

Ordinance No. 4350

(Amended by Ordinance No. 4411, 1/16/2001; and by Ordinance No. 4429, 10/2/2001)

ORDINANCE REPEALING AND REPLACING CHAPTER 35A OF THE COUNTY CODE ESTABLISHING A GROWTH MANAGEMENT PLAN, AND A RESTRICTED RESOURCES OVERLAY DISTRICT FOR THE GOLETA PLANNING AREA

WHEREAS, on December 1, 1986, the Board of Supervisors of the County of Santa Barbara established by resolution an overlay zone, the Restricted Resources Overlay District, upon the unincorporated area of the County of Santa Barbara known as the Goleta Planning Area and established a residential growth management plan for the area; and

WHEREAS, the County completed studies evaluating the need for and effects of a comprehensive growth management plan for the area, including management of residential, commercial and industrial development; and

WHEREAS, pursuant to notice given under the provisions of Government Code Section 25124 the Board of Supervisors of the County of Santa Barbara has held public hearings to consider a revised growth management plan for the area within this Restricted Resources Overlay District; and

WHEREAS, the County completed and certified a Goleta Growth Management Environmental Impact Report (EIR) which analyzed appropriate management programs for the Goleta area and assessed a range of alternative growth scenarios; and

WHEREAS, The Goleta Growth Management EIR confirmed existing resource and service deficiencies, including but not limited to the following areas: water supply and demand, waste water capacity, traffic capacity and levels of service, air quality, fire protection, and potential creation of significant jobs/housing imbalance; and

WHEREAS, in evaluating the alternative potential growth management rates for Goleta, the Goleta Growth Management EIR identified, in accordance with CEQA, an EIR-recommended alternative annual rate of 200 residential units and 80,000 square feet of commercial/industrial development per year; and

WHEREAS, on November 7, 1989, the Board of Supervisors adopted Ordinance 3782 establishing a growth management plan for the Goleta Planning Area; and

WHEREAS, many of the constraints necessitating adoption of Ordinance 3782 continue to exist; and

WHEREAS, in 1999, the Board of Supervisors determined that it was necessary and appropriate to repeal and replace ordinance 3782 to extend its impact through the 2008 and to make to make other minor changes to that Ordinance; and

WHEREAS, the for the purposes of adopting this Ordinance the County has considered an addendum to the Final Environmental Impact Report prepared for the Goleta Old Town

Revitalization Project, the Final Environmental Impact Report prepared for the Goleta Community Plan and the supplement to that EIR, and to the Final Environmental Impact Report prepared for the Goleta Growth Management Ordinance; and

WHEREAS, public hearings have been held before the Board of Supervisors to allow public participation and comments on the adequacy of the environmental documents, and the provisions of this ordinance, which have afforded an opportunity for all interested parties to appear and present testimony in connection with these matters; and

WHEREAS, the Goleta Growth Management Ordinance as previously enacted has benefited the health, safety and welfare of County residents and employees by pacing development; and

WHEREAS, the public health, safety, and welfare and the necessity to provide adequate public facilities and services consistent with available resources and environmental constraints requires continuation of a system for growth management in the Goleta area:

THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA ORDAINS AS FOLLOWS:

SECTION 1:

This Ordinance repeals and replaces Ordinance 3782 as amended by Ordinance Nos. 3899, 4023, 4030, 4104, 4141, 4147, 4189, 4203, 4273, 4293, and 4327.

SECTION 2:

Chapter 35A of the Santa Barbara County Code is hereby repealed and replaced as follows:

Section 35A-1 RE-ADOPTION AND AMENDMENT OF RESTRICTED RESOURCES OVERLAY DISTRICT.

The Board of Supervisors hereby readopts and amends the provisions of the Restricted Resources Overlay District upon the unincorporated area of the County of Santa Barbara known as the Goleta Planning Area as depicted on zoning maps, in which all development shall be subject to the provisions contained in this Section 35A.

Section 35A-2 SHORT TITLE. PURPOSE.

- 2.1 This Section 35A shall be known as the "Goleta Growth Management Ordinance" and is referred to herein as "this Ordinance".
- 2.2 It is the purpose of this Ordinance to augment the policies of the County expressed in the Comprehensive Plan, the Goleta Community Plan, the Local Coastal Plan and Zoning Ordinances relating to the regulation of development to accomplish the following:
 - A. Prevent further significant deterioration in the local air quality;

- B. Insure that traffic demands do not further exceed the capacity of the street system;
- C. Insure that Goleta does not continue to grow in a manner that places a severe strain on the local freeway system;
- D. Insure the adequacy of fire protection;
- E. Insure the adequacy of the water system;
- F. Preserve the character, quality of life, and open space of the community;
- G. Insure the adequacy of county facilities including school, recreation, park, library and service facilities;
- H. Insure a balance of housing types and values which will accommodate a variety of families, including families of low and moderate income and older families on limited or fixed incomes;
- I. Insure the balanced development of the Goleta area and the County;
- J. Preserve agriculture as a viable component of the county's economy, and discourage conversion of viable agricultural lands to urban uses.

Section 35A-3 FINDINGS.

The provisions of this Ordinance are based on the following findings:

3.1 Necessity of Growth Management Ordinance

To implement the purposes of this Ordinance and the policies stated in Section 2.2, to allow public services in the County to be properly and effectively staged and provided without exacerbating the over-extension of existing facilities or incurring increasing costs of short-sighted facility expansion, and to allow deficient services to be brought up to required standards through long-range planning, the County must plan for a steady, rather than a fluctuating, overly rapid rate of growth each year.

3.2 Existing Policies

The County has adopted a Comprehensive Plan, which includes a Goleta Community Plan, (GCP) and a Local Coastal Program, consisting of land use designations, development goals and policies and zoning ordinances regulating residential, commercial and industrial development in the Goleta area. The Comprehensive Plan contains the following

applicable policies, which mandate that growth occur at a steady, defined rate and within existing resources and service levels:

- 3.2.1 Environmental constraints on development shall be respected. Economic and population growth shall proceed at a rate that can be sustained by available resources. (Land Use Element Goal #1)
- 3.2.2 Prior to issuance of a Land Use Permit, a finding must be made that adequate public or private services and resources are available to serve the proposed development. (Land Use Development Policy 4, Local Coastal Plan Policy 2-6)
- 3.2.3 No residential development may be approved which would utilize new extractions or increases in extractions of groundwater from any physically overdrafted groundwater basin, with certain exceptions. (GCP Wat-GV-11)
- 3.2.4 The long-term integrity of groundwater basins shall be protected. (LCP Policy 2-2)
- 3.2.5 Various rates of population increases should be evaluated and a range chosen which can be accommodated without adverse effects including rising taxes, traffic congestion, overdrafting of the water basin, overloading the capacity of existing utility lines and treatment plants, air pollution, loss of open space, and increasing crime rate. (Land Use Element Goleta Area Goal #2) Goleta Community Goals and Policies generally link development over time with resource, service and environmental constraints. (GCP CIRC-GV-2, WAT-GV-1, WAT-GV-9, WAT-GV-11, SD-GV-1, POL-GV-1, PRT-GV-1, PRT-GV-12)
- 3.2.6 To mitigate cumulative air quality impacts, the Air Quality Supplement encourages an equitable balance between housing and jobs in order to lessen commuting traffic impacts and supports a growth management program for the South Coast. (Land Use Element, Air Quality Supplement Measures A-3 and A-4)
- 3.2.7 The street system in Goleta should be adequate to serve the projected population at a level of service below that which would allow the free flow of peak hour traffic. (GCP CIR-GV-2) Through the identification of specific roadway classification capacities, the Circulation Element requires a linkage between land use and circulation planning.

3.3 Resource and Service Constraints

The Goleta Planning Area is experiencing a period of intense commercial/ industrial development. Commercial/industrial development in the unincorporated area of Goleta proceeded at an average annual rate of approximately 4.5% over the period of 1978 through 1987. Further, the Goleta Planning Area has experienced periods in recent history of intense residential growth. These unmanaged growth levels are adversely affecting health, safety and welfare of the residents of Goleta, contributing to the following resource and service constraints:

- 3.3.1 The Goleta street network contains numerous areas which operate at degraded levels of service. Six major intersections in the Goleta area currently operate at less than the Level of Service C. Numerous road segments are currently operating at levels beyond their rated Circulation Element capacity of Average Daily Trips.
- 3.3.2 The South Coast area of Santa Barbara County, in which the Goleta area is situated, is in a state of non-attainment under federal ozone air quality standards.
- 3.3.3 Fire protection facilities and personnel have been overextended to the point where major areas of Goleta are currently not receiving service consistent with nationally-accepted standards, both in terms of personnel per population ratios and average response times.
- 3.3.4 Currently, there exists a significant imbalance between jobs and housing in the South Coast. In the recent past, job generation in the Goleta area as a result of new development has outpaced the construction of new housing units. This imbalance has negatively impacted communities and major transportation corridors throughout the County, contributing to additional commuting, with attendant adverse air and traffic impacts.
- 3.3.5 Existing Comprehensive Plan policies for the protection of agriculture have been insufficient to prevent urbanization, loss of agricultural production, and loss of rural or semi-rural open space.
- 3.3.6 Limitations on Federal and State funding sources for local infrastructure and housing opportunities, and caps on property taxes have severely limited the ability of local government to fund the costs of increased growth.

3.4 Growth Rate

In order to address existing resource and service deficiencies, including but not limited to the following areas: traffic capacity and levels of service, air quality, fire protection, and significant jobs/housing imbalance, the Board of Supervisors finds that adoption the limits set forth in this Ordinance are necessary to achieve the purposes of this Ordinance and to protect the public health, safety, and welfare.

3.5 Measures to Relieve Constraints

The growth management program as implemented through this Ordinance will further and augment policies and goals of the Comprehensive Plan and Local Coastal Plan. The Growth Management Ordinance will, with other County-initiated measures, relieve the constraints that have required implementation of this Ordinance as follows:

- 3.5.1 **Circulation:** The County has adopted the Goleta Transportation Improvement Plan, a master roadway Capital Improvement Plan for all transportation improvements in the Goleta Area. Development fees and other funding sources will be coordinated

with this program to ensure completion of necessary transportation improvements. Further, the County has adopted the circulation component of the Goleta Community Plan to help lessen traffic impacts of new development. The Growth Management Ordinance will ensure a steady, rather than erratic, growth rate, which, in conjunction with this Capital Improvement Plan, will serve to reduce the number of intersections presently operating at LOS C or worse. In addition, the Growth Management Ordinance point system encourages projects which can provide specific mitigation to especially degraded transportation facilities. Thus, the Growth Management Ordinance implements Land Use Element Circulation Element and GCP policies encouraging improvement of circulation in Goleta.

- 3.5.2 **Air Quality:** The Air Quality Attainment Plan adopted December 1998 (AQAP), contains policies and provisions demonstrating attainment of Federal Air Quality standards in the South Coast area of Santa Barbara County. The Growth Management Ordinance will contribute to establishing a jobs-housing balance for Goleta, thus furthering policies in the Air Quality Supplement to the Land Use Element to help diminish widespread commuting trends.
- 3.5.3 **Fire Protection:** The County has developed a County Fire Master Facilities Plan. The Growth Management Ordinance will complement this plan in pacing development to facilitate necessary fire facilities becoming available concurrently with population increases.
- 3.5.4 **Jobs-Housing:** The Growth Management rate of 200 residential units (plus specifically exempted affordable housing projects) and 105,000 square feet of commercial/industrial development will help alleviate the imbalance between jobs and housing, consistent with a regional Jobs-Housing policy statement development by the Santa Barbara County Association of Governments in the Jobs-Housing Study (March 1995).
- 3.5.5 The adoption of this growth rate will allow other related special districts, including school districts, water districts, sewer districts, and related County service departments, to more effectively plan in reliance on a steady, rather than erratic, growth rate.
- 3.5.6 In providing a growth rate which coordinates and balances jobs and housing opportunities in Goleta, the Growth Management Ordinance responds to requests from North County jurisdictions for assistance in limiting the widespread residential development which has occurred in the North County area to accommodate South County employees, and which has led to adverse traffic and air quality impacts.
- 3.5.7 The County has affirmative duties under state law to provide housing affordable to all economic segments of the community, to balance residential with commercial and industrial development, and to zone sufficient land to enable the development of such housing. The historic rate of commercial/ industrial growth in the Goleta area has exacerbated the demand for low and moderate income housing without

adequately mitigating those impacts and providing such housing opportunities. Exemption of 100 percent affordable housing, very low and low income Density Bonus, and Affordable Housing Overlay (AHO) projects (as provided in the Housing Element Implementation Guidelines) from the provisions of this Ordinance will allow for reduction in the existing need for affordable housing.

- 3.5.8 The Board of Supervisors finds that the implementation of this Growth Management Ordinance will be consistent with implementation of policies of the County's Housing Element. The residential allocation of 200 units per year plus the exempt Affordable Housing projects will not preclude compliance with the Housing Element's objectives for the South Coast Housing Market Area.

The Growth Management Ordinance will permit housing development consistent with affordable housing objectives in conjunction with the following measures:

- A. The Board has adopted amendments to the Housing Element which broaden the scope of the inclusionary program.
 - B. This Ordinance provides preference for low income units in exempting second residential units, Affordable Housing Overlay (AHO), very low and low income Density Bonus, and 100% affordable projects and excluding projects containing at least 50% affordable income units from the competitive point system.
 - C. This Ordinance's competitive point system rewards the provision of affordable income units in projects not otherwise exempted from the 200 unit per year allocation.
 - D. Commercial and industrial development which exacerbates the unmet need of the local affordable housing market, is being limited by this Ordinance to levels which more closely reflect allowable levels of housing development.
 - E. This Ordinance's competitive point system rewards the provision of housing in mixed use projects.
- 3.5.9 Based on the above, the Board of Supervisors finds, pursuant to Government Code Section 65863.6, that the public service needs of the residents of the region and the lack of availability of fiscal and environmental resources outweigh any effect of this Ordinance on the housing needs of the region in limiting the number of housing units which may be constructed on an annual basis. The Board further finds that the public health, safety and welfare of the County to be promoted by the adoption of this Ordinance justifies any reduction in the housing opportunities of the region, if any such reduction exists.
- 3.5.10 The County has adopted the Goleta Community Plan which includes Land Use and Circulation Element components for the Goleta area. The goals, objectives and policies of that Plan are predicated upon and strongly support a growth management program in the Goleta area.

Section 35A-4 DEFINITIONS.

For purposes of this Ordinance the following terms shall be defined as follows:

- 4.1 "New Development": Any change to unimproved or improved real property, including but not limited to, replacement, expansion, construction, reconstruction, or alteration of buildings or structures, which results in a net increase in the number of units (residential) or square footage (commercial/ industrial). Any expansion of outdoor areas in conjunction with existing or proposed structural development which would lead to an increase in intensity of use on a parcel shall be considered new development for the purposes of this Ordinance. Greenhouses, lot line adjustments, and enclosure of existing uses for weather protection, soundproofing, and other purposes not intensifying the use of the development or parcel shall not be considered new development for the purposes of this Ordinance.
- 4.2 "Residential Unit": Any detached or attached living area which comprises an independent self-contained dwelling unit, including kitchen or cooking facilities, and is occupied or suitable for occupation as a residence for eating, living, and sleeping purposes.
- 4.3 "Commercial/industrial": Any non-residential land use, including but not limited to retail, office, professional commercial, research, manufacturing, heavy industry, hotels, motels, utilities, private recreational, agricultural support (except greenhouses) and cultural facilities.
- 4.4 "Low and/or Moderate Income Housing" and "Affordable Income Units" shall be as defined in the Housing Element.
- 4.5 "Growth Management Year shall be the period from December 1 through November 30 of the following year.
- 4.6 "Residential Rollover Pool": An allocation pool comprised of the cumulative unused portion of the annual 200 residential permit allocation, beginning with the 1990 Growth Management Year residential allocation. This pool can be drawn from at any time by residential projects on a first-come basis subject to the limits in Section 13.6.7.
- 4.7 "Service Industrial Development": Commercial/Industrial structures to house uses of a service or light industrial nature at a density of occupancy consistent with the purpose and intent of the Service Industrial-Goleta (M-S-GOL) zone district, as defined in Chapter 35, Articles II and III. In recognition of the lower-intensity development accommodated by this zone district, a growth management allocation shall be required for only 50% of the total square footage of qualifying development. The required allocation shall be obtained prior to issuance of a land use permit for any service industrial development, pursuant to the requirements of Sections 11.2.1 and 13.2.1. Prior to issuance of a land use permit for conversion of development granted an allocation under this provision to a more intensive use, the project applicant shall apply for and receive an additional allocation in an amount equivalent to the difference between the total square footage and the original allocation.

Section 35A-5 APPLICABILITY.

The provisions of this Ordinance shall apply to new residential units and new commercial/industrial development within the Restricted Resources Overlay District as depicted on accompanying maps except as specifically provided in this Ordinance.

Section 35A-6 ANNUAL RESIDENTIAL ALLOCATIONS.

- 6.1 Between the Growth Management Years 1999 to 2008 growth management allocations shall be limited to 2000 new non-exempt residential units, to be allocated at a rate of 200 units per year in addition to those contained in the existing residential rollover pool established under Ordinance 3782.
- 6.2 The total annual allotment provided herein may be modified by the Board of Supervisors to an amount no greater than 10 percent of the base allotment for any given year pursuant to Section 35A-13.5.C.

Section 35A-7 EXEMPT RESIDENTIAL PROJECTS. (Category A)

- 7.1 The following types of residential development are exempt from competitive rating and do not require an allocation under this Ordinance.
- A. Grandfathered projects: Residential projects for the development of a parcel for residential use which received approval of a Final Development Plan, or entered into a Development Agreement prior to December 1, 1988 or projects for ultimate development of a parcel in which the original Parcel or Tract map received approval prior to November 7, 1984.
 - B. Measure T Single Family Lots: Up to 250 single-family, residential units which are not connected by reason of agreements, common construction plans, or a single-development scheme with other residential units, and which receive approval for a water meter from the Goleta Water District pursuant to "Measure T" (Water Fairness Initiative of November 3, 1987).
 - C. Residential Facility for the Elderly: Any Residential facility for the elderly, pursuant to the California Health & Safety Code Section 1250 et seq. up to a combined total of 66 units per year.
 - D. Homeless Shelters: Facilities, approved or authorized by County decision-makers, which specifically serve as shelters for homeless persons.
 - E. Residential Second Units: Any second residential unit located in a single family zone district, which provides complete independent living facilities for one or more persons pursuant to Section 35-142 and 35-291 in Santa Barbara County Zoning Ordinances, Articles II and III.
 - F. 100% Affordable Projects: Residential projects, or that portion of mixed use projects devoted to residential units, which maintain 100% of their units to be

affordable to persons and families earning less than 120% of the County median income under applicable policies of the Housing Element and its Implementation Guidelines.

- G. Affordable Housing Overlay Projects: All units in projects in the Affordable Housing Overlay Zone (AHO) which elect to comply with the County's eligibility criteria for increased density and other incentives pursuant to the requirements of the AHO.
- H. Density Bonus Projects: All units in projects electing to provide at least 10% of the units on site for households earning less than 50% of the County's median income or 20% of the units on site for households earning 80% or less of the County's median income.

7.2 Administration: All applicants for Residential Exemptions shall apply for Land Use or Coastal Development Permits from Planning and Development (P&D) pursuant to all applicable provisions of the County Code. All exempt residential projects shall meet applicable project-specific conditions except for the payment of development fees and/or the posting of performance securities prior to the issuance of an allocation. Land Use or Coastal Development Permits shall not be approved prior to the issuance of a Goleta Growth Management Ordinance (GGMO) allocation. P&D shall maintain a record of the number of allocations granted.

7.2.2. Any Residential Facilities for the Elderly which has been unable to obtain a full exemption because of the annual limit for that category being reached, may do any of the following: (a) draw from any existing allocation in the residential roll-over pool subject to the restrictions contained in this Ordinance, (b) be submitted for competitive ranking pursuant to Section 35A-13 or (c) be resubmitted for an exemption in the next Growth Management Year.

Section 35A-8 RESIDENTIAL NON-COMPETITIVE ALLOCATIONS. (Category B)

8.1 The following residential projects are exempt from competitive rating, but shall be deducted from the maximum annual allotment established in Section 35A-6:

- A. Projects in which at least 50 percent of the residential units are restricted so as to be affordable under the Housing Element and its Implementation Guidelines; or
- B. Single family residences on parcels created prior to December 7, 1984 by previously approved parcel or tract maps which are not already exempted under Section 7.1.B, on a first-come, first-serve basis.

8.2 Administration: The processing of Residential Noncompetitive Allocations (Residential Category B) shall occur as follows:

8.2.1 All applicants for Residential Noncompetitive Allocations shall apply for Land Use or Coastal Development Permits from P&D pursuant to all applicable

provisions of the County Code. All projects shall meet applicable project-specific conditions except for the payment of development fees and/or the posting of performance securities prior to the issuance of an allocation. Land Use or Coastal Development Permits shall not be approved prior to the issuance of a GGMO allocation. P&D shall maintain a record of the number of allocations granted.

- 8.2.2 In each Growth Management Year, Residential Category B Allocations shall be processed on a first come, first served basis. If two or more applications are received on the same business day and exceed available allocations, the competitive ranking system in Section 35A-13 shall apply to determine priority.
- 8.2.3 Where a single project would exceed the total available allocations, such applicant may receive a voucher for the units allocated to that project in that year. Vouchers may be accumulated until the applicant is eligible to receive a Land Use or Coastal Development Permit.

Section 35A-9 ANNUAL COMMERCIAL/INDUSTRIAL ALLOCATIONS.

- 9.1 Commercial and Industrial Land Use Permits and Coastal Development Allocations hereinafter to be granted while this Ordinance is in effect shall be limited as follows: For the Growth Management Years 1999 to 2008, growth management allocations for a maximum of 904,500 square feet of commercial/industrial development shall be granted at a rate of allocations for 90,450 square feet per year; 10,000 square feet per year of which is to be available exclusively for Goleta Old Town Key Site 12 (Hollister Corridor) Projects as set forth in Section 35A-12, 25,000 square feet per year to be reserved for new small commercial projects and additions and small nonprofit developments as set forth in Section 35A-11, and the remaining 55,450 square feet per year to be available under the competitive point allocation system provided for in Section 35A-13.
- 9.1.1 The total annual allotment provided herein may be modified by the Board of Supervisors to an amount no greater than 10 percent of the base allotment for any given year pursuant to Section 13.5.C.

Section 35A-10 EXEMPT COMMERCIAL AND INDUSTRIAL PROJECTS. (Category A)

- 10.1 The following projects are exempt from competitive rating and do not require an allocation under this Ordinance:
- A. Grandfathered Projects: Commercial/industrial projects which received approval of a Final Development Plan, Conditional Use Permit or Development Agreement prior to December 1, 1988.
- B. Governmental Facilities: Governmental facilities including schools, fire, and police facilities, but not including utilities. Physical facilities for the direct transmission of electricity and gas or for the provision or transmission of water, sewage collection, treatment, reclamation or disposal, shall be exempt from the Ordinance provisions pursuant to this section. Associated offices are not exempt from the Ordinance provisions under this section.

- C. Day-Care and Private Schools: Facilities providing child/senior day-care, including those portions of larger projects devoted to child/senior day-care and private schools up to a combined annual allocation of 19,000 square feet per year.
 - D. Goleta Old Town Commercial Industrial Key Sites: Development of up to 77,500 net new square feet on Key Site 10 (Fairview Corporate Center) and up to 68,000 Key Site 7a (Rosenstein) both as set forth in the Goleta Old Town Revitalization Plan. Each of these exemptions shall be conditioned on the execution of a development agreement between the Owners of the Key Site applying for the exemption and the County which provides for dedication of right of way for the Ekwill and/ or Fowler Road Extension as applicable. If the County and the owners of Key Site 10 or Key Site 7a are unable to agree upon and execute a development agreement by November 30, 2002 the exemption shall expire. If a development agreement is executed this exemption shall expire upon the expiration of the time period for completion of the project under that development agreement. Upon expiration of the exemptions the amount of square footage exempted for that particular project (77,500 sq. ft for Fairview Corporate Center, 68,000 sq. ft for Rosenstein) shall become part of the competitive pool. Such square footage shall be distributed equally under Section 35A-13 throughout the remaining term of this Ordinance, including the year in which the exemption expired.
 - E. Major Regional Shopping Center: Regional shopping center facilities for the Girsh parcel, APN 073-090-038 and -055, as described in the Goleta Community Plan, up to a maximum of 662,200 square feet over the combined life of Ordinance 3782 and this Ordinance.
 - F. Goleta Old Town Flagship Development: Flagship development in Old Town, set forth in the Goleta Old Town Revitalization Plan and defined as hotel development of up to 150 rooms on Key Site 3 (Sumida) and a hotel, conference center and related commercial development of up to 221,500 square feet including no more than 250 hotel rooms on Key Site 6 (Page).
- 10.2 Administration: All applicants for Commercial and Industrial Exemptions shall apply for Land Use or Coastal Development Permits from P&D pursuant to all applicable provisions of the County Code. All exempt Commercial and Industrial projects shall meet applicable project-specific conditions except for the payment of development fees and/or the posting of performance securities prior to the issuance of an allocation. Land Use or Coastal Development Permits shall not be approved prior to the issuance of a GGMO allocation. P&D shall maintain a record of the number of allocations granted.
- 10.2.1 Any Exempt Commercial and Industrial project in a category which is subject to an annual limit (Day Care and Private Schools) and which has been unable to obtain a full exemption because of the annual limit being reached, may (a) be resubmitted for competitive ranking pursuant to Section 35A-13 or (b) be resubmitted for an exemption in the next Growth Management Year.

Section 35A-11 COMMERCIAL AND INDUSTRIAL NON-COMPETITIVE ALLOCATIONS. (Category B)

- 11.1 Up to 25,000 square feet per year of the following commercial and industrial projects are exempt from competitive rating, and the square footage of each such project shall be deducted from the maximum annual allotment established in Section 35A-9.
- A. Small Projects and Additions: Commercial/industrial projects involving new structures up to 5,000 square feet or additions to existing structures up to 5,000 square feet. Between December 7, 1989 and the expiration of this Ordinance, no more than a total of 5,000 square feet shall be granted to any one parcel or project under this section, taking into account allocations received under Ordinance 3782.
 - B. Non-profit Community Use Facilities: Non-profit community use facilities, including, but not limited to, churches, community centers, non-profit public sports facilities, non-profit health care facilities, non-profit museums/galleries, non-profit social service agency facilities, non-profit private schools, cultural facilities, and recycling centers.
- 11.2 Administration: The processing of Commercial and Industrial Category B Allocations shall be as follows:
- 11.2.1 All applicants for Commercial and Industrial Category B Allocations shall apply for Land Use or Coastal Development Permits from P&D pursuant to all applicable provisions of the County Code. All Commercial and Industrial Category B Projects shall meet applicable project-specific conditions except for the payment of development fees and/or the posting of performance securities prior to the issuance of an allocation. Land Use or Coastal Development Permits shall not be approved prior to the issuance of a GGMO allocation. P&D shall maintain a record of the number of allocations granted.
 - 11.2.2 In each Growth Management Year, Commercial and Industrial Category B Allocation applications shall be processed on a first come, first served basis. If two or more applications are received on the same business day and exceed available allocations, the competitive ranking system in Section 35A-13 shall apply to determine priority. In such cases, P&D staff shall assign points to the respective projects.
 - 11.2.3 In any Growth Management Year, once the maximum limits established in this Section have been reached, any remaining eligible applicants may a) if a non-profit community use project (Section 11.1.B), utilize any remaining square footage which is unused from the 19,000 square foot annual allocation under Section 10.1.C (daycare and private schools, b) submit their projects for competitive rating pursuant to Section 35A-13, or c) resubmit their project for a Commercial and Industrial Category B allocation for the next Growth Management Year.

11.2.4 Where a single commercial/ industrial Category B project would exceed the total allowable square footage available under this section, such applicant may receive a voucher for the square footage allocated to that project in that year. Vouchers may be accumulated until the applicant is eligible to receive a Land Use or Coastal Development Permit.

Section 35A-12 GOLETA OLD TOWN COMMERCIAL AND INDUSTRIAL ALLOCATIONS.

12.1 Commercial or industrial projects located in the Goleta Old Town Area within Key Site 12 (Hollister corridor) as depicted in the figure 35 of the Goleta Old Town Revitalization Plan (Goleta Old Town Projects) may draw from a separate 10,000 square foot annual pool.

12.2 The processing of Goleta Old Town Key Site 12 Allocations (“Goleta Old Town Allocations”) shall occur as follows:

12.2.1 All applicants for Goleta Old Town Allocations shall apply for Land Use or Coastal Development Permits from P&D pursuant to all applicable provisions of the County Code. All Goleta Old Town Projects shall meet applicable project-specific conditions except for the payment of development fees and/or the posting of performance securities prior to the issuance of an allocation. Land Use or Coastal Development Permits shall not be approved prior to the issuance of a GGMO allocation. P&D shall maintain a record of the number of allocations granted.

12.2.2 Any Goleta Old Town Project which is also eligible for exemption under Section 10.1 of this Ordinance (Industrial and Commercial Exempt Projects (Category A)) shall be processed as an exempt project pursuant to Sections 10.2 rather than under this section 35-12. However, any Old Town Projects which is eligible for an exemption as a daycare or private school but which is unable to obtain a complete allocation under that exemption category because of the annual limit applicable to that category being exhausted, may apply for allocation from the Goleta Old Town pool.

12.2.3 Any Goleta Old Town Project which is also eligible for allocation as a Commercial and Industrial Non-Competitive Allocation project (Category B) pursuant to Section 11.1 of this Ordinance shall be processed pursuant to Section 11.2 and shall not receive allocation from the Goleta Old Town pool unless applicable annual allocations as defined in Section 11.1.A have been exhausted.

12.2.4 In each Growth Management year, 10,000 square feet shall be allocated annually on a first-come first-serve basis only to Goleta Old Town projects as defined in Section 12.1. Remaining Goleta Old Town Allocation, if any, shall roll over to subsequent years to be available only to Goleta Old Town Projects. Any eligible Goleta Old Town Project which does not receive a full allocation in any year may receive a voucher for the amount allocated and do either or both of the following:

(1) apply to the Old Town Pool the next year or (2) apply for allocation from the overall GGMO allocation pool as described in Section 35A-13.

Section 35A-13 COMPETITIVE RANKING AND PERMITS ISSUANCE SYSTEM.

13.1 All projects which are not fully exempt under Sections 35A-7 or 35A-10 or entitled to a noncompetitive allocation under Sections 35A-8, 35A-11 or 35A-12 shall be subject to a competitive ranking system as set forth below.

13.1.1 Notwithstanding the above, upon application for an allocation, a clinic providing outpatient services which is operated and owned or leased by the federal government and which applies for an allocation in the growth management years 2001 - 2005 shall be granted an allocation for development of up to 35,000 square feet without having to compete for a point allocation. In such case, the allocation may be granted at any point during the GGMO year and shall be deducted from the available allocation for that year. If no application for a GGMO allocation for a project meeting the above criteria has been received before November 30, 2005, this priority shall expire and this subsection shall be of no further force and effect.

13.2 Point Allocation System

Competing projects shall be evaluated under the following criteria:

13.2.1 All residential and commercial/ industrial projects shall apply for permits under standard P&D procedures. All projects, shall meet applicable project-specific conditions prior to applying for Land Use or Coastal Development Permits, except for the payment of development fees and/or the posting of performance securities prior to the issuance of an allocation. Land Use or Coastal Development Permits shall not be approved prior to the issuance of a GGMO allocation. Where map recordation is required as a condition of eligibility for the granting of growth management allocation for Land Use or Coastal Development permits, all applicable project specific conditions for map recordation and Land Use or Coastal Development Permits shall be met, except that payment of mitigation fees and/or posting of performance bonds for recordation or permit issuance may be deferred until said permits are to be issued. P&D shall keep a record of the number of allocations granted.

13.2.2 During project review, P&D shall assess the projects under the following point system:

	CATEGORY	POSSIBLE POINTS
A.	CIRCULATION & TRAFFIC	
1.	In addition to the payment of required traffic mitigation fees or the completion of required roadway/intersection	

improvements in lieu of fees, the project applicant proposes additional improvements to transportation facilities identified in the Goleta Transportation Improvement Plan (GTIP) capital improvement list including:

- | | | |
|-----------|---|------------|
| a) | Improve V/C ratio by at least 0.05 at intersections presently operating at LOS D or worse | 4 per int. |
| b) | Improve V/C ratio by at least 0.02 at intersections presently operating at LOS D or worse | 3 per int. |
| c) | Provide physical roadway (non-intersection) improvements to a roadway link presently operating over its Circulation Element capacity level. | 4 per link |
| d) | Provide alternative transportation/pedestrian improvements (e.g. bus turn outs, passenger boarding area improvements, bicycle facilities) identified in the GTIP. | 1-4 points |
| 2 | The development will provide neighborhood-serving uses (e.g., dry cleaners, small markets, convenience stores) on lots zoned C-1, Limited Commercial and CN Neighborhood Commercial north of U.S. Highway 101. | 3 points |
| 3 | The amount of on-site parking for office and industrial development is no greater than that required by the Zoning ordinance. | 2 points |
| 4 | Contribution to the Alternative Transportation Operations and Maintenance Fund to be based the number of peak hour trips generated by the project. | 1-5 points |
| B. | COMMUNITY BENEFITS
In addition to required dedications and payment of public service fees (e.g. park, school fees), the project contributes to the development of off-site public services or improvements to public facilities that benefit the Goleta area, including recreational facilities, day care centers, contribution to County Flood Control creek restoration fund, or contributions to any applicable Goleta open space land purchase program. | 1-3 points |
| C. | SITE DESIGN BENEFITS

In addition to meeting Comprehensive Plan and Zoning | 1-5 points |

Ordinance requirements, the project provides additional environmental/design benefits, on the project site, including but not limited to special clustering with open space preservation, on-site habitat restoration, placement of parking behind residential structures and along side or behind commercial structures, variation of architectural design and finish materials, size, height (one and two story), and setbacks (use of zero lot lines) in residential developments, reduction of road widths in residential development, use of interior landscaping to break up building mass.

D. HOUSING

Projects which provide affordable housing over and above Housing Element requirements:

- | | | |
|----|---|---------------|
| 1. | Higher percentage of required very low and low-income units | 3 points/unit |
| 2. | Higher percentage of required moderate-income units | 2 point/unit |

E. REDEVELOPMENT PROJECTS

The project is located within an established Redevelopment area.	5 points
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F. ECONOMIC DEVELOPMENT PROJECTS

The project has been processed as and qualifies as a Business Assistance Team (BAT) project, as defined under the Board of Supervisors endorsed BAT guidelines.	3 points
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G. MIXED USE DEVELOPMENT

- | | | |
|----|--|----------|
| 1 | The commercial project includes residential uses that are secondary to the commercial use. | |
| a) | Gross square footage of the structure designated as housing $\geq 40\%$ | 5 points |
| b) | Gross square footage of the structure designated for housing = 25-39% | 3 points |
| c) | Gross square footage of the structure designated for housing $\leq 25\%$ | 1 point |

2. The project is located in the MR-P or PI zone district and includes commercial service related uses that are secondary and ancillary to the principally permitted use and meet the day to day needs of employees in the general vicinity(bank, restaurant, day care, dry cleaners, etc.) 3 points

13.3 Assignment of Points

- 13.3.1 Discretionary projects: Projects requiring approval from the Zoning Administrator, the P&D Director, the Planning Commission and/or the Board of Supervisors shall be evaluated by P&D staff under the point allocation system prior to the hearing on the projects. The decision maker on the project may modify the staff's recommendation. The point assignment shall be adopted by the decision-makers as a finding of approval.
- 13.3.2 P&D permits: Projects for development which do not require discretionary permits shall be evaluated by P&D staff pursuant to the point allocation system upon submittal of applications for Land Use or Coastal Development Permits.
- 13.3.3 Any projects subject to the provisions of this Ordinance which were approved by a County decision-maker prior to adoption of the point allocation system contained in Sec 13.2, or exempt projects and non-competitive projects for which sufficient allocations are not available in any given Growth Management Year, shall be assigned a point total by P&D director.
- 13.3.4 Appeals: All appeals of decision-maker action on point assignment must be filed within 10 days of such action, pursuant to ordinance requirements governing appeals. All decisions on point assignments by decision makers other than the Board of Supervisors shall be appealable directly to the Board of Supervisors.

13.4 Competitive ranking and Reporting

- 13.4.1 Mid-Year report: On each June 15 for years during which this Ordinance is in effect, P&D shall compile a mid-year report listing all projects granted allocations from the Residential Rollover Pool, the non-competitive allocation categories, and all projects included in the competitive ranking pools as of June 1. If necessary, the Director of P&D shall review and accept the staff-recommended ranking, modify the ranking based upon written comments received, and grant allocations to residential and commercial/industrial projects. Commercial/industrial allocations granted at this time shall not exceed the total commercial/ industrial rollover as defined in Section 13.6.3 plus 50% of the total annual commercial/industrial allocations available to the competitive pool. Commercial/ industrial square footage identified for Category B (Section 35A-11) projects shall not be available

to competing projects at this time. Residential allocations granted at this time to competitive pool projects shall not exceed 100 units (50% of the annual allocation). Residential allocations in the Residential Rollover Pool would remain available to projects as described in 13.6.7. Commencing on the date of action on the mid-year report by the Director and continuing for a period of 10 days, notice of the action shall be posted with the Clerk of the Board of Supervisors and posted on the project site by the applicant. Notice shall also be furnished to any individuals requesting such notice. The Director's decision on the mid-year report shall be subject to appeal to the Board of Supervisors. Any such appeal must be filed within 10 days of the Director's action.

13.4.2 Year End List of Allocations: By December 1 for years during which this Ordinance is in effect, P&D shall compile a list of all allocations granted during the preceding Growth Management Year pursuant to the Residential Rollover Pool, the exemptions and noncompetitive categories and special pools set forth in this Ordinance, and shall determine the remaining available allotments (number of dwelling units and square feet), if any, available for distribution pursuant to competitive ranking.

13.4.3 Year End Annual Report: By December 31, for years during which the Ordinance is in effect, the Director shall compile and forward an Annual Report to the Board of Supervisors for consideration of the following:

- A. Projects granted allocations under the Residential Rollover Pool, the exempt and noncompetitive allocation categories and special pools set forth in this Ordinance, and the status of any projects from any applicable category which did not receive full project allocations and are either entering the competitive allocation pool or are deferring until the following year's allocations.
- B. Projects included in the competitive ranking pool, corresponding point assignments, and staff recommendations for allotments.
- C. Any petitions for the Board's 10% discretionary allotment and staff recommendations on each.
- D. Any staff recommendations on ordinance amendments to assist the administration of this Ordinance.
- F. Information regarding whether the public health and safety continue to be jeopardized by residential development.

13.5. Each year, the Board of Supervisors shall receive the Annual Report and schedule a hearing to do the following:

- A. Review and accept the staff-recommended rankings.

- B. Hear any requests from applicants regarding the rankings and perform any modifications to such rankings.
- C. If necessary, review and take action on any requests for allocations under the competitive ranking and permit issuance system (Section 35A-13) and the Board's 10% discretionary allotment.
- D. Review and take action upon any staff recommendations for ordinance amendments.
- E. If any projects competing for limited allocations have been assigned an equal point total, the Board of Supervisors shall make a finding determining the appropriate allocation issuance, based on public benefit.

13.6 Administration: Following Board of Supervisors action on the Director's Growth Management Annual Allocation Report and the Director's action on the mid-year report, allocations shall be granted subject to the following:

13.6.1 Upon exhaustion of the Residential Rollover Pool, no single residential project shall receive an allocation (or a voucher towards an allocation) for more than 100 units during any given year, unless the Director finds that an allocation of greater than 100 units would not likely cause the available yearly allocation to be exhausted when taking into account the project being applied for and other anticipated projects. No single commercial/industrial project, shall receive an allocation (or a voucher for a partial allocation) for more than 60,000 square feet during any given year, unless the Director finds that an allocation of greater than 60,000 square feet would not likely cause the available yearly allocation to be exhausted when taking into account the project being applied for and other anticipated projects.

13.6.2 Projects with the highest point totals but which did not receive complete allocations (as provided for in section 13.6.4 below) shall be granted allocation (or voucher for partial allocation) up to the maximum annual per-project provisions cited in subsection 13.6.1 above.

13.6.3 If all competing residential projects receive requested allocations prior to the exhaustion of the annual allocation for that year, any remaining allocation amount shall be carried over to the next year and placed in the Residential Rollover Pool. The residential allocations in this pool may be granted to projects pursuant to Section 13.6.7. The unused allocation in this pool shall be carried forward each year and shall remain in the Residential Rollover Pool until allocated. There shall be no per-project limit on the number of allocations granted from this pool. If all competing commercial/industrial projects receive necessary allocations prior to the exhaustion of the annual allocation for that year, any remaining allocation amount, shall be carried over, as rollover to the next year and placed into the allocation for the competitive commercial/industrial projects except that any remaining allocation in the Old Town Project pool shall rollover exclusively for use of Old Town Projects.

- 13.6.4 Any eligible project which does not receive an allocation sufficient to obtain a Land Use or Coastal Development permit shall receive a voucher toward full allocation through a voucher system until such time as the total allocation for that project can be achieved. Any such project shall automatically become eligible to compete for growth management allocation in the following period. Project point assignments shall carry over with the project for use in any subsequent period. Any additional allocation received in a subsequent period may be added to this voucher credit, and the process continued until such time as the project receives a sufficient allocation to obtain Land Use or Coastal Development permits for the project, either in its entirety or any applicable phase.
- 13.6.5 Any project which has received a voucher for partial allocation and which is actively pursuing an allocation for the remainder of their project, shall be eligible to request to have its mandated permit time limits (e.g. Development Plan, Conditional Use Permit) extended by the applicable decision-makers for purposes of allowing sufficient time to receive full allocation. Such extensions shall be at the discretion of the decision makers but may not exceed the time limits set forth in the Zoning Code.
- 13.6.6. The P&D Director may, at his or her discretion, grant growth management allocation for residential projects prior to action on the Director's Growth Management Annual Report or mid-year report if the Director can make the finding that granting such allocation will not likely cause the applicable growth management allocation to be exhausted when taking into account the project being applied for and other anticipated projects.
- 13.6.7. Projects shall be granted allocations from the Residential Rollover Pool at any time if the available allocations in the pool would continue to exceed 100 units after the allocation is granted. When available unit allocations in the Residential Rollover Pool would be less than 100 units after issuance of a project allocation, the P&D Director may grant growth management allocations at his discretion pursuant to 13.6.6 or determine that allocations be obtained through the competitive ranking procedures described in this Section 35A-13.

Section 35A-14 EXPIRATION AND REVERSION OF ALLOCATION.

- 14.1 Subject to the appeal provisions set forth in Section 14.1.1, In the event that applicable project-specific conditions, including payment of fees and posting of bonds or performance securities, have not been met, and a Land Use or Coastal Development Permit has not been obtained within twenty four (24) months of the date full allocation for the project has been granted, said allocation shall automatically expire. Expired allocations shall revert to the category from which they were granted, in the year in which they were granted.
- 14.1.1 Applicants for projects which are scheduled to expire may apply to the P&D Director for an allocation extension. Extensions may be granted for a period of up to 1 year if the P&D Director finds that the project applicant is making measurable efforts to complete the project. No more than 1 extension may be granted for each

allocation. The Director's determination on an extension application shall not be appealable.

- 14.1.2 Expired allocations which revert to exempt and noncompetitive categories shall be made available on a first-come basis to all qualifying projects which are eligible to receive allocations. The date of submittal for an allocation under the Growth Management Ordinance shall be used to determine the order in which projects will be considered for allocations on a first-come basis and competitive rating if applicable. Projects which lost their allocation under the conditions specified in this Section 35A-14, may be resubmitted after their expiration, and the date of their resubmittal shall be used to re-determine that project's eligibility for an allocation. Notwithstanding the above, allocations for projects which received a GGMO allocation under Ordinance 3782 prior to the effective date of this Ordinance shall not expire until two years from the effective date of this Ordinance.
- 14.2 When existing development that 1) received an allocation or 2) was part of the existing baseline development as of December 7, 1989, is demolished, the demolished residential unit or commercial/industrial square footage allocation shall revert back to the County and shall become available for future allocations unless a formal development application for replacement development on the same site is submitted to Planning & Development within one year of the demolition. The units and/or commercial industrial square footage shall revert back into their respective overall allocation stock and shall be administered in accordance with this Ordinance.

Section 35A-15 SEVERABILITY.

This Ordinance shall be fully severable. If any portion of this ordinance is determined to be invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

Section 35A-16 MODIFICATIONS.

This Ordinance shall be reviewed for possible amendments by the Board of Supervisors at least once every five years during its life. This Ordinance may be modified as necessary by the Board of Supervisors to account for:

- 16.1 Changes in County-wide or Goleta-area plans and policies.
- 16.2 Changes in the County's regional housing needs.
- 16.3 Evaluation of effectiveness of measures to relieve resource or service constraints.
- 16.4 Evaluation of effectiveness of measures to achieve a jobs/housing balance.

Section 35A-17 EXPIRATION.

- 17.1 This ordinance shall expire on December 31, 2008 unless the Board of Supervisors extends its provisions by amendment. It shall also cease to be in effect at any time the public health and safety are no longer jeopardized by residential construction regulated by this ordinance.
- 17.2 The P&D Director, by December 31, 1999 and annually thereafter, shall compile and forward to the Board for consideration a report on the considerations relevant to the public health and safety findings in Section 35A-3 regarding, circulation and traffic, and fire protection services. The Director shall report sooner upon receipt of information indicating that the public health and safety are no longer jeopardized by residential construction regulated by this Ordinance.
- 17.3 The Board of Supervisors shall receive the Director's report and schedule a hearing to determine, for purposes of Section 35A-17.1, whether the public health and safety are no longer jeopardized by residential construction regulated by this Ordinance.
- 17.4 For the purpose of Section 17.1, the public health and safety will be considered no longer jeopardized and this Ordinance shall terminate if all of the following criteria are met:

Fire Protection: The ratio of firefighters per population served has reached and been maintained at one-per-2000 or better, and response time to all areas within the Urban Boundary of Goleta is five minutes or better; and

Traffic and Circulation: The following improvements identified in the Goleta Transportation Improvement Plan have been completed:

Roadways:

South Kellogg Ave. Extension and SR 217 Off-ramp
 Phelps Road Extension to Los Carneros
 State Route 217 Reconstruction
 El Colegio Widening
 South Fairview Avenue Widening
 Cathedral Oaks Extension
 Segment 1 (west), Segment 2 (middle), Segment 3 (east)
 Fowler Extension (Fairview to 217)
 Ekwill Extension (Fairview to 217)

Transit/Pedestrian:

Industrial Center to Fairview/Calle Real Shuttle
 Ellwood to UCSB Shuttle
 Magnolia-Turnpike Shuttle
 Isla Vista-UCSB Shuttle
 Transit Improvements (Bus Stops, sidewalk improvements, etc.)
 Curb Cuts: Phase I various locations

Bicycle Paths:

Glen Annie Class II

San Jose Creek Class I Cathedral Oaks to Hollister
San Jose Creek Class I Hollister to South Kellogg
Los Carneros Class I Overpass: Calle Real to Hollister
Ellwood Station Road US 101 Overcrossing
Local connections north and south of Ellwood Station overpass
Railroad Corridor: three most feasible segments; or Hollister
La Patera Class I: Cathedral Oaks to Calle Real
La Patera Class I Overpass: Calle Real to Railroad
Class II Safety Improvements: various locations
Patterson Class II
Ekwill Class I

Intersections:

Calle Real/Fairview and NB US 101/Fairview
SB US 101/Fairview
Hollister/Storke
SB US 101/Los Carneros
Hollister/Los Carneros
Turnpike/Hollister
Patterson/Hollister
Los Carneros/Mesa Road

SECTION 3:

This Ordinance shall take effect and be in force thirty (30) days from the date of its passage; and before the expiration of fifteen (15) days after its passage, or a summary of it, shall be published once, with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED this 23rd day of February, 1999.

(Amended by Ordinance 4411, January 16, 2001 and Ordinance 4429, October 2, 2001.