



Agenda Item B.1
PUBLIC WORKSHOP
Meeting Date: February 22, 2016

TO: Planning Commission Chair and Members

FROM: Jennifer Carman, Planning & Environmental Review Director
Anne Wells, Advance Planning Manager

SUBJECT: Review of Draft Zoning Ordinance Part IV Regulations Applying to Multiple Districts

RECOMMENDATION:

It is recommended that the Planning Commission receive a presentation, allow public comments, and provide feedback on the Draft Zoning Ordinance Part IV Regulations Applying to Multiple Districts - Chapters 17.32: Floodplain Management, 17.33: Hazards, 17.35: Landscaping, 17.36: Lighting, 17.37: Nonconforming Uses and Structures, 17.38: Oil and Gas Facilities, and 17.39: Parking and Loading (Attachment 1)

BACKGROUND:

The City initiated the Zoning Ordinance Project (Project) with the purpose of preparing new zoning regulations that are consistent with and reflective of the City's adopted General Plan. Public outreach on the development of new zoning regulations occurred from October 2013 through November 2014. Following public outreach, staff and consultant reviewed public and Planning Commission input and prepared a Draft Zoning Ordinance for public review. The Draft Ordinance was released in November, 2015 along with a User's Guide and a table comparing the existing with draft zoning standards. All materials for past and current public meetings, background materials, and the Draft Zoning Ordinance are available at www.GoletaZoning.com.

The Planning Commission initiated the workshop process on the City's first Draft Zoning Ordinance in early January. A list of past workshops, meeting minutes, and summaries detailing public and Commission comments is provided below:

Workshop Number	Date	Subject	Meeting Minutes and Comment Summary
Workshop 1	1-11-16	Part I: General Provisions	Minutes: Agenda Item A.1 (1-25) Summary: Agenda Item B.1 (1-25)
Workshop 2	1-25-16	Part II Base Zoning Districts and Part III Overlay Districts	Minutes: Agenda Item A.1 (2-8) and Agenda Item A.1 (2-22) Summary: Agenda Item B.1 (2-8)
Workshop 3	2-8-16	Part IVa Regulations Applying to Multiple Districts	Minutes: Agenda Item A.2 (2-22) Summary: Agenda Item B.1 (2-22)

Note: All staff reports, meeting minutes, and meeting summaries are posted on GoletaZoning.com.

A summary of requests for clarification or additional information from the February 8, 2016 workshop comments are provided below:

Global Comment: “Approving authority” is the decision maker for the associated permit.

Global Comment: The current requirement for a minimum five foot separation between buildings is not included in the draft Zoning Ordinance in order to provide flexibility in site design. The focus of separation requirements is with surrounding development, achieved through required setbacks from property lines, rather than with development on the same site where the developer has control over all aspects of the development and can make adjustments as needed for harmonious site design.

17.25.080, Fences and Freestanding Walls. On front and street-side property lines, fences may be six feet in height. On rear and interior-side property lines, fences may be eight feet in height. Therefore, 42 inch fences are allowed to be located on the property line.

17.27.040(D)(3), View Protection Development Standards: Large expanses of tinted or clear glass would be considered reflective material. The use of these would not be prohibited, but they would be limited in scenic and visual resource areas identified in the General Plan so as to preserve significant scenic and public views. The determination of this would be based on analysis of the specific proposal and based on the ability of the approving authority to find that the proposed project avoids significant disruption of the identified viewshed.

17.28.030(B)(8), Expiration of Agreement: Density bonus agreements must include provisions covering the expiration of the agreement. Affordable units are required to remain affordable for a certain amount of time. The term of affordability varies depending on the program under which units are developed. The State Density Bonus Law requires a minimum term of 30 years. The terms of expiration agreement may vary depending on the program under which the affordable units are developed but at minimum, must cover the items listed in this subsection. Equity distribution details, where applicable, are also required to be

included in the agreement. The equity sharing agreement, where applicable, cannot restrict the sale price but requires the owner to pay the City and/or federal or state project funding support agency a portion of any appreciation received on resale consistent with the State Density Bonus Law.

17.28.030(C)(2), Required Notice: The City provides notice of the conversion of affordable units to market-rate units in the City's General Plan Annual Report that is presented to the Planning Commission and City Council.

17.31.030(B), Biological Study: As currently written, the Public Review Draft Zoning Ordinance requires a biological study for "Coastal Permit applications" where the initial site assessment reveals the potential presence of Environmentally Sensitive Habitat Areas (ESHA) within 100 feet of any portion of the proposed development. "Coastal Permit applications" should be replaced with "discretionary permit applications". The requirement for the Biological Study is for any discretionary permit where the initial site assessment required under Subsection 17.31.030(A) reveals the potential presence of ESHA within 100 feet of any portion of the proposed development. The standards of Chapter 17.31, Environmentally Sensitive Habitat Areas apply to all permits, discretionary or ministerial.

17.31.070, Streamside Protection Areas: Underground excavation is not allowed within the required Streamside Protection Area upland buffer.

In addition to the Planning Commission workshops, the Design Review Board considered Chapters 17.35 Landscaping and 17.36 Lighting of the Draft Zoning Ordinance and provided feedback to staff at their meeting on January 26, 2016. Design Review Board comments are summarized in the approved minutes from that meeting (Attachment 2) and will be added to the project website at GoletaZoning.com. On February 9, 2016, DRB reviewed design standards in Chapter 17.07 Residential Districts and will continue to look at base district design guidelines at future meetings.

An Open House was hosted by City staff on January 27, 2016 at which time valuable feedback from the public was received. A summary of comments received at the Open House are provided on the City's project website at GoletaZoning.com. A second open house will occur on February 27, 2016 from 9:00 am-4:00 pm in Council Chambers.

DISCUSSION:

This Planning Commission public workshop is the fourth in a series of workshops to review the content of the Draft Zoning Ordinance. Staff will provide the public and Planning Commission with an overview of Part IV Regulations Applying in Multiple Districts. This part of the Draft Zoning Ordinance 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. Due to

the length of Part IV, the following seven chapters will be reviewed at the workshop as follows:

- 17.32 Floodplain Management
- 17.33 Hazards
- 17.35 Landscaping
- 17.36 Lighting
- 17.37 Nonconforming Uses and Structures
- 17.38 Oil and Gas Facilities
- 17.39 Parking and Loading

The materials listed above were posted on the project website (GoletaZoning.com) and emailed to the Zoning Ordinance email listserve on February 9, 2016 to ensure that the Commission and public had access to the material well in advance of the workshop.

NEXT STEPS:

The next scheduled Planning Commission zoning workshop is March 14, 2016. A fifth workshop will occur at this meeting at which time staff will present a summary of the next set of chapters in the Draft Zoning Ordinance Part IV Regulations Applying to Multiple Districts for Commission and public input. Refer to Attachment 3 for a workshop schedule, including the proposed content to be reviewed by workshop.

Approved By:

Prepared By:

Jennifer Carman
Planning Commission Secretary

Anne Wells
Advance Planning Manager

ATTACHMENTS:

1. Public Review Draft Zoning Ordinance: Part IV Regulations Applying to Multiple Districts - Chapters 17.32: Floodplain Management, 17.33: Hazards, 17.35: Landscaping, 17.36: Lighting, 17.37: Nonconforming Uses and Structures, 17.38: Oil and Gas Facilities, and 17.39: Parking and Loading
2. Approved Design Review Board Meeting Minutes for January 26, 2016
3. Draft Zoning Ordinance Workshop and Open House Schedule

Attachment 1

Public Review Draft Zoning Ordinance:

Part IV Regulations Applying to Multiple Districts
Chapters 17.32: Floodplain Management, 17.33: Hazards, 17.35:
Landscaping, 17.36: Lighting, 17.37: Nonconforming Uses and
Structures, 17.38: Oil and Gas Facilities, and 17.39: Parking and
Loading

Note: Attachment 1 materials are available for download at GoletaZoning.com

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.

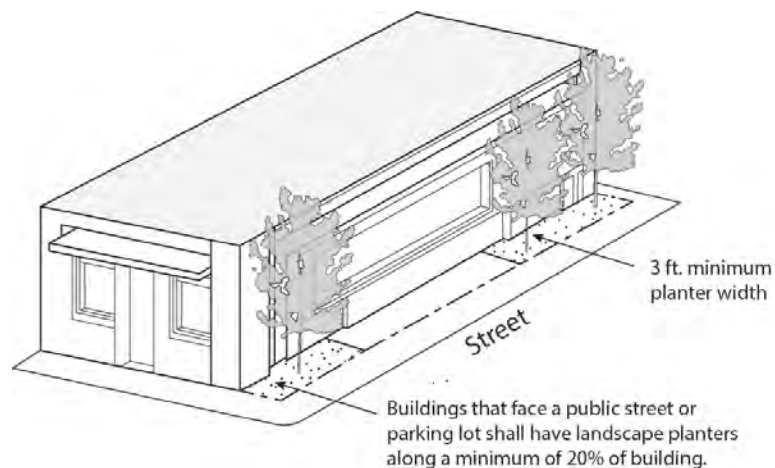
2. **Additions.** Additions that increase building footprint or add more than 20 percent to the existing floor area.
 3. **Change in Use.** A change in use or building occupancy designation that results in increased parking requirements.
- B. **State Water Conservation in Landscaping Act.** In addition 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



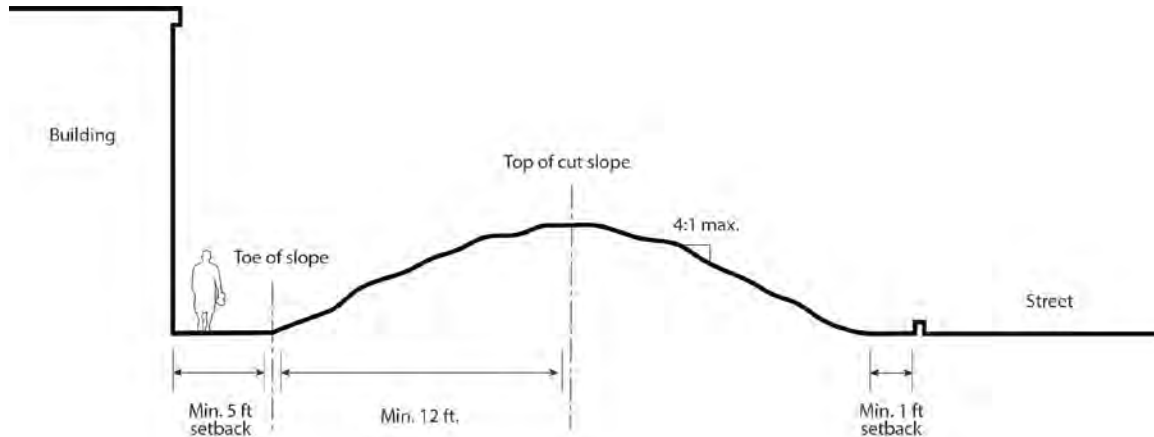
- D. **Parking Areas.** Parking areas, as required by Chapter 17.39, Parking and Loading.

- 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.

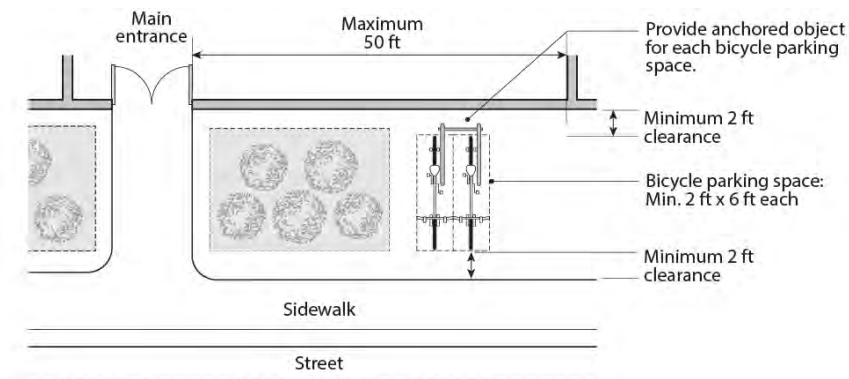
- C. **Off-Site Parking.** Parking for uses other than single-unit dwellings and second units may be provided off-site with Zoning Administrator approval, provided the following conditions are met.
1. **Location.**
 - a. *Residential Uses.* Any off-site parking must be located within 200 feet, along 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

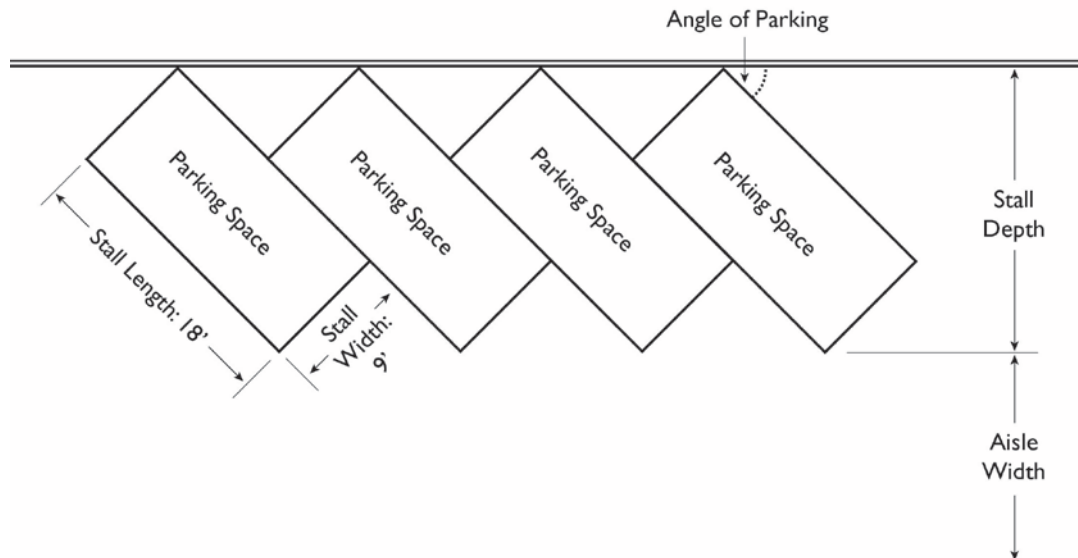
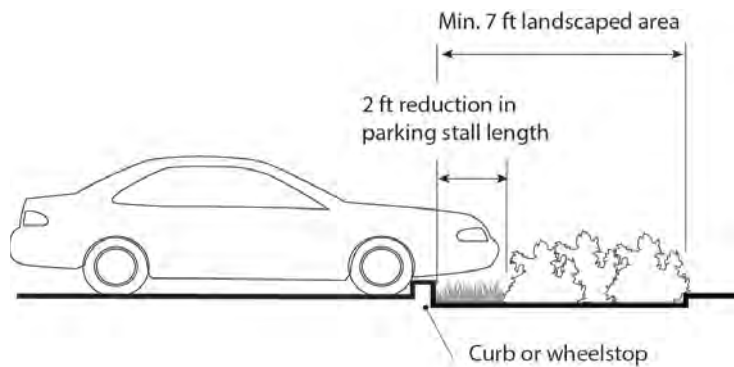


TABLE 17.39.100(A)(1): STANDARD PARKING STALL DIMENSIONS							
Angle of Parking (degrees)	Stall Length (ft.)	Stall Width (ft.)	Stall Depth (ft.)	Aisle Width (ft.)			
				Single Loaded		Double Loaded	
				1-way	2-way	1-way	2-way
90	18	9	18	27'4"	27'4"	27'4"	27'4"
60	18	9	20'1"	16'11"	21'1"	16'3"	20'1"
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'

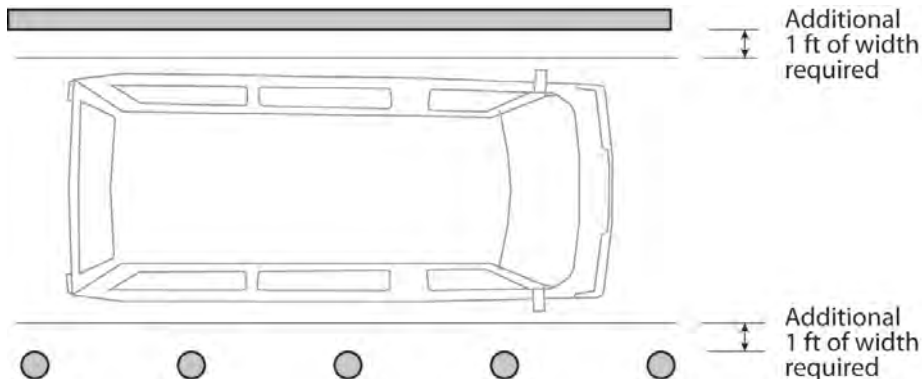
2. **Overhang.** Parking stall lengths, except for parallel spaces, may be reduced by two feet where the parking stall is designed to abut a landscaped area or sidewalk, a minimum of seven feet wide. This landscape area must be protected by a wheel stop (or a curb where one already exists).

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:

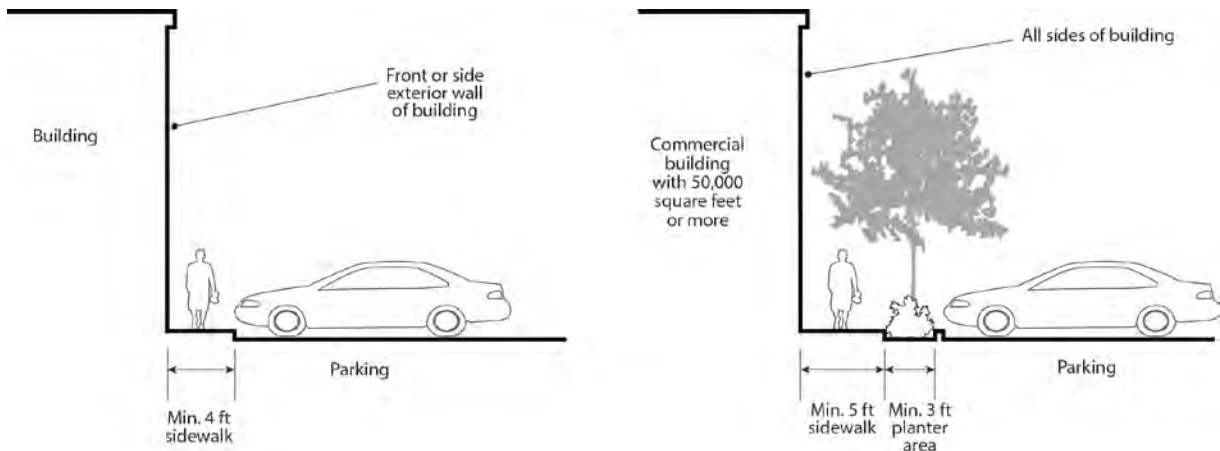
1. No more than two vehicles are placed one behind the other.
2. Both spaces must be assigned to a single dwelling unit or non-residential establishment.
3. Tandem parking to meet required parking for non-residential uses may be used for employee parking; the maximum number of tandem parking spaces must 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

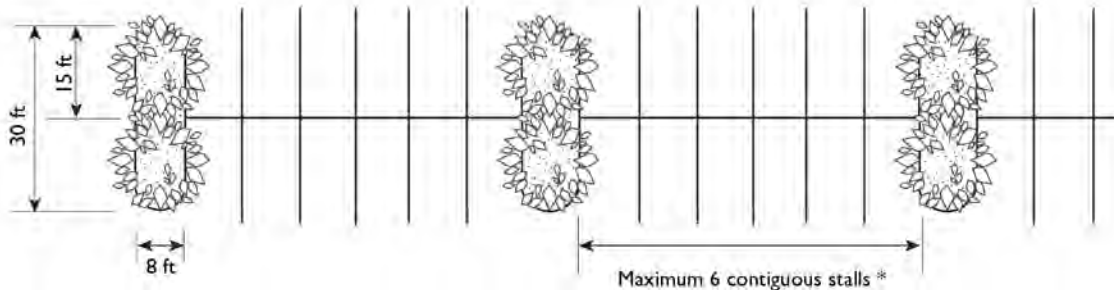


O. **Landscaping.** Landscaping of parking areas must be provided and maintained according to the general standards of Chapter 17.35, Landscaping, as well as the standards of this subsection for all parking areas containing 10 or more uncovered parking spaces:

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

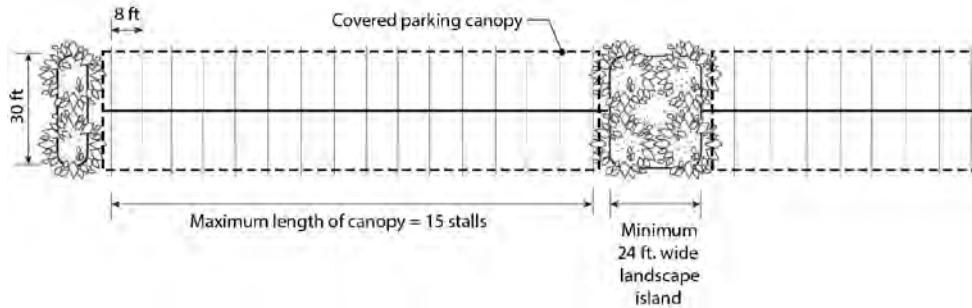


* May be increased to 8 contiguous stalls by the Zoning Administrator if the overall proposed landscaped area on the entire development site is increased by 10%.

- 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.

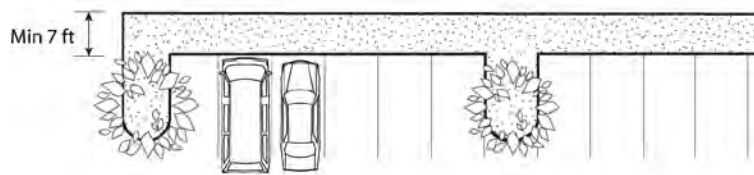
- g. When parking canopies are adjacent to each other in a single row, the total length of each canopy must not exceed 15 parking stalls and the adjoining canopies must be separated by at least a 24-foot-wide landscape island, as depicted in the following illustration.

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

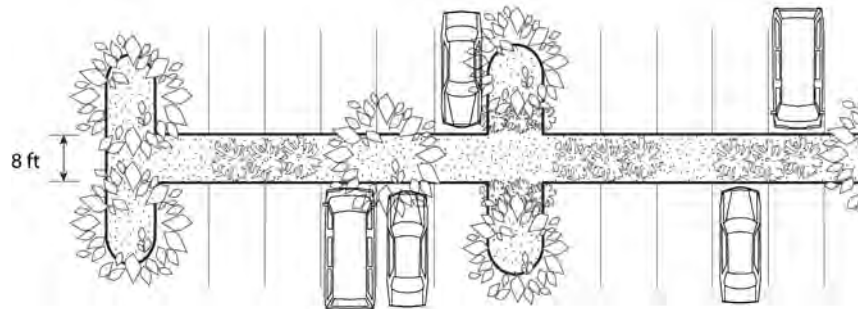


- 7. **Required Landscape Medians.** Where divider medians occur adjacent to head-in parking, vehicle overhang must be as follows:
 - a. **Single-Row Parking.** A minimum five-foot landscape area (or seven feet if a two-foot overhang is provided) is required. The required median width does not include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

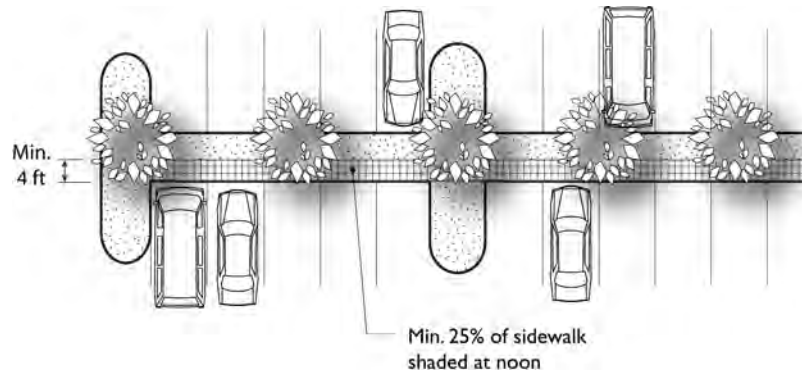
FIGURE 17.39.100(O)(7)(A): SINGLE-ROW PARKING MEDIANS



- 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.

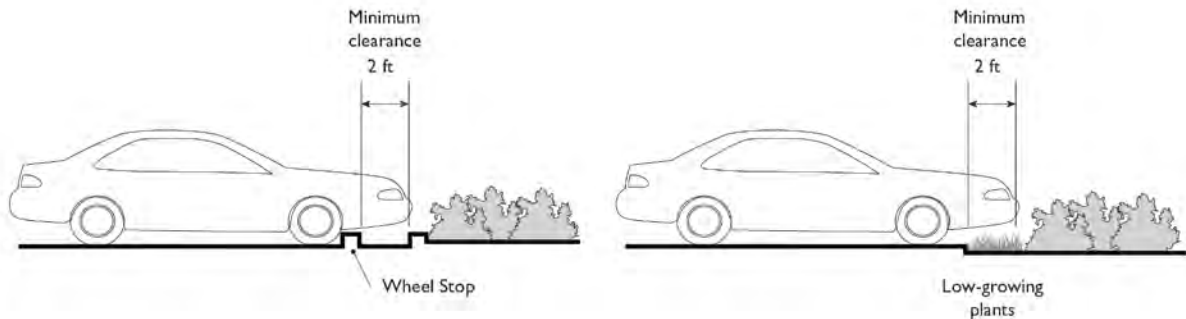
FIGURE 17.39.100(O)(7)(B): DOUBLE-ROW PARKING MEDIANS

- 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.

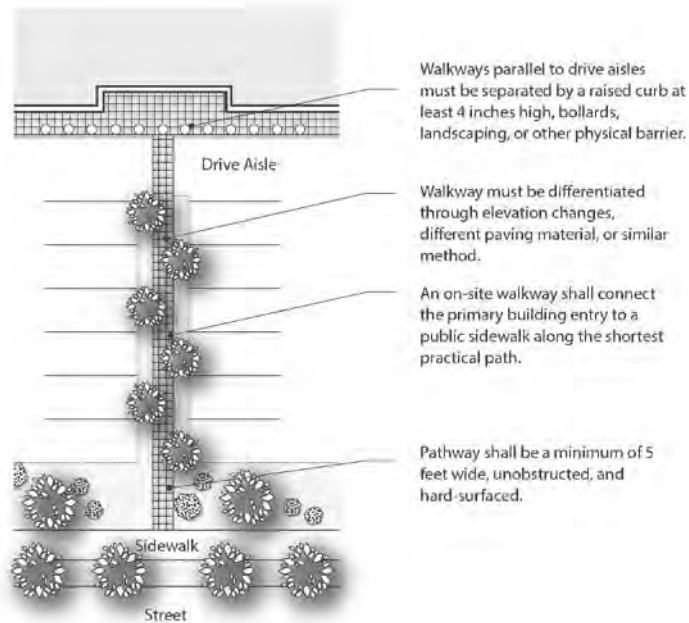
 - b. **Fences.** An open fence of wrought iron or similar material combined with plant materials to form an opaque screen. Use of chain-link or vinyl fencing for screening purposes is prohibited.

- 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.