

CITY OF **Goleta**
Zoning
Ordinance
TITLE 17 OF THE MUNICIPAL CODE

PUBLIC REVIEW
DRAFT

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USER'S GUIDE

Background

The City's first General Plan/Coastal Land Use Plan was adopted on October 2, 2006 and became effective on November 1, 2006. The Plan governs land use and physical development within the City and establishes policy direction for the city's evolution and growth. The General Plan/Coastal Zone Land Use Plan includes land use, open space, conservation, safety, visual and historic resources, transportation, public facilities, noise, and housing elements, all of which have implications for land use planning and zoning. Most importantly, the Land Use Element establishes a set of land use designations and describes the intended land uses and development intensities for each designation. In some instances, the General Plan also offers specific development standards, such as floor area limits, or residential density, for the land use designations.

The Zoning Ordinance and the Zoning Map are the key documents that implement the General Plan/Coastal Zone Land Use Plan, and under California law, they must be consistent with the General Plan. Goleta's current Zoning Ordinance was inherited from Santa Barbara County upon incorporation and does not reflect best zoning and planning practices that are appropriate for Goleta. It is not effective in implementing the land use and design goals in Goleta's General Plan and other City policies. The City identified a need to create an innovative, integrated code that shapes future growth according to the community's vision, is clear and easy to use, and provides objective, standards and criteria for use in the development review and permitting process that will result in high quality development.

To this end, the City's Planning and Environmental Review Department embarked on an effort to comprehensively update the City's zoning regulations. Consultant assistance was provided from RRM Design Group and Dyett & Bhatia, Urban and Regional Planners, and the Planning Commission provided policy direction and oversight during the update.

Organization of the Zoning Ordinance

The Zoning Ordinance is organized into six parts, as follows:

- **Part I: General Provisions** establishes the overall organization and applicability of the regulations. This part also establishes the purpose of the ordinance, the authority for its establishment, and rules for construction of language and for measurements such as height, density, and floor area, that are applicable throughout the ordinance.
- **Part II: Base Zoning Districts** specifies the use and development regulations each set of base districts: Residential; Commercial; Office, Industrial; Public and Quasi-Public, Open

Space and Agricultural, and Planned Development. This part specifies the land uses permitted or conditionally permitted in each district and includes special requirements or limitations, if any, that are applicable to specific uses. Base district regulations also include development standards to control the size, height, bulk, location, and appearance of structures, as well as lot dimensions.

- **Part III: Overlay Districts** includes general provisions for overlay districts, which modify base district regulations for specific purposes in specific geographical areas. Airport Environs, Affordable Housing, Hospital, Master Plan, and Old Town Heritage overlay districts are established consistent with the General Plan/Coastal Land Use Plan.
- **Part IV: Regulations Applying in Multiple Districts** contains general standards that apply to multiple zoning districts, such as regulations for parking and loading, signs, lighting, landscaping, and wireless telecommunications facilities. This part also includes a chapter devoted to standards for specific land uses, such as emergency shelters, home occupations, personal storage facilities and temporary uses.
- **Part V: Administration and Permits** establishes the decision-making authority for different types of permits, as well as application processes, required findings, rules for hearings, public notification, and appeals, and procedures for enforcement of the ordinance.
- **Part VI: General Terms** contains two chapters. The first defines all land use classifications; the second defines terms that appear throughout the ordinance.

Major Provisions

The New Zoning Ordinance is based upon the City’s land use policies in the General Plan/Coastal Zone Land Use Plan, but also provides a new organizing framework. Major provisions are described below.

Districts. Zoning districts have been updated to be consistent with the General Plan. The ordinance has 22 base districts, as shown below. These districts are indicated on the Zoning Map by the Short Name/Map Symbol.

BASE ZONING DISTRICTS		
<i>Map Symbol</i>	<i>Full Name</i>	<i>General Plan Land Use Designation</i>
Residential Districts		
RS*	Single Family	Single Family
RP	Planned Residential	Planned Residential
RM	Residential Medium Density	Medium Density
RH	Residential High Density	High Density
RMHP	Mobile Home Park	Mobile Home Park
Commercial Districts		
CR	Regional Commercial	Regional Commercial
CC	Community Commercial	Community Commercial
OT	Old Town	Old Town
VS	Visitor Serving Commercial	Visitor Serving Commercial
CI	Intersection Commercial	Intersection Commercial
CG	General Commercial	General Commercial

BASE ZONING DISTRICTS		
<i>Map Symbol</i>	<i>Full Name</i>	<i>General Plan Land Use Designation</i>
Office Districts		
BP	Business Park	Business Park
OI	Office Institutional	Office and Institutional
Industrial Districts		
IS	Service Industrial	Service/Industrial
IG	General Industrial	General Industrial
Other Districts		
PQ	Public and Quasi-Public	Public/Quasi Public
OSPR	Open Space – Passive Recreation	Open Space/Passive Recreation
OSAR	Open Space – Active Recreation	Open Space/Active Recreation
AG	Agriculture	Agriculture
PD	Planned Development	None
* Numerical designators denote the minimum lot area allowed (in 1,000s). Where there is not designator, the minimum lot area is set through land use permit approval.		

Overlay and Specific Plan Districts. The ordinance also has five overlay districts and two specific plan districts as shown below.

OVERLAY AND SPECIFIC PLAN DISTRICTS	
<i>Map Symbol</i>	<i>Full Name</i>
Overlay Zoning Districts	
-AE	Airport Environs
-AHO	Affordable Housing
-H	Hospital
-MP	Master Plan
-OTH	Old Town Heritage
Specific Plan Districts	
CBP	Cabrillo Business Park
CRM	Camino Real Marketplace

Purpose Statements. Purpose statements are included for each base zoning district. Purpose statements help clarify the distinctions between districts by explaining the intent of the districts and provide an essential link between General Plan policies and use regulations and standards.

Use Classifications. Use classifications describe groups of similar uses (Residential; Public/Semi-Public; Commercial; Industrial; Transportation, Communication, and Utilities; Agricultural; and Accessory) that are regulated by the classification title. Rather than attempt to list all uses that might be permitted, the classifications provide for an administrative determination of the most logical category. The land use classifications have been updated to reflect modern businesses, industries and community service types; to reflect the particularities of existing and desired uses in Goleta; and to be consistent across the Ordinance.

Graphics. Graphics are used throughout the ordinance to strengthen written provisions and to provide visual examples of both lawful and unlawful development, helping to clarify regulations that are often subject to competing or incorrect interpretations.

Using the Zoning Ordinance

Determining the Regulations for a Specific Site

To determine the regulations of the ordinance applicable to a specific site, you must first find the site on the Zoning Map. The map will show the base zoning district that is applicable to the site. It will also show if the site is subject to an overlay district.

Next, look up the corresponding regulations. Start with the regulations for the base districts in Part II. The tables in the base district regulations state whether a use is permitted by right, permitted with limitations, permitted with a use permit, or not permitted. Included in the tables is a column with references to additional regulations that apply to a specific use. Also, the regulations in Part II contain applicable development standards and references to applicable development regulations elsewhere in the ordinance. In these cases, refer to the indicated sections.

Certain uses also have specific regulations in Part IV, Regulations Applying to Multiple Districts. Although these regulations are likely to be referenced in regulations for the base districts, it is a good idea to check over Part IV to confirm if any of the regulations apply to the type of development you are proposing. Next, if the Zoning Map indicates that your site is subject to an overlay district, look up the regulations for overlay districts in Part III. If any terms are unclear, or if you want to know what the intended use of a property is classified as, then look at Article VI, General Terms.

The regulations in Parts II, III, and IV will indicate whether a use is subject to a permit or design review. These procedures are described in Part V, Administration and Permits. Appeal provisions in this part show what steps to follow if you want to appeal a decision of review authority.

Numbering and Referencing

The Zoning Ordinance is Title 17 of the Goleta Municipal Code. Each Section in the Zoning Ordinance follows the numbering format of 17.XX.XXX. The first two digits refer to the chapter and the three digits after the decimal refer to the sections within the chapter. For example, 17.04.020 refers to the second section of Chapter 4. Within sections; subsections, paragraphs and subparagraphs are denoted by letters and numbers. The overall organization is as follows:

Chapter 17.01 Chapter Name

17.01.010 Title of First Section

- A. Subsection
 - 1. Paragraph
 - a. Subparagraph
 - (1) Sub-subparagraph

17.01.020 Title of Second Section

- A. Subsection
 - 1. Paragraph
 - a. Subparagraph
 - (1) Sub-subparagraph

Next Steps

The proposed Zoning Ordinance and Zoning Map will be the subject of advertised public hearings by the Planning Commission and City Council. The City Council will act on the proposed ordinance after receiving public input. For additional information, visit the project website at www.goletazoning.com or contact Anne Wells, Advance Planning Manager, at (805) 961-7557, awells@cityofgoleta.org.

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TABLE OF CONTENTS

Part I	General Provisions	I-i
Chapter 17.01	Introductory Provisions	I-1
17.01.010	Title and Authority	I-1
17.01.020	Purpose	I-1
17.01.030	Structure of Zoning Regulations.....	I-2
17.01.040	Applicability.....	I-3
17.01.050	Severability.....	I-4
17.01.060	Fees and Deposits	I-4
17.01.070	Districts Established	I-5
17.01.080	Official Zoning Map and District Boundaries	I-6
Chapter 17.02	Rules for Construction of Language	I-8
17.02.010	Purpose	I-8
17.02.020	Rules for Construction of Language	I-8
17.02.030	Rules of Interpretation.....	I-9
Chapter 17.03	Rules of Measurement.....	I-10
17.03.010	Purpose	I-10
17.03.020	General Provisions	I-10
17.03.030	Fractions.....	I-10
17.03.040	Calculating Density.....	I-10
17.03.050	Measuring Distances	I-11
17.03.060	Measuring Height.....	I-11
17.03.070	Measuring Landscaping.....	I-14
17.03.080	Measuring Lot Width and Depth.....	I-14
17.03.090	Measuring Open Space	I-15
17.03.100	Measuring Sign Area	I-16
17.03.110	Determining Average Slope	I-16
17.03.120	Determining Floor Area.....	I-17
17.03.130	Determining Lot Coverage	I-17
17.03.140	Determining Lot Frontage.....	I-18
17.03.150	Determining Setbacks (Yards)	I-18
Chapter 17.04	Reserved	I-20

Chapter 17.05	Reserved	I-20
Chapter 17.06	Reserved	I-20
Part II Base Zoning Districts		II-i
Chapter 17.07	Residential Districts	II-1
17.07.010	Purpose and Applicability	II-1
17.07.020	Land Use Regulations	II-2
17.07.030	Development Regulations	II-4
17.07.040	Additional Development Regulations for RS and RP Districts.....	II-7
17.07.050	Additional Development Regulations for RM and RH Districts.....	II-8
17.07.060	Additional Development Regulations for RMHP District	II-11
Chapter 17.08	Commercial Districts	II-12
17.08.010	Purpose and Applicability	II-12
17.08.020	Land Use Regulations	II-13
17.08.030	Development Regulations	II-18
17.08.040	Supplemental Regulations Applicable to all Commercial Districts	II-22
Chapter 17.09	Office Districts	II-27
17.09.010	Purpose and Applicability	II-27
17.09.020	Land Use Regulations	II-27
17.09.030	Development Regulations.....	II-29
Chapter 17.10	Industrial Districts	II-33
17.10.010	Purpose and Applicability	II-33
17.10.020	Land Use Regulations	II-33
17.10.030	Development Regulations.....	II-35
Chapter 17.11	Public and Quasi-Public District	II-39
17.11.010	Purpose and Applicability	II-39
17.11.020	Land Use Regulations	II-39
17.11.030	Development Regulations.....	II-41
Chapter 17.12	Open Space and Agricultural Districts	II-43
17.12.010	Purpose and Applicability	II-43
17.12.020	Land Use Regulations	II-44
17.12.030	Development Regulations.....	II-46
Chapter 17.13	Planned Development District	II-47
17.13.010	Purpose	II-47
17.13.020	Applicability.....	II-47

17.13.030	Procedures	II-48
17.13.040	Required Findings.....	II-49
17.13.050	Conditions of Approval	II-51
17.13.060	Expiration and Extensions; Modifications.....	II-51
Chapter 17.14	Reserved	II-52
Chapter 17.15	Reserved	II-52
Chapter 17.16	Reserved	II-52
Part III Overlay Districts		III-i
Chapter 17.17	–AE Airport Environs Overlay District	III-1
17.17.010	Purpose	III-1
17.17.020	Applicability.....	III-1
17.17.030	Consultation Required	III-1
17.17.040	Use Restrictions.....	III-2
17.17.050	Residential Interior Noise-Level Reduction.....	III-3
17.17.060	Regulations for Airspace Protection	III-3
17.17.070	Avigation Easement and Overflight Notification	III-4
Chapter 17.18	–AHO Affordable Housing Overlay District.....	III-5
17.18.010	Purpose	III-5
17.18.020	Applicability.....	III-5
17.18.030	Affordable Housing Requirement	III-5
17.18.040	Increased Density with State Density Bonus Program.....	III-6
17.18.050	Fee Waivers.....	III-6
Chapter 17.19	–H Hospital Overlay District	III-7
17.19.010	Purpose	III-7
17.19.020	Applicability.....	III-7
17.19.030	Permit and Processing Requirements	III-7
17.19.040	Additional Height	III-7
17.19.050	Lot Coverage	III-7
Chapter 17.20	–MP Master Plan Overlay District.....	III-8
17.20.010	Purpose	III-8
17.20.020	Applicability and Zoning Map Designator	III-8
17.20.030	Land Use Regulations.....	III-8
17.20.040	Development Standards.....	III-9
17.20.050	Initiation.....	III-9

17.20.060	Minimum Lot Size; Maximum Number of Dwelling Units	III-9
17.20.070	Approval of a Master Plan.....	III-9
17.20.080	Amendments to Adopted Master Plan	III-9
17.20.090	Expiration and Renewal; Changed Plans.....	III-10
17.20.100	Plan Review	III-10
Chapter 17.21	–OTH Old Town Heritage Overlay District	III-11
17.21.010	Purpose	III-11
17.21.020	Applicability.....	III-11
17.21.030	Permit and Processing Requirements.....	III-11
17.21.040	Build-to Area, Hollister Frontage	III-11
17.21.050	Building Length and Articulation.....	III-12
Chapter 17.22	Reserved	III-13
Chapter 17.23	Reserved	III-13
Chapter 17.24	Reserved	III-13
 Part IV Regulations Applying to Multiple Districts.....		IV-i
Chapter 17.25	General Site Regulations.....	IV-1
17.25.010	Purpose and Applicability	IV-1
17.25.020	Accessory Structures	IV-2
17.25.030	Buffers Adjacent to Agricultural Districts.....	IV-3
17.25.040	Building Projections into Yards	IV-4
17.25.050	Development on Lots Divided by District Boundaries	IV-5
17.25.060	Development on Substandard Lots.....	IV-6
17.25.070	Exceptions to Height Limits.....	IV-6
17.25.080	Fences and Freestanding Walls.....	IV-7
17.25.090	Mixed Use Development.....	IV-9
17.25.100	Outdoor Storage	IV-10
17.25.110	Refuse, Recycling, and Green Waste Storage Areas	IV-11
17.25.120	Right to Farm Covenants.....	IV-13
17.25.130	Right to Research Covenants	IV-14
17.25.140	Screening and Buffering of Common Lot Lines.....	IV-15
17.25.150	Screening of Equipment.....	IV-17
17.25.160	Solar Installations.....	IV-19
17.25.170	Stormwater Management.....	IV-20
17.25.180	Swimming Pools and Spas.....	IV-21

17.25.190	Truck Docks, Loading, and Service Areas	IV-21
17.25.200	Underground Utilities	IV-22
17.25.210	Visibility at Intersections and Driveways	IV-22
Chapter 17.26	Coastal Access	IV-24
17.26.010	Purpose	IV-24
17.26.020	Applicability.....	IV-24
17.26.030	Access Location Requirements	IV-26
17.26.040	Access Design Standards.....	IV-26
17.26.050	Prescriptive Rights.....	IV-28
17.26.060	Access Title and Guarantee.....	IV-29
Chapter 17.27	Coastal Zone Visual Resource Preservation.....	IV-30
17.27.010	Purpose	IV-30
17.27.020	Applicability.....	IV-30
17.27.030	Application Requirements.....	IV-30
17.27.040	View Preservation	IV-30
Chapter 17.28	Density Bonuses and Other Incentives.....	IV-32
17.28.010	Purpose and Applicability	IV-32
17.28.020	General Provisions	IV-32
17.28.030	Administration and Procedures	IV-33
Chapter 17.29	Inclusionary Housing Program.....	IV-36
17.29.010	Purpose	IV-36
17.29.020	Applicability.....	IV-37
17.29.030	Income Levels.....	IV-38
17.29.040	Calculations for Inclusionary Housing Units.....	IV-38
17.29.050	Inclusionary Housing Requirements	IV-39
17.29.060	Additional Incentives for Inclusionary Units	IV-42
17.29.070	Inclusionary Housing Plan and Agreement	IV-44
17.29.080	Eligibility for Inclusionary Units.....	IV-45
17.29.090	Inclusionary Unit Restrictions	IV-46
17.29.100	Construction Standards for Inclusionary Units	IV-46
17.29.110	Adjustments and Waivers	IV-47
17.29.120	Performance Security for Inclusionary Housing Units	IV-48
17.29.130	Enforcement.....	IV-48
Chapter 17.30	Demolition and Relocation.....	IV-50
17.30.010	Purpose	IV-50

17.30.020	Applicability.....	IV-50
17.30.030	Demolition Defined	IV-50
17.30.040	Relocation Defined.....	IV-51
17.30.050	Requirements.....	IV-51
17.30.060	Relocation of Buildings and Structures	IV-51
17.30.070	Demolition in Coastal Zone	IV-52
Chapter 17.31	Environmentally Sensitive Habitat Areas	IV-53
17.31.010	Purpose	IV-53
17.31.020	Applicability.....	IV-54
17.31.030	Application Requirements.....	IV-54
17.31.040	Mitigation of Impacts.....	IV-56
17.31.050	Development Standards.....	IV-57
17.31.060	Management of ESHAs.....	IV-59
17.31.070	Streamside Protection Areas	IV-59
17.31.080	Protection of Wetlands in the Coastal Zone	IV-62
17.31.090	Protection of Wetlands Outside the Coastal Zone	IV-63
17.31.100	Mitigation of Wetland Infill.....	IV-63
17.31.110	Lagoon Protection	IV-64
17.31.120	Vernal Pool Protection	IV-64
17.31.130	Protection of Coastal Bluff Scrub, Coastal Sage Scrub, and Chaparral ESHA.....	IV-64
17.31.140	Protection of Native Woodlands.....	IV-65
17.31.150	Protection of Native Grasslands.....	IV-65
17.31.160	Protection of Marine Habitats	IV-66
17.31.170	Protection of Monarch Butterfly.....	IV-67
17.31.180	Protection of Other ESHAs	IV-68
Chapter 17.32	Floodplain Management	IV-70
17.32.010	Purpose	IV-70
17.32.020	Applicability.....	IV-70
17.32.030	Floodplain Development Permit	IV-71
17.32.040	Standards of Construction	IV-71
17.32.050	Standards for Storage of Materials and Equipment	IV-72
17.32.060	Standards for Utilities	IV-72
17.32.070	Floodways	IV-72
17.32.080	Diking, Filling, or Dredging	IV-73
17.32.090	Infrastructure Capacity	IV-75

Chapter 17.33	Hazards	IV-76
17.33.010	Purpose	IV-76
17.33.020	Applicability.....	IV-76
17.33.030	Hazards Evaluation Report.....	IV-76
17.33.040	Shoreline Development	IV-77
17.33.050	Geologic, Slope, and Stability Hazards.....	IV-82
17.33.060	Fire Safety	IV-83
Chapter 17.34	Historic Resource Preservation	IV-84
Chapter 17.35	Landscaping	IV-85
17.35.010	Purpose	IV-85
17.35.020	Applicability.....	IV-85
17.35.030	Areas to be Landscaped	IV-86
17.35.040	General Requirements	IV-87
17.35.050	Materials	IV-87
17.35.060	Landscape Design Principles	IV-89
17.35.070	Landscape Plans	IV-90
17.35.080	Alternative Compliance.....	IV-90
Chapter 17.36	Lighting	IV-92
17.36.010	Purpose	IV-92
17.36.020	Applicability.....	IV-92
17.36.030	Prohibitions	IV-93
17.36.040	General Requirements	IV-94
17.36.050	Supplemental Requirements	IV-95
Chapter 17.37	Nonconforming Uses and Structures	IV-98
17.37.010	Purpose	IV-98
17.37.020	Establishment of Legal Nonconformity.....	IV-98
17.37.030	Nonconforming Uses.....	IV-99
17.37.040	Limited Exception for Nonconforming Industrial Uses.....	IV-101
17.37.050	Termination of Nonconforming Uses.....	IV-103
17.37.060	Nonconforming Structures.....	IV-107
Chapter 17.38	Oil and Gas Facilities	IV-109
17.38.010	Purpose	IV-109
17.38.020	Applicability.....	IV-109
17.38.030	Permit Requirements	IV-109
17.38.040	Development Standards.....	IV-110

17.38.050	Oil and Gas Pipelines.....	IV-112
17.38.060	Abandonment and Removal Procedures for Oil and Gas Facilities	IV-115
17.38.070	Deferral of Abandonment.....	IV-121
Chapter 17.39	Parking and Loading	IV-123
17.39.010	Purpose	IV-123
17.39.020	Applicability.....	IV-123
17.39.030	General Provisions	IV-124
17.39.040	Required Parking Spaces.....	IV-125
17.39.050	Parking Reductions.....	IV-132
17.39.060	Parking In-Lieu Fee	IV-133
17.39.070	Location of Required Parking.....	IV-134
17.39.080	Bicycle Parking	IV-135
17.39.090	On-Site Loading.....	IV-137
17.39.100	Parking Area Design and Development Standards	IV-139
Chapter 17.40	Performance Standards	IV-151
17.40.010	Purpose	IV-151
17.40.020	Applicability.....	IV-151
17.40.030	General Requirements	IV-151
17.40.040	Measurement of Impacts.....	IV-151
17.40.050	Air Quality	IV-152
17.40.060	Liquid or Solid Waste	IV-152
17.40.070	Hazardous Materials	IV-152
17.40.080	Noise	IV-153
17.40.090	Smoke, Fumes, and Gases.....	IV-156
17.40.100	Vibration.....	IV-156
Chapter 17.41	Signs	IV-157
17.41.010	Purpose	IV-157
17.41.020	Applicability.....	IV-157
17.41.030	Exempt Signs	IV-158
17.41.040	Prohibited Signs	IV-164
17.41.050	Sign Design Principles.....	IV-167
17.41.060	General Provisions for All Sign Types.....	IV-168
17.41.070	Standards for Signs by Districts.....	IV-173
17.41.080	Signage Allowances for Specific Uses	IV-174
17.41.090	Standards for Specific Sign Types.....	IV-175

17.41.100	Historic Signs	IV-179
17.41.110	Master Sign Programs	IV-179
17.41.120	Nonconforming Signs	IV-181
Chapter 17.42	Standards for Specific Uses and Activities	IV-182
17.42.010	Purpose	IV-183
17.42.020	Applicability.....	IV-183
17.42.030	Accessory Uses.....	IV-183
17.42.040	Adult-Oriented Businesses.....	IV-184
17.42.050	Animal Keeping	IV-186
17.42.060	Automobile/Vehicle Sales and Leasing	IV-187
17.42.070	Automobile/Vehicle Service and Repair	IV-188
17.42.080	Automobile/Vehicle Washing	IV-189
17.42.090	Community Assembly	IV-189
17.42.100	Community Gardens	IV-190
17.42.110	Drive-In and Drive-Through Facilities.....	IV-191
17.42.120	Emergency Shelters.....	IV-192
17.42.130	Family Day Care Homes, Large.....	IV-193
17.42.140	Farmer’s Markets	IV-195
17.42.150	Farmworker Housing.....	IV-196
17.42.160	Group Residential.....	IV-196
17.42.170	Heliports.....	IV-197
17.42.180	Home Occupations.....	IV-198
17.42.190	Hospitals and Clinics.....	IV-200
17.42.200	Live/Work Units	IV-200
17.42.210	Lodging and Visitor-Services	IV-201
17.42.220	Manufactured Homes	IV-202
17.42.230	Medical Marijuana Uses.....	IV-202
17.42.240	Mobile Food Facility/Vendor	IV-203
17.42.250	Nurseries and Garden Centers.....	IV-203
17.42.260	Outdoor Dining and Seating.....	IV-204
17.42.270	Outdoor Sales.....	IV-204
17.42.280	Personal Services.....	IV-205
17.42.290	Personal Storage	IV-205
17.42.300	Recycling Facilities.....	IV-206
17.42.310	Residential Care Facilities, Large.....	IV-208

17.42.320	Single Room Occupancy (SRO) Housing.....	IV-208
17.42.330	Second Dwelling Units.....	IV-210
17.42.340	Service and Gas Stations	IV-212
17.42.350	Sustainable Living Research Site	IV-213
17.42.360	Temporary Uses	IV-215
Chapter 17.43	Telecommunications Facilities.....	IV-219
17.43.010	Purpose	IV-219
17.43.020	Applicability and Exemptions.....	IV-219
17.43.030	Permit Requirements.....	IV-221
17.43.040	Standards	IV-221
17.43.050	Required Findings.....	IV-226
17.43.060	Abandonment/Removal of Facilities.....	IV-227
17.43.070	Transfer of Ownership	IV-228
Chapter 17.44	Wind Energy Conversion Systems.....	IV-229
17.44.010	Purpose	IV-229
17.44.020	Applicability.....	IV-229
17.44.030	Permit Requirements	IV-229
17.44.040	Permit Applications.....	IV-229
17.44.050	Development Standards.....	IV-230
17.44.060	Additional Standards.....	IV-231
Chapter 17.45	Reserved	IV-233
Chapter 17.46	Reserved	IV-233
Chapter 17.47	Reserved	IV-233
Chapter 17.48	Reserved	IV-234
Chapter 17.49	Reserved	IV-234
Chapter 17.50	Reserved	IV-234
Chapter 17.51	Reserved	IV-234
Part V Administration and Permits		V-i
Chapter 17.52	Planning Authorities	V-1
17.52.010	Purpose	V-1
17.52.020	City Council.....	V-1
17.52.030	Planning Commission	V-2
17.52.040	Design Review Board.....	V-2
17.52.050	Director of Planning and Environmental Review	V-2

17.52.060	Zoning Administrator	V-3
Chapter 17.53	Common Procedures	V-5
17.53.010	Purpose	V-5
17.53.020	Application Submittal and Review	V-5
17.53.030	Preliminary Review Process	V-6
17.53.040	Review of Applications.....	V-7
17.53.050	Environmental Review	V-7
17.53.060	Public Notification.....	V-8
17.53.070	Conduct of Public Hearings	V-11
17.53.080	Findings and Decision.....	V-12
17.53.090	Conditions of Approval	V-12
17.53.100	Expiration and Extensions.....	V-13
17.53.110	Revision of Approved Plans.....	V-13
17.53.120	Revocation of Permits	V-14
17.53.130	Appeals.....	V-14
Chapter 17.54	Zoning Clearance	V-19
17.54.010	Purpose	V-19
17.54.020	Applicability.....	V-19
17.54.030	Review and Decision	V-19
17.54.040	Exceptions	V-20
17.54.050	Appeals.....	V-20
Chapter 17.55	Use Permits	V-21
17.55.010	Purpose	V-21
17.55.020	Applicability.....	V-21
17.55.030	Review Authority.....	V-22
17.55.040	Required Findings, Administrative Use Permits and Conditional Use Permits.....	V-22
17.55.050	Conditions of Approval, Administrative Use Permits and Conditional Use Permits.....	V-23
17.55.060	Temporary Use Permits	V-23
17.55.070	Appeals.....	V-24
Chapter 17.56	Design Review	V-25
17.56.010	Applicability.....	V-25
17.56.020	Applicability and Review Authority.....	V-25
17.56.030	Levels of Design Review and Responsible Party	V-27
17.56.040	Scope of Review	V-28
17.56.050	Required Findings.....	V-28

17.56.060	Design Review Criteria	V-28
17.56.070	Conditions of Approval	V-29
17.56.080	Time Limits on Approvals and Time Extensions.....	V-30
17.56.090	Appeals.....	V-30
Chapter 17.57	Variances	V-31
17.57.010	Purpose	V-31
17.57.020	Applicability.....	V-31
17.57.030	Procedures	V-31
17.57.040	Required Findings.....	V-32
17.57.050	Conditions of Approval	V-32
17.57.060	Appeals.....	V-33
Chapter 17.58	Coastal Development Permit	V-34
17.58.010	Purpose	V-34
17.58.020	Applicability.....	V-34
17.58.030	Exemptions.....	V-35
17.58.040	Record of Permit Exemptions	V-41
17.58.050	Waiver for De Minimis Development	V-41
17.58.060	Permit Required; Application Requirements	V-41
17.58.070	Public Notice	V-43
17.58.080	Hearing and Action on Coastal Development Permit	V-43
17.58.090	Required Findings.....	V-44
17.58.100	Conditions	V-44
17.58.110	Open Space Easements and Public Access Documents	V-44
17.58.120	Notice of City Action	V-45
17.58.130	Post Decision Procedures.....	V-46
17.58.140	Appeals.....	V-46
Chapter 17.59	Modifications	V-47
17.59.010	Purpose	V-47
17.59.020	Applicability.....	V-47
17.59.030	Procedures	V-48
17.59.040	Required Findings.....	V-48
17.59.050	Conditions of Approval	V-49
17.59.060	Appeals.....	V-49
Chapter 17.60	Reasonable Accommodation for Persons with Disabilities	V-50
17.60.010	Applicability.....	V-50

17.60.020	Application	V-50
17.60.030	Process	V-51
17.60.040	Actions on Application, Criteria, Findings, Appeal	V-51
17.60.050	Rescission	V-52
17.60.060	Fees	V-52
Chapter 17.61	Emergency Permits	V-53
17.61.010	Purpose	V-53
17.61.020	Permit Procedures	V-53
Chapter 17.62	Development Agreements	V-56
17.62.010	Purpose	V-56
17.62.020	Applicability.....	V-56
17.62.030	Authority and Duties	V-56
17.62.040	Procedure.....	V-57
17.62.050	Execution and Recordation of Development Agreement.....	V-57
17.62.060	Annual Review.....	V-58
17.62.070	Amendment or Cancellation	V-58
17.62.080	Effect of Approved Agreement	V-59
17.62.090	Enforcement.....	V-59
Chapter 17.63	Amendments to Zoning Regulations and Zoning Map	V-60
17.63.010	Purpose and Applicability	V-60
17.63.020	Initiation of Amendments	V-60
17.63.030	Public Notice	V-61
17.63.040	Public Hearing	V-61
17.63.050	Planning Commission Hearing and Recommendation.....	V-61
17.63.060	City Council Hearing and Action.....	V-61
Chapter 17.64	Amendments to the General Plan	V-63
17.64.010	Purpose	V-63
17.64.020	Applicability.....	V-63
17.64.030	Contents of the General Plan	V-63
17.64.040	Initiation of Amendments	V-63
17.64.050	Application Requirements.....	V-64
17.64.060	Review Procedures and Public Notice	V-64
17.64.070	Public Hearing	V-65
17.64.080	Planning Commission Hearing and Recommendation.....	V-65
17.64.090	City Council Hearing and Action.....	V-65

17.64.100	Administration of the General Plan	V-66
Chapter 17.65	Amendments to the Local Coastal Program	V-67
17.65.010	Purpose and Applicability	V-67
17.65.020	Initiation of Amendments	V-67
17.65.030	Public Notice and Review Procedures	V-68
17.65.040	Planning Commission Action.....	V-68
17.65.050	City Council Action	V-68
17.65.060	California Coastal Commission Requirements	V-69
Chapter 17.66	Specific Plans.....	V-70
17.66.010	Purpose	V-70
17.66.020	Procedures	V-70
Chapter 17.67	Enforcement.....	V-71
17.67.010	Purpose	V-71
17.67.020	Relation to Other Codes and Statues.....	V-71
17.67.030	Enforcement Responsibilities.....	V-71
17.67.040	Penalties.....	V-72
17.67.050	Remedies.....	V-72
17.67.060	Recording a Notice and Order.....	V-72
Chapter 17.68	Reserved	V-74
Chapter 17.69	Reserved	V-74
Part VI General Terms		VI-i
Chapter 17.70	Use Classifications	VI-1
17.70.010	Residential Uses	VI-1
17.70.020	Public/Semi-Public Uses.....	VI-3
17.70.030	Commercial Uses.....	VI-5
17.70.040	Industrial Uses.....	VI-13
17.70.050	Transportation, Communication, and Utility Uses.....	VI-15
17.70.060	Agricultural Uses	VI-16
17.70.070	Accessory Uses.....	VI-17
Chapter 17.71	List of Terms and Definitions.....	VI-18
17.71.010	List of Terms	VI-18
17.71.020	Definitions	VI-23

LIST OF TABLES

Table 17.01.070(A): Base Zoning Districts	I-5
Table 17.01.070(B): Overlay Zoning Districts.....	I-5
Table 17.01.070(C): Specific Plan Districts.....	I-6
Table 17.07.020: Land Use Regulations—Residential Districts	II-3
Table 17.07.030: Development Regulations—Residential Districts	II-5
Table 17.08.020: Land Use Regulations—Commercial Districts	II-13
Table 17.08.030: Development Regulations—Commercial Districts.....	II-19
Table 17.08.040(A)(3): Width of Landscaping Buffer	II-24
Table 17.09.020: Land Use Regulations—Office Districts.....	II-28
Table 17.09.030: Development Regulations—Office Districts	II-30
Table 17.10.020: Land Use Regulations—Industrial Districts	II-34
Table 17.10.030: Development Regulations—Industrial Districts.....	II-36
Table 17.11.020: Land Use Regulations—Public and Quasi-Public Districts	II-39
Table 17.11.030: Development Regulations— Public and Quasi-Public Districts	II-41
Table 17.12.020: Land Use Regulations – Open Space and Agricultural Districts	II-44
Table 17.12.030: Development Regulations - Open Space and Agricultural Districts.....	II-46
Table 17.25.040: Allowed Building Projections into Yards	IV-4
Table 17.25.070: Allowed Projections Above Height Limits	IV-6
Table 17.25.100(A): Open Storage Regulations by District and Location	IV-10
Table 17.25.140(A): Required Screening and Landscape Buffers	IV-15
Table 17.25.140(B): Screening and Buffer Type Requirements.....	IV-16
Table 17.29.090(A): Minimum Standards for Inclusionary Units.....	IV-47
Table 17.39.040(A)(1): Required On-Site Parking Spaces, Mixed-Use Development.....	IV-126
Table 17.39.040(A)(2): Required On-Site Parking Spaces, Single-Use Development	IV-126
Table 17.39.090(A): Required Loading Spaces.....	IV-137
Table 17.39.100(A)(1): Standard Parking Stall Dimensions	IV-140
Table 17.40.080(A): Noise and Land Use Compatibility Criteria.....	IV-153
Table 17.41.070(A): Permitted Permanent Signs by District	IV-174
Table 17.41.070(B): Total Maximum Sign Area by district	IV-174
Table 17.44.050: Development Standards.....	IV-231

LIST OF FIGURES

Figure 17.03.050: Measuring Distances.....	I-11
Figure 17.03.060(A)(1): Measuring Building Height on Non-Sloped Lots.....	I-12
Figure 17.03.060(A)(2): Measuring Building Height on Sloped Lots.....	I-12
Figure 17.03.060(B)(1): Measuring Height Of Fences On Retailing Walls	I-13
Figure 17.03.060(B)(2): Measuring Height of Decks.....	I-13
Figure 17.03.080: Measuring Lot Width and Depth	I-14
Figure 17.03.090(A): Measuring Private Open Space	I-15
Figure 17.03.090(B): Measuring Common Open Space.....	I-16
Figure 17.03.130: Determining Lot Coverage	I-18
Figure 17.03.160: Determining Setbacks (Yards).....	I-19
Figure 17.07.030(C): Prototype Floor Plan for Efficiency Units with 350 to 500 Square Feet.....	II-7
Figure 17.07.050(A): Transitional Standards-RM and RH Districts Adjacent To RS or RP District	II-9
Figure 17.08.030(B): Street-Facing Setbacks	II-20
Figure 17.08.030(E): Ground-Floor Transparency	II-21
Figure 17.08.030(H): Transitional Standards-Commercial Districts Adjacent To Residential Districts and Uses.....	II-22
Figure 17.09.030(A): Transitional Standards-Office Districts Adjacent To Residential Districts and Uses	II-31
Figure 17.10.030(B): Transitional Standards-Industrial Districts Adjacent To Residential Districts and Uses.....	II-37
Figure 17.10.030(C): Screening and Separation of Parking Area.....	II-38
Figure 17.11.030(A): Transitional Standards–Public and Quasi-Public District Adjacent to Residential Districts and Uses.....	II-42
Figure 17.25.040: Allowed Building Projections	IV-5
Figure 17.25.080(A): Fence and Wall Height	IV-8
Figure 17.25.090(A): Upper-Story Stepbacks—Residential Uses In Mixed Use Development.....	IV-9
Figure 17.25.100(B): Screening and Setbacks—Outdoor Storage	IV-11
Figure 17.25.140(B): Tree Spacing	IV-16
Figure 17.25.150(C)(1): Screening Of Roof-Mounted Equipment	IV-18
Figure 17.25.150(C)(2): Screening Of Ground-Mounted Equipment.....	IV-19
Figure 17.25.210(A): Visibility at Street Intersections	IV-22
Figure 17.25.210(B): Visibility at Driveways	IV-23

Figure 17.35.030(C): Building Perimeter Landscaping.....IV-86

Figure 17.35.040(B): Landscaping MoundIV-87

Figure 17.36.030(C): Architectural LightingIV-93

Figure 17.39.080(A): Short-Term Bicycle ParkingIV-136

Figure 17.39.100(A)(1): Parking Stall Dimensions.....IV-139

Figure 17.39.100(A)(2): Vehicle Overhang.....IV-140

Figure 17.39.100(A)(3): Spaces Abutting Walls Or PostsIV-140

Figure 17.39.100(N): Separation from On-Site Buildings.....IV-144

Figure 17.39.100(O)(6): Landscape Islands.....IV-145

Figure 17.39.100(O)(6)(G): Parking CanopiesIV-146

Figure 17.39.100(O)(7)(A): Single-Row Parking MediansIV-146

Figure 17.39.100(O)(7)(B): Double-Row Parking MediansIV-147

Figure 17.39.100(O)(7)(C): Medians With Sidewalks.....IV-147

Figure 17.39.100(O)(8): Protection Of VegetationIV-148

Figure 17.39.100(U): Pedestrian Circulation and Safety.....IV-150

Figure 17.41.030(D): Construction SignsIV-158

Figure 17.41.030(H): FlagsIV-160

Figure 17.41.030(P): Mobile Vendor SignsIV-161

Figure 17.41.030(S): On-Site Real Estate Signs.....IV-162

Figure 17.41.030(Y): Window SignsIV-163

Figure 17.41.040(F): Mobile Billboards.....IV-165

Figure 17.41.040(M): Roof Signs.....IV-166

Figure 17.41.050: Sign Readability.....IV-168

Figure 17.41.060(G)(1): Single-Faced SignsIV-169

Figure 17.41.060(G)(2): Double-Faced SignsIV-170

Figure 17.41.060(G)(3): Multi-Faced SignsIV-171

Figure 17.41.060(G)(4): Three-Dimensional SignsIV-172

Figure 17.41.090(B): Awning and Canopy SignsIV-176

Figure 17.41.090(C): Freestanding Signs.....IV-177

Figure 17.41.090(D): Projecting Signs.....IV-178

Figure 17.41.090(E): Wall Signs.....IV-179

Figure 17.69.020(A): Lot and Yard TypesVI-35

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PART I
GENERAL PROVISIONS

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Chapter 17.01 Introductory Provisions

Sections:

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

17.01.010 Title and Authority

Title 17 of the Goleta Municipal Code is to be known and cited as the “Goleta Zoning Ordinance,” “Zoning Ordinance of the City of Goleta,” “Zoning Ordinance,” “this Ordinance,” or “this Title.” The Goleta Zoning Ordinance is adopted pursuant to the authority contained in § 65850 of the California Government Code.

17.01.020 Purpose

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

- A. To provide a precise guide for the physical development of the City in a manner as to progressively achieve the arrangement of land uses depicted in the Goleta General Plan, consistent with the goals and policies of the General Plan.
- B. To implement the City’s Coastal Land Use Plan, consistent with the California Coastal Act.
- C. To foster a harmonious, convenient, and workable relationship among land uses and ensure compatible development, consistent with the General Plan.
- D. To define duties and powers of administrative bodies and officers responsible for implementation of this Title.

17.01.030 Structure of Zoning Regulations

- A. **Organization of Regulations.** This Title consists of six parts:
1. Part I: General Provisions (Chapters 17.01 to 17.06)
 2. Part II: Base Zoning Districts (Chapters 17.07 to 17.16)
 3. Part III: Overlay Districts (Chapters 17.17 to 17.24)
 4. Part IV: Regulations Applying to Multiple Districts (Chapters 17.25 to 17.51)
 5. Part V: Administration and Permits (Chapters 17.52 to 17.69)
 6. Part VI: General Terms (Chapters 17.70 to 17.71)
- B. **Types of Regulations.** Four types of zoning regulations control the use and development of property:
1. **Land Use Regulations.** These regulations specify land uses permitted, conditionally permitted, or specifically prohibited in each zoning district, and include special requirements, if any, applicable to specific uses. Land use regulations for base zoning districts are in Part II of this Title, while land use regulations for overlay districts are in Part III of this Title. Certain regulations, applicable in multiple districts, and performance standards, which govern special uses, are in Part IV.
 2. **Development Regulations.** These regulations control building density and intensity and the height, bulk, location, and appearance of structures on development sites. Development regulations for base zoning districts and for overlay districts are in Parts II and III of this Title. Certain development regulations, applicable to multiple districts are in Part IV. These include regulations for specific uses, development and site regulations, performance standards, parking, sign, antennas and wireless communications, and nonconforming uses.
 3. **Administrative Regulations.** These regulations contain detailed procedures for permitting and the administration of this Title, and include common procedures, processes, and standards for ministerial and discretionary permits, including Coastal permits. Administrative regulations are in Part V.
 4. **General Terms and Use Classifications.** Part VI provides a list of use classifications and terms and definitions used in this Title.

17.01.040 Applicability

A. General Rules for Applicability of Zoning Regulations.

1. ***Applicability to Property.*** This Title applies, to the extent permitted by law, to all property within the corporate limits of the City of Goleta and to property for which applications for annexation and/or subdivisions have been submitted to the City of Goleta, including all uses, structures, and land owned by any private person, firm, corporation or organization, or the City of Goleta or other local, State, or federal agencies. A governmental agency may be exempt from the provisions of this Title only to the extent that such property cannot be lawfully regulated by the City of Goleta.
2. ***Compliance with Regulations.*** No land can be used, and no structure can be constructed, occupied, enlarged, altered, demolished, or moved in any zoning District, except in accordance with the provisions of this Title.

B. Relation to Other Regulations.

1. ***General.*** The regulations of this Title and requirements or conditions imposed pursuant to this Title do not supersede any other regulations or requirements adopted or imposed by the Goleta City Council, the State of California, or any federal agency that has jurisdiction by law over uses and development authorized by this Title. All uses and development authorized by this Title must comply with all other such regulations and requirements. Where conflict occurs between the provisions of the Title and any other provision of the Municipal Code or uncodified ordinances, resolutions, guidelines, or administrative procedures, the more restrictive provisions control, unless otherwise specified.
2. ***Permit Streamlining Act.*** It is the intent of this Title that all actions taken by the decision-making body pursuant to this Title that are solely adjudicatory in nature be within a timeframe consistent with the provisions of Government Title § 65920 et seq. (the Permit Streamlining Act). Nothing in this Title is to be interpreted as imposing time limits on actions taken by the decision-making body pursuant to this Title that are legislative in nature or that require both adjudicatory and legislative judgments.
3. ***Relation to Private Agreements.*** This Title will not interfere with or annul any recorded easement, covenant, or other agreement now in effect, provided that where this Title imposes greater restriction than imposed by an easement, covenant, or agreement, this Title controls.
4. ***Relation to Prior Ordinances.*** The provisions of this Title supersede all prior Zoning Ordinances and uncodified ordinances related to zoning adopted by the City since incorporation. No provision of this Title validates any land use or structure established, constructed, or maintained in violation of prior Zoning

Ordinances for Coastal and Inland areas, unless such validation is specifically authorized by this Title and is in conformance with all other regulations and with the General Plan.

5. ***Application During Local Emergency.*** The City Council may authorize a deviation from a provision of this Title during a local emergency declared and ratified under the Goleta Municipal Code. The City Council may authorize a deviation by resolution without notice or public hearing.
- C. **Consistency with the General Plan and Local Coastal Plan.** Any permit, license, or approval issued pursuant to this Title must be consistent with the Goleta General Plan, the Local Coastal Plan, and all applicable area and specific plans. In any case where there is a conflict between this Title and the General Plan, the General Plan prevails.
- D. **Effect on Previously Approved Projects and Projects under Construction.** Any building or structure for which a Building Permit has been issued may be completed and used in accordance with the plans, specifications, and permits on which said Building Permit was granted, provided at least one inspection has been requested and posted for the primary structure on the site where the permit is issued, and provided construction is diligently pursued and completed within 12 months of permit issuance. No extensions of time, except as provided for in the California Building Code, will be granted for commencement of construction, unless the applicant has secured an allowed permit extension from the Zoning Administrator.
- E. **Effect on Projects in the Entitlement Process.** Projects accepted for processing prior to the adoption of this Ordinance may continue to be processed with the previously adopted Title 17 or may utilize the provisions herein.

17.01.050 Severability

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

17.01.060 Fees and Deposits

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

17.01.070 Districts Established

The City is classified into districts or zones, the designation and regulation of which are set forth in this Title and as follows.

- A. **Base Zoning Districts.** Base zoning districts into which the City is divided are established as shown in Table 17.01.070(A), Base Zoning Districts.

TABLE 17.01.070(A): BASE ZONING DISTRICTS		
<i>Map Symbol</i>	<i>Full Name</i>	<i>General Plan Land Use Designation</i>
Residential Districts		
RS*	Single Family	Single Family
RP	Planned Residential	Planned Residential
RM	Residential Medium Density	Medium Density
RH	Residential High Density	High Density
RMHP	Mobile Home Park	Mobile Home Park
Commercial Districts		
CR	Regional Commercial	Regional Commercial
CC	Community Commercial	Community Commercial
OT	Old Town	Old Town
VS	Visitor Serving Commercial	Visitor Serving Commercial
CI	Intersection Commercial	Intersection Commercial
CG	General Commercial	General Commercial
Office Districts		
BP	Business Park	Business Park
OI	Office Institutional	Office and Institutional
Industrial Districts		
IS	Service Industrial	Service/Industrial
IG	General Industrial	General Industrial
Other Districts		
PQ	Public and Quasi-Public	Public/Quasi Public
OSPR	Open Space – Passive Recreation	Open Space/Passive Recreation
OSAR	Open Space – Active Recreation	Open Space/Active Recreation
AG	Agriculture	Agriculture
PD	Planned Development	None
* Numerical designators denote the minimum lot area allowed (in 1,000s). Where there is not designator, the minimum lot area is set through land use permit approval.		

- B. **Overlay Zoning Districts.** Overlay zoning districts, one or more of which may be combined with a base district, are established as shown in Table 17.01.070(B), Overlay Zoning Districts.

TABLE 17.01.070(B): OVERLAY ZONING DISTRICTS	
<i>Map Symbol</i>	<i>Full Name</i>
-AE	Airport Environs
-AHO	Affordable Housing

TABLE 17.01.070(B): OVERLAY ZONING DISTRICTS	
<i>Map Symbol</i>	<i>Full Name</i>
-H	Hospital
-MP	Master Plan
-OTH	Old Town Heritage

- C. **Specific Plan Districts.** Specific plan districts are established as shown in Table 17.01.070(C), Specific Plan Districts.

TABLE 17.01.070(C): SPECIFIC PLAN DISTRICTS	
<i>Map Symbol</i>	<i>Specific Plan District Name</i>
CBP	Cabrillo Business Park
CRM	Camino Real Marketplace

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

1. "R District" or "Residential District" means one or more of the following districts: RS Single Family, RP Planned Residential, RM Residential Medium Density, RH Residential High Density, and RMHP Residential Mobile Home Park.
2. "Non-residential District" means any base zoning district except RS, RP, RM, RH, and RMHP districts.
3. "C District" or "Commercial District" means one or more of the following districts: CR Regional Commercial, CC Community Commercial, OT Old Town, VS Visitor-Serving Commercial, CI Intersection Commercial, or CG General Commercial.
4. "O District" or "Office District" means one or more of the following: BP Business Park or OI Office Institutional.
5. "I District" or "Industrial District" means one or more of the following: IS Service Industrial or IG General Industrial.

17.01.080 Official Zoning Map and District Boundaries

The boundaries of the zoning districts established by this Title are not included in this Title, but are shown on the Official Zoning Map maintained by the City Clerk. The Official Zoning Map, together with all legends, symbols, notations, references, zoning district boundaries, map symbols, and other information on the maps, have been adopted by the City Council and are hereby incorporated into this Title by reference, together with any amendments previously or hereafter adopted, as though they were fully included here.

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

1. Boundaries indicated as approximately following the centerlines of alleys, lanes, streets, highways, streams, or railroads must be construed to follow such centerlines.
2. Boundaries indicated as approximately following lot lines, city limits, or extraterritorial boundary lines must be construed as following such lines, limits, or boundaries.
3. In the case of unsubdivided property or where a District boundary divides a lot and no dimensions are indicated, the location of such boundary is determined by the use of the scale appearing on the Official Zoning Map.
4. In the case of any remaining uncertainty, the Director must determine the location of boundaries.

B. Vacated or Abandoned Land.

1. Where any public street or alley is officially vacated or abandoned, the regulations applicable to each parcel of abutting property apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.
2. Where any private right-of-way or easement of any railroad, railway, transportation, or public utility company is vacated or abandoned and said property is unclassified, said property is automatically classified as being in the PQ Public and Quasi-Public District.

Chapter 17.02 Rules for Construction of Language

Sections:

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

17.02.010 Purpose

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

17.02.020 Rules for Construction of Language

In interpreting the various provisions of this Title, the following rules of construction apply:

- A. The particular controls the general.
- B. Unless the context clearly indicates the contrary, the following conjunctions are to be interpreted as follows:
 - 1. “And” indicates that all connected words or provisions apply.
 - 2. “And/or” indicates that the connected words or provisions apply singularly or in any combination.
 - 3. “Or” indicates that the connected words or provisions apply singularly or in any combination.
 - 4. “Either/or” indicates that the connected words or provisions apply singularly but not in combination.
- C. In case of conflict between the text and a diagram or graphic, the text controls.
- D. All references to departments, committees, commissions, boards, or other public agencies are to those of the City of Goleta, unless otherwise indicated.
- E. All references to public officials are to those of the City of Goleta, and include designated deputies of such officials, unless otherwise indicated.
- F. All references to days are to calendar days, unless otherwise indicated. If a deadline falls on a weekend or holiday, or a day when the City offices are closed, it will be extended to the next working day. The end of a time period is the close of business on the last day of the period.

- G. The words “have to,” “must,” “will,” “are to,” and “is to” are always mandatory and not discretionary. The words “should” or “may” are permissive.
- H. The present tense includes the past and future tenses, and the future tense includes the past.
- I. The singular number includes the plural, and the plural includes the singular.
- J. Sections and section headings contained herein are not to be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section.

17.02.030 Rules of Interpretation

The Director will make the interpretation for any definition not expressly identified in this Title or provide clarification and determination of these rules.

Chapter 17.03 Rules of Measurement

Sections:

17.03.010	Purpose
17.03.020	General Provisions
17.03.030	Fractions
17.03.040	Calculating Density
17.03.050	Measuring Distances
17.03.060	Measuring Height
17.03.070	Measuring Landscaping
17.03.080	Measuring Lot Width and Depth
17.03.090	Measuring Open Space
17.03.100	Measuring Sign Area
17.03.110	Determining Average Slope
17.03.120	Determining Floor Area
17.03.130	Determining Lot Coverage
17.03.140	Determining Lot Frontage
17.03.150	Determining Setbacks (Yards)

17.03.010 Purpose

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

17.03.020 General Provisions

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

17.03.030 Fractions

Whenever this Title requires consideration of distances, parking spaces, dwelling units, or other aspects of development or the physical environment expressed in numerical quantities, and the result of a calculation contains a fraction of a whole number, fractions of one-half (0.5) or greater are to be rounded up to the nearest whole number and fractions of less than one-half (0.5) are to be rounded down to the nearest whole number, except as otherwise provided.

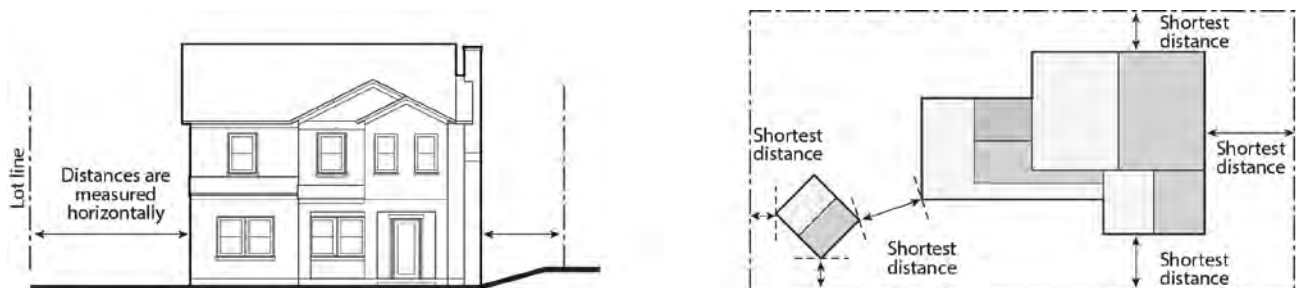
17.03.040 Calculating Density

Density is calculated using net lot area, meaning density is the number of dwelling units per acre of land excluding public rights-of-way, public easements, floodplains, environmentally sensitive areas (ESHA), and areas with archaeological or cultural resources.

17.03.050 Measuring Distances

- A. **Measurements are Shortest Distance.** When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two objects.
- B. **Distances are Measured Horizontally.** When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography or slope of the land.
- C. **Measurements Involving a Structure.** Measurements involving a structure are made to the closest support element of the structure. Structures or portions of structures that are entirely underground are not included in measuring required distances.
- D. **Measurement of Vehicle Stacking or Travel Areas.** Measurement of a minimum travel distance for vehicles, such as garage entrance setbacks and stacking lane distances, are measured down the center of the vehicle travel area. For example, curving driveways and travel lanes are measured along the center arc of the driveway or traffic lane.
- E. **Measuring Distances Between Land Uses.** When a specified land use is required to be located a minimum distance from another land use, the minimum distance is measured in a straight line from all points along the lot line of the subject project, in all directions.

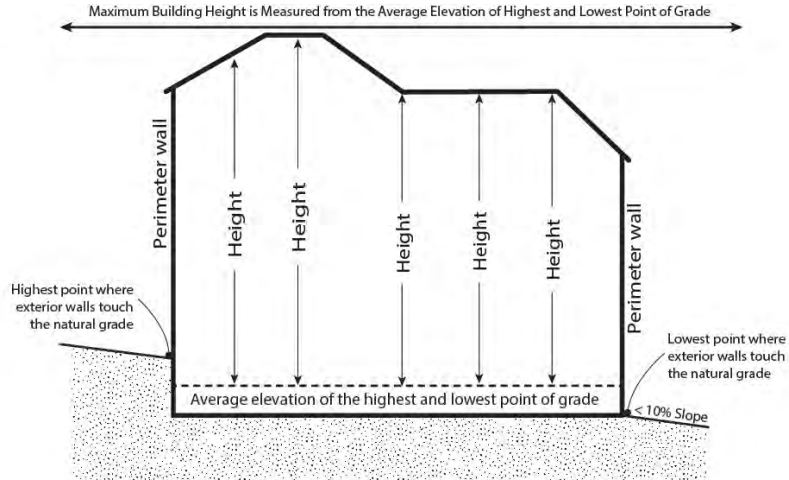
FIGURE 17.03.050: MEASURING DISTANCES



17.03.060 Measuring Height

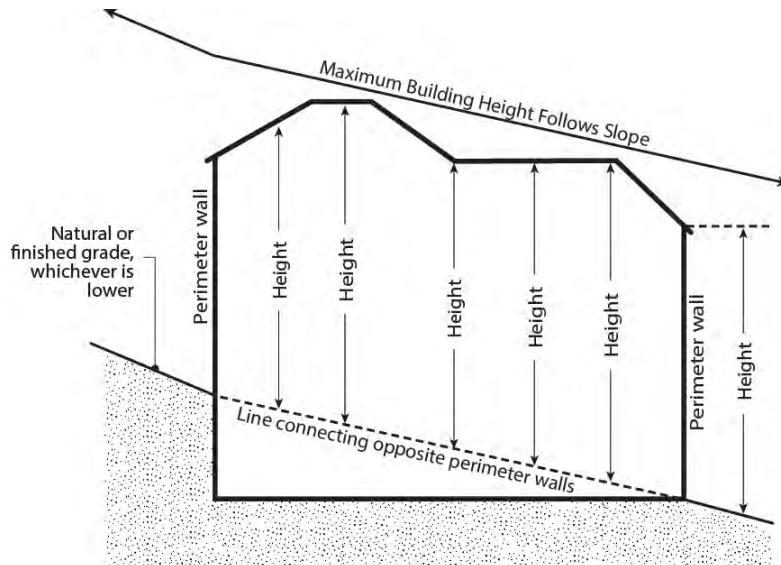
- A. **Measuring Building Height.**
1. **Non-Sloped Lots.** On lots sloped less than 10 percent, building height is the vertical distance measured from the average elevation of the highest and lowest point of the natural grade of the site prior to development at the building pad area to the topmost point of the roof, but not including allowed projections.

FIGURE 17.03.060(A)(1): MEASURING BUILDING HEIGHT ON NON-SLOPED LOTS



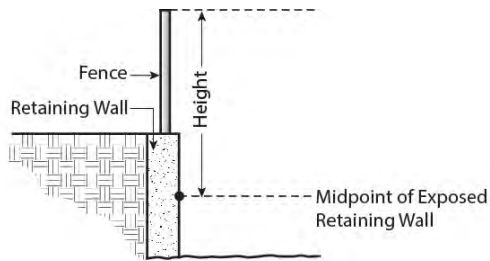
2. **Sloped Lots.** On lots with an average slope of 10 percent or more, building height is measured from any point on top of the building to a line directly below which connects to opposite perimeter walls, or other perimeter support systems, at the lower of natural or finished grade

FIGURE 17.03.060(A)(2): MEASURING BUILDING HEIGHT ON SLOPED LOTS



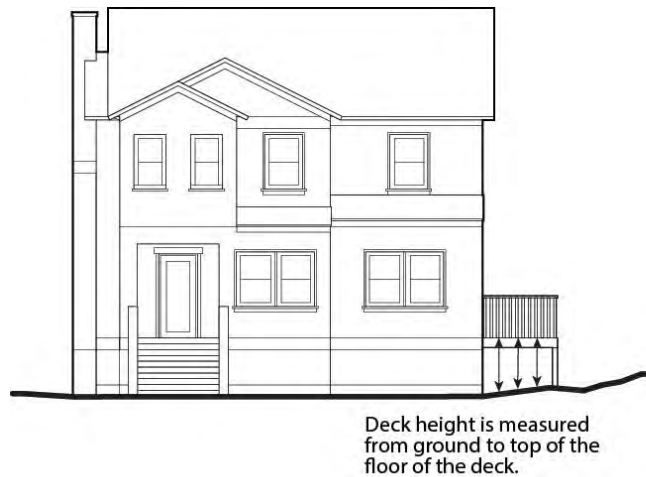
- B. **Measuring Height of Other Structures.** The height of other structures, such as fences, is measured as the vertical distance from the ground level immediately under the structure to the top of the structure. Special measurement provisions are also provided below.
1. **Measuring the Height of Fences on Retaining Walls.** The height of a fence that is on top of a retaining wall is measured from the midpoint of the exposed retaining wall to the top of the fence.

FIGURE 17.03.060(B)(1): MEASURING HEIGHT OF FENCES ON RETAINING WALLS



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

FIGURE 17.03.060(B)(2): MEASURING HEIGHT OF DECKS



- C. **Measuring the Number of Stories in a Building.** In measuring the height of a building in stories, the following measurement rules apply:
1. A balcony or mezzanine is counted as a full story if its floor area exceeds one-third of the total area of the nearest full floor directly below it or if it is enclosed on more than two sides.

2. If the height from the upper surface of the floor to the ceiling above exceeds 25 feet, the space is counted as two stories, not one.

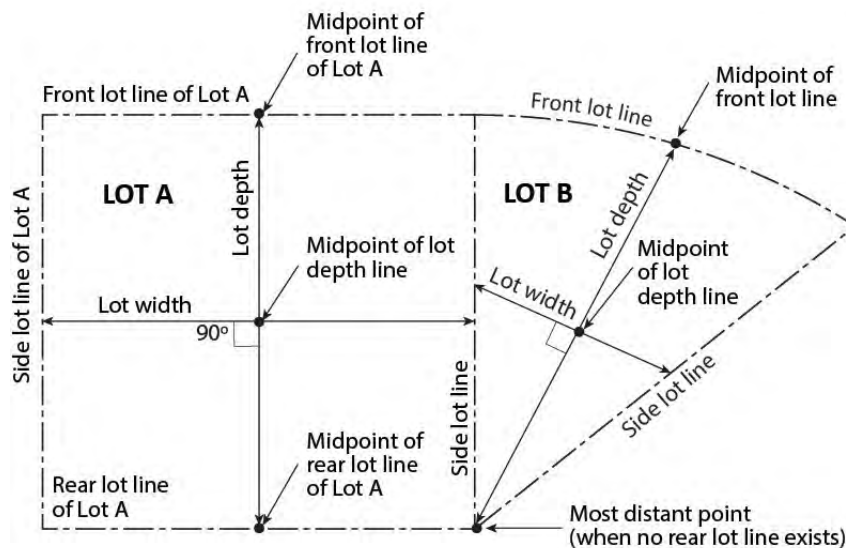
17.03.070 Measuring Landscaping

- A. **Dimension of Landscaped Areas.** No landscaped area smaller than five feet in any horizontal dimension will count toward required landscaping.
- B. **Prescribed Heights.** The prescribed heights of landscaping in this Title are the heights to be attained within five years after planting.

17.03.080 Measuring Lot Width and Depth

- A. **Lot Width.** Lot width is the horizontal distance between the side lot lines, measured at right angles to the lot depth line at a point midway between the front and rear lot lines. Measuring lot widths for irregular shaped lots is as determined by the Director, with the intent of having the average width of the buildable portion of the lot be the lot width.
- B. **Lot Depth.** Lot depth is measured along a straight line drawn from the midpoint of the front property line of the lot to the midpoint of the rear property line or to the most distant point on any other lot line where there is no rear lot line.

FIGURE 17.03.080: MEASURING LOT WIDTH AND DEPTH

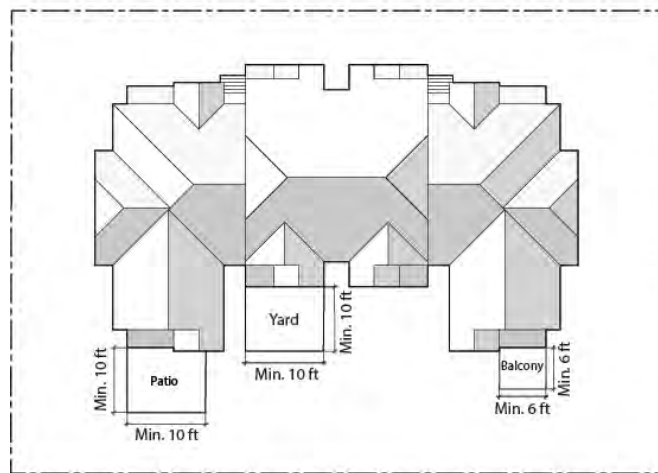


17.03.090 Measuring Open Space

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

- A. **Private Open Space.** Private open space located on the ground level (e.g., yards, decks, patios) must have horizontal dimensions of 10 feet or more. Private open space located above ground level (e.g., balconies) must have horizontal dimensions of six feet or more.

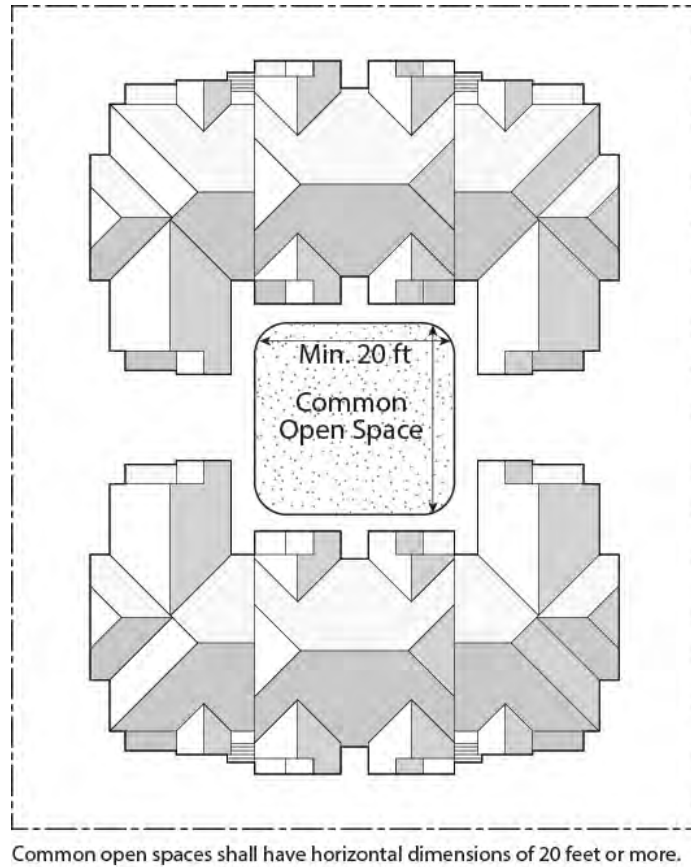
FIGURE 17.03.090(A): MEASURING PRIVATE OPEN SPACE



Yards, decks, and patios shall have a minimum horizontal dimension of 10 feet. Balconies and decks above ground plane shall have a minimum horizontal dimension of 6 feet.

- B. **Common Open Space.** Common open spaces must have horizontal dimensions of 20 feet or more and less than 10 percent slope.

FIGURE 17.03.090(B): MEASURING COMMON OPEN SPACE



17.03.100 Measuring Sign Area

The calculation of measuring sign area are described in Chapter 17.41, Signs.

17.03.110 Determining Average Slope

The average slope of a parcel is calculated using the following formula: $S = 100(I)(L)/A$, where:

- A. S = Average slope (in percent)
- B. I = Contour interval (in feet)
- C. L = Total length of all contour lines on the parcel (in feet)
- D. A = Area of subject parcel (in square feet)

17.03.120 Determining Floor Area

The floor area of a building is the sum of the gross horizontal areas of all floors of a building or other enclosed structure, measured from the outside perimeter of the exterior walls and/or the centerline of interior walls.

- A. **Included in Floor Area.** Floor area includes, without limitation, all space in habitable rooms that is below the roof and within the outer surface of the main walls of principal or accessory buildings, or the centerlines of party walls separating such buildings or portions thereof, or within lines drawn parallel to and two feet within the roof line of any building without walls. In the case of a multi-story building that has covered or enclosed stairways, stairwells, or elevator shafts, the horizontal area of such features is counted only once at the floor level of their greatest area of horizontal extent.
- B. **Excluded from Floor Area.** Floor area does not include mechanical, electrical, and communication equipment rooms that do not exceed two percent of the building's gross floor area; floor area below finished grade ;bay windows or other architectural projections where the vertical distance between the lowest surface of the projection and the finished floor is 30 inches or greater; areas that qualify as usable open space; and in non-residential buildings, areas used for off-street parking spaces or loading spaces, driveways, ramps between floors of a multi-level parking garage, and maneuvering aisles that are located below the finished grade of the property.
- C. **Non-Residential Uses.** For non-residential uses, floor area includes pedestrian access interior walkways or corridors, interior courtyards, walkways, paseos, or corridors covered by a roof or skylight. Non-residential floor area does not include arcades, porticoes, and similar open areas that are located at or near street level and are accessible to the general public, but are not designed or used as sales, display, storage, service, or production areas.

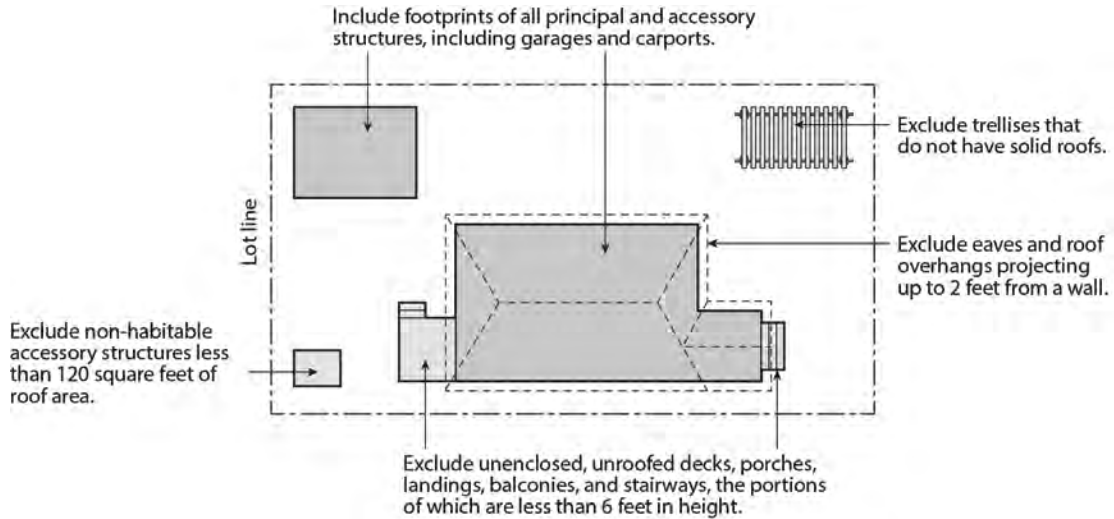
17.03.130 Determining Lot Coverage

Lot coverage is the ratio of the total footprint area of all structures on a lot to the net lot area, typically expressed as a percentage. The footprints of all principal and accessory structures, including garages, carports, covered patios, and roofed porches, is summed in order to calculate lot coverage. The following structures are excluded from the calculation:

- A. Unenclosed and unroofed decks, uncovered patio slab, porches, landings, balconies, and stairways less than 18 inches in height at surface of deck (and less than six feet including railings);
- B. Eaves and roof overhangs projecting up to two feet from a wall;
- C. Trellises and similar structures that have roofs that are at least 50 percent open to the sky with uniformly distributed openings;
- D. Swimming pools and hot tubs that are not enclosed in roofed structures or decks; and

- E. One small, non-habitable accessory structure under 120 square feet. Structures above quantity of one are to be included in lot coverage.

FIGURE 17.03.130: DETERMINING LOT COVERAGE



17.03.140 Determining Lot Frontage

- A. **Corner Lot.** The front of a corner lot is the narrowest dimension of the lot with street frontage.
- B. **Through Lot.** The front of a through lot abuts the street that neighboring lots use to provide primary access.

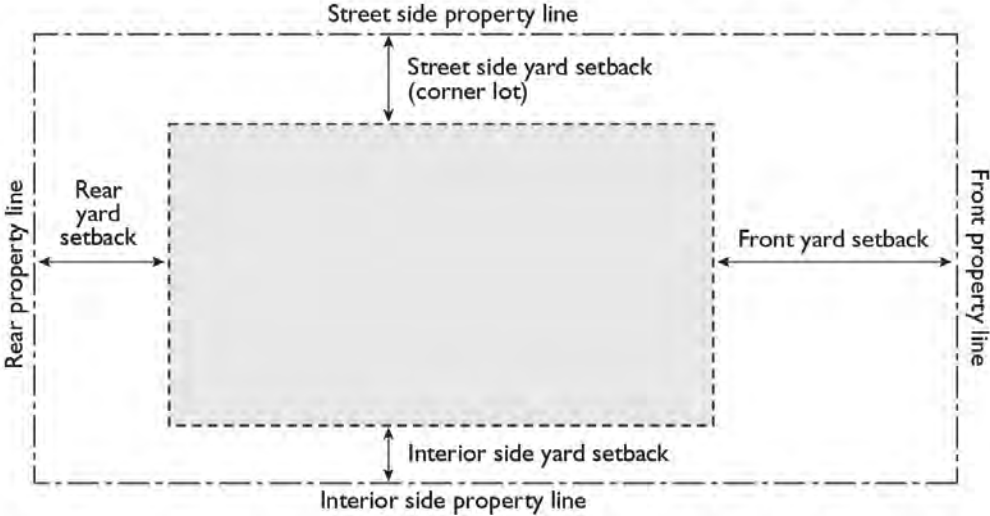
17.03.150 Determining Setbacks (Yards)

A setback line defining a required yard is parallel to and at the specified distance from the corresponding front, side, or rear property line. The following special regulations for determining yards apply when a lot abuts a proposed street or alley.

- A. **Yards Abutting Planned Street Expansions.** If a property abuts an existing or proposed street for which the existing right-of-way is narrower than the established ultimate future right-of-way for the street, the required setback is measured from the future right-of-way line rather than the current property line.
- B. **Yards on Alleys.**
 - 1. If a side lot line abuts an alley, the yard is considered an interior side yard rather than a street side yard.
 - 2. In computing the minimum yard for any lot where such yard abuts an alley, no part of the width of the alley is considered as part of the required yard.

- C. **Measuring Setbacks.** Setbacks are measured as the distance between the property line, ultimate right-of-way edge, or back of sidewalk, whichever is closest to the building or structure, and the closest point on the exterior of a building or structure along a line at right angles to the lot line. Setbacks must be unobstructed from the ground to the sky, except where certain structures are allowed pursuant to §17.25.040, Building Projections into Yards.

FIGURE 17.03.150: DETERMINING SETBACKS (YARDS)



Chapter 17.04 Reserved

Chapter 17.05 Reserved

Chapter 17.06 Reserved

PART II
BASE ZONING DISTRICTS

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Chapter 17.07 Residential Districts

Sections:

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

17.07.010 Purpose and Applicability

The general purposes of the Residential Districts are to:

- A. Provide for a variety of residential development with a range of housing opportunities necessary to meet the needs of all segments of the community, consistent with the General Plan;
- B. Protect and enhance the character of well-established residential neighborhoods;
- C. Establish development and design standards to help create distinct and attractive residential neighborhoods and ensure that new residential development and the expansion of existing structures is compatible with the character of adjacent existing development; and
- D. Provide for appropriate public and quasi-public uses where they are compatible with and contribute to the scale, sense of place, and quality of life in residential neighborhoods.

The specific purposes of each Residential District are as follows:

RS Single Family. This District is intended to protect land areas for family living in low-density residential environments by implementing the Single-Family Residential Use Category (R-SF) land use designation established in the General Plan. The RS District provides for development of one single-family residence per lot at densities ranging from one or fewer to five units per net acre. This District also allows for a limited number of public and semi-public uses that are appropriate in a low-density residential environment.

RP Planned Residential. This District is intended to provide for diversity in design of residential developments that results in a substantial amount of open space and other common amenities for residents, through implementation of the Planned Residential (R-P) land use designation set forth in the General Plan. The District provides for comprehensively planned development at densities up to 13 units per net acre. This District also allows for a limited number of public and semi-public uses that are appropriate in a low-density residential environment.

RM Residential Medium Density. This District is intended to appropriately locate areas for multiple-unit housing and accessory uses customarily associated with multiple unit housing by implementing the Medium-Density (R-MD) land use designation of the General Plan. Development may also include attached and detached single-family dwellings. This District provides for development of residential units at densities of up to 20 units per net acre, with a minimum density of 13 units per net acre, taking into account site-specific constraints as outlined in the General Plan. This District also allows for a limited number of public and semi-public uses that are appropriate in a medium-density residential environment.

RH Residential High Density. This District is intended to provide a variety of housing types and accessory uses customarily associated with such housing by implementing the High-Density Residential (R-HD) land use designation in the General Plan. The density range and development standards accommodate attached single residences, townhomes, condominiums, and multiple-unit buildings. This District provides for development of residential units ranging from 15 to 30 units per net acre, taking into account site specific constraints as outlined in the General Plan. In addition, this District allows for a limited number of public and semi-public uses that are appropriate in a high density multiple-unit environment.

RMHP Mobile Home Park. This District is intended to provide for housing in mobile home parks through implementation of the Mobile Home Park (R-MHP) land use designation set forth in the General Plan. It is further intended that the mobile home park sites be planned as a whole to include an adequate internal vehicular and pedestrian circulation system and parking facilities, common open space, recreation facilities, and other common amenities. The maximum density allowed is 15 units per acre.

17.07.020 Land Use Regulations

Table 17.07.020 below prescribes the land use regulations for Residential Districts.

Use classifications are defined in Chapter 17.70, Use Classifications. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited. The table also notes additional use regulations that apply to various uses. Section numbers in the right hand column refer to other sections of this Ordinance.

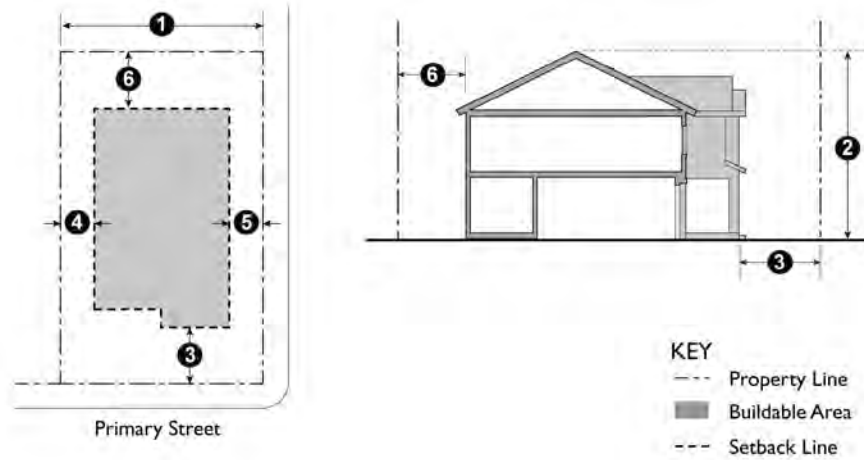
TABLE 17.07.020: LAND USE REGULATIONS— RESIDENTIAL DISTRICTS						"P" - Permitted Use, Zoning Clearance "AU" - Administrative Use Permit required "CU" - Conditional Use Permit Required "- " - Use Not allowed
Uses	District					Additional Regulations
	RS	RP	RM	RH	RMHP	
Residential Uses						
Residential Housing Types						
Single-Unit Dwelling, Detached	P	P	-	-	-	
Single-Unit Dwelling, Attached	P	P	P	P	-	
Multiple-Unit Dwelling	-	P	P	P	-	
Second Dwelling Unit	P	P	P ^I	P ^I	-	See § 17.42.330, Second Dwelling Units
Farmworker Housing	See § 17.42.150, Farmworker Housing					
Family Day Care						
Small	P	P	P	P	P	
Large	P	P	P	P	-	See § 17.42.130, Family Day Care Homes, Large
Group Residential	-	CU	CU	CU	-	See § 17.42.160 Group Residential
Mobile Home Parks	-	-	-	-	CU	See § 17.42.220, Manufactured Homes
Residential Care Facilities						
Small	P	P	P	P	P	
Large	-	CU	CU	CU	-	See § 17.42.310, Residential Care Facilities, Large
Single Room Occupancy Housing	-	CU	CU	CU	-	See § 17.42.320 Single Room Occupancy (SRO) Housing
Supportive Housing Transitional Housing	Subject only to those standards, zoning clearance, and permit procedures as they apply to other residential dwellings of the same type in the same zone.					
Public and Semi-Public Uses						
Community Assembly	P	P	P	P	-	See § 17.42.090, Community Assembly
Community Garden	AU	AU	CU	CU	CU	See § 17.42.100, Community Gardens
Park and Recreation Facilities	AU	AU	AU	AU	AU	
Public Safety Facilities	P	P	P	P	P	
Transportation, Communication, and Utility Uses						
Communication Facilities	See Chapter 17.43, Telecommunications Facilities.					
Utilities						
Minor	P	P	P	P	P	
Wind Energy Conversion Systems	See Chapter 17.44, Wind Energy Conservation Systems					

TABLE 17.07.020: LAND USE REGULATIONS— RESIDENTIAL DISTRICTS						"P" - Permitted Use, Zoning Clearance "AU" - Administrative Use Permit required "CU" - Conditional Use Permit Required "- " - Use Not allowed
Uses	District					Additional Regulations
	RS	RP	RM	RH	RMHP	
Accessory Uses	See § 17.42.030, Accessory Uses					
Animal Keeping	P	P	P	P	P	See § 17.42.050, Animal Keeping
Home Occupation	P	P	P	P	P	See § 17.42.180, Home Occupations
Vending Machines, Outdoor	-	-	-	-	P	
Temporary Uses	See § 17.42.360, Temporary Uses, for permit requirements for each type of temporary use					
Nonconforming Uses	See Chapter 17.37, Nonconforming Uses and Structures					
Notes:						
I. Allowed with an existing single family home on-site.						

17.07.030 Development Regulations

Table 17.07.030 below prescribes development regulations for the Residential Districts for permitted and conditional uses. Letters in parenthesis in the “Additional Regulations” column refer to regulations following the table or located elsewhere in this Title. The numbers in each illustration below refer to corresponding regulations in the “#” column in the associated table. Regulations applicable to multiple districts are in Part IV of this Title.

TABLE 17.07.030: DEVELOPMENT REGULATIONS—RESIDENTIAL DISTRICTS



	District					Additional Regulations	#
	RS	RP	RM	RH	RHMP		
Lot and Density Standards							
Minimum Lot Area (sq. ft.)	RS-43.6:43,560 RS-20: 20,000 RS-12: 12,000 RS-10: 10,000 RS-8: 8,000 RS-7: 7,000	varies	7,000	7,000	4,000		
Minimum Lot Width (ft.)	RS-43.6: 120 RS-20: 100 RS-12: 80 RS-10: 80 RS-8: 75 RS-7: 65	none	65	65	40		①
Maximum Lot Coverage	40%	30%	30%	40%	75%		
Maximum Density (units/net acre)	5	13	20	30	15		
Minimum Density (units/acre)	none	none	13	15	none		
Building Form and Location							
Maximum Building Height (ft.)	25	35 Inland Area; 25 Coastal Zone		35	25		②
Setbacks (ft.)	For RHMP, the setback standards apply to the perimeter of the Mobile Home Park.						
Front	20	-	20	20	20		③
Interior Side	5	5	5	5	5	(A)	④
Street Side	5	5	5	5	5	(A)	⑤
Rear	20(A)	10	10	10	15		⑥

TABLE 17.07.030: DEVELOPMENT REGULATIONS—RESIDENTIAL DISTRICTS	
Additional Regulations (Applicable to All Residential Districts)	
Paving	(B)
Efficiency Units	(C)
Garages	(D)

A. **Reduced Setbacks.**

1. A zero side yard setback may be permitted provided the opposite side setback on the lot is 20 percent of the lot width and the adjacent lot is in the same ownership or an agreement has been recorded giving the written consent of the adjacent lot owner and providing for access for maintenance of the zero-lot-line structure. A recorded maintenance easement must be an irrevocable covenant running with the land.
2. The required rear setback may be reduced to 15 feet if the rear yard abuts a permanently dedicated open space or a street to which access has been denied as part of an approved subdivision or other approved permit.

B. **Paving.** The maximum amount of paving in front and street side yards is 50 percent of the required yard.

C. **Efficiency Units.** The following standards apply to multiple-unit dwellings with 500 square feet or less of net floor area.

1. **Required Internal Areas.**

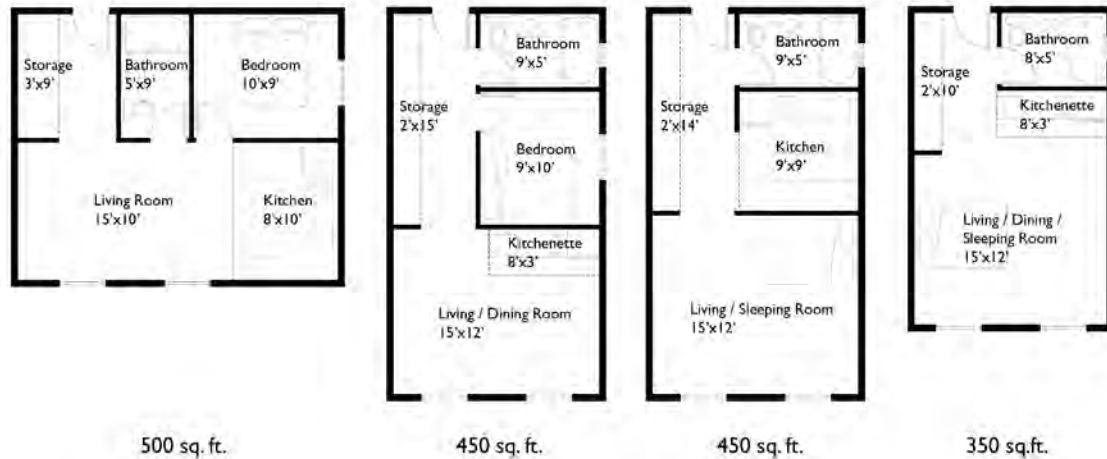
- a. At least one habitable room with at least 150 square feet of net floor area, exclusive of closet space. In no case shall a habitable room or space contain less than 80 square feet in net floor area; and
- b. Food preparation areas must have at least 80 square feet of net floor area intended, arranged, designed or used for cooking or warming of food.

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

3. **Parking Required.** One space per two units plus one long-term bicycle parking space per unit in accordance with § 17.39.080(B), Long-Term Bicycle Parking.

4. **Common Open Space.** 10 square feet per unit must be provided. It may be common open space on the ground level or a rooftop, or an interior common area, excluding janitorial storage, laundry facilities, and common hallways.

FIGURE 17.07.030(C): PROTOTYPE FLOOR PLAN FOR EFFICIENCY UNITS WITH 350 TO 500 SQUARE FEET



5. **Density Calculation.** For density calculations, the Planning Commission may approve a density calculation in which each efficiency unit is considered to have a “dwelling unit equivalent” of 0.5, meaning a project with 20 efficiency units may be considered only to have a “dwelling unit equivalent” of 10 units.

D. Garages.

1. Garages must be designed and located to reduce the visual impact of garage doors along street frontages. A mix of garage orientations (e.g. front facing, side-entry, tandem) must be provided.
2. Three-car garages must be designed so that the third car garage is architecturally separated and offset a minimum of two feet from the other garage door. The intent of this standard is to soften the garage dominance and provide for horizontal articulation.
3. “Carriage-style” and other non-conventional sectional garage door styles can be approved to provide additional diversity and to better enhance the architectural themes.
4. Side-loaded garages must provide windows or other architectural details that mimic the features of the living portion of the dwelling on the side of the garage facing the street.

17.07.040 Additional Development Regulations for RS and RP Districts

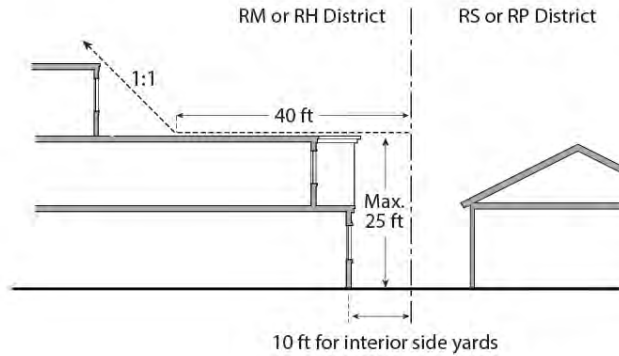
- A. **Residential Design.** The following standards apply to residential development of five or more units in the RS and RP Districts.

1. **Variation in Building Elevations, Roof Plans, and Floor Plans.** New residential development must provide a variety of building and roof forms and ridgelines. Elevations must be structurally different, with different roof types facing the street. The same front elevation cannot be used on adjoining dwellings or dwellings that face each other across the street.
2. **Visibility of Front Doors.** On all lots 55 feet or less in width, the front doors must be visible from the front or street side lot line.
3. **Architectural Features.** All building plans must have a similar level of architectural detailing on all sides.
 - a. At least one-third of the dwellings on a block face must have a useable front porch, courtyard, or a combination of front/street-side/interior side yard outdoor living space, which may include lot lines abutting public or private open space.
 - b. Deep-set, pop-out, or distinct windows and doors, along with other architectural projections and recesses should be used to provide individuality of units.
 - c. Front porch covers may encroach up to 25 percent into the required front yard or street-side yard.

17.07.050 Additional Development Regulations for RM and RH Districts

- A. **Transitional Standards.** Where an RM or RH District adjoins an interior lot line in an RS or RP District, the following standards apply:
 1. Within 40 feet of an RS or RP District boundary, the maximum building height is 25 feet. From this point, the building height may be increased one foot for each additional foot of upper-story building setback to the maximum building height.
 2. The minimum interior side setback from an RS or RP District boundary is 10 feet.

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



- B. Architectural Articulation to Reduce the Appearance of Building Bulk.** The following standards will be considered during design review, and alternative design solutions may be approved by the review authority upon finding that the intent of the standard is met and the result is superior to what could be built if the standard were strictly applied.
1. **Projections or Recesses.** All street-facing facades must have at least one horizontal or vertical projection or recess at least four feet in depth, or two projections or recesses at least two-and-a-half feet in depth, for every 25 horizontal feet of wall. Building entrances, front porches, upper-story setbacks, and projections into required yards, such as stoops, bays, overhangs, fireplaces, and trellises, count towards this requirement. Alternative designs that create a welcoming entry feature facing the street, such as trellis or landscaped courtyard entry, may be approved by the approving authority.
 2. **Variable Roof Form.** Variable roof forms must be incorporated into the building design, and no more than two side-by-side units may be covered by one unarticulated roof. Articulations may be accomplished by changing roof height, offsets, and direction of slope, and by introducing elements such as dormers, towers, or parapets.
- C. Building Entrances.**
1. **Orientation.** All units located along public rights-of-way must have the primary building entrance facing the right-of-way. Exceptions to this requirement may be approved by the Zoning Administrator for projects where multiple-unit housing is located on streets carrying high traffic volumes and/or streets that do not allow on-street parking. In such cases, the project must be oriented around courtyards.
 2. **Dwelling Unit Access.** Exterior entrances to units must be in a form of individual or shared entrances at the ground floor of the building. Unit entrances above the ground floor are also permitted. However, no exterior access corridor located

above the ground floor may provide access to five or more units on any single floor.

D. **Location of Parking.** Parking on the side or rear of buildings is preferred. Parking may be located within 20 feet of the front or street-side lot line in accordance with Planning Commission approval when the Planning Commission makes all of the following findings:

1. For parking structures, the building design incorporates habitable space built close to the public sidewalk to the maximum extent feasible;
2. The parking area is well screened with a wall, hedge, trellis, and/or landscaping, consistent with the landscaping standards of this Title; and
3. The site is small and constrained such that underground, partially submerged, structured, or surface parking located more than 20 feet from the street frontage is not feasible.

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

1. RM Districts: 150 square feet per unit.
2. RH Districts: 100 square feet per unit.
3. Each unit must be provided a minimum of 60 square feet of private open space. The balance of the required open space may be provided as private or common open space.

F. **Pedestrian Access.** A system of pedestrian walkways must connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, to sidewalks, and to any on-site open space areas or pedestrian amenities. Direct and convenient access must be provided to adjoining residential and commercial areas to the maximum extent feasible while still providing for safety and security.

1. Walkways must be a minimum of six feet wide, hard-surfaced, and paved with concrete, stone, tile, brick, or comparable material.
2. Where a required walkway crosses driveways, parking areas, or loading areas, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, or similar method.
3. Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb, bollards, or other physical barrier.

- G. **Private Storage Space.** Each unit must have at least 200 cubic feet of enclosed, weather-proofed, and lockable private storage space with a minimum horizontal dimension of four feet.

17.07.060 Additional Development Regulations for RMHP District

- A. **Transitional Standards.** Where an RMHP District adjoins an interior lot line in an RS or RP District, the minimum building setback from an RS or RP District boundary is 10 feet for interior side yards and 20 feet for rear yards.
- B. **Open Space.** A minimum of 100 square feet of open space must be provided per unit. Each unit must be provided a minimum of 60 square feet of private open space. The balance of the required open space may be provided as private or common open space.
- C. **Pedestrian Access.** A system of pedestrian walkways must connect all pads on a site to each other, to on-site automobile and bicycle parking areas, to sidewalks, and to any on-site open space areas or pedestrian amenities. Whenever feasible, direct and convenient access must be provided to adjoining residential and commercial areas while still providing for safety and security.
1. Walkways have to be a minimum of six feet wide, hard-surfaced, and paved with concrete, stone, tile, brick, or comparable material.
 2. Where a required walkway crosses driveways, parking areas, or loading areas, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, or similar method.
 3. Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb, bollards, or other physical barrier.
- D. **Privacy.** Site and building designs, including the placement of windows and structures, internal circulation and common areas, must achieve the maximum degree of privacy for individual units and individual exterior spaces.
- E. **Private Storage Space.** Each mobile home must have access to at least 150 cubic feet of enclosed, weather-proofed, and lockable private storage space with a minimum horizontal dimension of four feet.

Chapter 17.08 Commercial Districts

Sections:

17.08.010	Purpose and Applicability
17.08.020	Land Use Regulations
17.08.030	Development Regulations
17.08.040	Supplemental Regulations Applicable to all Commercial Districts

17.08.010 Purpose and Applicability

The purposes of the Commercial Districts are to:

- A. Designate adequate land for a full range of residential- and business-serving commercial uses and services, consistent with the General Plan, to maintain and strengthen the City's economic resources;
- B. Establish development and design standards that improve the visual quality of commercial development to ensure appropriate buffers and transitions to adjacent neighborhoods; and
- C. Ensure that new development is designed to minimize traffic and parking impacts and is appropriate to the physical characteristics of the area.

The specific purposes of each District are as follows:

CR Regional Commercial. This District is intended to provide for a wide range of retail commercial uses, including without limitation, larger scale commercial uses that service the community, region, and traveling public through implementation of the Regional Commercial (C-R) land use designation in the General Plan.

CC Community Commercial. This District is intended for relatively small commercial centers that provide convenience goods and services to the surrounding residential neighborhoods through implementation of the Community Commercial (C-C) land use designation in the General Plan. Mixed use, including residential development at densities up to 12 units per acre, is allowed in appropriate locations and in accordance with design, development, and operational requirements.

OT Old Town. This District is intended to permit a wide range of local- and community-serving retail and office uses to enhance the physical and economic environment for existing businesses and uses of the historic center by implementing the Old Town Commercial (OT) land use designation set forth in the General Plan. Residential uses may be approved only in conjunction with a permitted principal, non-residential use on the same site. Prescribed District regulations and development standards are intended to reinforce the character of the area as a pedestrian-oriented, retail business area with a mix of businesses and services and through consistency with the Goleta Old Town Heritage District architecture and design guidelines.

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

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

CG General Commercial. This District is intended to provide appropriate sites for a diverse set of commercial uses that do not need highly visible locations or that may involve activities that are not compatible with other uses through implementation of the General Commercial (C-G) land use designation in the General Plan. Uses that require access by heavy vehicles are permitted only in locations where the street can support such heavy vehicle traffic and such uses would be compatible with adjacent uses; heavy commercial uses that may cause excessive noise, air emissions, hazardous materials, or excessive light and glare require approval of a Conditional Use Permit.

17.08.020 Land Use Regulations

Table 17.08.020 below prescribes the land use regulations for "Commercial" Districts.

Use classifications are defined in Chapter 17.70, Use Classifications. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited. The table also notes additional use regulations that apply to various uses. Section numbers in the right hand column refer to other sections of this Ordinance.

TABLE 17.08.020: LAND USE REGULATIONS— COMMERCIAL DISTRICTS							"P" - Permitted Use, Zoning Clearance "AU" - Administrative Use Permit required "CU" - Conditional Use Permit required "- " - Use Not allowed
Uses	District						Additional Regulations
	CR	CC	OT	VS	CI	CG	
Residential Uses							
Residential Housing Types							
Multiple-Unit Dwelling	-	CU ¹	CU ¹	-	-	-	
Residential Care Facilities							
Small	-	P	P	-	-	-	
Large	-	CU	CU	-	-	-	See § 17.42.310, Residential Care Facilities, Large
Residential Facility, Assisted Living	-	-	-	-	-	CU ¹	

TABLE 17.08.020: LAND USE REGULATIONS— COMMERCIAL DISTRICTS							"P" - Permitted Use, Zoning Clearance "AU" - Administrative Use Permit required "CU" - Conditional Use Permit required "- " - Use Not allowed
Uses	District						Additional Regulations
	CR	CC	OT	VS	CI	CG	
Supportive Housing Transitional Housing	Subject only to those standards, zoning clearance, and permit procedures as they apply to other residential dwellings of the same type in the same zone.						
Public and Semi-Public Uses							
Colleges and Trade Schools	CU	CU	P	-	CU	CU	
Community Assembly	-	P	P	-	-	P	See § 17.42.090, Community Assembly
Community Garden	P	P	P	-	P	P	See § 17.42.100, Community Gardens
Cultural Institutions and Facilities	CU	CU	CU	CU	CU	-	
Day Care Facility	AU	AU	AU	-	-	-	
Emergency Shelter	CU	-	-	-	-	P	See § 17.42.120, Emergency Shelters
Government Buildings	P	P	P	-	P	P	
Hospitals and Clinics							
<i>Hospital</i>	CU	-	-	-	-	-	See § 17.42.190, Hospitals and Clinics
<i>Clinic</i>	AU	AU	AU	-	-	P	See § 17.42.190, Hospitals and Clinics
<i>Skilled Nursing Facility</i>	AU	AU	AU	-	-	P	See § 17.42.190, Hospitals and Clinics
Park and Recreation Facilities	-	-	-	AU	-	-	
Parking, Public or Private	AU	AU	AU	AU	AU	AU	See Chapter 17.39, Parking and Loading
Public Safety Facilities	P	P	P	P	P	P	
Schools, Private	CU	CU	P	-	CU	CU	
Social Service Facilities	AU	AU	AU	-	-	AU	
Commercial Uses							
Adult-Oriented Business	-	-	-	-	-	CU	See § 17.42.040, Adult-Oriented Businesses
Animal Sales, Care and Services							
<i>Animal Sales and Grooming</i>	P	P	P	-	-	P	
<i>Boarding, Kennel</i>	CU	CU	CU	-	-	CU	
<i>Veterinary Services</i>	P	P	P	-	-	P	
Automobile/Vehicles Sales and Services							
<i>Auction</i>	-	-	-	-	-	P	

TABLE 17.08.020: LAND USE REGULATIONS— COMMERCIAL DISTRICTS							"P" - Permitted Use, Zoning Clearance "AU" - Administrative Use Permit required "CU" - Conditional Use Permit required "- " - Use Not allowed
Uses	District						Additional Regulations
	CR	CC	OT	VS	CI	CG	
<i>Automobile Rentals</i>	-	-	P	-	-	P	
<i>Automobile/Vehicle Sales and Leasing</i>	-	-	AU	-	-	AU	See § 17.42.060, Automobile/Vehicle Sales and Leasing
<i>Automobile/Vehicle Service and Repair, Major</i>	-	-	P ²	-	-	AU	See § 17.42.070, Automobile/Vehicle Service and Repair
<i>Automobile/Vehicle Service and Repair, Minor</i>	-	-	P ²	-	AU	P	See § 17.42.070, Automobile/Vehicle Service and Repair
<i>Service and Gas Stations</i>	CU	-	CU	-	P	P	See § 17.42.340, Service and Gas Stations
<i>Automobile/Vehicle Washing</i>	-	P	CU	-	P	P	See § 17.42.080, Automobile/Vehicle Washing
Banks and Financial Institutions							
<i>Bank, Credit Union</i>	P	P	P	-	-	P	
<i>Check-Cashing Business</i>	-	-	CU	-	-	P	
<i>Drive-Through Service</i>	CU	CU	-	-	CU	CU	See § 17.42.110, Drive-In and Drive-Through Facilities
<i>Building Materials, Sales, and Service</i>	P	P	CU	-	-	P	See § 17.42.270, Outdoor Sales
<i>Business Services</i>	-	P	P	-	-	P	
<i>Catering Service</i>	P	P	P	P	-	P	
Commercial Entertainment and Recreation							
<i>Banquet and Conference Center</i>	CU	-	CU	P	-	-	
<i>Cinemas</i>	P	P	-	P	-	-	
<i>Indoor Sports and Recreation</i>	P	P	CU	P	-	-	
Eating and Drinking Establishments							
<i>Bars/Night Clubs/ Lounges</i>	CU	CU	CU	CU	-	-	
<i>Restaurant, Full Service</i>	P	P	P	P	P	P	See § 17.42.260, Outdoor Dining and Seating
<i>Restaurants, Limited Service</i>	P	P	P	P	P	P	See § 17.42.260, Outdoor Dining and Seating
<i>Restaurant, Takeout Only</i>	P	P	-	-	P	P	

TABLE 17.08.020: LAND USE REGULATIONS— COMMERCIAL DISTRICTS							"P" - Permitted Use, Zoning Clearance "AU" - Administrative Use Permit required "CU" - Conditional Use Permit required "- " - Use Not allowed
Uses	District						Additional Regulations
	CR	CC	OT	VS	CI	CG	
Restaurant with Drive Through	CU	CU	CU	CU	CU	CU	See § 17.42.110, Drive In and Drive Through Facilities; § 17.42.260, Outdoor Dining and Seating
Farmer's Markets	AU	AU	AU	AU	AU	AU	See § 17.42.140, Farmer's Markets
Food and Beverage Sales							
General Market	P	P	P	-	P	P	See § 17.42.270, Outdoor Sales; § 17.42.260, Outdoor Dining and Seating
Liquor Store	P	P	P	-	-	P	
Specialty Food Sales and Facilities	P	P	P	-	-	P	See § 17.42.270, Outdoor Sales; § 17.42.260, Outdoor Dining and Seating
Instructional Services	P	AU	P	-	-	P	
Live/Work Units	-	AU	AU	-	-	AU	See § 17.42.200, Live/Work Units
Lodging and Visitor-Services							
Hotels and Motels	P	P	CU	P	-	-	See § 17.42.210, Lodging and Visitor Services
Recreational Vehicle Parks	-	-	CU	CU	-	CU	
Time Share Use	-	-	-	P	-	-	See § 17.42.210, Lodging and Visitor Services
Maintenance and Repair Services	P	P	AU	-	-	P	
Media-Production Facility	AU	AU	-	-	-	P	
Mobile Food Facility/Vendor	P	P	P	P	P	P	See § 17.42.240, Mobile Food Facility/Vendor
Nurseries and Garden Centers	P	P	-	-	-	P	See § 17.42.250, Nurseries and Garden Centers; § 17.42.270, Outdoor Sales
Offices							
Business, Professional, and Technology	P	P	P	-	-	AU	
Medical and Dental	P	P	P	-	-	AU	
Walk-In Clientele	P	P	CU	-	-	-	
Personal Services							
General Personal Services	P	P	P	-	-	P	See § 17.42.280, Personal Services

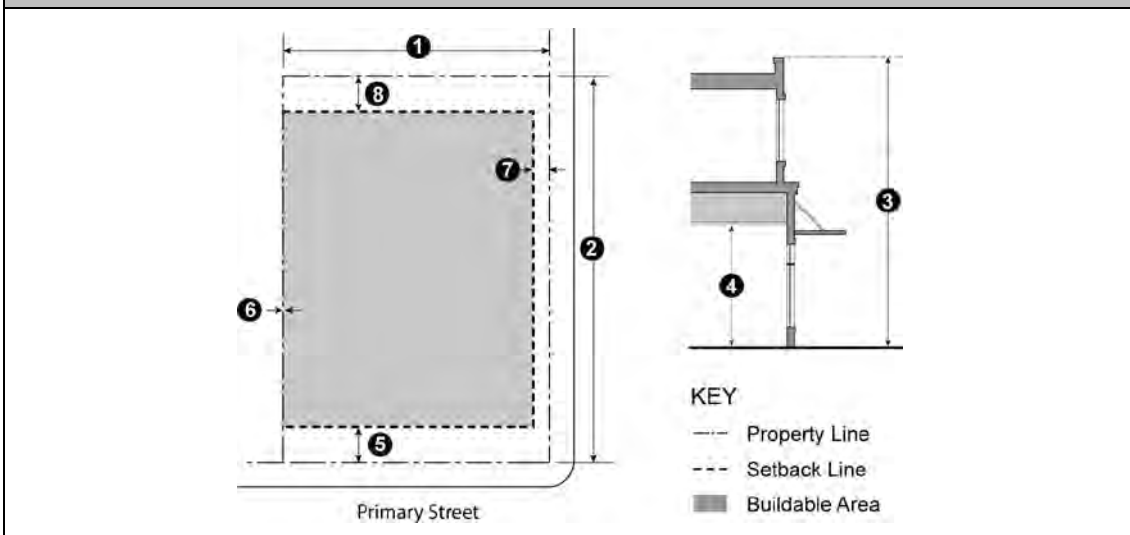
TABLE 17.08.020: LAND USE REGULATIONS— COMMERCIAL DISTRICTS							"P" - Permitted Use, Zoning Clearance "AU" - Administrative Use Permit required "CU" - Conditional Use Permit required "- " - Use Not allowed
Uses	District						Additional Regulations
	CR	CC	OT	VS	CI	CG	
<i>Restricted Personal Services</i>	AU	AU	CU	-	-	P	See § 17.42.280, Personal Services
Retail Sales							
<i>General Retail</i>	P	P	P	-	-	P	See § 17.42.270, Outdoor Sales
<i>Large Format Retail</i>	P ³	P ³	-	-	-	-	See § 17.42.270, Outdoor Sales
<i>With Drive-Through</i>	CU	CU	-	-	-	CU	See § 17.42.110, Drive In and Drive Through Facilities
Industrial Uses							
<i>Automobile Wrecking/Junk Yard</i>	-	-	-	-	-	CU	
<i>Construction and Material Yards</i>	-	-	-	-	-	P	
<i>Limited Industrial</i>	-	-	-	-	-	AU	
Vehicle/Equipment Facilities							
<i>Heavy Vehicle and Large Equipment Sales Rental, Service, and Repair</i>	-	-	-	-	-	P	
Wholesale Trade, Warehouse, Storage and Distribution							
<i>Indoor Warehousing and Storage</i>	-	-	-	-	-	P	
<i>Outdoor Storage</i>	-	-	-	-	-	AU	
<i>Personal Storage</i>	-	-	-	-	-	AU	See § 17.42.290, Personal Storage
<i>Wholesaling and Distribution</i>	-	-	-	-	-	P	
Transportation, Communication, and Utility Uses							
Communication Facilities							
<i>Antennas and Transmission Towers</i>	See Chapter 17.43, Telecommunications Facilities						
<i>Facilities within Buildings</i>	-	-	-	-	-	P	
<i>Light Fleet-Based Services</i>	-	-	-	-	-	AU	
Recycling Facilities							
<i>Recycling Collection Facility</i>	AU	AU	AU	-	-	P	See § 17.42.300, Recycling Facilities
<i>Reverse Vending Machine</i>	P	P	P	P	P	P	See § 17.42.300, Recycling Facilities

TABLE 17.08.020: LAND USE REGULATIONS— COMMERCIAL DISTRICTS							"P" - Permitted Use, Zoning Clearance "AU" - Administrative Use Permit required "CU" - Conditional Use Permit required "- " - Use Not allowed
Uses	District						Additional Regulations
	CR	CC	OT	VS	CI	CG	
Utilities, Minor	P	P	P	P	P	P	
Wind Energy Conversion Systems	See Chapter 17.44, Wind Energy Conservation Systems						
Accessory Uses	See § 17.42.030, Accessory Uses.						
Animal Keeping	P	P	P	P	P	P	See § 17.42.050, Animal Keeping
Caretaker Unit	AU	AU	AU	AU	AU	AU	
Home Occupation	-	P	P	-	-	-	See § 17.42.180, Home Occupations
Live Entertainment	CU	CU	CU	CU	CU	CU	
Vending Machines, Outdoor	P	P	-	AU	AU	-	
Temporary Uses	See § 17.42.360, Temporary Uses for permit requirements for each type of temporary use						
Nonconforming Uses	Chapter 17.37, Nonconforming Uses and Structures						
Notes: 1. Only in mixed-use developments. 2. Only for pre-existing uses. Any significant expansion requires a Conditional Use Permit and a finding that the expansion is consistent with adjacent uses. 3. Only on pre-existing sites.							

17.08.030 Development Regulations

Table 17.08.030, below, prescribes development regulations for Commercial Districts for permitted and conditional uses. Letters in parenthesis in the “Additional Regulations” column refer to regulations following the table. The letter “Y” in the District column means that the Additional Regulation applies. The numbers in each illustration below refer to corresponding regulations in the “#” column in the associated table. Regulations applicable to multiple districts are in Part IV of this Title.

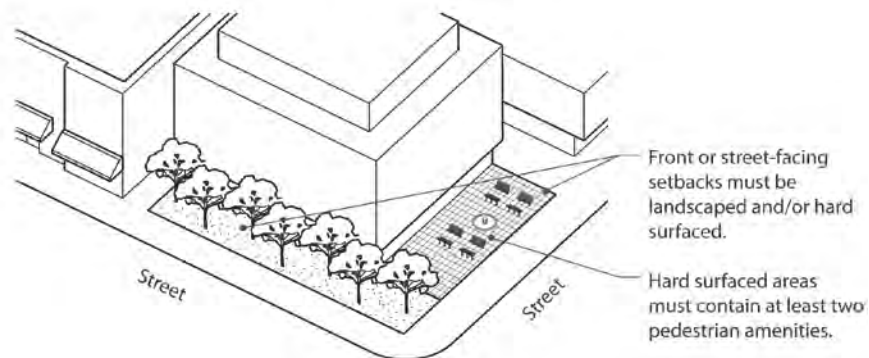
TABLE 17.08.030: DEVELOPMENT REGULATIONS—COMMERCIAL DISTRICTS



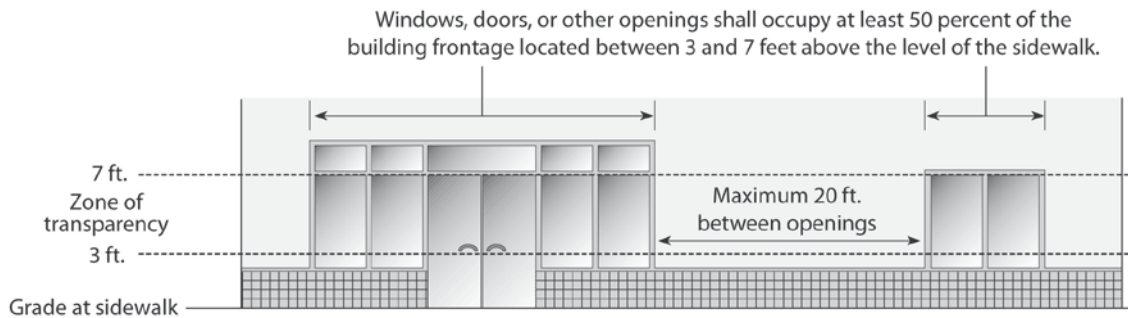
	District						Additional Regulations	#
	CR	CC	OT	VS	CI	CG		
Lot and Density Standards								
Minimum Lot Area (sq. ft.)	5,000	5,000	5,000	5,000	5,000	5,000		
Minimum Lot Width (ft.)	65	65	65	65	65	65		1
Minimum Lot Depth (ft.)	100	100	100	100	100	100		2
Maximum Density (Units/net acre)	N/A	12	20	N/A	N/A	20	See § 17.25.090, Mixed Use Development	
Building Form and Location								
Maximum Building Height (ft.)	35	35	30	35	25	35	(A)	3
Minimum 1 st Floor Ceiling Height (ft. clear)	12	12	12	12	12	12		4
Setbacks (ft.)	See also § 17.25.090, Mixed Use Development							
Front	20	10	0	15	10	10	(B)	5
Interior Side	5	5	0	20	5	0	(C)	6
Street Side	10	5	0	20	5	5	(B)	7
Rear	10	10	10	10	10	25	(C)	8
Maximum Lot Coverage	30%	40%	N/A	40%	30%	40%	(A)	
Minimum Landscaping	10%	10%	N/A	20%	5%	10%		
Additional Regulations (Applicability of Additional Regulations: Y=Yes)								
Building Design	Y	Y	Y	Y	Y	Y	(D)	
Ground Floor Transparency	Y	Y	Y	Y	Y	N/A	(E)	
Pedestrian Access	Y	Y	Y	Y	Y	N/A	(F)	
Limitations on Curb Cuts	Y	Y	Y	Y	Y	Y	(G)	
Transitional Standards	Y	Y	Y	Y	Y	Y	(H)	

- A. **Additional Height and Lot Coverage for Hotels.** In the Visitor-Serving Commercial District outside of the Coastal Zone, the following adjustments to the development standards are allowed by right for hotel buildings:
1. The maximum allowable structure height may increase to 65 feet; and
 2. The maximum lot coverage ratio may increase to 50 percent.
- B. **Improvement of Street-Facing Setbacks.** Where a front- or street-facing side setback is provided, it must be landscaped and/or hard surfaced for use by pedestrians. If hard surfaced, the setback area on each lot must be a plaza or public gathering area and contain at least two pedestrian amenities, such as benches, drinking fountains, and/or other design elements (e.g., public art, planters, and kiosks).

FIGURE 17.08.030(B): STREET-FACING SETBACKS



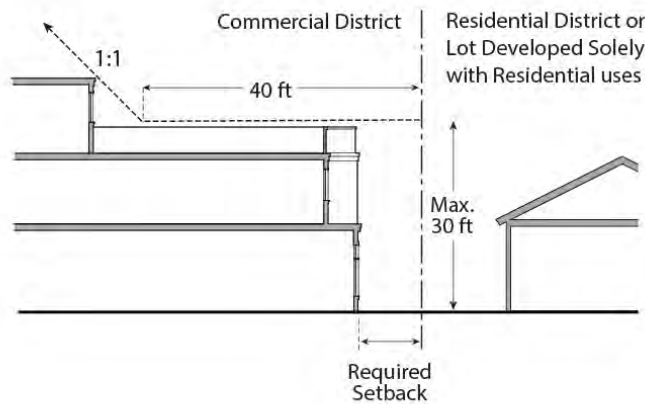
- C. **Adjacent to Residential Districts and Uses.** The minimum building setback from any R District boundary or lot developed solely with residential uses is 25 feet.
- D. **Building Design.** The exterior design of all buildings, including all facades, must be coordinated with regard to color, materials, architectural form, and detailing to achieve design harmony, continuity, and horizontal and vertical relief and interest. The design of all buildings must be compatible with the character of the neighboring commercial area.
- E. **Ground-Floor Transparency.** Exterior walls facing any front- or street-facing lot line must include windows, doors, or other openings for at least 50 percent of the building wall area located between three and seven feet above the elevation of the sidewalk. No wall may run in a continuous plane for more than 20 feet without an opening. Openings fulfilling this requirement have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep.

FIGURE 17.08.030(E): GROUND-FLOOR TRANSPARENCY

1. **Exception for Structured Parking Facilities.** Multi-level parking garages, where permitted, are not required to meet the ground-floor transparency requirement.
 2. **Sites with Multiple Buildings.** On sites that contain multiple buildings, the building ground-floor transparency requirement does not need to be met along street-facing facades of buildings that are located behind other buildings and not visible from the adjacent public street.
 3. **Reduction through Design Review.** The building transparency requirement may be reduced or waived by the approving authority, upon finding that:
 - a. The proposed use has unique operational characteristics with which providing the required windows and openings is incompatible, such as in the case of a cinema or theater; and
 - b. Street-facing building walls will exhibit architectural relief and detail, or will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.
- F. **Pedestrian Access.** A system of pedestrian walkways must connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, to sidewalks, and to any on-site open space areas or pedestrian amenities. Whenever feasible, direct and convenient access must be provided to adjoining residential and commercial areas, while still providing for safety and security.
1. Walkways have to be a minimum of six feet wide, hard surfaced, and paved with concrete, stone, tile, brick, or comparable material;
 2. Where a required walkway crosses driveways, parking areas, or loading areas, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, or similar method; and
 3. Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb, bollards, or other physical barrier.

- G. **Limitations on Curb Cuts.** Wherever possible, parking and loading entrances must share curb cuts in order to minimize the overall number of curb cuts. On corner lots, curb cuts must be located on the street frontage with the least pedestrian activity wherever feasible.
- H. **Transitional Standards.** Within 40 feet of an R District boundary or a lot line of a lot developed solely with residential uses, the maximum height is 30 feet. From these points, the building height may be increased one foot for each additional foot of upper-story building setback to the maximum building height.

FIGURE 17.08.030(H): TRANSITIONAL STANDARDS-COMMERCIAL DISTRICTS ADJACENT TO RESIDENTIAL DISTRICTS AND USES



17.08.040 Supplemental Regulations Applicable to all Commercial Districts

- A. **Commercial Centers.** Commercial centers containing 25,000 square feet or more of floor area or four or more establishments in the Retail Sales use classification are subject to the following standards and criteria for approval.
 - 1. **Conditional Use Permit Required.** Commercial centers are subject to Conditional Use Permit approval.
 - a. *Application Contents.* In addition to any other required application contents, applications for Conditional Use Permits for commercial centers must, at a minimum, include the following:
 - (1) Location, size, and configuration of any structures, including buildings, signs, lighting, waste compactors and recycling facilities and enclosures, and walls/fencing;

-
- (2) Circulation and parking plans, including pedestrian and bike circulation, and loading areas or docks;
 - (3) Nearest or on-site transit facilities, as applicable;
 - (4) Landscaping, courtyards, outdoor seating areas, and other active and passive open spaces; and
 - (5) Operational and management plans (i.e., maintenance plan) to address shopping carts, recycling, stormwater runoff, etc.
- b. *Allowable Changes to Approved Plans.*
- (1) Subsequent changes to use of tenant spaces within a commercial center do not require modification to the approved Conditional Use Permit, unless the proposed use modifies the physical layout of the site and/or exterior changes warrant further Design Review Board review.
 - (2) The replacement of existing structures does not require a new or revised Conditional Use Permit if the new structure:
 - i. Has the same or a smaller footprint, total square footage, and height; and
 - ii. The new structure is not intended for a proposed use that requires a use permit from the City.
2. **Separate Permits.** Individual businesses must obtain their own permits. An amendment to the permit for the Conditional Use Permit is not required.
3. **Site Layout.**
- a. *Entry Plazas/Passenger Loading Areas.* A plaza must be provided at the entry to each anchor tenant that provides for pedestrian circulation and loading and unloading. Entry plazas and passenger loading areas must include unique, decorative paving materials, adequate seating areas, provision of adequate shade, and attractive landscaping, including trees or raised planters. Entry plazas may be counted toward the public plaza requirements.
 - b. *On-Site Public Plazas.* Outdoor plazas for the use of customers and visitors are provided at a rate of five square feet per 1,000 square feet of floor area, up to 1,500 square feet of outdoor plaza.
 - (1) Location. Such public space must be visible from a public street, or from on-site areas normally frequented by customers, and

must be accessible during business hours. Areas within required setbacks may count toward the public space requirement.

- c. *Amenities.* On-site public space must include benches or other seating, and the ground surface must be landscaped or surfaced with high-quality paving materials. Qualifying amenities included feature that enhance the comfort, aesthetics, or usability of the space, such as trees and other landscaping, shade structures, drinking fountains, water features, public art, public restrooms, or performance areas.
- d. *Circulation.*
 - (1) On-site circulation must occur on private access easements. If the site consists of multiple lots, a reciprocal access and parking agreement must be recorded by the property owners and a copy filed with the City; and
 - (2) On-site pedestrian, bicycle, and vehicular circulation system must minimize pedestrian/bicycle/vehicle conflicts.
- e. *Landscape Buffer Adjacent to Residential Districts.* In addition to any other landscaping, screening, and buffering requirements of this Title, the following landscaped buffer areas must be provided on the commercial center side of property boundary adjacent to an R District.

TABLE 17.08.040(A)(3): WIDTH OF LANDSCAPING BUFFER	
<i>Site Area (acres)</i>	<i>Minimum Width of Landscaping Buffer (feet)</i>
Less than 10	15
10 - 25	30
Over 25	50

If an existing development has existing physical constraints (structures, parking, circulation, etc.) that limit the amount of landscaping that can be provided when there is an addition or renovation, the Planning Commission may approve a reduced amount of landscaped buffer area.

- f. *Sidewalks.* Sidewalks must be provided along the full length of any side of a structure that features a customer entrance and along any side of a structure that abuts a public parking area. Where there is no storefront window, sidewalks must be located at least six feet from the façade of the structure to provide planting beds for foundation landscaping.
- g. *Service Areas.* Service areas (e.g., loading docks, trash areas, shopping cart storage and similar uses) must not encroach into a required setback between the commercial center and an R District.

- (1) Loading and unloading areas must be oriented away from street side elevations, whenever possible, and screened from public view in compliance with § 17.25.080, Fences and Freestanding Walls;
 - (2) Trash enclosures must comply with § 17.25.110, Refuse, Recycling, and Green Waste Storage Areas; and
 - (3) Storage areas for shopping carts must be located so as to not interfere with fire lanes or pedestrian, vehicle, or other circulation.
4. **Design Criteria.** In order to receive permit approval for a commercial center, the Planning Commission, upon recommendation from the Design Review Board, must find that all of the following criteria have been met:
- a. **Integrated Theme.** Buildings and structures exhibit an integrated architectural theme that includes similar or complementary materials, colors, and design details.
 - b. **Site Entrance.** Commercial centers on sites greater than 10 acres have at least one major driveway entrance feature that provides an organizing element to the site design. Major driveway entrances include such features as a landscaped entry corridor or a divided median drive separated by a landscaped center dividing island. Buildings must be located within 30 feet of the corner of the driveway and public right-of-way. Building elements with greater vertical emphasis must be used at these corners.
 - c. **Building Entrances.** Building entrances to anchor tenants and other large stores are prominent and inviting. The architectural details of building entrances are integrated with the overall building design in terms of materials, scale, proportion, and design elements.
 - d. **Vehicular Circulation.** Safe, convenient vehicular circulation is provided within the development through an appropriate system of internal vehicular circulation routes based on a hierarchy of drive aisles and cross routes. Vehicular and pedestrian conflicts are minimized. Where pedestrian circulation routes cross-vehicular traffic aisles and driveways within a development, there are clearly delineated crosswalks that include clear sight lines, adequate warning signage for both vehicles and pedestrians, adequate lighting, and protective barrier posts or similar features for separation at walkway entrances.
 - e. **Cart Corrals.** Adequate, convenient cart corrals are provided near building entrances and throughout the parking areas.

- f. *Transit Facilities.* Transit facilities, where included, are developed with effective shading from the summer sun, comfortable seating, attractive landscaping, decorative paving, public art features and efficient pedestrian routes to adjacent development.
 - g. *Lighting.* A combination of attractively designed and located lighting fixtures, including low pole lights, ground-mounted fixtures, light bollards, and architectural lighting is used to provide interesting compositions for outdoor lighting, as well as a safe, secure environment.
 - h. *Shade Areas.* Pedestrian areas, such as walkways, building entrances, and gathering areas, are adequately shaded from the summer sun through such techniques as the careful placement of trees and landscaping, trellis structures, projecting canopies, covered walkways, arcades, porticos, building orientation, and similar techniques.
- B. **Sidewalks.** Sidewalks must be provided meeting ADA standards, if none already exist or if the existing sidewalks are noncompliant with ADA standards.

Chapter 17.09 Office Districts

Sections:

17.09.010	Purpose and Applicability
17.09.020	Land Use Regulations
17.09.030	Development Regulations

17.09.010 Purpose and Applicability

The purposes of the Office Districts are to:

- A. Provide for orderly, well-planned, and balanced business park and office development that services the community, consistent with the General Plan; and
- B. Establish development and design standards that create a unified and distinctive character, contribute to the pedestrian environment, and ensure appropriate transitions and buffers between business parks and offices and residential uses.

Additional purposes of each Office District:

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

OI Office Institutional. This District is intended to provide areas for existing and future office-based uses by implementing the Office and Institutional (I-OI) land use designation in the General Plan. Mixed-use developments with residential uses on the same site may be permitted at appropriate locations where the residential uses are compatible with adjacent uses and do not break up the continuity of office and institutional uses.

17.09.020 Land Use Regulations

Table 17.09.020 below prescribes the land use regulations for Office Districts.

Use classifications are defined in Chapter 17.70, Use Classifications. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited. The table also notes additional use regulations that apply to various uses. Section numbers in the right hand column refer to other sections of this Ordinance.

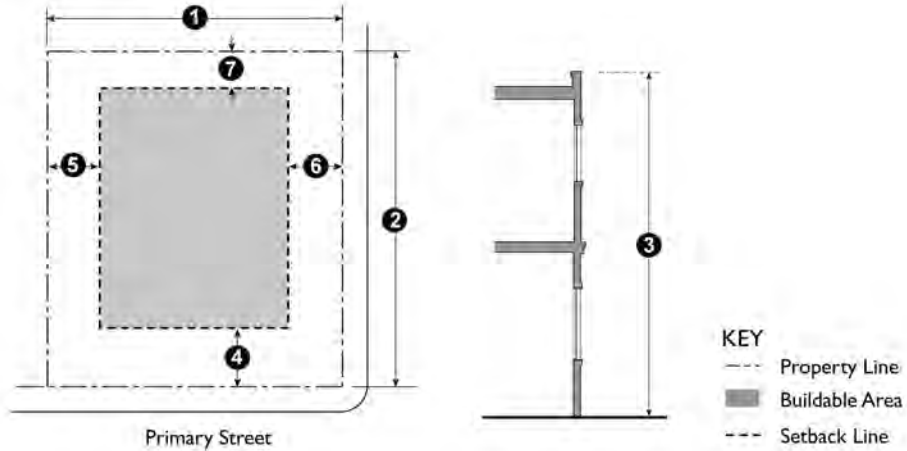
TABLE 17.09.020: LAND USE REGULATIONS— OFFICE DISTRICTS			"P" - Permitted Use, Zoning Clearance "AU" - Administrative Use Permit required "CU" - Conditional Use Permit required "- " - Use Not allowed
Uses	District		Additional Standards
	BP	OI	
Residential Uses			
Residential Housing Types			
<i>Multiple-Unit Dwelling</i>	-	CU ¹	
Supportive Housing and Transitional Housing	Subject only to those standards, zoning clearance, and permit procedures as they apply to other residential dwellings of the same type in the same zone.		
Public and Semi-Public Uses			
Colleges and Trade Schools	-	CU	
Community Assembly	-	P	See § 17.42.090 Community Assembly
Day Care Facility	AU	AU	
Emergency Shelters	P	-	See § 17.42.120, Emergency Shelter
Government Buildings	P	P	
Hospitals and Clinics			
<i>Clinic</i>	AU	AU	See § 17.42.190, Hospitals and Clinics
Social Service Facilities	AU	AU	
Commercial Uses			
Business Services	P	P	
Eating and Drinking Establishments			
<i>Restaurants, Full-Service</i>	P	P	See § 17.42.260, Outdoor Dining and Seating
<i>Restaurant, Take-Out Only</i>	P	P	
Farmer's Markets	AU	AU	See § 17.42.140, Farmer's Markets
Lodging and Visitor-Services			
<i>Hotels and Motels</i>	CU ²	CU ²	See § 17.42.210, Lodging and Visitor Services
Mobile Food Facility/Vendor	P	P	See § 17.42.240, Mobile Food Facility/Vendor
Offices			
<i>Business, Professional, and Technology</i>	P	P	
<i>Medical and Dental</i>	-	P	
<i>Walk-In Clientele</i>	-	AU	
Personal Services			
<i>General Personal Services</i>	P	P	See § 17.42.280, Personal Services
Industrial Uses			
Limited Industrial	AU	-	
R&D and Technology	P	P	

TABLE 17.09.020: LAND USE REGULATIONS— OFFICE DISTRICTS			"P" - Permitted Use, Zoning Clearance "AU" - Administrative Use Permit required "CU" - Conditional Use Permit required "-." - Use Not allowed
Uses	District		Additional Standards
	BP	OI	
Wholesale Trade, Warehouse, Storage and Distribution			
<i>Indoor Warehousing and Storage</i>	P ³	-	
Transportation, Communication, and Utility Uses			
Communication Facilities			
<i>Antennas and Transmission Towers</i>	See Chapter 17.43, Telecommunications Facilities		
<i>Facilities within Buildings</i>	P	P	
Heliports	-	CU ⁴	See § 17.42.170, Heliports
Recycling Facilities			
<i>Recycling Collection Facility</i>	AU	AU	See § 17.42.300, Recycling Facilities
<i>Reverse Vending Machine</i>	P	P	See § 17.42.300, Recycling Facilities
Utilities, Minor	P	P	
Wind Energy Conversion System (WECS)	See Chapter 17.44, Wind Energy Conservation Systems		
Accessory Uses	See § 17.42.030, Accessory Uses.		
Animal Keeping	P	P	See § 17.42.050, Animal Keeping
Caretaker Unit	P	P	
Home Occupations	P	P	See § 17.42.180, Home Occupations
Live Entertainment	CU	CU	
Temporary Uses	See § 17.42.360, Temporary Uses for permit requirements for each type of temporary use.		
Nonconforming Uses	Chapter 17.37, Nonconforming Uses and Structures		
Notes: 1. Only in mixed-use developments. 2. Only in the Hotel Overlay identified in the General Plan. 3. Only if it is in association with a permitted use. 4. Helipads permitted only for emergency landing.			

17.09.030 Development Regulations

Table 17.09.030 prescribes development regulations for Office Districts for permitted and conditional uses. Letters in parenthesis in the "Additional Regulations" column refer to regulations following the table. The numbers in each illustration below refer to corresponding regulations in the "#" column in the associated table. Regulations applicable to multiple districts are in Part IV of this Title.

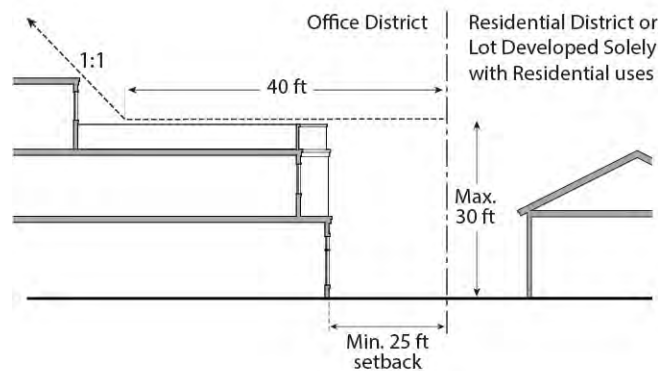
TABLE 17.09.030: DEVELOPMENT REGULATIONS—OFFICE DISTRICTS



	District		Additional Standards	#
	BP	OI		
Lot and Density Standards				
Minimum Lot Area (sq. ft.)	10,000	10,000		
Minimum Lot Width (ft.)	100	100		1
Minimum Lot Depth (ft.)	100	100		2
Maximum Density (Units/acre)	N/A	20	See § 17.25.090, Mixed Use Development	
Building Form and Location				
Maximum Building Height (ft.)	35	35	(A)	3
Minimum 1st Floor Ceiling Height (ft. clear)	12	12		
Setbacks (ft.)	See also § 17.25.090, Mixed Use Development for upper-story setbacks for residential uses in mixed-use development			
Front	10	10		4
Interior Side	0	0	(A)	5
Street Side	10	10		6
Rear	10	10	(A)	7
Maximum Lot Coverage	35%	40%		
Additional Regulations				
Buildings Near State Highways			(B)	
Limitations on Curb Cuts			(C)	
Minimum Landscaping	20%	10%		
Parking Location			(D)	
Sidewalks			(E)	

- A. **Transitional Standards.** Where an Office District adjoins an interior lot line in a R District or of a lot developed solely with residential uses, the following standard applies:
1. The minimum building setback is 25 feet from an R District boundary or lot line of a lot developed solely with residential uses.
 2. Within 40 feet of an R District boundary or a lot line of a lot developed solely with residential uses, the maximum height is 30 feet. From these points, the building height may be increased one foot for each additional foot of upper-story building setback to the maximum building height.

FIGURE 17.09.030(A): TRANSITIONAL STANDARDS-OFFICE DISTRICTS ADJACENT TO RESIDENTIAL DISTRICTS AND USES



- B. **Building Design near State Highways.** For any site that is fully or partially located within 200 feet of the right-of-way line of a State highway, buildings must be designed with four-sided architecture where each exterior wall is designed equivalent to the primary façade in the extent of building articulation and quality of exterior materials, and consistent with the color scheme of the primary façade.
- C. **Limitations on Curb Cuts.** Wherever possible, parking and loading entrances must share curb cuts in order to minimize the overall number of curb cuts. On corner lots, curb cuts must be located on the street frontage with the least pedestrian activity wherever feasible.
- D. **Parking Location.** Parking must be located at the side or rear of buildings wherever possible.
1. Customer parking can be located near the office area.
 2. Where parking is located between a building and a street, a landscaped setback at least 10 feet wide must be provided between the parking area and adjacent right-of-way.

- E. **Sidewalks.** Sidewalks must be provided meeting ADA standards, if none already exist or if the existing sidewalks are noncompliant with ADA standards.

Chapter 17.10 Industrial Districts

Sections:

17.10.010	Purpose and Applicability
17.10.020	Land Use Regulations
17.10.030	Development Regulations

17.10.010 Purpose and Applicability

The purposes of the Industrial Districts are to:

- A. Provide appropriately located areas for a range of employment-creating economic activities, including those that may have the potential to generate off-site impacts, to minimize impacts on surrounding neighborhoods while promoting a robust economy, and
- B. Assure high-quality design and site planning of office and employment areas and support the adaptive reuse of industrial buildings that contribute to the character of the City as a whole.

The specific purposes of each Industrial District are as follows:

IS Service Industrial. This District is intended for land within the airport flight path where airport operations limit the range and density of activities that may be allowed through implementation of the Service Industrial (I-S) land use designation in the General Plan.

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

17.10.020 Land Use Regulations

Table 17.10.020 below prescribes the land use regulations for Industrial Districts.

Use classifications are defined in Chapter 17.70, Use Classifications. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited. The table also notes additional use regulations that apply to various uses. Section numbers in the right hand column refer to other sections of this Ordinance.

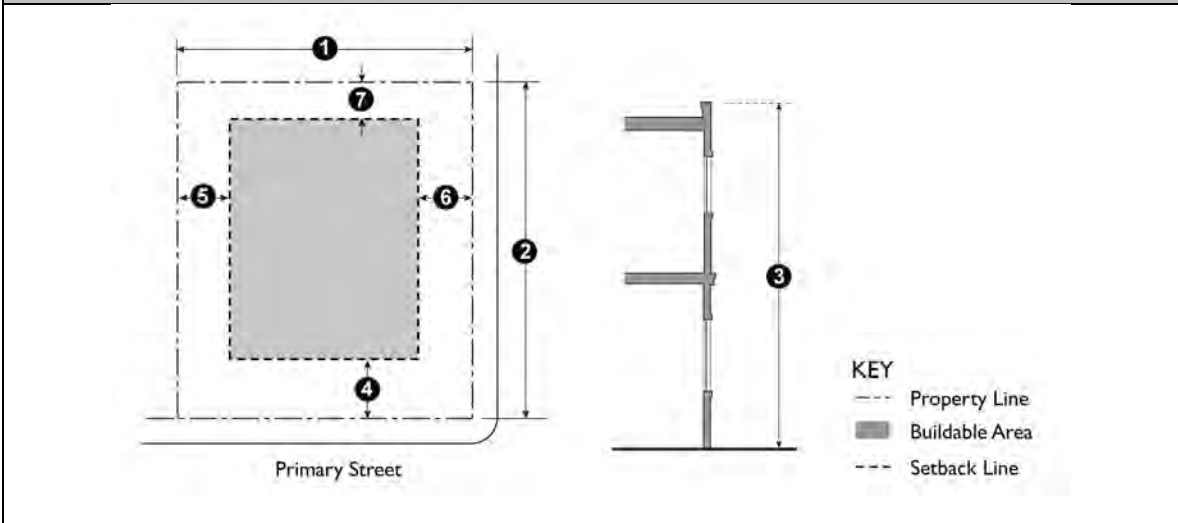
TABLE 17.10.020: LAND USE REGULATIONS— INDUSTRIAL DISTRICTS			"P" - Permitted Use, Zoning Clearance "AU" - Administrative Use Permit required "CU" - Conditional Use Permit required "- " - Use Not allowed
<i>Uses</i>	<i>District</i>		<i>Additional Standards</i>
	<i>IS</i>	<i>IG</i>	
Agricultural Uses			
Agricultural Processing	-	CU	
Public and Semi-Public Uses			
Community Garden	P	P	See § 17.42.100, Community Gardens
Emergency Shelter	-	P	See § 17.42.120, Emergency Shelters
Government Buildings	-	P	
Hospitals and Clinics			
<i>Clinics</i>	CU	CU	
<i>Skilled Nursing Facility</i>	CU	CU	See § 17.42.190, Hospitals and Clinics
Commercial Uses			
Automobile/Vehicles Sales and Services			
<i>Auction</i>	P	-	
<i>Automobile Rentals</i>	P	P	
<i>Automobile/Vehicle Sales and Leasing</i>	P	P	See § 17.42.060, Automobile/Vehicle Sales and Leasing
<i>Automobile/Vehicle Services and Repair, Major</i>	AU	P	See § 17.42.070, Automobile Services and Repair
<i>Automobile/Vehicle Services and Repair, Minor</i>	AU	P	See § 17.42.070, Automobile Services and Repair
<i>Service and Gas Stations</i>	-	P	See § 17.42.340, Service and Gas Station
Building Materials, Sales, and Service	-	P	See § 17.42.270, Outdoor Sales
Catering Service	P	P	
Mobile Food Facility/Vendor	P	P	See § 17.42.240, Mobile Food Facility/Vendor
Industrial Uses			
Automobile Wrecking/Junk Yard	CU	CU	
Construction and Material Yards	P	P	
Custom Manufacturing	P	P	
General Manufacturing	-	P	
Limited Industrial	P	P	
Oil and Gas Facilities	-	CU	See Chapter 17.38, Oil and Gas Facilities
R&D and Technology	-	P	
Vehicle/Equipment Facilities			
<i>Heavy Vehicle and Large Equipment, Sales/Rental, Service, and Repair</i>	P	P	

TABLE 17.10.020: LAND USE REGULATIONS— INDUSTRIAL DISTRICTS			"P" - Permitted Use, Zoning Clearance "AU" - Administrative Use Permit required "CU" - Conditional Use Permit required "- " - Use Not allowed
<i>Uses</i>	<i>District</i>		<i>Additional Standards</i>
	<i>IS</i>	<i>IG</i>	
<i>Towing Services</i>	P	P	
<i>Vehicle Storage</i>	P	P	
Wholesale Trade, Warehouse, Storage and Distribution			
<i>Chemical, Mineral and Explosives Storage</i>	CU	CU	See Chapter 17.17, -AE Airport Environs Overlay District
<i>Indoor Warehousing and Storage</i>	P	P	
<i>Outdoor Storage</i>	P	P	
<i>Personal Storage</i>	P	P	See § 17.42.290, Personal Storage
<i>Wholesaling and Distribution</i>	P	P	
Transportation, Communication, and Utility Uses			
Communication Facilities			
<i>Antennas and Transmission Towers</i>	See Chapter 17.43, Telecommunications Facilities		
<i>Facilities within Buildings</i>	P	P	
<i>Freight/Truck Terminals and Warehouses</i>	AU	AU	
<i>Heliport</i>	CU	CU	See § 17.42.170, Heliports
Recycling Facilities			
<i>Recycling Processing Facility</i>	-	CU	See § 17.42.300, Recycling Facilities
<i>Reverse Vending Machine</i>	P	P	See § 17.42.300, Recycling Facilities
<i>Transportation Passenger Terminal</i>	AU	AU	
<i>Utilities, Minor</i>	P	P	
<i>Wind Energy Conversion System (WECS)</i>	See Chapter 17.44, Wind Energy Conservation Systems		
Accessory Uses	See § 17.42.030, Accessory Uses.		
<i>Animal Keeping</i>	P	P	See § 17.42.050, Animal Keeping
<i>Caretaker Unit</i>	AU	AU	
<i>Live Entertainment</i>	CU	CU	
Temporary Uses	See § 17.42.360, Temporary Uses for permit requirements for each type of temporary use.		
Nonconforming Uses	Chapter 17.37, Nonconforming Uses and Structures		

17.10.030 Development Regulations

Table 17.10.030 prescribes development regulations for Industrial Districts. Letters in parenthesis in the "Additional Regulations" column refer to regulations following the table. The numbers in each illustration below refer to corresponding regulations in the "#" column in the associated table. Regulations applicable to multiple districts are in Part IV of this Title.

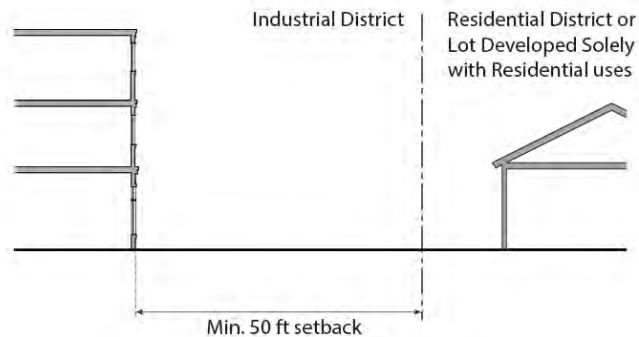
TABLE 17.10.030: DEVELOPMENT REGULATIONS—INDUSTRIAL DISTRICTS



	District		Additional Standards	#
	IS	IG		
Lot and Density Standards				
Minimum Lot Area (sq. ft.)	10,000	10,000		
Minimum Lot Width (ft.)	100	100		1
Maximum Lot Coverage	50%	50%		2
Building Form and Location				
Maximum Building Height (ft.)	35	35	(A)	3
Setbacks (ft.)				
Front	20	20		4
Interior Side	10	10	(B)	5
Street Side	10	20		6
Rear	10	10	(B)	7
Additional Regulations				
Minimum Landscaping	10%	10%		
Maximum Intensity of Employment	25 persons per acre		See Chapter 17.17, -AE Airport Environs Overlay District	
Separation of Parking		(C)		
Sidewalks		(D)		
Building Design Near State Highways		(E)		
Limitations on Curb Cuts		(F)		
Parking Location		(G)		

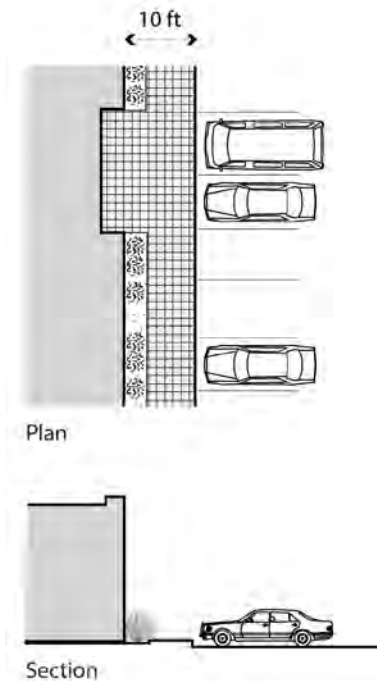
- A. **Additional Height with Conditional Use Permit Approval.** The maximum allowable structure height may be increased to 45 feet with a Conditional Use Permit.
- B. **Transitional Standards.** The minimum building setback from any R District boundary or lot developed solely with residential uses is 50 feet. The Planning Commission may reduce this setback with a Conditional Use Permit on narrow lots, subject to screening and use limitations to ensure no adverse impacts on adjacent residential uses.

FIGURE 17.10.030(B): TRANSITIONAL STANDARDS-INDUSTRIAL DISTRICTS ADJACENT TO RESIDENTIAL DISTRICTS AND USES



- C. **Separation of Parking Areas.** Parking areas must be separated from on-site buildings by a distance of at least 10 feet, which must be landscaped and may also include a pedestrian walkway. Exceptions to this requirement may be granted by the Zoning Administrator in the IG District for a use located in the interior of the district, not on the perimeter.

FIGURE 17.10.030(C): SCREENING AND SEPARATION OF PARKING AREAS



- D. **Sidewalks.** Sidewalks must be provided meeting ADA standards, if none already exist or if the existing sidewalks are noncompliant with ADA standards.
- E. **Building Design Near State Highways.** For any site that is fully or partially located within 200 feet of the right-of-way line of a State highway, buildings must be designed with four-sided architecture where each exterior wall is designed equivalent to the primary façade in the extent of building articulation and quality of exterior materials, and consistent with the color scheme of the primary façade.
- F. **Limitations on Curb Cuts.** Wherever possible, parking and loading entrances must share curb cuts in order to minimize the overall number of curb cuts. On corner lots, curb cuts must be located on the street frontage with the least pedestrian activity wherever feasible.
- G. **Parking Location.** Parking must be located at the side or rear of buildings wherever possible. Customer parking must be located near the office area.

Chapter 17.11 Public and Quasi-Public District

Sections:

- 17.11.010 Purpose and Applicability
 17.11.020 Land Use Regulations
 17.11.030 Development Regulations

17.11.010 Purpose and Applicability

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

- A. Provide areas for various types of Public and Quasi-Public facilities needed to serve residents, businesses, and visitors by implementing the Public and Quasi-Public Land Use (P-QP) land use designation in the General Plan; and
- B. Ensure that the development and operation of Public and Quasi-Public uses protects and enhances the character and quality of life of surrounding residential areas and that their uses are compatible with adjoining uses.

17.11.020 Land Use Regulations

Table 17.11.020 below prescribes the land use regulations for the Public and Quasi-Public District.

Use classifications are defined in Chapter 17.70, Use Classifications. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited. The table also notes additional use regulations that apply to various uses. Section numbers in the right hand column refer to other sections of this Ordinance.

TABLE 17.11.020: LAND USE REGULATIONS— PUBLIC AND QUASI-PUBLIC DISTRICTS		"P" - Permitted Use, Zoning Clearance "AU" - Administrative Permit required "CU" - Use Permit required "- " - Use Not allowed
Uses	District	Additional Regulations
	PQ	
Public and Semi-Public Uses		
Cemetery	CU	
Colleges and Trade Schools	P	
Community Assembly	P	See § 17.42.090, Community Assembly
Community Garden	P	See § 17.42.100, Community Gardens
Cultural Institutions and Facilities	P	
Day Care Facility	P	

TABLE 17.11.020: LAND USE REGULATIONS— PUBLIC AND QUASI-PUBLIC DISTRICTS		"P" - Permitted Use, Zoning Clearance "AU" - Administrative Permit required "CU" - Use Permit required "- " - Use Not allowed
<i>Uses</i>	<i>District</i>	<i>Additional Regulations</i>
	<i>PQ</i>	
Government Buildings	P	
Hospitals and Clinics		
<i>Hospital</i>	CU	See § 17.42.190, Hospitals and Clinics
<i>Clinic</i>	CU	See § 17.42.190, Hospitals and Clinics
Park and Recreation Facilities	P	
Schools, Private	P	
Commercial Uses		
Commercial Entertainment and Recreation		
<i>Banquet and Conference Center</i>	CU	
<i>Outdoor Entertainment</i>	CU	
<i>Outdoor Recreation</i>	CU	
<i>Indoor Sports and Recreation</i>	CU	
Farmer's Market	AU	See § 17.42.140, Farmer's Markets
Transportation, Communication, and Utility Uses		
Communication Facilities		
<i>Antenna and Transmission Towers</i>	See Chapter 17.43, Telecommunications Facilities	
Utilities		
Transportation Passenger Terminal	AU	
<i>Major</i>	CU	
<i>Minor</i>	P	
Wind Energy Conversion System (WECS)	See Chapter 17.44, Wind Energy Conservation Systems	
Accessory Uses		
See § 17.42.030, Accessory Uses.		
Animal Keeping	P	See § 17.42.050, Animal Keeping
Caretaker Unit	AU	
Live Entertainment	CU	
Temporary Uses		
See § 17.42.360, Temporary Uses for permit requirements for each type of temporary use.		
Nonconforming Uses		
Chapter 17.37, Nonconforming Uses and Structures		

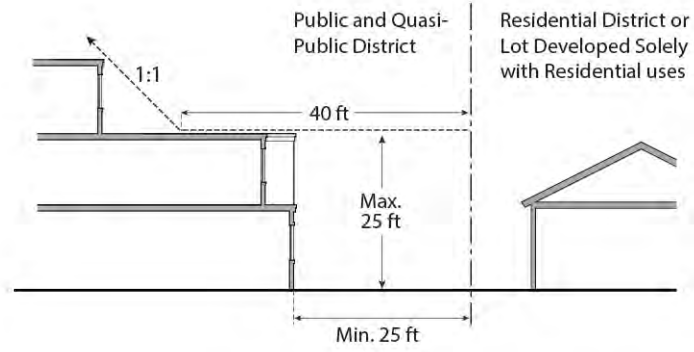
17.11.030 Development Regulations

Table 17.11.030 below prescribes development regulations for the Public and Quasi-Public Districts. Letters in parenthesis in the “Additional Regulations” column refer to regulations following the table. Regulations applicable to multiple districts are in Part IV of this Title.

TABLE 17.11.030: DEVELOPMENT REGULATIONS— PUBLIC AND QUASI-PUBLIC DISTRICTS		
	<i>District</i>	<i>Additional Regulations</i>
	<i>PQ</i>	
Lot and Density Standards		
Minimum Site Area (sq. ft.)	10,000	
Maximum Lot Coverage	30%	
Building Form and Location		
Maximum Building Height (ft.)	35	(A)
Setbacks (ft.)		
<i>Front</i>	20	
<i>Interior Side</i>	10	(A)
<i>Street Side</i>	10	
<i>Rear</i>	10	(A)
Additional Regulations		
Minimum Landscaping	25%	

- A. **Transitional Standards.** Where a Public and Quasi-Public District adjoins an interior lot line in an R District or of a lot developed solely with residential uses, the following standards apply:
1. Within 40 feet of an R District boundary or a lot line of a lot developed solely with residential uses, the maximum height is 25 feet. From this point, the building height may be increased one foot for each additional foot of upper-story building setback to the maximum building height.
 2. The minimum building setback from an R District boundary or lot line of a lot developed solely with residential uses is 25 feet.

FIGURE 17.11.030(A): TRANSITIONAL STANDARDS—PUBLIC AND QUASI-PUBLIC DISTRICT ADJACENT TO RESIDENTIAL DISTRICTS AND USES



Chapter 17.12 Open Space and Agricultural Districts

Sections:

17.12.010	Purpose and Applicability
17.12.020	Land Use Regulations
17.12.030	Development Regulations

17.12.010 Purpose and Applicability

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

- A. Protect and preserve agricultural and open space areas, while providing opportunities for sustainable living research and other compatible activities;
- B. Protect agricultural lands from incompatible land uses and encroachment; and
- C. Establish controls on development that will protect these areas in a manner consistent with the General Plan.

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

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

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

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

17.12.020 Land Use Regulations

Table 17.12.020 below prescribes the land use regulations for Open Space and Agricultural Districts.

Use classifications are defined in Chapter 17.70, Use Classifications. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited. The table also notes additional use regulations that apply to various uses. Section numbers in the right hand column refer to other sections of this Ordinance.

TABLE 17.12.020: LAND USE REGULATIONS – OPEN SPACE AND AGRICULTURAL DISTRICTS				"P" - Permitted Use, Zoning Clearance "AU" - Administrative Permit required "CU" - Use Permit required "- " - Use Not allowed
Uses	District			Additional Regulations
	OSPR	OSAR	AG	
Residential Uses				
Farmworker Housing	See § 17.42.150, Farmworker Housing			
Farmworker Housing Complex	-	-	P	See § 17.42.150, Farmworker Housing
Residential Housing Types				
Single-Unit Dwelling, Detached	-	-	P	
Family Day Care, Small	-	-	P	
Residential Care Facility, Small	-	-	P	
Supportive Housing Transitional Housing	Subject only to those standards, zoning clearance, and permit procedures as they apply to other residential dwellings of the same type in the same zone.			
Public and Semi-Public Uses				
Community Garden	P	P	P	See § 17.42.100, Community Gardens
Park and Recreation Facilities	CU ¹	P	-	
Parking, Public or Private	CU ²	CU ²		
Sustainable Living Research Site	-	-	CU	See § 17.42.350, Sustainable Living Research Site
Commercial Uses				
Commercial Entertainment and Recreation				
Outdoor Entertainment	-	CU	-	
Outdoor Recreation	-	CU	-	
Indoor Sports and Recreation	-	P	-	
Transportation, Communication, and Utility Uses				
Communication Facilities				
Antenna and Transmission Towers	See Chapter 17.43, Telecommunications Facility			

TABLE 17.12.020: LAND USE REGULATIONS – OPEN SPACE AND AGRICULTURAL DISTRICTS				"P" - Permitted Use, Zoning Clearance "AU" - Administrative Permit required "CU" - Use Permit required "- " - Use Not allowed
Uses	District			Additional Regulations
	OSPR	OSAR	AG	
Utilities, Minor	-	-	P	
Wind Energy Conversion System (WECS)	See Chapter 17.44, Wind Energy Conservation Systems			
Agricultural Uses				
Agricultural Processing	-	-	CU	
Agricultural-Support Services	-	-	CU	
Animal Raising	-	-	P	
Crop Cultivation	-	-	P	
Greenhouse	-	-	P	
Produce Stand	-	-	P ³	
Accessory Uses	§ 17.42.030, Accessory Uses			
Animal Keeping	-	P	P	See § 17.42.050, Animal Keeping
Caretaker Units	-	P	-	
Home Occupation	-	-	P	See § 17.42.180, Home Occupations
Temporary Uses	See § 17.42.360, Temporary Uses for permit requirements for each type of temporary use			
Nonconforming Uses	Chapter 17.37, Nonconforming Uses and Structures			
Notes:				
1. Limited to restrooms and essential facilities for the care and maintenance of the open space.				
2. Limited to public parking for the recreational use.				
3. Limited to 200 square feet of gross floor area.				

17.12.030 Development Regulations

Table 17.12.030, below, prescribes development regulations for the Open Space and Agricultural Districts. Letters in parenthesis in the “Additional Regulations” column refer to regulations following the table. Regulations applicable to multiple districts are in Part IV of this Title.

TABLE 17.12.030: DEVELOPMENT REGULATIONS - OPEN SPACE AND AGRICULTURAL DISTRICTS				
	<i>Types</i>			<i>Additional Regulations</i>
	<i>OSPR</i>	<i>OSAR</i>	<i>AG</i>	
Lot and Density Standards				
Minimum Site Area (acres)	N/A	N/A	AG-5: 5 AG-10: 10 AG-40: 40	
Building Form and Location				
Maximum Building Height (ft.)	14	25	35	
Maximum Lot Coverage	5%	20%	Greenhouses are limited to 10% lot coverage	
Setbacks (ft.)				
<i>Front</i>	10	10	20	(A)
<i>Interior Side</i>	10	10	20	(A)(B)
<i>Street Side</i>	10	10	20	(A)
<i>Rear</i>	10	10	20	(A) (B)

- A. **Required Setbacks.** Lots that contain one gross acre or less are subject to the setback regulations of the RS Single-Family Residential District.
- B. **Transitional Standards.** The minimum building setback from any R District boundary or lot developed solely with residential uses is 25 feet.

Chapter 17.13 Planned Development District

Sections:

17.13.010	Purpose
17.13.020	Applicability
17.13.030	Procedures
17.13.040	Required Findings
17.13.050	Conditions of Approval
17.13.060	Expiration and Extensions; Modifications

17.13.010 Purpose

The -PD Planned Development District is intended to provide for detailed and substantial analysis review of development on land that warrants special review when deviations from the existing development standards are proposed. This District is also intended to provide opportunities for creative approaches to development and site planning with flexible, performance-oriented standards that will achieve superior community design, environmental preservation, resource protection in the Coastal Zone, and public benefit, in comparison to subdivision and development under the underlying District regulations.

17.13.020 Applicability

- A. **Rezoning Required for Approval of a Planned Development District.** Approval of a Planned Development District can only occur with an amendment to the Official Zoning Map, wherein the underlying Zoning District is combined with the -PD District for those lots and parcels identified in the Planned Development application.
- B. **Land Use and Density Regulations.** The land use and density requirements within a -PD Planned Development District will be as provided in the approved -PD District, supplemented by details in an approved use permit for Planned Development.
- C. **Modification of Standards.** The City Council may approve a Planned Development District that deviates from the minimum lot area, yard requirements, building heights, other physical development standards, and land use and density requirements of the underlying Zoning Districts with which it is combined.
- D. **Development Agreement.** A Development Agreement processed pursuant to Chapter 17.62, Development Agreements, is required for the approval of a development application within a Planned Development District.

17.13.030 Procedures

- A. **Reference to Rezoning Procedures.** Applications for approval of a Planned Development District will be processed pursuant to Chapter 17.63, Amendments to Zoning Regulations and Zoning Map.
- B. **Reference to Use Permit Procedures.** Applications for approval of a Planned Development use permit will be processed in the same manner as a Conditional Use Permit, pursuant to Chapter 17.53, Common Procedures and Chapter 17.55, Use Permits, although additional information is required to be submitted in order to determine that the intent of the General Plan are met. It is not required that the Planned Development use permit be processed concurrently with a Planned Development District application and Development Agreement. However, final approval of a use permit for a Planned Development must occur simultaneously with or subsequent to final action on the proposed rezoning.
- C. **Decision-Making Bodies.** The Planning Commission will make a recommendation to the City Council regarding a requested Planned Development District following a public hearing. The City Council then must approve, conditionally approve or deny the proposed Planned Development District rezoning following a public hearing concurrently, or following action of a -PD rezoning application. The Planning Commission may grant a Planned Development use permit. The City Council also may approve a Development Agreement in accordance with applicable law for a project in a –PD District.
- D. **Initiation.** An application for a Planned Development District or Planned Development Use Permit may be initiated by the City Council; the Planning Commission; or property owners (or their agents) in the area that is the subject of an application.
- E. **Preliminary Review.** Before submitting an application for a Planned Development District or use permit an applicant must schedule a preliminary review conference pursuant to § 17.53.030, Preliminary Review Process.
- F. **Planned Development District and Use Permit Requirements.** Applications for approval of a Planned Development Permit 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. **Topography.** The existing 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 Concepts.** Plans showing architectural concepts of the proposed building, including heights, design, exterior materials of proposed buildings, other structures, fencing, and signage.
 6. **Development Schedule.** A preliminary development schedule, indicating the sequence and timing of development and the priorities of any phased development.
 7. **Open Space Plan.** A proposed open space plan, including landscape concept and type of plant materials, recreation area, parking, service and other public area used in common on the property, and a description of intended improvements to the open area of the property and provisions for maintenance of open space to be privately owned.
 8. **Engineering Plans.** Engineering plans showing site grading and amount of cut and fill, including finished grades and proposed drainage facilities.
 9. **Statement Regarding Compliance with Findings.** Written statement and illustrations to demonstrate how the project meets the required findings and provides superior community design, environmental preservation, resource protection in the Coastal Zone, and/or public benefit amenities.
 10. **Other Information.** Any other information deemed necessary by the Zoning Administrator to ascertain if the project meets the required findings for a Planned Development Permit.

17.13.040 Required Findings

- A. **Required Findings for a Planned Development District.** A -PD District Zoning Amendment can only be approved if all of the following findings are made:
 1. The project meets all of the findings required for a Zoning Map amendment.
 2. Development within the proposed -PD District is demonstratively superior to the development that could occur under the standards applicable to the underlying base District, as indicated by either the conceptual plans submitted as part of the

Planned Development District application or the project submitted for consideration of a Planned Development Permit.

3. The conceptual plans submitted with the application conform in all significant respects with the General Plan and any applicable plan or policies adopted by the City Council.

B. Required Findings for a Planned Development Use Permit. A Planned Development Use Permit can only be approved if all of the following findings are made in addition to the findings required for all Conditional Use Permits:

1. The project meets all of the findings required for a use permit, including a finding that the project described in the application or modified by any condition of approval conforms in all significant respects with the General Plan and any applicable plan or policies adopted by the City Council.
2. Development within the -PD District is demonstratively superior to the development that could occur under the standards applicable to the underlying Zoning District and will achieve superior community design, environmental preservation, and/or substantial public benefit. In making this determination, the approving authority must consider the following factors:
 - a. Appropriateness of the use(s) at the proposed location.
 - b. Creativity in design and use of land.
 - c. The mix of uses, housing types, and housing price levels.
 - d. Provision of units affordable to persons and families of extremely low, very low, low and moderate income households.
 - e. Provision of infrastructure improvements.
 - f. Provision of open space.
 - g. Compatibility of uses within the development area.
 - h. Quality of design, and adequacy of light and air to the interior spaces of the buildings.
 - i. Overall contribution to the enhancement of neighborhood and community character and the environment of Goleta in the long term.

17.13.050 Conditions of Approval

In approving a Planned Development District, the City Council may impose any condition of approval deemed necessary to:

- A. 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;
- B. Achieve the general purposes of this Title;
- C. Achieve the findings required for a Planned Development; or
- D. Mitigate any potentially significant impacts identified as a result of review conducted in compliance with the requirements of the California Environmental Quality Act.

17.13.060 Expiration and Extensions; Modifications

Planned Development Use Permits are effective and may be extended or modified as provided for use permits in Chapter 17.53, Common Procedures, subject to the following limitations:

- A. **Tentative Map.** Where a tentative map was approved in conjunction with a -PD District project, the Planned Development Use Permit expires upon the expiration of the tentative map.
- B. **Phased Development.** In the event that the applicant intends to develop the project in phases, and the Planning Commission or City Council, as applicable, approves phased development, the Planned Development Use Permit remains in effect that not more than two years lapse between the end of one phase and the beginning of the next phase, unless an extension is approved by the approving authority.

Chapter 17.14 Reserved

Chapter 17.15 Reserved

Chapter 17.16 Reserved

PART III
OVERLAY DISTRICTS

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Chapter 17.17 –AE Airport Environs Overlay District

Sections:

17.17.010	Purpose
17.17.020	Applicability
17.17.030	Consultation Required
17.17.040	Use Restrictions
17.17.050	Residential Interior Noise-Level Reduction
17.17.060	Regulations for Airspace Protection
17.17.070	Avigation Easement and Overflight Notification

17.17.010 Purpose

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

17.17.020 Applicability

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

17.17.030 Consultation Required

The City of Goleta must consult with staff of the Airport Land Use Commission (ALUC) and the Santa Barbara Airport Department for development projects within the clear or approach zones as defined in the Santa Barbara County Airport Land Use Plan (ALUP), as well as any development proposed within the 60 dBA CNEL noise exposure contour as depicted on the Noise contour map in the most recent ALUC-adopted ALUP.

17.17.040 Use Restrictions

- A. **General.** No use may be made of land or water within the AE Overlay District in such a manner that would:
1. Create a “Hazard to Air Navigation,” as determined by the Federal Aviation Administration (FAA);
 2. Result in glare in the eyes of pilots using the airport;
 3. Make it difficult for pilots to distinguish between airport lights and others;
 4. Impair visibility in the vicinity of the airport;
 5. Create steam or other emissions that cause thermal plumes or other forms of unstable air;
 6. Create electrical interference with navigation signals or radio communication between the airport and aircraft;
 7. Create an increased attraction for wildlife which could pose bird strike hazards to aircraft in flight; or
 8. Otherwise, in any way, endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.
- B. **Airport Clear Zones.** The following uses are not permitted within the Airport Clear Zones unless such use is found consistent with the ALUP by the ALUC or is approved by the City Council upon a two-thirds vote with specific findings that the proposed development is consistent with the purpose and intent expressed in Public Utilities Code § 21670.
1. Residential development of any type.
 2. Hazardous installations or materials such as, but not limited to, oil or gas storage and explosive or highly flammable materials.
 3. Any use which may result in a concentration of people greater than the ALUC’s review threshold of 25 persons per gross acre.
- C. **Airport Approach Zones.** The following uses are not permitted within the Airport Approach Zones unless such use is found consistent with the ALUP by the ALUC or is approved by the City Council upon a two-thirds vote with specific findings that the proposed development is consistent with the purpose and intent expressed in Public Utilities Code § 21670.

1. Residential development except new single-family construction on existing recorded lots, and rebuilding and alteration projects that do not increase onsite residential density.
2. Any use which may result in a concentration of people greater than the ALUC's review threshold of 25 persons per gross acre.

17.17.050 Residential Interior Noise-Level Reduction

New residential development exposed to sounds above 60 CNEL shall be subject to an acoustical analysis showing that all structures have been designed to limit interior noise levels in any habitable room to 45 CNEL.

17.17.060 Regulations for Airspace Protection

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

1. **Maximum Height.**
 - a. Except as provided below, no object, including a mobile or temporary object, such as a construction crane, can have a height that would result in penetration of any obstruction surface depicted in the applicable Airport Land Use Plan.
 - b. Within the primary surface and beneath the approach or transitional surfaces, objects must be limited in height consistent with the airspace protection surfaces defined by 14 CFR 77.
2. **Exception.** Outside the primary surface and the approach or transitional surfaces, no object, by virtue of the –AE Overlay District provisions, must be limited to a height of less than 35 feet above the ground even if the object would penetrate a 14 CFR 77 surface, and thus constitute an obstruction.

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

1. 200 feet above ground level.
2. The plane of an imaginary surface extending outward and upward at a slope of 100 to one for a distance of 20,000 feet from the nearest point of any runway.

17.17.070 Avigation Easement and Overflight Notification

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

- B. **Overflight Notification.** If no aviation easement is otherwise provided for residential development, an overflight notification consistent with the following standards must be recorded.
 - 1. The notification must contain the following language, as dictated by applicable law, with regard to real estate transfer disclosure:
 - a. *Notice of Airport in Vicinity:* This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

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

Chapter 17.18 –AHO Affordable Housing Overlay District

Sections:

17.18.010	Purpose
17.18.020	Applicability
17.18.030	Affordable Housing Requirement
17.18.040	Increased Density with State Density Bonus Program
17.18.050	Fee Waivers

17.18.010 Purpose

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

17.18.020 Applicability

The standards and regulations of this Chapter apply to the Central Hollister Housing Opportunity Sites, as shown with an –AHO extension on the Zoning Map. Except as provided in this Chapter, all standards and regulations in Chapter 17.29, Inclusionary Housing Program also apply.

17.18.030 Affordable Housing Requirement

Any new for-sale residential development project that includes more than five dwelling units must provide for-sale units, as listed below. This requirement supersedes the percentage requirements for inclusionary housing, established in Subsection 17.29.040(B), Inclusionary Housing Requirements.

- A. **Affordability Housing Requirement by Income Category.** The provision of affordable housing shall be provided as follows:
1. Five percent of the total number of for-sale units within the project shall be provided at prices affordable to extremely low- and very low-income households.
 2. Five percent of the total number of for-sale units within the project shall be provided at prices affordable to low-income households.
 3. Five percent of the total number of for-sale units within the project shall be provided at prices affordable to moderate-income households.

4. Five percent of the total number of for-sale units within the project shall be provided at prices affordable to above moderate- income households earning 120 to 200 percent of the median income.
- B. **No Reduction Allowed.** No reduction in these individual percentages is permitted for any reason.

17.18.040 Increased Density with State Density Bonus Program

All development in the -AHO District is eligible to participate in the State density bonus program, under the provisions of Chapter 17.28, Density Bonuses and Other Incentives.

17.18.050 Fee Waivers

- A. **Processing Fees.** Those projects that provide at least 20 percent of the units for extremely low, very low and low income households are entitled to a fee waiver for all the processing fees associated with the various applications for development.
- B. **Other Fees.** Projects are entitled to a reduction in all other fees in an amount that corresponds to the increase in allowable density granted. Any project requesting a reduction or waiver of an impact fee, park dedication fee, or other fee(s) in excess of that percentage reduction must apply for the requested reduction or waiver, which is then subject to a discretionary review and approval process. The City Council is the final decision maker for any such request.

Chapter 17.19 –H Hospital Overlay District

Sections:

17.19.010	Purpose
17.19.020	Applicability
17.19.030	Permit and Processing Requirements
17.19.040	Additional Height
17.19.050	Lot Coverage

17.19.010 Purpose

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

17.19.020 Applicability

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

17.19.030 Permit and Processing Requirements

All new structures and development as well as alterations to existing structures within the H Overlay District must be subject to Design Review and Conditional Use Permit approval. No permits for development within the Hospital Overlay project will be issued except in conformance with an approved Conditional Use Permit.

17.19.040 Additional Height

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

17.19.050 Lot Coverage

The maximum lot coverage may be increased from 40 percent to 60 percent for hospitals and to 50 percent for medical office buildings.

Chapter 17.20 –MP Master Plan Overlay District

Sections:

17.20.010	Purposes
17.20.020	Applicability and Zoning Map Designator
17.20.030	Land Use Regulations
17.20.040	Development Standards
17.20.050	Initiation
17.20.060	Minimum Lot Size; Maximum Number of Dwelling Units
17.20.070	Approval of a Master Plan
17.20.080	Amendments to Adopted Master Plan
17.20.090	Expiration and Renewal; Changed Plans
17.20.100	Plan Review

17.20.010 Purpose

The -MP Master Plan Overlay District is intended to:

- A. Ensure orderly planning for the development of large, non-subdivided areas of the City with unique characteristics, consistent with the General Plan;
- B. Maintain an environmental equilibrium consistent with existing vegetation, soils, geology, topography, and drainage patterns;
- C. Avoid premature or inappropriate development that would result in incompatible uses or create public service demands exceeding the capacity of existing or planned facilities; and
- D. Promote sensitive site planning and design.

The -MP Master Plan Overlay District is a proactive designation by the City to promote orderly, well-planned development and avoid piece-meal subdivisions of land.

17.20.020 Applicability and Zoning Map Designator

The -MP Master Plan Overlay District may be combined with any Zoning District and applied to an area at least five acres in size. Each MP Master Plan Overlay District must be shown on the Zoning Map by adding an "-MP" designator to the Zoning District designation and a Master Plan is required for all development, consistent with the provisions of § 17.20.070.

17.20.030 Land Use Regulations

Land use regulations must be those of the underlying Zoning District with which the -MP District is combined, provided that no new or expanded use requiring a use permit may be approved unless it has been approved as a part of the Master Plan.

17.20.040 Development Standards

Development standards must be those of the underlying Zoning District with which an -MP District is combined, unless modified as a part of an approved Master Plan. No subdivision of land is permitted, except in accordance with an approved Master Plan and applicable law.

17.20.050 Initiation

A Master Plan may be initiated by the City Council or the Planning Commission or by any interested person. If the property is not under a single ownership, all owners must join the application, and a map showing the extent of ownership must be submitted with the application.

17.20.060 Minimum Lot Size; Maximum Number of Dwelling Units

The Planning Commission may approve a Master Plan including lots smaller than those required by the Zoning District, but must not approve a total number of dwelling units in a subdivision greater than permitted by the General Plan density limitations. Restrictions on the number of dwelling units permitted must be recorded with a final subdivision.

17.20.070 Approval of a Master Plan

- A. **General Procedures.** An application for approval of a Master Plan must be processed as a Zoning Regulation and Zoning Map Amendment in accord with the provisions of Chapter 17.63.
- B. **Required Findings.** In addition to the findings required by Chapter 17.63, the Planning Commission and City Council must find that the proposed Master Plan:
 - 1. Conforms to the General Plan;
 - 2. Offers the potential for superior community design and environmental preservation in comparison with subdivision and development under the underlying Zoning District regulations;
 - 3. Substantially complies with the land use and development regulations of the underlying Zoning District and does not significantly alter the regulations; and
 - 4. Can be adequately, reasonably, and conveniently served by public services, utilities, and public facilities.

17.20.080 Amendments to Adopted Master Plan

Procedures for an amendment to an adopted Master Plan must be initiated in the same manner as an application for a Zoning Regulation and Zoning Map Amendment prescribed by Chapter 17.63.

17.20.090 Expiration and Renewal; Changed Plans

- A. **Expiration.** A Master Plan becomes void five years following the date of approval, unless actions specified in the conditions of approval have been taken or unless the original approval was for a stated period longer than five years.
- B. **Renewal.** An approved Master Plan may be renewed for a period approved by the Planning Commission after a duly noticed public hearing. Application for renewal must be made in writing at least 60 days before lapse of the original approval.
- C. **Modified Plans.** A request for changing boundaries of a Master Plan or modifications that are determined not to be minor in scope by the Zoning Administrator must be treated as a new application for a Zoning Map amendment.
- D. **Minor Modifications of Approvals.** The Zoning Administrator may approve minor modifications to approved plans that are consistent with the original findings and conditions approved that would not intensify any potentially detrimental effects of the project.

17.20.100 Plan Review

Plans for a project requiring a Master Plan are accepted for Design Review only if they are consistent with an approved Master Plan and with all other applicable requirements of this Title.

Chapter 17.21 –OTH Old Town Heritage Overlay District

Sections:

17.21.010	Purpose
17.21.020	Applicability
17.21.030	Permit and Processing Requirements
17.21.040	Build-to Area, Hollister Frontage
17.21.050	Building Length and Articulation

17.21.010 Purpose

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

17.21.020 Applicability

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

17.21.030 Permit and Processing Requirements

- A. **Preliminary Review Process Required.** Preliminary review pursuant to § 17.53.030, Preliminary Review Process, is required for all development within the -OTH Overlay District.
- B. **Design Review Required.** All new structures and development as well as alterations to existing structures within the -OTH Overlay District are subject to Design Review. When conducting Design Review, the Design Review Board must find that the project is consistent with the goals and objectives of the Heritage District Guidelines.

17.21.040 Build-to Area, Hollister Frontage

On parcels that have Hollister frontage, new structures must be built without setback from the front property line. Exceptions may be granted if it can be clearly demonstrated that the pedestrian character of the sidewalk and street frontage will be better maintained and enhanced by the alternative design. Examples of such exceptions include setbacks for front yard patios and courtyards that enhance pedestrian access to retail commercial areas.

17.21.050 Building Length and Articulation

Buildings that have wall planes over 50 feet in length must divide the wall plane into smaller parts. This may be accomplished through a change of plane, projections or recesses, fenestration, changes in material, and other treatments that serve to provide variation in the wall plane.

Chapter 17.22 Reserved

Chapter 17.23 Reserved

Chapter 17.24 Reserved

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PART IV
REGULATIONS APPLYING TO MULTIPLE
DISTRICTS

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Chapter 17.25 General Site Regulations

Sections:

17.25.010	Purpose and Applicability
17.25.020	Accessory Structures
17.25.030	Buffers Adjacent to Agricultural Districts
17.25.040	Building Projections into Yards
17.25.050	Development on Lots Divided by District Boundaries
17.25.060	Development on Substandard Lots
17.25.070	Exceptions to Height Limits
17.25.080	Fences and Freestanding Walls
17.25.090	Mixed Use Development
17.25.100	Outdoor Storage
17.25.110	Refuse, Recycling, and Green Waste Storage Areas
17.25.120	Right to Farm Covenants
17.25.130	Right to Research Covenants
17.25.140	Screening and Buffering of Common Lot Lines
17.25.150	Screening of Equipment
17.25.160	Solar Installations
17.25.170	Stormwater Management
17.25.180	Swimming Pools and Spas
17.25.190	Truck Docks, Loading, and Service Areas
17.25.200	Underground Utilities
17.25.210	Visibility at Intersections and Driveways

17.25.010 Purpose and Applicability

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

17.25.020 Accessory Structures

- A. **Applicability.** These provisions apply to all accessory structures over six feet in height, including garages, carports, sheds, workshops, gazebos, small greenhouses, cabanas, trellises, play structures, and aviaries but not Second Dwelling Units which are regulated by § 17.42.330.

- B. **Relation to Other Structures.**
 - 1. An accessory structure may be constructed on a lot on which there is a permitted main building to which the accessory building is related.

 - 2. Where two contiguous and immediately adjoining residential lots are under the same ownership, and one lot contains a single-unit dwelling, an accessory structure may be permitted on the adjoining vacant lot, subject to compliance with all underlying development standards. The owner must sign a statement, which will, at a minimum, require that any on-site improvements be removed should either of the lots be sold separately. The signed statement must be in a form approved by the City Attorney and be recorded with the County Recorder.

 - 3. A temporary accessory structure may be constructed prior to the construction of the development of the site, provided that the underlying development has received all permits from the City. The temporary accessory structure cannot be used for more than one year in connection with the construction of the development. The property owner must sign a statement that requires that the temporary accessory structure be removed in the event that the main building is not constructed. The signed statement must be in the form of approved by the City Attorney and be recorded with the County Recorder.

- C. **Habitation Limitations.** Accessory Structures may have plumbing for a washer, dryer, utility sink, toilet, shower, and sink. A bathtub and/or stove is not permitted, unless approved for use as a part of an adjacent habitable dwelling. The applicant must sign an agreement that would prohibit the structure from being used as a rental unit. The signed statement must be in the form approved by the City Attorney and be recorded with the County Recorder.

- D. **Location.** Accessory Structures must comply with the following standards:
 - 1. **Residential Districts.**
 - a. *Front and Street-Side Yards.* Accessory structures may not be located within any required front yard or street-side setback areas.

 - b. *Interior-Side and Rear Yards.* Accessory Structures must be setback a minimum of three feet from interior side and rear property lines.

- c. *Alleys.* Accessory Structures must be setback a minimum of three feet from the edge of a public alley if the Accessory Structure utilizes the alley for vehicle access.
 - 2. ***Non-Residential Districts.*** Accessory structures must comply with the setbacks per the underlying zoning district.
- E. **Height.** Accessory structures are subject to the height limitations specific to the zoning district in which they are located, except as provided below in Residential Districts.
 - 1. ***Residential Districts.*** Accessory Structures must be no greater than 12 feet in height except as provided below.
 - a. *On Parcels greater than 10,000 square feet:* Accessory Structures located a minimum of 10 feet from all property lines may be up to 16 feet in height.
 - 2. ***Additional Height.*** The Planning Commission may allow additional height, not to exceed the height of the main building, provided the Accessory Structure is designed to match the main building.

17.25.030 Buffers Adjacent to Agricultural Districts

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

- A. **Width.** The width of the buffer must be determined by the Zoning Administrator on a site-specific basis at the time of approval of the development. Factors to consider when determining the width of the buffer include:
 - 1. The historical land use on the agricultural parcel;
 - 2. The current crop type and agricultural practices on the agricultural parcel;
 - 3. The future farming potential of the agricultural lot;
 - 4. The elevation and topographical differences of the two parcels;
 - 5. The location of existing roads or naturally occurring barriers;
 - 6. The extent and location of existing non-agricultural development;
 - 7. The type of use proposed on the non-agricultural parcel and the potential for that use to impact use of the adjacent Agricultural District land for agricultural purposes;

8. The site design of the non-agricultural parcel including the use of landscape screening that may be used within the buffer itself;
 9. The lot size and configuration of the non-agricultural parcel; and
 10. The prevailing wind direction.
- B. **Location.** The agricultural buffer must be located on the lot where the non-agricultural development is proposed along the common lot line between the non-agricultural and agricultural parcels.

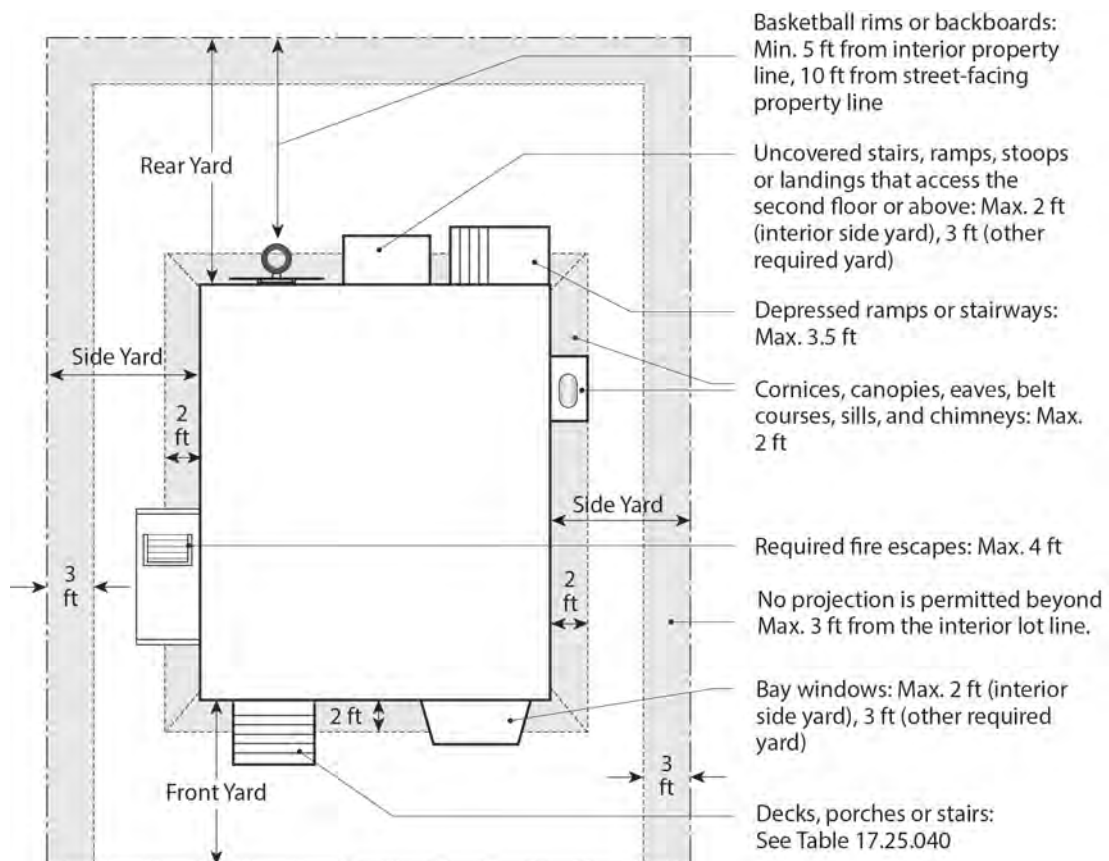
17.25.040 Building Projections into Yards

Building projections may extend into required yards, according to the standards of Table 17.25.040, Allowed Building Projections into Yards. The “Limitations” column states any dimensional, area, or other limitations that apply to such structures when they project into required yards.

TABLE 17.25.040: ALLOWED BUILDING PROJECTIONS INTO YARDS				
<i>Projection</i>	<i>Front or Street Side Yard (ft.)</i>	<i>Interior Side Yard (ft.)</i>	<i>Rear Yard (ft.)</i>	<i>Limitations</i>
All projections	Notwithstanding any other Subsection of this Section, no projection may extend closer than three feet to an interior lot line or into a public utility easement.			
Cornices, canopies, eaves, belt courses, and similar architectural features; chimneys.	2	2	2	
Bay windows	3	2	3	Must not occupy more than one-third of the length of the building wall on which they are located.
Fire escapes required by law or public agency regulation	4	4	4	
Uncovered stairs, ramps, stoops, or landings that service above first floor of building	3	2	3	
Depressed ramps or stairways and supporting structures designed to permit access to parts of buildings that are below average ground level	3.5	3.5	3.5	
Basketball Rims and Backboards	No closer than 10 ft. of a street-facing property line or 5 ft. from an interior side or rear property line			

TABLE 17.25.040: ALLOWED BUILDING PROJECTIONS INTO YARDS				
<i>Projection</i>	<i>Front or Street Side Yard (ft.)</i>	<i>Interior Side Yard (ft.)</i>	<i>Rear Yard (ft.)</i>	<i>Limitations</i>
Decks, porches, and stairs				
<i>Less than 18 inches above ground elevation</i>	6	2	8	Must be open on at least three sides. No closer than 7 ft. of a street-facing property line or 3 ft. of an interior property line.
<i>18 inches or more above ground elevation</i>	3	2	3	
Ramps and similar structures that provide access for persons with disabilities	Reasonable accommodation will be made, consistent with the Americans with Disabilities Act; see Chapter 17.60, Reasonable Accommodations for Persons with Disabilities.			

FIGURE 17.25.040: ALLOWED BUILDING PROJECTIONS



17.25.050 Development on Lots Divided by District Boundaries

- A. **Generally.** Where a lot is divided by a zoning district boundary, the regulations applicable to each district will be applied to the area within the district, and no use, other than

parking serving a principal use on the site, can be located in a district in which it is not a permitted or conditionally permitted use.

- B. **Access.** All access to parking serving a use must be from a street abutting that portion of the lot where the use is allowed. Pedestrian or vehicular access from a street to a non-residential use cannot traverse an R District in which the non-residential use is not permitted or conditionally permitted.
- C. **Minimum Lot Area and Width.** The minimum lot area and width requirements of the zoning district that covers the greatest portion of the lot area will apply to the entire lot. If the lot area is divided equally between two or more zones, the requirements of the district with greater minimum lot area, width, or frontage will apply to the entire lot.
- D. **Exceptions.** If more than 60 percent of a lot is located in one zoning district, modifications to the provisions of this Section may be granted through Planning Commission approval of a Conditional Use Permit.

17.25.060 Development on Substandard Lots

Any lot or parcel of land that was legally created through a recorded deed may be used as a building site even when consisting of less area, width, or depth than that required by the regulations for the zoning district in which it is located. However, no substandard lot can be further reduced in area, width, or depth, unless such reduction is required as part of a public improvement. A substandard lot will be subject to the same yard and density requirements as a standard lot.

17.25.070 Exceptions to Height Limits

The standards of this Section apply to all new development and to all existing structures. The structures listed in Table 17.25.070 below may exceed the maximum permitted building height for the zoning district in which they are located, subject to the limitations stated in the Table and further provided that no portion of a structure in excess of the building height limit may be used for sleeping quarters or advertising. Projections not listed in Table 17.25.070 and projections in excess of those listed in Table 17.25.070 may be allowed with Conditional Use Permit approval.

TABLE 17.25.070: ALLOWED PROJECTIONS ABOVE HEIGHT LIMITS		
<i>Structures Allowed Above the Height Limit</i>	<i>Maximum Vertical Projection Above the Height Limit</i>	<i>Size and Locational Limitations</i>
Skylights	1 foot	None
Solar panels	Subject to the provisions of § 17.25.160	
Other energy production facilities located on rooftop such as wind turbines	5 feet	None
- Chimneys - Decorative features such as cupolas, pediments, obelisks, and monuments	20% of base district height limit	Limited to a total of 20% of roof area, including all structures

TABLE 17.25.070: ALLOWED PROJECTIONS ABOVE HEIGHT LIMITS		
<i>Structures Allowed Above the Height Limit</i>	<i>Maximum Vertical Projection Above the Height Limit</i>	<i>Size and Locational Limitations</i>
- Rooftop open space features such as sun decks, sunshade and windscreen devices, open trellises, and landscaping, excluding detached residential structures		
Elevator and stair towers (for multiple-unit and non-residential buildings only)	12 feet	None
Mechanical equipment penthouses	10 feet	Limited to 60% of roof area
Flagpoles	Subject to the provisions of Chapter 17.41, Signs	
Fire escapes, catwalks, and open railings required by law	No restriction	None
Architectural elements, such as spires, bell towers, and domes	5 feet	None
Parapets, excluding detached residential structures	4 feet	None
- Distribution and transmission towers, lines, and poles - Water tanks - Airway beacons	10 feet as an accessory structure; None as a primary use	Limited to 20% of the area of the lot, or 20% of the roof area of all on-site structures, whichever is less; No limit if primary use permitted in the district
- Telecommunications facilities, antennas, and microwave equipment - Radio towers	Subject to provisions of Chapter 17.43, Telecommunications Facilities.	
Athletic field lighting	Up to a maximum of 60 feet in total height	None

17.25.080 Fences and Freestanding Walls

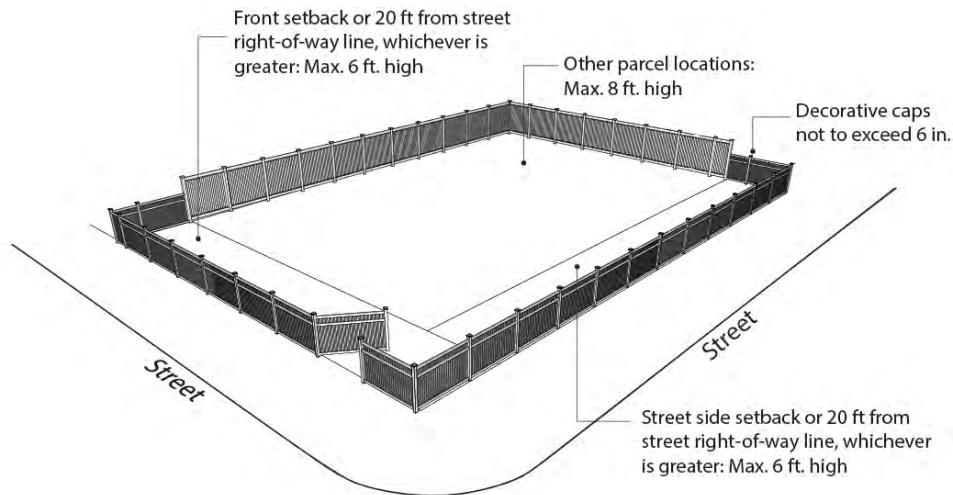
Fences and freestanding walls must comply with the following standards.

A. Maximum Height.

1. **Front Yards and Street Side Yards.** Within the front and street side yards, or along the exterior boundaries of such yards, fences and freestanding walls may not exceed a height of six feet. Columns, gates, entry lights, may exceed the maximum height by six inches.
2. **Other Parcel Locations.** Outside of the required front yard and street side yards and more than 20 feet from any street right-of-way line, the maximum height for

fences is eight feet, unless a higher fence height is allowed pursuant to Administrative Use Permit approval.

FIGURE 17.25.080(A): FENCE AND WALL HEIGHT



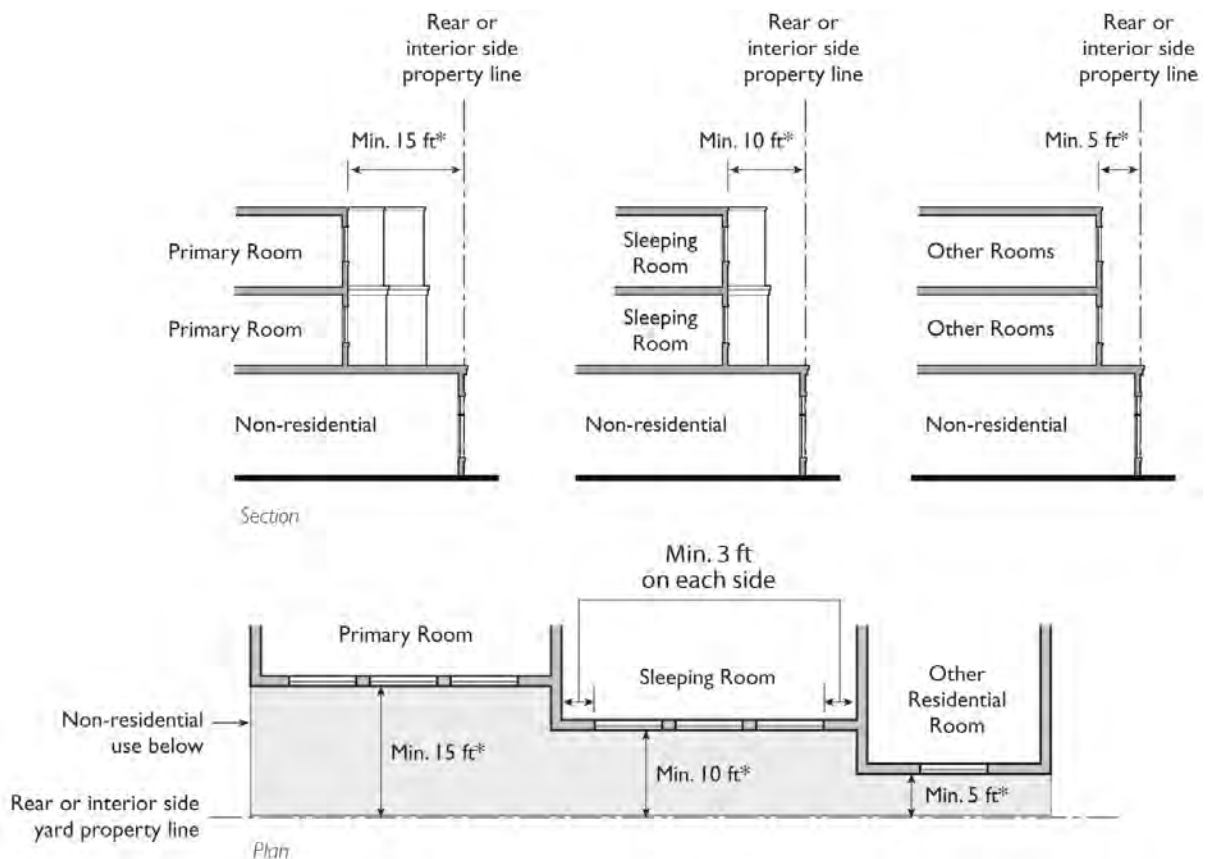
- B. **Gateposts.** Gateposts may extend two feet above the maximum fence height.
- C. **Materials.**
 - 1. **Limitation on Chain-Link Fencing.** Chain-link fencing may only be used:
 - a. *Residential Districts:* when not visible from off site.
 - b. *All Other Districts:* when not visible from off site, as temporary fencing for a construction project, or as approved by the Zoning Administrator.
 - 2. **Limitation on Concrete/Masonry Block.** Plain, concrete block cannot be the primary material along arterial streets. Concrete block must be split-face or finished with stucco, and capped with a decorative cap, or other decorative material, as approved by the Zoning Administrator.
- D. **Recreational Fencing.** Fencing located around tennis courts, basketball or volleyball courts, and similar areas up to 12 feet in height may be allowed outside of required setback areas. Lighting of recreational areas must comply with Chapter 17.36, Lighting.
- E. **Intersection and Driveway Visibility.** Notwithstanding other provisions of this Section, fences, walls, hedges, and related structures must comply with § 17.25.210, Visibility at Intersections and Driveways.

17.25.090 Mixed Use Development

Mixed use development must comply with the following standards.

- A. **Upper-Story Stepbacks for Residential Uses.** In order to provide light and air for residential units and additional separation for rooms that contain areas that require additional privacy considerations, the following minimum upper-story stepbacks apply to any building wall containing windows and facing an interior side or rear yard. When the site is adjacent to an R District, the project must comply with whichever standard results in the greater stepback. The required stepbacks apply to that portion of the building wall containing and extending three feet on either side of any window.
1. For any wall containing living room or other primary room windows, a stepback of at least 15 feet must be provided.
 2. For any wall containing sleeping room windows, a stepback of at least 10 feet must be provided.
 3. For all other walls containing windows, a stepback of at least five feet must be provided.

FIGURE 17.25.090(A): UPPER-STORY STEPBACKS—RESIDENTIAL USES IN MIXED USE DEVELOPMENT



- B. **Open Space Required.** A minimum of 60 square feet per unit, which may be provided as private or common open space.
- C. **Private Storage Space for Residential Units.** Each unit must have at least 150 cubic feet of enclosed, weather-proofed, and lockable private storage space with a minimum horizontal dimension of four feet.

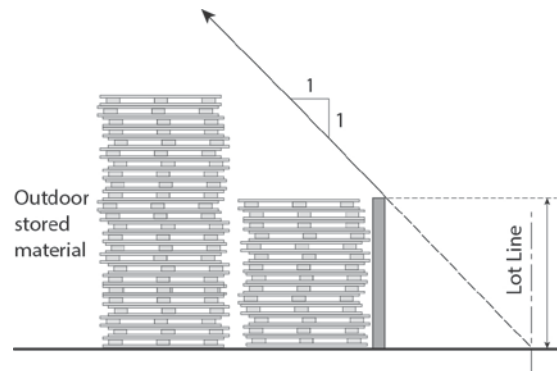
17.25.100 Outdoor Storage

Open storage of goods, materials, machines, equipment, and vehicles or parts outside of a building for more than 72 hours must conform to the standards of this Section. The regulations of this Section do not apply to temporary storage of construction materials reasonably required for construction work on the premises pursuant to a valid building permit and to agricultural/farming equipment used for agriculture or farming on the property.

- A. **Permitted Locations.** Table 17.25.100(A) states where outdoor storage is permitted.

TABLE 17.25.100(A): OPEN STORAGE REGULATIONS BY DISTRICT AND LOCATION	
<i>Districts</i>	<i>Permissibility of Open Storage</i>
Residential, Commercial, and Office	All storage must be within an enclosed building, except as allowed for Outdoor Sales or otherwise specifically permitted.
Industrial and Public and Quasi-Public	Not permitted in front or street side yards. Permitted in interior side and rear yards, or outside of required yards, subject to the standards of this Section.
Agricultural	Permitted if associated with a permitted agricultural use, located outside of all required setbacks, and screened subject to the standards of this Section from adjacent residential properties and public rights-of-way.
Open Space	Not permitted.

- B. **Screening and Setbacks.** Storage areas visible from public streets that are not separated from the street by intervening building(s) must be screened.
 - 1. **Screening Walls.** Screening walls and fences must be high enough to sufficiently screen stored material. Fences and walls must not exceed the maximum allowable fence heights unless allowed pursuant to Administrative Use Permit approval.
 - 2. **Setback.** A setback must be provided for outdoor stored material at the ratio of 1:1 from all lot lines equal to the total height of stored material above required screen wall.

FIGURE 17.25.100(B): SCREENING AND SETBACKS—OUTDOOR STORAGE

17.25.110 Refuse, Recycling, and Green Waste Storage Areas

This Section establishes design and locational criteria for the construction of refuse, solid waste, recycling, and green waste container storage areas. Refuse, solid waste, recycling, and green waste are collectively referred to as “solid waste and recycling.”

- A. **General Requirements and Alternatives.** All trash and garbage must be placed in an appropriate receptacle. All garbage cans, mobile trash bins, receptacles, and all recycling materials and containers for such recycling materials must be maintained and stored in accord with this Section.
1. **Applicability.** Solid waste and recycling-container enclosures are required for new dwelling groups of three or more dwelling units and for all new non-residential development and additions and remodels of non-residential buildings.
 2. **Alternatives.** Projects with 10 or fewer residential units may have individual solid waste and recycling containers for each unit, provided that there is a designated screened location for each individual container adjacent to the dwelling unit or within garage areas and provided that solid waste and recycling containers for each unit are brought to the curbside for regular collection.
- B. **Size.** Solid waste and recycling-container enclosures must be sized to accommodate all trash, garbage, recyclables, green waste until such items are picked up by the City or its contracted solid waste and recycling collector(s).
- C. **Location and Orientation.** All solid waste and recycling-container enclosures must meet the following requirements, unless the Zoning Administrator determines that compliance is infeasible. A Building Permit will not be issued for a project until documentation of approval of the location is provided by the Zoning Administrator.
1. **Location.** The solid waste and recycling storage area be located within any required front yard, street side yard, any required parking and landscaped areas, or any other area required by this Title to be constructed or maintained

unencumbered, according to fire and other applicable building and public safety codes.

2. **Visibility.** The solid waste and recycling storage area cannot be visible from a public right-of-way.
3. **Consolidation and Distance for Buildings Served.** Solid waste and recycling areas must be consolidated to minimize the number of collection sites and located so as to reasonably equalize the distance from the building spaces they serve. For multiple-unit residential projects, there must be at least one trash enclosure per 20 units and the enclosure must be located within 100 feet of the residential units.
4. **Accessibility.** Solid waste and recycling storage areas must be accessible so that trucks and equipment used by the contracted solid waste and recycling collector(s) have sufficient maneuvering areas and, if feasible, so that the collection equipment can avoid backing up.

D. **Materials, Construction, and Design.**

1. **Minimum Height of Screening.** Solid waste and recycling storage areas located outside or on the exterior of any building must be screened with a solid enclosure at least six feet high and include a roof structure.
2. **Enclosure Material.** Enclosure material must be wood, solid masonry, or concrete tilt-up with decorated exterior-surface finish. The trash enclosure must match and complement the color scheme and architecture of the building.
3. **Gate Material.** Latching, view-obscuring gates must be provided to screen trash enclosure openings.
4. **Access to Enclosure from Residential Projects.** Each solid waste and recycling enclosure serving a residential project must be designed to allow disposal to the appropriate receptacle without having to open the main enclosure gate.
5. **Enclosure Pad.** Pads must be a minimum of four-inch-thick concrete.
6. **Bumpers.** Bumpers must be two inches by six inches thick and made of concrete, steel, or other suitable material, and must be anchored to the concrete pad.
7. **Protection for Enclosures.** Concrete curbs or the equivalent must protect enclosures from adjacent vehicle parking and travel ways.
8. **Clear Zone.** The area in front of and surrounding all enclosure types must be kept clear of obstructions, and must be painted, striped, and marked "No Parking."

9. **Drainage.** The floor of the enclosure must have a drain that connects to the sanitary sewer system.
10. **Travelways and Area in Front of Enclosure.** The travelways and area in front of the enclosure must have adequate base to support a truck weight of at least 62,000 pounds.

17.25.120 Right to Farm Covenants

A. Disclosure Requirement.

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

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

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

17.25.130 Right to Research Covenants

This Section implements a “Right to Research” for Sustainable Living initiatives that may be approved under this Title.

A. **Relationship to Nuisance Regulations and Prohibitions.** No existing or future research operation, defined as a use engaged in the study, testing, design, analysis, and experimental development of products, processes, or services, or any of its appurtenances, conducted or maintained in a manner consistent with proper and accepted customs and standards, and all applicable City requirements, will be determined to be a nuisance to adjacent land uses when the research was not a nuisance at the time it began. This Section does not apply whenever a nuisance results from the negligent or improper action of any research operation or its appurtenances. Finally, this Section will not be construed as modifying existing law relative to nuisances, but is only to be used in the interpretation and enforcement of this Title.

B. **Disclosure Requirement.**

1. **Disclosure by Subdivider.** The subdivider of any property located within 1,000 feet of land with a sustainable living research facility located on it, regardless of whether it is currently in operation, within or outside of the City, must disclose, through a notation on the Final Map, within Conditions, Covenants, and Restrictions (CC&Rs) if prepared, or through the recordation of a separate acknowledgment statement on each individual deed describing the newly created lots, the presence of research uses in the vicinity through the following or similar statement:

The property within this subdivision is located within 1,000 feet of land utilized for research operations and residents/occupants of the property may be subject to inconvenience or discomfort arising from activity both inside and outside the facility. Residents/occupants of property should be prepared to accept inconveniences or discomfort as normal and necessary to properly conducted research operations.

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

17.25.140 Screening and Buffering of Common Lot Lines

Screening and landscaped buffer yards must be provided in accordance with this Section at the time of new construction or expansion of buildings, or a change from one use classification to another non-residential use classification. Screening and buffer yards must be installed and maintained along interior side and rear lot lines between differing land uses.

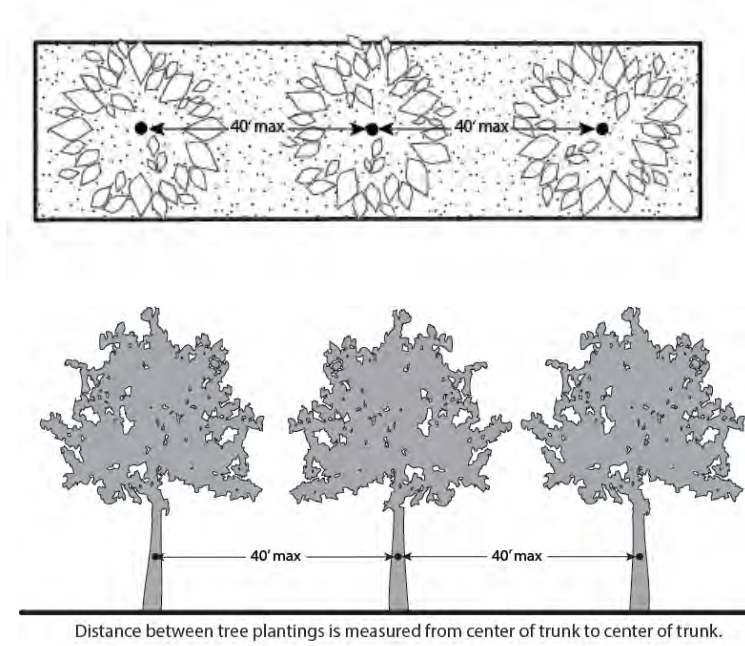
- A. **Required Screening and Landscape Buffer Yards.** Table 17.25.140(A), Required Screening and Landscape Buffers, shows when a buffer and screening treatment is required, and of what type, based on the proposed and the adjoining use. Only the proposed use is required to provide the screening and buffer yard. Adjoining uses are not required to provide the screening and buffer yard. The type of screening buffer yard required refers to screening and buffer yard-type designations, as shown in Table 17.25.140(B), Screening and Buffer Yard Requirements. “-” means that screening and a buffer yard is not required.

TABLE 17.25.140(A): REQUIRED SCREENING AND LANDSCAPE BUFFERS					
<i>Use</i>	<i>Adjoining Use</i>				
<i>Proposed Use</i>	<i>Park or Open</i>	<i>Single-Unit Residential</i>	<i>Multiple-Unit Residential</i>	<i>Commercial and Office</i>	<i>Industrial</i>
Single Unit Residential	Type 1	Type 1	-	-	-
Multiple Unit Residential	Type 2	Type 2	Type 2	-	-
Commercial	Type 2	Type 2	-	-	Type 1
Office	Type 2	Type 2	Type 2	-	Type 2
Industrial	Type 2	Type 2	Type 2	Type 2	-

- B. **Screening and Buffer Types.** Table 17.25.140(B), Screening and Buffer Type Requirements, describes the minimum width, plant materials, and wall requirements for each type of screening and buffer yard. The listed number of trees and shrubs are required for each 100 lineal feet of buffer yard. Trees must be planted at no more than 40 feet from center of tree to center of tree. Natural areas with native vegetation or alternative planting materials which achieve equivalent buffering effects may be approved by the Zoning Administrator.

TABLE 17.25.140(B): SCREENING AND BUFFER TYPE REQUIREMENTS						
Buffer Yard Type	Minimum Width (ft.)	Trees		Shrubs		Screening Wall Height (ft.)
		Mature height of 40 ft. or more	Mature height of less than 40 ft.	Mature spread of 2 ft. or more	Mature spread of less than 2 ft.	
Type 1	5	2	2	4	8	None required
Type 2	10	2	3	6	8	3 within the front setback, 6 otherwise. Only required when abutting an R District

FIGURE 17.25.140(B): TREE SPACING



- C. **Width Reduction for Adjacent Landscaped Buffer.** If an equivalent landscape buffer exists on the adjacent lot, the width of the required buffer may be reduced 50 percent provided that the abutting property owners have provided a written agreement restricting the use of the adjacent landscape buffer.
- D. **Location.** Screening walls and buffer yards must follow the lot line of the lot to be screened or be so arranged within the boundaries of the lot so as to substantially hide from adjoining lots, the building, facility, or activity required to be screened. Openings in screening walls are allowed for pedestrian access.

- E. **Screening Wall Materials.** Industrial uses must provide a solid screening wall of stucco, decorative block, or concrete panel. Screening walls for other uses may be constructed of stucco, decorative block, concrete panel, wood or other substantially equivalent material. Chain-link fencing is prohibited.
- F. **Berms.** A vegetated earthen berm may be used in combination with the above types of screening walls, but not more than two-thirds of the required height of such screening may be provided by the berm.

17.25.150 Screening of Equipment

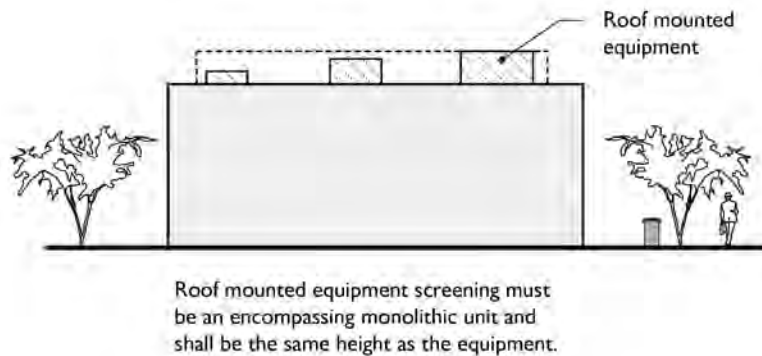
- A. **Applicability.** The standards of this Section apply to:
 - 1. New development;
 - 2. Replacement equipment that is added to serve existing buildings. The Zoning Administrator may waive or modify screening requirements for upgrades to existing mechanical equipment; or
 - 3. Condominium conversions.
 - 4. The standards do not apply to existing equipment that serves existing buildings.
- B. **General Requirements.** All exterior mechanical equipment, whether on a roof, on the side of a structure, or located on the ground, must be screened from public view. Exterior mechanical equipment to be screened includes, without limitation, heating, ventilation, air conditioning, refrigeration equipment, plumbing lines, ductwork, transformers, smoke exhaust fans, water meters, backflow preventers, service entry section, and similar utility devices.
 - 1. Screening must be architecturally integrated into the main structure with regard to materials, color, shape, and size to appear as an integral part of the building or structure.
 - 2. Equipment must be screened on all sides, and screening materials must be opaque.
 - 3. When screening with plants, evergreen types of vegetation must be planted and maintained. Plant material sizes and types must be selected and installed so that at the time of building occupancy such plants effectively screen their respective equipment.
 - 4. The use of wood, expanded metal lath, and chain link for the purpose of screening is prohibited.

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

1. **Roof-Mounted Equipment.**

- a. Whenever feasible, roof-mounted equipment screening must be constructed as an encompassing monolithic unit or a series of architecturally similar screening units on large roofs, rather than as several individual screens (i.e., multiple equipment screens, or “hats,” surrounding individual elements will not be permitted).
- b. The height of the screening element must equal or exceed the height of the structure’s tallest piece of installed equipment.

FIGURE 17.25.150(C)(I): SCREENING OF ROOF-MOUNTED EQUIPMENT



2. **Ground-Mounted Equipment.** Ground-mounted equipment that faces a street must be screened to a height of 12 inches above the equipment, unless such screening conflicts with utility access, in which case reasonable accommodation must be allowed.

- a. Acceptable screening devices consist of decorative walls and/or berms (3:1 maximum slope) with supplemental plant materials, including trees, shrubs, and groundcovers.
- b. For screen walls that are three feet high or lower, vegetative materials may be substituted for 50 percent of the screening device.
- c. This requirement does not apply to incidental equipment in the interior of a lot that is not visible from the street. However, electrical substations, water tanks, sewer pump stations, and similar utilities are required to be screened and secured with an eight-foot-high wall.

FIGURE 17.25.150(C)(2): SCREENING OF GROUND-MOUNTED EQUIPMENT

3. **Exterior Wall Equipment.** Wall-mounted equipment, including, without limitation, electrical meters, electrical distribution cabinets, service entry sections, and valves and cabinets that face a street or public parking and are not recessed and/or separated from the street by intervening building(s) or walls or gates, must be screened. Screening devices must incorporate elements of the building design (e.g. shape, color, texture and material). For screen walls that are three feet in height or lower, vegetative materials may be substituted for 50 percent of the screening device. This requirement does not apply to fire-related elements.

17.25.160 Solar Installations

This Section establishes development standards for solar energy systems.

A. Height.

1. **On Single-Unit Properties.** Photovoltaic solar energy systems may extend up to five feet above the height limit in the zoning district. Solar water or swimming pool heating systems may extend up to seven feet above the height limit in the district.
2. **On All Other Properties.** Photovoltaic solar energy systems may extend up to five feet above the roof surface on which they are installed, even if this exceeds the maximum height limit in the district in which it is located. Solar water or swimming pool heating systems may extend up to seven feet above the roof surface on which they are installed even if this exceeds the maximum height limit in the district in which it is located.

- B. **Required Setback.** Excluding solar collector panels, solar energy system equipment may be installed within a required side and rear setback, but must not be closer than three feet to any property line.

17.25.170 Stormwater Management

- A. **Incorporation of Best Management Practices for Stormwater Management.** New development must be designed to minimize impacts to water quality from increased runoff volumes and discharges of pollutants from nonpoint sources to the maximum extent feasible, consistent with the City's Storm Water Management Plan. Post-construction structural best management practices must be designed to treat, infiltrate, or filter stormwater runoff, in accordance with applicable standards as required by law. Examples of best management practices include:
1. Retention and detention basins.
 2. Vegetated swales.
 3. Infiltration galleries or injection wells.
 4. Use of permeable paving materials.
 5. Mechanical devices such as oil-water separators and filters.
 6. Revegetation of graded or disturbed areas.
- B. **Stormwater Management Requirements.** The following requirements apply to specific types of development:
1. Nonresidential and multiple-unit development must use best management practices to control polluted runoff from structures, parking, and loading areas.
 2. Eating and drinking establishments must incorporate best management practices designed to minimize runoff of oil and grease, solvents, phosphates, and suspended solids to the storm drain system.
 3. Automobile/vehicle sales and services uses must incorporate best management practices designed to minimize runoff of oil and grease, solvents, car battery acid, engine coolants, and gasoline to the stormwater system.
 4. Outdoor storage areas must be designed to incorporate best management practices to prevent stormwater contamination from stored materials.
 5. Trash storage areas must be designed using best management practices to prevent stormwater contamination by loose trash and debris.
- C. **Maintenance of Stormwater Management Facilities.** New development is required to provide ongoing maintenance of best management practice measures where maintenance is necessary for their effective operation. The permittee and/or owner, including successors in interest, is responsible for all structural treatment controls and devices as follows:

1. All structural best management practices must be inspected, cleaned, and repaired when necessary prior to September 30th of each year.
2. Additional inspections, repairs, and maintenance must be performed after storms, as needed, throughout the rainy season, with any major repairs completed prior to the beginning of the next rainy season.
3. Public streets and parking lots must be swept, as needed and financially feasible, to remove debris and contaminated residue.
4. The homeowners association, or other private owner, must be responsible for sweeping of private streets and parking lots.

17.25.180 Swimming Pools and Spas

This Section establishes standards for swimming pools and spas.

- A. **Exclusive Use.** If located in an Agricultural or Residential District, the swimming pool or spa is to be solely for the use and enjoyment of residents and their guests.
- B. **Filtration Equipment.** Swimming pool or spa filtration equipment and pumps must not be located in the front or street side yard and cannot be closer than 15 feet to the main building on an adjoining lot. All equipment must be mounted and enclosed/screened so that its sound is in compliance with Chapter 17.40, Performance Standards.
- C. **Pool Setbacks.** The outside wall of the water containing portion of any swimming pool or spa must be a minimum of 15 feet from street side lot lines and five feet from all interior lot lines.
- D. **Elevated Swimming Pools.** All elevated swimming pools constructed on the ground may not be higher than four feet.
- E. **Public and Semi-Public Pools.** A Conditional Use Permit must be obtained from the Planning Commission before the construction of any pool for use by the general public.

17.25.190 Truck Docks, Loading, and Service Areas

In addition to the requirements outlined in Chapter 17.39, Parking and Loading, all truck docks, loading, and service areas must be located and screened as follows:

- A. **Minimum Distance from Residential District.** Truck docks, loading, and service areas are not permitted within 50 feet of the boundary of any R District.
- B. **Location on Lot.** In all districts except the Agricultural and Industrial Districts, truck docks, loading areas, and service areas must be located at the rear or interior side of buildings, rather than facing a street.

- C. **Screening.** Truck docks, loading areas, and service areas located in any zoning district must be screened from any adjacent R District. Docks, loading, and service areas in any district, except the Industrial Districts, must be screened from view of adjacent streets. Screening must consist of a solid masonry wall at least eight feet in height or opaque automated gates.

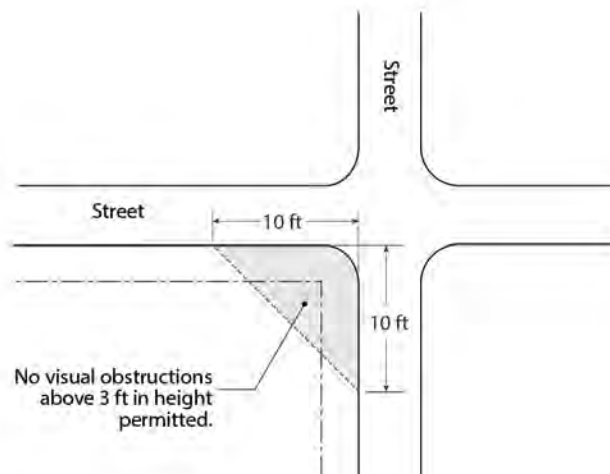
17.25.200 Underground Utilities

All electrical, telephone, cable television, fiber-optic cable, gas, water, sewer, irrigation/recycled water, and similar distribution lines providing direct service to a project must be installed underground within the site. This requirement may be waived by the Zoning Administrator upon determining that underground installation is infeasible or the electrical line is otherwise exempt from an undergrounding requirement.

17.25.210 Visibility at Intersections and Driveways

- A. **Street Intersections.** Vegetation and structures, including signs, must not exceed a height of three feet within the sight distance triangular area formed by the intersecting curb lines (or edge of pavement when no curbs exist) and a line joining points on these curb lines at a distance of 10 feet along both lines from their intersection, unless there is a “transparency” feature, such as open railings or well-pruned climbing plants, allowing for sight visibility. Trees that are located within this sight distance triangle must have a minimum clearance of 13 feet high between the lowest portion of the canopy and street.

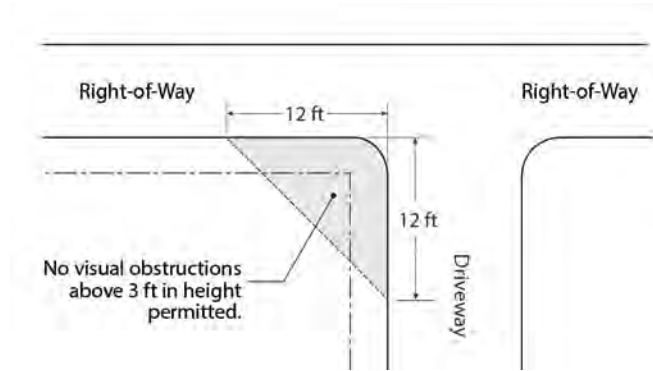
FIGURE 17.25.210(A): VISIBILITY AT STREET INTERSECTIONS



- B. **Driveways and Alleys.** Visibility of a driveway crossing a street lot line must not be blocked above a height of three feet within the sight distance triangular area formed by the intersecting curb lines (or edge of pavement when no curbs exist) and a line joining points on these curb lines at a distance of 12 feet along both lines from their intersection.

Street trees that are pruned at least seven feet above the established grade of the curb so as not to obstruct clear view by motor vehicle drivers are permitted.

FIGURE 17.25.210(B): VISIBILITY AT DRIVEWAYS



- C. **Exempt Structures and Plantings.** The regulations of this Section do not apply to existing buildings; public utility poles; saplings or plant species of open growth habits and not planted in the form of a hedge that are so planted and trimmed as to leave at all seasons a clear and unobstructed cross view; official warning signs or signals; or places where the contour of the ground is such that there can be no cross visibility at the intersection.

Chapter 17.26 Coastal Access

Sections:

17.26.010	Purpose
17.26.020	Applicability
17.26.030	Access Location Requirements
17.26.040	Access Design Standards
17.26.050	Prescriptive Rights
17.26.060	Access Title and Guarantee

17.26.010 Purpose

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

17.26.020 Applicability

A. Coastal Access Defined.

1. **Vertical Access:** Provides access from the first public road to the shore, or perpendicular to the shore.
2. **Lateral Access:** Provides access and use along the shoreline.
3. **Blufftop Access:** Provides access along blufftops that run parallel to the shoreline, and in some cases provides the only opportunity for public access along the shoreline above a rocky intertidal zone with no sandy beach.

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

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

1. It would be inconsistent with public safety or the protection of fragile coastal resources;
2. Adequate access exists nearby;

3. Agriculture would be adversely affected;
4. Access at the site would be inconsistent with policies of the Local Coastal Program, other than those requiring access;
5. Requiring or providing the access would be inconsistent with federal or State law; or
6. The activity is not considered “new development.” New development does not include the activities described below:
 - a. Replacement of any structure pursuant to the provisions of subdivision (g) of § 30610 of the California Coastal Act.
 - b. The demolition and reconstruction of a single-family residence; provided that the reconstructed residence does not exceed either the floor area, height, or bulk of the former structure by more than 10 percent, and that the reconstructed residence must be sited in the same location on the affected property as the former structure.
 - c. Improvements to any structure that do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block public access, and which do not result in a seaward encroachment by the structure.
 - d. The reconstruction or repair of any seawall, provided however, that the reconstructed or repaired seawall is not a seaward of the location of the former structure.
 - e. Any repair or maintenance activity for which the California Coastal Commission has determined, pursuant to § 30610 of the California Coastal Act, a coastal development permit will be required, unless the Commission determines that the activity will have an adverse impact on lateral public access along the beach.

For purposes of this Section, “bulk” means total interior cubic volume as measured from the exterior surface of the structure.

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

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

time of planning permit approval (e.g., Conditional Use Permit and/or Coastal Development Permit approval).

1. **Dedication.** Must occur before issuance of construction permits or the start of any construction activity not requiring a permit.
2. **Construction of Improvements.** Must occur at the same time as construction of the approved development, unless another time is established through conditions of planning permit approval.
3. **Interference with Public Use Prohibited.** Following an offer to dedicate public access in compliance with this Section, the property owner must not interfere with use by the public of the areas subject to the offer before and after acceptance by the responsible entity.

17.26.030 Access Location Requirements

Vertical, lateral, and/or blufftop access is required by the review authority in compliance with this Chapter in the locations specified in the Local Coastal Program.

17.26.040 Access Design Standards

The standards of this Section are intended to provide guidance on the appropriate design of accessways to be required by Coastal Development Permit conditions of approval.

A. Design Objectives.

1. **Design and Siting.** Accessways and trails must be sited and designed to:
 - a. Minimize alteration of natural landforms, conform to the existing contours of the land, and to be subordinate to the character of their setting;
 - b. Prevent unwarranted hazards to the land and public safety;
 - c. Provide for the privacy of adjoining residences and to minimize conflicts with adjacent or nearby established uses; and
 - d. Prevent damage to sensitive coastal resource areas.
2. **Hazard Reduction.** Coastal accessways located in areas of high erosion hazard must be managed and constructed in a manner that does not increase the hazard potential.
3. **Correction of Existing Damage.** Where appropriate, coastal accessways must be designed to correct damage resulting from past use or other existing hazards.

- B. **General Design Standards.** Coastal accessways must be designed in compliance with the following standards, where feasible. The review authority may modify these standards to provide greater protection of coastal resources.
1. **Access Easement Specifications.** Each public access easement offered for dedication for public use must be a minimum of 25 feet wide, or as close to that width as feasible.
 2. **Accessway Specifications.**
 - a. **Width.** The area where public access is allowed within an easement may be reduced to the minimum necessary for pedestrian traffic to avoid:
 - (1) Adverse impacts on sensitive environmental areas;
 - (2) Encroachment closer than 10 feet to an existing residence; and/or
 - (3) Hazardous topographic conditions.
 - b. **Slope.** The preferred slope gradient for the walking surface of an accessway is zero to five percent, and in no case can it exceed eight percent.
 - c. **Overhead Clearance.** The minimum overheard clearance for an accessway is seven feet.
 3. **Access for Persons with Disabilities.** Wherever possible, wheelchair access to the ocean must be provided, as determined by the Zoning Administrator and Coastal Commission. Ramps must have dimensions and gradients consistent with current ADA requirements. Where beach access for disabled persons is provided, parking spaces for disabled persons must be provided in compliance with Chapter 17.39, Parking and Loading.
 4. **Residential Privacy.** The design and placement of access trails must provide for the privacy of adjacent residences. Accessways may be wide enough to allow the placement of a trail, fencing, and a landscape buffer. A vertical accessway abutting a residential area may be fenced at the property line and have its use restricted to daylight hours.
 5. **Parking.** Where access sites are required, parking must be provided, where feasible pursuant to Chapter 17.39, Parking and Loading.
 6. **Signs.** Directional signs advising the public of vertical, lateral, and blufftop accessways and parking must be placed in prominent locations along access routes, at appropriate places in the downtown, and at major visitor destinations.

Signs designating disabled access points and parking must be conspicuous. Potential hazards along accessways such as steep cliffs, steps, or slopes must be signed and fenced when necessary.

- C. **Vertical Access.** A vertical accessway must comply with the following standards in addition to other applicable requirements of this Section.
1. Vertical accessways must be sited along the border of the development and extend from the road to the bluff edge or shoreline; a different location may be approved if determined by the review authority to be appropriate considering site topography and the design of the proposed project.
 2. If the proposed development includes residential structures, an accessway must not be sited closer than 10 feet to any residential structure.
 3. A vertical accessway must have a minimum width of 10 feet to allow for pedestrian use of the corridor, but the required width may be reduced in compliance with Paragraph (B)(2), Accessway Specifications.
- D. **Lateral Access.** A lateral accessway must comply with the following standards, in addition to the other applicable requirements of this Section.
1. A lateral accessway easement of 25 feet of dry sandy beach available at all times during the year. Where topography limits the dry sandy beach to less than 25 feet, lateral access must extend from the mean high tide to the toe of the bluff.
 2. A lateral accessway must not be closer than 10 feet to an existing residence; however, in determining the appropriate separation of the accessway from private development, the needs of the residents for privacy will be considered.
- E. **Blufftop Access.** A lateral blufftop access easement must have a minimum width of 25 feet, provided that the width within the easement where public access is allowed may be reduced in compliance with Paragraph (B)(2), Accessway Specifications. Average annual bluff retreat (erosion) must be considered by the review authority when requiring lateral blufftop access.

17.26.050 Prescriptive Rights

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

17.26.060 Access Title and Guarantee

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

- A. **Deed Restriction.** To be used only where an owner, association, or corporation agrees to assume responsibility for maintenance of and liability for the public access area, subject to approval by the Zoning Administrator.
- B. **Grant of Fee Interest or Easement.** To be used when a public agency or private organization approved by the Zoning Administrator is willing to assume ownership, maintenance and liability for the access.
- C. **Offer of Dedication.** To be used when no public agency, private organization, or individual is willing to accept fee interest or easement for accessway maintenance and liability. These offers will not be accepted until maintenance responsibility and liability are established.

Chapter 17.27 Coastal Zone Visual Resource Preservation

Sections:

17.27.010	Purpose
17.27.020	Applicability
17.27.030	Application Requirements
17.27.040	View Preservation

17.27.010 Purpose

This Section provides standards for development on lots in the Coastal Zone where careful design practices are necessary to preserve significant scenic and public views which contribute to the overall attractiveness of the City and the quality of life enjoyed by its residents, visitors, and workforce and to implement the General Plan and Local Coastal Program.

17.27.020 Applicability

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

17.27.030 Application Requirements

Development applications must provide information adequate to identify existing and future public views and demonstrate how the project proposes to avoid significant disruption of the viewsheds identified.

17.27.040 View Preservation

Proposed development must be designed to preserve existing views as follows:

- A. **Design of Development.** The Design Review Board will review the design of the proposed development, including the location on the lot, size, bulk, and height of the structure(s), to ensure that views identified are protected. Design alternatives that enhance, rather than obstruct or degrade views, may be requested.
- B. **Views from Roadways.** The existing broad, unobstructed views from the nearest public street to the ocean and mountains must be preserved to the maximum extent feasible.
- C. **Views of Natural Features.** Development proposed on or adjacent to bluffs, beaches, and streams must be designed and sited to prevent adverse impacts on the visual quality of these resources.

- D. **View Protection Development Standards.** To minimize impacts and ensure visual compatibility of new development, the following development practices must be used, where applicable:
1. Limitations on the height of structures;
 2. Setbacks of ocean-fronting structures a distance sufficient to ensure that the structure does not infringe on views from the beach;
 3. Limitations of the use of reflective materials for exterior walls, including retaining walls and fences;
 4. Clustering of building sites and structures;
 5. Shared vehicular access to minimize curb cuts;
 6. Use of landscaping for screening purposes and/or minimizing view blockage as applicable; and
 7. Selection of colors and materials that harmonize with the surrounding landscape.

Chapter 17.28 Density Bonuses and Other Incentives

Sections:

- 17.28.010 Purpose and Applicability
- 17.28.020 General Provisions
- 17.28.030 Administration and Procedures

17.28.010 Purpose and Applicability

The purpose of this Chapter is to:

- A. Implement the policies of the General Plan's Housing Element, which promote the expansion of housing opportunities for households with very-low and low incomes, seniors, disabled, and other persons with special housing needs.
- B. Establish procedures for providing density bonuses and additional incentives and concessions consistent with State law.

17.28.020 General Provisions

- A. **State Law Governs.** Persons seeking to construct affordable housing developments in accordance with this Title may utilize the density bonus regulations set forth in Government Code § 65915, et seq. (State Density Bonus Law). Where a conflict occurs between the provisions of this Chapter and State law, the State law will govern.
- B. **Compatibility.** All affordable housing units must be dispersed within market-rate projects whenever feasible. Affordable housing units within market-rate projects must be comparable with the design and appearance of market-rate units in appearance, use of materials, and finish quality.
- C. **Availability.** All affordable housing units must be constructed concurrently with, and made available for qualified occupants at the same time as, the market-rate housing units within the same project, unless both the City and the developer agree in the Density Bonus Agreement to an alternative schedule for development.
- D. **Density Bonus Agreement.** A Density Bonus Agreement will be made a condition of the discretionary planning permits for all projects granted a density bonus, pursuant to this Chapter. The Agreement will be recorded as a restriction on the parcel or parcels on which the affordable housing units will be constructed. The Agreement must be consistent with § 17.28.030(B).
- E. **Effect of Granting Density Bonus.** The granting of a density bonus will not, in and of itself, be interpreted to require a General Plan amendment, Local Coastal Program amendment, Zoning Text or Map change, or other discretionary approval.

17.28.030 Administration and Procedures

- A. **Application and Review Process.** A preliminary review of development projects, in accordance with this Chapter is recommended, but not required, pursuant to § 17.53.030, Preliminary Review Process, to identify potential application issues, including proposed modifications to development standards.
1. The applicant must request in the application the incentives or concessions the applicant wishes to obtain, together with financial data showing how the incentives are necessary to make the affordable units feasible. Applications will be reviewed and processed according to the provisions of Chapter 17.53, Common Procedures.
 2. In accordance with State law, neither the granting of a density bonus nor the granting of a concession, incentive, waiver, or modification will be interpreted, in and of itself, to require a variance, zoning amendment, General Plan amendment, Local Coastal Program amendment, or any discretionary approval in addition to that required for the underlying housing development.
- B. **Density Bonus Agreement Required.** All affordable housing projects receiving a density bonus or incentive require approval of a Density Bonus Agreement conforming to the provisions of Title 7, Division 1, Chapter 4, Article 2.5 of the Government Code. The Agreement must be recorded as a covenant on the title to the property. The Agreement must include, without limitation, the following:
1. **Number of Units.** The total number of units approved for the project, including the number of affordable housing units.
 2. **Target Units.** The location, unit sizes (in square feet), and number of bedrooms of the affordable housing units.
 3. **Household Income Group.** A description of the household income groups to be accommodated by the project and a calculation of the Affordable Rent or Sales Price.
 4. **Certification Procedures.** The party responsible for certifying rents or sales prices of units, and the process that will be used to certify renters or purchasers of such units throughout the term of the agreement.
 5. **Schedule.** A schedule for the completion and occupancy of the affordable housing units.
 6. **Remedies for Breach.** A description of the remedies for breach of the Agreement by either party.
 7. **Required Term of Affordability.** The minimum duration of affordability of the housing units will be as provided by Government Code § 65915(c)(1). Provisions

must cover resale control and deed restrictions on targeted housing units that are binding on the property upon sale or transfer.

8. **Expiration of Agreement.** Provisions covering the expiration of the agreement, including notice prior to conversion to market rate units and right of first refusal option for the City and/or the distribution of accrued equity for for-sale units.
9. **Other Provisions.** Other provisions to ensure implementation and compliance with this Chapter.
10. **Common Interest Developments.** In the case of common interest developments, the Agreement must provide for the following conditions governing the affordable housing units:
 - a. Target Units must, upon initial sale, be sold to qualified purchasers at an Affordable Sales Price as defined by this Chapter.
 - b. Upon resale, the seller of a Target Unit will retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The City will recapture its proportionate share of appreciation, which will be used to promote home ownership opportunities. The City's proportionate share will be equal to the percentage by which the initial sale price to the targeted household was less than the fair market value of the dwelling unit at the time of initial sale.
 - c. Affordable units may not be rented unless a hardship waiver is granted by the Director.
11. **Rental Housing Developments.** In the case of rental housing developments, the Agreement must provide for the following conditions governing the use of Target Units during the use restriction period:
 - a. The rules and procedures for qualifying tenants, establishing affordable rent rates, filling vacancies, and maintaining Target Units for qualified tenants;
 - b. Provisions requiring owners to verify tenant incomes and maintain books and records to demonstrate compliance with this Chapter; and
 - c. Provisions requiring owners to submit an annual report to the City, which includes the name, address, and income of each person occupying Target Units, and which identifies the bedroom size(s) and monthly rent or cost of each Target Unit. The City will ensure this information is not shared except for reporting purposes.

- C. **Notice of Conversions.** Notice of conversions of affordable units to market-rate units must be provided pursuant to the following requirements:
1. **General.** At least one year notice is required prior to the conversion of any rental units for affordable households to market-rate.
 2. **Required Notice.** Notice must be given to the following:
 - a. The City;
 - b. The California Department of Housing and Community Development (HCD);
 - c. The Housing Authority of the County of Santa Barbara;
 - d. The residents of the affordable housing units proposed to be converted; and
 - e. Any other person deemed appropriate by the City.
- D. **Conversion of Affordable Rental Units.** If an owner of a housing development issues a Notice of Intent to convert affordable housing rental units to market-rate housing, the City will consider taking one or more of the following actions:
1. Meet with the owner to determine the owner's financial objectives.
 2. Determine whether financial assistance to the current owner will maintain the affordability of the rental housing development or whether acquisition by another owner dedicated to maintaining the affordability of the development would be feasible.
 3. If necessary to maintain the affordability of the housing unit or facilitate sale of the rental development, consider the use of affordable housing trust funds or assistance in accessing State or federal funding.
- E. **Processing Fee.** The applicant must reimburse the City for its reasonable costs of processing a Density Bonus Agreement.

Chapter 17.29 Inclusionary Housing Program

Sections:

17.29.010	Purpose
17.29.020	Applicability
17.29.030	Income Levels
17.29.040	Calculations for Inclusionary Housing Units
17.29.050	Inclusionary Housing Requirements
17.29.060	Additional Incentives for Inclusionary Units
17.29.070	Inclusionary Housing Plan and Agreement
17.29.080	Eligibility for Inclusionary Units
17.29.090	Inclusionary Unit Restrictions
17.29.100	Construction Standards for Inclusionary Units
17.29.110	Adjustments and Waivers
17.29.120	Performance Security for Inclusionary Housing Units
17.29.130	Enforcement

17.29.010 Purpose

The purpose of this Chapter is to:

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

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

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

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

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

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

The primary intent of the inclusionary requirement is to achieve the construction of new affordable units on site. A second priority is construction of affordable units off site or the transfer of sufficient land and/or cash to the City or a nonprofit housing organization to develop the required number of affordable units. If these options are determined to be infeasible by the City and the developer, other alternatives of equal value, including, without limitation, payment of an inclusionary housing in-lieu payment or acquisition and rehabilitation of existing units, may be approved.

17.29.020 Applicability

- A. **Applicability.** The requirements of this Chapter apply to every for-sale residential development project that includes two or more housing units, unless exempt by Subsection (B), below.
1. **Compliance before Approvals, Issuances, Granting of Maps, Permits, Entitlements.** Developers must comply with this Chapter before the City grants any ministerial or discretionary land use approvals for a Project.
 2. **Verification of Compliance.** The Director cannot find a Project application to be complete until the developer provides a written proposal demonstrating how the requirements of this Chapter will be met.
 3. **Sales and Rentals of Inclusionary Dwelling Units.** Each inclusionary dwelling unit required by this Chapter must be sold or rented in compliance with this Chapter and all applicable conditions of approval.
- B. **Exempt Projects.** The following types of residential projects are exempt from the requirements of this Chapter:
1. Projects that have received approval prior to the effective date of this Title and comply with the provisions of the Goleta Municipal Code as they existed on the date of approval;
 2. One for-sale Single Family unit;
 3. Reuse of designated landmark or contributing structure for housing within a City-designated historic district;
 4. Projects that are developed pursuant to the terms of a development agreement executed prior to the effective date of this Title, provided that such residential developments must comply with any affordable housing requirements included in the development agreement or any predecessor Title in effect on the date the development agreement was executed;

5. An affordable multiple-unit rental housing project that will be developed by a nonprofit housing provider receiving financial assistance from the City, so long as the project is maintained as an affordable project subject to an affordable housing agreement with the City;
6. A project proposing rental dwelling units that cannot be separately owned or conveyed under the Subdivision Map Act;
7. Residential building additions, repairs, or remodels, provided that the work does not increase the number of existing units by two or more units;
8. Projects consisting of 100-percent affordable units in which rents are controlled or regulated by any government unit, agency, or authority, excepting those unsubsidized and/or unassisted units that are insured by the United States Department of Housing and Urban Development (HUD); and
9. Projects that replace or restore residential units damaged or destroyed by fire, flood, earthquake, or other disaster, provided that the replacement or restoration does not increase the number of existing units by two or more units.

17.29.030 Income Levels

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

17.29.040 Calculations for Inclusionary Housing Units

The actual number of inclusionary housing units that a developer must construct in accordance with this Chapter is calculated as follows:

- A. The percentage of inclusionary housing units required by this Chapter will be applied to the total number of dwelling units proposed for a Project.
- B. At the developer's option, any remainder resulting from the calculation in this Chapter may be converted into an in-lieu fee/payment or rounded up to the nearest whole number.
- C. For example, and without limitation, if a Project has a total of eleven dwelling units and the developer opts to construct inclusionary housing units for very low-income households, then the developer would be required to construct 1.1 inclusionary housing units (10 percent of 11 dwelling units). Because of the remainder, the developer could either construct an additional inclusionary housing unit or convert the remainder into an in-lieu fee/payment payable to the City as provided in this Chapter.

17.29.050 Inclusionary Housing Requirements

A. Basic Requirement.

1. **Projects with Two to Four Units.** Multiple-unit project developers proposing ownership projects with at least two but not more than four units must pay an inclusionary housing in-lieu payment in accordance with Subsection (E), below.
2. **Projects with Five or More Units.** Multiple-unit project developers proposing ownership projects of five or more units must provide affordable housing units as follows:
 - a. **Base Requirement.** Multiple-unit project developers proposing ownership projects of five or more units must provide 20 percent affordable units of the total number of for-sale units.
 - (1) Affordability Levels. Projects qualifying for a 20-percent affordability level must provide:
 - i. Five percent of the total number of for-sale units at prices affordable to extremely low- and very low-income households,
 - ii. Five percent affordable to low-income households,
 - iii. Five percent affordable to moderate-income households, and
 - iv. Five percent affordable to above moderate-income households earning 120 to 200 percent of the median income in the County.
 - b. **Reduced Requirement.** The City Council may reduce the 20 percent affordability level to 15 percent upon finding that a developer will provide a public benefit exceeding the requirements of this Title including, without limitation, a new on-site or nearby public park or open space facilities exceeding the park and recreation dedication requirements established in Chapter 16.14 of Title 16, Subdivisions of the Goleta Municipal Code.
 - (1) Affordability Levels. If the City Council reduces the affordability level in accordance with this Section, then Projects must provide:
 - i. Two percent of the total number of units as affordable housing to extremely low- and very low-income households,

- ii. Five percent of units to low-income households, four percent of units to moderate-income households, and
 - iii. Four percent of units to above moderate-income households earning 120 to 200 percent of median income in the County.
 - c. Multiple-unit project developers proposing ownership projects of five or more units must choose one of the following options, listed in order of priority to the City:
 - (1) Provide affordable housing units on site in accordance with Subsection (B), below;
 - (2) Provide affordable housing units off site in accordance with Subsection (C), below;
 - (3) Dedicate land for the construction of affordable housing in accordance with Subsection (D), below;
 - (4) Pay an inclusionary housing in-lieu payment in accordance with this Chapter in an amount established by City Council resolution and as allowed by the City at its sole discretion; and
 - (5) Provide tradeoffs, as allowed by the Director, in accordance with Subsection (F), below.
- B. **On-Site Option.** Developers proposing to provide affordable units on site must comply with the affordability levels required by this Chapter. The term of affordability restrictions must be based on applicable federal laws and financing mechanisms, generally 45 years but not less than 30 years, and must provide for monitoring and reporting in a manner acceptable to the City.
 - 1. **Fractional Units.** In the event the calculation for the number of inclusionary unit in any income category results in a fraction of an inclusionary unit, the developer shall develop the unit on-site if the fractional unit is 0.5 or greater. If the fractional unit is less than 0.5, the developer shall have the option of either: (1) providing a full inclusionary unit within the residential development at the specific income level; or (2) making an in lieu payment in an amount equal to the percentage represented by the fractional unit multiplied by the applicable in lieu payment amount. The amount of the in-lieu payment will be in direct proportion to the fractional unit out to two decimal places.
 - 2. The term of affordability restrictions must be based on applicable federal laws and financing mechanisms, generally 45 years but not less than 30 years, and must provide for monitoring and reporting in a manner acceptable to the City.

- C. **Off-Site Option.** Developers proposing to provide affordable units on another site must comply with the following requirements:
1. If units will be provided through partnership with a nonprofit housing agency, the partner must agree to all of the provisions of this Chapter and be a signatory to the Inclusionary Housing Agreement and Affordability Control Covenants, as required by this Chapter.
 2. Inclusionary units must be regulated by a recorded agreement that requires maintenance of affordable housing units and an affordability covenant or deed restriction. The term of affordability restrictions must be based on applicable federal laws and financing mechanisms, generally 45 years but not less than 30 years, and must provide for monitoring and reporting in a manner acceptable to the City.
- D. **Land Dedication Option.** Developers proposing to meet the requirements of this Chapter by dedicating land for the construction of affordable housing must comply with the following:
1. The developer donates and transfers the land no later than the date of approval of the final subdivision map, or parcel map;
 2. The developable acreage and zoning classification of the land being transferred are sufficient to make the development of the affordable units feasible, as determined by the Director;
 3. Before the date of approval of the final subdivision map, or parcel map, the transferred land has all of the permits and approvals, other than building permits, necessary for the development of the affordable housing units on the transferred land, except that the City may subject the proposed development to subsequent design review if the design is not reviewed by the City before the time of transfer;
 4. The transferred land and the affordable units will be subject to a deed restriction in a form approved by the City Attorney ensuring continued affordability of the units;
 5. The land is transferred to the City or to an owner specializing in affordable housing construction approved by the City;
 6. The transferred land is within one-quarter mile of the boundary of the proposed development; and
 7. A proposed source of funding for development of the affordable units is identified by the date of approval of the final subdivision map, or parcel map, as required by the Director.

- E. **Inclusionary Housing In-Lieu Payment.** A multiple-unit Project eligible to meet this Chapter's affordable housing obligations by paying an inclusionary housing in-lieu payment must pay the amount established by City Council resolution in accordance with the following requirements:
1. **Payment Due Before Occupancy Permit.** The inclusionary housing in-lieu payment must be paid in full to the City prior to the City granting any approval for occupancy of the project, but no earlier than the issuance of the building permit.
 2. **Affordable Housing Trust Fund.** The City must deposit any payment made pursuant to this Section into an Affordable Housing Trust Fund established by the City Council.
 3. **Use of Funds.** The Affordable Housing Trust Fund must be used exclusively for providing affordable housing and for reasonable costs associated with the development of affordable housing. The fund will include in-lieu fees or in-lieu payments, as well as other funds available to the City for exclusive use for the provision of affordable housing.
 4. **Density Bonus Eligibility.** The payment of an inclusionary housing in-lieu payment pursuant to this Section is not considered a provision of an affordable housing unit for purposes of determining eligibility for a density bonus pursuant to Chapter 17.28 of this Title or Government Code § 65915 et seq.
- F. **Tradeoffs.** The Director may approve tradeoffs of extremely low- and very low-income units for low- or moderate-income units if the developer provides substantial evidence to demonstrate that the City's housing goals can be more effectively achieved. Such tradeoffs may incorporate a unit equivalency based on a financial pro forma provided by the developer.

17.29.060 Additional Incentives for Inclusionary Units

In addition to any other incentives and concessions to which a developer subject to the requirements of this Chapter may be entitled, the developer may apply for and the Planning Commission may approve the following:

- A. **Incentives Available.** A developer may request and the Planning Commission may approve one incentive or one additional incentive to facilitate the construction of inclusionary units if the developer provides financial information acceptable to the approving authority demonstrating that the modification is necessary to provide for affordable housing as defined in this Chapter, as follows:
1. **Incentives for Condominium Projects.** Incentives for condominium projects may include one of the following:

- a. An encroachment into the side setback of up to three feet from the lot line, provided any structure on the adjacent lot is set back a minimum of five feet from the side lot line;
 - b. A modification to the requirements for covered parking spaces in Chapter 17.39, Parking and Loading;
 - c. Site coverage exceeding the Base zoning district standards;
 - d. A modification to standards for separation between structures on the same lot, consistent with building code requirements;
 - e. A modification to reduce the private or common open space to an amount not less than 80 percent of the amount otherwise required; or
 - f. A modification to any other development standard that is mutually agreed to by the City and the developer that can be demonstrated to provide for affordable housing as defined in this Chapter.
2. ***Incentives for Single-Family Detached Residential Projects.*** Incentives for single-family, detached residential projects may include one of the following:
- a. An encroachment into the required side setback up to three feet from the property line, provided any structure on the adjacent lot is setback a minimum of five feet from the side property line;
 - b. Site coverage exceeding the base zoning district standards;
 - c. Tandem parking in garages or driveways; or
 - d. Modification to the minimum lot size requirement.
3. As an alternative, any other modification to a development standard that is mutually agreed to by the City and the developer that can be demonstrated to provide for affordable housing as defined in this Chapter.
- B. **Denial of Requested Incentive.** The Planning Commission may deny the requested incentive if one of the following findings is made:
1. The incentive requested by the developer is not required to provide for affordable housing that meets the target income levels; or
 2. The incentive requested by the developer would have a specific, adverse impact upon the public health or safety, or the physical environment, or on real property that is listed in a State or Federal Register of Historic Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

- C. **Compliance with State Law and Local Coastal Program.** No development incentive or concession will be granted in compliance with this Chapter if the incentive or concession is inconsistent with or violates the California Coastal Act and those policies and regulations of the City's Local Coastal Program which have been established to protect coastal resources.

17.29.070 Inclusionary Housing Plan and Agreement

Each residential development that is subject to this Chapter must provide an Inclusionary Housing Plan in compliance with this Section or a letter from the developer indicating commitment to make an inclusionary housing in-lieu payment.

- A. **Inclusionary Housing Plan.** No application for a Project that is subject to this Chapter will be deemed complete until an Inclusionary Housing Plan containing all of the following elements has been submitted in a form meeting the approval of the Director:
1. For each construction phase, the Affordable Housing Plan must specify, at the same level of detail as the application for the residential development: the inclusionary housing option selected; the number, unit type, tenure, number of bedrooms and baths, approximate location, size, and design; construction and completion schedule of all inclusionary units; phasing of inclusionary units in relation to market-rate units, and general outline of the marketing plan.
 2. Identification of the targeted income level for the proposed inclusionary units.
 3. Calculation of the proposed number of inclusionary units consistent with this Chapter.
 4. A written explanation of the method for restricting the units for the required term at the targeted income level.
 5. A description of any incentive requested in compliance with § 17.29.050, Additional Incentives for Inclusionary Units, and supporting evidence for the request.
 6. Description of the methods to be used to verify tenant incomes and to maintain the affordability of the inclusionary units and must specify a financing mechanism for the ongoing administration and monitoring of the inclusionary units.
 7. Any other information that may be requested by the Director to aid in the evaluation of the sufficiency of the plan under the requirements of this Chapter.
- B. **Inclusionary Housing Agreement and Affordability Control Covenants.** Before the City issues a building permit or approves a final map, whichever occurs first, the developer must record an Inclusionary Housing Agreement that conforms to the requirements of

- § 17.28.030.B and a covenant in a form approved by the City Attorney that complies with this Chapter.
- C. **Owner occupancy required.** All inclusionary units sold to eligible households are subject to the following regulations:
1. **Principal residence.** The owner must use and occupy the inclusionary unit as owner's principal place of residence.
 2. **No rental.** The owner is expressly prohibited from leasing or renting the inclusionary unit, unless the City has given its prior written consent to such lease or rental on the basis of a demonstrated hardship by the owner.
 3. **Annual report.** The Director from time to time may require certification of continuing occupancy of the inclusionary unit by the owner, which must be verified by owner to the reasonable satisfaction of Director by means of a written report by the owner to the Director, setting forth the income and family size of the occupants of the inclusionary unit. Such report must be submitted to the Director annually by June 30 of each year. The owner will not be deemed to be in default of the affordable agreement and this program for any failure to deliver such annual report until 30 days after receipt by owner of written notice from the Director requesting such report. The Director will have the option of establishing the type of form to be used for the report.

17.29.080 Eligibility for Inclusionary Units

- A. **General Eligibility.** No household may purchase or occupy an inclusionary unit unless the City or City's designee has approved the household's eligibility based on income and affordability levels, as defined in § 50105 of the Health and Safety Code and § 6932 of the California Code of Regulations, and the household and City have executed and recorded an Affordability Control Covenant in the chain of title of the inclusionary unit.
- B. **Owner Occupancy.** A household that purchases an inclusionary unit must occupy that unit as a "principal residence" as that term is defined for federal tax purposes by the United States Internal Revenue Code, unless a hardship exception is approved by the review authority.
- C. **Changes in Title.** Upon the death of one of the owners, title in the inclusionary unit may transfer to the surviving joint tenant without respect to the income-eligibility of the household. Upon the death of a sole owner or all owners and inheritance of the inclusionary unit by a non-income-eligible child or stepchild of one or more owners, there will be a one-year compassion period between the time when the estate is settled and the time when the inclusionary unit must be sold to an income-eligible household. Inheritance of an inclusionary unit by any other person whose household is not income-eligible will require resale of the unit to an income-eligible household as soon as is feasible, but not more than 180 days from when the estate is settled.

- D. **Ineligibility.** The following individuals, by virtue of their position or relationship, are ineligible to occupy an affordable housing unit created pursuant to this Chapter:
1. All employees and officials of the City or its agencies, authorities, or commissions who have, by the authority of their position, policy-making authority or influence over the implementation of this Chapter and the immediate relatives and employees of such City employees and officials.
 2. The immediate relatives of the developer or owner, including spouse, children, parents, grandparents, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, aunt, uncle, niece, nephew, sister-in-law, and brother-in-law.

17.29.090 Inclusionary Unit Restrictions

- A. **Initial Sales Price or Rent.** The initial sales price or rent of an inclusionary unit will be set in compliance with the Inclusionary Housing Plan and Agreement using the target income requirements specified in this Chapter.
- B. **Transfers and Conveyances.** A new Affordability Control Covenant will be entered into upon each change of ownership of an inclusionary unit and upon any transfer or conveyance (whether voluntarily or by operation of law) of an owner-occupied inclusionary unit.
- C. **Foreclosure.** Affordability restrictions in any Affordability Control Covenant will survive foreclosure.
- D. **Resale Price.** The maximum sales price and qualifications of purchasers permitted on resale of an inclusionary unit must be specified in the Affordability Control Covenant.

17.29.100 Construction Standards for Inclusionary Units

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

- A. **Design.** Except as otherwise provided in this Chapter or specified in an Inclusionary Housing Agreement, inclusionary units must contain, on average, the same number of bedrooms as the non-inclusionary units in the development. The units must be compatible with market-rate units with regard to appearance, materials, and exterior design. The façades of inclusionary units must be constructed of the same materials as the market-rate units in the same development. All inclusionary units must meet the minimum standards included in the Table 17.29.090(A), Minimum Standards for Inclusionary Units.

TABLE 17.29.090(A): MINIMUM STANDARDS FOR INCLUSIONARY UNITS						
<i>Minimum Standard</i>	<i>Single-Room Occupancy</i>	<i>Studio</i>	<i>One Bedroom</i>	<i>Two Bedrooms</i>	<i>Three Bedrooms</i>	<i>Four Bedrooms</i>
Size (sq. ft.)	250	500	650	900	1,100	1,275
Number of Bathrooms	$\frac{3}{4}$	1	1	1	1 $\frac{3}{4}$	1 $\frac{3}{4}$
A full bathroom includes sink, toilet, and tub with shower. A $\frac{3}{4}$ bath includes a sink, toilet, and tub or shower.						

- B. **Reduction of Amenity and Square Footage.** Upon a showing of economic hardship and necessity by the developer, including specific financial pro forma information demonstrating that only with the reduction in the size of the inclusionary units or the interior amenity level will the project be financially feasible, the Director may approve changes as follows:
1. **Size of Inclusionary Units.** With the Director's approval, the developer can reduce the square footage of the inclusionary units up to 15 percent below that of the market-rate units, provided all units conform to the requirements of applicable building and housing codes.
 2. **Interior.** With the Director's approval, the developer can reduce the average cost of the interior amenity level of the inclusionary units up to 15 percent below that of the average cost of the market-rate units, provided such units conform to the requirements of applicable building and housing codes.
- C. **Utilities.** Inclusionary units made available for purchase must include space and connections for a clothes washer and dryer within the unit. Inclusionary units made available for rent must include either connections for a clothes washer and dryer within the inclusionary unit or sufficient on-site, self-serve laundry facilities to meet the needs of all tenants without laundry connections in their units.
- D. **Location.** Affordable housing units must be reasonably dispersed throughout the development and not clustered together or segregated in any way from market-rate units.
- E. **Timing.** All inclusionary units must be constructed and occupied concurrently with or before the construction and occupancy of market-rate units. In phased developments, inclusionary units may be constructed and occupied in proportion to the number of units in each phase of the residential development.

17.29.110 Adjustments and Waivers

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

- B. **Developer Bears Burden to Present Evidence.** Any developer requesting an adjustment or waiver must submit documentation at the same time the developer files the project application presenting substantial evidence to support the request. The application must set forth in detail the factual and legal basis for any claim.
- C. **Timing of Waiver Request.** To receive an adjustment or waiver, the developer must make an initial request for an adjustment or waiver and demonstrate the appropriateness of the adjustment or waiver upon application to the City for the review and approval of the proposed development.
- D. **Waiver and Adjustment Considerations.** In making a determination on an application to adjust or waive the requirements of this Chapter, the Planning Commission must consider each of the following:
 - 1. Whether the developer is subject to the inclusionary housing requirement; and
 - 2. The extent to which the developer will benefit from inclusionary incentives set forth in this Chapter and the Goleta Municipal Code.
- E. **Written Decision.** Before or in conjunction with its decision on the project, the Planning Commission must render a written decision including findings within 90 days from the date the complete application is filed. The decision may be appealed to the City Council in the manner provided in Chapter 17.53, Common Procedures. The City Council's decision is the City's final decision. A developer may appeal the decision to a court of competent jurisdiction within 90 days after the decision in accordance with Code of Civil Procedure §1094.6.

17.29.120 Performance Security for Inclusionary Housing Units

Upon application by a developer and for good cause shown, the Director may, but is not required to, allow a developer to delay construction of inclusionary housing units. Any such approval is conditioned upon the developer providing sufficient security, in a form approved by the City Attorney, to insure performance under this Chapter. Without limitation, good cause may include funding restrictions for projects involving nonprofit corporations or use of Public Agency monies.

17.29.130 Enforcement

- A. In addition to the general remedies provided by this Title and other applicable law, the Director and City Attorney are authorized to take any appropriate enforcement action to ensure compliance with this Chapter, including, without limitation:
 - 1. Actions to revoke, deny or suspend any permit, including a building permit, certificate of occupancy, or discretionary approval.
 - 2. Actions to recover civil fines, restitution to prevent unjust enrichment from a violation of this Chapter, and/or enforcement costs, including attorney's fees.

3. Eviction or foreclosure.
 4. Any other appropriate action for injunctive relief or damages.
- B. Failure of any public official, employee, or agent to fulfill the requirements of this Chapter does not excuse any person, owner, household, or other party from complying with the requirements of this Chapter.

Chapter 17.30 Demolition and Relocation

Sections:

17.30.010	Purpose
17.30.020	Applicability
17.30.030	Demolition Defined
17.30.040	Relocation Defined
17.30.050	Requirements
17.30.060	Relocation of Buildings and Structures
17.30.070	Demolition in Coastal Zone

17.30.010 Purpose

The purpose of this Chapter is to provide procedures for and require public notice of proposed demolitions and relocations of buildings within the City.

17.30.020 Applicability

- A. No building or structure in the City can be demolished, removed, or relocated, except as authorized under the provisions of this Chapter.
- B. **Exceptions.** The following buildings or structures are exempt from the provisions of this Chapter:
 - 1. Any single-family house or accessory building containing less than 400 square feet of floor area that is not located within the Goleta Old Town Heritage District, on the City's local register of historic structures once established, or identified as a historical resource under the California Environmental Quality Act (CEQA); and
 - 2. Notwithstanding anything to the contrary, if a building or structure is unsafe, presents a public hazard, and is not securable and/or is in imminent danger of collapse so as to endanger persons or property as determined the City's Building Official, it may be demolished. The Building Official's determination in this matter will be governed by applicable law.

17.30.030 Demolition Defined

- A. A demolition subject to the provisions of this Chapter and all other applicable City regulations occurs when any of the following take place at any time over a five-year period:
 - 1. More than 50 percent of the exterior walls of a building or structure are removed or are no longer a necessary and integral structural component of the overall building.

2. More than 50 percent of the exterior wall elements are removed, including, without limitation, the cladding, columns, studs, cripple walls, or similar vertical load-bearing elements and associated footings, windows, or doors.
- B. Existing exterior walls supporting a roof that is being modified to accommodate a new floor level or roofline will continue to be considered necessary and integral structural components, provided the existing wall elements remain in place and provide necessary structural support to the building upon completion of the roofline modifications.
- C. The calculation for determining whether a structure has been demolished pursuant to this Section will be based on a horizontal measurement of the perimeter exterior wall removed between the structure's footings and the ceiling of the first story.
- D. For purposes of this Chapter, the removal of a building for relocation to another lot is considered a demolition. Structures may be relocated subject to the requirements of § 17.30.060.

17.30.040 Relocation Defined

Locating a structure on a lot that was previously on another lot.

17.30.050 Requirements

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

- A. For multiple-unit dwelling structures, the final permit to commence construction for a replacement project has been issued, or the building or structure is exempt from this requirement pursuant to § 17.30.020.
- B. Before filing an application for a demolition permit, a Notice of Intent to Demolish in a form approved by the Zoning Administrator has been prominently posted on the property for at least 30 days.

17.30.060 Relocation of Buildings and Structures

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

- A. The relocated structure must comply with all regulations of this Title, including the property development standards for the zoning district in which the structure is to be relocated, including, without limitation, building height, setback, lot coverage, and unit density requirements and design review.
- B. Construction or rehabilitation related to the structure proposed to be relocated will commence within 30 days and be completed within 365 days of the date the structure is relocated onto the property.

- C. Before the City issues a building permit, a Notice of Intent to Relocate in a form approved by the Building Official must be posted for 30 days on the lot where the building is to be relocated.

17.30.070 Demolition in Coastal Zone

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

Chapter 17.31 Environmentally Sensitive Habitat Areas

Sections:

17.31.010	Purpose
17.31.020	Applicability
17.31.030	Application Requirements
17.31.040	Mitigation of Impacts
17.31.050	Development Standards
17.31.060	Management of ESHAs
17.31.070	Streamside Protection Areas
17.31.080	Protection of Wetlands in the Coastal Zone
17.31.090	Protection of Wetlands Outside the Coastal Zone
17.31.100	Mitigation of Wetland Infill
17.31.110	Lagoon Protection
17.31.120	Vernal Pool Protection
17.31.130	Protection of Coastal Bluff Scrub, Coastal Sage Scrub, and Chaparral ESHA
17.31.140	Protection of Native Woodlands
17.31.150	Protection of Native Grasslands
17.31.160	Protection of Marine Habitats
17.31.170	Protection of Monarch Butterfly
17.31.180	Protection of Other ESHAs

17.31.010 Purpose

The purpose of this Chapter is to establish regulations and standards for Environmentally Sensitive Habitat Areas (ESHA) that are identified in the General Plan or Local Coastal Program or meet the criteria for ESHA specified in the General Plan or Local Coastal Program and describe the types of permits required and the review process for proposed development. More specifically, this Chapter is intended to:

- A. Protect, maintain, and enhance natural ecosystem processes and functions in Goleta and its environs in order to maintain their natural ecological diversity.
- B. Preserve, restore, and enhance the physical and biological integrity of Goleta's creeks and natural drainages and their associated riparian and creek-side habitats.
- C. Protect, restore, and enhance coastal bluffs and dune areas.
- D. Identify and protect wetlands, including vernal pools, as highly productive and complex ecosystems that provide special habitats for flora and fauna, as well as for their role in cleansing surface waters and drainages.
- E. Protect water quality and the biological diversity of Goleta Slough and Devereux Slough.

- F. Protect and enhance other important aquatic and terrestrial habitats, including those associated with rare, threatened, or endangered species of plants or animals.
- G. Protect, preserve, and enhance Goleta's Urban Forest.
- H. Protect marine aquatic habitats.
- I. Protect the Monarch Butterfly.

17.31.020 Applicability

This Chapter applies to land use and development that would have an effect on ESHAs.

17.31.030 Application Requirements

Each development application for a project within or adjacent to an ESHA must include a complete description of the proposed project, site plan, grading plan, and any reports required by the Department, such as biological, geological, or other environmental reports, or a wetland delineation, consistent with applicable law. The Zoning Administrator may require additional reports or peer review of submitted reports to ensure adequacy. The costs of securing such reports or any required peer review are the applicant's responsibility.

- A. **Initial Site Assessment Screening.** The Zoning Administrator must conduct an initial site assessment screening of all development proposals to determine the potential presence of Environmentally Sensitive Habitat Area (ESHA). The initial site assessment screening must include a review of reports, resource maps, aerial photographs, site inspection and additional resources as necessary to determine the presence of ESHA.
- B. **Biological Study.** A biological study must be prepared by a City-approved consultant, with all costs borne by the applicant, for those Coastal Permit applications where the initial site assessment screening reveals the potential presence of an Environmentally Sensitive Habitat Area within 100 feet of any portion of the proposed development.
 - 1. The biological study must contain a topographic map at an appropriate scale and contour interval that adequately delineates the boundaries of creek beds and banks, wetlands, native riparian and upland vegetation, vegetation driplines, and environmentally sensitive area boundaries. The map must clearly show areas that would be directly impacted by project construction and development footprints.
 - 2. The biological study must confirm the extent of the ESHA, document any site constraints and the presence of other sensitive resources, recommend buffers, development timing, and mitigation measures, or including required setbacks, and provide other information, analysis and potential modifications necessary to protect the resource.

3. The biological study must thoroughly discuss alternatives and mitigation measures to avoid impacts to ESHA, and any finding that there is no feasible alternative to avoid ESHA impacts must be supported by such analysis. Where habitat restoration or creation is required to eliminate or offset potential impacts to an ESHA, a detailed Restoration and Monitoring Plan is required, as provided in this Section.
 4. The biological study must also describe the flora and fauna known to occur or having the potential to occur on the site, including sensitive species.
 5. Where trees suitable for nesting, roosting, or significant foraging habitat are present, a formal raptor survey must be conducted as part of the biological study. The study must include an analysis of the potential impacts of the proposed development on the identified habitat or species, an analysis of project alternatives designed to avoid or minimize those impacts, and mitigation measures that would minimize or mitigate residual impacts that cannot be avoided through project alternatives.
 6. The research and survey methodology used to complete the study must also be provided.
 7. The biological study must be prepared by a professional biologist approved by and working directly for the City and have been completed within two years of the date of submittal of the application. The Zoning Administrator will review the submitted application materials and may require additional information or peer review, as necessary to assess the potential impacts of the project on an environmentally sensitive area.
- C. **Scale of Plans.** The site plan and grading plan must be of a scale and contour interval to adequately depict the proposed work and delineate environmental features on the site.
- D. **Restoration and Monitoring Plan.** Where required, Restoration and Monitoring Plans must include the following:
1. A clear statement of the ESHA habitat restoration goals. Characterization of the desired habitat, including an actual habitat, that can act both as a model for the restoration and as a reference site for developing success criteria.
 2. Sampling of reference habitat using the methods that will be applied to the restoration site with reporting of resultant data.
 3. Quantitative description of the chosen restoration site.
 4. Requirements for designation of a qualified restoration biologist as the restoration manager who will be personally responsible for all phases of the

restoration. Phases of the restoration may not be assigned to different contractors without onsite supervision by the restoration manager.

5. A specific Grading Plan if the topography must be altered.
6. A specific Erosion Control plan if soil or other substrate will be significantly disturbed during the course of the restoration.
7. A Weed Eradication Plan designed to eradicate existing weeds and to control future invasion by exotic species that is carried out by hand weeding and supervised by a restoration biologist.
8. A Planting Plan that specifies a detailed plant palette based on the natural habitat type that is the model for the restoration, using local native and non-invasive stock and requiring that if plants, cuttings, or seed are obtained from a nursery, the nursery must certify that they are of local origin and are not cultivars. The Planting Plan should provide specifications for preparation of nursery stock and include technical details of planting methods (e.g., spacing, mycorrhizal inoculation, etc.)
9. An Irrigation Plan that describes the method and timing of watering and ensures removal of watering infrastructure by the end of the monitoring period.
10. An Interim Monitoring Plan that includes maintenance and remediation activities, interim performance goals, assessment methods, and schedule.
11. A Final Monitoring Plan to determine whether the restoration has been successful that specifies:
 - a. A basis for selection of the performance criteria,
 - b. Types of performance criteria,
 - c. Procedure for judging success,
 - d. Formal sampling design,
 - e. Sample size,
 - f. Approval of a final report, and
 - g. Provision for possible further action if monitoring indicates that initial restoration has failed.

17.31.040 Mitigation of Impacts

- A. No development, except as allowed in this Chapter, is allowed within an ESHA.

- B. Development must minimize impacts to habitat values or sensitive species to the maximum extent feasible. Native vegetation must be provided in buffer areas to serve as transitional habitat. All ESHA buffers must be of a sufficient size to ensure the biological integrity and preservation of the ESHA they are designed to protect.
- C. Unless stated elsewhere in this Title or in the General Plan or Local Coastal Program, new development must be sited and designed to avoid impacts to ESHAs and ESHA buffers. If there is no feasible alternative that can eliminate all impacts, then the alternative that would result in the fewest or least significant impacts must be selected. Any impacts that cannot be avoided must be fully mitigated, with priority given to on-site mitigation.
- D. Off-site mitigation measures will only be approved when it is not feasible to fully mitigate impacts on site. If impacts to on-site ESHAs occur in the Coastal Zone, any off-site mitigation area must also be located within the Coastal Zone.
- E. All mitigation sites must be monitored for a minimum period of five years following completion, with changes made as necessary based on annual monitoring reports.
- F. Mitigation sites will be required to be subject to deed restrictions and performance bonds or other security may be required, in a form acceptable to the City, in the amount of 125 percent of the estimated costs of mitigation to guarantee completion. The performance security will be released upon the City's acceptance of the mitigation.
- G. Mitigation sites will be subject to the protections set forth in this Chapter for the habitat type unless the Zoning Administrator has made a specific determination that the mitigation is unsuccessful and is to be discontinued.

17.31.050 Development Standards

All development must be designed and located in a manner which avoids any significant disruption or degradation of habitat values. This standard requires that any protect which has the potential to cause significant adverse impacts to an ESHA be redesigned or relocated so as to avoid the impact, or reduce the impact to a less than significant level where complete avoidance is not possible.

- A. Site designs must preserve wildlife corridors or habitat networks. Corridors must be of sufficient width to protect habitat and dispersal zones for small mammals, amphibians, reptiles, and birds.
- B. Land divisions are only allowed if each new lot being created, except for open space lots, is capable of being developed without building in any ESHA or ESHA buffer and without any need for impacts to ESHAs related to fuel modification for fire safety purposes.
- C. Site plans and landscaping must be designed to protect ESHAs. Landscaping, screening, or vegetated buffers, must retain, salvage, and/or re-establish vegetation that supports wildlife habitat whenever feasible. Development must incorporate design techniques that

protect, support, and enhance wildlife habitat values. Planting of non-native, invasive species must not be allowed.

- D. All new development must be sited and designed to minimize grading, alteration of natural landforms and physical features, and vegetation clearance in order to reduce or avoid soil erosion, creek siltation, increased runoff, and reduced infiltration of stormwater, and to prevent net increases in baseline flows for any receiving water body.
- E. Light and glare from new development must be controlled and directed away from wildlife habitats. Exterior night lighting must be minimized, restricted to low-intensity fixtures, shielded, and directed away from ESHAs, consistent with the requirements and standards in Chapter 17.36, Lighting.
- F. All new development must minimize potentially significant noise impacts on special-status species, consistent with the requirements of Chapter 17.40, Performance Standards.
- G. All new development must be sited and designed to minimize the need for fuel modification or weed abatement for fire safety in order to preserve native and/or non-native supporting habitats. Development must use fire-resistant materials and incorporate alternative measures, such as firewalls and landscaping techniques that will reduce or avoid fuel modification activities.
- H. The timing of grading and construction activities must be controlled to minimize potential disruption of wildlife during critical time periods, such as nesting or breeding seasons.
- I. Grading, earthmoving, and vegetation clearance is prohibited during the rainy season, generally from November 1 to March 31, except:
 - 1. Where erosion control measures, such as sediment basins, silt fencing, sandbagging, or installation of geofabrics have been incorporated into the project and approved in advance by the City;
 - 2. Where necessary to protect or enhance the ESHA itself; or
 - 3. Where necessary to remediate hazardous flooding or geologic conditions that endanger public health and safety.
- J. Where grading may be allowed during the rainy season, erosion control measures, such as sediment basins, silt fencing, sandbagging, and installation of geofabrics, must be implemented prior to and concurrent with all grading operations.
- K. New fencing must be wildlife-permeable, as defined by the following criteria:
 - 1. Fences must have a wooden (not wire) rail at the top;

2. Fences must be less than 40 inches high;
3. Fences must have a space greater than 14 inches between the ground and the bottom rail; and
4. Solid or chain-link fences are prohibited.

17.31.060 Management of ESHAs

The following standards apply to the ongoing maintenance of ESHAs:

- A. The use of insecticides, herbicides, artificial fertilizers, or other toxic chemical substances that have the potential to degrade ESHAs is prohibited, except where necessary to protect or enhance the ESHA itself.
- B. The use of insecticides, herbicides, or other toxic substances by City employees and contractors in construction and maintenance of City facilities and open space lands must be minimized.
- C. Mosquito abatement must be limited to the implementation of the minimum measures necessary to protect human health, and must be undertaken in a manner that minimizes adverse impacts to the ESHAs.
- D. Weed abatement and brush-clearing activities for fire safety purposes must be the minimum that is necessary to accomplish the intended purpose. Techniques will be limited to mowing and other low-impact methods, such as using hand crews for brushing, tarping, and hot water/foam for weed control. Disking is prohibited.
- E. Where there are feasible alternatives, existing sewer lines and other utilities that are located within an ESHA must be taken out of service, abandoned in place, and replaced by facilities located outside the ESHA to avoid degradation of the ESHA resources, which could be caused by pipeline rupture or leakage, and by routine maintenance practices such as clearing of vegetation.
- F. Removal of non-native, invasive plant species within ESHAs may be allowed and encouraged, unless the non-natives contribute to habitat values.
- G. The following flood management activities may be allowed in creek and creek protection areas: desilting, obstruction clearance, minor vegetation removal, and similar flood management methods.

17.31.070 Streamside Protection Areas

- A. **Purpose and Applicability.** The purpose of a streamside protection area (SPA) designation in the General Plan is to preserve the SPA in a natural state, in order to protect the associated riparian habitats and ecosystems. The SPA must include the creek channel,

wetlands and/or riparian vegetation related to the creek hydrology, and an adjacent upland buffer area.

1. The SPA upland buffer must be 100 feet outward on both sides of the creek, measured from the top of the bank or the outer limit of wetlands and/or riparian vegetation, whichever is greater. The review authority may increase or decrease the width of the SPA upland buffer on a case-by-case basis at the time of environmental review. The review authority may allow portions of a SPA upland buffer to be less than 100 feet wide, but not less than 25 feet wide, based on a site-specific assessment if (1) there is no feasible alternative siting for development that will avoid the SPA upland buffer; and (2) the project's impacts will not have significant adverse effects on streamside vegetation or the biotic quality of the stream.
2. If the provisions above would result in any legal lot created prior to the date of this Title being made unuseable in its entirety, exceptions to the foregoing may be made to allow a reasonable economic use of the lot, subject a Conditional Use Permit.

B. **Allowable Uses and Activities in Streamside Protection Areas.** The following compatible land uses and activities may be allowed in SPAs:

1. Agricultural operations, provided they are compatible with preservation of riparian resources.
2. Fencing and other access barriers along property boundaries and along SPA boundaries.
3. Maintenance of existing roads, driveways, utilities, structures, and drainage improvements.
4. Construction of public road crossings and utilities, provided that there is no feasible, less environmentally damaging alternative.
5. Construction and maintenance of foot trails, bicycle paths, and similar low-impact facilities for public access.
6. Resource restoration or enhancement projects.
7. Nature education and research activities.
8. Low-impact interpretive and public access signage.
9. Other such Public Works projects as identified in the Capital Improvement Plan, only where there are no feasible, less environmentally damaging alternatives.

- C. **Dedication of Easements or Other Property Interests.** In new subdivisions of land, SPAs must not be included in developable lots, but must be within a separate parcel or parcels, unless the subdivider demonstrates that it is not feasible to create a separate open space lot for the SPA. An easement or deed restriction limiting the uses allowed on the open space lot to those set forth in Subsection (B), above, is required. Dedication of the open space lot or easement area to the City or a nonprofit land trust is required.
- D. **Maintenance of Creeks as Natural Drainage Systems.** Creek banks, creek channels, and associated riparian areas must be maintained or restored to their natural condition wherever such conditions or opportunities exist. Creeks carry a significant amount of Goleta's stormwater flows. The following standards apply:
1. The capacity of natural drainage courses must not be diminished by development or other activities.
 2. Drainage controls and improvements must be accomplished with the minimum vegetation removal and disruption of the creek and riparian ecosystem that is necessary to accomplish the drainage objective.
 3. Measures to stabilize creek banks, improve flow capacity, and reduce flooding are allowed but must not include installation of new concrete channels, culverts, or pipes, except at street crossings, unless it is demonstrated that there is no feasible alternative for improving capacity.
 4. Drainage controls in new development must be required to minimize erosion, sedimentation, and flood impacts to creeks. On-site treatment of stormwater through retention basins, infiltration, vegetated swales, and other best management practices (BMPs) is required in order to protect water quality and the biological functions of creek ecosystems.
 5. Alteration of creeks for the purpose of road or driveway crossings is prohibited, except where the alteration is not substantial and there is no other feasible alternative to provide access to new development on an existing legal parcel. Creek crossings must be accomplished by bridging and be designed to allow the passage of fish and wildlife. Bridge abutments or piers must be located outside creek beds and banks, unless an environmentally superior alternative exists.
- E. **Restoration of Degraded Creeks.** Restoration activities for improving degraded creek resources must include the following:
1. Channelized creek segments and culverts must be evaluated and removed to restore natural channel bed and bank, where feasible.
 2. Creek courses in public rights-of-way must be uncovered as part of public works improvement projects.

3. Barriers that prevent migration of fish, such as anadromous salmonids, from reaching their critical habitat must be removed or modified.
4. Restoration of native riparian vegetation and removal of exotic plant species must be implemented, unless such plants provide critical habitat for monarch butterflies, raptors, or other protected wildlife.
5. Creek rehabilitation projects must be designed to maintain or improve flow capacity, trap sediments and other pollutants that decrease water quality, minimize channel erosion, prevent new sources of pollutants from entering the creek, and enhance in-creek and riparian habitat.
6. The use of closed-pipe drainage systems for fish-bearing creeks is prohibited, unless there is no feasible, less environmentally damaging alternative.
7. When the use of culverts is necessary, the culverts must be oversized and have gravel bottoms that maintain the channel's width and grade.

17.31.080 Protection of Wetlands in the Coastal Zone

The biological productivity and the quality of wetlands must be protected and, where feasible, restored in accordance with the federal and State regulations that apply to wetlands within the Coastal Zone. Only uses permitted by the regulating agencies will be allowed within wetlands.

- A. **Filling, Diking, or Dredging.** The filling, diking, or dredging of open coastal waters, wetlands, estuaries, and lakes is prohibited, unless it can be demonstrated that:
 1. There is no feasible, environmentally less damaging alternative to wetland fill, as determined through environmental review under CEQA;
 2. The extent of the fill is the least amount necessary to allow development of the permitted use;
 3. Mitigation measures have been incorporated into the project design or are included in conditions of approval to minimize adverse environmental effects; and
 4. The purposes of the fill are limited to: incidental public services, such as burying cables or pipes; restoration of wetlands; and nature study, education, or similar resource-dependent activities.
- B. **Buffer.** A wetland buffer of a sufficient size to ensure the biological integrity and preservation of the wetland must be required as a condition of approval. Generally, the required buffer must be 100 feet in width, but in no case may wetland buffers be less than 50 feet in width. In establishing the buffer size, the approving authority must take into consideration the type and size of the development; the sensitivity of the wetland

resources to detrimental edge-effects of the development to the resources; natural features such as topography, the functions and values of the wetland; and the need for upland transitional habitat. A 100-foot minimum buffer area cannot be reduced in width by the approving authority when it serves the functions and values of slowing and absorbing flood waters for flood and erosion control, sediment filtration, water purification, and groundwater recharge. The buffer area must serve as transitional habitat with native vegetation, and must provide physical barriers to human intrusion.

17.31.090 Protection of Wetlands Outside the Coastal Zone

- A. **Filling of Wetlands.** The biological productivity and the quality of inland wetlands must be protected and, where feasible, restored. The filling of wetlands outside the Coastal Zone is prohibited, unless it can be demonstrated to the satisfaction of the approving authority that:
1. The wetland area is small, isolated, not part of a larger hydrologic system, and generally lacks productive or functional habitat value;
 2. The extent of the fill is the least amount necessary to allow reasonable development of a use allowed this Title; and
 3. Mitigation measures have been incorporated into the project design, or are included in conditions of approval, to minimize adverse environmental effects, including restoration or enhancement of habitat values of wetlands at another location on the site or at another appropriate off-site location within the City.
- B. **Buffer.** A wetland buffer of a sufficient size to ensure the biological integrity and preservation of the wetland is required as a condition of approval. A wetland buffer must be no less than 50 feet in width. In establishing the buffer size, the approving authority must take into consideration the type and size of the development, the sensitivity of the wetland resources to detrimental edge-effects of the development to the resources, natural features such as topography, the functions and values of the wetland, and the need for upland transitional habitat. The buffer area must serve as transitional habitat with native vegetation and must provide physical barriers to human intrusion.

17.31.100 Mitigation of Wetland Infill

Where any dike or fill development is permitted in wetlands, in accordance with the California Coastal Act and the General Plan, at a minimum, mitigation measures must include creation or substantial restoration of wetlands of a similar type. The approving authority will require that adverse impacts be mitigated at a ratio of 3:1, unless the project proponent provides evidence that the creation or restoration of a lesser area of wetlands will fully mitigate the adverse impacts of the fill. However, in no event can the mitigation ratio established by the approving authority be less than 2:1.

17.31.110 Lagoon Protection

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

17.31.120 Vernal Pool Protection

Vernal pools, an especially rare wetland habitat on the south coast of Santa Barbara County, must be preserved and protected. Vernal pools in Goleta, which are generally small in area and only a few inches deep, are found at scattered locations on Ellwood Mesa and Santa Barbara Shores Park. These appear to be naturally formed and exhibit little or no evidence of altered hydrology. Trails on these two properties must be sited and constructed in a manner that avoids impacts to vernal pool hydrology and that will allow restoration by removing several informal trail segments that bisect vernal pool habitats. Additional vernal pools are found at Lake Los Carneros Natural and Historical Preserve. These also must be protected.

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

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

- A. **Definitions.** The following definitions apply to this Section.
1. **Coastal bluff scrub.** All scrub habitat occurring on exposed coastal bluffs. Example species in bluff scrub habitat include Brewer's saltbush (*Atriplex lentiformis*), lemonade berry (*Rhus integrifolia*), seashore blight (*Suaeda californica*), seacliff buckwheat (*Eriogonum parvifolium*), California sagebrush (*Artemisia californica*), and coyote bush (*Baccharis pilularis*).
 2. **Coastal sage scrub.** A drought-tolerant, Mediterranean habitat characterized by soft-leaved, shallow-rooted subshrubs, such as California sagebrush (*Artemisia californica*), coyote bush (*Baccharis pilularis*), and California encelia (*Encelia californica*) that is found at lower elevations in both coastal areas and interior areas where moist maritime air penetrates inland.
 3. **Chaparral.** Fire- and drought-adapted woody, evergreen shrubs generally occurring on hills and lower mountain slopes.
- B. To the maximum extent feasible, development must avoid impacts to coastal bluff scrub, coastal sage scrub, or chaparral habitat that is part of a wildlife movement corridor and the impact would preclude animal movement or isolate ESHAs previously connected by the corridor, such as (1) disrupting associated bird and animal movement patterns and seed dispersal, and/or (2) increasing erosion and sedimentation impacts to nearby creeks or drainages.

- C. Impacts to coastal bluff scrub, coastal sage scrub, and chaparral must be minimized by providing at least a 25-foot wide buffer restored with native species around the perimeter of the ESHA.
- D. Removal of non-native and invasive, exotic species is allowed; however, any revegetation must be with plants or seeds collected within the same watershed whenever feasible.

17.31.140 Protection of Native Woodlands

New development must be sited and designed to preserve the following species of native trees: oak (*Quercus* spp.), walnut (*Juglans californica*), sycamore (*Platanus racemosa*), cottonwood (*Populus* spp.), willow (*Salix* spp.), and other native trees that are not otherwise protected in ESHAs. Native oak woodlands and savannas also must be preserved and protected

- A. **Tree Inventory and Protection Plan.** Applications for new development on sites containing protected native trees must include an inventory of native trees and a Tree Protection Plan prepared by a certified arborist or other qualified expert.
- B. **Tree Protection Standards.** The following impacts to native trees and woodlands must be avoided to the extent feasible in the design of projects: 1) removal of native trees; 2) fragmentation of habitat; 3) removal of understory; 4) disruption of the canopy, and 5) alteration of drainage patterns. Structures, including roads and driveways, must be sited to prevent any encroachment into the Critical Protection Zone of any protected tree and to provide an adequate buffer outside of the Critical Protection Zone of individual native trees in order to allow for future growth to the extent feasible.
- C. **Mitigation of Impacts to Native Trees.** Where the removal of mature native trees cannot be avoided or where development would encroaches into the Critical Protection Zone and threaten the continued viability of the tree(s), mitigation measures must include, at a minimum, the planting of replacement trees on site, if suitable area exists on the subject site, or off-site if suitable onsite area is unavailable. Tree replacement ratios will be established upon the evaluation by a certified arborist and approved by the review authority. If the tree removal occurs within the Coastal Zone, any off-site mitigation area must also be located within the Coastal Zone. Mitigation sites must be monitored for a period of five years. The Zoning Administrator may require replanting of trees that do not survive.

17.31.150 Protection of Native Grasslands

For purposes of this Section, existing native grasslands to be protected include areas where native grassland species comprise 10 percent or more of the total relative plant cover. Where a high density of separate small patches occurs in an area, the whole area must be delineated as native grasslands.

- A. To the maximum extent feasible, development must avoid impacts to native grasslands that would destroy, isolate, interrupt, or cause a break in continuous habitat that would:

1. Disrupt associated animal movement patterns and seed dispersal; or
 2. Increase vulnerability to weed invasions.
- B. Removal or disturbance to a patch of native grasses less than 0.25 acre that is clearly isolated and is not part of a significant native grassland or an integral component of a larger ecosystem may be allowed. However, removal or disturbance to restoration areas is not allowed.
- C. Impacts to protected native grasslands must be minimized by providing at least a 10-foot wide buffer that is restored with native species around the perimeter of the delineated native grassland area.
- D. Removal of non-native and invasive, exotic species will be allowed. Native grassland revegetation must be done with plants or seeds collected within the same watershed whenever feasible.

17.31.160 Protection of Marine Habitats

Marine ESHAs must be protected against significant disruption of habitat values, and only uses dependent on such resources, such as fishing, whale watching, ocean kayaking, and similar recreational activities, are allowed within the offshore area.

- A. Permitted uses or developments must be compatible with marine and beach ESHAs.
- B. Any development on beach or ocean bluff areas adjacent to marine and beach habitats must be sited and designed to prevent impacts that could significantly degrade the marine ESHAs. All uses must be compatible with the maintenance of the biological productivity of such areas. Grading and landform alteration must be limited to minimize impacts from erosion and sedimentation on marine resources.
- C. Marine mammal habitats, including haul-out areas, must not be altered or disturbed by development of recreational facilities or activities, or any other new land uses and development.
- D. Near-shore, shallow fish habitats and shore fishing areas must be preserved and, where appropriate and feasible, enhanced.
- E. Activities by the California Department of Fish and Wildlife, Central Coast Regional Water Quality Control Board; State Lands Commission; and Division of Oil, Gas, and Geothermal Resources to increase monitoring to assess the conditions of near-shore species, water quality, and kelp beds, and/or to rehabilitate areas that have been degraded by human activities, such as oil and gas production facilities, are allowed.

17.31.170 Protection of Monarch Butterfly

The Monarch Butterfly is recognized as a California and Goleta special resource. Although the species is not threatened with extinction, its autumnal and winter aggregation sites, or roosts, are especially vulnerable to disturbance. Sites that provide the key elements essential for successful monarch butterfly aggregation areas and are locations where Monarchs have been historically present are classified as ESHAs. These include stands of eucalyptus or other suitable trees that offer shelter from strong winds and storms, provide a microclimate with adequate sunlight, are situated near a source of water or moisture, and provide a source of nectar to nourish the butterflies. Monarch Butterfly ESHAs must be protected against significant disruption of habitat values, and only uses or development dependent on and compatible with maintaining such resources must be allowed within these ESHAs or their buffer areas.

A. Monarch Butterfly Protection Standards:

1. No development, except as otherwise allowed by this policy, will be allowed within monarch butterfly ESHAs or ESHA buffers.
2. Since the specific locations of aggregation sites may vary from one year to the next, the focus of protection must be the entire grove of trees rather than individual trees that are the location of the roost.
3. Removal of vegetation within Monarch Butterfly ESHAs will be prohibited, except for minor pruning of trees or removal of dead trees, and debris that are a threat to public safety.
4. Public accessways are considered resource-dependent uses and may be located within a Monarch Butterfly ESHA or its buffer; however, such accessways must be sited to avoid or minimize impacts to aggregation sites.
5. Interpretative signage is allowed within a Monarch Butterfly ESHA or its buffer, but must be designed to be visually unobtrusive.
6. Butterfly research, including tree disturbance or other invasive methods, may be allowed subject to Zoning Administrator approval of an Administrative Use Permit.

- B. Buffer Required.** A buffer of a sufficient size to ensure the biological integrity and preservation of the monarch butterfly habitat, including aggregation sites and the surrounding grove of trees, will be required. Buffers must not be less than 100 feet in width around existing and historic roost sites, as measured from the outer extent of the tree canopy. The buffer area must serve as transitional habitat with native vegetation and must provide physical barriers to human intrusion. The buffer may be reduced to 50 feet in width in circumstances where the trees contribute to the habitat but are not considered likely to function as an aggregation site, such as along narrow windrows.

Grading and other activities that could alter the surface hydrology that sustains the groves of trees are prohibited within or adjacent to the buffer area.

- C. **Study Required.** A site-specific biological study, prepared by an expert approved by the Zoning Administrator who is qualified by virtue of education and experience in the study of Monarch Butterflies, must be submitted with any application for development that would affect a Monarch Butterfly ESHA.
1. The study must include a Monarch Butterfly Habitat Protection Plan and:
 - a. The mapped location of the cluster of trees where monarchs are known, or have been known, to roost in both autumnal and over-wintering aggregations;
 - b. An estimate of the size of the population within the colony;
 - c. The mapped extent of the entire habitat area; and
 - d. The boundaries of the buffer zone around the habitat area.
- D. **Construction Standards.** A temporary fence must be installed along the outer boundary of the buffer zone prior to and during any grading and construction activities on the site. If an active roost or aggregation is present on the project site, any construction grading, or other development within 200 feet of the active roost, will be prohibited between October 1 and March 1.

17.31.180 Protection of Other ESHAs

- A. **Dunes.** Dune ESHAs must be protected and, where feasible, enhanced. Vehicle traffic through dunes is prohibited. Where pedestrian access through dunes is allowed, well-defined footpaths or other means of directing use and minimizing adverse impacts must be used. Active nesting areas for sensitive bird species, such as western snowy plovers and least terns, must be protected by fencing, signing, and other means.
- B. **Seabird Nest Areas.** In order to protect seabird nesting areas, new pedestrian access is not permitted on bluff faces, except along existing and planned formal trails or stairways shown in the General Plan.
- C. **Buffer Areas for Raptor Species.** Development must be designed to provide a 100-foot buffer around active and historical nest sites for protected species of raptors when feasible. In existing developed areas, the width of the buffer may be reduced to correspond to the actual width of the buffer for adjacent development. If a biological study determines that an active raptor nest exists on a development site, no vegetation clearing, grading, construction, or other development activity is allowed within a 300-foot radius of the nest site during the nesting and fledging season to the extent feasible.

- D. **Protection of Special-Status Species.** Requisite habitats for individual occurrences of special-status plants and animals, including candidate species for listing under the State and federal Endangered Species Acts, California species of special concern, California Native Plant Society List 1B plants, and other species protected under the provisions of the California Fish and Game Code must be protected. More specifically, all development must be located, designed, constructed, and managed to avoid disturbance of adverse impacts to special-status species and their habitats, including spawning, nesting, rearing, roosting, foraging, and other elements of the required habitats.

Chapter 17.32 Floodplain Management

Sections:

17.32.010	Purpose
17.32.020	Applicability
17.32.030	Floodplain Development Permit
17.32.040	Standards of Construction
17.32.050	Standards for Storage of Materials and Equipment
17.32.060	Standards for Utilities
17.32.070	Floodways
17.32.080	Diking, Filling, or Dredging
17.32.090	Infrastructure Capacity

17.32.010 Purpose

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

- A. Minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, and streets and bridges located in areas of special flood hazard;
- B. Restrict or prohibit uses dangerous to the health, safety, and property due to water or erosion hazards or which could cause damaging increases in flood heights or velocities;
- C. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- D. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- E. Control filling, grading, dredging, or other development that may increase flood damage;
- F. Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters or may increase flood hazards in other areas; and
- G. Ensure that potential buyers are notified that property is in an area of special flood hazard.

17.32.020 Applicability

This Chapter applies to all areas of special flood hazards designated by Federal Emergency Management (FEMA) within the limits of the City.

17.32.030 Floodplain Development Permit

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

17.32.040 Standards of Construction

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

- A. **Anchoring.** All new construction and substantial improvements must be anchored to prevent flotation, collapse, or lateral movement of the structure.
- B. **Construction Materials and Methods.**
 - 1. All new construction and substantial improvements must be constructed with materials and utility equipment resistant to flood damage.
 - 2. All new construction, substantial improvement, and other proposed new development must be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - 3. Adequate drainage paths are required around structures on slopes guide floodwaters around and away from proposed or existing structures.
- C. **Elevation and Flood-Proofing.**
 - 1. New construction and substantial improvement of any structure must have the lowest floor, including the basement, elevated to or above the regulatory flood elevation and the lowest adjacent grade elevated above the base flood elevation. Upon the completion of the structure, the elevation of the lowest floor, including the basement, must be certified by a registered professional engineer or surveyor and provided to the Building and Safety Division.
 - 2. Non-residential construction must either be elevated in conformance with Subparagraph (3)(a) or (3)(b) of this Section or together with attendant utility and sanitary facilities:
 - a. Be flood-proofed so that below the regulatory flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

- c. Be certified by a registered professional engineer or architect that the standards of this Subsection are satisfied. Such certifications must be provided to the Building and Safety Division.
3. Require, for all new construction and substantial improvements of non-residential structures, that fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access, or storage in an area other than a basement, and which are subject to flooding, be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect to meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding must be provided.
 - b. The bottom of all openings must be no higher than one foot above grade.
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

17.32.050 Standards for Storage of Materials and Equipment

The storage or processing of materials that are, in times of flooding, buoyant, flammable, explosive, or could be injurious to human, animal, or plant life, is prohibited. Storage of other material or equipment may be allowed if not subject to major damage by floods, and if firmly anchored to prevent floatation, or if readily removable from the area within the time available after flood warning.

17.32.060 Standards for Utilities

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

- A. On-site waste disposal systems must be located to avoid impairment to them or contamination from them during flooding.
- B. Waste disposal systems must not be installed in a regulatory floodway.

17.32.070 Floodways

Properties located within identified special flood hazard areas are designated floodways. Any encroachments into floodways, including fill, new construction, substantial improvements, and

other development, is prohibited unless certification by a registered professional engineer or architect is provided, demonstrating that encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge.

17.32.080 Diking, Filling, or Dredging

The diking, filling or dredging of open coastal waters, wetlands, and estuaries is permitted only to the extent allowed by the California Coastal Act and the following provisions.

- A. **Work in Environmentally Sensitive Habitats.** Any diking, filling or dredging activity in an environmentally sensitive habitat or wetland must comply with the requirements of Chapter 17.31, Environmentally Sensitive Habitat Areas.

- B. **Limitation on Purposes of Diking, Filling or Dredging.** Diking, filling, or dredging is not allowed anywhere in the City, except to accomplish the following purposes:
 - 1. Providing new or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
 - 2. Maintaining existing or restoring previously dredged depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
 - 3. In wetland areas only, providing entrance channels for new or expanded boating facilities, or if in conjunction with the boating facilities a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland; provided that in no event will the size of the wetland area used for the boating facility, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, be greater than 25 percent of the total wetland area to be restored.
 - 4. In open coastal waters, other than wetlands, including streams, estuaries and lakes, new or expanded boating facilities.
 - 5. Incidental public service purposes, including, without limitation, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall pipes.
 - 6. Mineral extraction, including sand for restoring beaches, except in environmentally sensitive habitat areas.
 - 7. Restoration.
 - 8. Nature study, aquaculture, or similar resource-dependent activities.

C. **Development Standards.**

1. **Dredging.** When consistent with the provisions of this Section and where necessary to maintain tidal flow and the continued viability of wetland habitat or for flood control purposes, dredging must comply with the following requirements.
 - a. Dredging is prohibited in breeding and nursery areas and during periods of fish migration and spawning.
 - b. Dredging is limited to the smallest area feasible.
 - c. Designs for dredging and excavation projects must include protective measures, such as silt curtains, diapers, and weirs to protect water quality in adjacent areas during construction by preventing the discharge of refuse, petroleum spills, and unnecessary dispersal of silt materials.
2. **Diking.** Diking, or the filling of a wetland, must at a minimum, require the following mitigation measures:
 - a. Equivalent areas must be opened to tidal action or provided with other sources of surface water. This applies to diked or filled areas which themselves are not environmentally sensitive habitat areas, but would become so if they were opened to tidal action or provided with other sources of surface water.
 - b. Wherever feasible, mitigation by restoration of wetlands or opening of lands to tidal action must be the same type of wetlands as those filled (e.g., freshwater for freshwater).

D. **Findings Required for Approval.** No diking, filling, or dredging will be approved unless the Planning Commission finds that the functional capacity of the resource area will be maintained or enhanced after diking, filling, or dredging of a wetland or estuary. Functional capacity means the ability of the wetland or estuary to be self-sustaining and to maintain natural species diversity. In order to establish that the functional capacity is being maintained, the applicant must demonstrate and the Planning Commission must find that:

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

3. A species or habitat essential to the natural biological functioning of the wetland or estuary will not be harmed; and
4. Consumptive (e.g., fishing, aquaculture, and hunting) and nonconsumptive (e.g., water quality and research opportunity) values of the wetland or estuarine ecosystem will not be significantly reduced.

17.32.090 Infrastructure Capacity

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

Chapter 17.33 Hazards

Sections:

17.33.010	Purpose
17.33.020	Applicability
17.33.030	Hazards Evaluation Report
17.33.040	Shoreline Development
17.33.050	Geologic, Slope, and Stability Hazards
17.33.060	Fire Safety

17.33.010 Purpose

This Chapter provides standards for proposed development and new land uses in coastal, geological, and fire hazard areas to protect the public health, safety, and welfare.

17.33.020 Applicability

The provisions of this Chapter apply to all development undertaken and proposed to be undertaken within coastal, geological, and fire hazard areas within the City of Goleta.

17.33.030 Hazards Evaluation Report

- A. **Initial Site Assessment.** The Zoning Administrator must conduct an initial site assessment screening of all permit applications to determine whether the site is or will be subject to geologic or other hazards over a timeframe of a minimum of 100 years. Geological or other hazards are defined to include Alquist-Priolo earthquake hazards zones; areas subject to tsunami runup, landslides, liquefaction, episodic and long-term shoreline retreat (including beach or bluff erosion), high seas, ocean waves, storms, tidal scour, flooding; steep slopes averaging greater than 25 percent; unstable slopes regardless of steepness; and flood hazard areas, including those areas potentially inundated by future sea level rise. The screening must include a review of reports, resource maps, aerial photographs, site inspection, and the City's hazards maps. The City's hazard mapping can be used as a resource for identification of hazard areas; however, absence of mapping cannot alone be considered absence of hazard, and local site conditions must be examined at the time of permit application using the best available science. Best available science with respect to sea-level rise means peer-reviewed and well-documented climate science using empirical and evidence based data that establishes a range of locally-relevant future sea-level rise projections.
- B. **Environmental Hazards Report.** Where the initial site assessment reveals that the proposed development is located on a blufftop, near the shoreline (i.e., at or near the oceans and interface and/or at very low lying elevations in areas near the shoreline), or within 100 feet of an area potentially subject to geologic or other hazards over the 100

year assessment time frame, the project must include an Environmental Hazards Report prepared by a qualified registered civil or structural engineer or licensed geologist or engineering geologist. The Report must describe the extent of potential environmental hazards on the site over the minimum 100 year timeframe, and recommend construction, siting and other techniques to avoid and minimize possible environmental hazards. Reports addressing tsunami runup, beach or bluff erosion, wave impacts and flood hazards must include evaluation of potential changes to the hazard due to sea level rise that might occur over the life of the development and the 100 year assessment time frame. Existing shoreline protective devices may not be factored into the required analyses. The Report is required to demonstrate that, subject to the Report's recommended measures, all of the standards of this Chapter can be met.

17.33.040 Shoreline Development

- A. **Purpose.** This Section provides standards for development proposed on lots that border the ocean, where careful design and development practices are necessary to preserve significant coastline features, implement applicable provisions of the General Plan and Local Coastal Program, and comply with the Coastal Act.
- B. **Applicability.** This Section applies to all development or expansion of existing uses proposed to be located on or adjacent to a beach or coastal bluff. In the event of any perceived conflict between the provisions of this Section and any other provision of this Zoning Title, this Section will control.
- C. **Limitations on Development.** Development must be safe from bluff retreat, waves, or flood hazards without the use of any shoreline protective device. Piers, groins, breakwaters, drainages, seawalls, revetments, rip-rap, pipelines, and other shoreline protection structures will be permitted only when required to serve coastal-dependent uses such as public access and recreational uses, or to protect existing structures or public beaches in danger of erosion, when non-structured alternatives have failed and when located to avoid significant rocky points and intertidal areas. Any shoreline protection devices must be designed to eliminate or mitigate adverse impacts on local shoreline sand supply and to minimize the impact of future flooding and sea-level rise.
 - 1. **Seawall Prohibition.** Shoreline and bluff protection structures will not be permitted to protect new development. All permits for development on blufftop or shoreline lots that do not have a legally established shoreline protection structure must have conditions of approval requiring that prior to issuance of any grading or construction permits, the property owner record a deed restriction against the property to ensure that no shoreline protection structure will be proposed or constructed to protect the development, and expressly waiving any future right to construct such devices. Proposed development will not be approved where the review authority determines that shoreline protective structures will be necessary to protect the new structures at the time of

development or if the development will be increased to exposure of flooding within 100 years of the date of review due to flooding or sea-level rise.

2. **Bluff Face Development.** No development will be permitted on a bluff face, except for engineered staircases or accessways to provide public beach access and pipelines for scientific research or coastal-dependent industry. Drainpipes must be allowed only where no other less environmentally damaging drain system is feasible and the drainpipes are designed and placed to minimize impacts to the bluff face, toe, and beach. Drainage devices extending over the bluff face must not be permitted if the property can be drained away from the bluff face.
 3. **Structures on the Beach.** No permanent structure will be permitted on a dry, sandy beach except a facility necessary for public health and safety, including lifeguard towers, and recreation facilities, such as beach volleyball courts.
- D. **Liability.** For any development on a beach or shoreline subject to wave action, erosion, flooding, landslides, sea-level rise, or other hazards associated with development on a beach or bluff, the property owner is required to execute and record a deed restriction that acknowledges and assumes these risks and waives any future claims of damage or liability against the City and agrees to indemnify the City against any liability, claims, damages, or expenses arising from any injury or damage due to such hazards.
- E. **Application Requirements.** Planning permit applications for development or expansion of existing uses proposed to be developed on or adjacent to a beach or coastal bluff must include the following:
1. **Geotechnical Report.** An analysis of beach erosion, wave run-up, inundation and flood hazards, including those due to sea-level rise. The analysis must be prepared by a California-licensed civil engineer with expertise in coastal engineering. The report must consider, describe, and analyze the following:
 - a. An analysis of the proposed development that ensures that all surface and subsurface drainage will not contribute to the erosion of the bluff face or affect the stability of the bluff itself;
 - b. On lots with a legally established shoreline protective device, the analysis must describe the condition of the existing seawall, identify any impacts it may be having on public access and recreation, scenic view, sand supplies, and other coastal resources, and evaluate opportunities to modify or replace the existing arming device in a manner that would eliminate or reduce these impacts;
 - c. An evaluation of whether the development, as proposed or modified, could be safely established on the property for a 100-year period without a shoreline protective device;

- d. A tsunami hazard assessment, including sea-level rise and tsunami wave runup calculations;
 - e. The impact of construction activity on the stability of the site and adjacent area;
 - f. Cliff geometry and site topography, extending the surveying work beyond the site as needed to depict unusual geomorphic conditions that might affect the site;
 - g. Historic, current, and foreseeable cliff erosion, including investigation of recorded land surveys and tax assessment records, in addition to the use of historic maps and photographs, where available, and possible changes in shore configuration and sand transport;
 - h. Geologic conditions, including soil, sediment, and rock types and characteristics, in addition to structural features such as bedding, joints and faults;
 - i. Evidence of past or potential landslide conditions, the implications of such condition for the proposed development, and the potential effects of the development on landslide activity;
 - j. Ground and surface water conditions and variations, including hydrologic changes caused by the development (e.g., introduction of sewage, effluent, and irrigation water to the groundwater system, alterations to surface drainage, and the like);
 - k. Potential erosion of the site and mitigation measures to be used to ensure minimized erosion problems before and after construction (i.e., landscape and drainage design);
 - l. Effects of marine erosion on coastal bluffs;
 - m. Potential effects of seismic forces resulting from a maximum credible earthquake; and
 - n. Any other factor that might affect slope or bluff stability.
2. **Construction Plan.** A construction plan that demonstrates that no stockpiling of dirt or construction materials will occur on the beach; describes erosion, runoff, and sedimentation measures to be implemented at the end of each day's work; details that all construction debris will be removed from the beach daily and at the completion of development; and states that no machinery will be allowed in the intertidal zone.

F. **Site Planning and Setback Standards.** New development must be sited to ensure that it is safe from hazards associated with sea-level rise for a minimum of 100 years without the need for shoreline protection devices.

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

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

a. **Bluff Setback Requirements.**

(1) **Minimum Bluff Retreat Setback.** New development must be set back 130 feet unless the Zoning Administrator approves a lesser setback equal to a sufficient setback to maintain a minimum factor of safety of at least 1.5 for a minimum of 100 years based on a site-specific geological or geotechnical engineering study. In no case will the minimum setback be less than 30 feet from the bluff edge. This requirement applies to the principal structure and major accessory structures, such as guesthouses and pools that require a structural foundation. This setback may be increased where necessary to ensure geologic safety and stability of the development. Alteration or additions to existing nonconforming development that equals or exceeds 50 percent of the size of the existing structure will not be authorized, unless the entire structure is brought into conformance with this requirement.

(2) **Use of Bluff Retreat Setback.**

i. No development, except pathways, stairways, fencing, signage, and other features associated with a public accessway or a necessary pipeline associated with a public facility, will be permitted within the bluff retreat setback identified in site-specific geologic reports.

ii. Minor additions of less than 10 percent of the existing floor area to may be allowed for buildings within the required bluff setback provided the addition does not encroach further into the setback than the existing structure.

- b. *Non-bluff Coastline Setbacks.* Appropriate setbacks are required for shoreline segments that lack coastal bluffs. For all structures proposed within 500 feet of the mean high tide line in areas that lack coastal bluffs, a site-specific shoreline erosion rate and shoreline hazards study must be required. Such a study must demonstrate that the proposed structure would not be expected to be subject to shoreline erosion or other hazards for the structure's lifetime or for 50 years, whichever is greater.
- c. *Landscaping.* Drought-tolerant landscaping must be installed and maintained in the required setback. Grading, as may be required for drainage or to install landscaping and minor improvements (i.e., patios and fences) that do not impact public views or bluff stability, may be permitted.
- d. *Access and Recreational Area Setbacks.* Additional setbacks may be required in compliance with Local Coastal Program policies to accommodate public access and recreational areas in compliance with Chapter 17.26, Coastal Access.

G. **Shoreline Protection.**

- 1. ***Erosion Control.*** Proposed development must be designed and constructed to incorporate appropriate erosion-control measures, consistent with the City's grading standards.
- 2. ***Storm Drainage Devices.*** A storm drainage device over a bluff face will not be permitted unless the device can be sited so that it drains away from the bluff face. Each new storm drainage structure must be constructed so that drainage water will not spill over or onto the bluff face. Bluff face drain pipes will be allowed only where no other less environmentally damaging drain system is feasible and drain pipes are designed and placed to minimize impacts to the bluff face, toe of bluff, and beach.
- 3. ***Shoreline Protective Structures.*** Shoreline protection devices to protect development constructed after the effective date of Public Resources Code § 30235 are prohibited. Existing structures threatened by coastal retreat must be relocated or removed. A shoreline protective structure may be allowed with Conditional Use Permit and Coastal Development Permit approval, only when the Planning Commission makes the following findings:
 - a. The shoreline protective structure will serve coastal-dependent uses, such as public access, recreational uses, and public beaches in danger of erosion;

- b. The shoreline protection structure is necessary due to increased exposure of flooding within 100 years of the date of review due to flooding or sea-level rise;
- c. The shoreline protection structure is necessary to protect against future sea-level rise in tsunami hazard zones;
- d. Non-structured alternatives to the protective devices have failed;
- e. The shoreline protective structure is located to avoid significant rocky points and intertidal areas;
- f. The shoreline protective structure proposed is the least environmentally damaging, feasible alternative;
- g. The shoreline protection structure is designed to maintain lateral beach access, where feasible; and
- h. The shoreline protection structure is designed to respect natural land forms and minimize visual impact to the extent possible, through means including the use of visually compatible colors and materials.

17.33.050 Geologic, Slope, and Stability Hazards

The following standards apply to all development within areas of geologic hazards, high and moderate landslide potential, medium-to-high liquefaction and seismic settlement potential, soil-related hazard areas, and areas with 25 percent slope or more.

- A. **Subdivisions.** Land divisions, including lot line adjustments, are prohibited in areas subject to geologic, seismic, and other hazards unless it is demonstrated by the subdivider that all lots in the new subdivision will have sufficient buildable land area that is situated outside the hazardous portions of the property.
- B. **Geotechnical, Soil, and Engineering Studies.** Site-specific geotechnical, geologic, soil, and/or structural engineering studies that assess the degree of hazard on the proposed site and recommend any appropriate site design modifications or considerations as well as any other mitigation measures.
- C. **Setback from Active Fault.** New development may not be located closer than 50 feet to any active or potentially active fault line to reduce potential damage from surface rupture. Nonstructural development may be allowed in such areas, depending on how such nonstructural development would withstand or respond to fault rupture or other seismic damage.

- D. **Site Disturbance.** All construction proposed for areas with 25 percent slope or more or subject to soil- and slope-related hazards must minimize the area to of vegetation removal, disturbance, and grading.

17.33.060 Fire Safety

- A. **Fire Protection Measures for New Development.** New development projects must be designed and constructed in accordance with National Fire Protection Association standards to minimize fire hazards, with special attention given to fuel management and improved access in areas with higher fire risk, with access or water supply deficiencies, or beyond a 5-minute response time.
- B. **Fuel Modification Plans.** Applications for new development that require fuel modification must include a Fuel Modification Plan for the project. This plan must be prepared by a landscape architect or resource specialist and include measures to minimize removal of native vegetation, minimize disturbance to ESHAs, and incorporate fire-retardant vegetation in new plantings.
- C. **Rebuilding in High Fire Hazard Areas.** Any rebuilding in high fire hazard areas must incorporate development standards and precautions that reduce the chance of structure losses from fire.

Chapter 17.34 Historic Resource Preservation

[Placeholder. Chapter to be added at later date]

Chapter 17.35 Landscaping

Sections:

17.35.010	Purpose
17.35.020	Applicability
17.35.030	Areas to be Landscaped
17.35.040	General Requirements
17.35.050	Materials
17.35.060	Landscape Design Principles
17.35.070	Landscape Plans
17.35.080	Alternative Compliance

17.35.010 Purpose

The purpose of this Chapter is to:

- A. Improve the appearance of the community by requiring aesthetically pleasing landscaping on public and private sites, which is permanently maintained;
- B. Preserve, maintain, and provide for reforestation of trees for the health and welfare of the City in order to preserve the scenic beauty; provide habitat; prevent erosion of topsoil; protect against flood hazards; counteract the pollutants in the air; promote healthy streams and riparian corridors; enhance the urban forest; minimize the heat island effect; provide shade, store carbon, and decrease wind velocities; and promote the general welfare and prosperity in the City;
- C. Aid in energy conservation by providing shade from the sun's rays in summer, and allowing the sun's rays in winter;
- D. Soften the appearance of parking lots and other development;
- E. Promote conservation of water resources through the use of native and water-wise, climate-appropriate plants, and water-conserving irrigation practices; and
- F. Minimize or eliminate conflicts between potentially incompatible, but otherwise permitted, land uses on adjoining lots through visual screening.

17.35.020 Applicability

- A. **Applicability.** The regulations of this Chapter apply to:
 1. **Proposed Developments.** All new buildings and uses of land, except active agricultural buildings located further than 100 feet from public rights-of-way.

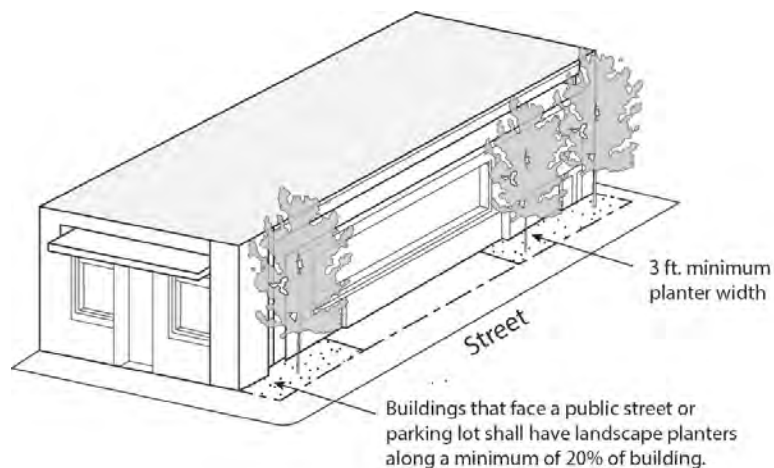
2. **Additions.** Additions that increase building footprint or add more than 20 percent to the existing floor area.
 3. **Change in Use.** A change in use or building occupancy designation that results in increased parking requirements.
- B. **State Water Conservation in Landscaping Act.** In addition to the requirements of this Chapter, landscaping and irrigation shall be in conformance with the State Model Water Efficient Landscaping Ordinance.

17.35.030 Areas to be Landscaped

The following areas must be landscaped.

- A. **Required Setbacks.** All required front and street-facing side setbacks, except walks and driveways, must be landscaped.
- B. **Lot Perimeters.** Landscape buffers required by § 17.25.140, Screening and Buffering of Common Lot Lines.
- C. **Building Perimeters.** The portions of a building that front a public street must have one or more landscape planters installed along a minimum 20 percent of that building face. The minimum width of the planter must be three feet. This standard does not apply where a building is located on the front or street side property line.

FIGURE 17.35.030(C): BUILDING PERIMETER LANDSCAPING



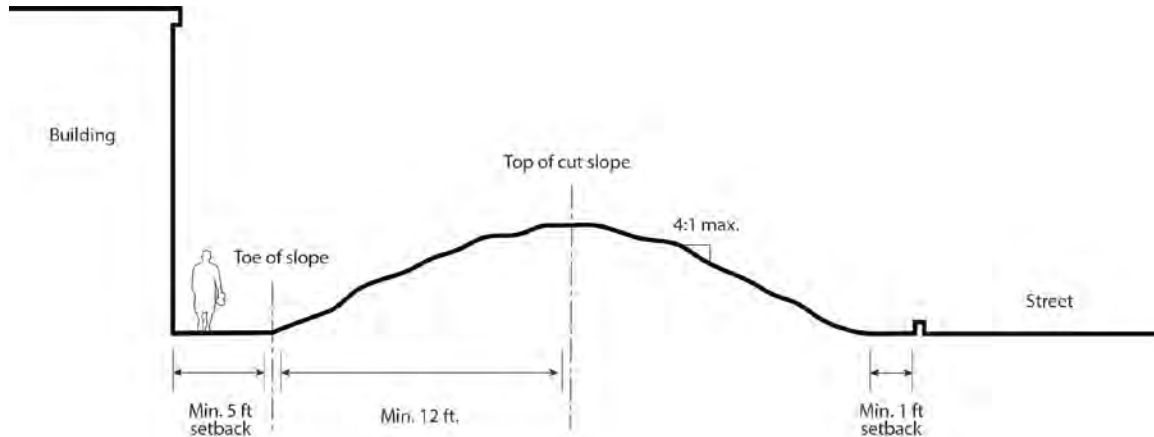
- D. **Parking Areas.** Parking areas, as required by Chapter 17.39, Parking and Loading.

- E. **Unused Areas.** All visible areas of a project site not intended for a specific use, including areas planned for future phases of a phased development, must be landscaped or left in a natural state.

17.35.040 General Requirements

- A. **Landscaped Areas.** Required landscaped areas must be maintained free from encroachment by any use, structure, vehicle, or feature not a part of the landscaping design, except for the fire hydrants and related fire protection devices, mailbox clusters, pedestals, poles, cabinets, utility-housing boxes, or other permanent fixtures as approved for emergency or service access.
- B. **Landscaping Mound.** Landscaping mounds must be constructed on slopes not to exceed 4:1 with the toe of the mound located a distance of 12 feet or greater horizontally of the top of existing or planned cut slope. The toe of the mound must be set back from buildings and property boundaries as far as necessary for safety of the adjacent properties and to prevent damage resulting from water runoff or erosion of the slope. In no case can the toe of the mound be within five feet of any building or within one foot of the street right-of-way.

FIGURE 17.35.040(B): LANDSCAPING MOUND



- C. **Drivers' Visibility.** Trees and shrubs must be planted and maintained so that, at maturity, they do not interfere with public safety or traffic safety sight areas; see § 17.25.210, Visibility at Intersections and Driveways.

17.35.050 Materials

- A. **General.** Landscaping may consist of a combination of turf, groundcovers, shrubs, vines, trees, and incidental features such as stepping stones, benches, sculptures, decorative stones, and other ornamental features placed within a landscaped setting. Plant materials

must be selected from among those species and varieties known to thrive in the region's climate. Recirculating water must be used for decorative water features.

1. **Trees.** Trees must be provided as follows:
 - a. *RS and RP Districts.* One tree for every 1,000 square feet of lot coverage for residential development; one tree for every 2,000 square feet of lot coverage for nonresidential development.
 - b. *RM, RH, and RHMP Districts.* One tree for every 2,000 square feet of lot coverage.
 - c. *Commercial Districts.* One tree for every 2,000 square feet of lot coverage.
 - d. *Industrial Districts.* One tree for every 5,000 square feet of lot coverage.
 - e. If the required number and size of trees already exists on the site, the applicant is not required to plant new trees on-site. Instead, the existing trees must be shown on the site and landscape plans, and those trees must be maintained in compliance with the standards of this Section.
 - f. If the lot size or other site conditions make compliance with the tree-planting requirements described in this Subsection impractical, the applicant may request that the trees be planted off site at twice the required ratio. Documentation that such trees have been planted and a plan ensuring their continued maintenance must be submitted to the Zoning Administrator.
 - g. *Species Diversity.* Tree diversity should be promoted by limiting the percent of trees in any one species and avoiding large numbers of genetically identical clones. Local native genetic tree types are preferred where immediately adjacent to a water corridor/watershed.
2. **Size and Spacing.** Plants must be of the following size and spacing at the time of installation.
 - a. *Ground Covers.* Ground cover plants must be at least the four-inch pot size and spaced to provide full coverage within the time frame specified for the species planted.
 - b. *Shrubs.* Shrubs must be a mix of 1/3 one gallon, 1/3 five gallon and 1/3 15 gallon sizes. Spacing of shrubs must be according to local conditions, the species, cultivars, or varieties used, and their mature height, spread, and form. When planted to serve as a hedge or screen, shrubs must be spaced at 75 percent of their mature length.

- c. **Trees.** A minimum of 15 percent of the trees planted must be 24-inch box or greater in size. All other trees must be a minimum of 15 gallons in size. Spacing of trees must be according to local conditions, the species, cultivars, or varieties used, and their mature height, spread, and form. Newly planted trees must be supported with stakes or guy wires. A minimum of four feet of continuous open planting area must be provided between trees to ensure adequate root growth and infiltration.

17.35.060 Landscape Design Principles

- A. **Composition.** The quality of a landscape design is dependent not only on the quantity and selection of plant materials, but also on how that material is arranged. The Zoning Administrator or Design Review Board may require that the standards of this Section are met through the review by a licensed landscape architect. Landscape materials must be arranged in a manner as to provide the following qualities and characteristics:
 - 1. **Texture.** Landscape designs must provide a textured appearance through the use of a variety of plant material, rather than a single species, by contrasting large leaf textures with medium and small leaf textures, and with a variety of plant heights. Spacing of key landscaping components, such as trees and shrubs, must be consistent with the overall design approach of the landscape plan.
 - 2. **Color.** Landscape designs must include a variety of plants to provide contrasting color to other plants in the design.
 - 3. **Form.** Landscape designs must consider the complete three-dimensional form of the landscaping, not simply the form of individual elements. The final design should represent a coherent concept.
- B. **Buffering and Screening.** The use of natural landscape materials (trees, shrubs, and hedges) is the preferred method for buffering differing land uses, buffering walls to prevent graffiti, providing a transition between adjacent lots, and screening the view of parking, storage or service area, refuse collection facility or enclosure, utility enclosure, drive-thru, or utility pipe or box visible from a public street, alley, or pedestrian space or walkway. Plants may be used with walls or berms to achieve the desired screening or buffering effect.
- C. **Continuity and Connection.** Landscaping must be designed within the context of the surrounding area, if the adjacent landscaping is consistent with the landscape design standards of this Chapter. Ideally, new plant materials must blend well with planting on adjacent properties to create a seamless and natural landscape.
- D. **Enhancing Architecture.** Landscape designs must be compatible with and enhance the architectural character and features of the buildings on site, and help relate the building to the surrounding landscape. Major landscape elements must be designed to

complement architectural elevations through color, texture, density, and form on both vertical and horizontal planes. Landscaping must be in scale with buildings.

17.35.070 Landscape Plans

A landscape plan must be submitted with the permit application whenever landscaping is required by § 17.35.020. It must be drawn to scale and delineate:

- A. **Proposed Plant Locations, Species, Sizes, and Plant Factor.** Plants with similar water needs can be grouped together into hydrozones on the landscape plan. A plant factor, consistent with the California Department of Water Resources Water Use Classification of Landscape Species (WUCOLS) or equivalent, must be identified for all landscaped areas.
- B. **Proposed Landscape Features.** Stepping stones, benches, fountains, sculptures, decorative stones, or other ornamental features, landscaping mounds, water features (pools and ponds), and paved surfaces: their locations, dimensions, and materials.
- C. **Existing Trees.** Existing trees over six inches in diameter, as measured 48 inches above natural grade, and whether each tree is proposed for retention or removal.
- D. **Natural and Unused Areas.** Areas of preservation or incorporation of existing native vegetation and areas not intended for a specific use, including areas planned for future phases of a phased development, shown landscaped or left in a natural state.
- E. **Other Design Features.** Any additional proposed landscape elements and measures to facilitate plant growth or control erosion.

17.35.080 Alternative Compliance

An applicant who can demonstrate that the intent of this Chapter can be met or exceeded, in whole or in part, by a landscape design concept that may deviate from the base standards of this Chapter may submit an Alternative Landscape Plan (ALP) prepared in accordance with this Section. The ALP must include a narrative that clearly details the modifications being requested and explains how they enhance the landscape design.

- A. **Required Elements.** In order to qualify for consideration, an ALP must demonstrate compliance with the following:
 - 1. **Use of Drought-Tolerant or Native Vegetation.** Preservation or incorporation of drought-tolerant or native vegetation.
 - 2. **Compatibility with Surrounding Uses and Coastal Environment.** Compatibility with surrounding uses and the coastal environment. The number of shrubs and trees proposed depends on the type of shrub or tree planted and size at full maturity.

3. **Water Efficiency.** Use of water-efficient irrigation systems and xeriscaping at appropriate locations is essential.
- B. **Approval and Required Findings.** ALPs may be submitted in conjunction with any development application. An ALP may be approved if:
1. There are unique characteristics of the property, site design, stormwater management, or use that warrant special consideration to modify or deviate from the requirements of this Chapter;
 2. Specific characteristics of the landscape design justify deviation from the requirements of this Chapter;
 3. Approval of an ALP will provide for both consistency and compatibility with adjacent properties and the natural coastal environment; and
 4. The ALP demonstrates innovative use of plants and efficient use of water.

Chapter 17.36 Lighting

Sections:

17.36.010	Purpose
17.36.020	Applicability
17.36.030	Prohibitions
17.36.040	General Requirements
17.36.050	Supplemental Requirements

17.36.010 Purpose

The purpose of this Chapter is to control outdoor lighting in order to maintain adequate visibility and safety, conserve energy, and also protect against direct glare, excessive lighting, and light trespass. In addition, this Chapter aims to preserve the community's character and enhance the ability to view the nighttime sky.

17.36.020 Applicability

The standards of this Chapter apply to all new development and to exterior alterations and additions that involve replacement light fixtures or systems, except as provided below.

- A. **Exemptions.** The following lighting is exempt from the provisions of this Chapter.
1. **Emergency Lighting.** Temporary emergency lighting needed by police, fire, and other emergency services.
 2. **Holiday Lights.** Holiday lighting from November 1st to February 1st provided that no individual lamp exceeds 10 watts and 70 lumens. Flashing holiday lights are prohibited on commercial properties.
 3. **Federal and State Facilities.** Those facilities and lands owned or operated as protected by the U.S. Federal Government or the State of California.
 4. **Temporary Exemptions.** Any individual may submit a written request to the Zoning Administrator for a temporary exemption from the requirements of this Chapter. If approved, such exemption will be valid for up to 30 days, renewable at the discretion of the Zoning Administrator. The request for a temporary exemption must describe:
 - a. Specific exemptions requested;
 - b. Type and use of exterior light involved;
 - c. Duration of time for requested exemption;

- d. Type of lamp and calculated lumens;
- e. Total wattage of lamp or lamps;
- f. Proposed location of exterior light;
- g. Previous temporary exemptions, if any; and
- h. Physical size of exterior light and type of shielding provided.

17.36.030 Prohibitions

The following lighting is prohibited.

- A. **Searchlights.** The operation of searchlights for advertising purposes.
- B. **Nighttime Recreational Facility Lighting.** No outdoor recreational facility, public or private, can be illuminated after 11 p.m. unless a temporary use permit for a special event has been approved.
- C. **Architectural Lighting.** Unshielded outdoor illumination on buildings at a greater than 90-degree angle. Exterior light fixtures attached to a building and designed as an integral part of the building may highlight building forms and architectural details as long as there is no direct spillover of light onto adjacent property and no light causes a hazard to motorists.

FIGURE 17.36.030(C): ARCHITECTURAL LIGHTING



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

- E. **Mercury Vapor.** The installation of new mercury vapor fixtures. Existing mercury vapor fixtures must be removed and replaced with compliant lighting fixtures wherever substantial alterations and additions are undertaken, exclusive of ordinary maintenance and repair.
- F. **Other Light Types.** Blinking, flashing, revolving, flickering, changing intensity of illumination, and changing color lights. This prohibition does not apply to holiday lights, or digital displays, which are regulated in Chapter 17.41, Signs.

17.36.040 General Requirements

Outdoor lighting must be designed to be an integral part of the built environment, reflecting a balance for the lighting needs with the contextual ambient light level and surrounding nighttime characteristics of the community. Lighting for commercial installations adjacent to or near residential uses must be compatible with and not directly illuminate nearby residential uses.

- A. **Design of Fixtures.** Fixtures must be appropriate to the style and scale of the architecture must be used. Fixtures on buildings must be attached only to walls or eaves, and the top of the fixture must not exceed the height of the parapet or roof or eave of roof.
- B. **Timing Controls.** All outdoor lighting in non-residential development must be on a time clock or photo-sensor system and turned off during daylight hours and during any hours when the building is not in use and the lighting is not required for security.
- C. **Shielding.** All lighting must be designed to confine direct rays to the premises or onto adjacent public rights-of-way.
 - 1. **Shielding.** All exterior illuminating devices must be fully shielded, except as provided below.
 - a. *Exceptions.*
 - (1) Luminaires that have a maximum output of 260 lumens per fixture, regardless of number of bulbs (equal to one 20-watt incandescent light), may be left unshielded, provided the fixture has an opaque top to keep light from shining directly up.
 - (2) Luminaires that have a maximum output of 1,000 lumens per fixture, regardless of number of bulbs (equal to one 60-watt incandescent light) may be partially shielded, provided the bulb is not visible, and the fixture has an opaque top to keep light from shining directly up.
 - (3) Low-voltage (12 volts or less), low-wattage ornamental landscape lighting fixtures, and solar-operated light fixtures

having self-contained rechargeable batteries, where any single light fixture does not exceed 100 lumens.

- (4) Sensor-activated lighting located in such a manner as to prevent direct glare and lighting into properties of others or into a public right-of-way, and provided the light is set to only go on when activated and to go off within five minutes after activation has ceased.
2. **Flood Lights.** Flood lights with external shielding may be angled provided that no light escapes above a 25-degree angle measured from the vertical line from the center of the light extended to the ground, and only if the light does not cause glare or light to shine on adjacent property or public rights-of-way. Flood lights with directional shielding are encouraged. Photocells with timers that allow a flood light to go on at dusk and off by 11 p.m. are required.

17.36.050 Supplemental Requirements

- A. **Height of Wall Mounted Fixtures.** In pedestrian-oriented areas, wall-mounted fixtures can be no more than 12 feet above grade, unless greater height is approved by the Zoning Administrator specifically for accentuating historic architectural features of a building, accentuating signage and/or landscape features, or for security.
- B. **Pedestrian Area Lighting.** Bollard lighting or similar low-mount landscape fixtures must be used for illuminating pedestrian areas.
- C. **Parking Lot Lighting.** Parking lot lighting must be designed to provide the minimum lighting necessary to ensure adequate vision, comfort and safety in parking areas and to not cause glare or direct illumination onto adjacent properties or streets.
 1. Parking lot and pole-mounted security lighting must not exceed maximum mounting height of 14 feet to the top of the fixture including any base within 100 feet of an R District. In all other areas, parking and security lighting must not exceed a maximum height of 20 feet. The Zoning Administrator may allow light fixtures to exceed 20 feet in height in large parking lots that may require higher and fewer poles for aesthetic reasons, and to better accomplish lighting uniformity.
 2. Light trespass (the maximum vertical illumination measured at a point five feet within the property line) must not be any greater than 0.1 foot-candles.
 3. Parking lot lights and fixtures must be located such that trees located in the parking lot do not obscure the operation of the light.
- D. **Outdoor Facilities.** Light fixtures in outdoor recreational facilities such as ball fields, and other outdoor nighttime facilities may exceed the height limits of the zoning district in

compliance with § 17.25.070, Exceptions to Height Limits. Because outdoor nighttime facilities (concerts, athletic contests, etc.) have unique lighting needs and illumination levels vary, depending on the nature of the activity, all such lighting requires Zoning Administrator approval.

E. **Exterior Display/Sales Areas.** Lighting levels on exterior display/sales areas must be adequate to facilitate the activities taking place in such locations and cannot be used to attract attention to the business.

1. Areas designated as exterior display/sales areas must be illuminated so that the average horizontal illuminance is no more than 5.0 foot-candles.
2. Fixtures must be mounted no more than 20 feet above grade and the concrete pedestals used to protect the light pole must not exceed 24 inches in height and must be included in the overall height calculation.

F. **Gasoline Station/Convenience Store Aprons and Canopies.** Lighting levels on gasoline station/convenience store aprons and under canopies must be adequate to facilitate the activities taking place in such locations.

1. Areas on the apron away from the gasoline pump islands used for parking or vehicle storage must be illuminated in accordance with the requirements for parking lots in Subsection (C), Parking Lot Lighting. If no gasoline pumps are provided, the entire apron must be treated as a parking area.
2. Areas around the pump islands and under canopies must be illuminated so that the minimum horizontal illuminance at grade level does not exceed 5.5 foot-candles.
3. Light fixtures mounted on canopies must be recessed so that the lens cover is recessed or flush with the bottom surface of the canopy and/or shielded by the fixture or the edge of the canopy.
4. Lights must not be mounted on the top or sides of the canopy, and the sides of the canopy cannot be illuminated.

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

1. The walkway, pathway, or ground area must not exceed an illuminated level of 0.5 foot-candles.
2. The vertical illumination levels cannot be more than 0.5 foot-candles.
3. Lighting fixtures must be designed to direct light downward, and light sources must have an initial output of no more than 1,000 lumens.

H. **Signs.** Lighting standards for signage are in Chapter 17.41, Signs.

Chapter 17.37 Nonconforming Uses and Structures

Sections:

17.37.010	Purpose
17.37.020	Establishment of Legal Nonconformity
17.37.030	Nonconforming Uses
17.37.040	Limited Exception for Nonconforming Industrial Uses
17.37.050	Termination of Nonconforming Uses
17.37.060	Nonconforming Structures

17.37.010 Purpose

This Chapter establishes provisions for the regulation of nonconforming uses, structure, parking and site features, and signs that were lawful before the adoption or amendment of this Title or previously adopted City ordinances, but which would be prohibited, regulated or restricted differently under this Title.

The continued presence of nonconforming uses in the City of Goleta is inconsistent with and can also be detrimental to important public interests (e.g., health, safety and welfare) that comprehensive land use, planning and zoning standards are designed to address. The purpose of these affirmative termination provisions for nonconforming uses is to protect the community by bringing nonconforming properties into compliance with existing land use and environmental standards, while balancing the property owners' legal rights to protect legitimate investment backed expectations. This includes making provision for the continued operation of the use for a period of time after it becomes nonconforming in appropriate circumstances.

17.37.020 Establishment of Legal Nonconformity

- A. **Nonconforming Uses, Structures, and Lots.** Any lawfully established use or structure that is in existence on the effective date of this Title or any subsequent amendment but does not comply with all of the standards and requirements of this Title is considered legal nonconforming. Legal nonconforming uses and structures may only be continued subject to the requirements of this Chapter. Any nonconforming use, structure, or lot not deemed to be legally nonconforming to this Title is determined to be illegal and must be abandoned within 90 days of notice from the Zoning Administrator.

- B. **Other Nonconformities.** Nonconforming status may result from any inconsistency with the requirements of this Title, including, without limitation, location, density, height, yards, usable open space, buffering, screening, landscaping, provision of parking, and performance standards, or the lack of an approved Administrative Use Permit, Coastal Development Permit, Conditional Use Permit or other required authorization.

17.37.030 Nonconforming Uses

- A. **Changes of Use.** A legal nonconforming use can be changed to a different use based on the future use as follows:
1. ***New Use Permitted by Right.*** Any nonconforming use may be changed to a use that is allowed by right in the zoning district in which it is located and complies with all applicable standards for such use.
 2. ***New Use Requires a Use Permit.*** No legal nonconforming use can be changed to a different use without approval of a Use Permit, unless the new use is permitted by right. This requirement does not apply to a change of ownership, tenancy, or management where the new use is in the same classification as the previous use, as defined in this Title, and the use is not expanded.
 3. ***New Use Not Permitted.*** Nonconforming uses may not be changed to a different nonconforming use.
- B. **Absence of Use Permit.** Any use that is nonconforming solely by reason of the absence of a use permit may be changed to a conforming use by obtaining the appropriate permit.
- C. **Involuntary Nonconformance.** Notwithstanding any other provision of this Chapter, no lot will be considered nonconforming if such lot is rendered nonconforming as a result of a conveyance of any interest in the lot to a public entity through eminent domain proceedings, under threat of eminent domain proceedings, or to meet a requirement of any public entity having jurisdiction.
- D. **Expansion of Nonconforming Uses.** No lawful nonconforming use may be expanded without the approval of a Conditional Use Permit, subject to the following requirements:
1. ***Within a Conforming Structure.*** A nonconforming use in a structure that conforms to the applicable requirements of this Title and to the Building Code, as adopted by the City, may expand the floor area that it occupies.
 2. ***Within a Structure That Does Not Conform to the Building Code.*** Any nonconforming use in a structure that does not conform to the Building Code, as adopted by the City, may not expand the area it occupies until and unless the structure is brought into conformance with all applicable Building Code requirements.
 3. ***Within a Structure That Does not Conform to this Title.*** A nonconforming use in a structure that does not conform to the requirements of this Title but does conform to the requirements of the Building Code may expand the floor area it occupies.

4. **Expansions to Other Structures or Lots.** A nonconforming use may not be expanded to occupy all or a part of another structure or another lot that it did not occupy on the effective date of this Title.
5. **Required Findings.** Planning Commission may only approve a Conditional Use Permit for an expansion of a nonconforming use after making all the following findings:
 - a. The existing nonconforming use was lawfully established;
 - b. The proposed expansion or substitution of the nonconforming use would not be detrimental to public health, safety, or welfare;
 - c. The proposed expansion or substitution would not be inconsistent with the General Plan and Local Coastal Program and would not preclude or interfere with implementation of any applicable adopted area or specific plan;
 - d. The proposed use will not depress the value of nearby properties;
 - e. No useful purpose would be served by strict application of the provisions or requirements of this Title with which the use or structure does not conform;
 - f. The nonconforming use does not include the storage, processing, use, or generation of hazardous materials, products, or waste;
 - g. The impacts of the nonconforming use is not incompatible with surrounding uses; and
 - h. The nonconforming uses is not an Adult-Oriented Business.
- E. **Discontinuance of Use.** If a legal nonconforming use is discontinued for a period of 12 months or longer, the use is determined to be abandoned and cannot be continued, except as follows.
 1. The legal nonconforming status of a single-unit dwelling will not lapse, regardless of the length of time of non-use;
 2. Industrial uses and oil and gas facilities pursuant to § 17.37.040, Limited Exception for Nonconforming Industrial Uses; or
 3. The owner/operator can provide evidence of continual operation, including:
 - a. Monthly business receipts and an active business license with no lapse; or

- b. Other materials acceptable to the Zoning Administrator.

17.37.040 Limited Exception for Nonconforming Industrial Uses

A. **Limited Exception Determinations for Certain Nonconforming Industrial Uses.** Notwithstanding the foregoing, the City finds that the need may exist to improve the safety or reduce the environmental effects of certain nonconforming industrial uses by allowing minor changes that could result in minor enlargements, extensions, expansions or structural alterations (e.g., installation of emergency back-up generator for fire protection equipment, modifications to emergency shutdown system) to buildings or structures dedicated to such nonconforming uses, despite the fact that they do not conform to all current provisions of this Title. Therefore, an improvement comprising minor enlargements, extensions, expansions, or structural alterations of a building or structure dedicated to an industrial, public works, or energy-related nonconforming use may be allowed with a Limited Exception Determination, subject to the following process and findings:

1. **Process.** No permits will be issued for development, including grading, unless and until a Limited Exception Determination by the Planning Commission is first granted for the proposed improvement. Where no discretionary permit has previously been issued for the existing nonconforming industrial use, appropriate non-discretionary permits may be issued after a Limited Exception Determination has been granted. Where a discretionary permit has been previously issued, changes to that permit may be made pursuant to this Section and the appropriate non-discretionary permits may be issued after a Limited Exception Determination has been granted.
2. **Information Required.** Unless specifically waived by the Zoning Administrator, the following information must be submitted:
 - a. Statement of project objectives;
 - b. Project description, including construction requirements (schedule, equipment, labor, parking), physical changes to existing facilities, and any changes to facility operations or ancillary operations (truck trips, hazardous materials storage, etc.) as a result of the improvement;
 - c. A map showing contiguous properties, including Assessor Parcel Numbers and property owners' names;
 - d. Site plan to scale showing all existing and proposed facilities on the site. The new components, modifications to existing equipment, and any components to be removed must be highlighted;
 - e. Design specifications for any new components;

- f. Estimated expenditures for the improvement, including materials, labor, and equipment;
 - g. Ground and aerial photographs of the site showing the area where the improvement is proposed;
 - h. Identification of any increase in utility use or demand as a result of the improvement (e.g., water, electricity, natural gas);
 - i. Written justification and such data, report(s), and documentation that demonstrate and verify the improvement's public health and safety or environmental benefit. In all cases, the burden of proof will be on the applicant to provide evidence verifying the public health and safety or environmental benefit; and
 - j. Any other supplemental data or information requested by the Zoning Administrator.
- B. **Distribution of Materials.** The Zoning Administrator will distribute the material to the appropriate City and County Departments for a 30-day application completeness review.
- C. **Benefit Assessment.** Upon determination of application completeness, the Zoning Administrator will conduct an assessment of the public health and safety and/or environmental benefits of the application. Information from such benefit assessment or the environmental review will be included in a report to the Planning Commission for its consideration in review an application for a Limited Exception Determination.
- D. **Limited Exception Determination Findings.** After a duly-noticed public hearing, the Planning Commission may approve or approve with conditions a Limited Exception Determination for an improvement that results in the minor enlargement, extension, expansion, or structural alteration to a building or structure dedicated to an industrial, public works, or energy-related nonconforming use provided that the following findings are made:
- 1. The improvement has a demonstrable public health and safety, or environmental benefit.
 - 2. The improvement does not result in any new unmitigated significant environmental impacts.
 - 3. The improvement does not result in an increase in the overall intensity of use beyond the existing permitted use or, for facilities where no permits exist, would not increase the overall intensity of use beyond the current operating limits.
 - 4. The improvement does not extend or expand the existing developed industrial site boundary within a parcel.

5. The improvement does not result in an expansion or extension of life of the nonconforming use due to increased capacity of the structure dedicated to the nonconforming use, or from increased access to a resource, or from an opportunity to increase recovery of an existing resource. Any extension in the life of the nonconforming use affected by the improvement results solely from improved operational efficiency and is incidental to the primary purpose of improving public health and safety or providing an environmental benefit.
6. The improvement does not allow for processing of "new production." For purposes of this Section, "new production" is defined as:
 - a. The development of any oil and/or gas after the adoption of this Title which requires new discretionary local, State, or federal permits, unless it is from an existing well or platform; or
 - b. The development of any oil and/or gas which, after the adoption of this Title, requires approval of a new platform, or a new subsea or onshore well completion.
7. If prior Limited Exception Determinations have been made for the same nonconforming use under this Section, the successive Limited Exception Determinations cumulatively provide a public health and safety or environmental benefit.

17.37.050 Termination of Nonconforming Uses

A. Termination of Legal Nonconforming Use by City Council.

1. The City Council may consider whether or not to order the termination of any legal nonconforming use and the time period within which such use must be terminated as provided herein only after a duly noticed public hearing.
2. The property owner of record and any tenant, individual or business operator known to be occupying the property shall be notified in writing no less than ten days in advance of the hearing that the City Council will be considering whether or not to order the termination of a nonconforming use. The notice shall state the specific date, time, and location of the hearing.
3. If the City Council orders termination of a nonconforming use, the Order of Termination shall include the effective date of the termination and shall be served on the owner of record and any tenant and/or business operator or any other person or business entity known to be occupying the premises via personal service or delivery through the United States Postal Service or any other service designated for overnight delivery. If the City Council determines that there is no known address for an owner of record and any tenant and/or business operator, the Council may direct service of the Order of Termination to be accomplished by

posting the Order on the property and publishing the Notice of the Order of Termination in a newspaper of general circulation. Service of the Termination Order shall be deemed complete at such time as it is served in the manner provided herein.

B. Termination Period. The following time periods shall apply to the termination of a nonconforming use:

1. Except as otherwise provided herein, a non-conforming use that does not occupy a structure shall cease within one year from the date of a City Council Order of Termination.
2. Except as otherwise provided herein, all other nonconforming uses shall cease within five years from the date of a City Council Order of Termination.
3. The City Council may, within its discretion, order termination of a nonconforming use within any other time period that is less than five years where it determines that it would be appropriate in consideration of one or more of the following factors:
 - a. The total cost of land and improvements;
 - b. The length of time the use has existed;
 - c. The length of time the use has existed as a nonconforming use;
 - d. The intended use and scope of use of the property before it became nonconforming;
 - e. Whether the originally intended use and scope of use of the property before it became nonconforming was expanded after it became a nonconforming use or is proposed to be expanded;
 - f. Whether and to what extent the original investment in the improvements on the property was recouped;
 - g. The extent to which the use on the property is incompatible with surrounding uses and properties within the zone, the General Plan and any applicable land use elements;
 - h. The potential threat to public health, safety, or welfare by the continuation of the nonconforming use;
 - i. The cost of moving and reestablishing the use elsewhere; and
 - j. Any other relevant factors.

C. Application for Modification of Order of Termination.

1. Within one year of the issuance of the City Council's Order of Termination, as provided herein, the property owner of record or any lessee of the property, acting with the written consent of the current owner may apply for a modification of the Termination Order to extend the date by which all nonconforming uses shall cease up to an additional 15 years.
2. An Application for Modification shall be submitted on a form to be supplied by the City and shall be signed by the property owner, shall state the reasons why the use should be allowed to continue, and shall state how the continued use will not be incompatible with or detrimental to the uses in the surrounding area adjacent to the property; and shall state how the continued use will be consistent or can be modified to become consistent with the General Plan for the surrounding zoning area.

D. Planning Commission Hearing on the Application for Modification. The Planning Commission shall conduct a duly noticed public hearing within a reasonable time not to exceed 90 days after the application for modification of a Termination Order is deemed complete and accepted by the City, and may approve, conditionally approve, or deny such request for modification. The Planning Commission may also impose such conditions as they may deem necessary to protect the public health, safety and welfare, to provide greater compatibility with the surrounding property and to secure the objectives of the General Plan. In no event may any modification of a Termination Order be approved for a period of more than 15 additional years beyond the date the City Council ordered the elimination of the nonconforming use.

E. Planning Commission Determination.

1. Before making a determination whether or not to grant an application for modification of the Termination Period, as defined herein, the Planning Commission may direct that an amortization analysis be prepared, at the applicant's cost, to assist them in evaluating the application. The amortization analysis shall be conducted by a reputable firm, selected by and retained under contract to the City. Said firm should have the appropriate knowledge and expertise in conducting amortization analyses, including but not limited to experience in analyzing operations, relevant accounting and financial reporting standards, compliance demands and valuation of facilities for the use or uses being conducted on the property.
2. Applicant shall make a deposit with the City of the estimated cost of the amortization analysis, staff time and hearing costs relating to the application and shall thereafter promptly pay any additional costs over the initial estimate. Failure to make the required deposit within seven days of being advised by the City of the estimated costs for the application for modification, including the amortization analysis shall be deemed a withdrawal of the Application for

Modification of the Termination Period and no further action will be taken by the City on such application. The time period to make the deposit may be extended by the City Manager for an additional seven days.

3. The Planning Commission may continue the hearing on the application for modification as necessary to complete such amortization analysis.
 4. The Planning Commission shall consider all documentary and oral evidence and testimony submitted for or at the hearing, and in making its decision to modify the Termination Order shall consider the following, where applicable:
 - a. The total cost of land and improvements when the property was first constructed and/or began operating, including any expansions or modifications during the period when the use was a lawful (conforming) use;
 - b. The total length of time the use has existed since it was first constructed and/or became operational;
 - c. The length of time the use has been nonconforming;
 - d. The intended scope of the business operating on the property at the time the use became nonconforming? (Examples, business permits, licenses, applications, etc.);
 - e. Whether the intended scope of the business operating on the property before it became nonconforming has been or is proposed to be expanded or intensified since the property became nonconforming;
 - f. Whether and to what extent the investment in the improvements on the property before it became a nonconforming use was recouped;
 - g. The extent to which the use on the property is incompatible with surrounding uses and properties within the zone, the General Plan and any applicable land use elements;
 - h. The possible threat to public health, safety, or welfare by the continuation of the nonconforming use beyond the five year elimination period;
 - i. The cost of moving and re-establishing the use elsewhere; and
 - j. Any other relevant factors.
- F. **Appeal.** The Planning Commission determination may be appealed to the City Council.

17.37.060 Nonconforming Structures

- A. **Right to Continue.** Any legal nonconforming building or structure may only be continued and maintained provided there is no alteration, enlargement, or addition; no increase in occupant load; nor any enlargement of the area, space, or volume occupied by or devoted to any use therein, except as provided in this Section. The right to continue to use a nonconforming building or structure attaches to the land and is not affected by a change in ownership. No substitution, expansion, or other change in use and no alteration or other change in structures is permitted, except provided in this Section.
- B. **Right to Repair or Restore.** Legal nonconforming structures may be repaired, maintained, or restored in compliance with the requirements of this Section, unless deemed to be a public nuisance because of health or safety conditions.
- C. **Enlargements or Alterations.** Nonconforming structures may be enlarged, extended, structurally altered, or repaired in compliance with all applicable laws, subject to the following provisions:
1. Alterations and enlargements that comply with the following, subject to only require the approval of the Zoning Administrator:
 - a. Alterations or enlargements necessary to meet City or State requirements; and
 - b. Alterations or enlargements consistent with the current requirements of the zoning district in which the structure is located or otherwise allowed in that zoning district.
 2. Alterations and enlargements that comply with the following are subject to approval of a Conditional Use Permit:
 - a. Alterations or enlargements that extend into a nonconforming yard, where the alteration or enlargement would not:
 - (1) Further reduce any existing nonconforming yard;
 - (2) Exceed applicable building height limits;
 - (3) Further increase any existing nonconforming lot coverage; or
 - (4) Increase the required number of off-street parking spaces unless parking is provided under current standards for the additional floor area.
- D. **Maintenance and Nonstructural Repairs and Alterations.** Maintenance and non-structural repairs alterations are permitted to a nonconforming structure or to a structure

occupied by a nonconforming use, so long as the changes and improvements do not enlarge the structure.

E. **Structural Repairs.** Structural repairs that do not enlarge the structure, including modification or repair of bearing walls, columns, beams, or girders, may be undertaken only when the Building Official determines that such modification or repair is immediately necessary to protect public health and safety of the occupants of the nonconforming structure, or occupants of adjacent property, or when the cost of such work does not exceed 50 percent of the replacement cost of the nonconforming structure as determined by the Building Official.

F. **Restoration of a Damaged Structure.**

1. A legal nonconforming building or structure that is damaged or partially destroyed may be restored or rebuilt if the cost of repair or reconstruction does not exceed 75 percent of the replacement cost of the nonconforming structure as determined by the Building Official. Replacement of the damaged portions of the building is allowed by right provided that the replaced portions are the same size, extent, and configuration as previously existed and repair work commences within 24 months of the date of damage.

2. If the cost of repair or reconstruction exceeds 75 percent of the replacement cost of the nonconforming structure as determined by the Building Official, the land and building will be subject to all of the requirements and applicable standards of this Title in effect at the time of the loss. However, the Planning Commission may approve a Conditional Use Permit for the structure to be rebuilt to the same size, extent, and configuration as previously existed as long as the previous use is continued or the original use is re-established.

Chapter 17.38 Oil and Gas Facilities

Sections:

17.38.010	Purpose
17.38.020	Applicability
17.38.030	Permit Requirements
17.26.040	Development Standards
17.38.050	Oil and Gas Pipelines
17.38.060	Abandonment and Removal Procedures for Oil and Gas Facilities
17.26.070	Deferral of Abandonment

17.38.010 Purpose

This Chapter outlines regulations for those onshore and offshore oil and gas facilities that are identified in the General Plan and Local Coastal Program; identifies the types of permits and approvals required for operation and abandonment/decommissioning of those facilities; provides regulations for the operation of oil and gas facilities; and describes the requirements for modifications or alterations of existing oil and gas facilities, consistent with the General Plan and Local Coastal Program and with the provisions described in Chapter 17.37, Nonconforming Uses and Structures.

17.38.020 Applicability

The regulations of this Chapter apply to oil and gas production from onshore and offshore facilities, including all equipment, structures, and appurtenances necessary for the exploration, development, production, processing, treatment, decommissioning, and shipment of oil and gas resources. These regulations must also be applied in accordance with the provisions of Chapter 25B of the Goleta Municipal Code regarding any change in owner, operator, or guarantor for certain oil and gas facilities.

17.38.030 Permit Requirements

Planning Commission approval of a Conditional Use Permit is required to establish any oil and gas facility use within the City of Goleta. For modification to and/or expansion of an existing facility, a Limited Exception Determination by the Planning Commission is required pursuant to Chapter 17.37, Nonconforming Uses and Structures.

- A. **Required Findings.** In addition to any findings required under Chapter 17.55, Use Permits, and satisfaction of the development standards described in § 17.38.040, a Conditional Use Permit for oil and gas facilities will only be approved or conditionally approved if the Planning Commission makes the following findings:

1. Consolidation or collocation within or adjacent to an existing processing facility to accommodate the proposed production is not feasible or is more environmentally damaging;
2. There are no feasible alternative locations or less environmentally damaging alternative locations for the proposed oil and gas facility, as determined through environmental review under the California Environmental Quality Act; and
3. The owner or operator of the proposed facility has mitigated any significant adverse effects on any adjacent parcels and the scenic resources of the surrounding area to the maximum extent feasible.

If a Limited Exception Determination is being requested under the provisions of § 17.37.040, the findings listed in § 17.37.040.D govern.

17.38.040 Development Standards

The following development standards apply to all of the oil and gas facilities described in § 17.38.020.

- A. **Height Limit.** Structures must not exceed a height of 45 feet, except as modified by a condition of the Conditional Use Permit, in accordance with Chapter 17.55. In such case, the increase to the specified height limit must be based on a Commission determination that the increased height is essential to operations, would not significantly impact scenic resources, and that no reasonable alternative configuration is feasible.
- B. **Setbacks.** New facilities must meet the setback standards of the zones where they are sited and, in addition, cannot be within 500 feet of either the mean high tide line, or an occupied residential use.
- C. **Authority to Construct.** The applicant must receive "authority to construct" from the Air Pollution Control District and obtain a Coastal Development Permit, if in the Coastal Zone.
- D. **Oil Storage Capacity.** Oil storage capacity must be limited to the amount necessary to conduct operations, and no long-term storage is allowed without explicit approval in the Conditional Use Permit.
- E. **Noise and Vibration.** Machinery used in production and/or processing must be designed and housed to ensure that noise and vibration will be reduced the maximum extent feasible. Drilling or production operations which are within or adjacent to an R or C District must not exceed a maximum daytime exterior noise level of 65 dB(A) CNEL at the project property boundary and must not be conducted between the hours of 9:00 p.m. and 7:00 a.m. of any day, unless all noise-generating facilities are sufficiently insulated to reduce the exterior night-time level to 50 dB(A) CNEL at any portion of the project property boundary.

- F. **Odors, Fumes, Gases, Liquids, and Smoke.** Any offensive odors, fumes, noxious gases, liquids, or smoke (i.e., visible combustion products, not including steam) generated at the facility, other than from motor vehicles, that are detectable outside the facility boundary are prohibited.
- G. **Exterior Color.** Permanent structures and equipment must be painted a neutral color to blend with natural surroundings.
- H. **Delivery Hours.** Except in an emergency, materials, equipment, tools, or pipe used for drilling, plant operations, or transport, must not be delivered to or removed from an oil and gas facility within or through streets within an R District between the hours of 7:00 p.m. and 7:00 a.m.
- I. **Grading and Drainage.** Grading and alteration of natural drainages, watersheds, and hillsides must be minimized to the maximum extent feasible. Where grading and alteration of natural drainages, watersheds, or hillsides is required to carry out a project, adequate mitigation must be required, including use of landform grading techniques, temporary vegetation, seeding, mulching, or other suitable stabilization to minimize impacts to affected areas. All cut-and-fill slopes must utilize landform grading techniques and be stabilized immediately with planting of native grasses and shrubs or appropriate non-native plants. Significant impacts to surface water due to short-term sedimentation of streams must be mitigated to the maximum extent feasible through adequate erosion and sediment controls, including containment of loose soil.
- J. **Site Restoration.** A site-specific restoration, erosion control, and revegetation plan must be prepared for areas impacted by construction.
- K. **Adequate Water Source.** Proposed development must have adequate public and private services and resources, including a reliable long-term source of water. The applicant must provide an “unconditional” will-serve letter or contract for service from the Goleta Water District or other appropriate source of water deemed acceptable by the City.
- L. **Safe Conduct of Activities.** All activities must be conducted in such a manner so as not to be injurious to the health, safety, or welfare of persons who may be present in the vicinity of the facility.
- M. **Contingency Plans.** An Emergency Response Plan, Fire Protection Plan, Hazardous Materials and Waste Management Plan, Oil Spill Contingency Plan, and Hydrogen Sulfide Incident Plan must be prepared for the facility. Additional contingency plans (e.g., Flood Control Plan) may be required on a project-by-project basis.
- N. **Spills.** Effective containment and clean-up must be provided for all accidental spills that occur.
- O. **Performance Security.** To ensure that abandonment is carried out, a performance security must be posted by the owner/operator before issuance of any permits in an

amount of 125 percent of the estimated cost of obtaining the required permits, implementing abandonment and decommissioning procedures, and restoring the site. The financial surety will be returned to the owner/operator upon successful abandonment and restoration of the site.

17.38.050 Oil and Gas Pipelines

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

- A. **Applicability.** The regulations in this Section apply to:
1. Pipelines that extend outside an oil and gas facility (i.e., transmission and distribution lines).
 2. Pipelines transporting oil and gas or related content from or to an offshore area.
 3. Facilities related to the pipeline, including simple, in-line pump stations and oil storage.
- B. **Development Standards.** In addition to the applicable standards outlined in § 17.38.040, the following development standards apply to oil and gas pipelines:
1. **Location of Pipeline Corridor.** No new oil and gas pipelines and storage facilities, except for transmission and distribution facilities of a Public Utilities Commission (PUC)-regulated utility, will be approved within the City, unless there is no feasible or less environmentally damaging alternative location for a proposed pipeline. Alterations or replacement of existing pipelines or segments of pipelines will be limited to the minimum necessary to ensure safety or prevent environmental damage. Applicants must consult with the federal Office of Pipeline Safety or the California Public Utilities Commission as appropriate.
 2. **Required Setback.** A minimum setback of 25 feet measured from each side of the gas gathering and transmission pipelines is required. Exceptions to this requirement include:
 - a. Corridor-type locations, such as pipelines within roads and highways, other pipelines, bicycle and pedestrian paths, utilities, and appurtenances of corridors located into public rights-of-way;
 - b. Pipeline endpoints and interconnecting pipelines;
 - c. Replacement of a public utility pipeline with a functionally equivalent pipeline;

- d. Instances where this requirement is pre-empted by State or federal law; and
 - e. Instances where the City finds the 25-foot setback poses an undue hardship to proposed development, provided that any reduced setback is not less than 15 feet, measured from each side of the pipeline.
3. **Survey Required.** Except for pipelines exempted from a Coastal Development Permit under Public Resources Code § 30610(c) and (e) of the California Coastal Act as defined by the State Coastal Commission's Interpretive Guidelines, a survey must be conducted along the route of any pipeline to determine what, if any, coastal resources may be impacted by the construction and operation of a pipeline. The applicant must pay the costs of this survey. The survey may be conducted as part of environmental review as required under the California Environmental Quality Act (CEQA) (Public Resources Code § 21000 et seq.) for a particular project.
 4. **Pipeline Marking and Warning.** New pipelines or relocation of existing pipelines must include measures to clearly warn outside parties about the presence of the pipeline, including proper marking of the right-of-way with signage and use of brightly colored warning tape approximately one foot above buried pipelines, where feasible.
 5. **Revegetation and Habitat Restoration.**
 - a. *Submittal of Revegetation and/or Habitat Restoration Plan.* The applicant must submit a revegetation plan with all applications to modify, abandon, or change the production level or pipeline location. The plan must also include provisions for restoration of habitats that will be disturbed by construction or operation procedures and a monitoring plan to assess progress in returning the site to pre-construction conditions. The Planning Commission must review and approve all revegetation and/or habitat restoration plans prior to commencement of construction.
 - b. *Performance Security.* For projects in which a revegetation plan and/or habitat restoration plan has been prepared, a performance security must be provided in an amount sufficient to ensure completion of all requirements of the approved revegetation and/or restoration program, and will be released upon satisfactory completion and success of the plantings.
 - c. *Annual Surveys to Assess Effectiveness.* For projects for which a revegetation plan and/or habitat restoration plan has been prepared, the affected pipeline segment must be resurveyed 12 months after completion of construction to assess the effectiveness of the revegetation and restoration program. Subsequent surveys must be

completed and submitted to the Zoning Administrator on an annual basis to demonstrate progress in returning the site to pre-construction conditions, until such time that the Zoning Administrator determines that additional monitoring is no longer necessary.

6. **Safety Measures Required.** Oil and gas operation pipelines that cross fault lines and areas that are susceptible to erosion, sliding, earthquakes, or other geologic events will be subject to additional safety standards, including emergency shut-off or other measures deemed necessary by the City.
7. **Spills.** Where pipeline segments carrying hydrocarbon liquids pass through important coastal resource areas (e.g., recreation, habitat, archaeological, or other areas of significant coastal resource value), automatic shut-off valves and/or other measures deemed necessary by the City must be utilized to minimize the amount of spilled liquids in the sensitive area. The potential for damage in those areas must be minimized by considering spill volumes, duration, and trajectories in the selection of a pipeline corridor. In addition, appropriate measures for spill containment and clean-up (e.g., catch basins to contain a spill) must be included as part of the required emergency response plan.
8. **Equipment/Activities/Use Confined to Right-of-Way.** Equipment and activities must be restricted to the pipeline right-of-way to the maximum extent feasible. Following installation of a pipeline, use of the right-of-way will be restricted to the pipeline easement.
9. **Burial Within Corridor.** Permits for new pipeline construction must require engineering of pipe placement and burial within a corridor to minimize incremental widening of the corridor during subsequent pipeline projects, unless the proposed route is determined to be unacceptable for additional pipelines.
10. **Repair and Replacement of Existing Pipelines.** The repair, replacement, or modification of existing underground oil or gas pipelines will not require a permit, provided that each of the following criteria is met:
 - a. The repair, replacement, or modification activities will not take place in, or require access through, an environmentally sensitive habitat area or other sensitive area identified by the City.
 - b. The repair, replacement, or modification will not result in a substantial increase in volume of oil or gas transported through the pipeline.
 - c. The pipeline, after repair, replacement, or modification will comply with all applicable safety and engineering standards established by State and federal law.

- d. The repair, replacement, or modification will not significantly expand or alter the right-of-way occupied by the existing pipeline.
 - e. The ground surface above the pipeline will be restored to its prior condition (or better) immediately upon completion of work. Where the ground surface was previously vegetated, the pipeline operator will revegetate the surface within three months of the completion of repair and/or replacement.
- C. **Required Findings.** In addition to any findings required under Chapter 17.55, Use Permits, new pipeline construction outside of industrial facilities will not be approved unless the applicable review authority also makes all of the following findings:
- 1. Use of available or planned common-carrier and multiple-user pipelines is not feasible.
 - 2. Pipelines will be constructed, operated, and maintained as common-carrier or multiple-user pipelines, unless the applicable review authority determines it is not feasible, taking into account the reasonably foreseeable needs of other potential shippers.
 - 3. New pipelines are routed in approved corridors that have undergone comprehensive environmental review, unless the applicable review authority determines that these corridors are not available, not safe, not technically feasible, or not the environmentally preferred route for the proposed new pipeline.
 - 4. When a new pipeline route is proposed, it is environmentally preferable to feasible alternative routes.
 - 5. When a new pipeline is proposed, the project's environmental review has analyzed the cumulative impacts that are anticipated to result from locating additional pipelines in that corridor in the future.
 - 6. Concurrent or "shadow" construction has been coordinated with other pipeline projects that are expected to be located in the same corridor where practical.

17.38.060 Abandonment and Removal Procedures for Oil and Gas Facilities

This Section establishes procedures to achieve the timely abandonment and proper removal of applicable oil and gas facilities, reclamation, and final disposition of pipelines in compliance with applicable laws and permits, pursuant to the General Plan/Coastal Land Use Plan. As used in this Section, "abandonment" means the discontinuance of an existing oil and gas facility beyond a stated period of time (12 months) with no evidence of a clear intent on the part of the owner to restart operations of the facility.

- A. **Applicability.** This Section applies to all oil and gas facilities that handle, or at one time handled, natural gas, natural gas liquids, oil, produced water, or waste water that originated from an onshore or offshore reservoir, and any oil and gas pipelines, regardless of whether these uses were permitted in compliance with this Title or any preceding zoning regulations.
- B. **Requirement to File an Application.**
1. **Intentional Abandonment.** The owner or operator of an oil and gas facility must apply for a Demolition and Reclamation Permit upon intentional cessation or abandonment of the facility.
 2. **Other Events that Trigger Submittal of Application.** The owner or operator of an oil and gas facility must apply for a Demolition and Reclamation Permit application, or a request to defer abandonment pursuant to Section 17.38.070, Deferral of Abandonment, upon the occurrence of either of the following:
 - a. **City Permit Requirement.** Any event designated in an existing City permit that would require consideration of abandonment; or
 - b. **Idle Land Use or Business Function.** The facility has not been operated or has become idle for at least 12 months.
 3. **Time Period.** A Demolition and Reclamation Permit application, or a request to defer abandonment pursuant to Section 17.38.070, Deferral of Abandonment, where an applicant seeks to defer abandonment, must be filed within a timely fashion, at least 90 days prior to the date of the proposed intentional abandonment; and no later than 180 days after an event specified in Paragraph (B)(2), Other Events that Trigger Submittal of Application, has occurred.
- C. **Abandonment Plan.** An Abandonment Plan must be submitted to the Planning Commission for review and approval, in conjunction with the application for Demolition and Reclamation, and as part of any request for expansion of production levels for oil and gas.
1. **Contents of Abandonment Plan.** The Abandonment Plan must provide a detailed description of all decommissioning work and site restoration activities, including remediation of soil and groundwater contamination if required by the City or County Fire Department, and the proposed disposition of all materials.

Removal of all facilities and debris is required, unless the Commission finds that their removal would be detrimental to the health, safety, or general welfare of the public or the environment.
 2. **Escrow Deposit/Surety.** As described in § 17.38.040.O, a performance security in an amount of 125 percent of the estimated cost of obtaining the required

permits, implementing abandonment and decommissioning procedures, and restoring the site, must be posted by the owner/operator before issuance of any permits. The financial surety will be returned to the applicant upon successful abandonment and restoration of the site.

D. **Content of Application for a Demolition and Reclamation Permit.** An application for a Demolition and Reclamation Permit must be in a form and content as required by the Zoning Administrator and contain the following:

1. Name, address, and facility owner/operator contact information.
2. Name, address, and general description of the current land use.
3. Gross and net acreage and boundaries of the subject property.
4. Location of all structures (above- and below-ground) proposed to be removed.
5. Location of all structures (above- and below-ground) proposed to be left in place.
6. Location of all utilities on the subject property.
7. Location of all property interests (e.g., easements) held on or adjacent to the subject property that may be affected by demolition or reclamation activities.
8. The type and extent of all known and/or anticipated contamination and proposed remedial actions that will be needed.
9. Location of flood, geologic, seismic, and other hazardous areas.
10. Location of archaeological sites, habitat resources, prime scenic areas, jurisdictional waterbodies, and sensitive vegetation types.
11. Location and use of all structures within 50 feet of the boundaries of the subject property.
12. A proposed decommissioning plan detailing the activities required to remove structures, including the estimated number of workers required on site to decommission the facilities and structures; disposition of the equipment and structures proposed for decommissioning; proposed method for transporting equipment, structures, and estimated quantities of debris from the site, and the disposal location; the number of haul trips required; and a proposed schedule for the decommissioning activities.
13. A waste-management plan to maximize recycling and minimize waste material.
14. Evidence of all permits required by other overseeing agencies for any activities associated with decommissioning or reclamation of the site.

15. A proposed grading and drainage plan.
 16. A proposed plan to convert the site to natural conditions or to another proposed land use, including a detailed restoration schedule.
 17. A statement of intent regarding the disposition of utilities associated with operation of the facility (e.g., fire protection, power, sewage disposal, transportation, water).
 18. Measures that will be implemented to prevent or minimize nuisance effects (e.g., dust, fumes, glare, smoke, traffic congestion, noise/vibration) and to prevent danger to life and property.
 19. Any other information deemed necessary by the Zoning Administrator.
- E. **Processing of Demolition and Reclamation Permit.** The Demolition and Reclamation Permit shall be accepted and processed concurrently, in the same manner as a Conditional Use Permit, pursuant to Chapter 17.53, Common Procedures, and Chapter 17.55, Use Permits.
- F. **Findings Required for Demolition and Reclamation Permit.** Approval of a Demolition and Reclamation Permit requires that all of the following findings are made:
1. **Mitigation of Adverse Impacts.** Significant adverse impacts to the environment resulting from demolition and reclamation of the site will be mitigated to a less-than-significant level, unless it is shown that impacts cannot feasibly be mitigated, in which case they will be mitigated to the maximum extent feasible.
 2. **Streets and Highways.** Streets and highway capacity is adequate and they are properly designed to carry the type and quantity of traffic generated by the demolition and reclamation activities.
 3. **Conformance with Requirements of Other Entities.** Conditions for assessment or remediation of soil or water contamination at the subject site fully conform to the permitting processes and requirements of the Regional Water Quality Control Board and County Fire Department.
 4. **Protection of Health, Safety, and Welfare.** The proposed reclamation activities will not be detrimental to the comfort, convenience, health, safety, and general welfare of the neighborhood, or be incompatible with the surrounding area.
 5. **Restoration to Natural Conditions.** The subject site will be restored to natural conditions unless areas within the site are subject to approved development, in which case restoration and landscaping of these areas will conform to the newly permitted development. In cases where development is proposed but not yet permitted, restoration of affected areas to natural conditions may be waived,

provided an application for development has been accepted as complete within two years of issuance of the Demolition and Reclamation Permit, and the permittee has posted financial assurances acceptable to the Planning Commission to ensure restoration to natural conditions if the proposed development is not permitted and/or constructed.

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

6. **Public Access or Use.** The proposed reclamation will leave the subject site in a condition that is compatible with any existing easements or dedications for public access through or public use of a portion of the property.
 7. **Completion of Post-Closure Activities.** The permit conditions contain specific enforceable requirements to ensure the timely closure of the site and completion of post-closure activities.
- G. **Conditions Required for Decommissioning and Reclamation.**
1. **Time Period for Decommissioning.** The owner/operator must commence the decommissioning activities within two years of the cessation of operations and must complete removal of all oil and gas facilities within two years following the start of the decommissioning project.
 2. **Protection of Sensitive Habitat.** The owner/operator must implement interim measures to protect any sensitive habitat areas located within the boundaries of project site, as well as those that may be affected on adjacent properties by noise, air emissions, or other effects resulting from demolition and reclamation activities.
 3. **Monitoring to Ensure Compliance.** The demolition and reclamation activities will be monitored by a qualified individual, funded by the facility owner or operator and retained by the City, to ensure compliance with those conditions designed to mitigate anticipated significant adverse effects on the environment and to provide recommendations in instances where effects were not anticipated or mitigated by the conditions imposed on the Demolition and Reclamation Permit. Pre- and post-reclamation surveys of sensitive resources will be employed as appropriate to measure compliance.
 4. **Subsurface Pipeline Segments.** When subsurface pipeline segments are decommissioned, they must be removed along with all debris, except under the following circumstances:

- a. The pipeline is within a City right-of-way or traverses an environmentally sensitive habitat, provided that the segment has been cleaned properly and treated prior to the abandonment in place.
 - b. Areas of ground disturbance must be restored to pre-project conditions, including revegetation of the affected area.
 - c. Where segments of pipelines that traverse environmentally sensitive habitats, including without limitation, wetlands, streams, or coastal dunes and beaches, are decommissioned and/or removed, all affected habitat areas must be restored consistent with the character of the habitat.
 - d. The existing owner/operator of a pipeline to be decommissioned is responsible for all costs related to the decommissioning. When a responsible owner/operator of an inactive or abandoned pipeline cannot be found, any successor in interest is the responsible party, including the owner of the real property on which the pipeline is situated.
 - e. The owner/operator or other responsible party must record appropriate notification with the County Recorder to update, supersede, or release the recorded rights-of-way where a subsurface pipeline is abandoned in place. This notice must describe the presence and location of the abandoned pipeline, any material placed in the pipeline for abandonment, and the operator and owner of the pipeline before abandonment.
5. ***Previously Unidentified Contamination.*** The site must be assessed for previously unidentified contamination. The owner or operator must diligently seek all necessary permit approvals, including revisions to the Demolition and Reclamation Permit if required, in order to remediate the contamination.
 6. ***Other Conditions or Requirements.*** The Commission, in consultation with City Departments, may impose any other appropriate, necessary, and reasonable conditions or require any changes to the project as deemed necessary to protect the health, safety, and general welfare of the public, protect property, preserve the character, natural resources, or scenic quality of the area, or implement the purpose of this Section or any other provisions of the Goleta Municipal Code.
 7. ***Completion of Permit Requirements.*** The owner or operator must complete all requirements of the Demolition and Reclamation Permit before the expiration of the permit, including any extensions of the permit. Failure to do so will constitute a violation of this Section.
 8. ***Term.*** Demolition and Reclamation Permits must expire upon issuance of a "Reclamation Complete" letter by the Zoning Administrator, which will be issued

upon the satisfactory completion of the required work. The Zoning Administrator's "Reclamation Complete" letter must certify completion of all required work except for remediation of contamination, which is certified by other agencies.

17.38.070 Deferral of Abandonment

- A. **Content of Application to Defer Abandonment.** An application to defer abandonment must be in a form and content as required by the Zoning Administrator and must contain the following:
1. Name, address, and facility owner/operator contact information.
 2. Name, address, and general description of the current land use.
 3. Date when the current land use first became idle.
 4. Reason for idle status.
 5. Status of upstream (connected) production facilities, where applicable.
 6. Listing of any facility equipment that has been identified on a plan and its current condition (i.e., removed from the site, on site but not in operational condition), explanation of effect of missing or inoperable equipment on the full operation of the facility, and measures necessary to return inoperable equipment back to operational condition.
 7. Plans and schedule to restart operations and identification of any components that would remain inactive following facility restart.
 8. Identification of any reasonable circumstances that could delay restart of operations in accordance with the described plan and schedule.
 9. Any other information deemed necessary by the Zoning Administrator.
- B. **Processing of Application to Defer Abandonment.** An application to defer abandonment shall be accepted and processed concurrently, in the same manner as a Conditional Use Permit, pursuant to Chapter 17.53, Common Procedures, and Chapter 17.55, Use Permits.
- C. **Decision on Application to Defer Abandonment.**
1. ***Basis for Denial.*** The Planning Commission must grant the application for deferral of abandonment unless the evidence shows that an idle facility has no reasonable possibility of being restarted or the owner has no intent of restarting operations at the facility within a reasonable period of time.

2. ***Effect of a Federal Energy Regulatory Commission (FERC) Action.*** Notwithstanding subparagraph (1), above, the Planning Commission must approve the application for deferral of abandonment for any pipeline subject to the jurisdiction of the FERC if FERC has determined that abandonment is not appropriate.
3. ***Factors to Consider.*** The Commission must consider all relevant evidence in determining if an oil and gas facility has been abandoned, including whether any of the following has occurred:
 - a. The oil and gas leases that have supplied the facility with product have terminated.
 - b. The oil and gas operations that have supplied the facility with product have been abandoned.
 - c. There are no other existing offshore leases that may reasonably be expected to use the facility or site in the next three years. The City may consider leases within the next five years if a finding of substantial evidence of investment-backed expectations and community benefits is made to justify the extension.
 - d. Major and essential components of the facility have been removed from the site or have fallen into disrepair so that they are no longer functional.
 - e. Permits or other entitlements for the facility (e.g., permits from the Air Pollution Control District) have been surrendered, expired, revoked, or otherwise rendered invalid and no intent has been demonstrated to renew or reacquire the permits.
 - f. The Fire District has issued an order requiring abandonment.
 - g. Any other evidence that shows clear intent to abandon.
 - h. The owner or operator of the facility no longer has a vested right to continue operation.
4. ***Deferral Approval.*** The Planning Commission may approve a one-time-only abandonment deferral for a period of 180 days or other period of time established in the deferral approval.

Chapter 17.39 Parking and Loading

Sections:

17.39.010	Purpose
17.39.020	Applicability
17.39.030	General Provisions
17.39.050	Required Parking Spaces
17.39.060	Parking Reductions
17.39.070	Parking In-Lieu Fee
17.39.080	Location of Required Parking
17.39.090	Bicycle Parking
17.39.100	On-Site Loading
17.39.110	Parking Area Design and Development Standards

17.39.010 Purpose

The purpose of Chapter is to:

- A. Ensure that adequate off-street vehicle and bicycle parking and loading facilities are provided for new land uses and major alterations to existing uses;
- B. Minimize the negative environmental impacts that can result from parking lots, driveways, and drive aisles within parking lots;
- C. Establish standards and regulations for parking, loading, and vehicle circulation areas that minimize conflicts between pedestrian and vehicles and, where appropriate, create buffers from surrounding land uses;
- D. Offer flexible means of minimizing the amount of area devoted to parking by allowing reductions in the number of required spaces in transit-served locations and for shared parking facilities; and
- E. Reduce urban run-off and heat island effects from paving in parking lots.

17.39.020 Applicability

- A. **New Buildings and Land Uses.** On-site parking must be provided at the time any main building or structure is erected or any new land use is established.
- B. **Reconstruction, Expansion, and Change in Use of Existing Non-Residential Buildings.** When a change in use, expansion of a use, or expansion of floor area creates an increase of 10 percent or more in the number of required on-site parking or loading spaces, additional on-site parking and loading must be provided for such addition, enlargement, or change in use and not for the entire building or site. The existing parking must be

maintained. If the number of existing parking spaces is greater than the requirements for such use, the number of spaces in excess of the prescribed minimum may be counted toward meeting the parking requirements for the addition, enlargement, or change in use. A change in occupancy is not considered a change in use, unless the new occupant is in a different use classification than the former occupant. Additional parking spaces are not required for the reconstruction of an existing building when there is no increase in floor area.

- C. **Alterations that Increase the Number of Dwelling Units.** The creation of additional dwelling units through the alteration of an existing building or construction of an additional structure or structures requires on-site parking to serve the new dwelling units. This requirement does not apply when sufficient on-site parking exists to provide the number of spaces required for the existing and new dwelling units.
- D. **When Constructed.** Construction of required parking facilities must be completed and the spaces available for use before a Certificate of Occupancy can be issued.
- E. **Damage or Destruction.** When a use that has been involuntarily damaged or destroyed is re-established, off-street parking or loading facilities must also be re-established or continued in operation in an amount equal to the number maintained at the time of such damage or destruction.

17.39.030 General Provisions

- A. **Existing Parking and Loading to be Maintained.** No existing parking and/or loading serving any use may be reduced in amount or changed in design, location, or maintenance below the requirements for such use, unless equivalent substitute facilities are provided. No property owner can sublease, subrent, or otherwise encumber the off-street parking spaces required by this Chapter. Existing off-street parking spaces that are not required can be used for other uses that are allowed in the zoning district consistent with this Title. Required off-street parking must not be used for storage or other non-parking related uses.
- B. **Nonconforming Parking or Loading.** An existing use of land or structure will not be deemed to be nonconforming solely because of lack of on-site parking or loading facilities required by this Chapter, provided that facilities used for on-site parking and/or loading are not reduced further in number.
- C. **Accessibility.** Required parking must be accessible during all business hours.
- D. **Stacked Parking.** Stacked or valet parking is allowed if an attendant is present or an automated system is in place to move vehicles. If stacked parking managed by an attendant is used for required parking spaces, an acceptable form of guarantee must be filed with the Zoning Administrator ensuring that an attendant will always be present when the lot is in operation.

- E. **Unbundling Parking from Residential Uses.** A Conditional Use Permit is required and the following rules apply to the sale or rental of parking spaces accessory to new multiple-unit residential uses of 10 units or more:
1. All off-street spaces may be leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units, such that potential renters or buyers have the option of renting or buying a residential unit at a price lower than would be the case if there were a single price for both the residential unit and the parking space.
 2. In cases where there are fewer parking spaces than dwelling units, the parking spaces must be offered first to the potential owners or renters of three-bedroom or more units, second to owners or renters of two-bedroom units, and then to owners and renters of other units. Spaces must be offered to tenants first. Non-tenants may lease with a provision for 30 days to terminate the lease.
 3. Renters or buyers of on-site inclusionary affordable units must have an equal opportunity to rent or buy a parking space on the same terms and conditions as offered to renters or buyers of other dwelling units.
- F. **Residential Garage Conversion.** The conversion of single-unit residential garages into additional living space for the primary unit or as a second dwelling unit is allowed only if:
1. The residence was constructed before 1960;
 2. Equivalent number of covered off-street parking spaces will be provided on site; and
 3. The interior garage dimensions are no more than 10 feet wide by 30 feet deep.

17.39.040 Required Parking Spaces

- A. **Minimum Number of Spaces Required.** Each land use must be provided at least the number of on-site parking spaces stated in paragraphs (1) and (2) below.
1. **Mixed-Use Development.** The required numbers of on-site parking spaces are stated in Table 17.39.040(A)(1), Required On-Site Parking Spaces, Mixed-Use Development. The parking requirement for any use not listed in Table 17.39.040(A)(1) must be the same as required for the land use in other zoning districts as stated in Table 17.39.040(A)(2), Required On-Site Parking Spaces, Single-Use Development.

TABLE 17.39.040(A)(1): REQUIRED ON-SITE PARKING SPACES, MIXED-USE DEVELOPMENT		
<i>Land Use</i>	<i>Required Parking Spaces</i>	
Residential		
Studio and one-bedroom units	1 space per unit	One covered space must be provided for each unit. One additional guest parking space must be provided for every 5 units
Two or more bedrooms	2 spaces per unit, which may be reduced to 1.5 with a Conditional Use Permit	
Non-Residential		
Offices	1 space per 450 square feet	
Retail Sales	1 space per 400 square feet	
Restaurant	1 space per 250 square feet	

2. **Single-Use Development.** Each land use in all zoning districts must be provided at least the number of on-site parking spaces stated in Table 17.39.040(A)(2), Required On-Site Parking Spaces, Single-Use Development.

TABLE 17.39.040(A)(2): REQUIRED ON-SITE PARKING SPACES, SINGLE-USE DEVELOPMENT		
<i>Land Use Classification</i>	<i>Required Parking Spaces and Additional Regulations</i>	
Residential Uses		
Single-Unit Dwelling	2 spaces per dwelling unit, plus 1 space if the unit contains 3,000 sq. ft. or more of floor area, excluding the garage Must be within a garage.	
Second Dwelling Unit	1 space per bedroom, 1 space if studio unit	
Multiple-unit Dwelling		
<i>Studio</i>	1 space per unit	One covered space must be designated for each unit. One additional guest parking space must be provided for every 5 units. Up to 25-percent reduction allowed for senior housing
<i>One-bedroom</i>	1.5 spaces per unit	
<i>Two or more bedrooms</i>	2 spaces per unit	
Family Day Care		
<i>Small</i>	None in addition to what is required for the residential use.	
<i>Large</i>	1 space per employee, plus an area for loading and unloading children, on or off site. (Required spaces and the residential driveway for the primary residential use may be counted toward meeting these requirements).	
Group Residential	1 space per unit, plus 1 for every 10 units	
Mobile Home Parks	2 spaces per site, 1 space for every 3 sites for guest parking	

TABLE 17.39.040(A)(2): REQUIRED ON-SITE PARKING SPACES, SINGLE-USE DEVELOPMENT	
<i>Land Use Classification</i>	<i>Required Parking Spaces and Additional Regulations</i>
Residential Care	
<i>Small</i>	None in addition to what is required for the residential use
<i>Large</i>	1 space for every 4 guest rooms, plus 3 spaces for every 4 employees
Residential Facility, Assisted Living	1 space per guest room, plus 1 space per 2 employees
Single Room Occupancy (SRO) Housing	1 space per two units
Public and Semi-Public Uses	
Cemetery	As determined by the Zoning Administrator
Colleges and Trade Schools, Public or Private	1 space per 3 members of the school population (including students, faculty, and staff) based on maximum enrollment.
Community Assembly	1 space for each 4 permanent seats in main assembly area, or 1 space for every 100 sq. ft. of assembly area where temporary or moveable seats are provided.
Community Garden	As determined by the Zoning Administrator
Cultural Institutions and Facilities	Performing Arts Centers: 1 space for each 4 permanent seats in main assembly area, or 1 for every 30 sq. ft. of assembly area where temporary or moveable seats are provided. Galleries, Libraries and Museums: 1 space for every 1,000 sq. ft. of floor area. Other establishments: as determined by the Zoning Administrator
Day Care Facility	1 space per 350 sq. ft. of floor area
Emergency Shelter	See § 17.42.120, Emergency Shelters
Government Buildings	1 space per 300 sq. ft. of floor area.
Hospitals and Clinics	
<i>Hospital</i>	1 space per two beds plus one space per three employees
<i>Clinic</i>	1 space per 200 sq. ft. of floor area
<i>Skilled Nursing Facility</i>	1 space per unit
Park and Recreation Facilities	As determined by the Zoning Administrator
Parking, Public or Private	1 space per attendant station (in addition to the spaces that are available on the site).
Public Safety Facilities	As determined by the Zoning Administrator
Schools, Public or Private	Elementary and Middle Schools: 1.5 spaces per classroom, plus 1 space per 250 sq. ft. of office area. High Schools: 6 spaces per classroom.
Social Service Facilities	1 space per 200 sq. ft. of floor area.
Sustainable Living Research Site	As determined by the Zoning Administrator

TABLE 17.39.040(A)(2): REQUIRED ON-SITE PARKING SPACES, SINGLE-USE DEVELOPMENT	
<i>Land Use Classification</i>	<i>Required Parking Spaces and Additional Regulations</i>
Commercial Use Classifications	
Adult Oriented Business	1 space per 500 sq. ft. of floor area
Animal Care, Sales and Services	
<i>Animal Sales and Grooming</i>	1 space per 300 sq. ft. of floor area.
<i>Boarding, Kennel</i>	1 space per employee, plus an area for loading and unloading animals on site.
<i>Veterinary Services</i>	1 space per 250 sq. ft. of floor area.
Automobile/Vehicle Sales and Services	
<i>Auction</i>	1 space per 350 sq. ft. of floor area
<i>Automobile Rentals</i>	1 space per 500 sq. ft. of office area, in addition to spaces for all vehicles for rent.
<i>Automobile/Vehicle Sales and Leasing</i>	1 space per 3,000 sq. ft. of lot area. Any accessory auto repair: 2 spaces per service bay.
<i>Automobile/Vehicle Repair, Major</i>	4 spaces per service bay. 1 per 250 sq. ft. of any retail or office on site.
<i>Automobile/Vehicle Repair, Minor</i>	4 spaces per service bay. 1 per 250 sq. ft. of any retail or office on site.
<i>Service and Gas Station</i>	4 spaces per service bay, if service bays are included on site. 1 per 250 sq. ft. of any retail or office on site.
<i>Automobile/Vehicle Washing</i>	1 space per 250 sq. ft. of any indoor sales, office, or lounge areas.
Banks and Financial Institutions	1 space per 300 sq. ft. of floor area.
Building Materials, Sales and Service	1 space per 1,000 sq. ft. of floor area plus 1 per 2,000 sq. ft. of outdoor display area.
Business Services	1 space per 300 sq. ft. of floor area.
Catering Services	1 space per 300 sq. ft. of floor area.
Commercial Entertainment and Recreation	1 space per 200 sq. ft. of assembly area, or as determined by the Zoning Administrator
Eating and Drinking Establishments	
<i>Bars/Night Clubs/Lounges</i>	1 space per 150 sq. ft. of customer seating area
<i>Restaurant, Full Service</i>	1 space per 75 sq. ft. of customer seating area;
<i>Restaurant, Limited Service</i>	1 space per 300 sq. ft. of space devoted to patrons, plus 1 space per 2 employees
<i>Restaurant, Takeout Only</i>	2 spaces per establishment
Food and Beverage Sales	1 space per 500 sq. ft.

TABLE 17.39.040(A)(2): REQUIRED ON-SITE PARKING SPACES, SINGLE-USE DEVELOPMENT	
<i>Land Use Classification</i>	<i>Required Parking Spaces and Additional Regulations</i>
Funeral Parlors and Internment Services	1 space for each 4 permanent seats in assembly areas, plus 1 per 250 sq. ft. of office area or 1 for every 30 sq. ft. of assembly area where temporary or moveable seats are provided.
Instructional Services	1 space per 500 sq. ft. of public or instruction area or 0.25 spaces per student for group instruction; none for individual instruction
Live/Work Units	1 space per 1,000 sq. ft. of nonresidential area plus 1 space for each residential unit.
Lodging and Visitor-Services	
<i>Hotels and Motels; Time Share Uses</i>	1 space per guest room, plus 2 spaces adjacent to registration office. Additional parking required for ancillary uses, such as restaurants, according to the parking requirements for the ancillary use.
Maintenance and Repair Services	1 space per 1,000 sq. ft. of floor area, plus one space for each fleet vehicle.
Media Production Facility	1 space per 500 sq. ft. of floor area
Nurseries and Garden Centers	1 space per 500 sq. ft. of floor area; 1 per 1,000 sq. ft. of outdoor display area.
Offices	
<i>Business, Professional, and Technology; Walk-In Clientele</i>	1 space per 300 sq. ft. of floor area up to 100,000 sq. ft. 1 per 350 sq. ft. over 100,000 sq. ft.
<i>Medical and Dental</i>	1 space per 275 sq. ft. of floor area.
Outdoor Sales	As determined by the Zoning Administrator
Personal Services	1 space per 350 sq. ft. of floor area.
Retail Sales	
<i>General Retail</i>	1 space per 350 sq. ft. of floor area
<i>Large Format Retail</i>	1 space per 250 sq. ft. of floor area
Industrial Uses	
Automobile Wrecking/Junk Yard	1 space per 1,000 sq. ft. of building area plus 1 space per 0.5 acre of gross outdoor use area.
Construction and Materials Yards	1 space per 2,500 square feet up to 10,000 square feet. 1 space per 5,000 square feet over 10,000 square feet.
Custom Manufacturing	1 space per 2,000 sq. ft. of floor area, plus 1 space per 300 sq. ft. of office.
General Manufacturing	1 space per 1,500 sq. ft. of use area plus 1 space per 300 sq. ft. of office.
Limited Industrial	1 space per 1,500 sq. ft. of use area plus 1 space per 300 sq. ft. of office.
Oil and Gas Facilities	As determined by the Zoning Administrator
R&D and Technology	1 space per 600 sq. ft. of manufacturing and assembly; 1 space per 300 sq. ft. of office; 1 space per 1,500 sq. ft. of warehousing; and 1 space per 800 sq. ft. of laboratory

TABLE 17.39.040(A)(2): REQUIRED ON-SITE PARKING SPACES, SINGLE-USE DEVELOPMENT	
<i>Land Use Classification</i>	<i>Required Parking Spaces and Additional Regulations</i>
Vehicle/Equipment Facilities	1 space per service bay plus 1 space per 1,000 sq. ft. of office
Wholesale Trade, Warehouse, Storage and Distribution	
<i>Chemical, Mineral, and Explosives Storage</i>	1 space per 1,000 sq. ft. plus 1 space per 300 sq. ft. of office
<i>Indoor Warehousing and Storage and Outdoor Storage</i>	1 space per 2,000 square feet of area up to 10,000 square feet, 1 space per 5,000 square feet over 10,000 square feet, plus 1 space per 300 square feet of office
<i>Personal Storage</i>	1 space per 75 storage units, plus 1 space per 300 square feet of office area. A minimum of 5 spaces must be provided.
<i>Wholesaling and Distribution</i>	1 space per 2,000 sq. ft. of use area up to 10,000 sq. ft., 1 space per 5,000 sq. ft. over 10,000 square feet, plus 1 space per 300 sq. ft. of office.
Transportation, Communication, and Utilities Uses	
Communication Facilities	As determined by the Zoning Administrator
Freight/Truck Terminals and Warehouses	1 space per 1,000 sq. ft. of interior warehouse space plus 1 per 300 sq. ft. of office
Heliport	As determined by the Zoning Administrator
Light Fleet-Based Services	1 space per 300 sq. ft. of office floor area, plus one space for each fleet vehicle.
Recycling Facilities	1 space per 1,000 sq. ft. of floor area
Utilities, Major	As determined by the Zoning Administrator
Utilities, Minor	None.
Wind Energy Conversion System (WECS)	None.
Agricultural Uses	
Agricultural Processing	As determined by the Zoning Administrator
Agricultural Support Services	As determined by the Zoning Administrator
Animal Raising	As determined by the Zoning Administrator
Crop Cultivation	2 spaces per acre of cultivated land
Greenhouse	2 spaces per acre of cultivated land
Accessory Uses	
Caretaker Unit	1 space

- B. **Calculation of Required Spaces.** The number of required parking spaces must be calculated according to the following rules:
1. **Floor Area.** Where an on-site parking or loading requirement is stated as a ratio of parking spaces to floor area, the floor area is assumed to be gross floor area, unless otherwise stated.

2. **Employees.** Where an on-site parking or loading requirement is stated as a ratio of parking spaces to employees, the number of employees must be based on the largest shift that occurs in a typical week.
 3. **Bedrooms.** Where an on-site parking requirement is stated as a ratio of parking spaces to bedrooms, any rooms having the potential of being a bedroom and meeting the standards of the California Building Code as a sleeping room must be counted as a bedroom.
 4. **Students or Clients.** Where a parking or loading requirement is stated as a ratio of parking spaces to students, the number is assumed to be the number of students or clients at the State-certified capacity or at Building Code occupancy where no State certification is required.
 5. **Seats.** Where parking requirements are stated as a ratio of parking spaces to seats, each 30 inches of bench-type seating at maximum seating capacity is counted as one seat.
- C. **Sites with Multiple Uses.** If more than one use is located on a site, the number of required on-site parking spaces and loading spaces must be equal to the sum of the requirements calculated separately for each use, unless a reduction is approved pursuant to this Chapter.
- D. **Exemptions for Small Commercial Uses.** In C districts, the following commercial uses are not required to provide on-site parking when they contain less than 1,500 square feet of floor area: Retail Sales, Personal Services, Eating and Drinking Establishments, Food and Beverage Retail Sales, Offices–Walk-in Clientele, and Banks and Financial Institutions. However, when more than four such establishments are located on a single lot, their floor areas must be aggregated with all other establishments located on the lot in order to determine required parking.
- E. **Credit for On-Street Spaces in Old Town Zoning District.** On-street parking spaces available all day, located immediately adjacent to the frontage of properties in the Old Town District may be counted toward required off-street parking for non-residential uses. One on-street parking space may be substituted for each required off-street space.
- F. **Calculation of Parking Requirements for Industrial Uses.** The following standards apply when calculating the required number of parking for Industrial uses.
1. **Specified Tenants.** Where tenants are specified and listed by name of company, parking is calculated according to uses identified on the floor plan.
 2. **Unspecified Tenants.** Where tenants are not specified, and the use described on the plans is industrial or warehouse, parking is calculated based on 25 percent of the floor space being used for office uses, and 75 percent of the space being used

for warehouse use, based on the parking ratios for those uses specified in Table 17.39.040(A)(2).

- G. **Uses not Specified.** The parking requirement for any use not listed in Table 17.39.040(A)(2) will be determined by the Zoning Administrator based upon the requirements for the most similar comparable use, the particular characteristics of the proposed use, and any other relevant data regarding parking demand. In order to make this determination, the Zoning Administrator may require the applicant to submit a parking demand study or other information, at the applicant's cost.

17.39.050 Parking Reductions

The number of on-site parking spaces required by § 17.39.040, Required Parking Spaces, may be reduced by the review authority, or Director where there is no other review authority, as follows.

- A. **Transportation Demand Management Programs.** The number of required parking spaces may be reduced up to 20 percent for a project with an approved Transportation Demand Management Program.
- B. **Transit Accessibility.** For any land use except residential single-unit development, if any portion of the lot is located within 0.75 mile of a transit stop with regular, scheduled service during the weekday hours of 7:00 a.m. to 9:00 a.m. and 5:00 p.m. to 7:00 p.m., the number of required parking spaces may be reduced by 20 percent of the normally required number of spaces.
- C. **Motorcycle and Scooter Parking.** Motorcycle and scooter parking may substitute for up to five percent of required automobile parking.
- D. **Shared Parking.** Where shared parking serving more than one use will be provided, the total number of required parking spaces may be reduced up to 50 percent with Planning Commission approval of a Conditional Use Permit, if the Commission finds that:
1. The peak hours of use will not overlap or coincide to the degree that peak demand for parking spaces from all uses will be greater than the total supply of spaces;
 2. The proposed shared parking provided will be adequate to serve each use;
 3. A parking demand study prepared by an independent traffic engineering professional approved by the City supports the proposed reduction; and
 4. In the case of a shared parking facility that serves more than one property, a parking agreement has been prepared consistent with the provisions of § 17.39.070.C, Off-Site Parking.

- E. **Old Town Zoning District.**
1. **Redevelopment.** Where a development with a legal nonconforming parking deficiency is replaced with new development or new construction, the new development shall receive a parking credit equal to the number of required automobile parking spaces unmet by the previous development.
 2. **Restaurant Parking.** The total number of required parking spaces for restaurants with more than 2,500 square feet of floor area located within the Old Town Zoning District may be reduced with Planning Commission approval of a Conditional Use Permit.
- F. **Other Parking Reductions.** Required parking for any use may be reduced through Planning Commission approval of a Conditional Use Permit.
1. **Criteria for Approval.** The Commission may only approve a Conditional Use Permit for reduced parking if it finds that:
 - a. Special conditions—including without limitation, the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working, or visiting the site; or because the applicant has undertaken a Transportation Demand Management Program—exist that will reduce parking demand at the site;
 - b. The use will adequately be served by the proposed on-site parking; and
 - c. Parking demand generated by the project will not exceed the capacity of or have a detrimental impact on the supply of on-street parking in the surrounding area.
 2. **Parking Demand Study.** In order to evaluate a proposed project's compliance with the above criteria, the Zoning Administrator may require submittal of a parking demand study that substantiates the basis for granting a reduced number of spaces.

17.39.060 Parking In-Lieu Fee

If a parking assessment district has been established, a fee may be paid to the City in lieu of providing required parking within the district.

- A. **In-lieu Fee Amount.** The amount of the in-lieu fee must be calculated and paid as set forth in a resolution of the City Council.
- B. **Use of Funds.** In-lieu fees must be used for programs to reduce parking impacts including, without limitation, the costs of any of the following:

1. Off-street parking facilities, including acquisition, development, and maintenance of parking facilities located in the parking assessment district;
2. Mass transit equipment and attendant facilities serving the area in which the buildings for which the payments are made are located;
3. Transit passes and coupons to support employee ride-sharing and transit use; or
4. Transportation system management projects.

17.39.070 Location of Required Parking

A. Residential Uses.

1. ***Single-Unit Dwellings and Second Units.*** Required parking for single-unit dwellings or second units must be located on the same lot as the dwelling(s) served. Required parking cannot be located within required setbacks.
2. ***Other Residential Uses.*** Required parking for residential uses other than single-unit dwellings and second units must be on the same lot as the dwelling or use they serve or in at an off-site location as provided in Subsection (C), Off-Site Parking. Required parking cannot be located within a required front or street side yard.
3. ***Recreational Vehicle Parking/Storage.*** Trailers or motorized vehicles that are intended for recreational, camping, and travel use, including truck campers, camping trailers, self-propelled motor homes, all-terrain vehicles, and boats, may be parked/stored in any yard area except within the front setback area, subject to the following provisions:
 - a. The recreational vehicle cannot exceed 15 feet in height or 36 feet in length.
 - b. The recreational vehicle must be screened from adjacent properties with a six foot fence.
 - c. Recreational vehicle storage within the street side setback area must be screened from view from the public street by solid fencing at least six feet in height.

- #### **B. Non-Residential Uses.**
- Required parking spaces serving non-residential uses must be located on the same lot as the use they serve, or at an off-site parking location as provided in Subsection (C), Off-Site Parking.

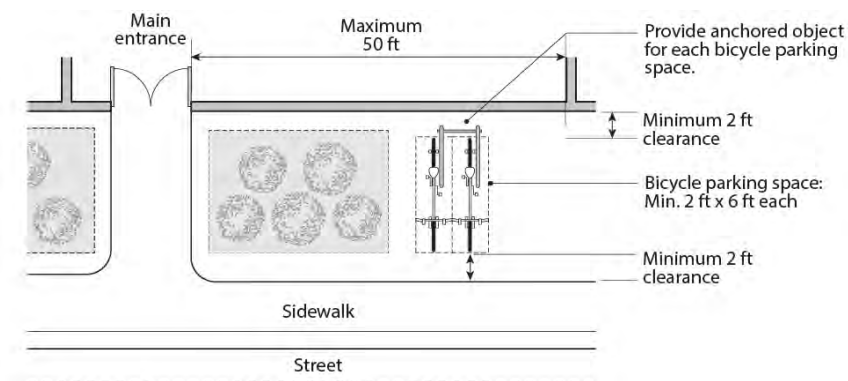
- C. **Off-Site Parking.** Parking for uses other than single-unit dwellings and second units may be provided off-site with Zoning Administrator approval, provided the following conditions are met.
1. **Location.**
 - a. *Residential Uses.* Any off-site parking must be located within 200 feet, along a pedestrian route, of the unit served.
 - b. *Non-residential Uses.* Any off-site parking must be located within 400 feet, along a pedestrian route, of the principal entrance containing the use(s) for which the parking is required.
 2. **Parking Agreement.** A written agreement between the landowner(s) and the City, in a form satisfactory to the City Attorney, must be executed and recorded in the Office of the County Recorder. The agreement must include:
 - a. A guarantee among the landowner(s) for access to and use of the parking facility; and
 - b. A guarantee that the spaces to be provided will be maintained and reserved for the uses served for as long as such uses are in operation.

17.39.080 Bicycle Parking

- A. **Short-Term Bicycle Parking.** Short-term bicycle parking must be provided in order to serve shoppers, customers, guests, and other visitors to a site who generally stay for a short time.
1. **Parking Spaces Required.** For the following uses, the number of short-term bicycle parking spaces must be at least 10 percent of the number of required automobile parking spaces, with a minimum of two parking spaces provided per establishment.
 - a. Multiple-unit residential, group residential, and SRO housing with five or more units.
 - b. All uses in the Public and Semi-Public Land Use Classification, except cemeteries and community gardens.
 - c. All uses in the Commercial Land Use Classification, except animal care, sales, and services.
 2. **Location.** Short-term bicycle parking must be located outside of the public right-of-way and pedestrian walkways, and must be within 50 feet of a main entrance to the building it serves.

- a. *Commercial Centers.* In a commercial center, bicycle parking must be located within 50 feet of an entrance to each anchor store. Bicycle parking must be visible from the street or from the main building entrance, or a sign must be posted at the main building entrance indicating the location of the parking.
 - b. *Old Town District.* Bicycle parking in the Old Town Zoning District may be located in the public right-of-way with an encroachment permit, provided an unobstructed sidewalk clearance of six feet is maintained for pedestrians at all times.
3. **Anchoring and Security.** For each short-term bicycle parking space required, a stationary, securely anchored object must be provided to which a bicycle frame and one wheel can be secured with a high-security, U-shaped shackle lock if both wheels are left on the bicycle. One such object may serve multiple bicycle parking spaces.
 4. **Size and Accessibility.** Each short-term bicycle parking space must be a minimum of two feet in width and six feet in length and must be accessible without moving another bicycle. Two feet of clearance must be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian ways and at least five feet from vehicle parking spaces.

FIGURE 17.39.080(A): SHORT-TERM BICYCLE PARKING



- B. **Long-Term Bicycle Parking.** Long-term bicycle parking must be provided in order to serve employees, students, residents, commuters, and others who generally stay at a site for four hours or longer.
 1. **Parking Spaces Required.**
 - a. *Residential Uses.* A minimum of one long-term bicycle parking space must be provided for every five units for multiple-unit residential and group residential projects.

- b. *Other Uses.* Any use with 25 or more full-time-equivalent employees must provide long-term bicycle parking at a minimum ratio of one space per 20 vehicle spaces with a minimum of one long-term space.
 - c. *Public or Private Parking Use.* Long-term bicycle parking must be provided at a minimum ratio of one space per 50 vehicle spaces with a minimum of one long-term space.
- 2. **Location.** Long-term bicycle parking must be located on the same lot as the use it serves. In public or private parking uses, long-term bicycle parking must be located near an entrance to the structure or surface lot.
- 3. **Covered Spaces.** At least 50 percent of required long-term bicycle parking must be covered. Covered parking can be provided inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures.
- 4. **Security.** Long-term bicycle parking must be in:
 - a. An enclosed bicycle locker;
 - b. A fenced, covered, locked, or guarded bicycle storage area;
 - c. A rack or stand inside a building that is within view of an attendant or security guard or visible from employee work areas; or
 - d. Other secure area approved by the Zoning Administrator.
- 5. **Size and Accessibility.** Each bicycle parking space must be a minimum of two feet in width and six feet in length, and must be accessible without moving another bicycle. Two feet of clearance must be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian ways, and at least five feet from vehicle parking spaces.

17.39.090 On-Site Loading

- A. **Loading Spaces Required.** Every new building, and every building enlarged by more than 5,000 square feet of floor area that is to be occupied by a use requiring the receipt or distribution by vehicles or trucks of material or merchandise must provide off-street loading and unloading areas as follows.

TABLE 17.39.090(A): REQUIRED LOADING SPACES	
<i>Floor Area (sq. ft.)</i>	<i>Required Loading Spaces</i>
0 – 7,000	0
7,001 – 30,000	1
30,001 – 90,000	2

TABLE 17.39.090(A): REQUIRED LOADING SPACES	
<i>Floor Area (sq. ft.)</i>	<i>Required Loading Spaces</i>
90,001 – 150,000	3
150,001 – 230,000	4
230,001 +	1 per each additional 100,000 square feet or portion thereof.

1. **Multi-Tenant Buildings.** The floor area of the entire building must be used in determining spaces for multi-tenant buildings. A common loading area may be required, if each tenant space is not provided a loading area. Drive-in, roll-up doors for multi-tenant industrial projects may be substituted for required loading areas.
 2. **Reduction in Number of Loading Spaces Required.** The loading space requirement may be reduced or waived if the Zoning Administrator finds that the applicant has satisfactorily demonstrated that due to the nature of the proposed use, such loading space will not be needed.
 3. **Additional Loading Spaces Required.** The required number of loading spaces may be increased by the Zoning Administrator to ensure that trucks will not be loaded, unloaded, or stored on public streets. Such requirement must be based on the anticipated frequency of truck pickups and deliveries and of the truck storage requirements of the use for which the on-site loading spaces are required.
- B. **Location.** All required loading berths must be located on the same site as the use served. No loading berth for vehicles over two-ton capacity can be closer than 50 feet to any property in an R District, unless completely enclosed by building walls, or a uniformly solid fence or wall, or any combination thereof, not less than six feet in height. No permitted or required loading berth can be located within 25 feet of the nearest point of any street intersection.
- C. **Minimum Size.** Each on-site loading space required by this Chapter must not be less than 10 feet wide, 30 feet long, and 14 feet high, exclusive of driveways for ingress and egress, maneuvering areas, and setbacks. The minimum size requirement may be modified if the Zoning Administrator finds that the applicant has satisfactorily demonstrated that due to the nature of the proposed use, such size will not be needed.
- D. **Driveways for Ingress and Egress and Maneuvering Areas.** Each on-site loading space required by this Section must be provided with driveways for ingress and egress and maneuvering space of the same type, and meeting the same criteria required for on-site parking spaces. Truck-maneuvering areas must not encroach into required parking areas, travelways, or street rights-of-way. This requirement may be modified if the Zoning Administrator finds that sufficient space is provided so that truck-maneuvering areas will not interfere with traffic and pedestrian circulation.

- E. **Surfacing.** All open on-site loading berths must be improved with a compacted base, not less than five inches thick, surfaced with not less than three inches of plant-mix asphalt, concrete, or comparable material approved by the Zoning Administrator.

17.39.100 Parking Area Design and Development Standards

All parking areas, except those used exclusively for stacked parking, must be designed and developed consistent with the following standards. Parking areas used exclusively for stacked parking are subject only to Subsections (K) through (R). Stacked parking areas which will allow parking at some times without attendants must be striped in conformance with the layout requirements of this Section.

- A. **Size of Parking Spaces and Maneuvering Aisles.** Parking spaces and maneuvering aisles must meet the minimum dimensions required by this Subsection. Screening walls, roof support posts, columns, or other structural members must not intrude into the required dimensions for parking spaces.
1. **Size of Parking Spaces.** Except for parallel parking, standard spaces must have a minimum width of nine feet and a minimum depth of 18 feet. Up to 20 percent of assigned spaces may be reduced to eight feet by 16 feet and labeled "compact." Parking space dimensions are illustrated in Figure 17.39.100(A)(1) and detailed in Table 17.39.100(A)(1).

FIGURE 17.39.100(A)(1): PARKING STALL DIMENSIONS

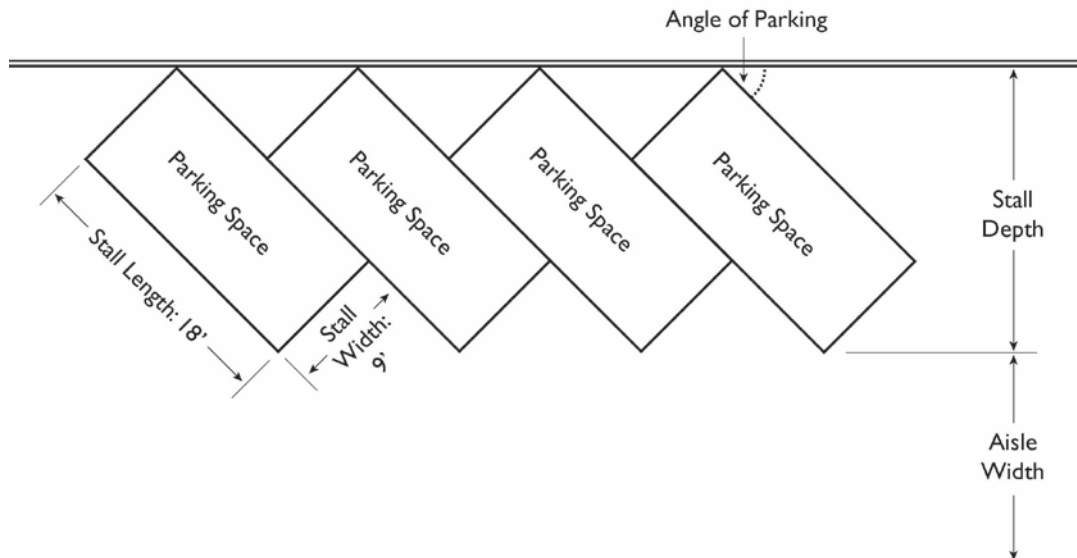
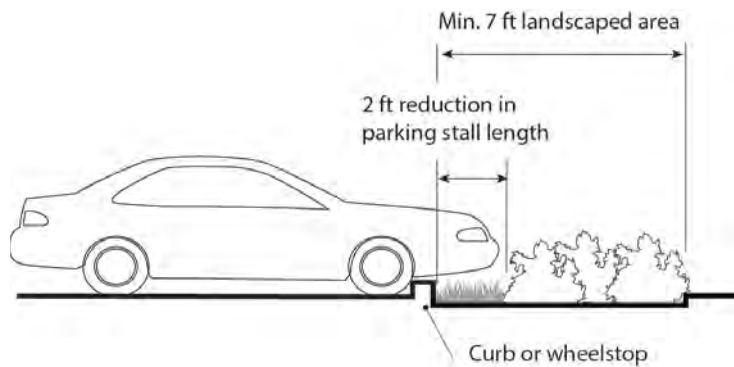


TABLE 17.39.100(A)(1): STANDARD PARKING STALL DIMENSIONS							
Angle of Parking (degrees)	Stall Length (ft.)	Stall Width (ft.)	Stall Depth (ft.)	Aisle Width (ft.)			
				Single Loaded		Double Loaded	
				1-way	2-way	1-way	2-way
90	18	9	18	27'4"	27'4"	27'4"	27'4"
60	18	9	20'1"	16'11"	21'1"	16'3"	20'1"
45	18	9	19'1.1"	12'9"	19'9"	12'4"	18'10"
30	18	9	16'9.6"	11'2"	19'2"	10'3"	18'5"
Parallel	22	8	8	12'	20'	12'	20'

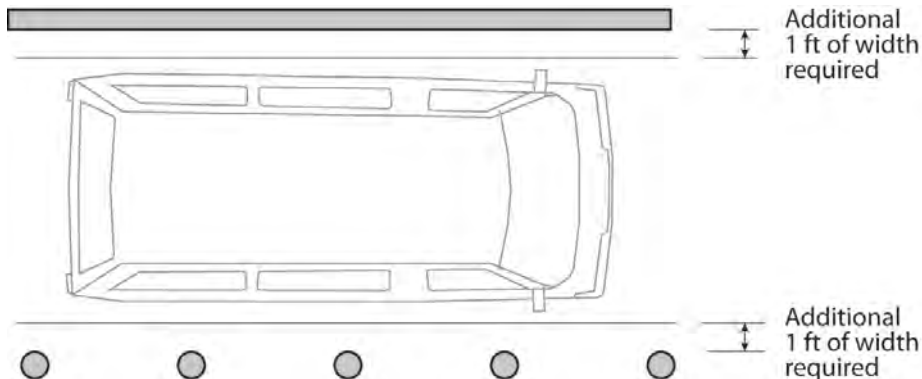
2. **Overhang.** Parking stall lengths, except for parallel spaces, may be reduced by two feet where the parking stall is designed to abut a landscaped area or sidewalk, a minimum of seven feet wide. This landscape area must be protected by a wheel stop (or a curb where one already exists).

FIGURE 17.39.100(A)(2): VEHICLE OVERHANG



3. **Spaces Abutting Walls or Posts.** For each side of a parking space abutting a wall or post, an additional foot of width is required.

FIGURE 17.39.100(A)(3): SPACES ABUTTING WALLS OR POSTS



B. Striping and Marking

1. Each parking space must be clearly striped with paint or other similar distinguishable material, except spaces established in a garage or carport having not more than three parking spaces.
2. Striping for parking spaces may be modified by the Zoning Administrator if there is a dual use of the parking facility or if an alternate surfacing material is allowed pursuant to Subsection (K), below. In approving such modification by site plan, the Zoning Administrator is authorized to require suitable alternate means of marking the spaces.

C. Wheel Stops. Wheel stops must be provided for parking lots with a slope of more than three percent, except that the installation of wheel stops is optional for parking stalls oriented at right angles to the direction of slope. Wheel stops are also required on the perimeter of parking lots that are adjacent to walls, fences, or pedestrian walkways, and when abutting landscaped areas.

D. Accessible Parking for Persons with Disabilities. Parking lots and spaces must be designed to conform with § 4.6 of the American with Disabilities Act Standards for Accessible Design (Parking and Passenger Loading Zones).

E. Tandem Parking. Tandem parking may be permitted to satisfy the off-street parking requirement in accordance with the following:

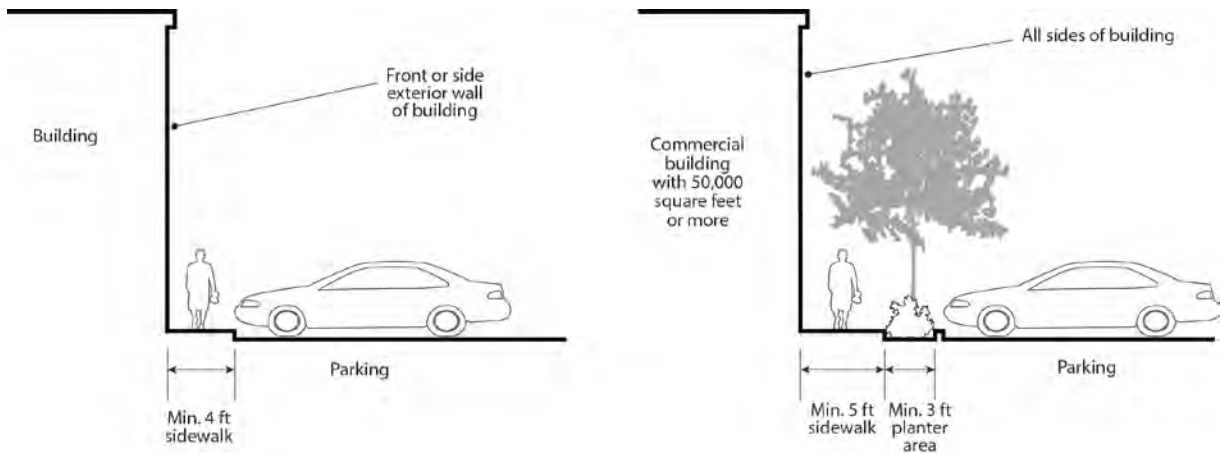
1. No more than two vehicles are placed one behind the other.
2. Both spaces must be assigned to a single dwelling unit or non-residential establishment.
3. Tandem parking to meet required parking for non-residential uses may be used for employee parking; the maximum number of tandem parking spaces must not exceed 50 percent of the total number of spaces.
4. Tandem parking to meet required parking for multiple-unit development must be located within an enclosed structure; the maximum number of tandem parking spaces must not exceed 50 percent of the total number of spaces.
5. Tandem parking must not be used to meet the guest parking requirement.

F. Carpool and Vanpool Parking. At least 10 percent of the required parking spaces for offices and all uses within the industrial use classifications must be designated and reserved for carpools or vanpools. These spaces must be located closest to the main entrance of the project (exclusive of spaces designated for handicapped).

- G. **Shopping Cart Storage.** When there are businesses that utilize shopping carts, adequate temporary shopping cart storage areas must be provided throughout the parking lots. No temporary storage of shopping carts is allowed on pedestrian walkways outside of buildings. Cart storage may be located adjacent to buildings provided the cart storage is physically separated from the pedestrian walkway and pedestrian walkway is a minimum of four feet wide.
- H. **Parking Access.**
1. **Shared Access.** Non-residential projects may provide shared vehicle and pedestrian access to adjacent non-residential properties for convenience, safety, and efficient circulation. A joint access agreement guaranteeing the continued availability of the shared access between the properties approved by the Zoning Administrator must be recorded in the County's Records Office, in a form satisfactory to the City Attorney.
 2. **Forward Entry.** Parking areas of four or more spaces must be provided with suitable maneuvering room so that all vehicles therein may enter an abutting street in a forward direction.
 3. **Driveway Length.** Driveways providing direct access from a public street to a garage or carport must be at least 20 feet in depth.
 4. **Driveway Width.**
 - a. The minimum width of a driveway serving one to two residences must be no less than eight feet total width, with a minimum clearance of 10 feet. The maximum width is 20 feet.
 - b. The minimum width of a driveway serving three to seven residential unit is: (1) eight feet for a one-way driveway, or (2) 14 feet for a two-way driveway.
 - c. The minimum width of a driveway serving seven or more residential or commercial uses is: (1) 10 feet for a one-way driveway, or (2) 20 feet for a two-way driveway.
 - d. The maximum driveway width for nonresidential uses is 20 feet for a one-way driveway and 33 feet for a two-way driveway.
- I. **Size of Parking Spaces for Motorcycles and Scooters.** Motorcycle and scooter parking spaces must have a minimum dimension of five feet by nine feet. All motorcycle and scooter parking areas must be clearly marked and dedicated to these vehicles.

- J. **Electric Vehicle Charging Stations.** In parking facilities containing 20 or more spaces serving multiple-unit dwellings, offices, and lodging uses, at least five percent of parking spaces must be electric vehicle (EV) charging stations.
1. Each EV charging must be clearly marked with a sign reading "Electric Vehicle Charging Station."
 2. EV charging stations may be equipped with card readers, controls, connector devices, and other equipment as necessary for public use.
- K. **Surfacing.** All parking areas must be paved and improved, and all sites must be properly drained, subject to the approval of the Public Works Director.
1. **Cross-Grades.** Cross-grades must be designed for slower stormwater flow and to direct stormwater toward landscaping, bio-retention areas, or other water collection/treatment areas.
 2. **Permeable Paving.** Permeable paving must be used in all overflow parking areas and installed in accordance with manufacturer recommended specifications.
 3. **Turf Grids/Grassy Pavers.** Turf grids/grassy pavers must be installed in areas of low traffic or infrequent use wherever feasible.
- L. **Perimeter Curbing.** A six-inch wide and six-inch high concrete curb must be provided along the outer edge of the parking facility pavement, except where said pavement abuts a fence or wall. Curbs separating landscaped areas from parking areas must be designed to allow stormwater runoff to pass through.
- M. **Heat Island Reduction.** In order to reduce ambient surface temperatures in parking areas, at least 50 percent of the areas not landscaped must be (1) shaded, (2) of light-colored materials with a Solar Reflectance Index of at least 29, or (3) a combination of shading and light colored materials.
1. Shade may be provided by canopies, shade structures, trees, or other equivalent mechanism. If shade is provided by trees, the amount of required shading is to be reached within 15 years.
 2. Trees must be selected from a list maintained by the Public Works Director.
- N. **Separation From On-Site Buildings.** Parking areas must be separated from the front and side exterior walls of on-site buildings by walkways a minimum of four feet in width. Commercial buildings with 25,000 square feet or more of floor area must be separated from on-site parking on all sides by a walkway a minimum of five feet in width, as well as a planter area at least three feet in width. These requirements do not apply to parking areas containing five or fewer spaces.

FIGURE 17.39.100(N): SEPARATION FROM ON-SITE BUILDINGS

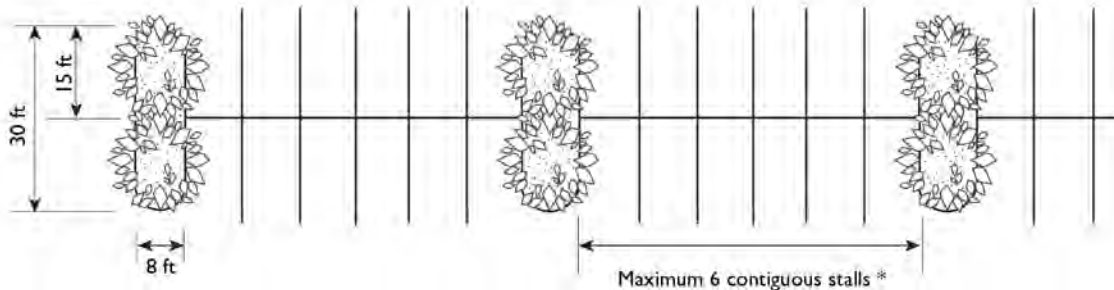


O. **Landscaping.** Landscaping of parking areas must be provided and maintained according to the general standards of Chapter 17.35, Landscaping, as well as the standards of this subsection for all parking areas containing 10 or more uncovered parking spaces:

1. **Materials.** All landscape planting areas that are not dedicated to trees or shrubs must be permeable. No hardscape materials are permitted in designated planting areas.
2. **Landscape Area Required.** A minimum of 10 percent of any parking lot area must be landscaped.
3. **Layout.** Landscaped areas must be well-distributed throughout the parking lot area. Parking lot landscaping may be provided in any combination of:
 - a. Landscaped planting strips at least four feet wide between rows of parking stalls;
 - b. Landscaped planting strips between parking areas and adjacent buildings or internal pedestrian walkways;
 - c. Landscaped islands located between parking stalls or at the ends of rows of parking stalls; and
 - d. On-site landscaping at the parking lot perimeter.
4. **Landscaped Buffer for Open Parking Adjacent to Right-of-Way.** A landscaped area at least five feet wide must be provided between any surface parking area and any property line adjacent to a public street, unless a different dimension is specified in the base district standards applicable to a site.

5. **Landscaped Buffer for Open Parking Abutting Interior Lot Line.** A landscaped area at least three feet wide must be provided between any surface parking area and any adjacent lot for the length of the parking area.
6. **Required Landscape Islands.**
 - a. Parking lot landscape islands must be installed at each end of a row of stalls and in between for maximum six contiguous parking spaces. The distance may be increased to eight contiguous spaces by the Zoning Administrator if it is found that the overall amount of landscaping proposed is increased by at least 10 percent from that required on the entire development site.
 - b. Landscape islands must be a minimum of eight feet wide and 15 feet in length for single-row and 30 feet in length for double-row parking. All measurements are to face of curb.
 - c. One shade tree and three shrubs must be provided for every landscape island.

FIGURE 17.39.100(O)(6): LANDSCAPE ISLANDS

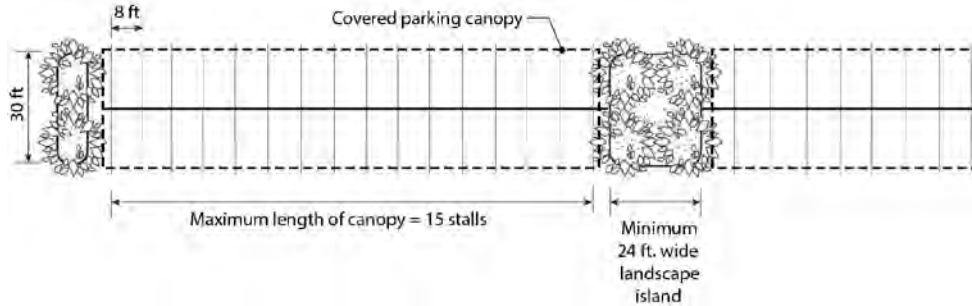


* May be increased to 8 contiguous stalls by the Zoning Administrator if the overall proposed landscaped area on the entire development site is increased by 10%.

- d. Radius curbing must be provided along drive aisles with a minimum four-foot radius.
- e. For rows of more than 16 parking spaces, landscape islands must be staggered.
- f. The maximum length of a covered parking canopy must be 15 contiguous parking spaces. Landscape islands within a row of parking may be eliminated when a conflict with the covered parking canopy occurs. However, landscape islands must be installed at the end of all parking rows.

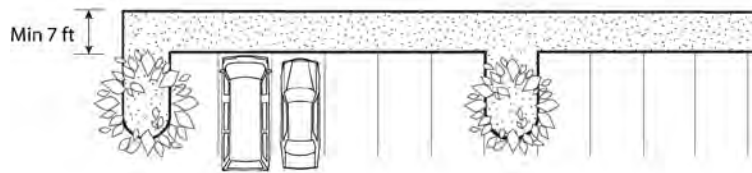
- g. When parking canopies are adjacent to each other in a single row, the total length of each canopy must not exceed 15 parking stalls and the adjoining canopies must be separated by at least a 24-foot-wide landscape island, as depicted in the following illustration.

FIGURE 17.39.100(O)(6)(G): PARKING CANOPIES

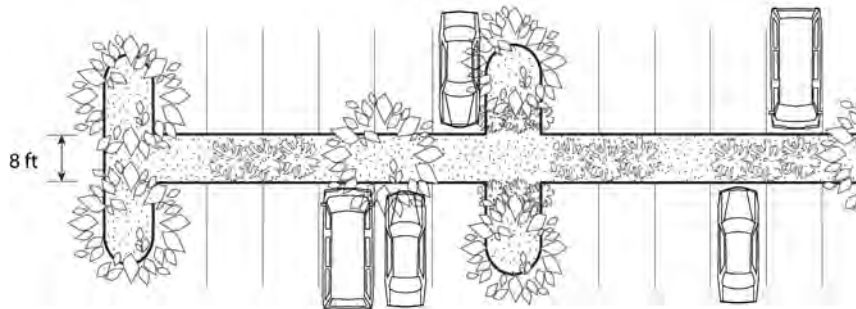


- 7. **Required Landscape Medians.** Where divider medians occur adjacent to head-in parking, vehicle overhang must be as follows:
 - a. **Single-Row Parking.** A minimum five-foot landscape area (or seven feet if a two-foot overhang is provided) is required. The required median width does not include a sidewalk.

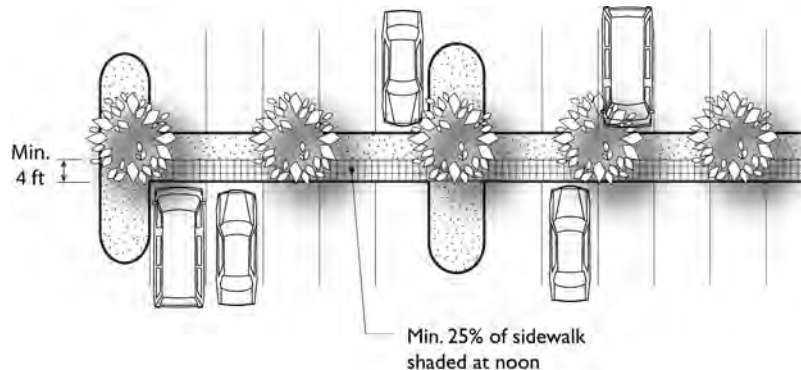
FIGURE 17.39.100(O)(7)(A): SINGLE-ROW PARKING MEDIANS



- b. **Double-Row Parking.** A minimum eight-foot landscape area (or 10 feet if a two foot overhang is provided on both sides of median), measured from face of curb to face of curb, is required where the median width does not include a sidewalk.

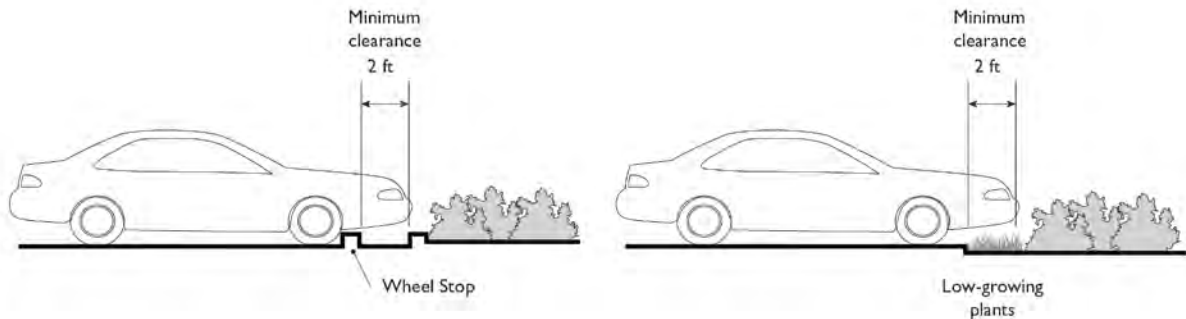
FIGURE 17.39.100(O)(7)(B): DOUBLE-ROW PARKING MEDIANS

- c. *Medians with Sidewalks.* When a sidewalk is located within a median, shade trees must be placed so that at least 25 percent of the sidewalk is shaded at noon. The sidewalk can be no less than four feet in width and wheel stops placed 2 feet from the edge of the sidewalk.

FIGURE 17.39.100(O)(7)(C): MEDIANS WITH SIDEWALKS

8. **Protection of Vegetation.**
- a. *Clearance from Vehicles.* All required landscaped areas must be designed so that plant materials, at maturity, are protected from vehicle damage by providing a minimum two-foot clearance of low-growing plants where a vehicle overhang is permitted, or by wheel stops set a minimum of two feet from the back of the curb.
- b. *Planters.* Parking lot landscaping within planters must be bounded by a concrete curb at least six inches wide and six inches high. Curbs separating landscaped areas from parking areas must be designed to allow stormwater runoff to pass through.

FIGURE 17.39.100(O)(8): PROTECTION OF VEGETATION



9. **Visibility and Clearance.** Landscaping in planters at the end of parking aisles must not obstruct driver’s vision of vehicular and pedestrian cross-traffic. Mature trees must have a foliage clearance maintained at eight feet from the surface of the parking area. Other plant materials located in the interior of a parking lot must not exceed 30 inches in height.

- P. **Screening.** Parking areas containing 10 or more uncovered parking spaces must be screened from public streets, according to the following standards.
 1. **Height.** Screening of parking lots from adjacent public streets must be three feet in height.
 - a. A reduced height for screening devices of up to 18 inches is permitted when lawful display of automobiles, trucks, recreational vehicles, manufactured homes, boats, motorcycles, and utility trailers is allowed adjacent to public streets.

 2. **Materials.** Screening may consist of one or any combination of the methods listed below.
 - a. **Walls.** Low-profile walls consisting of brick, stone, stucco, or other quality durable material approved by the Zoning Administrator, and including a decorative cap or top finish, as well as edge detail at wall ends. Plain concrete blocks are not allowed as a screening wall material unless capped and finished with stucco or other material approved by the Zoning Administrator.

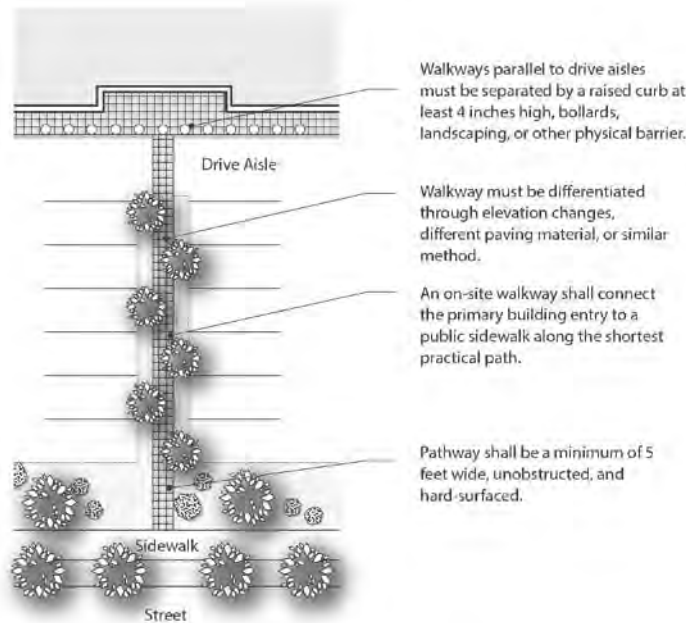
 - b. **Fences.** An open fence of wrought iron or similar material combined with plant materials to form an opaque screen. Use of chain-link or vinyl fencing for screening purposes is prohibited.

- c. *Planting.* Plant materials consisting of compact plants that form an opaque screen. Such plant materials must achieve a minimum height of two feet within 18 months after initial installation.
- d. *Berms.* Berms planted with grass, ground cover, or other low-growing plant materials.

Q. Circulation and Safety.

- 1. Visibility must be assured for pedestrians, bicyclists, and motorists entering individual parking spaces, circulating within a parking facility, and entering or leaving a parking facility.
- 2. Parking lots must be designed so that sanitation, emergency, and other public service vehicles can provide service without backing unreasonable distances or making other dangerous or hazardous turning movements.
- 3. Separate vehicular and pedestrian circulation systems must be provided where possible. Multiple-unit residential developments of five or more units must provide pedestrian access that is separate and distinct from driveways. Parking areas for commercial and mixed-use developments that are 80 feet or more in depth and/or include 25 or more parking spaces must have distinct and dedicated pedestrian access from the commercial use to parking areas and public sidewalks, according to the following standards:
 - a. *Connection to Public Sidewalk.* An on-site walkway must connect the main building entry to a public sidewalk on each street frontage. Such walkway must be the shortest practical distance between the main building entry and sidewalk, generally no more than 125 percent of the straight-line distance.
 - b. *Materials and Width.* Walkways must provide at least five feet of unobstructed width and be hard-surfaced.
 - c. *Identification.* Pedestrian walkways must be clearly differentiated from driveways, parking aisles, and parking and loading spaces through the use of elevation changes, a different paving material, or similar method.
 - d. *Separation.* Where a pedestrian walkway is parallel and adjacent to an auto travel lane, it must be raised and separated from the auto travel lane by a raised curb at least four inches high, bollards, or other physical barrier.

FIGURE 17.39.100(U): PEDESTRIAN CIRCULATION AND SAFETY



- R. **Alternative Parking Area Designs.** Where an applicant can demonstrate to the satisfaction of the Planning Commission that variations in the dimensions otherwise required by this Section are warranted in order to achieve to environmental design and green building objectives, including, without limitation, achieving certification under the LEED™ Green Building Rating System or equivalent, an alternative parking area design may be approved.
- S. **Maintenance.** Parking lots, including landscaped areas, driveways, and loading areas, must be maintained free of refuse, debris, or other accumulated matter and must be kept in good repair at all times.

Chapter 17.40 Performance Standards

Sections:

17.40.010	Purpose
17.40.020	Applicability
17.40.030	General Requirements
17.40.040	Measurement of Impacts
17.40.050	Air Quality
17.40.060	Liquid or Solid Waste
17.40.070	Hazardous Materials
17.40.080	Noise
17.40.090	Smoke, Fumes, and Gases
17.40.100	Vibration

17.40.010 Purpose

The purpose of this Chapter is to:

- A. Establish permissible limits and permit objective measurement of nuisances, hazards, and objectionable conditions;
- B. Minimize various potential operational impacts of land uses and development within the City and promote compatibility with adjoining areas and land uses; and
- C. Affirm City requirements for construction and demolition waste management as they apply to new development.

17.40.020 Applicability

The minimum requirements in this Chapter apply to all new and existing land uses in all zoning districts, including permanent and temporary uses, unless otherwise specified.

17.40.030 General Requirements

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

17.40.040 Measurement of Impacts

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

17.40.050 Air Quality

- A. **Compliance.** Sources of air pollution must comply with rules identified by the U.S. Environmental Protection Agency (Code of Federal Regulations, Title 40), the California Air Resources Board, and the Santa Barbara County Air Pollution Control District.
- B. **Santa Barbara County Air Pollution Control District Permits.** Applicants are responsible for obtaining any and all permits from the Santa Barbara County Air Pollution Control District prior to issuance of final permits by the City.

17.40.060 Liquid or Solid Waste

- A. **Discharges to Water or Sewers.** Liquids and solids of any kind must not be discharged, whether directly or indirectly, into a public or private body of water, sewage system, watercourse, or into the ground, except in compliance with applicable regulations of the California Regional Water Quality Control Board.
- B. **Solid Wastes.** Solid wastes must be handled and stored so as to prevent nuisances, health, safety, and fire hazards, and to facilitate recycling. There can be no accumulation outdoors of solid wastes conducive to the breeding of rodents or insects, unless stored in closed containers.

17.40.070 Hazardous Materials

The use, handling, storage, and transportation of hazardous and extremely hazardous materials must comply with the provisions of the California Hazardous Materials Regulations and the California Fire and Building Code, as well as the laws and regulations of the California Department of Toxic Substances Control, the Santa Barbara Fire Prevention Division, and the Santa Barbara County Office of Emergency Management.

- A. **Hazard Assessment Required.** All new hazardous facilities and any proposed substantial increase in intensity of use for existing hazardous facilities must submit a hazard assessment to the Zoning Administrator. The hazard assessment must identify the risks posed by the new or expanded facility and the geographical extent of significant risk. The City will not allow any facilities that would expose existing residential or commercial development to an unacceptable risk.
- B. **Contaminate Land.** No new development is permitted on land determined to contain actionable contamination until the party responsible for such contamination has been identified and has accepted financial responsibility for any required remediation. The posting of a bond or other surety in an amount and form acceptable to the Zoning Administrator is required.
- C. **Applicant Responsibilities.** An applicant for a proposed non-residential project that will involve the generation, use, transportation, and/or storage of hazardous materials must comply with the following requirements:

1. The use, storage, transportation, and disposal of hazardous materials, including underground or above-ground storage tanks, must comply with Regional Water Quality Control Board requirements and must ensure that the use, storage, transportation, and disposal of hazardous materials does not result in hazardous discharge or runoff.
2. Hazardous materials or wastes stored in closed containers at a facility must not be located within 50 feet of a property line.
3. Before development of a site identified as having been used for the storage of hazardous materials or activities involving the use of hazardous materials, the developer must submit documentation to the Zoning Administrator sufficient to demonstrate that:
 - a. Testing has been conducted as required to determine the existence and extent of soil and/or groundwater contamination; and
 - b. Based on the results of the testing, an appropriate clean-up program has been established and completed.

17.40.080 Noise

- A. **Noise Limits.** Noise and land use compatibility criteria, specified in Table 17.40.080(A), will be used in review of all discretionary permits, and conditions of approval may be imposed to minimize or eliminate incompatibilities.
1. Proposals for new development that would cause standards to be exceeded may only be approved if the project would provide a substantial benefit to the City.
 2. These compatibility criteria also may justify denial of an application if a proposed use would be exposed to clearly unacceptable noise, as defined in the table.
 3. The maximum noise levels specified in Table 17.40.080(A), Noise and Land Use Compatibility Criteria, do not apply to noise generated by automobile traffic or other mobile noise sources in the public right-of-way.

TABLE 17.40.080(A): NOISE AND LAND USE COMPATIBILITY CRITERIA				
<i>Land Use Category</i>	<i>Community Noise Exposure (Ldn or CNEL, dBA)</i>			
	<i>Normally Acceptable¹</i>	<i>Conditionally Acceptable²</i>	<i>Normally Unacceptable</i>	<i>Clearly Unacceptable</i>
Residential-single unit	50-60	60-65	65-75	75-85+
Residential-multiple unit	50-60	60-65	65-75	75-85+
Other Residential Uses	50-60	60-65	65-80	80-85+
Auditoriums, concert halls, and amphitheaters	N/A	50-65	N/A	65-85+

TABLE 17.40.080(A): NOISE AND LAND USE COMPATIBILITY CRITERIA				
<i>Land Use Category</i>	<i>Community Noise Exposure (Ldn or CNEL, dBA)</i>			
	<i>Normally Acceptable¹</i>	<i>Conditionally Acceptable²</i>	<i>Normally Unacceptable</i>	<i>Clearly Unacceptable</i>
Park and Recreation Facilities	50-70	N/A	70-75	75-85+
Other Public/Semi-Public Uses	50-60	60-65	65-80	80-85+
Sports arenas and outdoor spectator sports	N/A	50-70	N/A	70-85+
Golf courses, riding stables, water recreation, and cemeteries	50-70	N/A	70-80	80-85+
Lodging	50-65	65-70	70-80	80-85+
Other Commercial Uses	50-67.5	67.5-75	75-85+	N/A
Industrial, Transportation, Communication, and Utility, and Agricultural Uses	50-70	70-75	75-85+	N/A

Notes:

1. Normally Acceptable: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without special noise-insulation requirements.
2. Conditionally Acceptable: New construction or development may be undertaken only after detailed analysis of the noise reduction requirements is made and needed noise-insulation features are included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning, will normally suffice.
3. Normally Unacceptable: New construction or development is discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features must be included in the design. See § 17.40.090(D), Acoustical Study.
4. Clearly Unacceptable: New construction or development must generally not be undertaken.

N/A: Not applicable.

B. **Adjustments to Noise Exposure Limits.** The maximum normally unacceptable or clearly unacceptable noise levels of Table 17.40.080(A), Noise Limits, may be adjusted according to the following provisions. No more than one increase in the maximum permissible noise level will be applied to the noise generated on each property.

1. **Duration.** The maximum noise exposure levels will be increased as follows to account for the effects of duration:
 - a. Noise that is produced for no more than a cumulative period of five minutes in any hour may exceed the noise limits by five decibels.
 - b. Noise that is produced for no more than a cumulative period of one minute in any hour may exceed the noise limits by 10 decibels.
2. **Character of Sound.** If a noise contains a steady audible tone (such as a hum or buzz), rises or falls in pitch or volume (such as a whine or screech), or is a repetitive noise (such as hammering or riveting) or contains music or speech

conveying informational content, the maximum noise levels will be reduced by five decibels.

- C. **New, Expanded, or Upgraded Noise Sources.** New development or new uses that will create new noise sources or expand existing noise sources will be required to mitigate their noise levels so that the resulting noise does not exceed the conditionally acceptable noise exposure levels for existing uses as specified in Table 17.40.080(A).
- D. **Acoustical Study.** The Zoning Administrator may require acoustical study that includes field measurement of noise levels for any proposed project that would locate a noise source with the potential to increase noise levels to unacceptable levels near an existing sensitive receptor or locate a noise sensitive land use near an existing known or potentially known intrusive noise source, such as a freeway, arterial roadway, industrial facility, or airport traffic pattern. Acoustical studies must identify noise sources, magnitudes, and potential noise mitigation measures, and describe existing and future noise exposure.
- E. **Noise Attenuation Measures.** Any project subject to the acoustic study requirements of Subsection (D), above, may be required as a condition of approval to incorporate noise attenuation measures deemed necessary to ensure that noise standards are not exceeded.
1. New noise-sensitive uses must incorporate noise-attenuation measures to achieve and maintain an interior noise level of 45 Ldn.
 2. Noise-attenuation measures identified in an acoustical study must be incorporated into the project to reduce noise to acceptable levels.
 3. Emphasis will be placed upon site planning and project design measures. The use of noise barriers will be considered only after all feasible design-related noise measures have been incorporated into the project. Where noise barriers are used, they must provide at least a 5-dBA-CNEL noise reduction.
- F. **Equipment Maintenance.** New and existing heating, ventilation, and air conditioning equipment and other commercial/industrial equipment must be adequately maintained in proper working order so that noise levels emitted by such equipment remain minimal. The Zoning Administrator may require noise shielding or insulation for such equipment if the operation of the equipment results in objectionable noise levels at adjacent properties.
- G. **Exemptions.** The provisions of this Section do not apply to:
1. **Emergencies.** The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work.

2. **Warning Devices.** Warning devices necessary for the protection of the public safety, such as police, fire, and ambulance sirens.
3. **Special Events.** Occasional outdoor gatherings, public dances, shows, and sporting and entertainment events, provided that such events are conducted pursuant to a permit or license issued by the City.
4. **Religious Institutions and Other Similar Organizations.** Unamplified bells, chimes, or other similar devices used by religious institutions and other houses of religious worship, as such devices are played between the time period of 7 a.m. and 10 p.m. and the playing period does not exceed one minute in any one hour.
5. **Municipal Solid Waste Collection.** Collection of solid waste, vegetative waste, and recyclable materials by the City or under contract with the City.
6. **Public Works Construction Projects, Maintenance, and Repair.** Street, utility, and similar construction projects undertaken by or under contract to or direction of the City, or the State of California or a public utility regulated by the California Public Utilities Commission, as well as maintenance and repair operations conducted by such parties, including street sweeping, debris and litter removal, removal of downed wires, restoring electrical service, repairing traffic signals, unplugging sewers, vacuuming catch basins, repairing of damaged poles, removal of abandoned vehicles, repairing of water hydrants and mains, gas lines, oil lines, sewers, storm drains, roads, and sidewalks.
7. **Public Utility Facilities.** Facilities including without limitation 60-cycle electric power transformers and related equipment, sewer lift stations, municipal wells, and pumping stations.

17.40.090 Smoke, Fumes, and Gases

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

17.40.100 Vibration

Machinery used for manufacturing and industrial processes, including oil and gas collection, processing and distribution must be designed and housed to ensure that vibration will be reduced to a minimum amount discernible without the aid of instruments by a reasonable person at the lot lines of the site. Vibrations from temporary construction, demolition, and vehicles that enter and leave the subject parcel (e.g., construction equipment, trains, trucks, etc.) are exempt from this standard.

Chapter 17.41 Signs

Sections:

17.41.010	Purpose
17.41.020	Applicability
17.41.030	Exempt Signs
17.41.040	Prohibited Signs
17.41.050	Sign Design Principles
17.41.060	General Provisions for All Sign Types
17.41.070	Standards for Signs by Districts
17.41.090	Standards for Specific Sign Types
17.41.100	Historic Signs
17.41.110	Master Sign Programs
17.41.120	Nonconforming Signs

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

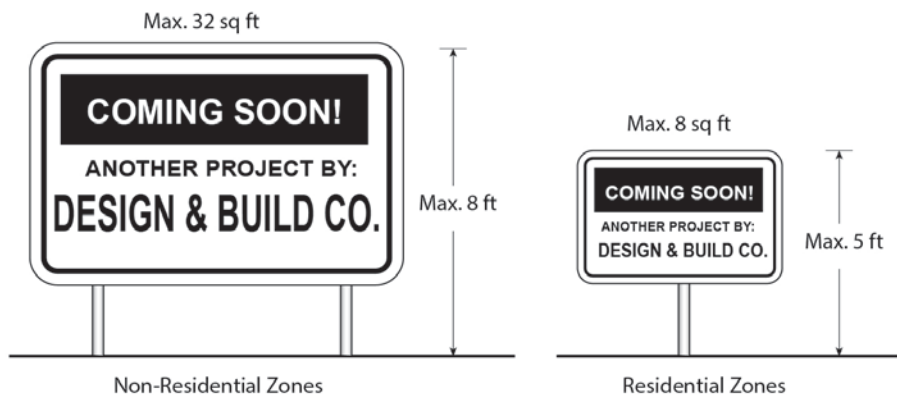
authority. The provisions in this Chapter apply in all zoning districts of the City. No sign within the regulatory scope of this Chapter may be erected or maintained anywhere in the City except in conformity with this Chapter.

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

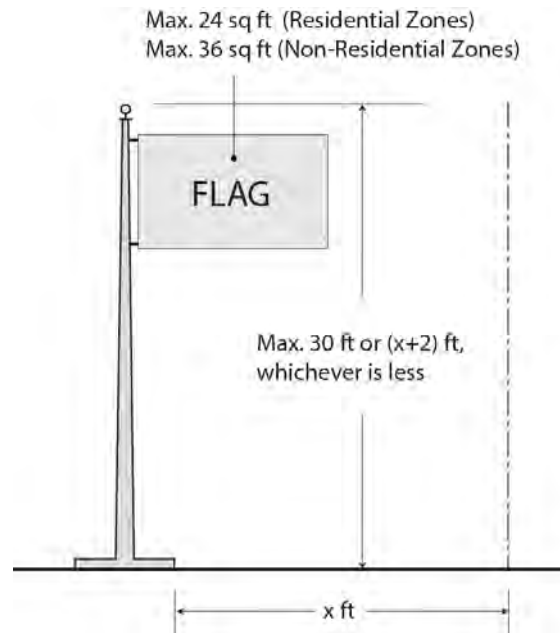


- E. **Directional Signs.** Directional and/or informational signage is allowed provided it is limited to outlining/assisting vehicle and pedestrian circulation within a site, egress,

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.

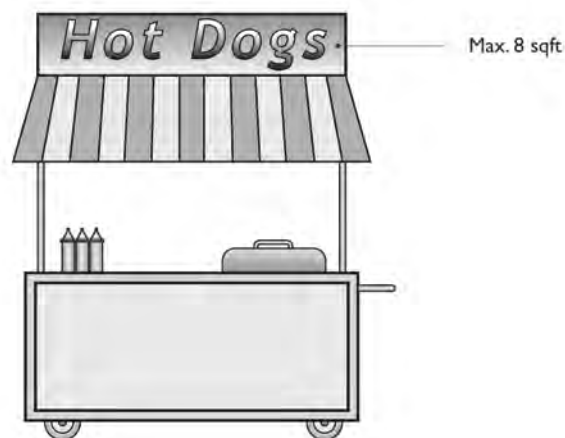
FIGURE 17.41.030(H): FLAGS



- 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;

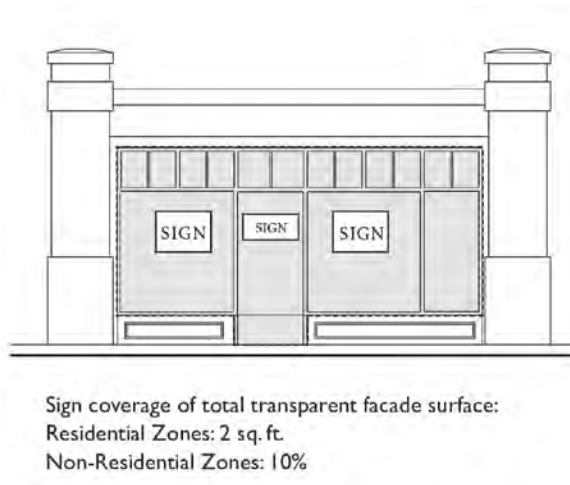
FIGURE 17.41.030(S): ON-SITE REAL ESTATE SIGNS



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 are 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

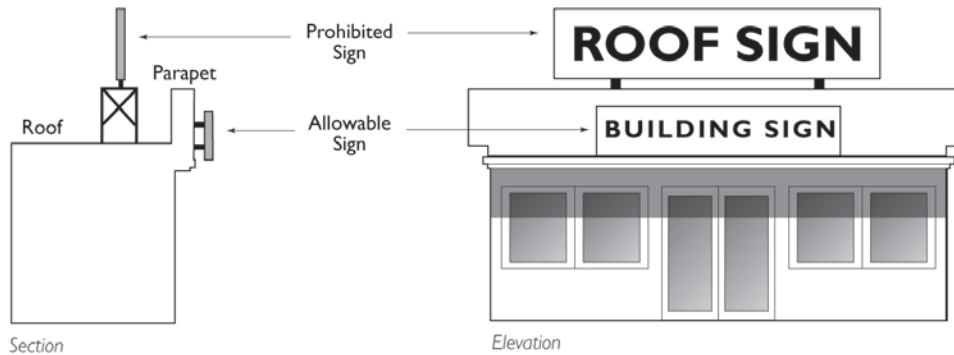
Unless otherwise permitted by a specific provision of this Chapter, the following sign types are prohibited in all zones:

- 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

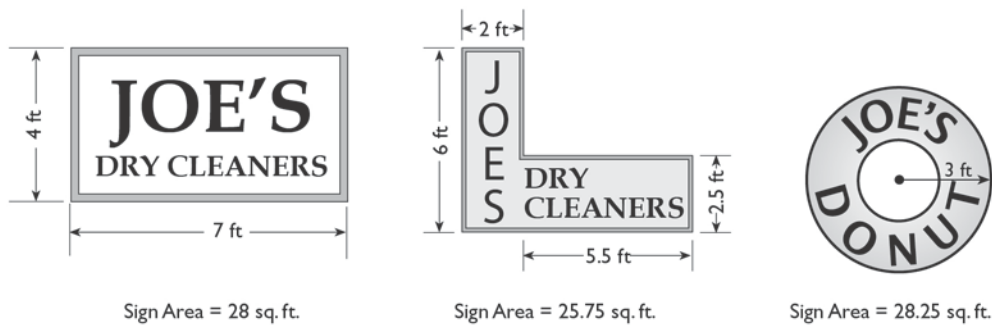


17.41.060 General Provisions for All Sign Types

- 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.

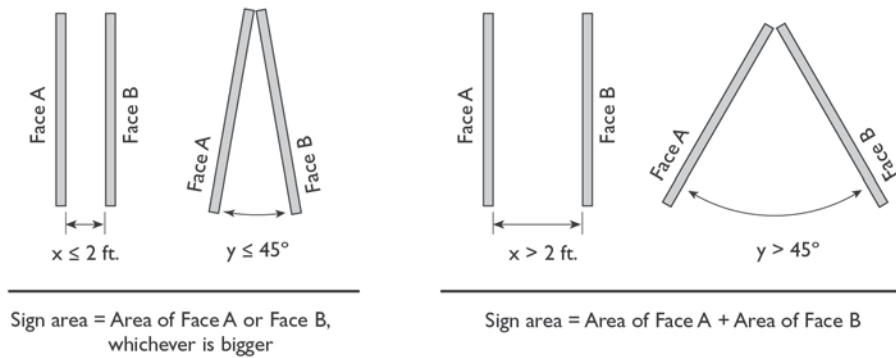
- C. **Non-commercial Signs.** Non-commercial signs are allowed wherever commercial signage is permitted and are subject to the same standards and total maximum allowances per site or building of each sign type specified in this Chapter. A permit is required only if the sign qualifies as a structure, 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



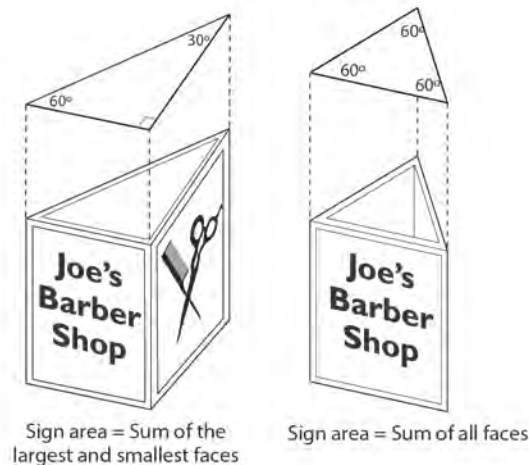
2. **Double-Faced Signs.** Where two faces of a double-faced sign are located two feet or less from one another at all points, or located at an interior angle of 45 degrees or less from one another, the sign area must be computed as the area of one face. Where the two faces are not equal in size, the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



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

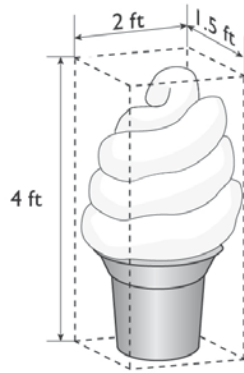
FIGURE 17.41.060(G)(3): MULTI-FACED SIGNS



4. **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.

TABLE 17.41.070(A): PERMITTED PERMANENT SIGNS BY DISTRICT				
<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
All Districts				
See § 17.41.080, Signage Allowances for Specific Uses				
Commercial Districts				
CR	■	■	■	□
CC	■	■	■	■
OT	■	■	□	□
VS	■	■	□	□
CI	■	■	■	■
CG	■	■	■	■
Office Districts				
BP	■	■	□	□
OI	■	■	□	□
Industrial Districts				
IS	■	■	□	■
IG	■	■	□	■
Public and Quasi Public District				
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.

TABLE 17.41.070(B): TOTAL MAXIMUM SIGN AREA BY DISTRICT				
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

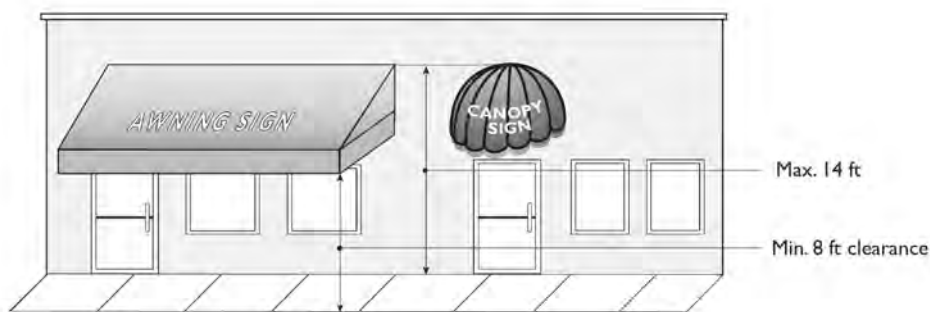
- A. **A-Frame Signs.** A-Frame signs are allowed in Commercial districts, subject to the following standards:
1. **Maximum Number.** Each establishment is limited to no more than one sign.

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.

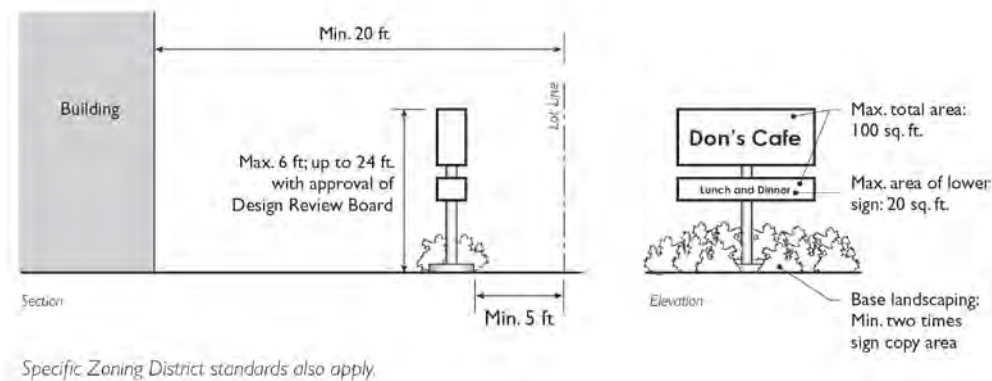
C. **Freestanding Signs.** Freestanding signs are subject to the district-specific standards and the following additional standards:

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.

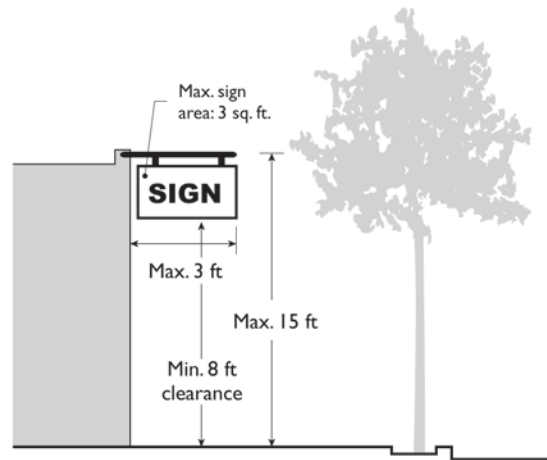
FIGURE 17.41.090(C): FREESTANDING SIGNS



- 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.

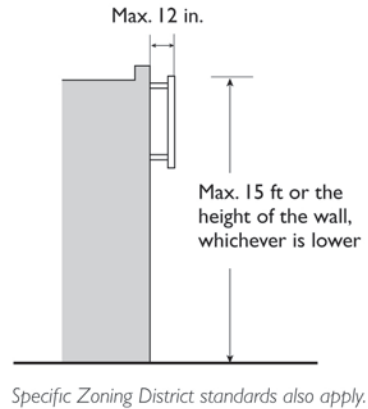
6. **Illumination.** No special illumination is allowed for projecting signs.

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

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

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

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.

TABLE 17.44.050: DEVELOPMENT STANDARDS				
<i>Rated Microturbine Capacity</i>	<i>Minimum Lot Size</i>	<i>Minimum Setbacks – Freestanding Systems</i>	<i>Maximum Height¹</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

Chapter 17.46 Reserved

Chapter 17.47 Reserved

Chapter 17.48 Reserved

Chapter 17.49 Reserved

Chapter 17.50 Reserved

Chapter 17.51 Reserved

PART V
ADMINISTRATION AND PERMITS

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Chapter 17.52 Planning Authorities

Sections:

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

17.52.010 Purpose

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

17.52.020 City Council

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

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

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

17.52.030 Planning Commission

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

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

17.52.040 Design Review Board

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

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

17.52.050 Director of Planning and Environmental Review

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

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

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

17.52.060 Zoning Administrator

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

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

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

Chapter 17.53 Common Procedures

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

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

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.

Chapter 17.56 Design Review

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

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

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

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

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

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

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

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

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

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

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

Sections:

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

17.67.010 Purpose

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

17.67.020 Relation to Other Codes and Statues

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

17.67.030 Enforcement Responsibilities

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

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

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

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

17.67.040 Penalties

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

17.67.050 Remedies

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

17.67.060 Recording a Notice and Order

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

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

Chapter 17.68 Reserved

Chapter 17.69 Reserved

PART VI
GENERAL TERMS

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Chapter 17.70 Use Classifications

Sections:

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

17.70.010 Residential Uses

Residential Housing Types:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17.70.020 Public/Semi-Public Uses

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17.70.030 Commercial Uses

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Banks and Financial Institutions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Lodging and Visitor-Services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Personal Services.

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

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

Retail Sales.

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

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

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

17.70.040 Industrial Uses

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

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

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

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

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

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

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

Vehicle/Equipment Facilities.

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

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

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

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

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

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

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

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

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

17.70.050 Transportation, Communication, and Utility Uses

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17.70.060 Agricultural Uses

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

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

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

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

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

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

17.70.070 Accessory Uses

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

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

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

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

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

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

Chapter 17.71 List of Terms and Definitions

Sections:

- 17.71.010 List of Terms
- 17.71.020 Definitions

17.71.010 List of Terms

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

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

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

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

Unit, *See Dwelling Unit*

Unit Owner

Use

Accessory Use

Incidental Use

Permitted Use

Primary Use

*Principal Use, *See Primary Use**

Use Classification

Use Permit

Use Type

Utilities

Variance

Vehicle

Visible

Wall

Yard

Front Yard

Interior Side Yard

Street Side Yard

Rear Yard

Zero Lot Line

Zoning Administrator

Zoning District

17.71.020 Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

Approving Authority. See “Decision-making Body”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

City. The City of Goleta.

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

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

Coastal Commission. The California Coastal Commission.

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

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

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

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

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

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

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

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

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

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

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

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

County. Santa Barbara County.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Fee and Payment Definitions.

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

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

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

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

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

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

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

General Plan. The City of Goleta General Plan.

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

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

Grade. The location of the ground surface.

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

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

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

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

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

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

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

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

HCD. California Department of Housing and Community Development.

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

Household. See Family.

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

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

HUD. United States Department of Housing and Urban Development.

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

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

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

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

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

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

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

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

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

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

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

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

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

Landscaping-Related Definitions.

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

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

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

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

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

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

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

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

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

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

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

Lighting-Related Definitions.

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

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

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

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

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

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

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

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

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

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

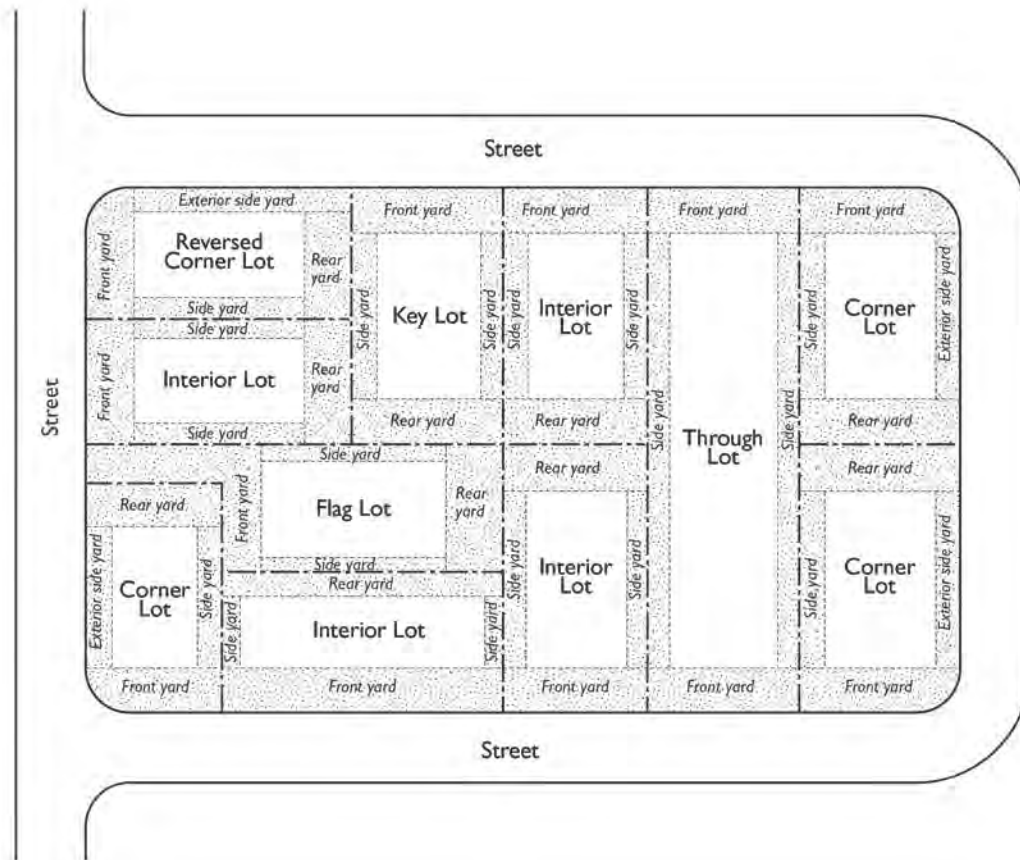
Flag Lot. A lot so shaped that the main portion of the lot area does not have access to a street other than by means of a corridor having less than 20 feet of width. Also called a "panhandle" lot.

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

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

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

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

FIGURE 17.71.020(A): LOT AND YARD TYPES

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

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

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

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

Lot Line Types.

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

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

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

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

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

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

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

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

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

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

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

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

Municipal Code. The City of Goleta Municipal Code.

Noise-Related Definitions.

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

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

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

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

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

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

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

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

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

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

Open Space Types.

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

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

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

Opposite. Across from or across the street from.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Public Works. Public facilities and infrastructure, including:

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

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

All publicly financed recreational facilities.

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

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

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

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

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

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

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

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

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

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

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

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

Sign Terms.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Foundation stones, cornerstones;

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

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

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

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

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

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

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

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

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

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

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

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

Soil. Naturally occurring superficial deposits overlying bedrock.

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

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

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

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

State. The State of California.

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

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

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

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

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

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

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

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

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

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

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

Telecommunication Terms.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Termination of Use Terms.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

