CITY OF

Goleta

MODULE 3:

Regulations Applying to Multiple Districts

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Prepared for
CITY OF GOLETA by:
DYETT & BHATIA
Urban and Regional Planners

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Chapter 17.31 Coastal Zone Development and Resource Management

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17.31.010 Purpose

This Chapter provides the standards for proposed development and associated land uses within the coastal zone. The intent of this Chapter is to provide an orderly, planned use of resources while ensuring the protection of public and private property, wildlife and sensitive coastal resources within the coastal zone. This Chapter implements applicable provisions of the General Plan/Coastal Plan and complies with the California Coastal Act.

17.31.020 Applicability

The provisions of this Chapter apply to all development undertaken and proposed to be undertaken within those portions of the coastal zone of Goleta, except as provided for in this Chapter.

17.31.030 Shoreline Development

A. **Purpose.** This Section provides standards for development proposed on lots that border the ocean, where careful design and development practices are necessary to preserve significant coastline features, implement applicable provisions of the General Plan/Coastal Land Use Plan and comply with the Coastal Act.

B. **Applicability.** This Section applies to all development or expansion of existing uses proposed to be located on or adjacent to a beach or coastal bluff. In the event of any perceived conflict between the provisions of this Section and any other provision of this Zoning Ordinance, this Section will control.

C. **Limitations on Development.** Development must be safe from bluff retreat, waves, or flood hazards without the use of any shoreline protective device. Piers, groins, breakwaters, drainages, seawalls, revetments, rip-rap, pipelines and other shoreline protection structures will be permitted only when required to serve coastal-dependent uses such as public access and recreational uses, or to protect existing structures or public beaches in danger of erosion, when non-structured alternatives have failed and when located to avoid significant rocky points and intertidal areas. Any shoreline protection devices must be designed to eliminate or mitigate adverse impacts on local shoreline sand supply and to minimize the impact of future flooding and sea level rise.

1. ***Seawall Prohibition.*** Shoreline and bluff protection structures will not be permitted to protect new development. All permits for development on blufftop or shoreline lots that do not have a legally established shoreline protection structure must be conditioned to require that prior to issuance of any grading or construction permits, the property owner must record a deed restriction against the property that will ensure that no shoreline protection structure will be proposed or constructed to protect the development, and which expressly waives any future right to construct such devices. Proposed development will not be approved where the review authority determines that shoreline protective structures will be necessary to protect the new structures at the time of development or if the development will be increased to exposure of flooding within 100 years of the date of review due to flooding or sea level rise. The level of exposure to sea level rise and/or flooding must be identified in the geotechnical reports that the applicant must submit. These reports must analyze the future flooding potential for a 100 year period as prescribed by the California Coastal Commission.

2. ***Bluff Face Development.*** No development will be permitted on a bluff face, except for engineered staircases or accessways to provide public beach access and pipelines for scientific research or coastal-dependent industry. Drainpipes must be allowed only where no other less environmentally damaging drain system is feasible and the drainpipes are designed and placed to minimize impacts to the bluff face, toe and beach. Drainage devices extending over the bluff face must not be permitted if the property can be drained away from the bluff face.

3. ***Structures on the Beach.*** No permanent structure will be permitted on a dry sandy beach except a facility necessary for public health and safety, including lifeguard towers, and recreation facilities such as beach volleyball courts.

D. **Liability.** Any development on a beach or shoreline which is subject to wave action, erosion, flooding, storm surge, landsides, sea level rise, or other hazards associated with development on a beach or bluff, the property owner is required to execute and record a deed restriction which acknowledges and assumes these risks and waives any future claims of damage or liability against the permitting agency and agrees to indemnify the permitting agency against any liability, claims, damages, or expenses arising from any injury or damage due to such hazards.

E. **Application Requirements.** Planning permit applications for development or expansion of existing uses proposed to be development on or adjacent to a beach or coastal bluff must include the following:

1. ***Geotechnical Report.*** An analysis of beach erosion, wave run-up, inundation and flood hazards, including those due to sea level rise and storm surge. The analysis must be prepared by a licensed civil engineer with expertise in coastal engineering. The report must consider, describe and analyze the following:

   a. An analysis of the proposed development that ensures that all surface and subsurface drainage will not contribute to the erosion of the bluff face or affect the stability of the bluff itself;

   b. On lots with a legally established shoreline protective device, the analysis must describe the condition of the existing seawall, identify any impacts it may be having on the public access and recreation, scenic view, sand supplies, and other coastal resources, and evaluate opportunities to modify or replace the existing arming device in a manner that would eliminate or reduce these impacts;

   c. An evaluation of whether the development, as proposed or modified, could be safely established on the property for a 100 year period without a shoreline protective device;

   d. A tsunami hazard assessment, including sea level rise and tsunami wave run-up calculations;

   e. The impact of construction activity on the stability of the site and adjacent area;

   f. Cliff geometry and site topography, extending the surveying work beyond the site as needed to depict unusual geomorphic conditions that might affect the site;

   g. Historic, current and foreseeable cliff erosion, 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;

   h. Geologic conditions, including soil, sediment and rock types and characteristics, in addition to structural features such as bedding, joints and faults;

   i. 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;

j. Ground and surface water conditions and variations, including hydrologic changes caused by the development (e.g., introduction of sewage, effluent and irrigation water to the groundwater system, alterations to surface drainage, storm surge, and the like);

k. Potential erosion of the site and mitigation measures to be used to ensure minimized erosion problems before and after construction (i.e., landscape and drainage design);

l. Effects of marine erosion on coastal bluffs;

m. Potential effects of seismic forces resulting from a maximum credible earthquake; and

n. Any other factor that might affect slope or bluff stability.

2. ***Construction Plan.*** A construction plan which demonstrates that no stockpiling of dirt or construction materials will occur on the beach will be required. The plan will note erosion, runoff, and sedimentation measures to be implemented at the end of each day's work; that all construction debris will be removed from the beach daily and at the completion of development; and no machinery will be allowed in the intertidal zone.

F. **Site Planning and Setback Standards.**

1. ***Structure Siting.***

a. New development must be sited to ensure that it is safe from hazards associated with sea level rise for a minimum of 100 years.

b. *Structure Siting.* The review authority will determine the location, size and density of development to be allowed on bluffs based in part on the viewsheds identified and what is necessary to protect them.

c. *Setbacks.* Development proposed on shoreline lots must comply with the setback requirements of the applicable Zoning District, except where a lot line is adjacent to a coastal bluff or where public access and/or recreational areas are required in compliance with these regulations. Proposed development must be set back from the seaward property line or the bluff where applicable, as provided by this Subsection.

d. *Bluff Setback Requirements.*

(1) Minimum Bluff Retreat Setback. New structures must be set back a sufficient distance from the bluff top to be safe from bluff erosion for a minimum of 100 years. 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 appoved by the reviewing authority, 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 blufftop structures within the bluff setback may be allowed by the reviewing authority, provided that the addition does not encroach further into the setback than the existing structure. Alteration or additions to existing nonconforming development that equals or exceeds 50 percent of the size of the existing structure must not be authorized unless the structure's are brought into conformance with this requirement.

(2) Use of Bluff Retreat Setback. No development except pathways, stairways, fencing, signage and other features associated with a public accessway or a necessary pipeline associated with a public facility will be permitted within the bluff retreat setback identified in site specific geologic reports.

(3) Landscaping. Drought tolerant landscaping must be installed and maintained in the required setback. Grading, as may be required for drainage or to install landscaping and minor improvements (i.e., patios and fences) that do not impact public views or bluff stability may be permitted.

(4) Access and Recreational Area Setbacks. Additional blufftop setbacks may be required in compliance with Coastal Plan policies to accommodate public access and recreational areas in compliance with Chapter 17.32 Coastal Access.

G. **Shoreline Protection.**

1. ***Erosion Control.*** Proposed development must be designed and constructed to incorporate appropriate erosion control measures, in compliance with the City's grading standards in Chapter 15.09, Grading, Erosion, and Sediment Control of the Municipal Code.

2. ***Storm Drainage Devices.*** A storm drainage device over a bluff face will not be permitted if the device can be sited so that it drains away from the bluff face. Each new storm drainage structure must be constructed so that drainage water will not spill over or onto the bluff face. Bluff face drain pipes must be allowed only where no other less environmentally damaging drain system is feasible

and drain pipes are designed and placed to minimize impacts to the bluff face, toe of bluff and beach.

3. ***Shoreline Protective Structures.*** A shoreline protective structure may be allowed with Conditional Use Permit and Coastal Development Permit approval, only when the review authority makes the following findings:

   a. The shoreline protective structure will serve coastal-dependent uses such as public access, recreational uses, and public beaches in danger of erosion;

   b. The shoreline protection structure is necessary due to an increased exposure of flooding within 100 years of the date of review due to flooding or sea level rise;

   c. The shoreline protection structure is necessary to protect against future sea level rise in tsunami hazard zones;

   d. Non-structured alternatives to the protective devices have failed;

   e. The shoreline protective structure is located to avoid significant rocky points and intertidal areas;

   f. The shoreline protective structure proposed is the least environmentally damaging feasible alternative;

   g. The shoreline protection structure is designed to maintain lateral beach access, where feasible; and

   h. The shoreline protection structure is designed to respect natural land forms and minimize visual impact to the extent possible, through means including the use of visually compatible colors and materials.

17.31.040 Visual Resource Preservation

A. **Purpose.** This Section provides standards for development proposed on lots in the coastal zone where careful design practices are necessary to preserve significant scenic and public views which contribute to the overall attractiveness of the City and the quality of life enjoyed by its residents, visitors, and workforce, and to implement applicable provisions of the General Plan/Coastal Plan.

B. **Applicability.** This Section applies to all development or expansion of existing uses proposed to be located on or adjacent to a scenic and visual resource area identified in the General Plan, in particular the open waters of the Pacific Ocean, shoreline, including beaches, dunes, coastal bluffs, and open coastal mesas. In the event of any perceived conflict between the provisions of this Section and any other provision of this Zoning Ordinance, this Section will control.

C. **Application Requirements.** Development applications must provide information adequate to identify existing public views and demonstrate how the project proposes to avoid significant disruption of the view sheds identified. Examples of specific views, consistent with the General Plan /Coastal Land use Plan, include the following:

1. The open waters of the Pacific Ocean/Santa Barbara Channel, with the Channel Islands visible in the distance.

2. Goleta's Pacific shoreline, including beaches, dunes, lagoons, coastal bluffs, and open costal mesas. Goleta and Devereux Sloughs.

3. Creeks and the vegetation associated with their riparian corridors.

4. Agricultural areas, including orchards, lands in vegetable or other crop production, and fallow agricultural lands.

5. Lake Los Carneros and the surrounding woodlands.

6. Prominent natural landforms, such as the foothills and the Santa Ynez Mountains.

D. **View Preservation.** The Scenic Resources Map contained in the General Plan/Coastal Land Use Plan 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 must be protected by minimizing any impairment that could result from new development. Proposed development must be designed to preserve existing views as follows:

1. ***Design of Development.*** The review authority will review the design of the proposed development, including the location on the lot, size, bulk, and height of the structure(s), to ensure that views identified are protected. Design alternatives that enhance rather than obstruct or degrade views are encouraged.

2. ***Views from Roadways.*** The existing broad, unobstructed views from the nearest public street to the ocean and mountains will be preserved to the maximum extent feasible.

3. ***Views of Natural Features.*** Development proposed on or adjacent to bluffs, beaches, and streams must be designed and sited to prevent adverse impacts on the visual quality of these resources.

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

    a. Limitations on the height of structures;

b. Setbacks of ocean-fronting structures a distance sufficient to ensure that the structure does not infringe on views from the beach;

c. Limitations of the use of reflective materials for exterior walls, including retaining walls, and fences;

d. Clustering of building sites and structures;

e. Shared vehicular access to minimize curb cuts;

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

g. Selection of colors and materials that harmonize with the surrounding landscape.

Chapter 17.32 Coastal Access

Sections:

17.32.010 Purpose

This Chapter provides requirements for the dedication and improvement of public access to and along the coast, in conjunction with proposed development and associated land uses. The intent of this Chapter is to ensure that public rights of access to and along the coast are protected as guaranteed by the Coastal Act.

17.32.020 Applicability

A. **Coastal Access Defined:**

1. ***Vertical Access:*** Provides access from the first public road to the shore, or perpendicular to the shore.

2. ***Lateral Access:*** Provides for public access and use along the shoreline.

3. ***Blufftop Access:*** Provides access along blufftops that run parallel to the shoreline, and in some cases provides the only opportunity for public access along the shoreline above a rocky intertidal zone with no sandy beach.

B. **Protection of Existing Coastal Access.** Development must not interfere with public rights of access to the sea where the rights were acquired through use or legislative authorization. Public access rights may include the use of dry sand and rocky beaches to the bluff or first line of terrestrial vegetation.

C. **Access Requirements.** Proposed development and associated land uses located between the ocean and the first public road may be required to provide vertical

(perpendicular) access from the public road to bluff and beach areas, and lateral access along the beach, shoreline and blufftops, where the review authority first makes specific findings documenting the need for additional public access on and/or through the site and the relationship of the required dedication to the impacts on existing access or needs for additional access created by the project.

D. **Exceptions to Access Requirements.** Coastal access requirements may be waived by the review authority based upon specific findings that the provision of public access would be inappropriate because:

1. It would be inconsistent with public safety or military security needsor the protection of fragile coastal resources;Access at the site would be inconsistent with policies of the General Plan / Coastal Land Use Plan other than those requiring access;

2. Adequate access exists nearby; or

3. Agriculture would be adversely affected.

4. A dedicated accessway will not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway

E. **Timing of Access Implementation.** The type and extent of 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 (e.g., Conditional Use Permit and/or Coastal Development Permit approval).

1. ***Dedication:*** Must occur before issuance of construction permits or the start of any construction activity not requiring a permit.

2. ***Construction of Improvements:*** Must occur at the same time as construction of the approved development, unless another time is established through conditions of planning permit approval.

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 entity.

17.32.030 Access Location Requirements

Vertical, lateral and/or blufftop access is required by the review authority in compliance with this Chapter in the locations specified in the General Plan / Coastal Land Use Plan.

17.32.040 Access Design Standards

The standards of this Section are intended to provide guidance to the review authority in determining the appropriate design of accessways to be required by Coastal Development Permit conditions of approval in compliance with this Chapter.

A. **Design Objectives.** The following are general guidelines as to the size and nature of all public access facilities in the City.

1. ***Design and Siting.*** Accessways and trails should be sited and designed:

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

b. To prevent unwarranted hazards to the land and public safety;

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

d. To prevent damage to sensitive coastal resource areas.

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

3. ***Correction of Existing Damage.*** Where appropriate, coastal accessways must be designed to correct damage resulting from past use.

B. **General Design Standards.** Coastal accessways 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.*** The access easement, or offer to dedicate, must 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 must extend to the nearest non-beach natural feature, and must not be less than 25 feet in width.

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:

(1) Adverse impacts on sensitive environmental areas; or

(2) 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 will exceed eight percent.

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

3. ***Access for Disabled Persons.*** Wherever possible, wheelchair access to the ocean should be provided, as determined by the Director and Coastal Commission. Ramps should have dimensions and gradients consistent with current Americans with Disabilities Act (ADA) requirements. Where beach access for disabled persons is provided, parking spaces for disabled persons must be provided in compliance with Chapter 17.39, Parking and Loading.

4. ***Parking.*** Where access sites are required, parking must be provided where feasible pursuant to Chapter 17.39, Parking and Loading.

5. ***Signs.*** Directional signs advising the public of vertical, lateral and blufftop accessways and parking must be placed in prominent locations along access routes, at appropriate places in the downtown and at major visitor destinations. Signs designating disabled access points and parking must be conspicuous. Potential hazards along accessways such as steep cliffs, steps or slopes must be signed and fenced when necessary. All signage must meet the requirements of Chapter 17.42, Signs.

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

1. Vertical accessways must be sited along the border of the development and extend from the road to the bluff edge or shoreline; a different location may be approved if determined by the review authority to be appropriate considering site topography and the design of the proposed project.

2. If the proposed development includes residential structures, an accessway must not be sited closer than five feet to any residential structure.

3. A vertical accessway must have a minimum easement width of 25 feet centered on a pathway with a minimum width of 5 feet to allow for pedestrian use of the corridor, but the required pathway width may be reduced in compliance with Subsection (B)(2).

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

1. A lateral accessway easement, or offer to dedicate, must extend landward a minimum of 25 feet from mean high tide to the toe of the bluff or the first

line of terrestrial vegetation if the average width of the beach at mean high tide is greater than 25 feet.

2. A lateral accessway must not be closer than 20 feet to an existing residence; however, in determining the appropriate separation of the accessway from private development, the needs of the residents for privacy will be considered.

3. The minimum pathway width is 5 feet.

E. **Blufftop Access.** A lateral blufftop access easement must have a minimum width of 25 feet and a minimum pathway width of 5 feet, provided that the width of area within the easement where public access is allowed may be reduced in compliance with Subsection (B)(2). Average annual bluff retreat (erosion) must be considered by the review authority when requiring lateral blufftop access.

17.32.050 Prescriptive Rights

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

17.32.060 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 deed restriction or dedication of right-of-way or easement. Before approval of a Coastal Development Permit, the method and form of the access guarantee will be approved by the City Attorney and 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.** Will 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 Director.

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

C. **Offer of Dedication.** Will 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.

Chapter 17.33 Demolition and Relocation

Sections:

17.33.010 Purpose

The purpose of this Chapter is to protect and promote preservation of the quality and character of Goleta's built environment by:

A. Discouraging demolition or substantial alteration of structures that contribute to defining the character of the City and the distinguishing features and diversity of existing residential neighborhoods by protecting character-defining buildings and older smaller scale multi-unit structures;

B. Providing a basis for considering the impact of demolition, substantial alterations, and building removal on the cultural, social, and political characteristics of neighborhoods as well as their architectural and aesthetic attributes; and

C. Protecting and enhancing real property values by safeguarding and enhancing the appearance of the City and its neighborhoods.

D. Preserve the city's historic structures and sites as irreplaceable resources and protect these resources from deterioration, inappropriate alterations, and demolition.

17.33.020 Applicability

A. It is unlawful for any building or structure in the City to be demolished, removed, or relocated except as authorized under the provisions of this Chapter.

B. **Exceptions.** The following buildings or structures are exempt from the provisions of this Chapter:

1. Any single family house or accessory building containing less than 400 square feet of floor area that is not located within the Goleta Old Town Heritage District or identified as a historical resource under the California Environmental Quality Act (CEQA); and

2. Notwithstanding anything to the contrary, if a building or structure is unsafe, presents a public hazard and is not securable and/or is in imminent danger of collapse so as to endanger persons or property, as determined the City's Building Official, it may be demolished. The Building Official's determination in this matter will be governed by applicable law.

17.33.030 Demolition Defined

A demolition subject to the provisions of this Chapter and all other applicable City regulations occurs when any of the following take place at any time over a five-year period:

A. 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.

B. More than 50 percent of the exterior wall elements are removed, without limitation, the cladding, columns, studs, cripple walls, or similar vertical load-bearing elements and associated footings, windows, or doors.

1. 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.

2. The calculation for determining whether a structure has been demolished pursuant to this Section will be based on a horizontal measurement of the perimeter exterior wall removed between the structure's footings and the ceiling of the first story.

17.33.040 Requirements

The City will not approve the demolition of any building or structure unless the applicant has complied with all of the following conditions:

A. For multifamily 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 17.33.020.

B. Before filing an application for a demolition permit, a notice of intent to demolish in a form approved by the Director has been prominently posted on the property.

C. For purposes of this Title, the removal of a building for relocation to another parcel is considered a demolition. Structures may be relocated subject to the requirements of Section 17.33.050 of this Chapter.

17.33.050 Relocation of Buildings and Structures

Buildings and structures may be relocated if the following requirements are met:

A. The relocated structure must comply with all regulations of this Title including the property development standards for the Zoning District in which the structure is to be relocated, including building height, setback, parcel coverage, and unit density requirements.

B. Construction or rehabilitation related to the structure proposed to be relocated must commence within 30 days and be completed within 365 days of the date the structure is relocated onto the property.

C. Before the City issues a building permit, a notice of intent to relocate approved as to form by the Building Official must be posted on the parcel where the building is to be relocated.

17.33.060 Demolition in Coastal Zone

No building permit or demolition permit will be issued by the City for any development that requires a Coastal Development Permit under the California Coastal Act of 1976, Public Resources Code Sections 30000 et seq., until such time as a Coastal Development Permit has been issued for such development.

17.33.070 Demolition of Historic Buildings

A. **Purpose.** The purpose of this Section is to:

1. Identify, protect, and encourage the preservation of significant architectural, historic, and cultural structures in the City;

2. Ensure the preservation, protection, enhancement, and perpetuation of historic and cultural structures to the fullest extent feasible;

3. Encourage development that sensitively incorporates the retention, preservation, and re-use of historic and cultural structures;

4. Protect and enhance the City's attraction to tourists and visitors, and thereby serve as a stimulus and support to business and industry; and

5. Foster civic pride in the character and quality of Goleta's historic resources and in the accomplishments of its people through history.

B. **Administrative Use Permit Required.** No building permit will be issued for the demolition or removal of a building that is over 50 years old without the approval of an Administrative Use Permit except for the following:

1. Single Family Homes and accessory structures;

2. Accessory structures not exceeding 500 square feet.

3. Maintenance and repairs, the sole purpose and effect of which is to correct deterioration, decay or damage; and

4. Demolition or alteration of any portion of a building that was constructed pursuant to a City building permit issued less than 50 years before the date of application for the proposed building permit.

C. **Procedures.** An application for an Administrative Use Permit pursuant to this Section must be filed in accordance with the requirements of Chapter 17.48, Use Permits.

1. ***Required Studies.*** Structures proposed for demolition may be subject to a Phase 1 and/or Phase 2 historical study, as determined by the Zoning Administrator. If a structure or site is determined through these studies to be important to the city's heritage, the Zoning Administrator also may request that applicant investigate the feasibility of preservation or relocation as an alternative to 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 must identify appropriate mitigation measures, which may include without limitation the following:

   a. Providing public notice of the availability of the structure through advertisements or other means; or.

   b. Salvage and reuse building elements that have value and may be irreplaceable such as cornices, columns, mantels, doors, hardware, and lighting fixtures; and

   c. Video- and photo-document the structure and its setting using archival quality materials

2. ***Applicant's Responsibility.*** The applicant will pay the reasonable cost of preparation of the report (a Phase 1 or Phase 2 study) by an architectural historian, preservation architect, or other qualified professional approved by the City and who meets the Secretary of the Interior's Historic Preservation Professional Qualification Standards. The report will also be considered by the Zoning Administrator for the environmental determination required pursuant Section 17.46.050, Environmental Review, and any guidelines the City adopts to comply with these requirements.

D. **Required Findings.** To approve an Administrative Use Permit pursuant to this Section, in addition to any other findings that this Title may require, the Zoning Administrator must find that:

1. The property is not listed on or deemed eligible for listing on the National Register of Historic Places, the California Register of Historic Resources or an inventory of local cultural resources as defined by the General Plan; or

2. That denial of the Administrative Use Permit would result in Substantial Hardship, as that term is defined in Subsection (E) below, and that the severity of the Hardship outweighs the public benefit from denying the Permit.

E. **Finding of Substantial Hardship.** The Zoning Administrator may approve an Administrative Use Permit if the applicant presents clear and convincing evidence that disapproval will work immediate and substantial hardship because of conditions peculiar to the particular structure or feature involved. If hardship is found to exist under this Section, the Zoning Administrator will make a written finding to that effect, and the facts relied upon in making such finding. Rehabilitation costs that are the result of the property owner's intentional or negligent failure to maintain the structure in good repair will not be considered in the determination of whether denying the Permit would result in Substantial Hardship. The Zoning Administrator may consider the following factors in making the determination of whether Substantial hardship exists.

1. Whether approving the Application would be generally consistent with, and supportive of, the goals and policies of this Section and the General Plan;

2. A report from a licensed engineer as to the structural soundness of any structures on the property and their suitability for rehabilitation;

3. The estimated market value of the property in its current condition; estimated market value after completion of the proposed demolition;

4. An estimate from an architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;

5. The assessed value of the property according to the two most recent assessments;

6. In the case of a structure that is to be demolished, whether the property retains no reasonable economic use, taking into account the condition of the structure, its location, the current market value, and the costs of rehabilitation that would be necessary to make the findings under Subsections (E)(4);

7. In the case of a structure that is to be relocated, whether the building may be moved without destroying its historic or architectural integrity or importance; or

8. Any other information considered necessary by the Zoning Administrator to a determination as to whether the property does yield or may yield a reasonable return to the owners.

F. **Abatement or Correction of Unsafe or Dangerous Conditions.** None of the provisions of this Section will be construed to prevent any measures of construction, alteration or demolition necessary to correct or abate the unsafe or dangerous condition of any structure, other feature, or part thereof, which such condition has been declared unsafe or dangerous by the Building Official or the Fire Department, and where the proposed measures have been declared necessary to correct the said condition; provided, however, that only such work as is reasonably necessary to correct the unsafe or dangerous condition may be performed pursuant to this Section. In the event any structure or other feature is damaged by fire or other calamity beyond the reasonable control of the property owner, or by the public enemy to such an extent that in the opinion of the aforesaid department or departments it cannot reasonably be repaired or restored, it may be removed in conformity with normal permit procedures and applicable laws.

G. **Failure to Comply with Ordinance.** The Planning Commission will have the authority to withhold a building permit for a site if the Commission determines that demolition or removal has been done on the site without the benefit of an Administrative Use Permit. If the Commission, after notice and hearing, makes this determination, the Commission will also have the authority to record an affidavit with the County Recorder stating that no permits for any new development will be issued on the property for a period of five years.

Chapter 17.34 Energy Facilities

Sections:

17.34.010 Purpose

This Chapter outlines regulations for those onshore and offshore energy facilities that are identified in the General Plan / Local Land Use Plan and Zoning Map, the types of permits and review, and provides regulations for the operation of energy facilities. Additional purposes of this Chapter are to:

A. Recognize the existing nonconforming status of the Venoco Ellwood Onshore Oil and Gas Processing Facility (Venoco EOF site) and to provide for the decommissioning of this facility, pursuant to the policies of the General Plan. The intent is that, in the long-term, use of the property for oil and gas processing must 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;

B. Regulate any modifications or alterations of existing oil and gas facilities until decommission occurs;

C. Reduce oil and gas facilities' impacts on the City and the environment, including emissions of air pollutants, safety hazards to nearby areas, visual impacts, and risks to marine and land resources; and

D. Until such time as the oil and gas processing use is terminated, any modifications or alternations of the existing facilities must be in accordance with the provisions of LU 10.1 and must be designed to improve air quality, reduce environmental impacts and

hazards, and improve safety for nearby lodging, recreational, and residential uses. Upon termination of the oil and gas processing use, the priority use for the site must be coastal-dependent and coastal-related recreational uses that are conducted primarily outdoors or limited to small-scale structures. Adequate onsite parking must be provided to serve all recreational uses (see related General Plan Policy OS 2).

E. For legally conforming uses, continued operations are subject to reasonable standards to protect public health and safety.

17.34.020 Applicability

The regulations of this Chapter apply to oil and gas production from onshore and offshore facilities, including all equipment, structures and appurtenances necessary for the exploration, development, processing, treatment, and shipment of oil and gas resources.

17.34.030 Development Standards

A. **Height Limit.** Structures must not exceed a height of 45 feet.

B. **Setbacks.** New facilities must meet the setback standards of the zones where they are sited and, in addition, cannot be within 300 feet of a residential zone.

C. **Authority to Construct.** The applicant must receive "authority to construct" from the Air Pollution Control District and obtain a Local Coastal Development Permit, if in the Coastal Zone.

D. **Oil Storage Capacity.** Oil storage capacity must be temporary and limited to the amount necessary to conduct operations.

E. **Noise and Vibration.** Machinery used in the production and/or processing must be designed and housed to ensure that noise and vibration will be reduced to a minimum.

F. **Odors, Fumes, Gases, Liquids and Smoke.** No offensive odors, fumes, noxious gases, liquids or smoke (i.e., visible combustion products, not including steam) generated at the facility, other than from motor vehicles, should be detectable outside the facility boundary.

G. **Outdoor Lighting.** Lights must be shielded to ensure that they do not shine directly on adjacent properties.

H. **Exterior Color.** Permanent structures and equipment must be painted a neutral color to blend with natural surroundings.

I. **Delivery Hours.** Except in an emergency, materials, equipment, tools or pipe used for drilling, plant operations, or transport, must not be delivered to or removed from a drilling site within or through streets within a Residential District between the hours of 7:00 p.m. and 7:00 a.m.

J. **Grading and Drainage.** Grading and alteration of natural drainages, watersheds and hillsides must be minimized. Where grading and alteration of natural drainages, watersheds or hillsides is required to carry forth a project, adequate mitigation must be required, including use of temporary vegetation, seeding, mulching or other suitable stabilization to minimize impacts to affected areas. All cut and fill slopes must be stabilized immediately with planting of native grasses and shrubs or appropriate non-native plants. Significant impacts to surface water due to short-term sedimentation of streams must be mitigated to the maximum extent feasible through adequate erosion and sediment controls, including containment of loose soil.

K. **Site Restoration.** A site-specific restoration, erosion control and revegetation plan must be prepared for areas impacted by construction.

L. **Adequate Water Source.** Proposed development must have adequate public and private services and resources, including a reliable long-term source of water. The Zoning Administrator may require that amn applicant provide an "unconditional" will serve letter or contract for service from the Goleta Water District.

M. **Safe Conduct of Activities.** All activities must be conducted in such a manner so as not to be injurious to the health, safety or welfare of persons who may be present in the vicinity of the facility.

N. **Contingency Plans.** An Emergency Response Plan, Fire Protection Plan, Hazardous Materials and Waste Management Plan and Hydrogen Sulfide Incident Plan must be prepared for the facility. Additional contingency plans (e.g., Flood Control Plan) must be required on a project-by-project basis.

O. **Spills.** Effective containment and clean-up must be provided for accidental spills that do occur.

P. **Performance Security.** To ensure that abandonment is carried out, a performance security or other acceptable financial surety must be posted by the operator before issuance of any permits are issued in an amount of 125 percent of the estimated cost of obtaining permits, implementing abandonment and restoring the site. The financial surety must be returned to the applicant upon successful abandonment and restoration of the site.

17.34.040 Required Findings

In addition to any findings required under Chapter 17.48 (Use Permits), no permit for oil and gas facilities will be approved unless the applicable review authority makes the following findings:

A. Consolidation or collocation within or adjacent to an existing processing facility to accommodate the proposed production is not feasible or is more environmentally damaging.

B. There are no feasible alternative locations or less environmentally damaging alternative locations for the proposed processing facility, as determined through environmental review under the California Environmental Quality Act.

C. The proposed facility is compatible with the existing and allowed recreational and residential development and the scenic resources of the surrounding area.

17.34.050 Oil and Gas Pipelines

This Section describes oil and gas pipelines that are subject to regulation and provides standards for their location and operation.

A. **Applicability.** The regulations in this Section applies to the following uses:

1. Oil and gas pipelines that extend outside an oil and gas facility (i.e., transmission and distribution lines).

2. Oil and gas pipelines transporting oil and gas from or to an offshore area.

3. Facilities related to the pipeline, including simple, in-line pump stations and oil storage.

B. **Development Standards.** In addition to the standards outlined in Section 17.34.030, the following development standards apply to oil and gas pipelines:

1. ***Location of Pipeline Corridor.*** A pipeline corridor must be sited so as to avoid important coastal resources (e.g., recreation, habitat, archaeological areas, etc.) unless there is no feasible or less environmentally damaging alternative location for a proposed pipeline. Applicants must consult with the federal Office of Pipeline Safety or the California Public Utilities Commission as appropriate.

2. ***Setback.*** A minimum setback of 25 feet measured from the centerline of gas gathering and transmission pipeline. Exceptions to this requirement include:

a. Corridor-type locations such as 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 of a public-utility pipeline with a functionally equivalent pipeline;

d. Instances where this requirement is preempted 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 the centerline of the pipeline.

3. ***Survey Required.*** Except for pipelines exempted from a Coastal Development Permit under Public Resources Code §30610(c) and (e) of the California Coastal Act 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 under the California Environmental Quality Act (CEQA) (Public Resources Code §21000 et seq.) for a particular project.

4. ***Pipeline Marking and Warning.*** New pipelines or relocation of existing pipelines must include measures to clearly warm 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 one foot above buried pipelines where feasible.

5. ***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 production level. The plan must also include provisions for restoration of habitats that will be disturbed by construction or operation procedures.

b. The Zoning Administrator must review and approve all revegetation plans.

c. *Performance Security.* For projects in which a revegetation plan and/or habitat restoration plan has been prepared, a performance security must be provided in an amount sufficient to ensure completion of all requirements of the approved revegetation and/or restoration program and will be released upon satisfactory completion and success of the plantings.

d. *Annual Surveys to Assess Effectiveness.* For projects in which a revegetation plan and/or habitat restoration plan has been prepared, the affected pipeline segment must be resurveyed 12 months after completion of construction to assess the effectiveness of the revegetation and restoration program. Subsequent surveys must be completed and submitted to the Zoning Administrator on an annual basis to demonstrate progress in returning the site to pre-construction conditions, until such time that the Zoning Administrator determines that additional monitoring is no longer necessary.

6. ***Safety Measures Required.*** Oil and gas pipelines that cross fault lines and areas that are susceptible to erosion, sliding, earthquake or other geologic events will be subject to additional safety standards, including emergency shut-off.

7. ***Spills.*** Where pipeline segments carrying hydrocarbon liquids pass through important coastal resource areas (e.g., recreation, habitat, archaeological or other areas of significant coastal resource value), automatic shutoff valves must be utilized to minimize the amount of spilled liquids in the sensitive area. The potential for damage in those areas must be minimized by considering spill volumes, duration and trajectories in the selection of a pipeline corridor. In addition, appropriate measures for spill containment and clean-up (e.g., catch basins to contain a spill) must be included as part of the required emergency response plan.

8. ***Equipment/Activities/Use Confined to Right-of-Way.*** Equipment and activities must be restricted to the pipeline right-of-way to the maximum extent feasible. Following installation of a pipeline, use of the right-of-way will be restricted to the pipeline easement.

9. ***Burial Within Corridor.*** Permits for new pipeline construction must require engineering of pipe placement and burial within a corridor to minimize incremental widening of the corridor during subsequent pipeline projects, unless the proposed route is determined to be unacceptable for additional pipelines.

10. ***Repair and Replacement of Existing Pipelines.*** The repair, replacement or modification of existing underground oil or gas pipelines will not require a permit provided that each of the following criteria is met:

    a. The repair, replacement or modification activities will not take place in, or require access through, an environmentally sensitive habitat area.

    b. The repair, replacement or modification will not result in a substantial increase in volume of oil or gas transported through the pipeline.

    c. The pipeline, after repair, replacement or modification, will comply with all applicable safety and engineering standards established by state and federal law.

    d. The repair, replacement or modification will not significantly expand or alter the right-of-way occupied by the existing pipeline.

    e. The ground surface above the pipeline will be restored to its prior condition (or better) immediately upon completion of work. Where the ground surface was previously vegetated, the pipeline operator will revegetate the surface within three months of the completion of repair and/or replacement.

17.34.060 Oil and Gas Pipelines - Findings for Development Plans

A. In addition to any findings required under Chapter 17.48 (Use Permits) and Section 17.34.030, new pipeline construction outside of industrial facilities will not be approved unless the applicable review authority also makes all of the following findings:

1. Use of available or planned common carrier and multiple-user pipelines is not feasible.

2. Pipelines 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. New pipelines are routed in approved corridors that have undergone comprehensive environmental review unless the applicable review authority determines that these corridors are not available, safe, technically feasible or the environmentally preferred route for the proposed new pipeline.

4. When a new pipeline route is proposed, it is environmentally preferable to feasible alternative routes.

5. When a new pipeline is proposed, the project's environmental review has analyzed the cumulative impacts that might result from locating additional pipelines in that corridor in the future.

6. Concurrent or "shadow" construction has been coordinated with other pipeline projects that are expected to be located in the same corridor where practical.

17.34.070 Abandonment and Removal Procedures for Energy Facilities

A. **Purpose.** This Section establishes procedures to achieve the timely abandonment and proper removal of applicable oil and gas facilities, reclamation and final disposition of pipelines in compliance with applicable laws and permits, pursuant to the General Plan.

B. **Applicability.** This Chapter applies to all energy facilities that handle, or at one time handled, natural gas, natural gas liquids, oil, produced water or waste water that originated from an onshore or offshore reservoir, and any oil and gas pipelines, regardless of whether these uses were permitted in compliance with this Zoning Ordinance or any preceding zoning regulations.

C. **Requirement to File an Application.**

1. ***Intentional Abandonment.*** The permittee of a permitted land use must submit an application to the Department for a Demolition and Reclamation Permit upon intentional cessation or abandonment of a permitted land use.

2. ***Other Events that Trigger Submittal of Application.*** The permittee of a permitted land use must submit an application to the Department either to defer abandonment or to obtain a Demolition and Reclamation Permit upon the occurrence of either of the following:

   a. *Expansion of Production.* Any request for expansion of production levels for oil or gas in an existing facility;

   b. *City Permit Requirement.* Any event designated in an existing City permit that would require consideration of abandonment; or

   c. *Idle Land Use or Business Function.* The permitted land use or an independent business function of a permitted land use has become idle.

3. ***Time Period.*** The application must be filed within 12 months of intentional abandonment and no later than 90 days after an event specified in Subsection (2) has occurred.

D. **Public Hearing.** The Planning Commission will conduct a public hearing to consider any application to defer abandonment.

E. **Decision on Application to Defer Abandonment.**

1. The Planning Commission will grant the application for deferral of abandonment unless the evidence shows that an idle facility has no reasonable possibility of being restarted or the owner has no intent of restarting operations at the facility within a reasonable period of time.

2. Notwithstanding Subparagraph (1), above, the Planning Commission must approve the application for deferral of abandonment for any pipeline subject to the jurisdiction of the Federal Energy Regulatory Commission if that Commission has determined that abandonment is not appropriate.

3. The Commission must consider all relevant evidence in determining if a permitted land use has been abandoned, including whether any of the following has occurred:

   a. The oil and gas leases that have supplied the permitted land use with product have terminated.

   b. The oil and gas operations that have supplied the permitted land use with product have been abandoned.

c. There are no other existing offshore leases that may reasonably be expected to use the facility or site in the next three years.

d. Major and essential components of a land use, or an independent business function of a land use, have been removed from the site or have fallen into disrepair so that they are no longer functional.

e. Permits or other entitlements for the land use (e.g., permits from the Air Pollution Control District) have been surrendered, expired, revoked or otherwise rendered invalid and no intent has been demonstrated to renew or reacquire the permits.

f. The Fire District has issued an order requiring abandonment.

g. Any other evidence that shows clear intent to abandon.

h. The permittee no longer has a vested right to continue operation.

F. **Time Period for Decommissioning.** The owner/operator must commence the decommissioning activities within three years of the cessation of operations and must complete removal of all oil and gas facilities within two years following the start of the decommissioning project.

G. **Restoration to Natural Condition.** The subject site will be restored to natural conditions unless areas within the site are subject to approved development, in which case restoration and landscaping of these areas will conform to the newly permitted development. In cases where development is proposed but not yet permitted, restoration of affected areas to natural conditions may be waived, provided the development is permitted within two years and the permittee has posted financial assurances acceptable to the Planning Commission to ensure restoration to natural conditions if the proposed development is not permitted and/or constructed.

1. For purposes of this finding, the Commission may allow abandonment in-place of specific improvements (e.g., emergency access roads or retaining walls) if the Commission finds that their removal would be detrimental to the health, safety or general welfare of the public or the environment (e.g., undesired destabilization of slopes due to removal of a retaining wall or eliminating a needed public evacuation route).

2. ***Public Access or Use.*** The proposed reclamation will leave the subject site in a condition that is compatible with any existing easements or dedications for public access through or public use of a portion of the property.

3. ***Completion of Post-Closure Activities.*** The permit conditions contain specific enforceable requirements to ensure the timely closure of the site and completion of post-closure activities.

H. **Monitoring to Ensure Compliance.** The demolition and reclamation will be monitored by a qualified individual, funded by the permittee and retained by the City, to ensure compliance with those conditions designed to mitigate anticipated significant adverse effects on the environment and to provide recommendations in instances where effects were not anticipated or mitigated by the conditions imposed on the Demolition and Reclamation Permit. Pre- and post-reclamation surveys of sensitive resources will be employed as appropriate to measure compliance.

I. **Subsurface Pipeline Segments.** When subsurface pipeline segments are decommissioned, the must be removed along with all debris, except under the following circumstances:

1. The pipeline is within a City right-of-way or traverses an environmentally sensitive habitat, provided that the segment has been cleaned properly and treated prior to the abandonment in place.

2. Areas of ground disturbance must be restored to pre-project conditions, including revegetation of the affected area.

3. Where segments of pipelines that traverse environmentally sensitive habitats, including, but not limited to, wetlands, streams, or coastal dunes and beaches, are decommissioned and/or removed, all affected habitat areas must be restored consistent with the character of the habitat.

4. The existing owner/operator of a pipeline to be decommissioned is 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 is the responsible party, including the owner of the real property on which the pipeline is situated.

5. ***Recorded Notice.*** The owner/operator or other responsible party must record appropriate notification with the County Clerk-Recorder to update, supersede or release the recorded rights-of-way where a subsurface pipeline is abandoned in place. This notice must describe the presence and location of the abandoned pipeline, any material placed in the pipeline for abandonment and the operator and owner of the pipeline before abandonment.

J. **Previously Unidentified Contamination.** The site must be assessed for previously unidentified contamination. The permittee must diligently seek all necessary permit approvals, including revisions to the Demolition and Reclamation Permit if required, in order to remediate the contamination.

K. **Other Conditions or Requirements.** The Commission, in consultation with City Departments, may impose any other appropriate, necessary and reasonable conditions or require any changes to the project as deemed necessary to protect the health, safety and general welfare of the public, protect property, preserve the character, natural

resources or scenic quality of the area or implement the purpose of this Section or any other provisions of the Municipal Code.

L. **Completion of Permit Requirements.** The permittee must complete all requirements of the Demolition and Reclamation Permit before the expiration of the permit, including any extensions of the permit. Failure to do so will constitute a violation of this Section.

M. **Term.** Demolition and Reclamation Permits must expire upon issuance of a "Reclamation Complete" letter by the Director, which must be issued upon the satisfactory completion of the required work. The Director's "Reclamation Complete" letter must certify completion of all required work except for remediation of contamination, which is certified by other agencies.

Chapter 17.35 Environmentally Sensitive Habitats

Sections:

17.35.010 Purpose

This Chapter outlines regulations for those Environmentally Sensitive Habitat Areas (ESHA) that are identified in the General Plan, the types of permits and review, and provides regulations for the operation of energy facilities. Additional purposes of this Chapter are to:

A. Protect, maintain, and enhance natural ecosystem processes and functions in Goleta and its environs 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 water quality and the biological diversity of Goleta Slough and Devereux Slough.

F. Protect and enhance other important aquatic and terrestrial habitats, including those associated with rare, threatened, or endangered species of plants or animals.

G. Protect, preserve, and enhance Goleta's Urban Forest. Preserve and protect agriculture, encourage future expanded agricultural production by protecting land and supporting direct marketing, and ensure compatibility of nearby development with agriculture.

H. Manage water resources at the watershed level cooperatively with other agencies to maintain high groundwater and surface water quality and to protect marine aquatic habitats.

I. Manage groundwater and surface water resources to promote water quality and quantity adequate to support natural ecosystem processes and functions.

J. Manage water use efficiency, conserve water, promote recycling, and promote public awareness of water and recycling issues.

K. Conserve soil resources as the foundation of resource production and minimize erosion and other soil-depleting processes.

L. Minimize emissions of atmospheric pollutants that result from new development within Goleta and reduce emissions from transportation sources by promoting transit and other less polluting alternative modes of travel.

M. Encourage energy efficiency in new development and encourage use of alternative energy sources such as solar energy.

17.35.020 Applicability

This Chapter applies to all environmentally sensitive areas, defined in the General Plan as 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 which could easily be disturbed or degraded by human activities and developments, as identified in the General Plan, within the limits of the City.

17.35.030 Application Requirements

Each development application for a project within an environmentally sensitive area, as identified in the General Plan, must include a complete description of the proposed project, site plan, grading plan, and any reports required by the Department, such as biological, geological, or environmental reports or a wetland delineation, consistent with applicable law. The City may require additional reports or peer review of submitted reports to ensure adequacy, and the costs of securing such reports or any required peer review at the applicant's responsibility.

A. **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.

B. **Biological Study.** A biological study must be prepared by a City-approved consultant, with all costs borne by the applicant, and submitted with the application.

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 environmentally sensitive area boundaries. The map must clearly show areas that would be directly impacted by project construction and development footprints.

2. The biological study must also describe the flora and fauna known to occur or having the potential to occur on the site, including sensitive species.

3. 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 and mitigation measures that would minimize or mitigate residual impacts that cannot be avoided through project alternatives.

4. Research and survey methodology used to complete the study must also be provided.

5. The biological study must be prepared by a professional biologist approved by or working directly for the City. The City will review the submitted application materials and may require additional information or peer review, as necessary to assess the potential impacts of the project on an environmentally sensitive area.

17.35.040 Mitigation of Impacts

A. No development, except as allowed in this Code, is allowed within an ESHA or ESHA buffer.

B. Unless stated elsewhere in this Code or 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 onsite mitigation.

C. Offsite mitigation measures must 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 must also be located within the Coastal Zone.

D. All mitigation sites must be monitored for a minimum period of five years following completion, with changes made as necessary based on annual monitoring reports.

E. Where appropriate, mitigation sites will required to be subject to deed restrictions and performance bonds or other security may be required, in a form acceptable to the City, 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 acceptance of the mitigation.

F. Mitigation sites must 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.

G. **ESHA Buffers.** Development adjacent to an ESHA must 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 must be of a sufficient size to ensure the biological integrity and preservation of the ESHA they are designed to protect.

17.35.050 Development Standards

The following development standards apply to consideration of developments within or adjacent to Environmental Sensitive Habitat Areas (ESHA):

A. 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 for parcels within or adjacent to an ESHA 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 reestablish vegetation that supports wildlife habitat whenever feasible. Development within or adjacent to wildlife habitat networks must incorporate design techniques that protect, support, and enhance wildlife habitat values. Planting of nonnative, invasive species must not be allowed in ESHAs and buffer areas adjacent to ESHAs.

D. All new development must 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 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 17.37, Lighting.

F. All new development must minimize potentially significant noise impacts on special-status species in adjacent ESHAs, consistent with the requirements of Chapter 17.40, Performance Standards.

G. 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 nonnative 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.

H. The timing of grading and construction activities must 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 must 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 must be implemented prior to and concurrent with all grading operations.

K. **Fences.** New fencing on parcels adjacent to environmentally sensitive areas must be wildlife permeable as defined by the following criteria:

1. Fences must have a wooden (not wire) rail at the top;

2. Fences must be less than 40 inches high;

3. Fences must have a space greater than 14 inches between the ground and the bottom rail; and

4. Solid or chain-link fences are prohibited.

17.35.060 Management of ESHAS

A. The following standards apply to the ongoing maintenance of ESHAs:

1. The use of insecticides, herbicides, artificial fertilizers, or other toxic chemical substances that have the potential to degrade ESHAs is prohibited within and adjacent to such areas, except where necessary to protect or enhance the ESHA itself.

2. 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 must be minimized.

3. Mosquito abatement within or adjacent to ESHAs 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.

4. Weed abatement and brush-clearing 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 hand crews for brushing, tarping, and hot water/foam for weed control. Disking is prohibited.

5. 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, which could be caused by pipeline rupture or leakage and by routine maintenance practices such as clearing of vegetation.

6. Removal of nonnative invasive plant species within ESHAs may be allowed and encouraged, unless the nonnatives contribute to habitat values.

7. 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.

17.35.070 Streamside Protection Areas.

A. The purpose of a streamline protection area designation, as identified in the General Plan, is to preserve the SPA in a natural state in order to protect the associated riparian habitats and ecosystems. The SPA must 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 must be as follows:

1. The SPA upland buffer will 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.

2. If the provisions above would result in any legal parcel created prior to the date of this Ordinance being made unusable in its entirety for any purpose allowed, exceptions to the foregoing may be made to allow a reasonable economic use of the parcel, subject to approval of a Conditional Use Permit.

B. **Allowable Uses and Activities in Streamside Protection Areas.** 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:

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 that 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 such Public Works projects as identified in the Capital Improvement Plan, only where there are no feasible, less environmentally damaging alternatives.

C. **Dedication of Easements or Other Property Interests.** In new subdivisions of land, SPAs must not be included in developable lots but 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 Subsection (B) is required. Dedication of the open space lot or easement area to the City or a nonprofit land trust is encouraged.

D. **Maintenance of Creeks as Natural Drainage Systems.** Creek banks, creek channels, and associated riparian areas must be maintained or restored to their natural condition wherever such conditions or opportunities exist. Creeks carry a significant amount of Goleta's stormwater flows. The following standards apply:

1. The capacity of natural drainage courses must not be diminished by development or other activities.

2. Drainage controls and improvements must be accomplished with the minimum vegetation removal and disruption of the creek and riparian ecosystem that is necessary to accomplish the drainage objective.

3. Measures to stabilize creek banks, improve flow capacity, and reduce flooding are allowed but must not include installation of new concrete channels, culverts, or pipes except at street crossings, unless it is demonstrated that there is no feasible alternative for improving capacity.

4. Drainage controls in new development must be required to minimize erosion, sedimentation, and flood impacts to creeks. Onsite treatment of stormwater through retention basins, infiltration, vegetated swales, and other best management practices (BMPs) shall be required in order to protect water quality and the biological functions of creek ecosystems.

5. Alteration of creeks for the purpose of road or driveway crossings is prohibited except where the alteration is not substantial and there is no other feasible alternative to provide access to new development on an existing legal parcel. Creek crossings must be accomplished by bridging and be designed to allow the passage of fish and wildlife. Bridge abutments or piers must be located outside creek beds and banks, unless an environmentally superior alternative exists.

E. **Restoration of Degraded Creeks.** Segments of several creeks in Goleta have been covered or channelized by concrete culverts, causing degradation of the creek ecosystem. Restoration activities for improving degraded creek resources must include the following:

1. Channelized creek segments and culverts must be evaluated and removed to restore natural channel bed and bank, where feasible.

2. Creek courses in public rights-of-way must be uncovered as part of public works improvement projects.

3. Barriers that prevent migration of fish such as anadromous salmonids from reaching their critical habitat must be removed or modified.

4. Restoration of native riparian vegetation and removal of exotic plant species must be implemented, unless such plants provide critical habitat for monarch butterflies, raptors, or other protected animals.

5. Creek rehabilitation projects must be designed to maintain or improve flow capacity, trap sediments and other pollutants that decrease water quality, minimize channel erosion, prevent new sources of pollutants from entering the creek, and enhance in-creek and riparian habitat.

6. The use of closed-pipe drainage systems for fish-bearing creeks is prohibited unless there is no feasible, less environmentally damaging alternative.

7. When the use of culverts is necessary, the culverts must be oversized and have gravel bottoms that maintain the channel's width and grade.

17.35.080 Protection of Wetlands in the Coastal Zone

A. The biological productivity and the quality of wetlands must 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 will be allowed within wetlands.

B. **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, such as burying cables or pipes; restoration of wetlands; and nature study, education, or similar resource-dependent activities.

C. **Buffer.** A wetland buffer of a sufficient size to ensure the biological integrity and preservation of the wetland can be required as a condition of approval. Generally the

required buffer must be 100 feet, but in no case must wetland buffers be less than 50 feet. In establishing the buffer size the approving authority must 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 cannot be reduced in width by the approving authority 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 must serve as transitional habitat with native vegetation and must provide physical barriers to human intrusion.

17.35.090 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 to the satisfaction of the approving authority 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 by the Land Use Element of the General Plan; and

3. Mitigation measures have been 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 offsite location within the City.

B. **Buffer.** A wetland buffer of a sufficient size to ensure the biological integrity and preservation of the wetland can be required. A wetland buffer must be no less than 50 feet. In establishing the buffer size the approving authority must 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 must serve as transitional habitat with native vegetation and must provide physical barriers to human intrusion.

17.35.100 Mitigation of Wetland Infill

A. 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 must include creation or substantial restoration of wetlands of a similar type. The approving authority can require that adverse impacts 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 can the mitigation ratio established by the approving authority be less than 3:1.

17.35.110 Lagoon Protection

A. The lagoons at the mouths of Bell Canyon and Tecolote Creeks must be protected. Lagoon breaching or water level modification is not allowed.

17.35.120 Vernal Pool Protection

A. 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 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 vernal pool habitats. Additional vernal pools are found at Lake Los Carneros Natural and Historical Preserve.

17.35.130 Protection of Coastal Bluff Scrub, Coastal Sage Scrub, and Chaparral ESHA

A. The following standards apply to any development in an ESHA that would potentially affect coastal bluff scrub, coastal sage scrub and chaparral:

1. Definitions of Species Subject to this Standard.

   a. Coastal bluff scrub means 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*), seacliff buckwheat (*Eriogonum parvifolium*), California sagebrush (*Artemisia californica*), and coyote bush (*Baccharis pilularis*).

   b. 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 (*Baccharispilularis*), and California encelia (*Encelia californica*). It is found at lower elevations in both coastal and interior areas where moist maritime air penetrates inland.

   c. 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 classification systems recognized by the California Department of Fish and Game.

2. To the maximum extent feasible, development must 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.

3. Impacts to coastal bluff scrub, coastal sage scrub, and chaparral must be minimized by providing at least a 25-foot buffer restored with native species around the perimeter of the ESHA.

4. Removal of nonnative and invasive exotic species is allowed; however, any revegetation must be with plants or seeds collected within the same watershed whenever feasible.

17.35.140 Protection of Native Woodlands

A. **Definition of Protected Trees.** New development must be sited and designed to preserve the following species of native trees: oaks (*Quercus* spp.), walnut (*Juglans californica*), sycamore (*Platanus racemosa*), cottonwood (*Populus* spp.), willows (*Salix* spp.), or other native trees that are not otherwise protected in ESHAs.

B. **Tree Protection Plan.** Applications for new development on sites containing protected native trees must include a report by a certified arborist or other qualified expert. The report must include an inventory of native trees and a Tree Protection Plan.

C. **Native Oak Woodlands or Savannas.** Native oak woodlands and savannas are designated as ESHAs and must be preserved and protected.

D. **Tree Protection Standards.** The following impacts to native trees and woodlands should be avoided in the design of projects: 1) removal of native trees; 2) fragmentation of habitat; 3) removal of understory; 4) disruption of the canopy, and 5) alteration of drainage patterns. Structures, including roads and driveways, should be sited to prevent any encroachment into the protection zone of any protected tree and to provide an adequate buffer outside of the protection zone of individual native trees in order to allow for future growth.

E. **Mitigation of Impacts to Native Trees.** Where the removal of mature native trees cannot be avoided through the implementation of project alternatives or where development encroaches into the protected zone and could threaten the continued viability of the tree(s), mitigation measures must include, at a minimum, the planting of replacement trees on site, if suitable area exists on the subject site, or offsite if suitable onsite area is unavailable. Tree replacement ratios will be established upon the

evaluation by a certified arborist and approved by the review authority. Where onsite mitigation is not feasible, offsite mitigation must be provided by planting of replacement trees at a site within the same watershed. If the tree removal occurs at a site within the Coastal Zone, any offsite mitigation area must also be located within the Coastal Zone. Mitigation sites must be monitored for a period of 5 years. The City may require replanting of trees that do not survive.

17.35.150 Protection of Native Grasslands

A. For purposes of this Section, 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 must be delineated as native grasslands.

B. To the maximum extent feasible, development must 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 must not be allowed.

D. Impacts to protected native grasslands must 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 must be allowed. Revegetation must be with plants or seeds collected within the same watershed whenever feasible.

17.35.160 Protection of Marine Habitats

A. Marine ESHAs must 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. Permitted uses or developments must be compatible with marine and beach ESHAs.

C. Any development on beach or ocean bluff areas adjacent to marine and beach habitats must be sited and designed to prevent impacts that could significantly degrade the marine ESHAs. All uses must be compatible with the maintenance of the biological

productivity of such areas. Grading and landform alteration must be limited to minimize impacts from erosion and sedimentation on marine resources.

D. Marine mammal habitats, including haul-out areas, must not be altered or disturbed by development of recreational facilities or activities, or any other new land uses and development.

E. Near-shore mustow fish habitats and shore fishing areas must be preserved and, where appropriate and feasible, enhanced.

F. 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, must be encouraged and allowed.

17.35.170 Protection of Monarch Butterfly

A. **Definition of Habitat Area.** 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 must 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.

B. Monarch butterfly ESHAs must be protected against significant disruption of habitat values, and only uses or development dependent on and compatible with maintaining such resources must be allowed within these ESHAs or their buffer areas. The following standards must apply:

1. No development, except as otherwise allowed by this policy, must be allowed within monarch butterfly ESHAs or ESHA buffers.

2. Since the specific locations of aggregation sites may vary from one year to the next, the focus of protection must be the entire grove of trees rather than individual trees that are the location of the roost.

3. Removal of vegetation within monarch ESHAs must be prohibited, except for minor pruning of trees or removal of dead trees and debris that are a threat to public safety.

4. Public accessways are considered resource-dependent uses and may be located within a monarch ESHA or its buffer; however, such accessways must be sited to avoid or minimize impacts to aggregation sites.

5. Interpretative signage is allowed within a monarch ESHA or its buffer, but must be designed to be visually unobtrusive.

6. Butterfly research, including tree disturbance or other invasive methods, may be allowed subject to City approval of a permit.

C. **Buffer.** 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, must be required. Buffers must 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 must serve as transitional habitat with native vegetation and must 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. The following standards must apply to consideration of proposals for new development adjacent to monarch ESHAs or ESHA buffers:

1. 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, must be required to be submitted by the project proponent.

2. The study must include preparation of a Monarch Butterfly Habitat Protection Plan, which at a minimum must include:

   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; and

   d. The boundaries of the buffer zone around the habitat area.

3. A temporary fence must be installed along the outer boundary of the buffer zone prior to and during any grading and construction activities on the site.

4. 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, must be prohibited between October 1 and March 1.

17.35.180 Protection of Other ESHA's

A. **Protection of Dunes.** Dune ESHAs must be protected and, where feasible, enhanced. Vehicle traffic through dunes must be prohibited. Where pedestrian access through dunes is allowed, well-defined footpaths or other means of directing use and minimizing adverse impacts must be used. Active nesting areas for sensitive birds, such as the western snowy plovers and least terns, must be protected by fencing, signing, and other means.

B. **Seabird Nest Areas.** In order to protect seabird nesting areas, new pedestrian access is not permitted on bluff faces except along existing and planned formal trails or stairways shown in the General Plan.

C. **Buffer Areas for Raptor Species.** Development must 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 must be allowed within a 300-foot radius of the nest site during the nesting and fledging season.

D. **Protection of Special-Status Species.** 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 Plan Society List 1B plants, and other species protected under the provisions of the California Fish and Game Code must be protected and their occurrences are designated as ESHAs.

    1. All development must be located, designed, constructed, and managed to avoid disturbance of adverse impacts to special stauts species and their habitats, including spawning, nesting, rearing, roosting, foraging, and other elements of the required habitats.

Chapter 17.37 Lighting

Sections:

17.37.010 Purpose

The purposes of this Chapter are to:

A. Restrict the use of outdoor artificial illuminating devices to conserve energy and reduce light pollution, while maintaining adequate visibility for safety on public and private property;

B. Protect again direct glare, excessive lighting, and prevent light trespass;

C. Preserve the community's character and reclaim the ability to view the nighttime sky;

D. Conserve natural resources and energy; and

E. Protect the quality of life and ecology of flora and fauna.

17.37.020 Applicability

A. The standards of this Chapter apply to all new development and to exterior alterations and additions that involve replacement light fixtures or systems.

B. **Conformance with Applicable Ordinances.** All outdoor artificial illuminating devices must be installed in conformance with the provisions of this Ordinance, the Subdivision Code, and all other applicable City ordinances and requirements.

17.37.030 General Requirements

A. **Integration with Adjacent Uses.** 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 our community. Lighting for commercial installations adjacent or near residential uses must be compatible with nearby residential uses. Special consideration must be given to the commercial/residential lighting transition zones.

B. **Design of Fixtures.** Use fixtures appropriate to the style and scale of the architecture. Fixtures on buildings must be attached only to walls, and the top of the fixture must not exceed the height of the parapet or roof or eave of roof. Fixtures must be installed as designed.

C. **Timing Controls.** All outdoor lighting in non-residential development must be on a time clock or photo-sensor system and turned off during daylight hours and during any hours when the building is not in use and the lighting is not required for security, consistent with the California Building Code.

D. **Shielding and Filtering.** All lighting must be designed to confine direct rays to the premises or onto adjacent public rights of way.

1. ***Shielding.*** All exterior illuminating devices, except those exempted from this Chapter, must be fully or partially shielded.

   a. *"Fully shielded"* means that those fixtures must be shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

   b. *"Partially Shielded"* means that those fixtures must be shielded in such a manner that the bottom edge of the shield is below the plane center line of the light source (lamp), minimizing the light above the horizontal.

2. ***Filtration.***

   a. Those outdoor light fixtures requiring a filter must be equipped with a filter whose transmission is less than 5 percent total emergent flux at wavelengths less than 3900 angstroms. Total emergent flux is defined as that between 3000 and 7000 angstrom units.

   b. Low Pressure Sodium lamps are the preferred lamp for minimizing adverse effects on astronomical observations.

3. ***Requirements for Shielding and Filtering.*** The requirements for shielding and filtering light emissions from outdoor light fixtures are set forth in the following Table:

TABLE 17.37.030.B.3: REQUIREMENTS FOR SHIELDING AND FILTERING		
Fixture Type	*Shielded*	*Filtered (4)*
Low Pressure Sodium (1)	Partially	None
High Pressure Sodium	Fully	None
Metal Halide (5)	Fully	Yes
Fluorescent	Fully	Yes (2)
Quartz (3)	Fully	None
Incandescent Greater than 150W	Fully	None
Fossil Fuel	None	None
Glass Tubes filled with Neon, Argon, Krypton	None	None
Other sources	As approved by Zoning Administrator	As approved by the Zoning Administrator

1. This is the preferred light source to minimize undesirable light into the night sky affecting astronomical observations.
2. Warm white and natural lamps are preferred to minimize detrimental effects.
3. For the purpose of this Ordinance, quartz lamps must not be considered an incandescent light source.
4. Most glass, acrylic, or translucent enclosures satisfy these filter requirements.
5. Metal halide display lighting must not be used for security lighting after 11 p.m. (or after closing hours if before 11 p.m.) unless fully shielded. Metal halide lamps must be in enclosed luminaries.

4. ***Lighting Levels for Parking and Loading Areas.*** The lighting system for parking and loading areas and driveways serving them must provide not less than 1.0 footcandle and not more than 5.0 footcandle overall average illumination, with a minimum of 0.25 footcandle on the paved surface of the parking and loading areas.

E. **Exterior Lighting Standards.** All exterior lighting should be full cut-off with the light source downcast and fully shielded, with the following exceptions:

1. Luminaires that have a maximum output of 260 lumens per fixture, regardless of number of bulbs (equal to one 20 watt incandescent light), may be left unshielded provided the fixture has an opaque top to keep light from shining directly up.

2. Luminaires that have a maximum output of 1,000 lumens per fixture, regardless of number of bulbs (equal to one 60 watt incandescent light) may be partially shielded provided the bulb is not visible, and the fixture has an opaque top to keep light from shining directly up.

3. Low voltage (12 volts or less), low wattage ornamental landscape lighting fixtures, and solar operated light fixtures having self contained rechargeable batteries, where any single light fixture does not exceed 100 lumens.

4. Flood lights with external shielding may be angled provided that no light escapes above a 25 degree angle measured from the vertical line from the

center of the light extended to the ground, and only if the light does not cause glare or light to shine on adjacent property or public rights-of-way. Flood lights with directional shielding are encouraged. Photocells with timers that allow a flood light to go on at dusk and off by eleven p.m. are encouraged.

17.37.040 Supplemental Requirements

A. **Setbacks.** All on-site outdoor fixtures, other than bollard lighting or garage coach lights, must be setback from all lot lines a minimum of 10 feet or a distance equal to the height of the fixture, whichever is greater.

B. **Height of Wall Mounted Fixtures.** In pedestrian-oriented areas, wall-mounted fixtures can be no more than 12 feet above grade unless greater height is approved by the Zoning Administrator specifically for accentuating historic architectural features of a building, accentuating signage and/or landscape features, or for security.

C. **Pedestrian Area Lighting.** Ballard lighting or similar low mount landscape fixtures must be used for illuminating pedestrian areas.

D. **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. ***Height.*** Parking lot and pole mounted security lighting must not exceed maximum mounting height of 14 feet within 100 feet of a Residential Zoning District, or from land designated for residential uses in the General Plan. In all other areas, parking and security lighting must not exceed a maximum height of 20 feet. The Zoning Administrator may allow light fixtures to exceed 20 feet in height in very large parking lots that may require higher and fewer poles for aesthetic reasons and to better accomplish lighting uniformity.

2. Light trespass (the maximum vertical illumination measured at a point five feet within the property line) should not be any greater than 0.1 foot-candles.

3. Parking lot lights and fixtures should be located such that trees located in the parking lot do not obscure the operation of the light.

E. **Outdoor Recreational Facilities.** Light fixtures in outdoor recreational facilities such as ball fields may exceed the height limits of the Zoning District in compliance with Section 17.28.060, Exceptions to Height Limits. Outdoor nighttime facilities (concerts, athletic contests, etc.) have unique lighting needs. Illumination levels vary, depending on the nature of the activity. Lighting for these facilities should minimize sky glow, reduce glare and unwanted illumination of surrounding streets and properties.

F. **Exterior Display/Sales Areas.** Lighting levels on exterior display/sales areas must be adequate to facilitate the activities taking place in such locations and cannot 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 should be mounted no more than 20 feet above 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.

G. **Gasoline Station/Convenience Store Aprons and Canopies.** Lighting levels on gasoline station/convenience store aprons and under canopies must be adequate to facilitate the activities taking place in such locations, but must not be used to attract attention to the business.

1. Areas on the apron away from the gasoline pump islands used for parking or vehicle storage must be illuminated in accordance with the requirements for parking lots in Subsection (D). If no gasoline pumps are provided, the entire apron must be treated as a parking area.

2. Areas around the pump islands and under canopies must be illuminated so that the minimum horizontal illuminance at grade level does not exceed 5.5 foot-candles. The uniformity ratio should be no greater than 4:1.

3. Light fixtures mounted on 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 so that light is restrained to no more than degrees beyond the vertical plane.

4. Lights must not be mounted on the top or sides of the canopy, and the sides of the canopy cannot be illuminated.

5. For service stations in or next to a Residential or Agricultural District, lighting must be of less intensity and must be considerate of these Districts.

H. **Walkways/Bikeways and Parks.** Where special lighting is to be provided for walkways, bikeways and parks, the following guidelines will apply.

1. The walkway, pathway, or ground area must not exceed an illuminated level of 0.5 foot-candles.

2. The vertical illumination levels cannot be more than 0.5 foot-candles.

3. Lighting fixtures must be designed to direct light downward, and light sources should have an initial output of no more than 1000 lumens.

I. **Senor Activated Lights.** Sensor activated lighting may be unshielded provided it is located in such a manner as to prevent direct glare and lighting into properties of others or into a public right of-way, and provided the light is set to only go on when activated and to go off within five minutes after activation has ceased, and the light must not be triggered by activity off the property.

J. **Holiday Lights.** Holiday lights are restricted to the period from November 1st to February 1st. Flashing holiday lights are prohibited on commercial properties.

K. **Signs.** Light standards for signage are located in Chapter 17.40, Signs.

17.37.050 Prohibitions and Exceptions

A. **Prohibitions.**

1. ***Searchlights.*** The operation of searchlights for advertising purposes is prohibited.

2. ***Recreational Facility.*** No outdoor recreational facility, public or private, can be illuminated after 11 p.m. unless a temporary permit for a special event has been approved.

3. ***Architectural Lighting.*** Unshielded outdoor illumination on buildings is not permitted unless it is at a less than 90 degree angle and of filtration level approved by the Zoning Administrator. Exterior light fixtures attached to a building and designed as an integral part of the building may highlight building forms and architectural details as long as there is no direct spillover of light onto adjacent property and no light causes a hazard to motorist.

4. ***Advertising Sign or Landscape Illumination.*** The unshielded outdoor illumination of any advertising sign, landscaping or other purpose is prohibited. However, low voltage accent landscape lighting is allowed.

5. ***Mercury Vapor.*** The installation of new mercury vapor fixtures is prohibited. Existing mercury vapor fixtures must be removed and replaced with compliant lighting fixtures wherever substantial alterations and additions are under taken, exclusive of ordinary maintenance and repair.

6. Blinking, flashing, moving, revolving, flickering, changing intensity of illumination, and changing color lights are prohibited.

B. **Permanent Exemptions.**

1. ***Fossil Fuel Light.*** Produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels.

2. ***Federal and State Facilities.*** Those facilities and lands owned or operated as protected by the U.S. Federal Government or the State of California are exempted by law from all requirements of this Ordinance. Voluntary compliance with the intent of this Ordinance at those facilities is encouraged.

C. **Temporary Exemptions.**

1. ***By Right Exemptions***. Temporary emergency lighting needed by police, fire, and other emergency services, as well as temporary lights for holiday decorations.

2. ***Request for Temporary Exemptions.*** Any individual may submit a written request to the Zoning Administrator for a "Temporary Exemption" from the requirements of this Ordinance through filing a Temporary Use Permit pursuant to Chapter 17.48 (Use Permits). Such exemption will be valid for up to 30 days, renewable at the discretion of the Zoning Administrator. The Request for Temporary Exemption must contain the following listed information:

   a. Specific exemptions requested;

   b. Type and use of exterior light involved;

   c. Duration of time for requested exemption;

   d. Type of lamp and calculated lumens;

   e. Total wattage of lamp or lamps;

   f. Proposed location of exterior light;

   g. Previous temporary exemptions, if any; and

   h. Physical size of exterior light and type of shielding provided.

Chapter 17.40 Performance Standards

Sections:

17.40.010 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;

C. Protect industry from arbitrary exclusion from areas of the City; and

D. Protect and sustain the natural environment by promoting conservation of energy and natural resources, and improving waste stream management.

17.40.020 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.

17.40.030 General Requirements

Land or buildings cannot be used or occupied in a manner creating any dangerous, injurious, or noxious conditions, chemical fires, explosive or other hazard that could adversely affect the surrounding area.

17.40.040 Measurement of Impacts

Measurements necessary for determining compliance with the standards of this Chapter must be taken at the lot line of the establishment or use that is the source of a potentially objectionable condition, hazard, or nuisance.

17.40.050 Construction Material and Waste Management Plan

A. A Construction and Demolition Waste Management Plan must be submitted to the City that details how the used or discarded materials removed from the premises during construction or renovation of a structure resulting from construction, remodeling, repair, or demolition operations will be disposed of. The requirements of this plan are outlined in Chapter 8.10, Article V, Mandatory Recycling of Construction and Demolition Waste, of the Municipal Code.

17.40.060 Air Quality

A. **Compliance.** Sources of air pollution must comply with rules identified by the Environmental Protection Agency (Code of Federal Regulations, Title 40), the California Air Resources Board, and the Santa Barbara County Air Pollution Control District.

B. **Santa Barbara County Air Pollution Control District Permits.** Applicants are responsible for obtaining any and all permits from the Santa Barbara County Air Pollution Control District prior to issuance of final permits by the City.

C. **Sensitive Receptors.** The review of new development must ensure that the siting of any new sensitive receptors provide adequate buffers from existing sources of emissions of air pollutants or odors. If a development that is a sensitive receptor is proposed within 500 feet of U.S. Highway 101, an analysis of mobile source emissions and associated health risks is required. Such development is required to provide an adequate setback from the highway and, if necessary, identify design mitigation measures to reduce the health risks to acceptable levels.

D. **Control of Air Emissions from New Development.** The following regulations apply to reductions of air emissions from new development:

1. All new commercial and industrial sources are required to use best available air pollution control technology. Emissions control equipment must be properly maintained to ensure efficient and effective operation.

2. Wood-burning fireplace installations in new residential development must be limited to low-emitting state-and U.S. Environmental Protection Agency certified fireplace inserts and woodstoves, pellet stoves, or natural gas.

3. Adequate buffers between new sources and sensitive receptors must be required.

17.40.070 Dust

Activities that may generate dust emissions (e.g., construction, grading, commercial gardening and similar operations) must be conducted to limit the emissions beyond the site boundary to the maximum extent feasible. Appropriate methods of dust management must include the following, subject to approval by the City:

A. **Scheduling.** Grading must be designed and grading activities must be scheduled to ensure that repeat grading will not be required and that completion of the dust-generating activity (e.g., construction, paving or planting) will occur as soon as possible.

B. **Operations During High Winds.** Clearing, earth moving, excavation operations or grading activities must cease whenever wind speed exceeds 25 miles per hour averaged over one hour.

C. **Limiting the Area of Disturbance.** The area disturbed by clearing, demolition, earth moving, excavation operations or grading must be minimized at all times.

D. **Dust Control**. Dust emissions must be controlled by watering a minimum of two times each day, paving or other treatment of permanent on-site roads and construction roads, the covering of trucks carrying loads with dust content and/or other dust-preventive measures such as hydroseeding and enclosing or covering open material stockpiles.

E. **Revegetation.** Graded areas must be revegetated immediately upon completion of work, but within no longer than 5 business days, to minimize dust and erosion. Disturbed areas of the construction site that are to remain inactive longer than three months must be seeded and watered until grass cover is grown and maintained; and

F. **Containment.** Appropriate facilities must be constructed to contain dust within the site as required by the Engineering Division.

17.40.080 Liquid or Solid Waste

A. **Discharges to Water or Sewers.** Liquids and solids of any kind will not be discharged, whether directly or indirectly, into a public or private body of water, sewage system, watercourse, or into the ground, except in compliance with applicable regulations of the California Regional Water Quality Control Board (California Administrative Code, Title 23, Chapter 3 and California Water Code, Division.)

B. **Solid Wastes**. Solid wastes will be handled and stored so as to prevent nuisances, health, safety and fire hazards, and to facilitate recycling. There will be no accumulation outdoors of solid wastes conducive to the breeding of rodents or insects, unless stored in closed containers.

17.40.090 Hazardous Materials

A. 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 Fire Prevention Division and the Santa Barbara County Office of Emergency Management.

B. All new hazardous facilities and any proposed substantial increase in intensity of use for existing hazardous facilities must submit a hazard assessment to the City. The hazard assessment must identify the risks posed by the new or expanded facility and the geographical extent of significant risk. The City will not allow any facilities that would expose existing residential or commercial development to an unacceptable risk.

C. No new development is 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 surety in an amount and form acceptable to the City is required as a condition of approval.

D. An applicant for a proposed nonresidential project that will involve the generation, use, transportation and/or storage of hazardous materials as defined by state and federal law 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 Regional Water Quality Control Board requirements and must ensure that the use, storage, transportation and disposal of hazardous materials does not result in hazardous discharge or runoff.

2. Hazardous materials or wastes stored in closed containers at a facility must not be located within 50 feet of a property line.

3. 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 Department sufficient to demonstrate that:

   a. Testing has been conducted as required to determine the existence and extent of soil and/or groundwater contamination; and

b. Based on the results of the testing, an appropriate clean-up program has been established and completed.

17.40.100 Noise

A. **Noise Limits.** No use or activity can create ambient noise levels that exceed the following standards. The maximum noise levels specified in Table 17.40.100.A, Noise Limits, do not apply to noise generated by automobile traffic or other mobile noise sources in the public right-of-way.

TABLE 17.40.100.A: NOISE AND LAND USE COMPATIBILITY CRITERIA

	Community Noise Exposure (Ldn or CNEL, dBA)			
Land Use Category	*Normally Acceptable*	*Conditionally Acceptable*	*Normally Unacceptable*	*Clearly Unacceptable*
Residential-low density	50-60	60-65	65-75	75-85+
Residential-multiple family	50-60	60-65	65-75	75-85+
Transient lodging-motels and hotels	50-65	65-70	70-80	80-85+
Schools, libraries, churches, hospitals, and nursing homes	50-60	60-65	65-80	80-85+
Auditoriums, concert halls, and amphitheaters	NA	50-65	NA	65-85+
Sports arenas and outdoor spectator sports	NA	50-70	NA	70-85+
Playgrounds and neighborhood parks	50-70	NA	70-75	75-85+
Golf courses, riding stables, water recreation, and cemeteries	50-70	NA	70-80	80-85+
Office buildings, business commercial, and professional	50-67.5	67.5-75	75-85+	NA
Industrial manufacturing, utilities, and agriculture	50-70	70-75	75-85+	NA

Notes:

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.

Conditionally Acceptable: New construction or development should be undertaken only after detailed analysis of the noise reduction requirements ismade 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

Normally Unacceptable: New construction or development should be 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

Clearly Unacceptable: New construction or development should generally not be undertaken.

NA: Not applicable.

Source: Modified from U.S. Department of Housing and urban Development Guidelines and State of California Standards

1. ***Adjustments to Noise Limits.*** The maximum normally unacceptable or clearly unacceptable noise levels of Table 17.40.100.A, Noise Limits, 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.

a. *Ambient Noise.* If the measured ambient noise level exceeds that permissible, the allowable noise standard will be increased in five-decibel increments as appropriate to encompass or reflect the ambient noise levels.

b. *Duration.* The maximum noise levels will be increased as follows to account for the effects of duration:

(1) Noise that is produced for no more than a cumulative period of five minutes in any hour may exceed the noise limits by five decibels.

(2) Noise that is produced for no more than a cumulative period of one minute in any hour may exceed the noise limits by 10 decibels.

c. *Character of Sound.* If a noise contains a steady audible tone (such as a hum, or buzz), rises or falls in pitch or volume (such as a whine or screech) or is a repetitive noise (such as hammering or riveting) or contains music or speech conveying informational content, the maximum noise levels will be reduced by five decibels.

B. **New, Expanded, or Upgraded Noise Sources.** Land use related projects that will create new noise sources or expand existing noise sources will be required to mitigate their noise levels so that the resulting noise:

1. Does not adversely impact noise-sensitive land uses; and,

2. Does not exceed the standards specified in Table 17.40.100.A.

C. **Acoustical Study.** An acoustical study that includes field measurement of noise levels may be required for any proposed project that would locate a potentially intrusive nice source near an existing sensitive receptor or locate a noise sensitive land use near an existing known or potentially known intrusive noise source, such as a freeway, arterial roadway 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.

D. **Noise Attenuation Measures.** Any project subject to the acoustic study requirements of Subsection (D) may be required as a condition of approval to incorporate noise attenuation measures deemed necessary to ensure that noise standards are not exceeded.

1. New noise-sensitive uses (e.g. schools, hospitals, religious institutions, and residences) must incorporate noise attenuation measures to achieve and maintain and interior noise level of 45 Ldn.

2. Noise attenuation measures identified in an acoustic study must be incorporated into the project to reduce noise impacts to satisfactory levels.

3. Emphasis will be placed upon site planning and project design measures. The use of noise barriers will be considered only after all feasible design-related noise measures have been incorporated into the project.

E. **Equipment Maintenance.** New and existing heating, ventilation, and air conditioning equipment and other commercial/industrial equipment must be adequately maintained in property working order so that noise levels emitted by such equipment remain minimal. Noise shielding or insulation for such equipment may be required if the operation of the equipment results in objectionable noise levels at adjacent properties.

F. **Noise Barriers.** Absorptive types of noise barriers or walls should be used to reduce noise levels generated by industrial and certain heavy commercial uses. To be considered effective, the noise barrier should provide at least a 5-dBA-CNEL noise reduction.

G. **Exemptions.** The provisions of this Section do not apply to:

1. ***Noise-Sensitive Sites Adjacent to Noise-Generating Land Uses.*** In instances where noise-generating land uses are elevated 12 feet or more (i.e., elevated State Routes) from the natural grade of a noise-sensitive site, and the Zoning Administrator determines that a masonry wall would not mitigate outdoor noise to acceptable levels, a wall may be waived, however, the interior of the noise-sensitive land uses must not exceed the indoor space standards in Table 17.40.100A.

2. ***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.

3. ***Warning Devices.*** Warning devices necessary for the protection of the public safety, such as police, fire, and ambulance sirens.

4. ***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. However, where a proposed event is expected to generate significant noise, the City may consider imposing limitations on the hours of the event.

5. ***Religious Institutions and Other Similar Organizations.*** Unamplified bells, chimes, or other similar devices used by religious institutions and other houses of religious worship, as such devices are played between the time period of 7 a.m. and 10 p.m. and the playing period does not exceed one minutes in any one hour.

6. ***Municipal Solid Waste Collection.*** Collection of solid waste, vegetative waste, and recyclable materials by the City or under contract with the City.

7. ***Public Works Construction Projects, Maintenance, and Repair.*** Street, utility, and similar construction projects undertaken by or under contract to 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, including street sweeping, debris and litter removal, removal of downed wires, restoring electrical service, repairing traffic signals, unplugging sewers, vacuuming catch basins, repairing of damaged poles, removal of abandoned vehicles, repairing of water hydrants and mains, gas lines, oil lines, sewers, storm drains, roads, and sidewalks.

8. ***Public Utility Facilities.*** Facilities including, but not limited to, 60-cycle electric power transformers and related equipment, sewer lift stations, municipal wells, and pumping stations.

17.40.110 Smoke, Fumes, and Gases

No use, process, or activity will produce objectionable odors that are perceptible without instruments by a reasonable person at the lot lines of a site. Odors from temporary construction, demolition, and vehicles that enter and leave the subject parcel (e.g., construction equipment, trains, vehicle emissions, trucks, etc.) are exempt from this standard.

17.40.120 Vibration

No vibration will be produced that is transmitted through the ground and is discernible without the aid of instruments by a reasonable person at the lot lines of the site. Vibrations from temporary construction, demolition, and vehicles that enter and leave the subject parcel (e.g., construction equipment, trains, trucks, etc.) are exempt from this standard.

Chapter 17.41 Floodplain Management

Sections:

17.41.010 Purpose

The purpose of this Chapter is to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions design to:

A. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

B. Restrict or prohibit uses which are dangerous to the health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

C. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

D. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;

E. Control filling, grading, dredging, or other development which may increase flood damage;

F. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas;

G. Help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas; and

H. Ensure that potential buyers are notified that property is in an area of special flood hazard.

17.41.020 Applicability

This Chapter applies to all areas of special flood hazards as designated by Federal Emergency Management (FEMA) or identified in the General Plan and Local Land Use Plan, within the limits of the City.

17.41.030 Floodplain Development Permit

A development permit must be obtained before construction or development, including placement of manufactured homes, begins within any area of special flood hazard established by FEMA.

17.41.040 Incorporation of Best Management Practices for Stormwater Management

A. New development must be designed to minimize impacts to water quality from increased runoff volumes and discharges of pollutants from nonpoint sources to the maximum extent feasible, consistent with the City's Storm Water Management Plan. Post construction structural best management practices must be designed to treat, infiltrate, or filter stormwater runoff in accordance with applicable standards as required by law. Examples of best management practices include the following:

1. Retention and detention basins.

2. Vegetated swales.

3. Infiltration galleries or injection wells.

4. Use of permeable paving materials.

5. Mechanical devices such as oil-water separators and filters.

6. Revegetation of graded or disturbed areas.

7. Other measures as identified in the City's Storm Water Management Plan and this Ordinance.

17.41.050 Stormwater Management Requirements

A. The following requirements must apply to specific types of development:

1. Commercial and multiple-family development must use best management practices to control polluted runoff from structures, parking, and loading areas.

2. Restaurants must incorporate best management practices designed to minimize runoff of oil and grease, solvents, phosphates, and suspended solids to the storm drain system.

3. Gasoline stations, car washes, and automobile repair facilities must incorporate best management practices designed to minimize runoff of oil and grease, solvents, car battery acid, engine coolants, and gasoline to the stormwater system.

4. Outdoor materials storage areas must be designed to incorporate best management practices to prevent stormwater contamination from stored materials.

5. Trash storage areas must be designed using best management practices to prevent stormwater contamination by loose trash and debris.

17.41.060 Maintenance of Stormwater Management Facilities

A. New development is required to provide ongoing maintenance of best management practice measures where maintenance is necessary for their effective operation. The permittee and/or owner, including successors in interest, is responsible for all structural treatment controls and devices as follows:

1. All structural best management practices must be inspected, cleaned, and repaired when necessary prior to September 30th of each year.

2. Additional inspections, repairs, and maintenance should be performed after storms as needed throughout the rainy season, with any major repairs completed prior to the beginning of the next rainy season.

3. Public streets and parking lots must be swept as needed and financially feasible to remove debris and contaminated residue.

4. The homeowners association, or other private owner, must be responsible for sweeping of private streets and parking lots

17.41.070 Standards of Construction

In all areas of special flood hazards the following standards are required:

A. **Anchoring.** All new construction and substantial improvements must be anchored to prevent flotation, collapse or lateral movement of the structure.

B. **Construction Materials and Methods.**

1. All new construction and substantial improvements must be constructed with materials and utility equipment resistant to flood damage.

2. All new construction, substantial improvement and other proposed new development must be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. Adequate drainage paths are required around structures on slopes guide floodwaters around and away from proposed or existing structures.

C. **Elevation and Flood-Proofing.**

1. New construction and substantial improvement of any structure must have the lowest floor, including the basement, elevated to or above the regulatory flood elevation and the lowest adjacent grade elevated above the base flood elevation. Nonresidential structures may meet the standards in Subsection (3) below. Upon the completion of the structure, the elevation of the lowest floor, including the basement, must be certified by a registered professional engineer or surveyor and provided to the Department.

2. Nonresidential construction must either be elevated in conformance with Subsection (3)(a) or (3)(b) of this Section or together with attendant utility and sanitary facilities:

   a. Be flood-proofed so that below the regulatory flood level the structure is watertight with walls substantially impermeable to the passage of water;

   b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

   c. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications must be provided to the Department.

3. Require, for all new construction and substantial improvements of nonresidential structures, that fully enclosed areas below the lowest floor that

are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect to meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding must be provided.

b. The bottom of all openings must be no higher than one foot above grade.

c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

17.41.080 Standards for Storage of Materials and Equipment

A. The storage or processing of materials that are, in time of flooding, buoyant, flammable, explosive, or could be injurious to human, animal, or plant life, is prohibited.

B. Storage of other material or equipment may be allowed if no subject to major damage by floods, and if firmly anchored to prevent floatation, or if readily removable from the area within the time available after flood warning.

17.41.090 Standards for Utilities

A. All new or replacement water supply and sanitary sewage systems must be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from systems into floodwaters.

B. Onsite waste disposal systems must be located to avoid impairment to them or contamination from them during flooding.

C. Waste disposal systems must not be installed in a regulatory floodway.

17.41.100 Floodways

Property located within identified special flood hazard areas are designated floodways. The following provisions apply to floodways:

A. Prohibition on encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional

engineer or architect is provided demonstrating that encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge.

B. If this Section is satisfied, all new construction and substantial improvements must comply with all other applicable flood hazard reduction provisions of this Chapter.

17.41.110 Diking, Filling or Dredging

A. **Purpose.** The provisions of this Section are intended to limit the diking, filling or dredging of open coastal waters, wetlands and estuaries to the extent allowed by the Coastal Act.

B. **Work in Environmentally Sensitive Habitats.** Any diking, filling or dredging activity in an environmentally sensitive habitat or wetland must comply with the requirements of Chapter 17.35, Environmentally Sensitive Habitat Areas, and Chapter 17.31, Coastal Zone Development, as applicable.

C. **Limitation on Purposes of Diking, Filling or Dredging.** Diking, filling or dredging is not allowed, except to accomplish the following purposes:

1. Providing new or expanded port, energy and coastal-dependent industrial facilities, including commercial fishing facilities.

2. Maintaining existing or restoring previously dredged depths in existing navigational channels, turning basins, vessel berthing and mooring areas and boat launching ramps.

3. In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland identified by the Department of Fish and Game in compliance with Coastal Act §30411(d), for boating facilities, if in conjunction with the boating facilities a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland; provided that in no event will the size of the wetland area used for the boating facility, including berthing space, turning basins, necessary navigation channels and any necessary support service facilities, be greater than 25 percent of the total wetland area to be restored.

4. In open coastal waters, other than wetlands, including streams, estuaries and lakes, new or expanded boating facilities.

5. Incidental public service purposes, including but not limited to burying cables and pipes or inspection of piers and maintenance of existing intake and outfall pipes.

6. Mineral extraction, including sand for restoring beaches, except in environmentally sensitive habitat areas.

7. Restoration.

8. Nature study, aquaculture or similar resource-dependent activities.

D. **Development Standards.**

1. ***Dredging.*** When consistent with the provisions of this Section and where necessary to maintain tidal flow and the continued viability of wetland habitat or for flood control purposes, dredging must comply with the following requirements.

   a. Dredging is prohibited in breeding and nursery areas and during periods of fish migration and spawning.

   b. Dredging is limited to the smallest area feasible.

   c. Designs for dredging and excavation projects must include protective measures such as silt curtains, diapers and weirs to protect water quality in adjacent areas during construction by preventing the discharge of refuse, petroleum spills and unnecessary dispersal of silt materials.

2. ***Diking.*** Diking, or the filling of a wetland, must at a minimum, require the following mitigation measures:

   a. Equivalent areas must be opened to tidal action or provided with other sources of surface water. This applies to diked or filled areas which themselves are not environmentally sensitive habitat areas, but would become so if they were opened to tidal action or provided with other sources of surface water.

   b. Wherever feasible, mitigation by restoration of wetlands or opening of lands to tidal action must be the same type of wetlands as those filled (e.g., freshwater for freshwater).

E. **Findings Required for Approval.** The approval of diking, filling or dredging will not be approved unless the review authority finds that the functional capacity of the resource area will be maintained or enhanced after diking, filling or dredging of a wetland or estuary. Functional capacity means the ability of the wetland or estuary to be self-sustaining and to maintain natural species diversity. In order to establish that the functional capacity is being maintained, the applicant must demonstrate and the review authority must find that:

1. Presently occurring plant and animal populations in the ecosystem will not be altered in a manner that would impair the long-term stability of the ecosystem; i.e., natural species diversity, abundance and composition are essentially unchanged as a result of the project;

2. A species or habitat that is rare or endangered will not be harmed;

3. A species or habitat essential to the natural biological functioning of the wetland or estuary will not be harmed; and

4. Consumptive (e.g., fishing, aquaculture and hunting) and nonconsumptive (e.g., water quality and research opportunity) values of the wetland or estuarine ecosystem will not be significantly reduced.

17.41.120 Infrastructure Capacity

Each applicant must assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project.

Chapter 17.45 Tree Protection

Sections:

17.45.010 Purpose

This Chapter provides regulations for the protection, preservation and maintenance of the urban forest and significant trees on private property within the City, recognizing that trees within the City are a valuable resource and that their removal will reduce the scenic beauty and attractiveness of the community. This Chapter establishes the type of trees to be protected, the circumstances under which they may be removed and the procedures for obtaining a permit for their removal. Additional purposes include:

A. Provide an appropriate shade canopy for each of the various types of land uses so that the average total canopy will increase over time;

B. Provide for a tree population of mixed ages, diverse species, and appropriate mix of tree types (evergreen and deciduous; native and nonnative in non-ESHA areas) in order to support a diverse forest ecosystem able to adapt to changing environmental pressures such as disease, pest infestation, and climate change;

C. Maximize availability of planting spaces;

D. Survive within the limitations of the existing resources with minimal maintenance once establishment occurs; and

E. Recognize that the maximum environmental benefit, such as those related to air quality, storm water runoff, and shade, occurs as trees reach maturity.

17.45.020 Applicability

A. **Significant Tree.** For the purposes of this Chapter, "significant tree" includes any tree, sprout clump or group of trees, as follows:

1. Any tree which is equal to or greater than 20 inches at diameter at breast height (d.b.h.);

2. Any sprout clump of five or more stems, each of which is greater than 12 inches d.b.h.;

3. Any group of five or more trees on one lot, each of which is greater than 12 inches d.b.h.; or

4. Any tree on the Tree Species List maintained by the City located in an environmentally sensitive habitat area which is:

   a. Equal to or greater than 10 inches d.b.h.;

   b. Any sprout clump of five or more stems, each of which is greater than six inches d.b.h.; or

   c. Any group of five or more trees on one lot, each of which is greater than six inches d.b.h.

17.45.030 Tree Protection Plan

A. Applications for new development on sites containing protected native trees must include a report by a certified arborist or other qualified expert acceptable to the Director. The report must include an inventory of native trees on the project site and a Tree Protection Plan for the project.

17.45.040 Removal or Damage to Significant Trees Prohibited

A. No person will cause, permit, aid, abet or furnish equipment or labor to remove, cut down, trim more than one-third of the foliage of, poison or otherwise kill or destroy any significant tree unless:

1. A significant tree removal permit or discretionary permit has been obtained and authorizes the activity;

2. The activity is exempt from the permit requirement pursuant to Section 17.45.050 below; or

3. There was an emergency caused by the hazardous or dangerous condition of the tree which required the action to be taken immediately for the safety of life or property.

B. **Exemptions.** Tree removal authorized as part of the approval of a Development Plan, Conditional Use Permit or Coastal Development Permit is exempt from the requirements of this Chapter.

C. **Emergencies.** In the case of emergency caused by the hazardous or dangerous condition of a tree and requiring immediate action for the safety of life or property, necessary action may be taken to remove the tree or otherwise reduce or eliminate the hazard without complying with the other requirements of this Chapter, except that the person responsible for cutting or removing the tree must report the action to the Director within five business days thereafter.

17.45.050 Significant Tree Removal

A. **Application Requirements.** An application for the approval of a permit to allow removal of a significant tree must include information and materials required by the Department and the following specific information:

1. A site plan sufficient to identify and locate the tree(s) to be removed, other trees, buildings, proposed buildings and other improvements on the lot.

2. A description of the species, circumference or diameter at breast height, estimated height and general health of each tree requested to be removed.

3. A description of the method proposed to be used in removing each tree.

4. The reasons for removal of each tree.

5. Proposed visual impact mitigation measures as appropriate. The size, location and species of replacement trees, if any, must be indicated on the site plan.

6. Any additional information as may be required by the Director, including the opinion of a registered professional arborist, tree surgeon or other qualified expert acceptable to the Director. The City may require that the standards of this Section are met through the review by a licensed arborist or the Community Services Parks and Open Space Manager.

B. **Findings Required for Approval.** The approval of a permit to allow removal of a significant tree must make one or more of the following findings:

C. **Findings Required for Significant Trees.**

1. ***Not Related to Construction.*** When not related to construction or development, removal of significant trees is prohibited unless the Director makes the following finding and approves the tree removal:

   a. That the tree is causing substantial damage to a building that cannot readily be repaired or alleviated on a long-term basis, through minor reasonable building modifications.

2. ***Related to Construction.*** Removal of significant trees to facilitate construction or development is prohibited unless one of the two following findings is met:

   a. That removal of the tree is required to protect public health or safety; or

   b. That the following four conditions exist:

      (1) The existing site is vacant or is developed to an extent less than one-third of the base floor area allowed by the zoning applicable to the site; and

      (2) The available land area of the site not occupied by significant trees (including land within six feet of the trunk of significant trees) does not adequately and practically provide space for development of at least one-third of the base floor area allowed by the zoning for the site; and

      (3) The issuance of a variance for development in one or more setbacks has been considered and would not provide a remedy or would be inappropriate due to a significant overriding inconsistency with another policy or ordinance; and

      (4) Failure to authorize removal of the tree(s) would deprive the owner of all reasonable economic use of the property.

D. **Conditions of approval.** The approval of a permit to allow for removal of a significant tree may include the review authority imposing reasonable conditions to mitigate visual impacts and ensure compliance with the requirements of this Chapter, including replacement of trees removed with trees acceptable to the review authority.

17.45.060 Significant Tree Requirements

A. **The following apply to significant trees:**

1. No significant tree can be removed, pruned, or otherwise materially altered without a permit except as provided in this Section. Trimming of a significant tree is allowed without such a permit.

2. Chemicals or other construction materials must not be stored within the drip line of significant trees.

3. Signs, wires or similar devices must not be attached to significant trees.

4. If the proposed development, including any site work for the development, will encroach upon the drip line of a significant tree, special measures must be utilized, as approved by the review authority, to allow the roots to obtain

oxygen, water, and nutrients as needed. Any excavation cutting, filling, or compaction of the existing ground surface within the protected perimeter, if authorized at all by the review authority, will be minimized and subject to such conditions as may be imposed by the review authority. No significant change in existing ground level will be made within the drip line of a significant tree. No burning or use of equipment with an open flame will occur near or within the protected perimeter.

5. Underground trenching for utilities must avoid major support and absorbing tree roots of significant trees. If avoidance is impractical, tunnels must be made below the roots. Trenches must be consolidated to service as many units as possible. Trenching within the drip line of significant trees must be avoided to the greatest extent possible and only be done under the at-site directions of a certified arborist.

6. No concrete or asphalt paving can be placed over the root zones of significant trees.

7. No compaction of the soil within the root zone of significant trees will occur.

17.45.070 Protection of Significant Trees During Construction

For the purpose of safeguarding significant trees during construction, demolition or tree removal, the following conditions will apply to all trees other than trees for which a removal permit has been issued:

A. **Pre-construction.** Prior to the commencement of construction, demolition or tree removal, all trees on the building site must be inventoried by the owner or contractor as to size, species and location on the lot, and all significant trees shall be identified. The inventory must be submitted on a topographical map to the Building Official. This condition may be waived by the Director for tree removal and minor demolition.

B. **Reporting Obligations.** Damage to any tree during construction, demolition or tree removal must be immediately reported by the person causing the damage, the responsible contractor or the owner to the Director, and the contractor and/or owner must treat the tree for damage in the manner specified by the Director.

C. **Construction Practices.** Oil, gasoline, chemicals and other construction materials must not be stored within the dripline of any tree. All compaction of soils, construction of building walls, or placement of impermeable surfaces must be setback a minimum of six feet from all significant trees. Grading ruts and fills around significant trees must be limited to areas outside the root projection zone identified by the Director in any preliminary site assessment. Drains must be installed according to City specifications so as to avoid harm to trees due to excess watering or ponding. No wires, signs or other similar items can be attached to trees. Cutting and filling around the base of trees must be done only after consultation with the Director, and then only to the extent authorized by the Director. No paint thinner, paint, plaster or other

liquid or solid excess or waste construction materials or wastewater can be dumped on the ground or into any grate between the dripline and the base of the tree, or uphill from any tree where such substance might reach the roots through a leaching process.

D. **Protective Barriers.** The property owner/contractor must erect protective barricades around all trees on a private building site. These barricades must be in place prior to the start of any construction or demolition activities. Barricades must be upright, two-inch by four-inch planks standing a minimum of eight feet vertically, conforming to the tree, tied with wire or rope forming a maximum of one-inch space between the planks. If the tree's configuration or site conditions do not lend themselves to the installation of this type barricade, the Director will designate alternate tree protection methods. Under certain conditions where soil compaction is probable, fences may also be required around a tree or grouping of trees. The use of recycled lumber, synthetic lumber or similar materials approved by the Director for tree protection is encouraged.

E. **Trimming and Cutting.**

1. Wherever cuts are made in the ground near the roots of trees, appropriate measures must be taken to prevent exposed soil from drying out and causing damage to tree roots.

2. Trimming cuts must conform to arboricultural standards and must be made along the branch bark ridge.

F. **Violations.** Failure to protect or maintain trees on construction/demolition sites is a violation of the Zoning Code and grounds for suspension of the Building Permit.

17.45.080 Tree Removal and Replacement

A. **Tree Replacement.** When tree replacement is required as a condition of approval of a Significant Tree Removal Permit, the following requirements apply.

1. ***Location.*** Replacement trees must be planted on the project site unless the Director determines that replacement trees can be located in the public right-of-way or in an adjacent park/open space area. All trees must be planted within 30 days of tree removal or before final inspection pursuant to a valid building permit. All replacement trees will be identified with a tag provided by the City, which will remain attached to the tree until the required five-year inspection period has expired.

2. ***Tree Quantity.*** The number of replacement trees required when approving tree removals must be based on the size of the lot, the characteristics of the surrounding neighborhood and protection of significant public views, scenic routes and corridors. In no case can less than two replacement trees be provided for each tree removed.

3. ***Tree Species.*** Replacement trees must be the same species as the removed tree or another species listed on the Tree Species List and as approved by the Director.

4. ***Tree Quality.*** Replacement trees must be of substantial size, caliper, and height to produce an immediate visual impact and reduce the incidence of unauthorized removal. Replacement trees must be a minimum 24-inch box size unless the Director determines that a 15-gallon size is appropriate and the replacement ratio is doubled.

5. ***Monitoring and Maintenance.*** Replacement trees must be recorded and monitored for at least five years to ensure their establishment and growth to maturity. The City will inspect the replacement trees annually on or around each October, with proper notification, to ensure adequate maintenance. Replacement trees that do not survive or are removed must be replaced at the owner's expense. If, at any time during a five-year inspection period, the replacement tree(s) does not survive or is removed, the original replacement tree(s) shall be replaced with a new tree(s) that is equivalent in size to the measured or projected growth of the original replacement tree(s). The new replacement tree(s) must be located in the same location(s) as the original replacement tree(s) unless granted permission by the Director to change the location(s). The new replacement tree(s) must be required to be replanted within 30 days of inspection, be identified by a tag and will restart a new five-year inspection period.

17.45.090 Planting Trees

A. All trees must be installed according to acceptable nursery practices in a manner designed to promote vigorous growth. Soil improvement measures may be required to ensure healthy growth. Before planting, a tree's growth characteristics must be considered to minimize conflicts with views, lighting, infrastructure, utilities, and signage.

B. Required trees may be securely guyed, braced, and/or staked at the time of planting until establishment. All plants must be installed so that the top of the rootball remains even with or slightly above the soil grade. The top one-third of burlap shall be removed from the root ball at planting. If used, nylon strapping and wire cages shall be completely removed at installation. All guys and staking material shall be removed when the tree is stable and established. Construction debris must be kept clear from the planting area.

DYETT & BHATIA
Urban and Regional Planners

755 Sansome Street, Suite 400
San Francisco, California 94111
415 956 4300 415 956 7315