

Chapter 12.07 CITY-OWNED PROPERTY-PARADE, ASSEMBLY, AND SPECIAL EVENT PERMITS AND REGULATIONS

12.07.010 Purpose of Regulations—Applicability of Chapter.

A.—The City declares that these regulations, relating to the use by the general public and particularly by organized groups and organizations of the City-owned property described in this section, are necessary for the preservation of life, limb and property, and the orderly use of these public facilities, and to preserve them for the benefit of the general public. The City-owned property referred to in this section ~~are includes, without limitation,~~ City parks, open space, recreational buildings, streets, sidewalks, alleyways, other public thoroughfares or right-of-ways, and meeting halls as more specifically identified by resolution as may be amended from time to time, and such property is referred to in this Code as “City-owned property.” (Ord. 02-01 § 1)

B. This Chapter establishes the standards for the issuance of a permit for parades, assemblies, and other special events in the City of Goleta.

~~12.07.020 Presence of Animals Restricted.~~

~~—No person shall bring any animal or permit any animal to be brought onto or to be on the City-owned property described in Section 12.07.010 of this Code, except when the presence of such animals is necessary in connection with official business or when expressly permitted by the City. This prohibition shall not apply to animals which are confined in an automobile or some other fully enclosed structure, and shall not apply to assistance dogs, including guide dogs, signal dogs, or service dogs, permitted by law to be present on public property; nor shall it apply to animal shows and exhibitions expressly permitted by the City. Nor shall it apply to domestic animals in City parks while maintained under control and on a leash of no more than six feet. (Ord. 02-01 § 1)~~

12.07.030 Parades and Assemblies—Permit Required.

A. ~~No person~~It is unlawful for any person, entity, business, or group (including community, social, fraternal, religious and charitable groups) ~~shall to~~ conduct, manage, or participate in any parade, ~~or assembly, or other special event~~ for which a written permit has not been issued in accordance with the provisions of this chapter. ~~The provisions of this section shall not apply to or affect funeral processions.~~

B. It is unlawful for any person, entity, business, or group (including community, social, fraternal, religious and charitable groups) to conduct, manage, or participate in ~~No person shall engage in~~ any parade, ~~or assembly, or other special event activity~~ which would constitute a substantial hazard to public safety or which would materially interfere with or endanger the

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public peace or rights of residents to the quiet, peaceful and unmolested enjoyment of their property. (Ord. 02-01 § 1)

12.07.040 Issuance of Permits—Procedure.

A. The issuing authority shall be the City Manager, or their designee, who must make the final decision to grant or deny a permit after reviewing the recommendation of the Police Chief, or their designee.

B. ~~Disapproval by the City Manager shall constitute disapproval of the permit.~~ The Police Chief, or their designee shall must conduct an investigation intoreview the nature of the proposed parade, assembly, or other special event considering:

1. Whether the time, duration, route, location and size of the parade, ~~or assembly,~~ or other special event will unreasonably disrupt the movement of traffic.

2. Whether the parade, ~~or assembly~~ or other special event is of a size and nature such that it would require the diversion of so great a number of police officers of the City to properly police the line of movement or assembly area and the areas contiguous thereto as to prevent reasonable police protection to the City.

3. Whether the ~~permittee applicant~~ has provided for the services of monitors to control the orderly conduct of the ~~parade or assembly~~ parade, assembly, or other special event in conformity with such permit.

4. Whether the ~~applicant permittee~~ has provided reasonable means for informing all the persons participating therein of the terms and conditions of such permit.

5. Whether the concentration of persons, animals, or vehicles, or a combination thereof, is such as to prevent proper police, fire, and ambulance services.

6. Whether the ~~parade, assembly, or other special event~~ parade will move from its assembly area to its disbanding area expeditiously or not without stopping en route except when reasonably required for the safe and orderly conduct of the parade.

7. Whether the ~~parade, assembly, or other special event~~ parade or assembly will interfere with another ~~parade, assembly, or other special event~~ parade or assembly for which a permit has been granted.

8. Whether the ~~parade, assembly, or other special event~~ parade or assembly will result in harm to persons or property.

C. Any person desiring to conduct a ~~parade, assembly, or other special event~~ parade or assembly ~~must shall~~ make a written application to the Police Chief at least 10 days in advance

of the proposed ~~parade, assembly, or other special event~~parade or assembly. Such application ~~must shall~~ include the following information:

1. The name, address, and telephone number of the person requesting the permit.
 2. The name and address of any organization or group he or she is representing.
 3. The name, address, and telephone number of the person who will act as parade or assembly chairperson who will be responsible for the conduct of the ~~parade, assembly, or other special event~~parade or assembly.
 4. The number of monitors provided by the ~~applicant permittee~~ and the identifying marks, badges, or symbols to be worn or used by such monitors.
 5. The purpose of the ~~parade, assembly, or other special event~~parade or assembly, the estimated number of persons to participate and to otherwise attend, and the number and types of vehicles and animals to participate.
 6. The method of notifying the participants of the terms and conditions of the permit prior to the ~~parade, assembly, or other special event~~parade or assembly.
 7. The date the ~~parade, assembly, or other special event~~assembly or parade is to be conducted and the hours the assembly or parade will commence and terminate.
 8. If a parade or procession will occur, the specific assembly and dispersal locations, the specific route, and the plans, if any, for assembly and dispersal.
 9. Whether any costumes, masks, or unusual attire will be worn.
 10. Whether any music will be provided, either live or recorded.
 11. The number, types, and locations of all loudspeakers and amplifying devices to be used.
 12. Such other information as the Police Chief or their designee may deem necessary in order to properly provide for traffic control, street and property maintenance, administrative arrangements, police and fire protection, and the protection of the public health, safety, and welfare.
- D. The Police Chief or their designee shall must recommend deny denial the application of the for the permit if any information supplied by the applicant is false or intentionally misleading, or if the Police Chief or their designee determines that the ~~parade, assembly, or other special event~~parade or assembly will endanger the public health, welfare, or safety by applying the criteria set forth in subsection B of this section, and if he or she determines that reasonable adjustments to the community traffic control, street and property maintenance, and police, fire, and ambulance protection would not alleviate such danger.

~~Nothing in this chapter shall allow the Police Chief to deny a permit based upon political or religious grounds or reasons. The Police Chief or their designee must immediately forward their recommendation to the City Manager or their designee.~~

E. ~~The Police Chief City shall must~~ uniformly consider each application upon its facts and ~~shall must~~ not discriminate in granting or denying applications. ~~Nothing in this chapter is intended to allow the City to deny a permit based upon political or religious grounds or reasons.~~

F. The Police Chief ~~or their designee, upon the issuance of the permit, must shall~~ recommend the imposition of such reasonable conditions upon the issuance of a permit as he or she deems necessary to protect the health, welfare, and safety of the community and the participants in such parade or assembly, including ~~but not limited to~~ without limitation, furnishing of traffic control devices such as signs and barricades, ~~and~~ providing for clean-up and trash removal related to the activity itself, ~~and other time, place, and manner restrictions.~~

G. ~~The Police Chief City shall must, if reasonably possible,~~ notify the applicant at least five days in advance of the scheduled ~~parade, assembly, or other special event~~ assembly or parade with of alternate times, places, manner, or duration requirements, and of intended conditions for the conduct of the parade, assembly, or other special event ~~if he or she can reasonably do so and if the application, as submitted, is to be denied for any of the above reasons.~~

1. The City must promptly notify the applicant if the application or permit is to be denied and set forth the specific reasons for the denial.

H. ~~Repealed. If the provisions of subsection F or G of this section cannot be accomplished reasonably by the Police Chief, he or she shall immediately notify the applicant in writing of the denial of the application and the specific reasons therefor.~~

I. Appeals. The granting or denial of a permit ~~by the Police Chief~~ pursuant to the provisions of this chapter may be appealed to the City Council by the applicant, permittee, or any person affected thereby. Such appeal ~~must shall~~ be in writing and ~~must shall~~ be filed with the City Clerk on or before the next successive normal work day following the decision of the ~~Police Chief City~~. The City Council ~~must shall~~ act upon the appeal within three normal work days of the filing of the appeal. If a regular City Council meeting is not scheduled within said three normal work days after the filing of the appeal, the Mayor ~~must shall~~ call a special City Council meeting to consider such appeal.

J. **Definitions:** For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

1. "Parade" ~~shall means~~ any march, procession, motorcade, or promenade consisting of persons, animals, or vehicles, or a combination thereof, ~~having a common purpose, design, destination, or goal,~~ upon any public street, sidewalk, alley, right-of-way or place, which ~~parade, march, procession, motorcade, or promenade~~ does not comply with normal and usual traffic

regulation or control, or which ~~by its nature is likely to obstruct, will impede, or delay, or interfere with the~~ normal and usual flow of vehicular or pedestrian traffic, or whose participants are likely not to comply with traffic laws and controls.

2. “Assembly” ~~shall mean~~ any meeting, gathering, or group of 25 or more persons, animals, or vehicles, or a combination thereof, ~~having a common purpose, design, or goal~~, upon any public street, sidewalk, alley, park, or other public place, which ~~assembly~~ substantially inhibits the usual flow of pedestrian or vehicular travel or which occupies any public area, other than a parade, as defined in subsection (J)(1) of this section. (Ord. 02-01 § 1). This category includes, without limitation, block parties (a gathering, other than a parade or assembly, on a street or area, requiring closure of a block or blocks of a street, or a portion thereof, including the sidewalk, to vehicular traffic and the use of the street for the gathering), street fairs, festivals, and other similar events.

3. “Other Special Event” means any other gathering of persons, animals, vehicles, or a combination thereof, collectively engaged in an activity, gathering, game, or other pursuit, upon any public street, sidewalk, alley, right-of-way, park, or other public place, which is likely to or actually does obstruct, delay, or interfere with the normal flow of pedestrian and vehicular traffic and travel, or does not comply with traffic laws and controls. This category is intended to include, without limitation, bicycle and foot races, triathlons, and marathons.

K. Indemnification Agreement: Before a permit is issued, the permit applicant or the authorized officer of the sponsoring organization must sign an agreement to reimburse the City of Goleta for any costs incurred by it in repairing damage to City property occurring in connection with the permitted event and proximately caused by the actions of the permittee or sponsoring organization, its officers, employees, or agents, or any person who was under the permittee's or sponsoring organization's control insofar as permitted by law. The agreement must also provide that the permittee or sponsoring organization must defend the City against, and indemnify and hold the City harmless from, any liability to any persons resulting from any damage or injury occurring in connection with the permitted event proximately caused by the actions of the permittee or sponsoring organization, its officers, employees or agents, or any person who was under the permittee's or sponsoring organization's control insofar as permitted by law and in a form consistent with this requirement and acceptable to the City Attorney. For purposes of this Section, a person who merely joins in a parade or event is not considered, by reason of that act alone, to be "under the control" of the permittee or sponsoring organization.

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12.07.045 Insurance

A. Liability Insurance.

1. The applicant or sponsor of an event must possess or obtain public liability insurance to protect against loss from liability imposed by law for damages on account of bodily injury and property damage arising from the event. Such insurance must name on the policy or by

endorsement as additional insureds the City of Goleta, its officers, employees, and agents. Insurance coverage must be maintained for the duration of the event.

2. Coverage must include, without limitation to, a Comprehensive General Liability Insurance Policy with minimum limits of \$500,000 combined single limit bodily injury and property damage for each occurrence.

3. If food or non alcoholic beverages are sold or served at the event, the policy must also include an endorsement for products liability in an amount not less than \$500,000. If alcoholic beverages are sold or served at the event, the policy must also include an endorsement for liquor liability in an amount not less than \$500,000. At any time when the insurance coverage required under this section may be purchased by a permit applicant through a City held insurance policy, such coverage must be made available to all permit applicants at the rates stated in the policy premium schedule.

A. Insurance Requirements. Applicant shall provide to City documentation that meet the City's current insurance requirements as determined by the City's Risk Manager, which provides insurance coverage for all liabilities out of or in any way related to the proposed encroachment and/or excavation work.

B. Certificates of Insurance. A copy of the policy or a certificate of insurance along with all necessary endorsements must be filed with the City Manager no less than five days before the date of the event unless the City Manager, for good cause, waives the filing deadline. The event permit must not be issued by the Chief of Police until after the insurance policy or certificate of insurance along with necessary endorsements have been filed by the applicant or sponsor and approved by the City.

C. Waiver of Insurance Requirements.

1. **First Amendment Events.** The insurance requirements of subsections A and B above may be waived by the Chief of Police if the applicant or an officer of the sponsoring organization signs a verified statement that (i) he or she believes the event's purpose is First Amendment expression, and (ii) he or she has determined that (a) the cost of obtaining insurance is so financially burdensome that it would constitute an unreasonable burden on the right of First Amendment expression, or (b) it is impossible to obtain insurance coverage. Where the applicant submits the statement required under Paragraph 1, the City of Goleta may, in its discretion and at no charge to the applicant, require the applicant or sponsor to apply for insurance coverage for the event under a policy selected or maintained by the City of Goleta. The applicant or sponsor must provide any information necessary to apply for such insurance coverage.

2. **Other Events.** The insurance requirements of Subsections A and B above may be waived by the Chief of Police for other events if the applicant or an officer of the sponsoring organization establishes to the satisfaction of the Chief of Police that the cost of obtaining insurance is financially prohibitive or it is impossible to obtain insurance coverage. If the Chief of Police determines that a waiver of the insurance requirement is appropriate hereunder, the City of Goleta may, in its discretion, require the applicant or sponsor to apply for insurance

coverage for the event under a policy selected or maintained by the City of Goleta, in which case the applicant or sponsor must provide any information necessary to apply for such insurance coverage and must pay, upon request of the City, all or a portion of the insurance premium attributable to the event.

12.07.050 Issuance of Permits—Keeping Permit on Premises.

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At all times during the course of the event permitted under this chapter, a responsible person ~~must shall~~ be on the premises concerned, with the original permit in his or her possession at such times. Upon request of any City official or peace officer, he or she ~~must shall~~ exhibit such permit for inspection. (Ord. 02-01 § 1)

12.07.060 Overnight Occupancy and Temporary Dwellings Prohibited—Exceptions.

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A. Because of health and sanitation problems, no person, except as hereinafter in this section excepted, ~~shall be is~~ permitted to remain overnight on any City-owned property unless pursuant to a valid lease from the City or by specific written permission first had and obtained from the City.

B. Because of health and sanitation problems and the further risk to persons and property from fire and overcrowding, no person ~~shall be is~~ permitted to erect or maintain any temporary structure or tent or to locate any camper or trailer upon any City-owned property, unless by specific written permission first had and obtained from the City.

C. The provisions of this section ~~shall do~~ not apply to any parks or other facilities owned or maintained by the City where overnight camping is expressly permitted; provided, that all of the rules and regulations of such parks or other facilities are fully met and complied with. The provisions of this section ~~shall do~~ not apply to firemen, police officers, custodians, caretakers and other persons whose duties require that they stay overnight on City-owned property, nor ~~shall do~~ they apply to prisoners or other persons whose presence overnight on City-owned property is required or authorized by other provisions of law. (Ord. 02-01 § 1)

ORDINANCE NO. 13-_____

AN ORDINANCE ADDING CHAPTER 12.20 TO TITLE 12 OF THE GOLETA MUNICIPAL CODE, ENTITLED “ENCROACHMENTS IN PUBLIC STREETS, EASEMENTS, AND RIGHTS-OF-WAYS”

The City Council of the City of Goleta does ordain as follows:

SECTION 1:

Chapter 12.20 is hereby added to Title 12 of the Goleta Municipal Code, and reads as follows:

“Chapter 12.20

ENCROACHMENTS IN PUBLIC STREETS, EASEMENTS, AND RIGHTS-OF-WAYS

12.20.010. Purpose.

This chapter is adopted pursuant to the city’s police powers for the purpose of regulating excavations and encroachments on, over, or under public streets, public easements, public rights-of-ways and public service easements.

12.20.020. Definitions.

Unless the contrary is stated or clearly appears from the context, the following definitions will govern the construction of words and phrases used in this chapter:

- A. “Administrator” means the Public Works Director.
- B. “Enroachment” means any construction work performed within public rights-of-ways or public service easements; any work other than construction work performed within a public rights-of-ways or public service easement that obstructs, or interferes with the use of, the public right of way or public service easement; and any use structure or object that is placed or installed within a public right-of-way or within a public service easement in a manner that obstructs or otherwise interferes with the use of the public right-of-way or public service easement.
- C. “Excavation” means removal of any concrete, asphalt, road, earth, or other similar surface materials covering a public right-of-way or public service easement.
- D. “Public Right-of-Way” means any city street, sidewalk, parkway, public service easement, pedestrian path, bike path, or any other “public way,” as defined by California Streets & Highways Code § 18609.

- E. "Public Service Easement" means any public sewer easement, public storm drain easement, public utility easement, or other "public service easement," as defined in the California Streets & Highways Code.\

12.20.030 Permit Required.

- A. Permit Required: It is unlawful for any person to make, cause, or allow to be made, any encroachment or excavation in any public right-of-way or public service easement, without first obtaining a permit issued by the City pursuant to this chapter.
- B. A permit is not deemed issued until the administrator receives the applicant's written acceptance in accordance with this chapter.

12.20.040 Planting Vegetation.

It is unlawful for any person to place or plant, or cause to be placed or planted, any tree, shrub, or bush in any public right of way or public service easement, including but not limited to any public street, alley, thoroughfare, or place within the City, without obtaining a permit pursuant to this chapter. In addition to all other conditions of this chapter, a permit for the planting of trees will specify the place for planting, the distance apart, the kinds of trees, and such other matters specified by the administrator.

12.20.050 Street Damage.

It is unlawful for any person to drive, drag, propel, or move, or cause to be moved upon any public right-of-way or public service easement, any equipment, attachment, implement, plow, harrow, or cutting or scratching instrument or any vehicle or machine liable to break the surface of, or do injury to, the public right-of-way or public service easement, except when performing a lawful public works contract, or pursuant to a permit issued pursuant to this chapter. Any damage to any public right of way or public service easement shall be restored to original condition pursuant to a permit issued in accordance with this chapter.

12.20.060 Exceptions to Permit Requirements.

A permit is not required for the following encroachments or excavations:

- A. United States mail boxes;
- B. Portable and usual residential garbage and rubbish receptacles when conforming to and placed in accordance with the rules and regulations of the City;
- D. Work required by a public works contract between the city and a contractor;

- E. An encroachment made pursuant to a subdivision improvement agreement between the city and a developer;
- F. Encroachments or excavations related to filming activities where the person possesses an appropriate film permit pursuant to this code;
- G. Encroachments or excavations authorized by a permit issued pursuant to this code for parades, assemblies, or other special events;
- H. An encroachment made by an adjoining property owner for installing concrete flat work in a parkway between a public street and sidewalk or for the purpose of installing concrete flat work behind a public sidewalk, provided the concrete flat work has otherwise been approved by the city;
or
- I. An encroachment made by a city officer or employee acting within the course and scope of such officer's or employee's duties or employment.

12.20.070 Fees.

Persons applying for a permit under this chapter must pay a permit fee as established by City Council resolution.

12.20.080 Administration by Administrator.

The Administrator will administer this chapter, including, without limitation, acting on all applications for a permit required by this chapter, and undertaking any of the enforcement actions provided for by this chapter.

12.20.090 General Application Requirements for Permits.

Applications for a permit required by this chapter will be filed with the public works department, will be in a form and contain the information prescribed by the administrator and will be accompanied by a permit fee in an amount established by City Council resolution.

12.20.100 Additional Application Requirements for Permits Authorizing Construction or Excavation Work – Applicant Qualifications.

Where an application is filed for a permit required by this chapter which would authorize construction or excavation work within a public right-of-way or public service easement, the applicant must establish to the satisfaction of the administrator:

- A. That the applicant possesses a valid contractor's license issued pursuant to Chapter 9, Division 3 of the California Business and Professions Code (commencing with Section 7000) to perform the kind of work within the public right-of-way or public service easement to be authorized by the permit; and

- B. That the applicant possesses a valid City of Goleta Business License to perform the work within the City of Goleta; or
- C. The applicant owns the property adjoining that portion of the public right-of-way or public service easement in which the work to be authorized by the permit will be performed, that such work will consist entirely of repairs to sidewalks, curbs, gutters or driveway, and/or the installation of landscaping within the parkway strips adjoining such public right-of-way, and that the work will be performed either entirely by the applicant or by the applicant in conjunction with unpaid assistants.

12.20.110 Additional application requirements for permits authorizing construction or excavation work - Plans and specifications.

Where an applicant seeks a permit for construction or excavation work within a public right-of-way or public service easement, the application must include plans and specifications indicating the location, nature, and extent of the work to be performed within the public right-of-way or public service easement and establish that such work will conform to the city's design criteria and improvement standards and/or any other applicable laws and regulations.

12.20.120 Action on permit applications – Approval and Issuance of Permit.

If an application is complete and there are no grounds for denial, the administrator must approve the application and issue a permit subject to all of the conditions provided for by this chapter upon the applicant providing proof of insurance and compliance with all conditions precedent to the issuance of the permit.

12.20.130 Action on permit applications – Denial of applications.

- A. Grounds for Denial. The administrator must deny an application for a permit required by this chapter if the administrator determines that:
 - 1. The encroachment or excavation proposed by the application is for the construction or installation of improvements or facilities within a public right-of-way or public service easement than are not an authorized use of a public right-of-way or public service easement;
 - 2. The encroachment or excavation, if implemented in the proposed manner, would unreasonably interfere with use of public or private property adjacent to or contiguous with the public right-of-way or public service easement in which an encroachment or excavation is planned; or

3. The encroachment or excavation, if implemented in the proposed manner, would threaten the safety of life or property.
- B. Notice of Denial. When the administrator denies an application, the administrator must promptly serve notice of the applicant. That notice will state the reasons for denial and set forth the applicant's right to apply for administrative review and appeal in the manner provided by this chapter.

12.20.140 General Conditions of Permits – Comprehensive Liability Insurance.

- A. Insurance Requirements. Applicant shall provide to City documentation that meet the City's current insurance requirements as determined by the City's Risk Manager, which provides insurance coverage for all liabilities out of or in any way related to the proposed encroachment and/or excavation work.
- B. Proof of Insurance. An applicant will provide proof of insurance in a form approved by the city's risk manager at the time a permit is issued and will be filed with the administrator before a permit is issued.

12.20.150 General Conditions of Permits – Liability Insurance Requirements for Permittees Owning Adjoining Property.

If an applicant proposes work that will undertaken and performed by a person owning the property contiguous to that portion of the public right-of-way or public service easement in which the work is to be performed, an applicant may comply with the insurance requirements of this chapter by filing a copy of the applicant's homeowner's insurance policy with liability limits as determined by the City's Risk Manger.

12.20.160 General Conditions of Permits – Compliance with Traffic Control Plan.

As an additional condition for an encroachment permit, the permittee must undertake and carry out the encroachment or excavation authorized by such permit in accordance with the provisions of the latest edition of the California Manual on Uniform Traffic Control Devices as published by the California Department of Transportation and/or any additions or modifications or alternate manual adopted by the City.

12.20.170 Additional Conditions of Permits Authorizing Construction of Excavation Work – Surety Bond or Other Security.

- A. Security Requirements. Except as provided by this chapter, a permit cannot be issued pursuant to this chapter unless and until the permittee obtains and provides the city a surety bond or other security guaranteeing permittee's performance of all duties and obligations under such permit including, in particular, the duty and obligation to restore the construction

or work site to the same condition as it was before the work, or such modified condition as approved by the administrator.

- B. Amount of Security. The surety bond or other security obtained and provided by a permittee will be in the amount of at least \$10,000.00, except when the administrator determines that the proposed work is extensive and would result in costs substantially exceeding \$10,000.00 to remedy any breach of the permit requirements. Under such circumstances, the surety bond or other security must be in an amount which the administrator determines is necessary to fully insure the city's exposure to all such costs.
- C. Form of Security. The permittee's surety bond must be in a form approved by the city attorney and be conditioned upon the duties and obligations contained in the permit and set forth in this Chapter. In lieu of a surety bond, a permittee may obtain and provide to the city a cash deposit, certificate of deposit naming the city as the payee thereof or such other kind of security acceptable to the city's risk manager, provided such alternate security is accompanied by an agreement, in a form approved by the city attorney, stating that the security is being pledged to guarantee performance of the permittee's duties and obligations under the permit issued to permittee pursuant to this chapter.

12.20.180 Additional conditions of permits authorizing construction or excavation work - Waiver of surety bond or other security for permittees owning adjoining property.

Where a permit is issued pursuant to this chapter to a property owner adjoining the portion of the public right-of-way or public service easement in which the work is to be performed, the surety bond or other security requirements of this chapter may be waived.

12.20.190 Additional conditions of permits authorizing construction or excavation work - Performance of construction or excavation work.

As a further condition of the issuance of a permit required by this chapter, the permittee will design, undertake and complete such work in the following manner:

- A. All public improvements constructed or installed within a public right-of-way pursuant to such permit must be designed, constructed and installed in accordance with the city's design criteria and improvement standards.
- B. Upon commencing work authorized by a permit, the work will be prosecuted with due diligence in a manner that does not unnecessarily obstruct or interfere with a public street, public utilities or other facilities located within a public right-of-way or public service easement. This provision will be strictly construed.

- C. Warning Lights. It is the duty of any person making any excavation in any public right-of-way or service easement, to place and maintain during the period between sunset any day and sunrise of the succeeding day, suitable and adequate lights to warn users of the street of the obstructions or excavations until such excavation is entirely refilled.
- D. Location of Pipes. It is unlawful for any person to lay any gas or water service pipe, or main pipe, or private sewer or any drain or other conduit in any street or other public place in the city at a distance of less than two feet below the surface of such public place.
- E. All excavation permittees are required to furnish compaction reports on all backfill if required by the city engineer.
- F. Upon completing approved work, the public right-of-way or public services easement in which such work was performed must be restored to the same condition as before the work occurred or such modified condition as expressly approved by the administrator. All surplus soils or waste materials removed from the public right-of-way or public service easement must be deposited or disposed of in a manner that complies with applicable federal, state, and city laws and regulations.
- G. At the conclusion of construction or excavation work authorized by such permit, the permittee must file with the administrator such "as-built" plans and specifications as may be required by the administrator depicting any new improvements or facilities or any modifications to existing improvements or facilities which were constructed or installed in the public right-of-way or public service easement pursuant to such permit.
- H. Applicant shall agree to indemnify City from any and all claims, losses, damage or injury alleged to have occurred due to the Applicant's encroachment.

12.20.200 Additional Conditions of Permits.

When acting on a permit required by this chapter, the administrator may condition the issuance of a permit on compliance with any special requirements which the administrator determines are necessary to ensure that the proposed encroachment or excavation is accomplished in a manner that protects the safety of persons or property and does not unreasonably interfere with the use by the city or general public of any public right-of-way or public service easement and/or any public or private property adjoining or in the neighborhood of the public right-of-way or public service easement in which the encroachment or excavation is to be made.

12.20.210 Obstruction of Street; Refilling; Cost.

- A. Refilling. All refilling of any excavation will be made by the superintendent of streets. If the street or place where such excavation is made is graveled, macadamized or has a cement concrete pavement, such pavement will be replaced by the superintendent of streets, all costs to be borne by the person, firm, or corporation making the excavation.
- B. Determination of cost. The decision of the street superintendent as to the cost of any work done or repairs made by the City under the provisions of this chapter are final and conclusive as to such cost.

12.20.220 Stop Notice.

- A. Determination of Administrator to Order Work to be Stopped. Whenever the administrator determines that an encroachment or excavation made pursuant to a permit issued by this chapter threatens public safety, unreasonably interferes with the use of such public right-of-way or public service easement or any property adjoining and in the neighborhood thereof, or damages or threatens to damage other facilities located within the public right-of-way or public service easement in a manner not authorized by the permit, the Administrator may, by service and posting of the notice required by this section, order such work stopped.
- B. Service of Notice of Order to Stop Work. If stopping the work is, at the Administrator's determination, appropriate, the Administrator will cause a written notice of the order to be served on the permittee and on any person known to the Administrator to be working pursuant to the permit if such person is someone other than the permittee. In addition to setting forth the order of the Administrator to stop work, such notice will contain a brief description of the reasons why such work is being ordered stopped and the action, if any, which may be taken in order that the work may be resumed; will contain a statement of the right of the permittee to apply for administrative review of the order and to appeal the order in the manner provided by this chapter, and advise the person upon whom the notice is served that unless authorized by the Administrator, any further work performed pursuant to such permit may subject such person to criminal charges.
- C. Posting of Order to Stop Work. The Administrator will also cause a written notice of the order to be posted in a conspicuous place within the public right-of-way or public service easement in which such work is being performed. In addition to setting forth the order of the Administrator to stop work, such notice will state that it is a misdemeanor for such person to

perform any further work without authorization of the Administrator or to remove or deface the posted notice of such order.

- D. Effect of an Order to Stop Work. It is unlawful for any person served with a notice of the Administrator to stop work undertaken or carried out pursuant to a permit issued in the manner provided by this chapter to cause or permit such work to be performed.

12.20.230 Permit Revocation.

- A. Determination by the Administrator to Revoke a Permit. Whenever the Administrator determines that a permittee violated the terms and conditions of the permit or that the permit was issued based on an application or plans and specifications which contained a material misrepresentation of fact, the Administrator, may, by service of the notice required by this section, revoke the permit.
- B. Service of Notice of Order Revoking a Permit. Upon revoking a permit, the Administrator will cause written notice of such order to be served on the permittee. In addition to notice regarding the revocation, the notice will contain a brief description of the reasons why the permit is being revoked and will contain a statement that the permittee has the right to apply for administrative review of the order and to appeal the order as provided by this chapter.
- C. Effect of Order Revoking a Permit. A permittee served with a notice of revocation will promptly terminate the encroachment or excavation and restore the public right-of-way or public service easement in which such encroachment or excavation was undertaken or carried out to the same condition as before the work commenced.

12.20.240 Removal and Restoration Work.

- A. Administrator's Decision to Remove and Restore. Where the Administrator determines that an encroachment or excavation was made in a public right-of-way or public service easement without a permit, in violation or contrary to the terms and conditions of a permit or order issued pursuant to this chapter, or in any manner that endangers the safety of persons or property, the Administrator may remove such encroachment, refill such excavation and/or restore such public right-of-way or public service easement to the same or substantially the same condition as it was before such work, all at the permittee's or responsible person's cost, after serving any notice required by this chapter.

- B. Notice of Removal and/or Restoration. Upon determining to restore a public right-of-way or public service easement, the Administrator will cause written notice of such determination to be served on the permittee or other responsible person. In addition to setting forth the Administrator's decision to perform such work, the notice will include the reasons for restoration and state that the work will be performed at permittee's cost. Unless the work is needed protect public health, safety, or property, the notice will also allow the permittee to immediately undertake restoration work at the permittee's sole cost and expense, provided the work is completed by the permittee within a reasonable time as determined by the Administrator and set forth in the notice.

- C. Liability for Cost of Restoration. Unless the permittee or other responsible person accomplishes the restoration work themselves, any permittee or other responsible person who caused the condition that requires restoration work will, upon the restoration work being complete, be liable to the city for the full cost thereof. In addition, where a surety bond or other security was provided to the city as a condition of a permit authorizing construction or excavation work within a public right-of-way or public service easement, such surety or other security will be liable to the city for the cost of such work to the full amount of the surety bond or other security.

- D. If work was performed without a City issued encroachment permit, the permittee or other responsible person shall secure a permit to restore the public right of way or public service easement or will be liable to the City for the full cost thereof.

12.20.250 Right of Administrative Review.

Except as otherwise provided, an applicant may request administrative review of the Administrator's decision pursuant to this chapter.

12.20.260 Time for Administrative Review.

- A. Except as otherwise provided, a request for review must be commenced within five (5) days from the date on which written notice of the Administrator's decision is served on the applicant/permittee.

- B. If a request is untimely, the Administrator may, nevertheless, extend the time for commencing such review for good cause shown.

12.20.270 Commencement of Administrative Review.

A request for administrative review will be on a form provided by the Administrator and contain the following information:

- A. The name, address and telephone number of the person making the request;
- B. A description of the decision, determination or order which is the subject of the review, and the date such decision, determination or order was made or issued;
- C. A brief description of all grounds for making the request; and
- D. Such other information as may be required by the Administrator.

12.20.280 Administrative Review.

- A. Upon request for administrative review being filed, the Administrator will promptly provide a copy of the notice to the city manager.
- B. Upon receiving a request for review from the Administrator, the city manager will review the request and, within twenty (20) days of receiving the request notice, provide the appellant with a written notification that:
 - 1. The Administrator's decision is affirmed;
 - 2. The Administrator's decision is modified; or
 - 3. The Administrator's decision is reversed and a permit is issued or issued without special conditions.
- C. The city manager may, but is not required to, conduct a hearing at a time and place mutually agreeable to the parties. If the parties cannot agree on the time and place, then it will be held the next business day at 4:00 P.M. at the city manager's office.
- D. In addition to other provisions of this chapter, any notification to the requestor must set forth any modifications of the Administrator's decision.

12.20.290 No Right to City Council Appeal.

The city manager's decision is final. An applicant does not have any right to appeal that decision to city council."

SECTION 2:

Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the city council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 3:

Continued Effectiveness. Repeal of any provision of the Goleta Municipal Code will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 4:

Certification. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Goleta's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 5:

Effective Date. This Ordinance will become effective on the thirty-first (31st) day following its passage and adoption.

INTRODUCED ON the ___ day of _____, 2013.

PASSED, APPROVED, AND ADOPTED this _____ day of _____ 2013.

ROGER S. ACEVES, MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

TIM W. GILES
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, Deborah S. Lopez, City Clerk of the City of Goleta, California, do hereby certify that the foregoing Ordinance No. 13-__ was introduced on _____, and adopted at a regular meeting of the City Council of the City of Goleta, California, held on the _____, by the following roll-call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK

[Chapter 15.10 Floodplain Managemetrn - Redline](#)

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15.10.010 Statutory Authorization.

Field Code Changed

The Legislature of the State of California has in [Government Code](#) Sections 65302, 65560 and 65800 conferred upon local government units authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. (Ord. 02-01 § 1)

Field Code Changed

15.10.020 Findings of Fact.

Field Code Changed

A. The flood hazard areas of the City of Goleta are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss. (Ord. 02-01 § 1)

15.10.030 Statement of Purpose.

Field Code Changed

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

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To insure that potential buyers are notified that property is in an area of special flood hazard; and

[Chapter 15.10 Floodplain Managemetrn - Redline](#)

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H. To insure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 02-01 § 1)

15.10.040 Methods of Reducing Flood Losses.

Field Code Changed

In order to accomplish its purposes, this chapter includes methods and provisions for:

A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;

B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

D. Controlling filling, grading, dredging, and other development which may increase flood damage; and,

E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas. (Ord. 02-01 § 1)

15.10.050 Definitions.

Field Code Changed

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

“Accessory use” means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

“Alluvial fan” means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

“Apex” means the point of highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the mountain front.

“Appeal” means a request for a review of the floodplain administrator’s interpretation of any provision of this chapter or a request for a variance.

“Area of shallow flooding” means a designated AO or AH Zone on the FIRM (Flood Insurance Rate Map), characterized by one or more of the following: (1) base flood depths ranging from one to three feet where a clearly defined channel does not exist, (2) an unpredictable and indeterminate path of flooding, (3) an evident velocity flow, (4) ponding or sheet flow.

“Area of special flood hazard.” See “Special flood hazard area.”

“Backfill” means the placement of fill material within a specified depression, hole or excavation pit below the surrounding adjacent ground level as a means of improving flood water conveyance or to restore the land to the natural contours existing prior to excavation.

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year (also called the “100-year flood”).

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

“City Council” means the City Council of the City of Goleta Control and Water Conservation District.

“Breakaway walls” are any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building and which is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters. A breakaway wall shall have a safe design loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:

1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
2. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

“Building.” See “Structure.”

“Building department” means the building and development division of the City of Goleta Community Services Department.

“Coastal high hazard area” means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other

area subject to high velocity wave action from storms or seismic sources. It is an area subject to high velocity waters, including coastal and tidal inundation or tsunamis. The area is designated on a Flood Insurance Rate Map (FIRM) as Zone V1-V30, VE or V.

“Critical feature” means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

“Curvilinear line” means the border on either a flood hazard boundary map or flood insurance rate map that delineates the special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazard areas and consists of a curved or contour line that follows the topography.

“Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

“Encroachment” means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

“Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before March 13, 1979.

“Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“Fill” is the placement of fill material at a specified location to bring the ground surface up to a desired elevation.

“Fill material” can be natural sand, dirt, soil or rock. For the purposes of floodplain management, fill material may include concrete, cement, soil cement, brick or similar material as approved on a case-by-case basis.

“Flood,” “flooding,” or “flood water” means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of inland or tidal waters,

b. The unusual and rapid accumulation or runoff of surface waters from any source, and/or

c. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current; and

2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition.

“Flood elevation determination” means a determination by the floodplain administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

“Flood elevation study” means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

“Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

“Flood insurance study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

“Floodplain” or “flood-prone area” means any land area susceptible to being inundated by water from any source (see definition of “flooding”).

“Floodplain administrator” is the City Engineer or designated agent. The floodplain administrator shall enforce the provisions of this chapter.

“Floodplain management” means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and the administration and enforcement of this chapter.

“Flood protection system” means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a “special flood hazard” and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as “regulatory floodway.”

“Floodway encroachment lines” means the lines marking the limits of floodways on federal, state and local floodplain maps.

“Floodway fringe” is the areas of a floodplain on either side of the designated floodway where encroachment may be permitted.

“Fraud and victimization” related to Section [15.10.230](#) of this chapter means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the floodplain administrator will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for 50 to 100 years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

Field Code Changed

“Freeboard” means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

“Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

“Hardship” as related to Section [15.10.230](#) of this chapter means the hardship that would result from a failure to grant the requested variance. The floodplain administrator shall require that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one’s neighbors likewise cannot, as a rule, qualify as exceptional hardships. All of these problems can be resolved through other means, without granting a variance. This is so even if the alternative means are more expensive or complicated than building with a variance, or if they require the property owner to put the parcel to a different use than originally intended, or to build elsewhere.

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Historic structure” means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district registered as a historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior in states with approved programs.

“Landfill” means a permitted location for the disposal, placement or dumping of garbage, trash, debris, junk or waste material.

“Levee” means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

“Levee system” means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

“Mangrove stand” means an assemblage of mangrove trees which are mostly low trees noted for a copious development of interlacing adventitious roots above the ground and which contain one or more of the following species: black mangrove (*Avicennia Nitida*); red mangrove (*Rhizophora Mangle*), white mangrove (*Languncularia Racemosa*), and buttonwood (*Conocarpus Erecta*).

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

“Manufactured home park or subdivision” means a parcel, or contiguous parcels, of land divided into two or more manufactured home lots for rent or sale.

“Map” means the Flood Insurance Rate Map for a community issued by the Flood Insurance Administration, Federal Emergency Management Agency.

“Market value” means, for the purposes of determining substantial improvement, the value of the structure in question. It does not pertain to the land, landscaping or any other structures on the property, but only to the structure for which the improvement is proposed. Market value shall be determined by a professional appraiser as the cost to replace the structure in new condition, adjusted by the amount of depreciation that has accrued since the structure was constructed. The cost of replacement shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and the functional obsolescence, but shall not include economic or other forms of external obsolescence.

“Mean sea level” means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community’s flood insurance rate map are referenced.

“Minimum necessary” related to Section [15.10.230](#) of this chapter means the minimum necessary to afford relief to the applicant for a variance with a minimum

deviation from the requirements of this chapter. In the case of variances to an elevation requirement, this means the floodplain administrator need not grant permission for the applicant to build at grade, for example, or even to whatever elevation the applicant proposes, but only that level that the floodplain administrator believes will both provide relief and preserve the integrity of this chapter.

“Mudslide” (i.e., mudflow) describes a condition where there is a river, flow or inundation of liquid mud down a hillside usually as a result of a dual condition of loss of brush cover, and the subsequent accumulation of water on the ground preceded by a period of unusually heavy or sustained rain.

“Mudslide (i.e., mudflow) prone area” means an area with land surfaces and slopes of unconsolidated material where the history, geology and climate vindicate a potential for mudflow.

“New construction,” for floodplain management purposes, means structures for which the “start of construction” commenced on or after March 13, 1979. “New construction” includes any improvements to such structures on or after March 13, 1979.

“New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after March 13, 1979.

“Obstruction” includes but is not limited to any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water or its likelihood of being carried downstream.

“One hundred year flood” or “100-year flood” means a flood which has a one percent annual probability of being equaled or exceeded. It is identical to the “base flood,” which will be the term used throughout this chapter.

“Primary frontal dune” means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively mild slope.

“Principal structure” means a structure used for the principal use of the property as distinguished from an accessory use.

“Public safety and nuisances” as related to Section 15.10.230 of this chapter means the granting of a variance must not result in additional threats to public safety or create nuisances. This chapter is intended to help protect the health, safety, well-being, and property of the local citizens. This is a long-range community effort made up of a combination of approaches such as adequate drainage systems, warning and evacuation plans, and keeping new property above the flood levels. These long-term goals can only be met if exceptions to the requirements of this chapter are kept to a bare minimum.

“Recreational vehicle” means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Regulatory floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

“Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

“Sand dunes” means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

“Sheet flow area.” See “Area of shallow flooding.”

“Special flood hazard area (SFHA)” means an area having special flood hazard as shown on an FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V.

“Start of construction” includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing,

grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affect the external dimensions of the building.

“Structure” means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground. “Structure” also includes manufactured homes.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

“Substantial improvement” means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, or any accumulation thereof occurring after October 7, 2008, or within the last 10 years, whichever is shorter, the cost of which equals or exceeds 50% of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

“V zone.” See “Coastal high hazard area.”

“Variance” means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

“Water surface elevation” means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

“Watercourse” means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse also includes specifically designated areas in which substantial flood damage may occur.

“Violation” means the failure of a structure or other development to be fully in compliance with the requirements and provisions of this chapter or any variances issued pursuant to Sections [15.10.230](#) through [15.10.250](#) of this chapter. A structure or other development without an elevation certificate, other certification, or other evidence of

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compliance required in this chapter is presumed to be in violation until such time as that documentation is provided to the floodplain administrator. (Ord. 02-01 § 1)

15.10.060 Lands to Which this Chapter Applies.

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This chapter shall apply to all areas of special flood hazards within the City of Goleta. (Ord. 02-01 § 1)

15.10.070 Basis for Establishing the Areas of Special Flood Hazard.

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The areas of special flood hazard identified by the Federal Insurance Administration of the Federal Emergency Management Agency in the Flood Insurance Study dated September 1978 and the Flood Insurance Rate Map (FIRM), dated March 15, 1979, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this chapter. This Flood Insurance Study and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the board of directors by the floodplain administrator. The study and Flood Insurance Rate Maps are on file with the office of the City Clerk, 130 Cremona Drive, Suite B, Goleta, California. (Ord. 02-01 § 1)

15.10.080 Compliance.

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A. No structure or land shall thereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter. It shall be unlawful for any person to violate any provision or to fail to comply with any of the mandatory requirements (including violations of conditions and safeguards established in connection with conditions) of this chapter. A violation of any of the provisions or failing to comply with any of the mandatory requirements of this chapter shall constitute a misdemeanor; except notwithstanding any other provision of this chapter, any such violation constituting a misdemeanor under this chapter may, in the discretion of the City Attorney, be charged and prosecuted as an infraction.

B. Each such person shall be charged with a separate offense for each and every day during any portion of which any violation of any provision of this chapter is committed, continued or permitted by such person and shall, upon conviction be punished accordingly. (Ord. 02-01 § 1)

15.10.090 Abrogation and Greater Restrictions.

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This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter, another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 02-01 § 1)

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15.10.100 Interpretation.

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In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the City of Goleta; and,
- C. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 02-01 § 1)

15.10.110 Warning and Disclaimer of Liability.

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The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability, or any duty upon which liability may arise, on the part of the City of Goleta, the Santa Barbara County Flood Control and Water Conservation District, any officer or employee thereof, or the Federal Insurance Administration, Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. 02-01 § 1)

15.10.120 Severability.

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This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid. (Ord. 02-01 § 1)

15.10.130 Establishment of Development Permit.

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A development permit shall be obtained before any construction or other development begins within any area of special flood hazard established in Section [15.10.070](#). Application for a development permit shall be made on forms furnished by the building division and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required for plan submittals which propose development within any of the A or V zones:

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A. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures. In zone AO, elevation of highest adjacent grade and proposed elevation of lowest floor of all structures.

B. Proposed elevation in relation to mean sea level to which any structure will be floodproofed;

C. All appropriate certifications listed in Section [15.10.150\(D\)\(1\)](#) of this chapter; and

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D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. 02-01 § 1)

[15.10.140 Designation of the Floodplain Administrator and Building Official.](#)

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The floodplain administrator is [the Public Works Director and](#) hereby appointed to administer and implement this chapter. The floodplain administrator and the building official shall enter into a memo of understanding concerning the administration and enforcement of this chapter so as to ensure that the provisions of this chapter are implemented prior to issuance of a building permit by the building official. (Ord. 02-01 § 1)

[15.10.150 Duties and Responsibilities of the Floodplain Administrator.](#)

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The duties and responsibilities of the floodplain administrator shall include, but not be limited to:

A. Permit Review.

1. Reviewing all development permits within areas of special flood hazard to determine that the permit requirements of this chapter have been satisfied;

2. Determining that the site is reasonably safe from flooding; and

3. Determining that the proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this chapter, “adversely affects” means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.

4. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

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B. Use of Other Base Flood Data. Obtaining, reviewing, and utilizing any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Sections 15.10.130 and 15.10.160 through 15.10.250 when base flood elevation data has not been provided in accordance with Section 15.10.070.

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C. Notification to Other Agencies.

1. Notifying adjacent communities and the California Department of Water Resources prior to such alteration or relocation of a watercourse, and submitting evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency, whenever a watercourse is to be altered or relocated.

2. Requiring that the flood carrying capacity of the altered or relocated portion of said watercourse be maintained.

3. Base Flood Elevation changes due to physical alterations:

a. Within 6 months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).

b. All LOMR's for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

4. Changes in corporate boundaries:

Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

D. Public Inspection. Obtaining and maintaining for public inspection and making available as needed:

1. The certification required by Section 15.10.160(C)(1) (floor elevations); and

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2. The certification required by Section 15.10.160(C)(2) (elevations in areas of shallow flooding); and

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3. The certification required by Section 15.10.160(C)(3)(c) (elevation or floodproofing of nonresidential structures); and

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4. The certification required by Section 15.10.160(C)(4)(a) or 15.10.160(C)(4)(b) (wet floodproofing standard);

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5. The certification of elevation required by Section 15.10.180(B) (subdivision standards);

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6. The certification required by Section 15.10.210(A) (floodway encroachments);

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7. The information required by Section 15.10.220(F) (coastal construction standards).

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E. Boundary Determination. Making interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 15.10.240.

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F. Enforcement. Taking action to remedy violations of this chapter as specified in Section 15.10.080 herein. (Ord. 02-01 § 1)

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15.10.160 Standards of Construction,

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

A. Anchoring.

1. All new construction, substantial improvements, and other proposed new development shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

2. All manufactured homes shall meet the anchoring standards of Section 15.10.190.

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B. Construction Materials and Methods.

1. All new construction, substantial improvement and other proposed new development shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction, substantial improvement and other proposed new development shall be constructed using methods and practices that minimize flood damage.

3. All new construction, substantial improvement and other proposed new development shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

4. Within zones AH or AO, the floodplain administrator shall require that adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

C. Elevation and Floodproofing.

1. New construction, substantial improvement and other proposed new development shall have the lowest floor, including basement, elevated two feet above the base flood elevation (BFE), unless such minimum elevation is lowered by the floodplain administrator at his or her discretion (but not below the BFE). Nonresidential structures may meet the standards in subsection (C)(3) of this section. Prior to erection of wall framing, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, or verified by the floodplain administrator to be properly elevated.

2. New construction, substantial improvement, and other proposed new development in Zone AO shall have the lowest floor, including basement, elevated two feet above the highest adjacent grade, at least two feet higher than the depth number specified, in feet, on the FIRM, or at least two feet above adjacent grade if no depth number is specified unless such minimum elevation is lowered by the floodplain administrator at his or her discretion (but not below the BFE). Nonresidential structures may meet the standards in subsection (C)(3). Prior to erection of wall framing, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, or verified by the floodplain administrator to be properly elevated.

3. Nonresidential construction shall either be elevated to conform with subsections (C)(1) or (2), or together with attendant utility and sanitary facilities:

a. Be floodproofed two feet above the base flood elevation (BFE) so that the structure is watertight with walls substantially impermeable to the passage of water; and

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

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c. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the floodplain administrator.

4. The floodplain administrator shall require, for all new construction, substantial improvement and other proposed new development, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

a. Either a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided; the bottom of all such openings shall be no higher than one foot above grade (openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater); or

b. Be certified to comply with a local floodproofing standard approved by the Federal Insurance Administration, Federal Emergency Management Agency.

5. Manufactured homes shall also meet the standards in Section [15.10.190](#). (Ord. 02-01 § 1)

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[15.10.170 Standards for Utilities.](#)

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A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.

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B. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

C. Other utilities are addressed at Sections [15.10.160\(B\)](#) and [15.10.180\(D\)](#). (Ord. 02-01 § 1)

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[15.10.180 Standards for Subdivisions.](#)

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A. All preliminary subdivision or other development proposals shall identify the flood hazard area and the elevation of the base flood.

B. All final subdivision plans will provide the elevation of proposed structure(s) and pad(s). If the site is filled above the base flood elevation, the final pad elevation shall be certified by a registered professional engineer or surveyor and provided to the floodplain administrator.

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C. All subdivision proposals shall be consistent with the need to minimize flood damage.

D. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

E. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards. (Ord. 02-01 § 1)

15.10.190 Standards for Manufactured Homes.

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A. All manufactured homes that are placed or substantially improved within a special flood hazard area on the community's Flood Insurance Rate Map (1) outside of a manufactured home park or subdivision, (2) in a new manufactured home park or subdivision, (3) in an expansion to an existing manufactured home park or subdivision, or (4) in an existing manufactured home park or subdivision shall:

1. Within Zones AE, AH and AO, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated two feet above the base flood elevation, unless such minimum elevation is lowered by the floodplain administrator at his or her discretion (but not below the base flood elevation), and be securely fastened to an adequately anchored foundation system to resist flotation, collapse and lateral movement;

2. Within Zone A, be elevated on a permanent foundation and securely fastened to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones V and VE that meet the Coastal High Hazard Standards in Section [15.10.220](#) on the community's Flood Insurance Rate Map and are not subject to the provisions of subsection A of this section shall be elevated on adequately anchored pilings or columns and securely fastened to such pilings or columns to resist flotation, collapse and lateral movement and so that the lowest horizontal portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated two feet above the base flood elevation. (Ord. 02-01 § 1)

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15.10.200 Standards for Recreational Vehicles.

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All recreational vehicles placed on-sites within a floodplain shown on the City of Goleta Flood Insurance Rate Map will either:

- A. Be on the site for fewer than 180 consecutive days,
- B. Be fully licensed and ready for highway use, or

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C. Meet the permit requirements of Section [15.10.130](#) of this chapter and either: (1) for zones AI-30, AH, and AE within Zones AI-30, AH, AE, meet the elevation and anchoring requirements for manufactured homes in Section [15.10.190\(A\)](#) or (2) for Zones V1-V30, V, and VE, meet the Coastal High Hazard Standards in Section [15.10.190\(B\)](#). (Ord. 02-01 § 1)

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[15.10.210 Floodways.](#)

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Located within areas of special flood hazard established in Section [15.10.070](#) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Prohibiting encroachments, including fill, new construction, substantial improvement, and other new development unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. If subsection A of this section is satisfied, all new construction, substantial improvement and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Sections [15.10.130](#) and [15.10.160](#) through [15.10.250](#). (Ord. 02-01 § 1)

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[15.10.220 Coastal High Hazard Areas.](#)

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Within coastal high hazard areas established in Section [15.10.070](#), the following standards shall apply:

A. All new construction, substantial improvement and other proposed new development shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the lowest horizontal portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards.

B. All new construction, shall be located landward of the reach of mean high tide.

C. All new construction, substantial improvement and other proposed new development shall have the space below the lowest floor free of obstructions or constructed with breakaway walls as defined in Section [15.10.050](#) of this chapter. Such enclosed space shall not be used for human habitation and will be useable solely for parking of vehicles or building access.

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- D. Fill shall not be used for structural support of buildings.
- E. Man-made alteration of sand dunes which would increase potential flood damage is prohibited.
- F. The floodplain administrator shall obtain and maintain the following records:
 - 1. Certification by a registered engineer or architect that a proposed structure complies with subsection A of this section.
 - 2. The elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures, and whether such structures contain a basement. (Ord. 02-01 § 1)

15.10.230 Nature of Variances.

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A. The variance criteria set forth in this section of the chapter are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. Though these standards vary from jurisdiction to jurisdiction, in general, a properly issued variance is granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

B. It is the objective of the City Council to help protect its citizens from flooding. This need is so compelling, and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood chapter are quite rare. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate. (Ord. 02-01 § 1)

15.10.240 Application for Variances.

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A. A person may file an application for a variance from the requirements of this chapter with the floodplain administrator.

B. The floodplain administrator shall act on and make written determinations on applications for variances from the requirements of this chapter.

C. In passing upon such applications, the floodplain administrator shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and shall also consider:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger of life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
4. The importance of the services provided by the proposed facility to the City of Goleta;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety of access to the property in time of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and,
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

D. Any applicant to whom a variance is granted shall be given written notice over the signature of the floodplain administrator that (1) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and (2) such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the applicant in the office of the Santa Barbara County Recorder, and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land; and a conformed copy of said recordation shall be

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provided to the floodplain administrator as indicated in the conditions attached to the variance.

E. The floodplain administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency. (Ord. 02-01 § 1)

15.10.250 Conditions for Variances.

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A. Generally, variances may be issued for new construction, substantial improvement and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Sections [15.10.130](#) and [15.10.160](#) through [15.10.250](#) of this chapter have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

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B. Variances may be issued for the repair or rehabilitation of “historic structures” (as defined in Section [15.10.050](#) of this chapter) upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

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C. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the “minimum necessary” (as defined in Section [15.10.050](#) of this chapter), considering the flood hazard, to afford relief.

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E. Variances shall only be issued upon (1) a showing of good and sufficient cause; (2) a determination that failure to grant the variance would result in exceptional “hardship” (as defined in Section [15.10.050](#) of this chapter) to the applicant; and (3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create “nuisances” (as defined in Section [15.10.050](#) of this chapter), cause “fraud or victimization” (as defined in Section [15.10.050](#) of this chapter) of the public, or conflict with existing local laws or ordinances.

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F. Variances may be issued for new construction, substantial improvement and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of subsections A through E of this section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

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G. Upon consideration of the factors of Section [15.10.240\(C\)](#) and the purposes of this chapter, the floodplain administrator may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter. (Ord. 02-01 § 1)

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