

## Chapter 17.41 Signs

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### 17.41.010 Purpose

The purpose of this Chapter is to regulate signs as an information system that preserves and enhances the aesthetic character and environmental values of the City, its residential neighborhoods, its visitor-oriented uses, and commercial/industrial areas, while also providing an effective means for members of the public to express themselves through the display of signs. More specifically, this Chapter is intended to:

- A. Promote communications through signs that aid orientation and promote economic vitality;
- B. Maintain and enhance the City's appearance by regulating the design, character, location, number, type, quality of materials, size, illumination, and maintenance of signs;
- C. Limit commercial signage to on-site locations to ensure that signage is primarily used as identification in order to protect the City's aesthetic environment from the visual clutter associated with the unrestricted proliferation of signs, while providing channels of communication to the public;
- D. Restrict signs that may create a nuisance to nearby properties, violate privacy, or create hazards or unreasonable distractions for pedestrians or drivers; and
- E. Ensure that the constitutionally guaranteed right of free speech is protected.

### 17.41.020 Applicability

This Chapter regulates signs that are located or mounted on private property within the corporate limits of the City, as well as signs located or mounted on public property that are owned or controlled by public entities other than the City, over which the City has land use or zoning

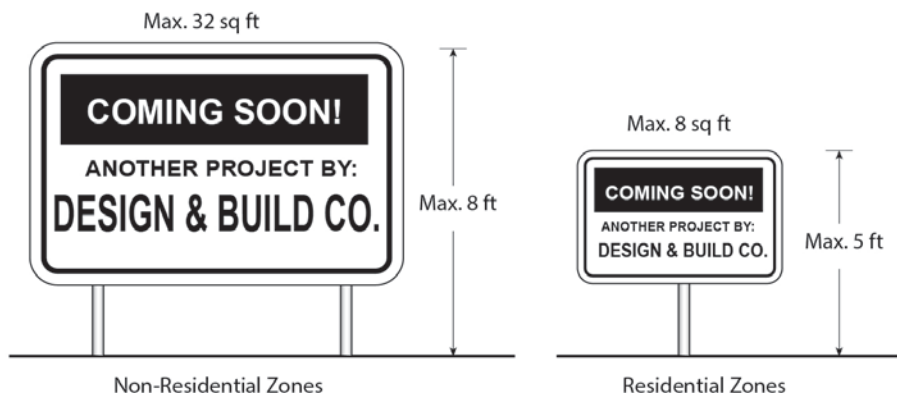
authority. The provisions in this Chapter apply in all zoning districts of the City. No sign within the regulatory scope of this Chapter may be erected or maintained anywhere in the City except in conformity with this Chapter.

**17.41.030 Exempt Signs**

The following signs are exempt from the provisions of this Chapter.

- A. **Address Signs.** Required address identification signs that are in conformance with the Building Code.
- B. **Change of Business Signs.** A temporary attachment or covering of wood, plastic, or canvas over a permanent sign indicating a change of ownership or activity may be displayed for no longer than 60 days following the change of ownership or activity for which the sign is intended. The sign must be no larger than the previously permitted permanent sign.
- C. **Commemorative Signs.** Commemorative plaques, memorial signs or tablets, or signs indicating names of buildings and dates of building erection, either attached to or cut into the surfaces of buildings, provided that no such sign exceeds three square feet in area.
- D. **Construction Signs.** A temporary construction sign may be erected on a construction site for the duration of construction activities, provided that it is immediately removed after issuance of a Certificate of Occupancy or Certificate of Completion for the project, or abandonment of work. A temporary construction sign may not exceed 32 square feet in area and eight feet in height within non-residential zones or eight square feet in area and five feet in height within residential zones.

**FIGURE 17.41.030(D): CONSTRUCTION SIGNS**

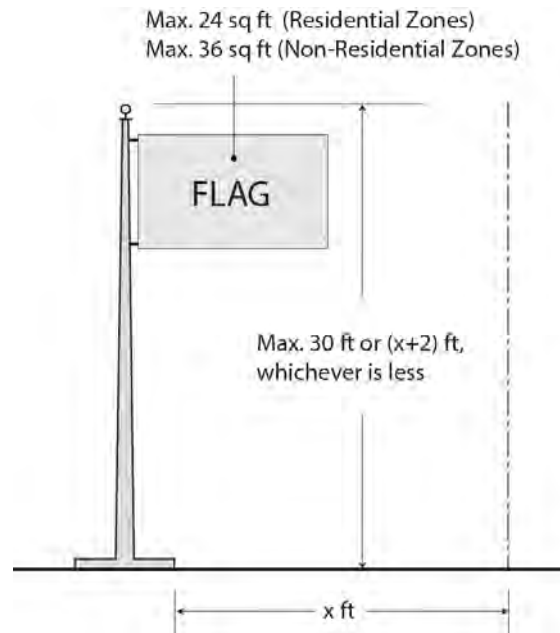


- E. **Directional Signs.** Directional and/or informational signage is allowed provided it is limited to outlining/assisting vehicle and pedestrian circulation within a site, egress,

ingress, and any public facilities such as restrooms, telephones, walkways, and other similar features.

- F. **Directional Signs for Open Houses.** Up to three off-site signs directing the public to "open house" events for the viewing of lots, premises, dwellings or structures that are for sale, lease, or rent, are permitted on private land, provided they comply with the following standards:
1. No sign or signs exceeds four square feet in area, or three feet in height from finished grade.
  2. The sign or signs may not be placed more than 12 hours before the start or remain more than 12 hours after the conclusion of the open house event.
- G. **Equipment Signs.** Signs incorporated into permitted displays, machinery, or equipment by a manufacturer, distributor, or vendor and identifying or advertising only the product or service dispensed by the machine or equipment, such as signs customarily fixed to automated teller machines (ATMs) and gasoline pumps.
- H. **Flags.** Flags of a governmental entity or a civic, philanthropic, educational, or religious organization may be erected and located in accordance with the following standards:
1. **Location.** Flagpoles must not be located within any required street facing yard setbacks.
  2. **Maximum Flagpole Height.** If a flag is on a flag pole, the pole height must not exceed 30 feet or the distance from the base of the pole to the closest lot line plus two feet, whichever is less.
  3. **Maximum Size.** The maximum individual flag area on a lot is 24 square feet in R districts and 32 square feet in all other districts.

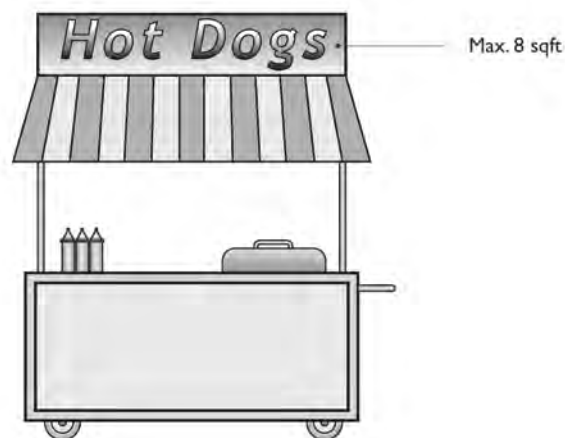
**FIGURE 17.41.030(H): FLAGS**



- I. **Government Signs.** Official notices issued by a court, public body, or office and posted in the performance of a public duty; notices posted by a utility or other quasi-public agency; signs erected by a governmental body to direct or regulate pedestrian or vehicular traffic; non-commercial bus stop signs erected by a public transit agency, or other signs required or authorized by law.
- J. **Informational Signs.** Non-commercial informational signs located wholly on private property, not exceeding two square feet in area, erected for the convenience of the public, such as signs identifying rest rooms, public telephones, walkways, and similar features or facilities.
- K. **Interior Signs.** Signs that are located in interior areas of a building or site and are not visible from public streets or adjacent properties. For the purpose of this regulation, “visible” means legible to a person of ordinary eyesight (with vision adequate to pass a State driver’s license exam) standing at ground level at a location on the public right of way or other private property.
- L. **Historical Plaques.** Plaques, not to exceed two square feet, commemorating the site of a historical event, the residence or workplace of a historical figure, or a building whose architectural or historical character is recognized by the City as part of the City’s cultural heritage.
- M. **Holiday Displays.** Holiday and cultural observance decorations on private residential property that are on display for not more than 45 calendar days per holiday per lot or use) and do not include commercial advertising messages.

- N. **Manufacturers' Marks.** Marks on tangible products, which identify the maker, seller, provider, or product, and which customarily remain attached to the product even after sale.
- O. **Menu Displays.** Menu display boards, not exceeding two square feet in area, mounted on a wall or in a window near the main entrance of establishments serving food to customers who eat on the premises. A-frame signs with menu displays may be permitted if they are located at the restaurant entrance outside of the public right-of-way and are moved from outside of the premise after the restaurant is closed.
- P. **Mobile Vendor Signs.** Signs fixed to mobile vending carts that identify or advertise the name, product, or service provided by the vendor. Each mobile vending cart is limited to a maximum sign area of eight square feet.

**FIGURE 17.41.030(P): MOBILE VENDOR SIGNS**



- Q. **Murals.** Murals that do not contain any advertising copy or function as advertising.
- R. **Newspaper Stands.** Signs that are part of newspaper stands, provided the sign area does not exceed six square feet.
- S. **On-Site Real Estate Signs.** On-premises signs conveying information about the sale, rental, or lease of the appurtenant lot, premises, dwelling, or structure, provided that they comply with the following standards:
1. The sign or signs are not illuminated;
  2. The sign or signs are removed within seven days after the sale, lease, or rental of the property has been completed; and

3. **Freestanding Real Estate Signs.**
  - a. No more than one real estate sign per public street frontage per lot is displayed at any one time;
  - b. The sign or signs do not exceed an aggregate area of 32 square feet within non-residential zones or eight square feet in area within residential zones;
  - c. The maximum height of the signs and supports is six feet;

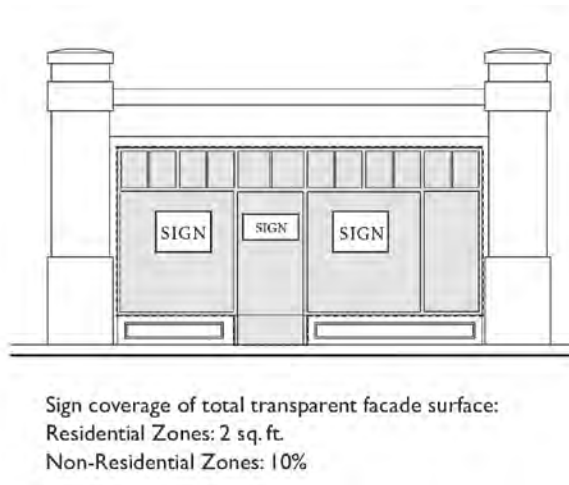
**FIGURE 17.41.030(S): ON-SITE REAL ESTATE SIGNS**



4. **Wall Real Estate Signs.**
    - a. Signs cannot exceed six square feet in area.
    - b. The maximum height of the signs is seven feet.
- T. **Special Event Sign.** A temporary sign with a maximum area of 40 square feet related to events of limited duration located on each street frontage. Special event signs must be removed within 24 hours of completion of the event.
- U. **Subdivision Signs.** A maximum of three unlighted double-faced temporary subdivision signs, not exceeding 40 square feet in area per display face and 15 feet in overall height, may be erected and maintained with a subdivision during sale of the lots. Such signs must be located within the subdivision and also be a minimum distance of 300 feet apart from each other. All subdivision signs must be removed at the close of escrow of the model complex houses.
- V. **Sponsorship Signs.** One sponsorship sign for each sponsor or one sign for all sponsors, which sponsor and contribute to the sports activities upon public premises, not to exceed 36 square feet in area per site, will be permitted for a period not to exceed one year preceding the event. Such sign must be removed within 15 days after the event.

- W. **Time and Temperature Devices.** Time and temperature devices, not taller in height than permitted signs or larger than 12 square feet, located wholly on private property and bearing no commercial message.
- X. **Vehicle and Vessel Insignia.** On street-legal vehicles and properly licensed watercraft: license plates, license plate frames, registration insignia, messages relating to the business of which the vehicle or vessel is an instrument or tool (not including general advertising) and messages relating to the proposed sale, lease, or exchange of the vehicle or vessel. The total area of such exempt signage must not exceed one square foot per lineal foot of length of the vehicle or watercraft.
- Y. **Window Signs.** Window Signs, whether permanent or temporary, subject to the following provisions:
  1. In residential zones and on residential properties, one window sign not exceeding two square feet on any building façade.
  2. In non-residential zones, window signs not exceeding 10 percent of the area of window and transparent door frontage on any building façade. Any sign either hung within two feet of a window or attached to a display located within two feet of a window is considered a window sign and must be counted in determining compliance with this standard.

**FIGURE 17.41.030(Y): WINDOW SIGNS**



- Z. **Protected Non-Commercial Political and Free Speech Signs on Residential Uses.** Non-illuminated temporary signs displaying protected non-commercial messages that are no more than four feet in height and no more than six square feet in area may be displayed at any time. However, during the period of time beginning 60 days before a general, special, primary or runoff election, and ending 15 days after such election, the amount of display area may be doubled. All signage displayed under this Section must be removed

15 days after the corresponding election. Flags do not count toward the signage allowed under this provision. This display area allowance is in addition to that allowed under the message substitution provision of this Chapter.

- AA. **Protected Non-Commercial Political and Free Speech Signs on Non-Residential Uses.** On commercial, business, industrial, and manufacturing uses, non-illuminated temporary signs displaying protected non-commercial messages, a maximum of six feet in height and totaling no more than 25 square feet in area, may be displayed at any time. However, during the period of time beginning 60 days before a general, special, primary, or runoff election, and ending 15 days after such election, the amount of display area may be doubled. Flags do not count toward the signage allowed under this provision. This display area allowance is in addition to that allowed under the message substitution policy.

#### **17.41.040 Prohibited Signs**

Unless otherwise permitted by a specific provision of this Chapter, the following sign types are prohibited in all zones:

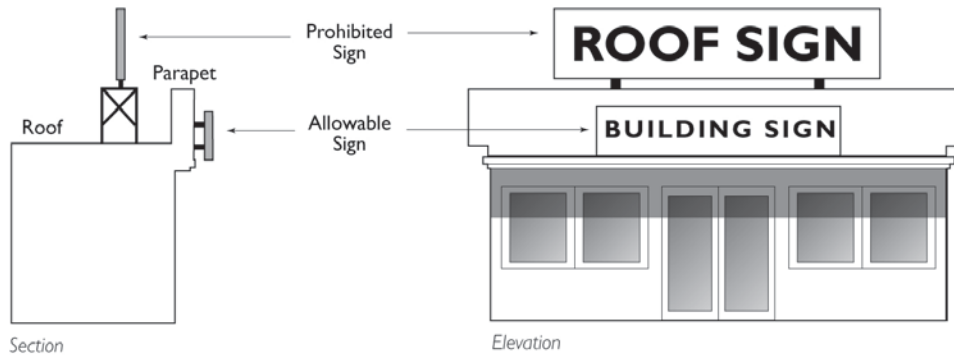
- A. **Animated and Moving Signs.** Signs that blink, flash, shimmer, glitter, rotate, oscillate, move, or which give the appearance of blinking, flashing, shimmering, glittering, rotating, oscillating, or moving. This provision does not apply to holiday lights and signs using digital display technology, such as LED (light emitting diodes) or functionally equivalent display methods, which are permitted, subject to the regulations of this Chapter.
- B. **Banners, Balloons, Inflatable Signs, Streamers, Pennants and Other Attention-Getting Devices.** Banners, balloons, inflatable signs, streamers, pennants, flags, and other attention-getting devices, made of light-weight fabric or similar material, designed to rotate or move with the wind, that direct, promote, or that are otherwise designed to attract attention.
- C. **Cabinet or Can Signs.** Internally lit cabinet and can signs.
- D. **General Advertising (for Hire).** Temporary or hand-held signs that publicize or promote other businesses or causes using methods of advertising (in contrast to self-promotion, on-site sales, or on-site advertising). General advertising is also known as advertising for hire.
- E. **Light Bulb Strings.** External displays which consist of unshielded light bulbs, festoons, and strings of open light bulbs.
- F. **Mobile Billboards.** Any sign carried or conveyed by a vehicle for the primary purpose of general advertising for hire, excluding signs on taxis and buses.



**FIGURE 17.41.040(F): MOBILE BILLBOARDS**

- G. **Permanent Outdoor Signs Displaying Off-Site Businesses.** Permanent structure signs displaying general advertising for hire.
- H. **Portable Signs.** Portable signs are prohibited in all zones.
- I. **Signs Located in the Public Right-of-Way.** Other than official government signs or warning signs required by law, no inanimate sign can be placed in median strips or islands, on sidewalks, trees, retaining walls, bridges, benches, traffic signals, public fences, poles or utility equipment, street lighting, or utility poles or on traffic signs or traffic sign posts or supporting structures, or on utility poles or anchor wires or guy wires.
- J. **Signs Affixed to Trees.** No sign can be affixed to or cut into any tree or other living vegetation.
- K. **Signs on Terrain.** No sign may be cut, burned, marked, or displayed in any manner on a cliff or hillside.
- L. **Signs of Certain Materials.** Signs cannot be made of lights, roofing, siding, paving materials, flora, or balloons, or any other similar building, landscaping, or decorative component.
- M. **Roof Signs.**
  - 1. Attached signs that extend above the roofline or parapet (whichever is higher) of a building with a flat roof.
  - 2. Attached signs that extend above the deck line of a mansard roof.
  - 3. Signs on rooftop structures, such as penthouse walls or mechanical enclosures.

**FIGURE 17.41.040(M): ROOF SIGNS**



- N. **Search Lights and Klieg Lights.** When used as attention-attracting devices for commercial or special events or commercial film-making.
- O. **Signs Creating Traffic Hazards or Affecting Pedestrian Safety.** Signs must not be placed or located in such a manner as to constitute a safety hazard or to impede the public use of the public right-of-way.
1. Signs placed, mounted, erected, or installed in any manner that obstructs use of any door, window or fire escape;
  2. Signs mounted or displayed in such a manner that blocks or impedes the normal pedestrian use or public sidewalks. A minimum unobstructed width of four feet must be maintained on sidewalks at all times.
  3. Signs located in such a manner as to constitute a traffic hazard or obstruct the view of traffic, any authorized traffic sign, or signal device;
  4. Signs that may create confusion with any authorized traffic sign, signal, or device because their color, location, or wording, or use of any phrase, symbol, or character interferes with, misleads, or confuses vehicular drivers in their use of roads or conflicts with any traffic control sign or device;
  5. Signs within five feet of a fire hydrant, street sign, or traffic signal.
  6. Sign at or near any street intersection that will obstruct the free and clear vision of drivers and pedestrians. Other than traffic control signals, no sign can be installed in the visibility triangle at intersections, extending horizontally 15 feet from the corner of the intersection and vertically, from a height of three feet to a height of eight feet.
- P. **Signs for Prohibited Uses.** A sign displaying a commercial message promoting a business that is a prohibited use and has not been established as a legal nonconforming use.

- Q. **Signs on Public Property.** No sign, or supporting sign structure, may be erected in the public right of way, including portable A-frame signs. This provision does not prohibit signs that are mounted on private property but project into or over public property or the public right-of-way, when such sign is authorized by an encroachment permit or by this Chapter.
- R. **Signs that Produce Noise or Emissions.** Signs that produce visible smoke, vapor, particles, odor, noise, or sounds that can be heard at the property line, excluding voice units at menu boards and devices for servicing customers from their vehicles, such as drive-up windows at banks.

### 17.41.050 Sign Design Principles

The following sign design principles will be used as criteria for review and approval of sign permits and Master Sign Programs.

- A. **Architectural Compatibility.** A sign (including its supporting structure, if any) should be designed as an integral design element of a building's architecture and be architecturally compatible, including color and scale, with any building to which the sign is to be attached and with surrounding structures. A sign that covers a window or that spills over "natural" boundaries or architectural features and obliterates parts of upper floors of buildings is detrimental to visual order and will not be permitted. Common indicators of compatibility include:
1. Quality sign design and construction;
  2. Proportional size and scale; and
  3. Use of materials, shapes and colors that complement the building's architectural style and the surrounding environment.
- B. **Legibility.** The size, length, and proportion of the elements of the sign's message, including logos, letters, icons and other graphic images, should be selected based on the average distance and average travel speed of the viewer. Sign messages oriented towards pedestrians may be smaller than those oriented towards automobile drivers. Colors chosen for the sign text and/or graphics should have sufficient contrast with the sign background in order to be easily read during both day and night. Substantial contrast should be provided between the color and materials of the background and the letters or symbols to make the sign easier to read in both day and night.
- C. **Placement.** Often, a building's architectural details create logical places for signage. Signs should not cover or interrupt architectural details or ornaments of a building's façade. On buildings with a monolithic or plain façade, signs can establish or continue appropriate design rhythm, scale and proportion. Well-designed and well-located retail signs create visual interest and continuity with other storefronts on the same or adjacent buildings. Signs should not obstruct windows or doors.

- D. **Readability.** A sign message should be easily recognized and designed in a clear, unambiguous and concise manner, so that a viewer can understand or make sense of what appears on the sign.
- E. **Visibility.** A sign should be conspicuous and readily distinguishable from its surroundings so a viewer can easily see the information it communicates. Appropriate illumination can add to visibility, but the type and strength must be carefully considered.

**FIGURE 17.41.050: SIGN READABILITY**

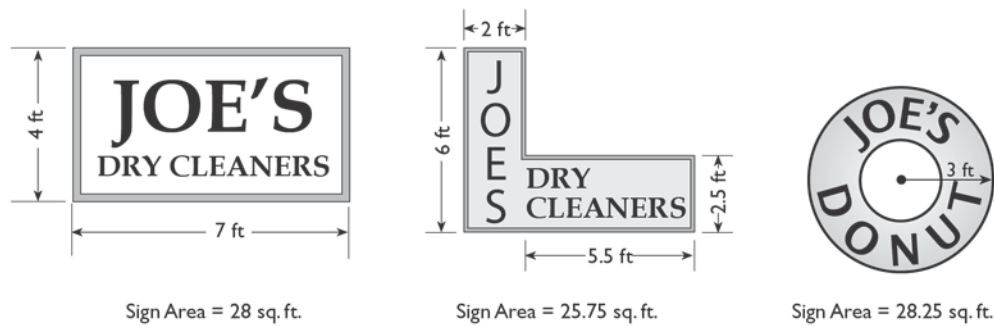


**17.41.060 General Provisions for All Sign Types**

- A. **Sign Permit Required.** Except as otherwise expressly provided in this Chapter, it is unlawful for any person to affix, place, erect, suspend, attach, construct, structurally or electrically alter (not including a face change of sign copy), move, or display any temporary or permanent sign within the City without first obtaining a sign permit from the Zoning Administrator. No sign permit is required for exempt signs and for cleaning or other normal maintenance of a properly approved sign, unless a structural or electrical change is made.
- B. **Owner’s Consent Required.** The consent of the property owner or business owner is required before any sign may be displayed on any real or personal property within the city.

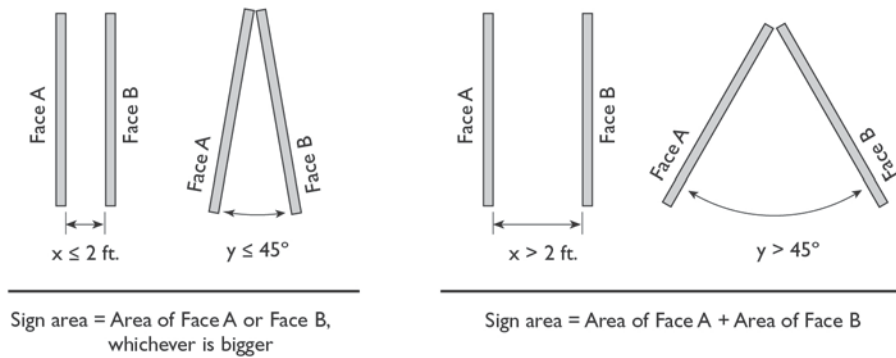
- C. **Non-commercial Signs.** Non-commercial signs are allowed wherever commercial signage is permitted and are subject to the same standards and total maximum allowances per site or building of each sign type specified in this Chapter. A permit is required only if the sign qualifies as a structure, subject to a building permit under the Building Code. For purposes of this Chapter, all non-commercial speech messages will be deemed to be “on-site,” regardless of location.
- D. **Maximum Sign Area.** The maximum allowable sign area for permanent signs, exclusive of area of exempt signs, is based on the Zoning District in which the sign is located and the type of sign to be used. These standards are established in subsequent sections of this Chapter. These standards are maximums permitted, but the Design Review Board may reduce the sign area due to site context, visibility needs, and sign design.
- E. **Applicable Codes.** In addition to complying with the provisions of this Section, all signs must be constructed in accordance with the Uniform Building Code, the Uniform Sign Code, the Electrical Code, and all other applicable laws, rules, regulations, and policies.
- F. **Encroachment Permits.** Signs mounted on private property may project into or above public property or the public right-of-way only with approval by the Public Works Director of an encroachment permit. The Public Works Director may exempt signs in Old Town from having to secure an encroachment permit if these signs meet the standards of this Chapter and are allowed by the Goleta Old Town Heritage District Architectural and Design Guidelines, as adopted by the City.
- G. **Measuring Sign Area.** The area of an individual sign must be calculated as follows.
  - 1. **Single-Faced Signs.** Sign area includes the entire area within a single continuous perimeter composed of squares, rectangles, or circles that enclose the extreme limits of all sign elements, including, without limitation, sign structures or borders, written copy, logos, symbols, illustrations, and color. Supporting structures, such as sign bases and columns, are not included in sign area provided that they contain no lettering or graphics except for addresses or required tags.

**FIGURE 17.41.060(G)(I): SINGLE-FACED SIGNS**



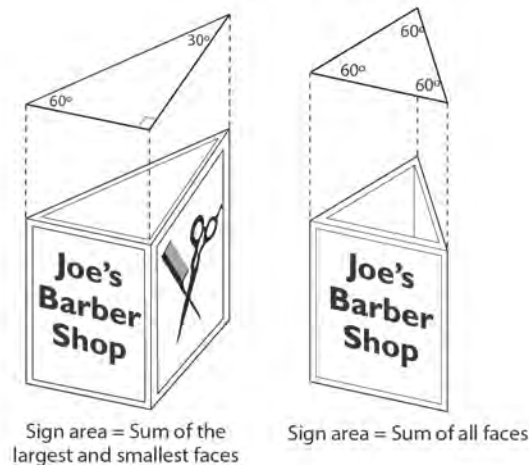
- Double-Faced Signs.** Where two faces of a double-faced sign are located two feet or less from one another at all points, or located at an interior angle of 45 degrees or less from one another, the sign area must be computed as the area of one face. Where the two faces are not equal in size, the larger sign face will be used. Where two faces of a double-faced sign are located more than two feet or greater than 45 degrees from one another, both sign faces will be counted toward sign area.

**FIGURE 17.41.060(G)(2): DOUBLE-FACED SIGNS**



- Multi-Faced Signs.** On a three-faced sign, where at least one interior angle is 45 degrees or less, the area of two faces (the largest and smallest face) must be summed to determine sign area. In all other situations involving a sign with three or more sides, sign area will be calculated as the sum of all faces.

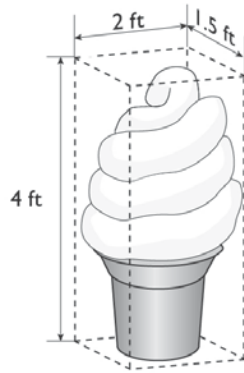
**FIGURE 17.41.060(G)(3): MULTI-FACED SIGNS**



- Three-Dimensional Signs.** Signs that consist of, or have attached to them, one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), may have a sign area that is the sum of all areas using

the four vertical sides of the smallest rectangular prism that will encompass the sign.

**FIGURE 17.41.060(G)(4): THREE-DIMENSIONAL SIGNS**



Sign area = 28 sq. ft.

- H. **Changeable Copy.** Changeable copy on signs is permitted, subject to the following regulations.
1. **Electronic Copy.** Electronic changeable copy is only allowed for fuel price signs, public/semi-public uses, and indoor theaters.
    - a. *Design Review Required.* Design Review Board approval is required for the installation of any electronic sign.
    - b. *Location.* Electronic signs are permitted only on service and gas station sites and on a parcel of land with at least 400 feet of continuous street frontage and where the main building is setback at least 20 feet from the property line.
    - c. *Maximum Number.* One per lot or use.
    - d. *Maximum Height.* 12 feet.
    - e. *Maximum Area.* Electronic copy can represent no more than 75 percent of the maximum allowable sign area.
    - f. *Display Duration.* Copy is limited to a minimum duration of four seconds and must have an unlighted interval between copy displays of one second or more.
    - g. *Light Intensity.* The intensity of the sign lighting cannot exceed 100 foot Lamberts (FT-L) when adjacent to streets which have an average light intensity of less than 2.0 horizontal foot-candles and cannot exceed 500

FT-L when adjacent to streets which have an average intensity of 2.0 horizontal foot-candles or greater. No change of lighting intensity may occur during a display or between displays except to respond to a change in ambient lighting conditions.

2. **Non-Electronic Copy.** Non-electronic changeable copy can represent no more than 20 percent of the total allowable sign area, except for the following uses which are allowed up to 75 percent of the maximum allowable sign area to be changeable copy: all public/semi-public uses, indoor theaters and cinemas, and fuel price signs.
- I. **Message Substitution.** A non-commercial message of any type may be substituted, in whole or in part, for any duly permitted commercial message, and any on-site commercial message may be substituted, in whole or in part, for any other on-site commercial message.
1. **No Additional Approval.** Such substitution of message may be made without any additional approval, permitting, registration, or notice to the City. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other noncommercial message.
  2. **Limitations.** This message substitution provision does not: 1) create a right to increase the total amount of signage on a parcel, lot or land use; 2) affect the requirement that a sign structure or mounting device be properly permitted; 3) allow a change in the physical structure of a sign or its mounting device; or 4) authorize the substitution of an off-site commercial message in place of an on-site commercial message or in place of a non-commercial message.
- J. **Materials.** Paper, cardboard, or other material subject to rapid deterioration can only be used for signs that comply with applicable requirements for Temporary Signs. Fabric signs are restricted to Awning Signs, and Temporary Signs.
- K. **Illumination.** The illumination of signs, from either an internal or external source, must be designed to avoid negative impacts on surrounding rights-of-way and properties. The following standards apply to all illuminated signs:
1. Sign lighting must not be of an intensity or brightness that will create a nuisance for residential buildings in a direct line of sight to the sign;
  2. Signs using exposed light sources, such as neon tubing, or any interior lighted sign with transparent or translucent faces may be approved by the Design Review Board, provided that the Board finds that the light from the sign does not cause unreasonable glare, annoyance to passersby or neighbors, or safety hazards. Unshielded light bulbs and fluorescent light bulbs are prohibited for the illumination of signs.



3. Light sources must be hard-wired fluorescent or compact fluorescent lamps, or other lighting technology that is of equal or greater energy efficiency. Incandescent bulbs or lamps are prohibited, except when used in signs of historic character as part of the architectural design.
  4. Illuminated signs located adjacent to any residential area must be controlled by a rheostat or other acceptable method to reduce glare that will create a nuisance for residential buildings in a direct line of sight to the sign.
  5. External light sources must be directed, shielded, and filtered to limit direct illumination of any object other than the sign, according Chapter 17.36, Lighting.
- L. **Maintenance.** Each sign must be: (1) maintained in a secure and safe condition; (2) maintained in good repair; and (3) cleaned, painted, and replaced as necessary to present a neat appearance. If the City determines that a sign is not secure, safe, or in a good state of repair, it must give written notice of this fact to the property owner and specify a time period for correcting the defect. If the defect is not corrected within the time specified by the City, the City may revoke the permit to maintain the sign, if a permit is required, and may remove the sign pursuant to the public nuisance abatement provisions of this Title.
- M. **Abandonment.** An on-premises sign advertising an activity, business, service or product must be removed within 90 days following the actual discontinuance of the activity, business, service or product. If the sign is not so removed, the Code Enforcement Officer may have the sign removed in accordance with the public nuisance abatement provisions of the Municipal Code.

#### **17.41.070 Standards for Signs by Districts**

This Section establishes the types and size of signs allowed by district. These signs also are subject to the regulations in “General Provisions for All Sign Types” and “Standards for Specific Sign Types.”

- A. **Types of Signs Allowed.** Table 17.41.070(A) establishes the types of permanent signs allowed by zoning district.

<b>TABLE 17.41.070(A): PERMITTED PERMANENT SIGNS BY DISTRICT</b>				
<input checked="" type="checkbox"/> Permitted (subject to compliance with this Chapter)		<input type="checkbox"/> Permitted only as part of an approved Master Sign Program or with compliance with the Old Town Design Guidelines		
District	Sign Type			
	Wall	Awning and Canopy	Projecting	Freestanding
<b>All Districts</b>				
See § 17.41.080, Signage Allowances for Specific Uses				
<b>Commercial Districts</b>				
CR	■	■	■	□
CC	■	■	■	■
OT	■	■	□	□
VS	■	■	□	□
CI	■	■	■	■
CG	■	■	■	■
<b>Office Districts</b>				
BP	■	■	□	□
OI	■	■	□	□
<b>Industrial Districts</b>				
IS	■	■	□	■
IG	■	■	□	■
<b>Public and Quasi Public District</b>				
PQ	■	■	■	■

- B. **Allowed Sign Area.** Table 17.41.070(B) establishes the maximum sign area per district, exclusive of exempt signs and signage allowances for specific uses.

<b>TABLE 17.41.070(B): TOTAL MAXIMUM SIGN AREA BY DISTRICT</b>				
District	Commercial Districts	Office Districts	Industrial Districts	Public and Quasi Public Districts
Total Sign Area Allowed (sq. ft.)*	1 per lineal foot of street frontage	0.5 per lineal foot of street frontage	0.5 per lineal foot of street frontage	0.2 per lineal foot of street frontage

**17.41.080 Signage Allowances for Specific Uses**

This Section establishes signage allowances for specific uses. These signs are allowed in addition to the signs allowed by Zoning District in § 17.41.070, Standards for Signs by District.

- A. **Agricultural Operations.** Signs for agricultural operations may be erected subject to the following standards:

1. **Maximum Number of Signs.** One sign per street frontage.
  2. **Location.** Must be setback back a minimum of five feet from the public right-of-way.
  3. **Maximum Sign Area Per Sign.** 25 square feet in area.
  4. **Copy.** The signs may display only the name of the operation, directions to its location, and slogan, if any.
- B. **Non-Residential Uses in Residential Districts.** Signs for non-residential uses in Residential Districts are allowed subject to the following standards:
1. **Maximum Number.** One freestanding sign and one wall sign.
  2. **Maximum Sign Area per Sign.** Freestanding signs must not exceed 32 square feet in area. Wall signs must not exceed 10 square feet in area.
  3. **Location.** Freestanding signs must not be located closer than ten feet to any street line or five feet to any interior lot line.
  4. **Maximum Height.** Six feet for freestanding signs. Wall signs must not be more than 12 feet above grade.
- C. **Residential and Mixed Use Developments.** Identification signs for residential and mixed-use developments with more than 10 residential units or parcels are permitted for the purpose of identifying a development subject to the following standards:
1. **Maximum Number of Signs.** One sign per street frontage.
  2. **Maximum Sign Area per Sign.** 40 square feet.
  3. **Height Limit.** Five feet when located within a required front or street side setback, 10 feet otherwise.
- D. **Service and Gas Stations.** Signs on service and gas station canopies not to exceed 50 square feet on each side.
- E. **Cinemas.** One square foot of sign is permitted for each foot of linear occupancy frontage to a maximum of 150 square feet.

#### **17.41.090 Standards for Specific Sign Types**

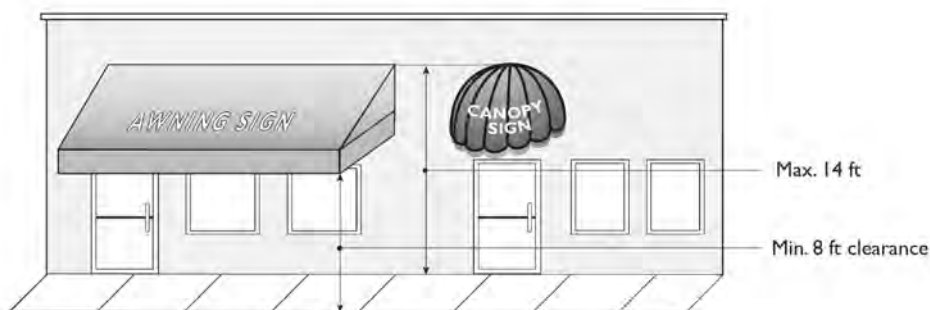
- A. **A-Frame Signs.** A-Frame signs are allowed in Commercial districts, subject to the following standards:
1. **Maximum Number.** Each establishment is limited to no more than one sign.

2. **Placement.** A-Frame signs must be placed on private property directly in front of the business it is identifying.
3. **Hours of Display.** A-Frame signs must be removed during hours when the establishment is not open to the public and cannot be displayed after the activity with which they are associated with is over.
4. **Maximum Size.** Five square feet.
5. **Maximum Height.** Three feet.

B. **Awning and Canopy Signs.** Awning and canopy signs may be attached to or painted on the vertical edges of awnings, canopies, arcades, or similar features or structures. Awning and canopy signs are also subject to district specific sign standards and the following additional standards:

1. **Maximum Number.** One for each establishment having entrance under of offering service under the awning or canopy.
2. **Maximum Size.** Six square feet of sign area.
3. **Maximum Height.** Awning height is limited to 14 feet.
4. **Minimum Vertical Clearance.** The bottom of the awning shall be a minimum of eight feet above the sidewalk.

**FIGURE 17.41.090(B): AWNING AND CANOPY SIGNS**



*Specific Zoning District standards also apply.*

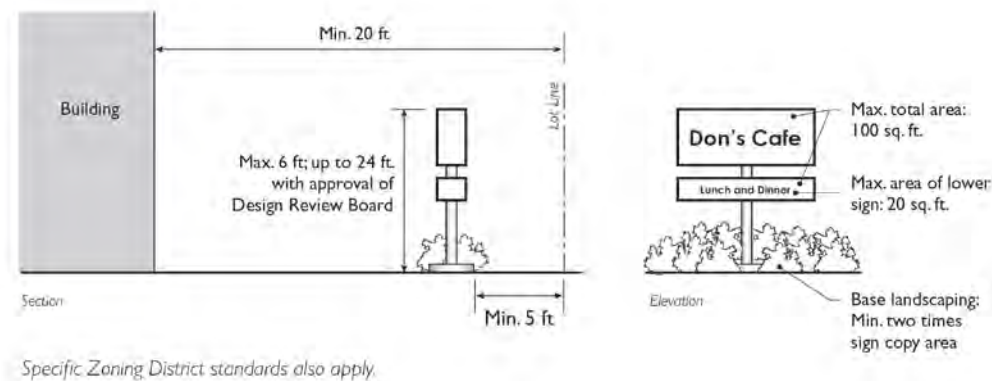
C. **Freestanding Signs.** Freestanding signs are subject to the district-specific standards and the following additional standards:

1. **Where Allowed.** Freestanding signs are permitted only on a parcel of land with at least 125 feet of continuous street frontage (200 feet for pole signs) and where the main building is set back at least 20 feet from the lot line. The base of the

supporting structure must be set back at least five feet for the street right-of-way line.

2. **Maximum Number.** One per street frontage. No more than two separate signs may be placed on each freestanding sign structure.
3. **Maximum Height.** Six feet, unless a higher height, up to 24 feet, is approved by the Design Review Board.
4. **Maximum Area.** If two signs are placed on the same freestanding structure, the lower sign cannot exceed 20 square feet and the areas of the two signs, added together, cannot exceed 100 square feet in area.
5. **Landscaping Required.** All freestanding signs require landscaping at the base equivalent to two times the area of the sign copy.

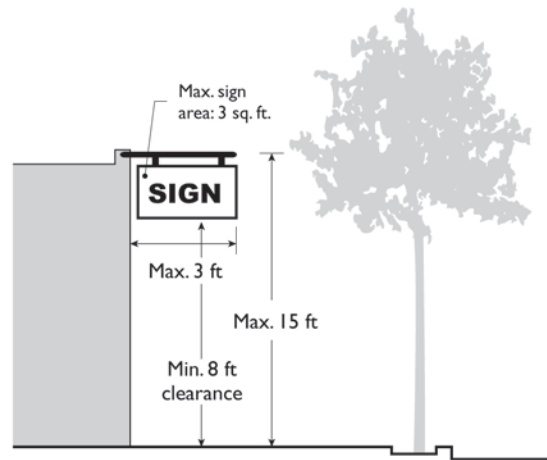
**FIGURE 17.41.090(C): FREESTANDING SIGNS**



- D. **Projecting Signs.** A sign may project horizontally from the exterior wall of a building, provided that such projection conforms to the district-specific standards and the following additional standards:
  1. **Maximum Number.** One per building or tenant space.
  2. **Maximum Size.** Three square feet.
  3. **Maximum Height.** 15 feet measured from grade to the top of the sign.
  4. **Minimum Vertical Clearance.** Eight feet above the sidewalk.
  5. **Projection Allowed.** A projecting sign cannot extend more than three feet from the building to which it is attached and must be designed and located so as to cause no harm to street trees.

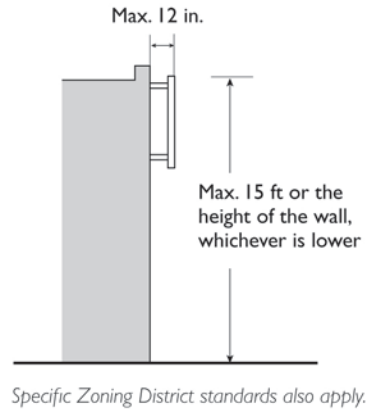
6. **Illumination.** No special illumination is allowed for projecting signs.

**FIGURE 17.41.090(D): PROJECTING SIGNS**



*Specific Zoning District standards also apply.*

- E. **Wall Signs.** Wall signs are subject to the district-specific standards and the following additional standards:
1. **Maximum Number.** One per street frontage or one per tenant space.
  2. **Maximum Size.** One-eighth of the building face area to a maximum of 100 square feet.
  3. **Maximum Height.** 15 feet or the height of the wall of the building to which the sign is attached, whichever is lower.
  4. **Projection Allowed.** Wall signs cannot extend more than 12 inches beyond the face of the wall to which they are attached.
  5. **Placement.** No wall sign may cover, wholly or partially, any required wall opening.
  6. **Orientation.** Unless a different orientation is specifically authorized, each wall-mounted sign must be placed flat against the wall of the building.

**FIGURE 17.41.090(E): WALL SIGNS****17.41.100 Historic Signs**

[Placeholder. This section will contain a cross-reference provisions for Historic Resource Preservation to be included in Chapter 17.34.]

**17.41.110 Master Sign Programs**

The purpose of a Master Sign Program (Sign Program) is to promote coordinated signage for all non-residential and/or mixed-use development subject to discretionary review. Under a Master Sign Program sign standards may be modified to allow design creativity and to simplify the review process for individual signs once the Sign Program is adopted. However, the total aggregate area of the signs permitted by the Sign Program must not be greater than the total aggregate areas of all signs otherwise permitted by this Chapter.

**A. Applicability.**

1. A Master Sign Program is required for:
  - a. Four or more occupancies in commercial or office developments, including mixed-use projects,
  - b. All separately identifiable commercial building groups, and
  - c. All construction and renovation projects involving more than 40,000 square feet of land area.
2. A pre-existing overall sign program can be used for specific sign designs with approval of the Zoning Administrator.

3. A Master Sign Program may be substituted for specific sign designs and individual applications if requested by an applicant and approved by the Design Review Board.
- B. **Required Submittals.** Applications for a Master Sign Program must include the following plans and text:
1. Text and drawings, including plans drawn to scale, which identify all signs proposed for the development, establishing their location, size, function and other characteristics needed to evaluate the extent of the signage proposed. Plans and drawings must include a site plan, typical building elevations, and drawings of generic sign types proposed;
  2. Computation of allowable area for all signs, and of total area of all proposed signage.
  3. Design criteria for individual signs dealing with colors, materials, illumination, graphic styles, and other sign features; and
  4. A written program of standards for all sign types to be distributed to future tenants, including color, size, illumination, construction details, and sign placement.
- C. **Review.**
1. New Master Sign Programs and modifications to existing Sign Programs will be reviewed and acted upon by the Design Review Board.
  2. Individual signs submitted in accordance with the standards of approved Sign Programs will be reviewed by the Zoning Administrator. Sign designs will be approved ministerially if the signs comply with the applicable Sign Program.
- D. **Findings Required.** The Design Review Board will only approve a new Master Sign Program or an amendment to an approved Sign Program if the Board finds:
1. That the proposed signage is in harmony and visually related to the common design elements of the buildings the signs will identify;
  2. The proposed signage does not cover or obstruct important architectural elements associated with the buildings;
  3. The proposed signage does not adversely affect other nearby properties;
  4. The choice of materials and colors are of sufficient quality and durability to enhance the project design;



5. The modifications to dimensional or locational standards are appropriate from a design perspective; and
6. The proposed amount of signage does not exceed the total aggregate area of signage allow by this Chapter.

#### **17.41.120 Nonconforming Signs**

- A. **Continuance and Maintenance.** Reasonable and routine maintenance and repairs may be performed on signs that are nonconforming provided there is no expansion of any nonconformity.
- B. **Abandonment of Nonconforming Sign.** Whenever a nonconforming sign has been abandoned, or the use of the property has been discontinued for a continuous period of 90 days, the nonconforming sign must be removed.
- C. **Restoration of a Damaged Sign.** An on-premises sign may be restored if it meets either of the following criteria:
  1. A sign with damage that does not exceed 50 percent of the total sign area, including hardware and attachments, provided that the repairs start within 60 days of the date of damage and are diligently pursued to completion.
  2. A sign that is a danger to the public or is unsafe as determined by the Building Official.

## **Chapter 17.42      Standards for Specific Uses and Activities**

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### **Sections:**

17.42.010	Purpose
17.42.020	Applicability
17.42.030	Accessory Uses
17.42.040	Adult-Oriented Businesses
17.42.050	Animal Keeping
17.42.060	Automobile/Vehicle Sales and Leasing
17.42.070	Automobile/Vehicle Service and Repair
17.42.080	Automobile/Vehicle Washing
17.42.090	Community Assembly
17.42.100	Community Gardens
17.42.110	Drive-In and Drive-Through Facilities
17.42.120	Emergency Shelters
17.42.130	Family Day Care Homes, Large
17.42.140	Farmer's Markets
17.42.150	Farmworker Housing
17.42.160	Group Residential
17.42.170	Heliports
17.42.180	Home Occupations
17.42.190	Hospitals and Clinics
17.42.200	Live/Work Units
17.42.210	Lodging and Visitor-Services
17.42.220	Manufactured Homes
17.42.230	Medical Marijuana Uses
17.42.240	Mobile Food Facility/Vendor
17.42.250	Nurseries and Garden Centers
17.42.260	Outdoor Dining and Seating
17.42.270	Outdoor Sales
17.42.280	Personal Services
17.42.290	Personal Storage
17.42.300	Recycling Facilities
17.42.310	Residential Care Facilities, Large
17.42.320	Single Room Occupancy (SRO) Housing
17.42.330	Second Dwelling Units
17.42.340	Service and Gas Stations
17.42.350	Sustainable Living Research Site
17.42.360	Temporary Uses

### **17.42.010 Purpose**

The purpose of this Chapter is to establish standards for specific uses and activities that are permitted or conditionally permitted in several or all zoning districts. These provisions are intended to minimize the impacts of these uses and activities on surrounding properties and to protect the health, safety, and welfare of their occupants and of the general public.

### **17.42.020 Applicability**

Each activity covered by this Chapter must comply with the requirements of the Section applicable to the specific use or activity, in addition to any zoning district standards where the use or activity is proposed, other applicable provisions of this Title, and the following:

- A. The uses that are subject to the standards in this Chapter are allowed only when authorized by the planning permit identified in the base zoning district regulations except where this Chapter establishes a different planning permit requirement for a specific use.

### **17.42.030 Accessory Uses**

An accessory use must be incidental, related, appropriate and clearly subordinate to the main use of the principal use or building to which it relates under the same regulations as the main use in any zoning district. These regulations are found in the use regulations tables in Article II, Base and Overlay Districts, and may be subject to specific standards found in this Chapter or within each district, as specified in the tables.

- A. **General Requirements.** No use will be considered to be accessory to a principal or conditional use which involves or requires any of the following:
  1. **Residential Districts.** The use of more than one-quarter of the total floor area in the principal building and accessory building.
  2. **Non-Residential Districts.** The use of more than one-third of the total floor area in the principal building and the accessory building.
- B. **Prohibited Uses.** The following uses are prohibited from being accessory uses:
  1. Adult-Oriented Businesses;
  2. Medical Marijuana Uses;
  3. Liquor Stores;
  4. Bar/Nightclub/Lounge, except in hotels, resorts, and golf courses; and
  5. General and Limited Industrial.

### **17.42.040 Adult-Oriented Businesses**

Adult-oriented businesses must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning Districts:

- A. **General Location.** Certain types of adult-oriented businesses possess certain characteristics that are found objectionable, when concentrated, and can have a deleterious effect upon adjacent areas. Locating the adult-oriented businesses covered by this Section in the vicinity of facilities frequented by minors increases the likelihood that minors will be exposed to materials intended for adults. In addition, many persons are offended by the public display of certain sexual material. Therefore, special regulation of such uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood or have an adverse effect on minors.
- B. **Applicability. The uses subject to these regulations include, without limitation:**
1. Adult bookstores, adult novelty stores, or adult video stores;
  2. Adult live entertainment theaters;
  3. Adult motion picture or video arcades; and
  4. Adult motion picture theaters.
  5. **Exceptions.** An "Adult oriented business" does not include:
    - a. Persons depicting "specified anatomical areas" in a modeling class operated:
      - (1) By a college, junior college, or university supported entirely or partly by public revenue; or
      - (2) By a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by public revenue; or
      - (3) In a structure operated either as a profit or nonprofit facility:
        - i. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
        - ii. Where, in order to participate in a class, a student must enroll at least three days in advance of the class.

- b. The practice of massage in compliance with § 5.05.050 of the Goleta Municipal Code.
- C. **Development Standards.** Adult-oriented businesses must comply with the following development and operational standards.
- 1. ***Specific Location.*** Adult-oriented businesses must be located the following minimum distances:
    - a. From any R District or existing residence: 1,000 feet.
    - b. From any educational institution, including, without limitation, public or private schools, nursery schools or child care facilities, religious and/or cultural institutions, or private or public parks: 1,000 feet.
    - c. From another adult-oriented business: 1,000 feet.
  - 2. ***Hours of Operation.*** Hours of operation of the business will be limited to the time period between 8 a.m. and 10 p.m. on Sunday, Monday, Tuesday, Wednesday and Thursday, and from 8 a.m. to 11 p.m. on Friday and Saturday.
  - 3. ***Display.*** No adult-oriented business may display or exhibit any material in a manner which exposes to the public view, photographs or illustrations of specified sexual activities or naked adults in poses which emphasize or direct the viewer's attention to the subject's genitals. Adult news racks are also subject to this limitation.
  - 4. ***Security Program.*** An on-site security program must be prepared and implemented as follows:
    - a. ***Exterior Lighting.*** All off-street parking areas and building entries serving an adult-oriented business must be illuminated during all hours of operation with a lighting system that provides a minimum maintained horizontal illumination of one foot-candle of light on the parking surface and/or walkway.
    - b. ***Interior Lighting.*** All interior portions of the adult-oriented business, except those devoted to mini-motion or motion pictures, must be illuminated during all hours of operation with a lighting system that provides a minimum maintained horizontal illumination of not less than two foot-candles of light on the floor surface.
    - c. ***Security Guards.*** Security guards for adult-oriented businesses may be required if it is determined by the Police Department that their presence is necessary in order to prevent any unlawful conduct from occurring on the premises.

D. **Site Conditions.**

1. **Façade.** For existing buildings, pictures of the building(s) where the adult-oriented business is proposed to be located must be provided to the City upon submittal of a Conditional Use Permit application. The exterior of the building(s) may be required to be repainted and repaired if needed.
2. **Landscaping.** The site must comply with all landscaping requirements of Chapter 17.35 in effect at the time of application.
3. **Litter.**
  - a. The exterior of an adult-oriented business, including all signs and accessory buildings and structures, must be maintained free of litter and graffiti at all times. The owner or operator will provide for daily removal of trash, litter, and debris from premises and on all abutting sidewalks within 20 feet of the premises. The owner or operator must remove graffiti within 48 hours.
  - b. Operators of such establishments must remove trash and debris from their premises on a daily basis.

**17.42.050 Animal Keeping**

- A. **Where Allowed.** Animal keeping is allowed as an accessory use to a residential use. To permit the keeping of animals and ensure that their presence does not create an undue burden on neighboring residents.
- B. **Household Pets.** The keeping of four or fewer small domestic household pets such as cats, dogs, and birds for noncommercial purposes is permitted. The keeping of more than four small domestic, household pets is subject to Administrative Use Permit approval.
- C. **Other Animals Allowed in Residential Districts.** In Residential Districts, the following animals are allowed.
  1. **Large Animals.** One horse, mule, goat, cow, swine, or other similar size animal is permitted for each 20,000 square feet of lot area, provided that no more than three swine or five such other animals are kept on any lot.
  2. **Small Animals.** Small animals (e.g., chickens, birds, ducks, and rabbits) are permitted, provided that:
    - a. Such small animals are for the domestic use of the residents of the lot only and are not kept for commercial purposes.

- b. The keeping of such small animals is not injurious to the health, safety, or welfare of the neighborhood and does not create offensive noise or odor as determined by the Zoning Administrator after advice from the County Health Department.
  - c. Enclosures for such small animals are no closer than 25 feet to any dwelling.
- D. **Stables and Barns.** No stable, barn, or other large animal enclosure (i.e., paddock) can be located on a lot, excluding a combination of lots, having a gross area of less than 20,000 square feet. No portion of a stable or barn can be located closer than:
  - 1. 40 feet from any dwelling on another lot;
  - 2. 70 feet to any street centerline and 20 feet to the right-of-way;
  - 3. 15 feet from the rear property line; and
  - 4. 10 feet from the side property lines.
- E. **Offspring.** The offspring of any permitted animal may be kept until weaned, unless they do not exceed the total number of animals allowed.
- F. **Prohibited Animals.** No predatory wild animals, roosters, endangered animals, or protected animals are allowed to be kept within the City.
- G. **Odor and Vector Control.** Animal structures, including pens, coops, cages, and feed areas, must be maintained free from litter, garbage, and the accumulation of manure so as to discourage the proliferation of flies, other disease vectors and offensive odors. Manure must not be allowed to accumulate within setback areas.
- H. **Containment.** Animals must be effectively contained on the site and not be allowed to run free on any lot in a separate ownership or in a public right-of-way.

#### **17.42.060 Automobile/Vehicle Sales and Leasing**

Automobile/vehicle sales and leasing facilities must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning Districts:

- A. **Location.** Automobile/Vehicle Sales and Leasing are permitted on sites with at least one frontage on an arterial street or regional highway.
- B. **Minimum Lot Area.** 10,000 square feet.
- C. **Landscaping and Screening.** In addition to complying with the landscaping standards in Chapter 17.35, additional screening and landscaping may be required where necessary to prevent visual impacts on adjacent R districts.

- D. **Vehicle Display.** A minimum five-foot-wide planter strip must separate vehicle display areas from sidewalks and pedestrian entries.
- E. **Vehicle Loading and Unloading.** All vehicle loading and unloading must occur on site in the rear half of the site. If the lot abuts a property in an R District, the loading and unloading may be located to have a lesser impact on the adjacent properties, but in all cases, loading and unloading must occur during weekday business hours.

#### **17.42.070 Automobile/Vehicle Service and Repair**

Automobile/vehicle service and repair facilities must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning Districts:

- A. **Applicability** This Section applies to all major and minor automobile/vehicle service and repair uses as well as any other uses, such as auto dealerships or service stations that perform auto servicing as an accessory activity.
- B. **Orientation of Bay Doors.** All bay doors must be oriented to minimize visibility from public streets by locating bay entries at least 90 degrees from the roadway and screening them with a combination of landscaping, neighboring buildings, or the use of decorative screen walls. On corner lots fronting two or more streets with different classifications in the General Plan, bay doors must face the street with the highest classification, unless the bay doors are screened from both streets.
- C. **Landscaping and Screening.** An ornamental fence or solid wall three feet in height and a minimum eight-foot wide landscape planter area must be provided along the perimeter of the lot that is adjacent to the public right-of-way
- D. **Work Areas.** All work must be conducted within an enclosed building, except pumping motor vehicle fluids, checking and supplementing fluids, and mechanical inspection and adjustments not involving any disassembly.
- E. **Vehicle Storage.** Vehicles being worked on or awaiting service or pick up must be stored within an enclosed building or in a parking lot on the property that is adequately screened, with an earthen berm or screen wall, combination thereof, or a building. Screen walls must be located on property lines with the exception of yards along streets, where the screen wall must be located outside of required setbacks. Unattended vehicles may not be parked or stored on the sidewalk adjoining the property, in the street, or in any portion of the public right-of-way within the City. Screen walls are not required when the site is located in an Industrial District that abuts a non-arterial street (arterial streets are required to have a screen wall).
- F. **Equipment and Product Storage.** Exterior storage, including tires, must not be visible from arterial streets or an R District.



- G. **Spray/Paint Booths.** Spray booths must be screened from arterial streets and must be separated a minimum of 500 feet from R districts, parks, schools, and daycare centers.
- H. **Litter.** No used or discarded automotive parts or equipment or permanently disabled, junked, unregistered, or wrecked vehicles may be stored outside of the main building. Parts or equipment may be temporarily stored outdoors for no longer than one week, but must be screened from view.
- I. **Noise.** All body and fender work or similar noise-generating activity must be enclosed in a masonry or similar building with sound-attenuating measures incorporated into the building design and construction to absorb noise. Bay openings must be oriented so as to minimize the effects of sound emanating from the auto repair building towards residential uses, outdoor restaurant seating, and outdoor reception areas. Compressors must be located within separately enclosed, sound-attenuated rooms.

#### **17.42.080 Automobile/Vehicle Washing**

Automobile/vehicle washing facilities must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning Districts:

- A. **Landscaping and Screening.**
  - 1. A 10-foot landscape setback is required along all street frontages.
  - 2. Vehicle lanes for car wash openings must be screened from public streets to a height of 30 inches with walls and/or berms with supplemental plant materials.
- B. **Washing Facilities.**
  - 1. Lighting must be low-profile, indirect or diffused, and fully shielded.
  - 2. A recycled water system is required.
- C. **Hours of Operation.** Washing facilities are limited to 7 a.m. to 11 p.m. When abutting or adjacent to an R District, the hours of operation are limited to 8 a.m. to 7 p.m., seven days a week.
- D. **Litter.** The premises must be kept in an orderly condition at all times. Litter, including recycling, must be collected daily.

#### **17.42.090 Community Assembly**

Community assembly facilities must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning Districts:

- A. **Minimum Site Area.**
  - 1. ***In General.*** Community assembly uses may only be located on sites with at least 7,500 square feet in area or corner parcel that exceeds 15,000 square feet in area.
  - 2. ***In Residential Districts.*** A minimum of 20,000 square feet. A smaller site area may be allowed with a Conditional Use Permit.
- B. **Setback from Residential District or Use.** A minimum setback of 20 feet must be provided adjacent to any R District or property with a residential use when located within an R District.
- C. **Front Yard.** If a community assembly facility is located within an R District, the required front yard may not be used for parking vehicles.
- D. **Outdoor Activity Areas.** Outdoor areas used for recreation, meetings, services or other activities involving groups of persons must be at least 50 feet from any R District boundary or residential use.
- E. **Hours of Operation.** Permitted hours of operation are 9:00 a.m. to 9:00 p.m., seven days a week. Additional hours may be allowed with a Conditional Use Permit.
- F. **Permitted Accessory Uses.** Community assembly uses may include administrative offices, kitchen facilities, multi-purpose rooms, storage, and other uses that are accessory to the facilities for public or private meetings. Places of worship may provide religious instruction as an accessory use; however, when a full school curriculum is offered, the school use will be separately classified as a Public or Private School.

#### **17.42.100 Community Gardens**

Community gardens must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning Districts:

- A. **Management.**
  - 1. Community gardens can be organized by community groups, nonprofit organizations, the City, or land owners. A manager must be designated for each community garden who will serve as liaison between gardeners, property owner(s), and the City.
  - 2. If located within a planned residential development or multiple-unit residential complex, the Homeowner's Association and/or property management company is responsible for garden and must designate a liaison between the property owner(s) and the City.

- B. **Operational Plan.** The applicant must submit an operational plan to the Zoning Administrator that identifies roles and responsibilities, contact information, and operations of the community garden.

#### **17.42.110 Drive-In and Drive-Through Facilities**

Drive-in and drive-through facilities must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning Districts:

- A. **Circulation.** Drive-through facilities must provide safe, unimpeded movement of vehicles at street access points, in travel aisles, and parking areas. Interior traffic circulation must be provided for review by the Public Works Director and Planning Commission.
- B. **Pedestrian Walkways.** Interior pedestrian walkways must not intersect vehicle aisles, unless no alternative exists. In such cases, pedestrian walkways must have clear visibility, emphasized by enhanced paving or markings.
- C. **Stacking.** Vehicular stacking areas must be provided to ensure vehicle queue will not interfere with public rights-of-way, private streets, or with on- or off-site parking and circulation. Stacking area size will be reviewed by the Public Works Director who will provide a recommendation to the review authority.
- D. **Screening.** Each drive-through aisle must be screened with a combination of decorative walls and landscape to a height of 36 inches to prevent headlight glare and direct visibility of vehicles from adjacent streets and parking lots.
- E. **Site and Building Design.**
1. If the proposed building is located within 50 feet of the public street, the main entrance door must be located directly off (oriented towards) the public sidewalk and parking lot, or provide clear and direct access from the public sidewalk to the main entrance or secondary entrance.
  2. Walls along the street face and visible from the street must be transparent with windows, doors, and other forms of transparent building materials to maximize views in and out of the building and the relationship between interior and exterior to support and animate the public street and sidewalk.
  3. Drive-through elements must be placed to the side or rear of the building. Drive-through windows must be oriented away from the street frontage and provide adequate screening measures through landscaping and design to minimize visibility of the drive-through.
  4. The architecture of drive-through uses must be compatible with that of the shopping center motif or immediate neighborhood, in terms of building color, materials, mass, scale, and form.

- F. **Litter.** Trash receptacles must be provided at the exit of the drive-through facility. The establishment must pick up and dispose of any discarded beverage containers and other trash left by patrons within a 100-foot radius from the facility periodically during regular hours of operation.

### **17.42.120 Emergency Shelters**

Emergency shelters must be located, developed, and operated in compliance with the following standards where allowed by Part II, Base Zoning Districts:

- A. **Proximity.** Not more than one emergency shelter is permitted within 300 feet of another emergency shelter.
- B. **Common Facilities.** The emergency shelter facility may provide one or more of the following specific facilities and services including, without limitation:
  - 1. Child care facilities.
  - 2. Commercial kitchen facilities designed and operated in compliance with Health and Safety Code § 113700, et seq.;
  - 3. Dining area;
  - 4. Laundry;
  - 5. Recreation room; and
  - 6. Support services (e.g., training, counseling).
- C. **Number of Residents.** Not more than 25 persons can be served on a nightly basis.
- D. **Length of Stay.** Maximum length of stay of a person in an emergency shelter is limited to 180 days in any 12-month period.
- E. **Hours of Operation.** Emergency shelters may operate 24-hours a day to provide sleeping facilities and other facilities and services.
- F. **Management.** Each emergency shelter must have an on-site management office, with at least one employee present at all times the emergency shelter is in operation. A minimum of two employees must be on duty when more than 10 beds are occupied.
- G. **Security.** Each emergency shelter must have on-site security employees, with at least one security employee present at all times the emergency shelter is in operation.
- H. **Site Design.** Client waiting, intake, and pick-up areas must be located inside a building or interior courtyard, or at a rear or side entrance physically and visually separated from public view of adjacent right-of-way with a minimum six-foot-tall decorative masonry wall

or hedge or similar mature landscaping. Floor plans for the emergency shelter must be submitted with the building plans that show the size and location of proposed interior and/or exterior waiting or client intake areas.

- I. **Parking.** Off-street parking must be provided at the rate of one space per four beds, plus one space for each employee on duty on the largest shift. The Zoning Administrator may reduce this parking requirement upon finding that the actual parking demand will be less than the standard assumes. Notwithstanding this requirement, the required number of off-street parking spaces cannot exceed the spaces required for other residential and commercial uses in the same zone.
- J. **Lighting.** Exterior lighting must be provided at all building entrances and outdoor activity areas, and must be activated between sunset and sunrise of each day.

#### **17.42.130 Family Day Care Homes, Large**

Large family day care homes must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning Districts:

- A. **Location.** Large Family Day Care homes must be located at least 300 linear feet apart along the fronting street from any other Large Family Day care home. In no case shall any residential property have more than one Large Family Day Care home adjacent to its property line.
- B. **Residency.** The operator of a large family day care home must be a full-time resident of the dwelling unit in which the facility is located.
- C. **Licensing.** Large Family Day Care homes shall be licensed or certified by the State of California and shall be operated according to all applicable state and local regulations.
- D. **Screening.** A periphery fence or wall, constructed of wood or masonry, must be provided to screen and secure outdoor areas and must achieve 75-percent opacity. Chain metal fencing or barbed wire is prohibited.
  - 1. The opacity of a fence is measured as the total width of pickets (or other fence components) between posts, divided by the total length of the fence; or in the case of horizontal fence types, the total height of horizontal fence elements divided by the height of the fence.
- E. **Outdoor Space.** A minimum of 75 square feet of outdoor recreational space must be provided for each child over two years old. Swimming pools and adjacent pool decking may not count towards meeting this space. The outdoor area cannot be located in any required front or street side yard. It cannot be shared with other property owners, unless written permission is granted by the other property owners.

- F. **Noise.** Noise from the operation of any Large Family Day Care may not exceed noise standards set forth in Section 17.40.080, Noise, while the periodic sounds of small groups of children at play shall be considered customary in residential neighborhoods during the daytime hours. Satisfaction of the noise standard herein is subject to the complaint procedure set forth in Subsection (M), Complaints.
- G. **Traffic.** Increased traffic due to the operation of any Large Family Day Care home shall not cause traffic levels to exceed those levels customary in residential neighborhoods. However, somewhat higher traffic levels during the morning and evening commute time shall be considered customary in residential neighborhoods. Satisfaction of the traffic control standard is subject to the complaint procedure set forth in Subsection (M), Complaints.
- H. **Passenger Loading.** Curbside loading is presumed adequate for drop-off and pick-up of children. However, where the Zoning Administrator, in evaluating a particular large family day care home, determines that curbside loading is not adequate, a passenger loading plan will be required. Vehicles dropping off and picking up children shall not:
1. Double-park at anytime;
  2. Block the driveways of neighboring houses; or
  3. Use driveways of neighboring houses to turn around.
- I. **Contact Person(s).** The current name(s) and telephone number(s) of the operator(s) shall be on file with the Planning and Environmental Review Department at all times.
- J. **Expiration of Permit.** If a Large Family Day Care home that is subject to a use permit ceases to operate for a period of greater than 180 consecutive days, its permit shall be considered to be null and void. This time period shall commence automatically when six or fewer children receive care, protection and supervision at the facility.
- K. **Notification of Operating Standards.** The operator of the Large Family Day Care shall notify the Zoning Administrator in writing of any modifications to operating standards, including hours of operation and drop off and pick up locations.
- L. **Review.** The operation of all Large Family Day Care homes is subject to the following review procedures:
1. The Zoning Administrator shall review any application for a Large Family Day Care home for compliance with these requirements and may require the permit to be reviewed by the Planning Commission at a public hearing, where there is dispute as to whether the project complies with all standards.

2. A noticed public hearing to review compliance with standards is mandatory when the City receives six substantiated complaints as provided in Paragraph (M)(1), Substantiated Complaint.
- M. **Complaints.** Upon receiving any combination of six substantiated complaints from six different residences within 300 feet of the large family day care home within one calendar year, the Planning Commission shall review the Large Family Day Care operation at a noticed public hearing conducted in accordance with the procedures outlined in Chapter 17.53, Common Procedures.
1. **Complaint Procedures.** Before submitting a complaint to the City pursuant to this subsection, a complainant shall first submit to the operator of the Large Family Day Care home a written complaint, signed by the complainant and setting forth the complainant's address and telephone number. If after 14 calendar days from the submittal of a complaint to the operator, the complainant remains dissatisfied with the performance of the Large Family Day Care home, the complaint may then be submitted to the Planning and Environmental Review Department, including the original complaint letter, and documentation of any and all contact with the operator to resolve the issues identified in the original complaint. The Planning and Environmental Review Department shall investigate complaints within 14 calendar days of receipt of the complaint to determine their validity.
  2. **Substantiated Complaint.** A complaint shall be considered substantiated if the Zoning Administrator determines that the operator has failed to respond appropriately to a complaint concerning hours, traffic control or noise. Complaints shall be limited to alleged violations of the standards for hours, noise and traffic control, and may originate only from residences within 300 feet of the applicable large family day care home.

#### 17.42.140 Farmer's Markets

Farmer's markets must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning Districts:

- A. **Operator.** Farmer's markets must be operated by one or more producers, a nonprofit organization, or a local government agency.
- B. **Permits.** The market operator and vendors must obtain an Administrative Use Permit and secure all necessary licenses, certificates and health permits, including permits for street closure, if applicable. All permits (or copies of them) must be in the possession of the farmer's market manager or the vendor, as applicable, on the site of the farmers market during all hours of operation.
- C. **Management Plan.** A management plan must be prepared and provided to the Zoning Administrator. The management plan must include the following:

1. Identification of a market manager or managers, who must be present during all hours of operation.
  2. A set of operating rules addressing the governance structure of the market; the method of assigning booths and registering vendors; hours of operation; maintenance; security; refuse collection; and parking.
- D. **Hours of Operation.** Market activities may be conducted between the hours of 7:00 a.m. and 8:00 p.m. with specific hours and duration to be approved by the City. Set-up of market operations cannot begin more than one hour prior to the operational hours of the market and take-down must be completed within one hour of the close of the market.
- E. **Waste Disposal.** Adequate composting, recycling, and trash containers must be provided during hours of operation, and must be removed from site for appropriate disposal. The site must be cleaned at the end of each day of operations, including the removal of all stalls and debris.
- F. **Pedestrian Clearance.** A farmer's market must not obstruct a path that is part of a required pedestrian circulation system.
- G. **Temporary Uses.** Any market that will be operated for no longer than one month is subject to the standards of § 17.42.360, Temporary Uses, and must obtain a Temporary Use Permit pursuant to Chapter 17.55, Use Permits.

#### **17.42.150 Farmworker Housing**

Farmworker housing providing accommodations for six or fewer employees is a single-family structure with a residential land use designation.

- A. **Deed Restriction.** Farmworker housing must be restricted by deed for occupancy by farmworkers.
- B. **Operation Permit.** Before the City issues a building permit, the applicant must demonstrate that it has a valid permit to operate from the California Department of Housing and Community Development (HCD).

#### **17.42.160 Group Residential**

Group residential facilities must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning Districts:

- A. **Minimum Lot Area.** When located in an R district, the minimum lot area is 12,000 square feet.
- B. **Laundry Facilities.** Laundry facilities must be provided on-site.



- C. **Common Open Space.** Common open space of 20 square feet for each person who resides in the facility must be provided.
- D. **Security.** Parking garages, surface parking, and private and common areas located outside the building must be designed to protect the security of residents, guests, and employees by controlling access to the facilities by other persons.

### 17.42.170 Heliports

**Heliports, including helipads and helistops,** must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning Districts:

- A. **Application Requirements.** The following additional information must be submitted with an application for a heliport, helipad, or helistop:
  1. An area map at a scale showing existing land use and General Plan land use within a two-mile radius of the facility site and the proposed flight paths.
  2. A plot plan of the site and vicinity, including all land within a 400-foot radius of the takeoff and landing area, that shows clearly the height of the takeoff and landing area; the height of existing, approved and proposed structures and trees within 100 feet of the approach and takeoff flight paths; the maximum allowable building height under existing zoning; fencing, screening and safety barriers; points of access; fueling, maintenance and repair facilities, if any; and the location of accessory structures and equipment, including firefighting equipment.
  3. A description of the proposed operations, including the type of use, names and descriptions of helicopters expected to use the facility.
  4. A helicopter noise study including a map of the approach and departure flight paths at a scale of 1" = 800' showing existing day/night average noise levels in decibels (LDN noise contours), future day/night average noise levels with the proposed facility and anticipated flight operations, and single-event maximum sound levels associated with the types of helicopters expected to use the facility.
  5. Verification from Santa Barbara Municipal Airport and/or the FAA that use will not conflict with airport operations.
- B. **Additional Findings for Approval.** In addition to the requirements of Chapter 17.55, Use Permits, heliports, helipads, and helistops can only be approved if:
  1. The helipad, heliport, or helistop conforms to the location criteria and standards of this Section, and the requirements of the California Department of Transportation, Division of Aeronautics; and

2. The proposed operation of the helicopter facility does not pose a threat to public health, safety or welfare or to environmental resources.

### **17.42.180 Home Occupations**

**Home occupations** must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning Districts:

- A. **Applicability.** This Section applies to home occupations in any residential unit in the City regardless of the zoning designation. It does not apply to family day care, which is regulated separately in § 17.42.130, Family Day Care Homes, Large.
- B. **Residential Appearance.** The residential appearance of the unit within which the home occupation is conducted must be maintained, and no exterior indication of a home occupation is permitted.
  1. **Location.** All home occupation activities must be conducted entirely within the residential unit.
  2. **Structural Modification Limitation.** There can be no structural alterations to add floor area or the renovation of a space to accommodate a home occupation.
  3. **Maximum Size.** The space exclusively devoted to the home occupation (including any associated storage) must not exceed 25 percent of the residential unit floor area.
  4. **Employees.** One employee or independent contractor other than residents of the dwelling may be permitted to work at the location of a home occupation.
  5. **On-Site Client Contact.** Customer and client visits are permitted, however, the home occupation shall not generate pedestrian or vehicular traffic in excess of that customarily associated with the district in which the use is located.
  6. **Employee/Client Parking.**
    - a. Customers, clients, and/or employees must park on site. If the site cannot accommodate an on-site parking space for the lack of drive approach or parcel width, they may park directly on the street adjacent to in close proximity to the home.
    - b. Parking required for customers/clients/employees may be tandem.
  7. **Hours of Operation.** Employees, visitors, students, and/or clients are permitted between the hours of 8 a.m. to 7 p.m.
  8. **Direct Sales Prohibition.** Home occupations involving the display or sale of products or merchandise are not permitted from the site, except by mail,

telephone, internet, or other mode of electronic communication. This prohibition does not apply to cottage food preparation.

9. **Storage.** There can be no storage of materials, supplies, and/or equipment for the home occupation in an accessory building or outdoors. Storage may only occur within a garage if it does not occupy or obstruct any required parking space. Contractors whose work is conducted entirely off site (and who use their home solely for administrative purposes related to the contracting business) may store construction, electrical, landscaping, plumbing, or similar supplies or materials within a single vehicle of one ton or less.
10. **Traffic and Parking Generation.** Home occupations must not generate a volume of passenger or commercial traffic that is inconsistent with the normal level of traffic on the street on which the dwelling is located, or which creates the need for additional parking spaces, or involves deliveries to or from the premises in excess of that which is customary for a dwelling unit. There may be no deliveries and/or pickups from commercial vehicles, except those used by mail and package carriers or needed for a cottage food operation.
11. **Vehicles.** Only one vehicle, owned by the operator of the home occupation, and not to exceed one ton in capacity, may be used by the operator in conjunction with the home occupation.
12. **Commercial Vehicles and Attachments.** Home occupations involving more than one commercial vehicle parked on site are not permitted. No attachments of equipment or machinery used for business purposes is permitted either on the vehicle or on the site when the vehicles are not in use and such equipment or machinery is within view from the public right-of-way or neighboring properties. Storage of equipment and machinery attachments, or trailers is not permitted in areas visible from public rights-of-way or neighboring properties, unless part of an active, approved construction project on the site.
13. **Equipment.** Home occupations, which involve mechanical or electrical equipment that is not customarily incidental to domestic use, are not permitted except as needed for a Cottage Food operation. Facsimile machines, copy machines, computers, and other similar business equipment are permitted. Small power tools, arts and crafts machinery, and similar equipment/machinery not exceeding two horsepower are also permitted.
14. **Hazardous Materials.** Activities conducted and equipment or materials used must not change the fire safety or occupancy classifications of the premises, nor use utilities different from those normally provided for residential use. There must be no storage or use of toxic or hazardous materials other than the types and quantities customarily found in connection with a dwelling unit.

15. **Nuisances.** A home occupation must be conducted such that no offensive or objectionable noise, dust, vibration, smell, smoke, heat, humidity, glare, refuse, radiation, electrical disturbance, interference with the transmission of communications, interference with radio or television reception, or other hazard or nuisance is perceptible on adjacent lots or in neighboring units in a multiple-unit building.
- C. **Multiple Home Occupations.** Multiple home occupations in a home are permitted provided the space exclusively devoted to the home occupations (including any associated storage) must not exceed 25 percent of the residential unit floor.
- D. **Prohibited Uses.** The following uses are not permitted as Home Occupations:
  1. Adult oriented businesses;
  2. Animal care, sales, and services;
  3. Automobile/vehicle sales and services;
  4. Eating and drinking establishments;
  5. Hotels and motels;
  6. Hospitals and clinics;
  7. Fire arms manufacturing/storage/on-site sales; and
  8. Medical marijuana dispensaries or commercial cultivation or medical marijuana infusion.

#### **17.42.190 Hospitals and Clinics**

Hospitals and clinics must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning Districts:

- A. **Location.** Hospitals are only allowed on sites with at least one frontage on an arterial street.
- B. **Minimum Frontage.** 100 feet minimum for hospitals and 50 feet minimum for clinics.

#### **17.42.200 Live/Work Units**

Live/work units must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning Districts:

- A. **Establishment.** Live/work units may be established through new construction or through the conversion of existing residential, commercial, and industrial buildings.

- B. **Allowable Uses.** Work activities in live/work units are limited to uses that are permitted outright, or allowed with an Administrative Use Permit or Conditional Use Permit in the district in which the live/work units are located. Live/work units may contain only residential uses, but they are not permitted to contain only “work” or commercial uses. On-site storage and sale of materials and merchandise is allowed.
- C. **Sale or Rental of Portions of Unit Above the Ground Level Prohibited.** No portion of a live/work unit located above the ground level may be separately rented or sold as a commercial space for a person or persons not living on the premises, or as a residential space for a person or persons not working on the premises.
- D. **Floor Area Distribution.** An applicant must submit a floor plan of all proposed units to the Zoning Administrator to show which areas are designated for work activities and which areas are designated for living or as common areas.
- E. **Outdoor Living Area.** Common or private outdoor living area must be provided for the use of occupants at a rate of 150 square feet per live/work unit. This space may be attached to individual units or located on the roof or adjoining the building in a yard. Temporary outdoor storage of materials and merchandise related to the work activity is allowed in outdoor living areas during daylight hours.

#### **17.42.210 Lodging and Visitor-Services**

Lodging and visitor-services uses must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning Districts:

- A. All transient lodging units, such as hotels that are operated as hotel condominiums, time-shares, or under a fractional ownership model, are limited to occupancy of up to 30 consecutive days at any one time and must be available for overnight stays by the general public.
- B. **Existing Uses Located in the Coastal Zone.**
  - 1. Existing lodging and visitor-service uses may continue to be used for transient lodging, such as a hotel, and various facilities and services accessory to transient lodging, such as restaurants, retail shops, conferences and meetings, hotel-related events, recreational services, and other services that are dependent upon a coastal location, while ensuring the conservation and protection of coastal resources.
  - 2. Residential uses are prohibited.
  - 3. Any expansion or alteration of existing development will be required to maintain or expand the extent of existing coastal access facilities, including parking and vertical access to the beach. In this context, “maintain or expand” allows for

flexibility in meeting this requirement, if at least one of the following criteria is met:

- a. To provide better protection of coastal resources;
  - b. To maximize public access; and/or
  - c. To accommodate natural processes which impede existing access.
4. Any expansion or alteration of existing development will be required to protect environmentally sensitive habitats and archaeological resources.

#### **17.42.220 Manufactured Homes**

Manufactured homes must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning Districts:

- A. **Required Certification.** A manufactured home must be certified under the standards set forth in the National Manufactured Housing Construction and Safety Standards Act of 1976, as amended, at the time of any application for placement of such manufactured home.
- B. **Permanent Foundation.** The manufactured home must be placed on a permanent foundation in accordance with the standards set forth in the Uniform Building Code.
- C. **Age of Home.** No more than 10 years may elapse between the date of the manufacture of the manufactured home and the date of the application for issuance of a permit to install a home on a lot in the City.
- D. **Utilities.** Each manufactured home must be provided permanent hookups for electricity, gas, water, and sewer connections in the same manner applicable to permanent buildings. Gas shutoff valves, meters, and regulators must not be located beneath the manufactured home, in compliance with the requirements of the UBC for comparable residential structures.

#### **17.42.230 Medical Marijuana Uses**

Medical marijuana uses must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning Districts.

- A. **Pre-Existing Uses.** Any legally established nonconforming medical marijuana use is allowed to continue; however, no expansion of the use is permitted.
- B. **New Uses Prohibited.** New medical marijuana uses, including marijuana dispensaries, commercial cultivation, and medical marijuana infusion, are prohibited in all zoning districts.

**17.42.240 Mobile Food Facility/Vendor**

Mobile food facilities/vendors must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning Districts:

- A. No vendors can conduct any vending operations other than the sale of food items for immediate consumption.
- B. No vendor can conduct vending operations from any device or vehicle other than a push cart or mobile truck.
- C. Pushcarts or mobile food trucks used by vendors must not:
  - 1. Be left unattended at any time;
  - 2. Be parked or placed within five feet of any right-of-way;
  - 3. Be permitted as a permanent or proprietary location on any property within the City; and
  - 4. Be left on-site when inactive vendors or stored overnight.
- D. No sale of food items in glass containers is permitted.
- E. Mobile Food Vendors are responsible for keeping the immediate area clean of any litter or debris.
- F. No vendor can ring bells, play chimes, play an amplified musical system, or make any other notice to attract attention to its business while operating within City limits.

**17.42.250 Nurseries and Garden Centers**

Nurseries and garden centers must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning Districts:

- A. **Minimum Lot Area.** One acre.
- B. **Products for Sale.** Products offered for sale are limited to nursery stock and related materials incidental to the planting, care, and maintenance of plants, including fertilizer, pesticides, seeds, and planting containers, and exclude general building materials, hardware, tools other than for soil preparation and general landscaping.
- C. **Enclosure.** All storage, display, and sale of products other than nursery stock must be conducted within a completely enclosed building or within an area enclosed by a solid wall or fence and gate between five and six feet in height.

### **17.42.260 Outdoor Dining and Seating**

Outdoor dining and seating facilities must be located, developed, and operated in compliance with the following standards to ensure that they do not adversely impact adjacent properties and surrounding neighborhoods, where allowed by Part II, Base Zoning Districts:

- A. **Applicability.** The standards of this Section apply to outdoor dining and seating located on private property. Outdoor dining and seating located in the public-right-of-way is subject to an encroachment permit issued by the Public Works Department.
- B. **Accessory Use.** Outdoor dining and seating must be conducted as an accessory use to a legally established eating and drinking establishment that is located on the same lot or an adjacent lot.
- C. **Enclosure.** Awnings or umbrellas may be used, but must be adequately secured and/or retractable.
- D. **Furnishing and Fixtures.** Furnishing may consist only of movable tables, chairs, and umbrellas. Lighting fixtures may be permanently affixed onto the exterior front of the principal building.
- E. **Pedestrian Pathway.** A four-foot pedestrian pathway must be maintained and unobstructed. If there is more than a four-foot-wide pathway provided, outdoor dining may be located outside of the required four feet.
- F. **Litter Removal.** Outdoor dining and seating areas must remain clear of litter at all times.
- G. **Hours of Operation.** The hours of operation are limited to the hours of operation of the associated eating and drinking establishment.
- H. **Parking.** Where an outdoor dining and seating area occupies less than 200 square feet, additional parking spaces for the associated eating and drinking establishment are not required. Parking must be provided according to the required ratio in Chapter 17.39, Parking and Loading, for any outdoor dining and seating area exceeding 200 square feet.

### **17.42.270 Outdoor Sales**

Outdoor sales facilities must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning Districts:

- A. **Seasonal and Temporary Sales.** For seasonal and temporary sales, such as Christmas tree and pumpkin lots, refer to § 17.42.360, Temporary Uses.
- B. **Permanent Outdoor Display and Sales.** The permanent outdoor display of merchandise, except for automobile/vehicle sales and leasing, which is subject to § 17.42.060, requires Administrative Use Permit approval and must comply with the following standards:



1. **Relationship to Main Use.** The outdoor display and sales area must be directly related to a business occupying a primary structure on the subject parcel.
2. **Display Locations.**
  - a. Outdoor sales and display located in the public-right-of-way is subject to an encroachment permit issued by the Public Works Department.
  - b. The displayed merchandise must not disrupt the vehicle and pedestrian circulation on the site, obstruct driver visibility or otherwise create hazards for vehicles or pedestrians.
  - c. A four-foot pedestrian pathway must be maintained and not blocked by merchandise. If there is more than a four-foot-wide pathway provided, merchandise may be displayed in an area outside of the required four feet.
3. **Allowable Merchandise.** Only merchandise generally sold at the business is permitted to be displayed outdoors.
4. **Refuse/Litter.** The operator is responsible for collecting trash due to outdoor sales.

#### **17.42.280 Personal Services**

General and restricted personal services must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning Districts:

- A. **Hours of Operation.** Hours of operation are limited to 7:00 a.m. to 10:00 p.m. unless otherwise specified.
- B. **Tattoo or Body Modification Parlor.**
  1. **Registration Required.** Any person who is engaged in the business of tattooing or body modification must provide evidence of registration with the Santa Barbara County Department of Health.
  2. **No Persons under 18.** A sign must be posted on the door or in view of the entrance, stating that no person under the age of 18 is allowed on site, unless accompanied by a parent or legal guardian.

#### **17.42.290 Personal Storage**

Personal storage facilities must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning Districts:

- A. **Business Activity.** All personal storage facilities must be limited to inactive items. No retail sales, repair, or other commercial use can be conducted out of an individual rental storage unit.
- B. **No Hazardous Materials Storage.** No storage of hazardous materials is permitted.
- C. **Notice to Tenants.** As part of the rental process, the facility manager must inform all tenants of conditions restricting storage of hazardous materials and use limitations of the storage units, including no habitation. These restrictions must be included in rental contracts and posted at a conspicuous location within the front of each rental unit.
- D. **Open Storage.** Open storage, outside an enclosed building, is limited to vehicles and trailers with a valid registration which are screened from public view by building facades or solid fences eight feet high with view-obscuring gates.
- E. **Circulation.** Driveway aisles must be a minimum of 24 feet wide.
- F. **Exterior Wall Treatment and Design.** Exterior walls visible from a public street or R District must be constructed of decorative block, concrete panel, stucco, or similar material. These walls must include architectural relief through articulation, trim, change in color at the base, variations in height, use of architectural “caps”, attractive posts, or similar measures.
- G. **Fencing and Entrance Gate.**
  - 1. A six-foot-high security fence must be provided around the perimeter of the development at locations where the solid façades of the storage structures do not provide a perimeter barrier.
  - 2. A wrought iron gate, or an approved equivalent, is required at the entrance to the facility.
- H. **Hours of Operation.** Hours of operation are limited to 7 a.m. to 7 p.m. if the facility abuts an R District or a residential use in a mixed-use development.

### **17.42.300 Recycling Facilities**

Recycling facilities must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning Districts:

- A. **Reverse Vending Machines.**
  - 1. **Accessory Use.** Reverse vending machines may be installed as an accessory use to a permitted or conditionally permitted primary use on the same site.
  - 2. **Location.** Machines must be located adjacent or as near as feasibly possible, to the entrance of the commercial host use and must not obstruct pedestrian or

vehicular circulation. Machines can be located against a wall, but not in parking areas.

3. **Identification.** Machines must be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.
4. **Trash Receptacle.** Machines must provide a minimum 40-gallon garbage can for non-recyclable materials located adjacent to the reverse vending machine.
5. **Hours of Operation.** No restrictions.

**B. Recycling Collection Facilities.**

1. **Size.** Recycling collection facilities must not exceed a building site footprint of 350 square feet.
2. **Equipment.** No power-driven processing equipment, except for reverse vending machines, can be used.
3. **Location.** Facilities must be located at least 75 feet away from an R District and cannot occupy parking spaces required for the main use unless a parking study shows available capacity during the hours of recycling facility operation.
4. **Setback.** Facilities must not be located within a required setback.
5. **Containers.** Containers must be constructed of durable waterproof and rustproof materials and secured from unauthorized removal of material.
6. **Identification.** Containers must be clearly marked to identify the type of accepted material, the name and telephone number of the facility operator, and the hours of operation.
7. **Signs.** The maximum sign area is limited to 20 percent of the area of the side of facility or container or 16 square feet, whichever is larger. In the case of a wheeled facility, the side is measured from the pavement to the top of the container.
8. **Site Maintenance.** Recycling facility sites must be maintained clean, sanitary, and free of litter and any other undesirable materials.

**C. Recycling Processing Facility.**

1. **Location.** Facilities must be at least 100 feet from an R District.
2. **Screening.** The facility must be screened from public rights-of-way by solid masonry walls or located within an enclosed structure.

3. **Outdoor Storage.** Exterior storage of material must be in sturdy containers or enclosures that are secured and maintained in good condition. Storage must not be visible above the height of the required solid masonry walls.
  4. **Identification.** Facilities must be clearly marked with the name and phone number of the facility operator and hours of operation.
- D. **Composting and Waste Disposal Facilities.**
1. **Maintenance—Pest Infestation Prohibited.** Waste disposal facilities must be maintained in such a manner that vermin and pest infestation cannot take place.
  2. **Covering or Wetting to Prevent Dust.** The owner, proprietor, or caretaker of any composting facility or solid waste landfill must use a tarp, covering or wet down the waste disposal facility with water or chemical stabilizers at intervals sufficiently frequent to prevent dust.
- E. **Conversion Technology Facilities and Transformation (Waste-to-Energy) Facilities.**
1. **Location.** Facilities must not be located within 250 feet of an R District.
  2. **Adjacency.** Conversion technology facilities and transformation (waste-to-energy) facilities and must be located in close proximity to existing solid waste facilities unless an applicant can demonstrate that a location adjacent to existing solid waste facilities is not feasible.
  3. **Hazardous Wastes.** Conversion technology facilities and transformation (waste-to-energy) facilities cannot receive any form of hazardous waste.

#### **17.42.310 Residential Care Facilities, Large**

Large residential care facilities must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning Districts:

- A. **Location.** The minimum separation from any other residential facility is 300 feet.
- B. **Common Open Space.** At least 20 square feet of common open space must be provided for each person who resides in the facility.

#### **17.42.320 Single Room Occupancy (SRO) Housing**

Single Room Occupancy (SRO) Housing, also called residential hotels, must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning Districts.

- A. **Maximum Number of Units.** If an SRO contains a common kitchen that serves all residents, the Planning Commission may increase the maximum allowable number of

- individual units available for rent by 20 percent above the number otherwise allowed by the base density applicable to residential development in the zoning district where the project is located.
- B. **Maximum Occupancy.** Each living unit must be designed to accommodate a maximum of two persons.
  - C. **Minimum Width.** A unit comprised of one room, not including a bathroom, must not be less than 12 feet in width.
  - D. **Entrances.** All units must be independently accessible from a single main entry, excluding emergency and other service support exits.
  - E. **Cooking Facilities.** Cooking facilities must be provided either in individual units or in a community kitchen. Where cooking is in individual units, each unit must have a sink with hot and cold water; a counter with dedicated electrical outlets and a microwave oven or a properly engineered cook top unit pursuant to Building Code requirements; at minimum a small refrigerator; and cabinets for storage.
  - F. **Bathroom.** A unit is not required to, but may contain partial or full bathroom facilities. A partial bathroom facility must have at least a toilet and sink; a full facility must have a toilet, sink, and bathtub or shower, or bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities must be provided that meet the standards of the California Building Code for congregate residences with at least one full bathroom per floor.
  - G. **Closet.** Each unit must have a separate closet.
  - H. **Common Area.** Four square feet per living unit must be provided, excluding janitorial storage, laundry facilities, and common hallways. At least 200 square feet in area of interior common space must be on the ground floor near the entry to serve as a central focus for tenant social interaction and meetings.
  - I. **Tenancy.** Tenancy of residential hotel units is limited to 30 or more days.
  - J. **Facility management.** A facility with 10 or more units must provide full-time on-site management. A facility with fewer than 10 units must provide a management office on site.
  - K. **Management Plan.** A management plan must be submitted with the permit application for a residential hotel project for review and approval by the Planning Commission. At minimum, the management plan must include the following:
    - 1. **Security/Safety.** Proposed security and safety features such as lighting, security cameras, defensible space, central access, and user surveillance;

2. **Management Policies.** Management policies, including desk service, visitation rights, occupancy restrictions, and use of cooking appliances;
3. **Rental Procedures.** All rental procedures, including the monthly tenancy requirement;
4. **Staffing and Services.** Information regarding all support services, such as job referral and social programs; and
5. **Maintenance.** Maintenance provisions, including sidewalk cleaning and litter control, recycling programs, general upkeep, and the use of durable materials.

### **17.42.330 Second Dwelling Units**

Second dwelling units must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning Districts:

- A. **Permit Required.** A Zoning Clearance is required for construction of a second dwelling unit. An applicant must submit the following information to the Department:
  1. A floor plan drawn to scale of the principal dwelling and the proposed residential second unit.
  2. The owner or a trustee of the owner of the lot must reside on the lot, either in the principal dwelling or in the second dwelling unit. Prior to issuance of a permit, the property owner must enter into a restrictive covenant with the City regarding such owner-occupancy requirement on a form prepared by the City, which must be recorded against the property. Such covenant must further provide that the residential second unit must not be sold, or title thereto transferred separate from that of the property. If the owner ceases to reside on the property, use of the residential second unit must be discontinued and (a) if it is an attached residential second unit, the unit converted into a portion of the principal dwelling; or (b) if it is a detached residential second unit, the unit removed or converted to a legal use. The Zoning Administrator may approve an exception to this requirement to discontinue the use in the case of temporary absences provided a relative is living on the property in a trustee relationship with the owner.
  3. **Design Review.** Design review approval is required. Design review will be conducted by the Zoning Administrator if no exceptions or modifications of applicable development standards are requested and all of the following criteria are met; in all other instances, design review will be done by the Design Review Board:
    - a. The second dwelling unit must be subordinate to the principal dwelling on the lot in terms of size, location, and appearance;

- b. The exterior appearance and character of the second dwelling unit must be consistent with that of the principal dwelling, as reflected in the use of the same exterior materials, roof covering, colors, and architectural features;
  - c. Any manufactured home proposed as a detached residential second unit must be consistent with the principal dwelling on the lot with regard to existing siding, roof materials, roof pitch, and roof eaves; and
  - d. The privacy of adjoining residences must be protected by minimizing views from windows within the second unit into the windows of adjacent residential buildings or into outdoor living areas, such as decks, patios, terraces, and swimming pools.
- B. **Development Standards.** The following standards apply to residential second units. Exceptions to the development standards may be approved by the Planning Commission through Conditional Use Permit approval.
- 1. ***All Second Dwelling Units***
    - a. No more than one second dwelling unit is permitted on any one lot.
    - b. A second dwelling unit will only be permitted on a lot on which the principal dwelling and all other structures thereon conform to all minimum requirements of the applicable zoning district.
    - c. The second dwelling unit must comply with all development standards for the applicable zoning districts.
    - d. The minimum gross floor area of a second unit is 300 square feet. The maximum gross floor area approvable “by right” is 800 square feet. No second unit can be larger than 40 percent of the existing original floor area of the primary unit.
    - e. A second dwelling unit must contain its own kitchen and bathroom facilities.
    - f. A second dwelling unit will not be permitted on a lot where there is a guest house or other dwelling or structure used for habitation in addition to the principal dwelling. If a second dwelling unit exists, or is currently approved on a lot, a guest house, or other dwelling, it is only allowed if the second dwelling unit is removed or converted into a portion of the principal dwelling.
    - g. A residential second unit can have no more than two bedrooms.

- h. The total gross floor area of all covered structures, including an attached or detached second dwelling unit, must not exceed the maximum lot coverage of the underlying district.

2. ***Supplemental Standards for Attached Second Dwelling Units***

- a. The minimum lot size on which an attached residential second unit may be located is 7,000 square feet.
- b. An attached second dwelling unit must share at least one common wall or roofline with the living area of the principal dwelling.
- c. If the attached second dwelling unit is not located above any portion of the existing principal dwelling, the maximum height of such unit must not exceed 16 feet.
- d. An attached second dwelling unit may have a separate entrance, which may be located on the side or the rear of the principal dwelling; provided, however, that in no event will any external stairwell be placed within the side yard setback.

3. ***Supplemental Standards for Detached Second Dwelling Units.***

- a. The distance between the principal dwelling and a detached second dwelling unit must be at least 10 feet.
- b. The minimum lot size on which a detached residential second unit may be located is 10,000 square feet.

**17.42.340 Service and Gas Stations**

Service and gas stations must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning Districts:

A. **Site Design.**

1. **Access.**

- a. There must be no more than two vehicular access points to/from a single public street. Additional access may be provided by neighboring properties.
- b. Should a site be redeveloped (i.e., the existing building and/or fuel canopy is removed and reconstructed), and more than two vehicular points of access exist for a single street, they must be removed.



- c. Fleet fuel stations in industrial districts may provide additional access points, as determined by the Zoning Administrator.
  2. Designs must incorporate landscaping and screen walls to screen vehicles while allowing eye-level visibility into the site. Fleet fuel stations in industrial districts are exempt from this requirement.
  3. Propane tanks, vapor-recovery systems, air compressors, utility boxes, garbage, recycling containers/enclosures, and other similar mechanical equipment must be screened from public view.
- B. **Air and Water Stations.** Air and water stations must be identified on plans. They cannot be located within required setback areas.
- C. **Pump Islands.** Pump islands must be located a minimum of 15 feet from any lot line to the nearest edge of the pump island. A canopy or roof structure over a pump island may encroach up to 10 feet within this distance.

#### 17.42.350 Sustainable Living Research Site

- A. **Application Requirements.** Applications for approval of Conditional Use Permit for a Sustainable Living Research Site must contain all of the following information:
  1. **Project Boundaries.** A map showing the proposed project boundaries, the perimeter of the ownership, location, and dimensions of any existing property lines and easements within the site, and the location of buildings, roads, parking, and open areas.
  2. **Agricultural Soils and Topography.** The existing agricultural soils on the site, as classified by the Soil Conservation Service, and proposed changes in topography of the site, including the degree of land disturbance, the location of drainage channels or watercourses, and the direction of drainage flow.
  3. **Utilities, Existing Structures and Trees.** The locations and capacities of existing utilities in the vicinity of the site, and tentative extensions to the site. The location of any existing structures and trees on site or in the adjoining right-of-way designated for retention or removal.
  4. **Site Plan.** A site plan showing the precise dimensions and locations of existing and proposed structures, buildings, streets, parking, yards, pathways, open spaces, and other public or private facilities. The site plan must also indicate all of proposed site uses or activities to be conducted on the site, with related floor area or calculations of site area to be devoted to such uses.
  5. **Architectural and Sustainable Living Concepts.** Plans showing architectural concepts of the proposed buildings, including heights, design, exterior materials,

other structures, fencing and signage, and the proposed concepts for sustainable living.

6. **Housing.** Description of the type of housing to be provided on site. Only rental housing is allowed, but there are not restrictions on housing type to facilitate sustainable living.
  7. **Development Schedule.** A preliminary development schedule, indicating the sequence and timing of development and the priorities of any phased development.
  8. **Engineering Plans.** Engineering plans showing site grading and amount of cut and fill, including finished grades and proposed drainage facilities.
  9. **Statement Regarding Proposed Research.** Written statement and illustrations to demonstrate how the project meets the purposes of research for sustainable living, what the specific objectives are, what the proposed institutional arrangements with an educational institution are, and what proposed modifications to the standards and regulations required by this Title are requested. Performance measurements for determining the success of the proposed research must be described and guarantees offered to ensure that the site will be returned to its pre-existing condition if the research fails to meet its objectives.
  10. **Other Information.** Any other information deemed necessary by the Zoning Administrator to ascertain if the project meets the required findings for a Sustainable Living Research Site.
- B. **Required Findings for a Sustainable Living Research Site.** A Conditional Use Permit may be granted if all of the following findings are made in addition to the findings required for all Conditional Use Permits:
1. The proposed research and sustainable living concepts will result in development that is demonstratively superior to the development that could occur under the standards applicable to normal development under the General Plan and this Title, of the Sustainable Living Research application, or the project submitted for consideration;
  2. The proposed research plan and conceptual program for sustainable living will further the goals and policies of the General Plan, and any applicable plan or policies adopted by the City Council; and
  3. The proposed bonding and other guarantees to return the site to pre-existing conditions in the event that the research is not successful are reasonable and sufficient, and will ensure that the City incurs no financial liability if the project fails.

- C. **Factors to be Considered.** In making the determination required by Subsection (B) above, the following factors must be considered:
1. Appropriateness of the proposed sustainability concepts and use(s) at the proposed location.
  2. Creativity in design and use of land.
  3. Provision of water supply and wastewater treatment facilities.
  4. Compatibility of uses within the development area.
  5. Public access to proposed research facilities.
  6. Overall contribution to the City's sustainability goals, as expressed in the General Plan.
- D. **Conditions of Approval.** In approving a Conditional Use Permit for a Sustainable Living Research Site, the Planning Commission may impose any reasonable conditions necessary to ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies that the City has adopted; achieve the purposes for a Sustainable Living Research project; or mitigate any potentially significant impacts identified as a result of review conducted in compliance with the requirements of the California Environmental Quality Act.

### **17.42.360 Temporary Uses**

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

- A. **Exempt Temporary Uses.** The following minor and limited duration temporary uses are exempt from the requirement for a Temporary Use Permit. Other permits, such as Building Permits, may be required.
1. **Car Washes.** Car washes conducted by a qualifying sponsoring organization on non-residential properties. Sponsorship shall be limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with 501(c) of the Federal Internal Revenue Code. Temporary car washes shall not occur on a site more than four times per calendar year and may not operate for a continuous period of more than 12 hours.
  2. **Emergency Facilities.** Emergency public health and safety needs/land use activities.

3. **Garage Sales.** Garage sales of personal property conducted by a resident of the premises and occurring no more often than two times per quarter per residence, for a maximum of three consecutive days each.
  4. **On-site Construction Yards.** On-site contractors' construction yards, including temporary trailers and storage of equipment, in conjunction with an approved construction project on the same site. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit authorizing the construction, whichever occurs first.
  5. **Temporary Real Estate Sales Office.** A temporary real estate sales office within the area of an approved development project, solely for the first sale of units, approved as part of the overall project.
- B. **Temporary Use Permit Required.** The following uses may be permitted pursuant to Section 17.55.060, Temporary Use Permits, subject to the following standards. Additional or more stringent requirements may be established through the Temporary Use Permit process in order to prevent the use from becoming a nuisance with regard to the surrounding neighborhood or the City as a whole.
1. **Special Events and Sales.** Short term special events, outdoor sales, and displays that do not exceed three consecutive days, may be permitted in accordance with the following standards:
    - a. **Location.** Events are limited to non-residential districts.
    - b. **Number of Events.** No more than four events at one site shall be allowed within any 12-month period.
    - c. **Time Limit.** When located adjacent to a Residential District, the hours of operation shall be limited to 8:00 a.m. to 9:00 p.m.
  2. **Temporary Outdoor Sales.** Temporary outdoor sales—including, but not limited to, grand opening events, and other special sales events—may be permitted in accordance with the following standards:
    - a. Temporary outdoor sales shall be part of an existing business on the same site.
    - b. Outdoor display and sales areas must be located on a paved or concrete area on the same lot as the structure(s) containing the business with which the temporary sale is associated.
    - c. Location of the displayed merchandise must not disrupt the normal circulation of the site, nor encroach upon driveways, pedestrian

walkways, or required landscaped areas, or obstruct sight distances or otherwise create hazards for vehicle or pedestrian traffic.

3. **Seasonal Sales.** Seasonal sales of holiday related items, such as pumpkins and Christmas trees, for a period not longer than 45 days in a nonresidential district.
4. **Commercial Filming.** The temporary use of a site for the filming of commercials, movies, videos, provided the Zoning Administrator finds the approval would not result in a frequency of uses likely to create incompatibility between the temporary filming activity and the surrounding neighborhood.
5. **Off-site Construction Yards.** Off-site contractors' construction yards, in conjunction with an approved construction project. The permit shall expire and the construction yard shall be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit authorizing the construction project, whichever first occurs.
6. **Real Estate Sales.** Onsite real estate sales from a manufactured or mobile unit office for the temporary marketing, sales, or rental of residential, commercial, or industrial development.
7. **Temporary Residence.** A mobile home as a temporary residence of the property owner when a valid Building Permit for a new single-family dwelling is in force, or for temporary caretaker quarters during the construction of a subdivision, multi-family, or nonresidential project. The permit may be approved for a specified duration, or upon expiration of the Building Permit, whichever first occurs.
8. **Temporary Structure.** A temporary classroom, office, or similar portable structure, including a manufactured or mobile unit, may be approved, for a maximum time period of 12 months, as an accessory use or as the first phase of a development project, in a non-residential district.
9. **Temporary Work Trailer.**
  - a. A trailer or mobile home may be used as a temporary work site for employees of a business:
    - (1) During construction of a subdivision or other development project when a valid Building Permit is in force; or
    - (2) Upon demonstration by the applicant that the temporary work site is a short-term necessity, while a permanent work site is being obtained.
  - b. A permit for temporary work trailers may be granted for up to 12 months.

10. ***Similar Temporary Uses.*** Similar temporary uses which, in the opinion of the Zoning Administrator, are compatible with the district and surrounding land uses, and are necessary because of unusual or unique circumstances beyond the control of the applicant.
- C. **Administrative Use Permit Required in Certain Circumstances.** Administrative Use Permits shall be required for the following uses:
1. Amusement rides, carnivals, circuses, concerts, live entertainment, outdoor entertainment/sporting events, and tent revivals for 10 consecutive days or less, or five two-day weekends, within a 12-month period.
  2. Any temporary use the Zoning Administrator finds may have substantial and detrimental impacts to surrounding properties, such as noise or traffic impacts that should be considered through an Administrative Use Permit review process.
  3. Any other temporary use not identified as exempt or as requiring a Temporary Use Permit.

## Chapter 17.43 Telecommunications Facilities

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### Sections:

17.43.010	Purpose
17.43.020	Applicability and Exemptions
17.43.030	Permit Requirements
17.43.040	Standards
17.43.050	Required Findings
17.43.060	Abandonment/Removal of Facilities
17.43.070	Transfer of Ownership

### 17.43.010 Purpose

This Chapter provides standards and procedures to regulate the development, siting, installation, and operation of wireless telecommunications antennas and related facilities consistent with the applicable requirements of federal law. The regulations are intended to provide for the appropriate development of wireless telecommunication facilities within the City to meet the needs of residents, business-owners, and visitors while protecting public health and safety and preventing visual blight and degradation of the community's aesthetic character.

### 17.43.020 Applicability and Exemptions

The requirements of this Chapter apply to all telecommunication facilities that transmit and/or receive electromagnetic signals, including but not limited to personal communications services (cellular and paging) and radio and television broadcast facilities. The requirements apply to telecommunication facilities that are the primary use of a property and those that are accessory facilities, except that the following accessory facilities are exempt:

- A. Licensed amateur (ham) radio and citizen band operations.
- B. Hand-held, mobile, marine, and portable radio transmitters and/or receivers.
- C. Emergency services radio.
- D. Radio and television mobile broadcast facilities.
- E. Antennas and equipment cabinets or rooms completely located inside of permitted structures.
- F. A single ground- or building-mounted receive-only radio or television antenna not exceeding the maximum height permitted by this Ordinance, including any mast, or a receive-only radio or television satellite dish antenna, subject to the following restrictions:

1. ***Residential Districts.***

- a. *Satellite Dish One Meter or Less.* A satellite dish that does not exceed one meter in diameter and is for the sole use of a resident occupying the same residential parcel is permitted anywhere on a lot in the residential district so long as it does not exceed the height of the ridgeline of the primary structure on the same parcel.
- b. *Satellite Dish Greater than One Meter.* A satellite dish that is greater than one meter in diameter, is not located within a required front yard or side yard abutting a street, and is screened from view from any public right-of-way and adjoining property.
- c. *Antennas.* An antenna that is mounted on any existing building or other structure that does not exceed 25 feet in height. The antenna must be for the sole use of a resident occupying the same residential parcel on which the antenna is located.

2. ***Nonresidential Districts.***

- a. *Satellite Dish Two Meters or Less.* A satellite dish that does not exceed two meters in diameter is permitted anywhere on a lot in a nonresidential district so long as the location does not reduce required parking, diminish pedestrian or vehicular access, or require removal of required landscaping.
- b. *Satellite Dish Greater than Two Meters.* A satellite dish that is greater than two meters in diameter that is not located within a required front yard or side yard abutting a street and is screened from view from any public right-of-way and adjoining property.
- c. *Mounted Antennas.* An antenna that is mounted on any existing building or other structure when the overall height of the antenna and its supporting tower, pole or mast does not exceed a height of 30 feet, or 25 feet if located within 20 feet of a Residential district.
- d. *Freestanding Antennas.* A free standing antenna and its supporting tower, pole, or mast that complies with all applicable setback ordinances when the overall height of the antenna and its supporting structure does not exceed a height of 30 feet or 25 feet if located within 20 feet of a Residential district.
- e. *Undergrounding Required.* All wires and/or cables necessary for operation of an antenna shall be placed underground or attached flush with the surface of the building or the structure of the antenna.



- G. Any antenna or wireless communications facility that is exempt from local regulation pursuant to the rules and regulations of the Federal Communications Commission (FCC) or a permit issued by the California Public Utilities Commission (CPUC). The owner or operator of such facility shall provide the Director with a copy of a current FCC or CPUC permit or a copy of applicable FCC regulations prior to its installation.
- H. Minor modifications to existing wireless facilities, including replacement in-kind or with smaller or less visible equipment, that meet the standards set forth in this Chapter and will have little or no change in the visual appearance of the facility.

#### **17.43.030 Permit Requirements**

- A. **Stealth Facilities.** Stealth facilities in which the antenna, and sometimes the support equipment, are hidden from view in a structure or concealed as an architectural feature, are permitted in all districts. Design Review of visible portions of the facility may be required pursuant to Chapter 17.56, Design Review.
- B. **Co-located Facilities.** Permitted by right when proposed to be co-located on a facility that was subject to a discretionary permit issued on or after January 1, 2007 and an environmental impact report was certified, or a negative declaration or mitigated negative declaration was adopted for the wireless telecommunication collocation facility in compliance with the California Environmental Quality Act and the collocation facility incorporates required mitigation measures specified in that environmental impact report, negative declaration, or mitigated negative declaration.
- C. **Non-stealth Facilities.** Permitted in subject to Conditional Use Permit approval. Design Review is required pursuant to Chapter 17.56, Design Review.

#### **17.43.040 Standards**

All wireless telecommunication facilities shall be located, developed, and operated in compliance with all of the following standards and with applicable standards of the zoning district in which they are located.

- A. **Location and Siting.**
  - 1. No new freestanding facility, including a tower, lattice tower, or monopole, shall be located within 1,000 feet of another freestanding facility, unless appropriate camouflage techniques have been used to minimize the visual impact of the facility to the extent feasible, and mounting on a building or co-location on an existing pole or tower is not feasible.
  - 2. All wireless telecommunication facilities shall meet the building setback standards of the district which they are to be located.

3. When feasible, providers of personal wireless services shall co-locate facilities in order to reduce adverse visual impacts. The Director may require co-location or multiple-user wireless telecommunication facilities based on a determination that it is feasible and consistent with the purposes and requirements of this Chapter.
  4. When determined to be feasible and consistent with the purposes and requirements of this Chapter, the Director shall require the applicant to make unused space available for future co-location of other wireless telecommunication facilities, including space for different operators providing similar, competing services.
- B. **Support Structures.** Support structures for wireless telecommunication facilities may be any of the following:
1. A single pole (monopole) sunk into the ground and/or attached to a foundation. Any new monopole must be constructed to allow for co-location of at least one other similar wireless communications provider.
  2. A monopole mounted on a trailer or a portable foundation if the use is for a temporary wireless communications facility.
  3. An existing non-residential building.
  4. An existing structure other than a building, including, but not limited to, light poles, electric utility poles, water towers, smokestacks, billboards, lattice towers, and flag poles. This term includes an electric utility pole erected to replace an existing electric utility pole, if the replacement pole will serve both electric and wireless communications functions, and if the replacement pole is substantially equivalent to the predecessor pole in placement, height, diameter and profile.
  5. An alternative tower structure such as a clock tower, steeple, functioning security light pole, functioning recreational light pole, or any similar alternative-design support structure that conceals or camouflages the wireless telecommunication facility. The term "functioning" as used herein means the light pole serves a useful and appropriate lighting function as well as a wireless communications function.
  6. Existing publicly-owned and operated monopole or a lattice tower exceeding the maximum height limit.
- C. **Height Requirements.**
1. ***Freestanding Antenna or Monopole.*** A freestanding antenna or monopole shall not exceed the height limit of the district in which it is located.

2. **Building-Mounted Facilities.** Building-mounted wireless telecommunication facilities shall not exceed a height of 15 feet above the height limit of the district or 15 feet above the existing height of a legally established building or structure, whichever is higher, measured from the top of the facility to the point of attachment to the building.
  3. **Facilities Mounted on Structures.** Wireless telecommunication facilities mounted on an existing structure shall not exceed the height of the existing structure unless camouflaged as part of the structure design, except antennas may extend up to 15 feet above the height of an electric utility pole.
  4. **Facilities Mounted on Light Poles.** A functioning security light pole or functioning recreational light pole shall have a height consistent with existing poles in the surrounding area or height usually allowed for such light poles.
- D. **Design and Screening.** Wireless telecommunication facility structures and equipment shall be located, designed and screened to blend with the existing natural or built surroundings, as well as any existing support structures, so as to reduce visual impacts to the extent feasible.
1. **Stealth Facilities.** State of the art stealth design technology shall be utilized as appropriate to the site and type of facility. Where no stealth design technology is proposed for the site, a detailed analysis as to why stealth design technology is physically and technically infeasible for the project shall be submitted with the application.
  2. **Other Facility Types.** If a stealth facility is not feasible, the order of preference for facility type is, based on their potential aesthetic impact: façade-mounted, roof-mounted, ground-mounted, and free-standing tower or monopole. A proposal for a new ground-mounted or free-standing tower shall include factual information to explain why other facility types are not feasible.
  3. **Minimum Functional Height.** All free-standing antennas, monopoles, and lattice towers shall be designed to be the minimum functional height and width required to support the proposed antenna installation, unless it can be demonstrated that a higher antenna, monopole, or tower will facilitate co-location.
  4. **Camouflage Design.** Wireless telecommunication facilities that are mounted on buildings or structures shall be designed to match existing architectural features, incorporated in building design elements, camouflaged, or otherwise screened to minimize their appearance in a manner that is compatible with the architectural design of the building or structure.
  5. **Equipment Cabinets.** Equipment cabinets shall be located within the building upon which antennae are placed, if technically feasible. Otherwise, equipment cabinets and buildings, and associated equipment such as air conditioning units

and emergency generators, shall be screened from view by a wall or landscaping, as approved by the City. Any wall shall be architecturally compatible with the building or immediate surrounding area.

6. **Landscaping.** Landscaping shall be provided for and maintained to screen any ground structures or equipment visible from a public right-of-way.
  7. **Lighting.** Artificial lighting of a wireless telecommunication facility, including its components, is prohibited, unless required by the Federal Aviation Administration. A motion-sensor light may be used for security purposes if the beam is directed downwards, shielded from adjacent properties, and kept off except when personnel are present at night.
  8. **Advertising.** No advertising shall be placed on wireless telecommunication facilities, equipment cabinets, or associated structures.
- E. **Security Features.** All facilities shall be designed to minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions that would result in hazardous conditions, visual blight, or attractive nuisances.
1. **Fencing.** Security fencing, if any, shall not exceed the fence height limit of the base district. Fencing shall be effectively screened from view through the use of landscaping. No chain link fences shall be visible from public view.
  2. **Maintenance.** The permittee shall be responsible for maintaining the site and facilities free from graffiti.
- F. **Radio Frequency Standards; Noise.**
1. **Radio Frequency.** Wireless telecommunication facilities shall comply with federal standards for radio frequency emissions and interference. Failure to meet federal standards may result in termination or modification of the permit.
  2. **Noise.** Wireless telecommunication facilities and any related equipment, including backup generators and air conditioning units, shall not generate continuous noise in excess of 40 decibels (dBa) measured at the property line of any adjacent residential property, and shall not generate continuous noise in excess of 50 dBa during the hours of 7:00 a.m. to 10:00 p.m. and 40 dBa during the hours of 10:00 p.m. to 7:00 a.m. measured at the property line of any non-residential adjacent property. Backup generators shall only be operated during power outages and for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m.
- G. **Co-location.** The applicant and owner of any site on which a wireless facility is located shall cooperate and exercise good faith in co-locating wireless facilities on the same

support structures or site. Good faith shall include sharing technical information to evaluate the feasibility of co-location, and may include negotiations for erection of a replacement support structure to accommodate co-location. A competitive conflict to co-location or financial burden caused by sharing information normally will not be considered as an excuse to the duty of good faith.

1. All facilities shall make available unused space for co-location of other wireless telecommunication facilities, including space for these entities providing similar, competing services. Co-location is not required if the host facility can demonstrate that the addition of the new service or facilities would impair existing service or cause the host to go offline for a significant period of time. In the event a dispute arises as to whether a permittee has exercised good faith in accommodating other users, the City may require the applicant to obtain a third party technical study at applicant's expense. The City may review any information submitted by applicant and permittee(s) in determining whether good faith has been exercised.
  2. All co-located and multiple-user wireless telecommunication facilities shall be designed to promote facility and site sharing. Telecommunication towers and necessary appurtenances, including but not limited to parking areas, access roads, utilities and equipment buildings, shall be shared by site users whenever possible.
  3. No co-location may be required where it can be shown that the shared use would or does result in significant interference in the broadcast or reception capabilities of the existing telecommunication facilities or failure of the existing facilities to meet federal standards for emissions.
  4. Failure to comply with co-location requirements when feasible or cooperate in good faith as provided for in this Chapter is grounds for denial of a permit request or revocation of an existing permit.
- H. **Fire Prevention.** All wireless telecommunication facilities shall be designed and operated in a manner that will minimize the risk of igniting a fire or intensifying one that otherwise occurs.
1. At least one-hour fire resistant interior surfaces shall be used in the construction of all buildings.
  2. The exterior walls and roof covering of all above-ground equipment shelters and cabinets shall be constructed of materials rated as non-flammable in the Building Code.
  3. Monitored automatic fire extinguishing systems approved by Cal Fire shall be installed in all equipment buildings and enclosures.

4. Openings in all above-ground equipment shelters and cabinets shall be protected against penetration by fire and wind-blown embers to the extent feasible.
- I. **Surety Bond.** As a condition of approval, an applicant for a building permit to erect or install a wireless telecommunication facility shall be required to post a cash or surety bond in a form and amount acceptable to the City Attorney to cover removal costs of the facility in the event that its use is abandoned or the approval is otherwise terminated.

#### **17.43.050 Required Findings**

- A. **General Findings.** In approving a wireless telecommunication facility, the decision-making authority shall make the following findings:
  1. The proposed use conforms with the specific purposes of this Chapter and any special standards applicable to the proposed facility;
  2. The applicant has made good faith and reasonable efforts to locate the proposed wireless facility on a support structure other than a new ground-mounted antenna, monopole, or lattice tower or to accomplish co-location;
  3. The proposed site results in fewer or less severe environmental impacts than any feasible alternative site; and
  4. The proposed facility will not be readily visible or it is not feasible to incorporate additional measures that would make the facility not readily visible.
- B. **Additional Findings for Facilities Not Co-Located.** To approve a wireless telecommunication facility that is not co-located with other existing or proposed facilities or a new ground-mounted antenna, monopole, or lattice tower the decision-making authority shall find that co-location or siting on an existing structure is not feasible because of technical, aesthetic, or legal consideration including that such siting:
  1. Would have more significant adverse effects on views or other environmental considerations;
  2. Is not permitted by the property-owner;
  3. Would impair the quality of service to the existing facility; or
  4. Would require existing facilities at the same location to go off-line for a significant period of time.
- C. **Additional Findings for Setback Reductions.** To approve a reduction in setback, the decision-making authority shall make one or more of the following findings:

1. The facility will be co-located onto or clustered with an existing, legally established wireless telecommunication facility; and/or
  2. The reduced setback enables further mitigation of adverse visual and other environmental impacts than would otherwise be possible.
- D. **Additional Findings for Any Other Exception to Standards.** The Planning Commission may waive or modify requirements of this Chapter upon finding that strict compliance would result in noncompliance with applicable federal or State law.

**17.43.060 Abandonment/Removal of Facilities.**

- A. The service provider shall notify the Zoning Administrator of the intent to vacate a site at least 30 days prior to the vacation.
- B. The permit for any antenna or tower that is not operated for a continuous period of 12 months shall be deemed lapsed and the site will be considered abandoned unless:
  1. The Zoning Administrator has determined that the same operator resumed operation within six months of the notice; or
  2. The City has received an application to transfer the permit to another service provider as provided for in Section 17.43.070, Transfer of Ownership.
- C. No later than 90 days from the date the use is discontinued or the provider has notified the Zoning Administrator of the intent to vacate the site, the owner of the abandoned antenna or tower or the owner of the property on which the facilities are sited shall remove all equipment and improvements associated with the use and shall restore the site to its original condition as shown on the plans submitted with the original approved application or as required by the Zoning Administrator.
  1. The provider or owner may use any bond or other assurances provided by the operator to do so.
  2. The owner or his agent shall provide written verification of the removal of the wireless telecommunication facility within 30 days of the date the removal is completed.
- D. If the antenna or tower is not removed within 30 days after the permit has lapsed under Subsection (B) above, the site shall be referred to Code Enforcement and the Zoning Administrator may cause the antenna or tower to be removed at the owners' expense or by calling any bond or other financial assurance to pay for removal.
  1. If there are two or more users of a single tower, then this provision shall apply to the abandoned antenna but not become effective for the tower until all users cease using the tower.

2. The requirement for removal of equipment in compliance with this section shall be included as a provision in any lease of private property for wireless telecommunication facilities.

**17.43.070 Transfer of Ownership**

In the event that the original permittee sells or otherwise transfers its interest in a wireless telecommunications facility, or an interest in a wireless telecommunication facility is otherwise assumed by a different carrier, the succeeding carrier must assume all responsibilities concerning the project, including, without limitation, City-issued permits for the project, and will be held responsible to the City for maintaining consistency with all project conditions of approval. A new contact name for the project and a new signed and recorded Agreement To Comply With Conditions Of Approval must be provided by the succeeding carrier to the Zoning Administrator within 30 days of the transfer of interest in the facility.



## Chapter 17.44 Wind Energy Conversion Systems

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### Sections:

17.44.010	Purpose
17.44.020	Applicability
17.44.030	Permit Requirements
17.44.040	Permit Applications
17.44.050	Development Standards
17.44.060	Additional Standards

### **17.44.010 Purpose**

The purpose of this Section is to comply with California Government Code § 65893, which encourages local agencies to adopt zoning standards that enable construction of small wind energy conversion systems for on-site home, farm, and small commercial use. The intent is to provide standards and regulations for the safe and effective construction and use of these systems.

### **17.44.020 Applicability**

This Section applies to wind energy conversion systems (WECS) that are used for electrical energy generation only.

### **17.44.030 Permit Requirements**

WECS are permitted in all zoning districts subject to Conditional Use Permit Approval except as provided below.

- A. **Exemptions.** The following systems do not require approval of a discretionary permit, but are subject to the development standards of the base zoning district:
1. Microturbines that generate two kW or less of electrical energy each, to a maximum cumulative total of 10 kW per lot.
  2. WECS that generate less than 10 kW per system.

### **17.44.040 Permit Applications**

All permit applications must include the following at submission:

- A. Delineation of the direction of the prevailing winds across the project site;

- B. Distance to residentially zoned lots, the Santa Barbara Airport, public and private schools, and any other uses as determined by the Zoning Administrator, within one-quarter mile of the proposed project as measured from its nearest lot line;
- C. Height of structures, trees, and above-ground utility lines within 300 feet of the proposed WECS;
- D. Photo simulations of the proposed WECS as seen from all directions within one mile of the project site;
- E. The intended use of the generated power, and a projection of the annual energy generation, measured in kilowatt hours (kWh), for the total WECS project at full buildout;
- F. Manufacturer's specifications documenting maximum noise levels generated by the WECS on the surrounding area;
- G. A statement by the manufacturer certifying that the rotor and overspeed controls have been designed and fabricated for the proposed use in accordance with good engineering practice, and have been approved by the California Energy Commission or certified by a national program, such as National Electrical Code (NEC), American National Standards Institute (ANSI), or Underwriters Laboratories (UL);
- H. Certification by a State-licensed structural, mechanical, or civil engineer that the tower structures are designed and constructed in compliance with the pertinent provisions of the Uniform Building Code and National Electric Code;
- I. Written evidence that the electric utility service provider for the proposed site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator. If the applicant does not plan to connect the system to the electricity grid, the applicant must include a statement to that effect; and
- J. A description of the proposed measures to minimize adverse noise, transmission interference, visual, and safety impacts to adjacent properties, and methods to prevent public access to the structure.

#### **17.44.050 Development Standards**

The development standards in Table 17.44.050 apply to all WECS. Maximum tower height will be allowed, provided that it does not exceed the specification recommended by the manufacturer or distributor of the system.

<b>TABLE 17.44.050: DEVELOPMENT STANDARDS</b>				
<i>Rated Microturbine Capacity</i>	<i>Minimum Lot Size</i>	<i>Minimum Setbacks – Freestanding Systems</i>	<i>Maximum Height<sup>1</sup></i>	<i>Minimum Separation Distance</i>
Up to 2 kW	Subject to Zone Standards			Manufacturer's Recommendations
Greater than 2 – 10 kW	1 acre	Greater of tower height or zone standard	80 feet	240 feet
Greater than 10 to 25 kW	5 acres	Tower height	100 feet	240 feet
Greater than 25 – 100 kW	10 acres	Tower height x 2	100 feet	Manufacturer's Recommendations
Greater than 100 kW	50 acres	Greater of tower height x 3 or 500 feet	Manufacturer's Recommendations	
1. The height from base grade to the top of the system, including the uppermost extension of any horizontal axis blades.				

#### **17.44.060 Additional Standards**

- A. **Minimum Blade Height – Horizontal Axis WECS.** To prevent harmful wind turbulence from existing structures, the lowest extension of any horizontal axis blade must be at least 30 feet above the highest structure or tree within a 250-foot radius. Modification of this standard may be allowed when the applicant demonstrates that a lower height will not jeopardize the safety of the system.
- B. **Separation Distance – Vertical Axis WECS.** Vertical axis systems must be placed at a distance of at least 10 rotor diameters from any structure or tree. A modification may be granted for good cause shown, however, in no case can the turbine be located closer than three blade diameters to any occupied structure.
- C. **Guy Wires.** Anchor points of any guy wires for a system tower must be located within the property that the system is located on. Guy wires must not cross any above-ground electric transmission or distribution lines. The points of attachment for the guy wires must be either enclosed by a fence six feet high or sheathed in bright orange or yellow coverings from three to eight feet above the ground.
- D. **Tower Access.** Towers must either:
1. Have tower-climbing apparatus located no closer than 12 feet from the ground;
  2. Have a locked anti-climb device installed on the tower;
  3. Be completely enclosed by a locked, protective fence at least six feet high; or
  4. Have a tower-access limitation program approved by the review authority.

- E. **Rotor Safety.** Each WECS must be equipped with both manual and automatic controls to limit the rotational speed of the blade within the design limits of the rotor.
- F. **Electromagnetic Interference.** The WECS must be designed, installed, and operated so that no disrupting electromagnetic interference is caused. Disruptive interference from the facility must be promptly rectified to include the discontinued operation of one or more WECS.
- G. **Utility Notification and Undergrounding.** For interconnected systems, no wind turbine can be installed until evidence has been given to the Zoning Administrator that the electric utility service provider has been notified and has indicated that the proposed interconnection is acceptable. On-site electrical wires associated with the system must be installed underground, except for “tie-ins” to the electric utility service provider and its transmission poles, towers, and lines. This standard may be modified by a variance if the project terrain is found to be unsuitable due to the need for excessive grading, biological impacts, or similar factors.
- H. **Noise.** All WECS are subject to the noise standards of this Title. Measurement of sound levels cannot be adjusted for, or averaged with, non-operating periods.
- I. **Wind Farm Site Access.** Construction of on-site roadways must be minimized. Temporary access roads utilized for initial installation must be regraded and revegetated to their natural condition after completion of installation.
- J. **Site Aesthetics.** WECS must be designed and located in the following manner to minimize adverse visual impacts from public viewing areas and private property:
  - 1. Structural components, including, without limitation, towers, blades, and fencing must be of a non-reflective, unobtrusive color.
  - 2. When adjacent to a General Plan-designated scenic corridor, a WECS cannot cause a significantly adverse visual impact either from the corridor, or on a designated scenic viewshed.
- K. **Exterior Lighting.** Exterior lighting on any structure associated with the WECS is prohibited, with the exception of that specifically required by the Federal Aviation Administration.
- L. **Signs.** Signage is subject to the following requirements:
  - 1. Signs warning of high-voltage electricity must be posted at a height of five feet above the ground on stationary portions of the WECS or its tower, and at gated entry points to the project site.
  - 2. No advertising sign or logo can be placed or painted on any WECS or tower.

3. For wind farms, no more than two identification signs relating to the development can be located on the project site.
  4. Signs cannot exceed 16 square feet in surface area or eight feet in height.
- M. **Compliance with FAA Regulations.** Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to the Santa Barbara Airport.

## **Chapter 17.45      Reserved**

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## **Chapter 17.46      Reserved**

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## **Chapter 17.47      Reserved**

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**Chapter 17.48      Reserved**

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**Chapter 17.49      Reserved**

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**Chapter 17.50      Reserved**

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**Chapter 17.51      Reserved**

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**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.

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## 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.



- b. ***Aggrieved Person Defined.*** As provided by Public Resources Code Section 30801, an aggrieved person is anyone who, in person or through an explicitly identified representative, appeared at a public hearing held before the Zoning Administrator, Planning Commission, or Council in connection with the decision or appeal of any project, or who by other appropriate means before a hearing, informed the City of the nature of their concerns, unless for good cause was unable to do either.
3. ***Exhaustion of City Appeals Required.*** An applicant or other aggrieved person may appeal a City decision on a Coastal Development Permit application to the Coastal Commission only after exhausting all appeals to the Planning Commission and Council in compliance with this Section. This limitation shall not apply to any circumstance identified in Code of Regulations Section 13573, including:
- a. An appellant was denied the right of appeal under this Section because City notice and hearing procedures did not comply with Title 14, Division 5.5, Chapter 8, Subdivision 2 of the Code of Regulations; or
  - b. An appeal of a City decision was filed by two members of the Coastal Commission in compliance with Public Resources Code Section 30625. (Notice of a Coastal Commissioners' appeal shall be transmitted to the City in compliance with Code of Regulations Section 13573(b). The appeal shall be suspended where the City decision has been appealed. If the final action by an appellate body modifies or reverses the previous decision, the Coastal Commissioners shall be required to file a new appeal of that decision if deemed appropriate and necessary.)
4. ***Grounds for appeal to Coastal Commission.*** Pursuant to Public Resources Code Section 30603, the grounds for an appeal to the Coastal Commission of a City decision on a Coastal Development Permit application are as follows:
- a. For approval of a Coastal Development Permit, an allegation that the project does not conform to the standards of the Coastal Land Use Plan or the public access policies of the Coastal Act;
  - b. For elimination or modification of a condition(s) of approval for a Coastal Development Permit, an allegation that the condition(s) was not needed or should be adjusted; or
  - c. For denial of a development, an allegation that the project conforms to the standards of the Coastal Land Use Plan and the public access policies of the Coastal Act.
5. ***Time Limit for Filing an Appeal to the Coastal Commission.*** An appeal of a Council decision on an appealable development shall be filed with the Coastal Commission within 10 business days of the receipt by the Coastal Commission of

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.

## 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 agendized 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.

## 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.

- (3) The removal, sale, or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the Coastal Commission has declared by resolution to have a critically short sand supply that must be maintained for protection of structures, coastal access, or public recreational use.
- c. Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that include:
  - (1) The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand, or other beach materials or any other forms of solid materials.
  - (2) The presence, whether temporary or permanent, of mechanized equipment or construction materials.
3. **Other Provisions.** All repair and maintenance activities that are not exempt are subject to the Coastal Development Permit regulations of this Chapter, including, without limitation, the regulations governing administrative and emergency permits. The provisions of this Subsection (D) are not applicable to those activities specifically described in the document entitled *Repair, Maintenance and Utility Hookups*, adopted by the Coastal Commission on September 5, 1978, and any revisions or updates to that document by the Coastal Commission, unless a proposed activity will have a risk of substantial adverse impact on public access, environmentally sensitive habitat area, wetlands, or public views to the ocean.
- F. **Utility Connections.** The installation, testing, and placement of any necessary utility connection between an existing service facility and any development that has been granted a valid Coastal Development Permit; provided, however, that the City may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources.
- G. **Structures Destroyed by Natural Disaster.** The replacement of any structure, other than a public works facility, destroyed by a disaster, provided that the replacement structure meets all of the following criteria:
  1. The structure is for the same use as the destroyed structure;
  2. The structure does not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent; and
  3. The structure is sited in the same location on the affected property as the destroyed structure.

- H. **Timeshare Conversions.** Any activity anywhere in the Coastal Zone that involves the conversion of any existing multiple-unit 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.