

**PART V**  
**ADMINISTRATION AND PERMITS**

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## Chapter 17.52 Planning Authorities

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### Sections:

17.52.010	Purpose
17.52.020	City Council
17.52.020	Planning Commission
17.52.030	Design Review Board
17.52.040	Director of Planning and Environmental Review
17.52.060	Zoning Administrator

### 17.52.010 Purpose

This Chapter identifies the purpose, duties, organization, and powers of the City bodies, officials, and administrators authorized to make decisions under various chapters of this Title.

### 17.52.020 City Council

The City Council has the following powers and duties under this Title in addition to its general responsibilities established in Title 2 of the Goleta Municipal Code.

- A. Consider and initiate, adopt, reject, or modify amendments to the General Plan text or map, pursuant to the provisions of Chapter 17.64, amendments to Zoning Regulations or Zoning Map, pursuant to Chapter 17.63, and amendments to the Local Coastal Program pursuant to Chapter 17.65, following a public hearing.
- B. Hear and decide applications for development agreements, including termination and/or modification, pursuant to Chapter 17.62, Development Agreements.
- C. Hear and decide appeals from decisions of the Planning Commission on decisions that can be appealed to the City Council pursuant to this Title.
- D. Establish, by resolution, and amend from time to time, a fee schedule listing planning application fees, impact fees and development mitigation fees, charges, and deposits for various applications, services, and required payments pursuant to this Title.
- E. Adopt guidelines for design review pursuant to Title 2 of the Goleta Municipal Code.

- F. Take other actions necessary for implementation of the General Plan and this Title.

### **17.52.030 Planning Commission**

The Planning Commission has the following powers and duties under this Title in addition to its general responsibilities established in Title 2 of the Municipal Code.

- A. On referral from the City Council, review and provide recommendations on amendments to the General Plan, Zoning Ordinance, Zoning Map, and Local Coastal Program.
- B. Hold public meetings and public hearings to review and approve, conditionally approve, amend, or deny Conditional Use Permits, Coastal Development Permits, and Variances.
- C. Hold public hearing and decide appeals of decisions made by the Design Review Board and Zoning Administrator in accordance with the provisions of this Title.
- D. Hold public hearings and make recommendations to the City Council on development agreements.
- E. Make environmental determinations on any approvals it grants that are subject to the California Environmental Quality Act.
- F. Perform other duties as may be necessary under this Title to implement the General Plan or as directed by the City Council.

### **17.52.040 Design Review Board**

The Design Review Board has the following powers and duties under this Title in addition to its general responsibilities established in Title 2 of the Municipal Code.

- A. Conduct design review of proposed developments for which review responsibility is assigned to the Board under Chapter 17.56.
- B. Upon request by the Planning Commission or the City Council, make recommendations on other matters related to design of projects that are within its purview.

### **17.52.050 Director of Planning and Environmental Review**

The Director of Planning and Environmental Review (the “Director”) is the City staff member designated by the City Manager to oversee administration of the Planning and Environmental Review Department. The Director has the following duties and powers under this Title:

- A. Provide recommendations to the City Council, Planning Commission, Design Review Board, other appointed officials and City management on matters related to the planning and development of the community.

- B. Act as or appoint a Zoning Administrator.
- C. Serve as or designate a member of the Planning and Environmental Review Department staff to serve as Executive Secretary of the Planning Commission and Design Review Board.
- D. Investigate and make reports on violations of permit terms and conditions when the City has initiated revocation procedures.

### **17.52.060 Zoning Administrator**

The Zoning Administrator is the Director or a City staff member appointed by the Director to manage administration of permits and procedures pursuant to this Title. The Zoning Administrator has the following duties and powers under this Title.

- A. Interpret the Zoning Ordinance to members of the public and to other City Departments.
- B. Issue written rules and procedures for the administration of this Title.
- C. Process, review, and make recommendations to the Planning Commission on applications for:
  - 1. Amendments to the General Plan;
  - 2. Amendments to the Local Coastal Program; or
  - 3. Amendments to Zoning Ordinance or Zoning Map.
- D. Review applications to determine if they are complete and can be accepted for processing under the requirements of this Title.
- E. Act on requests for Zoning Clearances.
- F. Subject to appeal as specified in this Title, administer environmental review requirements pursuant to the California Environmental Quality Act, including:
  - 1. Determine whether applications are exempt from environmental review;
  - 2. Propose project revisions and conditions to mitigate environmental impacts;
  - 3. Determine whether applications will require the preparation of an Environmental Impact Report; and
  - 4. Approve Negative Declarations and Mitigated Negative Declarations for actions that do not require Planning Commission review pursuant to this Title.

- G. Review, approve, conditionally approve, or deny applications for Administrative Use Permits, Temporary Use Permits, and Requests for Reasonable Accommodations.
- H. Approve revisions to Use Permits, administrative design review approvals, and other types of approvals as provided for in Chapter 17.53, Common Procedures.
- I. Review, approve, conditionally approve, or deny permit applications for signs that do not require action by the Design Review Board.
- J. Process and make recommendations to the Planning Commission on all applications, appeals, and other matters upon which the Commission has the authority and the duty to act under the provisions of this Title.
- K. Perform administrative design review, including the approval of minor amendments to approved plans, pursuant to Chapter 17.56, Design Review.
- L. Grant modifications to the provisions of this Title, as provided for in Chapter 17.59, Modifications.
- M. Provide public notice as required for City Council, Zoning Administrator, Planning Commission, and Design Review Board hearings.

## Chapter 17.53 Common Procedures

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### Sections:

17.53.010	Purpose
17.53.020	Application Submittal and Review
17.53.030	Preliminary Review Process
17.53.040	Review of Applications
17.53.050	Environmental Review
17.53.060	Public Notification
17.53.070	Conduct of Public Hearings
17.53.080	Findings and Decision
17.53.090	Conditions of Approval
17.53.100	Expiration and Extensions
17.53.110	Revision of Approved Plans
17.53.120	Revocation of Permits
17.53.130	Appeals

### 17.53.010 Purpose

This Chapter establishes procedures that are common to the application and processing of all permits and approvals provided for in the zoning regulations, unless superseded by specific requirement of this Title or applicable law.

### 17.53.020 Application Submittal and Review

- A. **Initiation of Application.** The following persons are qualified applicants and may file applications:
1. The owner of the subject property; and
  2. An agent representing the owner, duly authorized to do so in writing by the owner, including a person with a duly executed written contract or exclusive option to purchase the subject property, or a lessee in possession of the subject property.
- B. **Application Forms and Supporting Materials.**
1. **Application Forms.** The Director must prepare and issue application forms and lists that specify the information that will be required from applicants for projects subject to the provisions of this Title. Each application form must contain:
    - a. A list or description of the information, reports, dimensional plans, and other material needed in order to deem an application complete;

- b. The criteria by which the Director will determine the completeness of the application;
  - c. Instructions necessary to complete or supply the required information; and
  - d. Such other information as may be required by this Chapter or applicable law.
2. ***Electronic Submissions and Supporting Materials.*** The Director may require the electronic submission of application materials, consistent with the Government Code, and also may require supporting materials as part of the application, including without limitation, statements, photographs, plans, drawings, renderings, models, material samples, and other items necessary to describe existing conditions and the proposed project. Unless otherwise specified, all renderings must depict the proposed structure, landscaping, other improvements, and surrounding land uses as they would appear after project completion.
  3. ***Availability of Materials.*** All material submitted in support of a specific application becomes the property of the City.

C. **Application Fees**

1. ***Schedule of Fees.*** The City Council will establish fees for permits, development mitigation fees (i.e., impact fees), informational materials, penalties, copying, and other such items. Applications cannot be processed without payment of a fee or placement of a deposit, unless a fee waiver or deferral was approved.
2. ***Multiple Applications.*** The City's processing fees are cumulative. When more than one type of action is being requested, the total fee is the sum of the individual fees specified on the fee schedule.

**17.53.030 Preliminary Review Process**

- A. **Purpose.** The purpose of preliminary review is intended to acquaint the prospective applicant or applicant's representative(s) with the requirements of this Title, the General Plan, and other relevant City policies and regulations. Preliminary review is intended to be informative and identify potential issues.
- B. **Applicability.** Preliminary review may be requested by a prospective applicant or applicant's representative for any proposal.
- C. **Requirements.** Applications for Preliminary Review under this Title must be submitted to the Planning and Environmental Review Department, accompanied by the required fee, and in accordance with the format and upon such forms as established by the Director.



- D. **Preliminary Review Conference.** Upon a Preliminary Review request being filed, the Director will notify the applicant or applicant's representative of a preliminary review conference, which should take place within 30 business days of the Preliminary Review application being filed and be held at the Planning and Environmental Review Department by appointment. After reviewing the information provided from the applicant, staff from the reviewing City departments and divisions will prepare comments for the Director. The Director will review the comments with the applicant or applicant's representative at the preliminary review conference and provide information on regulatory requirements, procedures, and other relevant City policies and regulations. If the City is unable to comply with these timeframes, notification will be made to the applicant and will proceed as soon as practicable.
- E. **Recommendations are Advisory.** Neither the Preliminary Review conference nor the provision of information and/or pertinent policies will be construed as a recommendation for approval or denial of the application by City representatives. Any recommendations that result from Preliminary Review are considered advisory only, and are not binding on either the applicant or the City.

#### **17.53.040 Review of Applications**

- A. **Review for Completeness.** The Zoning Administrator will review all applications for completeness and shall determine whether an application is complete within 30 days of the date the application is filed with the required fee. No application will be processed pursuant to this Chapter before the determination by the Zoning Administrator that the application is complete.
- B. **Incomplete Application.** If an application is incomplete and the applicant fails to submit the missing information within 90 calendar days of the date of the letter identifying what is missing, the Zoning Administrator may notify the applicant that the application has been deemed withdrawn, and a new application will be required for the proposed project. Such notification is not intended to be construed as denial of the application.

#### **17.53.050 Environmental Review**

All applications must be reviewed for compliance with the California Environmental Quality Act (CEQA). Environmental review will be conducted pursuant to Title 14 of the California Code of Regulations (CEQA Guidelines). If Title 14 of the California Code is amended, such amendments will govern City procedures.

**17.53.060 Public Notification**

- A. **Applicability.** Public notice is required for the following types of actions:
1. **Public Hearing Notification.** All applications that require a public hearing before the City Council, Planning Commission, Design Review Board, or the Zoning Administrator.
  2. **Notice for Multiple Actions.** When an application includes multiple actions that are under review for the same project, the City may simultaneously issue notice for these multiple actions.
  3. **Coastal Development Permits.** All Coastal Development Permits.
- B. **Contents of Public Notice.** All notices must include the following information:
1. The names of the applicant and the owner of the property that is the subject of the application.
  2. The date, time, location, and purpose of the public hearing.
  3. The identity of the hearing body or officer.
  4. A general description of the proposed project or action.
  5. The location of the real property, if any, that is the subject of the application.
  6. The location and times at which the complete application and project file, including any environmental impact assessment prepared in connection with the application, may be viewed by the public.
  7. A statement describing how to submit written comments.
  8. A brief description of the City’s general procedure concerning the conduct of hearings and decisions.
  9. A statement that if a person challenges the subject project in court, that person may be limited to raising only those issues that the person, or someone else speaking on their behalf, raised at the public hearing or in written correspondence delivered to the City at, or before, the public hearing.
  10. For City Council hearings, the Planning Commission recommendation.
  11. **Additional Public Notice Contents for Coastal Development Permits.**
    - a. A statement that the project is within the Coastal Zone, and that the project decision will include a determination on a Coastal Permit;

- b. A determination of whether the project is appealable to the Coastal Commission under Public Resources Code §30603(a); and
  - c. *If there is no Public Hearing.* The date the application will be acted on and a statement that a public comment period of sufficient time to allow for the submission of comments by mail will be held before the decision is rendered.
- C. **Notification Requirements.** Public notice must be provided in the following manner:
- 1. **Mailed Notice.** The Zoning Administrator must provide notice by First Class mail for public hearings and for all Coastal Development Permits.
    - a. *Time Period.* At least 10 days before the date of the public hearing or before an action on the application could be taken if there is no hearing.
    - b. *Recipients.*
      - (1) The applicant and the owner of the subject property;
      - (2) Any person or group who has filed a written request.
      - (3) Outside the Coastal Zone: All property owners of record of property within 300 feet of the exterior boundaries of the subject property(ies);
      - (4) Within the Coastal Zone:
        - i. Property owners and tenants within 100 feet of the exterior boundaries of the subject property(ies).
        - ii. The Coastal Commission.
        - iii. All persons who have filed a written request for notice of projects in the coastal zone.
        - iv. *Appealable Development:* All property owners of record of property within 300 feet of the exterior boundaries of the subject property(ies) for appealable development.
    - c. **Alternative Method for Large Mailings.** If the number of owners to whom notice would be mailed or delivered pursuant to this Section is greater than 1,000, the City may instead provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the City at least 10 days before the date of the public hearing.

2. **Newspaper Notice.** Newspaper notice is required for all public hearings. The Zoning Administrator must publish a notice in at least one newspaper of general circulation in the City at least 10 days before the date of the public hearing.
3. **Posted Notice.** Posed notice is required for all public hearings. Notice must be provided on the proposed site in the following manner:
  - a. **Poster Requirements.**
    - (1) The sign must be colored and waterproof;
    - (2) Have a minimum size of 24 inches by 36 inches or larger, at the discretion of the Zoning Administrator;
    - (3) All information must be evenly spaced and organized in a readable manner; and
    - (4) Include the proposal, project description, time, date, location of meeting/public hearing, the names and telephone numbers citizens may call with inquires, applicant, and City contact information, including name and telephone number.
  - b. **Number and Location.**
    - (1) At least one poster must be posted on each property line facing a public right-of-way. The Zoning Administrator may require additional posted notices, if necessary.
    - (2) Posted notices must be located at the property line or within three feet from the property line and at a height accessible for the public to read.
  - c. **Time Period.** At least 10 days before the date of the public hearing.
4. **Electronic Notice.** Notice may be provided by electronic means, such as emailed notice, posted notice on the City's website, or other means determined by the Zoning Administrator. This type of notice may be substituted for advertised notice if their substitution is allowed by applicable law. Any persons or organizations may request that electronic notice be substituted for mailed notice through a request to the Zoning Administrator. Electronic notice can, at the request of the requestor, substitute for any mailed notice otherwise required by this Title.
5. **Additional Notice for Drive-Through Facilities.** For drive through facilities, blind, aged and disabled community members and groups must be noticed to facilitate their participation.

- D. **Failure to Give Notice.** The failure of any person or entity to receive actual notice does not invalidate the actions of the City for which the notice was given.

### 17.53.070 Conduct of Public Hearings

All public hearings held pursuant to this Title must comply with the following procedures:

- A. **Generally.** Hearings must be conducted pursuant to procedures adopted by the hearing body. They do not have to be conducted according to technical rules relating to evidence and witnesses.
- B. **Scheduling.** Hearings must be scheduled by the Director.
- C. **Presentation.** After the Director presents the project, issues, and required action, an applicant or an applicant's representative may make a presentation of a proposed project.
- D. **Public Hearing Testimony.** Any person may appear at a public hearing and submit oral or written evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing representing an organization must identify the organization being represented and, if appearing on behalf of a person or organization, state the name and mailing address of the person or organization being represented. The presiding officer may establish time limits for individual testimony and may require that individuals with shared concerns select one or more spokespersons to present testimony on behalf of those individuals.
- E. **Continuance of Public Hearing.** The decision-making body conducting the public hearing may, by motion, continue the public hearing to a fixed date, time, and place or may continue the item to an undetermined date and provide notice of the continued hearing or as provided below.
1. **Before Public Notice.** An application may be withdrawn from a scheduled hearing at the written request of the applicant, provided that the public notice of the hearing on the application has not been mailed, posted, or published. The application must be rescheduled for a time agreed to by the applicant and the Director.
  2. **After Public Notice.** If public notification has been given, an application may be continued if there is a strong reason justifying the applicant's request that could not reasonably have been foreseen or planned for. Inconvenience, conflicting business, or voluntary change of counsel, is not considered adequate justification. The rescheduled public hearing must be re-noticed in the original manner, and the applicant must be subject to payment of a re-notification fee before the rescheduled hearing.

- a. *Request Made 10 or More Days Before Hearing.* The Director may grant the continuance.
  - b. *Request Made Less than 10 Days Before Hearing.* The request for continuance must be acted upon by the hearing body at the meeting for which the application was scheduled.
3. **Time Limits.** The time limitations for action on any application withdrawn, rescheduled, or continued by the review body at the request of the applicant, must be extended by the period of time that consideration of the application was suspended.
- F. **Director's Research.** The decision-making body conducting the hearing may direct the Director to research and report to the decision-making body, such matters as it deems relevant to the issues it identifies during the public hearing. The facts established by such research must be submitted to the decision-making body either in writing, to be filed with the records of the matter, or in testimony, and may be considered by the decision-making body in making its decision.

### **17.53.080 Findings and Decision**

When making a decision to approve, approve with conditions, modify, revoke, or deny any discretionary permit or discretionary approval under this Title, the decision-making body must make findings of fact as required by this Title.

- A. **Date of Action.** The decision-making body must decide to approve, modify, revoke, or deny any discretionary permit or discretionary approval following the close of the public hearing, or if no public hearing is required, within the time period required by this Title. The date of action must be the date of the hearing.
- B. **Notice of Action.** After the decision-making body takes any action to approve, modify, or deny an application that is subject to appeal under the terms of this Title, the Applicant must be notified by the Zoning Administrator.
- C. **Findings.** Findings, when required by law or this Title, must be based upon substantial evidence derived from consideration of the application, project plans, public testimony, reports, and other relevant materials presented to the decision-making body.

### **17.53.090 Conditions of Approval**

The decision-making body may impose reasonable conditions on any approval in accordance with applicable law. In addition to the conditions imposed by the decision-making body, the City may consider as a requirement or condition, any plan, exhibit, statement, or other material provided by the applicant and on record with the decision.

- A. **Recordation of Conditions.** As a condition of approval, the decision-making body may require that the conditions be filed in the office of the County Recorder and must appear in the chain of the title of the subject property, if recording is required.
- B. **Failure to Fulfill Previous Conditions.** The decision-making body may withhold a requested approval if it determines that the applicant has not fulfilled prior conditions of approval associated with another project on site.
- C. **Modification or Removal of Conditions.** Modification or removal of conditions of approval may be sought on appeal or as a new application. Such proposals must be processed through the same procedure that was used to impose the conditions.

### **17.53.100 Expiration and Extensions**

- A. **Effective Date.** A final decision on an application for any discretionary approval becomes effective after the expiration of the appeal period following the date of action, unless an appeal is filed. No building permit or business license can be issued until the day following the expiration of the appeal period. Applicants can submit for plan check during appeal period and litigation if the applicant submits a written request and acknowledges (1) that the appeal/litigation period is not over and (2) that the risk that any action he undertakes may be reversed if an appeal is filed and the outcome of the legal case is not in the applicant's favor.
- B. **Expiration.** Any permit granted under this Title may be declared lapsed and of no further force and effect if it is not exercised or extended within two years of its issuance, or within the time period otherwise established through a separate condition of approval. Conditional Use Permits and other permits authorizing construction, including Coastal Development Permits, are deemed exercised when a valid City building permit, if required, is issued and construction has lawfully commenced. A permit for the use of a building or a property that does not involve construction is exercised when the permitted use has commenced on the property.
- C. **Extensions.** The Director may approve a two year extension of any permit or approval granted under this Title upon receipt of a written application with the required fee within one year of the date of the approval. After the first extension, additional extensions require approval by the original decision-making body or the Planning Commission if the Zoning Administrator was the original decision making. .

### **17.53.110 Revision of Approved Plans**

- A. The Zoning Administrator may approve revisions to approved plans that are found to be in substantial conformance with the approved plans. The proposed revisions must be consistent with the original findings and conditions approved by the decision-making body and may not intensify any potentially detrimental effects of the project.

- B. Revisions that are not in substantial conformance with the approved plans must be treated as a new application.

### **17.53.120 Revocation of Permits**

Any permit granted under this Title may be revoked in accord with applicable law and following a public hearing. The provisions of this Section are not applicable to the termination of nonconforming uses which are governed by the provisions of Chapter 17.37, Nonconforming Uses and Structures.

- A. **Initiation of Proceeding.** The Director or the City Attorney's Office may initiate revocation proceedings.
- B. **Public Notice.** Notice of Revocation of the permit must be provided if the original permit(s) required notice.
- C. **Decision of Revocation.** A permit(s) may be revoked under any one of the following findings:
  - 1. The approval was obtained by means of fraud or misrepresentation of a material fact;
  - 2. The use in question has ceased to exist or has been suspended for one year or more; or
  - 3. There is or has been a violation of or failure to observe the terms or conditions of the permit or approval, or the use has been conducted in violation of the provisions of this Title or other applicable law.

### **17.53.130 Appeals**

This Section provides procedures to be used whenever an applicant or person is aggrieved by a decision made by a decision-making body.

- A. **Applicability.** Any action by the Director, Zoning Administrator, Design Review Board, or Planning Commission made in the administration or enforcement of the provisions of this Title may be appealed in accordance with this Section.
  - 1. **Appeals of Director Decisions.** Decisions of the Director may be appealed to the Planning Commission.
  - 2. **Appeals of Zoning Administrator Decisions.** Decisions of the Zoning Administrator may be appealed to the Planning Commission.
  - 3. **Appeals of Design Review Board Decisions.** Decisions of the Design Review Board may be appealed to the Planning Commission.



4. ***Appeals of Planning Commission Decisions.*** Decisions of the Planning Commission may be appealed to the City Council.
  5. ***Coastal Development Permits.*** Actions on some Coastal Development Permits may also be appealed to the California Coastal Commission pursuant to this Section.
- B. **Rights of Appeal.** Appeals may be filed by the applicant, by the owner of property, or by any other person aggrieved by a decision that is subject to appeal under the provisions of this Title.
- C. **Time Limits.** Unless otherwise specified in State or Federal law, all appeals shall be filed in writing within ten days of the date of the action, decision, motion, or resolution from which the action is taken. In the event an appeal period ends on a Saturday, Sunday, or any other day the City is closed, the appeal period shall end at the close of business on the next consecutive business day.
- D. **Procedures.**
1. ***Proceedings Stayed by Appeal.*** The timely filing of an appeal stays all proceedings in the matter appealed including, without limitation, the issuance of demolition permits, grading permits, and building permits.
  2. ***Filing of Appeals.*** A written appeal must be filed no later than close of business of the Planning and Environmental Review Department on the appeal due date. All appeals must be accompanied by payment of the required fee established by City Council resolution.
  3. ***Submittal Requirements and Criteria.*** The appeal must set forth, in concise language, the following:
    - a. Date of appeal;
    - b. Name of appellant and/or the individual representing appellant;
    - c. Address to which notices of the appeal hearing must be sent;
    - d. Telephone number of appellant and/or appellant's representative;
    - e. Name of applicant, if different from appellant;
    - f. Action or decision being appealed and the date of such action or decision;
    - g. Address and/or description of real property involved; and
    - h. The specific grounds for appeal. The appeal is limited to the issue(s) raised in the petition.

4. **Public Notice.** Notice must be provided in the same manner required for the action that was the subject of the appeal.
  5. **Action.** The appeal body must conduct a public hearing, after which it may affirm, reverse, or modify the previous decision.
  6. **Standards of Review.** When reviewing any decision on appeal, the same standards and evaluation criteria, the findings required, must apply as were required for the original decision.
  7. **Failure to File an Appeal.** Failure to file a timely appeal results in the decision taking effect.
  8. **Referral Back by City Council.** The City Council may choose to refer a matter back to the Planning Commission for further consideration and decision if the significant new evidence is presented in conjunction with the appeal, which may include substantial changes to the original proposal.
- E. **Appeal to the Coastal Commission.** A final action taken by the City on a Coastal Development Permit application for appealable development, may be appealed to the Coastal Commission in compliance with this Section.
1. **Appealable Development.** Pursuant to Public Resources Code Section 30603(a), an action taken by the City on a Coastal Development Permit application may be appealed to the Coastal Commission for the following types of development.
    - a. Developments between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance.
    - b. Developments that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.
    - c. Developments located in a sensitive coastal resource area.
    - d. Any development which constitutes a major public works project or a major energy facility.
  2. **Status of Appellant.**
    - a. *Who may Appeal.* An appeal may be filed by an applicant, an aggrieved person, or two members of the Coastal Commission in compliance with Public Resources Code Section 30625.



adequate notice of final City action, in compliance with this Section and the Coastal Act.

6. ***Notice to City of Appeal to Coastal Commission.*** An appellant shall notify the City when appealing to the Coastal Commission by providing the City a copy of the appeal within five days of filing the appeal.

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## Chapter 17.54 Zoning Clearance

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### Sections:

17.54.010	Purpose
17.54.020	Applicability
17.54.030	Review and Decision
17.54.040	Exceptions
17.54.050	Appeals

### 17.54.010 Purpose

This Chapter establishes procedures for conducting Zoning Clearance review and issuing the associated permit to verify that each new or expanded use, activity, or structure complies with all of the applicable requirements of this Title.

### 17.54.020 Applicability

A Zoning Clearance is required for all new and modified uses that are permitted in the use tables in this Title. A Zoning Clearance also is required for buildings or structures constructed, the use of vacant land, changes in the character of the use of land or building, or for substantial expansions in the use of land or building, which are allowed “as-of-right,” or are designed as “P” meaning permitted in schedules of land use regulations in the Base Zoning Districts and Overlay Zoning Districts of Parts II and III of this Title.

### 17.54.030 Review and Decision

- A. **Determination.** The Zoning Administrator must determine whether the zoning regulations allow the proposed uses or structures, including proposed additions or alterations, as-of-right. A Zoning Clearance must be issued if the Zoning Administrator determines that the proposed use or building, or alteration or addition, is permitted and conforms to all the applicable regulations and standards of this Title. An approved Zoning Clearance may include attachments of other written or graphic information, including, without limitation, statements, numeric data, site plans, floor plans and building elevations and sections, and references to applicable standards and regulations in this Title, as a record of the proposal’s conformity with the applicable regulations of this Chapter.
- B. **Planning Commission Review.** The Zoning Administrator may refer a Zoning Clearance for determination by the Planning Commission as deemed necessary. The Planning Commission is limited to the factors outlined in this Section and may not impose conditions on the approval of a Zoning Clearance.

**17.54.040 Exceptions**

No Zoning Clearance is required for the continuation of previously approved or permitted uses and structures, uses and structures that are not subject to any building or zoning regulations, or other uses or buildings already subject to Administrative Use Permits, Conditional Use Permits, Coastal Development Permits, Variances, or other discretionary approvals in the district in which they are located.

**17.54.050 Appeals**

Decisions on a Zoning Clearance are subject to appeal in accordance with §17.53.130.

## Chapter 17.55 Use Permits

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### Sections:

17.55.010	Purpose
17.55.020	Applicability
17.55.030	Review Authority
17.55.040	Required Findings, Administrative Use Permits and Conditional Use Permits
17.55.050	Conditions of Approval, Administrative Use Permits and Conditional Use Permits
17.55.060	Temporary Use Permits
17.55.070	Appeals

### 17.55.010 Purpose

This Chapter describes the process and general requirements applicable to those uses for which an Administrative Use Permit, Conditional Use Permit, or Temporary Use Permit is required. These uses require consideration to ensure that they can be designed, located, and operated in a manner that will not interfere with the use and enjoyment of surrounding properties. The process for review of applications is designed to evaluate possible adverse impacts and to minimize them, where possible, through the imposition of specific conditions of approval.

### 17.55.020 Applicability

Approval of a use permit is required for uses or developments specifically identified in Part II: Base Zoning Districts, Part III: Overlay Districts, and/or any other section of this Title that requires a use permit.

- A. **Administrative Use Permits.** An Administrative Use Permit is required for new uses within existing buildings, buildings or structures constructed, the use of vacant land, changes in the character of the use of land or building, or for substantial expansions in the use of land or building that have been found not to be inherently detrimental to the use and enjoyment of land, but require an additional level of review and have a higher threshold of approval in certain circumstances. They are identified with an “AU” in the schedules of land use regulations in the Base Zoning Districts of this Title.
- B. **Conditional Use Permits.** A Conditional Use Permit is required for proposed buildings or structures, the use of vacant land, changes in the character of the use of land or building, or for substantial expansions in the use of land or building that may have an impact upon the general welfare and safety of the public. These uses require an additional level of review and have a higher threshold of approval to ensure that they are compatible with the adjacent land uses and comply with the goals and intent of the General Plan. They are identified with a “CU” in the land use regulation tables in the Base Zoning Districts of this Title.

- C. **Temporary Use Permits.** A Temporary Use Permit is required for uses of a limited duration and is established in § 17.42.360, Temporary Uses.

**17.55.030 Review Authority**

- A. **Administrative Use Permits.** All applications for Administrative Use Permits require public notice and hearing by the Zoning Administrator, pursuant to Chapter 17.53, Common Procedures. The Zoning Administrator may direct that a request be heard instead by the Planning Commission, based on a review which includes, without limitation, the following factors:
  - 1. Previous decisions by the City regarding the site on which the proposed use is located;
  - 2. The probable impact of the requested use on its immediate surroundings; or
  - 3. The consistency of the requested use with the projected land uses, policies, and principles of the General Plan.
- B. **Conditional Use Permits.** All applications for Conditional Use Permits require public notice and hearing by the Planning Commission, pursuant to Chapter 17.53, Common Procedures.
- C. **Temporary Use Permits.** The Zoning Administrator reviews and approves, approves with modifications, or denies Temporary Use Permits.

**17.55.040 Required Findings, Administrative Use Permits and Conditional Use Permits**

Prior to approval of an Administrative Use Permit or a Conditional Use Permit, the review authority must make the following findings:

- A. The location, size, design, and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
- B. The location and design of the proposal will provide a convenient and functional living, working, shopping, or civic environment that will be an attractive amenity for the City.
- C. The proposal is consistent with the purposes of the district where it is located and conforms in all significant respects with the City of Goleta General Plan and with any other applicable plan adopted by the City Council.



### **17.55.050 Conditions of Approval, Administrative Use Permits and Conditional Use Permits**

The decision-making body may impose reasonable conditions on an Administrative Use Permit or Conditional Use Permit that are related and proportionate to what is being requested by the application, as deemed necessary or appropriate in order to ensure that the provisions of the General Plan and this Title are met.

### **17.55.060 Temporary Use Permits**

This Section establishes a process for review and approval of certain uses that are intended to be of limited duration of time and will not permanently alter the character or physical facilities of the site where they occur.

- A. **Applicability.** Approval of a Temporary Use Permit is required for temporary uses that require a permit pursuant to Section 17.42.360, Temporary Uses.
- B. **Application.** Any person may apply to the Zoning Administrator for approval of a temporary use, not less than 30 days before the use is intended to begin.
- C. **Determination.** Within 20 days of accepting an application for a Temporary Use Permit as complete, the Zoning Administrator must render a written decision.
- D. **Required Findings.** The Zoning Administrator may approve an application to allow a temporary use for a period of time, only upon making all of the following findings:
  1. The proposed use will not unreasonably affect or have a negative impact on adjacent properties, their owners and occupants, or the surrounding neighborhood, and will not in any other way constitute a nuisance or be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the area of such use, or to the general welfare of the City;
  2. The proposed use is consistent with a land use permitted by the present zoning district within which the site is located, or a land use considered permitted by a Zoning District listed in the General Plan as being consistent with the General Plan land use designation of the site;
  3. The proposed use will not unreasonably interfere with pedestrian or vehicular traffic or circulation in the area surrounding the proposed use, and will not create a demand for additional parking that cannot be safely and efficiently accommodated by existing parking areas; and
  4. Appropriate controls are in place that will ensure the premises will be kept clean, sanitary, free of litter, and all circulation and parking surfaces will include a suitable dust-controlled surface.

- E. **Conditions of Approval.** In approving a Temporary Use Permit, the Zoning Administrator may impose reasonable conditions deemed necessary to achieve the findings for a Temporary Use Permit listed above, including, without limitation:
1. Regulation of vehicular ingress and egress and traffic circulation;
  2. Regulation of dust if using unpaved surfaces for the event including parking;
  3. Regulation of lighting;
  4. Regulation of hours, and other characteristics of operation;
  5. Regulation regarding trash/debris/waste disposal and site/area clean up during and at the conclusion of the event;
  6. Requirement of bonds or other guarantees for cleanup or removal of structure or equipment; and
  7. Such other conditions as the Zoning Administrator may deem necessary to carry out the intent and purpose of this Chapter.
- F. **Effective Date.**
1. **Permit Period 10 Days or Less.** A Temporary Use Permit issued for 10 days or less becomes effective on the date the permit is approved by the Zoning Administrator, but cannot expire before the event/use that is subject to the Temporary Use Permit occurring.
  2. **Permit Period More than 10 Days.** A Temporary Use Permit for more than 10 days becomes effective 11 days from the date the permit is approved by the Zoning Administrator.

### **17.55.070 Appeals**

Decisions on Administrative Use Permits, Conditional Use Permits, and Temporary Use Permits are subject to appeal in accordance with § 17.53.130.

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## Chapter 17.56 Design Review

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### Sections:

17.56.010	Applicability
17.56.020	Applicability and Review Authority
17.56.030	Levels of Design Review and Responsible Party
17.56.040	Scope of Review
17.56.050	Required Findings
17.56.060	Design Review Criteria
17.56.070	Conditions of Approval
17.56.080	Time Limits on Approvals and Time Extensions
17.56.090	Appeals

### 17.56.010 Applicability

This Chapter establishes objectives, standards, and procedures for conducting design review of proposed development. Design review is limited to the physical characteristics of development and does not consider the use of the site. These regulations are to be carried out in a manner that encourages creative and appropriate solutions while avoiding unnecessary delays in project approval. The specific purposes of design review are to:

- A. Promote excellence in site planning and design, and the harmonious appearance of buildings and sites and signs;
- B. Ensure that the physical design of new and modified development will be compatible with the existing and potential development of the surrounding area and the character of the neighborhood or district where the project is located; and
- C. Supplement other City regulations and standards in order to ensure control of aspects of design that are not otherwise addressed.

### 17.56.020 Applicability and Review Authority

- A. **Design Review Board.** The Design Review Board will conduct design review and make decisions to approve, approve with amendments, or deny with specification of modifications that are required to approve the design of the projects listed below:
  1. All projects for which a building permit is required that involves new construction or development; exterior alterations and installations; the erection, replacement, or alteration of signage; and landscaping associated with such construction and alterations;

2. Any project where Design Review Board review is specified by action of the City Council, Planning Commission or Planning and Environmental Review Department;
  3. Projects referred by the Zoning Administrator to the Design Review Board for review;
  4. Exterior changes to the main structure that result from an additional residential unit in a single-unit home or in a multiple-unit residential building; and
  5. Applications for permits which, if combined with other permits applied for on the same property within four years, meets the criteria established above to avoid the “piecemeal” review of projects.
- B. **Administrative Design Review.** The Zoning Administrator or their designee will review and approve, approve with conditions, or deny, the following projects except where part of a larger development project pursuant to Subsection (A), above, in which case the Design Review Board shall conduct design review:
1. Decks 30 inches or less above grade;
  2. Swimming pools, hot tubs, and spas;
  3. Second units and residential accessory structures;
  4. Fences or walls six feet or less in height and gateposts of eight feet or less in height that are visible from a public street;
  5. Alterations, additions, and repairs that do not significantly change the exterior appearance of a structure visible from the street and on the first floor, including replacement in kind of existing features. To be considered "replacement in kind," the features must reasonably match the design, profile, material, and general appearance of the originals; and
  6. Non-illuminated building mounted signs, except in the Old Town Heritage District.
- C. **Exemptions.** The following development is exempt from Design Review.
1. All interior alterations.
  2. Solar panels located on roofs or on the ground.
  3. Fences or walls six feet or less in height and gateposts of eight feet that are not visible from a public street.
  4. Additions of 750 or less square feet (based on an exterior footprint measurement) to a single-unit home, or additions of less than 100 square feet to any existing

upper stories of a single-unit home provided the addition is to the rear of the structure or does not significantly change the streetscape.

5. Signs that conform to an approved master sign plan.

### **17.56.030 Levels of Design Review and Responsible Party**

#### **A. Conceptual Review**

1. Any and all proposed uses that require Design Review by the Design Review Board shall first be conceptually reviewed by the Design Review Board for recommendations on the design and other features so as to assist the applicant and the Planning Commission. Conceptual Review is limited to one meeting unless additional meetings are requested by the applicant.
2. During such conceptual review, the Design Review Board may comment on site plan issues such as height, building orientation, massing and other site issues. Comments and recommendations made by the Design Review Board shall then be considered by the Planning Commission during deliberations on discretionary permits or approvals. Recommendations shall be advisory and no final or binding decision shall be issued by the Design Review Board during such preliminary review. Following Planning Commission approval, projects shall return to the Design Review Board for review as detailed in this Chapter.

- B. Design Review.** Design Review involves the substantive analysis of a project's compliance with all applicable City architectural guidelines and development standards as highlighted in Section 2.08.140 of the Municipal Code.

#### **C. Conformance Review**

1. Conformance review confirms that the working drawings are in conformance with the Design Review approval.
2. Conformance review is conducted by the Planning and Environmental Review staff, with assistance where appropriate from the Design Review Board Chair or the Chair's designee. In the event that final plans are not in substantial conformance with the approved plans, Planning and Environmental Review staff shall refer the matter to the full Design Review Board for additional review.

- D. Multiple Levels of Approval at a Single Meeting.** Planning staff may accept and process applications for Conceptual and Design Review at a single meeting provided all required information is submitted and the project is properly noticed and agendaized for such multiple levels of approval.

### **17.56.040 Scope of Review**

The review authority shall review each project for conformity with the purpose of this Chapter, the applicable General Plan policies and guidelines, including without limitation, the Goleta Old Town Heritage District Architecture and Design Guidelines, the Highway 101 Corridor Design Guidelines, the Goleta Architecture and Design Standards for Commercial Projects, and the applicable City sign and zoning regulations. The following items will be considered:

- A. Height, bulk and area of buildings and structures;
- B. Colors and types of building materials and application;
- C. Relation with existing and proposed structures on the same site and in the immediately affected surrounding area;
- D. Site layout, orientation, and location of buildings, and relationship with open areas and topography;
- E. Height, materials, colors, and variations in boundary walls, fences, or screen planting;
- F. Location and type of landscaping; and
- G. Sign design and exterior lighting.

### **17.56.050 Required Findings**

The review authority may only approve a Design Review application if it finds the application is consistent with the purposes of this Chapter and with the following:

- A. The applicable standards and requirements of this Zoning Ordinance;
- B. The design policies of the General Plan and specific plans adopted by City Council;
- C. Any applicable design guidelines adopted by the City Council;
- D. The design review criteria set forth in Section 17.56.060, Design Review Criteria, where relevant to the subject application;
- E. Any planning or zoning approvals by the Planning Commission or Zoning Administrator; and
- F. Any other relevant policies or regulations of the City.

### **17.56.060 Design Review Criteria**

When conducting Design Review, the review authority shall evaluate applications to ensure that they satisfy the following criteria, conform to the policies of the General Plan and any applicable

specific plan, the City's Design Guidelines, and are consistent with any other policies or guidelines the City Council may adopt for this purpose. To obtain design review approval, projects must satisfy these criteria to the extent they apply.

- A. The aesthetic design, including its exterior design and landscaping, is appropriate to the function of the project and will provide an attractive and comfortable environment for occupants, visitors, and the general community.
- B. Project details, colors, materials, and landscaping, are fully integrated with one another and used in a manner that is visually consistent with the proposed architectural design.
- C. The project has been designed with consideration of neighboring development.
- D. The project contributes to the creation of an attractive and visually interesting built environment that includes well-articulated structures that present varied building facades, rooflines, and building heights and encourages increased pedestrian activity and transit use.
- E. Street frontages are attractive and interesting for pedestrians, address the street and provide for greater safety by allowing for surveillance of the street by people inside buildings and elsewhere.
- F. The proposed design is compatible with the historical or visual character of any area recognized by the City as having such character.
- G. The aesthetic design preserves significant public views and vistas from public streets and open spaces and enhances them by providing areas for pedestrian activity.
- H. Landscaping is designed to be compatible with and enhance the architectural character and features of the buildings on site, and help relate the building to the surrounding landscape. Proposed planting materials avoid conflicts with views, lighting, infrastructure, utilities, and signage.
- I. The project has been designed to be energy efficient including, but not limited to, landscape design and green or environmentally-friendly design and materials.
- J. All exterior site, structure and building lighting is well designed, appropriate in size and location, and dark sky compliant.

#### **17.56.070 Conditions of Approval**

The review authority may impose reasonable conditions on a Design Review approval that is related and proportionate to what is being requested by the application, as deemed necessary or appropriate in order to ensure that the standards and requirements of this Title are met, including, without limitation:

- A. Modification of materials and/or design elements;
- B. Additional landscaping;
- C. Walls, fences, and screening devices;
- D. Noise-attenuation construction; and
- E. Any other conditions that are found to be necessary to ensure that the provisions of the General Plan and this Title and applicable conditions of approval are met.

**17.56.080 Time Limits on Approvals and Time Extensions**

- A. The Design Review approval shall expire three years from the date of approval.
- B. Prior to the expiration of such three year period, the Zoning Administrator may grant one extension of up to two years.

**17.56.090 Appeals**

Decisions of the Design Review Board are appealable to the Planning Commission in accordance with Section 2.09.120 of the Municipal Code.



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## Chapter 17.57 Variances

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### Sections:

17.57.010	Purpose
17.57.020	Applicability
17.57.030	Procedures
17.57.040	Required Findings
17.57.050	Conditions of Approval
17.57.060	Appeals

### **17.57.010 Purpose**

This Chapter is intended to provide a mechanism for relief from certain dimensional standards and quantitative provisions in this Title where the strict application of them will deprive the property owner of privileges enjoyed by similar properties because of the subject property's unique and special conditions.

### **17.57.020 Applicability**

- A. Variances may be granted with respect to dimensional and performance standards, but variances from the use regulations of this Title are not allowed. The Planning Commission will have power to grant such Variances only to the extent necessary to overcome such practical difficulty or unnecessary hardship as may be established in accordance with the provisions of this Chapter.
- B. No Variance will be granted, in whole or in part, that would have an effect substantially equivalent to a reclassification of property, alter any use, height, or bulk of a building or structure not expressly permitted by the provisions of this Title for the district or districts in which the property in question is located, grant a special privilege for which a Conditional Use Permit is required by this Title, or would change a definition in this Title.
- C. A Variance cannot be granted to permit a use otherwise not permitted in the applicable zoning district.
- D. A Variance is granted upon the discretion of the Planning Commission. The burden of proof for satisfying the requirements for granting of a Variance, as stated in this Title, rests with the applicant.

### **17.57.030 Procedures**

Consideration of variances requires a public hearing before the Planning Commission. The Planning Commission can approve, conditionally approve, or deny the application. A Variance may require that the existing development site be brought into substantial conformance with the terms of this Title. All notification requirements must be followed before the public hearing.

### **17.57.040 Required Findings**

Variance applications can only be granted if the Planning Commission determines that the project, as submitted or as modified, conforms to all of the following criteria, in addition to any criteria that may be required or associated with the specific request. If it is determined that it is not possible to make all of the required findings, the application must be denied. The specific basis for denial must be established for the record. The following findings must all be met in order to grant a Variance:

- A. There are special circumstances applicable to the property, relative to its size, shape, topography, location, or surroundings.
- B. The strict application of the zoning regulations will deprive such property of privileges enjoyed by other properties in the vicinity and under the same zoning classification;
- C. The authorization of the Variance will meet the intent and purpose of the zoning district in which the subject property is located, and will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general; and
- D. The Variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.
- E. In addition to the findings required by parts (A) through (E) of this Subsection, if the project is located within the Coastal Zone, the variance must also be consistent with the provisions of the Local Coastal Program that are applicable to the subject property.

### **17.57.050 Conditions of Approval**

In approving a Variance, the Planning Commission may impose reasonable conditions necessary to ensure that the Variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the zoning district in which the subject property is located, including conditions to:

- A. Achieve the general purposes of this Title or the specific purposes of the zoning district in which the site is located;
- B. Protect the public health, safety, and general welfare;
- C. Ensure operation and maintenance of the use in a manner compatible with existing and potential uses in the surrounding area; and
- D. Any other conditions that are found to be necessary to ensure that the provisions of the General Plan and this Title are met.

**17.57.060 Appeals**

Decisions on Variances are subject to appeal in accordance with § 17.53.130.

## Chapter 17.58 Coastal Development Permit

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### Sections:

17.58.010	Purpose
17.58.020	Applicability
17.58.030	Exemptions
17.58.040	Record of Permit Exemptions
17.58.050	Waiver for De Minimis Development
17.58.060	Permit Required; Application Requirements
17.58.070	Public Notice
17.58.080	Hearing and Action on Coastal Development Permit
17.58.090	Required Findings
17.58.100	Conditions
17.58.110	Open Space Easements and Public Access Documents
17.58.120	Notice of City Action
17.58.130	Post Decision Procedures

### 17.58.010 Purpose

This Chapter establishes a process for review and approval of Coastal Development Permits, which is intended to implement the California Coastal Act of 1976 (Division 20 of the Public Resources Code), as amended, in accordance with the City’s Local Coastal Program.

### 17.58.020 Applicability

The provisions of this Chapter apply to all development on all properties located within the Coastal Zone as defined in the California Coastal Act, subject to the following provisions:

- A. **Tidelands, Submerged Lands, or Public Trust Lands.** Projects on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled, lying within the Coastal Zone, or within any State university or college within the Coastal Zone require a permit issued by the California Coastal Commission in accordance with procedures specified by the Coastal Commission, in addition to other permits or approvals required by the City.
- B. **Development by Public Agency.** A person undertaking development included in a public works plan or long-range development plan approved by the Coastal Commission is not required to obtain a Coastal Development Permit from the City. Other City permits may be required.
- C. **Exemptions.** Projects or activities specifically identified by the California Coastal Commission as exempted from the requirement for a Coastal Development Permit, listed in §17.58.030, Exemptions, do not require a Coastal Development Permit.

- D. **Precedence of Local Coastal Program.** Where the plans, policies, requirements or standards of the Local Coastal Program, as applied to any project in the Coastal Zone, conflict with those of the underlying zoning district or other provisions of this Title, the plans, policies, requirements or standards of the Local Coastal Program will take precedence.

### 17.58.030 Exemptions

The following projects are exempt from the requirement to obtain a Coastal Development Permit, pursuant to the Coastal Act.

- A. **Categorically Excluded Development.** Projects pursuant to a Categorical Exclusion Order certified by the California Coastal Commission, pursuant to Public Resources Code §30610(e) and 30610.5 and 14 California Code of Regulations §13240, et seq. (the Coastal Commission Regulations).
- B. **Improvements to Existing Single-unit Residences.** Improvements to existing single-unit residences, subject to the following provisions:
1. **Definition of Existing Single-unit Residence.** For the purposes of this Subsection, where there is an existing single-unit residential building, all of the following are considered a part of that structure:
    - a. All fixtures and other structures directly attached to a residence.
    - b. Structures on the property normally associated with a single-unit residence, such as garages, swimming pools, fences, and storage shed, but not including guesthouses or secondary dwelling units.
    - c. Landscaping on the lot.
  2. **Limits on Exemption Based on Environmental Effects.** The following classes of development require a Coastal Development Permit because they involve a risk of adverse environmental effects:
    - a. Improvements to a single-unit structure if the structure or improvement is located on a beach, in a wetland, seaward of the mean high tide line, in an environmentally sensitive habitat area, in an area designated as highly scenic in the General Plan/Coastal Land Use Plan, or within 50 feet of the edge of a coastal bluff.
    - b. Any significant alteration of land forms including the removal or placement of vegetation on a beach, wetland, or sand dune, in an environmentally sensitive habitat, or within 50 feet of the edge of a coastal bluff.

- c. The expansion or construction of water wells or septic systems.
  - d. Improvements on property that is located between the sea and first public road paralleling the sea, or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated by the Coastal Commission, when such improvements would constitute or result in any of the following:
    - (1) An increase of 10 percent or more of internal floor area of an existing structure or constitute an additional improvement of 10 percent or less where an improvement to the structure has previously been undertaken pursuant to Public Resources Code Section 30610(a).
    - (2) An increase in height of an existing structure by more than 10 percent of an existing structure
    - (3) The construction, placement, or establishment of any significant non-attached structure, such as garages, fences, shoreline protective device, or docks.
  - e. Any improvement to a single-unit residence where the development permit issued for the original structure by the Coastal Commission or City indicated that any future improvements would require a Coastal Development Permit.
- C. **Other Improvements.** Improvements to any structure other than a single-unit residence or a public works facility, subject to the following provisions:
- 1. **Definition of Existing Structure.** For the purposes of this Subsection, where there is an existing structure, other than a single-unit residence or public works facility, all of the following are considered a part of that structure:
    - a. All fixtures and other structures directly attached to the structure.
    - b. Landscaping on the lot.
  - 2. **Limits on Exemption Based on Environmental Effects.** The following classes of development require a Coastal Development Permit because they involve a risk of adverse environmental effect, adversely affect public access, or involve a change in use contrary to a policy of the Coastal Act.
    - a. Improvement to any structure if the structure or the improvement is located on a beach, in a wetland, stream or lake, seaward of the mean high tide line, in an area designated as highly scenic in the General

Plan/Coastal Land Use Plan, or within 50 feet of the edge of a coastal bluff.

- b. Any significant alteration of land forms, including removal or placement of vegetation, on a beach or sand dune, in a wetland or stream, within 100 feet of the edge of a coastal bluff, in a highly scenic area, or in an environmentally sensitive habitat.
  - c. The expansion or construction of water wells or septic systems.
  - d. Improvements on property that is located between the sea and first public road paralleling the sea, or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated by the Coastal Commission, when such improvements would constitute or result in any of the following:
    - (1) An increase of 10 percent or more of internal floor area of an existing structure or constitute an additional improvement of 10 percent or less where an improvement to the structure has previously been undertaken, pursuant to Public Resources Code §30610(b).
    - (2) Result in an increase in height by more than ten percent of an existing structure.
  - e. Any improvement to a structure where the Coastal Development Permit issued for the original structure by the Coastal Commission or City indicated that any future improvements would require a Coastal Development Permit.
  - f. Any improvement to a structure that changes the intensity of use of the structure.
  - g. Any improvement made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold including, without limitation, a condominium conversion, stock cooperative conversion, or motel/hotel timesharing conversion.
- D. **Maintenance Dredging.** Maintenance dredging of existing navigation channels or moving dredged material from those channels to a disposal area outside the Coastal Zone pursuant to a permit from the United States Army Corps of Engineers.

- E. **Repair and Maintenance Activities.** Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities.
1. **Definition of Repair and Maintenance.** Unless destroyed by natural disaster, the replacement of 50 percent or more of a single-unit residence, seawall, revetment, bluff retaining wall, breakwater, groin, or any other structure is not repair and maintenance, but instead constitutes a replacement structure requiring a Coastal Development Permit.
  2. **Limits on Exemption Based on Environmental Effects.** The following extraordinary methods of repair and maintenance require a Coastal Development Permit because they involve a risk of substantial adverse environmental impact:
    - a. Any method of repair or maintenance of a seawall, revetment, bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work that involves any of the following:
      - (1) Repair or maintenance involving substantial alteration of the foundation of the protective work, including pilings and other surface or subsurface structures.
      - (2) The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, streams, wetlands, estuaries, and lakes, or on shoreline protective work, except for agricultural dikes within enclosed bays or estuaries.
      - (3) The replacement of 20 percent or more of the materials of an existing structure with materials of a different kind.
      - (4) The presence, whether temporary or permanent of mechanized construction equipment or construction materials on any sand areas, bluff, or environmentally sensitive habitat, or within 20 feet of coastal waters or streams.
    - b. Any method of routine maintenance dredging that involves any of the following:
      - (1) The dredging of 100,000 cubic yards or more within a 12-month period.
      - (2) The placement of dredged spoil of any quantity within an environmentally sensitive habitat area, on any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams.





- H. **Timeshare Conversions.** Any activity anywhere in the Coastal Zone that involves the conversion of any existing multiple-unit residential structure to a timeshare project, estate, or use, as defined in Business and Professions Code §11212. If any improvement to an existing structure is otherwise exempt from the permit requirements of this Title, no Coastal Development Permit is required for that improvement on the basis that it is to be made in connection with any conversion that is exempt pursuant to this Title. The division of a multiple-unit residential structure into condominiums, as defined in Civil Code § 783, must not be considered a time-share project, estate, or use for purposes of this subdivision.
- I. **Temporary Events.** Temporary events provided that the event meets all of the following requirements:
1. **Time Limits.** The event will not occur between Memorial Day weekend and Labor Day, or if proposed in this period, will be of less than one day in duration, including set-up and take-down.
  2. **Location.** The event will not occupy any portion of a publicly or privately owned sandy beach or park area, public pier, public beach parking areas, or the location is remote with minimal demand for public use and there is no potential for adverse effect of sensitive coastal resources.
  3. **Fee for Admission.** A fee will not be charged for general public admission and/or seating where no fee is currently charged for use of the same area (not including booth or entry fees), or, if a fee is charged, it is for preferred seating only and more than 75 percent of the provided seating capacity is available free of charge for general public use.
  4. **Review by the Zoning Administrator.** The proposed event has been reviewed in advance by the Zoning Administrator and determined to meet all of the following criteria:
    - a. The event will result in no adverse impact on opportunities for public use of or access to the area due to the proposed location and/or timing of the event, either individually or together with other temporary events scheduled before or after the particular event.
    - b. There will be no direct or indirect impacts from the event and its associated activities or access requirements on environmentally sensitive habitat areas, rare or endangered species, significantly scenic resources, or other coastal resources.
    - c. The event has not previously required a Coastal Development Permit to address and monitor associated impacts to coastal resources.

- J. **De Minimis Development.** Development determined to be de minimis by the Zoning Administrator pursuant to § 17.58.050, Waiver for De Minimis Development.

#### **17.58.040 Record of Permit Exemptions**

The Zoning Administrator must maintain a record of all those developments within the Coastal Zone that have been authorized as being exempt from the requirement of a Coastal Development Permit pursuant to this Chapter. This record must be available for review by members of the public and representatives of the Coastal Commission. The Record of Exemption must include the name of the applicant, the location of the project, and a brief description of the project and why the project is exempt.

#### **17.58.050 Waiver for De Minimis Development**

- A. **Authority.** The Zoning Administrator may issue a written waiver from the Coastal Development Permit requirements of this Chapter for any development that is de minimis.
- B. **Determination of Applicability.** A proposed development is de minimis if the Zoning Administrator determines, based on a review of an application for a Coastal Development Permit, that the development satisfied all of the following requirements:
1. The proposed development is not located within an appeal area or within an area where the Coastal Commission retains permit jurisdiction.
  2. The proposed development is consistent with the certified Local Coastal Program.

#### **17.58.060 Permit Required; Application Requirements**

- A. **Permit Requirements.** Any person, partnership, or corporation, or State or local government agency wishing to undertake development as defined in Public Resources Code § 30106 in the Coastal Zone must obtain a Coastal Development Permit in accord with the provisions of this Chapter, unless exempt or categorically excluded. Application for a Coastal Development Permit may be submitted and processed concurrently with other required permits; however, the Coastal Development Permit must be issued before the start of development and must be required in addition to any other permits or approvals required by the City.
- B. **Initial Determination.** At the time a Coastal Development Permit application is submitted, the Zoning Administrator must determine whether a development project is:
1. Within an area where the Coastal Commission exercises original permit jurisdiction; or
  2. Categorically excluded or otherwise exempt from this provisions of this Chapter; or

3. Appealable to the Coastal Commission; or
  4. Non-appealable to the Coastal Commission.
- C. **Challenge of Determination.** Upon receipt of the Zoning Administrator's initial determination with respect to what type of development is proposed, an applicant, other interested person, or local government who does not agree with the Zoning Administrator's determination may challenge the determination. If any interested party does not agree with the Zoning Administrator's determination, the matter must be forwarded to the City Council at the earliest available regularly scheduled meeting to determine whether the project is categorically excluded or otherwise exempt, non-appealable, or appealable. If such challenge is not resolved and the determination remains disputed, the City must notify the Coastal Commission Executive Director by telephone of the dispute/question and must request the Coastal Commission Executive Director's opinion. The Coastal Commission Executive Director may either concur with the Council's determination or forward the request to the Coastal Commission for a final determination.
- D. **Responsibilities for Issuance.** After certification of the LCP by the Coastal Commission, the City must issue all Coastal Development Permits for development not located within the Coastal Commission's original permit jurisdiction. The Coastal Commission's original permit jurisdiction includes all tidelands, submerged lands, or public trust lands whether filled or unfilled, unless the Coastal Commission has delegated original permit jurisdiction to the City for areas potentially subject to the public trust but which are determined by the Coastal Commission to be filled, developed, and committed to urban use pursuant to Public Resources Code § 30613. Development located in the Coastal Commission's original permit jurisdiction requires approval of a Coastal Development Permit issued by the Coastal Commission in accordance with the procedure specified by the California Coastal Act.
1. **Coastal Permit Issued by the Coastal Commission.** Developments on tidelands, submerged lands, or navigable waterways require a permit issued by the California Coastal Commission in accordance with the procedure as specified by the California Coastal Act, as amended.
  2. **Coastal Permits Issued by the City.** All development requires a Coastal Development Permit, unless specifically exempted or excluded. After certification of the LCP, the City must issue all Coastal Development Permits for development not located within the Coastal Commission's original permit jurisdiction.
- E. **Application Requirements.** Application requirements are as established in Chapter 17.53, Common Procedures, as supplemented by specific requirements for development in the Coastal Zone established by the Zoning Administrator.

**17.58.070 Public Notice**

Public notice shall be provided pursuant to § 17.53.060, Public Notification.

**17.58.080 Hearing and Action on Coastal Development Permit**

Action to approve, conditionally approve, or deny a Coastal Development Permit must be taken by the Zoning Administrator, Planning Commission, or City Council, whichever has responsibility for final approval of other discretionary permits. If no other discretionary approval is required, the Zoning Administrator must act on the Coastal Development Permit application.

- A. **Optional Zoning Administrator Hearing.** The Zoning Administrator may hold a public hearing to consider the application if there is significant public controversy and/or the hearing affords an opportunity to resolve issues of concern.
- B. **Optional Planning Commission Hearing.** The Zoning Administrator may also require a public hearing before the Planning Commission for any application that the Zoning Administrator determines to have special neighborhood or community significance. In such cases the applicant must pay the fee for the Planning Commission public hearing specified in the schedule adopted by the City Council.
- C. **Waiver of Public Hearing for Minor Development**
  1. **Basis for Waiver.** The Zoning Administrator may waive the requirement for a public hearing on a Coastal Development Permit application for minor development only if both the following occur:
    - a. Notice that a public hearing must be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing, as well as any other persons known to be interested in receiving notice; and
    - b. No request for public hearing is received by the local government within 15 working days from the date of sending the notice pursuant to Subsection (a).
  2. **Appeal Rights.** The notice provided pursuant to this Subsection must include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal to the Coastal Commission any action taken by the City on a Coastal Development Permit application.
  3. **Meaning of Minor Development.** For purposes of this Section, "minor development" means a development which the City determines satisfies all of the following requirements:
    - a. As proposed, is consistent with the certified Local Coastal Program;

- b. Requires no discretionary approvals other than a Coastal Development Permit; and
- c. As proposed, has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.

### **17.58.090 Required Findings**

A Coastal Development Permit application may be approved or conditionally approved only after the approving authority has made the following specific factual findings supporting the legal conclusion:

- A. **Local Coastal Plan.** That the development project, as proposed or as modified by conditions of approval, conforms with the General Plan, including the City's Local Coastal Program;
- B. **Zoning.** That the project is consistent with the requirements of the zoning regulations applicable to coastal resources, the base zoning district where the project is located, as well as other applicable provisions of this Title;
- C. **Adequate Services.** That at the time of occupancy, the proposed development can be provided with infrastructure in a manner that is consistent with the City's Local Coastal Program; and
- D. **California Coastal Act.** That the development conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act.

### **17.58.100 Conditions**

Approval of a Coastal Development Permit is subject to reasonable conditions, as necessary to ensure conformance with and implementation of, the City's Local Coastal Program. Modification and resubmittal of project plans, drawings, and specifications may be required to ensure conformance with the Local Coastal Program.

### **17.58.110 Open Space Easements and Public Access Documents**

All Coastal Development Permits subject to conditions of approval pertaining to public access and open space or conservation easements are subject to the following procedures:

- A. **Review and Approval.** The Executive Director of the Coastal Commission must review and approve all legal documents specified in the conditions of approval of a Coastal Development Permit for public access and conservation/open space easements pursuant to the following procedures:
  - 1. **Completion of Permit Review.** Upon completion of permit review by the City and before the issuance of the permit, the Zoning Administrator must forward a copy

of the permit conditions and findings of approval and copies of the legal documents to the Executive Director of the Coastal Commission for review and approval of the legal adequacy and consistency with the requirements of potential accepting agencies.

2. **Review Period.** The Executive Director of the Coastal Commission has 15 business days from receipt of the documents in which to complete the review and notify the applicant of recommended revisions, if any.
  3. **Expiration of Review Period.** The Zoning Administrator must issue the permit upon expiration of the 15 day review period if notification of inadequacy from the Executive Director of the Coastal Commission has not been received by the City within that time period.
  4. **Revisions.** If the Executive Director of the Coastal Commission has recommended revisions to the applicant, the permit cannot be issued until the deficiencies have been resolved to the satisfaction of the Executive Director.
- B. **Delegation of Authority.** If the City requests, the Coastal Commission must delegate the authority to process the recordation of the necessary legal documents to the City, if the City identifies the City department, public agency, or private association that has the resources and authorization to accept, open and operate, and maintain the accessways and open space/conservation areas required as a condition of approval of Coastal Development Permits. Upon completion of the recordation of the documents, the City must forward a copy of the permit conditions and findings of approval and copies of the legal documents pertaining to the public access and open space conditions to the Executive Director of the Coastal Commission.

### 17.58.120 Notice of City Action

- A. **Finality of City Action.** The City's decision on an application for a development is not deemed complete until:
1. The City's decision on the application has been made and all required findings have been adopted, including specific factual findings supporting the legal conclusions that the proposed development is or is not in conformity with the certified Local Coastal Program and, where applicable, with the public access and recreation policies of Chapter 3 of the Coastal Act; and
  2. When all City rights of appeal have been exhausted, as defined in 14 California Code of Regulations § 13573.
- B. **Notice of Final Action.** Within seven calendar days of the City completing its review and meeting the requirements of Subsection (A), the City must notify by first-class mail, the Coastal Commission and any persons who specifically requested notice of such action by submitting a self-addressed, stamped envelope.

C. **Notice of Failure to Act.**

1. **Notification by Applicant.** If the City has failed to act on an application within the time limits set forth in Government Code § 65950-65957.1, thereby approving the development by operation of law, the person claiming a right to proceed pursuant to Government Code § 65950-65957.1, must notify, in writing, the City and the Coastal Commission of his or her claim that the development has been approved by operation of law. Such notice must specify the application that is claimed to be approved.
2. **Notification by City.** When the City determines that the time limits established pursuant to Government Code § 65950-65957.1 have expired, the City will, within seven calendar days of such determination, notify any person entitled to receive notice, pursuant to 14 California Code of Regulations § 13571(a), that the application has been approved by operation of law pursuant to Government Code § 65950-65957.1 and the application may be appealed to the Coastal Commission pursuant to 14 California Code of Regulations § 13110 et seq.

D. **Effective Date of City Action.** The City's final decision on an application for an appealable development becomes effective on the eleventh working day after the Coastal Commission has received notice of the completed City action unless either of the following occur:

1. An appeal is filed; or
2. The notice of final City action does not meet the requirements of this Chapter.

**17.58.130 Post Decision Procedures**

- A. **Expiration.** The procedures and requirements in § 17.53.100, Expiration and Exceptions, shall apply following the decision on a Coastal Development Permit Application.
- B. **Application After Denial.** Whenever a Coastal Development Permit request under the provisions of this Section has been denied and such denial has become final, no new Coastal Development Permit application for the same or similar request may be accepted within one year of the denial date, unless the Zoning Administrator finds that a sufficient change in circumstances has occurred to warrant a new Coastal Development Permit application.

**17.58.140 Appeals**

Decisions on Coastal Development Permits are subject to appeal in accordance with § 17.53.130.



## Chapter 17.59 Modifications

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### Sections:

17.59.010	Purpose
17.59.020	Applicability
17.59.030	Procedures
17.59.040	Required Findings
17.59.050	Conditions of Approval
17.59.060	Appeals

### 17.59.010 Purpose

The purpose of this Chapter is to establish an alternate means of granting relief from the requirements of this Title, when so doing would be consistent with the purposes of this Title and it is not possible or practical to approve a Variance.

### 17.59.020 Applicability

The Zoning Administrator may grant relief from the dimensional requirements specified in this Title, as provided below.

- A. **Setbacks.** Up to 10 percent of the required front, side, and rear yard setback standards.
- B. **Fences.** Maximum height of fences and freestanding walls up to one foot over height allowed.
- C. **Lot Coverage.** Up to 10 percent of the maximum amount of lot coverage.
- D. **Height.** Maximum height of buildings and structures, up to 10 percent or two feet, whichever is less.
- E. **Landscaping.** Up to 10 percent of the required landscaping.
- F. **Transparency.** Required ground-floor building transparency, up to 10 percent of minimum.
- G. **Other Standards.** Up to 10 percent of other development standards not listed in Subsection I below.
- H. **Exclusions.** Modifications cannot be granted for any of the following standards:
  - 1. Lot area, width, or depth;
  - 2. Maximum number of stories;

3. Minimum number or dimensions of required parking spaces; or
4. Maximum residential density.

### **17.59.030 Procedures**

- A. **Authority and Duties.** The Zoning Administrator may approve, conditionally approve, or deny applications for modifications with consideration of the requirements of this Chapter.
- B. **Concurrent Processing.** If a request for modification is being submitted in conjunction with an application for another approval, permit, or entitlement under this Title, it must be heard and acted upon at the same time and in the same manner as that application by the same decisionmaker.

### **17.59.040 Required Findings**

A decision to grant a modification must be based on the following findings:

- A. The modification is necessary due to the physical characteristics of the property and the proposed use or structure or other circumstances, including, without limitation, topography, noise exposure, irregular property boundaries, or other unusual circumstance;
- B. The granting of the requested modification will not be detrimental to the health or safety of the public or the occupants of the property, or result in a change in land use or density that would be inconsistent with the requirements of this Title;
- C. In Residential Districts, the Zoning Administrator must also make the following findings in addition to any other findings that this Chapter requires:
  1. There are exceptional or extraordinary circumstances related to the building design that make it difficult or impossible to enlarge the house within the base requirements, and the addition is of superior design quality and compatible with the existing neighborhood character;
  2. The change is only intended to increase the habitability and function of the structure;
  3. Granting the Modification is desirable for the preservation of an existing architectural style or neighborhood character, which would not otherwise be accomplished through the strict application of the provisions of the regulations; and
  4. It can be demonstrated that the design of the proposed addition is of superior quality; is compatible with the existing neighborhood character; is, effective in

minimizing the perceived size of the dwelling; is not overly intrusive to the privacy of neighboring dwellings; and is in substantial compliance with the remaining district regulations.

#### **17.59.050 Conditions of Approval**

In approving a modification, the Zoning Administrator may impose reasonable conditions necessary to ensure that the modification does not constitute a grant of special privileges, inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located, including conditions to:

- A. Achieve the general purposes of this Title or the specific purposes of the zoning district in which the project is located;
- B. Achieve the findings for a waiver granted; or
- C. Any other conditions that are found to be necessary to ensure that the provisions of the General Plan and this Title are met.

#### **17.59.060 Appeals**

Decisions on modifications are subject to appeal in accordance with § 17.53.130.

## **Chapter 17.60 Reasonable Accommodation for Persons with Disabilities**

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### **Sections:**

17.60.010	Applicability
17.60.020	Application
17.60.030	Process
17.60.040	Actions on Application, Criteria, Findings, Appeal
17.60.050	Rescission
17.60.060	Fees

### **17.60.010 Applicability**

- A. Any person lacking fair housing opportunities due to the disability of existing or planned residents, may request a reasonable accommodation in the City's rules, policies, practices, and procedures. This request for reasonable accommodation must be made on a form prescribed by the city for that purpose.
- B. If, pursuant to this Chapter, the project for which the request is being made requires an application for an additional approval, permit or entitlement, the applicant must file the request for reasonable accommodation along with such additional application for approval, permit or entitlement.
- C. An applicant seeking reasonable accommodation pursuant to this Chapter may seek an accommodation that is also available under other provisions allowing for modifications of otherwise applicable standards under this title. In such case, an accommodation under this Title must be in lieu of any approval, permit or entitlement that would otherwise be required.
- D. An applicant submitting a request for reasonable accommodation pursuant to this Chapter may request an accommodation not otherwise available under the Goleta Municipal Code.

### **17.60.020 Application**

In addition to any other information that is required under the Goleta Municipal Code, an applicant submitting a request for reasonable accommodation must provide the following information:

- A. Applicant's name, address and telephone number;
- B. Address of the property for which the request is being made;
- C. The current actual use of the property;

- D. The Goleta Municipal Code provision, regulation(s), policy, or procedure for which accommodation is requested;
- E. A statement describing why the requested accommodation is reasonably necessary to make the specific housing available to the applicant, including information establishing that the applicant is disabled or handicapped. Any information related to a disability status and identified by the applicant as confidential must be retained in a manner so as to respect the applicant's privacy rights and must not be made available for public inspection; and
- F. Such other relevant and permissible information as may be requested by the Director.

### **17.60.030 Process**

- A. If an application filed pursuant to this Chapter is filed along with an application for an additional approval, permit or entitlement pursuant to this Title, it must be heard and acted upon at the same time, in the same manner, and in accordance with the same procedures, as such additional application. If an application filed pursuant to this Chapter is filed along with more than one additional application pursuant to this Title, the Zoning Administrator must determine the appropriate procedure to evaluate the applications.
- B. If an application filed pursuant to this Chapter is the only application filed by the applicant, the Planning and Environmental Review Director must consider and act on the requests for reasonable accommodation.

### **17.60.040 Actions on Application, Criteria, Findings, Appeal**

- A. An application filed pursuant to this Chapter may be approved, approved subject to conditions, or denied.
- B. The following factors must be considered in making a determination regarding an application filed pursuant to this Chapter:
  - 1. Need for the requested modification, including alternatives that may provide an equivalent level of benefit;
  - 2. Physical attributes of, and any proposed changes to, the subject property and structures;
  - 3. Whether the requested modification would impose an undue financial or administrative burden on the City;
  - 4. Whether the requested modification would constitute a fundamental alteration of the City's zoning or building laws, policies, procedures, or subdivision program;

5. Whether the requested accommodation would result in a concentration of uses otherwise not allowed in a residential neighborhood to the substantial detriment of the residential character of that neighborhood; and
  6. Any other factor that may bear on the request.
- C. Any decision on an application filed pursuant to this Chapter must be supported by written findings and conclusions addressing the criteria set forth in this Section, and is subject to appeal pursuant to §17.53.130, Appeals. A written determination to the applicant, which must include notice of the right to appeal the determination must be provided pursuant to § 17.53.080, Findings and Decision.

**17.60.050 Rescission**

Any approval or conditional approval of an application filed pursuant to this Title may provide for its rescission or automatic expiration under appropriate circumstances.

**17.60.060 Fees**

There must be no fee in connection with the filing of a request for reasonable accommodation. If the request for reasonable accommodation is filed concurrently with an application for an additional approval, permit or entitlement, the applicant must pay only the fee for the additional approval, permit or entitlement.

## Chapter 17.61 Emergency Permits

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### Sections:

- 17.61.010 Purpose
- 17.61.020 Permit Procedures

### 17.61.010 Purpose

The purpose of this Chapter is to establish procedures for the issuance of Emergency Permits where the circumstances of an emergency do not allow sufficient time for the permit process otherwise applicable to the work needed to address an emergency.

### 17.61.020 Permit Procedures

- A. **Review Authority.** Emergency permits may be authorized by the Zoning Administrator.
  - 1. **Coastal Zone.** In the Coastal Zone, Emergency Coastal Development Permits may be authorized by the Zoning Administrator for emergency work in compliance with Public Resources Code § 30624.
  - 2. **Coastal Commission Permit Jurisdiction.** The Zoning Administrator cannot grant an Emergency Coastal Development Permit for any development that falls within an area in which the Coastal Commission retains direct permit review authority, or for any development that is appealable to the Coastal Commission. In such areas and for such developments, a request for an emergency authorization must be made directly to the Coastal Commission. In addition, a waiver for an Emergency Coastal Development Permit may be obtained from the Coastal Commission Executive Director for development that is required to protect life or public property in accordance with Public Resources Code § 30611.
- B. **Application.** Application must be made to the Zoning Administrator by letter if time allows, or in person, by FAX, electronic mail, or by telephone, during business hours, if time does not allow. The information, to be reported at the time of the emergency or within three days after the emergency, must include the following:
  - 1. Nature of the emergency;
  - 2. Cause of the emergency insofar as it can be established;
  - 3. Location of the emergency;
  - 4. The remedial, protective, or preventive work required to deal with the emergency; and

5. The circumstances during the emergency that appeared to justify the cause(s) of action taken, including the probable consequences of failing to take action.
- C. **Verification of Emergency.** The Zoning Administrator must verify the facts, including the existence and the nature of the emergency, insofar as time allows.
- D. **Noticing.**
1. The Zoning Administrator must provide notice of the proposed emergency action. The extent and type of the notice must be determined on the basis of the nature of the emergency.
  2. If the nature of the emergency does not allow sufficient time for public notice to be given before the emergency work begins, the Zoning Administrator must provide public notice of the action taken, or being taken, as soon as is practical.
  3. Public notice of the nature of the emergency and the remedial actions to be taken must be posted on the site in a conspicuous place and mailed to all persons the Zoning Administrator has reason to know would be interested in such action.
  4. In the Coastal Zone, notice shall be mailed to the Coastal Commission.
- E. **Findings and Conditions.** The Zoning Administrator may grant an Emergency Permit upon reasonable terms and conditions, which must include an expiration date and the necessity for a regular permit application later, if the Zoning Administrator finds that:
1. An emergency exists that requires action more quickly than permitted by the procedures for a regular permit application and the work can and will be completed within 30 days, unless otherwise specified by the terms of the permit;
  2. Public comment on the proposed emergency action has been reviewed, if time allows; and
  3. The work proposed would be consistent with the requirements of the City's General Plan/Local Coastal Program.
- F. **Expiration of Emergency Permit.** An emergency permit is valid for 60 days from the date it is issued by the Zoning Administrator. Before expiration of the emergency permit, the permittee must submit a regular permit application for the development even if only to remove the development undertaken pursuant to the Emergency Permit and restore the site to its previous condition.
- G. **Report to City Council and Coastal Commission.** The Zoning Administrator must report in writing and orally, the granting of an emergency permit to the City Council at its next scheduled meeting, and, in the Coastal Zone, to the Coastal Commission. The report must include a description of the nature of the emergency, the development involved, and the



person or entity undertaking the development. Copies of the report must be available at the meeting and, in the Coastal Zone, must be mailed to the Coastal Commission and to all persons requesting such notification of local coastal development decisions.

- H. **Exceptions.** For Emergency Coastal Development Permits in the Coastal Zone, exceptions to this Section may only be provided by the Executive Director of the Coastal Commission.

## **Chapter 17.62      Development Agreements**

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### **Sections:**

17.62.010	Purpose
17.62.020	Applicability
17.62.030	Authority and Duties
17.62.040	Procedure
17.62.050	Execution and Recordation of Development Agreement
17.62.060	Annual Review
17.62.070	Amendment or Cancellation
17.62.080	Effect of Approved Agreement
17.62.090	Enforcement

### **17.62.010      Purpose**

The purpose of this Chapter is to implement Government Code § 65864 et seq., authorizing governmental entities to enter into legally binding agreements with private parties. It establishes procedures and requirements for the review and consideration of development agreements upon application by, or on behalf of, property owners or the City Council. A development agreement is a contract that is negotiated and voluntarily entered into by the City and applicant and may contain any additional or modified conditions, terms, or provisions agreed upon by the parties.

### **17.62.020      Applicability**

An applicant with legal or equitable interest in the real property that is the subject of the proposed development agreement may request and apply through the Director to enter into a development agreement. Acceptance of the application is contingent on the following:

- A.      The status of the applicant, as an owner of the property, is established to the satisfaction of the Director.
- B.      The application is made on approved forms and contains all the information required by the City.
- C.      The application is accompanied by all lawfully required documents, materials, and supporting information.

### **17.62.030      Authority and Duties**

- A.      The City Manager, in consultation with the City Attorney, may negotiate the specific components and provisions of the development agreement on behalf of the City for recommendation to the City Council.
- B.      The City Council has the exclusive authority to approve a development agreement.

### 17.62.040 Procedure

An applicant for a development project may request that the City review the application as a development agreement application in accordance with the following procedures:

- A. **Application.** An applicant must submit an application for a development agreement on a form prescribed by the City, accompanied by a fee according to the City's fee schedule. The Director must require an applicant to submit proof of the applicant's interest in the real property and of the authority of any agent to act for the applicant.
- B. **Recommendations of the Planning Commission.** The Director, upon finding the application for a development agreement complete, and after completing the appropriate level of environmental review on the Development Agreement, must set the application together with its recommendations for a public hearing before the Planning Commission in compliance with Chapter 17.53, Common Procedures. Following conclusion of a public hearing, the Planning Commission must make a written recommendation to the City Council regarding the application. In order to adopt a Development Agreement the following findings must be made:
  1. The Development Agreement is consistent with the goals, objectives, policies, general land uses and programs specified in the General Plan and any applicable Specific Plan;
  2. The Development Agreement is or will be compatible with the uses authorized in this Title, and the zoning district in which the property is located;
  3. The Development Agreement will provide substantial public benefits;
  4. The Development Agreement will be non-detrimental to the public health, safety and general welfare of persons residing or working in the neighborhood, and to property and improvements in the neighborhood; and
  5. The Development Agreement complies with the provisions of the California Environmental Quality Act.
- C. **City Council Determination.** Upon receipt of the Planning Commission's recommendation, the City Clerk must set the application and written report of the Planning Commission for a public hearing before the City Council in compliance with Chapter 17.53, Common Procedures. The City Council cannot approve a proposed development agreement unless it finds that its provisions are consistent with the General Plan and any applicable specific plan.

### 17.62.050 Execution and Recordation of Development Agreement

Within 10 days after the ordinance approving the development agreement takes effect, the Mayor or City Manager, if directed by the City Council, must execute the development agreement

on behalf of the City, and the City Clerk must record the development agreement with the Santa Barbara County Recorder. If the parties to the agreement or their successors in interest amend or cancel the development agreement, or if the City terminates or modifies the development agreement for failure of the applicant to comply fully with the provisions of the development agreement, the City Clerk must record notice of such action with the Santa Barbara County Recorder.

#### **17.62.060 Annual Review**

- A. **Time For and Initiation of Review.** The Director must review each approved development agreement at least once a year at which time the applicant must be required to demonstrate compliance with the provisions of the development agreement. The applicant must initiate the required annual review by submitting a written request at least 60 days before the review date specified in the development agreement.
- B. **Finding of Compliance or Noncompliance.** The Director must review the development for compliance with the provisions of the development agreement and, based on the review, submit a report to the City Council on the consent calendar regarding the compliance or noncompliance conclusion of the review. If the Director finds the applicant has not complied with the provisions of the development agreement, the Director must specify in writing to the applicant, the respects in which the applicant has failed to comply, and must set forth terms of compliance and specify a reasonable time for the applicant to meet the terms of compliance. If the applicant does not comply with any terms of compliance within the prescribed time limits, the development agreement must be referred to the City Council for termination or modification following a public hearing.

#### **17.62.070 Amendment or Cancellation**

- A. **After Finding of Noncompliance.** If a finding of noncompliance does not include terms of compliance, or if applicant does not comply with the terms of compliance within the prescribed time limits, the Director may refer the development agreement to the City Council for termination or modification. The City Council must conduct a public hearing. After the public hearing, the City Council may terminate the development agreement, modify the finding of noncompliance, or rescind the finding of noncompliance, and issue a finding of compliance.
- B. **Recordation.** If the parties to the development agreement or their successors in interest amend or cancel the development agreement, or if the City terminates or modifies the development agreement for failure of the applicant to fully comply with the provisions of the development agreement, the City Clerk must record notice of such action.
- C. **Rights of the Parties after Cancellation or Termination.** In the event that a Development Agreement is cancelled or terminated, all rights of the applicant, property owner or successors in interest under the development agreement must terminate. If a development agreement is terminated following a finding of noncompliance, the City

may, in its sole discretion, determine to return or not return any and all benefits, including reservations or dedications of land, and payments of fees, received by the City.

### **17.62.080 Effect of Approved Agreement**

- A. **Existing Rules and Regulations.** Unless otherwise specified in the development agreement, the City's rules, regulations, and official policies governing permitted uses of the property, density, design, and improvement standards and specifications applicable to development of the property must be those City rules, regulations, and official policies in force on the effective date of the development agreement. The applicant must not be exempt from otherwise applicable City ordinances or regulations pertaining to persons contracting with the City.
- B. **Future Rules and Regulations.** A development agreement will not prevent the City, in subsequent actions applicable to the property, from applying new rules, regulations, and policies that do not conflict with those rules, regulations, and policies applicable to the property as set forth in the development agreement. A development agreement will not prevent the City from denying or conditionally approving any subsequent land use permit or authorization for the project on the basis of such existing or new rules, regulations, and policies. Unless otherwise specified in the development agreement, a development agreement will not exempt the applicant from obtaining future discretionary land use approvals.
- C. **State and Federal Rules and Regulations.** In the event that any applicable law enacted or interpreted after a development agreement becomes effective prevents or precludes compliance with one or more provisions of the development agreement, then the development agreement may be modified or suspended in the manner and pursuant to the procedures specified in the development agreement, as may be necessary to comply with such regulation or law.
- D. **Severability Clause.** Should any provision of this Chapter or a subsequent development agreement be held by a court of competent jurisdiction to be either invalid, void, or unenforceable, the remaining provisions of this Chapter and the development agreement must remain in full force and effect, unimpaired by the holding, except as may otherwise be provided in the development agreement.
- E. **To be Effective.** In addition to any other requirement of applicable law, no development agreement can take effect, unless it is approved by ordinance; executed by the Mayor or City Manager (when directed by the City Council); and approved as to form by the City Attorney.

### **17.62.090 Enforcement**

A development agreement may be enforced, amended, modified, cancelled, or terminated by any manner otherwise provided by law or by the provisions of the development agreement.

## Chapter 17.63      Amendments to Zoning Regulations and Zoning Map

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### Sections:

17.63.010	Purpose and Applicability
17.63.020	Initiation of Amendments
17.63.030	Public Notice
17.63.040	Public Hearing
17.63.050	Planning Commission Hearing and Recommendation
17.63.060	City Council Hearing and Action

### **17.63.010      Purpose and Applicability**

Any amendment to the zoning regulations or the Zoning Map that changes any property from one zone to another, imposes any regulation not previously imposed, or removes or modifies any regulation previously imposed, must be adopted in the manner set forth in this Chapter.

### **17.63.020      Initiation of Amendments**

- A.      **Initiation.** A request to initiate an amendment to the Zoning Map or zoning regulations may be submitted by a qualified applicant or by a motion of the City Council.
  
- B.      **Public Hearing.** The City Council will consider, deliberate, and act upon the initiation of all proposed Zoning Map or zoning text amendments at a duly noticed public hearing, excluding minor clean up changes to figures.
  
- C.      **Initiation Factors.** The following factors shall be considered by the City Council for the initiation of all proposed Zoning Map or zoning regulation amendments as applicable:
  - 1.      The amendment proposed appears to be consistent with the Guiding Principles and Goals of the General Plan;
  - 2.      The amendment proposed appears to have no material effect on the community or the General Plan;
  - 3.      The amendment proposed provides additional public benefit to the community as compared to the existing land use designation or policy;
  - 4.      Public facilities appear to be available to serve the affected site, or their provision will be addressed as a component of the amendment process; or
  - 5.      The amendment proposed is required under other rules or regulations.

### **17.63.030 Public Notice**

Public notice of hearings by the Planning Commission and the City Council for Zoning Map amendments or zoning regulations text amendments will be given as specified in Chapter 17.53, Common Procedures.

### **17.63.040 Public Hearing**

All Zoning Map and zoning regulations text amendments require at least one public hearing by the Planning Commission and one public hearing by the City Council before adoption.

### **17.63.050 Planning Commission Hearing and Recommendation**

- A. **Hearing.** The Planning Commission must conduct a public hearing in conformance with the provisions of Chapter 17.53, Common Procedures.
- B. **Recommendation to Council.** Following the public hearing, the Planning Commission must make a written recommendation on the adoption or amendment of the zoning regulations or Zoning Map or any portion thereof based on the findings listed below. A recommendation for approval must be made by a resolution carried by an affirmative vote of not less than a majority of the Planning Commission. The Director must promptly transmit to the City Council the Planning Commission's written recommendation, together with any maps, charts, studies, or other materials, including any required environmental analysis.
- C. **Findings.** The Planning Commission must make the following findings in its recommendation to the City Council:
  - 1. The amendment is consistent with the General Plan;
  - 2. Any change in district boundaries is necessary to achieve the balance of land uses desired by the City, consistent with the General Plan, and to increase the inventory of land within a given zoning district; and
  - 3. The amendment will plan development in an orderly manner and protect the environment and the public health, safety, peace, comfort, and general welfare.

### **17.63.060 City Council Hearing and Action**

- A. **Hearing.** The City Council must conduct a public hearing in conformance with the provisions of Chapter 17.53, Common Procedures.
- B. **Action.** After the conclusion of the hearing, the City Council may approve, modify, or deny, or take no action regarding a proposed Zoning Map or zoning regulations text amendment.

- C. **Findings.** Before making any amendments, the City Council must make the following findings:
1. The amendment(s) is consistent with the General Plan;
  2. Any change in district boundaries is necessary to achieve the balance of land uses desired by the City, consistent with the General Plan, and to increase the inventory of land within a given zoning district; and
  3. The amendment will plan development in an orderly manner and protect the environment and the public health, safety, peace, comfort, and general welfare.



## Chapter 17.64 Amendments to the General Plan

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### Sections:

17.64.010	Purpose
17.64.020	Applicability
17.64.030	Contents of the General Plan
17.64.040	Initiation of Amendments
17.64.050	Application Requirements
17.64.060	Review Procedures and Public Notice
17.64.070	Public Hearing
17.64.080	Planning Commission Hearing and Recommendation
17.64.090	City Council Hearing and Action
17.64.100	Administration of the General Plan

### 17.64.010 Purpose

The purpose of this Chapter is to establish procedures for making changes to the General Plan, as provided for in applicable law when there are reasons to do so. These circumstances include, without limitation, changes in applicable law, in the public interest, opportunities that were unanticipated at the time of General Plan adoption or the last amendment, or as required by State law.

### 17.64.020 Applicability

The procedures of this Chapter apply to all proposals to change the text of the General Plan and the diagrams that illustrate the application of its provisions.

### 17.64.030 Contents of the General Plan

The General Plan must conform to applicable law. It must contain each of the elements required by State law and such other elements that the City Council deems appropriate.

### 17.64.040 Initiation of Amendments

- A. **Initiation.** A request to initiate an amendment to the General Plan may be submitted by a qualified applicant or by a motion of the City Council.
- B. **Public Hearing.** The City Council will consider, deliberate, and act upon the initiation of all proposed General Plan amendments at a duly noticed public hearing, excluding minor clean up changes to General Plan Figures.
- C. **Initiation Factors.** The following factors shall be considered by the City Council for the initiation of all proposed General Plan amendments as applicable:

1. The amendment proposed appears to be consistent with the Guiding Principles and Goals of the General Plan;
2. The amendment proposed appears to have no material effect on the community or the General Plan;
3. The amendment proposed provides additional public benefit to the community as compared to the existing land use designation or policy;
4. Public facilities appear to be available to serve the affected site, or their provision will be addressed as a component of the amendment process; or
5. The amendment proposed is required under other rules or regulations.

#### **17.64.050 Application Requirements**

- A. **Application.** A qualified applicant must submit an application for a General plan amendment on a form prescribed by the Zoning Administrator accompanied by the required fee. The Zoning Administrator may require an applicant to submit such additional information and supporting data as considered necessary to review and approve the application.
- B. **Coordination with Other Applications.** The Zoning Administrator may allow any necessary applications for amendments to zoning regulations or for approval under the requirements of this Title, to be reviewed and approved concurrently with the proposed General Plan amendment.

#### **17.64.060 Review Procedures and Public Notice**

- A. **Director Report.** The Director must prepare a report and recommendation to the Planning Commission on the application for a General Plan amendment. The report must include, without limitation, a discussion of how the proposed amendment complies with the purposes of this Chapter, a determination as to whether the proposed amendment will require amendment to other plans that the City Council have adopted, and an environmental document prepared in compliance with the California Environmental Quality Act (CEQA).
- B. **Scheduling.** The Director must schedule the application for hearing by the Planning Commission in accordance with the City's schedule for considering General Plan amendments.
  1. **Restriction on Number of Amendments.** Except as otherwise provided by applicable law, no mandatory element of the General Plan can be amended more frequently than four times during any calendar year. Subject to that limitation, an amendment may be made at any time, as determined by the City Council. Each amendment may include more than one change to the General Plan.

- C. **Public Notice.** Notice shall be provided consistent with Chapter 17.53, Common Procedures. Notice of the hearing also must be mailed or delivered at least 10 days before the hearing to any other local agency expected to provide essential facilities or services to the property that is the subject of the proposed amendment.

#### **17.64.070 Public Hearing**

All General Plan Amendments require at least one public hearing by the Planning Commission and one public hearing by the City Council before adoption.

#### **17.64.080 Planning Commission Hearing and Recommendation**

- A. **Hearing.** The Planning Commission must conduct a public hearing in conformance with Chapter 17.53, Common Procedures.
- B. **Recommendation to Council.** Following the public hearing, the Planning Commission must make a written recommendation on the adoption or amendment of the General Plan or any Element thereof based on the findings listed below. A recommendation for approval must be made by a resolution carried by an affirmative vote of not less than a majority of the Planning Commission. The Planning and Environmental Review Director must promptly transmit to the City Council the Planning Commission's written recommendation, together with any maps, charts, studies, or other materials, including any required environmental analysis.
- C. **Findings.** The Planning Commission must make the following findings in its recommendation to the City Council:
1. The amendment is consistent with and supports the guiding principles and goals of the General Plan and is in the public interest; and
  2. The amendment provides additional public benefit to the community as compared to the existing land use designation or policy.

#### **17.64.090 City Council Hearing and Action**

- A. **Council Hearing.** Before acting upon any proposed General Plan Amendment, the City Council must hold a duly noticed public hearing.
- B. **Council Action.** After the conclusion of the hearing, the City Council may approve, modify, or deny the proposed General Plan amendment. If the Council proposes any substantial modification not previously considered by the Planning Commission during its hearings, the proposed modification will first be referred back to the Planning Commission for its recommendation. The failure of the Planning Commission to report within 45 days after the referral will be deemed a recommendation to approve and the amendment will be returned to Council for adoption.

### **17.64.100 Administration of the General Plan**

After the City Council has adopted all or part of the General Plan, the Planning Commission must do the following:

- A. **Recommendations.** Investigate and make recommendations to the City Council regarding reasonable and practical means for implementing the General Plan or element of the General Plan, so that it will serve as an effective guide for orderly growth and development, preservation, and conservation of open space, land and natural resources, and the efficient expenditure of public funds relating to the subjects addressed in the General Plan.
- B. **Periodic Reports.** Provide a periodic report to the City Council as required by State law, or when requested by the Planning Commission or City Council, on the status of the Plan and progress in its implementation.

## Chapter 17.65 Amendments to the Local Coastal Program

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### Sections:

17.65.010	Purpose and Applicability
17.65.020	Initiation of Amendments
17.65.030	Public Notice and Review Procedures
17.65.040	Planning Commission Action
17.65.050	City Council Action
17.65.060	California Coastal Commission Requirements

### 17.65.010 Purpose and Applicability

The purpose of this Chapter is to establish the procedures for any amendment to the Local Coastal Program that results from any boundary or policy changes within the City's Coastal Zone, addition of new or modification of existing permitted uses within the City's Coastal Zone, any zoning district change that is inconsistent with the adopted Local Coastal Program, or as otherwise required as a matter of public necessity, convenience, general welfare, or for the protection of coastal resources must be adopted in the manner set forth in this Chapter.

### 17.65.020 Initiation of Amendments

- A. **Initiation.** A request to initiate an amendment to the Local Coastal Program may be submitted by a qualified applicant or by a motion of the City Council.
- B. **Public Hearing.** The City Council will consider, deliberate, and act upon the initiation of all proposed Local Coastal Program amendments at a duly noticed public hearing, excluding minor clean up changes to figures.
- C. **Initiation Factors.** The following factors shall be considered by the City Council for the initiation of all proposed Local Coastal Program regulation amendments as applicable:
  1. The amendment proposed appears to be consistent with the Guiding Principles and Goals of the General Plan;
  2. The amendment proposed appears to have no material effect on the community or the General Plan;
  3. The amendment proposed provides additional public benefit to the community as compared to the existing land use designation or policy;
  4. Public facilities appear to be available to serve the affected site, or their provision will be addressed as a component of the amendment process; or
  5. The amendment proposed is required under other rules or regulations.

### **17.65.030 Public Notice and Review Procedures**

Public notice of hearings by the Planning Commission and the City Council for Local Coastal Program amendments must be provided, as specified in Chapter 17.53, Common Procedures.

### **17.65.040 Planning Commission Action**

- A. **Hearing.** The Planning Commission must conduct a public hearing in conformance with Chapter 17.53, Common Procedures.
- B. **Recommendation to Council.** Following the public hearing, the Planning Commission must make a written recommendation on the adoption or amendment of the Local Coastal Program or any portion thereof. A recommendation for approval must be made by a resolution carried by an affirmative vote of the Planning Commission. The Planning and Environmental Review Director must promptly transmit to the City Council the Planning Commission's written recommendation, together with any maps, charts, studies, or other materials, including any required environmental analysis.
- C. **Findings.** The Planning Commission must make the following findings in its recommendation to the City Council:
  - 1. The amendment is consistent with the General Plan and any applicable Specific Plan;
  - 2. The amendment is consistent with the purpose and intent of the guiding principles of the Local Coastal Program;
  - 3. The amendment is consistent with the Coastal Act; and
  - 4. The amendment will plan development in an orderly manner and protect the environment and the public health, safety, peace, comfort, and general welfare.

### **17.65.050 City Council Action**

- A. **Hearing.** Within 60 days of receiving the report from the Planning Commission, the City Council must conduct a duly noticed public hearing. The notice must include a summary of the Planning Commission recommendation.
- B. **Action.** After the conclusion of the hearing, the City Council may approve, modify, or deny the proposed Local Coastal Program amendment. If the Council proposes any substantial modification not previously considered by the Planning Commission during its hearings, the proposed modification will first be referred back to the Planning Commission for its recommendation. The failure of the Planning Commission to report within 45 days after the referral will be deemed a recommendation to approve, and the amendment will be returned to Council for adoption.

- C. **Findings.** Before making any amendments, the City Council must make the following findings:
1. The amendment(s) is consistent with the General Plan and any applicable Specific Plan;
  2. The amendment is consistent with the purpose and intent of the guiding principles of the Local Coastal Program;
  3. The amendment is consistent with the Coastal Act; and
  4. The amendment will plan development in an orderly manner and protect the environment and the public health, safety, peace, comfort, and general welfare.

**17.65.060 California Coastal Commission Requirements**

- A. **Coastal Commission Submittal.** A Local Coastal Program amendment that has been approved by the Council in compliance with this Title must be prepared for submittal, filed with the Coastal Commission, and processed and reviewed by the Coastal Commission in compliance with the Coastal Act and California Code of Regulations.
- B. **Coastal Commission Certification.** An amendment to a certified Local Coastal Program will not become effective following City Council's adoption until the amendment is certified by the Coastal Commission, pursuant to Chapter 6, Article 2, of the Coastal Act.

## **Chapter 17.66      Specific Plans**

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### **Sections:**

- 17.66.010      Purpose
- 17.66.020      Procedures

### **17.66.010      Purpose**

The purpose of this Chapter is to establish a procedure for the preparation, adoption, and administration of Specific Plans.

### **17.66.020      Procedures**

The procedure for the preparation, adoption and administration of Specific Plans shall be as provided by Articles 8, 9, and 10 of Chapter 3 of Division 1 of Title 7 of the California Government Code (commencing with Section 65450 et seq.), as most recently amended, except that a Specific Plan may only be approved or amended in the same manner that the General Plan may be approved or amended pursuant to Chapter 17.64, Amendments to General Plan.



## Chapter 17.67 Enforcement

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### Sections:

17.67.010	Purpose
17.67.020	Relation to Other Codes and Statues
17.67.030	Enforcement Responsibilities
17.67.040	Penalties
17.67.050	Remedies
17.67.060	Recording a Notice and Order

### 17.67.010 Purpose

This Chapter establishes the responsibilities of various departments, officials, and public employees of the City to enforce the requirements of this Chapter, and sets forth the procedures the City will use to identify, abate, remove, and enjoin those uses, structures, or buildings that are deemed to be in violation of this Title.

### 17.67.020 Relation to Other Codes and Statues

Nothing in this Chapter will remove the enforcement powers and duties of any other agency or department or City official as outlined in the Goleta Municipal Code.

### 17.67.030 Enforcement Responsibilities

All departments, officials, and public employees of the City, vested with the duty or authority to issue permits or licenses, must conform to the provisions of this Chapter, and may issue no permit or license for uses, buildings, or purposes in conflict with the provisions of this Chapter, and any such permit or license issued in conflict with the provisions of this Chapter will be null and void. All other officers not specified in this Section must enforce the provisions related to their areas of responsibilities, when necessary. The following officials, departments, and employees have specific responsibilities as follows:

- A. **Zoning Administrator.** The Zoning Administrator or their designee will enforce all provisions of this Chapter related to issuance of discretionary permits and will have responsibility for ordering the correction of violations and initiating the revocation of discretionary permits pursuant to § 17.53.120, Revocation of Permits, and the abatement of nuisances as defined in this Chapter.
- B. **Building Official.** Prior to issuance of building permits, the Building Department must ascertain that plans presented with the building permit application conform to those approved subject to the requirements of this Chapter.
- C. **Code Enforcement Officer.** The Code Enforcement Officer must enforce all provisions of this Chapter pertaining to the use, erection, construction, reconstruction, relocation,

conversion, alteration, or addition to any building or structure, signage, condition of approval, use permits, variances, nuisance abatements, or other discretionary approvals. The Code Enforcement Officer is hereby authorized to cause to be stopped any work or use undertaken without or contrary to approval granted pursuant to this Chapter, or in violation of any of its other provisions.

- D. **City Attorney.** The City Attorney may, at his or her discretion, or upon order of the City Council, immediately commence action or proceedings for the abatement and removal and enjoinder of violations in the manner provided by law, and may take such other steps and may apply to such courts as may have jurisdiction to grant such relief that will abate and remove such use, or building or structure, and may seek to restrain and enjoin any person, firm, or corporation from such use of any property, building, or structure, or from setting up, erecting, building, maintaining, or demolishing any such building or structure contrary to the provisions of this Chapter.

#### **17.67.040 Penalties**

Any person, firm or corporation, whether as principal, owner, agent, tenant, employee, or otherwise, who violates any provisions of this Title is subject to a civil penalty. Each day of a continuing violation is a separate violation for the purpose of imposing a separate penalty. The civil penalty for violations of this Title must be established by separate resolution of the City Council. An alleged violator will be entitled to an administrative hearing on his liability, and a review by the City Council.

#### **17.67.050 Remedies**

An alleged violator who is served with notice of violation subject to a civil penalty will not be subject to a criminal prosecution for the same factual situation. However, all other remedies provided for herein will be cumulative and not exclusive. The conviction and punishment of any person hereunder will not relieve such person from the responsibility to correct prohibited conditions or to remove prohibited buildings, structures, or improvements nor prevent the enforcement, correction, or removal thereof. In addition to the other remedies provided in this Chapter, the City Council, the City Attorney, or any adjacent or neighboring property owner who would be especially damaged by the violation of any provision of this Title, may institute, in addition to the other remedies provided by law, injunction, mandamus, abatement, or any other appropriate action, proceeding or proceedings to prevent or abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance, or use.

#### **17.67.060 Recording a Notice and Order**

- A. If compliance is not had with an order of the Code Enforcement Officer or his or her designee, to correct violations of this Title within the time specified in the Notice and Order, the Zoning Administrator may file with the Santa Barbara County Recorder a certified statement describing the property and certifying that:

1. The property and/or structure is in violation of this Chapter; and
  2. The owner has been so notified.
- B. The notice must specifically describe the violations and a proof of service must also be recorded with the Notice and Order.
- C. Whenever the corrections ordered thereafter have been completed, the Code Enforcement Officer must file a new certified statement with the Santa Barbara County Recorder, certifying that all required corrections have been made so that the property and/or structure is no longer in violation of this Title.

**Chapter 17.68      Reserved**

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**Chapter 17.69      Reserved**

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**PART VI**  
**GENERAL TERMS**

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## Chapter 17.70 Use Classifications

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### Sections:

17.70.010	Residential Uses
17.70.020	Public/Semi-Public Uses
17.70.030	Commercial Uses
17.70.040	Industrial Uses
17.70.050	Transportation, Communication, and Utility Uses
17.70.060	Agricultural Uses
17.70.070	Accessory Uses

### 17.70.010 Residential Uses

#### Residential Housing Types:

***Single-Unit Dwelling, Detached.*** A dwelling unit that is designed for occupancy by one household, located on a separate lot from any other dwelling unit (except a second dwelling unit where permitted), and not attached to another dwelling unit on an abutting lot. This classification includes individual manufactured housing units.

***Single-Unit Dwelling, Attached.*** A dwelling unit that is designed for occupancy by one household located on a separate lot from any other unit (except a second dwelling unit, where permitted), and is attached through common walls to one or more dwellings on abutting lots. An attached single-unit dwelling is sometimes called a “townhouse” or a “condominium”.

***Multiple-Unit Dwelling.*** Two or more dwelling units on a site or lot. Types of multiple-unit dwellings include duplexes, garden apartments, senior housing developments, and multi-story apartment buildings.

***Second Dwelling Unit.*** An attached or detached unit that is ancillary to the primary unit and has a kitchen, sleeping, and bathroom facilities located on a lot with one single-family dwelling, where one of the units is owner occupied.

**Family Day Care.** A day care facility licensed by the State of California that is located in a residential unit where the resident of the dwelling provides care and supervision for children under the age of 18 for periods of less than 24 hours a day.

**Small.** A facility that provides care for eight or fewer children, including children who reside at the home and are under the age of 10.

**Large.** A facility that provides care for nine to 14 children, including children who reside at the home and are under the age of 10.

**Farmworker Housing.** Has the same meaning as “employee housing” as set forth in Health & Safety Code § 17008(a) for farmworkers.

**Farmworker Housing Complex.** Farmworker housing that: (1) contains a maximum of 36 beds if the housing consists of any group living quarters, such as barracks or a bunkhouse, and is occupied exclusively by farmworkers; or (2) contains a maximum of 12 residential units occupied exclusively by farmworkers and their households, if the housing does not consist of any group living quarters.

**Group Residential.** Shared living quarters without separate kitchen or bathroom facilities for each room or living space, offered for rent for permanent or semi-transient residents on a weekly or longer basis. This classification includes clean and sober facilities, halfway houses, rooming and boarding houses, dormitories and other types of organizational housing, and private residential clubs, intended for long-term occupancy (30 days or more). Includes both licensed and unlicensed facilities. It does not include licensed Residential Care Facilities, Employee Housing as set forth in Health & Safety Code § 17021.5 and § 17021.6, and Hotels and Motels.

**Mobile Home Parks.** A development designed and occupied by mobile homes, including facilities and amenities used in common by occupants who rent, lease, or own spaces for mobile homes through a subdivision, cooperative, condominium or other form of resident ownership.

**Residential Care Facilities.** Facilities that are licensed by the State of California to provide living accommodations and 24-hour, primarily non-medical care and supervision for persons in need of personal services, supervision, protection, or assistance for sustaining the activities of daily living. Living accommodations are shared living quarters with or without separate kitchen or bathroom facilities for each room or unit. This classification includes facilities that are operated for profit as well as those operated by public or not-for-profit institutions, including hospices, nursing homes, convalescent facilities, and group homes for minors, persons with disabilities, and people in recovery from alcohol or drug additions. This use classification excludes Supportive Housing, Transitional Housing, and Social Service Facilities.

**Large.** A facility providing care for more than six persons.

**Small.** A facility providing care for six or fewer persons.

**Residential Facility, Assisted Living.** A facility that provides a combination of housing and supportive services for the elderly or functionally impaired, including personalized assistance, congregate dining, recreational, and social activities. These facilities may include medical services. Examples include assisted living facilities, retirement homes, and retirement communities. These facilities typically consist of individual units or apartments, with or without kitchen facilities, and



common areas and facilities. The residents in these facilities require varying levels of assistance. Classification excludes Group Residential and Residential Care Facilities.

**Single Room Occupancy (SRO) Housing.** A residential hotel, as defined in Section 50519 (b)(1) of the California Health and Safety Code, provides six or more guestrooms or efficiency units that are intended or designed to be used, or which are used or rented to the public as sleeping rooms for occupancy for a period of more than 30 days as the primary residence of those occupants. Rooms may have partial kitchen or bathroom facilities. This classification does not include Hotels and Motels and other transient accommodations that are occupied primarily by guests who maintain a primary residence elsewhere and does not include residential care facilities licensed by the State of California.

**Supportive Housing.** Housing with no limit on length of stay, that is occupied by the target population as defined in §65582 of the Government Code, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

**Transitional Housing.** Buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that is not less than six months from the beginning of the assistance.

### **17.70.020 Public/Semi-Public Uses**

**Cemetery.** Establishments primarily engaged in operating sites or structures reserved for the interment of human or animal remains, including mausoleums, columbarium, burial places, and memorial gardens.

**Colleges and Trade Schools.** Institutions of higher education providing curricula of a general, religious or professional nature, typically granting recognized degrees, including conference centers and academic retreats associated with such institutions. This classification includes junior colleges, business and computer schools, management training, technical and trade schools, but excludes personal instructional services such as music lessons.

**Community Assembly.** A facility for public or private meetings, including community centers, banquet centers, religious assembly facilities, civic and private auditoriums, union halls, meeting halls for clubs, and other membership organizations. This classification includes functionally related facilities for the use of members and attendees such as kitchens, multi-purpose rooms, classrooms and storage. It does not include gymnasiums or other sports facilities uses that represent more than 20 percent of overall square footage, convention centers, or facilities, such as day care centers and schools that are separately classified and regulated.

**Community Garden.** Use of land for and limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity by several individuals or households.

**Cultural Institutions and Facilities.** A facility engaged in activities to serve and promote aesthetic and educational interest in the community that are open to the public on a regular basis. This includes performing arts centers for performances and events; spaces for display or preservation of objects of interest in the arts or sciences; libraries; museums; historical sites; aquariums; art galleries; and zoos and botanical gardens. This does not include schools or institutions of higher education providing curricula of a general nature.

**Day Care Facility.** Establishments providing non-medical care for persons on a less than 24-hour basis other than Family Day Care. This classification includes nursery schools, preschools, and day care facilities for children or adults, and any other day care facility licensed by the State of California.

**Emergency Shelter.** Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay in accordance with Health and Safety Code §50801(e).

**Government Buildings.** Administrative, clerical, or public contact offices of a government agency, including postal facilities and courts, together with incidental storage and maintenance of vehicles. This classification excludes corporation yards, equipment service centers, and similar facilities that primarily provide maintenance and repair services and storage facilities for vehicles and equipment (see Utilities, Major).

**Hospitals and Clinics.** State-licensed facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons. This classification includes facilities for inpatient or outpatient treatment, including substance-abuse programs, as well as training, research, and administrative services for patients and employees. This classification excludes veterinaries and animal hospitals (see Animal Care, Sales, and Services).

**Hospital.** A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an inpatient basis, and including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors.

**Clinic.** A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an outpatient basis, including emergency treatment, diagnostic services, administration, and related services to patients who are not lodged overnight. Services may be available without a prior appointment. This classification includes licensed facilities offering substance abuse treatment, blood banks and plasma centers, and emergency medical services offered exclusively on an outpatient basis. This classification does not include private medical and dental offices that typically require appointments and are usually smaller scale.

**Skilled Nursing Facility.** A facility or a distinct part of a hospital that provides continuous skilled nursing care and supportive care to patients whose primary need is for the availability of skilled nursing care on an extended basis. It provides 24-hour inpatient care and, as a minimum, includes physician, nursing, dietary, pharmaceutical services and an

activity program. Intermediate care programs that provide skilled nursing and supportive care for patients on a less-than-continuous basis are classified as skilled nursing facilities.

**Park and Recreation Facilities.** Parks, playgrounds, recreation facilities, trails, wildlife preserves, and related open spaces, all of which are noncommercial. This classification also includes playing fields, courts, gymnasiums, swimming pools, picnic facilities, tennis courts, golf courses, and botanical gardens, as well as related food concessions or community centers within the facilities.

**Parking, Public or Private.** Surface lots and structures for use of occupants, employees, or patrons on the subject site or offering parking to the public for a fee when such use is not incidental to another on-site activity.

**Public Safety Facilities.** Facilities providing public safety and emergency services, including police and fire protection and emergency medical services, with incidental storage, training, and maintenance facilities.

**Schools, Private.** Facilities for primary or secondary education, including charter schools, and private and parochial schools having curricula comparable to that required in the public schools of the State of California.

**Social Service Facilities.** Facilities providing a variety of supportive services for disabled and homeless individuals and other targeted groups on a less than 24-hour basis. Examples of services provided are counseling, meal programs, personal storage lockers, showers, instructional programs, television rooms, and meeting spaces. This classification is distinguished from licensed day care centers (see Day Care Facility), clinics (see Clinics), and emergency shelters providing 24-hour care (see Emergency Shelter).

**Sustainable Living Research Site.** A site for research into opportunities for sustainable alternatives to conventional development, undertaken by private organizations or individuals in partnership with educational institutions. Such research may include, without limitation, modifications to existing standards related to alternative building materials, cluster development, on-site water systems, stormwater management, on-site food and goods production, permaculture, natural building, and biodynamic farming, on-site water production, and wastewater treatment and disposal, and on-site sales of good produced on site.

### **17.70.030 Commercial Uses**

**Adult-Oriented Business.** An establishment that, as a regular and substantial course of conduct, offers, sells or distributes adult-oriented merchandise, or that offers to its patrons materials, products, merchandise, services, entertainment or performances that have sexual arousal, sexual gratification, and/or sexual stimulation as their dominant theme, or are characterized by an emphasis on specified sexual activities or specified anatomical areas and are not customarily open to the general public because they exclude minors by virtue of their age. This classification does not include any establishment offering professional services conducted, operated, or supervised by medical practitioners, physical therapists, nurses, chiropractors, psychologist, social workers, marriage and family counselors, osteopaths, and persons holding licenses or certificates under

applicable State law or accreditation from recognized programs when performing functions pursuant to the respective license or certificate.

**Adult Bookstore, Adult Novelty Store, or Adult Video Store.** An establishment with a majority of: its floor area devoted to; or stock-in-trade consisting of; or gross revenues derived from, and offering for sale for any form of consideration, any one or more of the following: books, magazines, periodicals or other printed matter, photographs, drawings, motion pictures, slides, films, tapes, video cassettes, records, or other visual or audio representations which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas"; instruments, devices or paraphernalia which are designed to be used in connection with "specified sexual activities;" or goods which are replicas of, or which simulate "specified anatomical areas," or goods which are designed to be placed on or in "specified anatomical areas," or to be used in conjunction with "specified sexual activities."

**Adult Live Entertainment Theater.** Any place, building, enclosure, or structure, partially or entirely used for live adult entertainment performances or presentations characterized by an emphasis on depicting, exposing, displaying, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

**Adult Motion Picture or Video Arcade.** Any business wherein coin-, paper note-, or token-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to four or fewer persons per machine, at any one time, and where the predominant character or theme of the images so displayed is distinguished or characterized by its emphasis on matter depicting, or relating to "specified sexual activities" or "specified anatomical areas."

**Adult Motion Picture Theater.** Any business, other than a hotel or motel, with the capacity of five or more persons where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions, in which the predominant character and theme is distinguished or characterized by its emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas," as defined in this Title. This includes, without limitation, showing any such slides, motion pictures or videos by means of any video tape system which has a display, viewer, screen, or a television set.

**Animal Care, Sales and Services.** Retail sales and services related to the boarding, grooming, and care of household pets including:

**Animal Sales and Grooming.** Retail sales of animals and/or services, including grooming, for animals on a commercial basis. Typical uses include dog bathing and clipping salons, pet grooming shops, and pet stores and shops. This classification excludes dog walking and similar pet-care services not carried out at a fixed location, and excludes pet-supply stores that do not sell animals or provide on-site animal services.

**Boarding, Kennel.** A commercial, non-profit, or governmental facility for keeping, boarding, training, breeding or maintaining dogs, cats, or other household pets not owned by the kennel owner or operator. Typical uses include pet clinics, pet day care, and animal shelters, but exclude pet shops and animal hospitals that provide 24-hour accommodation of animals receiving medical or grooming services.

**Veterinary Services.** Veterinary services for small animals. This classification allows 24-hour accommodation of animals receiving medical services, but does not include kennels or other boarding facilities.

**Automobile/Vehicle Sales and Services.** Retail or wholesale businesses that sell, rent, and/or repair automobiles, recreational vehicles, light duty trucks, vans, trailers, and motorcycles, including the following:

**Auction.** A facility that sells new or used automobiles and other vehicles through a bidding process.

**Automobile Rentals.** Rental of automobiles. Typical uses include car rental agencies.

**Automobile/Vehicle Sales and Leasing.** Sale or lease, retail or wholesale, of automobiles, light trucks, motorcycles, motor homes, and trailers, together with associated repair services and parts sales, but excluding body repair and painting. Typical uses include automobile dealers and recreational vehicle sales agencies. This classification does not include automobile brokerage and other establishments which solely provide services of arranging, negotiating, assisting, or effectuating the purchase of an automobile for others.

**Automobile/Vehicle Service and Repair, Major.** Repair of automobiles, trucks, motorcycles, motor homes, boats and recreational vehicles, generally on an overnight basis that may include disassembly, removal or replacement of major components such as engines, drive trains, transmissions or axles; automotive body and fender work, vehicle painting or other operations that generate excessive noise, objectionable odors or hazardous materials, and towing services. This classification excludes vehicle dismantling or salvaging and tire retreading or recapping.

**Automobile/Vehicle Service and Repair, Minor.** The service and repair of automobiles, light-duty trucks, boats, and motorcycles, including the incidental sale, installation, and servicing of related equipment and parts. This classification includes the replacement of small automotive parts and liquids as an accessory use to a gasoline sales station or automotive accessories and supply store, and smog checks, tire sales and installation, auto radio/electronics installation, auto air conditioning/heater service, and quick-service oil, tune-up and brake and muffler shops where repairs are made or service provided in enclosed bays and no vehicles are stored overnight.

**Service and Gas Stations.** Establishments primarily engaged in retailing automotive fuels or retailing these fuels in combination with activities, such as providing minor automobile/vehicle repair services; selling automotive oils, replacement parts, and

accessories; and/or providing incidental food and retail services. This classification includes “mini marts” and/or conveniences stores that sell products, merchandise, or services that are ancillary to the primary use related to the operation of motor vehicles where such sale is by means other than vending machines.

***Automobile/Vehicle Washing.*** Washing, waxing, or cleaning of automobiles or similar light vehicles.

**Banks and Financial Institutions.**

***Bank, Credit Union.*** A state or federally chartered financial institution that provides retail banking services. Examples include institutions engaged in the on-site circulation of money, including credit unions. This classification does not include check-cashing businesses.

***Drive-Through Service.*** A facility where banking services are obtained by motorists without leaving their vehicles.

***Check-Cashing Business.*** An establishment that provides compensation for checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. This classification also includes establishments offering deferred deposits, whereby the check casher refrains from depositing a personal check written by a customer until a specific date pursuant to a written agreement.

***Building Materials, Sales, and Service.*** Establishments whose primary activity is the rental of equipment to individuals and business, and whose activities may include storage and delivery of items to customers. This classification includes lumberyards, tool and equipment sales or rental establishments, and includes establishments devoted principally to taxable retail sales to individuals for their own use. This definition does not include hardware stores less than 10,000 square feet in floor area (see General Retail Sales), or retail nurseries (see Nurseries and Garden Centers).

***Business Services.*** A subcategory of commercial land use that permits establishments primarily engaged in rendering services to other business establishments on a fee or contract basis, such as advertising and mailing, building maintenance, personnel and employment services, management and consulting services, protective services, equipment rental and leasing, photo finishing, copying and printing, travel, office supply, and similar services.

***Catering Service.*** A business that prepares food for consumption on the premises of a client or at any other location separate from where the food was prepared.

***Commercial Entertainment and Recreation.*** These classifications may include restaurants, snack bars, and other incidental food and beverage services to patrons.

***Banquet and Conference Center.*** A facility with one or more structures accommodating multiple assembly, meeting, and/or exhibit rooms, and related support facilities (e.g., kitchens, offices, etc.).

**Cinemas.** Facilities for the indoor display of films and motion pictures on single or multiple screens. This classification may include incidental food and beverage service to patrons.

**Indoor Sports and Recreation.** Predominantly participant sports conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, card rooms, health clubs, ice and roller skating rinks, indoor racquetball courts, athletic clubs, and physical fitness centers.

**Outdoor Entertainment.** Predominantly spectator uses conducted in open or partially enclosed or screened facilities. Typical uses include amusement and theme parks, sports stadiums and arenas, racetracks, amphitheaters, and drive-in theaters.

**Outdoor Recreation.** Predominantly participant sports conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, golf courses, tennis club facilities, swimming or wave pools, miniature golf courses, archery ranges, and riding stables.

**Eating and Drinking Establishments.** Businesses primarily engaged in serving prepared food and/or beverages for consumption on or off the premises.

**Bars/Night Clubs/Lounges.** Businesses serving beverages for consumption on the premises as a primary use and including on-sale service of alcohol including beer, wine, and mixed drinks. This use includes micro-breweries where alcoholic beverages are sold and consumed on site and any food service is subordinate to the sale of alcoholic beverages.

**Restaurant, Full Service.** Restaurants providing food and beverage services to patrons who order and are served while seated and pay after eating. Take-out service may also be provided.

**Restaurant, Limited Service.** Establishments where food and beverages are consumed on the premises, taken out, or delivered, but where limited table service is provided. This classification includes cafes, cafeterias, coffee shops, delicatessens, fast-food restaurants, sandwich shops, limited-service pizza parlors, self-service restaurants, and snack bars with indoor or outdoor seating for customers. This classification includes bakeries that have tables for on-site consumption of products. It excludes catering services that do not sell food or beverages for on-site consumption (see Commercial Kitchen).

**Restaurant, Take-Out Only.** Restaurants where food and beverages are prepared on a customer-demand basis and can be taken out or delivered, but are not consumed on the premises. No seating or other facilities for on-premises dining are provided.

**Restaurant with Drive Through.** A restaurant where food or coffee-type beverages are purchased by motorists who remain in their vehicles during the sales transaction.

**Farmer's Markets.** Temporary but recurring outdoor retail sales of food, plants, flowers, and products such as jellies, breads, and meats that are predominantly grown or produced by vendors who sell them.

**Food and Beverage Sales.** Retail sales of food and beverages for off-site preparation and consumption. Typical uses include food markets, groceries, and liquor stores.

**General Market.** Retail food markets of food and grocery items for off-site preparation and consumption. Typical uses include supermarkets and neighborhood grocery stores.

**Liquor Store.** Establishments primarily engaged in selling packaged alcoholic beverages, such as ale, beer, wine, and liquor.

**Specialty Food Sales and Facilities.** Retail establishments that process and prepare food on site and are small- to medium-scale in size. Typical uses include bakeries; butchers, candy, nuts, and confectionary stores; cheese stores; and pasta shops.

**Funeral Parlors and Internment Services.** An establishment primarily engaged in the provision of services, involving the care, preparation, or disposition of the human remains and conducting memorial services. Typical uses include a crematory or mortuary.

**Instructional Services.** Establishments that offer specialized programs in personal growth and development. Typical uses include classes or instruction in music, fitness, art, or academics. Instructional Services also include rehearsal studios as an accessory use. This use does not include educational opportunities such as private universities or trade schools.

**Live/Work Units.** A unit that combines a work space and incidental residential occupancy occupied and used by a single household in a structure that has been constructed for such use or converted from commercial or industrial use and structurally modified to accommodate residential occupancy and work activity in compliance with the Building regulations. The working space is reserved for and regularly used by one or more occupants of the unit.

**Lodging and Visitor-Services.**

**Hotels and Motels.** An establishment providing overnight lodging to transient patrons. These establishments may provide additional services, such as conference and meeting rooms, restaurants, bars, personal services, or recreation facilities available to guests or to the general public. This use classification includes hostels, motor lodges, motels, and tourist courts, but does not include group residential or time-share uses, which are separately defined and regulated.

**Recreational Vehicle Parks.** A facility that provides short-term rental spaces for overnight use with support facilities.

**Time Share Use.** A multi-unit residential development in which a purchaser receives the right in perpetuity, for life, or for a term of years, to the recurrent, exclusive use or occupancy of a lot, parcel, unit, or segment of real property, annually or on some other periodic basis, for a specified period of time that has been or will be allotted from the use or occupancy periods into which the project has been divided.

**Maintenance and Repair Services.** Establishments engaged in the maintenance or repair of office machines, household appliances, furniture, and similar items. This classification excludes



maintenance and repair of motor vehicles (see Automotive Sales and Services) and personal apparel (see Personal Services).

**Media-Production Facility.** A facility that provides indoor commercial and public communication uses, as well as outdoor sets, backlots, and other outdoor facilities for motion picture, television, video, sound, computer, and other communications media production. Indoor communication uses include without limitation radio and television broadcasting, receiving stations and studios with facilities entirely within buildings. This classification does not include exterior-mounted antennae and transmission towers (see Utility Facility) or transmission and receiving apparatus, antennas, and towers (see Wireless Telecommunication Facility).

**Mobile Food Facility/Vendor.** A self-contained truck or trailer or non-motorized push cart that is readily movable without disassembling, and is used to sell or prepare and serve: food, clothes, printed materials, or other consumer products. This classification includes push carts used in conjunction with a commissary, commercial kitchen, or other permanent food facility upon which food is sold or distributed at retail.

**Nurseries and Garden Center.** Establishments primarily engaged in retailing nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod that are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves. Fertilizer and soil products are stored and sold in package form only. This classification includes wholesale and retail nurseries offering plants for sale.

**Offices.** Offices of firms, organizations, or public agencies providing professional, executive, management, administrative or design services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, investment, insurance, and legal offices, excluding banks and savings and loan associations with retail banking services (see Banks and Financial Institutions). This classification also includes offices where medical and dental services are provided by physicians, dentists, chiropractors, acupuncturists, optometrists, and similar medical professionals, including medical/dental laboratories within medical office buildings, but excludes clinics or independent research laboratory facilities (see Research and Development) and hospitals.

***Business, Professional, and Technology.*** Offices of firms, organizations, or agencies providing professional, executive, management, administrative, financial, accounting, or legal services, but excluding those that primarily provide direct services to patrons that visit the office (see Offices, Walk-In Clientele).

***Medical and Dental.*** Offices providing consultation, diagnosis, therapeutic, preventive, or corrective personal-treatment services by doctors and dentists; medical and dental laboratories that see patients; and similar practitioners of medical and healing arts for humans licensed for such practice by the State of California. Incidental medical and/or dental research within the office is considered part of the office use if it supports the on-site patient services.

***Walk-In Clientele.*** Offices providing direct services to patrons or clients without prior appointments. This use classification includes employment agencies, insurance agent

offices, real estate offices, travel agencies, utility company offices, and offices for elected officials. It does not include banks or check-cashing facilities, which are separately classified and regulated (see Banks and Financial Institutions).

**Outdoor Sales.** The sale or offering for sale to the general public of merchandise outside of a permanent structure on property owned or leased by the person, firm, or corporation. These sales are of a limited duration and conducted on an occasional basis, and are secondary or incidental to the principal permitted use or structure existing on the property.

**Personal Services.**

**General Personal Services.** Services of a personal convenience nature, as opposed to products that are sold to individual consumers, or from/by companies. Personal services include barber and beauty shops, shoe and luggage repair, fortune tellers, photographers, laundry and cleaning services and pick-up stations, copying, repair and fitting of clothes, and similar services.

**Restricted Personal Services.** An establishment whose principal business activity is one or more of the following: 1) using ink or other substances that result in the permanent coloration of the skin through the use of needles or other instruments designed to contact or puncture the skin, or 2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

**Retail Sales.**

**General Retail.** The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes retail establishments with 80,000 square feet or less of sales area, including department stores, drug stores, clothing stores, furniture stores, pet-supply stores, small hardware stores (with 10,000 square feet or less of floor area), and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies, electronic equipment, sporting goods, kitchen utensils, hardware, appliances, antiques, art galleries, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, video rental, and new automotive parts and accessories (excluding vehicle service and installation). Retail sales may be combined with other services, such as office machine, computer, electronics, and similar small-item repairs.

**Large Format Retail (80,000 s/f and larger).** Retail establishments (over 80,000 square feet of sales area) that sell merchandise and bulk goods for individual consumption, including membership warehouse clubs.

**With Drive-Through.** A retail establishment with drive-through facilities.

### **17.70.040 Industrial Uses**

**Automobile Wrecking/Junk Yard.** Storage and dismantling of vehicles and equipment for sale of parts, as well as the collection, storage, exchange, or sales of goods, including, but not limited to, any used building materials, used containers or steel drums, used tires, and similar or related articles on the property.

**Construction and Material Yards.** Storage of construction materials or equipment on a site other than a construction site.

**Custom Manufacturing.** Establishments primarily engaged in on-site production of goods by hand manufacturing or artistic endeavor, which involves only the use of hand tools or small mechanical equipment and the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, candle-making shops, woodworking, and custom jewelry manufacturers.

**General Manufacturing.** Manufacturing of products from extracted or raw materials or recycled or secondary materials, or bulk storage and handling of such products and materials. This classification includes operations, such as biomass energy conversion, food and beverage processing, production apparel manufacturing, photographic processing plants, leather and allied product manufacturing, wood product manufacturing, paper manufacturing, chemical manufacturing, plastics and rubber products manufacturing, nonmetallic mineral product manufacturing, primary metal manufacturing, fabricated metal product manufacturing, and automotive and heavy equipment manufacturing.

**Limited Industrial.** Establishments engaged in light industrial activities taking place primarily within enclosed buildings and producing minimal impacts on nearby properties. This classification includes manufacturing finished parts or products primarily from previously prepared materials; micro-breweries where retail sales are clearly incidental and no alcoholic beverages are consumed on site; wineries; commercial laundries and dry cleaning plants; monument works; printing, engraving and publishing; computer and electronic product manufacturing; furniture and related product manufacturing; and industrial services.

**Oil and Gas Facilities.** Onshore support facilities related to processing/treatment/storage/distribution activities for pre-existing licensed offshore oil and gas production. This classification excludes any activities or facilities directly or indirectly associated with hydraulic fracturing, drilling, or reworking wells to expand capacity.

**R&D and Technology.** A facility for scientific research and the design, development, and testing of electrical, electronic, magnetic, optical, pharmaceutical, chemical, and biotechnology components and products in advance of product manufacturing. This classification includes assembly of related products from parts produced off site, where the manufacturing activity is secondary to the research and development activities

**Vehicle/Equipment Facilities.**

**Heavy Vehicle and Large Equipment Sales/Rental, Service, and Repair.** An establishment that sells/rents and may provide service and repairs to construction, farm or other heavy equipment. This classification does not include autos, trucks, and other passenger vehicles used for personal or business travel (see Automobile/Vehicle Sales and for automobiles, motorcycles, recreational vehicles, and other passenger vehicles).

**Towing Services.** A facility that dispatches tow trucks and provides temporary storage of operative or inoperative vehicles. This classification does not include automobile wrecking or dismantling (see Automobile Wrecking/Junk Yard).

**Vehicle Storage.** A facility for the storage of operative cars and other fleet vehicles, trucks, buses, recreational vehicles, and other motor vehicles. Includes facilities for the storage and/or servicing of fleet vehicles.

**Wholesale Trade, Warehouse, Storage, and Distribution.** Storage and distribution facilities without sales to the public on site or direct public access except for public storage in a small, individual space exclusively and directly accessible to a specific tenant. This classification includes mini-warehouses.

**Chemical, Mineral, and Explosives Storage.** Storage of hazardous materials, including but not limited to: bottled gas, chemicals, minerals and ores, petroleum or petroleum-based fuels, fireworks, and explosives.

**Indoor Warehousing and Storage.** Storage within an enclosed building of commercial goods prior to their distribution to wholesale and retail outlets and the storage of industrial equipment, products, and materials, including but not limited to automobiles, feed, and lumber. Also includes cold storage, draying or freight, moving and storage, and warehouses. This classification excludes the storage of hazardous chemical, mineral, and explosive materials.

**Outdoor Storage.** Storage of vehicles or commercial goods or materials in open lots.

**Personal Storage.** Facilities offering enclosed storage with individual access for personal effects and household goods including mini-warehouses and mini-storage. This use excludes workshops, hobby shops, manufacturing, or commercial activity.

**Wholesaling and Distribution.** Indoor storage and sale of goods to other firms for resale; storage of goods for transfer to retail outlets of the same firm; or storage and sale of materials and supplies used in production or operation, including janitorial and restaurant supplies. Wholesalers are primarily engaged in business-to-business sales, but may sell to individual consumers through mail or internet orders. They normally operate from a warehouse or office having little or no display of merchandise, and are not designed to solicit walk-in traffic. This classification does not include wholesale sale of building materials (see Construction Sales and Services).

### **17.70.050 Transportation, Communication, and Utility Uses**

**Communication Facilities.** Facilities for the provision of broadcasting and other information-relay services through the use of electronic and telephonic mechanisms.

***Antenna and Transmission Towers.*** Broadcasting and other communication services accomplished through electronic or telephonic mechanisms, as well as structures and equipment cabinets designed to support one or more reception/transmission systems. Typical uses include wireless telecommunication towers and facilities, radio towers, television towers, telephone exchange/microwave relay towers, cellular telephone transmission/personal communications systems towers, and associated equipment cabinets and enclosures.

***Facilities within Buildings.*** Includes radio, television or recording studios, and telephone switching centers, but excludes Antennae and Transmission Towers.

**Freight/Truck Terminals and Warehouses.** Facilities for freight, courier, and postal services. This classification does not include local messenger and local delivery services (see Light Fleet-Based Services).

**Heliport.** A facility for helicopter take-off and landings with one or more helipads, including limited facilities, such as fueling facilities, lighting, and storage hangers.

**Light Fleet-Based Services.** Passenger transportation services, local delivery services, medical transport, and other businesses that rely on fleets of three or more vehicles with rated capacities less than 10,000 lbs. This classification includes parking, dispatching, and offices for taxicab and limousine operations, ambulance services, non-emergency medical transport, local messenger and document delivery services, home cleaning services, and similar businesses. This classification does not include towing operations (see Automobile/Vehicle Sales and Service, Towing and Impound) or taxi or delivery services with two or fewer fleet vehicles on site (see Business Services).

**Recycling Facilities.** A facility for receiving, temporarily storing, transferring and/or processing materials for recycling, reuse, or final disposal. This use classification does not include waste-transfer facilities that operate as materials recovery, recycling, and solid-waste-transfer operations and are classified as utilities (see Utilities, Major).

***Reverse Vending Machine.*** An automated mechanical devise that accepts, sorts, and processes recyclable materials and issues a cash refund or a redeemable credit slip.

***Recycling Collection Facility.*** An incidental use that serves as a neighborhood drop-off point for the temporary storage of recyclable materials, but where the processing and sorting of such items is not conducted on site.

***Recycling Processing Facility.*** A facility that receives, sorts, stores and/or processes recyclable materials.

**Transportation Passenger Terminals.** Facilities for passenger transportation operations. This classification includes rail stations, bus terminals, and scenic and sightseeing facilities, but does not include terminals serving airports or heliports.

**Utilities, Major.** Generating plants, electric substations, solid waste collection, including transfer stations and materials-recovery facilities, cogeneration facilities, commercial renewable energy facilities, solid waste treatment and disposal, water or wastewater treatment plants, telephone switching facilities, and similar facilities of public agencies or public utilities that are exempt from land use permit requirements by Government Code § 53091.

**Utilities, Minor.** Facilities necessary to support established uses involving only minor structures, such as electrical distribution lines, and underground water and sewer lines.

**Wind Energy Conversion System (WECS).** A machine which can convert the kinetic energy in wind into a usable form of electrical or mechanical energy, such as a wind turbine or windmill. A WECS includes all parts of the turbine and the tower upon which it is installed, but does not include power transmission equipment.

#### **17.70.060 Agricultural Uses**

**Agricultural Processing.** Establishments performing a variety of operations on crops after harvest, to prepare them for market on site or further processing and packaging at a distance from the agricultural area, including but not limited to: alfalfa cubing; hay baling and cubing; corn shelling; drying of corn, rice, hay, fruits and vegetables; pre-cooling and packaging of fresh or farm-dried fruits and vegetables; grain cleaning and custom grinding; custom grist mills; custom milling of flour, feed and grain; sorting, grading and packing of fruits and vegetables; tree nut hulling and shelling; cotton ginning; wineries; alcohol fuel production; and receiving and processing of green material, other than that produced on site (commercial composting).

**Agricultural-Support Services.** Agriculturally related services, such as storage of agricultural products; sales, maintenance, and repair of farm machinery and equipment; farm animal veterinary clinics; custom farming services; agriculturally related building, feed, and farm-supply stores; agricultural waste handling and disposal services; and other similar related services.

**Animal Raising.** The raising, grazing, or feeding of animals for animal products, animal increase, or value increase, and dairying as an accessory use on farms with dairy cattle.

**Crop Cultivation.** The cultivation of tree, vine, field, forage, and other plant crops intended to provide food or fibers. The classification includes floriculture but excludes wholesale or retail nurseries (see Nurseries and Garden Centers).

**Greenhouse.** A structure with permanent structural elements (e.g., footings, foundations, plumbing, electrical wiring) used for cultivation and to shade or protect plants from climatic variations. This classification includes facilities associated with and accessory to greenhouses, such as shade structures and hoop structures, packing and shipping facilities, paved parking and driveways, and other accessory structures (e.g., boiler rooms and storage sheds).

**Produce Stand.** A stand located on an active farm that primarily sells products grown on-site.

### **17.70.070 Accessory Uses**

**Animal Keeping.** The keeping of animals, such as household pets, for personal use and enjoyment.

**Caretaker Unit.** A dwelling unit for employees and their immediate families employed for the exclusive purpose of on-site management, maintenance, or upkeep.

**Farmers' Stand.** A stand located on an active farm that sells processed agricultural products, such as jams, preserves, pickles, juices, cured olives, and other "value-added" products made with ingredients produced on or near the farm, in addition to fresh produce, eggs, and other goods produced on the farm. These stands are accessory to on-site agricultural operations in order to promote the sale of locally grown fresh produce.

**Home Occupation.** A commercial use conducted on residential property by the inhabitants of the subject residence, which is incidental and secondary to the residential use of the dwelling.

**Live Entertainment.** An act such as a musical act (including karaoke); theatrical act; play; dance; magical act; disc jockey; or similar activity, performed live by one or more persons for the enjoyment of others, whether or not done for compensation and whether or not admission is charged.

**Vending Machines, Outdoor.** A stand-alone, self-contained or connected appliance, machine and/or storage container which dispenses or provides point-of-service storage of a product and/or self-service products.

## Chapter 17.71 List of Terms and Definitions

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### Sections:

- 17.71.010 List of Terms
- 17.71.020 Definitions

### 17.71.010 List of Terms

- |                                                      |                                             |
|------------------------------------------------------|---------------------------------------------|
| Abutting or Adjoining                                | <i>Building, Principal</i>                  |
| Access                                               | Building Code                               |
| Accessory Building, <i>See Building, Accessory</i>   | Building Face                               |
| Accessory Structure, <i>See Structure, Accessory</i> | Building Footprint, <i>See Footprint</i>    |
| Accessory Use, <i>See Use, Accessory</i>             | Building Height, <i>See Height</i>          |
| Adjacent                                             | Building Site                               |
| Affordable Housing Unit                              | California Environmental Quality Act (CEQA) |
| Affordable Housing Trust Fund                        | Canopy                                      |
| Agent                                                | Carport                                     |
| Aggrieved Person                                     | Categorical Exclusion                       |
| Alley                                                | Centerline of Street                        |
| Allowed Use                                          | Change of Use                               |
| Alteration                                           | Chapter                                     |
| Appealable Area.                                     | City                                        |
| Appealable Development                               | City Council                                |
| Applicant                                            | Coastal Act                                 |
| Approving Authority                                  | Coastal Commission                          |
| Arborist                                             | Coastal Bluff                               |
| Architectural Feature                                | Coastal Bluff Edge                          |
| Arterial Street                                      | Coastal Development Permit (CDP)            |
| Attached Building or Structure                       | Coastal Plan                                |
| Attic                                                | Coastal-Related Use                         |
| Awning                                               | Coastal Resources                           |
| Balcony                                              | Coastal Zone                                |
| Basement                                             | Compatible                                  |
| Bathroom                                             | Condition of Approval                       |
| Bedroom                                              | Conditionally Permitted                     |
| Belt Course                                          | Condominium                                 |
| Best Management Practices (BMPs)                     | Construction                                |
| Block                                                | County                                      |
| Block Face                                           | Decision-Making Body                        |
| Boat                                                 | Deck                                        |
| Buffer                                               | Demolition                                  |
| Building                                             | Density                                     |
| <i>Building, Accessory</i>                           | Design Review Board                         |
|                                                      | Detached Structure                          |



<b>Developer</b>	<b><i>Existing Grade</i></b>
<b>Development</b>	<b><i>Finished Grade</i></b>
<b>Development Agreement</b>	<b>Guidelines</b>
<b>Development Mitigation Fee, <i>See Fee and Payment Definitions</i></b>	<b>Habitable Room</b>
<b>Director</b>	<b>Handicapped, <i>See Disabled or Handicapped Person</i></b>
<b>Disabled or Handicapped Person</b>	<b>Hazardous Materials</b>
<b>Discretionary Permit</b>	<b>HCD</b>
<b>District, <i>See Zoning District</i></b>	<b>Heat</b>
<b>Drive-Through Facilities</b>	<b>Height</b>
<b>Driveway</b>	<b>Household</b>
<b>Dwelling Unit</b>	<b>Household Pets</b>
<b>Easement</b>	<b>Housing Costs</b>
<b>Effective Date</b>	<b>HUD</b>
<b>Elderly, <i>See Senior Citizen</i></b>	<b>Illegal Use</b>
<b>Electrical Code</b>	<b>Improvement</b>
<b>Emergency</b>	<b>Inclusionary Housing In-Lieu Fee or In-Lieu Payment, <i>See Fee and Payment Definitions</i></b>
<b>Energy Facility</b>	<b>Inclusionary Unit</b>
<b>Engineering Geologist</b>	<b>Income Levels</b>
<b>Environmental Impact Report (EIR)</b>	<b><i>Extremely Low Income Household</i></b>
<b>Environmentally Sensitive Habitat Area (ESHA)</b>	<b><i>Very Low Income Household</i></b>
<b>Environmental Review</b>	<b><i>Low Income Household</i></b>
<b>Erect</b>	<b><i>Moderate Income Household</i></b>
<b>Exclusion Areas</b>	<b><i>Above Moderate Income Household</i></b>
<b>Exterior Storage</b>	<b>Intensity of Use</b>
<b>Façade</b>	<b>Intersection, Street</b>
<b>Family</b>	<b>Kitchen</b>
<b>Farmworker</b>	<b>Land Use</b>
<b>Feasible</b>	<b>Landscaping-Related Definitions</b>
<b>Fee and Payment Definitions</b>	<b><i>Backflow-Prevention Device</i></b>
<b><i>Development Mitigation Fee</i></b>	<b><i>Hedge</i></b>
<b><i>Inclusionary Housing In-Lieu Fee or In-Lieu Payment</i></b>	<b><i>Hydrozone</i></b>
<b>Fence</b>	<b><i>Landscaping</i></b>
<b>Floor Area</b>	<b><i>Mulch</i></b>
<b>Foot-candle, <i>See Lighting Terms</i></b>	<b><i>Pervious</i></b>
<b>Footprint</b>	<b><i>Pruning</i></b>
<b>Freeway</b>	<b><i>Shrub</i></b>
<b>Frontage, Street</b>	<b><i>Tree</i></b>
<b>Garage</b>	<b><i>Trim</i></b>
<b>General Plan</b>	<b>LCP, <i>See Local Coastal Program</i></b>
<b>Glare</b>	<b>Lighting-Related Definitions</b>
<b>Government Code</b>	<b><i>Flood Light</i></b>
<b>Grade</b>	<b><i>Foot-candle</i></b>
<b><i>Adjacent Grade</i></b>	<b><i>Light Fixture</i></b>
<b><i>Average Grade</i></b>	<b><i>Shielded Fixture</i></b>

**Live Adult Entertainment**  
**Living Room**  
**Local Coastal Program (LCP)**  
**Lot**  
     *Abutting Lot*  
     *Corner Lot*  
     *Flag Lot*  
     *Interior Lot*  
     *Irregular Lot*  
     *Key Lot*  
     *Through Lot*  
**Lot Area**  
**Lot Area, Net**  
**Lot Coverage**  
**Lot Frontage, *See Frontage, Street***  
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**Lot Line Types**  
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     *Front Lot Line, Corner Lot*  
     *Interior Lot Line*  
     *Rear Lot Line*  
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     *Street Side Lot Line*  
**Maintenance and Repair**  
**Major Energy Facility**  
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**Mansard**  
**Mezzanine**  
**Mixed-Use Development**  
**Municipal Code**  
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     *Ambient Noise Level*  
     *Noise*  
     *Noise Level Reduction (NLR)*  
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     *Nonconforming Structure*  
**Nonconforming Lot**  
**Nonconforming Structure**  
**Nonconforming Use**  
**Off-Site Use**  
**On-Site Loading Facilities**  
**On-Site Use**  
**Opacity**  
**Open Space Types**  
     *Private Open Space*  
     *Common Open Space*  
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**Opposite**  
**Outdoor Storage**  
**Overlay District**  
**Owner**  
**Parapet Wall**  
**Parcel, *See Lot***  
**Parking Area**  
**Parking, Bicycle**  
     *Long-term*  
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**Pavement**  
**Peak Hours**  
**Permit**  
**Permitted Use**  
**Person**  
**Persons with Disabilities, *See Disabled or Handicapped Person***  
**Pier or Dock**  
**Pipeline or Transmission Line**  
**Planning Commission**  
**Pre-existing**  
**Principal Use**  
**Principal Structure**  
**Project**  
**Property Line**  
**Public Land**  
**Public Official**  
**Public Resources Code**  
**Public Works**  
**Public Works Director**  
**Qualified Applicant**  
**Reasonable Accommodation**  
**Review Authority**  
**RHNA**  
**Right-of-Way**  
**Secondary Use**  
**Screening**  
**Setback**  
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**Sight Distance Triangle**  
**Sign Terms**  
     *A-Frame Sign*  
     *Animated Sign*  
     *Awning Sign*  
     *Balloon*  
     *Banner Sign*  
     *Billboard*

<b>Cabinet Sign</b>	<b>Soil</b>
<b>Can Sign (Box Sign)</b>	<b>Soils Engineer (Geotechnical Engineer)</b>
<b>Canopy Sign</b>	<b>Specific Plan</b>
<b>Changeable Copy Sign</b>	<b>Specified Anatomical Areas</b>
<b>Commercial Speech or Commercial Message</b>	<b>Specified Sexual Activities</b>
<b>Construction Sign</b>	<b>State</b>
<b>Copy</b>	<b>Story</b>
<b>Digital Display</b>	<b>Stream</b>
<b>Directional Sign</b>	<b>Stream Buffer</b>
<b>Electronic Copy</b>	<b>Street</b>
<b>Establishment</b>	<b>Street Line</b>
<b>Flag</b>	<b>Structural Alterations</b>
<b>Flashing Sign</b>	<b>Structure</b>
<b>Freestanding Sign</b>	<i>Structure, Accessory</i>
<b>Fuel Pricing Sign</b>	<i>Structure, Primary (Structure, Main)</i>
<b>Graffiti</b>	<i>Structure, Temporary</i>
<b>Illuminated Sign</b>	<b>Swimming Pool</b>
<b>Inflatable Sign</b>	<b>Tandem Parking</b>
<b>Internally Illuminated Sign</b>	<b>Telecommunication Terms</b>
<b>Lighted Sign</b>	<b>Antenna</b>
<b>Master Sign Program</b>	<b>Antenna Structure</b>
<b>Mobile Billboard</b>	<i>Antenna structure, freestanding</i>
<b>Moving Sign</b>	<i>Antenna structure, monopole</i>
<b>Mural</b>	<b>Co-Location</b>
<b>Non-Commercial Message</b>	<b>Mast</b>
<b>Nonconforming Sign</b>	<b>Satellite Dish</b>
<b>Off-Site or Off-Premise Sign</b>	<b>Stealth, Camouflage, or Camouflage Facility</b>
<b>On-Site or On-Premise Sign</b>	<b>Support Equipment</b>
<b>Pennant</b>	<b>Telecommunication Facility</b>
<b>Pole Sign</b>	<b>Telecommunication Facility, Co-Located</b>
<b>Political Sign</b>	<b>Telecommunication Facility, Height</b>
<b>Portable Sign</b>	<b>Telecommunication Facility, Multiple Users</b>
<b>Projecting Sign</b>	<b>Telecommunication Facility Operator</b>
<b>Real Estate Sign</b>	<b>Telecommunication Site, Co-Located Tower, Lattice</b>
<b>Roofline</b>	<b>Wireless Telecommunications Facility (WTF)</b>
<b>Roof Sign</b>	<b>Tenant</b>
<b>Sign</b>	<b>Termination of Use Terms</b>
<b>Sign Area</b>	<b>Termination Order (also "Order of Termination")</b>
<b>Sign Face</b>	<b>Termination Period</b>
<b>Subdivision Sign</b>	<b>Effective Date of Termination</b>
<b>Temporary Sign</b>	<b>Trailer</b>
<b>Traffic Sign</b>	
<b>Wall Sign (Wall-Mounted Sign)</b>	
<b>Window Sign</b>	
<b>Site</b>	
<b>Site Coverage</b>	

**Unit, *See Dwelling Unit***

**Unit Owner**

**Use**

*Accessory Use*

*Incidental Use*

*Permitted Use*

*Primary Use*

*Principal Use, *See Primary Use**

**Use Classification**

**Use Permit**

**Use Type**

**Utilities**

**Variance**

**Vehicle**

**Visible**

**Wall**

**Yard**

*Front Yard*

*Interior Side Yard*

*Street Side Yard*

*Rear Yard*

**Zero Lot Line**

**Zoning Administrator**

**Zoning District**

## **17.71.020 Definitions**

**Abutting or Adjoining.** Having a common boundary, except that parcels having no common boundary other than a common corner are not considered abutting.

**Access.** The place or way through which pedestrians and/or vehicles must have safe, adequate, and usable ingress and egress to a property or use as required by this Title.

**Adjacent.** Directly abutting, having a boundary or property line(s) in common or bordering directly, or contiguous to.

**Affordable Housing Trust Fund.** An account which in-lieu fees or payments or other housing impact fees or payments will be deposited. The funds of the account cannot be commingled with other City funds.

**Affordable Housing Unit.** A dwelling unit within a residential development which will be reserved for sale or rent, and is made available at an affordable rent or affordable ownership cost based on affordable household income levels (extremely low, very low, low, moderate or above moderate income).

**Agent.** A person who has been given written authorization by the property owner to represent and act for a property owner in contacts with the City.

**Aggrieved Person.** Any person who, in person or through a representative, appeared at a public hearing or by other appropriate means before action on a permit, informed the City of his or her concerns about an application for such permit, or who, for good cause, was unable to do either, and who objects to the action taken on such permit and wishes to appeal such action to a higher authority.

**Alley.** A public way permanently reserved primarily for secondary vehicular service access to the rear or side of properties otherwise abutting on a street.

**Allowed Use.** A use of land identified by this Title as a permitted or conditional use that may be established with planning permit and, where applicable, Design Review and/or Building Permit approval, subject to compliance with all applicable provisions of this Title.

**Alteration.** Any change, addition, or modification that changes the exterior architectural appearance or materials of a structure or object. Alteration includes changes in exterior surfaces, changes in materials, additions, remodels, demolitions, and relocation of buildings or structures, but excludes ordinary maintenance and repairs (see also Maintenance and Repairs).

**Appealable Area.** That area between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or the mean high tide line of the sea where there is no beach, whichever is greater; tidelands; submerged lands; public trust lands; that area within 300 feet of the top of any coastal bluff; and that area within 100 feet of any wetland, estuary, or stream.

**Appealable Development.** Approval of any proposed development within an “appealable area” and approval or denial of any development that constitutes a “major public works project” or a “major energy facility.” Appealable development may be appealed to the California Coastal Commission in accord with the regulations adopted by the Commission.

**Applicant.** The person, partnership, corporation, or state or local government agency applying for a permit, certificate, zoning clearance, or other land use entitlement.

**Approving Authority.** See “Decision-making Body”.

**Arborist.** A person certified by the International Society of Arboriculture or the American Society of Consulting Arborists or other qualified professional organization as an expert in the care of trees.

**Architectural Feature.** An exterior building feature, including a roof, walls, windows, doors, porches, posts, pillars, recesses or projections, and exterior articulation or walls, and other building surfaces.

**Arterial Street.** A street classified as a Major Arterial or Minor Arterial in the Transportation Element of the General Plan.

**Attached Building or Structure.** A building or structure having at least five lineal feet of wall serving as a common wall with the building to which it is attached.

**Attic.** The unfinished space between the ceiling of the uppermost story and the roof assembly of a structure.

**Awning.** An architectural projection that provides weather protection, identity, or decoration, and is wholly supported by the building to which it is attached. An awning is typically constructed of non-rigid materials on a supporting framework which projects from and is supported by the exterior wall of a building.

**Balcony.** A platform that projects from the wall of a building 30 inches or more above grade that is accessible from the building’s interior, is not accessible from the ground, and is not enclosed by walls on more than two sides (see also Deck).

**Basement.** A non-habitable space beneath the first or ground floor of a building, the ceiling of which does not extend more than four feet above finished grade.

**Bathroom.** A room containing toilet, sink, and bathing facilities.

**Bedroom.** Any room having the potential of being a bedroom and meeting the standards of the California Building Ordinance as a sleeping room.

**Belt Course.** A horizontal band forming part of an interior or exterior architectural composition (as around pillars or engaged columns).

**Best Management Practices (BMPs).** Activities, practices, and procedures to prevent or reduce the discharge of pollutants directly or indirectly to the municipal storm drain system and waters

of the United States. Best Management Practices include: treatment facilities to remove pollutants from stormwater; operating and maintenance procedures; facility management practices to control runoff, spillage, or leaks of non-stormwater, waste disposal, and drainage from materials storage; erosion and sediment-control practices; and the prohibition of specific activities, practices, and procedures, and such other provisions as the City determines appropriate for the control of pollutants.

**Block.** Property bounded on all sides by a public right-of-way.

**Block Face.** All property between two intersections that fronts upon a street or abuts a public right-of-way

**Boat.** Boat means a vehicle or vessel designed for operation as a watercraft propelled by sail or one or more electric or internal combustion engines.

**Buffer.** An open area or barrier used to separate potentially incompatible activities and/or development features; for example, a required setback to separate an area of development from environmentally sensitive habitat, to reduce or eliminate the effects of the development on the habitat.

**Building.** Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials.

***Building, Accessory.*** A detached building located on the same parcel as the principal building, which is incidental and subordinate to the principal building in terms of both size and use. A building will be considered part of the principal building if connected to it by common roof line or fully enclosed space.

***Building, Principal.*** A building in which the principal use of the parcel on which it is located is conducted.

**Building Code.** Any regulations of the City governing the type and method of construction of buildings and structures, including sign structures.

**Building Face.** The general outer surface of the structure or walls of a building. Where bay windows or pillars project beyond the walls, the outer surface of the windows or pillars is considered to be the face of the building.

**Building Site.** A lot or parcel of land occupied or to be occupied by a main building and accessory buildings together with such open spaces as are required by the terms of this title and having its principal frontage on a street, road, highway, or waterway.

**California Environmental Quality Act (CEQA).** Public Resources Code §§ 21000, et seq. or any successor statute and regulations promulgated thereto (14 California Code of Regulations §§ 15000, et seq.) that require public agencies to document and consider the environmental effects of a proposed action before a decision.

**Canopy.** A roofed shelter projecting over a sidewalk, driveway, entry, window, or similar area that may be wholly supported by a building or may be wholly or partially supported by columns, poles, or braces extending from the ground.

**Carport.** An accessible and usable covered space enclosed on not more than two sides, designed, constructed, and maintained for the parking or storage of one or more motor vehicles.

**Categorical Exclusion.** An exception from the requirements of a Coastal Development Permit, as identified in the Public Resources Code §§ 30610(e) and 30610.5.

**Centerline of Street.** The geographic center of a public or private road right-of-way.

**Change of Use.** The replacement of an existing use on a site, or any portion of a site, by a new use, or a change in the type of an existing use; does not include a change of ownership, tenancy, or management associated with a use for which the previous type of use will remain substantially unchanged.

**Chapter.** A Chapter set out in this Title, unless another ordinance or statute is mentioned.

**City.** The City of Goleta.

**City Council.** The City Council of the City of Goleta.

**Coastal Act.** The California Coastal Act of 1976, California Public Resources Code §§ 30000 et seq., as amended.

**Coastal Commission.** The California Coastal Commission.

**Coastal Bluff.** A scarp or steep face of rock, decomposed rock, sediment, or soil resulting from erosion, folding, or excavation of the land mass, having a vertical relief of 10 or more feet measured from the top edge to the toe of the steep face, and located along or adjacent to the ocean. The bluff may be a simple planar or curved surface, or it may be step-like in section. The terms "coastal bluff," "bluff face," and "sea cliff" are equivalent.

**Coastal Bluff Edge.** The uppermost termination of a coastal bluff. Where the bluff edge is rounded away as a result of erosion, the bluff edge is defined as that point nearest the bluff at which the downward slope gradient of the land begins to increase more or less continuously until it reaches the general slope gradient of the bluff face. In the case where there are one or more step-like features on the bluff, the landward edge of the uppermost riser is considered the bluff edge.

**Coastal Development Permit (CDP).** A permit issued by the City or the California Coastal Commission in accordance with the provisions of Chapter 17.58, Coastal Development Permits. A Coastal Development Permit includes all application materials, plans, and conditions on which the approval is based.

**Coastal Plan.** The Coastal Land Use Plan, a component of the "Local Coastal Program," as adopted by the City.

**Coastal-Related Use.** Any use that is dependent on a coastal-dependent development or use.



**Coastal Resources.** Coastal resources include, but are not limited to, public access opportunities, visitor and recreational facilities, water-oriented activities, marine resources, biological resources, environmentally sensitive habitat areas, agricultural lands, and archaeological or paleontological resources within the Coastal Zone.

**Coastal Zone.** That portion of the Coastal Zone, as established by the California Coastal Act of 1976, as amended, which lies within the City, as indicated on the Zoning Map.

**Compatible.** That which is harmonious with and will not adversely affect surrounding buildings and/or uses.

**Condition of Approval.** A performance standard, required change in a project, environmental mitigation measure, or other requirement imposed by the review authority to alter or modify a project in any manner from the description in the application originally submitted for City approval.

**Conditionally Permitted.** Permitted subject to approval of a Conditional Use Permit or Administrative Use Permit, Administrative Coastal Development Permit, or Regular Coastal Development Permit.

**Condominium.** A development where undivided interest in common in a portion of real property is coupled with a separate interest in space called a unit, the boundaries of which are shown on a recorded Final Map or Parcel Map.

**Construction.** Construction, erection, enlargement, alteration, conversion, or movement of any building, structures, or land, together with any scientific surveys associated therewith.

**County.** Santa Barbara County.

**Decision-Making Body.** The Director, Zoning Administrator, Planning Commission, Design Review Board, or the City Council, whichever has approving authority for the permit.

**Deck.** A platform, either freestanding or attached to a building that is supported by pillars or posts. See also Balcony.

**Demolition.** The intentional destruction and removal of 50 percent or more of the enclosing exterior walls and 50 percent of the roof of any structure.

**Density.** The number of dwelling units per acre of land. See Section 17.03.040, Calculating Density.

**Design Review Board.** The Design Review Board of the City of Goleta.

**Detached Structure.** A structure, no part of which is attached by any means to any other structure.

**Developer.** Any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities that seeks City approvals for all or part of a development project.

**Development.** The placement or erection of any solid material or structure on land, in, or under water; discharge or disposal of any materials; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, without limitation, subdivision pursuant to the Government Code § 66410, and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreation use; and change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation.

**Development Agreement.** An agreement between the City and any person having a legal or equitable interest in real property for the development of such property, and which complies with the applicable provisions of the Government Code for such development agreements.

**Director.** The Planning and Environmental Review Department Director of the City of Goleta or his/her designee.

**Disabled or Handicapped Person.** An individual who has a physical or mental impairment that limits one or more of that person's major life activities; anyone who is regarded as having such impairment; or anyone who has a record of having such an impairment, but not including an individual's current, illegal use of a controlled substance.

**Discretionary Permit.** Design Review Approval, Modification, Variance, Administrative Use Permit, Conditional Use Permit, Temporary Use Permit, Coastal Development, or any other appealable permit that requires findings to be made. A Zoning Clearance is not a discretionary permit unless it has been referred to the Planning Commission for action.

**Drive-Through Facilities.** Facilities designed to enable persons to receive a service or purchase or consume goods while remaining within a motor vehicle, typically associated with banks, eating and drinking establishments, pharmacies, and other commercial uses.

**Driveway.** An accessway that provides vehicular access between a street and the parking or loading facilities located on an adjacent property.

**Dwelling Unit.** One or more rooms designed, occupied, or intended for occupancy as separate living quarters, with or without full cooking, sleeping, and bathroom facilities for the exclusive use of a single household.

**Easement.** A portion of land created by grant or agreement for specific purpose; an easement is the right, privilege, or interest which one party has in the land of another.

**Effective Date.** The date on which a permit or other approval becomes enforceable or otherwise takes effect, rather than the date it was signed or circulated.

**Electrical Code.** Any ordinance of the City regulating the alteration, repair, and the installation and use of electricity or electrical fixtures.

**Emergency.** A sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.

**Energy Facility.** A public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy.

**Engineering Geologist.** A registered geologist certified as an Engineering Geologist by the State of California.

**Environmental Impact Report (EIR).** An Environmental Impact Report as required under the California Environmental Quality Act.

**Environmentally Sensitive Habitat Area (ESHA).** Any area in which plant or animal life or their habitats are rare or especially valuable because of their special nature or role in an ecosystem, and which could be easily disturbed or degraded by human activities and development. ESHAs include, without limitation: wetlands, riparian areas, habitats of rare and endangered species, rocky intertidal areas, anadromous fish streams, rookeries, and marine mammal haul-out areas.

**Environmental Review.** An evaluation process pursuant to CEQA to determine whether a proposed project may have a significant impact on the environment.

**Erect.** To build, construct, attach, hang, place, suspend, or affix to or upon any surface. Such term also includes the painting of wall signs.

**Exclusion Areas.** The geographic area of the Coastal Zone of the City, except for tide and submerged lands, beaches, and lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach; in a wetland, estuary, stream, river, or within 100 feet of such areas, or any areas defined as “environmentally sensitive habitats” or their buffers by the certified land use plan and so designated on the land use plan maps; on slopes greater than 20 percent; all areas within 300 feet of the top of the seaward face of any coastal bluff; and all lands and waters subject or potentially subject to the public trust.

**Exterior Storage.** The outdoor placement or keeping of materials in an area not fully enclosed by a storage structure.

**Façade.** The exterior wall of a building exposed to public view or that wall viewed by persons not within the building. The portion of any exterior elevation of a building extending vertically from the grade to the top of a parapet wall or eave, and horizontally across the entire width of the building elevation.

**Family.** One or more persons, related or unrelated, living together as a single housekeeping unit.

**Farmworker.** Has the same meaning as “agricultural employee” as set forth in California Labor Code § 1140.4(b).

**Feasible.** Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

**Fee and Payment Definitions.**

***Development Mitigation Fee.*** A monetary exaction or a dedication, other than a tax or special assessment, which is required by the City of the applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project, but does not include fees for processing applications for regulatory actions or approvals.

***Inclusionary Housing In-Lieu Fee or In-Lieu Payment.*** A monetary exaction or dedication, other than a tax or special assessment, which is required by the City of the applicant in lieu of constructing affordable units on-site to meet his or her affordable housing obligations through such payment. The City must deposit the payment in an Affordable Housing Trust Fund.

**Fence.** Horizontal and vertical structures described that are intended to separate properties, retain soil materials, and/or provide security; or as defined by the Building Official. Fences may also be walls, hedges, and screen planting.

**Floor Area.** The total horizontal enclosed area of all the floors below the roof and within the outer surface of the walls of a building or other enclosed structure.

**Footprint.** The horizontal area, as seen in plan view, of a building or structure, measured from the outside of exterior walls and supporting columns, and excluding eaves.

**Frontage, Street.** That portion of a lot or parcel of land that borders a public street. "Street frontage" will be measured along the common lot line separating said lot or parcel of land from the public street, highway, or parkway.

**Garage.** A building or portion thereof, containing accessible and usable enclosed space designed, constructed, and maintained for the parking or storage of one or more motor vehicles.

**General Plan.** The City of Goleta General Plan.

**Glare.** The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, such as to cause annoyance, discomfort, or loss of visual performance and ability.

**Government Code.** The Government Code of the State of California.

**Grade.** The location of the ground surface.

***Adjacent Grade.*** The lowest elevation of ground surface within five feet of the building exterior wall.

***Average Grade.*** A horizontal line approximating the ground elevation through each building on a site used for calculating the exterior volume of a building. Average grade is calculated separately for each building.

**Existing Grade.** On vacant parcels before any land development activities are undertaken, the elevation of the ground at any point on a lot as shown on the required survey submitted in conjunction with an application for a building permit or grading permit. Existing grade also may be referred to as natural grade.

**Finished Grade.** The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the lot line, or when the lot line is more than five feet from the building, between the building and a line five feet from the building.

**Guidelines.** Documents that outline and display various specifications that are adopted by the City Council, Planning Commission, or Design Review Board, including without limitation the Goleta Old Town Heritage District and Architecture and Design Guidelines, and the Design Guidelines for Commercial Projects.

**Habitable Room.** A space intended for living, sleeping, eating, or cooking, including living rooms, dining rooms, bedrooms, kitchens, dens, family rooms, recreation rooms, and enclosed porches suitable for year-round use. Specifically excluded are balconies, bathrooms, foyers, garages, hallways, laundries, open porches, pantries, storage closets, utility rooms, unfinished attics and basements, other unfinished spaces used for storage, and water closets.

**Hazardous Materials.** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

**Heat.** Thermal energy of a radioactive, conductive, or convective nature.

**HCD.** California Department of Housing and Community Development.

**Height.** The vertical distance from a point on the ground below a structure to a point directly above.

**Household.** See Family.

**Household Pets.** Animals that are customarily kept within a dwelling or a yard for the personal use or enjoyment of the residents.

**Housing Costs.** The total monthly or annual recurring expenses required of a household to obtain shelter. For a rental unit, total housing costs include the monthly rent payment and utilities. For an ownership unit, total housing costs include the mortgage payment (principal and interest), homeowner's association dues, mortgage insurance, taxes, utilities, and any other related assessments.

**HUD.** United States Department of Housing and Urban Development.

**Illegal Use.** Any use of land or building that does not have the currently required permits, and was originally constructed and/or established without permits or approvals required for the use at the time it was brought into existence.

**Improvement.** An object affixed to the ground other than a structure.

**Inclusionary Unit.** An ownership or rental housing unit that is deed-restricted at an affordable price or rent for households with extremely low, very low, low or moderate income pursuant to the City's Inclusionary Housing Program.

**Income Levels.** Income levels for households whose gross incomes do not exceed the qualifying extremely low, very low, low, and moderate income limits established in § 6932 of the California Code of Regulations, and amended periodically based on the U.S. Department of Housing and Urban Development (HUD) estimate based on the Santa Barbara County median income levels by family size. These income limits are equivalent to the following:

***Extremely Low Income Household.*** Under 30 percent of area median income, adjusted for household size appropriate for the unit

***Very Low Income Household.*** 30 to 50 percent of area median income, adjusted for household size appropriate for the unit

***Low Income Household.*** 50 to 80 percent of area median income, adjusted for household size appropriate for the unit

***Moderate Income Household.*** 80 to 120 percent of area median income, adjusted for household size appropriate for the unit

***Above Moderate Income Household.*** 120 to 200 percent of area median income, adjusted for household size as appropriate for the unit.

**Intensity of Use.** The extent to which a particular use or the use in combination with other uses affects the natural and built environment in which it is located; the demand for services; and persons who live, work, and visit the area. Measures of intensity include, without limitation, requirements for water, gas, electricity, or public services; number of automobile trips generated by a use; parking demand; number of employees on a site; hours of operation; the amount of noise, light, or glare generated; the number of persons attracted to the site, or in eating establishments, the number of seats.

**Intersection, Street.** The area common to two or more intersecting streets.

**Kitchen.** Any room or space within a building intended to be used for the cooking or preparation of food.

**Land Use.** The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained, including residential, commercial, industrial, etc.

**Landscaping-Related Definitions.**

**Backflow-Prevention Device.** A safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

**Hedge.** Any group of shrubs planted in line or in groups so that the branches of any one plant are intermingled or form contact with the branches of any other plant in the line. Hedges are not considered trees for the purposes of this Code.

**Hydrozone.** A portion of the landscaped area having plants with similar water needs.

**Landscaping.** The planting, configuration and maintenance of trees, ground cover, shrubbery, and other plant material, decorative natural and structural features (walls, fences, hedges, trellises, fountains, sculptures), earth-patterning and bedding materials, and other similar site improvements that serve an aesthetic or functional purpose.

**Mulch.** Any organic material, such as leaves, bark, straw, compost, or inorganic mineral materials, such as rocks, gravel, and decomposed granite, left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

**Pervious.** Any surface or material that allows the passage of water through the material and into the underlying soil.

**Pruning.** The removal of more than one-third of the crown or existing foliage of the tree or more than one-third of the root system.

**Runoff.** Water that is not absorbed by the soil or landscape to which it is applied, and flows from the landscape area.

**Shrub.** A bush, hedge, or any plant that is not a tree more than 12 inches tall.

**Tree.** Any live woody or fibrous plant, the branches of which spring from and are supported upon a trunk. See Tree Definitions.

**Trim.** The cutting or removal of a portion of a tree, which removes less than one-third of the crown or existing foliage of a tree, removes less than one-third of the root system, and does not kill the tree.

#### **Lighting-Related Definitions.**

**Flood Light.** Light that produces up to one thousand eight hundred (1,800) lumens is designed to flood a well-defined area with light. Generally, flood lights produce from one thousand (1,000) to one thousand eight hundred (1,800) lumens.

**Foot-candle.** A quantitative unit of measure for luminance. One foot-candle is equal to the amount of light generated by one candle shining on one square foot surface located one foot away. It is equal to one lumen uniformly distributed over an area of one square foot.

**Light Fixture.** The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirrors, and a refractor or lens.

**Shielded Fixture.** Outdoor light fixtures shielded or constructed so that light rays emitted by the lamp are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted.

**Live Adult Entertainment.** Any physical human body activity, whether performed or engaged in alone or with other persons, including, without limitation, singing, walking, speaking, dancing, acting, posing, simulating, wrestling or pantomiming, in which the performer or performers expose to public view without opaque covering of "specified anatomical areas" for entertainment value for any form of consideration.

**Living Room.** The principal room in a dwelling unit designed for general living purposes rather than for sleeping.

**Local Coastal Program (LCP).** The City's land-use plans, zoning ordinance, zoning map, and implementing actions certified by the Coastal Commission pursuant to the Coastal Act and adopted by the City Council for the purpose of carrying out the provisions of the Coastal Act.

**Lot.** A parcel, tract, or area of land whose boundaries have been established by a legal instrument, such as a deed or map recorded with Santa Barbara County, and is recognized as a separate legal entity for purposes of transfer of title, except public easements or rights-of-way. Lot types include the following:

**Abutting Lot.** A lot having a common property line or separated by a public path or lane, private street, or easement to the subject lot.

**Corner Lot.** A lot or parcel bounded on two or more sides by street lines that have an angle intersection that is not more than 135 degrees.

**Flag Lot.** A lot so shaped that the main portion of the lot area does not have access to a street other than by means of a corridor having less than 20 feet of width. Also called a "panhandle" lot.

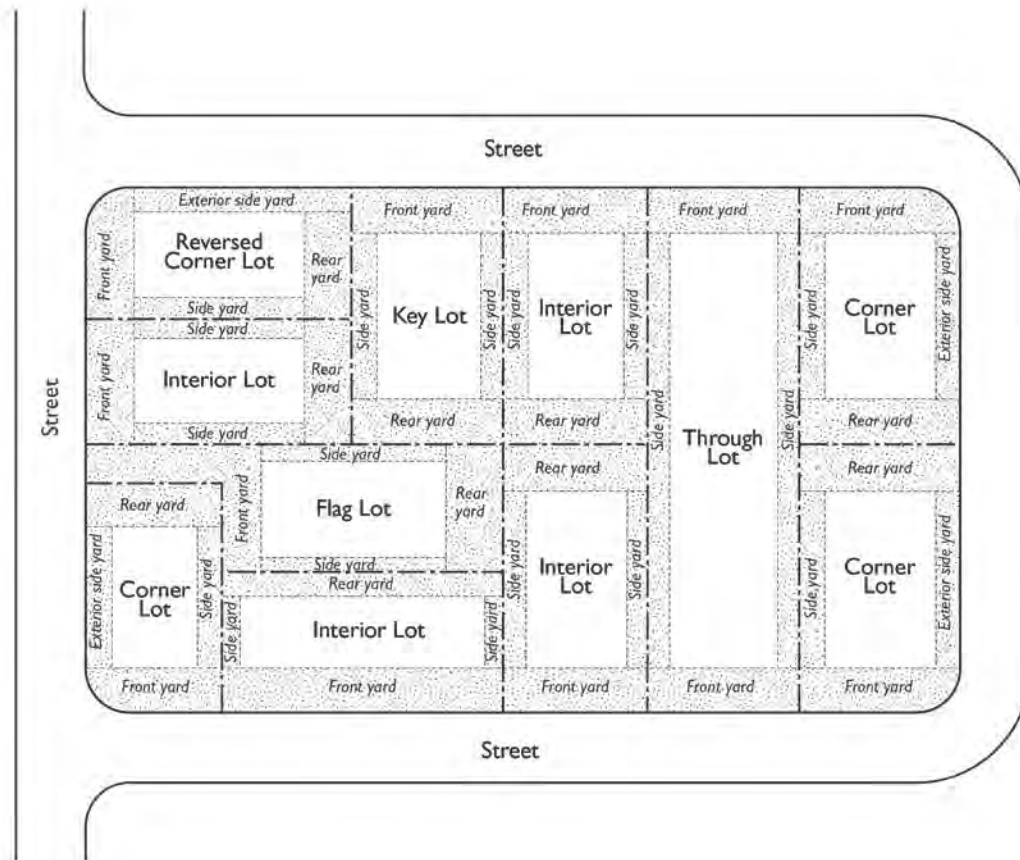
**Interior Lot.** A lot bounded on one side by a street line and on all other sides by lot lines between adjacent lots, or that is bounded by more than one street with an intersection greater than 135 degrees.

**Irregular Lot.** Any lot that does not conform to the definition of a corner lot or an interior lot including, but not limited to, through lots, pie- and reverse-pie-shaped lots, flag lots, triangular lots with double street frontages, and multi-sided lots.

**Key Lot.** A lot the side line of which abuts the rear line of one or more adjoining lots.

**Through Lot.** A lot having frontage on two parallel or approximately parallel streets.



**FIGURE 17.71.020(A): LOT AND YARD TYPES**

**Lot Area.** The area of a lot measured horizontally between bounding lot lines.

**Lot Area, Net.** The lot area minus any public rights-of-way, public easements, floodplains, environmentally sensitive areas (ESHA), and areas with archaeological or cultural resources.

**Lot Coverage.** The portion of a lot that is covered by structures, including principal and accessory buildings, garages, carports, patios with covers that are 50 percent or less open to the sky, and roofed porches, but not including unenclosed and unroofed decks, landings, or balconies.

**Lot Line.** The boundary between a lot and other property or the public right-of-way.

**Lot Line Types.**

**Front Lot Line.** On an interior lot, that portion abutting a public or private street. On a flag or panhandle lot, the interior lot line most parallel to and nearest the street or lane from which access is obtained.

**Front Lot Line, Corner Lot.** The narrowest lot line abutting a public or private street or lane.

**Interior Lot Line.** Any lot line that is not adjacent to a street.

**Rear Lot Line.** The lot line that is opposite and most distant from the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed the rear lot line for the purpose of establishing the minimum rear yard.

**Side Lot Line.** Any lot line that is not a front or rear lot line.

**Street Side Lot Line.** A side lot line of a corner lot that is adjacent to a street.

**Maintenance and Repair.** The repair or replacement of nonbearing walls, fixtures, wiring, roof, or plumbing that restores the character, scope, size, or design of a structure to its previously existing, authorized, and undamaged condition.

**Major Energy Facility.** Any energy facility as defined by Public Resources Code Section 30107 and California Code of Regulations Section 13012.

**Major Public Works Project.** Any public works project as defined by California Code of Regulations § 13012.

**Mansard.** A wall which has a slope equal to or greater than two vertical feet for each horizontal foot and has been designed to look like a roof.

**Mezzanine.** An intermediate floor within a building interior without complete enclosing interior walls or partitions that is not separated from the floor or level below by a wall, and has a floor area that is no greater than one third of the total floor area of the floor below. If an area does not meet this definition, then it is considered a second story.

**Mixed-Use Development.** A development that combines both residential and non-residential uses on the same lot.

**Municipal Code.** The City of Goleta Municipal Code.

**Noise-Related Definitions.**

**Ambient Noise Level.** The composite of noise from all sources, excluding an alleged offensive noise. In this context, the ambient noise level represents the normal or existing level of environmental noise at a given location for a specified time of day or night.

**Noise.** Any sound that annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

**Noise-Level Reduction (NLR).** The difference in decibels of noise level from the outside of a building to the interior of a building, generally resulting from various construction methods and the materials used in walls, windows, ceilings, doors, and vents of a building.

**Nonconforming Lot.** A legally created parcel of land having less area, frontage, or dimensions than the zoning regulations require in the Zoning District in which it is located.

**Nonconforming Structure.** A nonconforming structure is a structure that complied with zoning and development regulations at the time it was built but which, because of subsequent changes to the zoning and/or development regulations, no longer fully complies with those regulations.

**Nonconforming Use.** A use of real property that was in compliance with zoning regulations at the time the use was established, but which, because of subsequent changes in those regulations, is no longer a permitted use. "Non-conforming use" shall refer to both use of real property and use of structures on real property.

**Off-Site Use.** An activity or accessory use that is related to a specific primary use, but is not located on the same lot as the primary use

**On-Site Loading Facilities.** A site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas.

**On-Site Use.** An activity or accessory use that is related to a specific primary use which is located on the same lot as the primary use.

**Opacity.** A measure of the relative light impenetrability of fencing, windows, and doors, typically expressed as a percentage. An opaque object with 100 percent opacity is neither transparent (allowing all light to pass through) nor translucent (allowing some light to pass through).

**Open Space Types.**

***Private Open Space.*** Open areas for outdoor living and recreation that are adjacent and directly accessible to a single dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests. Private areas typically consist of courtyards, balconies, decks, patios, fenced yards, and other similar areas.

***Common Open Space.*** Areas for outdoor living and recreation that are intended for the use of residents and guests of more than one dwelling unit. Common areas typically consist of landscaped areas, walks, patios, swimming pools, playgrounds, turf, or other such improvements as are appropriate to enhance the outdoor environment of the development.

***Usable Open Space.*** Outdoor areas that provide for outdoor living and/or recreation for the use of residents.

**Opposite.** Across from or across the street from.

**Outdoor Storage.** The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours, except for the keeping of building materials reasonably required for construction work on the premises pursuant to a valid and current Building Permit issued by the City.

**Overlay District.** A zoning designation specifically delineated on the Districting Map establishing land use requirements that govern in addition to the standards set forth in the underlying base district.

**Owner.** A person or persons holding single or unified beneficial title to the property, including without limitation, the settlor of a grantor trust, a general partner, firm, or corporation.

**Parapet Wall.** That part of a wall that extends above the roof line.

**Parking Area.** An area of a lot, structure, or any other area, including driveways, which is designed for and the primary purpose of which is to provide for the temporary storage of operable motor vehicles.

**Parking, Bicycle.** A covered or uncovered area equipped with a rack or racks designed and useable for the secure, temporary storage of bicycles.

*Long-term.* Bicycle parking that is designed to serve employees, students, residents, commuters, and others who generally stay at a site for four hours or longer.

*Short-term.* Bicycle parking that is designed to serve shoppers, customers, messengers, guests, and other visitors to a site who generally stay for a period of less than four hours.

**Pavement.** An artificially created hard, smooth surface, especially of a public area or thoroughfare that will bear travel. Does not include turf block.

**Peak Hours.** Period of time with the greatest amount of activity and vehicles on the site.

**Permit.** Any Zoning Clearance Permit, Administrative Use Permit, Conditional Use Permit, Administrative Coastal Development Permit, Regular Coastal Development Permit, Temporary Use Permit, or other entitlement for development and/or use of property provided by zoning regulations or other provisions of the Goleta Municipal Code.

**Permitted Use.** Any use or structure that is allowed in a zoning district and subject to any restrictions applicable to that zoning district.

**Person.** Any individual, firm, association, organization, partnership, business trust, company, or corporation.

**Pier or Dock.** A platform extending from the shoreline into the ocean for the purposes of mooring, loading, or unloading ships or boats.

**Pipeline or Transmission Line.** Transportation facilities for the conveyance of water or commodities. Also includes pipeline surface and terminal facilities, pump stations, bulk stations surge and storage tanks, but does not include lateral extensions or service lines.

**Planning Commission.** The Planning Commission of the City of Goleta.

**Pre-existing.** In existence before the effective date of this Title.

**Principal Use.** A use that fulfills a primary or predominant function of an establishment, institution, household, or other entity, and occupies at least 70 percent of the gross floor area.

**Principal Structure.** A structure in which the principal use of its lot is conducted. In any residential or agricultural zone, a dwelling is deemed to be the principal structure on the lot on which it is situated.

**Project.** Any proposal for a new or changed use or for new construction, alteration, or enlargement of any structure that is subject to the provisions of this ordinance. This term includes, but is not limited to, any action that qualifies as a “project” as defined by the California Environmental Quality Act.

**Property Line.** The recorded boundary of a lot or parcel of land.

**Public Land.** Any government-owned land, including, without limitation, public parks, beaches, playgrounds, trails, paths, schools, public buildings, and other recreational areas or public open spaces.

**Public Official.** The City's elected and appointed officials and those employees who have, because of their position, policy-making authority or influence over City housing programs.

**Public Resources Code.** The Public Resources Code of the State of California.

**Public Works.** Public facilities and infrastructure, including:

All production, storage, transmission, and recovery facilities for utilities subject to the jurisdiction of the California Public Utilities Commission, except for energy facilities;

All public transportation facilities, including streets, roads, highways, mass-transit facilities and stations and bridges, public parking lots and structures, ports, harbors, airports, railroads, and other related facilities; and

All publicly financed recreational facilities.

**Public Works Director.** The Public Works Director of the City of Goleta.

**Qualified Applicant.** The property owner, the owner’s agent, or any person, corporation, partnership, or other legal entity that has a legal or equitable title to land that is the subject of a development proposal, or is the holder of an option or contract to purchase such land, or otherwise has an enforceable proprietary interest in such land.

**Reasonable Accommodation.** Any deviation requested and/or granted from the strict application of the City’s zoning and land use laws, rules, policies, practices and/or procedures under provisions of federal or California law to make housing or other facilities readily accessible to and usable by persons with disabilities and thus enjoy equal employment or housing opportunities or other benefits guaranteed by law.

**Review Authority.** Body responsible for making decisions on zoning and related applications.

**RHNA.** Regional Housing Needs Allocation as determined by the Santa Barbara County Association of Governments.

**Right-of-Way.** A strip of land acquired by reservation, dedication, prescription, or condemnation, and intended to be occupied or occupied by a road, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, or other similar use.

**Secondary Use.** A land use subordinate or accessory to a principal land use.

**Screening.** Screening refers to a wall, fence, hedge, informal planting, or berm, provided for the purpose of buffering a building or activity from neighboring areas or from the street.

**Sensitive Receptors.** Users or types of uses that are interrupted (rather than merely annoyed) by relatively low levels of noise. Such receptors include residential neighborhoods, schools, libraries, hospitals and rest homes, auditoriums, certain open space areas, and public assembly places.

**Setback.** The area between a property line and a building or structure that must be kept clear or open.

**Sidewalk.** A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

**Sight Distance Triangle.** A minimum area of unobstructed view that occurs at street intersections or driveways.

**Sign Terms.**

***A-Frame Sign.*** A portable upright, rigid, self-supporting frame sign in the form of a triangle or letter "A".

***Animated Sign.*** A sign with messages that visually change, or images that move or appear to move, more frequently than once every 24 hours, regardless of the method by which the visual change is affected. This definition does not include traditional barber poles, hand-held signs, personally attended signs, commercial mascots, scoreboards, or signs which merely display time or temperature. Animated signs include electronic message signs, sometimes called electronic reader boards. A sign that displays a series of still images which change more frequently than once per 24 hours, whether by digital, LED, or functionally equivalent method, is within this definition.

***Awning Sign.*** A sign affixed permanently to the outside surface of an awning.

***Balloon.*** An inflatable, airtight bag that can be strung together in multiple numbers to attract attention to a business location. A balloon is not within the definition of inflatable sign.

***Banner Sign.*** A sign made of fabric or any non-rigid material with no enclosing framework on which a message or image is painted or otherwise affixed.

***Billboard.*** A sign used for the purpose of general advertising for hire, that is, some or all of the display area is customarily used to display the messages of advertisers or sponsors other than the owner of the sign.

**Cabinet Sign.** An internally illuminated sign consisting of frame and face(s), with a continuous translucent message panel; also referred to as a panel sign.

**Can Sign (Box Sign).** A sign on the outside face of a metal box with or without internal illumination.

**Canopy Sign.** A sign attached to a fixed overhead shelter used as a roof, which may or may not be attached to a building.

**Changeable Copy Sign.** A sign constructed or designed to allow for periodic changes of copy, and for which the copy is changed not more than once each 24 hour period. Examples include signs for an auditorium, theater, school, house of worship, meeting hall, or similar uses characterized by public assembly and changing programs or events, or gas station prices. This definition does not include animated signs or electronic signs.

**Commercial Speech or Commercial Message.** An image on a sign that concerns primarily the economic interests of the message sponsor or the viewing audience, or both, or that proposes a commercial transaction.

**Construction Sign.** A temporary sign that describes a planned future development project on a property in words and/or drawings.

**Copy.** Also called "sign copy." The visually communicative elements mounted on a sign.

**Digital Display.** A method of displaying a communicative visual image by use of LEDs (light emitting diodes) or their functional equivalent, that allows for the message or image to be easily changed, typically by remote control or computer programming. This definition applies to signs displaying a series of still images, as well as those presenting the appearance of motion.

**Directional Sign.** An on-site sign that directs or guides pedestrian or vehicular traffic and which is non-advertising in nature, except for a logo and directional information (e.g., handicapped parking, one-way, exit, and entrance).

**Electronic Copy.** A sign having the capability of presenting variable message displays by projecting an electronically controlled pattern, and which can be programmed to periodically change the message display.

**Establishment.** Any use of land involving buildings or structures in which human activities routinely occur, not including residential (or transient occupancy) uses or uses where human presence is not routine (transmission towers, power transformers, automated facilities, etc.).

**Flag.** Any fabric or banner containing distinctive colors, patterns, or design that displays the symbol(s) of a nation, state, local government, company, organization, belief system, idea, decoration, or other meaning.

**Flashing Sign.** A sign which, by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion or creates the illusion of motion, or revolves to create the illusion of being on or off. This definition does not include electronic signs with digital displays of changeable copy that change less frequently than twice during a 24-hour period.

**Freestanding Sign.** A sign supported by structures or supports that are placed on or anchored in the ground, and which are structurally independent from any building, including “monument signs,” “pole signs,” and “ground signs.”

**Fuel Pricing Sign.** A sign that indicates, and is limited to, the brand or trade name, method of sale, grade designation, and price per gallon of gasoline or other motor vehicle fuel offered for sale on the business premises, and such other information as may be required by county ordinance or State law.

**Graffiti.** Marks, such as inscriptions, drawings, or designs, which are placed, scratched, etched, painted, or sprayed on public or private property without the owner’s consent.

**Illuminated Sign.** A sign with an artificial source of light incorporated internally or externally for the purpose of illuminating the sign.

**Inflatable Sign.** A form of inflatable device (e.g., shaped as an animal, blimp, or other object) that is displayed, printed, or painted on the surface of an inflatable background, and is primarily installed outside or on the roof of a building to attract attention to or to advertise a business, a business location, a service, a product, or an event.

**Internally Illuminated Sign.** A sign that is illuminated by a light source that is contained inside the sign where the message area is luminous, including cabinet signs and channel-letter signs.

**Lighted Sign.** A sign that is illuminated by any artificial light source, whether internal, external, or indirect.

**Master Sign Program.** A coordinated sign plan which includes details of all signs (not including exempt or temporary signs) which are or will be placed on a site, including master identification, individual business and directory signs.

**Mobile Billboard.** Any vehicle, or wheeled conveyance which carries, conveys, pulls, displays, or transports any sign or billboard for the primary purpose of advertising a commercial or noncommercial message, or other general advertising for hire.

**Moving Sign.** A sign or any portion thereof that rotates, moves, or appears to move in some manner by mechanical, electrical, natural, or other means.

**Mural.** A work of graphic art on an exterior building wall that may or may not contain a commercial logo or trademark but does not serve to advertise or promote any business, product, activity, service, interest, or entertainment.



**Non-Commercial Message.** A message or image on a sign that directs public attention to or advocates an idea or issue of public interest or concern that does not serve to advertise or promote any business, product, activity, service, interest, or entertainment.

**Nonconforming Sign.** A sign lawfully erected and legally existing on the effective date of this Title, or of amendments thereto, but which does not conform to the provisions of Chapter 17.41, Signs.

**Off-Site or Off-Premise Sign.** A sign that identifies, advertises or attracts attention to a business, product, service, event or activity sold, existing or offered at a different location. The off-site/on-site distinction applies only to commercial messages.

**On-Site or On-Premise Sign.** Any sign or portion thereof that identifies, advertises, or attracts attention to a business, product, service, event or activity sold, existing or offered upon the same property or land use as the sign. The off-site/on-site distinction applies only to commercial messages.

**Pennant.** A device made of flexible materials, (e.g., cloth, paper, or plastic) that may or may not contain copy, and which is installed for the purpose of attracting attention.

**Pole Sign.** A freestanding sign supported by one or more poles that are permanently attached directly into or upon the ground.

**Political Sign.** A sign that advertises a candidate, a political party, or a political issue related to a local, state, or national election.

**Portable Sign.** A freestanding sign that is not permanently affixed, anchored, or secured to either the ground or a structure on the property it occupies.

**Projecting Sign** A single or double faced sign that is perpendicular to the face of a building and projects more than 18 inches from the face. This category includes awning and under canopy signs.

**Real Estate Sign.** A temporary sign that advertises the sale, lease, or rental of the property on which the sign is located, but not including signs on establishments offering transient occupancy, such as hotels, motels, and inns.

**Roofline.** The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, elevator shafts, stair towners, or other projections.

**Roof Sign.** Any sign located on a roof of a building or having its major structural supports attached to a roof.

**Sign.** Any identification, description, illustration, or device illuminated or non-illuminated, which is visible to the general public from any exterior public right-of-way, and directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, or placard designed to advertise, identify, or convey

information. A display, device, or thing need not contain lettering to be a sign. Notwithstanding the generality of the foregoing, the following are not within this definition:

*Architectural features.* Decorative or architectural features of buildings (not including lettering, trademarks or moving parts), that do not perform a communicative function;

*Fireworks, etc.* The legal use of fireworks, candles and artificial lighting not otherwise regulated by this Code;

*Foundation stones, cornerstones;*

*Grave markers, grave stones, headstones, mausoleums, shrines, and other markers of the deceased;*

*Personal Appearance.* Items or devices of personal apparel, decoration or appearance, including tattoos, makeup, wigs, costumes, and masks, but not including commercial mascots or hand-held signs; and

*Symbols Embedded in Architecture.* Symbols of noncommercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently integrated into the structure of a permanent building, including stained glass windows on churches, carved or bas relief doors or walls, bells, and religious statuary.

**Sign Area.** The area contained within a single continuous perimeter enclosing all parts of such sign copy, excluding any structural elements outside the limits of the sign required to support the sign.

**Sign Face.** An exterior display surface of a sign, including non-structural trim, exclusive of the supporting structure. The area of a sign which is available for mounting and public display of the visually communicative image.

**Subdivision Sign.** A temporary sign which provides necessary travel directions to and within a subdivision offered for sale or lease for the first time, but which contains no other advertising matter.

**Temporary Sign.** A structure or device used for the public display of visual messages or images, which is typically made of lightweight materials which is not intended for or suitable for long term or permanent display.

**Traffic Sign.** A sign for traffic direction, warning, and roadway identification.

**Wall Sign (Wall-Mounted Sign).** A sign affixed to and wholly supported by a building in such a manner that its exposed face is approximately parallel to the plane of such building, and is not projecting more than 18 inches from the building face or from a permanent, roofed structure projecting therefrom.

**Window Sign.** A temporary or permanent sign with a single face of copy that is painted or installed on a glass window or door, or located within 12 inches from inside the window, in a manner that it can be viewed from the exterior of a structure.

**Site.** A lot, or group of contiguous lots, that is proposed for development in accordance with the provisions of this Title and is in a single ownership or under unified control.

**Site Coverage.** The percentage of total site area occupied by structures, sidewalks, pavement, and other impervious surfaces.

**Soil.** Naturally occurring superficial deposits overlying bedrock.

**Soils Engineer (Geotechnical Engineer).** An engineer experienced and knowledgeable in the practice of soils (geotechnical) engineering.

**Specific Plan.** A plan for all or part of the area covered by the General Plan that is prepared to be consistent with and to implement the General Plan, pursuant to the provisions of Government Code, §§ 65450 et seq.

**Specified Anatomical Areas.** Any of the following: less than completely and opaquely covered human, genitals or pubic region, buttocks, and female breast below a point immediately above the top of the areola; human male genitals in a discernibly turgid state even if completely and opaquely covered; and any device, costume, or covering that simulates any of the body parts described above.

**Specified Sexual Activities.** Any of the following, whether performed directly or indirectly through clothing or other covering: the fondling or other erotic touching of human genitals, public region, buttocks, anus, or female breasts; sex acts, actual or simulated, including intercourse, oral copulation, or sodomy; masturbation, actual or simulated; or excretory functions as part of, or in connection with, any of the activities described above.

**State.** The State of California.

**Story.** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story is that portion of a building included between the upper surface of the topmost floor and the upper surface of the roof above

**Stream.** Watercourses, including streams, drainage ways, small lakes, ponds, and marshy areas through which streams pass. Coastal wetlands are not considered streams.

**Street.** A public or private thoroughfare, which affords the principal means of access to a block and to abutting property. "Street" includes avenue, court, circle, crescent, place, way, drive, boulevard, highway, road, and any other thoroughfare, except an alley or walkway.

**Street Line.** The boundary between a street and a lot or parcel of land.

**Structural Alterations.** Any physical change to or the removal of the supporting members of a structure or building, such as bearing walls, columns, beams, or girders, including the creation, enlargement, or removal of doors or windows and changes to a roofline or roof shape.

**Structure.** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

***Structure, Accessory.*** A detached subordinate structure, used only as incidental to the main structure on the same lot.

***Structure, Primary (Structure, Main).*** A structure housing the principal use of a site or functioning as the principal use.

***Structure, Temporary.*** A structure without any foundation or footings, and which is intended to be removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

**Swimming Pool.** A pool, pond, lake, or open tank capable of containing water to a depth greater than 1.5 feet at any point.

**Tandem Parking.** An arrangement of parking spaces such that one or more spaces must be driven across in order to access another space or spaces.

**Telecommunication Terms.**

***Antenna.*** Any system of wires, poles, rods, horizontal or vertical elements, panels, reflecting discs, or similar devices used for the transmission and/or reception of electromagnetic waves.

***Antenna Structure.*** An antenna array and its associated support structure, such as a pole, mast, or tower, but not including a suspended-wire antenna that is used for the purpose of transmission and reception of electromagnetic signals, such as radio waves and microwaves.

***Antenna structure, freestanding.*** An antenna structure or mast designed and primarily used to support one or more antennas, that is not attached to any part of a building, fence, or other such structure. Freestanding antenna structures include lattice towers, wooden utility poles, and monopoles. If the total height of the structure, including the antenna, is at least 17 feet high, it is treated as a monopole.

***Antenna structure, monopole.*** An antenna structure, often tubular in shape, usually made of metal, reinforced concrete, or wood, which is at least 17 feet in height and is constructed without guy wires and ground anchors. A monopole may also be an alternative antenna structure that is designed to replicate a tree or other natural feature.

**Co-Location.** The location of two or more wireless communications facilities owned or used by more than one public or private entity on a single support structure, or otherwise sharing a common location. Co-location also includes the location of wireless communications facilities with other facilities, such as buildings, water tanks, light standards, and other utility facilities and structures.

**Mast.** A pole of wood or metal or a tower fabricated of metal that is used to support an antenna and maintain it at the proper elevation.

**Satellite Dish.** A device (also known as a parabolic antenna) incorporating a reflective surface that is solid, open, or mesh or bar-configured, and is in the shape of a shallow dish, cone, horn cornucopia, or flat plate that is used to receive or transmit radio or electromagnetic waves between terrestrially and/or orbitally based units. This term includes satellite earth stations, satellite receivers, satellite discs, direct broadcast systems, television-reception-only systems, and satellite microwave antennas.

**Stealth, Camouflage, or Camouflage Facility.** A wireless communication facility in which the antenna, and sometimes the support equipment, are hidden from view in a faux tree, monument, cupola, or other concealing structure which either mimics, or which also serves as, a natural or architectural feature.

**Support Equipment.** The physical, electrical, and/or electronic equipment included within a telecommunication facility used to house, power, transport, and/or process signals from or to the facility's antenna or antennas.

**Telecommunication Facility.** A facility that transmits and/or receives wireless radio signals or electromagnetic waves, including but not limited to, directional, omnidirectional, and parabolic antennas, structures, or towers to support receiving and/or transmitting devices, supporting equipment and structures, and the land or structure on which they are all situated, for communication purposes including data transfer. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or reception of such signals; telecommunication towers or similar structures supporting said equipment; equipment buildings; parking areas and other accessory development. It does not include facilities staffed with other-than-occasional maintenance and installation personnel or broadcast studios, or mobile-transmitting devices, such as vehicle or handheld radios/telephones and their associated transmitting antennas.

**Telecommunication Facility, Co-Located.** A telecommunication facility comprised of a single telecommunications pole, tower, or building supporting one or more antennas, dishes, or similar devices owned or used by more than one public or private entity.

**Telecommunication Facility, Height.** The distance from the natural, undisturbed ground surface below the center of the base of said tower to the top of the tower itself, or, if higher, the tip of the highest antenna or piece of equipment attached to the tower. In the case of an antenna or antenna-support structure mounted on a building or structure, the

height of the antenna and/or antenna-support structure includes the height of the portion of the building on which it is mounted.

**Telecommunication Facility, Multiple Users.** A telecommunication facility comprised of multiple telecommunication towers or buildings supporting one or more antennas, owned or used by more than one public or private entity.

**Telecommunication Facility Operator.** Any person, firm, corporation, company, or other entity that directly or indirectly owns, leases, runs, manages, or otherwise controls a telecommunication facility or facilities within the City.

**Telecommunication Site, Co-Located.** Any site where more than one antenna-support structure is installed in close proximity to another on the site.

**Tower, Lattice.** A multiple-sided, open, metal frame support structure that supports antennas and related equipment, typically with three or four support legs.

**Wireless Telecommunications Facility (WTF).** Personal wireless service facilities as defined by the federal Telecommunications Act of 1996, as amended, including, but not limited to, facilities that transmit and/or receive electromagnetic signals for cellular radio telephone service, personal communications services, enhanced specialized mobile services, paging systems, and related technologies. Such facilities include antennas, microwave dishes, parabolic antennas, and all other types of equipment used in the transmission or reception of such signals; telecommunication towers or similar structures supporting said equipment; associated equipment cabinets and/or buildings; and all other accessory development used for the provision of personal wireless services. These facilities do not include radio towers, television towers, and government-operated public-safety networks.

**Tenant.** A person renting or leasing a housing unit or non-residential space.

**Termination of Use Terms.**

**Termination Order (also "Order of Termination").** An Order made by the City Council as provided herein to order that a legal non-conforming use shall be terminated and/or discontinued, and shall no longer exist at the end of a specified period of time.

**Termination Period.** The time period between the date that the City Council issues a Termination Order as provided herein, and the date by which the legal nonconforming use must be terminated and/or discontinued and after which it shall no longer exist.

**Effective Date of Termination.** The date that the non-conforming use shall be discontinued, removed, or altered to conform to the provisions of the Goleta Municipal Code and Zoning Ordinance and after which it shall no longer exist.

**Trailer.** A vehicle with or without motor power, which is designed or used for hauling materials or vehicles, or for human habitation, office, or storage including camper, recreational vehicle, travel trailer, and mobile home, but not including mobile homes on a permanent foundation.

**Unit Owner.** The holder of record in fee title to a dwelling unit. "Unit owner" includes a contract purchaser ("vendee") under an installment land contract.

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

***Accessory Use.*** A use that is customarily associated with, and is incidental and subordinate to, the primary use and located on the same lot as the primary use, and occupies not more than 30 percent of the gross floor area.

***Incidental Use.*** A secondary use of a lot and/or building that is located on the same lot, but is not customarily associated with the primary use.

***Permitted Use.*** Any use or structure that is allowed in a zoning district without a requirement for approval of an Administrative Use Permit or Conditional Use Permit, but subject to any restrictions applicable to that zoning district.

***Primary Use.*** A primary, principal, or dominant use established, or proposed to be established, on a lot and occupies at least 70 percent of the gross floor area of the tenant space or building.

**Use Classification.** A system of classifying uses into a limited number of use types on the basis of common functional, product, or compatibility characteristics. All use types are grouped into the following categories: residential, public and semi-public, commercial, employment, and transportation, communication, and utilities.

**Use Permit.** A discretionary permit, such as an Administrative Use Permit or Conditional Use Permit, which may be granted by the appropriate City of Goleta authority to provide for the accommodation of land uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, which are not permitted as of right, but which may be approved upon completion of a review process and, where necessary, the imposition of special conditions of approval by the permit granting authority.

**Use Type.** A category that classifies similar uses based on common functional, product, or compatibility characteristics.

**Utilities.** Equipment and associated features related to the mechanical functions of a building(s) and services such as water, electrical, telecommunications, and waste.

**Variance.** A discretionary grant of permission to depart from the specific requirements of this Title that is warranted when, due to special circumstances regarding the physical characteristics of the property, the strict application of standards would deprive the property of privileges available to other property in the same zoning classification.

**Vehicle.** Any vehicle, as vehicle is defined by the California Vehicle Code, including any automobile, camper, camp trailer, trailer, trailer coach, motorcycle, house car, boat, or similar conveyance.

**Visible.** Capable of being seen (whether or not legible) by a person of normal height and visual acuity walking or driving on a public road or in a public place.

**Wall.** Any vertical exterior surface of building or any part thereof, including windows.

**Yard.** An open space, other than a court on a lot, that is unoccupied and unobstructed from the ground upward, except as otherwise permitted by this Title.

***Front Yard.*** A yard extending across the front of a lot for the full width of the lot between the side lot lines. The depth of a front yard is a distance specified by this Title for the district in which it is located and measured inward from the front lot line.

***Interior Side Yard.*** A yard extending along an interior side of a lot from the front lot line to the rear lot line, and to a depth specified by this Title for the district in which it is located and measured inward from the interior side lot line.

***Street Side Yard.*** A yard extending along the street side of a corner lot from the front lot line to the rear lot line, and to a depth specified by this Title for the district in which it is located and measured inward from the street side lot line.

***Rear Yard.*** A yard extending across the rear of a lot for its full width between side lot lines, and to a depth specified by this Title for the district in which it is located. If a lot has no rear lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed the rear lot line for the purpose of establishing the minimum rear yard.

**Zero Lot Line.** The location of a building on a lot in such a manner that one or more building sides rests directly on a lot line.

**Zoning Administrator.** The Zoning Administrator of the City of Goleta.

**Zoning District.** A specifically delineated area or district in the city, within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings.