

## **Chapter 17.25      General Site Regulations**

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### **17.25.010      Purpose and Applicability**

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

### 17.25.020 Accessory Structures

- A. **Applicability.** These provisions apply to all accessory structures over six feet in height, including garages, carports, sheds, workshops, gazebos, small greenhouses, cabanas, trellises, play structures, and aviaries but not Second Dwelling Units which are regulated by § 17.42.330.
- B. **Relation to Other Structures.**
1. An accessory structure may be constructed on a lot on which there is a permitted main building to which the accessory building is related.
  2. Where two contiguous and immediately adjoining residential lots are under the same ownership, and one lot contains a single-unit dwelling, an accessory structure may be permitted on the adjoining vacant lot, subject to compliance with all underlying development standards. The owner must sign a statement, which will, at a minimum, require that any on-site improvements be removed should either of the lots be sold separately. The signed statement must be in a form approved by the City Attorney and be recorded with the County Recorder.
  3. A temporary accessory structure may be constructed prior to the construction of the development of the site, provided that the underlying development has received all permits from the City. The temporary accessory structure cannot be used for more than one year in connection with the construction of the development. The property owner must sign a statement that requires that the temporary accessory structure be removed in the event that the main building is not constructed. The signed statement must be in the form of approved by the City Attorney and be recorded with the County Recorder.
- C. **Habitation Limitations.** Accessory Structures may have plumbing for a washer, dryer, utility sink, toilet, shower, and sink. A bathtub and/or stove is not permitted, unless approved for use as a part of an adjacent habitable dwelling. The applicant must sign an agreement that would prohibit the structure from being used as a rental unit. The signed statement must be in the form approved by the City Attorney and be recorded with the County Recorder.
- D. **Location.** Accessory Structures must comply with the following standards:
1. **Residential Districts.**
    - a. *Front and Street-Side Yards.* Accessory structures may not be located within any required front yard or street-side setback areas.
    - b. *Interior-Side and Rear Yards.* Accessory Structures must be setback a minimum of three feet from interior side and rear property lines.

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

### **17.25.030 Buffers Adjacent to Agricultural Districts**

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

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

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

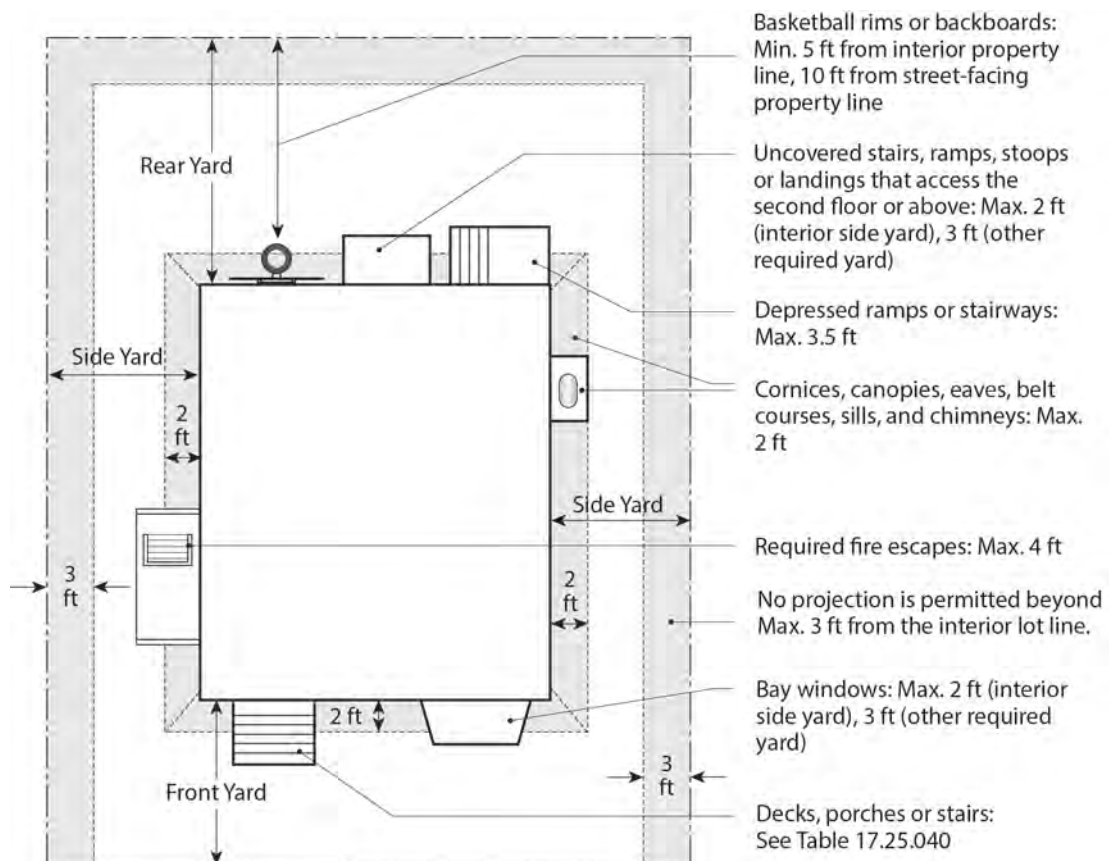
**17.25.040 Building Projections into Yards**

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

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

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

**FIGURE 17.25.040: ALLOWED BUILDING PROJECTIONS**



**17.25.050 Development on Lots Divided by District Boundaries**

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

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

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

**17.25.060 Development on Substandard Lots**

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

**17.25.070 Exceptions to Height Limits**

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

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

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

**17.25.080 Fences and Freestanding Walls**

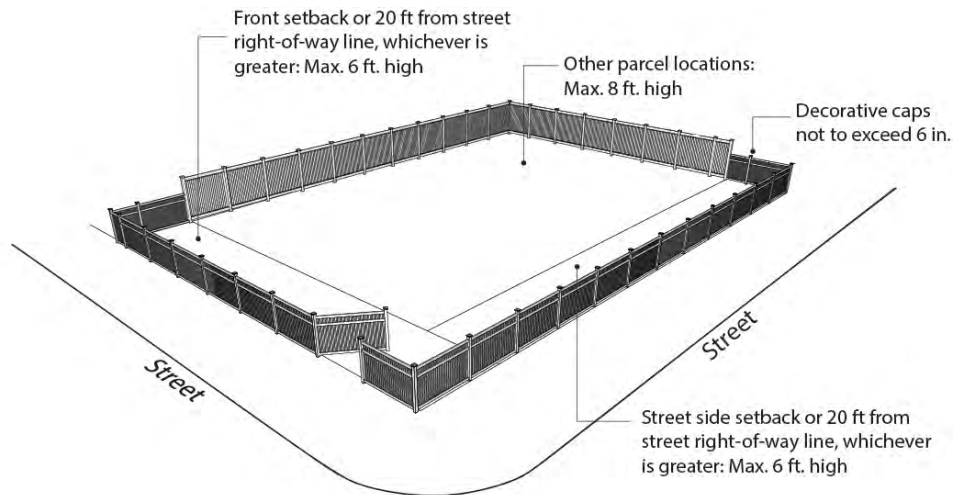
Fences and freestanding walls must comply with the following standards.

**A. Maximum Height.**

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

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

**FIGURE 17.25.080(A): FENCE AND WALL HEIGHT**



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

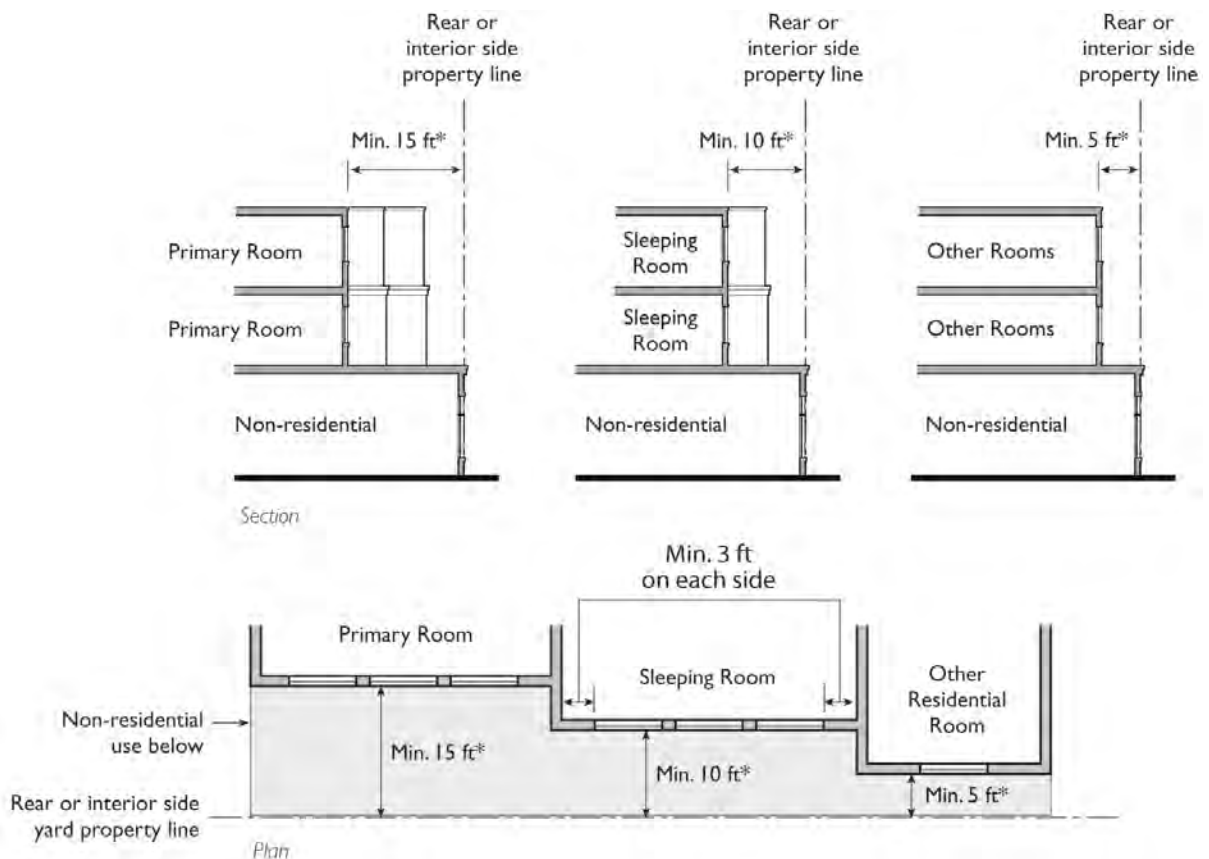


### 17.25.090 Mixed Use Development

Mixed use development must comply with the following standards.

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

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



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

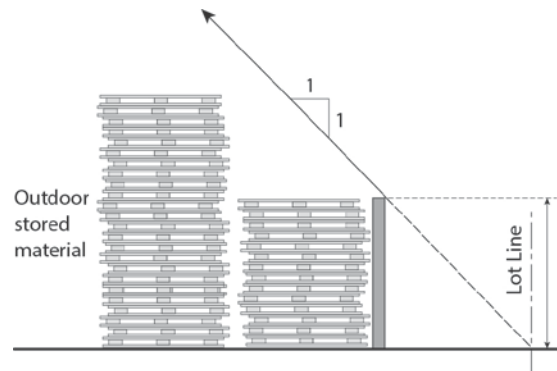
**17.25.100 Outdoor Storage**

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

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

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

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

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

### 17.25.110 Refuse, Recycling, and Green Waste Storage Areas

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

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

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

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

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

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

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

### 17.25.120 Right to Farm Covenants

#### A. Disclosure Requirement.

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

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

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

### 17.25.130 Right to Research Covenants

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

- A. **Relationship to Nuisance Regulations and Prohibitions.** No existing or future research operation, defined as a use engaged in the study, testing, design, analysis, and experimental development of products, processes, or services, or any of its appurtenances, conducted or maintained in a manner consistent with proper and accepted customs and standards, and all applicable City requirements, will be determined to be a nuisance to adjacent land uses when the research was not a nuisance at the time it began. This Section does not apply whenever a nuisance results from the negligent or improper action of any research operation or its appurtenances. Finally, this Section will not be construed as modifying existing law relative to nuisances, but is only to be used in the interpretation and enforcement of this Title.
- B. **Disclosure Requirement.**
1. **Disclosure by Subdivider.** The subdivider of any property located within 1,000 feet of land with a sustainable living research facility located on it, regardless of whether it is currently in operation, within or outside of the City, must disclose, through a notation on the Final Map, within Conditions, Covenants, and Restrictions (CC&Rs) if prepared, or through the recordation of a separate acknowledgment statement on each individual deed describing the newly created lots, the presence of research uses in the vicinity through the following or similar statement:

*The property within this subdivision is located within 1,000 feet of land utilized for research operations and residents/occupants of the property may be subject to inconvenience or discomfort arising from activity both inside and outside the facility. Residents/occupants of property should be prepared to accept inconveniences or discomfort as normal and necessary to properly conducted research operations.*
  2. **Disclosure Before Issuance of a Building Permit.** Where a new structure intended for human occupancy is to be located on property that is located within 1,000 feet of land with a research facility located on it, regardless of whether it is currently in operation, within or outside of the City, the owner of the property will, before the City issues a building permit, sign and record a statement in a form equivalent to that specified in Paragraph (B)(1), Disclosure by Subdivider. In lieu of signing the statement required above, the owner may submit evidence that the statement in Paragraph (B)(1), Disclosure by Subdivider, has been made a part of subdivision documents creating the lot on which the structure is proposed and appears on the deed for each lot.

### 17.25.140 Screening and Buffering of Common Lot Lines

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

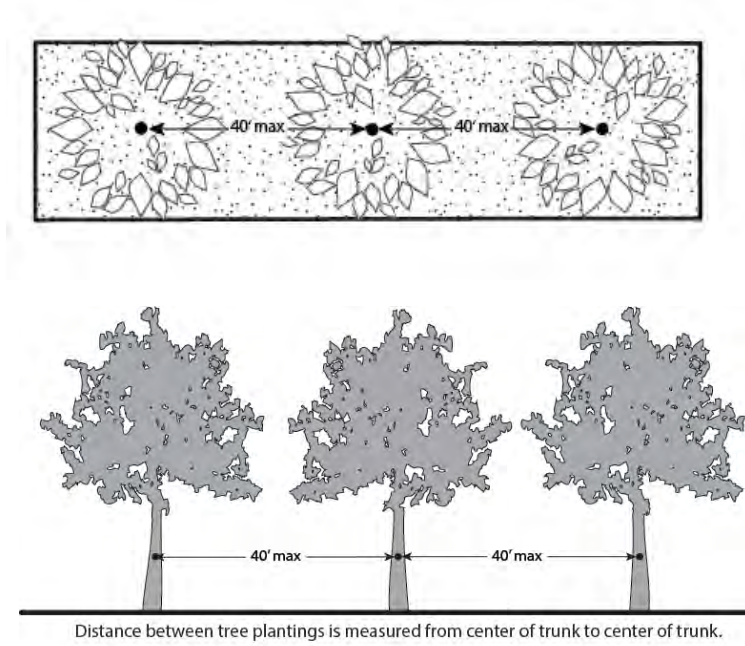
- A. **Required Screening and Landscape Buffer Yards.** Table 17.25.140(A), Required Screening and Landscape Buffers, shows when a buffer and screening treatment is required, and of what type, based on the proposed and the adjoining use. Only the proposed use is required to provide the screening and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

Use	Adjoining Use				
	Park or Open	Single-Unit Residential	Multiple-Unit Residential	Commercial and Office	Industrial
Proposed Use					
Single Unit Residential	Type 1	Type 1	-	-	-
Multiple Unit Residential	Type 2	Type 2	Type 2	-	-
Commercial	Type 2	Type 2	-	-	Type 1
Office	Type 2	Type 2	Type 2	-	Type 2
Industrial	Type 2	Type 2	Type 2	Type 2	-

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

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

**FIGURE 17.25.140(B): TREE SPACING**



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



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

### 17.25.150 Screening of Equipment

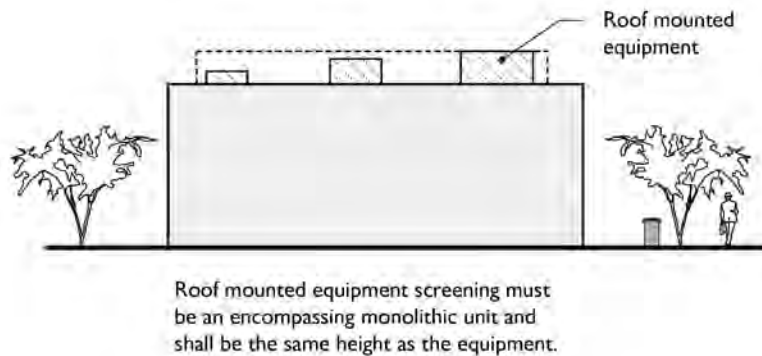
- A. **Applicability.** The standards of this Section apply to:
  - 1. New development;
  - 2. Replacement equipment that is added to serve existing buildings. The Zoning Administrator may waive or modify screening requirements for upgrades to existing mechanical equipment; or
  - 3. Condominium conversions.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

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

1. **Roof-Mounted Equipment.**

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

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



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

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

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

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

### 17.25.160 Solar Installations

This Section establishes development standards for solar energy systems.

#### A. Height.

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

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

### **17.25.170 Stormwater Management**

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

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

### **17.25.180 Swimming Pools and Spas**

This Section establishes standards for swimming pools and spas.

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

### **17.25.190 Truck Docks, Loading, and Service Areas**

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

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

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

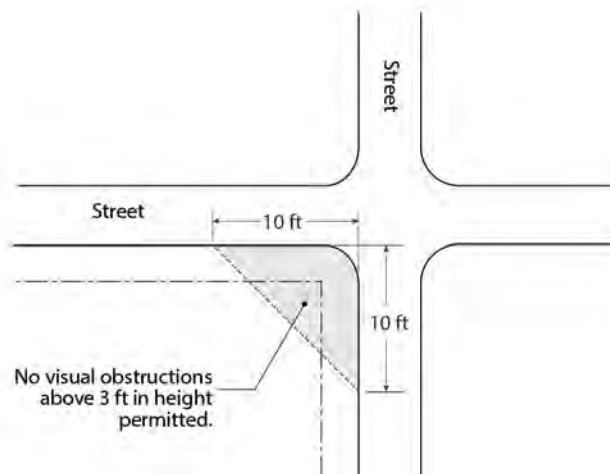
**17.25.200 Underground Utilities**

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

**17.25.210 Visibility at Intersections and Driveways**

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

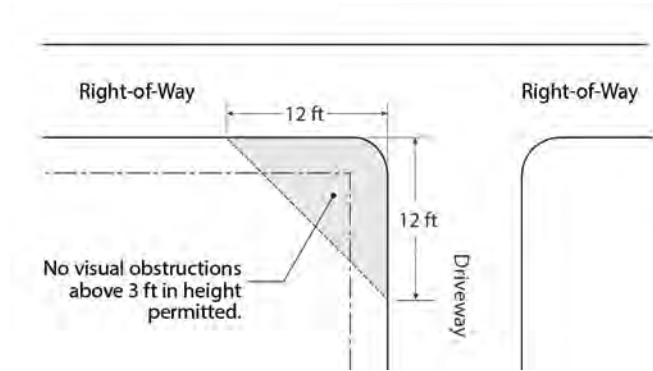
**FIGURE 17.25.210(A): VISIBILITY AT STREET INTERSECTIONS**



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

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

**FIGURE 17.25.210(B): VISIBILITY AT DRIVEWAYS**



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

## Chapter 17.26 Coastal Access

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### Sections:

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

### 17.26.010 Purpose

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

### 17.26.020 Applicability

#### A. Coastal Access Defined.

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

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

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

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



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

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

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

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

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

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

#### **17.26.030 Access Location Requirements**

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

#### **17.26.040 Access Design Standards**

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

##### **A. Design Objectives.**

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

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

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

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

### **17.26.050 Prescriptive Rights**

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

### **17.26.060 Access Title and Guarantee**

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

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

## Chapter 17.27 Coastal Zone Visual Resource Preservation

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### Sections:

17.27.010	Purpose
17.27.020	Applicability
17.27.030	Application Requirements
17.27.040	View Preservation

### 17.27.010 Purpose

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

### 17.27.020 Applicability

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

### 17.27.030 Application Requirements

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

### 17.27.040 View Preservation

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

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

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

## Chapter 17.28 Density Bonuses and Other Incentives

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### Sections:

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

### 17.28.010 Purpose and Applicability

The purpose of this Chapter is to:

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

### 17.28.020 General Provisions

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



**17.28.030 Administration and Procedures**

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

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

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

## Chapter 17.29 Inclusionary Housing Program

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### Sections:

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

### 17.29.010 Purpose

The purpose of this Chapter is to:

- A. Implement State policies to make available an adequate supply of housing for persons from all economic sectors of the community because persons with low and moderate incomes who work and/or live within the City are unable to locate housing at prices they can afford and are increasingly excluded from living in the City;
- B. Support General Plan policies intended to promote and maintain balanced and economically diverse community with a mix of workplaces and residential uses that offer a variety of housing types to meet the needs of an economically diverse work force, thereby reducing both adverse impacts on air quality and energy consumed by commuting;
- C. Avoid the depletion of limited land resources needed to accommodate the demand for housing affordable to low- and moderate-income households by requiring the development of affordable housing when market-rate units are constructed, which is more efficient use of land;
- D. Construct new affordable units on the same site as new market-rate construction and only when this is infeasible, provide comparable new or substantially rehabilitated affordable units at another site;
- E. Establish standards and procedures to implement the inclusionary housing requirements in a streamlined manner that complies with federal and State law; and

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

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

### 17.29.020 Applicability

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

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

#### **17.29.030 Income Levels**

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

#### **17.29.040 Calculations for Inclusionary Housing Units**

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

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

**17.29.050 Inclusionary Housing Requirements****A. Basic Requirement.**

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

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



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

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

#### **17.29.060 Additional Incentives for Inclusionary Units**

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

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

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

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

### **17.29.070 Inclusionary Housing Plan and Agreement**

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

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

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

### **17.29.080 Eligibility for Inclusionary Units**

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

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

### **17.29.090 Inclusionary Unit Restrictions**

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

### **17.29.100 Construction Standards for Inclusionary Units**

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

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

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

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

### **17.29.110 Adjustments and Waivers**

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

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

### **17.29.120 Performance Security for Inclusionary Housing Units**

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

### **17.29.130 Enforcement**

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



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

## Chapter 17.30 Demolition and Relocation

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### Sections:

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

### 17.30.010 Purpose

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

### 17.30.020 Applicability

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

### 17.30.030 Demolition Defined

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

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

#### **17.30.040 Relocation Defined**

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

#### **17.30.050 Requirements**

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

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

#### **17.30.060 Relocation of Buildings and Structures**

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

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

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

**17.30.070 Demolition in Coastal Zone**

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

## Chapter 17.31 Environmentally Sensitive Habitat Areas

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### Sections:

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

### 17.31.010 Purpose

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

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

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

### **17.31.020 Applicability**

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

### **17.31.030 Application Requirements**

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

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

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

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

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

#### **17.31.040 Mitigation of Impacts**

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



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

### **17.31.050 Development Standards**

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

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

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

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

### **17.31.060 Management of ESHAs**

The following standards apply to the ongoing maintenance of ESHAs:

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

### **17.31.070 Streamside Protection Areas**

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

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

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

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

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

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

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

#### **17.31.080 Protection of Wetlands in the Coastal Zone**

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

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

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

### **17.31.090 Protection of Wetlands Outside the Coastal Zone**

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

### **17.31.100 Mitigation of Wetland Infill**

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

### **17.31.110 Lagoon Protection**

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

### **17.31.120 Vernal Pool Protection**

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

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

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

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



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

### **17.31.140 Protection of Native Woodlands**

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

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

### **17.31.150 Protection of Native Grasslands**

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

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

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

#### **17.31.160 Protection of Marine Habitats**

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

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

### **17.31.170 Protection of Monarch Butterfly**

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

#### **A. Monarch Butterfly Protection Standards:**

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

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

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

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

### **17.31.180 Protection of Other ESHAs**

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

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