higher Review Authority.

4. ***Appeals of Planning Commission Decisions.*** Decisions of the Planning Commission may be appealed to the City Council.

5. ***Appeals of City Council Decisions.*** Decisions of the City Council on projects located within the Inland Area of the City are final and not subject to appeal, pursuant to this Title.

6. ***Appeals to California Coastal Commission.*** City approval of development within the Coastal Zone is appealable to the California Coastal Commission only in the following instances:

   a. The approved development is located within the Appeals Jurisdiction, or

   b. The approved development is a Conditional Use.

B. **Right to Appeal.** An appeal may only be filed by an applicant or any aggrieved party.

C. **Time Limits.** Unless otherwise specified in State or federal law, all appeals must be filed in writing, as specified in subsection (D) below.

D. **Procedures.**

1. ***Proceedings Stayed by Appeal.*** The timely filing of an appeal stays all proceedings in the matter appealed.

2. ***Filing of Appeals.***

a. *Process.* A written appeal must be filed no later than close of business of the Planning and Environmental Review Department on the last day of the appeal period. All appeals must be accompanied by payment of the required fee established by City Council resolution. Failure to file a timely appeal results in the decision becoming effective.

b. *Effect.* The filing of an appeal in compliance with this chapter shall have the effect of suspending the effective date of the decision being appealed, and no further actions or proceedings shall occur in reliance on the decision being appealed except as allowed by the outcome of the appeal.

c. *Withdrawal.* Once filed, an appeal may only be withdrawn by a written request submitted to the Director, with the signatures of all persons who filed the appeal.

3. ***Submittal Requirements.*** The appeal must set forth, in concise language, the following:

a. The identity of the decision or determination appealed, which may include the conditions of that decision or determination and must include the following information:

i. Case Number;

ii. Review Authority;

iii. Date of Decision; and

iv. Reason for the Appeal.

b. If an applicant or aggrieved party wishes to appeal a Review Authority's decision on a project, an appeal application shall not be accepted by the Director unless it identifies one or more of the following:

i. Zoning Regulations. A clear, complete, and concise statement of the reasons why the decision or determination is inconsistent with a specific zoning requirement or development standard set forth within this Title, the General Plan, or other applicable law.

ii. Design Standards. A clear, complete, and concise statement of the reasons why the decision or determination is inconsistent with a specific design requirement set forth within this Title or the General Plan.

iii. Error or Abuse of Discretion. If it is claimed that there was an error or abuse of discretion on the part of the Review Authority, or other officer or authorized employee, or that there was a lack of a fair and impartial hearing, or that the decision is not supported by the evidence presented for consideration leading to the making of the decision or determination that is being appealed, or that there is significant new evidence relevant

to the decision which could not have been presented at the time the decision was made, then these grounds shall be specifically stated.

4. ***Receipt of Appeal Application.*** The decision of the Director to accept or reject an appeal application is final and not subject to appeal, pursuant to this Title.

5. ***Action.*** The appeal body must conduct a public hearing, after which it may affirm, reverse, or modify the previous decision. If the appeal body is deadlocked, the decision of the lower Review Authority remains in effect.

6. ***Standards of Review.*** Appeals shall be heard de novo. At the hearing, the appeal body may only consider any issue involving or related to the matter that is the subject of the appeal, in addition to the specific grounds for the appeal.

E. **Right to Judicial Review.** Any party aggrieved by a final decision of the City, pursuant to this Title, may seek judicial review of the decision.

17.52.130 Resubmission

A. **Denial With Prejudice.**

1. ***Effect.*** An application or appeal may be denied with prejudice. If the denial becomes final, no further application for the same or substantially similar Zoning Permit or Discretionary Approval for the same parcel shall be filed for a period of one year. An application may be denied with prejudice on the grounds that two or more similar applications for the same parcel have been denied in the past two years, or that another cause exists for limiting the refiling of the application.

2. ***Similar Project.*** The Director shall determine whether a subsequent application for a Zoning Permit or Discretionary Approval is for the same or a substantially similar use, or land use request that was denied with prejudice.

B. **Denial Without Prejudice.** There shall be no limitation on subsequent Zoning Permit or Discretionary Approval applications for a parcel on which a project was denied without prejudice.

17.52.140 Multiple Permits and Approvals

Permits and Approvals pursuant to this Title are cumulative. A specific development may require multiple permits and/or approvals based on the specific project description. Any permit or approval requirement for a use is separate and distinct from any permit or approval requirement for a structure. Any stated exemption from permitting for a use does not eliminate any permit or approval requirements for a proposed structure, and vice versa.

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Chapter 17.53 Exemptions

Sections:

17.53.010 Purpose
17.53.020 Exempt Development

17.53.010 Purpose

This Chapter identifies development that is exempt from permitting pursuant to this Title.

17.53.020 Exempt Development

The following development is exempt from the requirement to obtain a Zoning Permit otherwise required of this Title. Exempt development must still comply with all applicable regulations of this Title, all associated policies of the General Plan, all State or federal laws and codes, as well as any applicable conditions of a previously approved permit for the subject property.

A. Repair and maintenance activities that do not result in an addition to, or enlargement or expansion of the structure.

B. Installation of low-impact interpretive and public access signage.

C. Uses that are listed as "P" in Land Use Regulation Table 17.07.020, Table 17.08.020, Table 17.09.020, Table 17.10.020, and Table 17.12.020. Exceptions to this exemption apply if a permit or discretionary approval is required for the use pursuant to this Title, including new tenants or uses that constitute a Change of Use.

D. Improvements required by law, such as ADA accessibility.

E. Installation of irrigation lines not otherwise requiring a Grading Permit.

F. Poles, wires, underground gas pipelines less than 12 inches in diameter, and similar installations erected, installed, or maintained by public agencies or public service or utility districts or companies; however, such structures shall be subject to height limitations when located in the -AE Overlay District.

G. Decks, platforms, walkways, and driveways that do not require a Grading Permit and are not over 30 inches above finish grade and not over any basement or story below.

H. Installation of skylights and re-roofing of an existing structure.

I. Installation of windows and doors that do not significantly change the streetscape nor require Design Review Board approval.

J. Residential window awnings that are supported by an exterior wall and non-residential window awnings that are supported by an exterior wall and do not extend more than 36 inches from such exterior wall.

K. Spas, hot tubs, fish ponds, and other water-containing structures that do not exceed 120 square feet, including related equipment, do not contain more than 2,000 gallons of water,

L. Decorative water features that are located within the rear of a lot and not visible from public viewing areas, or if visible are less than three feet in height and contain less than 50 gallons of water.

M. Interior alterations, including tenant improvements that do not result in an increase in the floor area within the structure and does not increase the required number of parking spaces.

N. In the AG District, agricultural accessory structures that are roofed and supported by posts or poles, do not exceed 250 square feet of roof area, are unenclosed on all sides, and have no plumbing or electrical facilities and are less than 16 feet in height.

O. Liquefied petroleum gas (i.e., propane, propylene, butane) tanks of up to 20 lbs/5 gallons) when located a residential district and up to 33 lbs/8 gallons when located in an agricultural district.

P. Seismic retrofits to existing structures.

1. Seismic retrofits are limited to the addition of foundation bolts, hold-downs, lateral bracing at cripple walls and other structural elements required by the City.

2. The seismic retrofits must not increase the floor area of the structure, involve exterior alterations to the structure, alter the footprint of the structure, nor increase the height of the structure.

Q. The replacement or restoration of conforming structures or structures damaged or destroyed by a disaster, as determined by the Director.

1. The replaced or restored structure must:

a. Conform to all applicable district requirements (including permitted uses);

b. Be for the same use;

c. Be in the same general footprint location; and

d. Not exceed either the floor area, height, or bulk of the destroyed structure by more than ten percent or 250 square feet, whichever is less.

2. If the Director determines that the exterior design or specifications are proposed to be changed, the restored or replaced structure will be subject to the provisions of Chapter 17.58, Design Review.

R. One satellite dish, which is one meter in diameter or less and is used solely by the occupants of the dwelling or property on which the dish is located for the non-commercial, private reception.

S. The annual or semiannual plowing, tilling, preparation, and planting of land for ongoing farming and agricultural operations.

T. Other types of earthwork, which do not require a Grading Permit or are otherwise specifically listed as exempt within Section 17.24.100, General Site Regulations – Grading and Grubbing.

U. New or replacement of roof-mounted equipment that is not visible from public viewing areas.

V. The temporary use of generators in the event of a power outage or for emergency use. For purposes of this subsection, emergency use is defined in accordance with 17 California Code of Regulations, Section 93115, as may be amended. For purposes of this subsection, the limit on use of a generator in an emergency is 90 days.

W. Exterior air conditioning equipment is exempt if the following requirements are met:

1. ***Location.***

   a. The equipment is located outside of all required setbacks; or

   b. The equipment does not encroach more than three feet into any interior side or rear setback provided a five-foot wide accessway is maintained for emergency access.

2. ***Noise.*** The equipment complies with the acoustical standards of Section 17.39.070, Performance Standards – Noise.

X. City Projects, including Capital Improvement Program projects, are exempt from Zoning Permits and Discretionary Approvals, as follows:

1. ***Inland Area.*** All projects, except where located within an ESHA.

2. ***Coastal Zone.*** Repair and maintenance activities where not located within an ESHA.

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Chapter 17.54 Zoning Clearance

Sections:

17.54.010 Purpose
17.54.020 Applicability
17.54.030 Review and Decision
17.54.040 Required Findings
17.54.050 Exemptions
17.54.060 Appeals

17.54.010 Purpose

This Chapter establishes procedures for conducting Zoning Clearance review to verify that certain new or expanded uses, activities, or structures that would otherwise not need a different permit under this Title from the City comply with all of the applicable requirements of this Title. This Chapter also establishes procedures for issuing a Zoning Permit to effectuate Discretionary Approval.

17.54.020 Applicability

A. **Entitlement Permit.** Issuance of a Zoning Clearance is required for development as specified by this Title and for the following development:

1. Window awnings that are supported by an exterior wall and extend 36 inches or more from such exterior wall.
2. Additions of less than 150 square feet of footprint area to existing structures are not subject to Design Review Board approval.
3. Individual signs associated with and conforming to an approved Overall Sign Plan.
4. Liquefied petroleum gas (i.e., propane, propylene, butane) tanks that are not otherwise exempt from this Title.
5. Decorative water features that are not otherwise exempt from this Title.
6. Small habitat restoration or enhancement projects that are exempt from CEQA, pursuant to CEQA §15333.

B. **Effectuating Permit.** Issuance of a Zoning Clearance is required to effectuate the following Discretionary Approvals and Director Actions:

1. Development Plan.
2. Conditional Use Permit.
3. Design Review Board Approvals for individual Signs not associated with an Overall Sign Plan and actions to grand Design Review approval for a project where the Design Review Board is the Review Authority.
4. Any Substantial Conformity Determination or Amendment pursuant to Section 17.52.100, Common Procedures – Changes to Prior Permits and Approvals.

17.54.030 Review and Decision

The Director must determine whether the zoning regulations allow the proposed use, activity, building, alteration, or addition, is permitted and conforms to all the applicable regulations and standards of this Title. A Zoning Clearance effectuating a discretionary approval must carry forward all applicable conditions and shall only be issued after Director makes the required findings.

17.54.040 Required Findings

In addition to those findings required pursuant to Section 17.52.070, Common Procedures – Findings for Approval, the following findings must be made:

A. Any necessary prior approvals have been obtained.

B. Any "Prior to Issuance of Zoning Clearance" conditions from the Discretionary Approval have been met.

17.54.050 Exemptions

No Zoning Clearance is required for the continuation of previously approved uses and structures, uses and structures, or that are not subject to any building or zoning regulations.

17.54.060 Appeals

A decision to approve or deny a Zoning Clearance is not subject to appeal, pursuant to this Title.

Chapter 17.55 Land Use Permits

Sections:

17.55.010 Purpose
17.55.020 Applicability
17.55.030 Exceptions
17.55.040 Review and Decision
17.55.050 Required Findings

17.55.010 Purpose

This Chapter establishes the applicability of Land Use Permits which are required for certain uses and developments under the regulations of this Title outside of the Coastal Zone.

17.55.020 Applicability

Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, rebuilding, or demolishing of any building, structure, or improvement within the City a Land Use Permit must be issued by the Planning and Environmental Review Department under the provisions of this Title.

A. **Change of Use.** A Change of Use requires a Land Use Permit when, based on a legally permitted use consistent the zoning district of the site, any of the following occur unless a Discretionary Approval is required pursuant to this Title:

1. The change from one Use Classification to another as provided in Chapter 17.72 (e.g., a Residential to Commercial, Commercial to Residential, etc.);
2. The new use requires additional parking on the site pursuant to Chapter 17.38, Parking and Loading; or
3. The new use includes any additions to existing structures to accommodate the use, unless the additions are solely to provide facilities that are compliant with ADA requirements (e.g., restrooms, walkways, ramps, etc.).

17.55.030 Exceptions

A Land Use Permit is not required under the following circumstances:

1. The development requires a Discretionary Approval, other than by the Design Review Board;
2. Regulations of this Title specifically indicate a Land Use Permit is not required;
3. Regulations of this Title specifically states that a different type of Zoning Permit is required for the development; or
4. The activity is exempt from the issuance of a Zoning Permit.

17.55.040 Review and Decision

The Director must determine whether the zoning regulations allow the proposed uses or structures, including proposed additions or alterations, by-right. A Land Use Permit shall be issued if the Director determines that the proposed use or building, or alteration or addition, is permitted and conforms to all the applicable regulations and standards of this Title.

17.55.050 Required Findings

Other than those findings required pursuant to Section 17.52.070, Common Procedures – Findings for Approval, no permit-specific findings are required.

Chapter 17.56 Temporary Use Permits

Sections:

17.56.010 Purpose
17.56.020 Applicability
17.56.030 Application
17.56.040 Required Findings
17.56.050 Additional Finding for Coastal Zone
17.56.060 Conditions of Approval

17.56.010 Purpose

This Section establishes a process for review and approval of certain uses that are intended to be of limited duration of time and will not permanently alter the character or physical facilities of the site where they occur.

17.56.020 Applicability

Before using any land or structure, or commencing any work pertaining to the temporary erection, moving, alteration, or use any building, structure, or land within the City wherein no discretionary approval is required under the provisions of this Title, a Zoning Permit must be issued by the Planning and Environmental Review Department.

A. **Inland Area.** Approval of a Temporary Use Permit is required for temporary uses or structures proposed within the Inland Area of the City, which require a permit pursuant to Section 17.41.260, Standards for Specific Uses and Activities – Temporary Uses.

B. **Coastal Zone.** Temporary uses or structures that are proposed within the Coastal Zone of the City are subject to Chapter 17.61, Coastal Development Permits.

17.56.030 Application

Any person may apply to the Director for approval of a temporary use, not less than 30 days before the use is intended to begin.

17.56.040 Required Findings

The Director may approve an application to allow a temporary use for a period of time, only upon making all of the following findings:

A. The proposed use will not unreasonably affect or have a 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 use, or to the general welfare of the City.

B. The proposed use will not unreasonably interfere with pedestrian or vehicular traffic or circulation in the area surrounding the proposed use, and will not create a demand for additional parking that cannot be safely and efficiently accommodated by existing parking areas.

C. 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.

17.56.050 Additional Finding for Coastal Zone

If a temporary use or structure is proposed within the Coastal Zone and would be located seaward of the bluff-top, the following additional finding must be made as part of an approval of a Minor Conditional Use Permit by the City:

A. The temporary use or structure will not substantially interfere with lateral or vertical beach access or adversely impact coastal processes.

17.56.060 Conditions of Approval

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

A. Regulation of vehicular ingress and egress and traffic circulation;

B. Regulation of dust, if using unpaved surfaces for the event including parking;

C. Regulation of lighting;

D. Regulation of noise;

E. Regulation of hours, and other characteristics of operation;

F. Regulation regarding trash/debris/waste disposal and site/area clean up during and at the conclusion of the event;

G. Requirement of bonds or other guarantees for cleanup or removal of structure or equipment; and

H. Such other conditions as the Director may deem necessary to carry out the intent and purpose of this Chapter.

Chapter 17.57 Conditional Use Permits

Sections:

17.57.010 Purpose
17.57.020 Applicability
17.57.030 Adjustments to Development Standards
17.57.040 Review Authority
17.57.050 Required Findings
17.57.060 Time Limit

17.57.010 Purpose

This Chapter describes the process and general requirements applicable to those uses for which a Conditional Use Permits is required. These uses require consideration to ensure that they can be designed, located, and operated in a manner that will not interfere with the use and enjoyment of surrounding properties. The process for review of applications is designed to evaluate possible adverse impacts and to minimize them, where possible, through the imposition of specific conditions of approval.

17.57.020 Applicability

Approval of a Conditional Use Permit is required for uses or development specifically identified as conditional uses in this Title, including both primary and accessory uses.

17.57.030 Adjustments to Development Standards

The applicant may request that the Review Authority approve an adjustment to one or more of the following: buildings separation, setbacks, parking, landscaping, or screening standards specified in the applicable district. To approve any requested adjustment, the Review Authority must make the following finding for each requested adjustment:

A. **Required Adjustment Finding.** The adjustment is justified and consistent with the General Plan and the intent of other applicable regulations and guidelines.

17.57.040 Review Authority

A. **Minor Conditional Use Permits.** The Zoning Administrator.

B. **Major Conditional Use Permits.** The Planning Commission.

17.57.050 Required Findings

In addition to the findings required pursuant to Section 17.52.070, Common Procedures – Findings for Approval, and any other findings required by this Title, the Review Authority must make the following findings:

A. The use as proposed is consistent with the General Plan.

B. The use will not be more injurious to the health, safety, and general welfare of the surrounding neighborhood due to noise, dust, smoke, or vibration than from uses allowed in the district.

C. If processed without an associated Development Plan, these additional findings must also be made:

1. The site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.

2. Any significant environmental impacts are mitigated to the maximum extent feasible.

17.57.060 Time Limit

A. The decision of the Review Authority to approve a Conditional Use Permit shall expire after 18 months from the approval date, unless a Zoning Clearance has been issued, pursuant to Chapter 17.54, to effectuate the approval.

B. Once the approval is effectuated, this Conditional Use Permit shall run with the land and the rights and obligations thereof, including the responsibility to comply with all Conditions of Approval, shall be binding upon successors in interest

Chapter 17.58 Design Review

Sections:

17.58.010 Purpose and Applicability
17.58.020 Exemptions
17.58.030 Scope of Design Review
17.58.040 Design Review Actions
17.58.050 Goal of Design Review
17.58.060 Design Review Board Levels of Review
17.58.070 Additional Design Review Procedures
17.58.080 Required Findings
17.58.090 Conditions of Approval
17.58.100 Time Limits of Approval and Time Extensions

17.58.010 Purpose and Applicability

Inappropriate or poor-quality design in the appearance of buildings, structures, and signs adversely affect the visual quality of the surrounding areas and neighborhoods. The purpose of Design Review is to encourage the highest quality of design, both visually and functionally, and to reduce or prevent the negative effects of development while also promoting the health, safety, and general welfare of the City's public. The City will conduct Design Review for proposed projects, except those exempt pursuant to Section 17.58.020, and make decisions to approve, approve with amendments, or deny the overall design of projects pursuant to this Title.

17.58.020 Exemptions

A. The following developments are exempt from Design Review in all instances:

1. All interior alterations and Tenant Improvements (TI);
2. Solar energy systems;
3. Alterations, additions, and repairs that do not substantially change the exterior appearance of a structure, including replacement in kind of existing features. To be considered "replacement in kind," the features must reasonably match the design, profile, material, and general appearance of the existing or original features;
4. Required regulatory signage (e.g., ADA, City, County, etc.); and
5. Signage on private property of two square feet or less conveying a message about the property (e.g., No Trespassing, For Sale, Garage Sale, etc.).

B. The following development is exempt from Design Review, except when part of a larger development project under review by the City, which is subject to this Chapter:

1. Decks that are less than 30 inches above grade;
2. Fences or walls six feet or less in height and gateposts of eight feet or less in height, that are not considered integral to the design of a structure (e.g., perimeter fences);

3. Hedges that are ten feet or less in height; and
4. Minor additions that do not significantly change the streetscape of the existing dwelling.
    a. Ground floor additions of 750 square feet or less (based on an exterior footprint measurement) to a Single-Unit Dwelling or duplex unit;
    b. Second story additions of less than 100 square feet to a Single-Unit Dwelling or duplex unit and provided the addition is to the rear of the structure;
    c. Patios or porches of 100 square feet or less that use the same or similar materials as the existing dwelling.

17.58.030 Scope of Design Review

A. The City must review proposed development for conformity with the following:
1. The purpose of this Chapter;
2. Applicable General Plan policies and guidelines;
3. The Goleta Old Town Heritage District Architecture and Design Guidelines;
4. The Highway 101 Corridor Design Guidelines;
5. The Goleta Architecture and Design Standards for Commercial Projects; and
6. Applicable City sign and zoning regulations.

B. The scope of Design Review includes, but is not limited to the following:
1. Size, bulk and scale of new structures;
2. Colors and types of building materials and application;
3. Relation to existing and proposed structures on the same site;
4. Pedestrian and bicycle access and circulation;
5. Site layout, orientation, and location of structures, and relationship to open areas and topography;
6. Materials, colors, and variations in boundary walls, fences, or screen planting;
7. Location and type of landscaping;
8. Sign design and exterior lighting;
9. Consideration of neighboring development;
10. Consideration of energy efficient or environmentally-friendly design and materials; and
11. Appropriate dark sky compliant exterior lighting.

17.58.040 Design Review Actions

A. **Administrative Review.** The Director and shall make decisions to approve, approve with conditions, or deny, the following development:
1. Decks that are 30 inches or more above grade;

2. Swimming pools, hot tubs, and spas that are not subject to Section 17.24.190, General Site Regulations – Swimming Pools and Spas, and are otherwise exempt from Zoning Permits;

3. Accessory Dwelling Units; and

4. Other accessory structures not subject to review by the Design Review Board;

B. **Design Review Board.**

1. The Design Review Board shall conduct Design Review and make decisions to approve, approve with conditions, or deny the following:

   a. All projects for which a building and/or grading permit is required that involve new construction or development, the erection, replacement, or alteration of signage, or changes in landscaping that are not listed as exempt in Section 17.58.020, Design Review – Exemptions;

   b. New construction or development that would otherwise be exempt, but is associated with a project previously subject to Design Review;

   c. Any project where Design Review Board review is specified by action of the City Council or Planning Commission or the Director of Planning and Environmental Review;

   d. Projects referred by the Director to the Design Review Board for review;

   e. Exterior changes to the main structure that result from an additional residential unit in a single-unit home or in a multiple-unit residential building; and

   f. Applications for permits which, if combined with other permits applied for on the same property within the previous four years, meets the criteria established above to avoid the "piecemeal" review of development.

2. The Design Review Board must conduct Design Review and make a recommendation to approve, approve with conditions, or deny the following:

   a. Development requiring Discretionary Review by the Zoning Administrator, Planning Commission, or City Council.

3. The Design Review Board shall be responsible for Final Design Review for all projects subject to this Chapter.

C. **Higher Review Authorities.** In compliance with Chapter 17.50, Review Authorities, the Planning Commission or City Council shall conduct Design Review and make decisions to approve, approve with conditions, or deny the following projects:

1. Appeals of the Final Approval of the Design Review Board.

2. Projects requiring both Design Review and Discretionary Review.

TABLE 17.58.040: DESIGN REVIEW AUTHORITIES				
	Design Review Board	*Zoning Administrator*	*Planning Commission*	*City Council*
Design Review Accompanying the Following:				
Zoning Permits (LUP, CDP, ZC)	Decision		Appeal	Appeal
Small Discretionary Projects (Minor CUP, CDH, MOD, VAR)	Recommendation	Decision		Appeal
Large Discretionary Projects (Major CUP, DP)	Recommendation		Decision	Appeal
All Projects with Legislative Actions	Recommendation		Recommendation	Decision

17.58.050 Goal of Design Review

The goal of the Design Review Board to work in partnership with property owners and developers to help implement the City's adopted plans and design guidelines as well as to identify and help resolve any design issues that may be of concern to the broader community. To assist project proponents, the Design Review Board offers three levels of collaborative review prior to taking action on Ministerial Permits or providing a recommendation on Discretionary Actions that will go to a higher Review Authority.

17.58.060 Design Review Board Levels of Review

The Design Review Board holds public hearings as part of the standard three-step process described below:

A. **Conceptual Review.** All development subject to review by the Design Review Board will be reviewed at the conceptual level.

1. Conceptual Review provides an opportunity for the City to review and comment on a project's concept or theme when it is still in the early stages of development before the applicant has committed to and significantly invested in a particular design.

2. At Conceptual Review, the applicant and the Design Review Board discuss and consider only broad issues such as site planning, general architectural style, and the project's relationship to its site and the surrounding neighborhood.

3. Applicants may bring sketches and/or conceptual drawings, including schematic sections and three-dimensional renderings, and should have completed site studies that address various aspects of site design (e.g., general massing of buildings, grading, access, landscaping concepts, etc.).

4. No formal action is taken by the Design Review Board at a conceptual level; however, comments may be offered that give the applicant general direction for future review. Additionally, the Design Review Board, the Director, or Planning staff may determine during the Conceptual Review that a site visit and/or story-poles will be required, and/or that the preparation of other plans will be needed in order to determine project compatibility with the neighborhood or compliance with applicable development standards (e.g., landscape, lighting, grading and drainage, etc.).

B. **Preliminary Review.** Preliminary Review is a formal review of an application in order to confirm that the proposed development complies with all applicable design standards. Fundamental design issues such as precise size of all built elements, site plan, floor plan, elevations, landscaping, and hardscaping are resolved at this stage of review. The Review Authority's decision at Preliminary Review is the formal action for Design Review, which may be appealed.

1. ***Design Review Accompanying Zoning Permits.***

   a. A project may receive Preliminary Approval only if the accompanying Zoning Permit, pursuant to Section 17.51.030, Actions and Permits – Zoning Permits, for a project has been reviewed by Planning staff and the Design Review Board has been authorized to take formal action to approve, approve with conditions, or deny the design of a project.

   b. To be approved at the Preliminary level, all significant elements of the project's appearance, landscaping and site and/or building orientation must be found to be consistent with the applicable design standards within the scope of Design Review.

   c. If a project is granted Preliminary approval, the Design Review Board is indicating that all fundamental design issues have been resolved and that it can make the required Findings for Approval.

2. ***Design Review Accompanying Discretionary Actions.***

   a. The Design Review Board will review proposed development at the Conceptual level as many times as deemed necessary prior to authorizing the project to proceed to the higher Review Authority with jurisdiction over the entire proposed project. The higher Review Authority will conduct Preliminary Design Review and consider the requested Discretionary Action, pursuant to Section 17.51.020, Actions and Permits – Discretionary Actions.

   b. For development subject to a higher Review Authority, pursuant to Chapter 17.52, Common Procedures, the Design Review Board may request additional specific plans or special studies to provide the required information and evidence needed to make draft Preliminary Review findings for the project and transmit a recommended action to the subsequent Review Authority.

   c. The Design Review Board action to provide draft findings is not subject to Appeal.

   d. The higher Review Authority's Discretionary Action on both Design Review and the accompanying permits is subject to Section 17.52.120, Common Procedures – Appeals.

C. **Final Review.** Final Review is the last level of Design Review of the completed working drawings for a project, excluding electrical, plumbing, mechanical and structural drawings, unless components of these plans would affect the exterior of the building or are requested earlier in the process by a Review Authority.

1. All details, color samples, material samples, door hardware, fenestration and exterior light fixtures, final site grading and drainage, and final landscaping must be included in the plans submitted for Final Review.

2. Plans submitted for Final Review must conform to those plans that received Preliminary Approval. If changes to the plans are proposed at this stage by the applicant, a new Preliminary Approval may be required.

3. The Design Review Board may grant Final Approval to a project as proposed or may add a condition that the Director confirm or verify that minor items (e.g., notations, verification of a color code or plant type, etc.) are added to the plan sheets.

4. An action of the Design Review Board to grant Final Approval is not subject to Appeal, pursuant to this Title.

17.58.070 Additional Design Review Procedures

A. **Multiple Levels of Review at a Single Meeting.** The Director may accept and process applications for Conceptual / Preliminary / Final Design Review and approval at a single meeting when appropriate for the project, all required information is submitted, and the project is properly noticed and agendized for such multiple levels of approval.

B. **CEQA Review.** Decisions by the Design Review Board or any higher Review Authority at Preliminary Review are discretionary actions and are therefore subject to environmental review under the provisions of CEQA.

C. **Project Changes Requiring Additional Review.**

1. ***Revised Preliminary Review.*** Revised Preliminary Review is used when a project has already received Preliminary approval and the applicant wishes to make substantial changes that would require further Design Review and approval prior to Final Approval.

   a. Plans submitted should include all information on drawings that reflect and call out the proposed revisions.

   b. If the revisions are not clearly delineated and identified, they shall not be construed as being a part of the revised approval.

   c. Substantial changes after a project has received approval at Preliminary Approval require a new Preliminary Design Review by the original Review Authority in order to review those changes against the required Findings for Approval.

2. ***Revised Final Review.*** Revised Final Review is used when a project has already received Final Approval and the applicant wishes to make minor changes that require further Design Review by either the Design Review Board or the Director, but do not change any of the development entitlements previously granted by the City that would require additional review and analysis.

   a. Plans submitted must include all information on drawings that reflect and call out the proposed revisions.

   b. If the revisions are not clearly delineated, they shall not be construed as approved.

   c. Substantial changes after a project has received Final Approval will require Revised Preliminary Review.

   d. Revised Final Review is not subject to Appeal, pursuant to this Title.

17.58.080 Required Findings

The Review Authority may only grant Final Design Review Approval if it is determined that the proposed project is consistent with the standards of this Chapter and all of the following findings can be made:

A. The development will be compatible with the neighborhood, and its size, bulk and scale will be appropriate to the site and the neighborhood.

B. Site layout, orientation, and location of structures, including any signage and circulation, are in an appropriate and harmonious relationship to one another and the property.

C. The development demonstrates a harmonious relationship with existing adjoining development, avoiding both excessive variety as well as monotonous repetition, but allowing similarity of style, if warranted.

D. There is harmony of material, color, and composition on all sides of structures.

E. Any outdoor mechanical or electrical equipment is well integrated in the total design and is screened from public view to the maximum extent practicable.

F. The site grading is minimized and the finished topography will be appropriate for the site.

G. Adequate landscaping is provided in proportion to the project and the site with due regard to preservation of specimen and protected trees, and existing native vegetation.

H. The selection of plant materials is appropriate to the project and its environment, and adequate provisions have been made for long-term maintenance of the plant materials.

I. All exterior lighting, including for signage, is well designed, appropriate in size and location, and dark-sky compliant.

J. The project architecture will respect the privacy of neighbors, is considerate of private views, and is protective of solar access off site.

K. The proposed development is consistent with any additional design standards as expressly adopted by the City Council.

17.58.090 Conditions of Approval

The Review Authority may impose reasonable conditions on a Design Review approval that is related and proportionate to what is being requested by the application, as deemed necessary or appropriate in order to ensure that the standards and requirements of this Title are met, including, without limitation:

A. Modification of materials and/or design elements;

B. Additional landscaping;

C. Walls, fences, and screening devices;

D. Noise-attenuation construction and/or devices; or

E. Any other conditions that are found to be necessary to ensure that the provisions of the General Plan and this Title are met.

17.58.100 Time Limits of Approval and Time Extensions

A. Design Review approval shall expire one year from the date of Preliminary Approval, unless the project receives Final Approval.

1. Prior to expiration of such one-year period, the Director may grant one extension of up to one year.

B. The Design Review approval shall expire three years from the date of Final Approval, unless the associated Zoning Permit has been approved.

1. Prior to the expiration of such three-year period, the Director may grant one extension of up to two years.

Chapter 17.59 Development Plans

Sections

17.59.010 Purpose and Intent
17.59.020 Applicability and Review Authority
17.59.030 Required Findings
17.59.040 Adjustments to Development Standards
17.59.050 Time Limit

17.59.010 Purpose and Intent

The purpose of a Development Plan is to provide Discretionary Review which, because of the size and scale of the proposed development, requires comprehensive analysis at a public hearing.

17.59.020 Applicability and Review Authority

No permit shall be issued for structural development, including grading, for any project subject to the provisions of this Chapter until a Development Plan has been approved as provided below.

A. **Exemptions.** The following do not require a Development Plan:

1. One Single-Unit Dwelling and Accessory Structures on a single lot in the "RS" Zone Districts.
2. Residential projects that do not exceed four units in the "RP", "RM", and "RH" Zone Districts.
3. Structures in "C" Zone Districts that do not exceed 5,000 square feet for the entire site.
4. Development, other than greenhouses and related structures (e.g., packing sheds) of 20,000 square feet or more, within the "AG" Zone District.
5. Any development where another approval requirement is specified under this Title or where the development is exempt pursuant to Chapter 17.53, Exemptions.

B. **Review Authority.**

1. Where no height or lot coverage modification is being requested as part of a development proposal, the Review Authority is the Zoning Administrator for the following:
   a. New structures and outdoor areas designated for sales or storage that do not exceed 10,000 square feet for the entire site.
   b. Applications for as-built development without an effectuated Development Plan that is considered nonconforming only due to the absence of a Development Plan.
2. All Development Plans outside the jurisdiction of the Zoning Administrator are within the jurisdiction of the Planning Commission.

17.59.030 Required Findings

In addition to the findings required pursuant to Section 17.52.070, Common Procedures – Findings for Approval, and any other findings required by this Title, the Review Authority must make the following findings:

A. The project as proposed is consistent with the General Plan.

B. The site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and intensity of development proposed.

C. Any significant environmental impacts are mitigated to the maximum extent feasible.

D. The project will not conflict with any easements required for public access through, or public use of a portion of the property.

17.59.040 Adjustments to Development Standards

As part of a Development Plan, an applicant may request that the Review Authority consider approving an adjustment to one or more of the following development standards: height, lot coverage, buildings separation, setbacks, parking, landscaping, or screening requirements specified in the applicable Zone District.

A. **Additional Finding.** To approve any requested adjustment to one of the standards listed in this Section, the Review Authority must make the following finding for each requested adjustment:

   1. The adjustment is justified and consistent with the intent of applicable General Plan policies.

B. **Resolution Required.** Any deviation from a height or lot coverage standard must be reviewed and approved by Resolution by the Planning Commission.

17.59.050 Time Limit

An approved Development Plan expires five years after its effective date unless, prior to the expiration, substantial physical construction has been completed on the development or a Time Extension has been requested.

Chapter 17.60 Variances

Sections:

17.60.010 Purpose
17.60.020 Applicability
17.60.030 Review Authority
17.60.040 Findings for Approval
17.60.050 Time Limit

17.60.010 Purpose

The purpose of this Chapter is to allow variances from the strict application of the regulations on land, buildings, and structures of this Title where, because of exceptional conditions such as the size, shape, unusual topography, or other extraordinary situation or condition of such piece of property, the literal enforcement of this Title would impose practical difficulties or would cause undue hardship unnecessary to carry out the intent and purpose of this Title.

17.60.020 Applicability

A. The provisions of this Chapter apply to all districts.

B. In no case may a Variance be granted to allow a use or activity which is not otherwise permitted in the district in which the property is located.

C. Variances may only be granted from the regulations on land, buildings, and structures, and no variances may be granted from the procedural regulations of this Title.

17.60.030 Review Authority

Consideration of a Variance requires a public hearing before the Zoning Administrator or higher Review Authority, if the Variance is concurrently processed with an action requiring Planning Commission or City Council review.

17.60.040 Findings for Approval

Variance applications shall only be granted if the Review Authority determines that the project, as submitted or as modified, conforms to all of the following criteria, in addition to any criteria that may be required or associated with the specific request. If it is determined that it is not possible to make all of the required findings, the application shall be denied. The specific basis for denial must be established for the record.

A. **Required Findings.** The following findings must all be met in order to grant a Variance:

1. The granting of the Variance will not be in conflict with the intent and purpose of this Title or the adopted General Plan.

2. There are special circumstances applicable to the property, relative to its size, shape, topography, location, or surroundings.

3. The strict application of the zoning regulations will deprive such property of privileges enjoyed by other properties in the vicinity and under the same zoning classification.

4. The Variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

B. **Additional Coastal Zone Finding.**

1. Approval of the Variance is consistent with the provisions of the California Coastal Act that are applicable to the subject property.

17.60.050 Time Limit

An approved Variance expires five years after its effective date unless, prior to the expiration, substantial physical construction has been completed on the development or a Time Extension has been requested.

Chapter 17.61 Coastal Development Permits

Sections:

17.61.010 Purpose
17.61.020 Applicability
17.61.030 Exemptions
17.61.040 Record of Permit Exemptions
17.61.050 Waiver for *De Minimis* Development
17.61.060 Application Requirements
17.61.070 Public Hearing
17.61.080 Required Findings
17.61.090 Coastal Zone Easements
17.61.100 Notice of Final Action

17.61.010 Purpose

This Chapter establishes a process for review and approval of Coastal Development Permits, which is intended to implement the California Coastal Act of 1976 (Division 20 of the Public Resources Code), as amended, in accordance with the City's Local Coastal Program.

17.61.020 Applicability

The provisions of this Chapter apply to all public and private development on all properties located within the Coastal Zone as defined in the California Coastal Act, subject to the following provisions:

A. **Tidelands, Submerged Lands, or Public Trust Lands.** Projects on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled, lying within the Coastal Zone, or within any State university or college within the Coastal Zone require a permit issued by the California Coastal Commission in accordance with procedures specified by the Coastal Commission, in addition to other permits or approvals required by the City.

B. **Development by Public Agency.** A person undertaking development included in a Public Works plan or long-range development plan that has been approved by the Coastal Commission is not required to obtain a Coastal Development Permit from the City. Other City permits may be required.

C. **Exemptions.** Projects or activities specifically identified by the California Coastal Commission as exempted from the requirement for a Coastal Development Permit, listed in Section 17.61.030, do not require a Coastal Development Permit.

D. **Precedence of Local Coastal Program.** Where the plans, policies, requirements or standards of the Local Coastal Program, as applied to any project in the Coastal Zone, conflict with those of the underlying Zoning District or other provisions of this Title, the plans, policies, requirements or standards of the Local Coastal Program govern.

17.61.030 Exemptions

The following projects are exempt from the requirement to obtain a Coastal Development Permit, pursuant to the Coastal Act.

A. **Categorically Excluded Development.** Projects pursuant to a Categorical Exclusion Order certified by the California Coastal Commission, pursuant to Public Resources Code, Sections 30610(e) and 30610.5 and 14 California Code of Regulations, Section 13240 et seq.

B. **Improvements to Existing Single-Unit Dwellings.** Minor Development or improvements to existing Single-Unit Dwellings, subject to the following provisions:

1. ***Part of a Single-Unit Dwelling.*** For the purposes of this Chapter, where there is an existing Single-Unit Dwelling, all of the following are considered a part of that structure:

    a. All fixtures or other features directly attached to a dwelling;

    b. Accessory Structures on the property normally associated with a Single-Unit Dwelling, such as Garages, Swimming Pools, and Fences, but not Cabañas or Guesthouses; and

    c. Landscaping on the lot.

2. ***Limits on Exemption.*** Based on Environmental Effects. The following classes of development require a Coastal Development Permit because they involve a risk of adverse environmental effects:

    a. Improvements to a Single-Unit Dwelling if the structure or improvement is located on a beach, in a wetland, seaward of the mean high tide line, in an ESHA, in an area designated as highly scenic in the General Plan, or within 50 feet of the edge of a coastal bluff.

    b. Any significant alteration of land forms including the removal or placement of vegetation on a beach, wetland, or sand dune, in an ESHA, or within 50 feet of the edge of a coastal bluff.

    c. The expansion or construction of private water wells or septic systems.

    d. Improvements on property that is located between the sea and first public road paralleling the sea, or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated by the Coastal Commission, when such improvements would constitute or result in any of the following:

        i. An increase of ten percent or more of internal floor area of an existing structure or constitute an additional improvement of ten percent or less where an improvement to the structure has previously been undertaken pursuant to Public Resources Code, Section 30610(a);

        ii. An increase in height of an existing structure by more than ten percent of an existing structure; and

iii. The construction, placement, or establishment of any significant detached Accessory Structure, such as Garages, Fences, or Shoreline Protective Devices.

e. Any improvement to a Single-Unit Dwelling where the development permit issued for the original structure by the Coastal Commission or City indicated that any future improvements would require a Coastal Development Permit.

C. **Other Improvements.** Improvements to any structure other than a Single-Unit Dwelling or a Public Works facility, subject to the following provisions:

1. ***Definition of Existing Structure.*** For the purposes of this Chapter, where there is an existing structure, other than a Single-Unit Dwelling or Public Works facility, all of the following are considered a part of that structure:

a. All fixtures and other structures directly attached to the structure.

b. Landscaping on the lot.

2. ***Limits on Exemption Based on Environmental Effects.*** The following classes of development require a Coastal Development Permit because they involve a risk of adverse environmental effect, adversely affect public access, or involve a change in use contrary to a policy of the Coastal Act.

a. Improvement to any structure if the structure or the improvement is located on a beach, in a wetland, stream or lake, seaward of the mean high tide line, in an area designated as highly scenic in the General Plan, or within 50 feet of the edge of a coastal bluff.

b. Any significant alteration of land forms, including removal or placement of vegetation, on a beach or sand dune, in a wetland or stream, within 100 feet of the edge of a coastal bluff, in a highly scenic area, or in an ESHA.

c. The expansion or construction of private water wells or septic systems.

d. Improvements on property that is located between the sea and first public road paralleling the sea, or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated by the Coastal Commission, when such improvements would constitute or result in any of the following:

i. An increase of ten percent or more of internal floor area of an existing structure or constitute an additional improvement of ten percent or less where an improvement to the structure has previously been undertaken, pursuant to Public Resources Code, Section 30610(b).

ii. Result in an increase in height by more than ten percent of an existing structure.

e. Any improvement to a structure where the Coastal Development Permit issued for the original structure by the Coastal Commission or City indicated that any future improvements would require a Coastal Development Permit.

f. Any improvement to a structure that changes the intensity of use of the structure.

g. Any improvement made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold including, without limitation, a condominium conversion, stock cooperative conversion, or motel/hotel timesharing conversion.

D. **Maintenance Dredging.** Maintenance dredging of existing navigation channels or moving dredged material from those channels to a disposal area outside the Coastal Zone pursuant to a permit from the United States Army Corps of Engineers.

E. **Repair and Maintenance Activities.** Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities.

1. ***Repair and Maintenance from Natural Disaster.*** Unless destroyed by natural disaster, the replacement of 50 percent or more of a Single-Unit Dwelling, seawall, revetment, bluff retaining wall, breakwater, groin, or any other structure is not repair and maintenance, but instead constitutes a replacement structure requiring a Coastal Development Permit.

2. ***Limits on Exemption Based on Environmental Effects.*** The following extraordinary methods of repair and maintenance require a Coastal Development Permit because they involve a risk of substantial adverse environmental impact:

a. Any method of repair or maintenance of a seawall, revetment, bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work that involves any of the following:

i. Repair or maintenance involving substantial alteration of the foundation of the protective work, including pilings and other surface or subsurface structures.

ii. The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, streams, wetlands, estuaries, and lakes, or on shoreline protective work, except for agricultural dikes within enclosed bays or estuaries.

iii. The replacement of 20 percent or more of the materials of an existing structure with materials of a different kind.

iv. The presence, whether temporary or permanent of mechanized construction equipment or construction materials on any sand areas, bluff, or environmentally sensitive habitat, or within 20 feet of coastal waters or streams.

b. Any method of routine maintenance dredging that involves any of the following:

i. The dredging of 100,000 cubic yards or more within a 12-month period.

ii. The placement of dredged spoil of any quantity within an Environmentally Sensitive Habitat Area, on any sand area, within 50 feet of the edge of a coastal bluff or Environmentally Sensitive Habitat Area, or within 20 feet of coastal waters or streams.

iii. The removal, sale, or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the Coastal Commission has declared by resolution to have a critically short sand supply that must be maintained for protection of structures, coastal access, or public recreational use.

c. Any repair or maintenance to facilities or structures or work located in an Environmentally Sensitive Habitat Area, any sand area, within 50 feet of the edge of a coastal bluff or ESHA, or within 20 feet of coastal waters or streams that include:

i. The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand, or other beach materials or any other forms of solid materials.

ii. The presence, whether temporary or permanent, of mechanized equipment or construction materials.

3. ***Other Provisions.*** All repair and maintenance activities that are not exempt are subject to the Coastal Development Permit regulations of this Chapter, including, without limitation, the regulations governing administrative and emergency permits. The provisions of this subsection (E) are not applicable to those activities specifically described in the document entitled Repair, Maintenance and Utility Hookups, adopted by the Coastal Commission on September 5, 1978, and any revisions or updates to that document by the Coastal Commission, unless a proposed activity will have a risk of substantial adverse impact on public access, ESHA, wetlands, or public views to the ocean.

F. **Utility Connections.** The installation, testing, and placement of any necessary utility connection between an existing service facility and any development that has been granted a valid Coastal Development Permit; provided, however, that the City may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources.

G. **Structures Destroyed by Natural Disaster.** The replacement of any structure, other than a Public Works facility, destroyed by a disaster, provided that the replacement structure meets all of the following criteria:

1. The structure is for the same use as the destroyed structure;

2. The structure does not exceed either the floor area, height, or bulk of the destroyed structure by more than ten percent; and

3. The structure is sited in the same location on the affected property as the destroyed structure.

H. **Timeshare Conversions.** Any activity anywhere in the Coastal Zone that involves the conversion of any existing Multiple-Unit Development to a timeshare project, estate, or use, as defined in Business and Professions Code, Section 11212. If any improvement to an existing structure is otherwise exempt from the permit requirements of this Title, no Coastal Development Permit is required for that improvement on the basis that it is to be made in connection with any conversion that is exempt pursuant to this Title. The division of a Multiple-Unit Development into condominiums, as defined in Civil Code, Section 783, must not be considered a time-share project, estate, or use for purposes of this Chapter.

I. ***De Minimis* Development.** Development determined to be *de minimis* by the Review Authority, pursuant to Section 17.61.050 below.

17.61.040 Record of Permit Exemptions

The Director must maintain a record of all those developments within the Coastal Zone that have been authorized as being exempt from the requirement of a Coastal Development Permit pursuant to this Chapter. This record must be available for review by members of the public and representatives of the Coastal Commission. The Record of Exemption must include the name of the applicant, the location of the project, and a brief description of the project and why the project is exempt.

17.61.050 Waiver for *De Minimis* Development

A. **Authority.** The Director may issue a written waiver from the Coastal Development Permit requirements of this Chapter for any development that is *de minimis*.

B. **Determination of Applicability.** A proposed development is *de minimis* if the Director determines, based on a review of an application for a Coastal Development Permit, that the development satisfied all of the following requirements:

1. The proposed development is not located within the Appeals Jurisdiction or within an area where the Coastal Commission retains permit jurisdiction.

2. The proposed development is consistent with the certified Local Coastal Program.

17.61.060 Application Requirements

A. **Permit Requirements.** Any person, partnership, or corporation, or State or local government agency wishing to undertake development as defined in Public Resources Code, Section 30106 in the Coastal Zone must obtain a Coastal Development Permit in accord with the provisions of this Chapter, unless exempt, determined *de minimis*, or categorically excluded. Application for a Coastal Development Permit may be submitted and processed concurrently with other required permits; however, the Coastal Development Permit must be issued before commencing development and must be required in addition to any other Zoning Permit or Discretionary Review required by the City.

B. **Initial Determination.** At the time a Coastal Development Permit application is submitted, the Director must determine whether a development project is:

1. Within an area where the Coastal Commission exercises original permit jurisdiction;

2. Categorically excluded, de minimis, or otherwise exempt from the provisions of this Chapter;

3. Appealable to the Coastal Commission; or

4. Non-appealable to the Coastal Commission.

C. **Challenge of Determination.** Upon receipt of the Director's initial determination with respect to what type of development is proposed, an applicant, other interested person, or local government who does not agree with the Director's determination may challenge the determination. If any interested party does not agree with the Director's determination, the matter must be forwarded to the City Council at the earliest available regularly scheduled meeting to determine whether the project is categorically excluded or otherwise exempt, non-appealable, or appealable. If such challenge is not resolved and the determination remains disputed, the City must notify the Coastal Commission Executive Director by telephone of the dispute/question and must request the Coastal Commission Executive Director's opinion. The Coastal Commission Executive Director may either concur with the Council's determination or forward the request to the Coastal Commission for a final determination.

D. **Responsibilities for Issuance.** After certification of the LCP by the Coastal Commission, the City must issue all Coastal Development Permits for development not located within the Coastal Commission's original permit jurisdiction. The Coastal Commission's original permit jurisdiction includes all tidelands, submerged lands, or public trust lands whether filled or unfilled, unless the Coastal Commission has delegated original permit jurisdiction to the City for areas potentially subject to the public trust but which are determined by the Coastal Commission to be filled, developed, and committed to urban use pursuant to Public Resources Code, Section 30613. Development located in the Coastal Commission's original permit jurisdiction requires approval of a Coastal Development Permit issued by the Coastal Commission in accordance with the procedure specified by the California Coastal Act.

1. Coastal Development Permit Issued by the Coastal Commission. Developments on tidelands, submerged lands, or navigable waterways require a permit issued by the California Coastal Commission in accordance with the procedure as specified by the California Coastal Act, as amended.

2. Coastal Development Permits Issued by the City. All development requires a Coastal Development Permit, unless specifically exempted or excluded. After certification of the LCP, the City must issue all Coastal Development Permits for development not located within the Coastal Commission's original permit jurisdiction.

E. **Application Requirements.** Application requirements are as established in Chapter 17.52, Common Procedures, as supplemented by specific requirements for development in the Coastal Zone established by the Director.

17.61.070 Public Hearing

A. **Required Public Hearing.** Any proposed development within the Coastal Zone, which otherwise would be a ministerial Coastal Development Permit, but due to its location within the Appeals Jurisdiction, shall be subject to review and approval of a Coastal Development with a Public Hearing before the Zoning Administrator.

B. **Option to Require a Public Hearing.**

1. ***Director-determined Zoning Administrator Hearing.*** The Director may determine that the Zoning Administrator must hold a public hearing to consider the application if there is significant public controversy and/or the hearing affords an opportunity to resolve issues of concern.

2. ***Director-determined Planning Commission Hearing.*** The Director may require a public hearing before the Planning Commission for any application that the Director determines to have special neighborhood or community significance. In such cases the applicant must pay the fee for the Planning Commission public hearing specified in the schedule adopted by the City Council.

C. **Waiver of Required Public Hearing.** For proposed Minor Development within the Appeals Jurisdiction of the Coastal Zone, the following provisions apply:

1. ***Basis for Waiver.*** If requested, the Director may waive the requirement for a public hearing before the Zoning Administrator on a Coastal Development Permit application for Minor Development only if all the following occurs:

a. A public notice of the waived hearing request must be provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice;

b. The notice must include a statement that a public hearing will be held upon the City's receipt of a request for a hearing by any person receiving notice of the waived hearing request; and

c. If no public request for hearing is received by the local government within 15 working days from the date of sending the public notice pursuant to subsection (a) above.

2. ***Appeal Rights.*** The notice provided pursuant to this Chapter must include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal to the Coastal Commission any action taken by the City on a Coastal Development Permit application.

D. **Time Limit.** The approval of a Coastal Development Permit at a public hearing shall be subject to Section 17.52.090, Common Procedures - Dates and Timing.

17.61.080 Required Findings

In addition to the findings required pursuant to Section 17.52.070, Common Procedure – Findings for Approval, and any other finding required by this Title, a Coastal Development Permit application may be approved or conditionally approved only after the Review Authority has made the following additional finding:

A. The proposed development conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act.

17.61.090 Coastal Zone Easements

All Coastal Development Permits subject to conditions of approval pertaining to public access, open space, or conservation easements are subject to the following procedures:

A. **Review and Approval.** The Executive Director of the Coastal Commission must review and approve all legal documents specified in the conditions of approval of a Coastal Development

Permit for public access, open space, or conservation easements pursuant to the following procedures:

1. ***Completion of Permit Review.*** Upon completion of permit review by the City and before the issuance of the permit, the Director must forward a copy of the Zoning Permit conditions, findings of approval, and copies of the legal documents to the Executive Director of the Coastal Commission for review and approval of the legal adequacy and consistency with the requirements of potential accepting agencies.

2. ***Review Period.*** The Executive Director of the Coastal Commission has 15 business days from receipt of the documents in which to complete the review and notify the applicant of recommended revisions, if any.

3. ***Expiration of Review Period.*** The Director must issue the Coastal Development Permit upon expiration of the 15-day review period if notification of inadequacy from the Executive Director of the Coastal Commission has not been received by the City within that time period and all prior to issuance conditions have been met.

4. ***Revisions.*** If the Executive Director of the Coastal Commission has recommended revisions to the applicant, the permit cannot be issued until the deficiencies have been resolved to the satisfaction of the Executive Director.

B. **Delegation of Authority.** If the City requests, the Coastal Commission must delegate the authority to process the recordation of the necessary legal documents to the City, if the City identifies the City department, public agency, or private association that has the resources and authorization to accept, open and operate, and maintain the accessways, open space, or conservation areas required as a condition of approval of Coastal Development Permits. Upon completion of the recordation of the documents, the City must forward a copy of the permit conditions, findings of approval, and copies of the legal documents pertaining to the public access, open space, or conservation conditions to the Executive Director of the Coastal Commission.

17.61.100 Notice of Final Action

A. **Finality of City Action.** The City's decision on an application for a development is not deemed complete until:

1. The City takes action on the application and all required findings have been made, including specific factual findings supporting the legal conclusions that the proposed development is or is not in conformity with the certified Local Coastal Program and, where applicable, with the public access and recreation policies of Chapter 3 of the Coastal Act; and

2. When all City rights of appeal have been exhausted, as defined in 14 California Code of Regulations, Section 13573.

B. **Notice of Final Action Required.** Within seven calendar days of the City completing its review and taking action on the requested development application, the City must notify by first-class mail, the Coastal Commission and any other persons who specifically requested notice of such action and having provided a self-addressed, stamped envelope to the Director.

C. **Notice of Failure to Act.**

1. ***Notification by Applicant.*** If the City has failed to act on an application within the time limits set forth in Government Code, Sections 65950-65957.1, thereby approving the development by operation of law, the person claiming a right to proceed pursuant to Government Code, Sections 65950-65957.1, must notify, in writing, the City and the Coastal Commission of his or her claim that the development has been approved by operation of law. Such notice must specify the application that is claimed to be approved.

2. ***Notification by City.*** When the City determines that the time limits established pursuant to Government Code, Sections 65950-65957.1 have expired, the City will, within seven calendar days of such determination, notify any person entitled to receive notice, pursuant to 14 California Code of Regulations, Section 13571(a), that the application has been approved by operation of law pursuant to Government Code, Sections 65950-65957.1 and the application may be appealed to the Coastal Commission pursuant to 14 California Code of Regulations, Section 13110 et seq.

D. **Effective Date of City Action.** The City's decision on an application for Appealable Development becomes effective on the eleventh day after the Coastal Commission has received the notice of final action unless either of the following occurs:

1. An appeal is filed; or

2. The notice of final City action does not meet the requirements of this Chapter.

Chapter 17.62 Modifications

Sections:

17.62.010 Purpose
17.62.020 Applicability
17.62.030 Review Authority
17.62.040 Required Findings
17.62.050 Time Limit

17.62.010 Purpose

The purpose of this Chapter is to establish a means of granting a limited amount of relief from the requirements of this Title, when so doing would be consistent with the purposes of this Title.

17.62.020 Applicability

The provisions of this Chapter apply to specific development proposals. In no case may a Modification be granted to allow a use or activity that is not otherwise permitted in the District in which the property is located, nor shall a Modification be granted which alters the procedural or timing requirements of this Title.

A. **General Modifications.** The Review Authority may grant relief from the development standards specified in this Title, as provided below.

1. ***Setbacks.***

a. The total area of each side, front and/or rear setback area may not be reduced by more than 20 percent of the minimum setback area required pursuant to the applicable District.

b. No setback reduction for structures shall result in:

i. A front yard setback depth, as measured from the right of way or easement line of a street or driveway, of less than 16.5 feet.

ii. A side yard setback depth from property lines of less than five feet.

iii. A rear yard setback depth from property lines of less than 15 feet.

c. No unenclosed, attached porch or entryway may result in a front yard setback depth, as measured from the right of way or easement line of a street or driveway, of less than ten feet.

2. ***Parking.*** A reduction in the required number and/or a modification in the design, loading zone, or location of parking spaces is allowed through a Modification. However, in no case may:

a. Any required number of bicycle parking spaces be reduced;

b. Any parking or screening requirement Modification be granted for a vehicle with more than two-axles, a recreational vehicle or bus, a trailer or other non-passenger vehicle; or

c. Any modification to allow compact spaces may not allow more than 20 percent of all required spaces be compact.

3. ***Signs.*** The allowable signage may be exceeded through the approval of a Modification for the following:

a. Maximum area for Wall Signs in non-residential districts.

b. Maximum area for Menu Boards for drive-through restaurants.

c. Maximum area, maximum number, and maximum height for Freestanding Signs within Shopping Centers.

B. **Special Modifications.** The Planning Commission or City Council may grant relief from the dimensional requirements specified in this Title, as provided below.

1. ***Height.***

a. *Structures.* The Review Authority may allow an increase in height above the base Zone District height standard as follows:

i. Residential Districts.

(1) Up to 30 percent.

(a) All RS and RMHP Zone Districts; and

(b) RP, RM, and RH Zone Districts within the Coastal Zone.

(2) Up to 20 percent.

(a) RP, RM, and RH Zone Districts within the Inland area.

ii. Non-Residential Districts. Up to 20 percent.

b. *Antennas.* The Review Authority may increase the allowable height of an antenna based upon the physical requirements and purpose of the facility in order to reasonably accommodate the proposed project.

2. ***Lot Coverage.*** Up to 50 percent of the maximum lot coverage otherwise allowed.

3. ***Required Finding.*** The Review Authority for all Special Modifications must make the following good cause finding:

a. The requested Modification is of public or community necessity (e.g., a better site or architectural design that will result in better resource protection, will provide a significant community benefit, and/or does not create an adverse impact to the community character, aesthetics, or public views, etc.).

C. **Limits to Modifications.** In no case may a Modification be granted for a reduction in a required buffer, open space, or other regulation within this Title, except as provided above.

17.62.030 Review Authority

A. **Authority and Duties.** Consideration of a Modification requires a public hearing before the Zoning Administrator or higher Review Authority, if the Modification is concurrently processed with an action requiring Planning Commission or City Council review. The Review Authority may approve, conditionally approve, or deny applications for modifications with consideration of the requirements of this Chapter.

B. **Concurrent Processing.** If a request for Modification is being submitted in conjunction with an application for another approval, permit, or entitlement under this Title, it must be heard and acted upon at the same time and in the same manner by the same Review Authority.

C. **Design Review.** A project requesting a Modification shall be subject to Design Review.

17.62.040 Required Findings

To grant a Modification, the following findings must be made:

A. The Modification is necessary due to the physical characteristics of the property and the proposed use or structure or other circumstances, including, without limitation, topography, noise exposure, irregular property boundaries, or other unusual circumstance.

B. The Modification is minor in nature and will result in a better site or architectural design and/or will result in greater resource protection than the project without such Modification.

17.62.050 Time Limit

The approval of a Modification shall be subject to dates and timing of the underlying Zoning Permit as discussed in Section 17.52.090, Common Procedures – Dates and Timing.

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Chapter 17.63 Reasonable Accommodation for Persons with Disabilities

Sections:

17.63.010 Applicability
17.63.020 Application
17.63.030 Review Authority
17.63.040 Actions on Application
17.63.050 Rescission
17.63.060 Fees
17.63.070 Time Limit

17.63.010 Applicability

A. Any person lacking fair housing opportunities due to the disability of existing or planned residents, may request a reasonable accommodation in the City's rules, policies, practices, and procedures. This request for reasonable accommodation must be made on a form prescribed by the City for that purpose.

B. If, pursuant to this Chapter, the project for which the request is being made requires an application for an additional approval, permit or entitlement, the applicant must file the request for reasonable accommodation along with such additional application for approval, permit or entitlement.

C. An applicant seeking reasonable accommodation pursuant to this Chapter may seek an accommodation that is also available under other provisions allowing for modifications of otherwise applicable standards under this Title. In such case, an accommodation under this Title must be in-lieu of any approval, permit or entitlement that would otherwise be required.

D. An applicant submitting a request for reasonable accommodation pursuant to this Chapter may request an accommodation not otherwise available under the Goleta Municipal Code.

17.63.020 Application

In addition to any other information that is required under the Goleta Municipal Code, an applicant submitting a request for reasonable accommodation must provide the following information:

A. Applicant's name, address and telephone number;

B. Address of the property for which the request is being made;

C. The current actual use of the property;

D. The Goleta Municipal Code provision, regulation, policy, or procedure for which accommodation is requested;

E. A statement describing why the requested accommodation is reasonably necessary to make the specific housing available to the applicant, including information establishing that the applicant is disabled or handicapped. Any information related to a disability status and identified by the applicant as confidential must be retained in a manner so as to respect the applicant's privacy rights and must not be made available for public inspection; and

F. Such other relevant and permissible information as may be requested by the Director.

17.63.030 Review Authority

A. If an application filed pursuant to this Chapter is filed along with an application for an additional approval, permit or entitlement pursuant to this Title, it must be heard and acted upon at the same time, in the same manner, and in accordance with the same procedures, as such additional application. If an application filed pursuant to this Chapter is filed along with more than one additional application pursuant to this Title, the Zoning Administrator must determine the appropriate procedure to evaluate the applications.

B. If an application filed pursuant to this Chapter is the only application filed by the applicant, the Director must consider and act on the requests for reasonable accommodation.

17.63.040 Actions on Application

A. **Decision.** An application filed pursuant to this Chapter may be approved, approved subject to conditions, or denied.

B. **Considerations.** The following factors must be considered in making a determination regarding an application filed pursuant to this Chapter:

1. Need for the requested modification, including alternatives that may provide an equivalent level of benefit that satisfies the need;

2. Physical attributes of, and any proposed changes to, the subject property and structures;

3. Whether the requested modification would impose an undue financial or administrative burden on the City;

4. Whether the requested modification would constitute a fundamental alteration of the City's zoning or building laws, policies, procedures, or subdivision program;

5. Whether the requested accommodation would result in a concentration of uses otherwise not allowed in a residential neighborhood to the substantial detriment of the residential character of that neighborhood; and

6. Any other factor that may bear on the request.

C. **Required Finding.** Any decision on an application filed pursuant to this Chapter must be supported by making the following finding:

1. Based upon each of the factors in subsection 17.63.040(B) of Title 17, the reasonable accommodation request is appropriate.

D. **Appeal.** Granting or denying a reasonable accommodation is subject to appeal pursuant to Section 17.52.120, Common Procedures – Appeals. A written determination to the applicant, which must include notice of the right to appeal the determination must be provided.

17.63.050 Rescission

Any approval or conditional approval of an application filed pursuant to this Chapter may provide for its rescission or automatic expiration under appropriate circumstances.

17.63.060 Fees

There must be no fee in connection with the filing of a request for reasonable accommodation. If the request for reasonable accommodation is filed concurrently with an application for an additional approval or permit, the applicant must pay only the fee for the additional approval or permit.

17.63.070 Time Limit

The approval of a request for Reasonable Accommodation for Persons with Disabilities shall be subject to dates and timing of the underlying Zoning Permit as discussed in Section 17.52.090, Common Procedures – Dates and Timing.

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Chapter 17.64 Emergency Permits

Sections:

17.64.010 Purpose
17.64.020 Applicability
17.64.030 Permit Procedures

17.64.010 Purpose

The purpose of this Chapter is to establish procedures for the issuance of Emergency Permits where the circumstances of an emergency do not allow sufficient time for the permit process otherwise applicable to the work needed to address an emergency.

17.64.020 Applicability

When emergency action by a person or public agency is warranted, the requirements of obtaining a Zoning Permit otherwise required by this Title may be temporarily deferred by the Director, and the Director may grant an Emergency Permit prior to a Zoning Permit or other required Discretionary Review.

17.64.030 Permit Procedures

A. **Application Submittal.** An application for an Emergency Permit must be submitted during regular business hours to the Director in person, if time allows, or by facsimile, electronic mail, or telephone if time does not allow. The application must contain the following information, which is to be reported at the time of the emergency or within three days after the emergency:

1. Nature of the emergency;
2. Cause of the emergency insofar as it can be established;
3. Location of the emergency;
4. The remedial, protective, or preventive work required to deal with the emergency;
5. The circumstances during the emergency that justify the action proposed to be taken, including the probable consequences of failing to take action;
6. The identities of other public agencies alerted to the emergency;
7. The access routes to the emergency site(s);
8. The identities of, and means of contact with, the individual(s) directing the emergency action;
9. Disclosure of whether or not the applicant has made any prior or concurrent request to the California Coastal Commission for an emergency waiver of permit requirements pursuant to Public Resources Code, Section 30611; and
10. Any other reasonable information which the Director deems necessary to evaluate the application.

B. **Verification of Emergency.** The Director must verify the facts, including the existence and the nature of the emergency, insofar as time allows, prior to granting the Emergency Permit.

C. **Noticing.** A public notice of the emergency work shall be mailed to property owners and tenants within 500 feet of the subject property and such notice shall be posted in three locations on the project site. Notice is not required to precede commencement of emergency work.

D. **Required Findings.** The Director may grant an Emergency Permit upon reasonable terms and conditions, which must include an expiration date and the necessity for a regular permit application later, if the Director makes the following findings:

1. An emergency exists that requires action more quickly than permitted by the procedures for a regular permit application and the work can and will be completed within 30 days, unless otherwise specified by the terms of the permit.

2. Public comment on the proposed emergency action has been reviewed, if time allows.

3. The work proposed would be consistent with the requirements of the General Plan and this Title.

E. **No Entitlement Granted.** The issuance of an Emergency Permit shall not constitute an entitlement to the erection of permanent structures.

F. **Expiration of Emergency Permit.** An application for the required Zoning Permit and any discretionary review required by this Title shall be made no later than 30 days following the granting of an Emergency Permit. Any materials required for a completed application shall be submitted within 90 days after the issuance of the Emergency Permit, unless this time period is extended by the Director.

G. **Reporting Requirements of the Director.** The report of the Director shall be informational only; the decision to issue an Emergency Permit is solely at the discretion of the Director, pursuant to this Chapter. The Director must report on an Emergency Permit as follows:

1. ***Inland Area.*** The Director shall report, in writing, to the City Council at its first scheduled meeting after the Emergency Permit has been issued, the nature of the emergency and the work involved. Copies of this report shall be available at the meeting and shall be mailed to all persons who have requested such notification in writing.

2. ***Coastal Zone.*** In additional to the reporting requirements for the Inland Area, the Director shall also report to the California Coastal Commission, in writing, the nature of the emergency and the work involved.

Chapter 17.65 Development Agreements

Sections:

17.65.010 Purpose
17.65.020 Applicability
17.65.030 Review Authority
17.65.040 Application Procedure
17.65.050 Execution and Recordation of Development Agreement
17.65.060 Compliance Review
17.65.070 Termination
17.65.080 Effect of Approved Agreement
17.65.090 Enforcement
17.65.100 Time Limit

17.65.010 Purpose

The purpose of this Chapter is to establish a procedure for the preparation, adoption, and administration of Development Agreements and to implement Government Code, Section 65864 et seq., authorizing governmental entities to enter into legally binding agreements with private parties. A Development Agreement is a contract that is negotiated and voluntarily entered into by the City and applicant and may contain any additional or modified conditions, terms, or provisions agreed upon by the parties.

17.65.020 Applicability

An applicant with legal or equitable interest in the real property that is the subject of the proposed Development Agreement may request and apply through the Director to enter into a Development Agreement. Acceptance of the application is contingent on the following:

A. The status of the applicant, as an owner of the property, is established to the satisfaction of the Director.

B. The application is made on approved forms and contains all the information required by the City.

C. The application is accompanied by all lawfully required documents, materials, and supporting information.

17.65.030 Review Authority

A. The City Manager, in consultation with the City Attorney, may negotiate the specific components and provisions of the Development Agreement on behalf of the City for recommendation to the City Council.

B. The City Council has the exclusive authority to approve a Development Agreement.

17.65.040 Application Procedure

An applicant for a development project may request that the City review the application as a Development Agreement application in accordance with the following procedures:

A. **Application Submittal.** An applicant must submit an application for a Development Agreement on a form prescribed by the City, accompanied by a fee according to the City's fee schedule. The Director must require an applicant to submit proof of the applicant's interest in the real property and of the authority of any agent to act for the applicant.

B. **Recommendations of the Planning Commission.** Following conclusion of a public hearing, the Planning Commission must make a written recommendation to the City Council regarding the application.

C. **Required Findings.** In order for the Planning Commission to recommend adoption of and for City Council to adopt a Development Agreement all of the following findings must be made:

1. The Development Agreement is consistent with the goals, objectives, policies, general land uses, and programs specified in the General Plan and any applicable Specific Plan.
2. The Development Agreement is or will be compatible with the uses authorized in this Title, the district, and any applicable Specific Plan in which the property is located.
3. The Development Agreement will provide substantial public benefits.
4. The Development Agreement will be non-detrimental to the public health, safety and general welfare of persons residing or working in the neighborhood, and to property and improvements in the neighborhood.
5. The Development Agreement complies with the provisions for the implementation of the California Environmental Quality Act.

D. **City Council Determination.** Upon receipt of the Planning Commission's recommendation, the City Clerk must set the application and written report of the Planning Commission for a public hearing before the City Council in compliance with Chapter 17.52, Common Procedures. The City Council will not approve a proposed Development Agreement unless it finds that its provisions are consistent with the General Plan and any applicable specific plan.

17.65.050 Execution and Recordation of Development Agreement

A. **Effective Date.** The City shall not execute any Development Agreement until on or after the date on which the ordinance approving the Development Agreement becomes effective, and until it has been executed by the applicant.

B. **Execution.** The applicant shall submit a signed copy of the Development Agreement before the ordinance approving the agreement is placed on the City Council agenda for adoption. Should the applicant fail or refuse to sign the Development Agreement, the City Council will adopt a resolution denying the application.

C. **Recordation.** A Development Agreement shall be recorded with the Santa Barbara County Recorder no later than ten days after its execution, in compliance with Government Code, Section 65868.5

D. **Refusal to Sign.** If the parties to the Development Agreement or their successors in interest amend or cancel the Development Agreement, or if the City terminates or modifies the Development Agreement for failure of the applicant to comply fully with the provisions of the Development Agreement, the City Clerk must record notice of such action with the Santa Barbara County Recorder.

17.65.060 Compliance Review

A. **Finding of Compliance or Noncompliance.** The Director must review the Development Agreement periodically for compliance with the provisions of the Development Agreement. If the Director finds the applicant has not complied with the provisions of the Development Agreement, the Director must specify in writing to the applicant, the respects in which the applicant has failed to comply and must set forth terms of compliance and specify a reasonable time for the applicant to meet the terms of compliance. If the applicant does not comply with any terms of compliance within the prescribed time limits, the Development Agreement must be referred to the City Council for termination, modification, or rescission of finding of noncompliance following a public hearing.

17.65.070 Termination

A. **Termination after Finding of Noncompliance.** After the public hearing, the City Council may terminate the Development Agreement, modify the finding of noncompliance, or rescind the finding of noncompliance, and issue a finding of compliance.

B. **Recordation.** If the parties to the Development Agreement or their successors in interest amend or terminate the Development Agreement, or if the City terminates or modifies the Development Agreement for failure of the applicant to fully comply with the provisions of the Development Agreement, the City Clerk must record notice of such action.

C. **Rights of the Parties after Cancellation or Termination.** In the event that a Development Agreement is cancelled or terminated, all rights of the applicant, property owner or successors in interest under the Development Agreement must terminate. If a Development Agreement is terminated following a finding of noncompliance, the City may, in its sole discretion, determine to return or not return any and all benefits, including reservations or dedications of land, and payments of fees, received by the City.

17.65.080 Effect of Approved Agreement

A. **Existing Rules and Regulations.** Unless otherwise specified in the Development Agreement, the City's rules, regulations, and official policies governing permitted uses of the property, density, design, and improvement standards and specifications applicable to development of the property must be those City rules, regulations, and official policies in force on the effective date of the Development Agreement. The applicant must not be exempt from otherwise applicable City ordinances or regulations pertaining to persons contracting with the City.

B. **Future Rules and Regulations.** A Development Agreement will not prevent the City, in subsequent actions applicable to the property, from applying new rules, regulations, and policies that do not conflict with those rules, regulations, and policies applicable to the property as set forth in the development agreement. A Development Agreement will not prevent the City from denying or conditionally approving any subsequent development project application on the basis of such existing or new rules, regulations, and policies. Unless otherwise specified in the Development Agreement, a Development Agreement will not exempt the applicant from obtaining future discretionary approvals.

C. **State and Federal Rules and Regulations.** In the event that any applicable law enacted or interpreted after a Development Agreement becomes effective prevents or precludes compliance

with one or more provisions of the Development Agreement, then the Development Agreement may be modified or suspended in the manner and pursuant to the procedures specified in the Development Agreement, as may be necessary to comply with such regulation or law.

D. **Severability Clause.** Should any provision of this Chapter or a subsequent Development Agreement be held by a court of competent jurisdiction to be either invalid, void, or unenforceable, the remaining provisions of this Chapter and the Development Agreement must remain in full force and effect, unimpaired by the holding, except as may otherwise be provided in the Development Agreement.

E. **To be Effective.** In addition to any other requirement of applicable law, no Development Agreement can take effect, unless it is approved by ordinance; executed by the Mayor or City Manager (when directed by the City Council); and approved as to form by the City Attorney.

17.65.090 Enforcement

A Development Agreement may be enforced, amended, modified, cancelled, or terminated by any manner otherwise provided by law or by the provisions of the Development Agreement.

17.65.100 Time Limit

The approval of a Development Agreement shall be subject to dates and timing of the associated Discretionary Action and/or any underlying Zoning Permit or as otherwise specified in the Development Agreement.

Chapter 17.66 Amendments to Zoning Regulations and Zoning Map

Sections:

17.66.010 Purpose and Applicability
17.66.020 Initiation of Amendments
17.66.030 Public Hearing
17.66.040 Planning Commission Recommendation
17.66.050 City Council Hearing and Action

17.66.010 Purpose and Applicability

Any amendment to the zoning regulations or the Zoning Map that changes any property from one zone to another, imposes any regulation not previously imposed, or removes or modifies any regulation previously imposed, must be adopted in the manner set forth in this Chapter.

17.66.020 Initiation of Amendments

A proposal to amend the zoning map or zoning regulations text may be initiated by:

A. Resolution of the City Council;

B. Resolution of the Planning Commission;

C. Application by any person representing at least 50 percent of the assessed valuation of the property which will be affected by such amendment; or

D. The Director.

17.66.030 Public Hearing

All Zoning Map and zoning regulations text amendments require at least one public hearing by the Planning Commission and one public hearing by the City Council before adoption, followed by a second reading if the Code amendment is adopted.

17.66.040 Planning Commission Recommendation

A. **Recommendation to Council.** Following a public hearing, the Planning Commission must make a written recommendation on the adoption or amendment of the zoning regulations or Zoning Map or any portion thereof based on the findings listed below. A recommendation for approval must be made by a resolution. The Director must promptly transmit to the City Council the Planning Commission's written recommendation, together with any maps, charts, studies, or other materials, including any required environmental analysis.

B. **Required Findings.** The Planning Commission must make all of the following findings in its recommendation to the City Council:

1. The amendment is consistent with the General Plan, the requirements of State planning and zoning laws, and this Title.

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

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

17.66.050 City Council Hearing and Action

A. **Action.** After the conclusion of a public hearing, the City Council may approve, modify, or deny, or take no action regarding a proposed Zoning Map or zoning regulations text amendment. If the Council proposes any substantial modification not previously considered by the Planning Commission during its hearings, the proposed modification must first be referred back to the Planning Commission for its recommendation.

B. **Required Findings.** Before making any amendments, the City Council must make all of the following findings:

1. The amendment is consistent with the General Plan, the requirements of State planning and zoning laws, and this Title.

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

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

Chapter 17.67 Amendments to the General Plan

Sections:

17.67.010 Purpose
17.67.020 Applicability
17.67.030 Initiation of Amendments
17.67.040 Planning Commission Hearing and Recommendation
17.67.050 City Council Hearing and Action

17.67.010 Purpose

The purpose of this Chapter is to establish procedures for making changes to the General Plan, as provided for in applicable law when there are reasons to do so. These circumstances include, without limitation, changes in applicable law, in the public interest, property owner interest, opportunities that were unanticipated at the time of General Plan adoption or the last amendment, or as required by State law.

17.67.020 Applicability

The procedures of this Chapter apply to all proposals to change the content of the General Plan.

17.67.030 Initiation of Amendments

A. **Request.** A request to initiate an amendment to the General Plan may be submitted by an applicant or the City. This request must occur before the City processes any applications associated with the request to amend the General Plan.

B. **Initiation Factors.** The following factors must be considered by the City Council for the initiation of all proposed General Plan amendments as applicable:

1. The amendment proposed appears to be consistent with the Guiding Principles and Goals of the General Plan;
2. The amendment proposed appears to have no material effect on the community or the General Plan;
3. The amendment proposed provides additional public benefit to the community as compared to the existing land use designation or policy;
4. Public facilities appear to be available to serve the affected site, or their provision will be addressed as a component of the amendment process; or
5. The amendment proposed is required under other rules or regulations.

C. **Public Hearing.** The City Council will consider, deliberate, and act upon the initiation of all proposed General Plan amendments at a duly noticed public hearing. If the General Plan Amendment request is not initiated, then the General Plan Amendment application will not be processed by the City.

17.67.040 Planning Commission Hearing and Recommendation

A. **Hearing.** Following City Council initiation and project processing by the City, the Planning Commission must conduct a public hearing in conformance with Chapter 17.52, Common Procedures.

B. **Recommendation to Council.** Following the public hearing, the Planning Commission must make a written recommendation on the adoption or amendment of the General Plan or any Element thereof based on the findings listed below. A recommendation for approval must be made by a resolution carried by an affirmative vote of not less than a majority of the Planning Commission membership in accordance with California Government Code, Section 65354. The Director must promptly transmit to the City Council the Planning Commission's written recommendation, together with any maps, charts, studies, or other materials, including any required environmental analysis.

C. **Required Findings.** The Planning Commission must make all of the following findings in its recommendation to the City Council:

1. The amendment is consistent with the guiding principles and goals of the General Plan.
2. The amendment is deemed to be in the public interest.

17.67.050 City Council Hearing and Action

A. **Council Hearing.** Before acting upon any proposed General Plan Amendment, the City Council must hold a duly noticed public hearing.

B. **Council Action.** After the conclusion of the hearing, the City Council may approve, modify, or deny the proposed General Plan amendment. If the Council proposes any substantial modification not previously considered by the Planning Commission during its hearings, the proposed modification must first be referred back to the Planning Commission for its recommendation.

C. **Required Findings.** The City Council must make all of the following findings to amend the General Plan:

1. The amendment is consistent with the guiding principles and goals of the General Plan.
2. The amendment is deemed to be in the public interest.

Chapter 17.68 Specific Plans

Sections:

17.68.010 Purpose
17.68.020 Procedures

17.68.010 Purpose

The purpose of this Chapter is to establish a procedure for the preparation, adoption, and administration of Specific Plans.

17.68.020 Procedures

The procedure for the preparation, adoption and administration of Specific Plans is as provided by Government Code, Section 65450 et seq., as most recently amended, except that a Specific Plan may only be approved or amended in the same manner that the General Plan may be approved or amended pursuant to the procedures outlined in Chapter 17.67, Amendments to the General Plan.

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Chapter 17.69 Enforcement

Sections:

17.69.010 Purpose
17.69.020 Relation to Other Codes and Statutes
17.69.030 Enforcement Responsibilities
17.69.040 Penalties
17.69.050 Remedies
17.69.060 Recording a Notice of Violation

17.69.010 Purpose

This Chapter establishes the responsibilities of various departments, officials, and public employees of the City to enforce the requirements of this Title and sets forth the procedures the City will use to identify, abate, remove, and enjoin those uses or structures that are deemed to be in violation of this Title.

17.69.020 Relation to Other Codes and Statutes

Nothing in this Chapter will remove the enforcement powers and duties of any other agency or department or City official as outlined in the Goleta Municipal Code.

17.69.030 Enforcement Responsibilities

All departments, officials, and public employees of the City, vested with the duty or authority to issue permits or licenses, must conform to the provisions of this Title, and may issue no permit or license for uses, buildings, or purposes in conflict with the provisions of this Title, and any such permit or license issued in conflict with the provisions of this Title will be null and void. All other officers not specified in this Section must enforce the provisions related to their areas of responsibilities, when necessary. The following officials, departments, and employees have specific responsibilities as follows:

A. **Director.** The Director will enforce all provisions of this Title related to issuance of discretionary approvals and will have responsibility for ordering the correction of violations and initiating the revocation of discretionary approvals pursuant to Section 17.52.110, Common Procedures – Revocation of Approval, and the abatement of nuisances as defined in this Title.

B. **Building Official.** Prior to issuance of building permits, the Building Official must ascertain that plans presented with the building permit application conform to those approved subject to the requirements of this Title.

C. **Code Compliance Officer.** The Code Compliance Officer must enforce all provisions of this Title pertaining to the use, erection, construction, reconstruction, relocation, conversion, alteration, or addition to any structure, signage, conditions of approval, use permits, variances, nuisance abatements, or other discretionary approvals. The Code Compliance Officer is hereby authorized to cause to be stopped any work or use undertaken without or contrary to approval granted pursuant to this Title, or in violation of any of its other provisions.

D. **City Attorney.** The City Attorney may, at their discretion, or upon order of the City Council, immediately commence action or proceedings for the abatement and removal and enjoinment of

violations in the manner provided by law, and may take such other steps and may apply to such courts as may have jurisdiction to grant such relief that will abate and remove such use or structure, and may seek to restrain and enjoin any person, firm, or corporation from such use of any property or structure, or from setting up, erecting, building, maintaining, or demolishing any such structure contrary to the provisions of this Title.

17.69.040 Penalties

Any person, firm or corporation, whether as principal, owner, agent, tenant, employee, or otherwise, who violates any provisions of this Title, is subject to an administrative fine pursuant to Goleta Municipal Code, Chapter 1.02.

17.69.050 Remedies

An alleged violator who is served with notice of violation subject to a civil penalty will not be subject to a criminal prosecution for the same factual situation. However, all other remedies provided for herein will be cumulative and not exclusive. The conviction and punishment of any person hereunder will not relieve such person from the responsibility to correct prohibited conditions or to remove prohibited buildings, structures, or improvements nor prevent the enforcement, correction, or removal thereof. In addition to the other remedies provided in this Title, the City Council, the City Attorney, or any adjacent or neighboring property owner who would be especially damaged by the violation of any provision of this Title, may institute, in addition to the other remedies provided by law, injunction, mandamus, abatement, or any other appropriate action, proceeding or proceedings to prevent or abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance, or use.

17.69.060 Recording a Notice of Violation

If compliance is not had with an order of the Code Compliance Officer or their designee, to correct violations of this Title within the time specified in a Notice of Violation, the City may file with the Santa Barbara County Recorder a certified statement describing the property and certifying that:

A. The property and/or structure is in violation of this Title; and

B. The owner has been so notified.

C. The notice must specifically describe the violations and a proof of service must also be recorded with the Notice of Violation.

D. Whenever the corrections ordered thereafter have been completed, the City must file a new certified statement with the Santa Barbara County Recorder, certifying that all required corrections have been made so that the property and/or structure is no longer in violation of this Title.

Chapter 17.70 Development Impact Fees

Sections:

17.70.010 Purpose
17.70.020 Applicability
17.70.030 Definitions
17.70.040 List of Types of Development Impact Fees
17.70.050 Amount of Fee, Automatic Adjustment and Special Fund
17.70.060 Imposition of Development Impact Fees
17.70.070 Beneficial Projects
17.70.080 Protests and Adjustments
17.70.090 Payment
17.70.100 Use of Funds
17.70.110 Refunds of DIFs Paid
17.70.120 Credits

17.70.010 Purpose

This Chapter establishes the categories of Development Impact Fees (DIFs) to be imposed on Development in order to defray the cost of new or rehabilitated Public Facilities required, incrementally, by new Development within the City, which are needed to accommodate the attendant growth in the City and to maintain an acceptable level of facilities and services for all areas within the City. The imposition of the respective DIFs ensures that new Development bear a proportionate share of the cost of Public Facilities and service improvements necessary to accommodate such Development, to the extent that such Development creates impacts that require mitigation that may be offset by the respective type of DIF. The imposition of DIFs through this Chapter is necessary to protect the public health, safety, and welfare by ensuring the provision of adequate Public Facilities.

17.70.020 Applicability

A. The standards in this Chapter shall apply to all Development and Development Projects as defined in this Chapter. This Chapter is adopted to implement the provisions of Government Code, Sections 66000 et seq. (the Mitigation Fee Act), which authorize a city to impose impact fees as a condition of approval on a Development Project for the purpose of defraying all or a portion of the cost of Public Facilities related to such project.

B. DIFs are hereby established to be imposed on new Development and Development Projects within the City to pay a proportionate share of the reasonably estimated costs of Public Facilities related to bicycle, pedestrian, transportation, fire, police, library, parks and recreation (to the extent not covered by Quimby Fees), public administration, and storm drain facilities, to the extent impacted by a Development Project. The DIFs authorized by this Chapter shall be used only for defraying costs associated with developing new or rehabilitating existing bicycle, pedestrian, transportation, fire, police, library, parks and recreation (to the extent not covered by Quimby Fees), public administration, and storm drain facilities, to the extent applicable, resulting from new Development Projects, and shall not exceed the estimated cost associated with providing those facilities.

17.70.030 Definitions

For purposes of this Chapter, the following terms, phrases, words and their derivation shall have the meanings respectively ascribed to them by this Section:

A. **Development or Development Project.** A Development or Development Project means any project undertaken for the purpose of development. Development or Development Project shall include all projects involving any use or work requiring a Land Use Permit or the issuance of a permit for construction or reconstruction, for erection of manufactured housing or structures, or for structures moved into the City, but shall not include a permit to operate.

B. **Development Area.** The Floor Area of the use plus any other area, including, but not limited to, outdoor areas devoted to patrons of the use.

C. **Peak Hour Trips (PHT).** The maximum one-hour quantity of vehicle trips accessing a particular Land Use during the PM peak period (4:00 p.m. – 6:00 p.m.).

17.70.040 List of Types of Development Impact Fees

Unless otherwise indicated, the following types of DIFs shall be imposed at the time of approval for Development within the City to finance the cost of the related Public Facilities:

A. Bicycle and Pedestrian Facilities.

B. Fire Facilities.

C. Library Facilities.

D. Parks and Recreation Facilities (not applicable to residential subdivisions for which Quimby Fees are imposed).

E. Public Administration Facilities.

F. Storm Drain Facilities.

G. Transportation Facilities.

17.70.050 Amount of Fee, Automatic Adjustment and Special Fund

A. The City Council may, after noticed public hearing and in compliance with the Mitigation Fee Act, adopt a resolution (i) setting forth the amount of each specific type of Development Impact Fee identified in Section 17.70.040 above, or (ii) revising any such previously adopted fee amounts, with the ordinance codified in this Chapter being considered as enabling and directive in this regard. Any resolution adopted under this Chapter shall establish how each DIF amount is calculated and shall be in accordance with the provisions of the Mitigation Fee Act. The City Council shall do all of the following:

   1. Identify the purpose of the DIF;

   2. Identify the use to which the DIF is to be put;

   3. Determine how there is a reasonable relationship between the DIF's use and the type of Development Project on which the DIF is imposed;

4. Determine there is a reasonable relationship between the need for the Public Facility and the type of Development Project on which the DIF is imposed;

5. Determine how there is a reasonable relationship between the amount of the DIF and the cost of the Public Facility or portion of the Public Facility attributable to the Development on which the DIF is imposed; and

6. Establish a schedule of DIFs.

B. An adopted DIF resolution, as referenced in Section 17.70.050(A) may allow for automatic adjustments of fees on July 1st of each fiscal year, by a percentage equal to the appropriate Construction Cost Index (CCI) as published by Engineering News Record, or its successor publication, for the preceding 12 months for which the CCI is available and such CCI shall be specific to California or the nearest region; provided, however, that the adopted DIF resolution shall identify the specific types of DIFs subject to such automatic adjustments and shall apply only to the types of DIFs for which the Mitigation Fee Act authorizes automatic adjustments.

C. All revenues derived from and all moneys collected for each type of DIF, as identified in section 17.70.040, including accrued interest thereon, shall be deposited in a separate, special fund created to hold the revenue generated for each respective type of DIF. Each such fund is hereby established and shall be administered in accordance with the Mitigation Fee Act, including specifically Government Code Sections 66001(c)-(e) and 66006. Moneys within each such fund may be expended only for the identified purpose or purposes for which the respective DIF was collected.

17.70.060 Imposition of Development Impact Fees

A. **Required Fees.** Any person who seeks to develop land within the City shall be subject to the imposition of DIFs for the following types of development:

1. ***Transportation Facilities Fees.*** Approval of any Development that generates a Peak Hour Trip (PHT) or fraction thereof.

2. ***All Other DIFs.***

a. *Residential Development.* Permitting of one or more Dwelling Unit(s).

b. *Non-Residential Development.* Permitting of 500 or more square feet of Development Area.

B. **Exemptions.** The following shall be exempted from payment of the DIFs:

1. A new use that does not constitute a Change of Use as specified in subsection 17.55.020(A).

2. The replacement of a destroyed or partially destroyed or damaged structure with a new structure of the same size.

17.70.070 Beneficial Projects

The City may establish by resolution categories of “beneficial projects” which are eligible for DIF reductions or waivers. The City will establish administrative procedures for granting these DIF reductions or waivers.

17.70.080 Protests and Adjustments

A. A developer of any Development Project subject to the fees described in this Chapter may apply to the City Council for a reduction, adjustment, or waiver of any one or more of the DIFs. The application for such protest must be made in writing and filed with the City Clerk, state in detail the factual basis for the claim of waiver, reduction or adjustment, and meet all requirements of Government Code, Section 66020, as may be amended.

B. The City Council shall consider the protest application, referenced in subsection (A) above, at a public hearing. The decision of the City Council shall be final. If a reduction, adjustment, or waiver is granted, any change in use within the Development Project shall invalidate the waiver, adjustment, or reduction of the DIF if such change in use would render the same inappropriate.

C. The City Council may, from time to time, and as the need may arise, set forth by resolution specific limitations which will apply to reductions, adjustments or waivers of DIFs which may be made pursuant to this section. In this regard, this section shall be considered enabling and directory.

17.70.090 Payment

A. The DIFs established pursuant to this Chapter shall be paid by the developer for the property on which a Development Project is proposed at the time of final inspection or the date on which the certificate of occupancy is issued, whichever occurs first, except as otherwise provided below. DIFs imposed on residential Development, however, shall be collected in accordance with the provisions of Government Code, Section 66007. Where a Development Project does not require a building permit, DIFs will be collected at permit issuance.

B. Unless otherwise specified by the City, the amount of DIFs shall be based on those DIFs and amounts in effect at the time payment is made or due.

17.70.100 Use of Funds

A. Funds collected from DIFs shall be used for the purpose of paying the actual or estimated costs of designing, constructing and/or improving the Public Facilities within the City to which the specific DIF or DIFs relate, including any required acquisition of land or rights-of-way therefor. No DIF funds shall be used for costs attributable to existing deficiencies in Public Facilities, but may be used for the costs for increased demand for additional facilities and services reasonably related to the proposed Development Project.

B. In the event that bonds or similar debt instruments are issued for advanced provision of Public Facilities for which DIFs may be expended, DIFs may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are of the type to which the DIFs involved relate.

17.70.110 Refund of DIFs Paid

If a permit for a Development Project for which DIFs have been imposed expires without commencement of Development and the required DIFs under such permit have already been paid, then the feepayer shall be entitled to a refund, without interest, of the DIF(s) paid. The feepayer must submit an application for such a refund to the City Manager within 30 days of the expiration of the permit. Failure to timely submit the required application for refund shall constitute a waiver of any right to the refund.

17.70.120 Credits

A. New Development that, through demolition or conversion, will eliminate existing Development is entitled to a DIF credit if the demolished or converted Development was a lawful use and was in use within two years of the new Development under this Title.

B. New Development that will replace Development that was partially or totally destroyed by fire, flood, earthquake, mudslide, or other casualty or act of God, is entitled to a DIF credit if the Development that was partially or totally destroyed was a lawful use and such destruction occurred within five years of the new Development under this Title.

C. If an existing Development undergoes a change of use, only costs proportional to the amount of the improvement or facility that mitigates the need therefor attributable to and reasonably related to the given Development shall be eligible for an in-lieu credit within 10 years, and then only against the specific relevant DIF(s) involved to which the facility or improvement relates.

D. The City may allow for DIFs collected for Transportation Facilities to be satisfied or partially satisfied if the obligor of the Transportation Facilities Fees donates real property which is needed by the City for local transportation purposes pursuant to Government Code, Section 66006.5.

E. Credit shall not be given for site-related improvements, including, but not limited to, traffic signals, right-of-way dedications, or providing paved access to the property, which are specifically required by the Development Project in order to serve it and which do not constitute facilities or improvements associated with a specific category of DIF.

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Chapter 17.71 Reserved

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Part VI:
General Terms

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Chapter 17.72 Use Classifications

Sections:

17.72.010 Residential Uses
17.72.020 Public/Quasi-Public Uses
17.72.030 Commercial Uses
17.72.040 Industrial Uses
17.72.050 Transportation, Communication, and Utility Uses
17.72.060 Agricultural Uses
17.72.070 Accessory Uses

17.72.010 Residential Uses

Residential Housing Types:

Single-Unit Dwelling, Detached. A dwelling unit occupied or intended for occupancy by only one household that is structurally independent from any other such dwelling unit or structure intended for residential or other use.

Single-Unit Dwelling, Attached. A dwelling unit occupied or intended for occupancy by only one household that is structurally connected with one other such dwelling unit. An attached single-unit dwelling is sometimes called a "townhouse" or "duplex" and may be in a "condominium" form of ownership.

Multiple-Unit Development. A detached structure designed and used exclusively as a dwelling by three or more households occupying separate living quarters and are typically occupied as rental units.

Accessory Dwelling Unit (ADU). See Section 17.41.030.

Farmworker Housing. Has the same meaning as "Employee Housing" as set forth in California Health and Safety Code, Section 17008(a) for farmworkers.

Farmworker Housing Complex. Farmworker housing that: (1) contains a maximum of 36 beds if the housing consists of any group living quarters, such as barracks or a bunkhouse, and is occupied exclusively by farmworkers; or (2) contains a maximum of 12 residential units occupied exclusively by farmworkers and their households, if the housing does not consist of any group living quarters.

Group Residential. Shared living quarters without separate kitchen or bathroom facilities for each room or living space, offered for rent for residents on a 30 day or longer basis. This classification includes halfway houses, rooming and boarding houses, dormitories and other types of organizational housing, and private residential clubs. Includes both licensed and unlicensed facilities. It does not include licensed Residential Care Facilities, Employee Housing as set forth in California Health and Safety Code, Sections 17021.5 and 17021.6, and Hotels and Motels.

Mobile Home Parks. A development designed and occupied by mobile or manufactured homes, including facilities and amenities used in common by occupants who rent, lease, or own spaces for mobile homes through a subdivision, cooperative, condominium or other form of resident ownership.

Residential Care Facilities. Facilities that are licensed by the State of California to provide living accommodations and 24-hour, primarily non-medical care and supervision for persons in need of personal services, supervision, protection, or assistance for sustaining the activities of daily living. Living accommodations are shared living quarters with or without separate kitchen or bathroom facilities for each room or unit. This classification includes facilities that are operated for profit as well as those operated by public or not-for-profit institutions, including hospices, nursing homes, convalescent facilities, and group homes for minors, persons with disabilities, and people in recovery from alcohol or drug addictions. This use classification excludes Group Residential, Supportive Housing, Transitional Housing, and Social Service Facilities.

Large. A facility providing care for more than six persons.

Small. A facility providing care for six or fewer persons.

Single-Room Occupancy (SRO) Housing. A residential hotel, as defined in California Health and Safety Code, Section 50519(b)(1), provides six or more guestrooms or efficiency units that are intended or designed to be used, or which are used or rented to the public as sleeping rooms for occupancy for a period of more than 30 days as the primary residence of those occupants. Rooms may have partial kitchen or bathroom facilities. This classification does not include Hotels and Motels and other transient accommodations that are occupied primarily by guests who maintain a primary residence elsewhere and does not include Residential Care Facilities licensed by the State of California.

Supportive Housing. Housing with no limit on length of stay, that is occupied by the target population as defined in California Government Code, Section 65582, and that is linked to an on-site or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

Transitional Housing. Buildings configured as rental housing developments but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that is not less than six months from the beginning of the assistance.

17.72.020 Public/Quasi-Public Uses

Cemetery. Establishments primarily engaged in operating sites or structures reserved for the interment of human or animal remains, including mausoleums, columbarium, burial places, and memorial gardens.

Colleges and Trade Schools. Institutions of higher education providing curricula of a general, religious or professional nature, typically granting recognized degrees, including conference centers and academic retreats associated with such institutions. This classification includes junior colleges, business and computer schools, management training, technical and trade schools, but excludes personal instructional services such as music lessons.

Community Assembly. A facility for public or private meetings, including community centers, religious assembly facilities, civic and private auditoriums, union halls, meeting halls for clubs, and other membership organizations. This classification includes functionally related facilities for the use of members and attendees such as kitchens, multi-purpose rooms, classrooms, playfields, and storage.

Community Garden. Use of land for and limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity by several individuals or households.

Cultural Institutions and Facilities. A facility engaged in activities to serve and promote aesthetic and educational interest in the community that are open to the public on a regular basis. This includes performing arts centers for performances and events; spaces for display or preservation of objects of interest in the arts or sciences; libraries; museums; historical sites; aquariums; art galleries; and zoos and botanical gardens. This does not include schools or institutions of higher education providing curricula of a general nature.

Day Care Facility. Establishments providing non-medical care for persons on a less than 24-hour basis other than Family Day Care. This classification includes nursery schools, preschools, and day care facilities for children or adults, and any other day care facility licensed by the State of California.

Emergency Shelter. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay in accordance with California Health and Safety Code, Section 50801(e).

Government Buildings. Administrative, clerical, or public contact offices of a government agency, including postal facilities and courts, together with incidental storage and maintenance of vehicles. This classification excludes corporation yards, equipment service centers, and similar facilities that primarily provide maintenance and repair services and storage facilities for vehicles and equipment (see "Major Utilities").

Hospitals. State-licensed facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons on an inpatient basis, and including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors. This classification excludes veterinaries and animal hospitals (see "Animal Care, Sales, and Services").

Park and Recreation Facilities. Parks, playgrounds, recreation facilities, trails, wildlife preserves, and related open spaces, all of which are noncommercial. This classification also includes other commercial facilities such as playing fields, sports courts, gymnasiums, swimming pools, picnic facilities, tennis courts, golf courses, and botanical gardens, as well as related food concessions or community centers.

Parking, Public or Private. Structures and surface lots for use of occupants, employees, or patrons on-site or offering parking to the general public for a fee when parking is not incidental to another on-site activity.

Passive Open Space. Areas primarily left in a natural state, with little to no improvements or development (e.g., trails, signage, parking area, etc.), and reserved for the enjoyment of nature and the general outdoors (e.g., bird-watching, walking, painting, etc.).

Public Safety Facilities. Facilities providing public safety and emergency services, including police and fire protection and emergency medical services, with incidental storage, training, and maintenance facilities.

Schools, Private. Facilities for primary or secondary education, including charter schools, and private and parochial schools having curricula comparable to that required in the public schools of the State of California.

Skilled Nursing Facility. A State-licensed facility or a distinct part of a Hospital that provides continuous skilled nursing care and supportive care to patients whose primary need is for the availability of skilled nursing care on an extended basis. It provides 24-hour inpatient care and, as a minimum, includes physician, nursing, dietary, pharmaceutical services and an activity program. Intermediate care programs that provide skilled nursing and supportive care for patients on a less-than-continuous basis are classified as skilled nursing facilities.

Social Service Facilities. Facilities providing a variety of supportive services for disabled and homeless individuals and other targeted groups on a less than 24-hour basis. Examples of services provided are counseling, meal programs, personal storage lockers, showers, instructional programs, television rooms, and meeting spaces. This classification is distinguished from licensed day care centers (see “Day Care Facility”), clinics (see “Medical, Dental, and Health-Related Services”), and emergency shelters providing 24-hour care (see “Emergency Shelter”).

17.72.030 Commercial Uses

Adult-Oriented Business. An establishment that, as a regular and substantial course of conduct, offers, sells or distributes adult-oriented merchandise, or that offers to its patrons materials, products, merchandise, services, entertainment or performances that have sexual arousal, sexual gratification, and/or sexual stimulation as their dominant theme, or are characterized by an emphasis on specified sexual activities or specified anatomical areas and are not customarily open to the general public because they exclude minors by virtue of their age. This classification does not include any establishment offering professional services conducted, operated, or supervised by medical practitioners, physical therapists, nurses, chiropractors, psychologist, social workers, marriage and family counselors, osteopaths, and persons holding licenses or certificates under applicable State law or accreditation from recognized programs when performing functions pursuant to the respective license or certificate. In addition, this classification does not include: Persons depicting "specified anatomical areas" in a modeling class operated by a college, junior college, or university supported entirely or partly by public revenue; or by a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by public revenue; or in a structure operated either as a profit or nonprofit facility which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and where, in order to participate in a class, a student must enroll at least three days in advance of the class. This classification also does not include the practice of massage in compliance with Section 5.05.050 of the Goleta Municipal Code.

Adult Bookstore, Adult Novelty Store, or Adult Video Store. An establishment with a majority of: its floor area devoted to; or stock-in-trade consisting of; or gross revenues derived from, and offering for sale for any form of consideration, any one or more of the following: books, magazines, periodicals or other printed matter, photographs, drawings, motion pictures, slides, films, tapes, video cassettes, records, or other visual or audio representations which are characterized by an emphasis upon the depiction or description of "Specified Sexual Activities" or "Specified Anatomical Areas"; instruments, devices or paraphernalia which are designed to be used in connection with "Specified Sexual Activities;" or goods which are replicas of, or which simulate "Specified Anatomical Areas," or goods which are designed to be placed on or in "Specified Anatomical Areas," or to be used in conjunction with "Specified Sexual Activities."

Adult Live Entertainment Theater. Any place, building, enclosure, or structure, partially or entirely used for live adult entertainment performances or presentations characterized by an emphasis on depicting, exposing, displaying, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.

Adult Motion Picture or Video Arcade. Any business wherein coin-, paper note-, or token-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to four or fewer persons per machine, at any one time, and where the predominant character or theme of the images so displayed is distinguished or characterized by its emphasis on matter depicting, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas."

Adult Motion Picture Theater. Any business, other than a hotel or motel, with the capacity of five or more persons where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions, in which the predominant character and theme is distinguished or characterized by its emphasis on matter depicting or relating to "Specified Sexual Activities" or "Specified Anatomical Areas," as defined in this Title. This includes, without limitation, showing any such slides, motion pictures or videos by means of any video tape system which has a display, viewer, screen, or a television set.

Animal Care, Sales and Services. Retail sales and services related to the boarding, grooming, and care of household pets including:

Animal Sales and Grooming. Retail sales of animals and/or services, including grooming, for animals on a commercial basis. Typical uses include dog bathing and clipping salons, pet grooming shops, and pet stores and shops. This classification excludes dog walking and similar pet-care services not carried out at a fixed location and excludes pet- supply stores that do not sell animals or provide on-site animal services.

Boarding, Kennel. A commercial, non-profit, or governmental facility for keeping, boarding, training, breeding or maintaining dogs, cats, or other household pets not owned by the kennel owner or operator. Typical uses include pet clinics, pet day care, and animal shelters, but exclude pet shops and animal hospitals that provide 24-hour accommodation of animals receiving medical or grooming services.

Veterinary Services. Veterinary services for small animals. This classification allows 24-hour accommodation of animals receiving medical services, but does not include kennels or other boarding facilities.

Automobile/Vehicle Sales and Services. Retail or wholesale businesses that sell, rent, and/or repair automobiles, recreational vehicles, light duty trucks, vans, trailers, and motorcycles, including the following:

Auction. A facility that sells new or used automobiles and other vehicles through a bidding process.

Automobile Rentals. Rental of automobiles. Typical uses include car rental agencies.

Automobile/Vehicle Sales and Leasing. Sale or lease, retail or wholesale, of automobiles, light trucks, motorcycles, motor homes, and trailers, together with associated repair services and parts sales, but excluding body repair and painting. Typical uses include automobile dealers and recreational vehicle sales agencies. This classification does not include automobile brokerage and other establishments which solely provide services of arranging, negotiating, assisting, or effectuating the purchase of an automobile for others.

Automobile/Vehicle Service and Repair, Major. Repair of automobiles, trucks, motorcycles, motor homes, boats and recreational vehicles, generally on an overnight basis that may include disassembly, removal or replacement of major components such as engines, drive trains, transmissions or axles; automotive body and fender work, vehicle painting or other operations that generate excessive noise, objectionable odors or hazardous materials, and towing services. This classification excludes vehicle dismantling or salvaging and tire retreading or recapping.

Automobile/Vehicle Service and Repair, Minor. The service and repair of automobiles, light-duty trucks, boats, and motorcycles, including the incidental sale, installation, and servicing of related equipment and parts. This classification includes the replacement of small automotive parts and liquids as an accessory use to a gasoline sales station or automotive accessories and supply store, and smog checks, tire sales and installation, auto radio/electronics installation, auto air conditioning/heater service, and quick-service oil, tune-up and brake and muffler shops where repairs are made or service provided in enclosed bays and no vehicles are stored overnight.

Service and Gas Stations. Establishments primarily engaged in retailing automotive fuels or retailing these fuels in combination with activities, such as providing minor automobile/vehicle repair services; selling automotive oils, replacement parts, and accessories; and/or providing incidental food and retail services. This classification includes “mini marts” and/or conveniences stores that sell products, merchandise, or services that are ancillary to the principal use related to the operation of motor vehicles where such sale is by means other than vending machines.

Automobile/Vehicle Washing. Washing, waxing, or cleaning of automobiles or similar light vehicles.

Building Materials, Sales, and Service. Establishments whose primary activity is the sales or rental of building supplies or equipment to individuals and business, and whose activities may include storage and delivery of items to customers. This classification includes lumberyards, tool and equipment sales or rental

establishments, and includes establishments devoted principally to taxable retail sales to individuals for their own use. This use classification does not include hardware stores less than 10,000 square feet in floor area (see "General Retail Sales"), stores 80,000 square feet or larger (see "Large Format Retail"), or retail nurseries (see "Nurseries and Garden Centers"). Nurseries and Garden Centers may be included as an accessory use.

Business Services. A subcategory of commercial land use that permits establishments primarily engaged in rendering services to other business establishments on a fee or contract basis, such as advertising and mailing, building maintenance, personnel and employment services, management and consulting services, protective services, equipment rental and leasing, photo finishing, copying and printing, travel, office supply, and similar services.

Cannabis Microbusiness. A business involving any combination of the cultivation of cannabis on an area less than 10,000 square feet, cannabis distribution, manufacturing with non-volatile solvents, and cannabis retail. In order to be considered a Cannabis Microbusiness, three of four of the activities described must be conducted on the same premises.

Cannabis Retailer. Establishment where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale and includes delivery.

> ***Storefront.*** Cannabis retailer with premises, meaning a "brick and mortar" facility, with direct physical access for the public.
>
> ***Non-Storefront.*** Cannabis retailer with premises, meaning a "brick and mortar" facility, that does not have a storefront with direct physical access for, nor is open to the public.

Catering Service. A business that prepares food for consumption on the premises of a client or at any other location separate from where the food was prepared.

Check-Cashing Business. An establishment that provides compensation for checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. This classification also includes establishments offering deferred deposits, whereby the check casher refrains from depositing a personal check written by a customer until a specific date pursuant to a written agreement.

Commercial Entertainment and Recreation. These classifications may include restaurants, snack bars, and other incidental food and beverage services to patrons.

> ***Banquet and Conference Center.*** A facility with one or more structures accommodating multiple assembly, meeting, and/or exhibit rooms, and related support facilities (e.g., kitchens, offices, etc.).
>
> ***Cinemas.*** Facilities for the indoor display of films and motion pictures on single or multiple screens. This classification may include incidental food and beverage service to patrons.
>
> ***Indoor Sports and Recreation.*** Predominantly participant sports conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, card rooms, health clubs, ice- and

roller-skating rinks, indoor racquetball courts, martial arts and dance studios, indoor soccer, indoor soccer instruction, athletic clubs, and physical fitness centers.

Outdoor Entertainment. Predominantly spectator uses conducted in open or partially enclosed or screened facilities. Typical uses include amusement and theme parks, sports stadiums and arenas, racetracks, amphitheaters, and drive-in theaters.

Outdoor Recreation. Predominantly participant sports conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, golf courses, tennis club facilities, swimming or wave pools, miniature golf courses, club and professional soccer, club and minor league baseball fields, archery ranges, and riding stables.

Eating and Drinking Establishments. Businesses primarily engaged in serving prepared food and/or beverages for consumption on or off the premises.

Bars/Night Clubs/Lounges. Businesses serving beverages for consumption on the premises as a principal use and including on-sale service of alcohol including beer, wine, and mixed drinks.

Restaurant. Establishments where food and beverages are consumed on the premises, taken out, or delivered. This classification includes sit-down restaurants, cafes, cafeterias, coffee shops, delicatessens, fast-food restaurants, sandwich shops, limited-service pizza parlors, self-service restaurants, restaurants where food and beverages are prepared on a customer-demand basis and can be taken out or delivered but are not consumed on the premises, and snack bars with indoor or outdoor seating for customers. It excludes catering services that do not sell food or beverages for on-site consumption.

Finance, Insurance, and Real Estate Services. This use also includes financial institutions, including those that provide retail banking services, insurance agent offices, real estate offices, and similar service providers. Examples of retail banking services include institutions engaged in the on-site circulation of money, including credit unions. This classification does not include check-cashing businesses.

Food and Beverage Sales. Retail sales of food and beverages for off-site preparation and consumption. Typical uses include food markets, groceries, and liquor stores.

General Market. Retail food markets of food and grocery items for off-site preparation and consumption. Typical uses include supermarkets and neighborhood grocery stores.

Liquor Store. Establishments primarily engaged in selling packaged alcoholic beverages, such as ale, beer, wine, and liquor.

Specialty Food Sales and Facilities. Retail establishments that process and prepare food on site and are small- to medium-scale in size. Typical uses include bakeries; butchers, candy, nuts, and confectionary stores; cheese stores; and pasta shops.

Funeral Parlors and Internment Services. An establishment primarily engaged in the provision of services, involving the care, preparation, or disposition of the human remains and conducting memorial services. Typical uses include a crematory or mortuary. Cremation of pets may be an accessory use.

Information Technology Services. An establishment providing services designed to facilitate the use of technology by enterprises and end users. Examples include Internet Service Providers (ISPs), web hosts, and technical support companies.

Instructional Services. Establishments that offer specialized programs in personal growth and development. Typical uses include classes or instruction in music, art, or academics. Instructional Services also include rehearsal studios as an accessory use. This use does not include educational opportunities such as private universities or trade schools.

Live/Work Units. A unit that combines a work space and incidental residential occupancy occupied and used by a single household in a structure that has been constructed for such use or converted from commercial or industrial use and structurally modified to accommodate residential occupancy and work activity in compliance with the Building regulations. The working space is reserved for and regularly used by one or more occupants of the unit.

Lodging and Visitor-Services.

> ***Hotels and Motels.*** An establishment providing overnight lodging to transient patrons. These establishments may provide additional services, such as conference and meeting rooms, restaurants, bars, wine tasting, personal services, recreation facilities, weddings, or receptions that are available to guests or to the general public. This use classification includes hostels, bed and breakfast inns, motor lodges, and tourist courts, but does not include Group Residential or Time Share uses, which are separately defined and regulated. However, time-share units may be included as part of this use.
>
> ***Recreational Vehicle Parks.*** A facility that provides short-term rental spaces for overnight use and typically with support facilities, such as connections to electricity, water, and sewer services. Also referred to as "Campgrounds" or "Campsites," which may or may not provide tent camping.
>
> ***Time Share Use.*** A multi-unit residential development in which a purchaser receives the right in perpetuity, for life, or for a term of years, to the recurrent, exclusive use or occupancy of a lot, parcel, unit, or segment of real property, annually or on some other periodic basis, for a specified period of time that has been or will be allotted from the use or occupancy periods into which the project has been divided.

Maintenance and Repair Services. Establishments engaged in the maintenance or repair of office machines, household appliances, furniture, and similar items. This classification excludes maintenance and repair of motor vehicles (see "Automotive Sales and Services") and personal apparel (see "Personal Services").

Media-Production Facility. A facility that provides indoor commercial and public communication uses, as well as outdoor sets, backlots, and other outdoor facilities for motion picture, television, video, sound, computer, and other communications media production. Indoor communication uses include without limitation radio and television broadcasting, receiving stations and studios with facilities entirely within buildings. This classification does not include transmission and receiving apparatus, antennas, and towers.

Medical, Dental, and Health-Related Services. Offices providing consultation, counseling, diagnosis, therapeutic, preventive, or corrective personal-treatment services by doctors and dentists; medical and dental laboratories that see patients; and similar practitioners of medical and healing arts for humans licensed for such practice by the State of California. Incidental medical and/or dental research within the office is considered part of the office use if it supports the on-site patient services. This use also includes clinics, which are State-licensed facilities providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an outpatient basis, including emergency treatment, diagnostic services, administration, and related services to patients who are not lodged overnight. Services may be available without a prior appointment. This classification includes licensed facilities offering substance abuse treatment, blood banks and plasma centers, and emergency medical services offered exclusively on an outpatient basis. This classification does not include private medical and dental offices that typically require appointments and are usually smaller scale.

Mobile Vendors. A self-contained truck or trailer that is readily movable without disassembling and is used to sell or prepare and serve: food, clothes, printed materials, or other consumer products or provide other services. This classification includes push carts used in conjunction with a commissary, commercial kitchen, or other permanent food facility upon which food is sold or distributed at retail. This classification does not include sidewalk vendors subject to Government Code, Chapter 6.3, Section 51036 et seq.

Nurseries and Garden Center. Establishments primarily engaged in retailing nursery and garden products such as trees, shrubs, plants, seeds, bulbs, and sod that are predominantly grown elsewhere and yard and garden care and related products such as shovels, fertilizer, ornaments, and similar items. These establishments may sell a limited amount of a plant product they grow themselves. This classification includes wholesale and retail nurseries offering plants for sale.

Outdoor Sales. The sale or offering for sale to the general public of merchandise outside of a permanent structure on property owned or leased by the person, firm, or corporation. These sales are of a limited duration and conducted on an occasional basis and are secondary or incidental to the principal permitted use or structure existing on the property.

Personal Services.

> ***General Personal Services.*** Services provided primarily to an individual rather to large groups or the general public. These services also include those that are for personal convenience. Personal services include barber and beauty shops, massage establishments operating in compliance with Goleta Municipal Code, Chapter 5.05, shoe and luggage repair, fortune tellers, photographers, laundry and cleaning services and pick-up stations, copying, repair and fitting of clothes, and similar services.
>
> ***Restricted Personal Services.*** An establishment whose principal business activity is one or more of the following: 1) using ink or other substances that result in the permanent coloration of the skin through the use of needles or other instruments designed to contact or puncture the skin, or 2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration, or 3) massage establishments.

Professional Services. Offices of firms, organizations, or public agencies providing professional, executive, management, administrative, or design services, such as: accounting; architectural; computer software engineering, design, and development; graphic design; interior design; and legal offices.

Retail Sales.

General Retail. The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes retail establishments with 80,000 square feet or less of sales area, including department stores, drug stores, clothing stores, furniture stores, pet-supply stores, hardware stores, and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies, electronic equipment, sporting goods, kitchen utensils, hardware, appliances, antiques, art galleries, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, video rental, and new automotive parts and accessories (excluding vehicle service and installation). Retail sales may be combined with other services, such as office machine, computer, electronics, and similar small-item repairs.

Large Format Retail (80,000 square feet and larger). Retail establishments (over 80,000 square feet of sales area) that sell merchandise and bulk goods for individual consumption, including membership warehouse clubs.

With Drive-Through. A retail establishment with drive-through facilities.

17.72.040 Industrial Uses

Automobile Wrecking/Junk Yard. Storage and dismantling of vehicles and equipment for sale of parts, as well as the collection, storage, exchange, or sales of goods, including, but not limited to, any used building materials, used containers or steel drums, used tires, and similar or related articles on the property.

Cannabis Cultivation. Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

Outdoor Cultivation. The cultivation of cannabis without the use of light deprivation and/or artificial lighting in the canopy area. Supplemental low intensity lighting is permissible only to maintain immature plants as a source for propagation.

Mixed-Light Cultivation. The cultivation of mature cannabis in a greenhouse, hoop-house, glasshouse, conservatory, hothouse, or other similar structure using light deprivation and/or artificial lighting.

Indoor Cultivation. The cultivation of cannabis within a permanently affixed, fully enclosed structure using exclusively artificial light or within any type of structure using artificial light at a rate above twenty-five watts per square foot.

Nursery. Operation that produces only cannabis clones, immature plants, seeds, and other agricultural products used in cannabis cultivation.

Processor. A cultivation site that conducts only trimming, drying, curing, grading, packaging, or labeling of cannabis and non-manufactured cannabis products. Cultivation of cannabis plants is prohibited.

Cannabis Distribution. Facility for the distribution of cannabis and cannabis products.

Cannabis Manufacturing. A building, or portion thereof, used for a business involving the manufacture for off-site sale of cannabis products.

Non-Volatile Solvent Manufacturing. Manufacture, including extractions, of cannabis products using nonvolatile solvents, or no solvents. May also conduct packaging and labeling of cannabis products.

Volatile Solvent Manufacturing. Manufacture, including extractions, of cannabis products using volatile solvents. May also conduct infusion operations and packaging and labeling of cannabis products.

Infusions. Production of edible products or topical products using infusion processes, or other types of cannabis products other than extracts or concentrates, and that do not conduct extractions.

Packaging and Labeling. Establishments engaged only in the packaging or repackaging of cannabis products or labeling or relabeling of cannabis product containers in preparation of retail sale.

Cannabis Testing. Establishments involving the materials testing, investigation, scientific research, or experimentation of medicinal or nonmedicinal cannabis or cannabis products.

Construction and Material Yards. Storage of construction materials or equipment on a site other than a construction site.

Custom Manufacturing. Establishments primarily engaged in on-site production of goods by hand manufacturing or artistic endeavor, which involves only the use of hand tools or small mechanical equipment. Typical uses include ceramic studios, candle-making shops, woodworking, and custom jewelry manufacturers.

Heavy Manufacturing. Manufacturing of products from extracted or raw materials or recycled or secondary materials, or bulk storage and handling of such products and materials. This classification includes operations, such as biomass energy conversion, food and beverage processing, including breweries producing 15,000 barrels or more of beer annually, production apparel manufacturing, photographic processing plants, leather and allied product manufacturing, wood product manufacturing, paper manufacturing, chemical manufacturing, plastics and rubber products manufacturing, nonmetallic mineral product manufacturing, primary metal manufacturing, fabricated metal product manufacturing, and automotive and heavy equipment manufacturing.

Limited Industrial. Establishments engaged in light industrial activities taking place primarily within enclosed buildings and producing minimal impacts on nearby properties. This classification includes

manufacturing finished parts or products primarily from previously prepared materials; micro-breweries that produce less than 15,000 barrels of beer annually, wineries, and distilleries; commercial laundries and dry-cleaning plants; monument works; printing, engraving and publishing; computer and electronic product manufacturing; furniture and related product manufacturing; and industrial services.

Oil and Gas Facilities. Oil and gas production from onshore and offshore oil and gas production facilities, including all equipment, structures, and appurtenances necessary for the exploration, development, production, piping, processing, treatment, decommissioning, and shipment of oil and gas resources.

R&D and Technology. A facility for scientific research and the design, development, and testing of tangible electrical, electronic, magnetic, optical, pharmaceutical, chemical, and biotechnology components and products in advance of product manufacturing. This classification includes assembly of related products from parts produced off site, where the manufacturing activity is secondary to the research and development activities.

Vehicle/Equipment Facilities.

> ***Heavy Vehicle and Large Equipment Sales/Rental, Service, and Repair.*** An establishment that sells/rents and may provide service and repairs to construction, farm or other heavy equipment. This classification does not include autos, trucks, and other passenger vehicles used for personal or business travel (see "Automobile/Vehicle Sales").
>
> ***Towing Services.*** A facility that dispatches tow trucks and provides temporary storage of operative or inoperative vehicles. This classification does not include automobile wrecking or dismantling. Also referred to as "Automobile Wrecking/Junk Yard."

Wholesale Trade, Warehouse, Storage, and Distribution. Storage and distribution facilities without sales to the public on site or direct public access except for public storage in a small, individual space exclusively and directly accessible to a specific tenant. This classification includes mini-warehouses.

> ***Chemical, Mineral, and Explosives Storage.*** Storage of hazardous materials, including but not limited to: bottled gas, chemicals, minerals and ores, petroleum or petroleum-based fuels, fireworks, and explosives.
>
> ***Indoor Warehousing and Storage.*** Storage within an enclosed building of commercial goods prior to their distribution to wholesale and retail outlets and the storage of industrial equipment, products, and materials, including but not limited to automobiles, feed, and lumber. Also includes cold storage, draying or freight, moving and storage, and warehouses. This classification excludes the storage of hazardous chemical, mineral, and explosive materials.
>
> ***Outdoor Storage Yard.*** Storage of vehicles, goods, or materials in open lots. Includes facilities for the storage and/or servicing of fleet vehicles.
>
> ***Personal Storage.*** Facilities offering enclosed storage with individual access for personal effects and household goods including mini-warehouses and mini-storage. This use excludes workshops, hobby shops, manufacturing, or commercial activity.

Wholesaling and Distribution. Indoor storage and sale of goods to other firms for resale; storage of goods for transfer to retail outlets of the same firm; or storage and sale of materials and supplies used in production or operation, including janitorial and restaurant supplies. Wholesalers are primarily engaged in business-to-business sales, but may sell to individual consumers through mail or internet orders. They normally operate from a warehouse or office having little or no display of merchandise and are not designed to solicit walk-in traffic.

17.72.050 Transportation, Communication, and Utility Uses

Communication Facilities. Facilities for the provision of broadcasting and other information-relay services through the use of electronic and telephonic mechanisms.

Antenna and Transmission Towers. Broadcasting and other communication services accomplished through electronic or telephonic mechanisms, as well as structures and equipment cabinets designed to support one or more reception/transmission systems. Typical uses include wireless telecommunication towers and facilities, radio towers, television towers, telephone exchange/microwave relay towers, cellular telephone transmission/personal communications systems towers, and associated equipment cabinets and enclosures.

Facilities within Buildings. Includes radio, television or recording studios, and telephone switching centers, but excludes Antennae and Transmission Towers.

Light Fleet-Based Services. Passenger transportation services, local delivery services, medical transport, and other businesses that rely on fleets of three or more vehicles with rated capacities less than 15,000 lbs. This classification includes parking, dispatching, and offices for taxicab and limousine operations, ambulance services, non-emergency medical transport, local messenger and document delivery services, home cleaning services, and similar businesses. This classification does not include towing operations, such as "Automobile/Vehicle Sales and Service" and "Towing Services," or taxi or delivery services with two or fewer fleet vehicles on site. See also "Business Services."

Major Utilities. Generating plants, electric substations, solid waste collection, including transfer stations and materials-recovery facilities, cogeneration facilities, commercial renewable energy and battery storage facilities, solid waste treatment and disposal, water or wastewater treatment plants, telephone switching facilities, and similar facilities of public agencies or public utilities that are exempt from local land use permit requirements by California Government Code, Section 53091.

Transportation Passenger Terminals. Facilities for passenger transportation operations. This classification includes rail stations, bus terminals, and scenic and sightseeing facilities, but does not include terminals serving airports or heliports.

17.72.060 Agricultural Uses

Agricultural Processing. Establishments performing a variety of operations on crops after harvest, to prepare them for market on site or further processing and packaging at a distance from the agricultural area, including but not limited to: alfalfa cubing; hay baling and cubing; corn shelling; drying of corn, rice, hay, fruits and vegetables; pre-cooling and packaging of fresh or farm-dried fruits and vegetables; grain cleaning and custom grinding; custom grist mills; custom milling of flour, feed and grain; sorting, grading and packing of fruits and vegetables; tree nut hulling and shelling; cotton ginning; wineries; alcohol fuel

production; and receiving and processing of green material, other than that produced on site (e.g., commercial composting).

Agricultural-Support Services. Agriculturally related services, such as storage of agricultural products; sales, maintenance, and repair of farm machinery and equipment; farm animal veterinary clinics; custom farming services; agriculturally related building, feed, and farm-supply stores; agricultural waste handling and disposal services; and other similar related services.

Animal Raising. The raising, grazing, or feeding of animals for animal products, animal increase, or value increase.

Crop Cultivation. The cultivation of tree, vine, field, forage, and other plant crops intended to provide food or fibers. The classification includes floriculture but excludes wholesale or retail nurseries. See also "Nurseries and Garden Centers."

Greenhouse. A structure with permanent or temporary structural elements used for cultivation and to shade or protect plants from climatic variations. This classification includes facilities associated with and accessory to greenhouses, such as shade structures and hoop structures, packing and shipping facilities, paved parking and driveways, and other accessory structures (e.g., boiler rooms and storage sheds).

17.72.070 Accessory Uses

The following is non-exhaustive list of common Accessory Uses.

Animal Keeping. The keeping of animals, such as small household pets, for personal use and enjoyment.

Cannabis Personal Use Cultivation. The cultivation, harvest, drying, or processing of plants with the intent to possess, smoke, or ingest cannabis or cannabis products for one's own individual use pursuant to Health and Safety Code section 11362.1(a), as amended, and for medicinal use pursuant to Health and Safety Code section 11362.77, as amended.

Caretaker Unit. A dwelling unit for employees and their immediate families employed for the exclusive purpose of on-site management, maintenance, or upkeep.

Family Day Care. A State-licensed home which regularly provides care, protection, and supervision of children under 18 years of age in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, as further defined and permitted pursuant to the California Health and Safety Code and other applicable State Regulations. The term "Family Day Care" includes the terms "Large Family Day Care" and "Small Family Day Care" as such terms are defined in California Health and Safety Code, Sections 1597.465 and 1597.44.

Small. As defined in California Health and Safety Code, Section 1597.44.

Large. As defined in California Health and Safety Code, Section 1597.465.

Farmers' Stand. A stand located on an active farm that sells processed agricultural products, such as jams, preserves, pickles, juices, cured olives, and other "value-added" products made with ingredients produced on or near the farm, in addition to fresh produce, eggs, and other goods produced on the farm. These

stands are accessory to on-site agricultural operations in order to promote the sale of locally grown fresh produce. Also referred to as a "Produce Stand."

Home Occupation. A commercial use conducted on residential property by the inhabitants of the subject residence, which is incidental and secondary to the residential use of the dwelling.

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17.73.020 Definitions

The following words and phrases, when used in the context of this Title, shall have the following meanings:

§. A symbol used when referencing a specific Section of State, County, or City code.

Abandonment. The relinquishment, giving up or renunciation of an interest, claim, civil proceedings, appeal, privilege, possession, or right, especially with the intent of never again resuming or reasserting it.

Abutting. Having a common boundary, except that parcels having no common boundary other than a common corner are not considered abutting. Also referred to as "Adjoining" or "Adjacent."

Access. The place or way through which pedestrians and/or vehicles must have safe, adequate, and usable ingress and egress to a property or use as required by this Title.

Accessory Structure. An attached or detached subordinate structure, used only as incidental to the main structure on the same lot. The term "Accessory Structure" includes, but is not limited to, the following: Aviary, Artist Studio, Barn, Cabaña, Carport, Garage, Gazebo, Greenhouse, Guesthouse, Pergola, Playhouse, Pool, Pool house, Shed, Spa, Sports Court, Trellis, and Workshop. Additionally, a "Wind Machine" used solely for direct climate control or water pumping is also considered an Accessory Structure.

> ***Attached.*** An accessory structure that is structurally connected to either the primary structure or another accessory structure. No internal access may exist between two attached accessory structures, and except for an attached garage, no internal access may exist between an accessory structure and the principle dwelling.
>
> ***Detached.*** An accessory structure that is structurally disconnected from the principle structure.

Accessory Use. A use that is customarily associated with, and is incidental and subordinate to, a principal use and located on the same premises as the permitted principal use.

Affordable Housing Trust Fund. An account into which in-lieu fees or payments or other housing impact fees or payments will be deposited. The funds of the account may not be commingled with other City funds.

Affordable Housing Unit. A dwelling unit within a residential development which will be reserved for sale or rent and is made available at an affordable rent or affordable ownership cost based on affordable household income levels (extremely low, very low, low, moderate or above moderate income).

Affordable Sales Price. Using the annual HUD calculations for the median income of the County, the maximum sales price permitted under the City's affordable housing program.

Aggregation Site. A location, including trees, topographic features, and plants that support a monarch butterfly aggregation. The site includes trees or vegetation that butterflies roost on, and vegetation that creates protection, structure, and microclimate conditions for the aggregation.

Aggrieved Party. Any person who, in person or through a representative, appeared at a public hearing or by other appropriate means before action on a permit, informed the City of his or her concerns about an application for such permit, or who, for good cause, was unable to do either.

Alley. A public or private thoroughfare for automobiles through the middle of a City block giving access to the rear of lots or buildings. Also referred to as an "Alleyway."

Alteration. Any change, addition, or modification that changes the exterior architectural appearance or materials of a structure or object. Alteration includes changes in exterior surfaces, changes in materials, additions, remodels, demolitions, and relocation of buildings or structures, but excludes "Maintenance and Repairs."

Amendment (AMD). Pursuant to Section 17.52.100, Changes to Prior Permits and Approvals, the Discretionary review of a proposed change to a previously approved project that cannot be found to substantially conform to the prior approval.

Appeal (APL). Pursuant to Section 17.52.120, Appeals, the de novo review of a previously-approved project where either the applicant or an aggrieved party opposes the prior action taken to approve, approve with conditions, or deny a project.

Appealable Development. Within the Coastal Zone, approval of any Conditional Use Permit or any other development within the Appeals Jurisdiction and approval or denial of any development that constitutes a "major public works project" or a "major energy facility." Appealable development may be appealed to the California Coastal Commission in accord with the regulations adopted by the Commission.

Appeals Jurisdiction. Within the Coastal Zone, that area between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or the mean high tide line of the sea where there is no beach, whichever is greater; tidelands; submerged lands; public trust lands; that area within 300 feet of the top of any coastal bluff; and that area within 100 feet of any wetland, estuary, or stream. (See PRC, Section 30603(b)).

Applicant. The property owner, the owner's agent, or any person, corporation, partnership, or other legal entity that has a legal or equitable title to land that is the subject of a development proposal, or is the holder of an option or contract to purchase such land, or otherwise has an enforceable proprietary interest in such land and is applying for a permit, certificate, zoning clearance, or other land use entitlement.

Aquaculture. The cultivation of aquatic produce such as aquatic plants, fish, and other aquatic organisms, which are included within "Agricultural Uses" and regulated in the same manner by this Title.

Arbor. An outdoor structure forming a shaded walkway or passageway of vertical posts or pillars that usually support cross-beams and a sturdy open-framed roof and often upon which woody vines are trained.

Architectural Feature. An exterior building feature, including a roof, walls, windows, doors, porches, posts, pillars, recesses or projections, and exterior articulation or walls, and other building surfaces.

Arterial Street. A street classified as a Major Arterial or Minor Arterial in the Transportation Element of the General Plan.

Artist Studio. A structure or portion of a structure legally permitted to be used as a place of work by a professional artist (e.g., painter, writer, sculptor, etc.) for the commercial production of art and may contain a toilet and wash basin, but no cooking or bathing facilities and no wetbar.

Attached Structure. A structure having at least five lineal feet of wall serving as a common wall with the building to which it is attached.

Attic. The unfinished space between the ceiling of the uppermost story and the roof assembly of a structure, which may be empty air space or used for storage.

Authorized Agent. A person or firm approved by a property owner for a project to directly act on their behalf with the City.

Awning. An architectural projection that provides weather protection, identity, or decoration, and is wholly supported by the building to which it is attached. An awning is typically constructed of non-rigid materials on a supporting framework which projects from and is supported by the exterior wall of a building.

Balcony. A platform that projects from the wall of a building 30 inches or more above grade that is accessible from the building's interior, is not accessible from the ground, and is not enclosed by walls on more than two sides.

Base Zoning District. A zoning designation specifically delineated on the Zoning Map which uses are allowed, not allowed, or conditionally allowed and development standards and other regulations apply. Overlay and other districts and zoning designation may also apply in selected areas. See Table 17.01.070(A). Also referred to as "Base District", "Zoning District", or "District."

Basement. A non-habitable space beneath the first or ground floor of a building, the ceiling of which does not extend more than four feet above finished grade.

Bathroom, Full. A room within a dwelling containing at least a toilet, sink, and bathing facilities.

Bathroom, Half. A room within a dwelling containing a toilet and sink, but no bathing facilities.

Bedroom. An enclosed habitable room within the conditioned area of a structure that (1) is arranged, designed or intended to be occupied by one or more persons primarily for sleeping purposes, (2) complies with applicable building and housing codes, and (3) is permitted by the City to be used as a bedroom.

Belt Course. A horizontal band forming part of an interior or exterior architectural composition (as around pillars or engaged columns).

Best Management Practices (BMPs). Activities, practices, and procedures to prevent or reduce the discharge of pollutants directly or indirectly to the municipal storm drain system and waters of the United States. Best Management Practices include: treatment facilities to remove pollutants from stormwater; operating and maintenance procedures; facility management practices to control runoff, spillage, or leaks

of non-stormwater, waste disposal, and drainage from materials storage; erosion and sediment-control practices; and the prohibition of specific activities, practices, and procedures, and such other provisions as the City determines appropriate for the control of pollutants.

Bicycle / Pedestrian Facilities. Public improvements that facilitate walking and bicycling in the City, including but not limited to sidewalks, multi-use trails, bike lanes, bike paths and related planning, engineering, construction and administrative activity.

Bluff. A coastal bluff is a naturally formed precipitous landform that generally has a gradient of at least 200 percent (1:2 slope) with a vertical elevation of at least ten feet and measured from the toe of the slope located along or adjacent to the ocean up to the bluff-top. The bluff may be a simple planar or curved surface, or it may be step-like in section. Also referred to as "Coastal Bluff," "Bluff Face," and "Sea Cliff."

Bluff-top. The coastal bluff-top is the upper termination of a bluff face where the downward gradient of the top of bluff increases more or less continuously until it reaches the general gradient of the bluff face. In a case where there is a step-like feature at the top of the coastal bluff, the landward edge of the topmost step shall be considered the bluff-top.

Block. Property bounded on all sides by a public right-of-way.

Block Face. All property between two intersections that fronts upon the same street or abuts the same public right-of-way.

Buffer. An open area or barrier used to separate potentially incompatible activities and/or development features; for example, a required setback to separate an area of development from environmentally sensitive habitat, to reduce or eliminate the effects of the development on the habitat.

Building. Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods, or materials.

Building Code. Any regulations of the City governing the type and method of construction of buildings and structures, including sign structures.

Building Face. The general outer surface of the structure or walls of a building. Where bay windows or pillars project beyond the walls, the outer surface of the windows or pillars is considered to be the face of the building.

Building Permit. As used within this Title, a permit issued by the City's Department of Building and Safety (B&S) to allow physical development on a property consistent with applicable State and City building regulations or other provisions of the Goleta Municipal Code. The following are some of the most common types of B&S Permits: Building, Demolition, Electrical, Grading, Mechanical, Plumbing, and Re-Roof.

Building Site. A lot or parcel of land occupied or to be occupied by a main building and accessory buildings together with such open spaces as are required by the terms of this Title and having its principal frontage on a street, road, highway, or waterway.

Bulk. The total interior cubic volume as measured from the exterior surface of the structure.

Cabaña. A building, the use of which is incidental and accessory to the use of a swimming pool, or sports court that may include bathrooms with bathing facilities, but does not include sleeping quarters, kitchen, or other cooking facilities. Also referred to as a "Poolhouse."

California Environmental Quality Act (CEQA). Public Resources Code, Section 21000 et seq., or any successor statute and regulations promulgated thereto (14 California Code of Regulations, Section 15000 et seq.), which require public agencies to document and consider the environmental effects of a proposed action before a decision.

Cannabis-related Terms. The following words and phrases, when used in the context of Section 17.41.090 Cannabis Uses, and when referring to Cannabis Uses as defined in Chapter 17.72 Use Classifications, shall have the following meanings:

Cannabis. All parts of the Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this division, "cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the California Health and Safety Code.

Cannabis Concentrate. Cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a cannabis plant is a concentrate for purposes of this division. A cannabis concentrate is not considered food, as defined by Section 109935 of the Health and Safety Code, or drug, as defined by Section 109925 of the Health and Safety Code.

Cannabis Products. Cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including but not limited to concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

Canopy. The designated area(s) at a cannabis business, except nurseries and processors, that will contain mature plants at any point in time, as follows:

For Indoor Cultivation, canopy is calculated in square feet and measured using the room boundaries, walls, or ceiling-to-floor partitions of each enclosed area that will contain mature plants at any point in time. If mature plants are being cultivated using a shelving system, the surface area of each level is included in the total canopy calculation.

Commercial Cannabis Activity. Activities that include the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, dispensing, or retail sale of cannabis and cannabis products.

Cultivation. Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

Cultivation Site. A location where cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occurs.

Delivery. The commercial transfer of cannabis or cannabis products to a customer. Delivery also includes the use by a retailer of any technology platform.

Dispensing. Any activity involving the retail sale of cannabis or cannabis products from a retailer.

Distribution. The procurement, sale, and transport of cannabis and cannabis products between licensees.

Edible Cannabis Product. Cannabis product that is intended to be used, in whole or in part, for human consumption, and is not considered food.

Extraction. A process by which cannabinoids are separated from cannabis plant material through chemical, physical, or any other means.

Industrial Hemp. A crop that is limited to types of the plant Cannabis sativa L. having no more than three-tenths of 1 percent tetrahydrocannabinol (THC) contained in the dried flowering tops, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin produced therefrom.

Industrial Hemp Products. Any raw hemp that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product. “Hemp product” also means hemp products as defined by Section 11018.5 of the California Health and Safety Code.

Manufacture. To compound, blend, extract, infuse, or otherwise make or prepare a cannabis product. Manufacture includes the following processes: Extraction processes; Infusion processes; Packaging or repackaging of cannabis products; and Labeling or relabeling the packages of cannabis products.

Owner. Any of the following:

a. A person with an aggregate ownership interest of 20 percent or more in the use applying for a license or a licensee, unless the interest is solely a security, lien, or encumbrance.

b. The chief executive officer of a nonprofit or other entity.

c. A member of the board of directors of a nonprofit.

d. An individual who will be participating in the direction, control, or management of the person applying for a license.

State Cannabis Laws. Laws of the State of California, which include California Health and Safety Code Sections 11362.1 through 11362.45; California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996); California Health and Safety Code Sections 11362.7 to 11362.83 (Medical Marijuana Program); California Health and Safety Code Sections 26000 through 26211 (Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA," Senate Bill 94 (2017))); California Health and Safety Code Sections 26220 through 26231.2; the California Attorney General's Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use issued in August, 2008, as such guidelines may be revised from time to time by action of the Attorney General; California Labor Code Section 147.5; California Revenue and Taxation Code Sections 31020 and 34010 through 34021.5; California Fish and Game Code Section 12029; California Water Code Section 13276; all state regulations adopted pursuant to MAUCRSA; and all other applicable laws of the State of California.

State Cannabis License. A permit or license issued by the State of California, or one of its departments or divisions, under MAUCRSA and any subsequent State of California legislation regarding the same, to engage in commercial cannabis activity.

Topical Cannabis. A product intended for external application and/or absorption through the skin. A topical cannabis product is not considered a drug as defined by Section 109925 of the California Health and Safety Code.

Canopy. A roofed shelter projecting over a sidewalk, driveway, entry, window, or similar area that may be wholly supported by a building or may be wholly or partially supported by columns, poles, or braces extending from the ground.

Carport. An accessible and usable covered space enclosed on not more than three sides, designed, constructed, and maintained for the parking or storage of one or more motor vehicles.

Categorical Exclusion. An exception from the requirements of a Coastal Development Permit, as identified in the California Public Resources Code, Sections 30610(e) and 30610.5 et seq.

Centerline. The geographic center of a public or private road right-of-way or easement.

Change of Use. The replacement of an existing use on a lot or parcel, or any portion thereof, by a new use, or a change in the nature of an existing use; but does not include a change of ownership, tenancy, or management associated with a use for which the previous nature of the use will remain substantially unchanged.

Chaparral. Fire-resistant and drought-tolerant woody, evergreen shrubs generally occurring on hillside and lower-mountain slopes.

Chapter. A Chapter set out in this Title, unless another ordinance or statute is mentioned.

City. The City of Goleta.

City Attorney. The City Attorney of the City of Goleta and such assistants as may be authorized by the City Council, pursuant to Chapter 2.06 of the Goleta Municipal Code.

City Council. The City Council of the City of Goleta, pursuant to Chapter 2.01 of the Goleta Municipal Code.

City Manager. The administrative head of the government of the City of Goleta who is under the direction and control of the City Council, pursuant to Chapter 2.03 of the Goleta Municipal Code.

Clerestory. A high section of wall that contains windows above eye level, the purpose of which is to admit light and fresh air without offering views of the surrounding landscape or neighboring properties.

Coastal Access. The ability for the public to gain entry to areas with Coastal Resources.

> ***Bluff-top Access.*** Provides vertical access from a headland or higher terrain along bluff-tops that runs parallel to the shoreline, and in some cases from which provides there is the only opportunity for public access to along the shoreline above to a rocky intertidal zone with no continuously accessible lateral access sandy beach.
>
> ***Lateral Access.*** Provides access and use along the shoreline.
>
> ***Vertical Access.*** Provides access from the first public road to the shore, or perpendicular to the shore.

Coastal Act. The California Coastal Act of 1976, California Public Resources Code, Section 30000 et seq., and as amended by the State.

Coastal Bluff Edge. The uppermost termination of a coastal bluff. Where the bluff edge is rounded away as a result of erosion, the bluff edge is defined as that point nearest the bluff at which the downward slope gradient of the land begins to increase more or less continuously until it reaches the general slope gradient of the bluff face. In the case where there are one or more step-like features on the bluff, the landward edge of the uppermost riser is considered the bluff edge.

Coastal Bluff Scrub. All scrub habitat occurring on exposed coastal bluffs. Example species in bluff scrub habitat include Brewer's saltbush (*Atriplex lentiformis*), lemonade berry (*Rhus integrifolia*), seashore blight (*Suaeda californica*), and seacliff buckwheat (*Eriogonum parvifolium*). Also includes "Coastal Sage Scrub" species.

Coastal Commission. The California Coastal Commission.

Coastal Development Permit (CDP). A type of entitlement permit for development within the Coastal Zone for projects that are within the jurisdictional boundary of the Coastal Commission.

Coastal Development Permit with a Public Hearing (CDH). A type of entitlement permit for development within the Coastal Zone that requires a Public Hearing due to its location within the Appeals Jurisdiction of the Coastal Commission.

Coastal Plan. The Coastal Land Use Plan, a component of the "Local Coastal Program," as adopted by the City.

Coastal-related Use. Any use that is associated with coastal-dependent development or a coastal-dependent use.

Coastal Resources. Coastal resources including, but not limited to, public access opportunities, visitor and recreational facilities, water-oriented activities, marine resources, biological resources, environmentally sensitive habitat areas, agricultural lands, visual resources, and archaeological or paleontological resources within the Coastal Zone.

Coastal Sage Scrub. A drought-tolerant, Mediterranean habitat characterized by soft-leaved, shallow-rooted subshrubs, such as California sagebrush (*Artemisia californica*), coyote bush (*Baccharis pilularis*), and California encelia (*Encelia californica*) that is found at lower elevations in both coastal areas and interior areas where moist maritime air penetrates inland.

Coastal Zone. That portion of the Coastal Zone, as established by the California Coastal Act of 1976, as amended, which lies within the City, as indicated on the Zoning Map.

Community Noise Equivalent Level (CNEL). A 24-hour energy equivalent level derived from a variety of single-noise events, with weighting factors of five and ten dBA applied to the evening (7:00 p.m. to 10:00 p.m.) and nighttime (10:00 p.m. to 7:00 a.m.) periods, respectively, to allow for the greater sensitivity to noise during these hours.

Compatible. That which is harmonious with and will not adversely affect surrounding buildings and/or uses.

Condition of Approval. A performance standard, required change in a project, environmental mitigation measure, or other requirement imposed by the Review Authority to alter, modify, or control certain aspects of a project, including timing, monitoring, restrictions, etc., in order to minimize potential negative effects created by the project.

Conditional Use Permit (CUP). Includes both "Major" and "Minor" Conditional Use Permits, pursuant to Chapter 17.57, Conditional Use Permits, of this Title, which are subject to Discretionary approval due to the potential negative effective of the use on the surrounding area or because it is not an outright permitted use in a particular base zone district. Such uses require public hearing(s), a higher level of scrutiny and environmental review, and strict application of project-specific Conditions of Approvals.

Condominium. A development where undivided interest in common in a portion of real property is coupled with a separate interest in space called a unit, the boundaries of which are shown on a Final Map or Parcel Map recorded with the County Surveyor.

Construction. Construction, erection, enlargement, alteration, conversion, or movement of any building, structures, or land, together with any scientific surveys associated therewith.

County. The County of Santa Barbara.

Critical Facilities. Facilities housing or serving many people, which are necessary in the event of an earthquake, flood, or similar emergency, such as hospitals, fire, police, and emergency service facilities, including Goleta City Hall, utility "lifeline" facilities, such as water, electricity, and gas supply, sewage disposal, and communications and transportation facilities.

Critical Root Zone (CRZ). The protected area on the ground around a tree trunk that corresponds to the dripline of the tree canopy, which can be irregularly-shaped in most instances, and is to be avoided during construction activities. Also referred to as "Root Protection Zone."

Cultural Resources. Native American archaeological sites and areas of the natural landscape that have traditional cultural significance, including sacred areas where religious ceremonies are practiced or which are central to their origins as a people, as well as areas traditionally used to gather plants for food, medicinal, or economic purposes.

Day Care Center. Day care center has the same meaning as in California Health and Safety Code, Section 1596.76.

De Minimis. Latin term used to describe something that is small, minor, or insignificant; negligible.

De Novo. Latin term used to describe the standard of review in a subsequent Review Authority's hearing of a project, often on Appeal, where a decision is made without prejudice or deference to any previous decision and as if the project was being reviewed for the first time.

Deck. An uncovered platform, typically made of wood, composite material, or vinyl, which is either freestanding or attached to a building and is supported by pillars or posts.

Demolition. When either (1) more than 50 percent of the exterior walls of a building or structure are removed or are no longer a necessary and integral structural component of the overall building. Existing exterior walls supporting a roof that is being modified to accommodate a new floor level or roofline will continue to be considered necessary and integral structural components, provided the existing wall elements remain in place and provide necessary structural support to the building upon completion of the roofline modifications, or (2) more than 50 percent of the exterior wall elements are removed, including, without limitation, the cladding, columns, studs, cripple walls, or similar vertical load-bearing elements and associated footings, windows, or doors.

Density. The number of dwelling units per acre of land. See Section 17.03.060, Dwelling Unit Density.

Design Review (DR). Pursuant to Chapter 17.58, Design Review, the Discretionary Review of a project by design professionals appointed to the Design Review Board for the review of proposed development to ensure the incorporation of best professional design practices, promote enhancement of the visual quality of the surrounding environment, and prevent poor quality of design as a benefit to the City and surrounding properties.

Design Review Board (DRB). The Design Review Board of the City of Goleta, pursuant to Chapter 2.08 of the Goleta Municipal Code.

Detached Structure. A structure, no part of which is attached by any means to any other structure.

Developer. Any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities that seeks City approvals for all or part of a development project.

Development. The placement or erection of any solid material or structure on land, in, or under water; discharge or disposal of any materials; grading, removing, dredging, mining, or extraction of any materials;

change in the density or intensity of use of land, including, without limitation, subdivision pursuant to the California Government Code, Section 66410 et seq., and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreation use; and change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation.

Development Agreement. An agreement between the City and any person having a legal or equitable interest in real property for the development of such property, and which complies with the applicable provisions of the Government Code for such development agreements.

Development Plan (DP). Pursuant to Chapter 17.59, Development Plans, the Discretionary review of a project that due to its size, location, scale, or type of development being proposed requires comprehensive review.

Director. The Director of Planning and Environmental Review of the City of Goleta, or designee acting on authority delegated from the Director.

Disabled or Handicapped Person. An individual who has a physical or mental impairment that makes difficult the achievement of one or more of that person's major life activities; anyone who is regarded as having such impairment; or anyone who has a record of having such an impairment, but not including an individual's current, illegal use of a controlled substance.

Discretionary Approval. An action to approve or deny a project that requires the exercise of judgment or deliberation.

Discretionary Review. The review of a project that requires the exercise of judgment or deliberation and as distinguished from situations where the City merely has to determine whether there has been conformity with objective standards in applicable statutes, ordinances, or regulations. Discretionary Review includes review by a Review Authority on any of the following: Coastal Development Permits within the Appeals Jurisdiction, Conditional Use Permits, Design Review and Overall Sign Plans reviewed by the Design Review Board, Development Plans, General Plan Amendments, Modifications, Government Code Consistency Determination, Specific Plans, Time Extensions, Variances, Zoning Ordinance Amendments, and Zoning Map Amendments.

Drive-Through Facilities. Facilities designed to enable persons to receive a service or purchase or consume goods while remaining within a motor vehicle, typically associated with banks, eating and drinking establishments, pharmacies, and other commercial uses.

Driveway, Non-Residential. A vehicle access way extending from a road or street to a building or structure, vehicle parking or delivery area, or pedestrian drop-off point on the site of a land use, or between such areas on a site.

Driveway, Residential. A vehicle access way that is typically paved and provides direct access from a public or private street to an individual dwelling unit or to the garage or parking area for the residential unit.

Dwelling Unit. A unit of habitation that provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement. A portion of land created by grant or agreement for specific purpose; an easement is the right, privilege, or interest which one party has in the land of another.

Effective Date. The issuance date on which a permit or other approval becomes enforceable or otherwise takes effect, rather than the date it was signed or circulated.

Electrical Code. Any ordinance of the City regulating the alteration, repair, and the installation and use of electricity or electrical fixtures.

Emergency. A sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.

Emergency Permit (EMP). A type of Zoning Permit required for development subject to Chapter 17.64, Emergency Permits, to allow flexibility in dealing with a legitimate Emergency, while also ensuring development is in compliance with the provisions of this Title and all applicable standards and policies of the General Plan.

Enclosed, Fully. A structure that has walls on all sides and a solid overhead roof. The area within a structure as measured from the inside face of the external perimeter walls, ignoring any projections such as plinths, columns or piers.

Enclosed, Partially. A structure that does not have walls on all sides and may or may not have a solid overhead roof. The area within a structure as measured from the inside face of the external perimeter walls, ignoring any projections such as plinths, columns or piers.

Enclosure. A structure, such as a fence or wall, that surrounds an area and that may or may not have a roof.

Encroachment Permit. Written approval granted by the City for activity to occur within the road right-of-way.

Energy Facility. A public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy.

Entitlement. The legal process of obtaining all required land use approvals for development, concluding any associated local appeal period, meeting any prior to issuance conditions of approval, and successfully obtaining issuance of the effectuating Zoning Permit.

Environmentally Sensitive Habitat Area (ESHA). Any area in which plant or animal life or their habitats are rare or especially valuable because of their special nature or role in an ecosystem, and which could be easily disturbed or degraded by human activities and development; any area that includes habitat for species and plant communities recognized as threatened or endangered by the state or federal governments, plant communities recognized by the State of California (in the Terrestrial Natural Communities Inventory) as restricted in distribution and very threatened, and those habitat types of limited distribution recognized to be of particular habitat value, including wetlands, riparian vegetation,

eucalyptus groves associated with monarch butterfly roosts, oak woodlands, and savannas; and any area that has been previously designated as an ESHA by the California Coastal Commission, the California Department of Fish and Game, the City, or other agency with jurisdiction over the designated area. ESHAs include, but are not limited to the following: creek and riparian areas; wetlands, such as vernal pools; coastal dunes, lagoons or estuaries, and coastal bluffs/coastal bluff scrub; beach and shoreline habitats, including all areas extending from the mean high tide line landward to the top of the ocean bluffs; marine habitats; coastal sage scrub and chaparral; native woodlands and savannahs, including oak woodlands; native grassland; monarch butterfly aggregation sites, including autumnal and winter roost sites, and related habitat areas; beach and dune areas that are nesting and foraging locations for the western snowy plover; nesting and roosting sites and related habitat areas for various species of raptors; other habitat areas for species of wildlife or plants designated as rare, threatened, or endangered under state or federal law; and any other habitat areas that are rare or especially valuable from a local, regional, or statewide perspective.

Environmental Review. An evaluation process pursuant to CEQA to determine whether a proposed project may have a significant impact on the environment.

Establishment. Any use of land involving buildings or structures in which human activities routinely occur, not including residential or transient occupancy uses or uses where human presence is not routine (e.g., transmission towers, power transformers, automated facilities, etc.).

Estuary. The widening channel of a river, creek, or other waterway, where is nears the ocean and a mixing of fresh water and salt tidal water occurs.

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

Exempt. Not requiring a Zoning Permit pursuant to this Title as long as the development, activity, or structure complies with all applicable provisions, standards, and policies of the City General Plan/Coastal Land Use Plan. A project that is exempt from this Title may still require other federal, State, County, City, or other agency permits or approvals.

Exterior Storage. The outdoor placement or keeping of materials in an area not fully enclosed by a storage structure.

Façade. The portion of any exterior elevation of a building extending vertically from the finished grade to the top of a parapet wall or eave, and horizontally across the entire width of the building elevation.

Family. One or more persons, related or unrelated, living together as a single housekeeping unit. Also referred to as “Household”, “Extended Family”, and “Immediate Family.”

Farmworker. As used within this Title, having the same meaning as an “Agricultural Employee” as set forth in California Labor Code, Section 1140.4(b).

Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

Fee / Payment Terms.

Development Impact Fee (DIF). A monetary exaction, other than a tax or special assessment, which is charged by City to an applicant in connection with approval of a Development Project for the purpose of defraying all or a portion of the cost of Public Facilities related to the Development Project, but does not include fees specified in Government Code, Section 66477, fees for processing applications for governmental regulatory actions or approvals, or fees collected under Development Agreements adopted pursuant to Chapter 17.65.

Inclusionary Housing In-Lieu Payment. A monetary exaction or dedication, other than a tax or special assessment, which is required by the City of the applicant in-lieu of constructing affordable units on-site to meet his or her affordable housing obligations through such payment. The City must deposit the payment in an Affordable Housing Trust Fund.

Fence. A structure serving as an enclosure, a barrier, or a boundary and typically intended to prevent escape or intrusion or to mark a boundary

Fire Facilities. Public improvements and facilities for fire suppression and protection, emergency medical response and transport, and rescue and hazardous materials response purposes and related planning, engineering, construction and administrative activity.

Floodplain. An area of land adjacent to a waterway, which stretches from the top-of-bank outward to include any land area susceptible to being inundated by floodwaters.

Floodway. The channel of a river or other waterway and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as “Regulatory Floodway.”

Floor Area. The area included within the surrounding exterior walls of all floors or levels of a structure or portion thereof as measured to the interior surfaces of exterior walls, or from the centerline of a common or party wall separating two attached structures. See Section 17.03.070, Rules of Measurement – Floor Area, for specific rules for measuring Floor Area.

Footprint. The horizontal area, as seen in plan view, of a building or structure, measured from the outside of exterior walls and supporting columns, and excluding eaves.

Frontage, Street. That portion of a lot or parcel of land that borders a public street. Street frontage will be measured along the common lot line separating said lot or parcel of land from the public road, highway, or parkway.

Functional Capacity. The ability of the wetland or estuary to be self-sustaining and to maintain natural species diversity.

Garage. A fully enclosed building or portion thereof, containing accessible and usable enclosed space designed, constructed, maintained, and used for the parking or storage of one or more motor vehicles.

Gazebo. An outdoor structure forming a shaded walkway, passageway, or sitting area of vertical posts or pillars that usually support a sturdy roof and used as an outdoor meeting space or eating area. Also referred to as a "Pavilion."

General Plan. The City of Goleta General Plan/Coastal Land Use Plan.

General Plan Amendment (GPA). Pursuant to Chapter 17.67, Amendments to the General Plan, the Discretionary review of proposed changes to the General Plan.

Glare. The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, such as to cause annoyance, discomfort, or loss of visual performance and ability.

Government Code. The Government Code of the State of California.

Grade. The slope, incline, gradient, mainfall, pitch or rise of the ground surface.

> ***Existing Grade.*** On vacant parcels before any land development activities are undertaken, the elevation of the ground at any point on a lot as shown on the required survey submitted in conjunction with an application for a building permit or grading permit. Existing grade also may be referred to as "Natural Grade." On previously developed parcels, existing grade shall be the approved finished grade as depicted on the final approved permit by the City, or by the County if approved prior to City incorporation.
>
> ***Finished Grade.*** The lowest point of elevation of the approved finished surface of the ground, paving, or sidewalk within the area between the building and the lot line, or when the lot line is more than five feet from the building, between the building and a line five feet from the building.

Grading. Any excavation, moving, dredging, or filling of earth or combination thereof.

Grassblock. Concrete pavers designed with open cells for soil and grass that also provide environmentally-friendly alternative that allow stormwater infiltration and a reduction of heat island effect caused by solidly paved areas, such as those using asphalt. Also referred to as "Permeable Pavers" or "Grasscrete."

Grubbing. The act by which vegetation, including trees, timber, shrubbery and plants, is uprooted and removed from the surface of the ground.

Guesthouse. A detached living quarters of a permanent type of construction without a kitchen or cooking facilities, legally permitted to be used primarily for temporary guests of the occupants of the principal dwelling on the lot, and not rented or otherwise used as a separate dwelling and may only be occupied on a temporary basis by the occupants of the primary dwelling or their non-paying guests for no more than 120 days in any 12 month period.

Guidelines. Documents that outline and display various specifications that are adopted by the City Council, Planning Commission, or Design Review Board, including without limitation the Goleta Old Town Heritage District and Architecture and Design Guidelines, and the Design Guidelines for Commercial Projects.

Habitable. Space within a building that is suitable for living, cooking, eating, and sleeping by humans, and which may or may not be conditioned space (i.e., insulated, heated, cooled).

Habitable Room. A space intended for living, sleeping, eating, or cooking, including living rooms, dining rooms, bedrooms, kitchens, dens, family rooms, recreation rooms, and enclosed porches suitable for year-round use. Specifically excluded are balconies, bathrooms, foyers, garages, hallways, laundries, open porches, pantries, storage closets, utility rooms, unfinished attics and basements, other unfinished spaces used for storage, and water closets.

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human or animal health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Heat. Thermal energy of a radiating, conductive, or convective nature.

Heat Island Effect. Term used to describe higher air and structure temperatures in an urban setting as opposed to the lower temperatures found in more rural areas.

Hedge. A row of closely planted trees, shrubs, or grasses planted in line or in groups so that the branches of any one plant are intermingled or form contact with the branches of any other plant in the line and together effectively form a fence or wall to provide screening or delineate a boundary of naturally grown vegetation rather than constructed materials. Hedges are not considered trees for the purposes of this Title.

Height. The vertical distance from a point on the ground below a structure to a point directly above and as further defined in Section 17.03.090, Rules of Measurement – Height.

Heliport. A facility that includes one or more designated areas for helicopters to take-off and land.

Historical Resources. Locally significant historic sites or structures designated as Landmarks or Places of Historic Merit by the County and the City upon its incorporation. Other structures, site, or feature having special historic, aesthetic, or cultural value to the City may also be designated as “locally significant” historic resources.

Household Pets. Animals that are customarily kept within a dwelling or a yard for the personal use or enjoyment of the residents.

Housing and Community Development (HCD). California Department of Housing and Community Development.

Housing and Urban Development (HUD). United States Department of Housing and Urban Development.

Housing Costs. The total monthly or annual recurring expenses required of a household to obtain shelter. For a rental unit, total housing costs include the monthly rent payment and utilities. For an ownership unit, total housing costs include the mortgage payment (principal and interest), homeowner's association

dues, mortgage insurance, community facility district fees, taxes, utilities, and any other related assessments.

Illegal Use. Any use of land or building that does not have the currently required permits and was originally constructed and/or established without permits or approvals required for the use at the time it was brought into existence.

Implementation Plan. A component of the "Local Coastal Program," that implements the City's adopted Coastal Land Use Plan.

Improvement. An object affixed to the ground other than a structure.

Inclusionary Unit. An ownership or rental housing unit that is deed-restricted at an affordable price or rent for households with extremely low, very low, low or moderate income pursuant to the City's Inclusionary Housing Program.

Income Levels. Annual household income categories (extremely low, very low, low, moderate, above moderate) based on median household income ranges by household size established in California Code of Regulations, Section 6932 and amended updated by the U.S. Department of Housing and Urban Development (HUD), benchmarked to Santa Barbara County median household incomes by household size. These income limits are equivalent to the following:

> ***Extremely Low-Income Household.*** Under 30 percent of area median income, adjusted for household size appropriate for the unit
>
> ***Very Low-Income Household.*** 30 to 50 percent of area median income, adjusted for household size appropriate for the unit
>
> ***Low Income Household.*** 50 to 80 percent of area median income, adjusted for household size appropriate for the unit
>
> ***Moderate Income Household.*** 80 to 120 percent of area median income, adjusted for household size appropriate for the unit
>
> ***Above Moderate-Income Household.*** 120 to 200 percent of area median income, adjusted for household size as appropriate for the unit.

Inland Area. All areas within the City that are located outside of the Coastal Zone.

Intensity of Use. The extent to which a particular use or the use in combination with other uses affects the natural and built environment in which it is located; the demand for services; and persons who live, work, and visit the area. Measures of intensity include, without limitation, requirements for water, gas, electricity, or public services; number of automobile trips generated by a use; parking demand; number of employees on a site; hours of operation; the amount of noise, light, or glare generated; the number of persons attracted to the site, or in eating establishments, the number of seats.

Intersection, Street. The area common to two or more intersecting streets.

Kitchen, Full. A room or space within a dwelling with cooking facilities, such as an oven and/or stove, a refrigerator/freezer, sink, cupboards, and countertop space used for the preparation and cooking of food. The phrase "cooking facilities" does not include the following: microwave, micro-fridge, hot plate, or wetbar.

Kitchen, Partial. A room or space within a dwelling with limited cooking facilities less than a Full Kitchen, such as a microwave, micro-fridge, hot plate, and/or wetbar.

Lagoon. An area of shallow water separated from the sea by low sandy dunes.

Land Use. The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained, including residential, commercial, industrial, etc.

Land Use Permit (LUP). A type of Zoning Permit required prior to development subject to Chapter 17.55, Land Use Permits, to ensure compliance with the provisions herein and all applicable standards and policies of the General Plan.

Landscaping-related Terms.

Backflow-Prevention Device. A safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

Hydrozone. A portion of the landscaped area having plants with similar water needs.

Landscaping. The planting, configuration and maintenance of trees, ground cover, shrubbery, and other plant material, decorative natural and structural features (walls, fences, hedges, trellises, fountains, sculptures), earth-patterning and bedding materials, and other similar site improvements that serve an aesthetic or functional purpose.

Mulch. Any organic material, such as leaves, bark, straw, compost, or inorganic mineral materials, such as rocks, gravel, and decomposed granite, left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

Permeable. Any surface or material that is pervious and allows the passage of water through the material and into the underlying soil.

Pruning. The removal of more than one-third of the crown or existing foliage of the tree or more than one-third of the root system.

Runoff. Water that is not absorbed by the soil or landscape to which it is applied and flows from the landscape area.

Shrub. A bush, hedge, or any plant that is not a tree more than 12 inches tall.

Tree. Any live woody or fibrous plant, the branches of which spring from and are supported upon a trunk.

Trim. The cutting or removal of a portion of a tree, which removes less than one-third of the crown or existing foliage of a tree, removes less than one-third of the root system, and does not kill the tree.

Legislative Action. The exercise of the power and function of making rules (e.g., policies, regulations, agreements, laws, etc.) that have the force of authority by virtue of their promulgation by the City Council.

Library Facilities. Public improvements and facilities for public libraries; related equipment, buildings, and books; related planning, engineering, construction and administrative activity; and any other capital Library Facility projects identified in the City's Five-Year Capital Improvement Program.

Lighting-related Terms.

Foot-candle. A quantitative unit of measure for luminance. One foot-candle is equal to the amount of light generated by one candle shining on one square foot surface located one foot away. It is equal to one lumen uniformly distributed over an area of one square foot.

Kelvin. A unit of measure used to describe hue, or correlated color temperature, of a light source.

Light Fixture. The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirrors, and a refractor or lens. Also known as a luminaire.

Lumen. Unit of measure for the amount of light produced by a lamp or emitted from a light fixture.

Shielded Fixture. Outdoor light fixtures shielded or constructed so that emitted light rays are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted.

Live Adult Entertainment. Any physical human body activity, whether performed or engaged in alone or with other persons, including, without limitation, singing, walking, speaking, dancing, acting, posing, simulating, wrestling or pantomiming, in which the performer or performers expose to public view without opaque covering of "specified anatomical areas" for entertainment value for any form of consideration.

Loading Facility. An area of a building where goods are loaded and unloaded from vehicles and that are commonly associated with commercial or industrial buildings, and warehouses. Also referred to as "Loading Bay."

Local Coastal Program (LCP). Together, the City's Coastal Land Use Plan (CLUP) and its Implementation Plan (IP), including zoning, and zoning map, which are certified by the Coastal Commission pursuant to the Coastal Act and adopted by the City Council for the purpose of carrying out the provisions of the Coastal Act.

Loft. A raised or elevated area of a structure that can be used for sleeping quarters or storage and typically accessible only by a ladder and is not included in the overall floor area.

Lot Area. The calculated area of a lot as measured horizontally between all bounding lot lines.

Lot Area, Net. The lot area minus any public rights-of-way, public easements, ESHAs, floodways, and areas with archaeological or cultural resources.

Lot Coverage. Defined in Section 17.03.110, Lot Coverage, as the ratio of the total footprint area of all structures on a lot to the net lot area, which is typically expressed as a percentage.

Lot, Legal. A single unit of land that can be proven to have been legally created and recorded, and upon which development can legally occur.

Lot Line. The boundary between a lot and an adjacent property or the public right-of-way. The following are various types of lot lines used for planning purposes within the City:

Front Lot Line. On a normal lot, that portion abutting a public or private street. On an interior lot or irregular lot, the lot line most parallel to and nearest the street or lane from which access is obtained. On a corner lot, the narrowest lot line abutting a public or private roadway.

Interior Lot Line. Any lot line that does not abut a public or private street.

Rear Lot Line. The lot line that is opposite and most distant from the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, a line ten feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed the rear lot line for the purpose of establishing the minimum rear yard.

Side Lot Line. Any lot line that is not a front or rear lot line.

Street Side Lot Line. Any lot line that is abutting a public or private street that is not a front lot line.

Lot Type. A parcel, tract, or area of land whose boundaries have been established by a legal instrument, such as a deed or map recorded with Santa Barbara County, and is recognized as a separate legal entity for purposes of transfer of title, except public easements or rights-of-way. Lot types include the following:

Abutting Lot. A lot having a common property line or separated by a public path or lane, private street, or easement to the subject lot.

Corner Lot. A lot or parcel bounded on two or more sides by street lines that have an angle intersection that is not more than 135 degrees.

Flag Lot. A lot so shaped that the main portion of the lot area does not have access to a street other than by means of a narrow corridor, typically of less than 20 feet of width. Also called a “panhandle” lot.

Interior Lot. A lot that is bound on all sides by other adjacent lots, has no street frontage of its own, and requires legal access from a public roadway via private easements.

Irregular Lot. Any lot that does not conform to the definition of a corner lot or a normal lot including, but not limited to, through lots, pie- and reverse-pie-shaped lots, triangular lots with double street frontages, and multi-sided lots.

Key Lot. A lot the side line of which abuts the rear line of one or more adjoining lots.

Normal Lot. A lot bounded on one side by a street line and on all other sides by lot lines between adjacent lots.

Through Lot. A lot having frontage on two parallel or approximately parallel streets.

Maintenance and Repair. The renovation or replacement of nonbearing walls, roofing, malfunctioning fixtures, wiring, or plumbing that has been weathered or damaged in a manner that restores the function, character, scope, size, or design of a structure to its previously existing, authorized, and undamaged condition.

Major Energy Facility. Any energy facility as defined by Public Resources Code, Section 30107 and California Code of Regulations, Section 13012.

Major Public Works Project. Any public works project as defined by California Code of Regulations, Section 13012.

Mansard. A wall which has a slope equal to or greater than two vertical feet for each horizontal foot and has been designed to look like a roof.

Manufactured Home (HUD-certified). Pursuant to California Health and Safety Code, Section 18007, a structure, transportable in one or more sections, which in the traveling mode is eight feet or more in width, or 40 feet or more in length, or which when erected on-site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a permanent dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure.

Mezzanine. An open, intermediate floor within a building interior that is not separated from the floor or level below by a wall and is accessed via a stairway.

Minor Development. Development that the City determines to be: 1) consistent with the General Plan, including the Local Coastal Program if located within the Coastal Zone, 2) either exempt or requires only a ministerial Zoning Permit and no other Discretionary Review, and 3) would have no significant adverse effect either individually or cumulatively on protected Inland Area resources, Coastal Resources, or public access to the shoreline or along the coast.

Mixed-Use Development. A development that combines both residential and non-residential uses on the same lot in an integrated pattern with significant functional interrelationships and a coherent physical design.

Mobile Home. A dwelling structure built on a steel chassis and fitted with wheels that is intended to be hauled, typically to a permanent or semi-permanent site for continuous habitation. Also referred to as "Trailer Coach," "Park Trailer," and "Tiny Home."

Modification (MOD). Discretionary review of a project, pursuant to Chapter 17.62, Modifications, when proposed development includes a request to reduce or otherwise modify certain development standards, due to practical difficulties, such as topography, nearby ESHA, or other difficult site conditions or

constraints, and where the design could be improved and constraints avoided or protected with minor relaxation of a limited number of applicable standards.

Modular Home. A sectional prefabricated permanent dwelling that is constructed to the same or higher building standard of a standard home, but are built off-site and then delivered to the intended site of use for final assembly and placement on a permanent foundation.

Municipal Code. The City of Goleta Municipal Code.

Mural. A piece of artwork painted or applied directly on a wall, ceiling, or other permanent surface.

Noise-related Terms:

A-weighted Decibel (dBA). Decibel A-weighting is applied to instrument-measured sound levels in an effort to account for the relative loudness perceived by the human ear, as the ear is less sensitive to low audio frequencies.

Ambient Noise Level. The composite of noise from all sources, excluding an alleged offensive noise. In this context, the ambient noise level represents the normal or existing level of environmental noise at a given location for a specified time of day or night.

Decibel (dB). A unit of measure to describe the loudness or relative intensity of a sound by comparing it with a given level on a logarithmic scale.

Noise. Any sound that annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

Noise-Level Reduction (NLR). The difference in decibels of noise level from the outside of a building to the interior of a building, generally resulting from various construction methods and the materials used in walls, windows, ceilings, doors, and vents of a building.

Nonconforming. To not be in compliance with any applicable requirement or development standard of this Title, including the following.

Nonconforming Lot. A legally created parcel of land having less area, frontage, or dimensions than the zoning regulations require in the Zoning District in which it is located.

Nonconforming Structure. A structure that complied with zoning and development regulations at the time it was built but which, because of subsequent changes to the zoning and/or development regulations, no longer fully complies with those regulations.

Nonconforming Use. A use of real property that was in compliance with zoning regulations at the time the use was established, but which, because of subsequent changes in those regulations, is no longer a permitted use. "Nonconforming use" shall refer to both use of real property and use of structures on real property.

Notice to Property Owner (NTPO). As prescribed by this Title and provided by the City, a written notice, which is recorded against the deed of real property and officially advises the current owner and/or future

owners of a property as to the legal limitations placed upon the use of a permitted structure (e.g., ADU, Artist Studio, Cabaña, Guesthouse, etc.). Also referred to as a "Covenant."

Off-Site. Development or some other activity or use that is not located on the subject lot.

On-Site. Development or some other activity or use that is located entirely on the subject lot.

Open Space Types:

> ***(Private) Restricted Open Space.*** Open areas for outdoor living and recreation that are adjacent and directly accessible to a single dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests. Private areas typically consist of courtyards, balconies, decks, patios, fenced yards, and other similar areas.
>
> ***(Private) Common Open Space.*** Areas for outdoor living and recreation that are intended for the use of residents and guests of more than one dwelling unit. Common areas typically consist of patios, swimming pools, playgrounds, turf, or other such improvements as are appropriate to enhance the outdoor environment of the development and offering amenities for different age groups, including ADA accessibility, but does not include unusable landscaped areas or any roof-top area.
>
> ***Public Open Space.*** Outdoor areas, under either private or public land ownership, which are dedicated as being open to public use and provide for outdoor recreation (active or passive). Also referred to as "Public Land" or "Public Park."

Ordinance Amendment (ORD). Pursuant to Chapter 17.66, Amendments to Zoning Regulations and Zoning Map, the Discretionary review of proposed changes to the text of the City's Zoning Ordinance or changes to the official City Zoning Map.

Outdoor Storage, Private. The keeping, in an unroofed area, of any privately-owned goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours, except for the keeping of building materials reasonably required for construction work on the premises pursuant to a valid and current Building Permit issued by the City. Does not include the Use Classification "Outdoor Storage Yard," which is defined in Section 17.72.040 of this Title.

Overall Sign Plan (OSP). An Overall Sign Plan is subject to Section 17.40.090, Overall Sign Plan, which are subject to Discretionary approval, and is a coordinated plan that includes details of all signs that are proposed to be placed on a site, including master identification, individual business and directory signs.

Overlay District. A zoning designation specifically delineated on the Zoning Overlay Districts Map establishing land use requirements that govern in addition to the standards set forth in the underlying base district. See Table 17.01.070(B), Introductory Provisions – Overlay Zoning Districts.

Parapet Wall. That part of a wall that extends above the roof line.

Parcel. An area of land and/or water that is spatially defined by an accepted cadastral mapping system, publicly and permanently recorded by a County Recorder or similar government office, and upon which

applicable property taxes are determined and assessed. A parcel may not be conterminous with a legal lot.

Parking Area. An area of a lot, structure, or any other area, including driveways, which is designed for and the primary purpose of which is to provide for the temporary storage of operable motor vehicles.

Parking, Bicycle. A covered or uncovered area equipped with a rack or racks designed and useable for the secure, temporary storage of bicycles.

> ***Long-term.*** Bicycle parking that is designed to serve employees, students, residents, commuters, and others who generally stay at a site for extended periods of time.
>
> ***Short-term.*** Bicycle parking that is designed to serve shoppers, customers, messengers, guests, and other visitors to a site who generally stay for a short time.

Parks and Recreation Facilities. Public park facilities for recreation, open space, riding and hiking trails, ancillary facilities, related planning, engineering, construction and administrative activity and any other capital park and recreation facility projects identified in the five-year Capital Improvement Program.

Patio. An outdoor structure, typically made of concrete, pavers, stone, brick, or gravel, which may be detached or attached to a dwelling or other structure and may have a roof or pergola overhead.

Paved. To be covered with a hard material, which may be either permeable or impermeable, in order to provide adequate surface to ingress, egress, park, and/or store one or more vehicles on a site.

Pavement. An artificially created hard, smooth, impervious surface that will bear travel and is typically constructed of asphalt or poured concrete over a suitable base. Also referred to as “Paving.”

Peak Hours. Period of time with the greatest amount of activity and vehicles on the site.

Pergola. An outdoor structure forming a shaded area with vertical posts or pillars that usually support cross-beams and a sturdy open-framed roof and often used as an outdoor sitting and/or eating area, often upon which woody vines are trained.

Permitted Use. Any use that is allowed in a zoning district and subject to any restrictions applicable to that zoning district.

Person. Any individual, firm, trust, association, organization, partnership, company, corporation, or other legal entity.

Pier. A platform extending from the shoreline into the ocean for the purposes of mooring, loading, or unloading ships or boats. Also referred to as a “Dock.”

Planning and Environmental Review (PER). Department of Planning and Environmental Review of the City of Goleta, which includes the following three divisions: Current Planning, Advance Planning, and Building and Safety. Also referred to as “City Planning” or “Planning staff.”

Planning Commission. The Planning Commission of the City of Goleta.

Porch. An outdoor structure that is attached to a dwelling or other structure, which may be roofed or unroofed, but is typically open at the sides. Also referred to as a "Veranda" or "Loggia."

Pre-existing. In existence before the effective date of this Title.

Premises. A legal parcel, or leasehold interest in land, or a leased or owned space in a building where a use or activity is or will be conducted.

Principal Dwelling. A detached single-unit dwelling, which is the principal residential use of the lot.

Principal Use. A use that fulfills a primary or predominant function of an establishment, institution, household, or other entity.

Primary Structure. A structure in which the principal use of its lot is conducted. In any residential or agricultural zone, a principal dwelling is deemed to be the primary structure on the lot on which it is situated.

Project. Any proposal for a new or changed use or for new construction, alteration, or enlargement of any structure that is subject to the provisions of this ordinance. This term includes, but is not limited to, any action that qualifies as a "Project" as defined by the California Environmental Quality Act.

Property. Anything that is owned by a person or entity.

> ***Personal Property.*** Movable possessions or other types of property not affixed to the ground and intended for personal use. Also referred to as "Chattels", "Movables", and "Tangibles."
>
> ***Public Property.*** Land, structures and other things dedicated to public use or for the use of government officials to the benefit of the public.
>
> ***Real Property.*** Land, structures and other things that are attached to or affixed to the land. Also referred to as "Real Estate" and "Realty."

Property Line. The recorded boundary of a lot or parcel of land.

Property Owner. The lawful titleholder of a legal lot.

Protected Resource. A sensitive natural or man-made resource, including but not limited to archaeological resources, ESHA, and biological habitats.

Public Administration Facilities. Public improvements and facilities for governmental buildings and facilities; police facilities including patrol cars, equipment, jail, juvenile and probation facilities; community and civic centers; portions of community buildings devoted to Public Administration in Goleta; related planning, engineering, construction and Administrative activity; and any other capital Public Administration Facility projects identified in the City's Five-Year Capital Improvement Program.

Public Facilities. Includes, but is not limited to, public improvements, public services, community amenities, and related planning, engineering, construction and administrative activity.

Public Hearing. A noticed, open gathering of officials, citizens, and interested parties, in which the general public are permitted to offer comments on projects, programs, or other matters being considered by the Review Authority.

Public Land. Any government-owned land, including, without limitation, public parks, beaches, playgrounds, trails, paths, schools, public buildings, and other recreational areas or public open spaces.

Public Official. The City's elected and appointed officials and those employees who have, because of their position, policy-making authority or influence over City housing programs.

Public Resources Code (PRC). The Public Resources Code of the State of California.

Public Works. Public facilities and infrastructure, including:

All production, storage, transmission, and recovery facilities for utilities subject to the jurisdiction of the California Public Utilities Commission, except for energy facilities;

All public transportation facilities, including streets, roads, highways, mass-transit facilities and stations and bridges, public parking lots and structures, ports, harbors, airports, railroads, and other related facilities; and

All publicly financed recreational facilities.

Public Works Director. The Public Works Director of the City of Goleta or designee acting on authority delegated from the Public Works Director.

Reasonable Accommodation. Any deviation requested and/or granted from the strict application of the City's zoning and land use laws, rules, policies, practices and/or procedures under provisions of federal or California law to make housing or other facilities readily accessible to and usable by persons with disabilities and thus enjoy equal employment or housing opportunities or other benefits guaranteed by law.

Recreational Vehicle (RV). A motor home, travel trailer, truck camper, carry-all, or camp trailer, house car, with or without motive power, typically designed for human habitation for recreational, emergency, or other short-term occupancy. Also includes non-habitational vehicles for recreational and work purposes such as boats, boat trailers, off-road vehicles, other types of trailers, golf carts, and busses, but does not include Manufactured, Mobile, or Modular Homes.

Regional Housing Needs Allocation (RHNA). As determined by the Santa Barbara County Association of Governments (SBCAG), the number of new homes to be constructed within a jurisdiction to meet their very low, low, moderate, and above moderate-income housing need.

Relocation. Moving and locating an existing structure onto a lot that was previously located on a different lot.

Reverse Vending Machine. An automated mechanical device that accepts, sorts, and processes recyclable materials and issues a cash refund or a redeemable credit slip.

Review Authority. The decision-making body tasked with the responsibility for taking an action to approve, approve with conditions, or deny zoning applications for proposed development.

Right-of-Way. A strip of land acquired by reservation, dedication, prescription, or condemnation, and intended to be occupied or occupied by a road, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, or other similar use.

Roadways. A strip of land occupied or intended to be occupied by certain transportation and public use facilities, which are usually designated and mapped as road right-of-way or easement.

Roof. The covering on the uppermost part of a structure, the characteristics of which are dependent upon the purpose of the structure it covers.

Roofline. The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, elevator shafts, stair towers, or other projections.

Screening. A wall, fence, hedge, informal planting, or berm provided for the purpose of buffering a building or activity from neighboring areas or from the street.

Sea Level. The height of the ocean relative to land; tides, wind, atmospheric pressure changes, heating, cooling, and other factors cause sea level changes.

Sea Level Rise. Increase in the surface level of the ocean relative to the land.

Sensitive Receptors. Animals, persons, or types of uses that are susceptible to the effects of noise, air quality, or other potential hazards. Such receptors include, but are not limited to, residential neighborhoods, schools, libraries, hospitals and rest homes, places of public assembly, certain open space areas, and various fauna within mapped and unmapped ESHA.

Setback. The required distance between a property line and the area where a building or structure may be constructed pursuant to this Title. This area is intended to provide emergency access and adequate ventilation between structures on adjacent properties and which is to be kept clear and unobstructed from the ground to the sky, except as otherwise permitted by this Title. The following types of setbacks are used within this Title:

> ***Front Setback.*** A setback extending across the front of a lot for the full width of the lot between the side lot lines. The depth of a front setback is a distance specified by this Title for the Zone District it is located in and measured inward from the front lot line.
>
> ***Interior Side Setback.*** A setback extending along an interior side of a lot from the front lot line to the rear lot line, and to a depth specified by this Title for the Zone District it is located in and measured inward from the interior side lot line.
>
> ***Street Side Setback.*** A setback extending along the street side of a corner lot from the front lot line to the rear lot line, and to a depth specified by this Title for the Zone District it is located in and measured inward from the street side lot line.

Rear Setback. A setback extending across the rear of a lot for its full width between side lot lines, and to a depth specified by this Title for the Zone District it is located in. If a triangular or other irregularly-shaped lot has no rear lot line, a line ten feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be used as an "imaginary rear lot line" for the purpose of establishing the minimum rear setback.

Shopping Center. A retail commercial center, or group of retail commercial enterprises, planned, developed, managed, and maintained as a unit; with common off-street parking provided to serve all uses on the property.

Shoreline Protection Device. A structure placed along the shoreline or coastal bluff that is designed to prevent coastal erosion or coastal bluff retreat. Examples include seawalls, revetments, and rip rap.

Short-term Vacation Rental. A dwelling, other than a hotel or motel, which is rented to a tenant for a period of not more than 30 consecutive days.

Sidewalk. A paved, concrete, or other hard-surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

Sign. Any identification, description, illustration, or device illuminated or non-illuminated, which is visible to the general public from any exterior public right-of-way, and directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, or placard designed to advertise, identify, or convey information. A display, device, or thing need not contain lettering to be a sign. Notwithstanding the generality of the foregoing, the following are not within this definition:

Architectural Features. Decorative or architectural features of buildings (not including lettering, trademarks or moving parts), that do not perform a communicative function;

Fire. The legal use of fireworks, candles and artificial lighting not otherwise regulated by this Code;

Grave Markers. Including grave stones, headstones, mausoleums, shrines, and other markers of the deceased;

Mural. A work of graphic art on an exterior building wall that may or may not contain a commercial logo or trademark but does not serve to advertise or promote any business, product, activity, service, interest, or entertainment.

Personal Appearance. Items or devices of personal apparel, decoration or appearance, including tattoos, makeup, wigs, costumes, and masks, but not including commercial mascots or hand-held signs; and

Stonework. The use of foundation stones or cornerstones;

Symbols Embedded in Architecture. Symbols of noncommercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently integrated into the structure of a permanent building, including stained glass windows on churches, carved or bas relief doors or walls, bells, and religious statuary.

Sign-related Terms:

Commercial Message or Commercial Speech. An image on a sign that concerns primarily the economic interests of the message sponsor or the viewing audience, or both, or that proposes a commercial transaction.

Copy. The visually communicative elements of a sign. Also referred to as "Sign Copy."

Digital Display. A method of displaying a communicative visual image by use of LEDs (light emitting diodes) or their functional equivalent, that allows for the message or image to be easily changed, typically by remote control or computer programming. This definition applies to signs displaying a series of still images, as well as those presenting the appearance of motion.

Electronic Copy. A sign having the capability of presenting variable message displays by projecting an electronically controlled pattern, and which can be programmed to periodically change the message display.

Flag. Any fabric or banner containing distinctive colors, patterns, or design that displays the symbol(s) of a nation, state, local government, company, organization, belief system, idea, decoration, or other meaning.

Graffiti. Marks, such as inscriptions, drawings, or designs, which are placed, scratched, etched, painted, or sprayed on public or private property without the owner's consent.

Non-Commercial Message. A message or image on a sign that directs public attention to or advocates an idea or issue of public interest or concern that does not serve to advertise or promote any business, product, activity, service, interest, or entertainment.

Pennant. A device made of flexible materials, (e.g., cloth, paper, plastic, etc.) that may or may not contain copy, and which is installed for the purpose of attracting attention.

Sign Area. The area contained within a single continuous perimeter enclosing all parts of such sign copy, excluding any structural elements outside the limits of the sign required to support the sign.

Sign Face. An exterior display surface of a sign, including non-structural trim, exclusive of the supporting structure. The area of a sign which is available for mounting and public display of the visually communicative image.

Sign Types:

A-Frame Sign. A portable upright, rigid, self-supporting frame sign in the form of a triangle or letter "A." Also referred to as a "Sandwich Board" sign.

Animated Sign. A sign with messages that visually change, or images that move or appear to move, more frequently than once every 24 hours, regardless of the method by which the visual change is affected. This definition does not include holiday displays, traditional barber poles, hand-held signs, personally attended signs, commercial mascots, scoreboards, or signs which merely display

time or temperature. Animated signs include electronic message signs, sometimes called electronic reader boards. Any sign that displays a series of still images that change more frequently than once per 24 hours, whether by digital, LED, or functionally equivalent method, is also included within this definition.

Awning Sign. A sign affixed permanently to the outside surface of an awning.

Balloon. An inflatable, airtight bag that can be strung together in multiple numbers to attract attention to a business location. A balloon is not within the definition of an "Inflatable Sign."

Banner Sign. A sign made of fabric or any non-rigid material with no enclosing framework on which a message or image is painted or otherwise affixed.

Billboard. A sign used for the purpose of general advertising for hire, that is, some or all of the display area is customarily used to display the messages of advertisers or sponsors other than the owner of the sign.

Cabinet Sign. An internally illuminated sign consisting of frame and face(s), with a continuous translucent message panel. Also referred to as a "Panel Sign."

Can Sign. A sign which contains all the text and/or logo symbols within a single enclosed cabinet that is mounted to a wall or other surface. Also referred to as a "Box Sign."

Canopy Sign. A sign attached to a fixed overhead shelter used as a roof, which may or may not be attached to a building.

Changeable Copy Sign. A sign constructed or designed to allow for periodic changes of copy manually, and for which the copy is changed not more than once each 24-hour period. Examples include signs for an auditorium, theater, school, house of worship, meeting hall, or similar uses characterized by public assembly and changing programs or events, or gas station prices. This definition does not include "Animated Signs" or "Electronic Copy."

Construction Sign. A temporary sign that describes a planned future development project on a property in words and/or drawings. Also referred to as a "Development Sign."

Directional Sign. An on-site sign that directs or guides pedestrian or vehicular traffic and which is non-advertising in nature, except for a logo, unit numbers, business name(s), and directional information (e.g., handicapped parking, one-way, exit, entrance, etc.).

Door Sign. A sign, sticker, decal, or etching on glass, which may or may not be on a door, and that displays general information for the business, such as store hours, if the business is open or closed, and what types or forms of payment are accepted.

Flashing Sign. A sign which, by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion or creates the illusion of motion, or revolves to create the illusion of being on or off. This definition does not include electronic signs with digital displays of changeable copy that change less frequently than twice during a 24-hour period.

Freestanding Sign. A sign supported by structures or supports that are placed on or anchored in the ground, and which are structurally independent from any building, including "Monument Signs," "Pole Signs," and "Ground Signs."

Fuel Pricing Sign. A sign that indicates, and is limited to, the brand or trade name, method of sale, grade designation, and price per gallon of gasoline or other motor vehicle fuel offered for sale on the business premises, and such other information as may be required by county ordinance or State law.

Human Directional Sign. A temporary sign using a human to hold, walk, wave, twirler or wear the advertisement or promotional message in order to attract attention.

Illuminated Sign. A sign with an artificial source of light incorporated internally or externally for the purpose of illuminating the sign.

Inflatable Sign. A form of inflatable device (e.g., shaped as an animal, blimp, or other object) that is displayed, printed, or painted on the surface of an inflatable background, and is primarily installed outside or on the roof of a building to attract attention to or to advertise a business, a business location, a service, a product, or an event.

Internally Illuminated Sign. A sign that is illuminated by a light source that is contained inside the sign where the message area is luminous, including "Cabinet Signs" and "Changeable Copy Signs."

Lighted Sign. A sign that is illuminated by any artificial light source, whether internal, external, or indirect.

Menu Board. A sign that is either affixed to a wall or freestanding, which may be illuminated, which indicates information essential for the efficient intake of orders for customers of a drive-through.

Mobile Billboard. Any vehicle, or wheeled conveyance which carries, conveys, pulls, displays, or transports any sign or billboard for the primary purpose of advertising a commercial or noncommercial message, or other general advertising for hire.

Moving Sign. A sign or any portion thereof that rotates, moves, or appears to move in some manner by mechanical, electrical, natural, or other means.

Pole Sign. A freestanding sign supported by one or more poles that are permanently attached directly into or upon the ground.

Portable Sign. A freestanding sign that is not permanently affixed, anchored, or secured to either the ground or a structure on the property it occupies.

Projecting Sign. A single- or double-faced sign that is perpendicular to the face of a building and projects more than 18 inches from the face. This category includes "Awning Signs", "Shingle Signs", and "Under-Canopy Signs."

Real Estate Sign. A temporary sign that advertises the sale, lease, or rental of the property on which the sign is located, but not including signs on establishments offering transient occupancy, such as hotels, motels, and inns.

Roof Sign. Any sign located on a roof of a building or having its major structural supports attached to a roof.

Subdivision Sign. A temporary sign which provides necessary travel directions to and within a subdivision offered for sale or lease for the first time, but which contains no other advertising matter.

Temporary Sign. A structure or device used for the public display of visual messages or images, which is typically made of lightweight materials which is not intended for or suitable for long term or permanent display.

Traffic Sign. A sign for traffic direction, warning, and roadway identification.

Wall Sign. A sign affixed to and wholly supported by a building in such a manner that its exposed face is approximately parallel to the plane of such building and is not projecting more than 18 inches from the building face or from a permanent, roofed structure projecting therefrom. Also referred to as a "Wall-Mounted Sign."

Window Sign. A temporary or permanent sign with a single face of copy that is painted or installed on a glass window or door, or located within two feet from inside the window, in a manner that it can be viewed from the exterior of a structure.

Site. A lot, or group of contiguous lots, that is proposed for development in accordance with the provisions of this Title and is in a single ownership or under unified control.

Site Coverage. The percentage of total site area occupied by structures, sidewalks, pavement, and other impervious surfaces.

Solar Energy System. Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating or structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.

Special Needs Housing. Housing for the disadvantaged, including: homeless and those at risk of homelessness; persons with mental, physical, and developmental disabilities; lower-income seniors; farmworkers; single parents with children; victims of domestic violence; persons with drug and alcohol dependence; persons with HIV/AIDS. Types of Special Needs Housing include: Emergency Shelters, Transitional and Supportive Housing, Residential Care Facilities, and Farmworker Housing.

Specialist. A person or agency with specific training, experience, and any requisite certifications necessary to perform specialized analyses and studies in their respective fields (e.g., arborist, archaeologist, biologist, engineer, historian, geologist, etc.).

Specific Plan (SP). A plan prepared pursuant to Chapter 17.68, Specific Plans, is subject to Discretionary approval, and which proposes development within an area of the City that must be consistent the General Plan, and is processed in accordance with California Government Code, Section 65450 et seq.

Specified Anatomical Areas. Any of the following: less than completely and opaquely covered human genitals or pubic region, buttocks, and female breast below a point immediately above the top of the areola; human male genitals in a discernibly turgid state even if completely and opaquely covered; and any device, costume, or covering that simulates any of the body parts described above.

Specified Sexual Activities. Any of the following, whether performed directly or indirectly through clothing or other covering: the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; sex acts, actual or simulated, including intercourse, oral copulation, or sodomy; masturbation, actual or simulated; or excretory functions as part of, or in connection with, any of the activities described above.

State. The State of California.

Storm Drain Facilities. Public improvements and facilities for storm drainage, including but not limited to inlets and outlets, storm drain pipes, box culverts, and pump stations and related planning, engineering, construction and administrative activity.

Story. The habitable portions of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story is that portion of a building included between the upper surface of the topmost floor and the upper surface of the roof above, but not including a non-habitable "Basement." Also referred to as "Floor."

Stream. Waterways, including streams, drainage ways, small lakes, ponds, and marshy areas through which streams pass. Coastal wetlands are not considered streams.

Street. A public or private thoroughfare, which affords the principal means of access to a block and to abutting property. The term "Street" includes the following: Avenue, Court, Circle, Crescent, Place, Way, Drive, Boulevard, Highway, Road, and any other thoroughfare for a motorized vehicle.

Street Line. The boundary between a street and a lot or parcel of land.

Structural Alterations. Any physical change to or the removal of the supporting members of a structure or building, such as bearing walls, columns, beams, or girders, including the creation, enlargement, or removal of doors or windows and changes to a roofline or roof shape.

Structure. Anything constructed or erected, the use of which requires being affixed to a location on the ground or attachment to something having an affixed location on the ground.

Subject Lot. A single legal lot upon which existing or proposed development occurs.

Substantial Conformity Determination (SCD). Pursuant to Section 17.52.100, Common Procedures – Changes to Prior Permits and Approvals, the Discretionary review of a request by an applicant for approval of a slight deviation, or deviations, from a previous approval in order to carry out a project.

Swimming Pool. A structure, such as a pool, pond, lake, or open tank, which is capable of containing water to a depth greater than 1.5 feet at any point and is used for wading or swimming.

Tandem Parking. The arrangement of two or more automobiles that are parked on a driveway or in any other location on a lot and are lined up behind one another.

Target Unit. Pursuant to State Density Bonus Law, an Affordable Housing Unit that is used to qualify for allowances under California Government Code, Section 65915 et seq.

Temporary Structure. A structure without any foundation or footings, and which is intended to be removed when the designated time period, activity, or use for which the temporary structure was erected has ceased. Structures that will be retained no longer than three years and then be removed from the site.

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

Temporary Use Permit (TUP). A type of Zoning Permit required prior to the use of real or private property in a manner that is subject to Chapter 17.56, Temporary Use Permits, and intended to be conducted for a short period of time, or intermittently for short periods of time for a duration of not more than one year, in compliance with all applicable standards of this Title.

Tenant. A person, persons, or business or organization renting or leasing a housing unit, non-residential space, or area of land usually for a set period of time and established recurring payment of rent.

Termination of Use. To stop a previous use of real or private property. The following are terms used to describe a Termination of Use within this Title:

> ***Termination Order.*** An Order made by the City Council as provided herein to order that a nonconforming use shall be terminated and/or discontinued and shall no longer exist at the end of a specified period of time. Also referred to as "Order of Termination."
>
> ***Termination Period.*** The time period between the date that the City Council issues a Termination Order as provided herein, and the date by which the nonconforming use must be terminated and/or discontinued and after which it shall no longer exist.
>
> ***Effective Date of Termination.*** The date that the nonconforming use shall be discontinued, removed, or altered to conform to the provisions of the Goleta Municipal Code and Zoning Ordinance and after which it shall no longer exist.

Title. A part of the Goleta Municipal Code, including Title 17, which codifies the City's Zoning Ordinance and Zoning Map.

Top-of-Bank. The first major change in the slope of the incline from the mean high-water line of a waterbody or waterway. A major change is a change of ten degrees or more. If there is no major change within a distance of 50 feet from the mean high-water line, then the top-of-bank will be the elevation two feet above the mean high-water line.

Trailer. A vehicle designed for carrying persons or property on its own structure and that does not have its own means of propulsion, but rather is pulled by a separate motorized vehicle.

Transmission Line. Transport facilities for the long-distance conveyance of liquid, gas, or electrical commodities. Also includes pipeline surface and terminal facilities, pump stations, bulk stations surge and storage tanks, but does not include lateral extensions or service lines. Also referred to as "Pipeline."

Transportation Demand Management (TDM). A program developed for the application of strategies and policies to reduce travel demand and congestion, or to redistribute it in space or in time.

Transportation Facilities. Public improvements and facilities for transportation purposes, including but not limited to, roads, road rights of way, striping, curbs, gutters, sidewalks, bridges, traffic control devices, street lighting, bike lanes built in conjunction with standard roadway design and related planning, engineering, construction and administrative activity.

Trellis. An architectural structure, usually made from an open framework or lattice of interwoven or intersecting pieces of wood, bamboo or metal that is normally used to support and display climbing plants, especially shrubs.

Time Extension (TEX). Pursuant to Chapter 17.52, Common Procedures, a request by an applicant for an approval to extend the expiration date of a previously approved project, which must be submitted prior to the current expiration date.

Upland. The area located on both sides of a creek, as measured outward from the top of the bank or the outer limit of wetlands and/or riparian vegetation, whichever is greater.

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

Use Classification. A system of classifying uses into a limited number of use types on the basis of common functional, product, or compatibility characteristics. All use types are grouped into the following use classifications: residential; public/quasi-public; commercial; industrial; transportation, communication, and utilities; agricultural; and accessory.

Utilities. Equipment and associated features related to the mechanical functions of a building(s) and services such as water, electrical, telecommunications, and waste.

Variance (VAR). Pursuant to Chapter 17.60, Variances, a Discretionary approval that grants special permission to a subject lot that is a departure from the specific requirements of this Title due to special circumstances regarding the physical characteristics of the property and/or the deprivation of property rights or privileges available to other property in the same zoning classification if the City strictly applied all applicable development standards.

Vehicle. Any vehicle, as vehicle is defined by the California Vehicle Code, including any automobile, camper, camp trailer, trailer, trailer coach, motorcycle, house car, boat, or similar conveyance.

Vehicle Lift. A mechanized structure used to raise and lower parked/stored automobiles.

Vending Machine. A machine or other mechanical device or container that dispenses a product or service through a self-service method of payment, but not including an automatic bank teller machine

incorporated within a wall of a building, a gas pump, compressed air, or water at a service station, or a public telephone.

Vernal Pool. Seasonal depressions and wetland areas covered by shallow water for variable periods from winter to spring, but may be completely dry for most of the summer and fall.

Visible. Capable of being legibly or illegibly seen by a person of normal height and visual acuity while walking or driving on a public road or in a public place.

Volatile Solvent. A solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures.

Wall. A vertical masonry structure; or, any vertical exterior surface of building or any part thereof, including windows.

Wetbar. An area of a room within a structure that may include: 1) a countertop with a maximum length of seven feet, 2) a sink or wash basin, and 3) an under-counter refrigerator.

Wetland. Wetlands are those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Lands classified as wetlands generally have one or more of the three indicators: 1) a substrate that is predominately undrained hydric soils; 2) a preponderance of plants adapted to moist areas, or hydrophytic plants; or 3) a surface or subsurface water source which is present for sufficient periods of time to promote formation of hydric soils or growth of hydrophytic plant species.

Youth Center. Used within this Title to have the same meaning as in California Health and Safety Code, Section 11353.1.

Zone District. A grouping of properties that allow similar uses or use types to be legally developed, which are discussed within the General Plan and displayed on the City's official Zoning Map.

Zoning Administrator (ZA). The Zoning Administrator of the City of Goleta, tasked as the Review Authority for minor discretionary permits and whose duties are carried out by a designee of the City Manager.

Zoning Clearance (ZC). A type of Zoning Permit required prior to development subject to Chapter 17.54, Zoning Clearance, to ensure compliance with the provisions herein and all applicable standards and policies of the General Plan.

Zoning Map. A map of the City of Goleta, which delineates the extent of each Zone District within the City and as described within this Title.

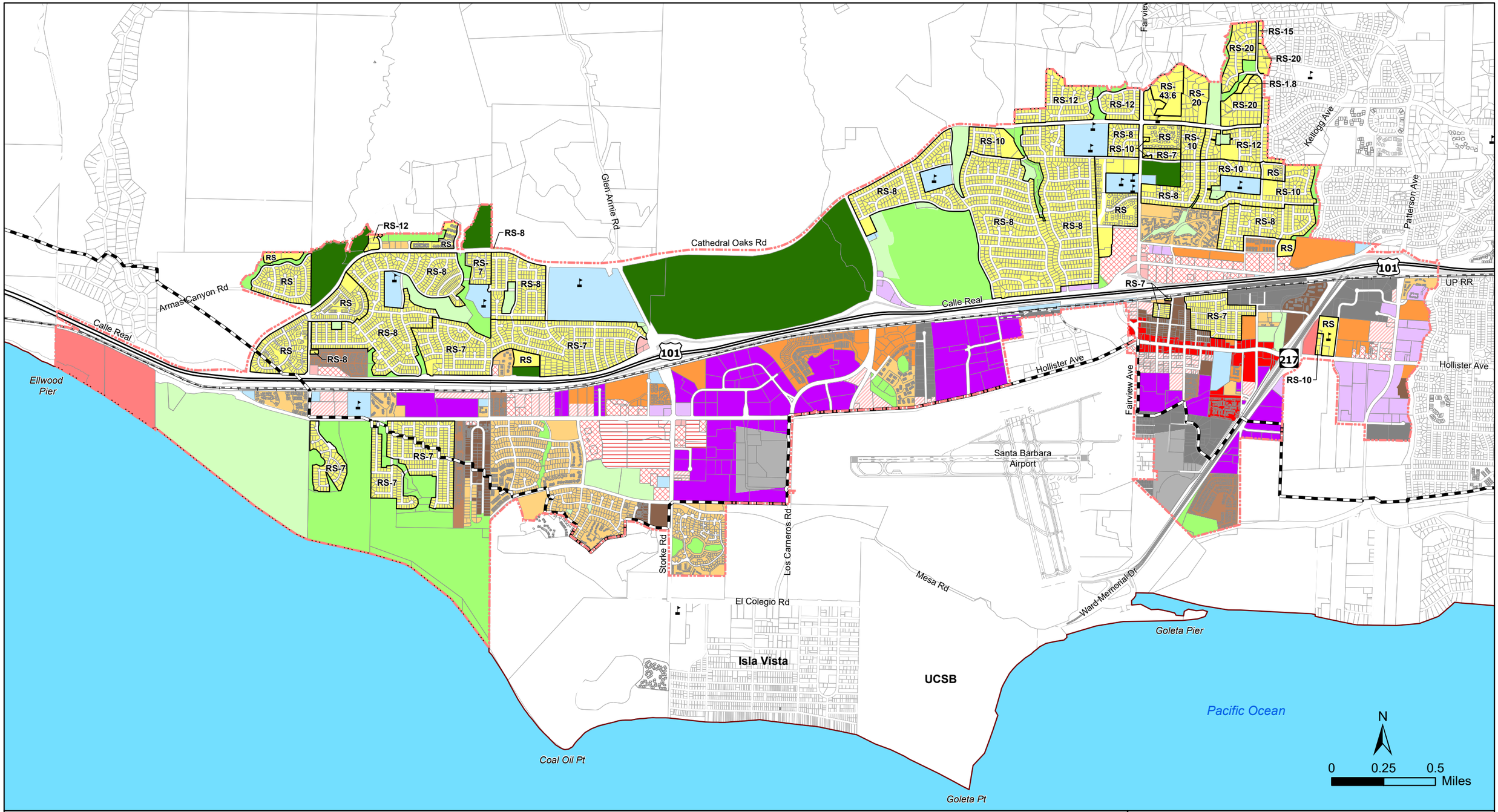
Zoning Ordinance. Title 17 of the Goleta Municipal Code, which regulates how property in specific Zone Districts can be used.

Zoning Permit. As used within this Title, a tangible permit issued by the City to entitle development and/or use of property consistent with applicable zoning regulations, the City General Plan, or other provisions of the Goleta Municipal Code. A Zoning Permit describes in detail the entitlement granted by the City, all

permissible new development, and any conditions or restrictions associated with approval of the project. Some Zoning Permits effectuate decision of a Review Authority made at a public hearing, while some are reviewed and approved by the Director without a public hearing. The following are the types of Zoning Permits described within this Title: Emergency Permit (EMP), Land Use Permit (LUP), Coastal Development Permit (CDP), Temporary Use Permit (TUP), and Zoning Clearance (ZC).

Exhibit 4

Zoning Map



Residential Districts

- RS Single Family Residential
- RP Planned Residential
- RM Medium Density Residential
- RH High Density Residential
- RMHP Mobile Home Park

Commercial Districts

- CR Regional Commercial
- CC Community Commercial
- OT Old Town
- VS Visitor Serving Commercial
- CI Intersection Commercial
- CG General Commercial

Office and Industrial Districts

- BP Business Park
- OI Office and Institutional
- IS Service Industrial
- IG General Industrial

Other Districts

- PQ Public and Quasi-Public
- OSAR Open Space - Active Recreation
- OSPR Open Space - Passive Recreation
- AG Agricultural

Other Features

- Goleta City Boundary
- Coastal Zone Boundary
- Schools
- -# Minimum Lot Area (in 1,000s)

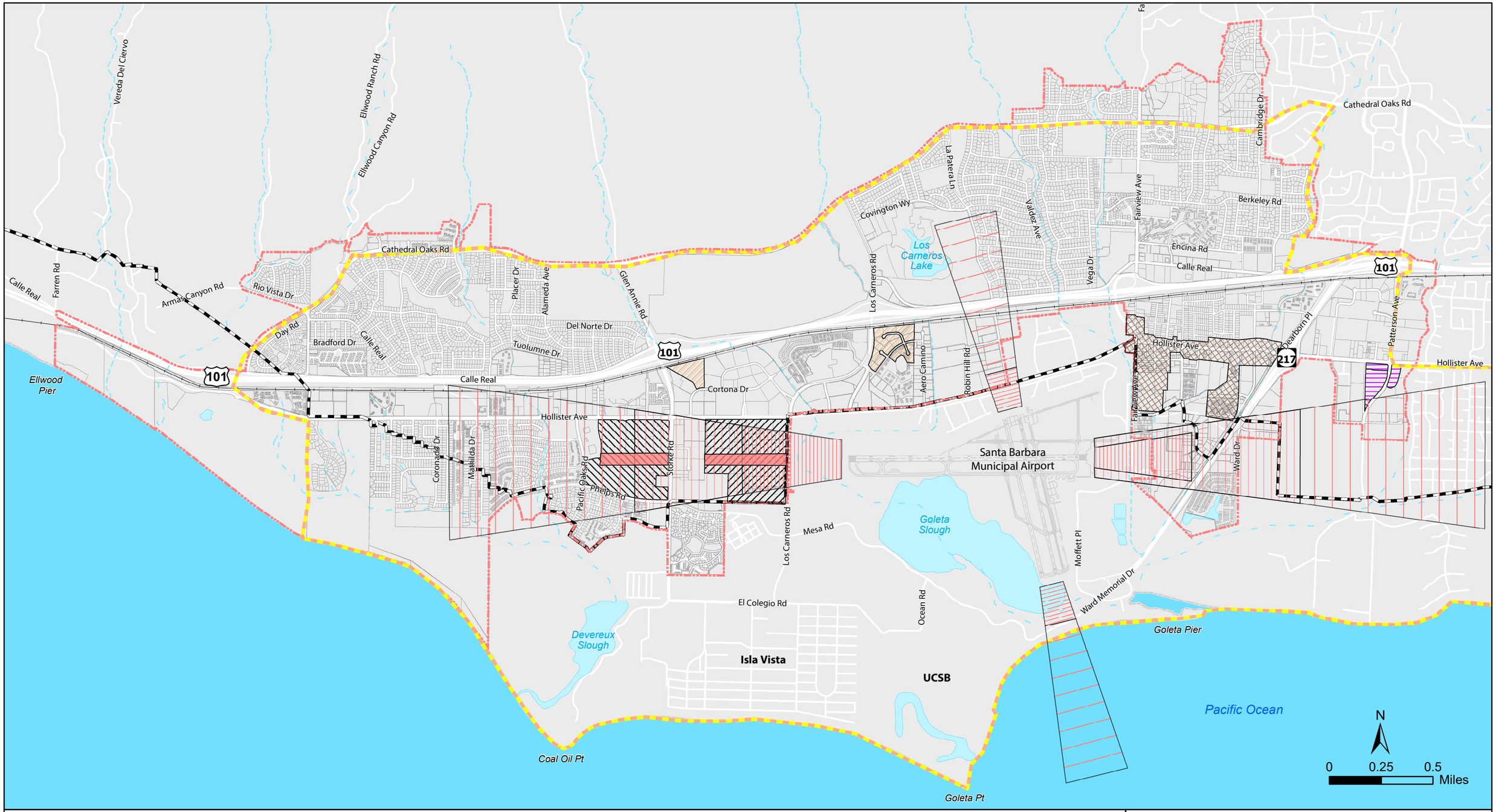
CITY OF GOLETA ZONING MAP

February 2020

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Exhibit 5

Zoning Overlay Districts Map



Overlay Zoning Districts

-AE Airport Environs
- Clear Zone
- Approach Zone - 1 Mile
- Approach Zone
- Runway 7 Safety Corridor

- -AH Affordable Housing
- -H Hospital
- -OTH Old Town Heritage
- -CBPSP Cabrillo Business Park Specific Plan
- -CRMSP Camino Real Marketplace Specific Plan

Other Features
- Airport Influence Area
- Goleta City Boundary
- Coastal Zone Boundary

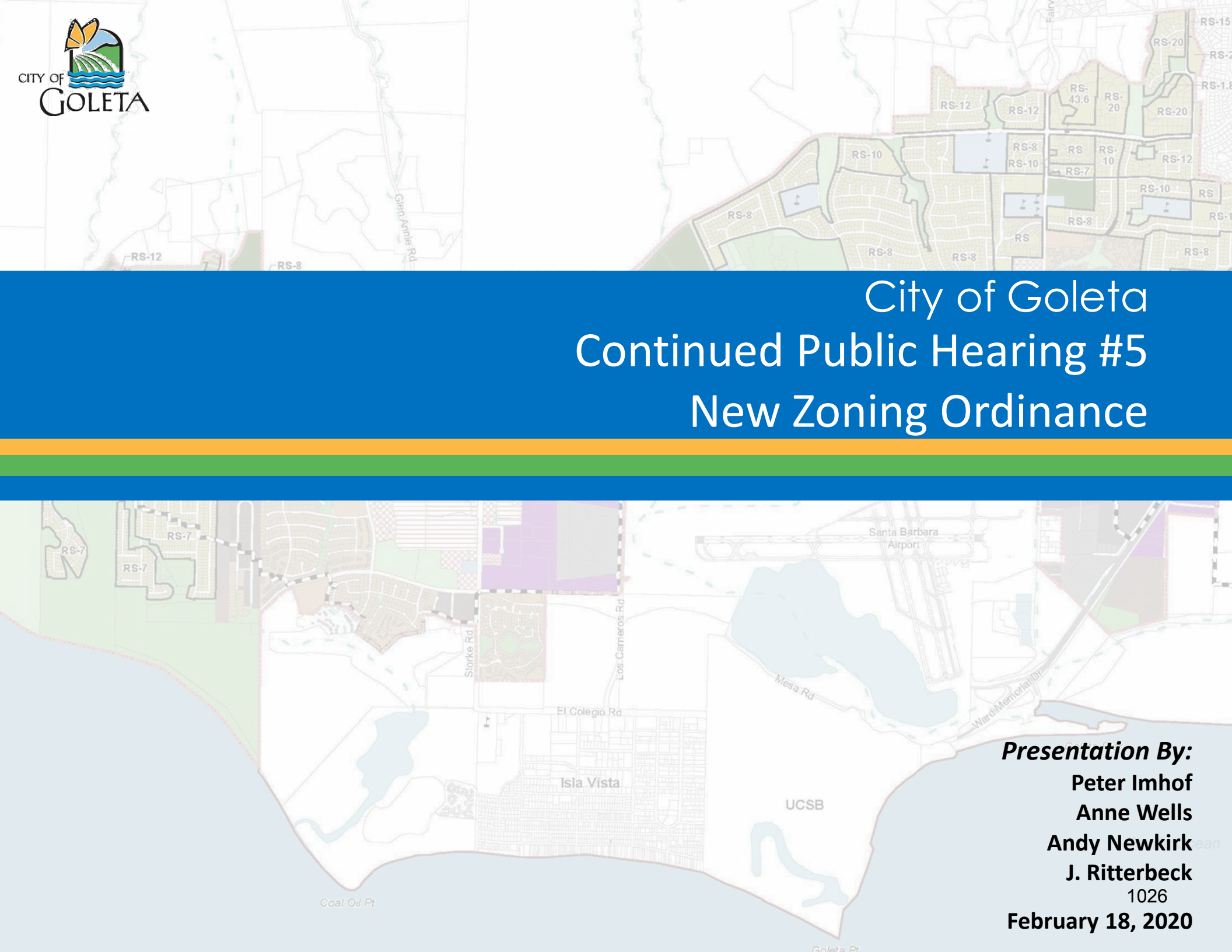
CITY OF GOLETA ZONING OVERLAY DISTRICTS

February 2020

1023

Attachment 5

Presentation - New Zoning Ordinance



City of Goleta
Continued Public Hearing #5
New Zoning Ordinance

Presentation By:

Peter Imhof
Anne Wells
Andy Newkirk
J. Ritterbeck

1026

February 18, 2020

NZO Hearing Milestones to Date:

Planning Commission-Recommended NZO Considered at:

✓ 4 City Council Public Hearings

Public Comment and City Council Input Received on:

✓ 8 Key Topics

✓ 17 Other Items

Council Direction at Hearings Presented in:

✓ Worksheet (by topic/item)

✓ Errata Sheet to PC-Recommended NZO

✓ Redline NZO

Final Product for Adoption Consideration:

✓ NZO (Muni Code Title 17) (Staff Report Att. 4)

Repeals and Amendments

As part of NZO adoption, ordinances and sections of the Goleta Municipal Code (GMC) are repealed or amended.

- **Repeals**
  - City's existing Inland and Coastal Zoning Ordinances,
  - Sign Ordinance,
  - ADU Ordinance,
  - Various uncodified zoning ordinances, and
  - Various portions of GMC made redundant by the NZO.
- **Amendments**
  - Various sections in the GMC to ensure NZO consistency.

CEQA

The NZO would be exempt from environmental review, pursuant to Public Resources Code §21083.3 and CEQA Guidelines §15183

City Council Deliberation and Action

Recommendation

Introduce and conduct the first reading (by title only) of Ordinance No. 20-__, entitled “An Ordinance of the City Council of the City of Goleta, California, Adopting the New Zoning Ordinance as Title 17 of the Goleta Municipal Code, Repealing Various City Ordinances, and Repealing or Amending Various Sections of the Goleta Municipal Code”