Plan MORRO BAY

CITY OF MORRO BAY

CITY COUNCIL ADOPTED

ZONING CODE/ IMPLEMENTATION PLAN

November 2022

California Coastal Commission certified 3/15/2024
#LCP-3-MRB-22-0059-2

*Editor's Note – Code Adoption, Ordinance 654, November 2022; Code Amended, Ordinance 661, December 2023; Ordinance 662, December 2023

The Morro Bay Zoning Code/Implementation Plan Update is part of California Climate Investments, a statewide program that puts billions of Cap-and-Trade dollars to work reducing GHG emissions, strengthening the economy, and improving public health and the environment-particularly in disadvantaged communities. The Cap-and-Trade program also creates a financial incentive for industries to invest in clean technologies and develop innovative ways to reduce pollution. California Climate Investments projects include affordable housing, renewable energy, public transportation, zero-emission vehicles, environmental restoration, more sustainable agriculture, recycling, and much more. At least 35 percent of these investments are located within and benefitting residents of disadvantaged communities, low-income communities, and low-income households across California. For more information, visit the California Climate Investments website at www.caclimateinvesments.ca.gov.

CALIFORNIA CLIMATE INVESTMENTS
Cap and Trade Dollars at Work

CALIFORNIA COASTAL COMMISSION

CONTENTS

Division I: Introductory Provisions (IP) 15

Chapter 17.01 Purpose and Effect 15

17.01.010 Title 15
17.01.020 Authority 15
17.01.030 Purpose 15
17.01.040 Relationship to the General Plan 16
17.01.050 Local Coastal Program Coastal Implementation Plan 16
17.01.060 Applicability 18
17.01.070 Responsibility for Administration 20
17.01.080 Severability 20
17.01.090 Fees 20

Chapter 17.02 Interpretation 21

17.02.010 Purpose 21
17.02.020 Rules of Interpretation 21
17.02.030 Rules of Measurement 23

Chapter 17.03 Zoning Districts and Zoning Map 33

17.03.010 Base Zoning Districts and Overlay Zoning Districts 33
17.03.020 Official Zoning Map and District Boundaries 34
17.03.030 IP Provisions 35

Chapter 17.04 Reserved 35

Chapter 17.05 Reserved 35

Division II: District Regulations 36

Chapter 17.06 Agriculture District (IP) 36

17.06.010 Purpose and Applicability 36
17.06.020 Land Use Regulations 36
17.06.030 Development Standards 38

Chapter 17.07 Residential Districts 40

17.07.010 Purpose and Applicability (IP) 40
17.07.020 Land Use Regulations (IP) 41

17.07.030 Development Standards (IP) 44
17.07.040 Supplemental Regulations 49
17.07.050 SB 9 Urban Lot Splits, RS and RL Districts (IP) 55

Chapter 17.08 Commercial and Mixed Use Districts 58

17.08.010 Purpose and Applicability (IP) 58
17.08.020 Land Use Regulations (IP) 59
17.08.030 Development Standards (IP) 66
17.08.040 Supplemental Regulations 69

Chapter 17.09 Industrial Districts (IP) 73

17.09.010 Purpose and Applicability 73
17.09.020 Land Use Regulations 73
17.09.030 Development Standards 77

Chapter 17.10 Public and Semi-Public Districts (IP) 79

17.10.010 Purpose and Applicability 79
17.10.020 Land Use Regulations 80
17.10.030 Development Standards 83

Chapter 17.11 Waterfront and Harbor Area Districts (IP) 84

17.11.010 Purpose 84
17.11.020 Applicability 85
17.11.030 Land Use Regulations 85
17.11.040 Development Standards 88
17.11.050 Supplemental Regulations 89

Chapter 17.12 Reserved 91

Chapter 17.13 Reserved 91

Chapter 17.14 Coastal Resource Protection (CRP) Overlay District (IP) 92

17.14.010 Purpose and Applicability 92
17.14.020 Definitions 92
17.14.030 Coastal Development Permit Required 94
17.14.040 Land Uses 94
17.14.050 Community Design 100
17.14.060 Agricultural Land Preservation 101
17.14.070 Cultural Resource Protection 102
17.14.080 Environmentally Sensitive Habitat 104
17.14.090 Visual Resource Protection 118
17.14.100 Hazards and Shoreline Protection 120

17.14.110 Coastal Access 128

Chapter 17.15 Cloisters (-CL) Overlay District (IP) 132

17.15.010 Purpose 132
17.15.020 Applicability 132
17.15.030 Land Use Regulations 132
17.15.040 Development Standards 132

Chapter 17.16 Mixed Use Residential (-MUR) Overlay District (IP) 134

17.16.010 Purpose 134
17.16.020 Applicability 134
17.16.030 Allowed Residential Development 134

Chapter 17.17 Waterfront Master Plan (-WMP) Overlay District (IP) 135

17.17.010 Purpose 135
17.17.020 Applicability 135
17.17.030 Waterfront Master Plan 135

Chapter 17.18 Planned Development (-PD) Overlay District (IP) 136

17.18.010 Purpose 136
17.18.020 Zoning Map Designation 136
17.18.030 Land Use Regulations 136
17.18.040 Development Standards 137
17.18.050 Procedures 137
17.18.060 Required Findings 138
17.18.070 Conditions 139
17.18.080 Expiration and Renewal 139
17.18.090 Amendments of Approved Plans 139
17.18.100 Project Review 140

Chapter 17.19 Reserved 141

Chapter 17.20 Reserved 141

Chapter 17.21 Reserved 141

Chapter 17.22 Reserved 141

Division III: Citywide Regulations 142

Chapter 17.23 General Site Regulations 142

17.23.010 Purpose and Applicability (IP) 142

17.23.020 Accessory Structures (IP) 142
17.23.030 Demolition of Buildings and Structures 144
17.23.040 Development on Substandard Lots (IP) 145
17.23.050 Encroachments into Required Setbacks (IP) 145
17.23.060 Fences and Freestanding Walls 146
17.23.070 Heights and Height Exceptions (IP) 149
17.23.080 Lighting and Illumination 150
17.23.090 Motorhomes and Recreational Vehicles 152
17.23.100 Open Space (IP) 152
17.23.110 Outdoor Storage 153
17.23.120 Refuse Storage and Collection Areas 154
17.23.130 Screening 154
17.23.140 Sloping Lots (IP) 156
17.23.150 Storage and Parking of Vehicles for Sale 157
17.23.160 Swimming Pools and Spas 157
17.23.170 Underground Utilities (IP) 157
17.23.180 Visibility at Intersections 158

Chapter 17.24 Affordable Housing, Density Bonuses, and Other Incentives 159

17.24.010 Purpose 159
17.24.020 Inclusionary Housing Requirements 159
17.24.030 In-lieu Fees for Affordable Housing 161
17.24.040 State Density Bonuses and Incentives 162
17.24.050 Assurance of Continued Availability 168
17.24.060 Consistency with State Law 169

Chapter 17.25 Landscaping 170

17.25.010 Purpose 170
17.25.020 Applicability 170
17.25.030 Areas to be Landscaped 171
17.25.040 Landscape Plan 173
17.25.050 General Requirements 174
17.25.060 Irrigation Specifications 176
17.25.070 Installation and Completion 178

Chapter 17.26 Nonconforming Uses, Structures, and Lots (IP) 179

17.26.010 Purpose 179
17.26.020 Applicability 179
17.26.030 General Provisions 179
17.26.040 Maintenance of and Alterations and Additions to Nonconforming

Structures 180
17.26.050 Repair and Replacement of Damaged or Destroyed Nonconforming Structures 181
17.26.060 Expansions, Changes, and Substitutions of Nonconforming Uses 182
17.26.070 Abandonment of Nonconforming Uses 183

Chapter 17.27 Parking and Loading (IP) 184

17.27.010 Purpose 184
17.27.020 Applicability 184
17.27.030 General Provisions 185
17.27.040 Required Parking Spaces 186
17.27.050 Parking Reductions 190
17.27.060 Parking In-Lieu Payments and Parking Management Programs and Districts 191
17.27.070 Location of Required Parking 193
17.27.080 Bicycle Parking 193
17.27.090 Loading 196
17.27.100 Driveways and Drive Approaches 197
17.27.110 Parking Area Design and Development Standards 199

Chapter 17.28 Performance Standards 209

17.28.010 Purpose 209
17.28.020 Applicability 209
17.28.030 General Standard 210
17.28.040 Measurement of Impacts 210
17.28.050 Air Contaminants 210
17.28.060 Electromagnetic Interference 210
17.28.070 Fire and Explosive Hazards 210
17.28.080 Glare 211
17.28.090 Hazardous and Extremely Hazardous Materials 211
17.28.100 Heat and Humidity 211
17.28.110 Liquid or Solid Waste 211
17.28.120 Noise 211
17.28.130 Vibration 213

Chapter 17.29 Signs 214

17.29.010 Purpose 214
17.29.020 Sign Classifications and Calculations 215
17.29.030 Computations of Sign Area 223
17.29.040 Standards for All Districts and Zones 227

17.29.050 Embarcadero District 234
17.29.060 Downtown District 238
17.29.070 Quintana Road District 241
17.29.080 North Main District 246
17.29.090 Lodging Establishments 251
17.29.100 Industrial Zones 252
17.29.110 Signs Outside of Designated Business Districts 254
17.29.120 Performance Standards for Signs 255
17.29.130 Maintenance, Abandonment, and Removal of Signs, Substitution of Message 258
17.29.140 Nonconforming, Unpermitted, and Illegal Signs 259
17.29.150 Signage at Multi-Business Sites: Master Sign Program 261
17.29.160 Minor Adjustments 265
17.29.170 Sign Permits 266
17.29.180 Exceptions and Appeals 267
17.29.190 Severability 269
17.29.200 Definitions 270

Chapter 17.30 Standards for Specific Uses 273

17.30.010 Purpose 273
17.30.020 Applicability 274
17.30.030 Accessory Uses 274
17.30.040 Accessory Dwelling Units 274
17.30.050 Adult Entertainment Businesses 277
17.30.060 Animal Keeping 286
17.30.070 Automobile/Vehicle Sales and Services 288
17.30.080 Day Care 290
17.30.090 Drive-Through Facilities 291
17.30.100 Emergency Shelters 292
17.30.110 Employee Housing (for farmworkers) 293
17.30.120 Farmer's Markets 293
17.30.130 Home Occupations 294
17.30.140 Nonpermanent Vendors 296
17.30.150 Off-shore Oil Development 296
17.30.160 Outdoor Dining and Seating 297
17.30.170 Outdoor Display and Sales 298
17.30.180 Personal Services 299
17.30.190 Recharging Stations 299
17.30.200 Recycling Facilities 299

17.30.210 Self Storage 301
17.30.220 Short-term Vacation Rentals (IP) 302
17.30.230 Single Room Occupancy 312
17.30.240 Renewable Energy Systems 312
17.30.250 Telecommunication Facilities 313
17.30.260 Temporary Uses 321
17.30.270 Urban Agriculture 323

Chapter 17.31 Residential and Mixed Use Objective Design Standards 326

17.31.010 Introduction 326
17.31.020 Site Design Standards 332
17.31.030 Building Design Standards 337
17.31.040 Additional Mixed Use Standards 343
17.31.050 Parking Structures 344
17.31.060 Utilitarian Elements 345

Chapter 17.32 Reserved 347

Chapter 17.33 Reserved 347

Chapter 17.34 Reserved 347

Division IV: Administration and Permits 348

Chapter 17.35 Planning Authorities 348

17.35.010 Purpose 348
17.35.020 City Council 348
17.35.030 Planning Commission 348
17.35.040 Community Development Director 349

Chapter 17.36 Common Procedures 352

17.36.010 Purpose 352
17.36.020 Application Forms and Fees 352
17.36.030 Conceptual Review 353
17.36.040 Review of Applications 354
17.36.050 Environmental Review 355
17.36.060 Public Notice 355
17.36.070 Conduct of Public Hearings 356
17.36.080 Timing and Notice of Action and Findings Required 357
17.36.090 Scope of Approvals 358
17.36.100 Effective Dates 358

17.36.110 Expiration and Extension 359
17.36.120 Revisions of Approved Plans and Permits 359
17.36.130 Appeals 360
17.36.140 Interpretations and Determinations 361

Chapter 17.37 Zoning Clearance 362

17.37.010 Purpose 362
17.37.020 Applicability 362
17.37.030 Review and Decision 362

Chapter 17.38 Design Review 364

17.38.010 Purpose 364
17.38.020 Applicability 364
17.38.030 Review Authority 365
17.38.040 Application 365
17.38.050 Public Notice 365
17.38.060 Public Hearing 366
17.38.070 Scope of Design Review 366
17.38.080 Design Review Criteria 366
17.38.090 Permits 367
17.38.100 Appeals; Expiration, Extensions, and Revisions; Revocation 367

Chapter 17.39 Coastal Development Permits (IP) 369

17.39.010 Coastal Development Permit Processing Procedures 369
17.39.020 CDP Exemptions 370
17.39.030 Waivers of De Minimis Development 375
17.39.040 City CDP Determinations 377
17.39.050 CDP Application Submittal 378
17.39.060 CDP Application Public Notice and Hearing 379
17.39.070 Required Findings for CDP Approval 381
17.39.080 Notices of City's Final Action on CDPs 382
17.39.090 Appeals of CDP Decisions 383
17.39.100 Coastal Development Permits (CDP) 384
17.39.110 Emergency CDPs 385

Chapter 17.40 Use Permits 389

17.40.010 Purpose 389
17.40.020 Applicability 389
17.40.030 Review Authority 389
17.40.040 Application 390

17.40.050 Public Notice 390
17.40.060 Public Hearing 390
17.40.070 Required Findings 390
17.40.080 Conditions of Approval 391
17.40.090 Appeals; Expirations, Extensions, and Revisions; Revocation 391

Chapter 17.41 Temporary Use Permits 392

17.41.010 Purpose 392
17.41.020 Application 392
17.41.030 Public Notice 392
17.41.040 Required Findings 393
17.41.050 Conditions of Approval 393

Chapter 17.42 Modifications (IP) 394

17.42.010 Purpose 394
17.42.020 Applicability 394
17.42.030 Review Authority 395
17.42.040 Application 395
17.42.050 Public Notice 395
17.42.060 Public Hearing 395
17.42.070 Required Findings 396
17.42.080 Conditions of Approval 396
17.42.090 Appeals; Expiration, Extensions, and Revisions; Revocation 396

Chapter 17.43 Reasonable Accommodation (IP) 398

17.43.010 Purpose 398
17.43.020 Applicability 398
17.43.030 Review Authority 399
17.43.040 Application 399
17.43.050 Required Findings 399
17.43.060 Conditions of Approval 400

Chapter 17.44 Variances (IP) 401

17.44.010 Purpose 401
17.44.020 Applicability 401
17.44.030 Review Authority 401
17.44.040 Application 401
17.44.050 Public Notice 402
17.44.060 Public Hearing 402
17.44.070 Required Findings 402

17.44.080 Conditions of Approval 402
17.44.090 Appeals; Expirations, Extensions, and Revisions; Revocation 402

Chapter 17.45 Development Agreements 404

17.45.010 Purpose 404
17.45.020 Applicability 404
17.45.030 Review Authority 405
17.45.040 Application Requirements 405
17.45.050 Contents of Development Agreements 405
17.45.060 Public Notice 406
17.45.070 Planning Commission Action 406
17.45.080 City Council Action 406
17.45.090 Required Findings 407
17.45.100 Recordation of Development Agreement 407
17.45.110 Annual Review 407
17.45.120 Amendment or Cancellation 408
17.45.130 Effect of Approved Agreement 408
17.45.140 Enforcement 409

Chapter 17.46 Amendments to the General Plan, Zoning Code, and Zoning Map 410

17.46.010 Purpose 410
17.46.020 Applicability 410
17.46.030 Initiation 411
17.46.040 Application Requirements 411
17.46.050 Maximum Number of General Plan Amendments 411
17.46.060 Review Procedures and Public Notice 411
17.46.070 Planning Commission Hearing and Recommendation 411
17.46.080 City Council Hearing and Action 412
17.46.090 General Plan Consistency Required for Zoning Amendments 412

Chapter 17.47 Zoning Upon Annexation 413

17.47.010 Purpose 413
17.47.020 Applicability 413
17.47.030 Procedure 413
17.47.040 Effective Date of Zoning and Time Limit 413

Chapter 17.48 Enforcement 414

17.48.010 Purpose 414
17.48.020 Enforcement Responsibility 414
17.48.030 Nuisance Defined 414

17.48.040 Right of Entry 415
17.48.050 Notice of Violation and Opportunity to Cure 415
17.48.060 Penalties 415
17.48.070 Remedies 415
17.48.080 Revocation 416
17.48.090 Recording a Notice of Violation 417
17.48.100 Order to Appear in Court 417
17.48.110 Nuisance Abatement 417
17.48.120 Civil Remedies 417

Chapter 17.49 Reserved 418

Chapter 17.50 Reserved 418

Chapter 17.51 Reserved 418

Chapter 17.52 Reserved 418

Division V: Terms and Definitions 419

Chapter 17.53 Use Classifications (IP) 419

17.53.010 Residential Uses 419
17.53.020 Public/Semi Public Uses 421
17.53.030 Commercial Uses 424
17.53.040 Industrial Uses 430
17.53.050 Transportation, Communication, and Utility Uses 432
17.53.060 Urban Agriculture Uses 433

Chapter 17.54 List of Terms and Definitions 434

17.54.010 List of Terms 434
17.54.020 Definitions 437

This page intentionally left blank

Division I: Introductory Provisions (IP)

Chapter 17.01 Purpose and Effect

Sections:

17.01.010 Title
17.01.020 Authority
17.01.030 Purpose
17.01.040 Relationship to the General Plan
17.01.050 Local Coastal Program Coastal Implementation Plan (IP)
17.01.060 Applicability
17.01.070 Responsibility for Administration
17.01.080 Severability
17.01.090 Fees

17.01.010 Title

A. Title 17 of the Morro Bay Municipal Code shall be known and cited as the "Morro Bay Zoning Code", "Zoning Code of the City of Morro Bay," "Zoning Code," or "Code."

B. Portions of Title 17 identified in Section 17.01.050, Local Coastal Program Coastal Implementation Plan (IP), shall be known as the "City of Morro Bay Coastal Implementation Plan" and hereafter referred to as the "Implementation Plan" or "IP." These sections are denoted with an "(IP)" next to the section number.

17.01.020 Authority

The Morro Bay Zoning Code is adopted pursuant to the authority contained in Section 65850 of the California Government Code, as well as the Coastal Act for Implementation Plan purposes.

17.01.030 Purpose

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

A. Provide standards for the orderly growth and development of the City, and guide and control the use of land to provide a safe, harmonious, attractive, and sustainable community.

B. Achieve the arrangement of land uses depicted in the Morro Bay General Plan, consistent with the goals and policies of the General Plan/Coastal Zone Land Use Plan.

C. Enhance the appearance of the City and promote high quality design.

D. Preserve and enhance the quality of life and character of residential neighborhoods.

E. Promote economic growth and the creation of jobs.

F. Facilitate the appropriate location of community facilities, institutions, transportation, and parks and recreational areas.

G. Allow for public participation in government decision-making regarding land use and development in a manner consistent with State law.

H. Define duties and powers of administrative bodies and officers responsible for implementation of the Code.

17.01.040 Relationship to the General Plan

This Code implements the goals and policies of the Morro Bay General Plan by regulating the use of land and structures within the City. This Code and the General Plan shall be consistent with one another. Any permit, license, or approval issued pursuant to this Code must be consistent with the General Plan and all applicable specific plans. In any case where there is a conflict between this Code and the General Plan, the General Plan shall control.

17.01.050 Local Coastal Program Coastal Implementation Plan

A. **The City of Morro Bay Coastal Implementation Plan.** The following portions of Title 17 shall be known as the "City of Morro Bay Coastal Implementation Plan" and hereafter referred to as the "Implementation Plan" or "IP." These components are also denoted with an "(IP)" in the Table of Contents at the beginning of Title 17. The Implementation Plan is a component of the City of Morro Bay Local Coastal Program (LCP), which is made up of its Land Use Plan (LUP) and this IP, serving to carry out the policies of the LUP, including providing the requirements for issuance of Coastal Development Permits (CDPs).

1. Division I: Introductory Provisions (all chapters)
2. Division II: District Regulations (all chapters except Supplemental Regulations Sections 17.07.040 and 17.08.040)
3. Section 17.23.010: Purpose and Applicability
4. Section 17.23.020: Accessory Structures
5. Section 17.23.040: Development on Substandard Lots
6. Section 17.23.050: Encroachments into Required Setbacks

7. Section 17.23.070: Heights and Height Exceptions
8. Section 17.23.100: Open Space
9. Section 17.23.140: Sloping Lots
10. Chapter 17.26: Nonconforming Uses, Structures, and Lots (all sections)
11. Chapter 17.27: Parking and Loading (all sections)
12. Section 17.30.220: Short-term Vacation Rentals
13. Chapter 17.39: Coastal Development Permits (all sections)
14. Chapter 17.42: Modifications (all sections)
15. Chapter 17.43 Reasonable Accommodation (all sections)
16. Chapter 17.44 Variances (all sections)
17. Chapter 17.53: Use Classifications (all sections)
18. Chapter 17.54: List of Terms and Definitions (only terms/definitions denoted 'IP')

B. **Authority.** The Implementation Plan is adopted pursuant to the authority contained in Section 65850 et seq. of the California Government Code, Division 20 of the Public Resources Code (California Coastal Act), and Title 14, Division 5.5 of the California Code of Regulations (California Coastal Commission Regulations).

C. **Purpose.** The purpose of this IP is to implement the City of Morro Bay Local Coastal Program (LCP) Land Use Plan (LUP), in accordance with the requirements of the California Coastal Act of 1976.

D. **Applicability.** The regulations found in this IP shall apply to all areas of the City of Morro Bay located within the Coastal Zone as established by the State Legislature.

E. **Conflicting Regulations and Policies.** In case of conflict with any other applicable non-LCP City policies or regulations, the IP and LUP shall take precedence, with the LUP taking precedence if there are conflicts between the LUP and the IP. Where the IP and LUP are silent, other City policies and regulations shall be in force, but in no case shall such policies and regulations be used as a standard of review for CDPs.

F. **Agency Coordination.** The City will work with other agencies as appropriate to implement the LCP.

G. **LCP Violations.** The City is the primary enforcement entity for development within its jurisdiction and will investigate and prosecute development activity that occurs within the Coastal Zone without a Coastal Development Permit pursuant to the requirements of the LCP and other violations of the Coastal Act. The City will work to resolve violations of the LCP in a timely manner, including through the use of appropriate enforcement actions. The City may request that the Coastal Commission assist with, or assume

primary responsibility for, resolving violations of the LCP. The Commission may request that the City act to resolve violations of the LCP. However, if the City declines to act or does not act in a timely manner, the Coastal Commission may enforce the requirements of the LCP through its own enforcement actions pursuant to Coastal Act Sections 30809 and 30810.

H. **Severability.** If any section, subsection, paragraph, sentence, clause, phrase, or other portion of this IP is for any reason held to be invalid or unenforceable by a court, such decision shall not affect the validity of the remaining portions of the IP.

I. **Jurisdiction.** The City's jurisdiction over CDPs does not include tidelands, submerged lands, and public trust lands as described in Public Resources Code Section 30519(b) and described as areas of California Coastal Commission CDP Jurisdiction, including as illustrated on the Local Coastal Program Post- Certification Permit and Jurisdiction Map, as may from time to time be amended.

J. **Coastal Commission CDPs.** The Coastal Commission retains authority over CDPs approved and/or issued by the Coastal Commission (either prior to certification of the LCP or post-certification on appeal), including with respect to condition compliance and amendments. Where either new development or a modification to existing development is proposed on a site where development was authorized in a Coastal Commission-issued CDP, the applicant shall apply to the Coastal Commission for a CDP amendment, unless the Commission's Executive Director determines that such development or modification is not inconsistent with and will not change the relevant terms and conditions underlying the CDP, in which case the application can be processed by the City.

K. **Coastal Resource Protection.** The LCP shall be interpreted to accomplish the purposes of and carry out the objectives of the California Coastal Act, including in terms of best protecting coastal resources. Site specific biological resources, archaeological, visual, geologic, water quality, coastal hazards, and other coastal resource protection constraints may limit development to less than the maximum development potential listed for the LCP's zoning districts.

17.01.060 Applicability

A. **Applicability to Property.** This Code shall apply, to the extent permitted by law, to all property within the corporate limits of the City of Morro Bay and to property for which applications for annexation and/or subdivisions have been submitted to the City of Morro Bay, including all uses, structures, and land owned by any private person, firm, corporation or organization, or the City of Morro Bay or other local, State, or federal agencies. Any governmental agency shall be exempt from the provisions of this Code only to the extent that such property may not be lawfully regulated by the City of Morro Bay.

B. **Minimum Requirements.** The provisions of this Zoning Code shall be minimum requirements for the promotion of the public health, safety, and general welfare. Where this Zoning Code provides for more discretion on the part of a City official or body, that discretion may be exercised to impose more stringent requirements than set forth in this Zoning Code as may be necessary to promote orderly land use development and the purposes of this Zoning Code.

C. **Compliance with Regulations.** No land shall be used, and no structure shall be constructed, occupied, enlarged, altered, demolished or moved in any zoning district, except in accordance with the provisions of this Code, including the development and performance standards herein, and any permit issued pursuant hereto. The temporary or transitory nature of a use does not exempt it from this requirement.

D. **Conflicting Regulations.** The regulations of this Code and requirements or conditions imposed pursuant to this Code shall not supersede any other regulations or requirements adopted or imposed by the Morro Bay City Council, the State of California, or any federal agency that has jurisdiction by law over uses and development authorized by this Code. All uses and development authorized by this Code shall comply with all other such regulations and requirements. Where conflict occurs between the provisions of this Code and any other City ordinance, chapter, resolution, guideline, or regulation, the more restrictive provisions shall control, unless otherwise specified.

E. **Private Agreements.** This Code shall not interfere with or annul any recorded easement, covenant, or other agreement now in effect, provided that where this Code imposes greater restriction than imposed by an easement, covenant, or agreement, this Code shall control. The City of Morro Bay shall not be responsible for monitoring or enforcing private agreements.

F. **Prior Code.** The provisions of this Code supersede all prior Zoning Codes codified in Title 17 of the Morro Bay Municipal Code and any amendments. No provision of this Code shall validate any land use or structure established, constructed, or maintained in violation of the prior Zoning Code, unless such validation is specifically authorized by this Code and is in conformance with all other regulations.

G. **Effect on Previously Approved Projects and Projects in Progress.**

1. ***Building Permit.*** Any building or structure for which a Building Permit has been issued may be completed and used in accordance with the plans, specifications, and permits on which said Building Permit was granted, provided at least one inspection has been requested and posted for the primary structure on the site where the permit is issued and provided construction is diligently pursued and completed within six months of permit issuance. No extensions of time except as provided for in the Building Code shall be granted for commencement of construction, unless the applicant has secured an allowed permit extension from the Planning Division.

2. ***Previously Approved Land Use Authorization.*** This Zoning Code shall not interfere with, repeal, abrogate, or annul any previously granted land use authorization. All allowances, requirements, and conditions of approval of previous land use authorizations shall apply until the applicable review authority specifically repeals the allowance, requirement, or condition.

3. ***Land Use Authorization in Process.*** An application for a discretionary land use authorization that has been accepted by the Planning Division as complete for processing prior to the adoption of this Code or any applicable amendment shall be processed according to the requirements of this Zoning Code or the prior Code upon written request from the project applicant. The written request shall be made no later than 30 days after the effective date of this Zoning Code and at least one action must be taken by the Review Authority within 210 days of the effective date of this Code.

H. **Application During Local Emergency.** The City Council may authorize a deviation from a provision of this Code during a local emergency declared and ratified under the Morro Bay Municipal Code. The City Council may authorize a deviation by resolution without notice or public hearing.

17.01.070 Responsibility for Administration

The Zoning Code shall be administered by the Morro Bay City Council, Planning Commission, and Community Development Department as established in Chapter 17.35, Planning Authorities. The IP shall also be administered by the Coastal Commission pursuant to the Coastal Act.

17.01.080 Severability

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

17.01.090 Fees

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

Chapter 17.02 Interpretation

Sections:

17.02.010 Purpose
17.02.020 Rules of Interpretation
17.02.030 Rules of Measurement

17.02.010 Purpose

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

17.02.020 Rules of Interpretation

In interpreting the various provisions of this Title, the following rules of interpretation shall apply.

A. **General Rules.** The following general rules apply to the interpretation and application of the Zoning Code.

1. The specific controls the general.
2. In case of conflict between the text and a figure, illustration, heading, caption, diagram or graphic, the text controls.
3. Sections and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section.
4. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
    a. "And" indicates that all connected words or provisions shall apply.
    b. "And/or" indicates that the connected words or provisions may apply singularly or in any combination.
    c. "Or" indicates that the connected words or provisions may apply singularly or in any combination.
    d. "Either . . . or" indicates that the connected words or provisions shall apply singularly but not in combination.

5. The words “shall,” “will,” “must” and “is to" are always mandatory and not discretionary. “Should” is a regulation that is not mandatory, but must be either fulfilled or the applicant must demonstrate an alternative that fulfills the intent of the regulation. "May" is permissive. For purposes of the IP, “shall,” “will,” “must” and “is to" are always mandatory; “should” and “may” are mandatory, unless there is a compelling reason to do otherwise; and “including” means “including but not limited to.”
6. The present tense includes the past and future tense, and the future tense includes the past.
7. The singular number includes the plural, and the plural, the singular.
8. All references to departments, committees, commissions, boards, or other public agencies are to those of the City of Morro Bay, unless otherwise indicated.
9. All references to public officials are to those of the City of Morro Bay, and include designated deputies of such officials, unless otherwise indicated.

B. **Calendar Days.** All references to days are to calendar days, unless otherwise indicated. If a deadline falls on a weekend or holiday, or a day when the City offices are closed, it shall be extended to the next working day. The end of a time period shall be the close of business on the last day of the period.

C. **Definitions.** The Director shall make the interpretation for any definition not expressly identified in this Title.

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

1. Boundaries indicated as approximately following the centerlines of alleys, lanes, streets, highways, streams or railroads shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following lot lines, city limits, or extraterritorial boundary lines shall be construed as following such lines, limits or boundaries.
3. Where a zone district or area boundary approximately follows the shoreline of the Pacific Ocean, the boundary shall be construed to follow the mean high tide line.

E. **Parcels Containing Two or More Zoning Districts.**

1. For parcels containing two or more zoning districts, the location of the zoning district boundary shall be determined by the Director.
2. For parcels containing two or more zoning districts, the applicable regulations for each district shall apply.

17.02.030 Rules of Measurement

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

A. **Fractions.** Whenever this Title requires consideration of distances, parking spaces, dwelling units or other aspects of development or the physical environment expressed in numerical quantities, and the result of a calculation contains a fraction of a whole number, the results will be rounded as follows:

1. ***General Rounding.*** Fractions of one-half (0.5) or greater shall be rounded up to the nearest whole number and fractions of less than one-half (0.5) shall be rounded down to the nearest whole number, except as otherwise provided.

2. ***Density Rounding.*** For purposes of computing the maximum number of residential units allowed on a lot, any fractions equal to .90 or larger shall be rounded up to the next whole number and any fraction less than .90 shall be rounded down to the next whole number except as provided below.

   a. *Exception for State Affordable Housing Density Bonus.* Each component of any density calculation related to projects eligible for bonus density pursuant to Government Code Section 65915 or any successor statute, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number.

B. **Measuring Distances.**

1. ***Measurements are Shortest Distance.*** When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two objects.

2. ***Distances are Measured Horizontally.*** When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography or slope of the land.

3. ***Measurements Involving a Structure.*** Measurements involving a structure are made to the closest point of an exterior wall or support element of the structure. Structures or portions of structures that are entirely underground are not included in measuring required distances.

4. ***Measurement of Vehicle Stacking or Travel Areas.*** Measurement of a minimum travel distance for vehicles, such as garage entrance setbacks and stacking lane

distances, are measured down the center of the vehicle travel area. For example, curving driveways and travel lanes are measured along the center arc of the driveway or traffic lane.

5. ***Measuring Radius.*** When a specified land use is required to be located a minimum distance from another land use, the minimum distance is measured in a straight line from all points along the lot line of the subject project, in all directions.

6. ***Measuring Setbacks.*** See Subsection 17.02.030(J), Determining Setbacks (Yards).

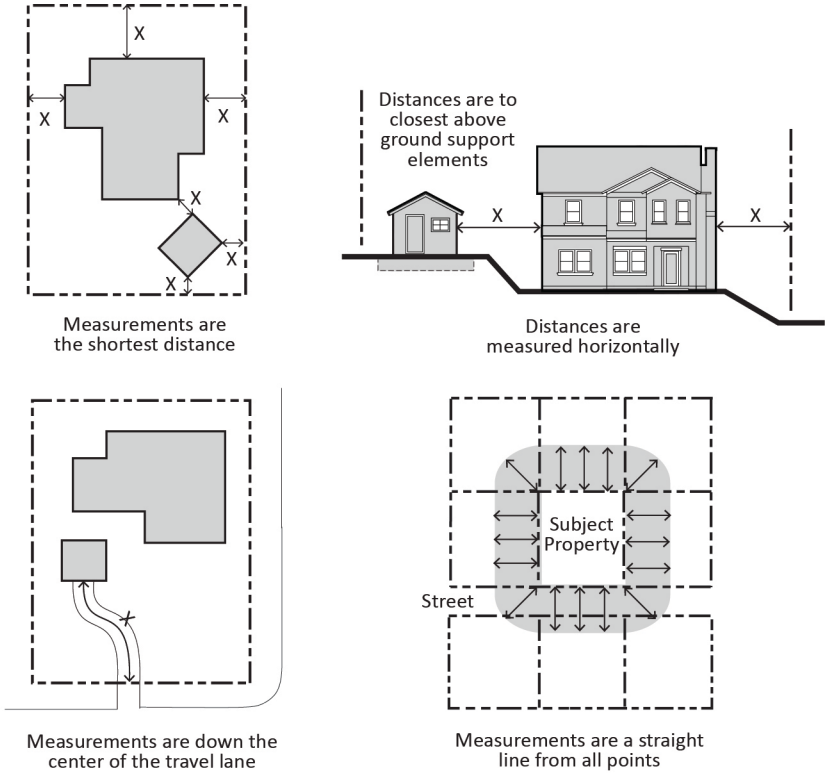


FIGURE 17.02.030(B): MEASURING DISTANCES

C. **Measuring Height.** Height is measured as the vertical distance from a point on the ground below a structure to a point directly above.

1. ***Measuring Building Height.*** Building height is measured from the average level of the highest and lowest point of that portion of the lot covered by the building, as measured to the topmost point of the roof or the top rail of a roof deck.

   a. When measuring the various levels on a lot to calculate the height, the grades in existence on the effective date of this Title *(insert date)* shall be used; any fill added to the site since that date shall be deducted from

present grade elevations and any areas cut since that date may be added to the present grade elevations when measuring building height.

b. When measuring height along the waterfront, height is determined by average grades of the land portion of the site, not including the bank.

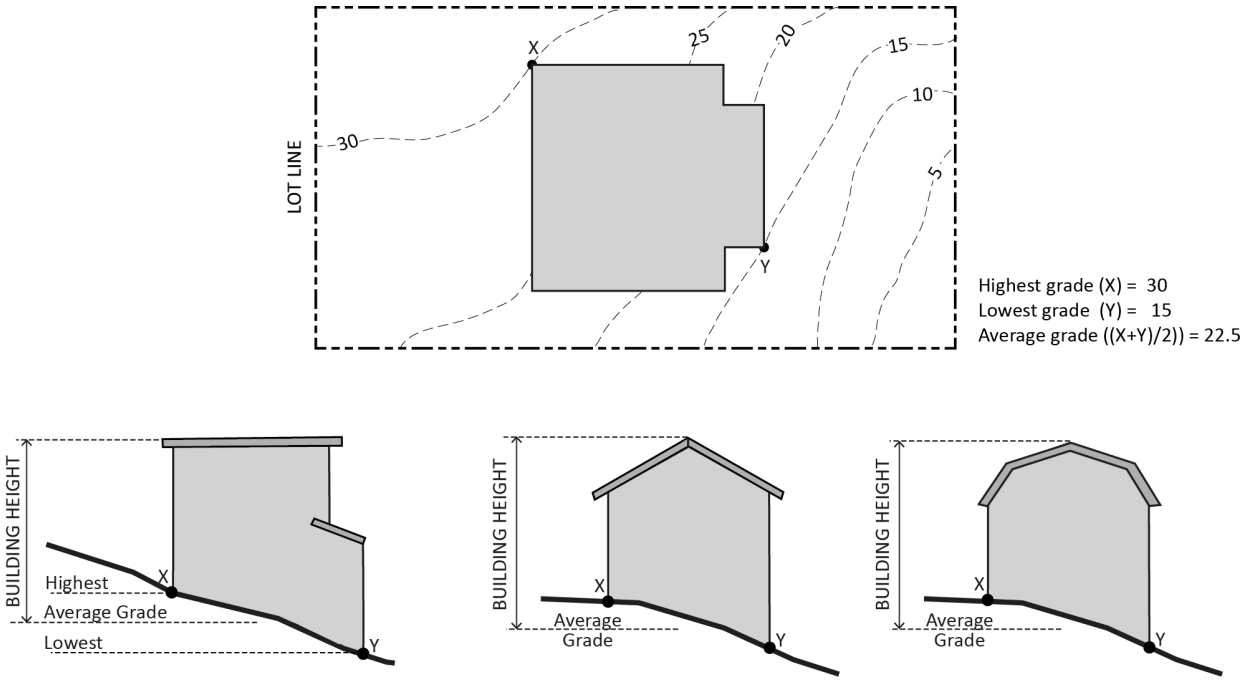


FIGURE 17.02.030(C)(1): MEASURING BUILDING HEIGHT

2. ***Measuring the Number of Stories.*** In measuring the number of stories in a building, the following rules shall apply:

a. An interior balcony or mezzanine shall be counted as a full story if its floor area exceeds one-third of the total area of the nearest full floor directly below it or if it is enclosed on more than two sides.

b. A basement shall be counted as a full story if the vertical distance between finished grade and the finished surface of the floor above the basement is more than six feet at any point.

c. A story shall not exceed 20 feet in height from the upper surface of the floor to the ceiling above.

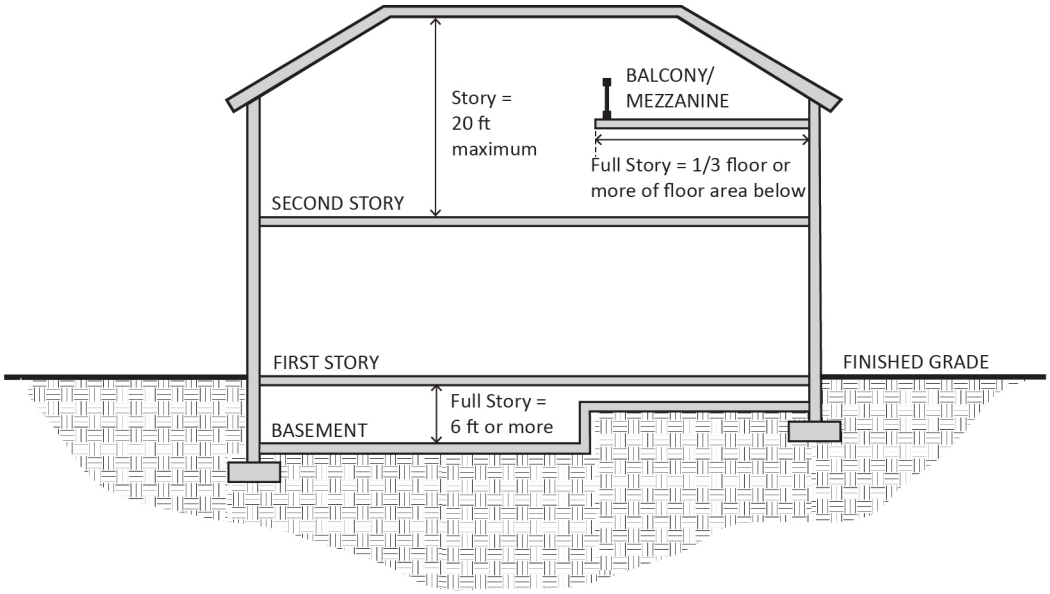


FIGURE 17.02.030(C)(2): MEASURING THE NUMBER OF STORIES

3. ***Measuring Height of Fences or Walls.*** The height of a fence or wall is measured as the vertical distance from the ground level on the lowest external side of the fence or wall to the highest point of such fence or wall.

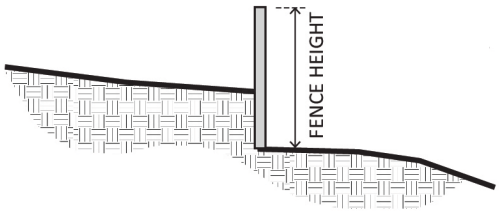


FIGURE 17.02.030(C)(3): MEASURING HEIGHT OF FENCES OR WALLS

4. ***Measuring the Height of Decks.*** Deck height is determined by measuring from the ground to the top of the floor of the deck directly above the ground below. The top rail of any deck shall not exceed the height limitations of the district in which the deck is located.

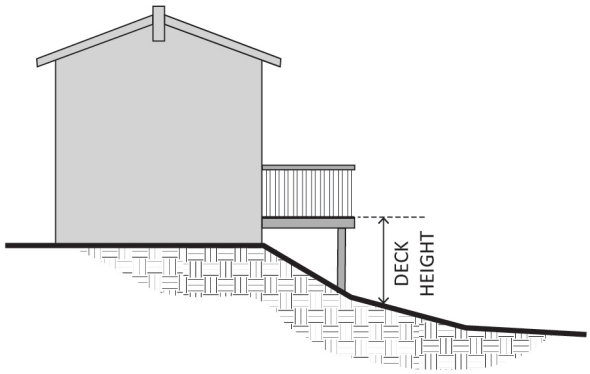


FIGURE 17.02.030(C)(4): MEASURING HEIGHT OF DECKS

D. **Measuring Lot Width and Depth.**

1. ***Lot Width.*** Lot width is the horizontal distance between the side lot lines, measured at right angles to the lot depth at the required front setback line.

2. ***Lot Depth.*** Lot depth is measured along a straight line drawn from the midpoint of the front property line of the lot to the midpoint of the rear property line or to the most distant point on any other lot line where there is no rear lot line.

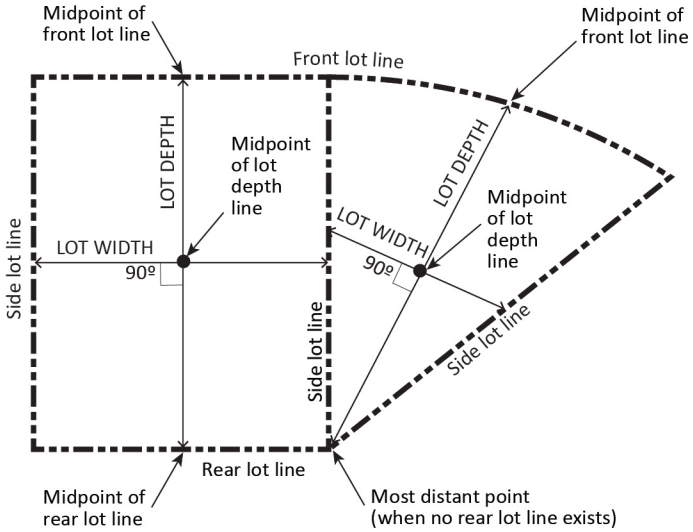


FIGURE 17.02.030(D): MEASURING LOT WIDTH AND DEPTH

E. **Determining Average Slope.** The average slope of a parcel is calculated using the following formula: S = 100(I)(L)/A, where:

1. S = Average slope (in percent)

2. I = Contour interval (in feet)

3. L = Total length of all contour lines on the parcel (in feet)

4. A = Area of subject parcel (in square feet)

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

1. ***Included in Floor Area.*** Floor area includes, but is not limited to, all habitable space (as defined in the Building Code) that is below the roof and within the outer surface of the main walls of primary or accessory buildings or the centerlines of party walls separating such buildings or portions thereof or within lines drawn parallel to and two feet within the roof line of any building without walls. In the case of a multi-story building that has covered or enclosed stairways, stairwells or elevator shafts, the horizontal area of such features shall be counted only once at the floor level of their greatest area of horizontal extent.

2. ***Excluded from Floor Area.*** Floor area does not include the following:

   a. Mechanical, electrical, and communication equipment rooms that do not exceed two percent of the building's total floor area;

   b. Bay windows or other architectural projections where the vertical distance between the lowest surface of the projection and the finished floor is 30 inches or greater;

   c. Areas that qualify as usable open space;

   d. Covered porticoes, paseos, corridors, and courtyards designed for use by and accessible to the general public; and

   e. In non-residential buildings, areas used for off-street parking spaces or loading spaces, driveways, ramps between floors of a multi-level parking garage, and maneuvering aisles that are located below the finish grade of the property.

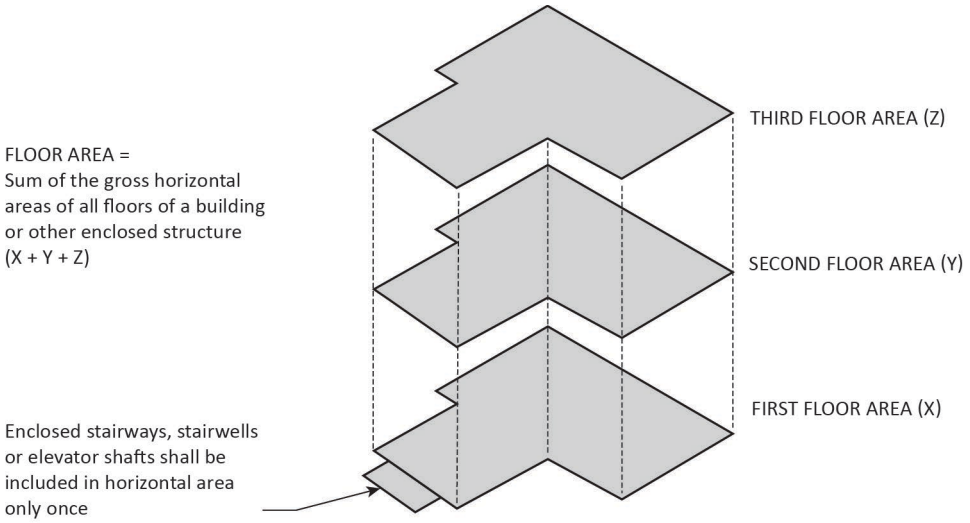


FIGURE 17.02.030(F): DETERMINING FLOOR AREA

G. **Determining Floor Area Ratio.** The floor area ratio (FAR) is the ratio of the floor area, excluding the areas described below, of all primary and accessory buildings on a site to the site area. To calculate the FAR, floor area is divided by site area, and typically expressed as a decimal. For example, if the floor area of all buildings on a site totals 20,000 square feet, and the site area is 10,000 square feet, the FAR is expressed as 2.0.

1. ***Excluded from Floor Area in Calculating FAR.***

   a. *Underground Areas.* Floor area located below finished grade.

   b. *Parking.* Parking areas located below finished grade or finished floor of habitable space where the vertical distance between finished grade and finished floor is less than six feet.

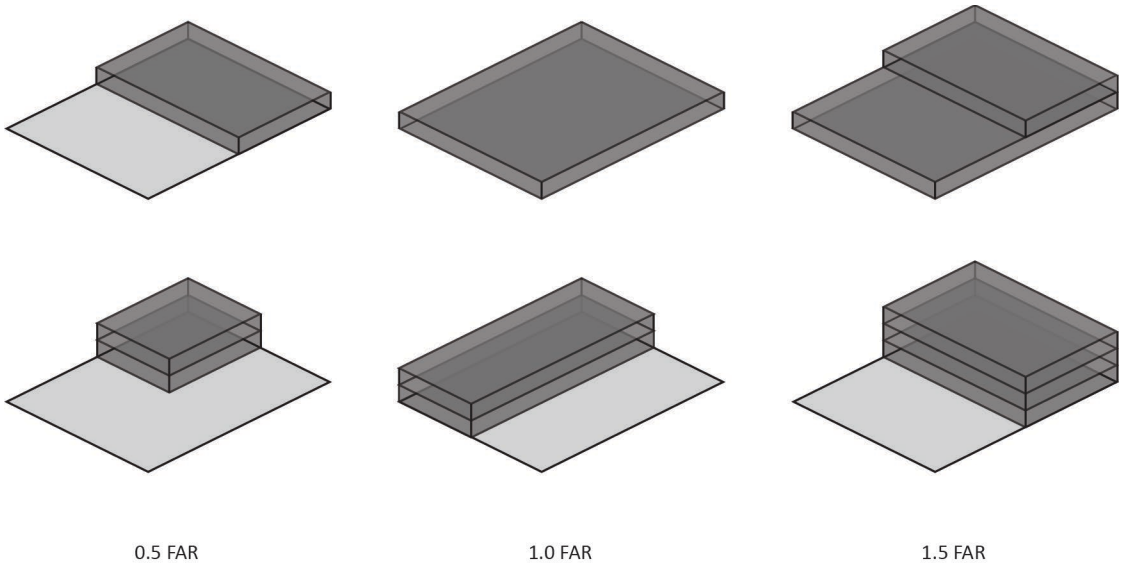


FIGURE 17.02.030(G): DETERMINING FLOOR AREA RATIO

H. **Determining Lot Coverage.** Lot coverage is the ratio of the total footprint area of all structures on a lot to the net lot area, typically expressed as a percentage. The footprints of all primary and accessory structures, including garages, carports, covered patios, roofed porches, and uncovered patios, decks, and landings more than 30 inches in height, shall be summed in order to calculate lot coverage. The following structures shall be excluded from the calculation:

1. Unenclosed and unroofed decks, uncovered patio slab, porches, landings, balconies and stairways less than 30 inches in height;
2. Eaves and roof overhangs projecting up to three feet from a wall;
3. Trellises, pergolas, and similar structures that have roofs or coverings that are at least 50 percent open to the sky with uniformly distributed openings;
4. Swimming pools and hot tubs that are not enclosed in roofed structures or decks; and
5. One small, non-habitable accessory structure under 120 square feet in size and less than eight feet in height. Structures above quantity of one shall be included in lot coverage.

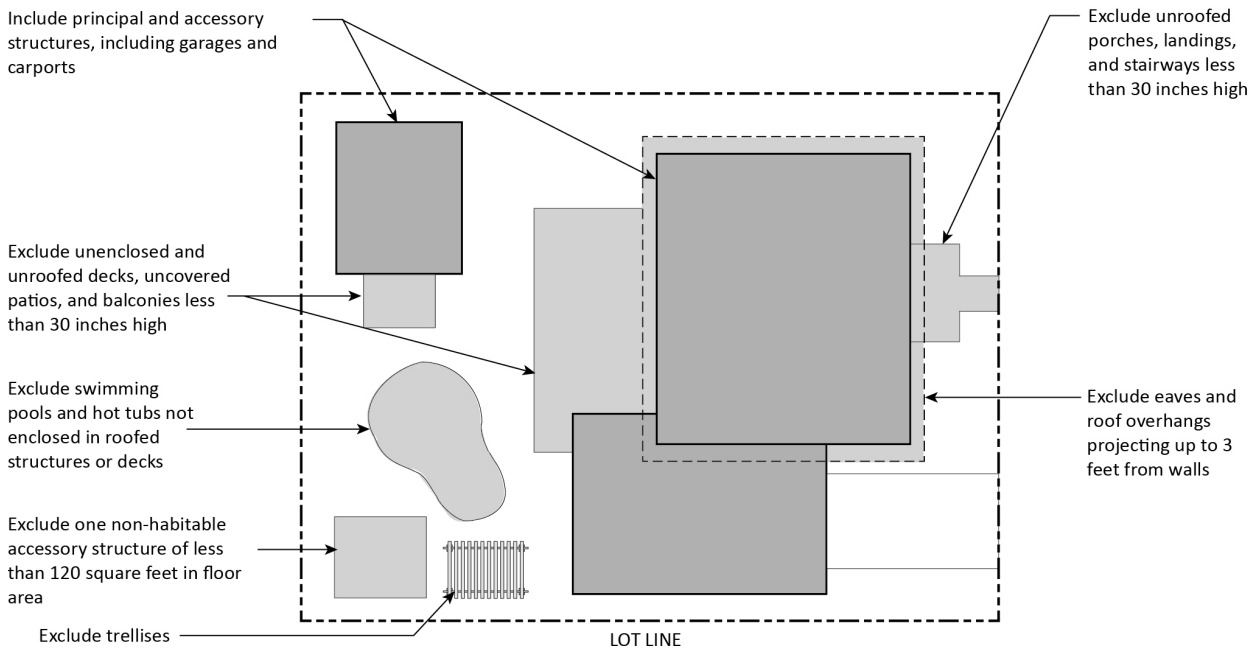


FIGURE 17.02.030(H): DETERMINING LOT COVERAGE

I. **Determining Lot Frontage.**

1. ***Corner Lot.*** The front of a lot is the narrowest dimension of the lot with street frontage unless otherwise determined by the Director based on historic use, topography, neighborhood character, and other factors.

2. ***Through Lot.*** The front of a through lot abuts the street that neighboring lots use to provide primary access.

   a. *RS District.* Where the majority of lots in a block are street-to-street lots in the RS District, the following rules apply:

      i. <u>East-West Orientation.</u> On east-west oriented lots, the western frontage shall be considered the front and the eastern frontage shall be considered the rear unless otherwise determined by the Director.

      ii. <u>North-South Orientation.</u> The front and rear of north-south oriented lots shall be determined by the Director based on the prevailing development pattern of the block.

J. **Determining Setbacks (Yards).** A setback line defining a required yard is parallel to and at the specified distance from the corresponding front, side, or rear property line. The following special regulations for determining setbacks apply in certain circumstances.

1. ***Setbacks Measurement from Plan Lines.*** Whenever an official plan line has been established for any street or proposed street, setbacks required by this Title shall be measured from such plan line and in no case shall the provisions of this Title be construed as permitting any encroachment upon any official plan line. For the purpose of determining setbacks, the property lines shall be interpreted to be the official lot lines except in cases where a street or public area is offered for dedication but not yet been accepted, in which case the line established by the offer for dedication shall be interpreted to be the property line.

2. ***Building Lines.***

   a. Where there is no public area or street dedication or offers for dedication, setbacks shall be required when any land borders on a future street as designated within the adopted Circulation Element of the General Plan, or any future local street right-of-way or a future public area designated by the City's plans and ordinances.

   b. In any District where rights-of-way are not dedicated or offered for dedication, building line setbacks on major or collector highways shall be determined by the City Engineer. Dedication of land required for development of a major or secondary street shall be required at time of the subdivision of any land, or where no subdivision is involved, at time of development. Improvement shall be required as a condition of any Use Permit or Variance and preceding any change of land use.

3. ***Alleys.*** If a side lot line abuts an alley, the yard shall be considered an interior side yard rather than a corner side yard.

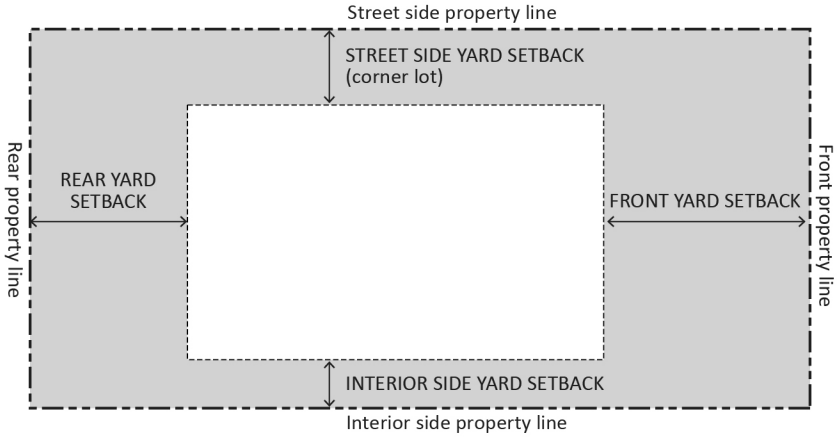


FIGURE 17.02.030(J): DETERMINING SETBACKS (YARDS)

K. **Measuring Signs.** The calculations of measurements related to signs are described in Chapter 17.29, Signs.

Chapter 17.03 Zoning Districts and Zoning Map

Sections:

17.03.010 Base Zoning Districts and Overlay Zoning Districts
17.03.020 Official Zoning Map and District Boundaries

17.03.010 Base Zoning Districts and Overlay Zoning Districts

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

A. **Base Zoning Districts.** Base zoning districts into which the City is divided are established as shown in Table 17.03.010, Base and Overlay Zoning Districts.

B. **Overlay Zoning Districts.** Overlay zoning districts, one or more of which may be combined with a base district, are established as shown in Table 17.03.010, Base and Overlay Zoning Districts.

TABLE 17.03.010: BASE AND OVERLAY ZONING DISTRICTS

Zoning District Symbol	*Zoning District Name*	*General Plan Land Use Designation Implemented by Zoning District*
BASE ZONING DISTRICTS		
Agriculture District		
AG	Agriculture District	Agriculture
Residential Districts		
RL	Residential Low Density	Low Density Residential
RS	Residential Single Unit	Moderate Density Residential
RM	Residential Medium Density	Medium Density Residential
RH	Residential High Density	High Density Residential
Commercial and Mixed Use Districts		
NC	Neighborhood Commercial	Neighborhood Commercial
CC	Community Commercial	Community Commercial
DC	District Commercial	District Commercial
VSC	Visitor Serving Commercial	Visitor Serving Commercial

TABLE 17.03.010: BASE AND OVERLAY ZONING DISTRICTS		
Zoning District Symbol	*Zoning District Name*	*General Plan Land Use Designation Implemented by Zoning District*
TMU	Transitional Mixed Use	Mixed Use
Industrial Districts		
IG	Industrial-General	General (Light) Industrial
ICD	Industrial-Coastal-Dependent	Coastal-Dependent Industrial
Public and Semi-Public Districts		
PF	Public Facility	Public/Institutional
PR	Park and Recreation	Open Space/Recreation
OS	Open Space	Open Space/Recreation
Waterfront and Harbor Area Districts		
CF	Commercial Fishing	Commercial/Recreational Fishing
H	Harbor	Harbor/Navigational Ways
WF	Waterfront	Waterfront Commercial/Industrial
OVERLAY ZONING DISTRICTS		
-CRP	Coastal Resource Protection	N/A
CRP-CR	Coastal Resource Protection - Cultural Resource	N/A
CRP-ESH	Coastal Resource Protection - Environmentally Sensitive Habitat	N/A
-CL	Cloisters	N/A
-MUR	Mixed Use Residential	N/A
-WMP	Waterfront Master Plan	N/A
-PD	Planned Development	N/A

17.03.020 Official Zoning Map and District Boundaries

The boundaries of the zoning districts established by this Code are not included in this Code but are shown on the Official Zoning Map maintained by the City Clerk. The Official Zoning Map, together with all legends, symbols, notations, references, zoning district boundaries, map symbols, and other information on the maps, have been adopted by the Council and are hereby

incorporated into this Code by reference, together with any amendments previously or hereafter adopted, as though they were fully included here.

17.03.030 IP Provisions

For the purposes of the zoning and use charts below, only the provisions of the IP as specified in 17.01.050(a) shall govern CDP review. In addition, in the coastal zone, public recreational access facilities and uses, such as trails, accessways, and public parks, shall be permissible uses in all zoning districts.

Chapter 17.04 Reserved

Chapter 17.05 Reserved

Division II: District Regulations

Chapter 17.06 Agriculture District (IP)

Sections:

17.06.010 Purpose and Applicability
17.06.020 Land Use Regulations
17.06.030 Development Standards

17.06.010 Purpose and Applicability

The purpose of the Agriculture (AG) District is to provide for the continuation of agricultural uses in suitable areas and for limited nonagricultural uses which may be necessary to support such continued agricultural activities. New development in this District shall also be sited and designed to protect and enhance scenic resources associated with the rural character of agricultural lands. This District implements the Agriculture General Plan/LCP Land Use Plan Land Use Designation.

17.06.020 Land Use Regulations

Table 17.06.020, Land Use Regulations-Agriculture District, sets the land use regulations for the Agriculture District. The regulations for the district are established by letter designation as follows:

"P" designates permitted uses

"M" designates use classifications that are permitted after review and approval of a Minor Use Permit pursuant to Chapter 17.40, Use Permits

"C" designates use classifications that are permitted after review and approval of a Conditional Use Permit pursuant to Chapter 17.40, Use Permits

"(#)" numbers in parentheses refer to specific limitations listed at the end of the table

"-" designates uses that are not permitted

For all uses, approval of a Coastal Development Permit pursuant to Chapter 17.39, Coastal Development Permits (IP), may be required.

Land uses are defined in Chapter 17.53, Land Use Classifications. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the table or not found to be substantially similar to the uses below are prohibited. Section numbers in the right hand column refer to specific regulations applicable to the particular use classification located in other sections of this Code.

TABLE 17.06.020: LAND USE REGULATIONS – AGRICULTURE DISTRICT

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed
Note: A Coastal Development Permit may be required, See Chapter 17.39, Coastal Development Permits

Land Use Classification	*AG*	*Additional Regulations*
Residential Uses		
Residential Housing Types	See subclassifications below	
Single-Unit Dwelling, Detached	P	
Accessory Dwelling Unit	P	See Section 17.30.040, Accessory Dwelling Unit
Employee Housing	See Section 17.30.110, Employee Housing (for farmworkers)	
Family Day Care	See subclassifications below	
Small	P	
Large	P	Must be located 300 feet from any other Large Family Day Care
Supportive Housing	Transitional and supportive housing constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same Zoning District.	
Transitional Housing		
Commercial Uses		
Agriculture	P	
Transportation, Communication, and Utility Uses		
Telecommunication Facilities	See Section 17.30.250, Telecommunication Facilities	
Other Uses		
Accessory Uses and Structures	See Section 17.23.020, Accessory Structures, and Section 17.30.030, Accessory Uses	
Animal Keeping	See Section 17.30.060, Animal Keeping	
Home Occupations	See Section 17.30.130, Home Occupations	
Nonconforming Use	See Chapter 17.26, Nonconforming Uses, Structures, and Lots	
Recharging Station	See Section 17.30.200, Recharging Stations	

TABLE 17.06.020: LAND USE REGULATIONS – AGRICULTURE DISTRICT		
P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed *Note: A Coastal Development Permit may be required, See Chapter 17.39, Coastal Development Permits*		
Land Use Classification	*AG*	*Additional Regulations*
Renewable Energy Systems	See Section 17.30.240, Renewable Energy Systems	
Temporary Uses, including Temporary Produce Stands	See Section 17.30.260, Temporary Uses	

17.06.030 Development Standards

Table 17.06.030, Development Standards-Agriculture District, prescribes the development standards for the Agriculture District. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other sections of this Code, while individual letters refer to subsections that directly follow the table.

TABLE 17.06.030: DEVELOPMENT STANDARDS – AGRICULTURE DISTRICT		
Standard	*AG*	*Additional Information*
Lot and Density Standards		
Minimum Lot Size (acres)	20; 40 between Little Morro Creek Road and Morro Creek	(A)
Maximum Density (units/lot)	1	
Maximum Lot Coverage (% of lot)	5	See §17.02.030.H, Determining Lot Coverage
Building Form and Location Standards		
Maximum Building Height (ft)	25	See §17.02.030.C, Measuring Height and §17.23.070, Heights and Height Exceptions
Minimum Setbacks (ft)		
Front	25	See §17.02.030.J, Determining Setbacks (Yards), and §17.23.050, Encroachments into Required Setbacks
Interior Side	25	See §17.02.030.J, Determining Setbacks (Yards), and §17.23.050, Encroachments into Required Setbacks
Corner Side	25	See §17.02.030.J, Determining Setbacks (Yards), and §17.23.050, Encroachments into Required Setbacks
Rear	25	See §17.02.030.J, Determining Setbacks (Yards), and §17.23.050, Encroachments into Required Setbacks

A. **Reduced Lot Size.** Minimum lot sizes may be reduced only if a covenant, restriction or similar document is recorded which limit future uses of the lots to open space, agriculture or uses of the lots to open space, agriculture or uses or structures accessory to agriculture provided, however, that the minimum lot area shall in no case be less than 20,000 square feet and the lots are clustered to maintain agricultural feasibility or provide a coordinated open space area.

Chapter 17.07 Residential Districts

Sections:

17.07.010 Purpose and Applicability (IP)
17.07.020 Land Use Regulations (IP)
17.07.030 Development Standards (IP)
17.07.040 Supplemental Regulations
17.07.050 SB 9 Urban Lot Splits, RS and RL Districts (IP)

17.07.010 Purpose and Applicability (IP)

The purposes of the Residential Districts are to:

A. Provide for a full range of housing types consistent with the General Plan/LCP Land Use Plan.

B. Preserve, protect, and enhance the character of the City's different residential neighborhoods and the quality of life of City residents.

C. Ensure adequate light, air, privacy, and open space for each dwelling.

D. Ensure that the scale and design of new development and alterations to existing structures are compatible with surrounding homes and appropriate to the physical characteristics of the site and the area where the project is proposed.

E. Provide sites for public and semi-public land uses such as parks, schools, day care, and other uses that will serve City residents and will complement surrounding residential development.

Additional purposes of each Residential District:

Residential Low Density (RL). The RL District is intended to provide areas for detached single-unit dwellings and accessory uses compatible with the residential use of the district. In addition to single-unit dwellings, this District provides for other compatible uses, such as schools and parks that may be appropriate in a single-unit residential neighborhood. The overall density limit for these areas is 4.0 units per acre. This District implements the Low Density Residential General Plan/LCP Land Use Plan Land Use Designation.

Residential Single-Unit (RS). The RS District is intended to provide areas for detached and attached single-unit housing at densities between 4.1 and 7.0. Overall densities for these areas are up to seven units per net acre. In addition, this District provides for uses such as schools and

parks that may be appropriate in a low- or moderate-density residential environment. This District implements the Moderate Density Residential General Plan/LCP Land Use Plan Land Use Designation.

Residential Medium Density (RM). The RM District is intended to provide areas for a variety of housing types at densities between 7.1 and 15 units per acre. Types of dwelling units include attached and detached single-unit dwellings, townhomes, condominiums, two-unit dwellings, multi-unit developments, and apartments. This District also provides for uses such as schools, daycare centers, parks, and community facilities that may be appropriate in a medium density residential environment. This District implements the Medium Density Residential General Plan/LCP Land Use Plan Land Use Designation.

Residential High Density (RH). The RH District is intended to provide areas for a variety of medium to high-density residential development. Housing types include single-unit attached, townhouses, condominiums, and apartment buildings at densities between 15.1 and 27 dwelling units per acre. Detached single-unit dwellings are allowed where site characteristics such as size or topography, preclude multi-unit development. This District also provides for uses such as schools, daycare centers, parks, and community facilities that may be appropriate in a higher-density residential environment. This District implements the High Density Residential General Plan/LCP Land Use Plan Land Use Designation.

17.07.020 Land Use Regulations (IP)

Table 17.07.020, Land Use Regulations-Residential Districts, sets the land use regulations for Residential Districts. The regulations for each district are established by letter designation as follows:

> "P" designates permitted uses
>
> "M" designates use classifications that are permitted after review and approval of a Minor Use Permit pursuant to Chapter 17.40, Use Permits
>
> "C" designates use classifications that are permitted after review and approval of a Conditional Use Permit pursuant to Chapter 17.40, Use Permits
>
> "(#)" numbers in parentheses refer to specific limitations listed at the end of the table
>
> "-" designates uses that are not permitted

For all uses, approval of a Coastal Development Permit pursuant to Chapter 17.39, Coastal Development Permits (IP), may be required.

Land uses are defined in Chapter 17.53, Land Use Classifications. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the table or not found to be substantially similar to the uses below are prohibited. Section numbers in the right hand column refer to specific regulations applicable to the particular use classification located in other sections of this Code.

TABLE 17.07.020: LAND USE REGULATIONS – RESIDENTIAL DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed

Note: A Coastal Development Permit may be required, See Chapter 17.39, Coastal Development Permits

Land Use Classification	*RL*	*RS*	*RM*	*RH*	*Additional Regulations*
Residential Uses					
Residential Housing Types	See subclassifications below				
Single-Unit Dwelling, Detached	P	P	P	M(1)	
Single-Unit Dwelling, Attached	-	P	P	P	
Two-Unit Dwelling	P	P	P	P	
Multi-Unit Residential	-	-	P	P	
Accessory Dwelling Unit	P	P	P	P	See §17.30.040, Accessory Dwelling Units
Employee Housing	See Section 17.30.110, Employee Housing (for farmworkers)				
Family Day Care	See subclassifications below				
Small	P	P	P	P	
Large	P	P	P	P	Must be located 300 feet from any other Large Family Day Care
Group Residential	-	-	C	C	
Mobilehome Park	-	-	C(2)	C(2)	
Residential Care Facilities	See subclassifications below				
Small	P	P	P	P	
Large	-	-	M	M	
Residential Facility, Assisted Living	-	-	M	M	
Supportive Housing	Transitional and supportive housing constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same Zoning District.				
Transitional Housing					

TABLE 17.07.020: LAND USE REGULATIONS – RESIDENTIAL DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed
Note: A Coastal Development Permit may be required, See Chapter 17.39, Coastal Development Permits

Land Use Classification	*RL*	*RS*	*RM*	*RH*	*Additional Regulations*
Public/Semi Public Uses					
Community Assembly	C	C	C	M	
Day Care Centers	-	-	C	C	See §17.30.080, Day Care
Park and Recreation Facilities	M	M	M	M	
Parking Lots and Structures	-	-	-	C	
Schools	C	C	C	C	
Social Service Facilities	-	-	M	M	
Commercial Uses					
Agriculture	P	-	-	-	See §17.30.060, Animal Keeping for livestock density limits
Farmer's Markets	C	C	C	C	See §17.30.120, Farmer's Markets
Lodging	See subclassification below				
Short-term Vacation Rental	See §17.30.220, Short-term Vacation Rentals (IP)				
Offices	-	-	-	C	
Transportation, Communication, and Utility Uses					
Public Works and Utilities	C	C	C	C	
Telecommunication Facilities	See Section 17.30.250, Telecommunication Facilities				
Urban Agriculture Uses					
Community Garden	P	P	P	P	See §17.30.270, Urban Agriculture
Market Garden, less than one acre	P	P	P	P	See §17.30.270, Urban Agriculture
Market Garden, one acre or more	M	C	C	C	See §17.30.270, Urban Agriculture
Private Garden	P	P	P	P	See §17.30.270, Urban Agriculture
Other Uses					
Accessory Uses and Structures	See Section 17.23.020, Accessory Structures, and Section 17.30.030, Accessory Uses				
Animal Keeping	See Section 17.30.060, Animal Keeping				
Home Occupations	See Section 17.30.130, Home Occupations				

TABLE 17.07.020: LAND USE REGULATIONS – RESIDENTIAL DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed
Note: A Coastal Development Permit may be required, See Chapter 17.39, Coastal Development Permits

Land Use Classification	*RL*	*RS*	*RM*	*RH*	*Additional Regulations*
Nonconforming Use	See Chapter 17.26, Nonconforming Uses, Structures, and Lots				
Recharging Station	See Section 17.30.200, Recharging Stations				
Renewable Energy Systems	See Section 17.30.240, Renewable Energy Systems				
Temporary Use	See Section 17.30.260, Temporary Uses				

Specific Limitations:

1. Allowed only where site characteristics, such as size or topography, preclude multi-unit development.
2. Limited to sites with a minimum of three acres.

17.07.030 Development Standards (IP)

Table 17.07.030.A, Development Standards-RS Districts, and Table 17.07.030.B, Development Standards-RL, RM, and RH Districts, prescribe the development standards for Residential Districts. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other sections of this Code. Additional development standards are specified following the tables below.

TABLE 17.07.030.A: DEVELOPMENT STANDARDS – RS DISTRICTS

Standard	*RS-A*			*RS-B*	*Additional Information*
	Lot Size (square feet)				
	2,500 sq ft or less	*2,501 to 4,300 sq ft*	*4,301 sq ft and greater*		
Lot and Density Standards					
Minimum Density (units/acre)	4.1				
Maximum Density (units/acre)	7.0; or as allowed for SB 9 related development pursuant to 17.07.030.A				
Maximum Lot Coverage (% of lot)	50	50	45	50	See §17.02.030.H, Determining Lot Coverage

TABLE 17.07.030.A: DEVELOPMENT STANDARDS – RS DISTRICTS

Standard	*RS-A*			*RS-B*	*Additional Information*
	Lot Size (square feet)				
	2,500 sq ft or less	*2,501 to 4,300 sq ft*	*4,301 sq ft and greater*		
Building Form and Location Standards					
Maximum Building Height (ft)	25	25	25 For parcels west of Highway 1 and north of No Name Creek, no portion of any structure except vents and chimneys may extend above the 50 foot elevation above sea level	14; 17 if roof pitch is 4:12 or greater	See §17.02.030.C, Measuring Height and §17.23.070, Heights and Height Exceptions
Maximum Number of Stories	n/a	n/a	n/a	1	See §17.02.030.C.2, Measuring the Number of Stories
Maximum Building Wall Height (ft)	30	30	30	n/a	
Minimum Setbacks (ft)					
Front	10	15	20	15	See §17.02.030.J, Determining Setbacks (Yards), §17.23.050, Encroachments into Required Setbacks, and §17.27.100.F, Driveway Length and Accessibility
Interior Side	3	10% of lot width, max 5	5	5	
Corner Side	6	20% of lot width, max 10	10	15	
Rear	5	5	10	5	See §17.23.050, Encroachments into Required Setbacks

TABLE 17.07.030.B: DEVELOPMENT STANDARDS – RL, RM, AND RH DISTRICTS				
Standard	*RL*	*RM*	*RH*	*Additional Information*
Lot and Density Standards				
Minimum Density (units/acre)	0	7.1	15.1	
Maximum Density (units/acre)	4; or as allowed for SB 9 related development pursuant to 17.07.030.A	15	27	
Maximum Lot Coverage (% of lot)	45	50	60	See §17.02.030.H, Determining Lot Coverage
Building Form and Location Standards				
Maximum Building Height (ft)	25	25	30	See §17.23.070, Heights and Height Exceptions
Maximum Wall Height (ft)	30	n/a	n/a	
Minimum Setbacks (ft)	For attached single-unit dwellings, required setbacks apply to the ends of rows of the dwellings.			
Front	20	Lots 2,500 sf or less: 10; Lots 2,501 to 4,300 sf: 15; Lots 4.301 sf or greater: 15 on West St, otherwise 20	15	See §17.02.030.J, Determining Setbacks (Yards), and §17.23.050, Encroachments into Required Setbacks See §17.27.100.F, Driveway Length and Accessibility
Interior Side	10	10% of lot width, min 3, max 5	5	See §17.02.030.J, Determining Setbacks (Yards), and §17.23.050, Encroachments into Required Setbacks

TABLE 17.07.030.B: DEVELOPMENT STANDARDS – RL, RM, AND RH DISTRICTS				
Standard	*RL*	*RM*	*RH*	*Additional Information*
Corner Side	10	20% of lot width, min 5, max 10	20% of lot width, min 5, max 10	See §17.02.030.J, Determining Setbacks (Yards), and §17.23.050, Encroachments into Required Setbacks See §17.27.100.F, Driveway Length and Accessibility
Rear	20	5	5, 20 when abutting an RL District	See §17.02.030.J, Determining Setbacks (Yards), and §17.23.050, Encroachments into Required Setbacks
Landscaping and Open Space Standards				
Minimum Landscaping (% of lot)	35	n/a	n/a	See Chapter 17.25, Landscaping
Minimum Open Space (sq ft per residential unit)	n/a	Studio: 50 1-bedroom: 100 2 or more bedrooms: 150		See §17.23.100, Open Space A minimum of 50 square feet of private open space shall be provided per unit.

Additional Development Standards

A. **Senate Bill (SB) 9 Related Development.** In the RS and RL Districts, two dwelling units are allowed per lot if the following standards are met:

1. The proposed development shall not be located in any of the following areas:
    a. Prime farmland or farmland of statewide importance
    b. Wetlands
    c. High or very high fire hazard severity zone
    d. Hazardous waste site
    e. Within a delineated earthquake fault zone
    f. Within a special flood hazard area / subject to a Letter of Map Revision
    g. Within regulatory floodway
    h. Lands identified for conservation in an adopted natural community conservation plan
    i. Habitat for protected species
    j. Lands under conservation easement

k. Within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance

2. The proposed development shall not require demolition or alteration of any of the following types of housing:

   a. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

   b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

   c. Housing that has been occupied by a tenant in the last three years.

3. The proposed development shall not be located on a lot on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

4. The proposed development shall not involve the demolition of more than 25 percent of the existing exterior structural walls.

5. A maximum of two residential units are allowed per lot, inclusive of accessory dwelling units and junior accessory dwelling units.

6. Each unit constructed pursuant to this subsection shall comply with all provisions of the base, overlay, or specific plan district, except as modified by this Section.

   a. *Interior Side and Rear Setbacks.* A minimum four foot side and rear setback is required; however no setback is required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

   b. *Parking.* A minimum of one space per unit shall be provided unless:

      i. The lot is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.

      ii. There is a car share vehicle located within one block of the lot.

   c. *Rental Limitations.* Rental terms shall be a minimum of 30 consecutive days.

7. If located in the coastal zone, the project must also be found consistent with all applicable provisions of the LCP, including those specified in Section 17.14.040(B).

17.07.040 Supplemental Regulations

A. **Paving.** The maximum amount of paved area in street-facing yards is 50 percent of the required yard.

B. **Residential Development.**

1. ***All Residential Development, Window Placement.*** Windows shall be offset to avoid direct sight lines into and from neighboring properties.

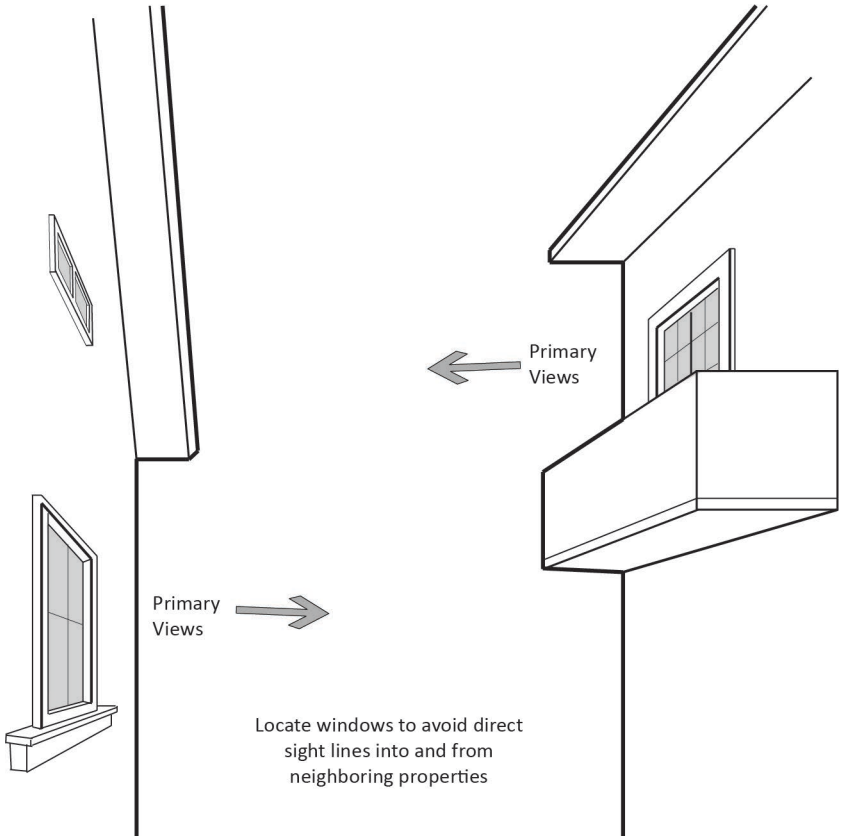


FIGURE 17.07.040(B.1): WINDOW PLACEMENT

2. ***Single-Unit, Detached, Development.*** All detached single-unit development on lots 5,000 square feet or more in size shall meet the following development standards.

a. *Front Elevation Second Story Stepback.* A minimum of 60 percent of the second story front elevation shall be setback a minimum of three feet from the first floor wall.

b. *Building Massing.* Two-story structures shall meet one of the following conditions:

i. The floor area of the second level shall not exceed 75 percent of the first level and the front and side elevation shall not be single solid planes; or

ii. A minimum of 25 percent of each building elevation shall be setback at least three feet from the remaining area of the elevational plane.

3. ***Single-Unit, Attached, and Multi-Unit Development.*** All attached single-unit and multi-unit residential development shall meet the following development standards.

a. *Building Design.* Exceptions to the following building design requirements may be granted through Design Review approval where the review authority finds that adequate design features have been included to create visual variety and avoid a large-scale and bulky appearance.

i. Entrance Orientation. All units located along public rights-of-way shall have the primary entrance facing the right-of-way.

ii. Entrance Projection or Recess. Building entrances must have a roofed projection (such as a porch) or recess with a minimum depth of at least five feet and a minimum area of 30 square feet.

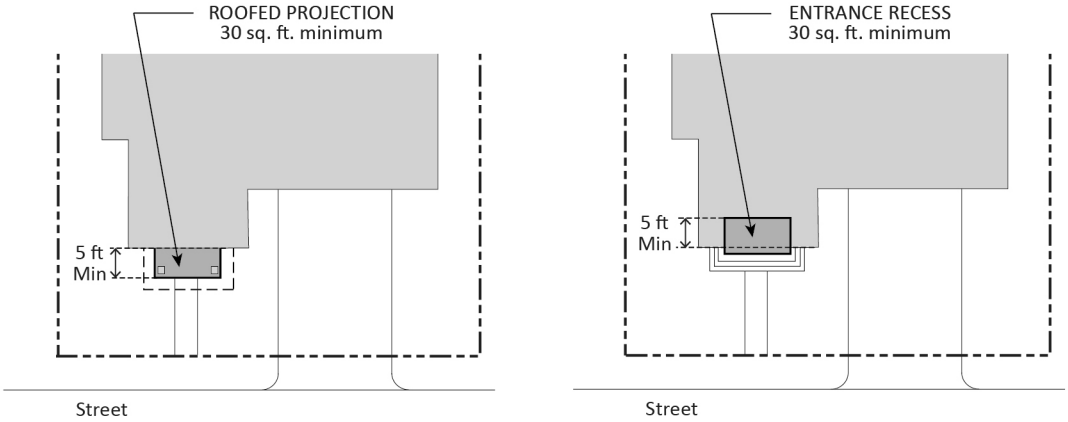


FIGURE 17.07.040(B.3.II): ENTRANCE PROJECTION OR RECESS ATTACHED SINGLE-UNIT AND MULTI-UNIT DEVELOPMENT

iii. Maximum Building Length. The maximum building length is 100 feet.

iv. Window Trim or Recess. Trim at least two inches in width shall be provided around all windows, or window must be recessed at least two inches from the plane of the surrounding exterior wall.

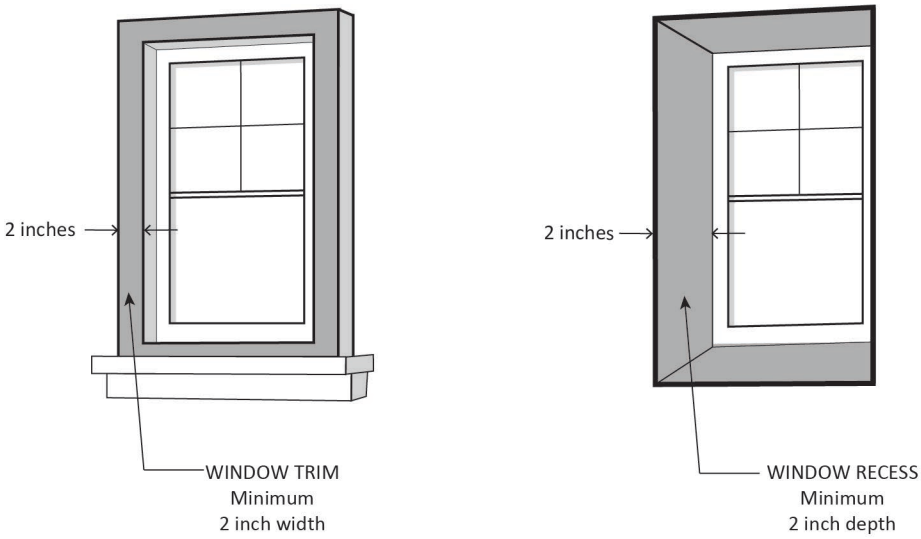
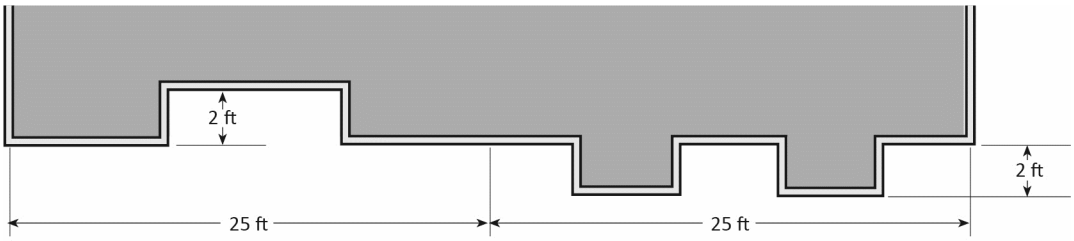


FIGURE 17.07.040(B.3.IV): WINDOW TRIM OR RECESS ATTACHED SINGLE-UNIT AND MULTI-UNIT DEVELOPMENT

v. Façade Articulation. All street-facing façades shall have at least one horizontal or vertical projection or recess at least two feet in depth for every 25 horizontal feet of wall. If located on a building with two or more stories, the articulated elements must be

greater than one story in height, and may be grouped rather than evenly spaced in 25-foot modules. Building entrances and front porches and projections into required yards such as stoops, bays, overhangs, fireplaces, and trellises may count towards meeting this requirement.



Street-facing facades shall have at least one horizontal or vertical projection or recess at least 2 feet in depth for every 25 linear feet of wall.

FIGURE 17.07.040(B.3.V): FAÇADE ARTICULATION ATTACHED SINGLE-UNIT AND MULTI-UNIT DEVELOPMENT

vi. Building Colors. Every building shall have at least two complementary colors.

b. *Private Storage Space.* Each unit shall have at least 200 cubic feet of enclosed, weather-proofed, and lockable private storage space with a minimum horizontal dimension of four feet. The required private storage shall be accessible from the exterior of the structure and may be used for bicycle parking.

c. *Pedestrian Access.* On-site pedestrian circulation and access shall be provided according to the following standards.

i. Internal Connections. A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.

ii. To Circulation Network. Regular connections between on-site walkways and the public sidewalk and other planned or existing pedestrian routes shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage.

iii. To Neighbors. Direct and convenient access shall be provided to adjoining residential and commercial areas to the maximum extent feasible while still providing for safety and security.

iv. To Transit. Safe and convenient pedestrian connections shall be provided from transit stops to building entrances.

v. Pedestrian Walkway Design.

(1) Walkways shall be a minimum of five feet wide, shall be hard-surfaced, and paved with concrete, stone, tile, brick, or comparable material.

(2) Where a required walkway crosses parking areas or loading areas, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, or similar method.

(3) Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb at least four inches high, bollards, or other physical barrier.

C. **Small Lot Single-Unit Development.** Single-unit development located on lots less than the minimum lot size established for Residential Districts may be approved with a Conditional Use Permit subject to the following standards.

1. ***Development Standards.*** Small lot single-unit development is subject to the development standards and supplemental regulations of the base zone district except as specified below.

a. *Maximum Density.* Density shall be determined by the base zone district; however, density shall mean the average density of the entire site.

b. *Setbacks.*

i. Perimeter Setbacks. The minimum setback from the property lines on the perimeter of the small lot single-unit development shall be the required setbacks of the underlying base zone.

ii. Interior Street Setbacks. The minimum setback from the back of sidewalk of any interior street or edge of pavement where there is no sidewalk shall be 18 feet to the garage door and 10 feet to any living area or covered porch.

iii. Side Setbacks. The minimum setback shall be three feet from a side property line. For attached units, a minimum side setback of 10 feet shall be provided at the end of the row of the attached units.

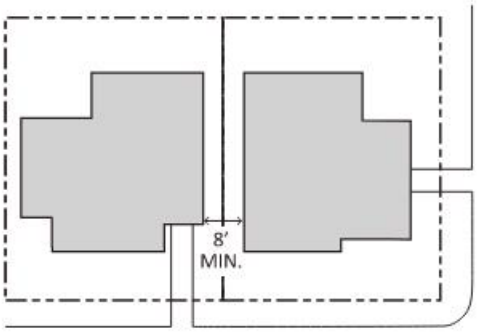
iv. Rear Setbacks. The minimum setback shall be 10 feet from the rear property line.

c. *Entrances.*

i. Dwelling units that abut a public right-of-way or private street shall orient the primary entryway toward the street.

ii. Dwelling units located in the interior of the development shall orient the primary entryway toward and visible from a pedestrian pathway that is connected to a public right-of-way or private street.

iii. There shall be a minimum eight foot separation between the primary entryway of a unit and the adjacent building wall of a neighboring unit.



Separation between the primary entryway of a unit and the adjacent building wall of a neighboring unit.

FIGURE 17.07.040(D.1.C.III): ENTRANCE SEPARATION SMALL LOT SINGLE-UNIT DEVELOPMENT

d. *Open Space.* Open space shall be provided pursuant to the open space requirements of the underlying base zone. In the RS and RL Districts, open space shall be provided pursuant to the open space requirements of the RM District.

e. *Parking.* Parking shall be provided in accordance with Chapter 17.27, Parking and Loading, except that small lot single-unit development of attached dwelling units shall be subject to the parking requirements for multi-unit residential.

2. ***Required Findings.*** A Conditional Use Permit for a small lot single-unit development shall only be approved if the following findings are made in addition to any other findings required by this Code:

   a. The development will result in a density that is no higher than otherwise permitted in the zoning district and open space standards that are no less than required for a similar development within the zoning district;

   b. The design of the development provides for a comprehensive and harmonious arrangement of buildings, open spaces, circulation ways, parking, and development amenities; and

   c. The project relates to the existing and planned land use and circulation plans of the community, and does not constitute a disrupting element in the development pattern of the neighborhood.

17.07.050 SB 9 Urban Lot Splits, RS and RL Districts (IP)

In the RS and RL Districts, urban lot splits consistent with California Government Code Section 66411.7 and Title 16, Subdivisions, of the Morro Bay Municipal Code, are allowed consistent with the following:

A. No more than two ~~lots~~ new lots shall be created.

B. Each new lot shall be at least 1,200 square feet in size and at least 40 percent of the area of the original lot.

C. The urban lot split shall not involve a lot that has been established through prior exercise of an urban lot split.

D. Neither the owner of the lot being subdivided nor any person acting in concert with the owner may have previously subdivided an adjacent parcel using an urban lot split.

E. The urban lot split shall not be located in any of the following areas:

   1. Prime farmland or farmland of statewide importance

   2. Wetlands

   3. High or very high fire hazard severity zone

   4. Hazardous waste site

   5. Within a delineated earthquake fault zone

   6. Within a special flood hazard area / subject to a Letter of Map Revision

   7. Within regulatory floodway

   8. Lands identified for conservation in an adopted natural community conservation plan

9. Habitat for protected species

10. Lands under conservation easement

11. Within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance

F. The urban lot split shall not require demolition or alteration of any of the following types of housing:

1. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

2. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

3. A lot on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

4. Housing that has been occupied by a tenant in the last three years.

G. ***Applicant Occupancy Required.*** The applicant for an urban lot split shall sign an affidavit stating that the applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approved urban lot split.

1. *Exception.* This requirement does not apply to an applicant that is a community land trust or qualified nonprofit corporation.

H. ***Maximum Number of Units.*** A maximum of two residential units are allowed per lot, inclusive of accessory dwelling units and junior accessory dwelling units.

I. ***Development Standards***. Development on lots created by urban lots splits shall comply with all provisions of the base, overlay, or specific plan district in which it is located, except as modified by this Section.

1. *Interior Side and Rear Setbacks*. A minimum four foot side and rear setback is required; however no setback is required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

2. *Parking.* A minimum of one space per unit shall be required unless:

a. The lot is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of

the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.

b. There is a car share vehicle located within one block of the lot.

3. *Rental Limitations.* Rental terms shall be a minimum of 30 consecutive days.

J. ***Review Procedures.*** A parcel map for an urban lot split consistent with California Government Code Section 66411.7 and Title 16, Subdivisions, of the Morro Bay Municipal Code shall be ministerially approved.

1. In the Coastal Resource Protection (CRP) Overlay District, a Coastal Development Permit pursuant to Chapter 17.39, Coastal Development Permits (IP) may be required.

K. If located in the coastal zone, the project must also be found consistent with all applicable provisions of the LCP, including those specified in Section 17.14.040(B).

Chapter 17.08 Commercial and Mixed Use Districts

Sections:

17.08.010 Purpose and Applicability (IP)
17.08.020 Land Use Regulations (IP)
17.08.030 Development Standards (IP)
17.08.040 Supplemental Regulations

17.08.010 Purpose and Applicability (IP)

The specific purposes of the Commercial and Mixed Use Districts are to:

A. Provide for the orderly, well-planned, and balanced development of commercial and mixed-use districts;

B. Designate adequate land for a full range of local- and regional-serving retail and commercial services consistent with the General Plan/LCP Land Use Plan to maintain and strengthen the city's economic resources;

C. Provide appropriately located areas for a range of commercial uses that provide for a variety of good and services for residents, employees, and visitors;

D. Provide opportunities for a mix of complementary uses that may combine residential and non-residential uses or combine a variety of non-residential uses on the same site; and

E. Promote pedestrian-oriented, mixed-use commercial centers at appropriate locations.

Additional purposes of each Commercial and Mixed Use District are as follows:

Neighborhood Commercial (NC). This District is intended to provide areas for smaller-scale neighborhood commercial areas which provide goods, services, and businesses to meet the day-to-day needs of nearby residents. Residential uses are allowed above and behind commercial uses and as stand-alone development in certain areas. This District implements the Neighborhood Commercial General Plan/LCP Land Use Plan Land Use Designation.

Community Commercial (CC). This District is intended to create, maintain and enhance walkable community commercial areas that provide a mix of community-oriented uses including retail stores, restaurants, professional and medical offices, and personal services. Residential uses are allowed above and behind commercial uses and as stand-alone development in certain areas. This District implements the Community Commercial and the Mixed Use General Plan/LCP Land Use Plan Land Use Designation.

District Commercial (DC). This District provides locations for retail, commercial, and service uses that meet local and regional demand. It is intended for larger-scale development that is appropriate in an auto-oriented environment. This District implements the District Commercial General Plan/LCP Land Use Plan Land Use Designation.

Visitor Serving Commercial VSC. This District is intended to provide areas for visitor-oriented services and uses located at easily accessible locations and tourist destinations. A range of visitor-serving uses are allowed, including hotels and motels, restaurants, retail, recreation, and other uses that accommodate visitor needs and activities. Residential uses are allowed in certain areas. This District implements the Visitor-Serving Commercial General Plan/LCP Land Use Plan Land Use Designation.

Transitional Mixed Use (TMU). This District is intended as a flexible district providing appropriate transitions from the commercial mixed-use character of the Downtown to adjacent residential neighborhoods. A wide range of uses are allowed, including service, commercial, office, residential, public, and visitor serving uses. This District implements the Mixed Use General Plan/LCP Land Use Plan Land Use Designation.

17.08.020 Land Use Regulations (IP)

Table 17.08.020, Land Use Regulations-Commercial and Mixed Use Districts, sets the land use regulations for Commercial and Mixed Use Districts. The regulations for each district are established by letter designation as follows:

> "P" designates permitted uses
>
> "M" designates use classifications that are permitted after review and approval of a Minor Use Permit pursuant to Chapter 17.40, Use Permits
>
> "C" designates use classifications that are permitted after review and approval of a Conditional Use Permit pursuant to Chapter 17.40, Use Permits
>
> "(#)" numbers in parentheses refer to specific limitations listed at the end of the table
>
> "-" designates uses that are not permitted

For all uses, approval of a Coastal Development Permit pursuant to Chapter 17.39, Coastal Development Permits (IP), may be required.

Land uses are defined in Chapter 17.53, Land Use Classifications. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the table or not found to be substantially similar to the uses below are prohibited. Section numbers in the right hand

column refer to specific regulations applicable to the particular use classification located in other sections of this Code.

TABLE 17.08.020: LAND USE REGULATIONS – COMMERCIAL AND MIXED USE DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed
Note: A Coastal Development Permit may be required, See Chapter 17.39, Coastal Development Permits

Land Use Classification	*NC*	*CC*	*DC*	*VSC*	*TMU*	*Additional Regulations*
Residential Uses						
Residential Housing Types	See subclassifications below					
Single-Unit Dwelling, Detached	M(1)	-	-	-	-	
Single-Unit Dwelling, Attached	M(1)	C(2)	C(2)	C(4)	P	
Two-Unit Dwelling	M(1)	C(2)	C(2)	-	-	
Multi-Unit Residential	M(1)	C(2)	C(2)	C(4)	P	
Accessory Dwelling Units	P	P	P	P	P	See §17.30.040, Accessory Dwelling Units
Caretaker	-	-	P	-	-	
Family Day Care	See subclassifications below					
Small	P	P	-	P	P	
Large	P	P	-	P	P	Must be located 300 feet from any other Large Family Day Care
Group Residential	-	C(2)	-	-	M	
Mobilehome Park	-	-	-	C	-	
Residential Care Facilities	See subclassifications below					
Small	P	P	-	-	P	
Residential Facility, Assisted Living	M	M(3)	-	-	P	
Single Room Occupancy	M	P(2)	-	-	M	See §17.30.230, Single Room Occupancy
Supportive Housing	Transitional and supportive housing constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same Zoning District.					
Transitional Housing						
Public/Semi Public Uses						
Campgrounds and Recreational Vehicle Parks	-	-	C	C	-	

TABLE 17.08.020: LAND USE REGULATIONS – COMMERCIAL AND MIXED USE DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed
Note: A Coastal Development Permit may be required, See Chapter 17.39, Coastal Development Permits

Land Use Classification	*NC*	*CC*	*DC*	*VSC*	*TMU*	*Additional Regulations*
Community Assembly	M	C	P	M	M	
Cultural Institutions	-	P	P	P	M	
Day Care Centers	M	M	M	-	M	See §17.30.080, Day Care
Emergency Shelter	-	P	-	-	-	See §17.30.100, Emergency Shelters
Government Offices	P	P	P	-	P	
Harbor, Port, and Marina Facilities	-	-	-	C	-	
Hospitals and Clinics	See subclassifications below					
Hospitals	-	-	C	-	-	
Clinics	M	C(3)	P	-	M	
Skilled Nursing Facilities	-	C(3)	-	-	-	
Instructional Services	-	P	P	P	P	
Park and Recreation Facilities	-	P	P	P	P	
Parking Lots and Structures	-	P	P	P	-	
Public Safety Facilities	M	P	P	M	M	
Social Service Facilities	M	M	M	-	-	
Commercial Uses						
Animal Care, Sales, and Services	See subclassifications below					
Animal Daycare	M	-	M	-	-	
Grooming and Pet Stores	-	-	P	-	P	
Veterinary Services	P	-	P	-	M	
Artist Studio	P	P	P	P	P	
Automobile/Vehicle Sales and Services	See subclassifications below					
Automobile/Vehicle Rentals	-	-	P	-	-	See §17.30.070, Automobile/Vehicle Sales and Services

TABLE 17.08.020: LAND USE REGULATIONS – COMMERCIAL AND MIXED USE DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed

Note: A Coastal Development Permit may be required, See Chapter 17.39, Coastal Development Permits

Land Use Classification	*NC*	*CC*	*DC*	*VSC*	*TMU*	*Additional Regulations*
Automobile/Vehicle Sales and Leasing	-	-	P	-	-	See §17.30.070,, Automobile/Vehicle Sales and Services
Automobile/Vehicle Repair, Major	C	-	P	-	-	See §17.30.070,, Automobile/Vehicle Sales and Services
Automobile/Vehicle Service and Repair, Minor	M	-	P	-	-	See §17.30.070,, Automobile/Vehicle Sales and Services
Large Vehicle and Equipment Sales, Service, and Rental	-	-	P	-	-	See §17.30.070,, Automobile/Vehicle Sales and Services
Service Stations	C	-	C	-	-	See §17.30.070, Automobile/Vehicle Sales and Services
Washing	C	-	P	-	-	See §17.30.070, Automobile/Vehicle Sales and Services
Banks and Financial Institutions	P	P	P	P	P	
Business Services	P	P	P	-	P	
Commercial Entertainment and Recreation	See subclassifications below					
Cinema/Theaters	M	P	M	P	M	
Indoor Sports and Recreation	P	P	P	P	P	
Outdoor Entertainment	-	-	-	M	-	
Outdoor Recreation	-	-	-	P	-	
Drive-Through Facility	-	-	C	-	-	See §17.30.090, Drive-Through Facilities
Eating and Drinking Establishments	See subclassifications below					
Bars/Night Clubs/Lounges	C	C	C	C	C	
Food and Beverage Tasting	P	P	P	P	P	
Restaurant	P	P	P	P	P	

TABLE 17.08.020: LAND USE REGULATIONS – COMMERCIAL AND MIXED USE DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed
Note: A Coastal Development Permit may be required, See Chapter 17.39, Coastal Development Permits

Land Use Classification	*NC*	*CC*	*DC*	*VSC*	*TMU*	*Additional Regulations*
Farmer's Markets	P	P	P	P	P	See §17.30.120, Farmer's Markets
Food Preparation	P	P	P	P	P	
Funeral Parlors and Interment Services	C	-	C	-	-	
Hookah Lounge	-	-	P	-	-	
Lodging	See subclassifications below					
Hotels and Motels	P	P	-	P	P	
Short-term Vacation Rental	See §17.30.220, Short-term Vacation Rentals (IP)					
Maintenance and Repair Services	P	P	P	-	P	
Nonpermanent Vending	See Section 17.30.140, Nonpermanent Vending					
Nurseries and Garden Centers	P	P	P	P	P	
Offices	See subclassifications below					
Business and Professional	P	P	P	-	P	
Medical and Dental	P	P(3)	P	-	P	
Personal Services	See subclassifications below					
Fortune, Palm, and Card Reader	P	P	-	-	-	See §17.30.180, Personal Services
General Personal Services	P	P	P	P	P	See §17.30.180, Personal Services
Tattoo or Body Modification Parlor	P	P	P	-	-	See §17.30.180, Personal Services
Retail Sales	See subclassifications below					
Building Materials Sales and Services	P	P	P	-	-	
Food and Beverage Sales	P	P	P	P	P	
General Retail	P	P	P	P	P	
Industrial Uses						
Construction and Materials Yard	C	-	-	-	-	

TABLE 17.08.020: LAND USE REGULATIONS – COMMERCIAL AND MIXED USE DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed

Note: A Coastal Development Permit may be required, See Chapter 17.39, Coastal Development Permits

Land Use Classification	*NC*	*CC*	*DC*	*VSC*	*TMU*	*Additional Regulations*
Custom Manufacturing	P	P	P	-	P	
Food and Beverage Manufacturing	See subclassifications below					
Limited/Small Scale	P	P	P	-	P	
Recycling Facilities	See subclassifications below					
Reverse Vending Machines	M	-	P	-	-	See §17.30.210, Recycling Facilities
Recycling Collection Facilities	C	-	C	-	-	See §17.30.210, Recycling Facilities
Warehousing and Storage	See subclassifications below					
Self Storage	C	-	C	-	-	See §17.30.190, Self Storage
Transportation, Communication, and Utility Uses						
Light Fleet-Based Services	-	-	P	-	-	
Public Works and Utilities	P	P	P	C	-	
Telecommunication Facilities	See Section 17.30.250, Telecommunication Facilities					
Transportation Passenger Terminals	P	P	P	P	P	
Urban Agriculture Uses						
Community Garden	P	P	-	-	P	See §17.30.270, Urban Agriculture
Market Garden, less than one acre	P	-	-	-	P	See §17.30.270, Urban Agriculture
Market Garden, one acre or more	M	-	-	-	-	See §17.30.270, Urban Agriculture
Private Garden	P	P	-	-	P	See §17.30.270, Urban Agriculture
Other Uses						
Accessory Uses and Structures	See Section 17.23.020, Accessory Structures, and Section 17.30.030, Accessory Uses					
Nonconforming Use	See Chapter 17.26, Nonconforming Uses, Structures, and Lots					
Recharging Station	See Section 17.30.200, Recharging Stations					

TABLE 17.08.020: LAND USE REGULATIONS – COMMERCIAL AND MIXED USE DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed
Note: A Coastal Development Permit may be required, See Chapter 17.39, Coastal Development Permits

Land Use Classification	*NC*	*CC*	*DC*	*VSC*	*TMU*	*Additional Regulations*
Renewable Energy Systems	See Section 17.30.240, Renewable Energy Systems					
Temporary Use	See Section 17.30.260, Temporary Uses					

Specific Limitations:

1. Must be located above and behind commercial uses except within the Mixed-Use Residential Overlay. Within the Mixed-Use Residential Overlay, residential uses in any configuration, including as stand-alone residential development, is allowed subject to Minor Use Permit approval.

2. Must be located above or behind non-residential uses.

3. Not allowed along Morro Bay Boulevard.

4. Allowed with Conditional Use Permit approval in the Mixed-Use Residential Overlay when provided as part of a visitor-serving, mixed-use development.

17.08.030 Development Standards (IP)

Table 17.08.030, Development Standards-Commercial and Mixed Use Districts, prescribes the development standards for Commercial and Mixed Use Districts. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other sections of this Code.

TABLE 17.08.030: DEVELOPMENT STANDARDS – COMMERCIAL AND MIXED USE DISTRICTS

Standard	*NC*	*CC*	*DC*	*VSC*	*TMU*	*Additional Information*
Lot and Density Standards						
Minimum Density (residential dwelling units/acre) applicable only to residential and mixed-use development	4.1	15.1	n/a	n/a	15.1	
Maximum Density (residential dwelling units/acre)	15	27	27	As allowed in the Mixed Use Residential Overlay, Chapter 17.16	27	See §17.24, Affordable Housing, Density Bonuses, and Other Incentives
Maximum Floor Area Ratio (FAR), applicable only to non-residential floor area	1.0	1.25	0.5	1.25	1.0	See §17.02.030.G, Determining Floor Area Ratio
Building Form and Location Standards						
Maximum Height (ft)	25, up to 30 pursuant to (A)	30	30, 25 within 20 ft of a Residential District	30	30	See §17.02.030.C, Measuring Height §17.23.070, Heights and Height Exceptions
Minimum Setbacks (ft)						

TABLE 17.08.030: DEVELOPMENT STANDARDS – COMMERCIAL AND MIXED USE DISTRICTS

Standard	*NC*	*CC*	*DC*	*VSC*	*TMU*	*Additional Information*
Front	5, 10 adjacent to a Residential District	0, 10 adjacent to a Residential District See also (B) below	0, 10 adjacent to a Residential District	0	15 See also (C) below	See §17.02.030.J, Determining Setbacks (Yards), §17.23.050, Encroachments into Required Setbacks, and §17.27.100.F, Driveway Length and Accessibility
Corner Side	5, 10 adjacent to a Residential District	0, 10 adjacent to a Residential District See also (B) below	0, 10 adjacent to a Residential District	0	10	See §17.02.030.J, Determining Setbacks (Yards), §17.23.050, Encroachments into Required Setbacks, and §17.27.100.F, Driveway Length and Accessibility
Interior Side	5	0, 10 adjacent to a Residential District	0, 10 adjacent to a Residential District	0, 10 adjacent to a Residential District	0	See §17.02.030.J, Determining Setbacks (Yards), and §17.23.050, Encroachments into Required Setbacks
Rear	5 for buildings up to 15 ft in height; 10 for buildings over 15 ft in height	0, 10 adjacent to a Residential District	0, 10 adjacent to a Residential District	0, 10 adjacent to a Residential District	5	See §17.02.030.J, Determining Setbacks (Yards), and §17.23.050, Encroachments into Required Setbacks
Open Space Standards						
Minimum Open Space (sq ft per residential unit)	50	50	50	50	50	See §17.23.100, Open Space

A. **Additional Height Allowance, NC District.** The Planning Commission may allow up to 30 feet to encourage roofline variations and sloping roof treatments provided that the additional height is necessary for such roof treatment and that corridors protecting significant views are provided. Furthermore, to prevent long, unvarying rooflines, the

Planning Commission shall consider the following guidelines when allowing a project to exceed 25 feet in height.

1. For buildings fronting on Main Street, not more than one-third of the west elevation of the building roofline and, if different, not more than one-third of the elevation of the longest building roofline should exceed 25 feet in height. This standard is intended as a guideline, not a strict requirement, and the Planning Commission may vary from this guideline as deemed necessary and useful to meet the intent of this Section.
2. To the extent practical, significant view opportunities shall be preserved and protected through the use of view corridors and air space easements.

B. **Required Building Location, CC District.** The following building location requirements apply in the CC District.

1. ***Build-to Line.*** Buildings shall be located within 10 feet of street-facing property lines for at least 60 percent of the linear street frontage.
2. ***Corner Build Area.*** Buildings shall be located within 10 feet of the property line within 30 feet of the street corner.
3. ***Frontage Improvements.*** The area between buildings and the property line shall be improved as part of a wider sidewalk, outdoor dining/seating area, or with landscaping.
4. ***Exceptions.*** These requirements may be modified or waived through Design Review upon finding that:
    a. Entry courtyards, plazas, entries, or outdoor eating areas are located adjacent to the property line and buildings are built to the edge of the courtyard, plaza, or dining area; or
    b. The building incorporates an alternative entrance design that creates a welcoming entry feature facing the street.

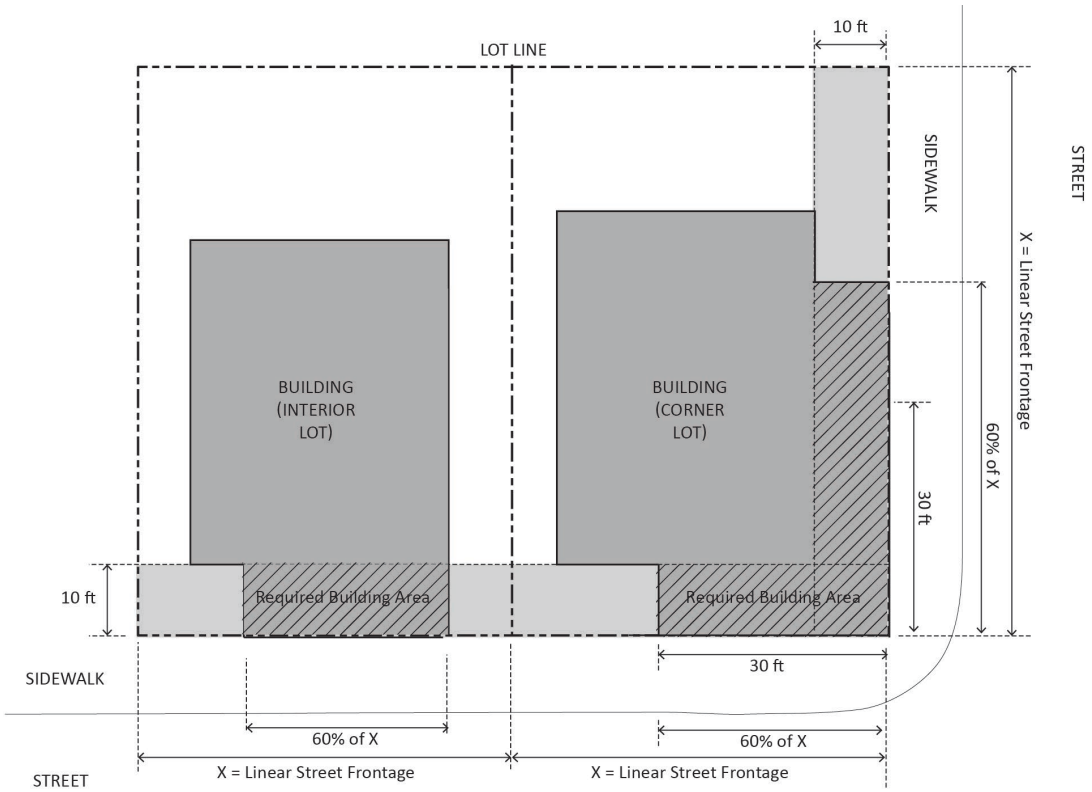


FIGURE 17.08.030(C): REQUIRED BUILDING LOCATION, CC DISTRICT

C. **Front Setback, TMU District.** Where 25 percent or more of the lots on the same block face have been improved with buildings, the minimum front setback requirement shall be the average of the actual front setback of all improved lots on such block face or 15 feet, whichever is less.

17.08.040 Supplemental Regulations

A. **Building Transparency/Required Openings, Non-residential Uses.** Exterior walls of buildings or portions of buildings containing non-residential uses facing and within 20 feet of a front or street side lot line shall include windows, doors, or other openings for at least 50 percent of the building wall area located between 2.5 and seven feet above the level of the sidewalk. Such walls may run in a continuous plane for no more than 30 feet without an opening.

1. ***Design of Required Openings.*** Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep.

2. ***Reductions through Design Review.*** The building transparency requirement may be reduced or waived through Design Review upon finding that:

   a. The proposed use has unique operational characteristics with which providing the required windows and openings is incompatible, such as in the case of a cinema or theater; and

   b. Street-facing building walls will exhibit architectural relief and detail, and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

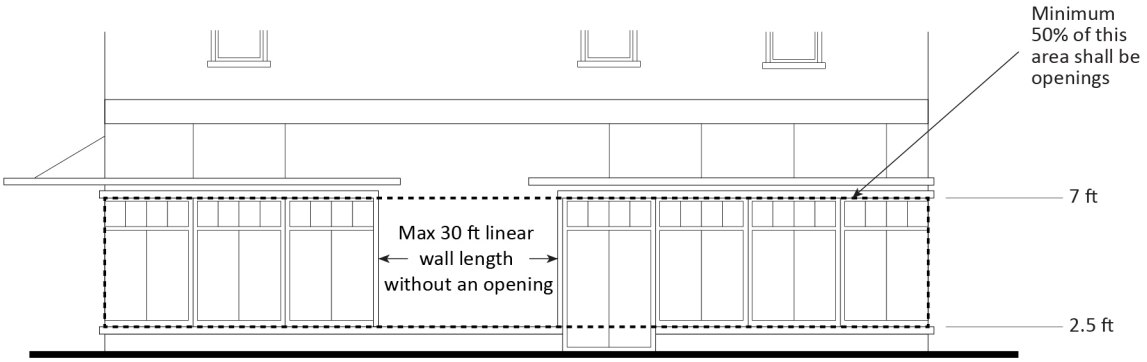


FIGURE 17.08.040(A): BUILDING TRANSPARENCY/REQUIRED OPENINGS

B. **Exterior Building Materials and Colors.**

1. A unified palette of quality materials shall be used on all sides of buildings.

2. Exterior building materials shall be stone, brick, stucco, concrete block, painted wood clapboard, painted metal clapboard or other quality, durable materials approved through Design Review.

C. **Pedestrian Access.** On-site pedestrian circulation and access shall be provided according to the following standards.

1. ***Internal Connections.*** A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.

2. ***To Circulation Network.*** Regular connections between on-site walkways and the public sidewalk shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage. Such walkway shall be the shortest practical distance between the main entry and sidewalk, generally no more than 125 percent of the straight line distance.

3. ***To Neighbors.*** Direct and convenient access shall be provided from commercial and mixed-use projects to adjoining residential and commercial areas to the maximum extent feasible while still providing for safety and security.

4. ***To Transit.*** Safe and convenient pedestrian connections shall be provided from transit stops to building entrances.

5. ***Interior Pedestrian Walkway Design.***

   a. Walkways shall have a minimum clear unobstructed width of six feet, shall be hard-surfaced, and paved with permeable materials.

   b. Where a required walkway crosses driveways, parking areas, or loading areas, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, or similar method.

   c. Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb at least four inches high, bollards, or other physical barrier.

D. **Additional Supplemental Regulations, CC, TMU, NC, and VSC Districts.** The following additional supplemental regulations apply in the CC, TMU, NC, and VSC Districts.

1. ***Building Orientation.***

   a. Buildings shall be oriented to face public streets.

   b. Building frontages shall be generally parallel to streets.

   c. Buildings shall be designed and oriented to minimize the visual intrusion into adjoining residential properties. Window, balcony, and deck locations shall be directed away from window areas of adjoining residences (on-site or off-site).

2. ***Building Entrances, Nonresidential Uses.***

   a. The primary building entrance shall face a public sidewalk.

   b. Entrances located at corners shall generally be located at a 45-degree angle to the corner and shall have a distinct architectural treatment to animate the intersection and facilitate pedestrian flow around the corner. Different treatments may include angled or rounded corners, arches, and other architectural elements.

   c. All building and dwelling units located in the interior of a site shall have entrances from a sidewalk that is designed as an extension of the public sidewalk and connect to a public sidewalk.

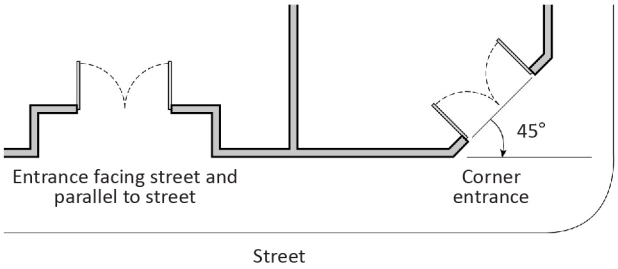


FIGURE 17.08.040(D.2): BUILDING ENTRANCES, CC, TMU, NC, AND VSC DISTRICTS

3. ***Limitations on Location of Parking.*** Off-street parking spaces shall be located to the rear of principal buildings whenever possible. Above ground parking may not be located within 40 feet of a street facing property line. Exceptions may be granted through Design Review upon finding that:

   a. The design incorporates habitable space built close to the public sidewalk to the maximum extent feasible; and

   b. The site is small and constrained such that underground parking or surface parking located more than 40 feet from the street frontage is not feasible.

E. **Rooftop View Decks, VSC District between Beach Street and Surf Street.** In the VSC District between Beach Street and Surf Street, the use of a rooftop for decks for viewing or similar uses may be permitted subject to Conditional Use Permit approval if the Planning Commission finds that by its location, screening, hours of operation, or other features, the use will not significantly adversely affect residences on the blufftop, especially during night time hours.

Chapter 17.09 Industrial Districts (IP)

Sections:

17.09.010 Purpose and Applicability
17.09.020 Land Use Regulations
17.09.030 Development Standards

17.09.010 Purpose and Applicability

The purposes of the Industrial Districts are to:

A. Designate adequate land for businesses, professional offices, and industrial growth consistent with the General Plan/LCP Land Use Plan to maintain and strengthen the City's economic resources;

B. Provide a range of employment opportunities to meet the needs of current and future residents;

C. Provide areas for a wide range of manufacturing, industrial processing, and service commercial uses and protect areas where such uses now exist; and

D. Preserve appropriately sited land for uses which must be located near the coast to function.

Industrial-General (IG). The IG District is intended to provide areas for a variety of industrial and service uses. Retail, service, and other supporting uses serving employees and businesses are also allowed. This district implements the General (Light) Industrial General Plan/LCP Land Use Plan Land Use Designation.

Industrial-Coastal-Dependent (ICD). The ICD District is intended to provide areas for coastal dependent industrial land uses that are given priority by the California Coastal Act for location adjacent to the coastline. This district implements the Coastal-Dependent Industrial General Plan/LCP Land Use Plan Land Use Designation.

17.09.020 Land Use Regulations

Table 17.09.020, Land Use Regulations-Industrial Districts, sets the land use regulations for Industrial Districts. The regulations for each district are established by letter designation as follows:

"P" designates permitted uses

"M" designates use classifications that are permitted after review and approval of a Minor Use Permit pursuant to Chapter 17.40, Use Permits

"C" designates use classifications that are permitted after review and approval of a Conditional Use Permit pursuant to Chapter 17.40, Use Permits

"(#)" numbers in parentheses refer to specific limitations listed at the end of the table

"-" designates uses that are not permitted

For all uses, approval of a Coastal Development Permit pursuant to Chapter 17.39, Coastal Development Permits (IP), may be required.

Land uses are defined in Chapter 17.53, Land Use Classifications. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the table or not found to be substantially similar to the uses below are prohibited. Section numbers in the right hand column refer to specific regulations applicable to the particular use classification located in other sections of this Code.

TABLE 17.09.020: LAND USE REGULATIONS – INDUSTRIAL DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed
Note: A Coastal Development Permit may be required, See Chapter 17.39, Coastal Development Permits

Land Use Classification	*IG*	*ICD*	*Additional Regulations*
Residential Uses			
Residential Housing Types	Permitted if existing. New units not allowed.		
Caretaker Unit	P	-	
Public/Semi Public Uses			
Colleges and Trade Schools	P	-	
Government Offices	P	P(1)	
Harbor, Port, and Marina Facilities	-	P	
Instructional Services	P	-	
Park and Recreation Facilities	M	-	

TABLE 17.09.020: LAND USE REGULATIONS – INDUSTRIAL DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed
Note: A Coastal Development Permit may be required, See Chapter 17.39, Coastal Development Permits

Land Use Classification	*IG*	*ICD*	*Additional Regulations*
Commercial Uses			
Animal Care, Sales, and Services	See subclassifications below		
Animal Daycare	P	-	
Animal Shelter and Boarding	P	-	
Veterinary Services	P	-	
Agriculture	-	P(1)	
Automobile/Vehicle Sales and Services	See subclassifications below		
Automobile/Vehicle Rentals	P	-	See §17.30.070, Automobile/Vehicle Sales and Services
Automobile/Vehicle Sales and Leasing	P	-	See §17.30.070, Automobile/Vehicle Sales and Services
Automobile/Vehicle Repair, Major	P	-	See §17.30.070, Automobile/Vehicle Sales and Services
Automobile/Vehicle Service and Repair, Minor	P	-	See §17.30.070, Automobile/Vehicle Sales and Services
Large Vehicle and Equipment Sales, Service, and Rental	P	P(1)	See §17.30.070, Automobile/Vehicle Sales and Services
Service Stations	P	-	See §17.30.070, Automobile/Vehicle Sales and Services
Towing and Impound	P	-	See §17.30.070, Automobile/Vehicle Sales and Services
Washing	P	C(1)	See §17.30.070, Automobile/Vehicle Sales and Services
Business Services	P	-	
Food Preparation	P	-	
Maintenance and Repair Services	P	C(1)	
Nonpermanent Vending	See Section 17.30.140, Nonpermanent Vending		
Offices	See subclassifications below		
Business and Professional	P	P(1)	
Retail Sales	See subclassifications below		
Food and Beverage Sales	P	-	
General Retail	P	P(1)	
Industrial Uses			
Construction and Material Yards	P	-	

TABLE 17.09.020: LAND USE REGULATIONS – INDUSTRIAL DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed

Note: A Coastal Development Permit may be required, See Chapter 17.39, Coastal Development Permits

Land Use Classification	*IG*	*ICD*	*Additional Regulations*
Custom Manufacturing	P	-	
Food and Beverage Manufacturing	See subclassifications below		
Limited/Small Scale	P	-	
General/Large Scale	M	-	
General Industrial	M	M(1)	
Light Industrial	P	P(1)	
Oil and Gas Explorations and Development Offshore	-	C	See §17.30.150, Off-shore Oil Development
Recycling Facilities	See subclassifications below		
Recycling Collection Facilities	P	-	See §17.30.210, Recycling Facilities
Recycling Processing Facilities	C	-	See §17.30.210, Recycling Facilities
Research and Development	P	C(1)	
Salvage and Wrecking	C	C(1)	
Warehousing and Storage	See subclassifications below		
Indoor Warehousing and Storage	P	P(1)	
Outdoor Storage	C	C(1)	
Self Storage	C	-	See §17.30.190, Self Storage
Wholesaling and Distribution	P	P(1)	
Transportation, Communication, and Utility Uses			
Docks, Piers, and other Coastal-Related Infrastructure	-	P	
Light Fleet-Based Services	P	-	
Public Works and Utilities	P	P	
Telecommunication Facilities	See Section 17.30.250, Telecommunication Facilities		
Transportation Passenger Terminals	P	-	
Other Uses			
Accessory Uses and Structures	See Section 17.23.020, Accessory Structures, and Section 17.30.030, Accessory Uses		

TABLE 17.09.020: LAND USE REGULATIONS – INDUSTRIAL DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed
Note: A Coastal Development Permit may be required, See Chapter 17.39, Coastal Development Permits

Land Use Classification	*IG*	*ICD*	*Additional Regulations*
Nonconforming Use	See Chapter 17.26, Nonconforming Uses, Structures, and Lots		
Recharging Station	See Section 17.30.200, Recharging Stations		
Renewable Energy Systems	See Section 17.30.240, Renewable Energy Systems		
Temporary Use	See Section 17.30.260, Temporary Uses		

Specific Limitations:

1. Limited to coastal-dependent and coastal-related uses. Development priority shall be given to coastal-dependent uses.

17.09.030 Development Standards

Table 17.09.030, Development Standards-Industrial Districts, prescribes the development standards for Industrial Districts. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other sections of this Code.

TABLE 17.09.030: DEVELOPMENT STANDARDS – INDUSTRIAL DISTRICTS

Standard	*IG*	*ICD*	*Additional Information*
Maximum Height (ft)	30	30	See §17.02.030.C, Measuring Height and §17.23.070, Heights and Height Exceptions
Minimum Setbacks (ft)			
Front	25	25	See §17.02.030.J, Determining Setbacks (Yards), and §17.23.050, Encroachments into Required Setbacks
Interior Side	0, 10 adjacent to a Residential District	0, 10 adjacent to a Residential District	See §17.02.030.J, Determining Setbacks (Yards), and §17.23.050, Encroachments into Required Setbacks
Corner Side	10	10	See §17.02.030.J, Determining Setbacks (Yards), §17.23.050, Encroachments into Required Setbacks, and §17.27.100.F, Driveway Length and Accessibility
Rear	0, 10 adjacent to a Residential District	0, 10 adjacent to a Residential District	See §17.02.030.J, Determining Setbacks (Yards), and §17.23.050, Encroachments into Required Setbacks

TABLE 17.09.030: DEVELOPMENT STANDARDS – INDUSTRIAL DISTRICTS			
Standard	*IG*	*ICD*	*Additional Information*
Maximum Floor Area Ratio (FAR)	0.5	0.65	See §17.02.030.G, Determining Floor Area Ratio

Chapter 17.10 Public and Semi-Public Districts (IP)

Sections:

17.10.010 Purpose and Applicability
17.10.020 Land Use Regulations
17.10.030 Development Standards

17.10.010 Purpose and Applicability

The purposes of Public and Semi-Public Districts are to:

A. Provide land for development of public, quasi-public, and open space uses that provide services to the community and support existing and new residential, commercial, and industrial land uses.

B. Provide areas for educational facilities, cultural and institutional uses, health services, parks and recreation, general government operations, utility and public service needs, and other similar and related supporting uses.

C. Provide opportunities for outdoor recreation, and meet the recreational needs of Morro Bay residents.

D. Reserve areas for passive recreation and habitat protection.

Additional purposes of each Public and Semi-Public District:

Public Facility (PF). The PF District is intended for facilities that serve the public, such as government buildings and service facilities, schools, hospitals, cultural centers, and other public and quasi-public uses. The Public Facility District implements the Public/Institutional General Plan/LCP Land Use Plan Land Use Designation.

Park and Recreation (PR). The PR District is intended to identify and maintain areas for active recreation, including City parks and other areas that support recreational activities. Uses include parks, playgrounds, campgrounds, picnic areas, sports fields, golf courses, recreational clubs, and other appropriate recreational uses. This District implements the Open Space/Recreation General Plan/LCP Land Use Plan Land Use Designations.

Open Space (OS). The OS District is intended for open space, undeveloped parkland, habitat and natural resource areas, and other areas that provide open space, habitat protection and enhancement, or support passive recreation such as beach areas, linear parks, trails. This District implements the Open Space/Recreation General Plan/LCP Land Use Plan Land Use Designation.

17.10.020 Land Use Regulations

Table 17.10.020, Land Use Regulations-Public and Semi-Public Districts, sets the land use regulations for Public and Semi-Public Districts. The regulations for each district are established by letter designation as follows:

"P" designates permitted uses

"M" designates use classifications that are permitted after review and approval of a Minor Use Permit pursuant to Chapter 17.40, Use Permits

"C" designates use classifications that are permitted after review and approval of a Conditional Use Permit pursuant to Chapter 17.40, Use Permits

"(#)" numbers in parentheses refer to specific limitations listed at the end of the table

"-" designates uses that are not permitted

For all uses, approval of a Coastal Development Permit pursuant to Chapter 17.39, Coastal Development Permits (IP), may be required.

Land uses are defined in Chapter 17.53, Land Use Classifications. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the table or not found to be substantially similar to the uses below are prohibited. Section numbers in the right hand column refer to specific regulations applicable to the particular use classification located in other sections of this Code.

TABLE 17.10.020: LAND USE REGULATIONS – PUBLIC AND SEMI-PUBLIC DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed
Note: A Coastal Development Permit may be required, See Chapter 17.39, Coastal Development Permits

Land Use Classification	*PF*	*PR*	*OS*	*Additional Information*
Public/Semi Public Uses				
Campgrounds and Recreational Vehicle Parks	-	C	-	
Cemetery	P	-	-	
Colleges and Trade Schools	P	-	-	
Community Assembly	P	P	-	
Cultural Institutions	P	P	-	
Day Care Centers	P	-	-	See §17.30.080, Day Care

TABLE 17.10.020: LAND USE REGULATIONS – PUBLIC AND SEMI-PUBLIC DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed
Note: A Coastal Development Permit may be required, See Chapter 17.39, Coastal Development Permits

Land Use Classification	*PF*	*PR*	*OS*	*Additional Information*
Emergency Shelter	P	-	-	See §17.30.100, Emergency Shelters
Government Offices	P	-	-	
Harbor, Port, and Marina Facilities	C	-	-	
Hospitals and Clinics	See subclassifications below			
Hospitals	C	-	-	
Clinics	P	-	-	
Skilled Nursing Facilities	C	-	-	
Instructional Services	P	-	-	
Park and Recreation Facilities	P	P	P(1)	
Public Safety Facilities	P	-	-	
Schools	P	-	-	
Social Service Facilities	P	-	-	
Commercial Uses				
Animal Care, Sales, and Services	See subclassifications below			
Animal Shelter and Boarding	C(2)	-	-	
Commercial Entertainment and Recreation	See subclassifications below			
Indoor Sports and Recreation	P	P	-	
Outdoor Entertainment	C	C	-	
Outdoor Recreation	P	P	-	
Eating and Drinking Establishments	See subclassifications below			
Restaurant	-	C	-	
Farmer's Markets	P	P	-	See §17.30.120, Farmer's Markets
Nonpermanent Vending	See Section 17.30.140, Nonpermanent Vending			
Retail Sales	See subclassifications below			
Food and Beverage Sales	P(3)	P(3)	-	
General Retail	P(3)	P(3)	-	

TABLE 17.10.020: LAND USE REGULATIONS – PUBLIC AND SEMI-PUBLIC DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed

Note: A Coastal Development Permit may be required, See Chapter 17.39, Coastal Development Permits

Land Use Classification	*PF*	*PR*	*OS*	*Additional Information*
Industrial Uses				
Recycling Facilities	See subclassifications below			
Reverse Vending Machines	C	-	-	See §17.30.210, Recycling Facilities
Recycling Collection Facilities	C	-	-	See §17.30.210, Recycling Facilities
Recycling Processing Facilities	C	-	-	See §17.30.210, Recycling Facilities
Transportation, Communication, and Utility Uses				
Public Works and Utilities	P	C	-	
Telecommunication Facilities	See Section 17.30.250, Telecommunication Facilities			
Transportation Passenger Terminals	P	-	-	
Urban Agriculture Uses				
Community Garden	P	P	-	See §17.30.270, Urban Agriculture
Market Garden, less than one acre	P	P	-	See §17.30.270, Urban Agriculture
Market Garden, one acre or more	M	M	-	See §17.30.270, Urban Agriculture
Other Uses				
Accessory Uses and Structures	See Section 17.23.020, Accessory Structures, and Section 17.30.030, Accessory Uses			
Nonconforming Use	See Chapter 17.26, Nonconforming Uses, Structures, and Lots			
Recharging Station	See Section 17.30.200, Recharging Stations			
Renewable Energy Systems	See Section 17.30.240, Renewable Energy Systems			
Temporary Use	See Section 17.30.260, Temporary Uses			

Specific Limitations:

1. Limited to trails, wildlife preserves and open space uses that maintain the site in its natural state. No building, structure or improvements shall be constructed in these areas, except for those required for public access, public restrooms, informational signage, trash containers, parking facilities, and facilities needed for protecting environmental resources and general upkeep and maintenance of the property.

2. Limited to government or non-profit animal shelter located a minimum of 100 feet from a residential use or district.

3. Limited to gift shops and cafes associated with a Public/Semi Public use.

17.10.030 Development Standards

Table 17.10.030, Development Standards-Public and Semi-Public Districts, prescribes the development standards for Public and Semi-Public Districts. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other sections of this Code.

TABLE 17.10.030: DEVELOPMENT STANDARDS – PUBLIC AND SEMI-PUBLIC DISTRICTS

Standard	*PF*	*PR*	*OS*	*Additional Regulations*
Maximum Height (ft)	30	25	17	See §17.02.030.C, Measuring Height and §17.23.070, Heights and Height Exceptions
Minimum Setbacks (ft)				
Front	20	20	20	See §17.02.030.J, Determining Setbacks (Yards), and §17.23.050, Encroachments into Required Setbacks
Interior Side	15	10	10	See §17.02.030.J, Determining Setbacks (Yards), and §17.23.050, Encroachments into Required Setbacks
Corner Side	15	15	15	See §17.02.030.J, Determining Setbacks (Yards), and §17.23.050, Encroachments into Required Setbacks
Rear	15	10	10	See §17.02.030.J, Determining Setbacks (Yards), and §17.23.050, Encroachments into Required Setbacks

Chapter 17.11 Waterfront and Harbor Area Districts (IP)

Sections:

17.11.010 Purpose
17.11.020 Applicability
17.11.030 Land Use Regulations
17.11.040 Development Standards
17.11.050 Supplemental Regulations

17.11.010 Purpose

The City of Morro Bay is uniquely located and situated to capitalize on the waters of Morro Bay and the adjacent Pacific Ocean. As such, the City of Morro Bay is dedicated to ensuring a vibrant Working Waterfront for the purposes of providing, promoting and supporting land uses and access in support of water-dependent commercial activities, water-dependent recreational activities, waterfront enhanced commercial activities, water-enhanced recreational activities, and for purposes related to providing public access to the Tidelands Trust Lands. The specific purposes of the Waterfront and Harbor Area Districts are to:

A. Ensure that waterfront development is attractive and pedestrian-friendly through greater pedestrian-oriented development, street furniture, and a more efficient solution to traffic circulation and automobile parking.

B. Achieve an architectural character for the Embarcadero area that is in keeping with a working fishing community.

C. Preserve the attraction of the City as a tourist destination with visitor-serving facilities, shopping and amusement areas, recreational amenities, and public parks and beaches, but still retain the City's small-town "fishing port" character.

Additional purposes of each Waterfront and Harbor Area District are as follows:

Commercial Fishing (CF). This District is intended to preserve areas that serve or facilitate licensed fishing activities or commercial fishing and incidental uses supportive of fishing activities in the Fisheries Sector (Measure D Zone) shown on Figure LU-5 of Plan Morro Bay pursuant to Measure "D" of the June 2, 1981 City ballot. The CF District is intended to retain the City's small-town fishing image and to ensure that development does not conflict with the fishing industry. Land uses are limited to coastal dependent uses including boating and fishing facilities, marine sales and services, and incidental parking and utility uses that are supportive of fishing activities. This District implements the Commercial/Recreational Fishing General Plan/LCP Land Use Plan Land Use Designation.

Harbor (H). This District designates areas within City limits covered by water, excluding sensitive habitat areas, for those uses which must be located on the water in order to function, or as an accessory use to a land based/shore facility or structure. This District implements the Harbor/Navigational General Plan/LCP Land Use Plan Land Use Designations.

Waterfront (WF). This District is intended to provide for the continued mixture of visitor-serving commercial and recreational and harbor-dependent land uses in appropriate waterfront areas. This District implements the Waterfront Commercial/Industrial General Plan/LCP Land Use Plan Land Use Designations.

17.11.020 Applicability

Development shall conform to all applicable Land Use Plan (LUP) policies, including, but not limited to Coastal Priority Uses policies and Embarcadero policies; the provisions of this Chapter; and all other applicable provisions of this Code.

17.11.030 Land Use Regulations

Table 17.11.030, Land Use Regulations-Waterfront and Harbor Area Districts, sets the land use regulations for Waterfront and Harbor Area Districts. The regulations for each district are established by letter designation as follows:

> "P" designates permitted uses
>
> "M" designates use classifications that are permitted after review and approval of a Minor Use Permit pursuant to Chapter 17.40, Use Permits
>
> "C" designates use classifications that are permitted after review and approval of a Conditional Use Permit pursuant to Chapter 17.40, Use Permits
>
> "(#)" numbers in parentheses refer to specific limitations listed at the end of the table
>
> "-" designates uses that are not permitted

For all uses, approval of a Coastal Development Permit pursuant to Chapter 17.39, Coastal Development Permits (IP), may be required.

Land uses not listed in the table or not found to be substantially similar to the uses below are prohibited.

TABLE 17.11.030: LAND USE REGULATIONS – WATERFRONT AND HARBOR AREA DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed

Note: A Coastal Development Permit may be required, See Chapter 17.39, Coastal Development Permits

Land Use	*CF*	*H*	*WF*	*Additional Regulations*
Access to water uses	P	P	P	
Licensed commercial fishing and noncommercial recreational fishing facilities, and support facilities	C	C	C	
Recreational boating facilities, and support facilities	-	C(1)	C(1)	
Support use, structures, connections, and appurtenances to water uses including wharves, docks, piers, slips, quays, launches, fuel docks, hoists, and other facilities necessary or convenient for the promotion and accommodation of commerce and navigation	C	C	C	
Parks, public open spaces, observation decks, bike lanes, benches, boardwalks, kiosks, fences, and other facilities necessary or convenient for the promotion and accommodation of public access to the waterfront	C	-	C	
Government buildings and land based support facilities, including but not limited to connections and appurtenances to docks and piers, which are necessary and convenient for the safety and maintenance of waterways	C	-	C	
Retail and wholesale seafood markets and seafood processing	C(2)	-	C	
Water intake facilities	C(2)	-	-	
Moorage	-	P	-	
Mariculture and aquaculture	-	C	-	
Houseboat or vessel habitation	-	C	-	

TABLE 17.11.030: LAND USE REGULATIONS – WATERFRONT AND HARBOR AREA DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed
Note: A Coastal Development Permit may be required, See Chapter 17.39, Coastal Development Permits

Land Use	*CF*	*H*	*WF*	*Additional Regulations*
Promotion and accommodation of commerce and navigation	-	C	-	
Preservation of the Morro Bay wetland estuarine system	-	C	-	
Visitor-serving commercial and recreational uses, including but not limited to those allowed in the VSC District, but excluding parking structures and overnight recreational vehicle camping	-	-	C	

Specific Limitations:

1. Recreational boating facilities are subject to the following:

   a. New recreational boating and passenger for hire facilities shall only be located in the bay south of Beach Street and not be located north of Beach Street.

   b. Existing recreational boating and passengers-for-hire facilities located north of Beach Street may be modified but not expanded.

   c. Prior to allowing new recreational boating facilities, the Planning Commission shall consider the present and future demand for such facilities and for other coastal dependent uses, to ensure that new recreational boating facilities will not preclude reasonable expansion of commercial fishing facilities and other coastal dependent uses.

2. If found to be consistent with Section 17.11.030.A.1, Expressly Prohibited Uses.

A. **Additional Use Allowances and Limitations.**

1. ***CF District.***

a. *Expressly Prohibited Uses.* The City shall not grant any permit, authorization or other approval of any State-owned tidelands subject to City lease between Beach Street and Target Rock, unless such development or use is primarily for the purpose of serving or facilitating licensed commercial fishing activities or noncommercial recreational fishing activities, or if clearly incidental thereto. For purposes of illustration, and not by way of limitation, no approval shall be granted for any new passenger-for-hire boats or supporting facilities, or for any new restaurant, cafe, gift shop, or other retail establishment servicing the

general public and any existing such uses shall hereafter be considered nonconforming and shall not be expanded or enlarged.

b. *Existing Uses.* Existing uses may remain and be redeveloped provided the use is not expanded, enlarged, or moved.

2. ***WF District.***

a. *Existing Residential Uses.* Residential uses existing in the WF District at the time of adoption of the Ordinance codified in this Chapter shall be permitted to remain, be reconstructed, or relocated. No new residential uses are allowed.

b. *Development Priority.* Development priority shall be given to coastal-dependent uses which are consistent with traffic, circulation, and parking constraints.

17.11.040 Development Standards

Table 17.11.040, Development Standards- Waterfront and Harbor Area Districts, prescribes the development standards for Waterfront and Harbor Area Districts. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other sections of this Code. Additional development standards applicable to the CF and WF districts are established in the Waterfront Master Plan. All development in the CF and WF districts are subject to the standards and requirements of the Waterfront Master Plan.

TABLE 17.11.040: DEVELOPMENT STANDARDS – WATERFRONT AND HARBOR AREA DISTRICTS

Standard	*CF*	*WF*	*H*	*Additional Regulations*
Maximum Height (ft)	14 along Coleman Drive except government structures necessary to meet public need and protection of public safety; Other areas: 30	West side of Embarcadero: 17 determined by average grades of the land portion of the site, not including bank. Up to 25 may be allowed pursuant to the WMP Other areas: 25	n/a	See §17.02.030.C, Measuring Height and §17.23.070, Heights and Height Exceptions

TABLE 17.11.040: DEVELOPMENT STANDARDS – WATERFRONT AND HARBOR AREA DISTRICTS				
Standard	*CF*	*WF*	*H*	*Additional Regulations*
Minimum Setbacks (ft)				
Front	5	0	0	See §17.02.030.J, Determining Setbacks (Yards), and §17.23.050, Encroachments into Required Setbacks
Interior Side	0	0	0	See §17.02.030.J, Determining Setbacks (Yards), and §17.23.050, Encroachments into Required Setbacks
Corner Side	5	0	0	See §17.02.030.J, Determining Setbacks (Yards), and §17.23.050, Encroachments into Required Setbacks
Rear	0	Must allow for a minimum 10 foot boardwalk	0	See §17.02.030.J, Determining Setbacks (Yards), and §17.23.050, Encroachments into Required Setbacks
Maximum Lot Coverage (% of lot)	50	90	n/a	See §17.02.030.H, Determining Lot Coverage

17.11.050 Supplemental Regulations

A. **Architectural Treatment.** Exterior treatment of structures in new development and redevelopment shall be considered though the development review process. The following criteria will be used in the review of applications:

1. The architectural and landscape design of a project, including materials, shall be consistent with the character of a working fishing village.
2. The design shall protect aesthetic environmental qualities.
3. The design shall enhance the desirability and/or enjoyment of the immediate area.
4. The design shall improve community appearances by preventing extremes of dissimilarity or monotony in new construction or redevelopments.

B. **Public Access Requirements.** Public access from the nearest public roadway to the shoreline and along the bay front shall be provided in new development projects, subject to the provisions set forth in Section 17.14.110, Coastal Access.

C. **Harbor District.** In the Harbor District, no use shall be permitted unless the following performance standards are met, as applicable:

1. ***No Pollutant Discharge.*** Pollutants such as chemicals, fuels, lubricants, raw sewage and other harmful wastes generated during commercial or recreational boating activities shall be prohibited from being discharged into the bay;

2. ***Adequate Safety and Navigational Standards.*** New development shall contain adequate safety and navigational standards to ensure compatibility with existing uses within the bay and harbor areas;

3. ***Maintenance Dredging Mitigation Measures.*** Maintenance dredging of the channels shall include mitigation measures to prevent potential damage to benthic organisms including mollusks and eel grass beds;

4. ***Preservation of Right-of-Way.*** Any permitted use of the tidelands, harbor or bay, as defined and regulated by this Chapter shall be prohibited from excluding the right-of-way to such water whenever it is required for any public purpose, and from destroying or obstructing the free navigation of such water; and

5. ***Placement of Floating Docks.*** The placement of floating docks shall be in water areas that do not encroach into wetland or buffer areas surrounding defined wetlands in the bay.

Chapter 17.12 Reserved

Chapter 17.13 Reserved

Chapter 17.14 Coastal Resource Protection (CRP) Overlay District (IP)

Sections:

17.14.010 Purpose and Applicability
17.14.020 Definitions
17.14.030 Coastal Development Permit Required
17.14.040 Land Uses
17.14.050 Community Design
17.14.060 Agricultural Land Preservation
17.14.070 Cultural Resource Protection
17.14.080 Environmentally Sensitive Habitat
17.14.090 Visual Resource Protection
17.14.100 Hazards and Shoreline Protection
17.14.110 Coastal Access

17.14.010 Purpose and Applicability

The Coastal Resource Protection (CRP) Overlay District applies to the "Coastal Zone" as defined by the Coastal Act (and denoted as the area within the "Coastal Zone-CZ" overlay district on the Zoning Map) and is established for the purpose of implementing the Coastal Act of 1976 (Division 20 of the California Public Resources Code) and to ensure that all development in the Coastal Zone of the City of Morro Bay is consistent with the City's Certified Local Coastal Program and the Coastal Act.

A. Development within the CRP Overlay District shall conform to all applicable LUP policies, the requirements of this Chapter, and all other sections of the IP.

B. Protection of coastal resources shall be a priority in all City actions and decisions, and development must conform to all applicable LCP policies related to hazards, water and marine resources, scenic resources, biological resources and environmentally sensitive habitat areas, cultural resources, and public access and recreation.

17.14.020 Definitions

The following terms are used in the Implementation Plan. See also the definitions listed in Land Use Plan Section 6, Glossary and Acronyms.

A. **Best Available Science.** Current, generally accepted, data-driven information, as refined to be most applicable to the local circumstances and conditions, and considering a range

of plausible impacts based on multiple time scales, emissions scenarios, or other factors developed to inform further decision-making regarding the range of impacts and vulnerabilities.

B. **Coastal Access.**

1. ***Lateral.*** An area of land providing public access along the shoreline and coastal bluffs.

2. ***Vertical.*** An area of land providing a connection between the first public road or use area nearest the sea and the publicly-owned tidelands or established lateral access way.

C. **Coastal-Dependent Development or Use.** Any development or use which requires a site on, or adjacent to, the sea to be able to function at all.

D. **Coastal-Related Development or Use.** Any development or use which is dependent on a coastal-dependent development or use.

E. **Coastal Beach (or Beach).** The sandy area between the low tide and the first line of terrestrial vegetation or development or the toe of an adjacent coastal bluff or seawall, whichever is the most landward.

F. **Environmental Justice Communities.** Low-income communities, communities of color, and other populations with higher exposure and/or sensitivity to adverse project impacts due to historical marginalization, discriminatory land use practices, and/or less capacity to mitigate adverse impacts.

G. **First Public Road Paralleling the Sea.** That road nearest to the sea, as defined in Section 30115 of the Public Resources Code, which:

1. Is lawfully open to uninterrupted public use and is suitable for such use;

2. Is publicly maintained;

3. Is an improved, all-weather road open to motor vehicle traffic in at least one direction;

4. Is not subject to any restrictions on use by the public except when closed due to an emergency or when closed temporarily for military purposes; and

5. Does in fact connect with other public roads providing a continuous access system, and generally parallels and follows the shoreline of the sea so as to include all portions of the sea where the physical features such as bays, lagoons, estuaries, and wetlands cause the waters of the sea to extend landward of the generally continuous coastline.

H. **Flood (or Flooding).** Normally dry land becoming temporarily covered in water, either periodically (e.g., tidal flooding) or episodically (e.g., storm or tsunami flooding), including in relation to sea level rise.

I. **Low-income Household, Area, or Community.** Means those with household incomes at or below 80% of the statewide median income or with household incomes at or below the threshold designated as low-income by the Department of Housing and Community Development." A) "low-income area" means an area with household incomes at or below 80% of the statewide median income or with household incomes at or below the threshold designated as low income by the Department of Housing and Community Development's list of state income limits adopted pursuant to Section 50093 (Section 39713 of the Health and Safety Code)

J. **Revetment.** A type of shoreline protective device typically consisting of a sloped retaining wall; a facing of stone, concrete, blocks, rip-rap, etc. built to protect an embankment, bluff or development against erosion by wave action and currents.

K. **Riprap.** A type of shoreline protective device consisting of a protective layer or facing of rock, concrete blocks or quarry stone, placed to prevent erosion, scour, or sloughing of an embankment or bluff or to protect development.

L. **Sea.** The Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding nonestuarine rivers, streams, tributaries, creeks, and flood control and drainage channels.

M. **Submerged Lands.** Lands which lie below the line of mean low tide.

N. **Visitor-Serving Development or Use.** Stores, shops, businesses, temporary lodging and recreational facilities (both public and private) which provide accommodations, food and services for the traveling public, including, but not limited to, hotels, motels, campgrounds, parks, nature preserves, restaurants, specialty shops, art galleries and commercial recreational development such as shopping, eating and amusement areas.

17.14.030 Coastal Development Permit Required

In addition to any other required permits or approvals, all development, as defined in Coastal Act Section 30106, within the Coastal Resource Protection (CRP) Overlay District requires a Coastal Development Permit (CDP) pursuant to Chapter 17.39, Coastal Development Permits (IP), except as specified in Section 17.39.020, CDP Exemptions, and Section 17.39.030, Waivers for DeMinimis Development.

17.14.040 Land Uses

In order to protect priority land uses as defined by the Coastal Act, including recreation and visitor-serving and coastal-dependent uses for both residents and visitors, development shall conform with all applicable Land Use Plan (LUP) Land Use Designations and Land Use policies and standards, including, but not limited to, Coastal Priority Uses policies and standards.

Development shall only be authorized when the proposed use is allowed per the applicable Land Use Designation, and when it meets all applicable LCP policies and standards.

A. Visitor-serving uses shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry. Public recreational access facilities and uses, such as trails, accessways, and public parks, shall be permissible uses in all zoning districts.

B. In addition to all other applicable regulations, Accessory Dwelling Units, SB 9 related development, and affordable housing density bonus development shall meet the following additional standards:

1. Accessory Dwelling Units, SB 9 related development, and affordable housing density bonus development are allowed provided they are sited and designed to avoid adverse impacts to coastal resources.

2. For ADUs and SB 9, such proposed development shall be consistent with all applicable LCP provisions, including those governing sensitive habitats and their buffers (i.e., wetlands, streams, and ESHA), coastal hazards and corresponding buffers (e.g., meeting necessary beach and bluff setbacks without armoring), public views, and public coastal access.

   For all ADUs and SB 9 development within the area shown in Figure 17.14.040 (B)(2), the parking reductions specified in Section 17.07.030.A(6) shall not apply, and 1 off-street parking space per unit shall be required. If enclosed or covered parking for the primary dwelling is converted or demolished in conjunction with the construction of an ADU or SB 9 unit, off-street replacement parking is required.

   For all ADUs and SB 9 development, all CDP processing requirements specified in Chapter 17.39 shall be met, including in terms of public noticing and opportunities for appeal to the Coastal Commission for appealable development, with the exception that no local public hearing shall be required.

3. For affordable housing density bonuses, an analysis of coastal resource impacts associated with the density bonus project (and any alternatives) shall be provided. Such analysis shall identify the Coastal Act and LCP-consistent project for the site, defined as the maximum size, scale, density, and intensity of development (including the number of market-rate and affordable residential units) that can be accommodated on a proposed project site consistent with all Coastal Act and LCP requirements, and without applying any State Density Bonus law incentives/waivers/concessions. The LCP-consistent project shall be compared against a density bonus project, including clearly identifying any LCP deviations proposed to be sought, the coastal resource impacts associated with such deviations, and the affordable housing benefit being provided. Such

analysis shall quantitively and qualitatively identify, compare, and contrast expected coastal resource impacts between the LCP-consistent project and the density bonus project. Such analysis shall also include an analysis of measures that could be applied to the density bonus project(s) to ensure that they do not result in any significant adverse coastal resource impacts (e.g., measures necessary to ensure consistency with all applicable Coastal Act and LCP provisions addressing wetlands, streams, environmentally sensitive habitats, coastal hazards, public recreational access, etc.).

In order to approve a project that deviates from the LCP standards for the site, the approving authority must conclude, based on substantial evidence, that: (a) the approved project encourages housing opportunities for persons of low and moderate income with the least amount of Coastal Act and LCP deviation; and (b) there will be no significant adverse coastal resource impacts due to the approved project.

FIGURE 17.14.040(B)(2): ADU / SB 9 COASTAL PARKING STANDARDS

C. **Low Cost Visitor Accommodation, Protection of Low Cost Visitor Accommodations**

1. ***Applicability.*** The provisions of this Section apply to the expansion, reduction, redevelopment, demolition, conversion, closure, cessation, or new development of any project involving visitor overnight accommodations, with the exception of short-term rental lodging that is within residential units.

2. ***Low, Moderate, and High Cost Visitor Accommodations Defined.*** For purposes of this Section, visitor accommodations shall be defined as low, moderate, or high cost as follows:

   a. *Low Cost.* The average daily room rate of all economy hotel and motel rooms in the City of Morro Bay based on the best available information (e.g., as defined in the City's Lower-Cost Visitor-Serving Accommodations Technical Memorandum, Smith Travel Research data, etc.), or not to exceed 75 percent of the prior year's statewide average daily rate.

   b. *Moderate Cost.* Between low cost and high cost.

   c. *High Cost.* The average daily room rate of all upscale hotel and motel rooms in the City of Morro Bay based on the best available information (e.g., as defined in the City's Lower-Cost Visitor-Serving Accommodations Technical Memorandum, Smith Travel Research data, etc.), and must be greater than or equal to ~~is~~ 125% of the prior year's statewide average daily rate.

3. ***Required Low Cost Accommodations.*** Each development shall provide at least the number of low cost visitor overnight accommodations stated in Subsection a below unless a reduction is approved pursuant to Subsection b.

   a. *Number of Accommodations.*

      i. All removed low cost visitor overnight accommodations shall be replaced on at least a one-to-one ratio; and

      ii. New low cost visitor overnight accommodations shall be provided on at least a rate of one new low cost accommodation for every four new high cost accommodations.

   b. *Reductions.* The number of low cost accommodations to be provided may be waived or reduced taking into consideration the feasibility of the project and any additional amenities that would be provided to serve as a lower cost option for families. A request for a reduction in the number of low cost accommodations to be provided shall be accompanied by a feasibility study that explains why providing lower cost accommodations as part of the project is not feasible, whether the proposed project includes amenities that would serve as a lower/moderate cost option for

families (e.g., additional beds per unit, suite facilities, kitchen facilities, etc. that should be understood as making the project a lower or moderate cost option), or has other specific factors that make the accommodations more accessible to the general population and serves to increase coastal public access. A request for reduction may also be granted based on other project factors as well, including distance from the shoreline and other visitor-serving amenities, and the amount of lower-cost accommodations in the City (e.g., if the number of low cost visitor overnight accommodations in the City is above the City's goal of 50% [i.e., when 50 percent or more of all visitor overnight accommodations in the City are low cost]). This explanation shall address the land value; development costs; a breakdown of the estimated annual revenues (including average daily rate and occupancy rates); operating costs; and any other information necessary to address the feasibility of providing lower cost accommodations on site. The feasibility study shall be prepared at the applicant's expense. A request for a reduction in the number of low cost accommodations is not allowed on State tidelands (e.g. the Waterfront Master Plan Overlay), nor is it allowed for any replacement accommodations specified in 17.14.040(C)(3)(a)(i).

4. ***Location.*** All required low cost accommodations shall be provided on the same lot as the associated visitor serving development except where it is not feasible to provide all lower cost accommodations as required on site and an equivalent combination of on site, off site, and payment of an in-lieu fee, in order of preference, is provided.

   a. *Off-Site Accommodations.* Off-site accommodations shall be located within the City of Morro Bay and shall be completed and ready for use prior to occupancy of the new development.

   b. *In-Lieu Fee Program.* Specific detailed information regarding calculation and use of any fees to be paid in lieu of providing lower cost visitor accommodations within the City shall be included as a condition of approval of the Coastal Development Permit for the visitor accommodations. Fees shall be adequate to cover the cost of providing the equivalent number of required new low cost accommodations for which the CDP is issued (i.e., construction costs). Based on the Turner Construction Cost Index, construction cost per low cost unit in the first quarter of 2022 is $133,000, not including land costs. All in-lieu fee payments shall be deposited into a fund established by the City which shall be in an interest-bearing account and shall only be used for the provision of new low cost overnight accommodations, within the City. Funds shall be used for activities that will result in additional low cost

visitor accommodations, including, but not limited to, construction, renovation, and permitting costs. The specific low cost requirements for any project funded by the in-lieu fee program shall be determined through the CDP process of the in-lieu fee funded project.

5. ***Rate Control and Income Eligibility Requirements Prohibited.*** In no event shall required low cost accommodations be required to:

   a. Provide overnight accommodation rental be fixed at an amount certain; or

   b. Establish any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight accommodation rentals in any such facilities.

6. ***Monitoring of Low Cost Accommodations.*** The City shall monitor the number of low cost accommodations and report the status of the current number of low cost accommodations within the Coastal Zone within all staff reports containing visitor serving accommodations. This information shall be forwarded to the Coastal Commission prior to issuance of the Coastal Permit.

7. ***Restrictions to Protect Lower Cost Accommodations.*** Any project that is required to provide low cost accommodations shall be required to submit annual reporting to the City verifying retention of low cost accommodation.

8. ***Protection of Short-Term Vacation Rentals (Short-Term Lodging).*** Most short-term lodging units meet the low cost definition when maximum occupancy is taken into account. Short-term lodgings can accommodate more people than a typical hotel room. They also provide full-sized, equipped kitchens allowing families or larger groups to reduce the overall cost of a visit by allowing them to prepare meals as an alternative to dining out. The city shall continue to allow short-term lodgings in residential units as a means of providing lower cost overnight visitor accommodations while continuing to prevent conditions leading to increased demand for city services and adverse impacts in residential areas and coastal resources. Short-term rentals shall be subject to the standards in Section 17.30.220, Short-term Vacation Rentals (IP).

17.14.050 Community Design

In order to protect and maintain the City's unique natural setting and character, to promote orderly development, and to maintain consistency with the LCP's Land Use Plan (LUP), development shall conform to all applicable LUP Community Design and Visual Resources and Viewsheds policies. All standards within the LCP (including with respect to height, setbacks, density, coverage, etc.) shall be interpreted as maximums (or minimums) that shall be reduced (or increased as applicable) to protect and enhance such resources and meet LCP objectives to

the maximum extent feasible. Development is subject to the development standards in the applicable zoning district and the following:

A. **Design and Siting.** Development shall be sited and designed to maintain public views and community character, including through quality design, architectural articulation (including varied offsets and projections), and quality exterior materials and landscaping that respect and emphasize the natural setting and surrounding built environment.

B. **Coverage.** Building and other site coverage shall be limited to the degree necessary to protect and maintain existing public views, maintain adequate open space to preserve small-scale visual landscapes, protect water quality (including by limiting impervious surfaces), and maintain community character, including thorough requirements for compact design, pervious materials, and maximized landscaping and open space. Utility and related infrastructure shall be sited underground if possible, and shall be screened from view and otherwise camouflaged if unavoidably sited above-ground.

C. **Heights.** Building and other structure heights shall be limited and upper-story step backs shall be provided to the degree necessary to maintain existing public views, pedestrian scale, and community character. All heights shall be reduced as necessary to ensure that existing blue water views from public vantage points are maintained.

D. **Setbacks.** Setbacks from streets and property lines shall be applied in a manner designed to maintain public views, maintain adequate open space to preserve small-scale visual landscapes and pedestrian scale, and maintain community character.

E. **Off-Street Parking.** Off-street parking spaces shall be required in the number necessary to ensure that residential, customer, and employee parking needs are provided on-site and do not conflict with public parking needs, including for public coastal access. Factors to consider when determining off-street parking requirements include the size of the lot, proximity to the shoreline, and adequacy of public parking opportunities for public coastal access in the vicinity.

17.14.060 Agricultural Land Preservation

In order to protect and maintain agricultural land and to maintain consistency with the LCP's Land Use Plan (LUP), development shall conform to LUP policies for agricultural uses and the following standards.

A. **Prime Agricultural Land.** It is the intent of the City that it shall maintain the maximum amount of prime agricultural land in agricultural production to assure the protection of the area's agricultural economy.

1. ***Special Restrictions on Nonagricultural Use of Prime Agricultural Land.*** The following special restrictions on uses shall apply to prime agricultural land:

a. *Commercial Uses.* Commercial recreation, visitor-serving commercial and general commercial uses shall be prohibited on prime agricultural lands.

b. *Other Uses.* All other uses which are conditionally permitted in the AG District may be permitted on prime agricultural lands only if the following findings are made:

i. No Alternative Building Site. That no alternative building site exists except on prime agricultural lands;

ii. Amount of Conversion Minimized. That the least amount of prime agricultural land possible will be converted to these conditionally permitted uses; and

iii. No Use Conflicts. That the conditionally permitted uses will further the continuance of agricultural production on site and will not conflict with surrounding agricultural land and uses.

B. **Nonprime Agricultural Land.** In addition, it is the City's intent that all nonprime agricultural land within the City suitable for agricultural use shall not be converted to nonagricultural uses unless:

1. Continued or renewed agricultural use is not feasible; or

2. Such conversion would preserve prime agricultural land or concentrate development consistent with Public Resources Code, Section 30250.

17.14.070 Cultural Resource Protection

In order to protect the City's archaeological and historic resources, and to maintain consistency with the LCP's Land Use Plan (LUP), development shall conform to all applicable LUP Cultural and Historic Resources policies and the following requirements.

A. **Applicability.** The provisions of this Section apply to development within areas known to contain or suspected to contain cultural resources, including any parcel located within the Coastal Resource Protection-Cultural Resource (CRP-CR) Overlay District on the Zoning Map and any other parcel containing a known archaeological site recorded by the Archaeological Site Survey Office.

B. **Requirements.**

1. ***New Development.*** New development shall be sited and designed to avoid adverse impacts to cultural, archaeological, and paleontological resources to the maximum extent feasible. If there is no feasible alternative that can eliminate all impacts to cultural, archaeological, and paleontological resources, then the alternative that would result in the fewest or least significant impacts shall be selected. Reasonable mitigation measures shall be required for proposed

developments where impacts to cultural, archaeological, and paleontological resources cannot be avoided through siting and design alternatives.

2. ***Preliminary Site Survey Required.*** Before issuance of a land use or construction permit for development within the Coastal Resource Protection-Cultural Resource (CRP-CR) Overlay District, a preliminary site survey shall be required. The survey shall be conducted by a qualified archaeologist knowledgeable in local Native American culture, paleontologist, or other qualified expert subject to the approval of the Director. Any affected Native American Tribes with cultural affiliation to the project site should be consulted during the preliminary site survey.

3. ***Mitigation Plan.*** If the preliminary site survey determines that proposed development may have an adverse impact on existing, known or suspected cultural resources and avoidance is infeasible, a plan for mitigation shall be prepared by a qualified archaeologist, paleontologist, or other qualified expert subject to the approval of the Director. The purpose of the plan is to protect the resource through construction activities, project redesign, or other actions to avoid (or mitigate if avoidance is not feasible) the impacts on the resource. Highest priority shall be given to avoiding disturbance of sensitive resources. Lower priority mitigation measures may include use of fill to cap the sensitive resources. As a last resort, the review authority may permit excavation and recovery of those resources. The mitigation plan shall be submitted to and approved by the Director, and considered in the evaluation of the development request by the review authority. Any affected Native American Tribes associated with cultural affiliation to the project site shall be consulted in the development of the mitigation plan and during its implementation.

4. ***Archaeological Resources Discovery.*** In the event archaeological resources are unearthed or discovered during any construction activities, the following standards shall apply.

    a. Construction activities shall cease, and the Community Development Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archeologist, and disposition of artifacts may be accomplished in accordance with State and federal law.

    b. In the event archeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner is to be notified in addition to the Community Development Department so that proper disposition may be accomplished.

c. Construction activities shall not commence until a mitigation plan, prepared by a qualified professional archaeologist reviewed and approved by the Director, is completed and implemented. If applicable, the Director shall provide pertinent project information to the affected Native American tribe(s) and consider comments prior to approval of the mitigation plan and continue consulting with affected Native American Tribes during plan implementation. The mitigation plan shall include measures to avoid the resources to the maximum degree feasible and shall provide mitigation for unavoidable impacts. A report verifying that the approved mitigation plan has been completed shall be submitted to the Director prior to occupancy or final inspection, whichever occurs first.

17.14.080 Environmentally Sensitive Habitat

In order to protect biological resources in the City's Coastal Zone, and to maintain consistency with the LCP's Land Use Plan (LUP), development shall conform to all applicable Land Use Plan Biological Communities and/or Environmentally Sensitive Habitat Area (ESHA) policies and standards and the following requirements.

A. **Purpose.** The Coastal Resource Protection-Environmentally Sensitive Habitat (CRP-ESH) Overlay District is intended to:

1. Protect environmentally sensitive habitat areas against any significant disruption of habitat values.
2. Maintain and, where feasible, restore the biological productivity and the overall quality of coastal waters, streams, wetlands, estuaries, and lakes.
3. Protect wetlands for their water quality and habitat value.

B. **Applicability.** The provisions of this Section apply to development within areas known to contain or are suspected of containing sensitive habitat, including:

1. Areas located within or within 100 feet of an Environmentally Sensitive Habitat Area (ESHA) indicated in Figure C-2, Environmentally Sensitive Habitat Areas, of the Land Use Plan, or in the City of Morro Bay ESHA Review and Current Conditions Mapping report; or
2. Areas containing or located within 100 feet of a habitat area where there is evidence of the presence of an ESHA, wetland, or other sensitive habitat.

C. **Initial Site Resource Survey.**

1. An initial site resource survey, prepared within one year of permit application, is required for all Coastal Development Permit applications.

2. The initial site resource survey shall identify the presence or potential for wetlands or sensitive habitat, vegetation, or wildlife species on the site. If the site contains the potential for monarch overwintering or rookeries due to the presence of appropriately sized trees and groves, a seasonally timed survey appropriate for detecting the target species shall be included in the study.

D. **Biological Site Assessment.**

1. ***Biological Site Assessment Required.*** If the initial site resources survey indicates the presence or potential for sensitive habitat vegetation or wildlife species on the site, a Biological Site Assessment report shall be prepared with recommendations as to whether a habitat area constitutes an ESHA.

   a. *Evaluation.* The report shall include a site-specific survey, prepared within one year of completion of the report, and shall evaluate the following attributes when recommending whether a habitat area constitutes an ESHA:

      i. The presence of natural communities that have been identified as rare by the California Department of Fish and Wildlife.

      ii. The recorded or potential presence of plant or animal species designated as rare, threatened, or endangered under State or Federal law.

      iii. The presence or potential presence of plant or animal species that are not listed under State or Federal law, but for which there is other compelling evidence of rarity, such as designation as a 1B or 2 species by the California Native Plant Society.

      iv. The presence of coastal streams.

      v. The degree of habitat integrity and connectivity to other natural areas.

   b. *Contents.* The Assessment shall be prepared by a qualified biologist approved by the City and shall, at minimum:

      i. Identify and confirm the extent of the ESHA,

      ii. Document any site constraints and the presence of sensitive plant or animal species,

      iii. Recommend buffers and development setbacks and standards to protect the ESHA,

      iv. Recommend mitigation measures to address any allowable impacts, and

v. Include any other information and analyses necessary to understand potential ESHA impacts as well as measures necessary to protect the resource as required by the Local Coastal Program.

vi. Dune ESHA. For all new development within dune ESHA that could impact dune ESHA, and in addition to the biological assessment described above, a qualified, City-approved biologist shall prepare a dune stabilization and/or restoration plan. The dune stabilization/restoration plan shall include, at minimum:

(1) The removal of all nonnative and invasive plants species,

(2) Revegetation with native plant species, including rare and/or endangered species,

(3) Maintenance and monitoring requirements,

(4) Methods for directing public access, and

(5) A schedule for plant establishment including targets for plant variation and density, contingency measures, and reporting.

(6) The dune stabilization/restoration plan shall prohibit the use of any nonnative plant species and shall require that all nonnative species be removed and not allowed to persist. Initiation of restoration activities shall be required prior to occupancy/use of any allowable new development.

E. **Environmentally Sensitive Habitat Areas.**

1. ***ESHA Designation.*** Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments shall be designated as an ESHA except existing developed areas.

2. ***Protection Required.*** ESHAs shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed. Development in areas adjacent to ESHAs shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of the ESHA.

3. ***ESHA Buffers.*** A protective open space buffer shall be required to horizontally separate ESHA from development areas and provide distance and physical barriers to human and domestic pet intrusion.

a. *Size.* ESHA buffers shall be of a sufficient size to ensure the biological integrity and preservation of the habitat they are designed to protect. Wetlands shall have a minimum buffer width of 100 feet, measured from the outer edge of the wetland. For rivers, streams, and riparian areas, the required buffer shall extend at least 50 feet from the outer edge of the riparian vegetation on both sides of the river, stream, and/or riparian area
or 50 feet itself (measured perpendicularly from the top of the river, stream, or measure from riparian area bank for areas without riparian direction of the vegetation). All other ESHA shall have a minimum buffer width of 50 feet, measured from the outer edge of the ESHA.

i. Exceptions: Smaller buffers may be allowed pursuant to LUP Policies C-1.5 and C-1.6 and only where it can be demonstrated that:

(1) The required minimum buffer is not possible due to site-specific constraints, the site is unusable for the principal purpose if the buffer is not reduced, and the reduction is the minimum necessary that allows the use after all practical design modifications are evaluated;

(2) The proposed narrower buffer would be protective of the biological integrity of the ESHA given the site-specific characteristics of the resource and of the type and intensity of disturbance; and

(3) For wetland buffers, the project is separated from the wetland by topography.

ii. <u>Additional Requirements.</u> Where smaller buffers are allowed, the following additional requirements apply:

(1) Site drainage shall be evaluated to ensure development does not cut off hydrology.

(2) Stormwater from the development shall be managed such that it does not contribute sediment or pollutants into the ESHA.

(3) Native vegetation shall be planted between the ESHA and the development.

b. *Vegetation.*

i. ESHA buffers shall be maintained exclusively with native vegetation to serve as transitional habitat.

ii. Fuel modification zones shall be maintained outside of ESHA buffers.

iii. Invasive plant species shall be prohibited.

4. ***Design and Siting.*** Development outside, but within 100 feet of, an ESHA shall incorporate the following design and site characteristics:

a. Development adjacent to an ESHA shall be designed and sited to protect ESHA resources against any significant disruption of habitat values.

b. Development adjacent to an ESHA shall be compatible with the continuance of ESHA habitat areas.

c. Development adjacent to an ESHA shall be limited to low-impact land uses, such as open space and passive recreation whenever feasible.

d. Development shall not necessitate fuel modification in an ESHA or ESHA buffer.

e. Development lighting adjacent to an ESHA shall minimize impacts to wildlife.

i. All outdoor lighting fixtures shall be designed, shielded, aimed, located, and maintained to direct lighting away from environmentally sensitive habitat areas (ESHA) and ESHA buffers and to minimize glare, sky glow, and light trespass.

ii. Buildings shall be designed to minimize light trespass from interior lighting.

iii. All lighting shall utilize the best available “dark sky” practices, including the use of lights with the lowest intensity possible for safety purposes and that utilize wavelengths that are the most environmentally protective of organisms active at night and dawn and dusk.

f. Unauthorized structures that impact, or encroach into, ESHA or ESHA buffer shall be removed.

5. ***Limits on Land Uses.*** ESHA shall be protected against any significant disruption of habitat values. Uses within ESHA shall be limited to only those uses that are dependent on those resources. Limited public access improvements (e.g., hiking and educational trails and low-impact camping), minor educational, interpretative and research activities and development, and habitat restoration

projects may be considered resource-dependent uses. Measures, including, but not limited to, trail creation, signage, placement of boardwalks, and fencing, shall be implemented as necessary to protect ESHA.

6. ***Required Findings.*** No development shall be allowed in an ESHA or ESHA buffer area unless the following findings are made:

   a. The resource as identified will not be significantly degraded or disrupted by the proposed development and the development will be compatible with the continuance of the resource.

   b. There is no feasible less environmentally damaging alternative.

   c. All feasible mitigation measures capable of reducing or eliminating project-related impacts have been adopted.

F. **Wetlands, Deepwater Areas, and Other Water Areas.**

1. ***Protection Required.***

   a. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes shall be protected, maintained and, where feasible, restored.

   b. All uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

   c. Marine resources shall be maintained, enhanced, and, where feasible, restored.

   d. Special protection shall be provided to marine resource areas and species of special biological or economic significance.

2. ***Channelizations.*** Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to:

   a. Necessary water supply projects.

   b. Flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development.

   c. Developments where the primary function is the improvement of fish and wildlife habitat.

3. ***Removal of Unauthorized Structures.*** All unauthorized structures that impact, or encroach into, wetlands, deepwater areas, or other water areas shall be removed.

4. ***Diking, Filling, and Dredging Projects.***

   a. *Limits on Development.* Development involving the diking, filling, or dredging of open coastal waters, wetlands, or estuaries shall only be permitted consistent with Section 30233 of the Coastal Act and under the following circumstances:

      i. Only if there is no feasible, less environmentally damaging alternative.

      ii. If there is no feasible, less environmentally damaging alternative, mitigation measures shall be provided to minimize adverse environmental effects.

      iii. Diking, filling, or dredging projects shall sustain the functional capacity of the wetland, or estuary. In order to establish that the functional capacity is being maintained, the applicant must demonstrate all of the following:

         (1) That the project does not alter presently occurring plant and animal populations in the ecosystem in a manner that would impair the long-term stability of the ecosystem; i.e., natural species diversity, abundance, and composition are essentially unchanged as a result of the project.

         (2) That the project does not harm or destroy a species or habitat that is rare or endangered.

         (3) That the project does not harm a species or habitat that is essential to the natural biological functioning of the wetland or estuary.

         (4) That the project does not significantly reduce consumptive (e.g., fishing, aquaculture and hunting) or nonconsumptive (e.g., water quality and research opportunity) values of the wetland or estuarine ecosystem.

   b. *Limits on Uses.* Development involving diking, filling, or dredging of open coastal waters, wetlands, and estuaries shall be limited to the following:

      i. Construction or expansion of port/marine facilities.

ii. Construction or expansion of coastal-dependent industrial facilities, including commercial fishing facilities, and commercial ferry facilities.

iii. In open coastal waters, including estuaries and streams, new or expanded boating facilities, including docks, slips, access ramps, piers, marinas, recreational boating, launching ramps, and pleasure ferries, and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

iv. Maintenance of existing and restoration of previously dredged depths in navigational channels, turning basins, vessel berthing, anchorage, and mooring areas, and boat launching ramps.

v. Incidental public service purposes which temporarily impact the resources of the area, such as burying cables and pipes, inspection of piers, and maintenance of existing intake and outfall lines.

vi. Sand extraction for restoring beaches, except in environmentally sensitive areas.

vii. Restoration purposes.

viii. Nature study, aquaculture, or similar resource-dependent activities.

c. *Dredged Material Disposal.*

i. Dredged material disposal shall be planned and carried out to limit turbidity and to avoid significant disruption to marine and wildlife habitats and water circulation.

ii. Dredged material suitable for beneficial reuse shall be transported for such purposes to appropriate areas and placed in a manner that minimizes adverse effects on the environment.

iii. Dredged material suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.

G. **Coastal Dunes.**

1. ***Purpose.*** This Section provides requirements for development in areas with or adjacent to coastal dunes. The intent of this Section is to protect coastal dunes as natural habitats and for shoreline protection.

2. ***Applicability.*** The requirements of this Section shall apply to development in areas with coastal dune habitats.

3. ***Earthmoving.*** Earthmoving of beach sand in dune habitat areas shall be limited to dune restoration projects necessary for the protection of coastal resources and existing development.

4. ***Public Access and Recreation.*** Public beach access improvements shall be designed, sited, and maintained in a manner to avoid impacts to dune habitats through the use of well-defined footpaths, boardwalks, protective fencing, signage, and similar methods. Recreation improvements shall be designed and sited to avoid dune habitat areas.

5. ***Restoration of Native Vegetation.*** Plant materials in coastal dune habitat areas shall be restricted to native plant species appropriate to the habitat type.

H. **Mitigation and Monitoring.**

1. ***When Required.*** Mitigation and monitoring programs, including restoration plans and management programs, are required to minimize adverse impacts to sensitive habitat.

   a. *ESHA.* Mitigation shall be required for allowable impacts to ESHA and other sensitive resources that cannot be avoided through the implementation of siting and design alternatives. Mitigation shall not substitute for implementation of the project alternative that would avoid impacts to ESHA.

   b. *Wetlands.* Feasible mitigation measures shall be required to minimize adverse environmental effects of diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes where the proposed use is consistent with Section 30233 of the Coastal Act and there is no feasible less environmentally damaging alternative.

2. ***Mitigation Programs.*** Mitigation programs shall include the following components:

   a. Specific mitigation objectives and performance standards designed to measure the success of the restoration and/or enhancement.

   b. Provisions for acquiring title or other property interest to the mitigation site.

   c. Provisions for the dedication of the restored or created habitat or wetland and associated buffer areas to a public agency or nonprofit entity acceptable to the reviewing authority, or permanent restriction of their use to open space purposes.

   d. A monitoring and management program with mitigation objectives and performance standards.

e. *Additional Components for Open Coastal Waters, Wetlands, Estuaries, and Streams.*

i. Wildlife Contingency Plan. A Marine Wildlife Contingency Plan (Plan) shall be developed and approved by the Community Development Director prior to the initiation of any pile driving activities. That plan shall describe specific methods that will be used to reduce pile-driving noise and comply with the standards of this Section. Power to the pile driver shall be ramped up to allow marine wildlife to detect a lower sound level and depart the area before full-power noise levels are produced. The Plan shall identify a US Fish & Wildlife Service (USFWS)-approved biologist to monitor noise-generating construction within the water-lease area who shall be retained by the applicant. The Plan shall describe on-site marine wildlife monitoring and reporting requirements, as well as identify specific conditions when the biological monitor shall be allowed to stop work, such as observance of a marine mammal within 100 feet of the project area. The biologist shall be responsible to monitor for compliance with all environmental mitigation measures, and regulatory permit conditions (as applicable). The approved biological monitor shall be present onsite during construction and shall have the authority to stop construction if any individuals of southern sea otter are seen within 100 feet of the project area. Construction will be allowed to resume after sighted otters have left the 100-foot radius of the project area or are deemed not in distress by the project biologist on a case by case basis. The species shall not be disturbed or forced from the project site by equipment, noise, or other disruptive activity. The monitor will have discretionary authority to temporarily halt the Project if it is determined any otter, or other marine mammal, could be affected by the Project, even if the animal is beyond the 100-foot boundary. All construction crew employees shall be informed on the requirements of this condition.

ii. Oil Spill Response and Recovery Plan. A project-specific Oil Spill Response and Recovery Plan that includes specifics on reporting and response procedures, available on-site equipment and contracted services, and responsibilities shall be completed and approved prior to the initiation of construction activities. Specifically, the Project shall include the following Best

Management Practices (BMPs) and shall be included on building plans submitted for approval:

(1) No refueling of equipment without adequate containment and spill response equipment. The barge shall have only double contained fuel storage below decks, with the spill containment and clean up kits on-site and easily accessible. Spill containment and clean up kits shall include the following:

(a) 150 feet Absorbent Boom 200 square feet Absorbent Tarp (for use during pile driving operations)

(b) Barrel Absorbent Pads

(c) Container Absorbent Granules

(2) Rainwater runoff pollution from equipment stored on deck shall be prevented through ongoing equipment maintenance and appropriate double containment.

(3) The work area shall be contained within a boom to prevent debris from falling into the water.

(4) All equipment fueling shall take place on the barge, with containment in-place. No refueling between vessels shall occur.

(5) An Absorption Tarp shall be placed underneath any portable equipment while in use.

(6) No equipment shall be permitted to enter the water with any petroleum products.

(7) All equipment used during pile driving operations shall be in good condition without fuel or oil leakage.

(8) Should any equipment begin to leak, that equipment shall be removed immediately from the barge and repaired or replaced.

(9) All vessels shall have portable, regularly serviced sanitation equipment. No overboard discharge is permitted.

iii. <u>Pre- and Post-construction Surveys.</u> Applicants shall be subject to the California Eelgrass Mitigation Policy (CEMP) which requires a pre-construction survey shall be completed within 30-60 days prior to issuance of a building permit unless otherwise waived

under the Army Corps permitting requirements. Post-construction survey, if required by the CEMP, shall be completed within 30 days of construction completion or as otherwise determined by the National Marine Fisheries Service (NMFS) in order to determine amount of impact if any and CEMP-required annual reporting and mitigations. Any change in eelgrass extent shall be documented and reported to the Community Development Director. If the report identifies a reduction in eelgrass coverage then a plan shall be prepared to identify the appropriate mitigations necessary and in line with the specifications for mitigation of eelgrass habitat as provided for in the California Eelgrass Mitigation Policy, dated October 2014, or successor document.

iv. Noise Mitigation Plan. Vibratory hammers shall be used for pile driving activities where feasible. In the instance anything other than a vibratory hammer is to be used for pile driving activities, a pile driving plan and hydro-acoustical noise mitigation plan shall be submitted to the Community Development Director prior to issuance of a building permit to ensure that underwater noise generated by pile driving activities is minimized to the maximum extent feasible and does not exceed: (i) an accumulated 187 dB SEL as measured 5 meters from the source; and (ii) peak dB above 208 dB as measured 10 meters from the source as determined by the Fisheries Hydroacoustic Working Group. The plan shall provide for a hydro-acoustical monitor to ensure that underwater noise generated by pile driving activities does not exceed such limits. The plan shall identify the type of method used to install pilings.; A bubble curtain shall be employed to contain both noise and sediment. The plan shall also provide for additional acoustical BMPs to be applied if monitoring shows underwater noise above such limits (including, but not limited to, alternative pile driving methods (press-in pile placement, drilling, dewatered isolation casings, etc.) and additional noise dampening measures (sound shielding and other noise attenuation devices).

v. Netting or fencing around and underneath the project site shall be installed to catch and remove debris released during and after construction.

vi. To reduce potential turbidity-associated impacts, silt screens should be used when and where they will be effective. The relatively high tidal currents within Morro Bay could reduce the

effectiveness of silt screens and should be considered prior to placing of these screens.

3. ***Habitat Creation/Restoration.***

   a. *ESHA.* Mitigation for impacts to ESHA and other sensitive resources shall be in the form of habitat creation or substantial restoration. The mitigation shall occur on site wherever possible. Off-site mitigation measures shall only be approved when it is not feasible to fully mitigate impacts on site.

   b. *Wetlands.* Mitigation shall occur in the same watershed and in the form of in-kind wetland restoration or creation whenever possible. Where out-of-kind mitigation is necessary, restoration or creation of wetlands shall be of equal or greater biological productivity to the wetland that was filled or dredged. Mitigation may also be permitted in the form of restoration that includes opening equivalent areas to tidal action or providing other sources of surface water.

4. ***Mitigation Ratios.*** Adverse impacts shall be mitigated at a ratio necessary to achieve the specific mitigation objectives and performance standards identified in the mitigation and monitoring program and approved by the review authority.

5. ***Restoration Plans.*** A restoration and management plan shall be submitted. Restoration plans shall be reviewed and approved by a qualified professional prior to accepting sites for mitigation.

6. ***Timing.*** Restoration/mitigation shall occur before or simultaneously with construction of the approved development.

   a. Any off-site mitigation site shall be purchased and legally restricted and/or dedicated before impacts to the development site can proceed.

7. ***In-Lieu Fee for Wetland and/or Eelgrass Impacts.*** An in-lieu fee may be paid to an appropriate public agency to mitigate wetland and/or eelgrass impacts, if no appropriate mitigation site can be acquired. Payment of an in-lieu fee would only be an option if an applicant is unable to find a potential restoration site. The fee shall be based on the following factors:

   a. The habitat type.

   b. The costs of acquisition.

   c. The cost per acre to restore or create a comparable wetland within the region where the impact occurred.

   d. The acreage of the habitat affected, based on the final approved project.

8. ***Monitoring.*** Monitoring of mitigation measures shall be for a period of sufficient time to determine if mitigation objectives and performance standards are being met. Midcourse corrections shall be implemented if necessary to meet the objectives or performance standards.

   a. *Period.* Monitoring shall be conducted a period of not less than five years following completion, unless the Director determines that a longer mitigation monitoring schedule is appropriate. If performance standards are not met by the specified monitoring period, the monitoring period shall be extended until the standards are met or the applicant shall submit an amendment application proposing alternative mitigation measures and implement the approved changes.

   b. *Reports.* Monitoring reports that document the success or failure of the mitigation shall be provided to the Department annually and at the conclusion of the monitoring period.

   c. *Completion.* The restoration shall be considered successful after the success criteria have been met for a period of at least three years with no remediation or maintenance activities other than weeding.

9. ***Easements and Dedications.*** Where on-site or off-site preservation of an ESHA, wetland, stream, or mitigation area and buffers to each are required as a condition of approval of a Coastal Development Permit or other authorization, a guarantee of protection through direct dedication, offer to dedicate, or conservation easement shall be required. The protection guarantee shall identify the precise location and area to be set aside for preservation along with evidence of the legal ability over that area to restrict that area and/or convey a property interest in that area.

   a. *Timing.* Prior to the approval of a coastal development permit, the method and form of the protection guarantee shall be approved by City Attorney. The protection guarantee shall be recorded in the office of the County Recorder prior to the issuance of a building permit

   b. *Management and Funding.* A management plan and funding plan shall be required to ensure appropriate management of the habitat area in perpetuity.

   c. *Method of Protection Guarantee.* A method of access guarantee shall be chosen according to the following criteria:

      i. <u>Deed Restriction.</u> A deed restriction shall be used only where an owner, association or corporation agrees to assume responsibility for maintenance of and liability for the habitat area, subject to approval by the reviewing authority.

ii. Grant of Fee Interest or Easement. A grant of fee interest or easement shall be used when a public agency or private organization approved by the reviewing authority is willing to assume ownership, maintenance and liability for the habitat.

iii. Offer of Dedication. An offer of dedication shall be used when no public agency, private organization or individual is willing to accept fee interest or easement for habitat maintenance and liability. These offers shall not be accepted until maintenance responsibility and liability is established.

17.14.090 Visual Resource Protection

In order to enhance public views and the scenic qualities of the City's Coastal Zone, and to maintain consistency with the LCP's Land Use Plan (LUP), development shall conform to all applicable Land Use Plan Visual Resources and Viewsheds policies and the following requirements.

A. **Site-specific Visual Analysis.** The following documentation and requirements shall be provided for all CDP applications within scenic areas, including those described in Figures C-6 and C-7 of the LUP and any other development that may adversely impact public views:

1. A site plan that identifies all public view corridors and pictures of existing public views of and including the project site from public viewing areas, including all before and after public views of and towards the ocean.

2. Project plans that confirm height is within the requirements of the zoning district in which it is located. Exceptions are allowed only for chimneys, vents, and similar vertical extensions, not to exceed an additional 4 feet, and not to comprise more than 5 percent of a building's roof area. In all cases, heights may be further limited in order to meet LCP scenic resource protection requirements.

3. When trees defined as major vegetation are proposed for removal, ribbons, or other method of identification showing the location of trees proposed for removal, must be installed.

4. Illustration showing the colors, textures, and architectural styles to show the exterior facades are compatible with development on adjacent blocks and the City's overall architectural character and do not cause the project to stand out from surrounding built and natural features.

5. Any other information deemed necessary to determine the visual impact of the proposed project, including but not limited to analysis of the heights of existing buildings within 150 feet of the proposed structure; story poles and netting

showing proposed ridgelines; and visual simulations to help identify potential visual impacts.

B. **Exterior Lighting.** Where exterior lighting is proposed, a plan showing the location, types, and intensity of the proposed lights is required. At a minimum, the exterior lighting plan must include the following:

1. Lighting that is designed to minimize light spill into natural areas by using cut-off fixtures, directing light to the ground, and not flooding the site with light.
2. Lighting that is minimally visible from coastal beaches and bluffs, and off-shore locations.
3. Lighting that uses cut-off, shielded, or downward fixtures (i.e., the bulb is not directly visible) and is between 2600 and 3500 Kelvin and has a CRI of 85 or greater.
4. Lighting that does not blink or flash unless required for navigation, safety, or similar purposes.
5. Unless shielded from the coast by buildings or vegetation, trail lighting that is mounted on bollards no greater than 4 feet tall and with the lighting shielded from the coast.
6. Anti-reflective window glazing, awnings, or other anti-glare methods on south- and west-facing elevations and those elevations visible from public view points.

C. **Landscaping.** Development shall minimize the removal of existing native vegetation, and shall provide for landscaping improvements that include removal of non-native and/or invasive species, and plantings of noninvasive native plants in a manner sited and designed to enhance coastal habitats and public views.

1. ***Landscaping Plan.*** For projects that include landscaping that may impact public views, a plan showing the type, location, and mature height of all trees and shrubs shall be required. At a minimum, the Landscaping Plan must include vegetation types and maintenance provisions that ensure, during both the growing stage and at maturity, plantings will not significantly encroach into a public view corridor or significantly obstruct public views to and of the ocean and shoreline areas.

D. **Ancillary and other Structures**. Ancillary and other structures shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

1. Fencing and hedges. Fencing and hedges shall be minimized to avoid negative impacts to public views (particularly blue water views) from roads, sidewalks, and other public viewing areas.
2. Public Utilities. Public utilities shall be placed underground whenever feasible. When underground installation is infeasible, utilities shall be placed outside of public view and/or appropriately screened with landscaping when feasible.
3. Telecommunication Facilities. Telecommunication Facilities shall be sited and designed to avoid adverse impact coastal views, and alternatives shall be considered and required where such impacts can be avoided. Unless inconsistent with federal telecommunications law, such facilities shall not be allowed in agricultural lands, in EHSA/wetlands and other sensitive habitats, or in the Waterfront District. Undergrounding of such facilities shall be required whenever feasible. If undergrounding of such facilities is not feasible, co-location of such facilities shall be encouraged and screening shall be required when feasible.

17.14.100 Hazards and Shoreline Protection

In order to protect life, property, and coastal resources from coastal hazards, and to maintain consistency with the LCP's Land Use Plan (LUP), development shall conform to all applicable Land Use Plan Coastal Hazards policies and the following requirements.

A. **Hazards Evaluation Report.**

1. ***Initial Site Assessment.*** The Director shall conduct an initial site assessment screening of all permit applications to determine whether the site is or will be subject to geologic or other hazards over a timeframe of a minimum of 100 years. Geological or other hazards are defined to include:
    a. Earthquake hazard zones;
    b. Areas subject to tsunami runup or episodic and long-term shoreline retreat (including beach or bluff erosion) including as related to sea level rise;
    c. Unstable slopes and areas with moderate or greater landslide or liquefaction potential; and
    d. Flood hazard areas, including those areas potentially inundated by future sea level rise.
    e. The screening shall include a review of reports, resource maps, aerial photographs, site inspection, and the City's hazards maps. Absence of mapping shall not alone be considered absence of hazard, and local site conditions shall be examined at the time of permit application using the best available science.

2. ***Hazards Report.*** Where the initial site assessment reveals that the proposed development is located in potential coastal hazards areas mapped in Figures PS-7 and PS-8 of the LUP, within the Coastal Resource Protection-Sea Level Rise (CRP-SLR) Overlay District, or in or within 100 feet of an area potentially subject to geologic or other hazards over the 100-year assessment time frame, a Hazards Report consistent with LUP Coastal Hazards policies shall be prepared. The Hazards Report shall at a minimum provide for:

   a. *Purpose.* The Report shall be prepared by a qualified geologist/engineer and shall identify the potential impacts of erosion, episodic and long-term shoreline retreat, flooding, inundation, storm waves, high seas, tidal scour, and tsunamis, including in relation to sea level rise, over the life of the development. The Report shall recommend any mitigation measures or modifications to the project that are needed to ensure that the project is consistent with all applicable Land Use Plan Coastal Hazards policies.

   b. *Content.* The Report shall, at a minimum, contain the following sections:

      i. Summary

      ii. Geology of the Project Area

      iii. Wave, Tide, and Current Trends

      iv. Erosion Trends and Episodes in Project Area

      v. Seasonal Beach Profiles and Trends

      vi. Impacts from Coastal Hazards on the Proposed Project

      vii. Description of Project Alternatives to Avoid/Minimize Coastal Hazard Impacts

      viii. Mitigation of Coastal Hazard Impacts

      ix. Conclusions and Recommendations

      x. Coordination with Other Agencies, Groups, or Consultants

      xi. Report Preparer's Qualifications

      xii. References

   c. *Coastal Hazards Analysis.* The Report shall at a minimum document the following:

      i. Regional and local geologic setting, including topography, natural landforms, soil/rock types, thickness of soil or depth to bedrock, and other relevant properties such as erosion potential.

ii. Information about potential coastal hazards at the site, including normal and maximum tidal surges, wave conditions (including maximum expected wave height and frequency/magnitude of wave/tidal surge), storm conditions (including storm waves from a 100-year event or a storm that compares to the 1982/83 El Niño event).

iii. Long-term average annual erosion rates, based on photogrammetric analysis, LiDAR data, and peer reviewed studies and reports, etc., quantified in distance per year (e.g., 6" per year). The long-term average annual erosion rate should be broken down separately for any differing geologic units (e.g., erosion for the upper bluff terrace deposits may differ from erosion for a harder lower bluff substrate) to the extent that these long-term rates differ.

iv. Episodic or rapid erosion, based on recent observations from the project site or nearby areas of comparable geology

v. Ground and surface water conditions and variations, including hydrologic changes caused by the development (e.g., introduction of sewage effluent and irrigation water to the groundwater system, and alterations in surface drainage).

vi. For coastal bluffs, quantitative slope stability analyses (including a description of the factors of safety for the site and structures on it, and a breakdowns, as appropriate, for the factors of safety applying to the full bluff profile.

vii. Expectations for the near-term (3 to 5 years) changes to the site, considering current erosion and related conditions (including wave and storm conditions)

viii. Expectations for longer term changes, including the effects of sea level rise.

ix. Effect of the proposed development (including siting and design of structures, septic system, landscaping, drainage, and grading) and impacts of construction activity on the stability of the site and the adjacent area.

d. *Mitigation of Coastal Hazards Analysis.* The Report shall include a detailed analysis of alternative options to avoid identified erosion/site stability hazards, including non-armoring alternatives. At a minimum the analysis shall include

i. Evaluation of alternatives including avoiding proposed development; relocation of any threatened structures, including an analysis of any technical feasibility questions and an estimate of expected costs to be borne by the property owner to relocate; partial removal of threatened elements, again with a clear analysis and estimate of how this would be accomplished; and site drainage controls and native plant revegetation.

ii. Expectations on the degree of protection for each alternative must be provided, including an estimate of the number of years of stability provided to the structure or development being protected (absent additional armoring or other measures) associated with each option.

iii. A combination of different alternatives should be considered when appropriate, such as for example, vegetation, surface water controls and periodic nourishment; or the use of incremental responses tied to identified triggers.

B. **Coastal Hazard Risks Acknowledged.** Coastal hazard risks shall be acknowledged by deed restriction for all development that at some point during its lifetime may be subject to coastal hazards consistent with LUP Coastal Hazards policies (e.g., Policy PS-3.6).

C. **Shoreline Development.**

1. ***Purpose.*** This Section provides standards for development proposed on lots that border the ocean or bay, where careful design and development practices are necessary to preserve significant coastline features, implement applicable provisions of the General Plan and Local Coastal Program, and comply with the Coastal Act.

2. ***Applicability.*** This Section applies to all development, including expansion of existing uses, proposed to be located on or adjacent to a beach or coastal bluff, except in the Embarcadero as provided in paragraph b. Embarcadero, below.

a. *Coastal Bluff.* A landform that includes a scarp or steep face of rock adjacent to the bay or ocean and meeting one of two parameters:

i. The toe is now or was historically (generally within the last 200 years) subject to marine erosion.

ii. The toe of which lies within an area otherwise identified in Public Resources Code Section 30603(a)(1) or (a)(2).

b. *Embarcadero.* The provisions of this Subsection 17.14.100.C. Shoreline Development, do not apply to development in the Embarcadero as specified in LUP Policy LU-8.7.

3. ***Geologic Report.*** Permit applications for development or expansion of existing uses proposed to be developed on or adjacent to a beach or coastal bluff shall include a geologic report prepared by a licensed engineering geologist or a professional civil engineer with expertise in soils and foundation engineering, or a registered geologist with a background in engineering applications. Such report shall include a scaled map showing location of the bluff edge, the toe of the bluff, and other significant geologic features by distance from readily identified fixed monuments such as the property line, centerline of the road nearest the bluff, or inside of curb face. The report shall include an analysis of beach erosion, wave run-up, inundation and flood hazards, including those due to sea-level rise; and consider, describe, and analyze the following:

a. The impact of construction activity on the stability of the site and adjacent area;

b. Bluff geometry and site topography, extending the surveying work beyond the site as needed to depict unusual geomorphic conditions that might affect the site;

c. Historic, current, and foreseeable bluff and shoreline erosion and possible changes in shore configuration and sand transport;

d. Geologic conditions, including soil, sediment, and rock types and characteristics, in addition to structural features such as bedding, joints and faults;

e. Evidence of past or potential landslide conditions, the implications of such condition for the proposed development, and the potential effects of the development on landslide activity;

f. Ground and surface water conditions and variations, including hydrologic changes caused by the development;

g. Potential erosion of the site and mitigation measures to be used to ensure minimized erosion problems before and after construction (i.e., landscape and drainage design);

h. Effects of marine erosion on coastal bluffs;

i. Potential effects of seismic forces resulting from a maximum credible earthquake;

j. Any other factor that might affect slope or bluff stability;

k. A tsunami hazard assessment, including sea-level rise and tsunami wave runup calculations;

l. Evaluation of off-site impacts of development (e.g., development contributing to geological instability) and the additional impacts that might occur due to the proposed development (e.g., increased erosion along a footpath).

m. An evaluation of whether the development, as proposed or modified, could be safely established on the property for a 100-year period without a shoreline protective device and without taking into account the effect of any existing shoreline protective device;

n. Measures to mitigate potential impacts; and

o. Other matters as determined relevant to the property by the report preparer or City Engineer.

4. ***Coastal Bluff Face Development.*** No development shall be permitted on a coastal bluff face, except for engineered staircases or accessways to provide public beach access and pipelines for scientific research or coastal-dependent industry. Drainpipes shall only be allowed where no other less environmentally damaging drain system is feasible and the drainpipes are designed and placed to minimize impacts to the coastal bluff face, toe, and beach. Drainage devices extending over the coastal bluff face shall not be permitted if the property can be drained away from the coastal bluff face.

5. ***Structures on the Beach.*** No permanent structure shall be permitted on a dry, sandy beach except a facility necessary for public health and safety, such as lifeguard towers, and recreation facilities, such as beach volleyball courts.

6. ***Setbacks.*** Proposed development must be set back from the top of the coastal bluff, as provided by this Subsection. Additional setbacks may be required to accommodate public access in compliance with Section 17.14.110, Coastal Access.

a. *Coastal Bluff Setback Requirements.* New development must be set back equal to a sufficient setback to maintain a minimum factor of safety of at least 1.5 for a minimum of 100 years based on a site-specific geological or geotechnical engineering study. In no case shall the minimum setback be less than 20 feet from the coastal bluff edge.

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

b. *Non-bluff Coastline Setbacks.* Structures proposed within 500 feet of the mean high tide line in areas that lack coastal bluffs, shall be set back equal to a sufficient setback so the proposed structure would not be expected to be subject to shoreline erosion or other hazards for the structure's lifetime or for 50 years, whichever is greater, based on a site-specific shoreline erosion rate and shoreline hazards study. In no case shall the minimum setback be less than 20 feet from the coastline or property line adjacent to the ocean or bay, whichever results in a greater setback.

c. *Landscaping.* Drought-tolerant landscaping shall be installed and maintained in the required setback.

7. ***Erosion Control.*** Proposed development must be designed and constructed to incorporate appropriate erosion-control measures, consistent with the City's grading standards.

8. ***Shoreline Protection Restrictions.*** Development shall be sited and developed to be safe from coastal bluff retreat, waves, or flood hazards without the use of any shoreline protective device. Existing and new shoreline protection devic~~s~~es shall be consistent with LUP Coastal Hazards policies.

a. All permits for development on coastal blufftop or shoreline lots that do not have a legally established shoreline protection structure shall have conditions of approval requiring that prior to issuance of any grading or construction permits, the property owner record a deed restriction against the property to ensure that no shoreline protection structure will be proposed or constructed to protect the development, and expressly waiving any future right to construct such devices.

b. Proposed development shall not be approved where the review authority determines that shoreline protective structures will be necessary to protect it at any point in the development's lifetime.

c. A shoreline protective structure may be allowed where consistent with LUP policies with Conditional Use Permit and Coastal Development Permit approval, only when the approval body makes the following findings:

i. The shoreline protective structure is consistent with all applicable LUP policies;

ii. Non-structured alternatives to the protective devices have failed;

iii. The shoreline protective structure is located to avoid significant rocky points and intertidal areas;

iv. The shoreline protective structure proposed is the least environmentally damaging, feasible alternative;

v. The shoreline protection structure is designed to maintain lateral beach access, where feasible; and

vi. The shoreline protection structure is designed to respect natural land forms and minimize visual impact to the extent possible, through means including the use of visually compatible colors and materials.

vii. New shoreline protective devices shall be sited and designed to avoid coastal resource impacts to the maximum extent feasible through: eliminating or mitigating all adverse impacts on local shoreline sand supply (including sand and beach area that are lost through the shoreline protective device's physical encroachment on a beach, fixing of the back beach, and prevention of new beach formation in areas where the bluff/shoreline would have otherwise naturally migrated, and the loss of sand-generating bluff/shoreline materials that would have entered the sand supply system absent the device); protecting and enhancing public recreational access; protecting and enhancing public views; minimizing alteration of, and being visually subordinate to, the natural character of the shoreline; avoiding impacts to archeological resources; and protecting other coastal resources as much as possible. Shoreline protective devices shall be required to mitigate impacts to shoreline sand supply, public access and recreation, and any other relevant coastal resource impacts in 20-year increments, starting with the building permit completion certification date. Permittees shall apply for a coastal permit amendment prior to expiration of each 20-year mitigation period, proposing mitigation for coastal resource impacts associated with retention of the shoreline protective device beyond the preceding 20-year mitigation period, and such application shall include consideration of alternative feasible mitigation measures in which the permittee can modify the shoreline protective device to lessen its impacts on coastal resources. Shoreline protective devices shall only be authorized until the time when the qualifying development that is protected by such a device is no longer present, constitutes redevelopment, and/or no longer requires armoring, at which time the shoreline protective device shall be removed and the site restored.

9. ***Liability.*** For any development on a beach or shoreline subject to wave action, erosion, flooding, landsides, sea-level rise, or other hazards associated with development on a beach or coastal bluff, the property owner shall execute and record a deed restriction that acknowledges and assumes these risks and waives any future claims of damage or liability against the City and agrees to indemnify the City against any liability, claims, damages, or expenses arising from any injury or damage due to such hazards.

D. **Flood Hazards.** Habitable space is prohibited at elevations subject to wave and/or flood risk, including risk due to sea level rise.

E. **Geologic, Slope, and Stability Hazards.** The following standards apply to all development within areas of geologic hazards; very high, high, and moderate landslide potential; high or moderate liquefaction potential; and areas with other soil or slope stability issues.

1. ***Subdivisions.*** Land divisions, including lot line adjustments and SB 9 development, are prohibited in areas subject to geologic, seismic, and other hazards unless it is demonstrated by the subdivider that all lots in the new subdivision will have sufficient buildable land area that is situated outside the hazardous portions of the property and outside of any hazard setback areas.

2. ***Geotechnical, Soil, and Engineering Studies.*** Site-specific geotechnical, geologic, soil, and/or structural engineering studies that assess the degree of hazard on the proposed site and recommend any appropriate site design modifications or considerations as well as any other mitigation measures shall be prepared.

17.14.110 Coastal Access

In order to protect the public's access to the coast, and to maintain consistency with the LCP's Land Use Plan (LUP), development shall conform to all applicable Land Use Plan Coastal Access and Embarcadero policies and the following requirements.

A. **Purpose.** This Section provides procedures and standards for the preservation, dedication, and improvement of public access to and along the shoreline and coastal bluff tops, in conjunction with development in the Coastal Zone. The intent is to:

1. Ensure that public rights of access to the shoreline are protected as guaranteed by the California constitution and achieve the basic State goals of maximizing public access to the coast, as set forth in the Coastal Act (Sections 30000 through 30900).

2. Implement the public access and recreation policies of Chapter 3 of the Coastal Act (Sections 30210 through 30255) and the applicable policies of the Coastal Land Use Plan.

3. Ensure public access to coastal bluff tops, where feasible.

B. **Applicability.** The public access procedures and standards of this Section shall be carried out in a reasonable manner as to the rights of the individual property owner with the public constitutional right of access pursuant to Section 4 of Article X of the California Constitution.

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

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

   a. It would be inconsistent with public safety or the protection of fragile coastal resources;

   b. Adequate access exists nearby;

   c. Agriculture would be adversely affected;

   d. Access at the site would be inconsistent with policies of the Local Coastal Program, other than those requiring access;

   e. Requiring or providing the access would be inconsistent with federal or State law; or

   f. The activity is not considered "new development." New development does not include:

      i. Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.

      ii. The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.

      iii. Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.

iv. The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not seaward of the location of the former structure.

v. Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.

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

C. **Standards for Public Access.**

1. ***Lateral Access.*** Lateral access pursuant to Coastal Access Policies LU-7.1, LU-7.2, and LU-7.3 of the LUP shall be provided and shall consist of an offer to dedicate an easement or a grant of easement for open and unobstructed public accessways along the waterfront revetment (or shoreline, if no revetment exists, between the mean high-tide line to the first line of vegetation or an appropriate landward feature on sites along the Embarcadero and similarly developed areas).

2. ***Vertical Public Access.*** Vertical access pursuant to Coastal Access Policy LU-7.4 of the LUP shall be provided and consist of an offer to dedicate an easement or a grant of easement for open and unobstructed vertical access to the shoreline.

3. ***Public Accessways.*** All public accessways shall be properly signed and conform to Coastal Conservancy/Coastal Commission access standards and guidelines.

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

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

1. ***Deed Restriction.*** To be used only where an owner, association, or corporation agrees to assume responsibility for maintenance of and liability for the public access area, subject to approval by the Director.

2. ***Grant of Fee Interest or Easement.*** To be used when a public agency or private organization approved by the Director is willing to assume ownership, maintenance and liability for the access.

3. ***Offer of Dedication.*** To be used when no public agency, private organization, or individual is willing to accept fee interest or easement for accessway maintenance and liability. These offers will not be accepted until maintenance responsibility and liability are established.

4. ***Maintenance.*** A dedicated public accessway shall not be required to be opened to public use until a public agency or private association approved by the City Council agrees to accept responsibility for maintenance and liability of the access, except in cases where immediate public access is approved through a deed restriction.

F. **Timing of Access Implementation.** The type and extent of access to be dedicated and/or constructed and maintained, as well as the method by which its continuing availability for public use is to be guaranteed, shall be established as provided by this Chapter at the time of planning permit approval (e.g., Conditional Use Permit and/or Coastal Development Permit approval).

1. ***Dedication.*** Shall occur before issuance of construction permits or the start of any construction activity not requiring a permit.

2. ***Construction of Improvements.*** Shall occur at the same time as construction of the approved development, unless another time is established through conditions of planning permit approval.

Chapter 17.15 Cloisters (-CL) Overlay District (IP)

Sections:

17.15.010 Purpose
17.15.020 Applicability
17.15.030 Land Use Regulations
17.15.040 Development Standards

17.15.010 Purpose

The Cloisters (-CL) Overlay District is intended to establish standards for clustered residential development and public open space within the Cloisters Subdivision, also known as the Tract 1996 Subdivision.

17.15.020 Applicability

The Cloisters (-CL) Overlay District applies to all areas within the boundaries of the CL Overlay District shown on the Official Zoning Map, and as shown on the final map for Tract 1996.

17.15.030 Land Use Regulations

Land use regulations in all areas within the boundaries of the Cloisters (-CL) Overlay District shall comply with the land use regulations of the base zone district.

17.15.040 Development Standards

The following standards shall apply for all residential development in the Cloisters (-CL) Overlay District. In any case where there is a conflict between the development standards of the base zone district and this Chapter, this Chapter shall control.

A. **Maximum Height.** Height limits shall be measured from finished grade, provided that finished grade shall only exceed existing natural grade where necessary to meet floodplain elevation requirements, tract drainage, engineering, and utility design criteria. Grading plans shall be reviewed to ensure that the following criteria are met as determined by the City Engineer. If the final map for Tract 1996 should expire, maximum height shall comply with the height limits established by the Local Coastal Program Land Use Plan and the General Plan

   1. ***Lots 1 through 45.*** Structures shall be limited to a single story, not to exceed 14 feet in height.

2. ***Lots 46 through 48, and 59 through 88.*** Structures shall be limited to a single story, not to exceed 14 feet in height.

3. ***Lots 91, 92, 94, 96 through 100, 102, 103, 105 through 107, 109, 111, 114, and 117.*** Structures shall not exceed 17 feet in height.

4. ***Lots 49 through 58, 89, 90, 93, 95, 101, 104, 108, 110, 112, 113, 115, 116, 118 through 120.*** Structures shall not exceed 25 feet in height.

B. **Maximum Second Story Floor Area.** For two-story structures, the maximum second story floor area shall be limited to 50 percent of the structure's total floor area.

C. **Minimum Lot Size.**

1. ***Interior Lots.*** 6,000 square feet.

2. ***Corner Lots.*** 7,000 square feet.

D. **Maximum Lot Coverage.** 45 percent, unless otherwise allowed pursuant to the Local Coastal Program Land Use Plan standards.

E. **Minimum Lot Width.** 55 feet, or 35 feet on a cul-de-sac measured at the property line.

Chapter 17.16 Mixed Use Residential (-MUR) Overlay District (IP)

Sections:

17.16.010 Purpose
17.16.020 Applicability
17.16.030 Allowed Residential Development

17.16.010 Purpose

The Mixed Use Residential (-MUR) Overlay District is intended to allow additional opportunities for residential development within certain Zoning Districts.

17.16.020 Applicability

The Mixed Use Residential (-MUR) Overlay District applies to all areas within the boundaries of the MUR Overlay District shown on the Official Zoning Map.

17.16.030 Allowed Residential Development

In addition to the uses and development configuration allowed pursuant to base district regulations, residential development is allowed as follows.

A. **VSC District.** In the VSC District, attached Single-Unit Dwellings and Multi-Unit Residential development up to 27 units per acre are allowed with Conditional Use Permit approval when provided as part of a visitor-serving, mixed-use development.

B. **NC District.** In the NC District, residential housing types on the ground floor or developed as stand-alone residential development are allowed subject to Minor Use Permit approval. Stand-alone residential development shall be subject to the development standards of the RM District.

Chapter 17.17 Waterfront Master Plan (-WMP) Overlay District (IP)

Sections:

17.17.010 Purpose
17.17.020 Applicability
17.17.030 Waterfront Master Plan

17.17.010 Purpose

The purpose of this Chapter is to identify the applicability of the Waterfront Master Plan.

17.17.020 Applicability

The Waterfront Master Plan applies to all use and development of properties within the boundaries of the Waterfront Master Plan (-WMP) Overlay District boundaries on the Official Zoning Map.

17.17.030 Waterfront Master Plan

All development within the Waterfront Master Plan (-WMP) Overlay District shall be in accordance with the Waterfront Master Plan.

Chapter 17.18 Planned Development (-PD) Overlay District (IP)

Sections:

17.18.010 Purpose
17.18.020 Zoning Map Designation
17.18.030 Land Use Regulations
17.18.040 Development Standards
17.18.050 Procedures
17.18.060 Required Findings
17.18.070 Conditions
17.18.080 Expiration and Renewal
17.18.090 Amendments of Approved Plans
17.18.100 Project Review

17.18.010 Purpose

The purpose of this Chapter is to establish a Planned Development (-PD) Overlay District that provides for one or more properties to be developed under a plan that provides for better coordinated development and incorporates development standards crafted to respond to site conditions in order to:

A. Provide for greater flexibility in the design of the development than is otherwise possible through the strict application of zoning district regulations;

B. Ensure compliance with the General Plan/Local Coastal Land Use Plan and provide various types of land use which can be combined in compatible relationship with each other as a part of a totally planned development; and

C. Allow for creative development projects that incorporate design features that are more sensitive to site conditions and provide greater amenities than would likely result from conventionally planned development.

17.18.020 Zoning Map Designation

A -PD Overlay District shall be noted on the Zoning Map by the designation "-PD," followed by the number of the Planned Development based on order of adoption.

17.18.030 Land Use Regulations

No use other than an existing use is permitted in a -PD Overlay District except in accordance with a valid PD Plan. Any permitted or conditional use authorized by this Code may be included

in an approved PD Plan consistent with the General Plan/Local Coastal Land Use Plan land use designation(s) for the property.

17.18.040 Development Standards

A. **Minimum Area.**

1. ***Waterfront Master Plan Area.*** There is no minimum area of a -PD Overlay District for areas within the Waterfront Master Plan Area.

2. ***Other Areas.*** In areas outside of the Waterfront Master Plan boundary, the minimum area of a -PD Overlay District shall be one-half acre; however, the City Council may approve a district smaller than one-half acre if it finds that a Planned Development would provide greater benefits to the general welfare of Morro Bay's residents and property owners than development under conventional zoning because of unique characteristics of the site or the proposed use.

B. **Residential Unit Density.** Except where a density bonus is granted in compliance with Chapter 17.24, Affordable Housing, Density Bonuses, and Other Incentives, the total number of dwelling units in a -PD Overlay District shall not exceed the maximum number permitted by the General Plan/LCP Land Use Plan density for the total area of the planned development designated for residential use, excluding areas devoted to public and private streets.

C. **Performance Standards.** The Performance Standards prescribed by Chapter 17.28, Performance Standards, apply.

D. **Other Development Standards.** Other development standards shall be as prescribed by the PD Plan.

17.18.050 Procedures

A. **Review Procedures.**

1. ***Zoning/LCP Amendment.*** An application for a -PD Overlay District shall be processed as a Zoning Amendment, according to the procedures of Chapter 17.46, Amendments to the General Plan, Zoning Code, and Zoning Map; may require an Amendment to the Local Coastal Program; and shall include a PD Plan.

2. ***PD Plan.*** The PD Plan shall be accepted and processed concurrently, in the same manner as a Conditional Use Permit application, pursuant to Chapter 17.40, Use Permits.

3. ***Tentative Subdivision Map.*** When a PD requires the submission of a tentative subdivision map, this map and all supporting documents shall be prepared and submitted concurrently with the application of the PD.

B. **Initiation.** An application for a -PD Overlay District may be initiated by any qualified applicant identified in Section 17.36.020, Application Forms and Fees, or a motion of the City Council. If the property is not under a single ownership, all owners must join the application, and a map showing the extent of ownership shall be submitted with the application.

C. **Application Content.** A qualified applicant shall submit an application for a -PD Overlay District on a form prescribed by the Planning Division accompanied by the required fee. The Planning Division may require an applicant to submit such additional information and supporting data as considered necessary to process the application.

D. **Coastal Resources.** The project shall include an evaluation of whether coastal resources are negatively impacted. If coastal resources are impacted, then coastal resources are required to be restored, protected, and/or enhanced to the greatest extent feasible as a result of the PD above and beyond that which the LCP would otherwise require.

17.18.060 Required Findings

A -PD Overlay District and PD Plan shall only be approved if all of the following findings are made:

A. The proposed development is consistent with the General Plan/Local Coastal Land Use Plan and any applicable specific plan, including the density and intensity limitations that apply;

B. The subject site is physically suitable for the type and intensity of the land use being proposed;

C. Adequate transportation facilities and public services exist or will be provided in accord with the conditions of development plan approval, to serve the proposed development; and the approval of the proposed development will not result in a reduction of traffic levels of service or public services so as to be a detriment to public health, safety, or welfare;

D. The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area;

E. The development generally complies with applicable design guidelines; and

F. The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base zoning district, and will achieve superior community design, resource protection, and/or substantial public benefit.

17.18.070 Conditions

In approving a -PD Overlay District and PD Plan, the City Council may impose reasonable conditions deemed necessary to:

A. Ensure that the proposal conforms in all significant respects with the General Plan, Local Coastal Land Use Plan, and with any other applicable plans or policies that the City has adopted;

B. Achieve the general purposes of this Code or the specific purpose of the zoning district in which the project is located;

C. Achieve the findings listed above; or

D. Mitigate any potentially significant impacts identified as a result of review conducted in compliance with the requirements of the California Environmental Quality Act.

17.18.080 Expiration and Renewal

A. **Expiration.**

1. ***PD Plan.*** A PD Plan shall be effective on the same date as the ordinance creating the -PD Overlay District for which it was approved and shall expire two years after the effective date unless actions specified in the conditions of approval have been taken, or a building permit has been issued and construction diligently pursued. An approved PD Plan may specify a development staging program exceeding two years.

2. ***Tentative Map.*** Where a tentative map has been approved in conjunction with a PD Plan, the PD Plan shall expire upon the expiration of the tentative map.

3. ***Phased Development.*** In the event that the applicant intends to develop the project in phases, and the City Council approves phased development, the PD Plan shall remain in effect so long as not more than one-year lapses between the end of one phase and the beginning of the next phase.

B. **Renewal.** An approved PD Plan that has not been inaugurated may be renewed for a two-year period approved by the City Council after a duly-noticed public hearing. Application for renewal shall be made in writing between 30 and 120 days prior to expiration of the original approval. The City Council may renew a PD Plan if it finds the renewal consistent with the purposes of this Chapter.

17.18.090 Amendments of Approved Plans

A. **Changed Plans.** Amendments to a -PD Overlay District or PD Plan may be requested by the applicant or its successors. Amendments to the approved Plan shall be classified as

major or minor amendments. Upon receipt of an amendment application, the Director shall determine if the proposed amendment constitutes a major or minor amendment.

B. **Major Amendments.** Major Amendments to an approved -PD Overlay District or PD Plan shall be considered by the City Council at a duly noticed public hearing. An amendment will be deemed major if it involves one or more of the following changes:

1. A change in the boundary of the -PD Overlay District;
2. An increase or decrease in the number of dwelling units for the -PD Overlay District that is greater than the maximum or less than the minimum stated in the PD Plan;
3. An increase or decrease in the floor area for any non-residential land use that results in the floor area exceeding the minimum or maximum stated in the PD Plan;
4. Any change in land use or density that is likely to negatively impact or burden public facilities and utilities infrastructure as determined by the Public Works Director;
5. Any change in land use or density that is likely to negatively impact or burden circulation adjacent to the -PD Overlay District or to the overall major street system, as determined by the Public Works Director; or
6. Any other proposed change to the PD Plan or the conditions of approval that substantively alters one or more of its components as determined by the Director.

C. **Minor Amendments.** Amendments not meeting one or more of the criteria listed in Subsection B above shall be considered minor if they are consistent with and would not change any original condition of approval. Minor Amendments may be approved by the Director.

17.18.100 Project Review

Plans for a project in a -PD Overlay District shall be accepted for planning and building permits or subdivisions only if they are consistent with an approved PD Plan and any conditions of approval. No project may be approved and no building permit issued unless the project, alteration or use is consistent with an approved PD Plan.

Chapter 17.19 Reserved

Chapter 17.20 Reserved

Chapter 17.21 Reserved

Chapter 17.22 Reserved

Division III: Citywide Regulations

Chapter 17.23 General Site Regulations

Sections:

17.23.010 Purpose and Applicability (IP)
17.23.020 Accessory Structures (IP)
17.23.030 Demolition of Buildings and Structures
17.23.040 Development on Substandard Lots (IP)
17.23.050 Encroachments into Required Setbacks (IP)
17.23.060 Fences and Freestanding Walls
17.23.070 Heights and Height Exceptions (IP)
17.23.080 Lighting and Illumination
17.23.090 Motorhomes and Recreational Vehicles
17.23.100 Open Space (IP)
17.23.110 Outdoor Storage
17.23.120 Refuse Storage and Collection Areas
17.23.130 Screening
17.23.140 Sloping Lots (IP)
17.23.150 Storage and Parking of Vehicles for Sale
17.23.160 Swimming Pools and Spas
17.23.170 Underground Utilities (IP)
17.23.180 Visibility at Intersections

17.23.010 Purpose and Applicability (IP)

The purpose of this Chapter is to prescribe development and site regulations that apply, except where specifically stated, to development in all districts. These standards shall be used in conjunction with the standards for each district and overlay district, including the Coastal Resource Protection (CRP) Overlay District, established in Division II, District Regulations. In any case of conflict, the standards specific to the district shall override these regulations.

17.23.020 Accessory Structures (IP)

A. **Applicability.**

1. The provisions of this Section apply to roofed structures, including but not limited to garages, carports, sheds, workshops, gazebos, and covered patios, that

are detached from and accessory to the main building on the site. These provisions also apply to open, unroofed structures such as play equipment, decks and trellises, that are over 18 inches in height and that are detached from and accessory to the main building on the site.

2. When an accessory structure is attached to the main building, it shall be made structurally a part of and have a common wall or roof with the main building and shall comply in all respects with the requirements of this Title applicable to the main building.

B. **Relation to Existing Structures.** A detached accessory structure shall only be constructed on a lot on which there is a permitted main building to which the accessory building is related.

C. **Development Standards.** Accessory structures shall meet the setback, height, and lot coverage requirements of the District in which it is located in addition to the following:

1. Roofed accessory structures eight feet in height or more or 120 square feet or greater in size shall be at least six feet from any dwelling existing or under construction, either on the same lot or an adjacent lot.

2. Roofed accessory structures shall not project beyond the front building line of the main building on site.

D. **Laundry and Utility Sink Plumbing.** A detached accessory structure may have plumbing for a washer, dryer, and/or utility sink provided that it has an open floor plan without interior partitions.

E. **Bathrooms.** Bathrooms located in accessory structures not approved for living space shall only be permitted when a deed restriction, subject to the approval of the City Attorney, is recorded to run with the property restricting the bathroom and adjoining space from being converted into living space for residential purposes.

F. **Guesthouses.** Detached guesthouses are allowed in the Agriculture District and in Residential Districts subject to the following:

1. ***Limitation.*** Only one guesthouse is allowed per lot. Guesthouses shall not be allowed on a lot with an accessory dwelling unit except as allowed through Conditional Use Permit approval on a lot 7,500 square feet or more in size.

2. ***Size and Configuration.*** A guesthouse shall not contain more than 640 square feet of habitable floor area, nor shall it exceed 30 percent of the floor area of the primary single-unit dwelling.

3. ***Facilities.*** Guesthouses may contain conditioned space, a toilet, shower, and sink. Cooking or food preparation facilities are prohibited.

4. ***Use.*** A guesthouse shall not be used for residential occupancy independent from the primary single-unit dwelling or as a dwelling unit for rent.

17.23.030 Demolition of Buildings and Structures

A. **Applicability.** No building or structure in the City can be demolished, removed, or relocated, except as authorized under the provisions of this Section.

B. **Demolition Defined.**

1. ***Demolition.*** A demolition subject to the provisions of this Section and all other applicable City regulations occurs when any of the following take place at any time over a five-year period:

   a. More than 50 percent of the structural elements of the roof or roof framing is removed.

   b. More than 50 percent of the structural exterior walls (or vertical supports such as posts or columns when a structure has no walls) of a structure are removed or are no longer a necessary and integral structural component of the overall building.

   c. More than 50 percent of the foundation system is removed or is no longer a necessary and integral structural component of the overall structure, including, but not limited to: perimeter concrete foundation, retaining walls, post and pier foundations, or similar element(s) that connect a structure to the ground and transfers gravity loads from the structure to the ground.

2. ***Calculation.*** The calculation for determining whether a wall has been demolished will be based on a horizontal measurement of the perimeter exterior wall removed between the structure's footings and the structure's ceiling. The calculation for determining whether the roof or foundation system has been demolished will be based on the lineal feet of the foundation system, count of post and piers, or overall square footage of that individual element.

3. ***Removal.*** The removal of a building for relocation to another lot is considered a demolition.

C. **Coastal Development Permit Required in the Coastal Resource Protection (CRP) Overlay District.** Demolition is considered development pursuant to Section 17.54.020.D, Development. No building permit or demolition permit will be issued by the City for any development that requires a Coastal Development Permit under the California Coastal Act of 1976 or Public Resources Code §30000 et seq. until such time as a Coastal Development Permit has been issued for such development.

17.23.040 Development on Substandard Lots (IP)

A. Any lot or parcel of land that was legally created through a recorded deed may be used as a building site even when consisting of less area, width, or depth than that required by the regulations for the District in which it is located.

B. No substandard lot can be further reduced in area, width, or depth, unless such reduction is required as part of a public improvement.

C. A substandard lot will be subject to the same setback and density requirements as a standard lot.

17.23.050 Encroachments into Required Setbacks (IP)

Where setbacks are required in this Title, they shall be not less in depth or width than the minimum dimension specified, and they shall be at every point open and shall not be obstructed with non-movable features from the ground upward, except as provided in Table 17.23.050, Allowed Encroachments into Required Setbacks, or as specifically identified in another section of this Title. Flags and flag poles are not allowed within required setback areas. The encroachments allowed in Table 17.23.050 are solely for specified zoning setbacks (for front, side, and rear yards) and not for any coastal resource setbacks (e.g., related to coastal bluffs/beaches or sensitive habitats).

TABLE 17.23.050: ALLOWED ENCROACHMENTS INTO REQUIRED SETBACKS

Encroachment	*Front Setback*	*Corner Side Setback*	*Interior Side Setback*	*Rear Setback*
All encroachments	No encroachment may extend into a public utility easement. Where any encroachment allowance conflicts with the Building Code, the more restrictive shall apply.			
Cornices, canopies, eaves, and similar architectural features	40% of required setback depth or 4 feet, whichever is less No closer than 2 feet from lot line		No closer than 3 feet from lot line	
Chimneys and fireplaces	No closer than 2 feet from lot line		No closer than 3 feet from lot line	
	Shall not exceed 8 feet in width			
Bay windows	2 feet	2 feet	3 feet	3 feet
Uncovered stairs, ramps, stoops, landings, decks, porches, balconies, and platforms				
All elements less than 30 inches above ground elevation	No closer than 3 feet from lot line		May extend to lot line if terminates at a noncombustible wall or fence which extends at least 30 inches above the projection. Otherwise, no closer than 3 feet from	

TABLE 17.23.050: ALLOWED ENCROACHMENTS INTO REQUIRED SETBACKS				
Encroachment	*Front Setback*	*Corner Side Setback*	*Interior Side Setback*	*Rear Setback*
			lot line	
Any element 30 inches or more above ground elevation	Maximum 5 feet, no closer than 5 feet from lot line		No closer than 3 feet from lot line	
	Wind screens/walls must be of a clear material and shall not exceed 5 feet in height above the floor of the landing or deck.			
	All elements servicing upper levels (ie. balconies) shall be cantilevered with a minimum 8 foot clearance between the projection, including supports, and the ground below			
Small structures less than 8 feet in height and 120 square feet in size	Shall not encroach		May extend to lot line when located behind the primary structure	
Rain barrels and cisterns with a maximum capacity of 1,000 gallons, or other similar storm water management equipment	Shall not encroach	3 feet, must be screened pursuant to §17.23.130, Screening	May extend to lot line	
Mechanical and other equipment, detached or attached, such as water heaters, air conditioners, electric meters, electric transformers, cable television or phone utility boxes	Shall not encroach	No closer than 3 feet from lot line, must be screened pursuant to §17.23.130, Screening	No closer than 3 feet from lot line	No closer than 3 feet from lot line
Ramps and similar structures that provide access for persons with disabilities	Reasonable accommodation will be made, consistent with the Americans with Disabilities Act; see Chapter 17.43, Reasonable Accommodation			

17.23.060 Fences and Freestanding Walls

Fences, walls, dense hedges, and similar structures shall comply with the standards of this Section.

A. **Maximum Height.** The maximum allowed height of fences, walls, dense hedges, and related structures is as follows:

1. ***Front and Corner Side Setbacks.***

a. *Solid Fences, Walls, Dense Hedges, and Similar Structures.* Solid fences, walls, dense hedges, and similar structures may be a maximum of three feet high within the required front and corner side setback except on parcels north of Alva Paul Creek and east of Highway One where solid

fences, walls, dense hedges, and similar structures may be a maximum of four feet. Fence heights in existence as of date of adoption of Ordinance 662 shall be considered legal, non-conforming and allowed to remain to the maximum height of 6.5 feet.

b. *Open Fences, Walls, Hedges, and Similar Structures.* Fences, walls, hedges, and similar structures with 50 percent or more of the surface open to the passage of air and light may be a maximum of four feet high within the required front and corner side setback except on parcels north of Alva Paul Creek and east of Highway One where such open fences, walls, dense hedges, and similar structures may be a maximum of five feet. Fence heights in existence as of date of adoption of Ordinance 662 shall be considered legal, non-conforming and allowed to remain to the maximum height of 6.5 feet.

2. ***Areas Outside Front and Corner Side Setbacks.*** Fences, walls, dense hedges, and similar structures located outside the required front and corner side setback areas may be a maximum of six feet, six inches high.

3. ***Decorative Features.*** One pedestrian entry gateway, trellis, or other entry structure is permitted in the required front or street-facing side yard of each lot, provided that the maximum height or width of the structure does not exceed 10 feet. Such decorative feature shall not have any solid obstruction that exceeds two feet in diameter between the height of three and 10 feet.

4. ***Exceptions.*** The Director may allow additional height, up to two feet with Zoning Clearance approval, where the location or characteristics of the site warrant additional height for safety or security purposes.

   a. Additional height may be allowed with Minor Use Permit approval for fences, walls, dense hedges, and similar structures to enclose commercial or industrial uses, tennis courts, or similar areas.

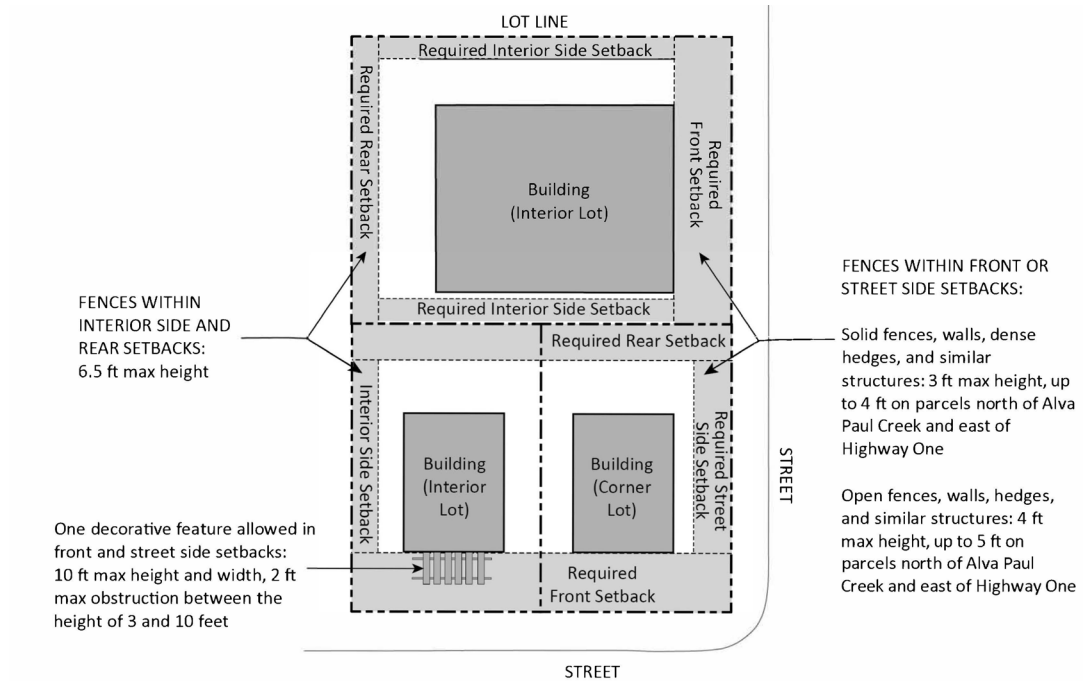


FIGURE 17.23.060(A): MAXIMUM HEIGHT, FENCE AND FREESTANDING WALLS

B. **Separation.** Fences, walls, and similar structures located parallel to or within 45 degrees of another shall be located a minimum of three feet apart. The area between the fences, walls, or similar structures shall be landscaped.

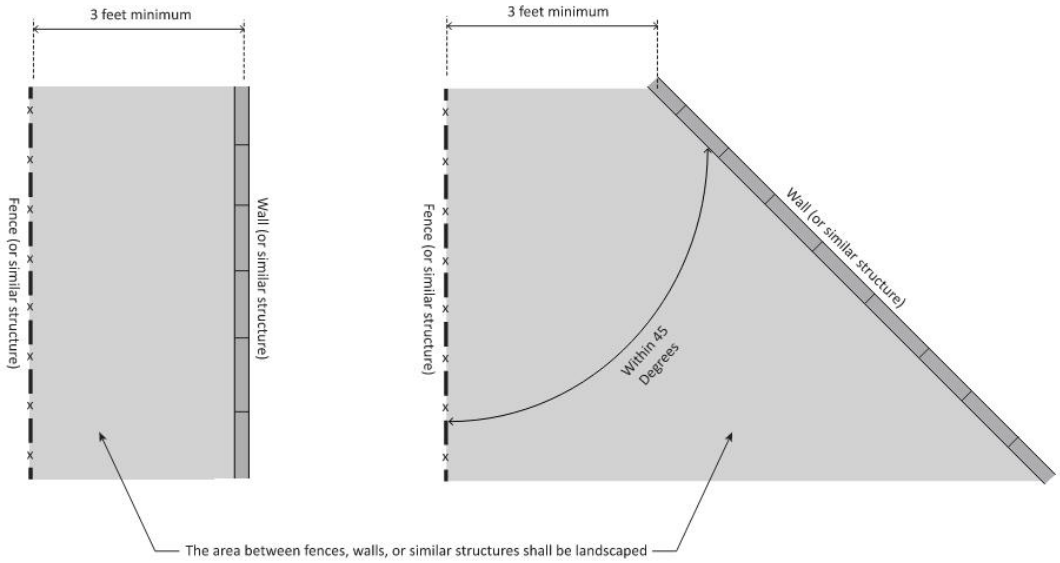


FIGURE 17.23.060(B): REQUIRED SEPARATION, FENCE AND FREESTANDING WALLS

C. **Intersection Visibility.** Notwithstanding other provisions of this Section, fences, walls, and related structures must comply with Section 17.23.180, Visibility at Intersections.

D. **Materials.**

1. ***Prohibition on Hazardous Fencing Materials.*** The use of barbed wire, razor wire, ultra-barrier, electrified, and other hazardous fencing is not permitted unless such fencing is required by any law or regulation of the City, the State of California, Federal Government, or other public agency. An exception to this standard may be approved for sites in an Industrial District, according to the procedures of Chapter 17.42, Modifications.

2. ***Limitation on Chain-Link Fencing.*** Chain-link fencing is not permitted in Residential Districts.

3. ***Limitation on Concrete Block.*** Plain, concrete block is not permitted as a fencing material. Concrete block must be finished with stucco and capped with a decorative cap.

E. **Maintenance.** All walls and fences shall be maintained in a safe, neat and orderly condition at all times.

17.23.070 Heights and Height Exceptions (IP)

The structures listed in the following table may exceed the maximum permitted height for the district in which they are located, subject to the limitations stated and further provided that no portion of a structure in excess of the building height limit may contain habitable area or advertising.

TABLE 17.23.070: ALLOWED PROJECTIONS ABOVE HEIGHT LIMITS

Structure Elements Allowed Above the Height Limit	*Maximum Vertical Projection Above the Height Limit*	*Maximum Coverage and Locational Limitations*
Skylights	1 foot	None
Chimneys	6 feet	Shall be less than 6 feet in any horizontal dimension
Mechanical equipment and elevator and stair towers, for multi-unit and non-residential buildings only	6 feet	Limited to a total of 20% of roof area, inclusive of all structures Must be setback from the exterior wall one foot for every foot of projection above the height limit
Telecommunications facilities, radio towers, antennas, and microwave equipment	Subject to provisions of §17.30.250, Telecommunications Facilities	

TABLE 17.23.070: ALLOWED PROJECTIONS ABOVE HEIGHT LIMITS		
Structure Elements Allowed Above the Height Limit	*Maximum Vertical Projection Above the Height Limit*	*Maximum Coverage and Locational Limitations*
Solar panels	Subject to provisions of §17.30.240, Renewable Energy Systems	
Fire escapes, catwalks, and open railings required by law	No restriction	None

17.23.080 Lighting and Illumination

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

1. ***Exemptions.*** The following lighting is exempt from the provisions of this Section.

   a. *Public and Private Street Lighting.*

   b. *Athletic Field Lights.* Athletic field lights used within a school campus or park.

   c. *Safety and Security Lighting.* Safety and security lighting for public facilities.

   d. *Construction and Emergency Lighting.* All construction or emergency lighting fixtures, provided they are temporary and are discontinued immediately upon completion of the construction work or abatement of the emergency.

   e. *Seasonal Lighting.* Seasonal lighting displays related to cultural or religious celebrations.

   f. *City-Sanctioned Special Events*. Lighting in conjunction with a city-sanctioned special event.

B. **Prohibitions.** The following types of exterior lighting are prohibited.

1. ***Searchlights.*** The operation of searchlights for advertising purposes.

2. ***Mercury Vapor.*** Mercury vapor lights.

3. ***Other Light Types.*** Laser lights or any other lighting that flashes, blinks, alternates, or moves.

C. **Exterior Lighting Plan Required.** In the Coastal Resource Protection (CRP) Overlay District, an Exterior Lighting Plan pursuant to Section 17.14.090.B, Exterior Lighting, is required.

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

1. ***Required Illumination.***

   a. *Sites Serving Three or More Residential Units.*

      i. Lighting in parking areas, garage areas, and carport areas shall be maintained with a minimum of one foot-candle of illumination at the ground level during the hours of darkness.

      ii. Aisles, passageways, and recesses related to and within the site shall be illuminated with an intensity of at least 0.25 foot-candles at the ground level during the hours of darkness.

   b. *Non-residential Buildings.* All exterior doors, during the hours of darkness, shall be illuminated with a minimum of 0.5 foot-candle.

   c. *Parking Areas.* Parking areas consisting of four or more parking spaces shall be illuminated with a minimum of one foot-candle at ground level.

2. ***Maximum Height.***

   a. *Within 100 feet of a Residential District:* 16 feet.

   b. *Other Locations:* 25 feet.

   c. *Exceptions:* The Planning Commission may allow additional height for activities, uses, or development with unique lighting needs; for accentuating historic architectural features of a building, accentuating signage and/or landscape features; or for security purposes.

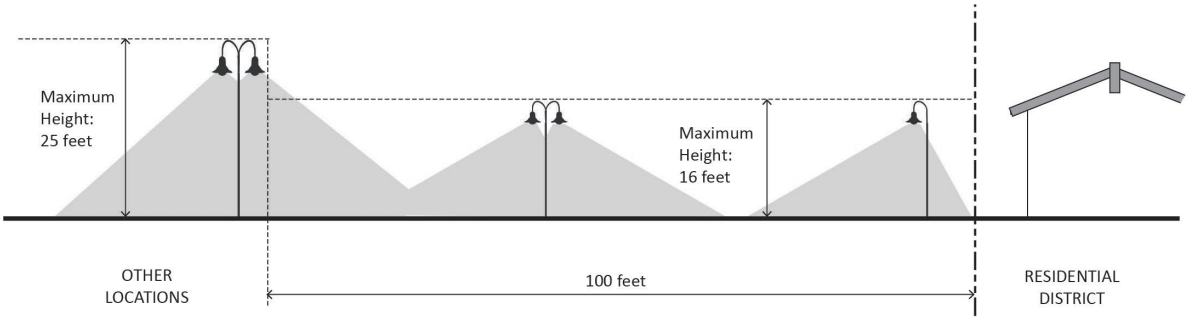


FIGURE 17.23.080(C.2): MAXIMUM HEIGHT, LIGHTING, AND ILLUMINATION

3. ***Design of Fixtures.*** Fixtures shall be appropriate to the style and scale of the architecture. Fixtures on buildings shall be attached only to walls or eaves, and

the top of the fixture shall not exceed the height of the parapet or roof or eave of roof.

4. ***Timing Controls.*** All exterior lighting in non-residential development shall be on a time clock or photo-sensor system and turned off during daylight hours and during hours when the building or, in the case of shopping centers, all buildings, are not in use and the lighting is not required for security.

5. ***Trespass.*** All lights shall be directed, oriented, and shielded to prevent light trespass or glare onto adjacent properties. The light level at property lines shall not exceed 0.3 foot-candles.

17.23.090 Motorhomes and Recreational Vehicles

Motorhomes, recreational vehicles, or other vehicles shall not be used for human habitation or occupied for living or sleeping quarters except when installed within a licensed trailer court, recreational vehicle park or mobilehome park. Recreational vehicles, motor homes or boats maintained upon any lot, piece or parcel of land, other than a trailer court, trailer park or mobilehome park, shall comply with the following conditions:

A. **Outside Maintenance.** Such vehicle or boat shall not be maintained in any required front yard or side street yard.

B. **Use as a Residence.** Such vehicle or boat shall not be used for sleeping quarters nor shall any sanitary or cooking facilities contained therein be used.

C. **Connected to Utilities.** Such vehicle or boat shall not be connected to utilities, including but not limited to electricity, gas, water or sewage.

17.23.100 Open Space (IP)

Open space required by this Code shall be provided in accordance with the following.

A. **Configuration.**

1. Private open space typically consists of balconies, decks, patios, fenced yards, and other similar areas outside the residential unit.

2. Common open space typically consists of landscaped areas, patios, swimming pools, barbeque areas, playgrounds, turf, or other such improvements as are appropriate to enhance the outdoor environment of the development; these can be located at the ground level, on parking podiums, or on rooftops, provided they are adequately landscaped.

B. **Minimum Dimensions.**

1. ***Private Open Space.*** Private open space located on the ground level (e.g., yards, decks, patios) shall have no dimension less than eight feet. Private open space located above ground level (e.g., balconies) shall have no dimension less than six feet.

2. ***Common Open Space.*** Minimum length and width dimension of 15 feet.

C. **Usability.** A surface shall be provided that allows convenient use for outdoor living and/or recreation. Such surface may be any practicable combination of lawn, garden, flagstone, wood planking, concrete, or other serviceable, dust-free surfacing. Slope shall not exceed 10 percent.

D. **Accessibility.**

1. ***Private Open Space.*** The space shall be accessible to only one living unit by a doorway to a habitable room or hallway.

2. ***Common Open Space.*** The space shall be accessible to the living units on the lot. It shall be served by any stairway or other accessway qualifying as an egress facility from a habitable room.

17.23.110 Outdoor Storage

Storage of goods, materials, machines, equipment, and inoperable vehicles or parts outside of a building for more than 72 hours shall conform to the standards in Table 17.23.110, Outdoor Storage Regulations. The regulations of this Section do not apply to temporary storage of construction materials reasonably required for construction work on the premises pursuant to a valid building permit or to the parking and storage of operable vehicles.

TABLE 17.23.110: OUTDOOR STORAGE REGULATIONS

District	*Permissibility of Outdoor Storage*
Agriculture District	Permitted as an accessory use outside of required front and corner side setbacks
Residential Districts	Permitted as an accessory use outside of required front and corner side setbacks. Must be located within an area fenced with a minimum six-foot-high solid fence and the area used for outdoor storage shall not exceed 50 percent of the rear yard area.
Commercial and Mixed Use Districts	Not permitted. (All storage must be within an enclosed building)
Industrial Districts	Permitted as an accessory use and as primary use with a Conditional Use Permit. Must be located outside of required front and corner side setbacks, parking, and circulation areas, and required landscaped areas and screened subject to the standards of §17.23.130, Screening
Public and Semi-	Permitted as an accessory use outside of required setbacks, parking, and circulation areas,

TABLE 17.23.110: OUTDOOR STORAGE REGULATIONS	
District	*Permissibility of Outdoor Storage*
Public Districts	and required landscaped areas subject to the standards of §17.23.130, Screening
Waterfront and Harbor Area Districts	Permitted as an accessory use outside of required setbacks, parking, and circulation areas, and required landscaped areas subject to the standards of §17.23.130, Screening

17.23.120 Refuse Storage and Collection Areas

Refuse storage and collection areas meeting the requirements of Title 8 shall be required for all new commercial and industrial projects, major redevelopments, and for all new residential projects of three or more units. Such areas shall be screened from public view in an attractive manner. The type, location, and method of screening of refuse storage and collection areas shall be approved by the Director.

17.23.130 Screening

A. **Applicability.** The standards of this Section apply to all new development and additions that expand existing floor area by 10 percent or more.

1. ***Exceptions.*** Modifications to the standards of this Section may be granted pursuant to Chapter 17.42, Modifications, where the Review Authority finds that the characteristics particular to the property or vicinity would render the required fencing or screening unnecessary or ineffective.

B. **Required Screening.**

1. ***Mechanical and Electrical Equipment.*** All exterior mechanical and electrical equipment shall be screened or incorporated into the design of buildings so as not to be visible from public rights-of-way and locations identified in the General Plan/LCP Land Use Plan areas from which there are visually significant views.

   a. Equipment to be screened includes, but is not limited to, all roof-mounted equipment, air conditioners, heaters, utility meters, cable equipment, telephone entry boxes, backflow preventions, irrigation control valves, electrical transformers, pull boxes, and all ducting for air conditioning, heating, and blower systems.

   b. Screening materials shall be consistent with the exterior colors and materials of the building.

   c. Exceptions may be granted by the Director where screening is infeasible due to health and safety or utility requirements.

2. ***Common Property Lines.*** A screening wall shall be provided on the interior lot lines of any lot that contains any use in the Industrial Use Classification or the

Transportation, Communication, and Utilities Use Classification except Telecommunications Facilities, and abuts a Residential District or property used for residential purposes.

a. *Timing.* The screening wall shall be provided at the time of new construction or expansion of buildings, or changes from one use classification to another use classification.

b. *Location.* Screening walls shall follow the lot line of the lot to be screened unless the Director finds that screening in another location on the lot will substantially screen the subject building, facility, or activity.

c. *Height.* The screening wall shall be four feet in height within the required front setback of the subject lot and adjacent to the required front setback of the adjacent residential lot and six feet, six inches in height in other locations.

d. *Materials.* The screening wall shall be solid masonry.

3. ***Outdoor Storage Areas.*** Outdoor storage areas shall be screened from public rights-of-way, adjacent Residential Districts, and publicly accessible open space area with a solid masonry wall a minimum of six feet in height.

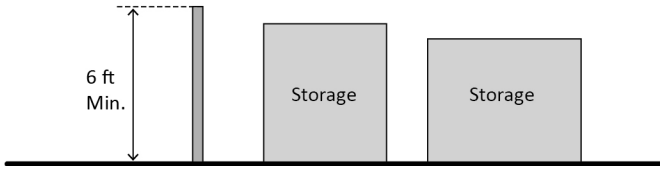


FIGURE 17.23.130(B.3): SCREENING, OUTDOOR STORAGE AREAS

4. ***Public Utility Substations and Electrical Transformer Yards.*** Public utility substations and electrical transformer yards shall be screened from public rights-of-way and adjacent properties with a solid wall.

C. **Substitute Materials.**

1. ***Plant Materials.*** Screening comprised of plant materials may be substituted for a wall or fence when approved by the Director as a suitable alternative provided such hedge is maintained at the minimum height required by this Section.

2. ***Landscaped Berms.*** A landscaped berm may be substituted for a wall or fence provided that the combination of berm and landscaping is no less than the required height of the fence or wall and the berm is constructed with a maximum slope of 1:3 with side slopes designed and planted so as to prevent erosion.

3. ***Chain Link Fencing.*** Chain link fencing with vertical slats may be substituted for a solid wall or fence in an Industrial District except where screening and fencing is required adjacent to a Residential District or a location identified in the General Plan/LCP Land Use Plan areas from which there are visually significant views.

D. **Maintenance.** Screening walls shall be maintained in good repair, including painting, if required, and shall be kept free of litter or advertising. Where hedges are used as screening, trimming or pruning shall be employed as necessary to maintain the required and the maximum allowed height.

17.23.140 Sloping Lots (IP)

The following standards apply to development on lots with an average slope of 15 percent or greater prior to grading.

A. **Downhill Facing Building Elevation.** The building elevation facing the downslope shall have a maximum height of 20 feet from finished grade with sufficient articulation from that building face to the next highest story to minimize the visual height and bulk as viewed from the lowest finished grade.

B. **Articulation.** The apparent size of exterior wall surfaces visible from off the site shall be minimized through the use of bays, recesses, stepbacks, overhangs, landscaping, and/or other means of horizontal and vertical articulation to create changing shadow lines and break up massive forms.

C. **Foundation Design.** The use of multi-level foundations (floor levels separated by a minimum of four feet) shall be the standard design for residential structures unless an alternative design, with less grading, is approved through the Design Review process as more appropriate for the site.

D. **Underfloors.** Areas between the lowest floor and finished grade shall not exceed six feet in height.

E. **Decks.** No portion of the walking surface of a deck with visible underpinnings shall exceed a height of six feet above grade. Decks shall be integrated into the architecture of the structure, and not appear as an add-on to the primary building mass.

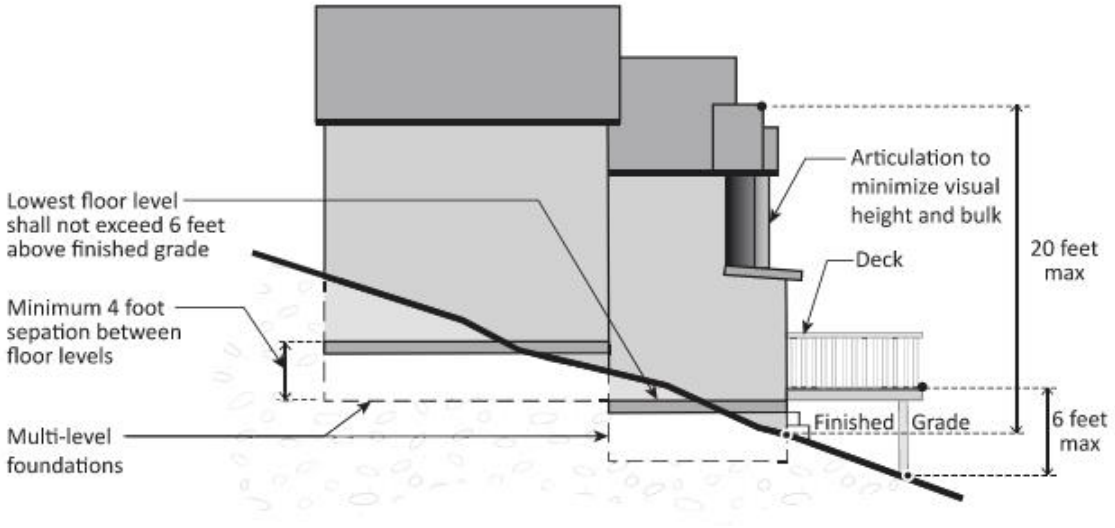


FIGURE 17.23.140: SLOPING LOTS

17.23.150 Storage and Parking of Vehicles for Sale

Vehicles, including trucks, cars, boats, motorcycles, and recreational vehicles, shall not be permitted to be parked or stored on private property in a location viewable from public rights-of-way in any District for the primary purpose of sale or rental, except on the premises of a business enterprise authorized to conduct such sale or rental unless specifically approved by the Director.

17.23.160 Swimming Pools and Spas

Swimming pools, spas, and any body of water having a depth of more than 18 inches and related equipment shall comply with the setback requirements in Table 17.23.160, Swimming Pool and Spa Setbacks. The setback is measured to the outside wall of the water-containing portion of the swimming pool or spa.

TABLE 17.23.160: SWIMMING POOL AND SPA SETBACKS

District	*Front and Corner Side Setback*	*Interior Side and Rear Setbacks*
RS and RL	Required building setback plus 5 feet	5 feet
All other districts	Required building setbacks	

17.23.170 Underground Utilities (IP)

All electrical, telephone, cable television, and similar distribution lines providing direct service to a project shall be installed underground within the site. This requirement may be waived by

the Director upon determining that underground installation is infeasible, in which case the utilities shall be placed outside of public view and/or appropriately screened with landscaping.

17.23.180 Visibility at Intersections

A. On any corner lot, there shall be a triangular area at the corner of the property at the intersection of the streets, which shall be kept clear of visual obstructions from the height of three to seven feet.

B. Such triangular area shall have sides which extend a minimum of 10 feet along each street; provided, that the City Engineer may require a larger triangular area if deemed necessary due to topography, curving rights-of-way~~s~~ or any other factor.

C. Upon the approval of the City Engineer, this requirement may be waived for development at controlled intersections (i.e., intersections with stop signs or signals for travelers along at least one right-of-way).

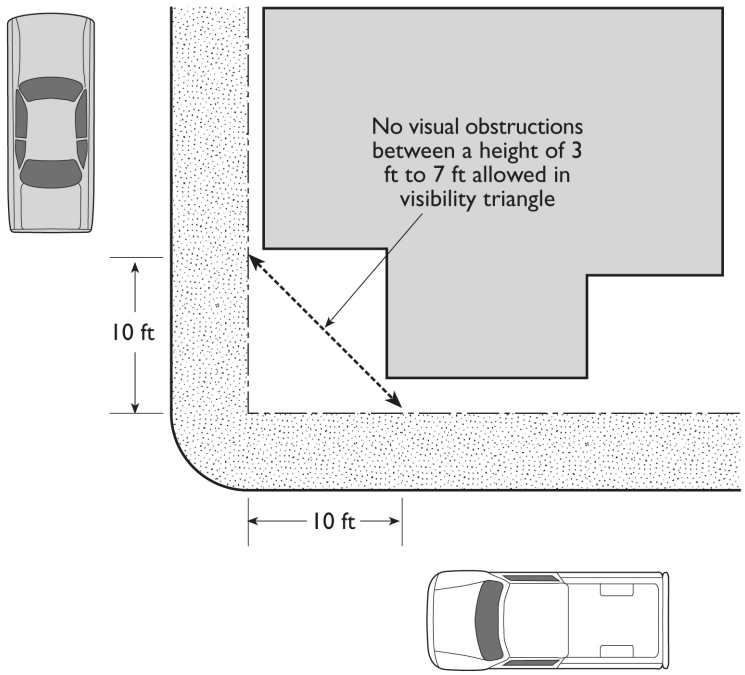


FIGURE 17.23.180: VISIBILITY AT INTERSECTIONS

Chapter 17.24 Affordable Housing, Density Bonuses, and Other Incentives

Sections:

17.24.010 Purpose
17.24.020 Inclusionary Housing Requirements
17.24.030 In-lieu Fees for Affordable Housing
17.24.040 State Density Bonuses and Incentives
17.24.050 Assurance of Continued Availability
17.24.060 Consistency with State Law

17.24.010 Purpose

The purpose of this Chapter is to:

A. Meet the requirements to provide affordable housing contained in Government Code Sections 65580-65589.11 through inclusionary housing; and

B. Promote and facilitate the provision of very-low, low, and moderate-income housing and housing for seniors, foster youth, veterans, and homeless persons consistent with the provisions of Government Code Sections 65915-65918 and the Housing Element of the General Plan.

17.24.020 Inclusionary Housing Requirements

A. Pursuant to the requirements of Government Code Sections 65580—65589.11, The following types of projects shall be required to provide inclusionary housing:

1. single-family homes of 2,500 square feet or more of habitable floor area (excluding the floor area of any JADU or ADU units);
2. residential developments of five or more units;
3. residential development of two, three or four units with individual habitable floor areas of 1,500 square feet or more (excluding the floor area of any JADU or ADU units);
4. condominium conversion projects;
5. all new commercial projects of 2,500 square feet or more of commercial floor area; and

6. mixed-use projects of 2,500 square feet or more of commercial floor area that also include either: one, two, three or four residential units with individual habitable floor areas of 1,500 square feet or more, or with five or more residential units (of any size).

B. Single-family homes with 2,500 square feet (habitable floor space for primary dwelling) or more shall either pay an in-lieu fee or build (or include) an on-site Accessory Dwelling Unit (ADU) or Junior Accessory Dwelling Unit (JADU).

C. Residential projects of five or more units, residential projects with two, three or four units with individual habitable floor areas of 1,500 square feet or more, and condominium conversion projects, shall provide a minimum of one inclusionary unit or ten percent of the total number of units, whichever is greater, to be affordable to families with incomes in the very low-, low-, or moderate-income ranges, based on an affordable housing proposal which details unit types to the approval of the Community Development Director with consideration for the needs of the city at the time of approval. The lower-income units may be either for rent or for sale. As noted in Section 17.24.050 affordable rental units shall be deed restricted to maintain affordability criteria for a minimum of fifty-five years, and for-sale and owner-occupied units for a minimum of forty-five years.

D. Commercial projects shall be required to provide at least one affordable dwelling unit within the project, or pay an in-lieu fee.

E. Mixed-use projects shall meet the requirements of Section 17.24.020.C for the residential component of the project, as well as pay applicable commercial fees per Section 17.24.030.

F. In accordance with Government Code Section 65590, the city shall require the developer to provide affordable housing on-site where feasible. If the city determines that this is not feasible based on a detailed economic analysis prepared by a city-contracted consultant at the cost of the applicant, the city shall require the developer to provide such housing at another location in Morro Bay. If the city determines that it is not feasible for the developer to provide such affordable housing off-site, the developer shall pay a fee in lieu of providing such housing. Said fee shall be as prescribed in Section 17.24.030.

G. In lieu of providing on-site affordable housing or paying an in-lieu housing fee to meet Inclusionary requirements, an applicant may meet the requirements of this chapter by dedicating land to the City to another public agency or non-profit housing agency for providing affordable housing units, subject to the approval of the Community Development Director.

H. The number of affordable inclusionary units shall be provided as required by this Section. Affordable units required by the Inclusionary Ordinance count as affordable units toward meeting requirements for the density bonus.

I. The following types of projects are not required to provide inclusionary units:

1. Residential developments of two, three or four units with individual habitable floor areas of less than 1,500 square feet;
2. New commercial developments of less than 2,500 square feet of floor area;
3. Residential and commercial building additions, repairs, or remodels, provided that such work does not increase the number of existing dwellings by four or more units or result in an increase in floor area of 2,500 square feet;
4. Commercial condominium conversions which do not result in the creation of new dwellings;
5. Emergency projects or projects which the Council determines are necessary to protect public health and safety;
6. Development projects which the Director determines are essentially noncommercial or nonresidential in nature, which provide educational, social, or related services to the community and which are proposed by public agencies, nonprofit agencies, foundations, and other similar organizations;
7. Projects which replace or restore a structure damaged or destroyed by fire, flood, earthquake, or other disaster within three years prior to the application for the new structure(s) consistent with the size and scale of the pre-existing structure(s). If the project prior to destruction was affordable by design or condition, then affordability requirements may apply; and
8. Projects for which an approved tentative map or vesting tentative map exists, or for which a construction permit was issued prior to the effective date of the ordinance codified in this Chapter and the permittee has unexpired permits.

17.24.030 In-lieu Fees for Affordable Housing

In cases where the provisions for the required affordable housing are not being met on-site or off-site, the applicant may contribute in-lieu fees. Said fees shall be paid prior to issuance of a building permit or final tract map. Fees shall be established on a project basis using the following method:

LAND USE	INCLUSIONARY FEE FORMULA[1]
Residential	$25 per square foot
Commercial	$5 per square foot
Mixed Use	$25 per square foot (residential) $5 per square foot (commercial)

A. Fees accepted for affordable housing shall be used by the city to construct or assist in the construction of housing for rent or sale to very low-, low- and moderate-income families or to purchase land for the purpose of affordable housing or to assist very low-, low- and moderate-income families to afford adequate housing or for other measures to provide housing for low- and moderate-income families. The city may, at its option, transfer in-lieu fees to another public agency, such as a nonprofit housing provider, for the purpose of providing affordable housing in the city of Morro Bay or may allow fees to be used for projects located outside city limits with the goal of providing flexibility for the benefit of residents. However, projects within city limits should be prioritized.

17.24.040 State Density Bonuses and Incentives

A. **Applicability.** Pursuant to the requirements of Government Code Sections 65915—65918, the provisions of this Section apply to the construction of five or more housing units that satisfy one or more of the following criteria:

1. At least ten percent of the units are designated for low-income households;
2. At least five percent of the units are designated for very low-income households;
3. At least ten percent of the units are designated for moderate-income households, provided that all units in the development are offered to the public for purchase;
4. One hundred percent of the units in a senior housing development of at least 35 units as defined in Sections 51.3 and 51.12 of the Civil Code or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Government Code Section 798.76 or 799.5;
5. Donation of land to the city consisting of at least one acre, or of sufficient developable acreage and zoning classification to permit construction of at least

[1] The fees per square foot apply to habitable space within residential units and gross floor areas within commercial spaces. The calculations apply to the totals of qualifying floor areas in both residential units and commercial spaces within projects.

forty units, and not less than ten percent of the residential units in the proposed development, that are affordable to very-low income households.

6. 100% of the housing units (other than manager's units) are restricted to very low, lower and moderate-income residents (with a maximum of 20% available to residents with moderate income level).

7. At least 10% of the housing units are for transitional foster youth, disabled veterans or homeless persons, with rents restricted at the very low-income level.

8. At least 20% of the housing units are for low-income college students in housing dedicated for full-time students at accredited colleges.

9. At least 33% of the total units in a condominium conversion projects are available to lower or moderate-income households, or 15% of the total units of the proposed condominium project to lower income households.

B. **Affordability Criteria**. The various income thresholds for affordable housing rents are calculated in accordance with Health and Safety Code Section 500523 and 25 CCR Section 6918. The various income thresholds for affordable housing purchase costs for for-sale units are subject to Health and Safety Code Section 50052.5 and 25 CCR Section 6920. These income thresholds for different affordability categories are published annually by the County of San Luis Obispo.

C. **Calculating the Density Bonus.** A density bonus shall be calculated on a sliding scale based upon the amount by which the percentage of affordable housing units exceeds the minimum number of affordable units required to qualify for a density bonus established in Section 17.24.040 (A). The density bonus shall be calculated as follows:

1. A twenty percent density bonus, increasing by an additional one and one-half for each additional one percent increase in low-income units above the initial ten percent threshold, per Section 17.24.040 (A)(1), above.

2. A twenty percent density bonus, increasing by an additional two and one-half percent for each additional one percent increase in very low-income units above the initial five percent threshold, per Section 17.24.040 (A)(2), above.

3. A twenty percent density bonus for senior citizen housing developments pursuant Government Code Section 65915(g)(3).

4. A five percent density bonus, increasing by an additional one percent for each additional one percent increase in moderate-income units above the initial ten percent threshold, per Section 17.24.040 (A)(3), above.

5. A twenty percent density bonus for foster youth, disabled veterans or homeless persons, above the initial ten percent threshold, per Section 17.24.040 (A)(7), above.

6. A thirty-five percent density bonus for college students above the initial twenty percent threshold, per Section 17.24.040 (A) 8 above.

7. A maximum of a twenty-five percent density bonus for a condominium conversion project meeting the affordability levels noted in Section 17.24.040(A)(9) above.

8. When an applicant proposes to construct a housing development that is eligible for a density bonus under Section 17.24.040 (A) and includes a childcare facility that will be located on the premises of, or adjacent to, the housing development, the city shall grant either:

   a. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the square footage of the childcare facility; or

   b. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the childcare facility.

9. Maximum density bonus. The maximum density bonus authorized by this section, Section 17.24.040 (A), and Section 17.24.040 (B), collectively, is fifty percent when a project provides either fifteen percent very low- income units, twenty-four percent low-income units, or forty-four percent moderate-income units. The maximum density bonus for a project that is 100% affordable (exclusive of a manager's unit or units) is 80% where the units are restricted to very low-, low-, and moderate-income units (with a maximum of 20% moderate units). All density bonus calculations resulting in fractional units shall be rounded up to the next whole number of housing units.

D. **Developer Incentives.**

1. ***Restrictions.*** When an applicant seeks a density bonus as prescribed by Government Code Section 65915, the city will grant the number of developer incentives as required by Section 17.24.040 (D)(2), below, unless it makes any of the following findings:

   a. The developer incentives are not required in order to provide affordable housing, as defined in Section 50052.3 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Government Code Section 65915(c).

   b. The developer incentives would have a specific adverse impact, as defined in paragraph (2) of Subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or

avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.

c. The developer incentives would be contrary to state or federal law.

2. ***Number of Developer Incentives.*** A developer eligible to receive a density bonus shall receive the following number of concessions or incentives, in addition to a density bonus:

a. One concession or incentive for projects that provide either ten percent of the units affordable to low- income households, five percent of the units affordable to very low-income households, ten percent of the units affordable to moderate-income households, or childcare facilities.

b. Two concessions or incentives for projects that provide either seventeen percent of the units affordable to low-income households, at least ten percent of the units affordable to very low-income households, or twenty percent of the units affordable to moderate-income households.

c. Three concessions or incentives for projects that provide either twenty-four percent of the units affordable to low-income households, at least fifteen percent of the units affordable to very low-income households, or thirty percent of the units affordable to moderate-income households.

d. Four Incentives – Projects with 100% very-low, low-, and moderate-income households, exclusive of a manager's unit or units. Up to a 20% maximum of the total units in the development, including total units and density bonus units, may be for moderate income households.

3. ***Parking.*** Upon request of a developer eligible to receive a density bonus, the city shall grant the following parking standards, inclusive of handicapped and guest parking, for the entire project as required by Government Code Section 65915(p)(1):

a. Zero to one-bedroom units—one on-site parking space per unit;

b. Two or three-bedroom units—1.5 on-site parking spaces per unit; and

c. Four-bedroom units – 2.5 parking spaces per unit

4. ***Developer Incentives Defined.*** For the purposes of this section, concession or incentive means any of the following:

a. Reduced site development standards or modified zoning code or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in

setback and square footage requirements and the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions.

b. Approval of mixed-use zoning if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project.

c. A density bonus greater than the amount required by this section.

d. Deferred or waived planning, plan check, construction permit, and/or development impact fees, in accordance with any fee deferral and waiver process and policies adopted by the city.

e. Direct financial aid in the form of a loan or grant to subsidize off-site improvements, land or construction costs.

f. Other regulatory developer incentives proposed by the developer or the city that result in identifiable, financially sufficient, and actual cost reductions.

5. ***Waivers and Modifications of Development Standards.***

a. *Proposal.* In accordance with Government Code Section 65915(e), an applicant may propose a waiver or modification of development standards if they would physically preclude the construction of a development meeting the criteria for applicability, at the densities or with the developer incentives permitted by this section. A proposal for the waiver or reduction of development standards pursuant to this subdivision shall neither reduce nor increase the number of developer incentives to which the applicant is entitled pursuant to Section 17.24.040(D), above.

b. *Grounds for Denial.* In accordance with Government Code Section 65915(e), the city council, or the coastal commission on appeal, may deny an applicant's request to waive or modify the city's development standards in any of the following circumstances:

i. The application does not conform with the requirements of this Section, Government Code Section 65915- 65918, or Coastal Act Section 30604(f).

ii. The applicant fails to demonstrate that the city's development standards physically preclude the utilization of a density bonus on a specific site.

iii. The waiver or reduction would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), upon health, safety, or the physical environment, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

iv. The waiver or reduction would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

v. The waiver or reduction would be contrary to state or federal law.

vi. If in the coastal zone, the project is found to be inconsistent with the local coastal program (including but not limited to sensitive habitat, agriculture, public view shed, public services, public recreational access and open space protections), with the exception of the density bonus.

E. **Application Requirements and Evaluation.**

1. ***All Applications.*** All applications for a density bonus, developer incentive, or waiver or modification of development standards must include the following information:

a. The total number of base units and affordable housing units;

b. The specific developer incentive(s) sought, if any, and documentation regarding the necessity of the incentive in order to provide affordable housing costs or rents; and

c. The specific waiver or modification to development standard(s), if any, and documentation regarding the necessity of the waver or modification, including documentation demonstrating that the city's development standards physically preclude the utilization of a density bonus.

2. ***Land Donations.*** If requesting a density bonus based on land donation in accordance with Government Code Section 65915(g), in addition to the above listed information, the application must:

a. Demonstrate the developable acreage and zoning classification is compliant with eligibility criteria of Section 17.24.030(A), and that the site is, or will be served by adequate public facilities and infrastructure;

b. Verify that all permits and approvals, other than building permits, necessary for the development of the very low-income housing units have been secured prior to the date of approval of the final subdivision map, parcel map, or other development permits;

c. Verify that the developer can donate and transfer land no later than the date of approval of the final subdivision map, parcel map, or residential development application; and

d. The land will be transferred to the city or to a housing developer approved by the city. The city may require the developer to identify and transfer the land to the affordable housing developer.

3. ***Childcare Facilities.*** If requesting a density bonus based on the provision of a child day care facility in accordance with Government Code Section 65915(h), in addition to the above listed information, the application must:

a. Provide the location of the proposed child day care facility and the proposed operator;

b. Agree to operate the child day care facility for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable;

c. Agree to have contracted with a child day care facility operator for operation of the child day care facility before the first building permit is issued;

d. Agree that the child day care facility will be in operation when the first certificate of occupancy is issued; and

e. Of the children who attend the childcare facility, the children of very low-income households, low-income households and moderate-income households shall equal a percentage that is equal to or greater than the percentage of affordable units in the housing development that are required for very low-, low- or moderate-income households.

The city shall not be required to provide a density bonus or concession or incentive for a childcare facility if it finds, based upon substantial evidence, that the community has adequate childcare facilities.

17.24.050 Assurance of Continued Availability

A. **Term of Availability**. Where affordable housing units have been provided per the requirements of Section 17.24.020, Inclusionary Housing Requirements, or where a density bonus, incentives, or waivers of development standards has been made pursuant to this Chapter, the developer shall assure both of the following:

1. Continued availability of affordable rental units for a minimum of fifty-five years and for-sale, owner-occupied units for a minimum of forty-five years.

2. Project phasing, including timing of completion, and rental or sale of affordable housing units shall occur concurrently with non-restricted units.

B. **Long Term Affordability.** A developer of affordable units shall enter into an affordable housing agreement with the City prior to the recordation of the final map, or the issuance of a grading permit or a building permit where approval of a map is not requested. The agreement shall be recorded against the parcel(s) designated for construction of the affordable units. The agreement shall run with the land and shall be binding upon the successor(s) in interest. At a minimum, the agreement shall include:

1. Total number and size of affordable units.
2. Maximum qualifying household incomes for the affordable units.
3. Standards for calculating affordable rents or affordable sales prices.
4. Enforcement mechanisms, including annual reporting and monitoring to ensure affordable units are continuously occupied by eligible households and remedies for breach of the agreement.
5. Affordability term.

17.24.060 Consistency with State Law

The provisions of this Chapter are intended to comply with Government Code Section 65915 and related state laws. In the event that any provision of this Chapter conflicts with Government Code Section 65915 or any related state laws, the state law shall apply.

Chapter 17.25 Landscaping

Sections:

17.25.010 Purpose
17.25.020 Applicability
17.25.030 Areas to be Landscaped
17.25.040 Landscape Plan
17.25.050 General Requirements
17.25.060 Irrigation Specifications
17.25.070 Installation and Completion

17.25.010 Purpose

The purposes of the landscaping regulations are to:

A. Improve the appearance of the community by requiring permanently maintained landscaping;

B. Enhance the appearance of development and minimize or eliminate conflicts between potentially incompatible uses through landscaping;

C. Aid in energy conservation by providing shade from the sun and shelter from the wind;

D. Provide areas on site to absorb rainfall and assist in reducing storm water runoff;

E. Assist in erosion control;

F. Promote conservation and efficient use of water; and

G. Implement the Water Conservation in Landscaping Act.

17.25.020 Applicability

The provisions of this Chapter shall apply to the following:

A. All new development.

B. Additions to multi-unit and non-residential development that expand existing floor area by 10 percent or more.

C. All new and rehabilitated landscaping projects that include new irrigated landscaping over 500 square feet.

D. **Exceptions.** The provisions of this Chapter do not apply to the following:

1. Farming, agriculture, and crop production including vegetable gardens, vineyards, and small orchards.
2. Public recreational areas (designated for active play, recreation or public assembly).
3. Registered local, state, or federal historical sites.
4. Habitat restoration projects that do not require a permanent irrigation system.
5. Mined-land reclamation projects that do not require a permanent irrigation system.
6. Existing plant collections, as part of botanical gardens and arboretums open to the public.

E. **Coastal Resource Protection (CRP) Overlay District.** In the CRP Overlay District, the provisions of Chapter 17.14, Coastal Resource Protection (CRP) Overlay District, apply in addition to the provisions of this Chapter.

17.25.030 Areas to be Landscaped

In addition to areas required to be landscaped pursuant to other sections of this Title, the following areas shall be landscaped, and may count toward the total area of a site required to be landscaped.

A. **Required Front and Corner Side Setbacks.** In all Zoning District, all required front and corner side setbacks, except for areas used for exit and entry, shall be landscaped. Hardscaping, including all paved areas and other areas covered in permeable or impermeable hard surfaces shall be limited to 50 percent of the required front and corner side setbacks.

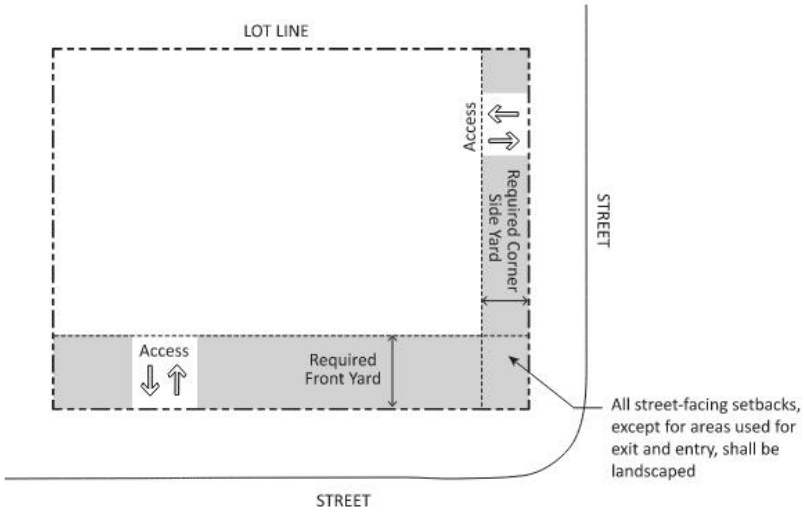


FIGURE 17.25.030(A): AREAS TO BE LANDSCAPED, REQUIRED FRONT AND CORNER SIDE SETBACKS

B. **Interior Property Lines Abutting Residential Districts.** Whenever a non-residential use is located adjacent to a Residential District, a six foot wide landscape buffer planted with a mix of trees and shrubs shall be provided along interior property lines. A minimum of one tree of at least 15-gallon size shall be planted per 20 linear feet or as appropriate to create a tree canopy over the buffer yard. In addition, at least three shrubs shall be planted per 20 linear feet.

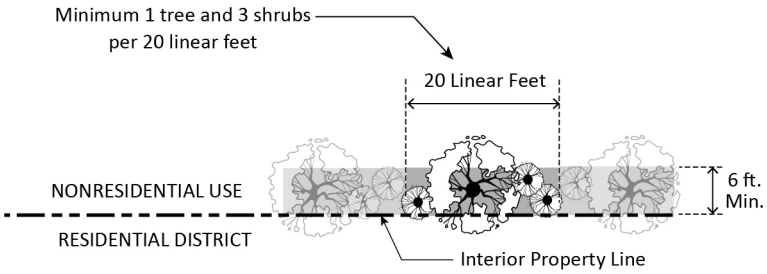


FIGURE 17.25.030(B): AREAS TO BE LANDSCAPED INTERIOR PROPERTY LINES ABUTTING RESIDENTIAL DISTRICTS

C. **Building Perimeters.** The portions of a non-residential building that front a public street shall have one or more landscape planters installed along a minimum 20 percent of that building face. The minimum width of the planter shall be three feet. This standard does not apply where a building is located on the front or corner side property line.

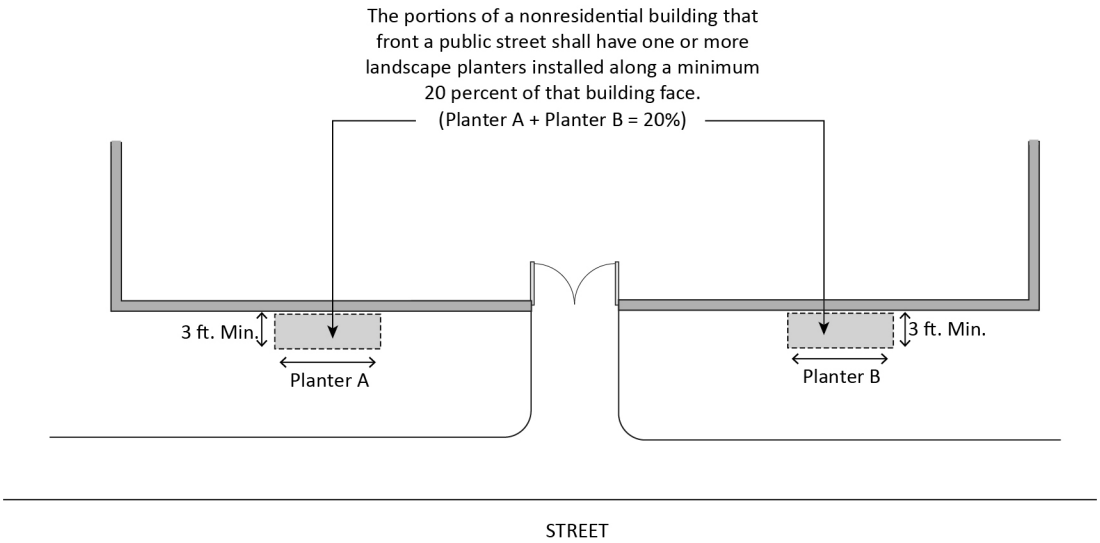


FIGURE 17.25.030(C): AREAS TO BE LANDSCAPED, BUILDING PERIMETERS

D. **Parking Areas.** Parking areas as required by Chapter 17.27, Parking and Loading.

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

17.25.040 Landscape Plan

A landscape plan showing compliance with the standards of this Chapter shall be submitted with the permit application for all projects for which landscaping is required.

A. Proposed plant locations, species, sizes, and plant factor. Plants with similar water needs shall be grouped together on the landscape plan. The plant factor, established in the California Department of Water Resources study, Water Use Classification of Landscape Species (WUCOLS), shall be identified for all landscaped areas on a site. All water features shall be identified as high water use, and temporarily irrigated areas shall be identified as low water use.

B. Location of any existing tree over six inches in diameter or over two inches in diameter for oak trees, as measured at 48 inches above natural grade, and whether each such tree is proposed for retention or removal.

C. Details and location of proposed fencing, entries, refuse collectors and free-standing or monument signs.

D. Walkways, plazas and sitting areas, play areas, street furniture and other existing or proposed permanent outdoor equipment or decorative landscape features, if any.

E. Outdoor light fixtures, including their location, height, intensity, and type.

F. Proposed method and location of irrigation.

G. Interim landscaping for future phases where deemed necessary by the City.

H. **Alternative Landscape Plan.** An applicant may demonstrate that the intent of the landscape requirements of this Chapter can be achieved through an Alternative Landscape Plan. The Alternative Landscape Plan shall be prepared in accordance with the purposes set forth in this Chapter and the criteria of this Section and shall clearly detail the modifications being requested from the provision of this section and how they reflect the evaluation criteria listed below.

1. Innovative use of plant materials and design techniques in response to unique characteristics of the site or the proposed use.

2. Preservation or incorporation of existing native vegetation.

3. Incorporation of naturalistic design principles, such as variations in topography, meandering or curvilinear plantings, and grouping of dominant plant materials (trees, large shrubs) in a manner consistent with existing native vegetation.

4. Integration of landscaping and pedestrian facilities in a manner that improves access or incorporates pedestrian-friendly design, this may include reduced ground-level planting along the front setback if canopy shade trees along sidewalks are provided.

5. Use of additional shade trees to create a greater canopy effect.

6. A greater degree of compatibility with surrounding uses than a standard landscape plan would offer.

I. **Preparation by Qualified Person.** Landscaping for commercial projects, industrial projects, institutional projects, and residential projects consisting of more than 12 units shall be prepared by a California Registered Landscape Architect.

17.25.050 General Requirements

A. **Materials.**

1. ***General.***

a. Required landscaped areas shall be planted with a combination of ground covers, shrubs, vines, and trees.

b. Landscaping may include decorative materials such as brick, bark, timber, decorative rock, structural features, or other decorative features, provided they do not cover more than 50 percent of the area required to be landscaped.

c. Garden areas and other areas dedicated to edible plants are considered landscaped areas and count toward required landscaping.

2. ***Required Water Efficient Plants.*** One of the following options of types of plants shall be chosen to ensure that the landscape project meets water efficiency requirements.

   a. *Option A: All Low Water Plants.* Exclusive of garden areas, all plants and trees shall be low or very low water use (average California Department of Water Resources study, Water Use Classification of Landscape Species (WUCOLS) plant factor of 0.3). Option A is available for all residential and non-residential areas.

   b. *Option B: Primarily Low Water Plants.* Exclusive of garden areas, at least 85 percent of the landscape area shall contain low or very low water use plants (average WUCOLS plant factor of 0.3). Option B is only available for residential areas.

   c. *Option C: Water Use Calculation.* The estimated total water use (ETWU) of the landscaping shall not exceed the maximum applied water allowance (MAWA), calculated pursuant to the State Model Water Efficient Landscape Ordinance (MWELO). Option C is available for all residential and non-residential areas.

      i. <u>Department of Water Resources Model Water Efficient Landscape Ordinance Compliance Required.</u> Where Option C is selected, all requirements of the Department of Water Resources Model Water Efficient Landscape Ordinance shall apply.

3. ***Size and Spacing.*** Plant materials shall be grouped in hydrozones in accordance with their respective water, cultural (soil, climate, sun and light), and maintenance needs. Plants shall be of the following size and spacing at the time of installation:

   a. *Ground Covers.* Ground cover plants other than grasses shall be at least the four-inch pot size. Areas planted in ground cover plants other than grass seed or sod must be planted at a rate of one per 12 inches on center.

   b. *Shrubs.* Shrubs shall be a minimum size of one gallon. When planted to serve as a hedge or screen, shrubs shall be planted with two to four feet of spacing, depending on the plant species.

   c. *Trees.* Trees shall be a minimum 15-gallon size.

      i. Tree trunks shall be placed at least five feet from utilities.

      ii. Tree trunks shall be placed at least 15 feet from light poles.

4. ***Turf.*** Turf is subject to the following limitations.
   a. No more than 25 percent of the landscaped area may be turf.
   b. The installation of turf on slopes greater than 25 percent is prohibited.
   c. Turf is prohibited in locations that are less than 10 feet wide.
5. ***Invasive Plants Prohibited.*** Plant species that are listed by CAL-IPC as invasive are prohibited. Existing invasive plants and noxious weeds shall be removed.
6. ***Mulch.*** A minimum three-inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.
7. ***Compost.*** Compost at a rate of at least four cubic yards per 1,000 square feet to a depth of six inches into landscape area (unless contra-indicated by a soil test) shall be incorporated.

B. **Water Features.** Recirculating water shall be used for all decorative water features.

C. **Dimension of Landscaped Areas.** No landscaped area smaller than three feet in any horizontal dimension shall count toward required landscaping.

D. **Prescribed Heights.** The prescribed heights of landscaping shall indicate the height to be attained within three years after planting.

E. **Intersection and Driveway Visibility.** All landscaping shall comply with Section 17.23.180, Visibility at Intersections.

F. **Maintenance.** All planting and other landscape elements shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning, fertilizing, and regular watering. Wherever necessary, plantings shall be replaced with other plant materials to ensure continued compliance with applicable landscaping requirements.

17.25.060 Irrigation Specifications

An irrigation system shall be installed that meets the following standards.

A. **General Requirements.**

1. All irrigation equipment must meet American National Standards Institute (ANSI), American Society of Agricultural and Biological Engineers/ International Code Council (ASABE/ICC)802-2014. “Landscape Irrigation Sprinkler and Emitter Standard”.
2. The following areas shall be irrigated with subsurface irrigation or other means that produces no runoff or overspray.

a. Slopes exceeding 25 percent.

b. Areas less than 10 feet wide in any direction.

3. The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas such as adjacent property or hardscapes.

a. Irrigation systems shall be designed for zero run-off onto paved surfaces unless that surface drains to another landscape area.

b. Spray irrigation must be placed two-feet away from impervious surfaces unless that surface drains to another landscape area.

c. Proper irrigation equipment and schedules, including features such as repeated cycles, shall be used to closely match application rates to infiltration rates therefore minimizing runoff.

d. Slopes greater than 25 percent shall not be irrigated with an irrigation system with an application rate exceeding 0.75 inches per hour, and check valves shall be utilized.

B. **Sprinkler Heads.** Where used, sprinkler heads shall be selected for proper area coverage, application rate, operating pressure, adjustment capability, and ease of maintenance.

1. All sprinkler heads installed in the landscape must document a distribution uniformity low quarter of .65 or higher using the protocol defined in ASABE/ICC 802-2014.

2. Sprinkler heads and other emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.

C. **Water Meters.** A dedicated meter for irrigation is required for non-residential projects with landscape areas of 1,000 square feet or more.

D. **Pressure Regulating Equipment.** Pressure regulating valves or assemblies shall be installed to ensure that the dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.

E. **Flow Sensors.** Flow sensors are required to detect high flow conditions created by system damage on all non-residential projects 1,000 square feet and greater and residential projects 5,000 square feet and greater.

F. **Controllers.** Automatic control systems shall be required for all irrigation systems and must be able to accommodate all aspects of the design.

1. Automatic irrigation controllers shall utilize either evapotranspiration or soil moisture sensor data, or rain sensing override devices.

2. Irrigation controllers shall be of a type which does not lose programming data in the event the primary power source is interrupted.

G. **Control Valves.** Plants which require different amounts of water should be irrigated by separate valves.

H. **Check Valves.** Where required on steep slopes, check valves shall be installed to prevent low-head drainage.

I. **Valve Location.** Locate valves as close as possible to the point of connection of the water supply, and place where needed to minimize water loss in case of an emergency (such as a main line break) or routine repair.

17.25.070 Installation and Completion

A. **Consistency with Approved Plans.** All landscaping shall be installed consistent with approved plans and specifications, in a manner designed to promote and maintain healthy plant growth.

B. **Timing of Installation.** Required landscaping shall be installed prior to the issuance of a certificate of occupancy for the project.

C. **Exception—Assurance of Landscaping Completion.** The Director may permit the required landscaping to be installed within 120 days after the issuance of a certificate of occupancy in special circumstances related to weather conditions or plant availability. A surety in the amount equal to 150 percent of the estimated cost of landscaping, including materials and labor, as well as an agreement that the required landscaping will be installed within 120 days, must be filed with the City to assure completion of landscaping installation within such time. The surety may take the form of cash deposit, irrevocable letter of credit or bond; and together with the agreement, would provide for payment to the City of any costs incurred in contracting for completion of the required landscaping.

D. **Certification of Completion.** Upon completion of the installation of the landscaping and irrigation system, a field observation shall be completed by the licensed project contractor. A certificate of completion shall be submitted to the City by the licensed project contractor. The certificate shall specifically indicate that the plants were installed as specified and that the irrigation system was installed as designed, along with a list of any deficiencies.

1. Where Required Water Efficient Plant Option C: Water Use Calculation, was installed, the applicant shall submit a Certificate of Completion pursuant to the Department of Water Resources Model Water Efficient Landscape Ordinance.

Chapter 17.26 Nonconforming Uses, Structures, and Lots (IP)

Sections:

17.26.010 Purpose
17.26.020 Applicability
17.26.030 General Provisions
17.26.040 Maintenance of and Alterations and Additions to Nonconforming Structures
17.26.050 Repair and Replacement of Damaged or Destroyed Nonconforming Structures
17.26.060 Expansions, Changes, and Substitutions of Nonconforming Uses
17.26.070 Abandonment of Nonconforming Uses

17.26.010 Purpose

This Chapter is intended to permit continuation of uses and continued occupancy and maintenance of structures that were legally established but do not comply with all of the standards and requirements of this Title in a manner that does not conflict with the General Plan or Local Coastal Program. To that end, this Chapter establishes the circumstances under which a nonconforming use or structure may be continued or changed and provides for the removal of nonconforming uses and structures when their continuation conflicts with the General Plan, Local Coastal Program, and public health, safety, and general welfare. In case of any conflict between this Chapter and the provisions governing 'redevelopment', including on coastal bluffs and beaches for coastal hazards and shoreline armoring purposes, those redevelopment provisions shall apply.

17.26.020 Applicability

The provisions of this Chapter apply to structures, land, and uses that have become nonconforming by adoption of this Title as well as structures, land, and uses that become nonconforming due to subsequent amendments to its text or to the Zoning Map.

17.26.030 General Provisions

A. **Nonconformities, Generally.** Any lawfully established use, structure, or lot that is in existence on the effective date of this Title or any subsequent amendment but does not comply with all of the standards and requirements of this Title shall be considered nonconforming.

B. **Right to Continue.** Any use or structure that was lawfully established prior to the effective date of this Title or of any subsequent amendments to its text or to the Zoning Map may only be continued and maintained provided there is no alteration,

enlargement, addition, or other change to any building or structure; no substitution, expansion, or other change including an increase in occupant load or any enlargement of the area, space, or volume occupied by or devoted to such use, except as otherwise provided in this Chapter.

1. The right to continue a nonconforming use or structure shall attach to the land and shall not be affected by a change in ownership.
2. The right to continue a nonconforming use or structure shall not apply to uses or structures deemed to be a public nuisance because of health or safety conditions.
3. The right to continue a nonconforming use or structure shall not apply if the nonconforming use has been abandoned or vacated as described in Section 17.26.070, Abandonment of Nonconforming Uses.

C. **Removal of Nonconforming Structures Valued Under $2,500.** Any structure which does not conform to the regulations of the District in which it is located and which has an assessed valuation of $2,500 or less at the time it became nonconforming, shall be removed, or altered or reconstructed to be structurally conforming, within five years from the time the structure became nonconforming. The Building Inspector shall cause notice to be given to the owners of any such structure at least one year prior to the time removal or alteration is required, and removal or alteration is not required to be completed until such one-year period has lapsed.

17.26.040 Maintenance of and Alterations and Additions to Nonconforming Structures

Lawful nonconforming structures may be continued and maintained in compliance with the requirements of this Section unless deemed by the Building Official to be a public nuisance because of health or safety conditions.

A. **Maintenance and Repairs.** Nonstructural maintenance, repair, and interior alterations to a nonconforming structure are permitted if the changes and improvements do not enlarge the structure, change the building footprint, or increase building height or roof pitch.

B. **Structural Repairs.** Structural repairs that do not enlarge or extend the structure, including modification or repair of building walls, columns, beams, or girders repairs may be permitted only when the Building Division determines that such modification or repair is immediately necessary to protect public health and safety, occupants of the nonconforming structure, or occupants of adjacent property, and when the cost of such work does not exceed fifty percent of the appraised value of the nonconforming structure.

C. **Alterations and Additions.** Alterations and additions to nonconforming structures are allowed if the alteration or addition complies with all applicable laws and requirements of this Title, the use of the property is conforming, and there is no increase in the discrepancy between existing conditions and the requirements of this Title (i.e. there is no increase in the nonconformity), except as provided below.

1. ***Nonconforming Setbacks, Residential Districts.*** In Residential Districts, a nonconforming interior side or rear yard may be maintained and extended, and shall not be considered an increase in the discrepancy, provided that:

   a. All new development is located a minimum of three feet from the property line.

   b. A new encroachment into any other required yard is not created;

   c. The height of the portion of the structure that is within the required setback is not increased; and

   d. Any residential additions above the first floor shall conform to the setbacks in effect at the time the application for the addition is submitted.

D. **Nonconforming Signs.** Lawfully established signs that do not conform to the requirements of this Title may only be maintained in compliance with the requirements of Chapter 17.29, Signs.

17.26.050 Repair and Replacement of Damaged or Destroyed Nonconforming Structures

A nonconforming structure that is damaged or partially destroyed by fire, explosion, earthquake, or natural disaster which is not caused by an act or deliberate omission of a property owner, their agent, or person acting on their behalf or in concert with, may be restored or rebuilt subject to the following provisions.

A. **Restoration When Damage is 50 Percent or Less of Value.** If the cost of repair or reconstruction is less than or equal to 50 percent of its replacement cost immediately prior to such damage, replacement of the damaged portions of the structure is allowed by right provided that the replaced portions are the same size, extent, and configuration as previously existed.

B. **Restoration When Damage Exceeds 50 Percent of Value.** If the cost of repair or reconstruction exceeds 50 percent of its replacement cost immediately prior to such damage, the land and building shall be subject to all of the requirements of this Title, except as provided below.

1. ***Non-residential Uses and Structures.*** Any nonconforming use must permanently cease. The structure may be restored and used only in compliance with the requirements of this Title.

2. ***Residential Uses and Structures.***

a. *Residential Uses, Three Units or Less.* Nonconforming residential use of three or less units may be reconstructed, restored, or rebuilt up to the size and number of dwelling units prior to the damage and the nonconforming use, if any, may be resumed provided the rebuilt development complies with all current design and property development standards.

i. Timing. Building permits must be obtained within one year of the date of the damage or destruction and construction shall be diligently pursued to completion unless another time period is specified through Conditional Use Permit approval.

b. *Other Residential Uses.* Any nonconforming use must permanently cease. The structure may be restored and used only in compliance with the requirements of this Title.

17.26.060 Expansions, Changes, and Substitutions of Nonconforming Uses

Nonconforming uses shall not be expanded, moved, or changed except as provided below.

A. **Expansion.** Nonconforming uses may only be expanded with Planning Commission approval where the Planning Commission makes the following findings.

1. ***Required Findings.***

a. The nonconforming use was legally established;

b. The proposed expansion of the nonconforming use would not be detrimental to public health, safety, or general welfare; and

c. With the exception of the nonconforming use, the proposed expansion would not be inconsistent with the General Plan and Land Use Plan and would not preclude or interfere with implementation of any applicable City Specific Plan.

2. ***Conditions.*** When making its decision on an application for an expansion of a Nonconforming Use, the Planning Commission may establish conditions that are necessary to accomplish the purposes of this Chapter, including, but not limited to:

a. Required improvement of, or modifications to existing improvements on, the property;

b. Limitations on hours of operations;

c. Limitations on the nature of operations; and

d. A specified term of years for which the expanded nonconforming use shall be allowed.

B. **Change in Tenancy, Ownership, or Management.** Any nonconforming use may change ownership, tenancy, or management where the new use is of the same use classification as the previous use, as defined in Chapter 17.53, Use Classifications.

C. **Change from Nonconforming to Permitted Use.** Any nonconforming use may be changed to a use that is allowed by right in the district in which it is located and complies with all applicable standards for such use.

D. **Absence of Permit.** Any use that is nonconforming solely by reason of the absence of a permit or approval may be changed to a conforming use by obtaining the appropriate permit or approval.

E. **Substitution of a Nonconforming Use with Another Nonconforming Use.** The Planning Commission may allow substitution of a nonconforming use with another nonconforming use, subject to approval of a Conditional Use Permit. In addition to any other findings required by this Title, the Planning Commission must find that the proposed new use will be no less compatible with the purposes of the District and surrounding uses that comply with the requirements of this Title than the nonconforming use it replaces.

1. ***Amortization of Substituted Nonconforming Use.*** In granting a Conditional Use Permit to allow a nonconforming use to be replaced with another nonconforming use, the Planning Commission may establish an amortization schedule for the nonconforming use by setting a date after which the nonconforming use must be discontinued or replaced with a conforming use.

17.26.070 Abandonment of Nonconforming Uses

No nonconforming use may be resumed, reestablished, reopened or replaced by any other nonconforming use after it has been abandoned or vacated for a period of six months. The six-month period shall commence when the use ceases and any one of the following occurs:

A. The site is vacated;

B. The business license lapses;

C. Utilities are terminated; or

D. The lease is terminated.

Chapter 17.27 Parking and Loading (IP)

Sections:

17.27.010 Purpose
17.27.020 Applicability
17.27.030 General Provisions
17.27.040 Required Parking Spaces
17.27.050 Parking Reductions
17.27.060 Parking In-Lieu Payments and Parking Management Programs and Districts
17.27.070 Location of Required Parking
17.27.080 Bicycle Parking
17.27.090 Loading
17.27.100 Driveways and Drive Approaches
17.27.110 Parking Area Design and Development Standards

17.27.010 Purpose

The purposes of the parking and loading regulations are to:

A. Ensure that adequate off-street parking and loading facilities are provided for new land uses and major alterations to existing uses;

B. Minimize the negative environmental and urban design impacts that can result from parking lots, driveways, and drive aisles within parking lots;

C. Ensure that adequate off-street bicycle parking facilities are provided and promote parking lot designs that offer safe and attractive pedestrian routes;

D. Establish standards and regulations for safe and well-designed parking, unloading, and vehicle circulation areas that minimize conflicts between pedestrian and vehicles within parking lots and, where appropriate, create buffers from surrounding land uses; and

E. Offer flexible means of minimizing the amount of area devoted to parking by allowing reductions in the number of required spaces in transit-served locations, shared parking facilities, and other situations expected to have lower vehicle parking demand.

17.27.020 Applicability

The requirements of this Chapter apply to the establishment, alteration, expansion, or change in any use or structure, as provided in this Section.

A. **Coastal Resource Protection (CRP) Overlay District.** In the CRP Overlay District, the provisions of Chapter 17.14, Coastal Resource Protection (CRP) Overlay District, apply in addition to the provisions of this Chapter. In any case of conflict, the provisions more restrictive and protective of coastal resources shall apply.

B. **New Buildings and Land Uses.** Parking and loading in accordance with this Chapter shall be provided at the time any main building or structure is erected or any new land use is established.

C. **Reconstruction, Expansion, and Change in Use of Existing Non-Residential Buildings.**

1. When a change in use, expansion of a use, or expansion of floor area creates an increase in the number of required parking or loading spaces, additional parking and loading shall be provided for such addition, enlargement, or change in use and not for the entire building or site.

    a. *Exception, Commercial Uses.* Additional parking and loading spaces are not required for the change of use from one Commercial Use to another Commercial Use.

2. The existing parking and loading shall be maintained.

3. If the number of existing parking or loading spaces is greater than the requirements for such use, the number of spaces in excess of the prescribed minimum may be counted toward meeting the parking and loading requirements for the addition, enlargement, or change in use.

4. A change in occupancy is not considered a change in use unless the new occupant is in a different use classification than the former occupant.

5. Additional parking and loading spaces are not required for the reconstruction of an existing building when there is no increase in floor area.

D. **Alterations that Increase the Number of Dwelling Units.** The creation of additional dwelling units through the alteration of an existing building or construction of an additional structure or structures requires parking to serve the new dwelling units. This requirement does not apply when sufficient parking exists to provide the number of spaces required for the existing and new dwelling units.

E. **When Constructed.** Parking and loading facilities required by this Chapter shall be constructed or installed prior to the issuance of a Certificate of Occupancy for the uses that they serve.

17.27.030 General Provisions

A. **Existing Parking and Loading to be Maintained.** No existing parking and/or loading serving any use may be reduced in amount or changed in design, location or

maintenance below the requirements for such use, unless equivalent substitute facilities are provided, except as provided below.

1. ***Electrical Vehicle Charging Station.*** If an electric vehicle charging station and any associated equipment interfere with, reduce, eliminate, or in any way impact the required parking spaces for existing uses, the City shall reduce the number of required parking spaces for the existing uses by the amount necessary to accommodate the electric vehicle charging station and any associated equipment.

B. **Nonconforming Parking or Loading.** An existing use of land or structure shall not be deemed to be nonconforming solely because of a lack of parking and/or loading facilities required by this Chapter, provided that facilities used for parking and/or loading as of the date of adoption of this Code are not reduced in number to less than what this Chapter requires.

C. **Accessibility.** Parking and loading areas must be accessible for its intended purpose during all hours of operation.

D. **Stacked Parking.** Stacked or valet parking is allowed if an attendant is present or an automated system is in place to move vehicles. If stacked parking managed by an attendant is used for required parking spaces, an acceptable form of guarantee must be filed with the Director ensuring that an attendant will be present while the lot is in operation.

17.27.040 Required Parking Spaces

A. **Minimum Number of Spaces Required.**

1. ***Waterfront District.*** The parking requirements in Table 17.27.040 are required but may be satisfied on-site, off-site, or via in lieu fee (See Land Use Plan policies CIR-4.1 and CIR-4.3).

2. ***Other Districts***. In Districts other than the Waterfront District, each land use shall be provided at least the number of parking spaces stated in Table 17.27.040, Required Number of Parking Spaces. The parking requirement for any use not listed in Table 17.27.040 shall be determined by the Director based upon the requirements for the most similar comparable use, the particular characteristics of the proposed use, and any other relevant data regarding parking demand.

TABLE 17.27.040: REQUIRED NUMBER OF PARKING SPACES

Land Use Classification	*Required Parking Spaces*
Residential Uses	**As specified below**
Residential Housing Types	

TABLE 17.27.040: REQUIRED NUMBER OF PARKING SPACES		
Land Use Classification	*Required Parking Spaces*	
Single-Unit Dwelling, Attached or Detached	2 per unit	
Two-Unit Dwelling	2 per unit	
Multi-Unit Residential	1 per studio unit 1.5 per one-bedroom unit 2 per unit with two or more bedrooms Guest parking: 1 for every 5 units	Guest parking shall be distributed throughout the site, clearly marked as reserved for guests, and maintained at all times for guest parking
Accessory Dwelling Unit	None required for the accessory dwelling unit. Except as provided in Section 17.14.040(B). Required parking for the primary dwelling shall be provided	
Senior Housing	0.5 per unit	
Very Low-, Low-, and Moderate-Income Housing	0.5 per unit for senior housing 1 per studio or one-bedroom unit 2 per unit with two or more bedrooms	
Caretaker Unit	1 per unit	
Family Day Care		
Small	None beyond what is required for the Residential Housing Type	
Large	1 for each nonresident employee plus parking required for the residential use	
Group Residential	1 for every 2 guest rooms	
Mobilehome Park	1 space per unit Guest parking: 1 for every 2 units	
Residential Care Facilities		
Small	None beyond what is required for the Residential Housing Type	
Large	1 for every 3 beds	
Residential Facility, Assisted Living	1 for every 3 beds	
Single Room Occupancy	0.5 per unit	
Supportive Housing	None beyond what is required for the Residential Housing Type	
Transitional Housing	None beyond what is required for the Residential Housing Type	

TABLE 17.27.040: REQUIRED NUMBER OF PARKING SPACES	
Land Use Classification	*Required Parking Spaces*
Public/Semi Public Uses	**1 per 250 square feet of floor area except as specified below**
Campgrounds and Recreational Vehicle Parks	1 for each camping or recreational vehicle space plus one common space for each 5 camping or recreational vehicle spaces
Colleges and Trade Schools	1 for every 50 square feet of net classroom floor area
Community Assembly	1 for every 75 square feet of assembly area
Day Care Centers	1 for every 300 square feet of net classroom floor area
Emergency Shelter	1 for every 4 beds and/or 0.5 per bedroom designated as a family unit with children plus 1 per employee
Hospitals	1 for every bed
Skilled Nursing Facility	1 for every 3 beds
Parking Lots and Structures	None
Schools	High School: 4 spaces per classroom plus 1 for every 300 square feet of office Other schools: 2 spaces per classroom plus 1 for every 300 square feet of office
Commercial Uses	**1 per 300 square feet of floor area plus 1 per 2,000 square feet of outdoor display and storage area, except as specified below**
Commercial Entertainment and Recreation	Cinema/Theaters and Indoor Sports and Recreation: 1 for each 4 permanent seats or 1 for every 75 square feet of assembly area where no seats or where temporary or moveable seats are provided Other Commercial Entertainment and Recreation uses: As determined by the Director
Eating and Drinking Establishments	1 per 100 square feet of seating area plus 1 per 200 square feet of outdoor seating area in excess of 350 square feet
Farmer's Markets	None
Funeral Parlors and Interment Services	1 for each 4 permanent seats or 1 for every 75 square feet of assembly area where no seats or where temporary or moveable seats are provided
Lodging	
Hotels and Motels	1 for each guest room plus one space for each 10 rooms. Additional parking required for ancillary uses, such as restaurants, according to the parking requirements for the ancillary use
Nonpermanent Vendor	See Section 17.30.140, Nonpermanent Vending

TABLE 17.27.040: REQUIRED NUMBER OF PARKING SPACES	
Land Use Classification	*Required Parking Spaces*
Industrial Uses	**1 per 750 square feet of floor area plus 1 for every 1,000 feet of indoor warehousing or storage area and outdoor use area, except as specified below**
Personal Storage	1 space per 50 storage units, plus 1 space per 300 square feet of office area. A minimum of 5 spaces shall be provided.
Transportation, Communication, and Utility Uses	**1 per 300 square feet of office area plus one for each fleet vehicle**
Urban Agriculture Uses	**See Section 17.30.270, Urban Agriculture**

B. **Calculation of Required Spaces.** The number of required parking spaces shall be calculated according to the following rules:

1. ***Floor Area***. Where a parking or loading requirement is stated as a ratio of parking spaces to floor area, the floor area is assumed to be total floor area, unless otherwise stated. See Section 17.02.030.F, Determining Floor Area.

2. ***Employees.*** Where a parking or loading requirement is stated as a ratio of parking spaces to employees, the number of employees shall be based on the largest shift that occurs in a typical week.

3. ***Bedrooms.*** Where a parking requirement is stated as a ratio of parking spaces to bedrooms, any rooms having the potential of being a bedroom and meeting the standards of the Building Code as a sleeping room shall be counted as a bedroom.

4. ***Students.*** Where a parking or loading requirement is stated as a ratio of parking spaces to students (including children in day care), the number is assumed to be the number of students at the state-certified capacity or at Building Code Occupancy where no state-certification is required.

5. ***Seats.*** Where parking requirements are stated as a ratio of parking spaces to seats, each 80 inches of bench-type seating at maximum seating capacity is counted as one seat.

C. **Sites with Multiple Uses.** If more than one use is located on a site, the number of required parking spaces and loading spaces shall be equal to the sum of the requirements calculated separately for each use unless a reduction is approved pursuant to Section 17.27.050, Parking Reductions.

17.27.050 Parking Reductions

The number of parking spaces required by Section 17.27.040, Required Parking Spaces, may be reduced as follows.

A. **Transit Accessibility.** For any land use except residential Single-Unit and Two-Unit development, if any portion of the lot is located within one-quarter mile of a transit stop with regular, scheduled service during the weekday hours of 7:00 a.m. to 9:00 a.m. and 5:00 p.m. and 7:00 p.m., the number of required parking spaces is reduced by 20 percent of the normally required number of spaces. In addition, parking may be reduced in accordance with AB 2097. In all cases, such reduction shall not adversely impact public coastal access, and any such impact shall be appropriately mitigated.

B. **Proximate Public Parking Facilities.** Where a use is located within 1,200 feet of a City-owned public parking facility, measured along a pedestrian route, the number of required parking spaces may be waived all or in part with approval of a Minor Use Permit.

C. **Motorcycle Parking.** Motorcycle parking may substitute for up to five percent of required automobile parking. Each motorcycle space must be at least four feet wide and seven feet deep.

D. **Carsharing Programs.** Required automobile parking spaces may be substituted with designated Carshare Vehicle parking spaces, pursuant to the following:

   1. Up to a maximum of 20 percent of the required automobile parking spaces may be designated as Carshare Vehicle parking spaces.

   2. Carshare Vehicles shall be maintained for active use by Carshare Service and not for other purposes. No sales, servicing, storage, repair, administrative or similar functions shall occur and no personnel shall be employed on the site except for occasional short-term maintenance of vehicles unless otherwise permitted by the land use regulations in the zoning district.

   3. Carshare Vehicles shall be made available to members of the Carsharing Service through an unattended, self-service operation 24 hours a day, seven days a week.

   4. All owners of a lot, including any applicable Homeowner's Associations, shall be required to grant permission for the operation or parking of a Carshare Vehicle on their property.

E. **Shared Parking.** Where a shared parking facility serving more than one use will be provided, the total number of required parking spaces may be reduced up to 50 percent with approval of a Minor Use Permit, if the review authority finds that:

1. The peak hours of use will not overlap or coincide to the degree that peak demand for parking spaces from all uses will be greater than the total supply of spaces;
2. The proposed number of parking spaces to be provided will be adequate to serve each use; and
3. In the case of a shared parking facility that serves more than one property, a parking agreement has been prepared consistent with the provisions of Section 17.27.070.B.1, Allowance for Off-Site Parking.

F. **Embarcadero District**. For development located on those city managed lease sites covered by the Waterfront Master Plan (and located within the area identified in the -WMP zoning overlay), parking requirements may be deemed satisfied and reductions may be allowed based on the calculation of the parking requirements for the previously permitted uses on the lease site. City lease sites may utilize the existing parking requirement as evidence of satisfying the newly proposed use's determined parking requirements, unless additional parking is otherwise required, in which case only that additional parking must be satisfied. In all cases, approval of parking reduction shall be consistent with provisions of Section 17.27.050.G and consistent with the LCP Coastal Land Use Plan.

G. **Other Parking Reductions.** Required parking for any use may be reduced through approval of a Minor Use Permit as follows.

1. ***Criteria for Approval.*** The review authority may only approve a Minor Use Permit for reduced parking if it finds that:
   a. Special conditions—including, but not limited to, the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working, or visiting the site; or because the applicant has undertaken a transportation demand management program—exist that will reduce parking demand at the site;
   b. The use will adequately be served by the proposed parking; and
   c. Parking demand generated by the project will not exceed the capacity of or have a significant impact on the supply of on-street parking in the surrounding area.
2. ***Parking Demand Study.*** In order to evaluate a proposed project's compliance with the above criteria, submittal of a parking demand study that substantiates the basis for granting a reduced number of spaces may be required.

17.27.060 Parking In-Lieu Payments and Parking Management Programs and Districts

A. **Parking Management Programs and Districts.** If parking management programs and districts are established, said formations shall be established consistent with the Coastal

Land Use Plan. Assessment district financing and/or an in-lieu fee system may be established in order to provide adequate off-street parking requirements for new development.

B. **In-Lieu Parking Fee,- Commercial and Mixed Use Districts.** Where it can be demonstrated that the reasonable and practical development of property in a Commercial or Mixed Use District precludes the provision of required off-street parking on the property, the Planning Commission may permit the applicant to satisfy parking requirements by payment of an in-lieu parking fee. The Planning Commission will determine the total parking requirements for each individual project at the time of permit review.

1. ***Number of Spaces.*** The number of parking spaces required and used to calculate the in-lieu fee shall be determined according to the provisions of this Chapter and any other applicable provisions of the Zoning Code and the City of Morro Bay Municipal Code.

2. ***Change of Use.*** Any off-street parking satisfied through this provision shall run with the land and any subsequent change of use that requires more parking shall require subsequent action to satisfy the additional parking requirement. No refund of such payment shall be made when there is a change to a use requiring less parking.

3. ***Change of Ownership.*** A change of ownership or the dividing or merging of properties shall not affect an obligation for parking in-lieu fees or a determination that parking requirements have been met according to fees paid for a particular use.

4. ***Fees.*** The fee to be charged for each parking space required shall be set by resolution by the City Council and may be modified from time to time, and shall be payable in accordance with administrative policies established in this Chapter. In setting such fees, the City Council shall consider all costs associated with the provision of the necessary parking including planning, design, land acquisition or lease costs and construction of improvements.

5. ***Use of Fees.*** Fees accepted under this provision will be used by the City to provide the additional required parking at another location in lieu of the applicant providing the required off-street parking. Such parking shall be provided within a reasonable distance from the contributing project or within close proximity to public transit providing access to the use. All such fees collected shall be used by the City for the planning, design, acquisition or lease of land, and development and redevelopment of public parking facilities within or adjacent to the parking management plan area and for public transit facilities providing access to said parking.

6. ***Fee Payment.*** The per space fee for new construction, additions or changes in occupancy shall be paid in a lump sum or in accordance with a payment plan approved by both the Finance Director and the City Administrator, prior to the issuance of construction permits for the structure or occupancy for which the parking is required or prior to the issuance of a City business license for the activity for which the parking is required, if no construction permit is required.

17.27.070 Location of Required Parking

A. **Front and Corner Side Setbacks.** Parking spaces required pursuant to this Chapter shall not be located within a required front or corner side setback.

B. **On-Site Parking Required.** Required parking shall be located on the same lot as the use it serves except as allowed below.

1. ***Allowance for Off-Site Parking.*** Required parking may be located off-site provided the off-site parking facility is located within 600 feet, along a pedestrian route, of the principal entrance containing the use(s) for which the parking is required.

a. *Parking Agreement.* A written agreement between the landowner and the City in a form satisfactory to the City Attorney shall be executed and recorded in the Office of the County Recorder. The agreement shall include:

i. A guarantee among the landowner for access to and use of the parking facility; and

ii. A guarantee that the spaces to be provided will be maintained and reserved for the uses served for as long as such uses are in operation.

17.27.080 Bicycle Parking

A. **Short-Term Bicycle Parking.** Short-term bicycle parking intended to serve shoppers, customers, messengers, guests and other visitors to a site who generally stay for a short time, shall be provided as specified below.

1. ***Parking Spaces Required.*** For the following uses, the number of short-term bicycle parking spaces shall be at least 20 percent of the number of required automobile parking spaces, with a minimum of four parking spaces provided per establishment.

a. Multi-unit Residential, Group Residential, and Single Room Occupancy with five or more units.

b. All uses in the Public and Semi-Public Use Classification.

c. All uses in the Commercial Use Classification.

2. ***Location.*** Short-term bicycle parking must be located within 50 feet of a main entrance to the building it serves. Where the bicycle parking area is not visible from the main entrance of the building, signs located at the main entrance of the building shall identify the location of bicycle parking.

   a. In the CC District, required short-term bicycle parking may be located in the right-of-way with an encroachment permit issued by the City.

3. ***Anchoring and Security.*** For each short-term bicycle parking space required, a stationary, securely anchored object shall be provided to which a bicycle frame and one wheel (two points of contact) can be secured with a high-security U-shaped shackle lock if both wheels are left on the bicycle. One such object may serve multiple bicycle parking spaces.

4. ***Size and Accessibility.*** Each short-term bicycle parking space shall be a minimum of two feet in width and six feet in length and shall be accessible without moving another bicycle. Two feet of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian ways and at least five feet from vehicle parking spaces.

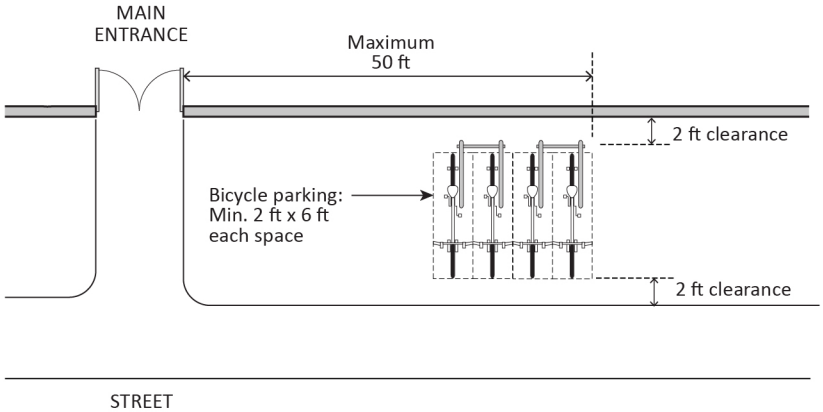


FIGURE 17.27.080.A: SHORT-TERM BICYCLE PARKING

B. **Long-Term Bicycle Parking.** Long-term bicycle parking shall be provided in order to serve employees, students, residents, commuters, and others who generally stay at a site for four hours or longer.

1. ***Parking Spaces Required.***

   a. *Residential Uses.* A minimum of one long-term bicycle parking space shall be provided for every five units for Multi-Unit Residential, Group Residential, and Single Room Occupancy.

b. *Other Uses.* Any establishment with 25 or more full time equivalent employees shall provide long-term bicycle parking at a minimum ratio of one space per 25 vehicle spaces.

c. *Parking Structures.* Long-term bicycle parking shall be provided at a minimum ratio of one space per 50 vehicle spaces.

2. ***Location.*** Long-term bicycle parking must be located on the same lot as the use it serves and near the facility entrance. In parking garages, long-term bicycle parking must be located near an entrance to the facility. Where the bicycle parking area is not visible from the entrance of the building, signs located at the entrance or in an entry lobby of the building shall identify the location of bicycle parking.

3. ***Covered Spaces.*** At least 50 percent of required long-term bicycle parking must be covered. Covered parking can be provided inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures.

4. ***Security.*** Long-term bicycle parking must be in:

a. An enclosed bicycle locker;

b. A fenced, covered, locked or guarded bicycle storage area;

c. A rack or stand inside a building that is within view of an attendant or security guard or visible from employee work areas or within secure/restricted bicycle storage room; or

d. Other secure area approved by the Director.

5. ***Size and Accessibility.*** Each bicycle parking space shall be a minimum of two feet in width and six feet in length and shall be accessible without moving another bicycle. Two feet of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian ways and at least five feet from vehicle parking spaces.

C. **Bicycle Parking Reductions and Modifications.** A Modification for a reduction in the number of required bicycle parking spaces or to other standards of this Section may be granted pursuant to Chapter 17.42, Modifications, if the review authority finds that:

1. Adequate site space is not available on an existing development to provide bicycle parking; or

2. Reduced bicycle parking is justified by reasonably anticipated demand; or

3. Other criteria based on unusual or specific circumstances of the particular case as deemed appropriate by the review authority.

17.27.090 Loading

A. **Loading Spaces Required.** Every new building, and every building enlarged by more than 10,000 square feet of floor area that is to be occupied by a manufacturing establishment, storage facility, warehouse facility, retail store, eating and drinking establishment, wholesale store, market, hotel, hospital, mortuary, laundry, dry-cleaning establishment, or other use similarly requiring the receipt or distribution by vehicles or trucks of material or merchandise shall provide off-street loading and unloading areas as stated in Table 17.27.090, Required Loading Spaces.

TABLE 17.27.090: REQUIRED LOADING SPACES

Floor Area	*Required Loading Spaces*
0-10,000	0
10,001-25,000	1
25,001-75,000	2
75,001-150,000	3
150,001+	4 plus 1 per each additional 100,000 over 150,001

1. ***Multi-Tenant Buildings.*** The floor area of the entire building shall be used in determining spaces for multi-tenant buildings. A common loading area may be required, if each tenant space is not provided a loading area. Drive-in roll-up doors for multi-tenant industrial projects may be substituted for required loading areas.

2. ***Reduction in Number of Loading Spaces Required.*** The loading space requirement may be waived if the Director finds that the applicant has satisfactorily demonstrated that due to the nature of the proposed use and/or location, such loading space will not be needed or is not practical.

3. ***Additional Loading Spaces Required.*** The required number of loading spaces may be increased to ensure that trucks will not be loaded, unloaded, or stored on public streets. Such requirement shall be based on the anticipated frequency of truck pickups and deliveries and of the truck storage requirements of the use for which the on-site loading spaces are required.

B. **Location.** All required loading areas shall be located on the same site as the use served. Loading areas shall not be located within the required front, side, or rear setback.

C. **Screening.** Loading areas shall be screened from public view by building walls, or a uniformly solid fence or wall, or any combination thereof, not less than six feet in height.

D. **Electric Vehicle Charging.** All new loading spaces shall be electric vehicle charging spaces (EV spaces) capable of supporting future electric vehicle supply equipment (EVSE).

E. **Minimum Size.** Each on-site loading space required by this Chapter shall not be less than 12 feet wide, 25 feet long, and 14 feet high, exclusive of driveways for ingress and egress, maneuvering areas and setbacks. The minimum size requirement may be modified if the Director finds that the applicant has satisfactorily demonstrated that due to the nature of the proposed use, such size will not be needed.

F. **Driveways for Ingress and Egress and Maneuvering Areas.** Each on-site loading space required by this Chapter shall be provided with driveways for ingress and egress and maneuvering space of the same type and meeting the same criteria required for on-site parking spaces. Maneuvering areas shall not encroach into required parking areas, travelways, or street rights-of-way. This requirement may be modified if the Director finds that sufficient space is provided so that maneuvering areas will not interfere with traffic and pedestrian circulation.

G. **Surfacing.** All loading areas shall be paved and improved so as to provide a dust-free surface, and all sites shall be properly drained, consistent with applicable stormwater runoff regulations and subject to the approval of the City Engineer.

17.27.100 Driveways and Drive Approaches

A. **Forward Entry.** Vehicles shall not back onto an arterial street. Parking areas designed to accommodate five or more vehicles shall be provided with suitable maneuvering room so that all vehicles can enter and exit from a public street by forward motion only.

B. **Limited-Access and Arterial Street.** Driveway encroachments shall be restricted onto arterial streets and highways if alternative points of access to the property are feasible or if the City Council has, by resolution, restricted access to the street.

C. **Driveway Separation.** There shall be a minimum of 22 feet of standard curb and gutter between the tops of the driveway transition. In Residential Districts, the required driveway separation only applies to driveways on the subject parcel.

D. **Driveway Transitions.** No part of the driveway transition shall extend closer than one foot to side property line of the property being served by the driveway unless approved by the City Engineer and unless a written agreement is obtained from the adjacent property owner and filed with the City Engineer for recording with the County Recorder. The agreement shall be in a form approved by the City Attorney.

E. **Curb Height.** Full height curbs shall be provided except for locations with approved driveways and/or handicap ramps.

F. **Driveway Length and Accessibility.**

1. ***Driveway Length.*** Driveways providing direct access from a public street to a covered or uncovered parking space shall be at least 20 feet in length except as follows:

   a. RS-A District, Lots 2,500 Square Feet or Smaller in Size. The minimum driveway length is 10 feet.

   b. RS-A District, Lots between 2,501 and 4,300 Square Feet in Size. The minimum driveway length is 15 feet.

   c. *RS-B District, All Lots*. The minimum driveway length is 15 feet.

2. ***Accessibility.*** In the Residential Districts, driveways providing access to parking spaces for detached residential single unit development shall be kept free and clear for the required length stated above. Driveways shall not be gated within this minimum distance.

G. **Driveway Width.** The minimum and maximum width of a driveway shall be as follows.

TABLE 17.27.100.G: DRIVEWAY WIDTH

	Minimum Width (ft)	*Maximum Width (ft)*
All Development	Notwithstanding any other driveway width requirement, no one-way driveway be less than 10 feet in width or a two-way driveway be less than 20 feet in width unless approved by the City Engineer.	Notwithstanding any other driveway width requirement, the total driveway width shall not exceed 50 percent of a lot frontage unless approved by the City Engineer for safety purposes or to avoid awkward vehicle maneuvers.
One-way driveway		
Serving six or fewer spaces, residential development	10	20
Serving six or fewer spaces, non-residential development	12	20
Serving seven to 20 spaces	12	20
Serving 20 or more spaces	20	30
Two-way driveway	20	30

H. **Turnarounds.**

1. Driveways that serve commercial or multi-unit development which exceed 100 feet in depth shall provide a turnaround to ensure that vehicles can safely exit in a forward direction.

2. Driveways that exceed 15 percent slope serving any type of development may also be required to provide turnarounds.

I. **Surfacing.** Driveways shall be surfaced with asphalt or concrete paving or alternative surface as approved by the City Engineer.

1. ***Residential Paved Wheel Tracks.*** For residential uses, in lieu of a full width paved driveway and where the driveway serves only one residence; paved wheel tracks are allowed as long as the tracks are located where the wheel traffic will most probably occur, the tracks are located only behind the sidewalk ramp, each track is at least three and one-half feet apart.

J. **Maximum Slope.**

1. ***Residential Development.*** Driveways serving residential development shall not exceed 15 percent slope unless the City Engineer approves a slope up to 20 percent provided special construction procedures and materials are used.

2. ***Non-residential Development.*** Driveways serving non-residential development shall not exceed 10 percent slope.

K. **Visibility.** Visibility of a driveway crossing a street property line shall not be blocked between a height of three feet and nine feet for a depth of five feet from the street property line as viewed from the edge of the right-of-way on either side of the driveway.

L. **Common Access Driveways.** Projects are encouraged to provide shared vehicle and pedestrian access to adjacent properties for convenience, safety, and efficient circulation. A joint access agreement guaranteeing the continued availability of the shared access between the properties approved by the Director shall be recorded in the County's Recorders Office, in a form satisfactory to the City Attorney.

M. **Replacement of Curb and Sidewalks of Abandoned Driveway.** The Director of Public Works shall determine whether a driveway has been abandoned. Any such abandoned driveway shall be removed by the owner and replaced with standard curb, gutter and sidewalk to fit the existing line of grade of adjacent standard curb, gutter and sidewalk. The Director of Public Works shall cause an abandoned drive to be removed if it has not been removed within 30 days after the owner has been notified to do so. The procedure for repair and collection of the cost of repair shall be as set forth in Division 7, Part 3, Chapter 22 of the Streets and Highways Code.

17.27.110 Parking Area Design and Development Standards

All parking areas shall be designed and developed consistent with the following standards.

A. **Handicap Parking.** Each parking area where parking is provided for the public as clients, guests, or employees shall include parking accessible to handicapped or disabled

persons as near as practical to a primary entrance and in accordance with the standards for the number of spaces, size, location, signing, and markings/striping set for in Chapter 71, "Site Development Requirements for Handicapped Accessibility" of Title 24 of the California Code of Regulations.

B. **Electric Vehicle Charging.**

1. ***Nonresidential Parking.*** In new parking lots with 10 or more parking spaces, a minimum of one level 2 or fast charging electric vehicle charging station shall be provided for every 10 parking spaces.

2. ***Residential Parking.*** In all new parking areas for Single Unit Dwellings, Two-Unit Dwellings, and Multi-Unit Residential development, a minimum of 50 percent of the total number of parking spaces provided shall be electric vehicle charging spaces (EV spaces) capable of supporting future electric vehicle supply equipment (EVSE).

C. **Tandem Parking.** Tandem parking may be permitted to satisfy parking requirements in accordance with the following.

1. No more than two vehicles shall be placed one behind the other.

2. Both spaces shall be assigned to a single dwelling unit or non-residential establishment.

3. Tandem parking to meet required parking for non-residential uses may be used for employee parking; the maximum number of tandem parking spaces shall not exceed 50 percent of the total number of spaces.

4. Tandem parking to meet required parking for multi-unit development shall be located within an enclosed structure; the maximum number of tandem parking spaces shall not exceed 50 percent of the total number of spaces.

5. Tandem parking shall not be used to meet the guest parking requirement.

D. **Size of Parking Spaces and Maneuvering Aisles.** Parking spaces and maneuvering aisles shall meet the minimum dimensions required by this Subsection. Screening walls, roof support posts, columns, or other structural members shall not intrude into the required dimensions for parking spaces.

1. ***Standard Parking Spaces and Drive Aisles.*** The minimum basic dimension for standard parking spaces is nine feet by 20 feet, with a minimum vertical clearance of seven feet. Table 17.27.110.D.1, Standard Parking Space and Aisle Dimensions, provides the dimensions of spaces (stalls) and aisles according to angle of parking spaces. The required aisle width may be modified if the City Engineer finds that sufficient space is provided, so that maneuvering areas will not interfere with traffic and pedestrian circulation.

TABLE 17.27.110.D.1: STANDARD PARKING SPACE AND AISLE DIMENSIONS				
Angle of Parking	*Stall Width (ft)*	*Curb Length Per Stall (ft)*	*Stall Depth (ft)*	*Aisle Width (ft)*
Parallel	9	20	9	12
30°	9	18	18	12
45°	9	14	19.5	14
60°	9	11	21	18
90°	9	9	20	25

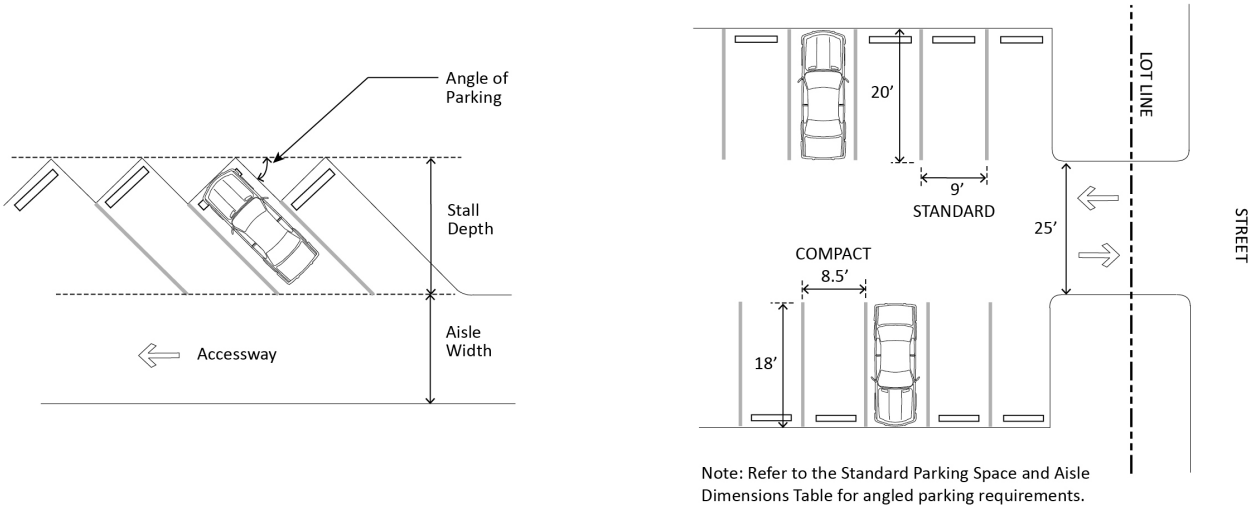


FIGURE 17.27.110(D.1): STANDARD PARKING SPACE AND AISLE DIMENSIONS

2. ***Compact Parking Spaces.*** In parking areas with four or more parking spaces, up to 25 percent of the required spaces may be reduced to 8.5 feet by 18 feet and labeled "compact".

3. ***Parking Spaces Abutting a Wall, Fence, or Column.*** The width of each parking space adjoining a wall, fence, column, or other obstruction higher than 0.5 feet shall be increased by one foot on each obstructed side.

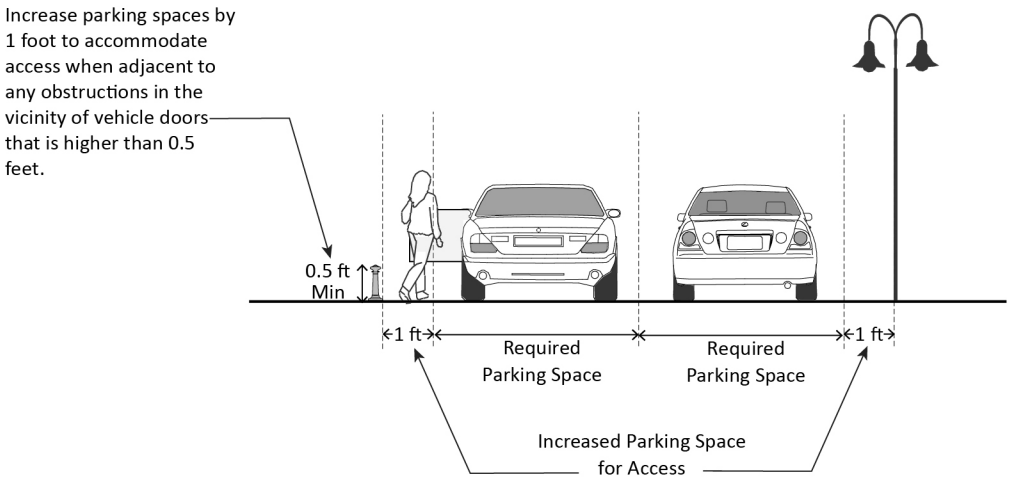


FIGURE 17.27.110(D.3): PARKING SPACES ABUTTING A WALL, FENCE, OR COLUMN

4. ***Minimum Dimensions for Residential Garages.*** Garages serving residential uses shall be constructed to meet the following minimum inside dimensions.

   a. A single car garage shall be at least 11 feet wide and 20 feet long.

   b. A garage containing two or more parking spaces shall have a minimum inside dimension of 10 feet in width by 20 feet in length per space.

   c. The minimum vertical clearance shall be seven feet except in the front four feet of the parking space where the minimum vertical clearance is four feet six inches.

   d. Garages shall be equipped with an automatic door opener and a roll-up sectional or similar garage door which does not extend onto the apron. A security gate for a multi-unit development is permitted.

E. **Service Vehicle Maneuvering Area.** Parking lots shall be designed so that sanitation, emergency, and other public service vehicles can provide service without backing up unreasonable distances or making other dangerous or hazardous turning movements. The minimum allowable inside turning radius shall be 20 feet. Where fire truck access is necessary, the minimum inside radius shall be 28 feet and the outside radius shall be a minimum of 48 feet.

F. **Pedestrian Circulation.** Parking areas for multi-unit residential developments of five or more units and parking areas for commercial and mixed-use developments that are 80 feet or more in depth and/or include 25 or more parking spaces shall provide pedestrian access that is separate and distinct from driveways, according to the following standards:

1. ***Connection to Public Sidewalk***. An on-site walkway shall connect the main building entry to a public sidewalk on each street frontage. Such walkway shall be the shortest practical distance between the main building entry and sidewalk, generally no more than 125 percent of the straight-line distance.

2. ***Materials and Width.*** Walkways shall provide at least five feet of unobstructed width and be hard-surfaced.

3. ***Identification.*** Pedestrian walkways shall be clearly differentiated from driveways, parking aisles, and parking and loading spaces through the use of elevation changes, a different paving material, or similar method.

4. ***Separation.*** Where a pedestrian walkway is parallel and adjacent to an auto travel lane, it must be raised and separated from the auto travel lane by a raised curb at least four inches high, bollards, or other physical barrier.

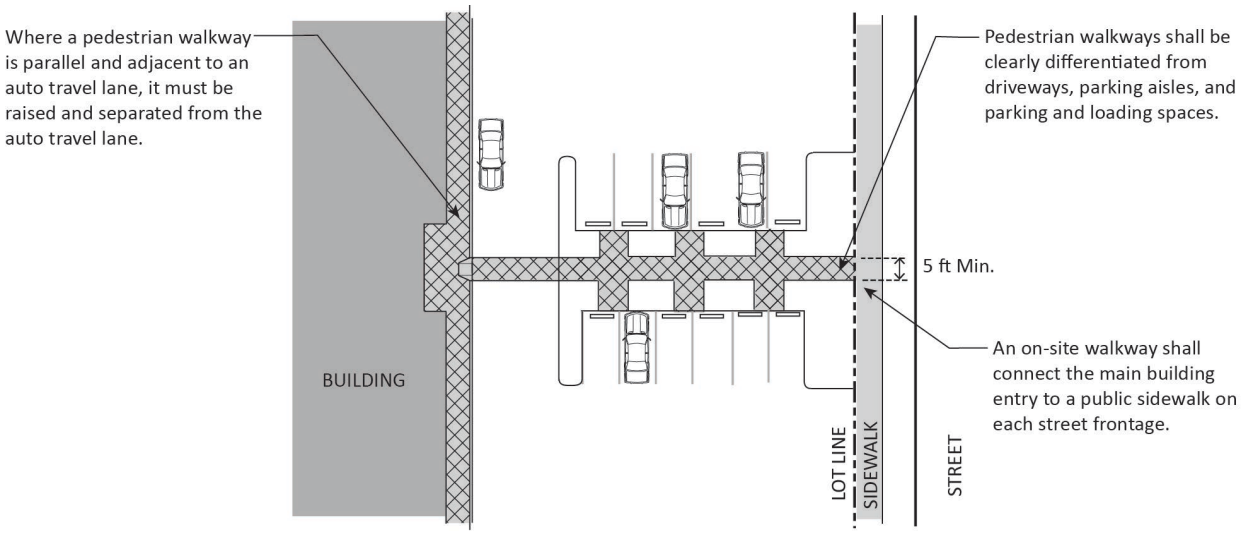


FIGURE 17.27.110(F): PEDESTRIAN CIRCULATION

G. **Parking Lot Striping.** All parking stalls shall be clearly outlined with double striping, and all aisles, approach lanes, turning areas, and entrances shall be clearly marked with directional arrows and lines as required by the City Engineer.

H. **Wheel Stops.** Parking areas designed to accommodate five or more vehicles shall provide concrete bumper guards or wheel stops for all unenclosed parking spaces. A six-inch high concrete curb surrounding a landscape area at least six feet wide may be used as a wheel stop, provided that the overhang will not damage or interfere with plant growth or its irrigation.

I. **Surfacing.** All parking areas shall be paved and improved, and all sites shall be properly drained, consistent with applicable stormwater runoff regulations and subject to the approval of the City Engineer.

1. ***Required Surface.*** All parking areas shall be surfaced with asphalt or concrete paving, pervious pavers, or alternative surface as approved by the City Engineer.

   a. *Landscaping Alternative.* Up to two feet of the front of a parking space as measured from a line parallel to the direction of the bumper of a vehicle using the space may be landscaped with ground cover plants instead of paving.

2. ***Slope and Drainage.*** Parking areas shall not exceed six percent slope nor be less than 0.5 percent slope in the direction of drainage. A maximum of 10 percent slope in aisle and turnaround areas may be allowed by the City Engineer.

J. **Perimeter Curbing.** Parking areas designed to accommodate five or more vehicles shall provide a six-inch wide and six-inch high concrete curb along the outer edge of the parking facility pavement, except where said pavement abuts a fence or wall. Curbs separating landscaped areas from parking areas shall be designed to allow stormwater runoff to pass through.

K. **Heat Island Reduction.** In order to reduce ambient surface temperatures in parking areas, at least 50 percent of the areas not landscaped shall be shaded, either with light-colored materials with a Solar Reflectance Index of at least 29, or a combination of shading and light-colored materials.

1. Shade may be provided by canopies, shade structures, trees, or other equivalent mechanism. If shade is provided by trees, the amount of required shading is to be reached within 15 years.

L. **Lighting.** Parking areas designed to accommodate five or more vehicles shall be provided with a minimum of one-half foot-candle and a maximum of 3.0 foot-candles of light over of the parking surface during the hours of use from one-half hour before dusk until one-half hour after dawn.

1. Light poles and standards shall not exceed 20 feet in height unless a greater height is approved pursuant to Chapter 17.42, Modifications.

2. Lighting design shall be coordinated with the landscape plan to ensure that vegetation growth will not substantially impair the intended illumination.

3. Light sources shall be between 2600 and 3500 Kelvin and have a CRI of 85 or greater.

4. Parking lot lighting shall, to the maximum extent feasible, be designed and installed so that light and glare is not directed onto residential use areas or

adjacent public rights-of-way, consistent with Section 17.23.080, Lighting and Illumination.

M. **Separation From On-Site Buildings.** Parking areas designed to accommodate five or more vehicles must be separated from the front and side exterior walls of on-site buildings by walkways a minimum of three feet in width. Commercial development with 25,000 square feet or more of floor area must be separated from parking on all sides by a walkway a minimum of five feet in width, as well as a planter area at least three feet in width.

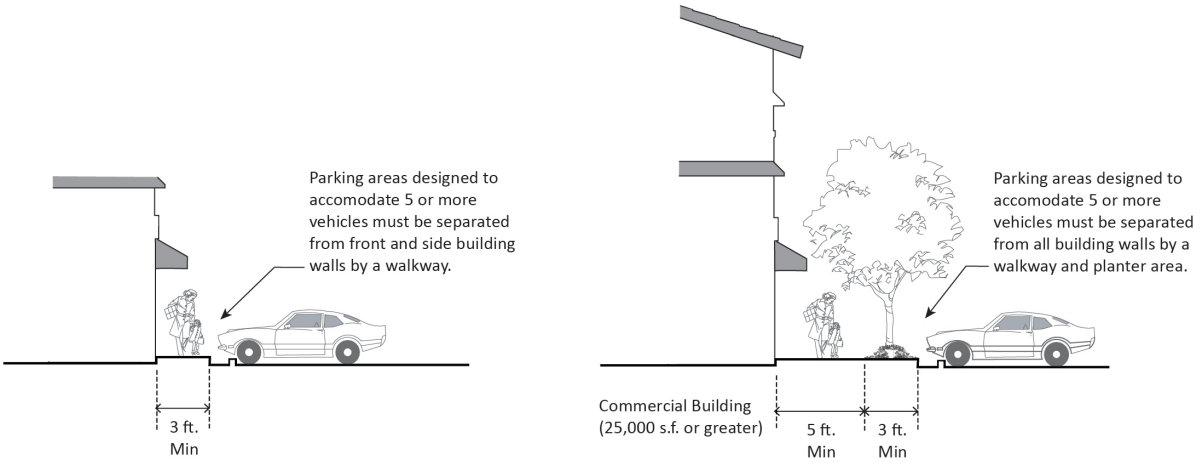


FIGURE 17.27.110(M): PARKING SEPARATION FROM ON-SITE BUILDINGS

N. **Landscaping.** Parking areas designed to accommodate five or more vehicles must be landscaped according to the general standards of Chapter 17.25, Landscaping, as well as the standards of this Subsection.

1. ***Landscape Area Required.*** A minimum of 10 percent of the parking lot area shall be landscaped.

2. ***Minimum Planter Dimension.*** No landscape planter that is to be counted toward the required landscape area shall be smaller than 25 square feet in area, or four feet in any horizontal dimension, excluding curbing.

3. ***Landscaped Planters Between Parking Stalls and at the Ends of Rows of Parking Stalls.*** In open parking areas, landscaped planter areas shall be provided after each five parking spaces in any row and at the ends of each row of parking spaces.

4. ***Landscaped Buffer Adjacent to Right-of-Way.*** A landscaped area at least five feet wide shall be provided between any surface parking area and any property line adjacent to a public street for the length of the parking area.

5. ***Landscaped Buffer Abutting Interior Lot Line.*** A landscaped area at least three feet wide shall be provided between any surface parking area and any interior property line for the length of the parking area.

6. ***Trees.***

   a. *Number Required.* One for every six parking spaces, minimum of two trees per parking area.

   b. *Distribution.* Trees shall be distributed relatively evenly throughout the parking area.

   c. *Size.* All trees shall be a minimum 15-gallon size.

7. ***Protection of Vegetation.***

   a. *Clearance from Vehicles.* All required landscaped areas shall be designed so that plant materials, at maturity, are protected from vehicle damage by providing a minimum two-foot clearance of low-growing plants where a vehicle overhang is permitted, or by wheel stops set a minimum of two feet from the back of the curb.

   b. *Planters.* All required parking lot landscaping shall be within planters bounded by a concrete curb at least six inches wide and six inches high. Curbs separating landscaped areas from parking areas shall be designed to allow stormwater runoff to pass through.

8. ***Visibility and Clearance.***

   a. Notwithstanding other provisions of this Chapter, parking area landscaping shall comply with Section 17.23.180, Visibility at Intersections.

   b. Landscaping in planters at the end of parking aisles shall not obstruct driver's vision of vehicular and pedestrian cross-traffic.

   c. Mature trees shall have a foliage clearance maintained at eight feet from the surface of the parking area.

   d. Other plant materials located in the interior of a parking lot shall not exceed 30 inches in height.

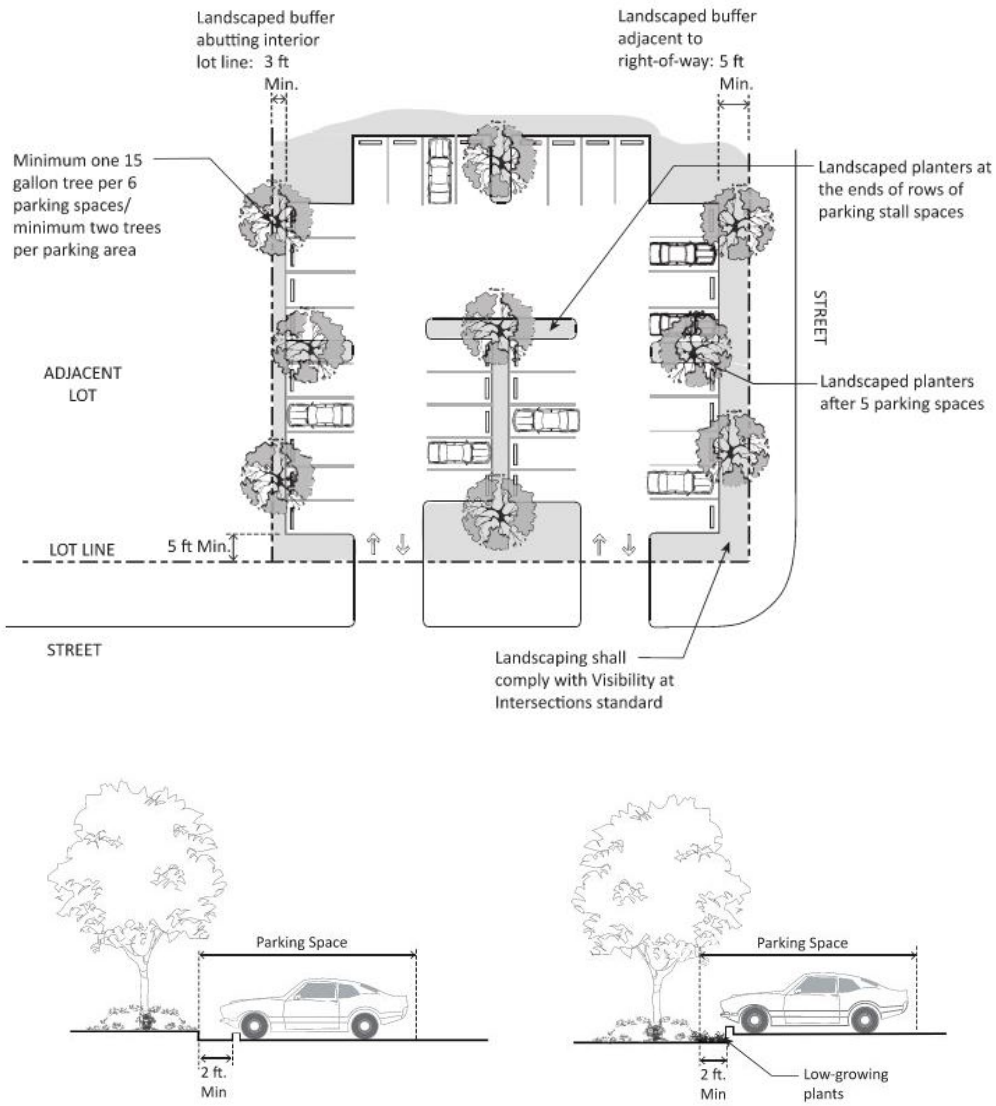


FIGURE 17.27.110(N): PARKING AREA LANDSCAPING

O. **Screening.** Parking areas designed to accommodate five or more vehicles shall be screened along the street frontage and adjacent lots in a Residential District, according to the following standards.

1. ***Height.*** Screening along the street frontage shall be a minimum three feet in height. Screening adjacent to lots in a Residential District shall be a minimum four feet in height.

2. ***Materials.*** Screening may consist of one or any combination of the methods listed below.

a. *Walls.* Low-profile walls consisting of brick, stone, stucco, or other quality durable material approved by the Director, and including a decorative cap or top finish as well as edge detail at wall ends. Plain concrete blocks are not allowed as a screening wall material unless capped and finished with stucco or other material approved by the Director.

b. *Planting.* Plant materials consisting of compact evergreen plants that form an opaque screen.

c. *Berms.* Berms a minimum of two feet in height and planted with appropriate shrubs and ground cover.

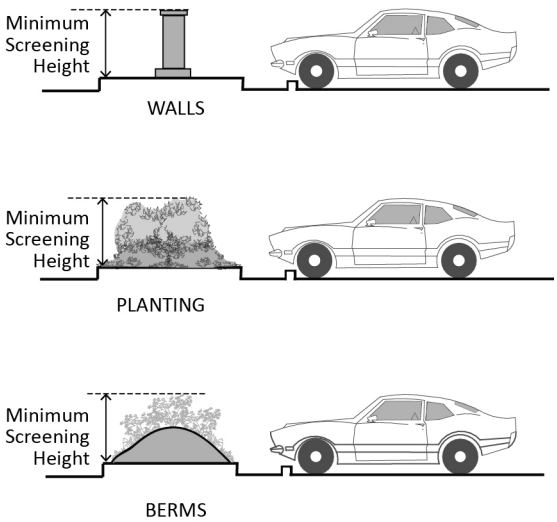


FIGURE 17.27.110(O): PARKING AREA SCREENING

P. **Alternative Parking Area Designs.** Where an applicant can demonstrate to the satisfaction of the Director that variations in the requirements of this Section are warranted in order to achieve environmental design and green building objectives, including but not limited to achieving certification under the LEED™ Green Building Rating System or equivalent, an alternative parking area design may be approved.

Q. **Maintenance.** It shall be the duty of the property owner to maintain and repair the parking lot and related improvements in accordance with the above standards and any other conditions imposed at the time of approval. Parking lots, including landscaped areas, driveways, and loading areas, shall be maintained free of refuse, debris, or other accumulated matter and shall be kept in good repair at all times.

Chapter 17.28 Performance Standards

Sections:

17.28.010 Purpose
17.28.020 Applicability
17.28.030 General Standard
17.28.040 Measurement of Impacts
17.28.050 Air Contaminants
17.28.060 Electromagnetic Interference
17.28.070 Fire and Explosive Hazards
17.28.080 Glare
17.28.090 Hazardous and Extremely Hazardous Materials
17.28.100 Heat and Humidity
17.28.110 Liquid or Solid Waste
17.28.120 Noise
17.28.130 Vibration

17.28.010 Purpose

The purposes of this Chapter are to:

A. Establish permissible limits and permit objective measurement of nuisances, hazards, and objectionable conditions;

B. Ensure that all uses will provide necessary control measures to protect the community from nuisances, hazards, and objectionable conditions; and

C. Protect industry from arbitrary exclusion from areas of the City.

17.28.020 Applicability

The minimum requirements in this Chapter apply to all land uses in all districts except as provided below.

A. The following uses and activities are exempt from compliance with the requirements of this Chapter:

1. Legal nonconforming uses, which, based on a written opinion of the City Attorney, have an established right not to comply with the provisions of this Chapter.

2. Temporary events with approved Temporary Use Permits or other required permits, where such activities otherwise comply with other applicable provisions of this Title.
3. Any emergency activity on the part of the City or a private party.
4. Temporary construction activity where such activity is explicitly regulated by other regulations of the Municipal Code.
5. Other uses and activities as otherwise specified in this Title.

17.28.030 General Standard

Land or buildings shall not be used or occupied in a manner creating any dangerous, injurious, or noxious fire, explosive or other hazard that would adversely affect the surrounding area.

17.28.040 Measurement of Impacts

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

17.28.050 Air Contaminants

Uses, activities, and processes shall not operate in a manner that emits excessive dust, fumes, smoke, or particulate matter, unless authorized under federal, State, or local law. Sources of air emissions shall comply with all rules established by the Environmental Protection Agency (Code of Federal Regulations, Title 40), the California Air Resources Board, and the San Luis Obispo County Air Pollution Control District.

17.28.060 Electromagnetic Interference

No use, activity or process shall cause electromagnetic interference with normal radio and television reception, or with the function of other electronic equipment beyond the lot line of the site in which it is situated. All uses, activities and processes shall comply with applicable Federal Communications Commission regulations.

17.28.070 Fire and Explosive Hazards

All activities, processes and uses involving the use of, or storage of, flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion. Firefighting and fire suppression equipment and devices standard in industry shall be approved by the Fire Department. All incineration is prohibited.

17.28.080 Glare

No use shall be operated such that significant, direct glare, incidental to the operation of the use is visible beyond the boundaries of the lot where the use is located.

17.28.090 Hazardous and Extremely Hazardous Materials

The use, handling, storage and transportation of hazardous and extremely hazardous materials shall comply with the provisions of the California Hazardous Materials Regulations and the California Fire and Building Codes, as well as the laws and regulations of the California Department of Toxic Substances Control and the County Environmental Health Agency. Activities, processes, and uses shall not generate or emit any fissionable or radioactive materials into the atmosphere, a sewage system or onto the ground.

17.28.100 Heat and Humidity

Uses, activities, and processes shall not produce any emissions of heat or humidity that cause distress, physical discomfort, or injury to a reasonable person, or interfere with ability to perform work tasks or conduct other customary activities. In no case shall heat emitted by a use cause a temperature increase in excess of five degrees Fahrenheit on another property.

17.28.110 Liquid or Solid Waste

A. **Discharges to Water or Sewers.** Liquids and solids of any kind shall not be discharged, either directly or indirectly, into a public or private body of water, sewage system, watercourse, or into the ground, except in compliance with applicable regulations of the California Regional Water Quality Control Board (California Administrative Code, Title 23, Chapter 3 and California Water Code, Division) and any other agency as shall have jurisdiction of such activities.

B. **Solid Wastes.** Solid wastes shall be handled and stored so as to prevent nuisances, health, safety and fire hazards, and to facilitate recycling. There shall be no accumulation outdoors of solid wastes conducive to the breeding of rodents or insects, unless stored in closed containers.

17.28.120 Noise

A. **Noise Limits.** No use or activity shall create ambient noise levels that exceed the noise limits established in the General Plan.

1. ***Separation from Noise Sensitive Uses.*** Any business operation with sustained or intermittent noise levels exceeding 70 dB ldn (or CNEL) including, but not limited to, wood or machine milling, air hammers, generators, or prolonged or excessive truck deliveries, are not allowed within 150 feet of residential uses, hospitals,

and other noise sensitive uses unless noise levels are mitigated in compliance with this Section.

2. ***Operational Hours.*** All commercial and industrial deliveries and loud commercial activities such as loading and unloading, leaf blowers, bands with loudspeakers within 100 feet of a residential use shall be limited to the hours between 7:00 a.m. and 10:00 p.m.

B. **Acoustic Study.** An acoustic study shall be required for any proposed project which could create or be subject to a noise exposure greater than that deemed "acceptable" by the Noise Element of the General Plan.

C. **Noise Attenuation Measures.** Noise attenuation measures necessary to reduce noise impacts to acceptable levels are required to be incorporated into a project in accordance with the following:

1. All new residential development shall achieve interior noise level reductions through sound insulation and other measures to meet the General Plan land use compatibility standards by acoustical design and construction of the structure and building elements.

2. New dwelling units exposed to an exterior DNL above 65 dB shall incorporate the following noise reduction measures:

   a. All facades must be constructed with substantial weight and insulation;

   b. Sound-rated windows providing noise reduction performance similar to that of the façade must be included for all exterior entries;

   c. Acoustic baffling of vents is required for chimneys, fans, and gable ends; and

   d. Installation of a mechanical ventilation system affording comfort under closed window conditions.

3. Other measures identified in an acoustic study conducted for the proposed project as necessary to reduce noise levels to "acceptable" levels.

D. **Exemptions.** The provisions of this Section, do not apply to:

1. ***Emergencies.*** The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work.

2. ***Warning Devices.*** Warning devices necessary for the protection of the public safety, such as police, fire, and ambulance sirens.

3. ***Special Events.*** Occasional outdoor gatherings, public dances, shows, and sporting and entertainment events, provided that such events are conducted pursuant to a permit or license issued by the City.

4. ***Religious Facilities and Other Similar Organizations.*** Unamplified bells, chimes, or other similar devices used by houses of religious worship, as such devices are played between the time period of 7:00 a.m. and 10:00 p.m. and the playing period does not exceed 10 minutes in any one hour.
5. ***Municipal Solid Waste Collection.*** Collection of solid waste, vegetative waste, and recyclable materials by the City or under contract with the City.
6. ***Public Works Construction Projects, Maintenance, and Repair.*** Street, utility, and similar construction projects undertaken by or under contract to the City, San Luis Obispo County, or the State of California or a public utility regulated by the California Public Utilities Commission, as well as maintenance and repair operations conducted by such parties, including street sweeping, debris and litter removal, removal of downed wires, restoring electrical service, repairing traffic signals, unplugging sewers, vacuuming catch basins, repairing of damaged poles, removal of abandoned vehicles, repairing of water hydrants and mains, gas lines, oil lines, sewers, storm drains, roads, and sidewalks.
7. ***Public Utility Facilities.*** Facilities including, but not limited to, 60-cycle electric power transformers and related equipment, sewer lift stations, municipal wells, and pumping stations.

17.28.130 Vibration

No vibration shall be permitted so as to cause a noticeable tremor, measurable without instruments at the lot line.

Chapter 17.29 Signs

Sections:

17.29.010 Purpose
17.29.020 Sign Classifications and Calculations
17.29.030 Computations of Sign Area
17.29.040 Standards for All Districts and Zones
17.29.050 Embarcadero District
17.29.060 Downtown District
17.29.070 Quintana Road District
17.29.080 North Main District
17.29.090 Lodging Establishments
17.29.100 Industrial Zones
17.29.110 Signs Outside of Designated Business Districts
17.29.120 Performance Standards for Signs
17.29.130 Maintenance, Abandonment, and Removal of Signs, Substitution of Message
17.29.140 Nonconforming, Unpermitted, and Illegal Signs
17.29.150 Signage at Multi-Business Sites: Master Sign Program
17.29.160 Minor Adjustments
17.29.170 Sign Permits
17.29.180 Exceptions and Appeals
17.29.190 Severability
17.29.200 Definitions

17.29.010 Purpose

The purpose of this Chapter is to regulate signs so that they express and enhance the character and environment of the City of Morro Bay and its community. These regulations recognize the importance of business activity to the economic vitality of the City. Specifically, these regulations are intended to:

A. Encourage communications which aid in the identification of businesses and activities;

B. Preserve and enhance the aesthetic character of the City;

C. Restrict signs that, individually or cumulatively, create a confusing environment that impedes the public's ability to receive information;

D. Prohibit signs which endanger public safety by distracting motorists, cyclists, or pedestrians, thereby increasing the probability of accidents; and

E. Provide clear and distinct regulations for different districts and lodging establishments.

17.29.020 Sign Classifications and Calculations

A. **Sign Classifications.** For purposes of this Chapter, signs are classified based on their location:

1. ***On-Premise Sign.*** A sign that directs attention to a business, commodity, industry, or other commercial activity sold, offered, or conducted on the premises upon which such sign is located. For the purpose of this Chapter, all signs on private property that display noncommercial messages or designs are considered on-premise signs.

2. ***Off-Premise Sign.*** A sign that directs attention to a business, commodity, industry, or other commercial activity sold, offered, or conducted elsewhere than on the premises upon which such sign is located. For the purpose of this Chapter, temporary signs are not considered off-premise signs.

B. **Sign Types.** For purposes of this Chapter, signs are categorized into the following types based upon their design, construction, materials, and the manner in which they are mounted:

1. ***Permanent Free-Standing Signs.***

a. *Architectural Sign.* A freestanding sign mounted on two or more poles or other supporting structures.

b. *Monument Sign.* A sign, usually rather low in height, erected on the ground or on a solid base designed as a free-standing architectural unit not attached to a building.

c. *Pole Sign.* A sign supported by a single pole.

2. ***Permanent Building-Mounted Signs.***

a. *Awning (Canopy) Sign*. A sign painted on or attached to an awning, canopy, arcade, umbrella or similar feature.

b. *Entrance Sign*. A secondary and size-limited wall sign (see below) mounted directly above a public entrance to a business or other use.

c. *Exterior Display Case*. An openable weather-proof compartment with a transparent front panel. Exterior display cases are typically wall mounted or recessed into the wall of a structure, but could be designed to be free-standing. Typical uses for such cases include the display of restaurant menus or featured merchandise for sale.

d. *Marquee Sign*. A sign which projects from a building and forms a canopy over the building entrance and/or a portion of the adjacent sidewalk. Marquee signs are traditionally associated with theaters and typically feature changeable copy or graphics which inform the public of the movie or other entertainment currently available at the venue. Marquee signs often also feature a decorative vertical element that may extend above the cornice line of the building. Marquee signs represent one of the more common instances in which filament lamp lighting is employed.

e. *Projecting Sign (Pub Sign, Flange Sign).* A sign which is oriented perpendicular to the primary or secondary facade of an adjacent building and hangs from the canopy or cover over a walkway or driveway or which is mounted on and projects from the building wall.

f. *Roof Sign*. A sign erected upon, over or above the roof or false (mansard) roof of a building or structure, or any sign affixed to the wall of a building so that it projects above the eave line of a roof.

g. *Suspended (Hanging) Sign*. A sign which is oriented parallel to the primary or secondary facade of an adjacent building and hangs from the canopy or cover over a walkway, driveway or entrance, but which is not mounted on the building wall.

h. *Theater Display Case (Theater Case).* An openable, wall-mounted, weather-proof compartment with a transparent front panel. Theater display cases are, by definition, larger exterior display cases and are typically used to display posters that advertise upcoming movies or entertainment events. The use of theater display cases, however, is not so restricted by this definition.

i. *Wall Sign.* Any sign which is attached to, erected against or painted upon the wall or mansard of a building or structure, the face of which is in a single plane which is either vertical or parallel to the plane of the wall or mansard. A wall-mounted blackboard or whiteboard is considered a wall sign and is counted toward total allowable sign area.

j. *Window Sign.* Any sign placed inside or upon a window facing the outside or affixed to a window in such manner as to be visible from the exterior.

3. ***Other Permanent Signs***

a. *Equipment Sign.* A sign incorporated into displays, machinery, or equipment by a manufacturer, distributor, or vendor, such as signs customarily fixed to automated teller machines (ATMs), vending machines, gasoline pumps, menu boards, and umbrellas.

b. *Residential Subdivision.* A sign, typically a monument or wall type, which identifies the name of a subdivision.

c. *Directory sign.* A single sign located in a multi-tenant complex which lists non-residential tenants within the building, complex, or development and the address of the site.

4. ***Temporary and Portable Signs***

a. *Sidewalk Sign.* A sign not permanently attached to the ground, a building, or other permanent supporting structure. A-frame signs represent one common example of a sidewalk sign. Where permitted, sidewalk signs are subject to special regulations and permits. A freestanding blackboard or whiteboard is considered a sidewalk sign and is regulated as such. A sidewalk-type sign placed on a pier or dock is referred to as a dock sign.

b. *Temporary Sign*. A temporary sign is defined as any sign which:

i. Is constructed of paper, cardboard, flexible plastic, or other non-durable material; or

ii. Is mounted to a surface or object by means of tape, tacks, push pins, elastic cords, or other easily-removable means or is supported by leaning against a wall or other object or is anchored to the ground by means of wires or other easily-removable means or merely rests on the ground or other surface.

c. *Construction Sign.* A sign displayed by a contractor, subcontractor, or architect on a project site whenever a building permit has been issued for construction, alteration, or repair of a structure and when work is in progress on site pursuant to such permit.

1 Roof Sign
2 Wall Sign
3 Monument Sign (externally illum.)
4 Pole Sign
5 Sidewalk Sign
6 Directory Sign
7 Suspended (Hanging) Sign
8 Wall Sign (Channel Letters)
9 Awning Sign
10 Projecting (Pub) Sign
11 Window Sign

FIGURE 17.29.020(B): TYPES OF GENERAL BUSINESS SIGNS

C. **Exempt Signs**. The types of signs listed below are not required to obtain a sign permit, but the owner or acting agent of the property shall give notice, in writing, to the Community Development Department no fewer than 30 days prior to the placement of such sign. An Exempt Sign is fully subject to the standards established by Section 17.29.120, Performance Standards for Signs, through Section 17.29.140, Nonconforming, Unpermitted, and Illegal Signs. All Exempt Signs, except Temporary Signs, are not regulated by district and are exempt from the provisions in Section 17.29.050, Embarcadero District, through Section 17.29.110, Signs Outside of Designated Business Districts. Temporary Signs, however, are regulated by the district provisions in Section 17.29.050, Embarcadero District, through Section 17.29.110, Signs Outside of Designated Business Districts .

1. ***Legal Notice***. An official notice issued by a court, public body or office and posted in the performance of a public duty or a notice posted by a utility or other quasi-public agent in the performance of a public duty.

2. ***Government Sign***. A sign erected by the City of Morro Bay or other government body.

3. ***Historical Marker***. A sign, monument, or marker erected by or with the permission of a governmental body or agency for the purpose of informing the public of the history of a building, site, or other feature.

4. ***Educational Sign***. A sign erected by or with the permission of a governmental body or agency for the purpose of public education or information.

5. ***Government-Required Sign***. A sign which is required by law or by the conditions of a government issued permit, including, but not limited to a Conditional Use Permit or Coastal Development Permit, or by the terms of any lease or land use agreement to which a governmental agency is a party, and which is installed in accordance with the specifications of the controlling law, permit, lease, or land use agreement. The maximum sign allowance will not be affected by signage required.

D. **Legacy Signs**. The City recognizes that some existing signs may not be fully compliant with the requirements of this Chapter, but which, by virtue of their long-standing history and iconic design, contribute significantly and positively to the character of the community. Such signs, therefore, may be designated as Legacy Signs by resolution of the Planning Commission.

1. A request that Planning Commission consideration be given to the designation of any specific sign as a Legacy Sign may be initiated by the owner of the sign, the owner of the property on which the sign is located, the Morro Bay Planning Commission, or by any member of the City Council.

2. A designated Legacy Sign shall be exempt from the requirements of Section 17.29.040, Standards for All Districts and Zones, through Section 17.29.110, Signs Outside of Designated Business Districts. Such Legacy Signs, however, are fully subject to the standards established by Section 17.29.120, Performance Standards, through Section 17.29.140, Nonconforming, Unpermitted, and Illegal Signs. Additionally, a sign permit is required for a Legacy Sign.

E. **Sign Illumination Types**. The Sign Illumination Type is determined by the type of lighting that is employed to increase the sign's visibility. If a particular sign utilizes more than one form of illumination, the regulations of this Chapter which relate to each of the sign illumination types shall apply.

1. ***Non-Illuminated***. A sign that incorporates no external or internal light source.

2. ***Externally Illuminated***. A sign that is illuminated by reflected light from an external light source placed or mounted near the sign. In this type of illumination, the light source itself is shielded and is not visible to the viewer.

FIGURE 17.29.020(E)(2): EXTERNALLY-ILLUMINATED

3. ***Internally Illuminated***. A sign that is illuminated by light that radiates from an internal light source and passes through a translucent or transparent sign material. This Sign Illumination Type includes individual channel letters with internal light sources.

FIGURE 17.29.020(E)(3): INTERNALLY-ILLUMINATED

4. ***Back Lit***. A sign that consists of individual opaque letters and/or logos which are mounted in such manner that they are offset from a solid wall or other object and are illuminated only by the backwash of light upon the solid wall. The actual sources of light for a back lit sign are generally not directly visible.

FIGURE 17.29.020(E)(4): BACK LIT

5. ***Filament Lamp***. A sign that incorporates incandescent light bulbs which are visible to the viewer as a design element. In modern times, LED, compact fluorescent, or other bulbs designed to emulate the appearance of an incandescent bulb might be substituted.

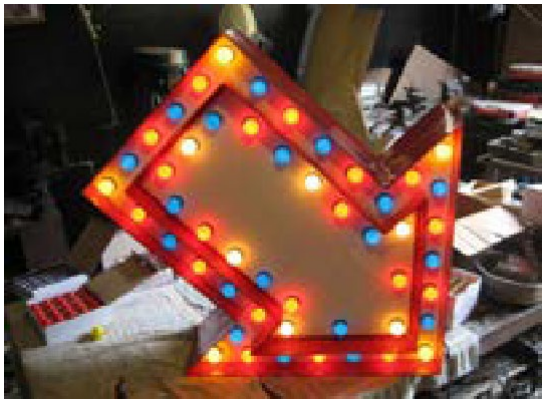


FIGURE 17.29.020(E)(5): FILAMENT LAMP

6. ***Neon***. A sign that incorporates neon tubes which are visible to the viewer. (Note that an externally illuminated, internally illuminated, or back-lit sign which utilizes a neon tube as a light source would not be considered a "neon sign", as the tubes would not be visible to the viewer.)

FIGURE 17.29.020(E)(6): NEON

7. ***LED***. A sign that incorporates light emitting diodes which are visible to the viewer. (Note that an externally illuminated, internally illuminated, or back-lit sign which utilizes LEDs as a light source would not be considered an "LED sign", as the LEDs would not be visible to the viewer.)

FIGURE 17.29.020(E)(6): NEON

F. **Displays Not Considered Signs**. The following types of displays are not considered to be signs and are not subject to the provisions of this Chapter.

1. ***Murals and Other Art***. Artwork painted on, affixed to, or erected near buildings shall not be considered a sign unless such artwork includes logos, text, or graphics that advertise, represent, depict, or promote services, products, or activities offered by a commercial enterprise, as determined by the Community Development Director. In the event that a relatively small area of commercial advertising exists on a display that is predominately artistic in nature, the Community Development Director may elect to consider only the area actually covered by the advertising as a sign, counting against total allowable sign area.

2. ***Festive Decorations***. Displays and decorations erected in conjunction with a holiday, festival, or other celebratory event shall not be considered as signs unless:

a. Such displays or decorations include logos, text, or graphics that advertise a business, service, product or other commercial enterprise, as determined by the Community Development Director, or

b. Such displays or decorations are constructed earlier than six weeks before the date of the event being observed, or

c. Such displays or decorations are permitted to remain in place for longer than two weeks after the date of the event being observed.

17.29.030 Computations of Sign Area

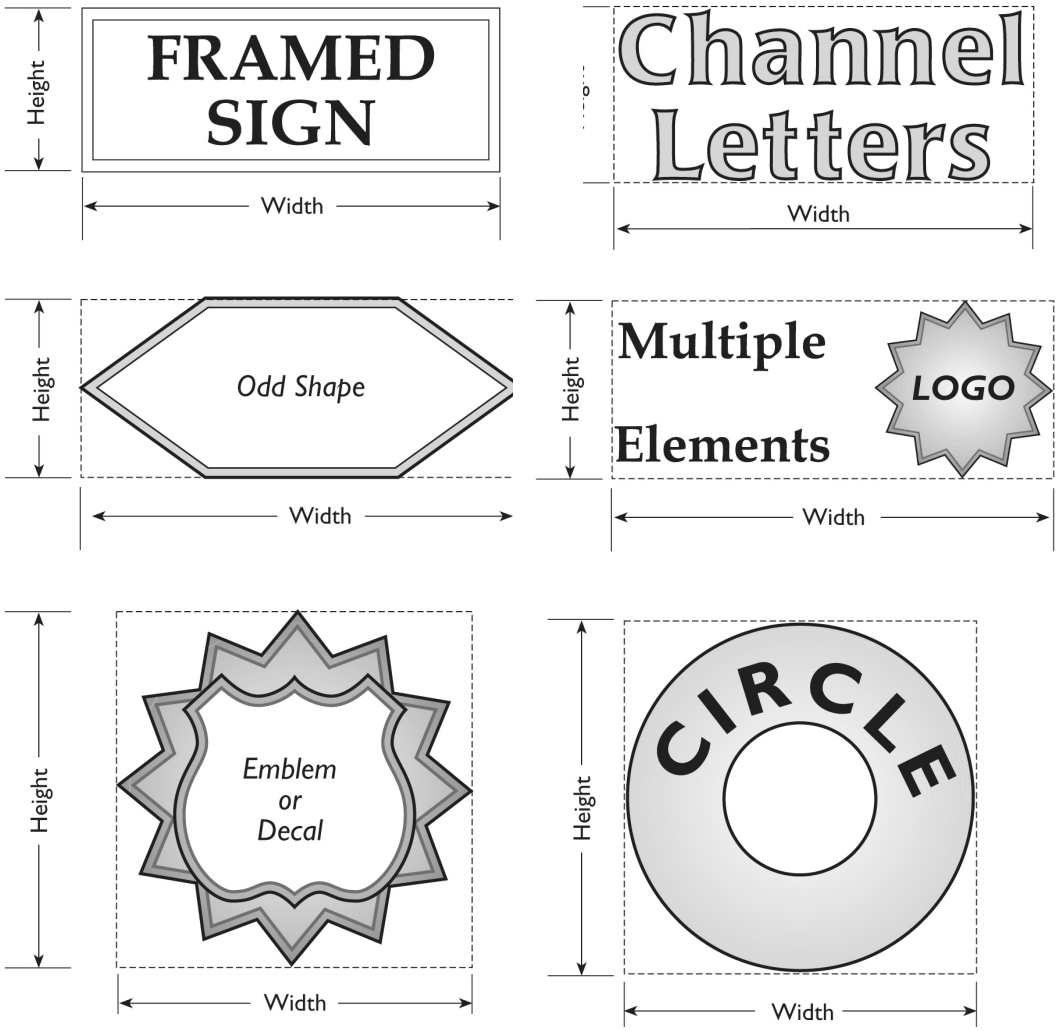
A. **Single-Faced Signs**. A sign is considered to be single-faced if it lies within a single plane and is viewable from only one side of the plane. The area of a single-faced sign shall be defined as the area (height x width) of a quadrangle (square or rectangle) that encloses the extreme limits of all sign elements including decorative frames or borders, written copy, logos, symbols, illustrations, and color, but excluding mounting brackets and supporting posts or poles.

B. **Double-faced Signs**. A double-faced sign consists of two faces that are, at no point, three feet or farther apart and that are either parallel (back-to- back), or meet at an interior angle of 45 degrees or less, or if extended would meet at an angle of 45 degrees or less. The area of such a sign shall be counted as the area of a quadrangle that encloses the extreme limits of all sign elements of one of the sign faces. Where the faces are not equal in size, the larger sign face shall be used as the basis for calculating sign area.

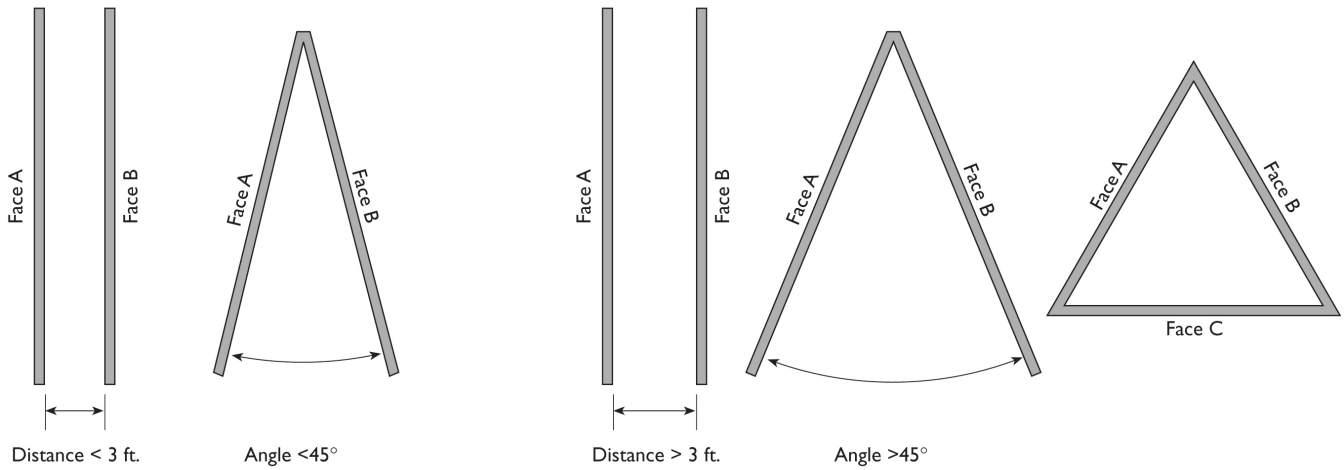
C. **Multi-faced Signs**. A multi-faced sign is composed of three or more planar sign faces, or of two sign faces which are, at any point, a distance greater than three feet apart or which meet (or would meet if extended) at interior angle greater than 45 degrees. The area of a multi- faced sign shall be calculated as the sum of the area of quadrangles that encloses the extreme limits of all sign elements of each one of the sign faces.

D. **Three-dimensional Signs**. Three dimensional signs consist of, incorporate, or have attached to them, one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture, or statue- like trademarks). The area of such signs shall be defined as 1.5 times the surface area of two adjacent vertical walls of an imaginary box that encloses the extreme limits of all sign elements including, but not limited to, sign structures or borders, written copy, logos, symbols, illustrations, and color, but excluding mounting brackets and supporting posts or poles.

E. **Special Considerations for Ground-Mounted Signs**. In the case of architectural or pole-mounted signs, the entire sign structure, with the exception of supporting posts or poles shall be considered a sign face, and the sign area will be calculated as shown in the "framed sign" example in Figure 17.29.030. For monument signs, however, only that portion of the structure that is actually utilized for the display of written copy, logos, symbols, illustrations, or other information will be considered in computation of sign area.



Single Faced Signs
Sign Area = Height x Width

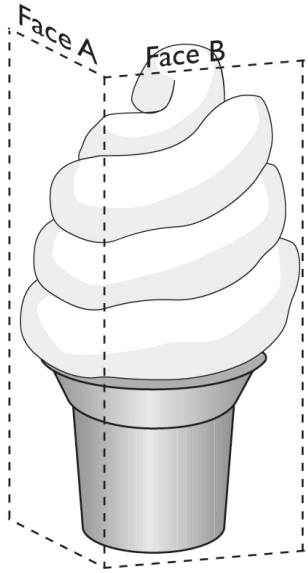


Double-Faced Signs

Total Sign Area = One Sign Face

Multi-Faced Signs

Total Sign Area = Sum Of All Sign Faces



Three-Dimensional Signs
Sign Area = 1.5 x Sum of Two Adjacent Sides

FIGURE 17.29.030: COMPUTATION OF SIGN AREA

F. **Computation of Facades**

Façade area is measured as the product of the façade length times the façade height. For the purposes of this Chapter, façade height shall not include roof gables.

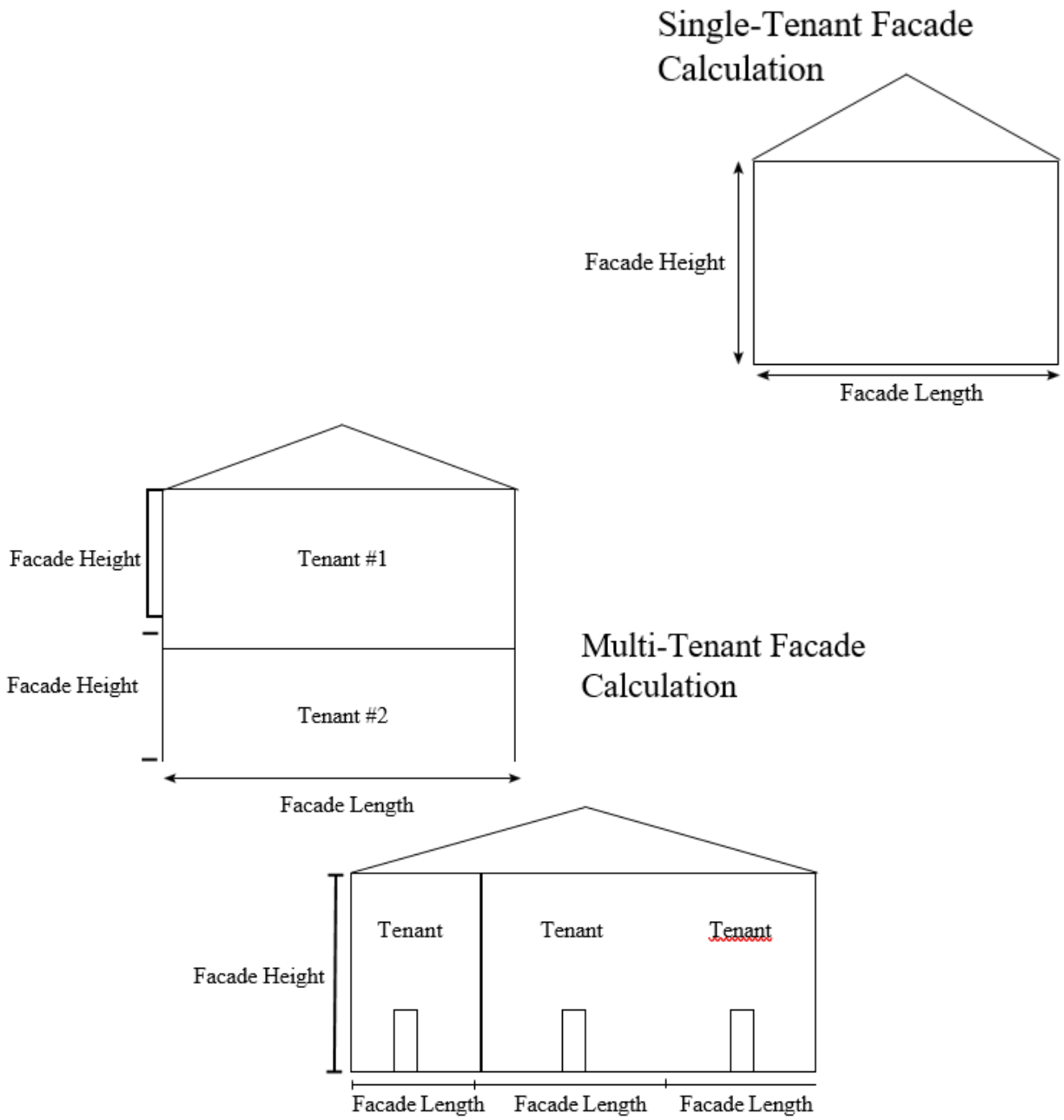


FIGURE 17.29.030(F): FAÇADE CALCULATION

17.29.040 Standards for All Districts and Zones

The principles and regulations of Section 17.29.120, Performance Standards, through Section 17.29.140, Nonconforming, Unpermitted, and Illegal Signs, apply to all signs, whether temporary or permanent, in any area within the City. Likewise the provisions listed in this section apply regardless of whether a sign is permitted or exempt. See other applicable sign standards by following these steps:

- Review Table 17.29.040, Standards Applicable in All Districts, to determine what additional provisions might apply to the type of sign that is planned
- Refer to Figure 17.29.040, Sign District Map, to determine the sign district in which the planned sign will be located.
- Consult the Section and Table that applies to the anticipated sign district (Section 17.29.050, Embarcadero District, through Section 17.29.110, Signs Outside of Designated Business Districts) to determine what district-specific regulations and design standards may apply.
  - For Lodging Establishments, regardless of sign district, see Section 17.29.090, Lodging Establishments.
  - For properties in industrial zones, regardless of sign district, see 17.29.100, Industrial Zones.

A. **Location of Signs**

1. No sign may be placed on public property, unless by the City of Morro Bay or other authorized governmental agency.
2. No sign may be placed on private property without the expressed consent of the property owner or other agent legally empowered to provide such consent.
3. Off-premise signs, including but not limited to billboards, are prohibited citywide.
4. No commercial sign advertising, related to, or sponsored by a business or business activity may be placed in any zoning district in which such business or business activity is prohibited by applicable provisions of the Morro Bay Zoning Ordinance, unless the related business entity has been established as a legal non-conforming, conditional, or interim use.
5. No commercial sign advertising, promoting, or offering products, services, or accommodations for sale, rent, lease, barter, or exchange may be placed in any zoning district in which such sale, rent, lease, barter, or exchange is prohibited by applicable provisions of the Morro Bay Zoning Ordinance.

6. At sites, buildings, or groups of buildings which have more than one non-residential occupant, on-premise signs may be placed upon or attached to only that portion of the property, building, or group of buildings that is physically occupied by the occupant providing the goods or services advertised, unless a Master Sign Program has been approved for the premises.

B. **Sign Standards**

1. The sign standards listed in Table 17.29.040, Standards Applicable in All Districts, are applicable citywide.
2. Unlike the citywide sign standards, allowable sign area and sign types are typically designated by District. See Figure 17.29.040, Sign District Map to determine what district your business is located in, then consult Section 17.29.050, Embarcadero District, through Section 17.29.110, Signs Outside of Designated Business Districts to determine allowable sign types and area.
3. For Lodging Establishments see Section 17.29.090, Lodging Establishments.
4. For signs located in Industrial Zones see Section 17.29.100, Industrial Zones.
5. For signs that are not located in any of the designated commercial districts, including those in residential areas, see Section 17.29.110, Signs Outside of Designated Business Districts, or consult with the Morro Bay Planning Department.

TABLE 17.29.040: STANDARDS APPLICABLE IN ALL DISTRICTS

E: Embarcadero District; D: Downtown District; Q: Quintana Road District; M: North Main Street District; L: Allowed for Lodging Establishments in All Districts; I: Allowed Within Industrial Zoning in All Districts

Sign Type	*Sign Permit Required*	*Locations Allowed*	*Standards*
Architectural Sign	Yes	Q M L	• Maximum height: 8 ft. (from ground to top of sign) • Shall be supported by 2 or more posts or beams • Minimum Setbacks: 1 ft. from ~~setback~~ property line • Sign faces: Maximum of 2 sign faces permitted • If one architectural sign proposed, sign shall count towards allowable signage for the Primary Façade. If a second architectural sign proposed, sign shall count towards nearest secondary façade. • Landscaping: Signs shall be placed in a landscaped planter or berm. Additional landscaping of the site may be required to better integrate sign appearance with the site. • Not permitted for individual businesses in shopping centers, retail clusters, or professional buildings

TABLE 17.29.040: STANDARDS APPLICABLE IN ALL DISTRICTS

E: Embarcadero District; D: Downtown District; Q: Quintana Road District; M: North Main Street District; L: Allowed for Lodging Establishments in All Districts; I: Allowed Within Industrial Zoning in All Districts

Sign Type	*Sign Permit Required*	*Locations Allowed*	*Standards*
Awning (Canopy) Sign	Yes	E D Q M L I	• Maximum height: 25 ft. above a sidewalk or public right-of-way • Sign copy and/or logos may not extend beyond the area of the awning or canopy. • The roofs of canopies exceeding 25 sq. ft. shall be drained to prevent dripping or flow onto public sidewalks or streets and shall be connected to an approved disposal source of adequate conductors.
Blackboard/ Whiteboard	Yes	E D Q M L	• Maximum sign area: 6 sq. ft. • Maximum height: 7 ft. above adjacent sidewalk or walkway • Must be of a sign type allowed in the District in which it is located. • Must be constructed of an exterior material resistant to warping and deterioration. • Must be enclosed by a frame of wood, metal, ceramic, or other durable material.
Construction Sign	No	E D Q M L I	• Maximum number of signs: 4 per construction site • Maximum aggregate sign area: 24 sq. ft. or 32 sq. ft. for projects on sites larger than 3 acres
Directory Sign	Yes	E D Q M I	• Shall be approved in association with Master Sign Program. Limited to one directory sign per site. • Maximum size of directory sign limited to 9 square feet. • Minimum height 3.5 ft. above sidewalk or public right-of-way • Maximum height 7 ft. above sidewalk or public right-of-way • Can be free-standing or building-mounted and shall be oriented to pedestrians
Equipment Sign	Yes	E D Q M L I	• Must be located on the face of the equipment or machine. • Maximum height: 7 ft. • If the sign(s) can be viewed from the public right-of-way, then the sign(s) will count towards allowable sign area.
Exterior Display Case	Yes	E D Q M L	• Maximum allowable sign area: 6 sq. ft. per sign • Maximum height of top of case: 7 ft. above sidewalk or public right-of-way • Minimum height of bottom of case: 3.5 ft. above sidewalk or public right-of-way

TABLE 17.29.040: STANDARDS APPLICABLE IN ALL DISTRICTS

E: Embarcadero District; D: Downtown District; Q: Quintana Road District; M: North Main Street District; L: Allowed for Lodging Establishments in All Districts; I: Allowed Within Industrial Zoning in All Districts

Sign Type	*Sign Permit Required*	*Locations Allowed*	*Standards*
			• Minimum separation from any doorway: 1 ft. • Transparent area of face must be constructed of shatter-resistant glass or plastic.
Hanging Sign	Yes	E D Q M L I	• Minimum height: 8 ft. • Minimum setback: 1 ft. from any setback line • Maximum sign faces: 2 • Maximum number of signs: 2 per business • If one monument sign proposed, sign shall count towards allowable signage for the Primary Façade. If a second monument sign is proposed, sign shall count towards nearest secondary façade. • Landscaping: signs shall be placed in a landscaped planter or berm. As a condition of any sign permit for a monument sign, additional landscaping of the site may be required to better integrate sign appearance with the site. • Not permitted for individual businesses in shopping centers, retail clusters, or professional buildings.
Monument Sign	Yes	E D Q M L I	• Must be free-standing, attached to the ground by a wide base and located within a landscaped area • Minimum setbacks: 1 ft. from property line • Maximum height: 8 feet from base, except for Embarcadero District where maximum shall be 6 feet from base. • If located in Embarcadero district, must be located outside of required view corridor • Monument signs shall count towards allowable signage for the Primary Façade. • Not permitted for individual businesses in shopping centers, retail clusters, or professional buildings
Projecting (Pub) Sign	Yes	E D Q M L I	• Minimum height: 8 ft. above a sidewalk or other public right-of-way • Maximum height: 20 ft. above a sidewalk or other public right-of-way, but not above an eave or roof • May not be placed closer to the edge of the façade than one-half the required minimum separation. • May not be lit by internal illumination, neon, LED, or filament bulb. • 1 per 30 linear ft. of frontage.
Residential Subdivision	Yes	--	• 1 monument or wall type sign allowed on each major street frontage • Located within a landscaped area • Maximum sign area per sign: 20 sq. ft.

TABLE 17.29.040: STANDARDS APPLICABLE IN ALL DISTRICTS

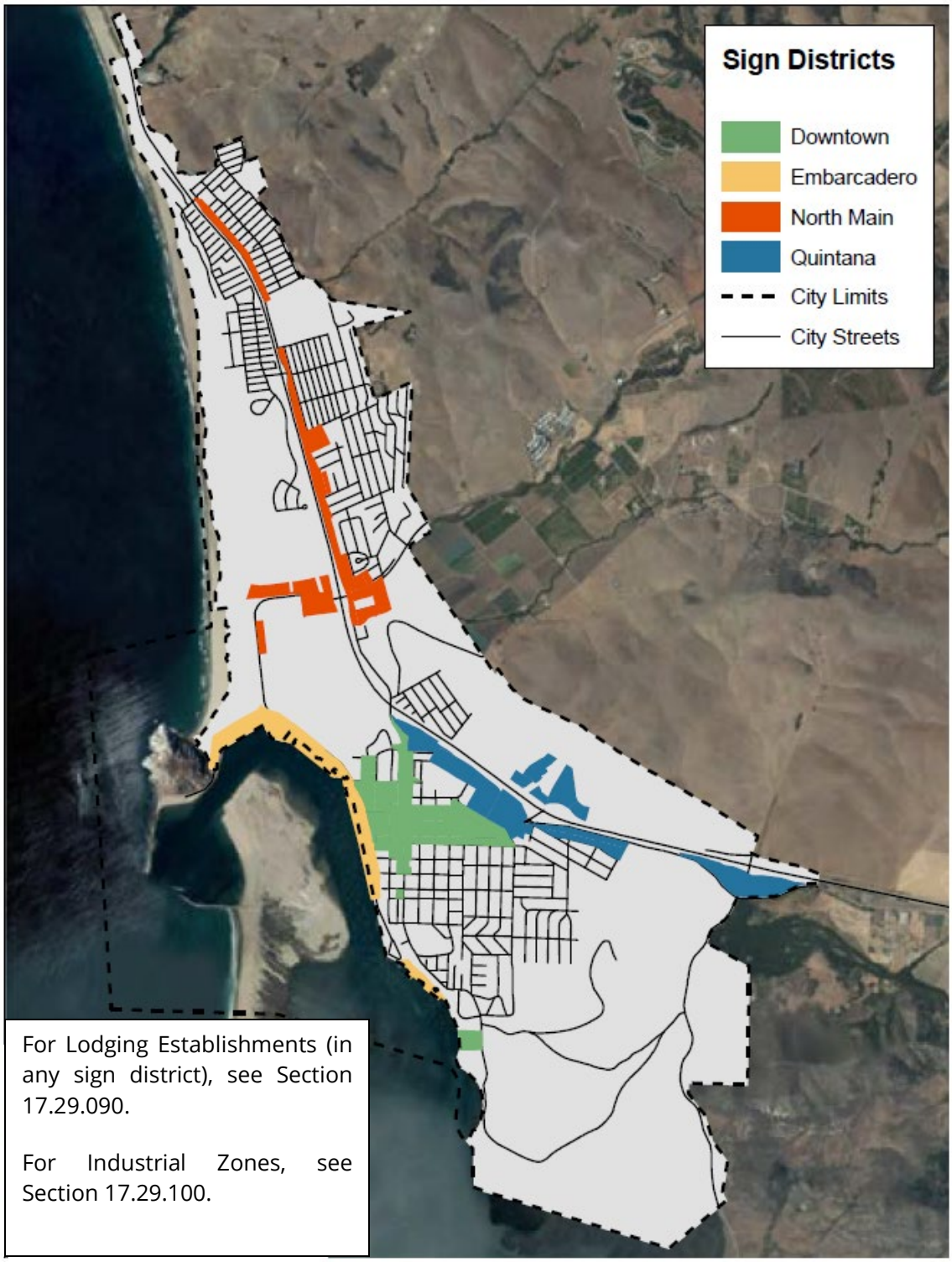
E: Embarcadero District; D: Downtown District; Q: Quintana Road District; M: North Main Street District; L: Allowed for Lodging Establishments in All Districts; I: Allowed Within Industrial Zoning in All Districts

Sign Type	*Sign Permit Required*	*Locations Allowed*	*Standards*
Roof Sign	Yes	E	• Top of sign may not extend above maximum building height for the zone in which the business is located. • Minimum vertical separation between top of sign and top of mansard roof: 8 in. • Not permitted for individual businesses in shopping centers, retail clusters, or professional buildings.
Sidewalk Sign	Yes	E D Q M I	• Maximum height: 42 in • Maximum width: 24 in. • May not be placed in such a manner as to narrow unobstructed sidewalk width to less than 8 ft. • May not be placed in a location that impairs egress from vehicles or watercraft • May not be placed in such a manner as to impair access to an adjacent business. • Sidewalk signs may not be anchored or attached in any manner to any street, sidewalk, walkway, structure, fence, railing, or vegetation. • Dock sign may be attached to railing as a permanent sign and shall not exceed the height of the railing or can be free-standing if located outside of view corridor. • May be displayed only during such times as the associated business is open for business, unless otherwise approved as a permanent attached dock sign. • Subject to a special Sidewalk Sign Permit. Sidewalk signs proposed to be placed within the public right-of-way require a Sidewalk Sign Encroachment Permit in addition to a general Sidewalk Sign Permit
Dock Sign	Yes	E	
Theatrical Display Case	Yes	D Q M	• Permitted only for businesses that offer to the public motion pictures, live theatrical performances, concerts, or similar entertainment events. • Theatrical display cases may only be installed when the primary signage is of the marquee type. • Maximum height of top of case: 7 ft. above sidewalk or public right-of-way • Minimum height of bottom of case: 1 ft. above sidewalk or public right-of-way • Minimum separation from any doorway: 1 ft. • Transparent area of face must be constructed of shatter-resistant glass or plastic.

TABLE 17.29.040: STANDARDS APPLICABLE IN ALL DISTRICTS

E: Embarcadero District; D: Downtown District; Q: Quintana Road District; M: North Main Street District; L: Allowed for Lodging Establishments in All Districts; I: Allowed Within Industrial Zoning in All Districts

Sign Type	*Sign Permit Required*	*Locations Allowed*	*Standards*
Temporary Sign	No	E D Q M L I	• Maximum duration: No individual temporary sign may be displayed for more than 30 days in any calendar year • When a temporary sign is displayed as a Window Sign, Wall Sign, or other sign type, the Temporary Sign may not exceed the maximum area per sign allowed for the sign type it represents. • May not be illuminated. • Signs advertising an event at a future time and date may not be displayed after the date of the event.
Wall Sign	Yes	E D Q M L I	• Maximum height: 20 ft. above a sidewalk or other public right-of-way, but not above an eave or roof • Maximum projection from surface of building: 12 in. • Minimum horizontal and vertical separation between signs: 3 ft. • Minimum vertical separation between sign and roof line: 1 ft. • Minimum horizontal distance from corner of building: 3 ft. • Minimum horizontal distance from window or door: 1 ft. (except for signs above building entrance)
Window Sign	Yes	E D Q M L I	• See district standards.



For Lodging Establishments (in any sign district), see Section 17.29.090.

For Industrial Zones, see Section 17.29.100.

FIGURE 17.29.040: SIGN DISTRICT MAP

17.29.050 Embarcadero District

A. **Characterization of the District.** The Embarcadero District is home to many of the tourist- serving businesses in Morro Bay. The Embarcadero District contains a dense collection of restaurants, hotels, bars, museums, gift shops, and recreation-based businesses.

B. **Purpose.** The sign regulations for this district are intended to maintain the unique, beach town character of Morro Bay's waterfront. The Embarcadero District is dominated by pedestrians; the code promotes small scale signs and projecting type signs that are oriented towards pedestrians and bicyclists. With the prohibition of pole signs, the code also aims to maximize access to and views of the bay from the street and walkways.

C. **Design Standards for Signs in the Embarcadero District.** The following design guidelines are not intended to stifle innovative and creative signage in this district. To the contrary, they are intended to promote a thoughtful approach to the design and appearance of signs that will enhance the overall ambiance and distinctive architectural style of the Embarcadero. The sign design guidelines establish a broad framework within which creativity and individuality are welcome. Signs which appear "generic", mass-produced, or excessively commercial are, in fact, strongly discouraged.

Signage in the Embarcadero District should respect and be consistent with the architectural design guidelines established by the Waterfront Master Plan and the Downtown Waterfront Strategic Plan. In order to conform to the concepts articulated by the Waterfront Master Plan, signs in this district shall conform to the following guidelines:

1. Utilize natural or "industrial" materials that are typically associated with the commercial fishing industry. Such materials might include, among others, wood, stone, art glass, ceramics, concrete, canvas, raw steel, brass, and copper. The use of rigid or flexible plastics, fiberglass, or enameled light gauge sheet metal is not permitted.

2. Be consistent with the architectural style and color of the building with which they are associated and with other signs related to the site. All of the signs associated with a particular lease site or structure must share a common, identifiable font and design theme and a common color palette that is compatible with and complementary to the building to which they relate.

3. Utilize muted colors and weathered or distressed finishes consistent with an appearance that has "evolved over time". Excessively bright, fluorescent, or primary colors are not acceptable.

4. Be placed in locations which are logical and compatible with the style and symmetry of the facade on which they are located.

5. Be designed and sited to minimize interference with public views to and along the bay from any lateral or vertical accessway or required view corridor.
6. Not be so large or numerous as to obscure or detract from the architecture of the building with which they are associated. See Table 17.29.050, Allowable Sign Types and Sign Area, Embarcadero District.
7. Be non-illuminated or illuminated only externally. Signs that are internally illuminated, filament lamp signs, or neon signs are not permitted in the Embarcadero District. See Table 17.29.050 regarding limited acceptability of neon or LED illumination.
8. Only non-illuminated signs are allowed on the rear, western, bay-facing sides of buildings on the waterfront to prevent glare and light pollution into the bay.

Signs indicating or directing the public to lateral or vertical coastal access should conform to any applicable standards or design guidelines established by the California Coastal Commission. Table 17.29.050, Allowable Sign Types and Sign Area, Embarcadero District, identifies all allowable sign types and specifications for businesses located in the Embarcadero District. If a sign type does not appear in Table 17.29.050, it is prohibited in this district.

D. **Additional Applicable Regulations**

1. See Table 17.29.040, Standards Applicable in All Districts, for additional regulations that apply citywide to each sign type.
2. See Section 17.29.120, Performance Standards, for performance standards that apply to all signs citywide.
3. If property has three or more tenants, see also Section 17.29.150, Signage at Multi-Business Sites: Master Sign Program.
4. If property has two tenants, façade calculations are determined by business façade, not overall building façade.
5. If illumination or lighting of any kind is proposed on or around signs, see Section 17.29.020.E, Sign Illumination Types, and 17.29.120.D, Illumination.
6. If a business is near the edge of a district, please consult with Planning Staff to confirm appropriate district designation.

FIGURE 17.29.050: EXAMPLES OF EMBARCADERO DISTRICT SIGNS

TABLE 17.29.050: ALLOWABLE SIGN TYPES AND SIGN AREA, EMBARCADERO DISTRICT

Sign Type	*Total No. of Signs Allowed*[1]	*Allowable Area Per Sign*		*Total Sign Area Allowed*
		Minimum	*Maximum*	
Awning	1 per frontage	–	–	Primary facades may contain maximum permanent signage equal to 15% of facade area or 120 sq. ft., whichever is less. Secondary facades may contain maximum permanent signage equal to 5% of facade area or 60 sq. ft., whichever is less. Extra allowable sign area granted for secondary facades cannot be implemented on the primary facade, and vice versa.
Roof	1 per frontage	24 sq. ft.	–	
Wall	1 per frontage	6 sq. ft.	–	
Hanging	1 per frontage	4 sq. ft.	8 sq. ft	
Window	1 per window	10% of window area	20% of window area	
Exterior Display Case	1 per business	–	6 sq. ft.	
Monument	1 per street frontage outside of view corridor	6 sq. ft.	24 sq. ft.	
Projecting (Pub)	1 per 30 linear feet of frontage	4 sq. ft.	8 sq. ft	
Sidewalk sign	1 per business	–	8 sq. ft.	
Dock	1 per business	–	16 sq. ft.	
Blackboard	1 per business	2 sq. ft.	6 sq. ft.	
Directory Sign	1 per Master Sign Program	–	9 sq. ft.	9 sq. ft. and which is not counted in total sign area allowed.
Temporary	2 per business	–	6 sq. ft.	12 sq. ft.

Bonuses

Sign Type	*Increase ("Bonus") in Total Allowable Sign Area*
Projecting (Pub)	PLUS (+) 8 sq. ft.
Wall	PLUS (+) 4 sq. ft.
Window	PLUS (+) 3 sq. ft.

Prohibited Lighting Types: Internally Lit Signs, Filament Lamp Sign, Neon Sign, LED Sign[2, 3]

[1] All signs must be displayed on the frontage for which they are allowed and cannot be moved to another frontage. Minimum of 30' of spacing required between projecting signs.

[2] Except that Window Signs no larger than 5 sq. ft. in area may use neon or LED illumination, provided that all lighting elements are illuminated continuously and do not flash, blink, or create an illusion of motion.

[3] LED lights may be allowed if certified under the LEED™ Green Building Rating System or equivalent and illumination is a low lumens warm temperature light and Dark Sky qualified.

17.29.060 Downtown District

A. **Characterization of the District.** The Downtown District houses a combination of resident- serving and tourist-serving businesses. While there are many restaurants, gift shops and galleries, the district also contains banks, shopping markets, offices, and service-based businesses such as automobile repair shops. The downtown is accessed by pedestrians, cyclists, and persons traveling by automobile. Vehicular traffic, however, tends to be low- speed and traffic lanes are relatively close to store fronts, so that large signs or those mounted high above ground level have limited utility.

B. **Purpose.** The sign regulations for this district are intended to preserve the small-town character that residents, tourists, and business owners enjoy. The code is designed to eliminate excessive signage while promoting pedestrian-oriented signs.

C. **Design Standards for Signs in the Downtown District.** Until the adoption of the Downtown Waterfront Strategic Plan in 2018, the Downtown District has not been covered by any adopted document that defines the character of or sets out visual guidelines for the area. Signage in the downtown has been developed over the years in a spontaneous and organic manner. This evolutionary process has been driven forward by the energies and imaginations of individual business owners and has produced signage which is distinctive, individualized, and highly creative. Fanciful images and whimsy are often featured. In many instances, signs in the downtown are, in fact, true pieces of folk art. Signs which appear "generic," mass-produced, or excessively commercial are strongly discouraged.

A few remaining historic signs in the downtown blend seamlessly with new signage and add visual character to the streetscape.

In order to preserve the eclectic and interesting character of signage in the Downtown District, new signs shall conform to the following guidelines, in addition to the design guidelines established by the Downtown Waterfront Strategic Plan:

1. Utilize natural or "industrial" materials that are typically associated with the commercial fishing industry. Such materials might include, among others, wood, stone, art glass, ceramics, concrete, canvas, raw steel, brass, and copper. The use of rigid or flexible plastics, fiberglass, or enameled light gauge sheet metal is not permitted.

2. Be individualized and creative in appearance, incorporating images, fonts, and materials that are visually interesting and contribute positively to the eclectic character of the district.

3. Incorporation or display of logos of national or regional retail organizations shall match the pallet and style of the surrounding area.

4. Signs must be non-illuminated, externally illuminated, back-lit, or lighted by means of filament or neon lamps. Signs that are internally illuminated are not permitted in the Downtown District.

5. Mechanical Changeable Copy Signs of the marque type are allowed in the Downtown Sign District. Other Mechanical Changeable Copy Signs are prohibited.

D. **Additional Applicable Regulations**

1. See Table 17.29.040, Standards Applicable to All Districts, for additional regulations that apply citywide to each sign type.

2. See Section 17.29.120, Performance Standards, for performance standards that apply to all signs citywide.

3. If property has three or more tenants, see also Sections 17.29.150, Signage at Multi-Business Sites: Master Sign Program.

4. If property has two tenants, façade calculations are determined by business façade, not overall building façade.

5. If illumination or lighting of any kind is proposed on or around signs, see Sections 17.29.020.E, Sign Illumination Types, and Section 17.29.120.D, Illumination.

6. If a business is near the edge of a district, please consult with Planning Staff to confirm appropriate district designation.

FIGURE 17.29.060: EXAMPLES OF DOWNTOWN DISTRICT SIGNS

TABLE 17.29.060: ALLOWABLE SIGN TYPES AND SIGN AREAS, DOWNTOWN DISTRICT

Sign Type	*Total No. of Signs Allowed*[1]	*Allowable Area Per Sign*		*Total Sign Area Allowed*
		Minimum	*Maximum*	
Awning	1 per frontage	–	–	Primary facades may contain maximum permanent signage equal to 15% of facade area or 150 sq. ft., whichever is less. Secondary facades may contain maximum permanent signage equal to 5% of facade area or 50 sq. ft., whichever is less. Extra allowable sign area granted for secondary facades cannot be implemented on the primary facade, and vice versa.
Marquee	1 per business	30 sq. ft.	–	
Wall	1 per frontage	6 sq. ft.	–	
Hanging	1 per frontage	4 sq. ft.	8 sq. ft.	
Window	1 per window	10% of window area	20% of window area	
Exterior Display Case	1 per business	–	6 sq. ft.	
Projecting (Pub)	1 per 30 linear feet of frontage	4 sq. ft.	16 sq. ft.	
Monument	1 per street frontage	6 sq. ft.	24 sq. ft.	
Sidewalk	1 per business	–	8 sq. ft.	
Blackboard	1 per business	3 sq. ft.	6 sq. ft.	
Directory Sign	1 per Master Sign Program	–	9 sq. ft.	9 sq. ft. and which is not counted in total sign area allowed.
Theater Case	3 per business	–	15 sq.ft.	45 sq.ft.
Temporary	6 per business	–	6 sq. ft.	12 sq. ft.

Bonuses

Sign Type	*Feature Required to Qualify for Bonus*	*Increase ("Bonus") in Total Allowable Sign Area*
Projecting (Pub)	None	PLUS (+) 8 sq. ft.
Wall	Individual Lettering	PLUS (+) 10 sq. ft.
Window	Individual Lettering	PLUS (+) 5 sq. ft.

Prohibited Lighting Types: Internally Lit Signs

[1] All signs must be displayed on the frontage for which they are allowed and cannot be moved to another frontage. Minimum of 30' of spacing required between projecting signs.

17.29.070 Quintana Road District

A. **Characterization of the District.** The Quintana Road District contains many of the City's larger commercial buildings, shopping malls, and gas stations. Due to the presence of

large parking lots and a lack of proximity to residential neighborhoods or visitor-serving accommodations, businesses in this district are most often accessed by persons traveling in automobiles. Local topography, however, severely limits the visibility of the Quintana district and any associated signage from State Highway 1. The relatively high posted speed limit (65 mph) and limited egress opportunities from Highway 1 also suggest that motorists traveling on this route are not a likely target audience for signs erected in the Quintana district.

- The Quintana Road District comprises a mix of local businesses, regional chain stores, and national retail chains and gasoline outlets. Many of the customers for these establishments are locals who have a particular destination in mind. Existing signage is largely utilitarian and recognizable brand names and logos are not uncommon.
- The primary vehicular access to this district is provided by Quintana Road. Due to topography and the existing pattern of development, however, many businesses in this district are not actually visible from this thoroughfare. This presents a special challenge with regard to signage.

B. **Purpose.** The sign regulations for this zone focus on allowing large-scale commercial and industrial businesses adequate signs that are proportionate to the associated structures and on promoting motorist and cyclist safety by requiring that signs are clear and legible from the road.

C. **Design Standards for Signs in the Quintana District.** Signage in the Quintana Road District tends to be more informational than promotional. It more often serves to provide potential customers with the location of a business they are seeking, rather than entice them to visit a previously unknown site. Readability to drivers and occupants of vehicles traveling at approximately 25 to 35 mph is of primary importance. To these ends signs in the Quintana Sign District shall conform to the following guidelines:

1. Signs for businesses that front directly on Quintana Road should, when feasible, be mounted perpendicular to the direction of travel at that point.
2. Signs should exhibit high contrast between background and lettering.
3. Lettering should be a minimum of six inches in height and should utilize a mix of upper- and lower-case characters.
4. Use of simple typeface is preferred over heavily flourished or ornamented fonts.
5. For businesses that are affiliated with national companies or chains, the inclusion of readily recognizable trademarks or logos may be useful to improve readability.
6. At multi-business sites, a Master Sign Program is required and can allow additional freestanding signs near Quintana Road, serving to direct motorists to the correct entrance driveway. See 17.29.150, Signage at Multi-Business Sites: Master Sign Program.

7. Sign heights should be low enough to allow motorists to read the message as they approach the entrances to businesses. Ground-mounted signs should be of the monument or architectural type, and pole signs are not permitted. Surface-mounted signs of the wall or projecting type are recommended over roof or window signs.

8. Mechanical Changeable Copy Signs are allowed in the Quintana Road Sign District.

Table 17.29.070, Allowable Sign Types and Sign Area, Quintana District, identifies all allowable sign types and specifications for businesses located in the Quintana District. If a sign type does not appear in Table 17.29.070, it is prohibited in this district.

D. **Additional Applicable Regulations.**

1. See Table 17.29.040, Standards Applicable to All Districts, for additional regulations that apply citywide to each sign type.

2. See Section 17.29.120, Performance Standards, for performance standards that apply to all signs citywide.

3. If property has three or more tenants, see also Sections 17.29.150, Signage at Multi-Business Sites: Master Sign Program.

4. If property has two tenants, façade calculations are determined by business façade, not overall building façade.

5. If illumination or lighting of any kind is proposed on or around signs, see Sections 17.29.020.E, Sign Illumination Types, and Section 17.29.120.D, Illumination.

6. If a business is near the edge of a district, please consult with Planning Staff to confirm appropriate district designation.

FIGURE 17.29.070: EXAMPLES OF QUINTANA DISTRICT SIGNS

TABLE 17.29.070: ALLOWABLE SIGN TYPES AND SIGN AREAS, QUINTANA DISTRICT

Sign Type	*Total No. of Signs Allowed*[1]	*Allowable Area Per Sign*		*Total Sign Area Allowed*
		Minimum	*Maximum*	
Awning	1 per frontage	–	–	Primary facades may contain maximum permanent signage equal to 20% of facade area or 200 sq. ft., whichever is less. Secondary facades may contain maximum permanent signage equal to 10% of facade area or 100 sq. ft., whichever is less. Extra allowable sign area granted for secondary facades cannot be implemented on the primary facade, and vice versa.
Marquee	1 per business	20 sq. ft.	–	
Wall	1 per frontage	6 sq. ft.	–	
Hanging	1 per frontage	4 sq. ft.	24 sq. ft.	
Window	1 per window	20% of window area	30% of window area	
Exterior Display Case	1 per business	–	6 sq. ft.	
Projecting (Pub)	1 per 30 linear feet of frontage	4 sq. ft.	16 sq. ft.	
Monument	1 per street frontage (choose one type)	6 sq. ft.	30 sq. ft.	
Architectural		8 sq. ft.	25 sq. ft.	
Sidewalk	1 per business	–	8 sq. ft.	
Blackboard	1 per business	2 sq. ft.	6 sq. ft.	
Directory Sign	1 per Master Sign Program	–	9 sq. ft.	9 sq. ft. and which is not counted in total sign area allowed.
Theater Case	3 per business	–	15 sq.ft.	45 sq.ft.
Temporary	6 per business	–	12 sq. ft.	18 sq. ft.

Bonuses

Sign Type	*Feature Required to Qualify for Bonus*	*Increase ("Bonus") in Total Allowable Sign Area*
Monument	Bldg. set back >30 ft. from public right-of-way	PLUS (+) 20 sq. ft.
Architectural		
Wall	Individual Lettering	PLUS (+) 10 sq. ft.
Window	Individual Lettering	PLUS (+) 5 sq. ft.

Prohibited Lighting Types: Internally Lit Signs

[1] All signs must be displayed on the frontage for which they are allowed and cannot be moved to another frontage. Minimum of 30' of spacing required between projecting signs.

17.29.080 North Main District

A. **Characterization of the District.** The North Main District is a highly heterogeneous area that includes residential, light industrial, neighborhood commercial, and visitor-serving commercial land uses. From the geographic configuration of land uses established by City planning documents, it appears that the historical intent for this area was that it would serve the needs of motorists traveling on State Highway 1. Over the years, however, Highway 1 has been widened to four lanes, the speed limit on this route has been increased to 55-65 mph, and opportunities for egress have been greatly restricted. Consequently, the potential customer base for businesses in the North Main Street District has shifted from itinerant travelers to local residents.

1. The intersection of North Main Street and Highway 41 represents, to a degree, an exception to this general rule. This intersection is controlled by a four-way stop sign, so that travelers arriving westbound on Highway 41 are required to slow significantly and could represent an additional "target audience" for signage in the immediate vicinity of this intersection. The Highway 41/North Main Street intersection presents several challenges with respect to signage:

    a. Intensifying commercial development at this site presents a risk that signage will become less effective due to a large number of individual signs that are presented against a relatively cluttered background.

    b. Some businesses to the south of Highway 41 are relatively distant from the roadway and are substantially lower than traffic, factors which tend to impair their visibility.

    c. The proximity of this intersection to Morro Bay High School results in the intermittent presence of large number of pedestrian and bicycling students.

    d. Traffic leaving the intersection on Highway 41 eastbound often accelerates quickly to speeds that are greater than seen in other parts of the North Main District.

    e. Anticipated improvements to the intersection may displace some existing signs and must be taken into account when planning the locations for new signage.

2. The North Main District contains a mixture of neighborhood commercial (e.g., grocery stores, hardware store), visitor-serving uses (e.g., motels, hotels), and businesses that are of interest to both tourists and locals (restaurants, antique shops). Although the majority of businesses are independent enterprises, some of the more recently-established ones are affiliated with national chains and may benefit from signage that includes readily recognized logos.

B. **Purpose.** The regulations for this district should promote signs that are legible and appealing to pedestrians, bicyclists, and motorists traveling along North Main Street and on State Highway 41. Regulations are also intended to minimize any negative aesthetic impacts of signs erected on North Main Street with regard to motorists traveling on Highway 1.

C. **Design Standards for Signs in the North Main Street District.** Signage in the North Morro Bay District should be targeted toward motorists traveling at relatively low speed (30-40 mph) along North Main Street and at somewhat higher speeds (40-50 mph) on Highway 41. As both the Quintana Road and North Main Districts require signage that is effective and readable to persons traveling in motor vehicles, the design guidelines for these two districts are similar. Signs in the North Main District shall conform to the following guidelines:

1. Signs for businesses that front directly on North Main Street or on Highway 41 should, when feasible, be mounted perpendicular to the direction of travel at that point.
2. Signs should exhibit high contrast between background and lettering.
3. Lettering should be a minimum of six inches in height along North Main Street and a minimum of eight inches in height along Highway 41, and should utilize a mix of upper- and lower-case characters.
4. The use of simple typeface is preferred over heavily flourished or ornamented fonts.
5. For businesses, especially visitor-serving businesses, that are affiliated with national companies or chains, the inclusion of readily recognizable trademarks or logos is encouraged.
6. At multi-business sites, a Master Sign Program is required and can allow additional freestanding signs on North Main Street or on Highway 41. See Section 17.29.150, Signage at Multi-Business Sites: Master Sign Program.
7. Sign heights should be low enough to allow a motorist to read the message without diverting his/her gaze upward from nearby traffic and pedestrians. Ground-mounted signs should be of the monument or architectural type, and pole signs are not permitted.
8. The location of new signs should be planned so as to avoid the area that would be required for construction of a traffic circle at the Highway 41/North Main Street intersection.
9. Mechanical Changeable Copy Signs are allowed in the North Main Sign District.
10. Signage that would draw motorist's attention and concentration away from the road is highly undesirable.

Table 17.29.080, Allowable Sign Types and Sign Area, North Main District, identifies all allowable sign types and specifications for businesses located in the North Main Street District. If a sign type does not appear in Table 17.29.080, it is prohibited in this district.

D. **Additional Applicable Regulations**

1. See Table 17.29.040, Standards Applicable to All Districts, for additional regulations that apply citywide to each sign type.
2. See Section 17.29.120, Performance Standards, for performance standards that apply to all signs citywide.
3. If property has three or more tenants, see also Sections 17.29.150, Signage at Multi-Business Sites: Master Sign Program.
4. If property has two tenants, façade calculations are determined by business façade, not overall building façade.
5. If illumination or lighting of any kind is proposed on or around signs, see Sections 17.29.020.E, Sign Illumination Types, and Section 17.29.120.D, Illumination.
6. If a business is near the edge of a district, please consult with Planning Staff to confirm appropriate district designation.

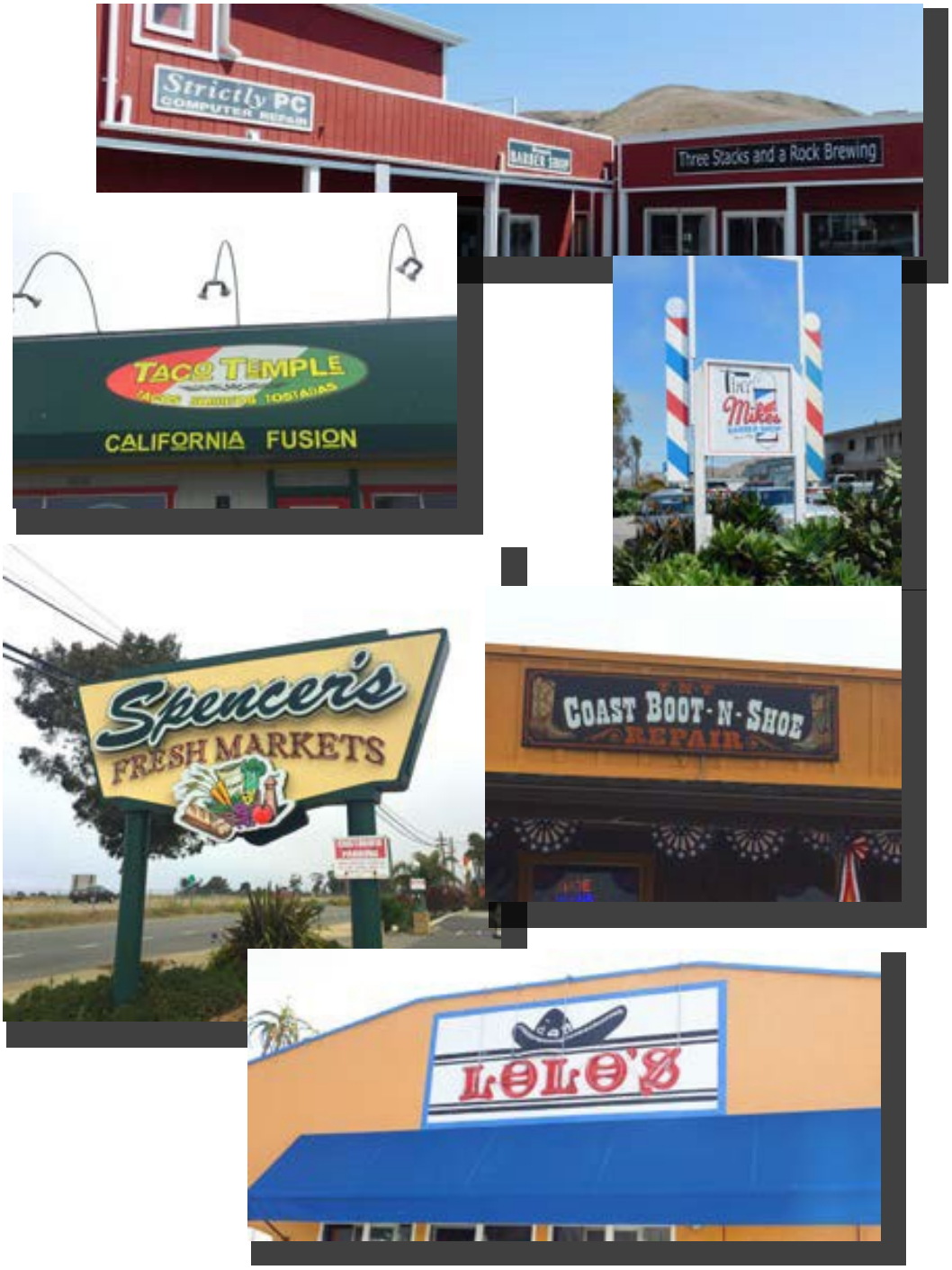


FIGURE 17.29.080: EXAMPLES OF NORTH MAIN DISTRICT SIGNS

TABLE 17.29.080: ALLOWABLE SIGN TYPES AND SIGN AREA, NORTH MAIN DISTRICT

Sign Type	*Total No. of Signs Allowed*	*Allowable Area Per Sign*		*Total Sign Area Allowed*
		Minimum	*Maximum*	
Awning	1 per frontage	–	–	Primary facades may contain maximum permanent signage equal to 20% of facade area or 200 sq. ft., whichever is less. Secondary facades may contain maximum permanent signage equal to 5% of facade area or 80 sq. ft., whichever is less. Extra allowable sign area granted for secondary facades cannot be implemented on the primary facade, and vice versa.
Marquee	1 per frontage	20 sq. ft.	–	
Wall (Surface)	1 per frontage	6 sq. ft.	–	
Hanging	1 per frontage	4 sq. ft.	24 sq. ft.	
Window	1 per window	20% of window area	30% of window area	
Exterior Display Case	1 per business	–	6 sq. ft.	
Projecting (Pub)	1 per frontage	4 sq. ft.	16 sq. ft.	
Monument	1 per driveway entrance (choose one type)	6 sq. ft.	30 sq. ft.	
Architectural		8 sq. ft.	40 sq. ft.	
Sidewalk	1 per business	–	8 sq. ft.	
Blackboard	1 per business	2 sq. ft.	6 sq. ft.	
Directory Sign	1 per Master Sign Program	–	9 sq. ft.	9 sq. ft. and which is not counted in total sign area allowed.
Theater Case	3 per business	–	15 sq. ft.	45 sq. ft.
Temporary	2 per business	–	12 sq. ft.	12 sq. ft.

Bonuses

Sign Type	*Feature Required to Qualify for Bonus*	*Increase ("Bonus") in Total Allowable Sign Area*
Architectural	Bldg. set back >30' from public ROW	PLUS (+) 20 sq. ft.
Monument		
Wall	Individual Lettering	PLUS (+) 20 sq. ft.
Window	Individual Lettering	PLUS (+) 10 sq. ft.

Prohibited Lighting Types: None

17.29.090 Lodging Establishments

A. **Purpose.** The following regulations apply to lodging establishments in ALL districts. Lodging establishments in the City are located in both residential and commercial zones, and have unique requirements that do not coincide with the signage needs of other types of businesses. The regulations in this section are intended to promote signs that attract potential customers and that are also appealing to both residents and tourists.

B. **Design Standards for Signs Associated with Lodging Establishments.** Signs associated with lodging establishments should be consistent with the design standards for the business district in which the establishment is located.

C. **Additional Applicable Regulations.**

1. See Table 17.29.040, Standards Applicable to All Districts, for additional regulations that apply citywide to each sign type.
2. See Section 17.29.120, Performance Standards, for performance standards that apply to all signs citywide.
3. If property has three or more tenants, see also Sections 17.29.150, Signage at Multi-Business Sites: Master Sign Program.
4. If property has two tenants, façade calculations are determined by business façade, not overall building façade.
5. If illumination or lighting of any kind is proposed on or around signs, see Sections 17.29.020.E, Sign Illumination Types, and Section 17.29.120.D, Illumination.
6. If a business is near the edge of a district, please consult with Planning Staff to confirm appropriate district designation.

TABLE 17.29.090: ALLOWABLE SIGN TYPES AND SIGN AREA, LODGING ESTABLISHMENTS

Sign Type	*Total No. of Signs Allowed*[1]	*Allowable Area Per Sign*		*Total Sign Area Allowed*
		Minimum	*Maximum*	
Awning (Canopy)	1 per frontage	–	–	Primary facades may contain maximum permanent signage equal to 20% of facade area or 200 sq. ft., whichever is less. Secondary facades may contain maximum permanent signage equal to 5% of facade area or 80 sq. ft., whichever is less. Extra allowable sign area granted for secondary facades cannot be implemented on the primary facade, and vice
Marquee	1 per frontage	10 sq. ft.	–	
Wall (Surface)	1 per frontage	6 sq. ft.	–	
Projecting (Pub)	1 per frontage	4 sq. ft.	16 sq. ft.	
Architectural	1 per driveway entrance (choose one type)	8 sq. ft.	25 sq. ft.	
Monument		8 sq. ft.	30 sq. ft.	
Window	1 per window	20% of window area	30% of window area	

TABLE 17.29.090: ALLOWABLE SIGN TYPES AND SIGN AREA, LODGING ESTABLISHMENTS				
Sign Type	*Total No. of Signs*	*Allowable Area Per Sign*		*Total Sign Area Allowed*
				versa.
Temporary	2 per business	–	6 sq. ft.	12 sq. ft.
Bonuses				
Sign Type	*Feature Required to Qualify for Bonus*	*Increase ("Bonus") in Total Allowable Sign Area*		
Wall (Surface)	Individual Lettering	PLUS (+) 4 sq. ft.		
Prohibited Lighting Types: None				
1. All signs must be displayed on the frontage for which they are allowed and cannot be moved to another frontage. Minimum of 30 ft. of spacing required between projecting signs.				
2. Signs that are within or adjacent to residential zones shall not be illuminated after 10 p.m. regardless if business is open or closed.				

17.29.100 Industrial Zones

A. **Purpose.** The following regulations apply to businesses located in industrial zones in ALL districts. Industrial businesses have unique requirements that do not coincide with the signage needs of other types of businesses.

B. **Design Standards for Signs in Industrial Zones.** Signs associated with businesses in industrial zones should be consistent with the design standards for the business district in which the industrial zone is located.

C. **Additional Applicable Regulations.**

1. See Table 17.29.040, Standards Applicable to All Districts, for additional regulations that apply citywide to each sign type.
2. See Section 17.29.120, Performance Standards, for performance standards that apply to all signs citywide.
3. If property has three or more tenants, see also Sections 17.29.150, Signage at Multi-Business Sites: Master Sign Program.
4. If property has two tenants, façade calculations are determined by business façade, not overall building façade.
5. If illumination or lighting of any kind is proposed on or around signs, see Sections 17.29.020.E, Sign Illumination Types, and Section 17.29.120.D, Illumination.

6. If a business is near the edge of a district, please consult with Planning Staff to confirm appropriate district designation.

TABLE 17.29.100: ALLOWABLE SIGN TYPES AND SIGN AREA, INDUSTRIAL DISTRICTS

Sign Type	*Total No. of Signs Allowed*[1]	*Allowable Area Per Sign*		*Total Sign Area Allowed*
		Minimum	*Maximum*	
Awning	1 per frontage	–	–	Primary facades may contain maximum permanent signage equal to 15% of facade area or 200 sq. ft., whichever is less. Secondary facades may contain maximum permanent signage equal to 5% of facade area or 180 sq. ft., whichever is less. Extra allowable sign area granted for secondary facades cannot be implemented on the primary facade, and vice versa.
Wall (Surface)	1 per frontage	6 sq. ft.	–	
Directory Sign	1 per Master Sign Program	–	9 sq. ft.	9 sq. ft.
Temporary	4 per business	–	12 sq. ft.	24 sq. ft.
Sidewalk	1 per business	–	8 sq. ft.	
Window	1 per window	20% of window area	30% of window area	-

Bonuses

Sign Type	*Feature Required to Qualify for Bonus*	*Increase ("Bonus") in Total Allowable Sign Area*
Wall (Surface)	Individual Lettering	PLUS (+) 24 sq. ft.

Prohibited Lighting Types: None[2]

[1] All signs must be displayed on the frontage for which they are allowed and cannot be moved to another frontage. Minimum of 30 ft. of spacing required between projecting signs.

[2] Signs that are within or adjacent to residential zones shall not be illuminated after 10 p.m. regardless if business is open or closed.

17.29.110 Signs Outside of Designated Business Districts

A. **Lodging Establishments** (regardless of Sign District). See Section 17.29.090, Lodging Establishments.

B. **Industrial General (IG) District.** See Section 17.29.100, Industrial Districts.

C. **Other Nonresidential Districts.** Consult with the Community Development Director to determine which District Standards are most appropriate to the nature of the site.

D. **Residential Districts.** See Table 17.29.110, Sign Standards for Residential Districts.

E. **Additional Applicable Regulations.**

1. See Table 17.29.040, Standards Applicable to All Districts, for additional regulations that apply citywide to each sign type.
2. See Section 17.29.120, Performance Standards, for performance standards that apply to all signs citywide.
3. If property has three or more tenants, see also Sections 17.29.150, Signage at Multi-Business Sites: Master Sign Program.
4. If illumination or lighting of any kind is proposed on or around signs, see Sections 17.29.020.E, Sign Illumination Types, and Section 17.29.120.D, Illumination.
5. If a business is near the edge of a district, please consult with Planning Staff to confirm appropriate district designation.

TABLE 17.29.110: SIGN STANDARDS FOR RESIDENTIAL DISTRICTS

Sign Category	*Allowable*	*Sign Permit Required*	*Standards/Limitations*
Permanent	Yes	Yes	• Sign type limited to monument, hanging, or wall • Maximum sign area = 20 sq. ft. per tenant space • Residential Subdivision Sign refer to standards in Table 1. • Maximum height = 8 ft. • May not be illuminated. • May not be placed within 15 feet of any public street, bike path. or sidewalk.
Temporary	Yes	No	• No individual temporary sign may be displayed for more than 30 days in any calendar year. • No business may display temporary signs for >30 consecutive days or >60 days in any calendar year • Maximum sign area = 6 sq. ft. per sign • Maximum number of signs which may be displayed

TABLE 17.29.110: SIGN STANDARDS FOR RESIDENTIAL DISTRICTS			
Sign Category	*Allowable*	*Sign Permit Required*	*Standards/Limitations*
			simultaneously = 2 • May not be placed within 15 feet of any public street, bike path. or sidewalk. • Signs advertising a specific event and not indicating a future time and date of occurrence (e.g., "Open House", "Garage Sale", "Farmers' Market") may be displayed only during the event.

17.29.120 Performance Standards for Signs

A. **Public Nuisance Prohibited.** Regardless of whether or not a permit is required, no sign may be constructed or placed in such manner as to create a public hazard or nuisance.

B. **Code Compliance.** Permanent signs and supporting structures thereof shall be installed in accordance with the Building Code.

C. **Emissions and Noise.** No sign may emit visible smoke, vapor, bubbles, confetti, particles, or detectable odor, or be made with mechanical equipment that creates noise.

D. **Illumination.** Signs with any type of illumination are subject to all of the following standards:

1. All lighting is subject to necessary electrical permits.
2. All newly fabricated illuminated signs shall incorporate light-emitting diodes (LEDs) or an equally energy efficient light source.
3. Illuminated signs that are larger than 10 square feet in area shall not be switched ON during daylight hours. All newly fabricated signs larger than 10 square feet in area shall incorporate an automatic, light-activated on/off switch.
4. All illuminated signs shall be turned off by 10 PM or at the time the business closes, whichever is later. Excluding lodging establishments, except when adjacent or within residential districts.
5. External lighting shall be properly shielded to prevent glare upon an adjacent public right- of-way or adjacent property.
6. Illumination shall be constant in intensity and color and shall not consist of flashing, animated or changing lights as to not be distracting to pedestrians, motorists, or neighboring property.
7. No sign shall emit or reflect light exceeding ten foot-candle power at ten feet from the face of the sign.

8. Waterfront properties shall not have any illuminated signs on the western, bay-facing facades to prevent glare into the bay

E. **Animation or Movement.** No sign may incorporate, in any manner, any moving part or parts or any flashing, moving, rotating, pulsating or intermittent lighting, with the exception of approved time and temperature displays and barber poles.

F. **Attention-Getting Devices.** No sign or any other advertising display may incorporate flags, banners, or streamers constructed of cloth, canvas, light fabric, paper, cardboard, wallboard or other light materials which are suspended, mounted, or attached in a manner which allows movements of the sign by atmospheric conditions; nor may any sign incorporate searchlights, string lights, rope lights, festoon lights, flashing lights, balloons, bubbles, fans, or similar devices for attracting attention. This definition, however, shall exclude fabric signs which are securely and permanently attached to a rigid framework (e.g. awning signs as defined in this Chapter) or building in a manner which inhibits movement, and fabric projecting signs which are securely and permanently anchored on at least two opposite sides.

G. **Changeable Copy Signs.** For the purpose of this ordinance, blackboards and whiteboards are not considered changeable copy signs.

1. ***Electronic Changeable Copy Signs.*** No sign shall be designed so that characters, letters, or illustrations can be changed or rearranged electronically without altering the face or surface of the sign.

2. ***Mechanical Changeable Copy Signs.*** Signs that are designed so that characters, letters, or illustrations can be changed or rearranged mechanically shall not be allowed unless specified in the Sign District Design Guidelines.

H. **Electronic Images.** No sign may display still or moving images which have been electronically recorded or stored or which have been received from an off-site source or service.

I. **Inflatable Sign Elements.** No sign shall incorporate any element or elements that are made of flexible material designed to be filled with gas or air.

J. **Tire Stacks.** No sign shall be placed on, attached to, or supported by stacked tires.

K. **Vehicle Display.** No sign shall be mounted, placed or displayed on a vehicle, trailer, or boat, with the exception of:

1. Signs advertising such vehicle, trailer, or boat for sale in locations where sale of vehicles is permitted.

2. Those signs and displays described in Section 21100(p)(2) of the California Vehicle Code1.

L. **Obscenities.** No sign shall include matter that is offensive or disgusting by accepted standards of morality and decency.

M. **Egress.** No sign may obstruct any fire escape, required exit, window or door opening intended as a means of egress.

N. **Ventilation.** No sign may interfere with any opening required for ventilation.

O. **Persons or Animals.** No human or animal shall be used as advertising such that the advertising is intended to, or does in fact, attract the attention of passing motorists to a business or service; and where such advertisement constitutes an off-premise sign.

P. **Traffic Hazard.** No sign may be located in such a manner as to constitute a traffic hazard or obstruct the view of any authorized traffic sign or signal device, nor may any sign be constructed in a manner that can be confused with any authorized traffic sign, signal, or device.

Q. **Interference with Pedestrians.** No sign shall be placed or constructed on a sidewalk, dock, pier, boardwalk, or designated coastal accessway if such sign, in any way, impedes the right- of-way for pedestrians or with egress of occupants from legally parked vehicles or vessels.

R. **Interference with Harbor-Related Activity.** No sign shall be placed or constructed on a sidewalk, dock, pier, boardwalk, or designated coastal accessway if such sign, in any way, impedes the free movement, loading, or unloading of watercraft or interferes with commercial harbor-related industry. A dock sign may only be placed on docks or gangways owned, leased, rented, or otherwise legally controlled by the sign's owner.

S. **Obstruction of Protected View Corridors.** Within the area of the City encompassed by the Waterfront Master Plan, no sign or other display greater than 30 inches in height shall be placed or constructed in any view corridor established by a Coastal Development Permit. An exception to this provision may be made by the Community Development Director for signs required to ensure public safety or signs indicating coastal access if the Director determines that a height greater than 30 inches is necessary to accomplish the sign's intended purpose.

T. **Interference with Utilities.** No sign may be placed or constructed that fails to maintain clearance from or interferes with electrical conductors, communications equipment or lines, surface and underground facilities and conduits for water, sewage, gas, electricity and communications equipment or lines. Signs shall not be placed in public utility easements unless express written permission from the affected public utility is obtained.

U. **Materials.** No permanent sign may be constructed of insubstantial materials that will be subject to rapid deterioration, as determined by the Community Development Director. This provision, however, shall not apply to temporary signs or to signs mounted on the interior surface of a window.

V. **Orientation.** With the exception of projecting (pub) signs, no sign may be placed or constructed which is so oriented as to be viewed primarily across an adjacent private property line. All signs must be visible directly from a public right-of-way, other public open space or from a parking lot, walkway, or courtyard on the same site as the sign, without view lines extending over private property different from that on which the sign is located.

17.29.130 Maintenance, Abandonment, and Removal of Signs, Substitution of Message

A. **Maintenance.**

1. All signs, together with all supporting structures, shall be maintained as follows:
    a. Signs shall be kept free of rust, dirt, and of chipped, cracked, or peeling paint unless they are included in the original sign design.
    b. All hanging, dangling, torn, or frayed parts of signs shall be promptly repaired and graffiti and unauthorized attachments shall be removed.
    c. Burned-out illumination shall be replaced immediately.
    d. Sign areas shall be kept free and clear of noxious substances, rubbish, and weeds.
2. If a sign is removed from its supporting structure for longer than 60 days, the supporting structure shall be removed.
3. Any sign deemed unsafe by a Building Official shall be removed or fixed within 3 days of written notice.
4. Every sign, including those signs for which no permit is required, together with all supports braces, guys, and anchors shall be maintained in a safe, presentable, and good structural condition at all times. The display surfaces of all signs shall be kept neatly painted, posted, or otherwise maintained at all times. The owner of property on which the sign is located shall be responsible for the condition of the area in the vicinity of the sign, and shall be required to keep this area clear, sanitary, and free from noxious or offensive substances, rubbish, and flammable waste materials.
5. Any temporary sign which is no longer safe, presentable, and structurally sound shall be immediately removed by the owner.

B. **Abandonment.** The following signs shall be presumed to be abandoned.

1. Located on Property. Any sign which is located on property that becomes vacant and is unoccupied for a period of 60 days or longer.
2. Unrelated to Property. Any sign which describes, references, or pertains to an occupant or business other than the present occupant or business.

3. Time, Event, or Purpose Sign. Any sign which pertains to a time, event, or purpose which no longer exists.

C. **Removal.** Abandoned signs are deemed a public nuisance due to their misleading and distracting nature and due to their contributing to visual blight, and are deemed detrimental to surrounding areas and the community generally. An abandoned sign is prohibited and shall be removed by the property owner.

D. **Substitution of Sign Message.** The owner of a legal, permitted sign may substitute a non-commercial message for a commercial message.

17.29.140 Nonconforming, Unpermitted, and Illegal Signs

A. **Purpose.** The following regulations apply to signs throughout the City that do not comply with the regulations in this Chapter. Section 17.29.170, Sign Permits, also has provisions the City shall utilize to bring nonconforming signs into compliance.

B. **Legal Nonconforming Signs.** Signs existing prior to January 1, 2017, that do not comply with the provisions of this Chapter but that were legally erected pursuant to applicable state and City ordinances in effect at the time of construction and after issuance of any permit required at the time of their construction shall be regarded as nonconforming signs, and shall be subject to the following:

1. ***Limited Expansion.*** Changes may be made to the sign face, copy, graphic design, or color of a nonconforming sign provided that such changes can be made without removal of the sign. A nonconforming sign, however, may not be expanded, extended, reconstructed, or altered in location or orientation so as to enable it to be read or viewed from a different direction than its original positions.

2. ***Abatement of Legal, Nonconforming Signs.*** A nonconforming sign shall be removed or otherwise made to conform to the provisions of this Chapter under the following circumstances:

   a. *Deterioration.* When a When a nonconforming sign becomes deteriorated or dilapidated to the extent of over 50% of the physical value it would have if it had been maintained in good repair, it must be removed within 60 days after receiving notice from the Community Development Department. If an ill-maintained sign cannot be adequately valued and assessed, the Community Development Director may require that such sign be removed or repaired.

   b. *Site Reconstruction or Repair.* Whenever the physical structures on a commercial property are replaced or renovated, all nonconforming signs at the site shall be removed or made to conform to the provision of this Chapter. This requirement, however, may be waived by the Community

Development Director if the property owner provides credible documentation that the cost of abating nonconforming signage would exceed ten percent of the cost of the proposed reconstruction or repairs.

c. *Tidelands Lease Agreements.* Whenever the City of Morro Bay enters into a Tidelands lease agreement with any individual or business entity, whether as a new agreement or a lease renewal, a requirement that all nonconforming signs at the site be removed or made to conform to the provision of this Chapter shall be incorporated into such lease agreement.

3. ***Other Requirements.*** Nonconforming signs are also subject to the provisions of Chapter 17.27, Nonconforming Uses, Structures, and Lots.

C. **Unpermitted Signs.** Any sign that was placed, erected, or constructed or which is maintained without the owner having obtained such sign permit as may have been required at the time of its placement, erection, or construction, but which is otherwise in conformance with all of the applicable provisions and standards of this Chapter shall be termed an unpermitted sign.

1. An unpermitted sign may become legalized if the owner submits a sign permit application on his/her own initiative or within ten days of receiving notice from the City. Such application, if received by the Planning Department within six months after the date of adoption of this ordinance, must be accompanied by payment of the fee established by the City for the processing of a sign permit application. If such application is received at a time greater than six months after the adoption of this ordinance, it must be accompanied by a fee equal to double the fee established for the processing of a timely sign permit application. If a sign permit is approved the sign shall be deemed to be legal and may remain in its current state.

2. Failure to either remove an unpermitted sign or to submit a sign permit application within five days after receiving notice from the City shall be considered a violation of this Ordinance and subject to provisions in the MBMC, specifically regulations in Public Nuisances Chapter 8.14 and Title 1.

D. **Illegal Signs.** Any sign which was placed, erected or constructed or which is maintained without the owner having obtained such sign permit or sidewalk sign permit as may have been required at the time of its placement, erection, or construction, and which is in violation of any applicable provision of Sections 17.29.040, Standards for All Districts and Zones, through 17.29.130, Maintenance, Abandonment, and Removal of Signs, Substitution of Message,, or any other Chapter of this Title, or of any other Federal, State, or local law is an illegal sign. Additionally, any sign which would otherwise be an exempt sign, but which was placed or erected without the 30-day notice required by Section 17.29.020.B, Sign Types, shall be considered an illegal sign. The Community

Development Director shall order that such sign be brought into compliance with the provisions of the Chapter or be abated as a public nuisance under Public Nuisances Chapter of the Municipal Code (8.14).

1. If the illegal sign is not a primary business sign (see definition in Section 17.29.200, Definitions), any work required to be done shall be completed or the sign shall be removed within 10 days of the order, unless otherwise specified in writing.

2. If the illegal sign is a primary business sign which was erected or placed prior to the date of enactment of this ordinance, the maximum allowable time for completion of any work required shall be specified by the Community Development Department, as follows in the table below. Specification of a maximum allowable completion time greater than 90 days shall be contingent on the applicant providing a credible estimate of the cost of repair or replacement to the Planning Department within 30 days of illegal sign notification.

TABLE 17.29.140: ALLOWABLE TIME FOR ILLEGAL SIGNS

Cost of Repair or Replacement	*Allowable Time*
Less than $500	90 days
$500 to $999	6 months
$1000 to $2499	1 year
$2500 or more	2 years

3. If the illegal sign is a primary business sign which was erected or placed after the date of enactment of this ordinance, any work required to bring the sign into compliance with the provisions of this Chapter or the sign shall be removed within ten days of the date of such order, unless otherwise specified in writing.

4. Failure to remove an illegal sign within the time limits specified above shall be considered a violation of this Ordinance (see Section 17.29.180, Exceptions and Appeals).

17.29.150 Signage at Multi-Business Sites: Master Sign Program

A. **Additional Sign Provisions for Signs at Multiple-Business Sites (3+ business tenants)**

1. ***Shopping Center***

a. A shopping center is defined as an establishment consisting of three or more businesses that:

i. Are located in buildings on a single parcel, either detached or attached,

ii. Are designed to be accessible to persons traveling by automobile and provide all required parking spaces on site, and

iii. Exhibit a unified or common architecture.

b. In addition to the signage allowable to individual businesses within a shopping center by Section 17.29.050, Embarcadero District, through Section 17.29.100, Industrial Zones, the shopping center as an entity shall be allowed one additional sign on each major street frontage or pedestrian entrance, subject to the following conditions:

i. Signs allowable under this provision shall be of the architectural or monument type.

ii. Minimum sign height shall be 6 feet and maximum height shall be 8 feet.

iii. Maximum sign area shall be 80 square feet per sign and maximum total sign area shall be 160 square feet.

iv. The design of the signs shall be consistent with the architecture of the buildings comprising the shopping center.

c. Construction of any sign in accordance with this section shall require approval of a Master Sign Program, as described in Section 17.29.150.B, Master Sign Program.

d. No business located within a shopping center will be permitted an individual pole, architectural, or monument type sign.

2. ***Retail Cluster***

a. A retail cluster is defined as an establishment consisting of three or more business that:

i. Are located in buildings on a single parcel, either detached or attached,

ii. Are designed to be primarily accessible to persons parking in public facilities or on public streets and traveling on foot,

iii. Exhibit a unified or common architecture, and

iv. Include at least one business that offers merchandise for sale.

b. In addition to the signage allowable to individual businesses within a retail center by Section 17.29.050, Embarcadero District, through Section 17.29.100, Industrial Zones , the retail cluster as an entity shall be

allowed one additional sign on each major street frontage or pedestrian entrance, subject to the following conditions:

i. The sign allowable under this provision shall be of the architectural or monument type.

ii. Minimum sign height shall be 4 feet and maximum height shall be 6 feet.

iii. Maximum sign area shall be 40 square feet.

iv. The design of the sign shall be consistent with the architecture of the buildings comprising the retail cluster.

c. Construction of any sign in accordance with this section shall require approval of a Master Sign Program, as described in Section 17.29.150.B, Master Sign Program .

d. No business located within a retail cluster will be permitted an individual pole, architectural, or monument type sign.

3. ***Professional Building***

a. A professional building is defined as an establishment consisting of three or more businesses that:

i. Are located in buildings on a single parcel, either detached or attached,

ii. Are designed to be accessible both to persons parking in public facilities or on public streets and to those parking on site,

iii. Exhibit a unified or common architecture,

iv. Include at least one business that offers medical, dental, optometric, psychological or psychiatric, legal, financial, secretarial, engineering, technological, architectural, design, or other similar services to the general public and

v. Offer only such retail sales as are clearly subsidiary to and supportive of the professional services available at the site (e.g., pharmacy, supplier of durable medical equipment).

b. In addition to the signage allowable to individual businesses within a professional building by Section 17.29.050, Embarcadero District, through 17.29.100, Industrial Zones, the professional building as an entity shall be allowed one additional sign, subject to the following conditions:

i. The sign allowable under this provision shall be of the architectural or monument type.

ii. Minimum sign height shall be 4 feet and maximum height shall be 6 feet.

iii. Maximum sign area shall be 40 square feet.

iv. The design of the sign shall be consistent with the architecture of the buildings comprising the professional building.

c. Construction of any sign in accordance with this section shall require approval of a Master Sign Program, as described in Section 17.29.150.B, Master Sign Program.

d. No business located within a professional building will be permitted an individual sign of the pole, architectural, or monument type.

B. **Master Sign Program**

1. ***Purpose.*** Master Sign Programs establish criteria for multi-tenant properties that ensure signage is uncluttered, consistent, and fairly distributed between tenants.

2. ***Approval Body.*** Master Sign Programs shall be an administrative level permit unless the proposed signage is greater than permitted, in which case the Planning Commission or, on appeal, the City Council will be the decision making authority.

3. ***Applicability.***

a. Any site having three or more non-residential occupants shall submit a Master Sign Program (MSP) for review and approval.

b. Any site having three or fewer non-residential occupants may submit an MSP for review and approval.

c. Projects involving construction or renovation of more than 25,000 square feet of space in the commercial and mixed use zoning districts shall submit an MSP which must be approved prior to issuance of any occupancy permit.

d. Properties subject to a MSP that do not have one shall establish an MSP when a current tenant proposes the installation of a new sign.

e. All new signs shall conform to the approved Master Sign Program.

4. ***Application Requirements.*** Applications for approval of a master sign program shall be submitted to the Community Development Director and shall include the following:

a. *Site plan*. A plan, drawn to scale, delineating the site proposed to be included within the signing program and the location of all proposed signs.

b. *Drawings and Sketches.* Drawings, sketches, or photo-simulations depicting the exterior surface details of all buildings and ground locations on the site on which signs are proposed and indicating the location of each proposed sign. Illuminated sign locations and illumination methods shall also be specified.

c. Photographs of all existing signage and the building faces or sites where signage is proposed.

d. *Sign Standards.* A written program specifying sign standards, including color, size, construction details, placement, and necessity for City review for distribution to future tenants.

e. *Public Access Sign.* If a property includes a public access way, this access shall be indicated with a sign (minimum 3 square feet) on the primary building façade.

5. ***Allowable Modifications.*** A Master Sign Program may provide for additional signage, as detailed in Section 17.29.150.A, Additional Sign Provisions for Signs at Multiple-Business Sites. No deviations, however, may be granted to the provisions of Section 17.29.040, 17.29.120, 17.29.130, 17.29.140, or 17.29.160.

6. ***Conditions of Approval.*** The decision-making authority may attach any reasonable conditions necessary to carry out the intent of the Master Sign Program requirement, while still permitting each sign user opportunities for effective identification and communication.

7. ***Administrative Approval of Signs Consistent with Master Sign Program.*** Following approval of a Master Sign Program, the Community Development Director is authorized to issue building permits or other permits, as deemed necessary, to install signs that conform to an approved MSP. Minor modifications of individual sign area may be approved, provided the maximum allowed by an approved MSP and by the provisions of Section 17.29.040, Standards for All Districts and Zones, through Section 17.29.110, Signs Outside of Designated Business Districts, of this Chapter are not exceeded.

17.29.160 Minor Adjustments

The director may grant, for new or existing signs, minor adjustments to sign colors, landscaping requirements, advertising copy or message or height, or authorize deviations from sign area not to exceed twenty percent. In granting adjustments, the director may apply reasonable conditions to ensure that provisions of this Chapter are met.

17.29.170 Sign Permits

A. **Authority.** No sign, other than an exempt sign, shall be erected or altered, without first obtaining a zoning clearance or sign permit from the Community Development Director. The Director may attach reasonable conditions on the approval of the sign permit to help ensure compliance with this Chapter. These conditions may require the removal, modification or relocation of existing signs where the proposed sign(s) would be located on sites where existing signs are nonconforming.

B. **Requirement for Sign Permit.** No business license will be issued or renewed by the City of Morro Bay unless the applicant for such license:

1. Does not have a sign or is the holder of a valid sign permit issued by the City, and
2. Submits credible documentation that the signage present at the business location is consistent with the issued sign permit. Such documentation may consist of a photographic record, a report of inspection by a City code enforcement officer, or such other method as may be deemed credible and acceptable by the Community Development Director.

C. **Waiver of Requirement for Sign Permit.** The requirements of Section 17.29.170, Sign Permits, may, however, be waived by the Community Development Director if the applicant for issuance or renewal of a City business license provides an affidavit indicating that:

1. There are no existing signs associated with the business, and
2. No signs associated with the business will be erected or established during the time period for which the requested business license shall be in force.

Prior to issuing such a waiver, the Community Development Director may, at his/her sole discretion, require the applicant to provide documentation that no signage is associated with the business under consideration. Such documentation may consist of a photographic record, a report of inspection by a City code enforcement officer, or such other method as may be deemed credible and acceptable by the Community Development Director.

D. **Application Procedure.** Applications for a sign permit shall be made in writing upon forms furnished by the Community Development Director, accompanied by the required fee and plans drawn to scale and with all of the following information. The Community Development Director has no more than 30 calendar days to determine application completeness. Where the scale and scope of the sign proposal so warrants, the Director may waive some of the informational requirements listed below provided all information necessary for adequate review of the proposal is submitted.

1. The proposed design, dimensions, copy, color, lighting methods and location of the sign on the site, including the dimensions of the sign's supporting members,

and details of all connections, guy lines, supports and footings, and materials to be used.

2. The maximum and minimum height of the sign.

3. The location of off-street parking facilities, including entries and exits where directional signs are proposed.

4. The size and dimension of all signs existing on the site.

5. The location and horizontal frontage of any building(s) on the property, both existing and proposed.

6. Photographs of all existing signage and the building faces or sites where signage is proposed.

7. Any other information deemed necessary by the Community Development Director.

E. **Required Findings.** In approving a sign permit, the Director must find that:

1. Signs on all proposed buildings or new additions to existing buildings are designed as an integral part of the total building design.

2. The location of the proposed sign and the design of its visual elements (lettering, words, figures, colors, decorative motifs, spacing and proportions) are legible under normal viewing conditions that prevail where the sign is to be installed.

3. Review of signs at City entryways shall also be subject to the following provisions:

a. Sign area, height and location of signs shall be designed so as not to interfere with view corridors as defined and specified in the General Plan/LCP Land Use Plan.

b. Freestanding signs shall not exceed eight feet in height except within 100 feet of Highway 1 or Highway 41. Where feasible, all freestanding signs within or along City entryways shall be placed within a landscaped planter.

17.29.180 Exceptions and Appeals

A. **Exceptions.** The Planning Commission or, on appeal, the City Council may grant exceptions to the design guidelines established by this Chapter.

1. ***Findings.*** No exceptions to the provisions of this Chapter shall be granted unless the following findings are made:

a. The exception(s) granted will not constitute a grant of special privilege inconsistent with limitations placed on signage of other properties in the vicinity, and

b. The exception(s) granted will not adversely affect the health safety or general welfare of persons working or residing in the vicinity and will not create a visual obstruction or distraction to motorists, cyclists, or pedestrians, and

c. The sign for which an exception or exceptions is requested will not adversely affect the attractiveness or ambiance of the area in which it is proposed, and

d. Either of the following:

i. The exception(s) granted are necessary in order for the proposed sign to fulfill its intended purpose, and such purpose cannot be accomplished by any alternative that is consistent with the requirements of this Chapter, or

ii. The proposed sign offers creative and aesthetic qualities which will enhance the area in which the sign is to be constructed and which cannot be accomplished within the applicable design guidelines.

2. ***Conditions of Grant of Exception.*** The Planning Commission may attach to any exemption granted, such conditions as may be deemed reasonable and necessary to carry out the purposes and intent of this Chapter

3. ***Limitation on Exceptions.*** No exceptions may be granted to the provisions of Sections 17.29.040, 17.29.110, 17.29.120 through 17.29.140, or 17.29.150.B of this Chapter.

B. **Appeals.**

1. ***Persons Who May Appeal.*** Except as provided for elsewhere in this Chapter, appeals to the Planning Commission or City Council may be filed by the applicant, by the owner of property, or by any other person aggrieved by a decision that is subject to appeal under the provisions of this Chapter.

2. ***Final Decision Required.*** Unless otherwise specified by Federal or State law, an appeal must be brought and a final decision rendered by the hearing body before the matter may be appealed to a court of law.

3. ***Time Limits.*** Unless otherwise specified in State or Federal law, all appeals shall be filed within 10 days of the date of permit issuance.

4. ***Proceedings Stayed By Appeal.*** The timely filing of an appeal shall stay all proceedings in the matter appealed, including, but not limited to, the issuance of City building permits and business licenses.

5. ***Appeals of Director Decisions.*** A decision of the Community Development Director on any application may be appealed to the Planning Commission by filing a written appeal with the Planning Department within 10 days of such decision. The application shall identify the decision being appealed and shall clearly and concisely state the reasons for the appeal.

6. ***Appeals of Planning Commission Decisions.*** Decisions of the Planning Commission may be appealed to the City Council by filing a written appeal with the City Clerk within 10 days of such decision. The appeal shall identify the decision being appealed and shall clearly and concisely state the reasons for the appeal.

7. ***Transmission of Record.*** The Director, or in the case of appeals to the City Council, the City Clerk, shall schedule the appeal for consideration by the authorized appellate body within 45 days of the date the appeal was filed. The Community Development Director shall forward the administrative record, the appeal, and all other documents that constitute the record to the appellate body. The Director also shall prepare a staff report that responds to the issues raised by the appeal and may include a recommendation for action.

8. ***Appellate Body Action.*** The appellate body shall review the administrative record, the appeal, and any written correspondence submitted after the appeal has been filed, and conduct a public hearing and decide on the action and may take one of the following actions:

    a. Remand the matter to a decision-making body; or

    b. Cure a deficiency in the record or the proceedings.

9. ***Standards of Review.*** When reviewing any decision on appeal, the appellate body shall use the same standards for decision-making required for the original decision. The appellate body may adopt the same decision and findings as were originally approved.

17.29.190 Severability

If any section, definition, clause, phrase, word, or portion of this Chapter is held invalid, unconstitutional, or unenforceable by any court of related jurisdiction, such a ruling shall not affect, impair, or invalidate any other sections, definition, clause, phrase, word, or portion of this Chapter. In adopting this Chapter, the City Council affirmatively declares that it would have approved and adopted the Title even without any portion which may be held invalid or unenforceable.

17.29.200 Definitions

A. **Abandoned Sign.** A sign that no longer applies to a business space, building, or site, due to lack of a valid business license, change of business name, or for any other reason that renders the sign not applicable to the premises involved.

B. **Billboard (Outdoor-off-site freestanding sign).** A sign placed for the purpose of advertising products or services that are not produced, stored, or sold on the property or any other subject no related to the property or use of the property, upon which the sign is located.

C. **Building Mounted Sign.** Any sign mounted or erected on or against any building or façade and includes all walls signs, awning and canopy signs and projecting signs.

D. **Business Sign.** Any interior or exterior sign which is intended to identify the name or portions of the business name and which is viewable from any exterior area open to the public.

E. **Changeable Copy Sign.** A sign designed so its characters, letters, or illustrations can be changed or rearranged mechanically or electronically without substantially altering the face or the surface of the sign.

F. **Commercial Sign.** Any display which provides information as to the name, location, or activities of any business entity or which provides information concerning goods, services, or accommodations available for sale, rent, lease, or barter, regardless of whether such sign includes additional non-business related information.

G. **Canopy Sign.** An ornamental roof-like structure upon which a sign may be attached or otherwise affixed which is usually located over gasoline pumps.

H. **Construction Sign.** A sign displayed by a contractor, subcontractor, or architect on a project site whenever a building permit has been issued for construction, alteration, or repair of a structure and when work is in progress on site pursuant to such permit.

I. **Height of A Sign.** Height of a sign means the greatest vertical distance measured from the ground level directly beneath the sign to the top of the sign or from the nearest property line fronting on a public street, whichever is lower.

J. **Human or Animal Advertisement.** Any person or animal who is located anywhere within the City, and whose intent is to advertise a business or service, by the way of their actions, including but not limited to, holding a temporary sign or wearing a costume.

K. **Illegal Sign.** An unpermitted sign that is found to be erected or maintained in violation of any provision of this Chapter, this Title, or any other Federal, State, or local law.

L. **Facade Length.** The length of the building face or tenant lease site (see page 7 of this Chapter for a graphical representation).

M. **Facade Height.** The height of the building face or tenant lease site which does not include the roof gable (see page 7 of this Chapter for a graphical representation).

N. **Frontage.** The linear measurement in feet of the property line directly fronting on a public street, or other public right-of-way to which such sign is oriented, excluding California State Highway One.

O. **Master Sign Plan.** A coordinated program of all signs, including exempt and temporary signs for a business, or businesses if applicable, located on a development site. The sign program shall include, but not be limited to, indications of the locations, dimensions, colors, letter styles and sign types of all signs to be installed on a site.

P. **Mansard.** A roof-like facade comparable to an exterior building wall.

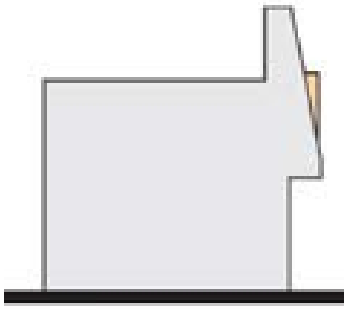


FIGURE 17.29.200: MANSARD ROOF (SIDE ELEVATION)

Q. **Non-Commercial Sign.** A sign which provides only information unrelated to any for-profit business entity or to goods, services, or accommodations available for sale, rent, lease, or barter.

R. **Nonconforming Sign.** Any previously approved and permitted sign that existed prior to a change in the municipal code that prohibits such sign. A nonconforming sign is different than an illegal sign (see definition above for "Illegal Sign").

S. **Open House Sign.** An open house sign advertises that a house is open for view as part of the sale or exchange of the property.

T. **Primary Business Sign:** The largest sign on the primary facade of a business or lease site.

U. **Primary Facade.** The face of a building or tenant lease site that incorporates the main entrance to the business and that faces a primary street, as determined by the business owner.

V. **Professional Building.** An establishment consisting of three or more businesses which:

1. Are located in buildings on a single parcel, either detached or attached,
2. Exhibit a unified or common architecture, and

3. Includes only businesses whose primary activity is the provision of professional services, as opposed to the sale of merchandise.

W. **Real Estate Sign.** A sign identifying that a property is for sale, lease, exchange, or rent. The purpose of this sign is to help owners in the sale of their property by providing information on the location of the property to potential buyers without impairing the appearance of the community.

X. **Retail Cluster.** An establishment consisting of three or more businesses which:

1. Are located in buildings on a single parcel, either detached or attached,
2. Are designed to be primarily accessible to persons parking in public facilities or on public streets and traveling on foot,
3. Exhibit a unified or common architecture, and
4. Includes at least one business that offers merchandise for sale.

Y. **Shopping Center.** An establishment consisting of three or more businesses which:

1. Are located in buildings on a single parcel, either detached or attached,
2. Are designed to be accessible to persons traveling by automobile and provide all required parking spaces on site, and
3. Exhibit a unified or common architecture.

Z. **Secondary Façade.** The face of a building or tenant lease site that serves as a secondary entrance and/or advertising space to the primary façade, as determined by the business owner.

AA. **Sign.** Any man-made or natural object, structure, vehicle, trailer, boat, or watercraft or part thereof, upon which is attached, painted, or otherwise displayed any symbol, emblem, logo, trademark, model, banner, flag, pennant, insignia, decoration, device, representation which is intended to or does identify, attract attention to, advertise, or communicate information of any kind to the public.

BB. **Sign Area.** The entire area of a sign calculated for maximum sign area purposes, pursuant to Chapter 17.29, Signs

CC. **Sign Face.** The surface or surfaces used for the display of a sign message as seen from any one direction.

Chapter 17.30 Standards for Specific Uses

Sections:

17.30.010 Purpose
17.30.020 Applicability
17.30.030 Accessory Uses
17.30.040 Accessory Dwelling Units
17.30.050 Adult Entertainment Businesses
17.30.060 Animal Keeping
17.30.070 Automobile/Vehicle Sales and Services
17.30.080 Day Care
17.30.090 Drive-Through Facilities
17.30.100 Emergency Shelters
17.30.110 Employee Housing (for farmworkers)
17.30.120 Farmer's Markets
17.30.130 Home Occupations
17.30.140 Nonpermanent Vendors
17.30.150 Off-shore Oil Development
17.30.160 Outdoor Dining and Seating
17.30.170 Outdoor Display and Sales
17.30.180 Personal Services
17.30.190 Recharging Stations
17.30.200 Recycling Facilities
17.30.210 Self Storage
17.30.220 Short-term Vacation Rentals (IP)
17.30.230 Single Room Occupancy
17.30.240 Renewable Energy Systems
17.30.250 Telecommunication Facilities
17.30.260 Temporary Uses
17.30.270 Urban Agriculture

17.30.010 Purpose

The purpose of this Chapter is to establish standards for the location, site planning, development, and operations of certain land uses that are allowed by Division II, District Regulations, within individual or multiple districts, and for activities that require special standards to minimize the impacts of these uses and activities on surrounding properties and to protect the health, safety, and welfare of their occupants and of the general public.

17.30.020 Applicability

Each land use and activity covered by this Chapter shall comply with the requirements of the section applicable to the specific use or activity, in addition to any applicable standard this Zoning Code requires in the district where the use or activity is proposed and all other applicable provisions of this Code.

A. The uses that are subject to the standards in this Chapter shall be located only where allowed by base or overlay district use regulations or by a specific plan.

B. The uses that are subject to the standards in this Chapter are allowed only when authorized by the planning permit required by district regulations except where this Chapter establishes a different planning permit requirement for a specific use.

17.30.030 Accessory Uses

An accessory use shall be ancillary to a primary use and shall be allowed only in conjunction with a primary use or building to which it relates under the same regulations as the main use in any district. These regulations are found in the use regulation tables in Division II, District Regulations, and may be subject to specific standards found in this Chapter or within each district, as specified in the tables. Accessory uses and structures are also subject to the development and site regulations found in Chapter 17.23, General Site Regulations.

17.30.040 Accessory Dwelling Units

Accessory dwelling units shall comply with all provisions of the base, overlay, or specific plan district, except as modified by this Section.

A. **Residential Density.** An accessory dwelling unit is a residential use that is consistent with the existing general plan and zoning designations for the parcel and any accessory dwelling unit constructed pursuant to this Section shall not be considered as a dwelling unit in density calculations.

B. **Primary Dwelling Unit Required.** The lot must be in a zoning district that allows single-unit, two-unit, or multi-unit dwellings and contain an existing primary dwelling unit at the time an application for an accessory dwelling unit is submitted, or the application for the accessory dwelling unit may be made in conjunction with the development of the primary dwelling. Covenants, conditions, and restrictions that either effectively prohibit or unreasonably restrict the construction or use of an accessory dwelling unit or a junior accessory dwelling unit in such a zoning district are void and unenforceable per Civic Code Section 4751.

C. **Number and Type of Units.**

1. ***Lots with Existing or Proposed Single-Unit Dwellings.***

   a. One detached accessory dwelling unit or one accessory dwelling unit within the existing or proposed space of a single-unit dwelling, and

   b. One junior accessory dwelling unit within the existing or proposed space of a single-unit dwelling, including an attached garage.

2. ***Lots with Existing or Proposed Two-Unit or Multi-Unit Dwellings.***

   a. Two detached accessory dwelling units, or

   b. Up to 25 percent the number of units within a multi-unit structure, with a minimum of one accessory dwelling unit, constructed within portions of the multi-unit structure that are not used as livable space.

D. **Standards for Attached and Detached Accessory Dwelling Units.**

1. ***Floor Area.***

   a. *Detached Accessory Dwelling Units.* Maximum 1,000 square feet for studio and one-bedroom accessory dwelling units, up to 1,200 square feet for accessory dwelling units with two or more bedrooms.

   b. *Attached Accessory Dwelling Units.* The total floor area of an accessory dwelling unit that is attached to the primary dwelling unit shall not exceed 1,000 square feet.

2. ***Setbacks.*** Accessory dwelling units shall comply with the setback standards applicable to other structures within the district in which the lot is located except that the minimum interior side and rear setbacks shall be four feet.

3. ***Design and Materials.*** The exterior design and materials of the accessory dwelling unit shall match the architecture and materials used in the primary building.

E. **Standards for Accessory Dwelling Units Constructed Within Existing or Proposed Structures.** For purposes of this Subsection, in order to be considered an existing structure, the structure must be a legally permitted structure that conforms to current zoning or is legal nonconforming as to current zoning.

1. ***Floor Area.*** The accessory dwelling unit shall be contained entirely within the permitted floor area of the primary residence or accessory structure on the same lot as the primary residence. A maximum 150 square feet expansion to existing floor area is allowed to accommodate ingress and egress for accessory dwelling units that are not designed as junior accessory dwelling units.

2. ***Exterior Access.*** Exterior access that is independent from the primary residence shall be provided.

3. ***Setbacks.*** The interior setbacks shall be sufficient for fire and safety.

4. ***Junior Accessory Dwelling Unit.*** Accessory dwelling units within existing or proposed single-unit dwellings may be designed as a junior accessory dwelling units subject to the following standards.

   a. *Floor Area.* Maximum 500 square feet.

   b. *Efficiency Kitchen Required.* The junior accessory dwelling unit shall have an efficiency kitchen which shall include all of the following.

      i. A cooking facility with appliances.

      ii. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessor dwelling unit.

   c. *Sanitation Facilities.* A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure. A junior accessory dwelling unit that shares sanitation facilities with the existing single-unit dwelling shall provide interior access to the existing single-unit dwelling that is separate from the exterior access.

   d. *Owner Occupancy Required.* The owner of the single-unit dwelling in which the junior accessory dwelling unit is located shall reside in either the remaining portion of the structure or the junior accessory dwelling unit.

F. **Conversions.**

1. ***Setbacks.*** No setback shall be enforced for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit.

2. ***Parking.*** If enclosed or covered parking for the primary dwelling is converted or demolished in conjunction with the construction of an accessory dwelling unit, replacement parking is not required, except as provided in Section 17.14.040(B).

G. **Required Parking.** Automobile parking is not required for an accessory dwelling unit, except as provided in Section 17.14.040(B). Required parking for the primary dwelling shall be provided pursuant to Chapter 17.27, Parking and Loading.

H. **Sale Limitations.** Accessory dwelling units may be rented separately from the primary residence, but may not be sold or otherwise conveyed separate from the primary

residence, except as allowed pursuant to government code Section 65852.2. Junior accessory dwelling units are prohibited from being sold separately from the primary residence.

I. **Rental Limitations.** Rental terms shall be a minimum of 30 consecutive days.

J. **Permit Review.**

1. Permit applications for accessory dwelling units shall be considered and approved ministerially without discretionary review or a hearing within 60 days from receipt of a completed application if there is an existing single-family or multifamily dwelling on the lot or when the permit application for a proposed single-unit or multi-unit dwelling is acted upon. All agencies involved in the review of an accessory dwelling unit permit, including utility districts, City departments, and special corporations, shall be subject to the 60-day review period.

2. In the Coastal Resource Protection (CRP) Overlay District, a Coastal Development Permit pursuant to Chapter 17.39, Coastal Development Permits (IP) may be required.

3. Permit applications for accessory dwelling units and junior accessory dwelling units shall not require, as a condition of approval, the correction of nonconforming zoning conditions, building code violations, or unpermitted structures on the property that do not present an imminent threat to public health and safety and are not affected by the construction of the new unit.

17.30.050 Adult Entertainment Businesses

A. **Purpose and Intent.** The intent of this Section is to regulate adult entertainment businesses to promote the health, safety and general welfare of the citizens of the City to prevent community wide adverse economic impacts, increased crime, decreased property values, and the deterioration of neighborhoods which can be brought about by the concentration of adult entertainment businesses in close proximity to each other in proximity to other incompatible uses such as schools for minors, religious institutions, and residential uses. Adult entertainment businesses, because of their nature, are recognized as producing negative secondary impacts, particularly when these businesses are concentrated or located near sensitive uses. The purpose of this Ordinance is to establish reasonable and uniform regulations to reduce or eliminate the adverse secondary effects and prevent any deleterious location or concentration of adult entertainment businesses, while permitting the location of adult entertainment businesses within the City limits. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult-oriented materials. Similarly, it is not the intent nor effect of this ordinance to restrict or deny access by adults to adult-oriented

materials protected by the First Amendment, or to deny access by the distributors and exhibitors of adult-oriented entertainment to their intended market.

B. **Applicability.** The provisions of this Section apply to uses operated as adult entertainment business establishments in addition to all other applicable requirements of this Title. The establishment of an adult use shall include the opening of such business as a new business, the relocation of such business, the conversion of an existing business location to any adult use, or the granting of permits required of masseurs and masseuses which would have the effect of the establishment of an adult use or the intensification of an existing adult use.

C. **Definitions.** For purposes of this Section, the following definitions shall apply:

1. "Adult entertainment business" means an adult bookstore, adult novelty store, or adult video store establishment with more than twenty-five percent of:

   a. Its floor area devoted to; or

   b. Stock-in-trade consisting of; or

   c. Gross revenues derived from, and offering for sale for any form of consideration, any one or more of the following:

      i. Books, magazines, periodicals or other printed matter, photographs, drawings, motion pictures, slides, films, tapes, videocassettes, records, or other visual or audio representations which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas,"

      ii. Instruments, devices or paraphernalia which are designed to be used in connection with "specified sexual activities," or

      iii. Goods which are replicas of, or which simulate "specified anatomical areas," or goods which are designed to be placed on or in "specified anatomical areas," or to be used in conjunction with "specified sexual activities."

2. "Adult live entertainment theater" means any place, building, enclosure or structure, partially or entirely used for "live adult entertainment" performances or presentations characterized by an emphasis on depicting, exposing, displaying, describing or relation to "specified sexual activities" or "specified anatomical areas" for observation by patrons or customers therein.

3. "Live adult entertainment" means any physical human body activity, whether performed or engaged in alone or with other persons, including but not limited to singing, walking, speaking, dancing, acting, posing, simulation, wrestling or pantomiming, in which the performer or performers expose to public view

without opaque covering "specified anatomical areas" for entertainment value for any form of consideration.

4. "Adult motion picture or video arcade" means any business wherein coin, paper, note, or token operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to four or fewer persons per machine, at any one time, and where the predominant character or theme of the images so displayed is distinguished or characterized by its emphasis on matter depicting, or relating to "specified sexual activities" or specified anatomical areas."

5. "Adult motion picture theater" means any business, other than a hotel or motel which provides closed circuit viewing to each individual room as a secondary service to its motel customers, with the capacity of five or more persons where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions in which the predominant character and theme is distinguished or characterized by its emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical area" as defined in this section. This includes, without limitation, showing any such slides, motion picture or videos by means of any video tape system, which has a display, viewer, screen, or a television set.

6. "Public building" means any building owned, leased or held by the United States, the State, the County, the City, any special district, school district, or any other agency or political subdivision of the state or the United States, such as City Hall, County offices, library, community centers, post offices, police and fire stations.

7. "Public park" or "recreation area" means public land which has been designated for park or recreational activities, including but not limited to a park, playground, nature trails, swimming pool, athletic field, basketball court, tennis court, pedestrian or bicycle paths, beaches, open space, or similar public land within the City or which is under the control, operation or management of the City Recreation and Parks Department.

8. "Religious institution" means any church, synagogue, mosque, temple, or building which is used primarily for religious worship, religious education and related religious activities.

9. "School" means any public or private educational facility primarily attended by minors including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, primary school, intermediate schools, junior high schools, middle schools, secondary schools, vocational schools, continuation schools, special education schools, and includes school grounds.

10. "Specified anatomical areas" shall include the following:

    a. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, and/or the female breast below a point immediately above the top of the areola; and

    b. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

11. "Specified sexual activities" shall include the following:

    a. Actual or simulated sexual intercourse, oral copulation and intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or

    b. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or

    c. Human or animal masturbation, sodomy, oral copulation, coitus, ejaculation; or

    d. Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or

    e. Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or

    f. Erotic or lewd touching, lewd fondling or other lewd contact with an animal by a human being; or

    g. Human excretion, urination, menstruation, vaginal or anal irrigation.

D. **Exceptions.** An "adult entertainment business" shall not include:

1. Bona fide medical establishments operated by properly licensed and registered medical and psychological personnel with appropriate medical or professional credentials for the treatment of patients.

2. Persons depicting "specified anatomical areas" in a modeling class operated:

    a. By a college, junior college, or university supported entirely or partly by public revenue; or

    b. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by public revenue; or

c. Where, in order to participate in a class a student must enroll at least three days in advance of the class.

3. The practice of massage in compliance with the City of Morro Bay Municipal Code, is not in violation of this Section.

E. **Location of Adult Entertainment Businesses.** Adult entertainment businesses, as defined in this Section, shall only be established in the CC or DC districts and shall be located a minimum of five hundred feet away from the following sensitive uses: religious institutions, schools, public parks or recreation areas, public buildings and other adult entertainment businesses.

1. Adult entertainment businesses locating within five hundred feet of any residential use shall be subject to additional design and performance standards to help mitigate potential impacts.

2. Distance shall be measured in a straight line, without regard to intervening structures, from the closest property line of the adult entertainment business to the closest property line of the sensitive use or residential use.

F. **Design and Performance Standards.** The establishment or operation of an adult entertainment business shall comply with the applicable fees and site development standards, including, but not limited to, parking and design review, and the requirements of the Uniform Codes and building regulations and standards adopted by the City of Morro Bay. An adult entertainment business shall comply with the following design and performance standards:

1. Signs, advertisements, displays, or other promotional materials depicting or describing "specified anatomical areas" or "specified sexual activities" or displaying instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities" shall not be shown or exhibited so as to be discernible by the public beyond the walls of the building or portion thereof in which the adult entertainment business is conducted.

2. Each adult entertainment business shall have a business entrance separate from any other non-adult business located in the same building.

3. All building openings, entries, and windows for an adult entertainment business shall be located, covered or screened in such a manner as to prevent a view into the interior of an adult entertainment business from any area open to the general public.

4. No adult entertainment business shall be operated in any manner that permits the observation by the public of any material or activity depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" from any public way or from any location beyond the walls of the building or portion thereof in which the adult entertainment business is conducted.

5. The building entrance to the adult entertainment business shall be clearly and legibly posted with a notice indicating that minors are precluded from entering the premises.

6. No loudspeakers or sound equipment shall be used by an adult entertainment business for amplification of sound to a level discernible by the public beyond the walls of the building or portion thereof in which the adult entertainment business is conducted.

7. Each adult entertainment shall be provided with a manager's station which shall be used for the purpose of supervising activities within the business. A manager shall be on the premises during all times that the adult entertainment business is open to the public.

8. The interior of the adult entertainment business shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the adult entertainment business to which any patron is permitted access for any purpose, excluding restrooms. If the adult entertainment business has two or more manager's stations designated, then the interior of the adult entertainment business shall be configured in such a manner that there is an unobstructed view of each area of the adult entertainment business to which any patron is permitted access for any adult purpose, excluding restrooms, from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

9. No individual viewing area may be occupied by more than one person at any one time. "Individual viewing area" shall mean a viewing area designed for occupancy by one person. Individual viewing areas of the adult entertainment business shall be operated and maintained without any hole or other opening or means of direct communication or visual or physical access between the interior space of two or more individual viewing areas.

10. Off-street parking shall be provided for the adult entertainment business as specified in accordance with the parking provisions.

11. The following additional requirements shall pertain to adult businesses providing live entertainment depicting specified anatomical areas or involving specified sexual activities:

    a. No person shall perform live entertainment for patrons of an adult business except upon a stage at least eighteen inches above the level of the floor which is separated by a distance of at least six feet from the nearest area occupied by patrons, and no patron shall be permitted within six feet of the stage while the stage is occupied by an entertainer. "Entertainer" shall mean any person who is an employee or independent

contractor of the adult business, or any person who, with or without any compensation or other form of consideration, performs live entertainment for patrons of an adult business.

b. The adult business shall provide separate dressing room facilities for entertainers which are exclusively dedicated to the entertainer's use.

c. The adult business shall provide an entrance/exit for entertainers which is separate from the entrance/exit used by patrons.

d. The adult business shall provide access for entertainers between the stage and the dressing rooms which is completely separated from the patrons. If such separate access is not physically feasible, the adult business shall provide a minimum three-foot wide walk aisle for entertainers between the dressing room area and the stage, with a railing, fence, or other barrier separating the patrons and the entertainers capable of (and which actually results in) preventing any physical contact between patrons and entertainers.

e. No entertainer acting within the scope of their employment, either before, during, or after performances, shall have physical contact with any patron, and no patron shall have physical contact with any entertainer either before, during, or after performances by such entertainer.

12. An off-site security program shall be prepared and implemented including the following items:

a. All off-street parking areas and building entries serving the adult entertainment business shall be illuminated during all hours of operation with a lighting system which provides a minimum maintained horizontal illumination of one foot-candle (ten luxes) (one candlepower) of light on the parking surface and/or walkway;

b. All interior portions of the adult entertainment business, except those areas devoted to mini-motion or motion pictures shall be illuminated during all hours of operation with lighting system which provides a minimum maintained horizontal illumination of not less than two foot-candles (twenty luxes) (two candlepower) of light on the floor surface;

c. Security guards for other adult businesses may be required if it is determined by the chief of police that their presence is necessary in order to prevent any unlawful conduct from occurring on the premises.

The foregoing applicable requirements shall be deemed conditions of a permit for an adult business and failure to comply with every such

requirement shall be grounds for revocation of the permit issued pursuant to these regulations.

G. **Additional Design and Performance Standards When Located Near a Residential Use.** The following requirements apply to adult entertainment businesses which locate within five hundred feet of residential uses:

1. There shall be an intervening street between the residential use and the adult entertainment business;
2. No access from an adult entertainment business to a residential street shall be permitted;
3. A six-foot tall barrier shall be constructed to prevent pedestrian and vehicular access to the adult entertainment business from the residential street;
4. The barrier shall be screened by landscaping to provide a more aesthetically pleasing appearance.

H. **Application Requirements.** Adult entertainment business permit applications shall be submitted for review and approval by the Director.

1. In addition to the submittal and review requirements for a permit as specified in the City's code, the following must be submitted prior to an application being deemed complete:
   a. The name and permanent address of applicant;
   b. The name and proposed business address of the applicant. If the applicant is a corporation, the name must be exactly as set forth in its articles of incorporation and the applicant shall show the name and residence address of each of the officers, directors, and each stockholder owning not less than twenty-five percent of the stock of the corporation. If the applicant is a partnership, the applicant shall show the name and residence address of each of the members, including limited partners;
   c. A detailed description of the proposed entertainment, including type of entertainment and number of persons engaged in the entertainment;
   d. A diagram of the premises showing a floor plan thereof, specifying where the specific entertainment uses are proposed to be conducted within the building, the location of one or more manager's stations, the location of all overhead lighting, fixtures, and designating any portion of the premises in which patrons will not be permitted;
   e. Hours of operation and the admission fee, if any, to be charged;

f. The name or names of the person or persons who have the management or supervision responsibilities of the applicant's business, and of any entertainment;

g. A statement of the nature and character of the applicant's business, if any, to be carried on in conjunction with such entertainment;

h. A site area map showing the proposed business location and plotting all of the listed sensitive uses within five hundred feet of the proposed location;

i. A mailing list of all property owners within one thousand feet of the proposed business location.

2. Prior to the issuance of a permit, the police department shall complete a background investigation of all parties identified in subsections (1)(a) and (1)(b) of this section.

I. **Required Findings for Approval.** The City Council finds and determines that there are substantial adverse secondary effects of adult entertainment businesses, which secondary effects include, among other things, an increase in crime and a decrease in property values and retail trade. There is a need to regulate adult entertainment businesses because of the adverse secondary effects of such businesses. The following additional findings are to be made by the Director prior to the approval of any permit for an adult entertainment business:

1. The adult entertainment business and its proposed site are consistent with the General Plan;

2. The proposed use will not adversely affect the adjacent neighborhood;

3. The proposed site has an appropriate shape and is of sufficient size to allow the development of the proposed use without detrimental effects to the surrounding area;

4. The proposed use complies with all applicable City, County, State and other governmental laws.

J. **Time Limit for Action on Application.** Within sixty days of receipt of a completed application, the Director shall act to approve or deny the application in accordance with the provisions of this Section, and so notify the applicant. No such action to approve or deny the application shall take place prior to noticing those property owners within one thousand feet of the proposed business location. Said noticing shall occur at least thirty days prior to the Director's final action.

K. **Appeal of Director Action.** After denial or approval of an application for an adult entertainment business permit, the applicant, or an aggrieved person, may seek review of such administrative action by the City Council upon filing a request with the City Clerk

within ten days of the Director denial or approval action. The request for additional review shall be scheduled before the City Council within sixty days of the filing with the City Clerk. If the denial or approval is affirmed on review, the applicant or aggrieved person may seek prompt judicial review of such administrative action pursuant to California Code of Civil Procedure Section 1094.5. The City shall make all reasonable efforts to expedite judicial review, if sought by the applicant.

L. **Inspection.** An applicant or permittee shall permit representatives of the police department, health department, planning and building department, fire department, or other City departments or agencies to inspect the premises of an adult entertainment business for the purpose of ensuring compliance with the law and the development standards applicable to adult entertainment businesses, at any time it is occupied or opened for business. A person who operates an adult entertainment business or his or her agent or employee is in violation of the provisions of the section if he or she refuses to permit such lawful inspection of the premises at any time it is occupied or opened for business.

M. **Violations.** It shall be unlawful to establish or operate an adult entertainment business in violation of this Section. Any person who violates any provision of this Section shall be deemed guilty of a misdemeanor. Nothing in the Section shall be deemed or constituted to prevent the City from commencing any civil proceeding otherwise authorized by law for the declaration or abatement of a public nuisance.

N. **Severance Clause.** If any provision, section, subsection, sentence, clause or phrase of this Section, or the application of same to any person or set of circumstances if for any reason is held to be unconstitutional, void or invalid, the invalidity of the remaining portions of this Section shall not be affected thereby, it being the intent of the City Council in adoption this Section that no portion thereof, or provisions, or regulation contained herein, shall become inoperative, or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this Section are declared to be severable for that purpose.

17.30.060 Animal Keeping

The keeping of animals, including dogs, cats, poultry, rabbits, and other fowl, livestock, and pygmy livestock are subject to the provisions of Title 7, Animals, of the Morro Bay Municipal Code. In addition to the provisions contained in Title 7, Animals, of the Morro Bay Municipal Code, keeping of animals is subject to the following standards:

A. **Bees.**

1. ***Number of Hives.*** In all districts except the Agriculture District, maximum of two hives per parcel unless otherwise approved with a Minor Use Permit. No limit in the Agriculture District.

2. ***Hive Placement Requirements.***

   a. Hives shall be located at least five feet from all property lines.

   b. Hive entrances shall face away from or parallel to the nearest property line(s).

   c. Hives must either be screened so that the bees must fly over a six-foot barrier, which may be vegetative, before leaving the property, or be placed at least eight feet above the adjacent ground level.

3. ***Hive Management Requirements.***

   a. Hives shall be continually managed to provide adequate living space for their resident bees to prevent swarming.

   b. Hives shall be requeened at least once every two years to prevent swarming.

   c. A water source for bees shall be provided at all times on the property where the bees are kept to discourage bee visitation at swimming pools, hose bibs and other water sources on adjacent public or private property.

   d. Hive maintenance materials or equipment must be stored in a sealed container or placed within a building or other bee-proof enclosure.

4. ***Nuisance.*** Bees or hives shall be considered a public nuisance and subject to Section 17.48, Enforcement, when any of the following occurs:

   a. Colonies of bees exhibit defensive or objectionable behavior, or interfere with the normal use of neighboring properties.

   b. Colonies of bees swarm.

   c. Bees or hives do not conform to this Code.

   d. Hives become abandoned by resident bees or by the owner.

B. **Livestock.** The keeping of livestock is limited to lots one acre or larger in size in the RL or AG District.

1. ***Livestock Density in the RL District.*** The maximum allowed livestock density in the RL District is two cattle or horses or four sheep or goats per acre. Where there is a combination of cattle or horses and sheep or goats, one bovine animal or horse is the equivalent of two sheep or goats.

2. ***Livestock Density in the AG District.*** The maximum allowed livestock density in the Agriculture District is four cattle or horses or eight sheep or goats per acre. Where there is a combination of cattle or horses and sheep or goats, one bovine animal or horse is the equivalent of two sheep or goats. Additional density may be permitted on a temporary basis, not to exceed a period of 45 days.

3. ***Exception.*** One livestock may be kept for temporary education projects such as FFA, 4-H, and school projects, on a lot that does not otherwise permit the keeping of livestock.

17.30.070 Automobile/Vehicle Sales and Services

Automobile/Vehicle sales and service establishments shall be located, developed and operated in compliance with following standards.

A. **Landscaping and Screening.**

1. A masonry wall at least six feet in height shall be provided along all lot lines adjacent to a Residential District.
2. At least 10 percent of the site shall be landscaped. All landscaped areas shall be permanently maintained in compliance with Chapter 17.25, Landscaping.
3. A landscaped planter with a minimum inside width of six feet and enclosed within a six-inch-high curb shall be provided along the front and street side property lines, except for vehicular circulation openings. A landscaping buffer with a minimum inside width of at least three feet shall be provided along all other property lines.
4. A 600-square-foot planter with a minimum dimension of 20 feet shall be provided at the corner of intersecting streets unless a building is located at the corner.
5. Additional screening and landscaping may be required where necessary to prevent visual impacts on adjacent properties.

B. **Standards for Specific Automobile/Vehicle Sales and Leasing Activities.** In addition to the other standards of this Section, the following provisions apply to identified automobile/vehicle sales and leasing activities.

1. ***Automobile/Vehicle Sales and Leasing.*** Automotive servicing or repair is permitted as an accessory use for automobile/vehicle sales and leasing establishments that offer maintenance and servicing of the type of vehicles sold on site.
2. ***Automobile/Vehicle Service and Repair, Major and Minor.*** Major and minor automobile/vehicle service and repair uses, as well as any other uses, such as auto dealerships or service stations, that perform auto servicing as an accessory activity, are subject to the following standards.

   a. *Noise.* All body and fender work or similar noise-generating activity shall be conducted within an enclosed masonry or similar building with sound-

attenuating construction to absorb noise. Air compressors and other service equipment shall be located inside a building.

b. *Work Areas.* All work shall be conducted within an enclosed building except for the following: pumping motor vehicle fluids, checking and supplementing various fluids, and mechanical inspection and adjustments not involving any disassembly.

c. *Vehicle Storage.* Vehicles being worked on or awaiting service or pick-up shall be stored within an enclosed building or in a parking lot on the property that is screened in compliance with Section 17.27.110.O, Screening. Unattended vehicles may not be parked or stored on the sidewalk adjoining the property, in the street, or in any portion of the public right-of-way within the City.

d. *Litter.* The premises shall be kept in an orderly condition at all times. No used or discarded automotive parts or equipment or permanently disabled, junked, or wrecked vehicles may be stored outside a building.

3. ***Automobile/Vehicle Washing.*** Automobile/vehicle washing facilities are subject to the following standards.

a. *Washing Facilities.* No building or structure shall be located within 30 feet of any public street or within 20 feet of any interior property line of a Residential District. Vehicle lanes for car wash openings shall be screened from public streets to a height of 40 inches. Screening devices shall consist of walls and/or berms with supplemental plant materials.

b. *Hours of Operation.* Automobile/vehicle washing facilities are limited to 7:00 a.m. to 10:00 p.m., seven days a week. When abutting a Residential District, the hours of operation shall be between 8:00 a.m. to 8:00 p.m., seven days a week.

4. ***Service Stations.*** Service stations and any other commercial use that includes fuel pumps for retail sales of gasoline are subject to the following standards.

a. *Pump Islands.* Pump islands shall be located a minimum of 20 feet from any property line to the nearest edge of the pump island. A canopy or roof structure over a pump island may encroach up to 10 feet within this distance.

b. *Work Areas.* All work shall be conducted within an enclosed building except: pumping motor vehicle fluids, checking and supplementing various fluids, and mechanical inspection and adjustments not involving any disassembly.

c. *Abandonment.* Any service station shall in the case of abandonment or non-operation of the primary use be dismantled and the site cleared within 12 months subsequent to the close of the last business day.

C. **Required Findings.** The decision-making authority shall only approve a Use Permit for an automobile/vehicle sales and service facility if it finds that:

1. The project is designed so that form and scale are harmonious and consistent with the character of the specific site, the adjacent uses and structures, and the surrounding neighborhood.
2. The site design, including the location and number of driveways, will promote safe and efficient on-site and off-site traffic circulation.
3. Service bay openings are designed to minimize the visual intrusion on surrounding streets and properties.
4. Lighting is designed to be low-profile, indirect or diffused and to avoid adverse impacts on surrounding uses.
5. The washing facility will not have an adverse impact on water supply and quality.

D. **Conditions of Approval.** Conditions of approval may include limitations on operational characteristics of the use; restrictions on outdoor storage and display, location of pump islands, canopies and service bay openings; and/or requirements for buffering, screening, lighting, planting areas, or other site elements, in order to avoid adverse impacts on adjacent lots or the surrounding area.

17.30.080 Day Care

Day care centers shall be located, developed and operated in compliance with the following standards:

A. **License.** The operator shall secure and maintain a license from the State of California Department of Social Services.

B. **Outdoor Space.** A minimum of 75 square feet of outdoor space for each child who is not an infant shall be provided unless waived by the Director provided the applicant can demonstrate that there is a public park, school or other public open areas in close proximity.

1. The outdoor space shall be either owned or leased by the applicant and cannot be shared with other property owners unless permission is granted by the other property owners.
2. The outdoor space shall not be located in any required front or corner side setback.

3. The outdoor space shall be screened with a periphery wall, constructed of wood or masonry, or landscaping screen and shall achieve 75 percent opacity. Chain metal fencing or barbed wire is prohibited.

C. **Hours of Operation.** Hours of operation shall only be within the hours of 6:00 a.m. and 8:00 p.m., Monday through Friday. Additional hours may be allowed subject to approval of a Minor Use Permit.

D. **Pick-up and Drop-off Plan.** A plan and schedule for the pick-up and drop-off of children or clients shall be submitted for approval by the Director. The plan shall demonstrate that adequate parking and loading are provided to minimize congestion and conflict points on travel aisles and public streets. The plan shall include an agreement for each parent or client to sign that includes, at a minimum:

1. A scheduled time for pick-up and drop-off with allowances for emergencies; and
2. Prohibitions of double-parking, blocking driveways of neighboring properties, or using driveways of neighboring properties to turn around.

17.30.090 Drive-Through Facilities

Drive-in or drive-through facilities shall be located, developed, and operated in compliance with the following standards:

A. **Circulation Plan.** A pedestrian and vehicular circulation plan shall be submitted for approval by the review authority. Such plan shall indicate how drive-through, pedestrian, and vehicular circulation will be designed to allow safe, unimpeded movement of vehicles at street access points and within the travel aisles and parking space areas and provide for pedestrian safety. The plan shall also indicate how vehicles will circulate to and through the drive-through or use drive-up facilities in manner that will not impede traffic flow on any public right-of-way.

B. **Drive Aisles.** Drive-through aisles shall be inwardly focused within the site and located away from adjoining streets and adjoining properties, wherever feasible. Drive aisles shall be developed in accordance with the following except where modified by the review authority.

1. A minimum 15-foot interior radius at curves and a minimum 12-foot width is required.
2. Each drive-in and drive-through entrance and exit shall be at least 100 feet from an intersection of public rights-of-way, measured at the closest intersecting curbs, and at least 25 feet from the nearest curb cut on an adjacent property.
3. Each entrance to an aisle and the direction of flow shall be clearly designated by signs and/or pavement markings or raised curbs outside of the public right-of-way.

C. **Landscaping.** Each drive-through aisle shall be screened with a combination of decorative walls and landscape to a minimum height of 20 inches to prevent headlight glare and direct visibility of vehicles from adjacent streets and parking lots.

D. **Pedestrian Walkways.** Pedestrian walkways shall not intersect drive-through aisles, unless no alternative exists. In such cases, pedestrian walkways shall have clear visibility, emphasized by enhanced paving or markings.

17.30.100 Emergency Shelters

Emergency shelters shall be located, developed, and operated in compliance with the following standards:

A. **Applicability.** It is the purpose of this Section to facilitate and encourage the provision of emergency shelter for homeless persons and households by allowing permanent year-round emergency shelters without a Conditional Use Permit or other discretionary action in the Community Commercial (CC) District, subject only to the same development standards that apply to the other permitted uses in this District and standards of this Code unique to emergency shelters, as authorized by Government Code Section 65583(a)(4).

B. **Location.** To avoid overconcentration of emergency shelter facilities, emergency shelters shall be located a minimum of 300 feet from any other emergency shelter, in accordance with Government Code Section 65583(a)(4)(A)(v).

C. **Capacity**. The maximum number of beds or persons to be served nightly by an emergency shelter shall be 35.

D. **Length of Stay.** The maximum length of stay by a homeless person in an emergency shelter shall be six months.

E. **Waiting Areas.** A minimum of 10 square feet per bed or 100 square feet, whichever is greater, of waiting area shall be provided within the premises for clients and prospective clients to ensure that public sidewalks or private walkways are not used as queuing or waiting areas.

F. **Lighting.** Exterior lighting shall be provided for the entire outdoor and parking area of the property.

G. **Management.** On-site management shall be provided. The operator of the shelter shall submit a management and security plan for approval by the Director. The Plan shall address operational requirements pursuant to this Section and issues identified by the Director, including emergencies, transportation, client supervision, security, client services, staffing, good neighbor issues.

H. **Security.** Security shall be provided during the hours that the emergency shelter is in operation.

I. **Limitations.** No individual or household shall be denied emergency shelter because of an inability to pay.

17.30.110 Employee Housing (for farmworkers)

The following applies to employee housing for farmworkers as defined in Health & Safety Code §17008.

A. **Six or Fewer Employees.** Employee housing providing accommodations for six or fewer employees shall be deemed to be a single-unit structure with a residential land use, and shall be treated the same as a single unit dwelling of the same type in the same zoning district.

B. **Districts Where Agriculture Uses Are Allowed.** The permitted occupancy in employee housing in a zone allowing agricultural uses shall include agricultural employees who do not work on the property where the employee housing is located and may consist of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household on land zoned for agricultural uses. Such employee housing shall be considered to be an activity that in no way differs from an agricultural use.

17.30.120 Farmer's Markets

Farmer's markets shall be located, developed, and operated in compliance with the following standards:

A. **Management Plan.** A management plan shall be prepared and provided to the Director. The management plan shall include the following:

1. Identification of a market manager or managers, who shall be present during all hours of operation.
2. A set of operating rules addressing the governance structure of the market; types of products; the method of assigning booths and registering vendors; hours of operation; maintenance; security; refuse collection; and parking.

B. **Hours of Operation.** Market activities may be conducted between the hours of 7:00 a.m. and 10:00 p.m. with specific hours and duration to be approved by the City. Set-up of market operations cannot begin more than two hours prior to the operational hours of the market and take-down shall be completed within two hours of the close of the market.

C. **Waste Disposal.** Adequate composting, recycling, and trash containers shall be provided during hours of operation and shall be removed from site for appropriate disposal. The site shall be cleaned at the end of each day of operations, including the removal of all stalls and debris.

17.30.130 Home Occupations

Home occupations shall be located, developed, and operated in compliance with the following standards:

A. **Applicability.** This Section applies to home occupations in any residential unit in the City regardless of the zoning designation. It does not apply to family day care, which is regulated separately.

B. **General Standards.** All home occupations shall be located and operated consistent with the following standards:

1. ***Residential Appearance.*** The residential appearance of the unit within which the home occupation is conducted shall be maintained, and no exterior indication of a home occupation is permitted except signs in conformance with Chapter 17.29, Signs.

2. ***Location.*** All home occupation activities shall be conducted entirely within the residential unit, within a garage that is attached to the residential unit, or an enclosed accessory building. When conducted within a garage, the doors thereof shall be closed, and the area occupied shall not preclude the use of required parking spaces for parking.

3. ***Employees.*** A maximum of one independent contractor other than residents of the dwelling shall be permitted to work at the location of a home occupation except as otherwise allowed for cottage food operations.

4. ***Direct Sales Prohibition.*** Home occupations involving the display or sale of products or merchandise are not permitted from the site except by mail, telephone, internet, or other mode of electronic communication or except as otherwise allowed for cottage food operations.

5. ***Hazardous Materials.*** Activities conducted and equipment or materials used shall not change the fire safety or occupancy classifications of the premises, nor use utilities different from those normally provided for residential use. There shall be no storage or use of toxic or hazardous materials other than the types and quantities customarily found in connection with a dwelling unit.

6. ***Nuisances.*** A home occupation shall be conducted such that no offensive or objectionable noise, dust, vibration, smell, smoke, heat, humidity, glare, refuse, radiation, electrical disturbance, interference with the transmission of communications, interference with radio or television reception, or other hazard or nuisance is perceptible at or beyond any lot line of the unit or structure within which the home occupation is conducted, or outside the dwelling unit if conducted in other than a single-unit detached residence.

7. ***Traffic and Parking Generation.*** Home occupations shall not generate a volume of pedestrian, automobile, or truck traffic that is inconsistent with the normal level of traffic in the vicinity or on the street on which the dwelling is located or which creates the need for additional parking spaces or involve deliveries to or from the premises in excess of that which is customary for a dwelling unit.

8. ***Commercial Vehicles.*** No vehicle larger than a three-quarter ton truck may be used in connection with a home occupation.

C. **Cottage Food Operations.** A cottage food operation is allowed as a home occupation and an accessory use to any legally established residential unit subject to the following standards:

1. ***Registration.*** Cottage food operations shall be registered as "Class A" or "Class B" cottage food operations and shall meet the respective health and safety standards set forth in Section 114365 et seq. of the California Health and Safety Code.

2. ***Sales.*** Sales directly from a cottage food operation are limited to the sale of cottage food products. A cottage food operation shall not have more than $50,000 in gross annual sales in each calendar year.

3. ***Operator and Employee Allowed.*** Only the cottage food operator and members of his or her household living in the unit, as well as one full-time equivalent cottage food employee, may participate in a cottage food operation.

4. ***Equipment.*** Cottage food operations may employ kitchen equipment as needed to produce products for which the operation has received registration, provided that equipment would not change the residential character of the unit, result in safety hazards, or create smoke or steam noticeable at the lot line of an adjoining residential property. Venting of kitchen equipment shall not be directed toward neighboring residential uses.

D. **Prohibited Home Occupations.** The following specific businesses are not permitted as home occupations.

1. Vehicle sales and services;

2. Animal care, sales, and services;

3. Eating and drinking establishments;

4. Hotels and motels;

5. Hospitals and clinics;

6. Personal services; and

7. Retail sales.

17.30.140 Nonpermanent Vendors

Nonpermanent vendors are allowed in compliance with the following standards:

A. **Location.** Nonpermanent vendors are limited to non-residential districts.

B. **Number.** Maximum one nonpermanent vendor per day per lot unless authorized through a Modification pursuant to Chapter 17.42, Modifications.

C. **Duration.** Maximum six hours per day per lot. No lot may have a nonpermanent vendor onsite for more than 90 days total in any 12-month period.

D. **Parking Surface.** The vehicle shall only be stopped or parked on surface paved with concrete, asphalt, or other surface approved by the Director.

E. **Required Parking.** No parking spaces are required for a nonpermanent vendor that meets all of the standards under this Section.

F. **Displaced Parking.** Nonpermanent vendors may displace up to three required non-residential parking spaces for a maximum of six hours per day per parking lot, provided that no more than 25 percent of the total number of parking spaces on site are displaced. Required parking spaces for an existing non-residential use may be displaced if the existing non-residential use is not open during the event.

G. **Location.** Vehicles shall not be left unattended at any time, or be left onsite when inactive, or stored overnight.

H. **Obstructions.** Location and operation including customers, seating, and equipment, shall not obstruct the right-of-way, sight distances, or otherwise create hazards for vehicle or pedestrian traffic. The location shall comply with applicable accessibility requirements and the Americans with Disabilities Act.

I. **Nuisances.** Nonpermanent vendors shall be responsible for keeping the area clean of any litter or debris and shall provide trash receptacles for customer use on site. No vendor shall ring bells, play chimes, play an amplified musical system, or make any other notice to attract attention to its business while operating within City limits. The use of prohibited or unpermitted signs for nonpermanent vendors is not allowed.

J. **Modifications.** Modifications to the standards of this Section may be approved pursuant to Chapter 17.42, Modifications.

17.30.150 Off-shore Oil Development

There shall be no construction, reconstruction, operation or maintenance of any commercial or industrial facility within the city, including but not limited to business or personnel office, oil or gas storage facilities, pipe, drilling materials, or equipment repair or storage facilities, or any other aid or support which operates directly or indirectly in support of any offshore oil or gas

exploration, development, drilling, pumping or production; nor shall there be any construction, reconstruction, operation or maintenance of any pipeline within the city for the transmission of any oil or natural gas taken or removed from any offshore oil or gas drilling or pumping operations.

A. **Zoning Changes.** No zoning changes to accommodate onshore support facilities for offshore oil or gas exploration, development, drilling, pumping or production shall be enacted without a vote of the people of the City.

B. **Ordinance.** The ordinance codified in this Section shall not be amended or repealed without a vote of the people.

17.30.160 Outdoor Dining and Seating

Outdoor dining and seating areas shall be located, developed, and operated in compliance with the following standards:

A. **Applicability.** The standards of this Section apply to outdoor dining and seating located on private property. Outdoor dining and seating located in the public right-of-way is subject to an encroachment permit issued by the Public Works Department.

B. **Accessory Use.** Outdoor dining and seating shall be conducted as an accessory use to a legally established eating and drinking establishment that is located on the same lot or an adjacent lot.

C. **Use Permit Required.** Outdoor dining and seating area occupying 350 square feet or less area is allowed as an accessory use to a legally established eating and drinking establishment that is located on the same lot or an adjacent lot. Outdoor dining and seating area occupying more than 350 square feet require use permit approval as follows:

   1. ***More than 350 square feet and less than 1,000 square feet.*** Minor Use Permit required.

   2. ***More than 1,000 square feet.*** Conditional Use Permit required.

D. **Hours of Operation.** Hours of operation shall be limited to the hours of operation of the associated eating and drinking establishment.

E. **Parking.** Where an outdoor dining and seating area occupies less than 350 square feet, additional parking spaces for the associated eating and drinking establishment are not required. Parking shall be provided according to the required ratio in Chapter 17.27, Parking and Loading, for any outdoor dining and seating area exceeding 350 square feet.

F. **Location.** Outdoor dining and seating areas may be located in required setback areas but shall not encroach into pedestrian pathways or required parking areas. Outdoor

dining and seating areas may be allowed to encroach into a public right-of-way with an approved encroachment permit issued by the Public Works Director.

G. **Noise.** Amplified sound (e.g., music, television, etc.) shall not be audible beyond the lot line.

H. **Litter Removal.** Outdoor dining and seating areas shall remain clear of litter at all times.

17.30.170 Outdoor Display and Sales

Outdoor display and sales shall be located, developed, and operated in compliance with the following standards:

A. **Temporary Outdoor Display and Sales.** The temporary outdoor display and sale of merchandise shall comply with Section 17.30.260, Temporary Uses, and Chapter 17.41, Temporary Use Permits.

B. **Produce and Nursery Displays.** The outdoor display of fresh produce or of live plants associated with an existing Retail Sales establishment on the same site is allowed, and no additional parking is required, subject to the following standards.

1. The display area shall not exceed 125 square feet in size for produce displays or 600 square feet for live plant displays unless a larger area is authorized pursuant to Conditional Use Permit approval.
2. The display shall not disrupt the normal function of the site or its circulation and shall not encroach upon parking spaces, driveways, pedestrian walkways, or required landscaped areas.
3. All produce shall be removed or enclosed at the close of each business day.

C. **Permanent or Ongoing Outdoor Display and Sales.** The permanent or ongoing outdoor display of merchandise, except for vehicle sales and leasing requires Conditional Use Permit approval and shall comply with the following standards:

1. ***Relationship to Main Use.*** The outdoor display and sales area shall be directly related to a business occupying a primary structure on the subject parcel.
2. ***Allowable Merchandise.*** Only merchandise sold at the business is permitted to be displayed outdoors.
3. ***Display Locations.*** The displayed merchandise shall occupy a fixed, specifically approved and defined location and shall not disrupt the normal function of the site or its circulation and shall not encroach upon parking spaces, driveways, pedestrian walkways, or required landscaped areas.

17.30.180 Personal Services

Personal service establishments shall be located, developed, and operated in compliance with the following standards:

A. **Hours of Operation.** Hours of operation shall be limited to 8:00 a.m. to 10:00 p.m. unless otherwise specified in a Minor Use Permit.

B. **Fortune, Palm, and Card Reader.** Fortune, palm, and card reader establishments shall be located at a minimum of 100 feet from a sensitive use unless approved with a Minor Use Permit.

C. **Massage Establishments.** Massage establishments shall comply with the City of Morro Bay Municipal Code. Establishments, including sole proprietorships, which offer massage in exchange for compensation that do not comply with the City of Morro Bay Municipal Code are prohibited.

D. **Tattoo or Body Modification Parlor.** Tattoo and body modification parlors shall be located a minimum of 100 feet from a sensitive use unless approved with a Minor Use Permit.

17.30.190 Recharging Stations

Recharging stations may be provided in any area designed for the parking or loading of vehicles.

17.30.200 Recycling Facilities

Recycling facilities shall be located, developed, and operated in compliance with the following standards:

A. **Reverse Vending Machines.**

1. ***Accessory Use.*** Reverse vending machines may be installed as an accessory use to a permitted or conditionally permitted primary commercial or public/semi-public use on the same site.

2. ***Location.*** Machines shall be located within the same building as the permitted commercial or public/semi-public use or adjacent to the entrance of the commercial host use. Machines shall not be located within 50 feet of a Residential District or 1,000 feet of any business that sells alcohol. Machines shall not obstruct pedestrian or vehicular circulation.

3. ***Identification.*** Machines shall be clearly marked to identify the type of material to be deposited, operating instructions, the identity and phone number of the operator or responsible person to call if the machine is inoperative, and a notice stating that no material shall be left outside of the reverse vending machine.

4. ***Signs.*** The maximum sign area on a machine is four square feet, exclusive of operating instructions.

5. ***Lighting.*** Machines shall be illuminated to ensure comfortable and safe operation between dawn and dusk.

6. ***Trash Receptacle.*** Machines shall provide a 40-gallon garbage can for nonrecyclable materials located adjacent to the reverse vending machine.

B. **Recycling Collection Facilities.**

1. ***Size.*** Recycling collection facilities shall not exceed a building site footprint of 350 square feet or include more than three parking spaces (not including space periodically needed for the removal or exchange of materials or containers).

2. ***Equipment.*** No power-driven processing equipment, except for reverse vending machines, may be used.

3. ***Location.*** Facilities shall not be located within 50 feet of a Residential District or within 1,000 feet of any business that sells alcohol.

4. ***Setback.*** Facilities shall be set back at least 10 feet from any front or corner side lot line and not obstruct pedestrian or vehicular circulation.

5. ***Containers.*** Containers shall be constructed of durable waterproof and rustproof material and secured from unauthorized removal of material. Capacity sufficient to accommodate materials collected in the collection schedule.

6. ***Identification.*** Containers shall be clearly marked to identify the type of accepted material, hours of operation, the identity and phone number of the operator or responsible person to call if the machine is inoperative, and a notice stating that no material shall be left outside.

7. ***Signs.*** The maximum sign area shall be 20 percent of the area of the side of facility or container or 16 square feet, whichever is larger. In the case of a wheeled facility, the side is measured from the pavement to the top of the container. The Director may authorize increases in the number, size and nature of additional signs for necessary directional or identification purposes but not for outdoor advertising.

8. ***Parking.*** Patrons and the attendant shall not reduce available parking spaces below the minimum number required for the main use unless a parking study shows available capacity during recycling facility operation.

9. ***Site Maintenance.*** Sites shall be maintained clean, sanitary, and free of litter and any other undesirable materials.

C. **Recycling Processing Facility.**

1. ***Location.*** Facilities shall not abut a Residential District.

2. ***Screening.*** The facility shall be screened from public rights-of-way, by solid masonry walls or located within an enclosed structure.
3. ***Outdoor Storage.*** Exterior storage of material shall be in sturdy containers or enclosures that are secured and maintained in good condition. Storage shall not be visible above the height of the required solid masonry walls.
4. ***Identification.*** Facilities shall be clearly marked with the name and phone number of the facility operator and hours of operation.

17.30.210 Self Storage

Self Storage facilities shall be located, developed, and operated in compliance with the following standards:

A. **Business Activity.** All self storage facilities shall be limited to inactive items such as furniture and files. No retail, repair, or other commercial use shall be conducted out of the individual rental storage units.

B. **No Hazardous Materials Storage.** No storage of hazardous materials is permitted.

C. **Notice to Tenants.** As part of the rental process, the facility manager shall inform all tenants of conditions restricting storage of hazardous materials and limitation on the use of the storage units. These restrictions shall be included in rental contracts and posted at a conspicuous location within the front of each rental unit.

D. **Open Storage.** Open storage, outside an enclosed building, shall be limited to vehicles and trailers and screened from public view by building façades or solid fences.

E. **Exterior Wall Treatments and Design.** Exterior walls visible from a public street or Residential District shall be constructed of decorative block, concrete panel, stucco, or similar material. These walls shall include architectural relief through articulation, trim, change in color at the base, variations in height, the use of architectural “caps,” attractive posts, or similar measures. A gate(s) shall be decorative iron or similar material.

F. **Screening.** Where screening walls are required or proposed, they shall be constructed of decorative block, concrete panel, stucco, or similar material. The walls shall include architectural relief through variations in height, the use of architectural “caps,” attractive posts, or similar measures. All gates shall be decorative iron or similar material.

G. **Fencing.** A six-foot-high security fence shall be provided around the perimeter of the development at locations where the solid façades of the storage structures do not provide a perimeter barrier.

17.30.220 Short-term Vacation Rentals (IP)

A. **Purpose.** The purpose of this Section is to establish a set of regulations applicable to short-term vacation rentals. In the adoption of these standards the City Council finds that short-term vacation rentals support the City's significant tourism industry, but also have the potential to be incompatible with surrounding residential uses, especially when several are concentrated in the same area, as they can have a deleterious effect on the adjacent full-time residents, and may alter the character of the neighborhoods within which they are located. To that end, the City Council with this Ordinance is adopting density limitations in residential zones, a permit scheme, and operational standards that strike the balance between these interests.

B. **Definitions.** The terms used in this Section shall have the following meanings, as well as the meanings of the terms as defined in Section 17.54.020, Definitions, unless the context clearly indicates otherwise; and, in the event of conflict this Section shall govern unless specified.

1. "Booking transaction" means any reservation or payment service provided by a company that facilitates a short-term vacation rental transaction between a prospective visitor and a host.

2. "Full-home rental" means a short-term vacation rental of no more than 30 consecutive days of a home, in whole or in part, for exclusive transient use. The guest enjoys the exclusive private use of the dwelling, and the host is not present.

3. "Guest" means a person who rents a short-term vacation rental.

4. "Host" means the owner or his/her authorized agent, of a short-term vacation rental, who is responsible for its operation. A host can include the property owner, a tenant, or a management company.

5. "Home-sharing rental" means a short-term vacation rental within a dwelling that is the host's primary residence, and where the host is on site throughout the guest's stay. Home-sharing rentals include guest houses when the host is on site in the primary residence throughout the guest's stay in the guest house, and any unit in a multifamily dwelling of no more than four units, where the host lives in the primary residence or in one of the units.

6. "Hosting platform" means a company that participates in the short-term vacation rental business by collecting or receiving a fee, directly or indirectly through an agent or intermediary, for conducting a booking transaction using any medium of facilitation.

7. "Junior accessory dwelling unit" shall have the same meaning as the term is defined in Section 65852.22 of the Government Code.

8. "Local contact person" means an individual who is personally available by telephone on a 24- hour basis and who maintains the ability to initiate corrective action within one hour of being notified of a concern or complaint and who has authority to address violations of this Ordinance or any disturbance or problem at a short-term vacation rental.

9. "Primary residence" means the usual place of return for housing of an owner or long-term resident as documented by at least two of the following: motor vehicle registration, driver's license, California state identification card, voter registration, income tax return, or property tax bill. A person can only have one primary residence.

C. **Short-term Vacation Rentals- General.**

1. Short-term vacation rentals may only be operated pursuant to a current and valid short- term vacation rental permit from the City of Morro Bay, as well as a current and valid City business license, in accordance with all the requirements of this Section. Permits shall be obtained by the property owner. Permits shall be valid for no more than 12 months, unless renewed.

2. Permits are non-transferable and are unique to the specific property and property owner. A permit for a property shall not be valid for a successor owner or host.

3. Short-term vacation rentals are permitted in Residential, Commercial, and Mixed Use Zoning Districts only. Full-home short-term vacation rentals in Residential Districts shall be subject to the density limitations of Section 17.30.220.D., Short-term Vacation Rentals - Density Limitations, below.

4. Short-term vacation rentals shall not be operated in vehicles or in non-habitable or illegally constructed structures, such as sheds, unconverted garages, cars, vans, or trucks, unpermitted attached or detached accessory dwelling units, unpermitted rooms or patios, etc.

5. Short-term vacation rentals shall not be operated from dwellings that are designated as affordable housing units, or out of mobile home parks.

6. Short-term vacation rentals may not be operated from boats in the harbor, or from recreational vehicles unless permitted through the Conditional Use Permit process.

7. Operation of short-term vacation rentals in housing developments shall be permitted to the extent they are permitted by the development's CC&Rs. All provisions of this Section shall apply. In case of conflict between this Section and the development's CC&Rs, the more restrictive provisions shall apply. The City shall not be responsible for enforcing CC&R provisions relating to short-term vacation rentals.

8. The City shall provide public information regarding validly permitted short-term vacation rentals.

9. The provisions of this Section shall apply to both home-sharing and full-home short-term vacation rentals, unless otherwise indicated.

10. The host, and the property owner, if different, have the responsibility to ensure that the short-term vacation rental and its guests comply with all the provisions of this Ordinance. The City must have current contact information for both the local contact person and the host, if they are different. Any change in contact information must be provided to the City forthwith.

11. Transient occupancy tax, Morro Bay Tourism Business Improvement District assessments and San Luis Obispo County Tourism Marketing District (SLOCTMD) assessment shall be collected on short-term vacation rentals in accordance with Chapters 3.24 (Transient Occupancy Tax) and 3.60 (Tourism Business Improvement District Law) of the Morro Bay Municipal Code. Short-term vacation rentals must contribute a minimum of $500 of TOT annually to maintain a valid permit.

12. The City Council may by resolution promulgate additional regulations relating to the operation of permitted short-term vacation rentals, including but not limited to, a training program for current and potential hosts, content guidelines for an informational brochure to be provided to guests (Good Neighbor Brochure), and additional reporting requirements.

13. The use of a guest house as a short-term vacation rental is prohibited, unless the guest house is rented as a home-share vacation rental with the host on site in the primary residence throughout the guest's stay in the guest house.

14. Notwithstanding any other provision herein, short-term vacation rentals shall not be operated out of accessory dwelling units or junior accessory dwelling units, as provided in state law, except as provided for in Section 17.30.220.E, Nonconforming Short-Term Vacation Rentals.

D. **Short-term Vacation Rentals - Density Limitations.**

1. The maximum allowable number of full-home short-term vacation rentals in residential zones is 175, subject to Section 17.41.220.E, Nonconforming Short-Term Vacation Rentals. No new permit applications for full-home short-term vacation rentals in a residential zone will be accepted until the number of active permits drops below 175. This limitation shall not apply to home-share short-term vacation rentals in residential zones. This limitation applies to all accessory dwelling units or junior accessory dwelling units. No maximum number of short-term vacation rentals applies to the commercial and mixed-use zones.

2. Property owners who wish to apply for short-term vacation rental permits for property in a residential zone shall be issued permits on a first-come, first-served basis, provided the proposed short-term vacation rentals do not violate the density limitations herein. Applicants who are not eligible for a permit due to these density limitations shall be placed on a chronologically maintained waiting list.

3. ***Multi-family Developments in Commercial and Mixed Use Zoning Districts.*** No more than 12.5% (118th) of the total number of units in a attached single-unit dwelling or multi-unit residential in a Commercial and Mixed Use Zoning District can be operated as a short-term vacation rental. Multi-family dwellings of fewer than 8 units shall have no more than one unit operating as a short-term vacation rental. Any Commercial and Mixed Use zoned lot with an attached or detached single-unit dwelling and multi-unit residential shall also be subject to these density limitations.

4. ***Full-home Single-family Dwellings in Residential Zoning Districts.***

    a. Single family dwelling full-home short-term vacation rentals in residential zones must be separated by a 175 feet radius (as measured from exterior property line) from any other full-home short-term vacation rental in a Residential District. This limitation applies to a detached single-unit dwelling used as a full-home rental, and this limitation does not apply to a detached single-unit dwelling used as a home-share rental. This limitation applies to all accessory dwelling units or junior accessory dwelling units. Abutting or intervening lots with attached single-unit dwellings or multi-unit residentials are also subject to this spacing limitation.

    b. Only one full-home short-term vacation rental shall be permitted on any property with a detached single-unit dwelling.

5. Multi-family developments in Residential Districts may not be used as short-term vacation rentals.

E. **Nonconforming Short-Term Vacation Rentals.** A Short-term vacation rentals lawfully permitted by the City prior to the effective date of this ordinance, and in good standing with the City on the effective date of this Ordinance, shall be considered legal nonconforming uses not subject to the limitations of Section 17.30.220.D, Short-term Vacation Rentals - Density Limitations, provided they obtain a new short-term vacation rental permit pursuant to this Ordinance within one year of its effective date. The permit application in conformance with this Section should be filed in lieu of a renewal application.

F. **Permit Application and Renewal.**

1. A completed application for a short-term vacation rental permit shall be submitted by the property owner to the Finance Director on a form provided by the City, and shall include the following information:

   a. Name, address, and current contact information of the property owner/applicant. Any change in this information must be provided to the City forthwith. The application must be signed under penalty of perjury by the property owner. A permit application may not be submitted or signed by a property management company or other commercial agent.

   b. If different from the property owner, name and address of the host, including current contact information.

   c. Address and description of the property that will be used as a short-term vacation rental. The description shall include number of rooms, maximum guest occupancy, amenities, and available parking for guests.

   d. Whether the short-term vacation rental will be operated as a home-sharing or full- home rental.

   e. The house rules for the short-term vacation rental and any other information that will be provided to the guest.

   f. Proof that the property owner has insured the property as a short-term vacation rental.

   g. Hosting platforms that will advertise the property.

   h. A copy of any valid and current short-term vacation rental permit held by the applicant for any other property in the City.

   i. Information on any short-term vacation rental permits that have been suspended or revoked as to the host or the property owner anywhere in the State of California, or as to the property, within the previous two years, and the reasons therefor.

   j. If the property owner has been asked or been compelled to no longer advertise with a hosting platform within the previous two years, and the reasons therefor.

2. **Inspection.**

   a. A completed application shall include a completed inspection report. The report shall include:

      i. Number of exits

      ii. Conformance with application information

iii. Sufficient off-street parking

iv. Signage, per requirements

v. A Good Neighbor Brochure

vi. Compliance with any other applicable code requirement

b. Short-term vacation rentals shall be inspected as part of the initial application, and every four years thereafter at the time of renewal. Each renewal application when a City inspection is not required will include a self-inspection form to be filled out and signed under penalty of perjury by the property owner.

c. Properties may be additionally inspected to ensure that any violations are timely corrected.

d. Any change in the information in the application, whether the change occurs while the application is pending, or at any time after the permit issues, must be provided to the City forthwith.

3. The City shall review the application for completeness. If the application is incomplete, the City shall inform the applicant in writing within 30 days of receipt of the application, articulating the necessary additional information for completeness. An application that is found to be incomplete upon a second submission shall be deemed abandoned.

4. The City shall deny, conditionally approve, or approve an application within 45 days of receipt of a completed application. Conditions imposed shall be aimed at ensuring that the short-term vacation rental does not create a disturbance in the neighborhood, and is not operated in a manner that will undermine the character of its neighborhood.

5. ***Renewals.***

a. Permit renewals shall be submitted 60 days prior to permit expiration on a form provided by the City and signed by the property owner. Renewal forms must detail any changes in the short-term vacation rental (bedrooms, ownership, number of guests, parking, etc.), and shall otherwise certify that other than what is listed as a change, the information in the original application remains the same.

b. Permit renewals that are not timely submitted per Subsection 5.a. may experience a delay in reissuance. In the event a permit expires before the renewal permit is issued because of a delay in renewal submittal, the permit shall be deemed suspended until the renewal issues, and the short-term vacation rental may not be rented as such.

c. Any permit whose renewal application is submitted after the permit's expiration shall be deemed abandoned. Reapplication shall only be accepted in full compliance with all the provisions of this Section, including the density limitations.

6. Permit applications and renewals shall be subject to permit fees in accordance with the City's Master Fee Schedule. Permit fees shall include, but not be limited to, the reasonable cost of processing the application and inspection fees, as applicable.

G. **Permit Denial, Suspension, and Revocation.** A short-term vacation rental permit may be denied, suspended, or revoked based on the following grounds:

1. A material misrepresentation on the application or renewal materials.

2. The dwelling that is the subject of the application or permit is not in full compliance with all applicable local, state, and federal regulations.

3. The host has violated, or has permitted his/her guest to violate, the terms of the hosting platform, and as a result the hosting platform has withdrawn its permission to advertise on that platform.

4. The host has violated, or has permitted his/her guest to violate, any of the operational requirements in Section 17.30.220.I, Operational Requirements. A host is presumptively permitting violations of the applicable regulations under the following circumstances:

a. If the violation consists of conduct by the guest that is disturbing the peace and quiet of the neighbors, or that constitutes an immediate threat to the health and safety, and the host does not initiate corrective action within one hour of being notified of the disturbance; or,

b. If the noticed violation is not corrected before the next guest arrives at the property.

5. The property owner has had a short-term vacation rental permit revoked or suspended in the preceding two years.

6. ***Grounds for Suspension.*** The City may initiate suspension proceedings for minor violations of this Section, or of any applicable code, that are not timely corrected. Additional guidance on the grounds for suspension may be provided in the implementing regulations. A permit may be suspended for up to 180 days.

7. ***Grounds for Revocation.*** The City may initiate revocation proceedings for repeated or serious violations of this Section or of any applicable code. Serious violations include any condition that is a threat to the guest's, the neighbors', or the public's health, safety, and welfare; or, conditions that constitute a public nuisance. Additional guidance may be provided in the implementing regulations.

8. A notice of intent to suspend or revoke, and the reasons therefore, shall be provided to the permit holder. The permit holder shall have 15 days to submit relevant evidence for the City Manager's consideration. The City Manager shall issue a written decision articulating the grounds therefor within an additional 15 days, taking into consideration any relevant evidence submitted by the permit holder.

9. Any property owner whose permit is revoked may not reapply for a short-term vacation rental for the property for which the permit was revoked, or for any other property, for two years following the date of revocation. Revocation of a permit shall not affect any other current and valid short-term rental vacation permits by that property owner.

H. **Appeal of Permit Denial, Suspension, or Revocation.** Any person whose permit application was denied, or whose permit was suspended or revoked, may appeal the decision as follows.

1. An appeal must be submitted in writing to the City Manager within 15 days of the date of the decision. The appeal must articulate the reasons therefor, and shall be accompanied by an appeal fee in accordance with the City's Master Fee Schedule.

2. The City Manager shall schedule an appeal hearing within 30 days of receipt of the appeal before an independent hearing officer, at which hearing the host will have an opportunity to be heard and to present evidence. Compensation for the independent hearing officer shall not be determined by the outcome of any appeal.

3. The host shall be provided with notice of the hearing no later than 10 days prior to the hearing. The hearing may be postponed for good cause.

4. The hearing officer shall not be bound by the formal rules of evidence. The hearing officer may consider all relevant evidence and may exclude repetitive or irrelevant evidence.

5. The hearing officer shall provide a written decision within 10 days of the hearing and shall articulate the reasons therefor. The decision of the hearing officer shall be final. The hearing officer's decision may be challenged pursuant to Sections 1094.5 and 1094.6 of the Code of Civil Procedure, which shall be referenced in the written decision.

I. **Operational Requirements.** Short-term vacation rentals must comply with the following requirements.

1. A copy of the short-term vacation rental permit must be posted in a prominent location within the short-term vacation rental.

2. The host shall use reasonably prudent business practices to ensure that the short-term vacation rental is used in a manner that complies with all applicable laws, rules, and regulations pertaining to its use and occupancy.

3. ***Parking.***

    a. Short-term vacation rentals must provide sufficient onsite parking spaces for their guests; no offsite or other street parking is allowed.

    b. Onsite parking should be only in legal spaces required for the applicable housing type.

4. Short-term vacation rental operators must notify guests of the City's licensing requirement. The permit number must be included in the hosting platform advertisement.

5. No one under the age of 21 years shall be permitted as the primary renter of a short-term vacation rental.

6. The host shall use reasonably prudent business practices to ensure that short-term vacation rental guests do not violate the provisions of this ordinance or violate provisions of the code or any state law, such as but not limited to, regulations pertaining to noise, disorderly conduct, overcrowding, the consumption of alcohol, or the use of illegal drugs.

7. Occupancy for each full-home rental shall be limited to two individuals per bedroom, plus two, for a maximum of 10 guests; occupancy for home-share rentals shall be limited to two individuals per bedroom. Children under 3 years of age are excluded from the occupancy limits but children three and older are included.

8. Guests must comply with all local noise restrictions.

9. While a short-term vacation rental unit is rented, a local contact person shall be available 24 hours per day, 7 days per week, to respond to complaints or notification of violations, and if appropriate initiate corrective action regarding the conduct of the occupants or their guests, or the condition or operation, of the short-term vacation rental, within one hour of being notified.

10. The host shall:

    a. Prior to occupancy:

        i. Obtain the contact information of the guest.

        ii. Require the guest to execute a written acknowledgment that he or she is legally responsible for compliance by all occupants of the short-term vacation rental with all applicable laws, rules, and

regulations pertaining to the use and occupancy of the short-term vacation rental.

b. Maintain the information required in item a, above, for a period of two years, and make such information available upon request to any officer of the City responsible for the enforcement of any provision of this Ordinance or any other applicable local, state, or federal regulations.

c. Provide guests with the Good Neighbor Brochure, the name and number of the local contact person where problems can be reported, the City's hotline number, and the short-term vacation rental's house rules.

11. A sign shall be posted in a location visible and legible from the public right-of-way that contains the following information:

a. Identification as a short-term vacation rental, including the permit number.

b. 24-hour contact information in case of problems or complaints, in conformance with Subsection I, above.

12. Short-term vacation rentals shall be subject to the provisions of Chapter 8.16, Solid Waste Management, of the Morro Bay Municipal Code; in addition, short-term vacation rentals shall not leave their solid waste containers curbside any earlier than the day before pickup, or any later than one day after pickup. If this requirement cannot be met, the host must provide for concierge trash service, if this service is available at the property.

J. **Advertising.**

1. All short-term vacation rental advertisements shall include the permit number.

2. Advertising of unpermitted short-term vacation rentals is prohibited.

K. **Penalty and Enforcement.**

1. Violations of this Section are deemed a public nuisance, and may be abated as such.

2. Each day a violation continues is deemed a new violation.

3. Violations of this Section may be punishable as infractions or misdemeanors, pursuant to Chapter 1.16 of the Morro Bay Municipal Code.

4. Violations of this Section may be punishable thorough administrative fines, in accordance with Chapter 1.03 of the Morro Bay Municipal Code, as may be set by City Council resolution.

5. The owner of any illegally operated short-term vacation rental that is on the wait-list for a permit is presumed to have actual knowledge of the permit

requirement. The owner of the illegally operated short-term vacation rental, as well as the unpermitted short-term vacation rental, shall be removed from the permit waiting list, and the host may not reapply for a short-term vacation rental permit for any property for two years. Any application for the same property shall also be barred for two years, irrespective of ownership.

17.30.230 Single Room Occupancy

Single-room occupancy (SRO) units shall be located, developed, and operated in compliance with the following standards.

A. **Occupancy.** An SRO unit shall be occupied by a single person. Occupancy of SRO units may be restricted to seniors or be available to persons of all ages.

B. **Facilities.** Units in an SRO housing development shall consist of a single room and may have a private or shared bathroom. A shared common kitchen and activity area may also be provided.

C. **Management.** On-site management shall be provided unless waived through a Minor Use Permit approval.

17.30.240 Renewable Energy Systems

Renewable energy systems shall be located, developed, and operated in compliance with the following standards:

A. **Solar Energy Systems.**

1. ***Height, Ground-Mounted Solar Energy Systems.*** The maximum height of a ground-mounted solar energy collector system is 25 feet or the maximum height allowed in the base or overlay district, whichever is less.

2. **Required Setback.** Solar energy systems less than six feet in height may be installed within a required side and rear setback, but no closer than three feet to any property line. All other solar energy systems shall meet the required setback of the base or overlay district.

3. **Required Permit.** Roof-mounted solar energy systems and ground-mounted solar energy systems located over a parking area are allowed in all districts and no use permit is required. Ground-mounted solar energy systems that are not located over a parking area are allowed in all districts subject to Minor Use Permit approval.

B. **Other Renewable Energy Systems.** Other types of accessory or minor renewable energy systems may be allowed in all districts subject to Conditional Use Permit approval.

17.30.250 Telecommunication Facilities

A. **Applicability and Exemptions.** The requirements of this Section apply to all telecommunication facilities that transmit and/or receive electromagnetic signals, including but not limited to personal communications services (cellular and paging) and radio and television broadcast facilities. The requirements apply to telecommunication facilities that are the primary use of a property and those that are accessory facilities, except that the following accessory facilities are exempt:

1. Licensed amateur (ham) radio and citizen band operations.
2. Hand-held, mobile, marine, and portable radio transmitters and/or receivers.
3. Emergency services radio.
4. Radio and television mobile broadcast facilities.
5. Antennas and equipment cabinets or rooms completely located inside of permitted structures.
6. A single ground- or building-mounted receive-only radio or television antenna not exceeding the maximum height permitted by this Code, including any mast, or a receive-only radio or television satellite dish antenna, subject to the following restrictions:

   a. *Residential Districts.* A satellite dish that does not exceed one meter in diameter and is for the sole use of a resident occupying the same residential parcel is permitted anywhere on a lot in the Residential District so long as it is affixed to the interior side or rear of a structure, the rear half of the roof of the primary dwelling or garage, or is ground-mounted. Such an antenna may be mounted on a mast provided the overall height of the antenna and its supporting mast does not exceed a height of 12 feet above the roofline unless authorized with a Minor Use Permit.

      i. The Director may, without public notice or hearing, grant a waiver from the above standards if application of the standards:

         (1) Unreasonably delay or prevent use of a satellite antenna;

         (2) Unreasonably increase the cost of the installation, maintenance or use of a satellite antenna; or

         (3) Preclude a person from receiving or transmitting an acceptable quality signal from an antenna subject to the standards of this Section

b. *Non-residential Districts.*

i. Satellite Dish Two Meters or Less. A satellite dish that does not exceed two meters in diameter is permitted anywhere on a lot where a commercial or industrial use is allowed provided it is affixed to the interior side or rear of a structure or to the roof of a structure and is sited and screened to minimize visibility from a street. Such an antenna may be mounted on a mast provided the overall height of the antenna and its supporting mast does not exceed a height of 12 feet above the roofline unless authorized with a Minor Use Permit.

ii. Satellite Dish Greater than Two Meters. A satellite dish that is greater than two meters in diameter that is not located within a required front yard or street side yard and is screened from view from any public right-of-way and adjoining Residential District.

c. *Undergrounding Required.* All wires and/or cables necessary for operation of an antenna shall be placed underground or attached flush with the surface of the building or the structure of the antenna.

7. Any antenna or wireless communications facility that is exempt from local regulation pursuant to the rules and regulations of the Federal Communications Commission (FCC) or a permit issued by the California Public Utilities Commission (CPUC). The owner or operator of such facility shall provide the Director with a copy of a current FCC or CPUC permit or a copy of applicable FCC regulations prior to its installation.

8. Minor modifications to existing wireless facilities, including replacement in-kind or with smaller or less visible equipment, that meet the standards set forth in this Section and will have little or no change in the visual appearance of the facility.

B. **Permit Requirements.** At the sole discretion of the Director, technical information submitted as part of a project application may be referred to a technical professional retained by the City to provide independent peer review of information for consistency with the requirements of this Chapter. The applicant shall pay the reasonable actual cost and a reasonable administrative fee for hiring a technical professional to provide peer review.

1. ***Stealth Facilities.*** Stealth facilities in which the antenna and the support equipment are hidden from view in a structure or concealed as an architectural feature, are permitted in all districts subject to Conditional Use Permit approval.

2. ***Co-located Facilities.*** Permitted by right when proposed to be co-located on a facility that was subject to a discretionary permit issued on or after January 1,

2007 and an environmental impact report was certified, or a negative declaration or mitigated negative declaration was adopted for the wireless telecommunication collocation facility in compliance with the California Environmental Quality Act and the collocation facility incorporates required mitigation measures specified in that environmental impact report, negative declaration, or mitigated negative declaration.

3. ***Non-stealth Facilities.*** Permitted in all districts subject to Conditional Use Permit approval.

C. **Standards.** Telecommunication facilities shall be located, developed, and operated in compliance with all of the following standards and with applicable standards of the zoning district in which they are located.

1. ***Location and Siting.***

a. No new freestanding facility, including a tower, lattice tower, or monopole, shall be located within 1,000 feet of another freestanding facility, unless appropriate camouflage techniques have been used to minimize the visual impact of the facility to the extent feasible, and mounting on a building or co-location on an existing pole or tower is not feasible.

b. All wireless telecommunication facilities shall meet the building setback standards of the district which they are to be located.

c. When feasible, providers of personal wireless services shall co-locate facilities in order to reduce adverse visual impacts. The Director may require co-location or multiple-user wireless telecommunication facilities based on a determination that it is feasible and consistent with the purposes and requirements of this Section.

d. When determined to be feasible and consistent with the purposes and requirements of this Section, the Director shall require the applicant to make unused space available for future co-location of other telecommunication facilities, including space for different operators providing similar, competing services.

2. ***Support Structures.*** Support structures for telecommunication facilities may be any of the following:

a. An existing non-residential building.

b. An existing structure other than a building, including, but not limited to, light poles, electric utility poles, water towers, smokestacks, billboards, lattice towers, and flag poles. This term includes an electric utility pole erected to replace an existing electric utility pole, if the replacement pole

will serve both electric and wireless communications functions, and if the replacement pole is substantially equivalent to the predecessor pole in placement, height, diameter and profile.

c. An alternative tower structure such as a clock tower, steeple, functioning security light pole, functioning recreational light pole, or any similar alternative-design support structure that conceals or camouflages the telecommunication facility. The term "functioning" as used herein means the light pole serves a useful and appropriate lighting function as well as a wireless communications function.

d. Existing publicly-owned and operated monopole or a lattice tower exceeding the maximum height limit.

e. A single pole (monopole) sunk into the ground and/or attached to a foundation. Any new monopole shall be constructed to allow for co-location of at least one other similar communications provider.

f. A monopole mounted on a trailer or a portable foundation if the use is for a temporary communications facility.

3. ***Height Requirements.*** Telecommunications facilities are subject to the height limitations of the district in which it is located except as provided below.

a. *Building-Mounted Facilities.* Building-mounted telecommunication facilities shall not exceed a height of 12 feet above the height limit of the district or 12 feet above the existing height of a legally established building or structure, whichever is lower, measured from the top of the facility to the point of attachment to the building.

b. *Facilities Mounted on Structures.* Telecommunication facilities mounted on an existing structure shall not exceed the height of the existing structure unless camouflaged as part of the structure design, except antennas may extend up to 12 feet above the height of an electric utility pole.

c. *Facilities Mounted on Light Poles.* A functioning security light pole or functioning recreational light pole shall have a height consistent with existing poles in the surrounding area or height usually allowed for such light poles.

4. ***Design and Screening.*** Telecommunication facility structures and equipment shall be located, designed and screened to blend with the existing natural or built surroundings, as well as any existing support structures, so as to reduce visual impacts to the extent feasible.

a. *Stealth Facilities.* State of the art stealth design technology shall be utilized as appropriate to the site and type of facility. Where no stealth design technology is proposed for the site, a detailed analysis as to why stealth design technology is physically and technically infeasible for the project shall be submitted with the application.

b. *Other Facility Types.* If a stealth facility is not feasible, the order of preference for facility type is, based on their potential aesthetic impact: façade-mounted, roof-mounted, ground-mounted, and free-standing tower or monopole. A proposal for a new ground-mounted or free-standing tower shall include factual information to explain why other facility types are not feasible.

c. *Minimum Functional Height.* All free-standing antennas, monopoles, and lattice towers shall be designed to be the minimum functional height and width required to support the proposed antenna installation, unless it can be demonstrated that a higher antenna, monopole, or tower will facilitate co-location.

d. *Camouflage Design.* Telecommunication facilities that are mounted on buildings or structures shall be designed to match existing architectural features, incorporated in building design elements, camouflaged, or otherwise screened to minimize their appearance in a manner that is compatible with the architectural design of the building or structure.

e. *Equipment Cabinets.* Equipment cabinets shall be located within the building upon which antennae are placed, if technically feasible. Otherwise, equipment cabinets and buildings, and associated equipment such as air conditioning units and emergency generators, shall be screened from view by a wall or landscaping, as approved by the City. Any wall shall be architecturally compatible with the building or immediate surrounding area.

f. *Landscaping.* Landscaping shall be provided for and maintained to screen any ground structures or equipment visible from a public right-of-way.

g. *Lighting.* Artificial lighting of a telecommunication facility, including its components, is prohibited, unless required by the Federal Aviation Administration. A motion-sensor light may be used for security purposes if the beam is directed downwards, shielded from adjacent properties, and kept off except when personnel are present at night.

h. *Advertising.* No advertising shall be placed on telecommunication facilities, equipment cabinets, or associated structures.

5. ***Security Features.*** All facilities shall be designed to minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions that would result in hazardous conditions, visual blight, or attractive nuisances.

   a. *Fencing.* Security fencing, if any, shall not exceed the fence height limit of the base district. Fencing shall be effectively screened from view through the use of landscaping. No chain link fences shall be visible from public view.

   b. *Maintenance.* The permittee shall be responsible for maintaining the site and facilities free from graffiti.

6. ***Radio Frequency Standards, Interference, and Noise.***

   a. *Radio Frequency.* Telecommunication facilities shall comply with federal standards for radio frequency emissions and interference. Failure to meet federal standards may result in termination or modification of the permit.

   b. *Interference.* Telecommunications facilities shall not interfere with public safety radio communications.

   c. *Noise.* Telecommunication facilities and any related equipment, including backup generators and air conditioning units, shall not generate continuous noise in excess of 40 decibels (dBa) measured at the property line of any adjacent residential property, and shall not generate continuous noise in excess of 50 dBa during the hours of 7:00 a.m. to 10:00 p.m. and 40 dBa during the hours of 10:00 p.m. to 7:00 a.m. measured at the property line of any non-residential adjacent property. Backup generators shall only be operated during power outages and for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:00 a.m. and 5:00 p.m.

7. ***Co-location.*** The applicant and owner of any site on which a telecommunication facility is located shall cooperate and exercise good faith in co-locating telecommunication facilities on the same support structures or site. Good faith shall include sharing technical information to evaluate the feasibility of co-location, and may include negotiations for erection of a replacement support structure to accommodate co-location. A competitive conflict to co-location or financial burden caused by sharing information normally will not be considered as an excuse to the duty of good faith.

   a. All facilities shall make available unused space for co-location of other telecommunication facilities, including space for these entities providing similar, competing services. Co-location is not required if the host facility can demonstrate that the addition of the new service or facilities would impair existing service or cause the host to go offline for a significant

period of time. In the event a dispute arises as to whether a permittee has exercised good faith in accommodating other users, the City may require the applicant to obtain a third party technical study at applicant's expense. The City may review any information submitted by applicant and permittee(s) in determining whether good faith has been exercised.

b. All co-located and multiple-user telecommunication facilities shall be designed to promote facility and site sharing. Telecommunication towers and necessary appurtenances, including but not limited to parking areas, access roads, utilities and equipment buildings, shall be shared by site users whenever possible.

c. No co-location may be required where it can be shown that the shared use would or does result in significant interference in the broadcast or reception capabilities of the existing telecommunication facilities or failure of the existing facilities to meet federal standards for emissions.

d. Failure to comply with co-location requirements when feasible or cooperate in good faith as provided for in this Section is grounds for denial of a permit request or revocation of an existing permit.

8. ***Fire Prevention.*** All telecommunication facilities shall be designed and operated in a manner that will minimize the risk of igniting a fire or intensifying one that otherwise occurs.

a. At least one-hour fire resistant interior surfaces shall be used in the construction of all buildings.

b. The exterior walls and roof covering of all above-ground equipment shelters and cabinets shall be constructed of materials rated as non-flammable in the Building Code.

c. Monitored automatic fire extinguishing systems shall be installed in all equipment buildings and enclosures.

d. Openings in all above-ground equipment shelters and cabinets shall be protected against penetration by fire and wind-blown embers to the extent feasible.

9. ***Surety Bond.*** As a condition of approval, an applicant for a building permit to erect or install a telecommunication facility shall be required to post a cash or surety bond in a form and amount acceptable to the City Attorney to cover removal costs of the facility in the event that its use is abandoned or the approval is otherwise terminated.

D. **Required Findings.**

1. ***General Findings.*** In approving a telecommunication facility, the decision-making authority shall make the following findings:

   a. The proposed use conforms with the specific purposes of this Section and any special standards applicable to the proposed facility;

   b. The applicant has made good faith and reasonable efforts to locate the proposed facility on a support structure other than a new ground-mounted antenna, monopole, or lattice tower or to accomplish co-location;

   c. The proposed site results in fewer or less severe environmental impacts than any feasible alternative site; and

   d. The proposed facility will not be readily visible or it is not feasible to incorporate additional measures that would make the facility not readily visible.

2. ***Additional Findings for Facilities Not Co-Located.*** To approve a telecommunication facility that is not co-located with other existing or proposed facilities or a new ground-mounted antenna, monopole, or lattice tower the decision-making authority shall find that co-location or siting on an existing structure is not feasible because of technical, aesthetic, or legal consideration including that such siting:

   a. Would have more significant adverse effects on views or other environmental considerations;

   b. Is not permitted by the property-owner;

   c. Would impair the quality of service to the existing facility; or

   d. Would require existing facilities at the same location to go off-line for a significant period of time.

3. ***Additional Findings for Setback Reductions.*** To approve a reduction in setback, the decision-making authority shall make one or more of the following findings:

   a. The facility will be co-located onto or clustered with an existing, legally established telecommunication facility; and/or

   b. The reduced setback enables further mitigation of adverse visual and other environmental impacts than would otherwise be possible.

4. ***Additional Findings for Any Other Exception to Standards.*** The Planning Commission may waive or modify requirements of this Section upon finding that strict compliance would result in noncompliance with applicable federal or State law.

E. **Vacation and Removal of Facilities.** The service provider shall notify the Director of the intent to vacate a site at least 30 days prior to the vacation. The operator of a telecommunications facility shall remove all unused or abandoned equipment, antennas, poles, or towers within 60 days of discontinuation of the use and the site shall be restored to its original, pre-construction condition.

17.30.260 Temporary Uses

This Section establishes standards for certain uses that are intended to be of limited duration of time and that will not permanently alter the character or physical facilities of the site where they occur. The provisions of this Section shall not apply to temporary uses conducted or operated as part of an approved Farmer's Market or other event occurring under a special permit issued by the City of Morro Bay.

A. **Temporary Uses Not Requiring a Use Permit.** The following types of temporary uses may be conducted without a temporary use permit. Other permits, such as Building Permits, may be required.

1. ***Garage and Yard Sales.*** Sales of personal property conducted by a resident of the premises may be conducted in accordance with the following standards.

    a. No more than two garage/yard sales shall be conducted on a site in any twelve-month period.

    b. No single sale event shall be conducted for longer than three consecutive days.

    c. The display of property for sale shall be located on the lot and not within the public right-of-way.

2. ***Non-Profit Fund Raising.*** Fund raising sales for up to three days per event is permitted on a site by a non-profit organization, not to be conducted more frequently than three times per year per site.

3. ***Temporary Construction Office Trailers.*** On-site temporary construction offices during the period of construction. Screening may be required by the Director.

B. **Temporary Uses Requiring a Temporary Use Permit.** Other temporary uses may be permitted pursuant to Chapter 17.41, Temporary Use Permits, subject to the following standards. Additional or more stringent requirements may be established through the Temporary Use Permit process in order to prevent the use from becoming a nuisance with regard to the surrounding neighborhood or the City as a whole.

1. ***Sales Offices and Model Homes.*** Model homes with sales offices and temporary information/sales offices in new residential developments are subject to the following requirements.

a. *Time Limits.*

i. Temporary Sales Office. A temporary information/sales trailer may be used during the construction of the model homes for a maximum period of six months or completion of the first phase of the development, whichever occurs first. One six-month extension maybe approved by the Director.

ii. Model Homes. Model homes may be established and operated for a term period of one year or until completion of the sale of the lots or units, whichever comes first. One-year extensions may be approved by the Director until the sale of all lots/residences is completed.

b. *Location of Sales.* Real estate sales conducted from a temporary sales office are limited to sales of lots or units within the development.

c. *Return to Residential Use.* Prior to the sale of any of the model homes as a residence, any portion used for commercial purposes shall be converted to its intended residential purpose.

2. ***Temporary Produce Stands in the Agriculture District.*** Temporary seasonal stalls or stands not greater than 1,000 square feet in area for the sale of produce, hay or feed, 50 percent of which is grown on-site or on sites which are leased or owned by the same tenant/owner within the Agriculture District. Said use shall provide adequate access and parking.

3. ***Seasonal Sales.*** The annual sales of holiday related items such as Christmas trees, pumpkins and similar items may be permitted in accordance with the following standards:

a. *Location.* Seasonal sales are limited to non-residential districts.

b. *Time Period.* Seasonal sales associated with holidays are allowed up to a month preceding and one week following the holiday. Christmas tree sales are allowed from Thanksgiving Day through December 31st.

c. *Goods, Signs and Temporary Structures.* All items for sale, as well as signs and temporary structures, shall be removed within 10 days after the end of sales, and the appearance of the site shall be returned to its original state.

4. ***Temporary Refrigeration.*** Premises within non-residential districts on or near the waterfront that are associated with the processing or wholesale sale of fish, may be used to place temporary refrigeration facilities, provided that:

a. *Length of Use.* The temporary refrigeration facilities will be allowed only for a period not exceeding two weeks within any six months;

b. *Use Conflicts.* The installation of the facilities is found by the Director not to conflict with the use of the premises or with the enjoyment of neighboring premises; and

c. *Power Source.* The temporary refrigeration facilities shall be operated by a power source from the electric public utility.

5. ***Special Events and Sales.*** Other short term special events may be permitted in accordance with the following standards:

a. *Location.* Events are limited to non-residential districts.

b. *Duration.* Events shall not exceed seven consecutive days or more than 10 cumulative days in a year.

c. *Signs.* Outdoor uses may include the addition of one nonpermanent sign up to a maximum size of four square feet in area.

d. *Time Limit.* When located adjacent to a Residential District, the hours of operation shall be limited to 8:00 a.m. to 9:00 p.m.

C. **Temporary Uses Requiring a Conditional Use Permit.** Other temporary events and special events, outdoor sales, and displays that do not meet the standards for temporary uses that require a Temporary Use Permit, may be allowed with the approval of a Conditional Use Permit.

17.30.270 Urban Agriculture

Urban agriculture uses shall be located, developed, and operated in compliance with the following standards.

A. **Community and Market Gardens.**

1. ***Management.*** A manager shall be designated for each garden who shall serve as liaison between gardeners, property owner(s), and the City.

2. ***Hours of Operation.*** Gardens shall only be tended between dawn and dusk unless additional hours are approved pursuant to a Minor Use Permit.

3. ***Buildings and Structures.*** Accessory buildings, such as sheds, greenhouses, and hoophouses are allowed and shall comply with the property development standards of the district.

4. ***Equipment.*** Use of mechanized farm equipment is prohibited except as provided below or approved pursuant to a Minor Use Permit.

a. Heavy equipment may be used initially to prepare the land for gardening.

b. Landscaping equipment designed for household use is permitted.

5. ***Operational Plan.*** The applicant shall submit an operational plan that identifies roles and responsibilities, contact information, and operations.

6. ***Maintenance.***

   a. The operator shall be responsible for the overall maintenance of the site and shall remove weeds, debris, etc. in a timely manner.

   b. Soil amendments, composting, and waste material shall be managed and shall not attract nuisance flies or support growth of flies.

7. ***Composting.***

   a. Compost and compost receptacles shall be located so as not to be visible from a public right-of-way.

   b. Compost and compost receptacles shall be set back a minimum of 20 feet from residential buildings.

   c. In Residential Districts, composting is limited to the materials generated on-site and shall be used on-site.

8. ***Utilities.*** The land shall be served by a water supply sufficient to support the cultivation practices used on the site.

9. ***Restrooms.*** If proposed, restrooms shall be connected to public utilities. Portable restrooms are not permitted.

B. **Private Gardens.**

1. ***Buildings and Structures.*** Accessory buildings, such as sheds, greenhouses, and hoophouses are allowed and shall comply with the property development standards of the district.

2. ***Equipment.*** Pull behind equipment is prohibited. Only household garden tools and equipment, applicators and products, may be used. This includes, but is not limited to, soil preparation, cultivation, planting, application of chemicals, dust control, harvesting, etc.

3. ***Composting.*** Composting is limited to the materials generated on-site and shall be used on-site.

C. **Urban Agriculture Stands.** Urban agriculture stands are permitted on the site of an urban agriculture use subject to the following regulations:

1. ***Maximum Size.*** Limited to 120 square feet unless a larger size is approved pursuant to a Minor Use Permit.

2. ***Removal.*** Urban agriculture stands shall be dismantled and removed during non-operating hours.

3. ***Sales.*** Product sales are limited to produce and value-added products grown and produced on-site.
4. ***Hours of Operation.*** Operating hours for an urban agriculture stand are limited to 8:00 a.m. to 7:00 p.m.
5. ***Days of Operation.*** In Residential Districts, urban agriculture stands may operate a maximum of three days per week.

Chapter 17.31 Residential and Mixed Use Objective Design Standards

Sections:

17.31.010 Introduction
17.31.020 Site Design Standards
17.31.030 Building Design Standards
17.31.040 Additional Mixed Use Standards
17.31.050 Parking Structures
17.31.060 Utilitarian Elements

17.31.010 Introduction

A. **Purpose.** The purpose of these design standards is to provide the public, building and design professionals, and decision-makers with objective, clear, and measurable criteria for eligible residential and mixed use development in Morro Bay.

1. State housing laws have established eligibility for various types of residential and mixed use development, which must be evaluated on the basis of objective standards adopted by the city.

2. The intent of such State legislation is to facilitate and expedite the construction of housing, contribute to the Regional Housing Needs Allocation, and address the local shortage of housing. The State finds that lack of homes has resulted in the following across California:

   a. Workers, public safety employees, healthcare providers, educators moving to lower-cost homes farther away from the communities they serve;

   b. Employers facing increasing difficulty in securing and retaining a workforce;

   c. Increased pressure to develop farmlands, open space, and rural areas into lower-cost homes, with longer commute times, greenhouse gas emissions, and higher exposure to fire hazard;

   d. Increased poverty and homelessness;

   e. Lower income residents moving into crowded and unsafe homes; and

f. Families and individuals moving out of their communities and ultimately out of the State of California.

3. The intent of this Chapter is to provide clear design direction and an expedited planning process for these eligible residential projects. Unless otherwise indicated herein, all references to State statutes refer to the California Government Code.

B. **Eligible Projects.** The provisions of this chapter apply to projects made eligible by, but not limited to, the following State housing laws:

1. ***Senate Bill 35 Projects (California Government Code §65913.4).*** SB 35 establishes eligible residential development in cities where the number of residential units built is less than the Regional Housing Needs Allocation for the reporting period. Eligible projects are subject to a ministerial, streamlined approval process, consistent with objective standards, if the following conditions are met.

a. The proposed project contains two or more residential units, and at least two-thirds of the square footage of the development is designated for residential use;

b. The proposed project is located on a site that satisfies the following:

i. The site is a legal parcel or parcels located in city boundaries;

ii. 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses (parcels that are only separated by a street or highway shall be considered to be adjoined);and

iii. The site is zoned for residential use or residential mixed use development;

c. The proposed site is not located any of the following:

i. A coastal zone (defined in Division 20 and commencing with Section 30000 of the Public Resources Code);

ii. Prime farmland or farmland of statewide importance (as defined by the United States Department of Agriculture);

iii. Wetlands (as defined in the United States Fish and Wildlife Service Manual);

iv. Very high fire hazard severity zone (as defined by the Department of Forestry and Fire Protection pursuant to Section 51178 of the California Government Code);

v. Hazardous waste sites (defined by the Department of Toxic Substances Control and pursuant to Section 65962.5);

vi. Delineated earthquake fault zone (defined by the State Geologist);

vii. Floodplains (defined by the Federal Emergency Management Agency);

viii. Floodways (defined by the Federal Emergency Management Agency);

ix. Lands identified for conservation in an adopted natural community conservation plan (pursuant to the Natural Community Conservation Planning Act);

x. Habitat for protection species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protect species, or species protected by the federal Endangered Species Act of 1973;

xi. Lands under conservation easement;

d. The proposed project is required to record land use deed restrictions for any units that are subsidized;

e. The proposed project would not require the demolition of housing and is not located on a site that is governed under the Mobilehome Residency Law.

2. ***Senate Bill 330 Projects (California Government Code §65589.5 and §65920).*** SB 330 establishes eligible affordable residential development in cities where the number of residential units built is less than the Regional Housing Needs Allocation for the reporting period. Eligible residential development is subject to a preliminary application process pursuant to Sections 65589.5 and 65920, and must be consistent with objective standards.

3. ***Assembly Bill 2011 Projects (California Government Code §65400, §65585, and §65912).*** AB 2011 establishes eligible 100 percent affordable residential and mixed use development along commercial corridors (where office, retail, or parking is the principal use), subject to specific affordability, labor, and environmental criteria. AB 2011 projects are subject to a ministerial, streamlined approval process, if the following conditions are met.

a. The proposed project meets the following affordability criteria:

i. 100 percent of the units within the development project, excluding managers' units, shall be dedicated to lower income households at an affordable cost, as defined by Section 50052.5 of the Health and Safety Code; and

ii. The units shall be subject to a recorded deed restriction for a period of 55 years for rental units and 45 years for owner-occupied units;

b. The proposed site satisfies the following:

i. The proposed project is located in a zoning district where office, retail, or parking are a principally permitted use;

ii. The proposed project is located on a legal parcel or parcels located in city boundaries; and

iii. The proposed project is located on a site where 75 percent of the perimeter adjoins parcels that are developed with urban uses (parcels that are only separated by a street or highway shall be considered to be adjoined);

c. The proposed site is not located in any of the following:

i. Prime farmland or farmland of statewide importance (as defined by the United States Department of Agriculture);

ii. Wetlands (as defined in the United States Fish and Wildlife Service Manual);

iii. Very high fire hazard severity zone (as defined by the Department of Forestry and Fire Protection pursuant to Section 51178 of the California Government Code);

iv. Hazardous waste sites (defined by the Department of Toxic Substances Control and pursuant to Section 65962.5);

v. Delineated earthquake fault zone (defined by the State Geologist);

vi. Floodplains (defined by the Federal Emergency Management Agency);

vii. Floodways (defined by the Federal Emergency Management Agency);

viii. Lands identified for conservation in an adopted natural community conservation plan (pursuant to the Natural Community Conservation Planning Act);

ix. Habitat for protection species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protect species, or species protected by the federal Endangered Species Act of 1973;

x. Lands under conservation easement; or

xi. A site where more than one-third of the square footage on the site is dedicated to industrial use;

d. The proposed project would not require the demolition of housing and is not located on a site that is governed under the Mobilehome Residency Law; and

e. If vacant, the proposed site does not contain tribal cultural resources (as defined by Section 21074 of the Public Resources Code) found pursuant to a consultation.

4. ***Assembly Bill 2162 Projects (California Government Code §65583 and §65650).*** AB 2162 establishes eligible supportive housing by-right in zones where multi-unit and mixed use development is permitted. Eligible projects are subject to a ministerial, streamlined approval process, consistent with objective standards, if the following conditions are met.

a. Units within the proposed development are subject to a recorded affordability deed restriction for 55 years;

b. 100 percent of the units within the development project, excluding managers' units, shall be dedicated to lower income households at an affordable cost, as defined by Section 50052.5 of the Health and Safety Code; and

c. At least 25 percent of the total units, or 12 units, whichever is greater, are restricted to residents in supportive housing who meet target criteria.

5. ***Senate Bill 6 Projects (California Government Code §65913.4 and §65852.24).*** SB 6 establishes eligible residential development along commercial corridors (where office, retail, or parking is the principal use), subject to specific labor and environmental criteria, in cities where the number of residential units built is less than the Regional Housing Needs Allocation for the reporting period. Eligible projects are subject to a ministerial, streamlined approval process, consistent with objective standards, if the following conditions are met.

a. The proposed project contains two or more residential units, and at least two-thirds of the square footage of the development is designated for residential use;

b. The proposed project is located on a site that satisfies the following:

i. The site is a legal parcel or parcels located in city boundaries;

ii. 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses (parcels that are only separated by a street or highway shall be considered to be adjoined); and

iii. The site is zoned for residential use, residential mixed use development, office commercial use, or retail commercial use;

c. The proposed site is not located any of the following:

i. A coastal zone (defined in Division 20 and commencing with Section 30000 of the Public Resources Code);

ii. Prime farmland or farmland of statewide importance (as defined by the United States Department of Agriculture);

iii. Wetlands (as defined in the United States Fish and Wildlife Service Manual);

iv. Very high fire hazard severity zone (as defined by the Department of Forestry and Fire Protection pursuant to Section 51178 of the California Government Code);

v. Hazardous waste sites (defined by the Department of Toxic Substances Control and pursuant to Section 65962.5);

vi. Delineated earthquake fault zone (defined by the State Geologist);

vii. Floodplains (defined by the Federal Emergency Management Agency);

viii. Floodways (defined by the Federal Emergency Management Agency);

ix. Lands identified for conservation in an adopted natural community conservation plan (pursuant to the Natural Community Conservation Planning Act);

x. Habitat for protection species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protect species, or species protected by the federal Endangered Species Act of 1973; or

xi. Lands under conservation easement;

d. The proposed project is required to record land use deed restrictions for any units that are subsidized.

6. All other residential or mixed use projects made eligible by State law and which are required to meet objective standards.

C. **Compliance with Other Standards.** In addition to meeting objective standards in this chapter, eligible residential projects shall comply with other objective standards as established in the Morro Bay Municipal Code, other adopted City plans, and the California Building Code (CBC).

D. **Conflicting Standards.** If there is any conflict between the objective design standards of this Chapter and other City requirements, the less restrictive objective design standard applicable to the project shall apply. If there is any conflict between City requirements stated in this chapter and State law, the State law requirement shall apply.

E. **Exceptions, Waivers, or Modifications.** The City's non-streamlined, discretionary review process shall be required for any project that seeks exceptions, waivers, variances or other modifications to the objective standards of this Chapter.

17.31.020 Site Design Standards

A. **Purpose.** Site planning refers to the arrangement of - and relationships between - buildings, parking areas, common and private open space, landscaping, and pedestrian connections. The site planning topics in this section include site layout and building placement, vehicular surface parking and access, pedestrian circulation and access, landscaping, and common and private open space.

B. **Building Placement and Orientation.** Building placement and orientation shall comply with the provisions of Chapter 17.07, Residential Districts, or Chapter 17.08, Commercial and Mixed Use Districts. In addition, if buildings on the same block establish a contiguous street wall along at least 50 percent of the primary street frontage, new buildings shall be located to maintain the contiguous street wall.

C. **Vehicular Parking and Access.** Off-street vehicular parking and access shall comply with the provisions of Chapter 17.27, Parking and Loading. For properties in Commercial and Mixed Use Districts, projects shall also comply with Section 17.08.040, Supplemental Regulations. In addition, projects shall comply with the following:

1. ***Primary Access.*** Side street or alley access shall serve as the primary vehicular access to off-street parking areas, if available. If not available, the primary street shall serve vehicular access. See Section 17.27.100, Driveways and Drive Approaches, for detailed standards related to driveway location, site layout, limits to driveway width and design.

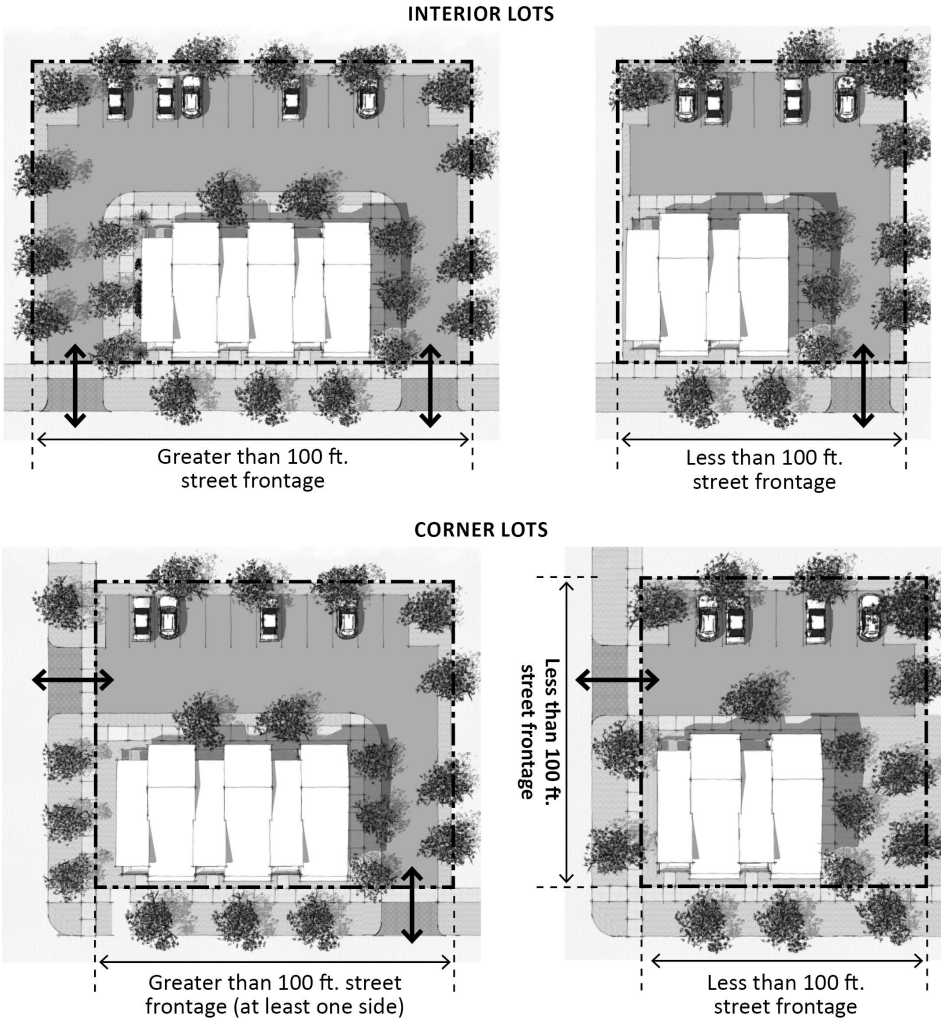
2. ***Number of Access Points.***

   a. For interior lots with less than 100 linear feet of street frontage, a maximum of one vehicle access point from the street is permitted. For interior lots with 100 linear feet or more of street frontage, a maximum of two vehicular access points from the street is permitted.

   b. For corner lots, one vehicular access point is permitted where both street frontages are less than 100 linear feet. Two vehicular access points are permitted for lots where at least one street frontage is 100 linear feet or more.

c. The above standards assume that an access point can be a two-way connection (both ingress and egress) or a one-way connection (either ingress or egress).

FIGURE 17.31.020(C)(2): VEHICULAR ACCESS POINTS



3. ***Parking Location.*** Parking areas shall not be located within any front or street side setback, or between any residential/mixed use structure and the primary street.

   a. *Parking Area Gates*. Parking areas with gates to control access are allowed. Gates shall be located a minimum of 20 feet from the back of sidewalk, or edge of pavement where there is no sidewalk.

4. ***Loading and Service Areas.*** The provision, layout and design of loading and service areas shall comply with Section 17.27.090, Loading, as well as the following standards:

   a. All required loading and service areas shall be located adjacent to a façade other than the primary building frontage.

   b. Loading and service areas shall not be located adjacent to residential dwelling units or common open space areas. Loading areas shall be screened from public view by building walls and/or uniformly solid fencing or walls, not less than six feet in height, or evergreen trees at least 10 feet in height.

5. ***Avoid Vehicle Light Intrusion into Ground-Floor Units.*** Vehicle parking areas shall be located, oriented, and/or screened to prevent visual intrusion of vehicle lights into interior residential spaces, including residential units on neighboring properties. Where parking areas are located within 15 feet of a residential unit, they shall be located within a garage, carport, or parking structure, or screened by a solid wall, fence, or landscaping a minimum of six feet in height.

D. **Pedestrian Circulation and Access.** On-site pedestrian circulation and access shall be provided according to the following standards.

1. ***Internal Connections.*** A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.

2. ***To Circulation Network.*** Regular connections between on-site walkways and the public sidewalk shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage. Such walkway shall be the shortest practical distance between the main entry and sidewalk, generally no more than 125 percent of the straight line distance.

3. ***To Neighbors.*** Direct and convenient access shall be provided from commercial and mixed-use projects to adjoining residential and commercial areas to the maximum extent feasible while still providing for safety and security.

4. ***To Transit.*** Safe and convenient pedestrian connections shall be provided from transit stops to building entrances.

5. ***Pedestrian Walkway Design.***

   a. Walkways shall be a minimum of five feet wide, shall be hard-surfaced, and paved with concrete, stone, tile, brick, or comparable material.

   b. Where a required walkway crosses parking areas or loading areas, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, or similar method.

c. Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb at least four inches high, bollards, or other physical barrier.

6. ***Pedestrian Design in Parking Areas.*** See Section 17.27.110, Parking Area Design and Development Standards, for requirements involving pedestrian access to vehicle parking areas.

E. **Common and Private Open Space.** Common and private open spaces shall be provided according to the base zoning district regulations in Chapter 17.07, Residential Districts, or Chapter 17.08, Commercial and Mixed Use Districts. Section 17.23.100, Open Space, contains objective standards regarding minimum dimensions, usability, and accessibility for both private and common open space. In addition, the following standards apply:

1. ***Common Open Space.*** Common open space shall be provided according to Section 17.23.100, Open Space, and shall comply with the following:

a. *Amenity Types.* Where required by the base zoning district, projects shall provide at least one common open space through the following amenities: play areas, common courtyards, patios, gathering spaces, multi-use paths and trails, athletic/recreational facilities, dog runs and enclosures; pools and spas, rooftop decks, and community gardens. An applicant may provide common open space through an amenity not on this list if it is readily accessible by all residents for recreation and social purposes.

b. *Location.* Common open space shall be located to fulfill at least one of the following:

i. <u>Avoid Building Shadow.</u> The common open space shall not be located within the winter shadow line of the north-facing side of any building.

ii. <u>Proximity to Multiple Homes.</u> The common open space(s) is within 250 feet of the pedestrian entrances to at least 20 percent of the residential homes.

iii. <u>Rooftop.</u> The common open space is located on a building rooftop and is a minimum of 15 feet away from any property line.

c. *Visibility.* Common open space shall be located and arranged to allow visibility into the space from pedestrian walkways within the development. Fencing or barriers shall be designed with opaque, nontransparent materials for a maximum of 80 percent of the surface area, to allow some visual transparency between the common open space and pedestrian walkways.

2. ***Private Open Space.*** Private open space shall be provided according to Section 17.23.100, Open Space, and shall be screened with one of the following options:

   a. *Screening with Structural Elements.* A private open space screened by a fence or wall shall comply with Section 17.23.060, Fences and Freestanding Walls.

   b. *Screening with Landscaping and Structural Elements.* A private open space screened by landscaping shall provide a landscape buffer or dense evergreen shrubs/vines of minimum 5 feet width and minimum 4 feet height. If a ground-level private open space is visible from a public right-of-way or common open space, a landscape buffer is required.

F. **Landscaping.** Landscaping shall be utilized for all outdoor areas that are not specifically used for parking, driveways, walkways, or open space. Refer to Chapter 17.25, Landscaping, for regulations applicable to all new development. In addition, projects within the Coastal Resource Protection (CRP) Overlay District shall comply with relevant regulations in Chapter 17.14, Coastal Resource Protection Overlay District. For landscaping requirements in vehicular parking areas, refer to Section 17.27.110, Parking Area Design and Development Standards. In addition, the following standards apply:

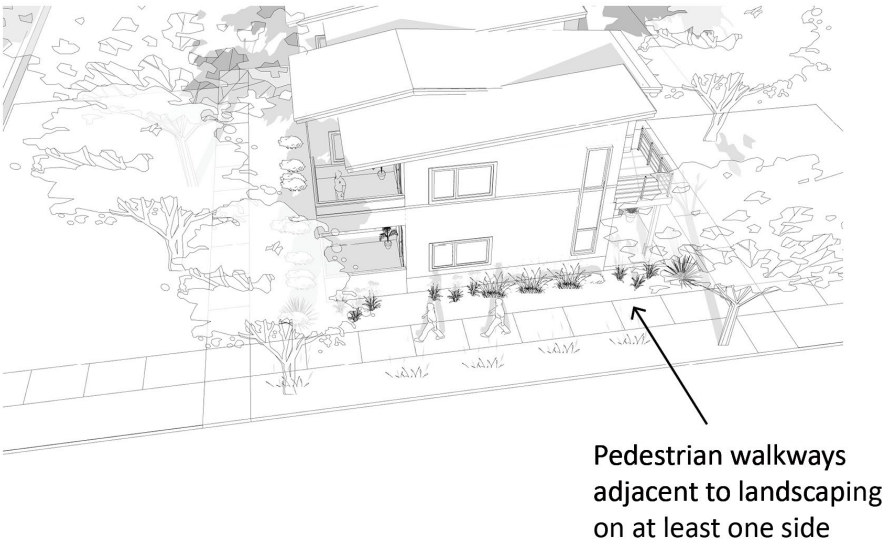
1. ***Number of Plants.*** A minimum of one 15-gallon tree or equivalent box size and 10 five-gallon shrubs shall be planted for every 1,000 square feet of required landscape area.

2. ***Plant Selection.*** Projects shall comply with water efficient planting standards of Section 17.25.050, General Requirements. Plants shall be selected from plants that are native to California, or plants included on the City's Street Tree List. Artificial or synthetic plants, except for turf, are prohibited. In addition, tree and plant species that attract and provide habitat for local fauna (e.g., birds and pollinators such as bees and butterflies) are encouraged.

3. ***Privacy.*** Landscaping shall be provided as a buffer between adjacent individual units. Landscaping shall obscure direct sight lines, and may be used in combination with walls, fencing, and/or trellises to screen views. Plant selection and landscape screening container size shall be selected to achieve at least 50 percent of this height within three years of installation.

4. ***Pedestrian Walkways.*** Pedestrian walkways shall be adjacent to landscaping, on at least one side and may include a mix of turf, groundcover, or shrubs. Trees provided within 20 feet of pedestrian walkways shall be placed a maximum of 30 feet apart on center, in order to provide some shade.

FIGURE 17.31.020(F)(4): PEDESTRIAN WALKWAYS



17.31.030 Building Design Standards

A. **Building Form, Massing, and Façade Articulation.** Building form, massing and façade articulation facilitate the distinction of individual units, or groups of units, through varied heights, projections, setbacks, and recesses. Materials and colors emphasize changes and hierarchy in building form.

1. ***Building Form and Vertical Hierarchy***. Buildings shall be designed to differentiate between a defined base; a middle or body; and a top, cornice, or parapet cap. Buildings two stories or less shall include a defined base and a top, cornice, or parapet cap. This effect shall be achieved through incorporating at least two of the following design elements for all buildings:

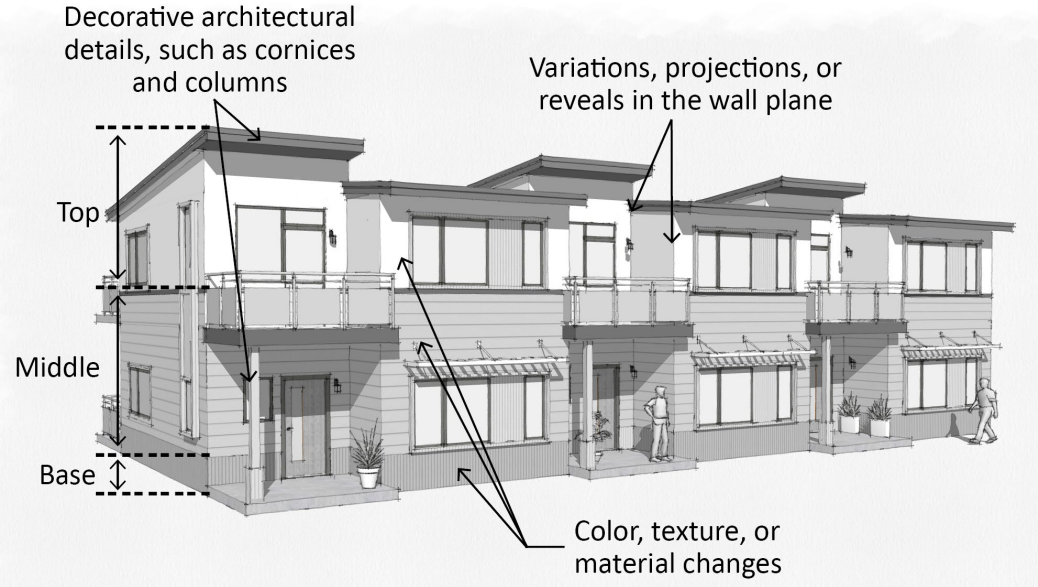
   a. Color, texture, or material changes.

   b. Variations, projections, or reveals in the wall plane.

   c. Variations in fenestration size or pattern.

   d. Decorative architectural details such as cornices and columns.

FIGURE 17.31.030(B)(1): BUILDING FORM AND VERTICAL HIERARCHY



2. ***Four-sided Architecture.*** Buildings shall be designed and articulated with common details, articulation, materials, and elements on all sides.

3. ***Massing.***

   a. *Upper Floor Area Reduction.*

      i. Main Street and Morro Bay Boulevard. The floor area for upper floors shall be reduced through one of the following options:

         (1) The second floor shall have a maximum floor area that is 90 percent of the ground floor area, and the third and higher floors shall have a maximum floor area that is 80 percent of the ground floor area.

         (2) The second and higher floors shall provide that 50 percent of every elevation is set back a minimum of 3 feet in addition to the required setback area.

      ii. All Other Locations.

         (1) The second floor shall have a maximum floor area that is 90 percent of the ground floor area.

         (2) The third floor shall have a maximum floor area that is 80 percent of the ground floor area.

(3) Floors above the third floor shall have a maximum floor area that is 70 percent of the ground floor area.

b. *Upper Floor Cantilever.* Upper floor uncovered decks a minimum of 6 feet by 8 feet in dimension shall be allowed to cantilever and protrude into front or street side setbacks or public-right-of-way, provided that there is a minimum of 12 feet of vertical clearance and that the cantilever does not encroach more than 2 feet into the setback or public right-of-way. Right-of-way encroachment shall obtain an Encroachment Permit in accordance with Title 12 of the Morro Bay Municipal Code.

4. ***Façade Articulation.*** All street-facing facades shall have at least one horizontal or vertical projection or recess at least two feet in depth for every 25 horizontal feet of wall. If located on a building with two or more stories, the articulated elements must be greater than one story in height, and may be grouped rather than evenly spaced in 25-foot modules. Building entrances and front porches and projections into required yards such as stoops, bays, overhangs, fireplaces, and trellises may count towards meeting this requirement.

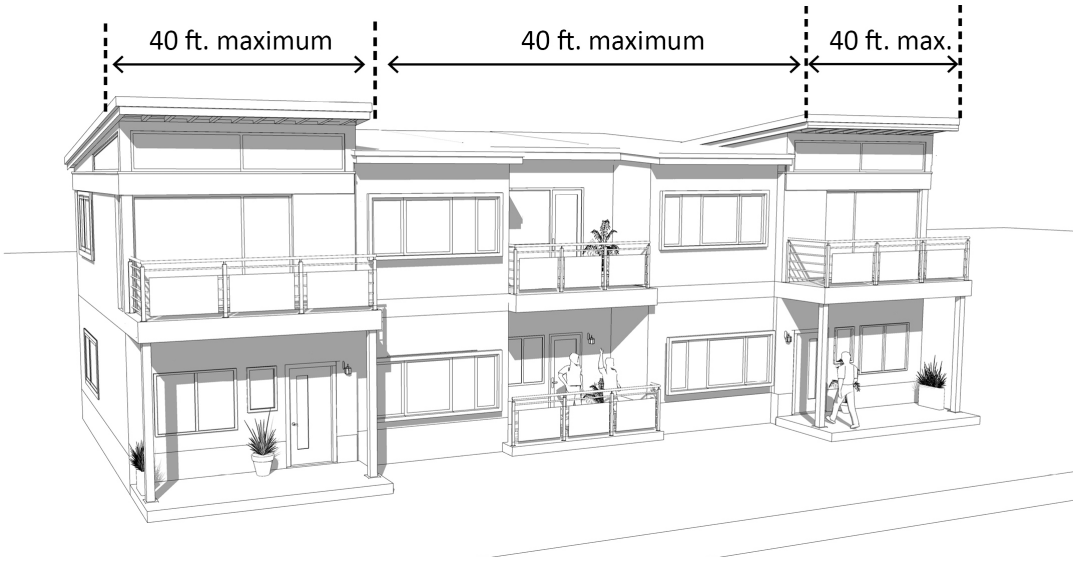
5. ***Roofs.***

a. *Roof Line Variation.* Roof lines shall not extend more than a length of 40 feet without at least one prominent change as described below:

i. Provide variation in roof form, such as hip, gable, shed, and flat with parapet.

ii. Provide variation of roof height of at least 18 inches (as measured from the highest point of each roof line).

FIGURE 17.31.030(A)(4): ROOF LINE VARIATION



b. *Flat Roofs and Parapets.* Parapets shall be provided around the perimeter of a flat roof and shall be a minimum of six inches taller than all rooftop equipment.

i. Interior side of parapet walls shall not be visible from a common open space or public right-of-way.

ii. Parapets shall be capped with "precast" treatment, continuous banding, or projecting cornices, dentils, or similar edge treatment. Visible unfinished metal flashing is prohibited.

6. ***Corner Architectural Features.*** Buildings located on the corner of two streets, and greater than one story, shall include one or more of the following features on both of the intersecting facades, located within 25 feet of the corner of the building:

a. An entry to ground-floor use or a primary building entrance.

b. A different material application, color, or fenestration pattern of windows and doors from the rest of the façade.

c. The area encompassed within 25 feet of the corner of the building shall have a change in height of at least 2 feet.

B. **Building and Unit Entrances.** Entrance orientation and design shall comply with the provisions of Section 17.07.040, Supplemental Regulations (Residential Districts), or

Section 17.08.040, Supplemental Regulations (Commercial and Mixed Use Districts). The following additional standards also apply:

1. ***Primary Residential Building Entrances.***

   a. *Street-Facing Entry.* Residential buildings located adjacent to the primary street shall have a ground-level common entry facing the primary street unless units are accessed by individual entries.

   b. *Building Entry Architectural Treatments.* Common building entries shall be differentiated from the main façade through at least two of the following:

      i. Roof above the entry incorporating a change in roof line of at least 18 inches in height.

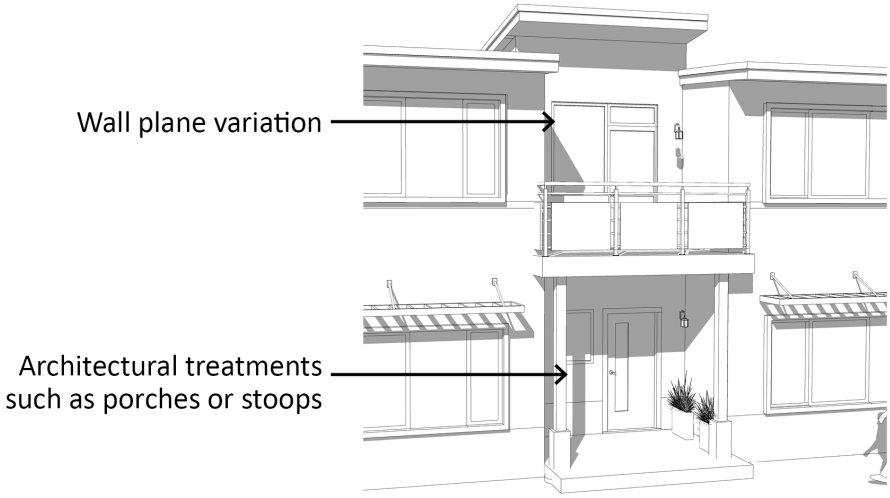
      ii. Entry incorporating a variation of wall plane (recessed or projected) a minimum of 2 feet from the adjacent wall planes.

      iii. Entry incorporating architectural treatments that vary from those on the general facade (e.g., window and/or door trim with substantial depth and detail, decorative siding, decorative fascia, porches, stoops).

   c. *Porch Requirements.* A porch serving more than one unit shall be a minimum of 6 feet by 8 feet in dimension.

   d. *Enhanced Paving for Building Entrances.* Primary building entryways shall provide decorative and accent paving that contrast in color and texture from any adjacent pedestrian walkway surfaces. Allowed materials include stamped concrete, stained concrete painted concrete, concrete pavers, brick, stone, flagstone, and tile. Decomposed granite, pea gravel, and other types of crushed rock are prohibited.

FIGURE 17.31.030(B)(1)(B): PRIMARY BUILDING ENTRY ARCHITECTURAL TREATMENTS



2. ***Individual Unit Entrances.***

   a. *Upper-Floor Unit Entry.* Exterior entries to individual units on upper floors are permitted; however, in order to avoid a "motel-style" appearance, no exterior access corridor located above the ground floor may provide access to five or more upper-floor units.

   b. *Non Street-Adjacent Buildings.* Buildings not located adjacent to a street shall have unit front entryways oriented to face common open space areas such as landscaped courtyards, plazas, or paseos.

   c. *Porch Requirements.* A porch serving an individual unit shall be a minimum of 5 feet by 8 feet in dimension.

   d. *Stoop Requirements.* A stoop serving an individual unit shall be a minimum of 4 feet by 4 feet in dimension. The stoop adjacent to the door shall be a maximum of 5 feet in height above the adjacent walkway, and stairs or ramps from the stoop lead directly to the public right-of-way, or a parallel to the public right-of-way.

C. **Windows.**

1. ***Privacy.*** Where a residential building is located within 10 feet of a neighboring property line, windows facing neighboring buildings shall be offset a minimum of 5 feet from closest edge to edge. Where this offset cannot be provided, the window design on the building facades facing each other shall avoid unfiltered/direct views into interiors and shall be designed with one or more of the following:

a. Utilize non-transparent or obscured glazing, such as frosted/patterned glass, glass block, or non-operable opaque windows. Reflective glazing is not permitted.

b. Provide permanent architectural screens or affixed louvers at windows.

c. Utilize clerestory windows with the bottom edge of the window a minimum height of 6 feet from the ground.

2. ***Window Treatment.*** All windows shall either be recessed at least 2 inches from the plane of the surrounding exterior wall or shall have trim at least 1/2 inch in depth and 2 inches in width.

a. *Windows Facing a Public Street.* Windows facing a public street shall feature enhanced window treatments, such as decorative architectural brackets, trim, shutters, awnings, and/or trellises.

b. *Window Shutters.* Functional and decorative shutters shall be one-half-width of the associated window glazing (for paired shutters), or matching window width for a single shutter.

D. **Materials and Colors.** Exterior building materials and colors shall comply with the provisions of Section 17.07.040, Supplemental Regulations (Residential Districts), or Section 17.08.040, Supplemental Regulations (Commercial and Mixed Use Districts).

1. ***Wall Material.*** The primary exterior siding material for buildings shall be stone, brick, stucco, concrete block, painted wood clapboard, fiber cement clapboard, or painted metal clapboard.

2. ***Window Material.*** Window materials, color, and style shall be consistent on all elevations, unless used at an entry way or as an accent feature.

3. ***Material Transition.*** Changes in material shall occur at inside corners of intersecting walls or at architectural features that break up the wall plane, such as columns.

4. ***Awnings.*** Glossy finish vinyl awning material is not allowed.

17.31.040 Additional Mixed Use Standards

A. **Façade Articulation.** Building façades visible from the primary street shall not extend more than 50 feet in length without at least one of the following: a 5-foot variation in depth in the wall plane, architectural element, or other prominent feature that provides visual interest. Building entrances, front porches, upper-story setbacks, and projections such as stoops, bays, overhangs, fireplaces, upper-story decks and trellises count towards this requirement.

B. **Ground Floor Height.** In order to retain the small-scale building character of Morro Bay, the ground floor height of commercial portions of mixed use projects shall be a maximum of 12 feet, measured floor to floor.

C. **Ground Floor Transparency.** Exterior walls of buildings or portions of buildings containing non-residential uses facing and within 20 feet of a front or street side lot line shall include windows, doors, or other openings for at least 50 percent of the building wall area located between 2.5 and seven feet above the level of the sidewalk. Such walls may run in a continuous plane for no more than 30 feet without an opening.

D. **Street-Facing Setbacks.** Where a front setback or street-facing side setback is provided for a mixed use building, it shall be designed for pedestrian orientation with hard surface and amenities. The setback area on each lot shall contain at least two amenities per 50 linear feet such as benches, drinking fountains, shade structure, or other design element (e.g. art or sculpture, planters, and kiosks).

E. **Entrances.**

1. ***Residential Street-Adjacent Entry.*** Mixed use buildings located adjacent to the primary street shall incorporate at least one residential building entrance that directly fronts the public sidewalk or right-of-way and complies with the requirements of Subsection 17.31.030(B)(1).

2. ***Commercial Storefronts.*** Commercial entrances adjacent to the sidewalk shall be recessed from the façade by a minimum of 2 feet from the rest of the building, creating an alcove.

17.31.050 Parking Structures.

A. **Wall Plane Variation.** Façades visible from the primary street shall not extend more than 50 feet in length without at least one of the following: a 3-foot variation in depth in the wall plane, architectural element, or other prominent feature that provides visual interest.

B. **Materials and Colors.** The parking structure shall utilize the same colors and materials as the primary buildings.

C. **Articulation.** The exterior of the parking structure shall apply at least one of the following as articulation:

1. Applied materials such as brick, stone, and/or siding which extend at least two inches from the face of the structure to the face of the applied materials. Painted concrete, smooth concrete, or stucco walls shall not be considered sufficient articulation.

2. Decorative architectural features such as cut metal screens, awnings, trellises, louvers, and/or decorative security grills shall be used on openings facing a public street or open space.

D. **Landscaping.** Vertical plantings shall be located between openings, entrances, and architectural accent features. At least one tree shall screen the building façade per 50 feet. Trees shall be selected from California native plants or from the City's Street Tree list. Trees shall be selected to grow to 40 feet in height at maturity, and shall grow to at least 15 feet in height within two years from time of installation.

17.31.060 Utilitarian Elements

A. **Bicycle Parking.** Bicycle parking shall comply with the provisions of Section 17.27.080, Bicycle Parking. Additionally, long-term bicycle parking areas shall be required to provide one 110 voltage wall outlet per every 10 long-term bicycle parking spaces for residents with electric bicycles.

B. **Refuse Storage and Collection Areas.** Trash, recycling, and green waste container enclosures are required for residential and mixed use developments. They shall be located within a service section of the primary building, incorporated into the exterior building design, or located within a detached and locked enclosure designed and placed as follows:

1. ***Location.*** The enclosure shall be located to the rear or side of the building and located outside of view from a public right-of-way.

2. ***Screening.*** The enclosure shall include a solid wall a minimum of 6 feet in height and a roof structure that fully shields the top of the container, and be located on the site in an area where the screening height required is allowed.

3. ***Materials.*** The enclosure shall use materials that are consistent with exterior colors and materials of the primary building.

C. **Fences and Walls.** Fences and walls shall comply with the provisions of Section 17.23.060, Fences and Freestanding Walls. In addition, where fences and walls of different materials or finishes intersect, a column or pilaster shall be provided.

D. **Lighting.** Lighting shall comply with the provisions of Section 17.23.080, Lighting and Illumination. Projects within the Coastal Resource Protection (CRP) Overlay Zone District shall comply with additional provisions of Section 17.14.090, Visual Resource Protection. Lighting in parking areas shall also comply with Section 17.27.110, Parking Area Design and Development Standards.

E. **Screening of Mechanical Equipment.** Equipment and utilities shall comply with the provisions of Section 17.23.130, Screening.

F. **Vents and Exhaust.** All wall-mounted elements shall be located at interior corners of building walls or behind building or screening elements that conceal them from public view. All flashing, sheet metal vents, exhaust fans/ventilators, and pipe stacks shall be painted to match the adjacent roof or wall material and/or color.

Chapter 17.32 Reserved

Chapter 17.33 Reserved

Chapter 17.34 Reserved

Division IV: Administration and Permits

Chapter 17.35 Planning Authorities

Sections:

17.35.010 Purpose
17.35.020 City Council
17.35.030 Planning Commission
17.35.040 Community Development Director

17.35.010 Purpose

The purpose of this Chapter is to identify the bodies, officials, and administrators with designated responsibilities under various chapters of this Title. Subsequent chapters of this Division provide detailed information on procedures, applications, and permits, including zoning and General Plan text and map amendments, and enforcement. When carrying out their assigned duties and responsibilities, all bodies, administrators, and officials shall interpret and apply the provisions of this Title as minimum requirements adopted to implement the policies and achieve the objectives of the General Plan and Local Coastal Plan.

17.35.020 City Council

The powers and duties of the City Council under this Title include, but are not limited to, the following:

A. Consider and act on amendments to the General Plan, Zoning Code, Zoning Map, and Local Coastal Program, and environmental documents related to any of the foregoing following a public hearing and recommended action by the Planning Commission.

B. Hear and decide applications for Development Agreements.

C. Hear and decide appeals from decisions of the Planning Commission.

D. Establish, by resolution, a Municipal Fee Schedule listing fees, charges, and deposits for various applications and services provided, pursuant to this Title.

17.35.030 Planning Commission

The powers and duties of the Planning Commission under this Title include, but are not limited to the following:

A. Annually review progress towards implementation of the General Plan and recommend to the City Council changes needed due to new legislation, development trends and changing economic, social, and environmental conditions.

B. Make recommendations to the City Council on proposed amendments to the General Plan, Zoning Code, Zoning Map, and Local Coastal Program, and environmental documents related to any of the foregoing following a public hearing.

C. Make recommendations to the City Council on Development Agreements.

D. Approve, conditionally approve, or deny Conditional Use Permits, Coastal Development Permits, and Variances.

E. Hear and decide on revisions to approved Conditional Use Permits and Variances, pursuant to Section 17.36.120, Revision of Approved Plans and Permits.

F. Conduct design review on certain projects and approvals it grants pursuant to Chapter 17.38, Design Review.

G. Hear and decide on proposed revocations of permits.

H. Hear and decide appeals from decisions of the Director.

I. Make environmental determinations on any approvals it grants that are subject to environmental review under the California Environmental Quality Act.

J. Such other duties and powers as assigned or directed by the City Council.

17.35.040 Community Development Director

The following powers and duties of the Community Development Director (the "Director") under this Title include, but are not limited to the following:

A. Have the responsibility to perform all of the functions designated by State law, including, but not limited to the following:

   1. Prepare an annual report related to implementation of the General Plan in compliance with Government Code Section 65400;

   2. Review of public works projects for conformity to the General Plan in compliance with Government Code Section 65401; and

   3. Review of acquisition of property for conformity to the General Plan in compliance with Government Code Section 65402.

B. Maintain and administer the Zoning Code, including processing of applications, abatements and other enforcement actions.

C. Prepare and effect rules and procedures necessary or convenient for the conduct of the Director's business. These rules and procedures must be as approved by a resolution of

the City Council following review and recommendation of the Planning Commission. They may include the administrative details of hearings officiated by the Director (e.g., scheduling, rules of procedure and recordkeeping).

D. Interpret the Zoning Code to members of the public and to other City Departments.

E. Issue administrative regulations for the submission and review of applications subject to the requirements of this Title and Government Code Section 65950, Deadlines for Project Approval Conformance; Extensions.

F. Review applications for permits and licenses for conformance with this Title and issue a Zoning Clearance when the proposed use, activity or building is allowed by right and conforms to all applicable development and use standards.

G. Review applications for discretionary permits and approvals under this Title for conformance with applicable submission requirements and time limits.

H. Review applications for discretionary permits and approvals to determine whether the application is exempt from review under the California Environmental Quality Act and the City's environmental review requirements and notify the applicant if any additional information is necessary to conduct the review.

I. Determine level of coastal review pursuant to Chapter 17.39, Coastal Development Permits (IP).

J. Hear and decide requests for minor revisions to approved permits, pursuant to Section 17.36.120, Revision of Approved Plans and Permits.

K. Process and make recommendations to the City Council on all applications, amendments, appeals and other matters upon which the Council has the authority and the duty to act under this Title.

L. Process and make recommendations to the Planning Commission on all applications, appeals and other matters upon which the Commission has the authority and the duty to act under this Title.

M. Approve, conditionally approve, or deny Minor Use Permits pursuant to the provisions of Chapter 17.40, Use Permits, and Coastal Development Permits pursuant to the provisions of Chapter 17.39, Coastal Development Permits (IP).

N. Approve, conditionally approve, or deny requests for modifications to dimensional requirements and requests for reasonable accommodation, pursuant to Chapter 17.42, Modifications, and Chapter 17.43, Reasonable Accommodation.

O. Conduct design review pursuant to Chapter 17.38, Design Review.

P. Review and decide on Temporary Use Permits pursuant to Chapter 17.41, Temporary Use Permits.

Q. Negotiate the components and provisions of Development Agreements for recommendation to the City Council.

R. Investigate and make reports to the Planning Commission on violations of permit terms and conditions when the City has initiated revocation procedures.

S. Refer items to the Planning Commission where, in his/her opinion, the public interest would be better served by a Planning Commission public hearing and action.

T. Delegate the responsibilities of the Director to Department staff under the supervision of the Director.

U. Other duties and powers as may be assigned by the City Council or established by legislation.

Chapter 17.36 Common Procedures

Sections:

17.36.010 Purpose
17.36.020 Application Forms and Fees
17.36.030 Conceptual Review
17.36.040 Review of Applications
17.36.050 Environmental Review
17.36.060 Public Notice
17.36.070 Conduct of Public Hearings
17.36.080 Timing and Notice of Action and Findings Required
17.36.090 Scope of Approvals
17.36.100 Effective Dates
17.36.110 Expiration and Extension
17.36.120 Revisions of Approved Plans and Permits
17.36.130 Appeals
17.36.140 Interpretations and Determinations

17.36.010 Purpose

This Chapter establishes procedures that are common to the application and processing of all permits and approvals provided for in this Title, unless superseded by specific requirement of this Title or State law.

17.36.020 Application Forms and Fees

A. **Applicant.** The owner of property or the owner's authorized agent. If the application is made by someone other than the owner or the owner's agent, proof, satisfactory to the Director, of the right to use and possess the property as applied for, shall accompany the application.

B. **Application Forms and Materials.**

1. ***Application Forms.*** The Director shall prepare and issue application forms and lists that specify the information that will be required from applicants for projects subject to the provisions of this Title.

2. ***Supporting Materials.*** The Director may require the submission of supporting materials as part of the application, including but not limited to statements, photographs, plans, drawings, renderings, models, material samples and other

items necessary to describe existing conditions and the proposed project and to determine the level of environmental review pursuant to the California Environmental Quality Act (CEQA).

3. ***Availability of Materials.*** All material submitted becomes the property of the City, may be distributed to the public, and shall be made available for public inspection. At any time upon reasonable request, and during normal business hours, any person may examine an application and materials submitted in support of or in opposition to an application in the Planning Division offices. Unless prohibited by law, copies of such materials shall be made available at a reasonable cost.

C. **Application Fees.**

1. ***Schedule of Fees.*** The City Council shall approve by resolution a Municipal Fee Schedule that establishes fees for permits, informational materials, penalties, copying, and other such items.

2. ***Payment of Fees.*** No application shall be accepted as complete and processed without payment of a fee unless a fee waiver has been approved.

3. ***Fee Waiver.*** No fee shall be required when the applicant is the City, or if it is waived by the City Council or under any other provision of the Municipal Code.

4. ***Refund of Fees.*** Application fees are non-refundable unless otherwise provided for in the Municipal Code or by policy of the City Council.

17.36.030 Conceptual Review

Conceptual review is an optional review process that is intended to provide information on relevant policies, zoning regulations, and procedures.

A. **Exemption from Permit Streamlining Act.** Conceptual review is not subject to the requirements of the California Permit Streamlining Act (the Act). An application that is accepted for conceptual review shall not be considered complete pursuant to the requirements of the Act unless and until the Director has received an application for approval of a development project, reviewed it, and determined it to be complete under Section 17.36.040, Review of Applications.

B. **Review Procedure.** The Planning Division shall conduct conceptual review. The Director may consult with or request review by any City agency or official with interest in the application. The Director may refer items to the Planning Commission when in his/her opinion the conceptual review would benefit from Planning Commission input.

C. **Fees.** Conceptual review application fees are credited toward any future discretionary permit application.

D. **Recommendations are Advisory.** Neither the conceptual review nor the provision of information and/or pertinent policies shall be construed as a recommendation for approval or denial of the application by City representatives. Any recommendations that result from conceptual review are considered advisory only and shall not be binding on either the applicant or the City.

17.36.040 Review of Applications

A. **Review Process.** The Director shall determine whether an application is complete within 30 days of the date the application is filed with the required fee.

B. **Incomplete Application.** If an application is incomplete, the Director shall provide written notification to the applicant listing the applications for permit(s), forms, information, and any additional fees that are necessary to complete the application.

1. ***Zoning Code Violations.*** An application shall not be found complete if conditions exist on the site in violation of this Zoning Code or any permit or other approval granted in compliance with this Zoning Code, unless the proposed project includes the correction of the violations.

2. ***Appeal of Determination.*** Determinations of incompleteness are subject to the provisions of Section 17.36.130, Appeals, except there shall be a final written determination on the appeal no later than 60 days after receipt of the appeal. The fact that an appeal is permitted to both the Planning Commission and the City Council does not extend the 60-day period.

3. ***Submittal of Additional Information.*** The applicant shall provide the additional information within 30 days of the notice of incompletion unless a longer time limit is specified by the Director.

4. ***Expiration of Application.*** If an applicant fails to correct the specified deficiencies within the specified time limit, the application shall expire and be deemed withdrawn. After the expiration of an application, project review shall require the submittal of a new, complete application, along with all required fees.

C. **Complete Application.** When an application is determined to be complete, the Director shall make a record of that date. If an application requires a public hearing, the Director shall schedule it and notify the applicant of the date and time.

D. **Extensions.** The Director may, upon written request and for good cause, grant extensions of any time limit for review of applications imposed by this Title.

17.36.050 Environmental Review

All projects shall be reviewed for compliance with or exemption from the California Environmental Quality Act (CEQA). Environmental review will be conducted pursuant to Title 14 of the California Code of Regulations (CEQA Guidelines). If Title 14 of the California Code is amended, such amendments will govern City procedures.

17.36.060 Public Notice

Unless otherwise specified, whenever the provisions of this Title require public notice, the City shall provide notice in compliance with State law as follows.

A. **Posted Notice.** At least 10 days before the date of the public hearing or the date of action when no public hearing is required the City shall post a notice in a conspicuous place on the project site and at the Morro Bay branch of the public library, at the Planning Division office, and at City Hall.

B. **Mailed Notice.** At least 10 days before the date of the public hearing or before the date of action when no public hearing is required, the Director, or the City Clerk for hearings before the City Council, shall provide notice by First Class mail delivery to:

   1. The applicant, the owner, and any occupant of the subject property;
   2. All owners of record as shown on the latest available records of the County Assessor of property within 500 feet of the subject property.
   3. All neighborhood and community organizations that have previously filed a written request for notice of projects in the area where the site is located; and
   4. Any person or group who has filed a written request for notice regarding the specific application.

C. **Newspaper Notice.** At least 10 days before the date of the public hearing, the Director or the City Clerk for hearings before the City Council, shall publish a notice in at least one newspaper of general circulation in the City.

D. **Coastal Development Permits.** Public notice as required pursuant to Chapter 17.39, Coastal Development Permits (IP).

E. **Alternative Method for Large Mailings.** If the number of owners to whom notice would be mailed or delivered is greater than 1,000, instead of mailed notice, the Director or City Clerk may provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation in the City at least 10 days prior to the hearing.

F. **Contents of Notice.** The notice shall include the following information:

   1. The date of filing of the application;

2. The name of the applicants and the applicants' agents;
3. The number assigned to the application;
4. A description of the proposed project and its location;
5. A determination of whether the project is appealable to the Coastal Commission;
6. The date, time and place of the hearing and/or decision on the application;
7. A brief description of the procedures for public comment and decision on the application, including listing what review authority is to decide on the CDP application, as well as the system of appeal for any actions taken;
8. For Council hearings, the Planning Commission recommendation; and
9. If the decision will include a determination on a Coastal Development Permit, any information required pursuant to Chapter 17.39, Coastal Development Permits (IP).

G. **Failure to Notify Individual Properties.** The validity of the proceedings shall not be affected by the failure of any property owner, resident, or neighborhood or community organization to receive a mailed notice.

17.36.070 Conduct of Public Hearings

Whenever the provisions of this Title require a public hearing, the hearing shall be conducted in compliance with the requirements of State law and as follows.

A. **Generally.** Hearings shall be conducted pursuant to procedures adopted by the hearing body. They do not have to be conducted according to technical rules relating to evidence and witnesses.

B. **Scheduling.** Hearings before the City Council shall be scheduled by the City Clerk. All other hearings shall be scheduled by the Director.

C. **Presentation.** An applicant or an applicant's representative may make a presentation of a proposed project.

D. **Public Hearing Testimony.** Any person may appear at a public hearing and submit oral or written evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing representing an organization shall identify the organization being represented.

E. **Time Limits.** The presiding officer may establish time limits for individual testimony and require that individuals with shared concerns select one or more spokespersons to present testimony on behalf of those individuals.

F. **Continuance of Public Hearing.** The body conducting the public hearing may by motion continue the public hearing to a fixed date, time and place without providing further notice, or may continue the item to an undetermined date and provide notice of the continued hearing.

G. **Investigations.** The body conducting the hearing may cause such investigations to be made as it deems necessary and in the public interest in any matter to be heard by it. Such investigation may be made by a committee of one or more members of the hearing body or by City staff. The facts established by such investigation shall be submitted to the hearing body either in writing, to be filed with the records of the matter, or in testimony before the hearing body, and may be considered by the body in making its decision.

H. **Decision.** The public hearing shall be closed before a vote is taken.

17.36.080 Timing and Notice of Action and Findings Required

When making a decision to approve, approve with conditions, revoke or deny any discretionary permit under this Title, the responsible authority shall issue a Notice of Action and make findings of fact as required by this Tile.

A. **Timing.** The responsible authority shall decide to approve, revoke, or deny any discretionary permit following the close of the public hearing, or if no public hearing is required, within the time period set forth below. These deadlines do not apply to any action that has been appealed to the City Council in accordance with Section 17.36.130, Appeals.

1. ***Project Exempt from Environmental Review.*** Within 30 days of the date the City has determined an application to be complete, a determination must be made whether the project is exempt from Environmental Review per State CEQA requirements.

2. ***Project for which a Negative Declaration or Mitigated Negative Declaration is Prepared.*** Within 60 days of the date a Negative Declaration or Mitigated Negative Declaration has been completed and adopted for project approval, the City shall take action on the accompanying discretionary project.

3. ***Project for which an EIR is Prepared.*** Within 180 days of the date the decision-making authority certifies a Final EIR, the City shall take action on the accompanying discretionary project.

B. **Notice of Action.** After any action to approve, or deny an application that is subject to appeal under the terms of this Title, the Director shall issue a Notice of Action. The Notice shall describe the action taken, including any applicable conditions, and shall list the findings that were the basis for the decision. The Director shall mail the Notice to

the applicant and to any other person or entity that has filed a written request for such notification with the Planning Division.

1. ***Coastal Development Permits.*** Local decisions on Coastal Development Permits shall be made and notice of final action shall be given pursuant to Chapter 17.39, Coastal Development Permits (IP).

C. **Findings.** Findings, when required by State law or this Title, shall be based upon consideration of the application, plans, testimony, reports, and other materials that constitute the administrative record and shall be stated in writing in the resolution or record of the action on the permit.

17.36.090 Scope of Approvals

A. **Scope.** Any approval permits only those uses and activities actually included in the project approval, and excludes other uses and activities. Unless otherwise specified, the approval of a new use shall terminate all rights and approvals for previous uses no longer occupying the same site or location.

B. **Conditions of Approval.** The site plan, floor plans, building elevations and/or any additional information or representations, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or submitted during the approval process shall be deemed conditions of approval. Any approval may be subject to requirements that the applicant guarantees, warranties or ensures compliance with permit's plans and conditions in all respects.

C. **Actions Subject to Enforcement.** If the construction of a building or structure or the use established is contrary to the description or illustration in the application, so as to either violate any provision of this Title or require additional permits, then the approval shall be suspended and subject to revocation and enforcement provisions of Chapter 17.48, Enforcement.

D. **Periodic Review.** All approvals may be subject to periodic review to determine compliance with the permit and applicable conditions. If a condition specifies that activities or uses allowed under the permit are subject to periodic reporting, monitoring or assessments, it shall be the responsibility of the permit holder, the property owner or successor property owners to comply with such conditions.

17.36.100 Effective Dates

A final decision on an application for any discretionary approval subject to appeal shall become effective after the expiration of the 10-day appeal period following the date of action, unless an appeal is filed. No building permit or business license shall be issued until the 11th day following the date of the action.

A. **Coastal Development Permits.** Coastal Development Permits are effective pursuant to Chapter 17.39, Coastal Development Permits (IP).

17.36.110 Expiration and Extension

Permits and approvals granted under this Title shall automatically expire and become null and void if the approval is not inaugurated within the time periods established in this Section, or the approved use, structure, or site development is not continued pursuant to Section 17.36.110.C, Continuation of Use, Structure, or Site Development.

A. **Inaugurating a Permit or Approval.** A permit or approval is inaugurated when a valid City building permit has been issued for work related to the approval and construction work has begun and been carried on diligently without substantial suspension or abandonment of work. Where a building permit is not required, the approval shall be considered inaugurated when the use or development authorized by the approval has commenced and, if required, a valid City business license has been issued.

B. **Time Period in which to Inaugurate a Permit or Approval.**

1. ***Expiration.*** The decision-maker, in the granting of any permit, may specify a time, consistent with the purposes of the use and necessary to safeguard the public safety, health and welfare, within which the proposed project must be undertaken and actively and continuously pursued. If no time period is specified, any permit granted under this Title shall automatically expire if it is not inaugurated or extended within two years of its approval.

    a. A Coastal Development Permit shall expire pursuant to Chapter 17.39, Coastal Development Permits (IP).

2. ***Extensions.*** The Director may approve up to two one-year extensions of any permit or approval granted under this Title upon receipt of a written application with the required fee prior to expiration date of the permit. For discretionary permits issued by the Planning Commission, the Planning Commission may approve additional extensions upon conducting a public hearing.

C. **Continuation of Use, Structure, or Site Development.** A use, structure, or site development authorized by the permit or approval is considered continued unless the structure or site development is demolished pursuant to Section 17.23.030, Demolition of Buildings and Structures, or the use authorized by the approval is discontinued pursuant to Section 17.26.070, Abandonment of Nonconforming Uses.

17.36.120 Revisions of Approved Plans and Permits

No change in the use, structure, or site development for which a permit or other approval has been issued is permitted unless the permit or approval is revised as provided for in this Title.

A. **Minor Revisions.** The Director may approve minor changes to approved plans that are consistent with the original findings and conditions approved by the hearing body and would not intensify any potentially detrimental effects of the project.

B. **Major Revisions.** A request for changes in conditions of approval of a discretionary permit or for a change in an approved site plan or building plan that would affect a condition of approval shall be treated as a new application, except that the Director may approve changes determined to be minor.

17.36.130 Appeals

A. **Applicability.** An action by the Director or Planning Commission in the administration or enforcement of the provisions of this Title may be appealed in accordance with this Section.

1. ***Appeals of Director Decisions.*** Decisions of the Director may be appealed to the Planning Commission by filing a written appeal with the Planning Division.

2. ***Appeals of Planning Commission Decisions.*** Decisions of the Planning Commission may be appealed to the City Council by filing a written appeal with the City Clerk and paying any applicable fees.

3. ***Appeals of Local Decisions on Coastal Development Permits.*** Actions on Coastal Development Permits may be appealed pursuant to Chapter 17.39, Coastal Development Permits (IP)***.***

B. **Appeal Process.**

1. ***Rights of Appeal.*** Appeals may be filed by the applicant, by the owner of property, or by any other person aggrieved by a decision that is subject to appeal under the provisions of this Title.

2. ***Time Limits.*** Unless otherwise specified in State or federal law, all appeals shall be filed in writing within 10 days of the date of the action, decision, motion, or resolution from which the action is taken. In the event an appeal period ends on a Saturday, Sunday, or any other day the City is closed, the appeal period shall end at the close of business on the next consecutive business day.

3. ***Procedures.***

a. *Filing.* The appeal shall identify the decision being appealed and shall clearly and concisely state the reasons for the appeal. The appeal shall be accompanied by the required fee.

b. *Proceedings Stayed by Appeal.* The timely filing of an appeal shall stay all proceedings in the matter appealed including, but not limited to, the issuance of City building permits and business licenses.

c. *Public Notice and Hearing.* The Director, or in the case of appeals to the City Council, the City Clerk, shall schedule the appeal for consideration by the applicable appeal body within 60 days of the date the appeal is filed. Notice of the appeal hearing must be provided in the same manner required for the action that was the subject of the appeal.

17.36.140 Interpretations and Determinations

Requests for interpretations of this Title and verifications relating to prior approvals or permits may be made to the Director. Requests shall be in writing. The decision of the Director or Planning Commission on such requests may be appealed under Section 17.36.130, Appeals.

Chapter 17.37 Zoning Clearance

Sections:

17.37.010 Purpose
17.37.020 Applicability
17.37.030 Review and Decision

17.37.010 Purpose

This Chapter establishes procedures for conducting a Zoning Clearance to verify that each new or expanded use, activity, improvement, or structure complies with all of the applicable requirements of this Title.

17.37.020 Applicability

A Zoning Clearance is required for property improvements, buildings or structures erected, constructed, altered, repaired or moved, the use of vacant land, changes in the character of the use of land or building, or for substantial expansions in the use of land or building, which are allowed as a matter of right by this Title.

17.37.030 Review and Decision

Before work may commence and before the City may issue any business license, building permit, subdivision approval, or lot line adjustment, the Director shall review the application to determine whether the improvement, use, building, or change in lot configuration complies with all provisions of this Title or any Design Review, Use Permit or Variance approval and that all conditions of such permits and approvals have been satisfied.

A. **Application.** Applications and fees for a Zoning Clearance shall be submitted in accordance with the provisions set forth in Section 17.36.020, Application Forms and Fees. The Director may request that the Zoning Clearance application be accompanied by a written narrative, plans, and other related materials necessary to show that the proposed development, alteration, or use of the site complies with all provisions of this Title and the requirements and conditions of any applicable Design Review, Use Permit, Variance, Coastal Development Permit, or other planning approval.

B. **Determination.** If the Director determines that the proposed use, building, or site development is allowed as a matter of right by this Title, and conforms to all the applicable development and use standards, the Director shall issue a Zoning Clearance. An approved Zoning Clearance may include attachments of other written or graphic information, including but not limited to, statements, numeric data, site plans, floor

plans and building elevations and sections, as a record of the proposal's conformity with the applicable regulations of this Title.

C. **Exceptions.** No Zoning Clearance shall be required for the continuation of previously approved or permitted uses and structures, or uses and structures that are not subject to any building or zoning regulations.

Chapter 17.38 Design Review

Sections:

17.38.010 Purpose
17.38.020 Applicability
17.38.030 Review Authority
17.38.040 Application
17.38.050 Public Notice
17.38.060 Public Hearing
17.38.070 Scope of Design Review
17.38.080 Design Review Criteria
17.38.090 Appeals; Expiration, Extensions, and Revisions; Revocation

17.38.010 Purpose

This Chapter establishes the design review procedure to ensure that new development supports the goals and objectives of the General Plan and other adopted plans and guidelines. The specific purposes of the design review process are to:

A. Promote excellence in site planning and design and the harmonious appearance of buildings and sites;

B. Ensure that new and altered uses and development will be compatible with the existing and potential development of the surrounding area; and

C. Supplement other City regulations and standards in order to ensure control of aspects of design that are not otherwise addressed.

17.38.020 Applicability

Design review is required for all projects that require a permit for new construction, reconstruction, rehabilitation, alteration, or other improvements to the exterior of a structure, site, or a parking area except for:

A. Additions, construction, reconstruction, alterations, improvements, and landscaping for a project developed in compliance with a previous design review approval; and

B. Replacement of exterior materials, including openings, with the same materials.

17.38.030 Review Authority

A. **Planning Commission.** The Planning Commission shall have design review authority for the following projects:

1. ***Single-Unit Development.*** Single-unit development of more than 2,500 square feet of floor area.
2. ***Multi-Unit Development.*** Multi-unit development consisting of four or more units, or more than 6,000 square feet of floor area.
3. ***Non-residential Development.*** All new construction and any improvement or addition that results in more than a 10 percent increase in floor area, or more than 2,000 square feet of floor area.
4. ***Other Projects.*** All projects otherwise requiring Planning Commission approval.

B. **Director.**

1. The Director shall have design review authority for all projects that do not meet the criteria listed in Subsection A for a decision by the Planning Commission.
2. The Director may refer items directly to the Planning Commission when in his/her opinion the public interest would be better served by having the Planning Commission conduct design review.

17.38.040 Application

A. **Forms and Fees.** Written applications for design review applications shall be submitted to the Planning Division in compliance with the application procedures in Chapter 17.36, Common Procedures.

B. **Concurrent Processing.** When a development project requires a Use Permit, Variance, Coastal Development Permit, or any other discretionary approval, the design review application shall be submitted as a part of the application for the underlying permit, Coastal Development Permit, Use Permit, or Variance.

17.38.050 Public Notice

A. **Design Review by the Planning Commission.** For all projects for which the Planning Commission is the design review authority, public notice shall be provided pursuant to Section 17.36.060, Public Notice.

B. **Design Review by the Director.** No public notice is required for Design Review for projects for which the Director is the design review authority.

17.38.060 Public Hearing

A. **Design Review by the Planning Commission.** All projects for which the Planning Commission is the design review authority, shall require a public hearing before the Planning Commission pursuant to Section 17.36.070, Conduct of Public Hearings.

B. **Design Review by the Director.** No public hearing is required for Design Review where the Director is the design review authority.

17.38.070 Scope of Design Review

A. **Design Review Considerations.** Design review shall be based on consideration of the requirements of this Chapter as they apply to the design of the site plan, structures, landscaping, and other physical features of a proposed project, including:

1. Building proportions, massing, and architectural details;
2. Site design, orientation, location, and architectural design of buildings relative to existing structures on or adjacent to the property, topography, and other physical features of the natural and built environment;
3. Incorporation of sustainable design features;
4. Size, location, design, development, and arrangement of on-site parking and other paved areas;
5. Exterior materials and, except in the case of design review of a single-family residence, color as they relate to each other, to the overall appearance of the project, and to surrounding development;
6. Height, materials, design, fences, walls, and screen plantings;
7. Location and type of landscaping including selection and size of plant materials, and design of hardscape; and
8. Size, location, design, color, lighting, and materials of all signs.

B. **Reduction in Density.** Design review shall not result in a reduction in the residential density.

17.38.080 Design Review Criteria

When conducting design review, the review authority shall evaluate applications to ensure that they satisfy the following criteria, conform to the policies of the General Plan and any applicable specific plan, the Residential Design Guidelines and any other applicable design guidelines, and are consistent with any other policies or guidelines the City Council may adopt for this purpose. To obtain design review approval, projects must satisfy the following criteria to the extent they apply.

A. The overall design of the project including its form, scale, massing, site plan, exterior design, and landscaping will implement the General Plan Vision for Community Character Areas for the particular area in which it is located as well as complement the natural and built features of surrounding properties and incorporate sustainable development features.

B. The project design is appropriate to the function of the project and will provide an attractive and comfortable environment for occupants, visitors, and the general community.

C. Project details, materials, signage and landscaping, are internally consistent, fully integrated with one another, and used in a manner that is visually consistent with the proposed architectural design.

D. The design of streetscapes, including street trees, lighting, and pedestrian furniture, is consistent with the intended character of the area.

E. Parking areas and other hardscape areas are designed and developed to buffer surrounding land uses; compliment pedestrian-oriented development; enhance the environmental quality of the site, including minimizing stormwater run-off and the heat-island effect; and achieve a safe, efficient, and harmonious development.

F. Lighting and lighting fixtures are designed to complement buildings, be of appropriate scale, provide adequate light over walkways and parking areas to create a sense of pedestrian safety, avoid creating glare, and conform to dark sky principles.

G. Landscaping is designed to be compatible with and enhance the vision for the Community Character Area in which the development is located as well as the architectural character and features of the buildings on site.

17.38.090 Permits

A. **Planning Commission**. The Planning Commission shall review and approve a design review permit for those projects for which it is the review authority.

B. **Director**. The Director shall review and approve a design review permit for those projects that include a second story addition or for additions of over 1,000 square feet. For all other development, the Director shall conduct design review as part of the building permit plan review process.

17.38.100 Appeals; Expiration, Extensions, and Revisions; Revocation

A. **Appeals.** Design review decisions are subject to the appeal provisions of Section 17.36.130, Appeals.

B. **Expiration, Extensions and Revisions.** Design review approval is effective and may only be extended or revised as provided for in Chapter 17.36, Common Procedures.

C. **Revocation.** Design review approval may be revoked pursuant to Section 17.48.080, Revocation, if any of the conditions or terms of the approval are violated or if any law or ordinance is violated.

Chapter 17.39 Coastal Development Permits (IP)

Sections:

17.39.010 Coastal Development Permit Processing Procedures
17.39.020 CDP Exemptions
17.39.030 Waivers of De Minimis Development
17.39.040 City CDP Determinations
17.39.050 CDP Application Submittal
17.39.060 CDP Application Public Notice and Hearing
17.39.070 Required Findings for CDP Approval
17.39.080 Notices of City's Final Action on CDPs
17.39.090 Appeals of CDP Decisions
17.39.100 Coastal Development Permits (CDP)
17.39.110 Emergency CDPs

17.39.010 Coastal Development Permit Processing Procedures

This Section provides procedures for Coastal Development Permit (CDP) application processing, filing, review, noticing, and action for development in the City of Morro Bay's CDP jurisdiction within the Coastal Zone.

A. **CDP Required.** All development, as defined in Coastal Act Section 30106, within the Coastal Zone requires a CDP except as specified in Section 17.39.020, CDP Exemptions, and Section 17.39.030, Waivers for DeMinimis Development.

B. **Reviewing Authority.** The following bodies shall approve, conditionally approve, revise or deny applications for Coastal Development Permits based on consideration of the requirements of this Chapter.

1. ***Director.*** The Director shall review applications for Coastal Development Permits for the following development, provided the development does not otherwise require discretionary action by the Planning Commission under another provision of this Title and the development is not appealable to the Coastal Commission pursuant to Public Resources Code Section 30603 and Title 14 Sections 13110 through 13120 of the California Code of Regulations:

   a. Accessory dwelling units and junior accessory dwelling units.

   b. Single unit development with less than 2,500 square feet of floor area (excluding garage).

c. Development of two residential units within the RS or RL District consistent with Section 17.07.030.A.

d. Urban lot splits pursuant to California Government Code Section 66411.7 and Title 16, Subdivisions, of the Municipal Code.

e. Multi-unit development with less than 6,000 square feet of floor area.

f. Demolition of two or fewer residential units.

g. Additions or improvements to existing public works facilities and utilities that do not constitute major public works as defined by the California Code of Regulations Section 13012;

2. ***Planning Commission.*** The Planning Commission shall review applications for Coastal Development Permits for all projects that do not meet the criteria listed in Section 17.39.010.B.1, Director, for a decision by the Director.

C. **Additional Permits.** The review of a CDP application shall be processed concurrently with any other discretionary permit applications required by the City. Any such discretionary approvals become effective only after a CDP is approved as required by this Chapter and so long as they are consistent with the CDP terms and conditions. The City may not grant any discretionary approval for a proposed project that conflicts with this Chapter.

D. **Unpermitted Development and Permitting Processes.** Development that occurred after the effective date of the Coastal Act of 1976 (i.e., January 1, 1977) or after the Coastal Initiative of 1972 (February 1, 1973), whichever is applicable, and that did not receive a CDP or was not otherwise authorized under the Coastal Act/Coastal Initiative, is not lawfully established or authorized development ("unpermitted development"). In addition, development inconsistent with the terms and conditions of an approved CDP is also not lawfully established or authorized development. Both categories of unpermitted development shall be subject to Section 17.01.050.G, LCP Violations. If development is proposed on a site with unpermitted development, then such application may only be approved if it resolves all permitting and coastal resource issues associated with the unpermitted development, including through retention of all or part of same if it can be approved as LCP consistent, or through removal and restoration of affected areas.

17.39.020 CDP Exemptions

In accordance with Coastal Act Section 30610 and Title 14 of the California Code of Regulations (CCR) Sections 13250, 13252, and 13253, all of which govern here in the case of conflicts or questions of interpretation, the following projects are exempt from the requirement to obtain a CDP:

A. **Existing Single-Family Residences.** Improvements to an existing single-family residence, including fixtures and structures directly attached to a residence, landscaping, and structures normally associated with a single-family residence, such as garages, swimming pools, fences and storage sheds. This exemption does not include:

1. Improvements to a single-family residence if the residence or any improvement is located on a beach, in a wetland, seaward of the mean high-tide line, within an environmentally sensitive habitat area, in an area designated highly scenic in the LCP (i.e., those areas designated in LUP Figures C-6 and C-7), or within 50 feet of the edge of a coastal bluff.

2. Any significant alteration of land forms including removal or placement of vegetation on a beach, wetland, or sand dune, within 50 feet of the edge of a coastal bluff, or within an environmentally sensitive habitat area.

3. On property not included in Subparagraph A.1 above that is in an appealable area pursuant to Coastal Act Section 30603, when one of the following circumstances apply:

    a. Improvement that would result in an increase of 10 percent or more of internal floor area of an existing structure; or

    b. An additional improvement of 10 percent or less where an improvement to the structure has previously been undertaken pursuant to this section; or

    c. An increase in height by more than 10 percent of an existing structure; or

    d. An increase of height of 10 percent or less where height has already been undertaken pursuant to this section; and/or

    e. Development that includes any significant non-attached structure such as garages, fences, shoreline protective works or docks.

4. Any improvement to a single-family residence where the Coastal Development Permit issued for the original structure by the Coastal Commission or City indicated that any future improvements would require a Coastal Development Permit or a CDP Amendment or some other type of Coastal authorization (e.g., a CDP waiver).

B. **Other Existing Structures.** Improvements to an existing structure, other than a single-family residence or public works facility, including landscaping and fixtures and other structures directly attached to the structure. This exemption does not include:

1. Improvements to a structure if the structure or improvement is located on a beach; in a wetland, stream, or lake; seaward of the mean high-tide line; in an area designated highly scenic in the LCP (i.e., those areas designated in LUP Figures C-6 and C-7); or within 50 feet of the edge of a coastal bluff.

2. Any significant alteration of land forms including removal or placement of vegetation, on a beach or sand dune; in a wetland or stream; within 100 feet of the edge of a coastal bluff, in a highly scenic area, or in an environmentally sensitive habitat area.

3. On property not included in Subparagraph B.1 above that is in an appealable area pursuant to Coastal Act Section 30603, when one of the following circumstances apply:

    a. Improvement that would result in an increase of 10 percent or more of internal floor area of an existing structure;

    b. An additional improvement of 10 percent or less where an improvement to the structure has previously been undertaken pursuant to this section;

    c. An increase in height by more than 10 percent of an existing structure;

    d. An increase of height of 10 percent or less where height has already been undertaken pursuant to this section; or

    e. Development includes any significant non-attached structure such as garages, fences, shoreline protective works or docks.

4. Any improvement to a structure which changes the intensity of use of the structure.

5. Any improvement made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold including, but not limited to, a condominium conversion, stock cooperative conversion or motel/hotel timesharing conversion.

6. Any improvement to a structure where the Coastal Development Permit issued for the original structure by the Coastal Commission or City indicated that any future improvements would require a Coastal Development Permit or a CDP amendment or some other type of coastal authorization (e.g., a CDP waiver).

C. **Repair or Maintenance Activities.** Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities. This exemption does not include:

1. Any method of repair or maintenance of a seawall, revetment, bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work that involves:

    a. Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;

    b. The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid

materials, on a beach or in coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective work except for agricultural dikes within enclosed bays or estuaries;

c. The replacement of twenty percent or more of the materials of an existing structure with materials of a different kind;

d. The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area, bluff, or environmentally sensitive habitat area, or within twenty feet of coastal waters or streams;

e. The placement of dredged spoils of any quantity within an environmentally sensitive habitat area, on any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams; or

f. The removal, sale, or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the commission has declared by resolution to have a critically short sand supply that must be maintained for protection of structures, coastal access or public recreational use.

2. Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that include either of the following:

   a. The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials.

   b. The presence, whether temporary or permanent, of mechanized equipment or construction materials.

3. Those activities specifically described as exempt from CDP requirements in the document entitled Repair, Maintenance and Utility Hookups, adopted by the Coastal Commission on September 5, 1978 unless a proposed activity will have a risk of substantial adverse impact on public access, environmentally sensitive habitat areas, wetlands, or public views to the ocean, in which case the 1978 document exemptions do not apply.

4. Unless destroyed by natural disaster, the replacement of 50 percent or more of a single family residence, seawall, revetment, bluff retaining wall, breakwater, groin or any other structure that is not repair and maintenance under Coastal Act Section 30610(d) but instead constitutes a replacement structure requiring a Coastal Development Permit.

D. **Replacement of Destroyed Structures.** The replacement of any legally established structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform to applicable LCP requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure. As used in this section, "disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner; "bulk" means total interior cubic volume as measured from the exterior surface of the structure; and "structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

E. **Temporary Events.** Temporary events as defined in this Section and which meet all of the following criteria:

1. Are not held between Memorial Day weekend and Labor Day weekend, or if proposed in this period will be of less than two weeks in duration including setup and take-down; and

2. Does not occupy all or a portion of a sandy beach or park area and there is no potential for adverse effect on sensitive coastal resources; and

3. A fee will not be charged for general public admission and/or seating where no fee is currently charged for use of the same area (not including booth or entry fees); or if a fee is charged, it is for preferred seating only and more than 75 percent of the provided seating capacity is available free of charge for general public use; and

4. The proposed event has been reviewed in advance by the City and it has been determined, subject to the procedure in Section 17.39.040, City CDP Determinations, that it meets the following criteria:

    a. The event will result in no adverse impact on opportunities for public use of or access to the area due to the proposed location and or timing of the event either individually or together with other development or temporary events scheduled before or after the particular event;

    b. There will be no direct or indirect impacts from the event and its associated activities or access requirements on environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources; and

    c. The event has not previously required a coastal development permit to address and monitor associated impacts to coastal resources.

F. **Emergency Work.** Immediate emergency work necessary to protect life or property, or immediate emergency repairs to public service facilities necessary to maintain service as

a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code.

17.39.030 Waivers of De Minimis Development

A. **Authority.** The Director may issue a written waiver from Coastal Development Permit requirements of this Chapter for any development that is de minimis.

B. **Determination of Applicability.** A proposed development is de minimis if the Director determines, based on a review of an application for a Coastal Development Permit, that the development satisfies all of the following requirements:

1. The proposed development is within the Coastal Zone; the development is not of a type or in a location where an action on the development would be appealable to the Coastal Commission; and not within an area where the Coastal Commission retains permit jurisdiction and no local public hearing is required.

2. The proposed development involves no potential for any adverse effect, either individually or cumulatively, on coastal resources and that it will be consistent with the certified Local Coastal Program. The determination shall be made in writing and based upon factual evidence.

C. **Applicability.**

1. The Director may consider the following types of development for possible permit waivers:

   a. Projects that would have been placed on the consent calendar of the Planning Commission or City Council agenda without special conditions;

   b. Projects fully consistent with the certified LCP and for which all applicable policies of the LCP are objective in nature, such that staff does not have to exercise its judgment as to satisfaction of subjective criteria; and

   c. Projects located in areas where similar projects have been approved as a routine matter without conditions or opposition.

2. The following projects will not be considered for possible waivers:

   a. Projects that involve questions as to conformity with the certified LCP, or that may result in potential impacts on coastal resources and public access;

   b. Projects with known opposition or probable public controversy; and

   c. Projects that involve divisions of land including condominiums.

D. **Public Notice.** If, upon review of the Coastal Development Permit application, the Director determines that the development is de minimis, the applicant shall post public notice of the de minimis waiver on the property for at least ten working days prior to the final decision granting the waiver. Notice of intent to issue a de minimis waiver shall also be made to all persons who have requested to be on the mailing list for that development project or site or for Coastal decisions within the local jurisdiction, to all property owners and residents within 300 feet of the perimeters of the parcel on which the development is proposed, to each local agency expected to provide essential facilities or services to the project, and all agencies for which an approval for the proposed development may be required within ten working days prior to the decision on the application. The Director shall provide notice, by first class mail, of pending waiver of permit requirements.

E. **Content of Public Notice.** The notice shall contain the following information:

1. A general description of the proposed project and location;
2. A statement that the development is within the Coastal Zone;
3. The date of filing of the application and the name of the applicant;
4. The number assigned to the application;
5. The date at which the waiver may become effective;
6. The general procedure concerning the submission of public comments either in writing or orally prior to the decision; and
7. A statement that a public comment period of sufficient time to allow for the submission of comments by mail will be held prior to the decision.

F. **Executive Director Determination.** The Director shall provide a notice of determination to issue a De Minimis CDP Waiver to the Executive Director of the Coastal Commission no later than 10 working days prior to the waiver being reported at a City public hearing (see Subsection 17.39.030.G, Review and Concurrence, below). If the Executive Director notifies the Community Development Director that a waiver should not be issued prior to the waiver being reported, the applicant shall be required to obtain a Coastal Development Permit if the applicant wishes to proceed with the development.

G. **Review and Concurrence.** The Director's determination to issue a waiver shall be subject to review and concurrence by the decision makers (i.e. Planning Commission or City Council, as applicable). The Director shall not issue a waiver until the public comment period, including at a minimum through and including the required reporting of the waiver at a public hearing, has expired. At such public hearing, the public shall have the opportunity to testify and otherwise participate in a hearing on the waiver. If two or more decision makers object to the waiver, the waiver shall not be issued and, instead, an application for a Coastal Development Permit shall be required and

processed in accordance with the provisions of this Chapter. Otherwise, the waiver shall be deemed approved, effective, and issued the day of the public hearing. In addition to the noticing requirements above, within seven calendar days of effective date of a waiver, the Community Development Director shall send a Notice of Final Action as specified in Section 17.39.080, Notices of City's Final Action on CDPs.

H. **Waiver Expiration.** A De Minimis Waiver shall expire and be of no further force and effect if the authorized development is not exercised by substantial ground altering physical development within two years of the effective date of the waiver. In this event, either a new De Minimis Waiver or a regular Coastal Development Permit shall be required for the development.

17.39.040 City CDP Determinations

The determination of whether a development is exempt, waivable, non-appealable, or appealable for purposes of notice, hearing, and appeals procedures shall be made by the Director at the time the Coastal Development Permit application for development is submitted or as soon thereafter as practical, and in all cases prior to the application being deemed complete for processing. This determination shall be made with reference to the certified Local Coastal Program, including any provisions that support the determination.

Where an applicant, interested person, the Coastal Commission's Executive Director, or the Director has a question as to the appropriate designation for the development, the following procedures shall establish whether a development is exempt, non-appealable, or appealable:

A. **City Determination.** The Director shall make his or her determination as to what type of development is being proposed and shall inform the applicant, interested parties, and the Coastal Commission in writing of the notice and hearing requirements for that particular development (i.e., exempt, appealable, non- appealable).

B. **Challenge to City Determination.** If the determination of the Director is challenged by the applicant, the Coastal Commission's Executive Director, or an interested person, or if the Director wishes to have a Coastal Commission determination as to the appropriate designation, the Director shall notify the Commission's Central Coast District office of the dispute/question and shall request an Executive Director's opinion.

C. **Coastal Commission Determination.** The Executive Director shall within 10 working days of the request provide his or her opinion in writing to the City, the applicant, and any other known interested parties. There are three possible outcomes:

1. If the Executive Director agrees with the City's determination, then the City's determination shall be final and shall apply to the proposed development.

2. If the Executive Director disagrees with the City's determination, and the City accepts the Executive Director's opinion, then the review and permit procedures

associated with the Executive Director's opinion shall apply to the proposed development.

3. If the Executive Director disagrees with the City's determination, the matter shall be set for public hearing before the Coastal Commission to make the final determination of applicable review and permit procedures, and the Coastal Commission's determination shall apply to the proposed development.

17.39.050 CDP Application Submittal

A. **Contents.** Coastal Development Permit application submittals must include all the information and materials required by the Community Development Department. It is the responsibility of the applicant to provide all necessary and requested evidence to allow for the reviewing authority to make a decision regarding whether the proposed development is consistent with the LCP, including with respect to the findings required by Section 17.39.070, Required Findings for CDP Approval. The application and accompanying materials shall be filed with the City before or concurrent with application for any other required City permits for the proposed project. The CDP application shall include, at a minimum:

1. Project plans and supporting materials sufficient to determine whether the project complies with all relevant policies of the Local Coastal Program, including a clear depiction of all existing conditions and development on the site, and all proposed development;

2. Documentation of the applicant's legal interest in all the property upon which development is proposed, including properties crossed or affected by construction. The area subject to the CDP application may include contiguous properties where the Director finds that necessary to achieve the requirements of the Local Coastal Program. The area covered by a proposed project may also include multiple ownerships;

3. Documentation of any prior CDPs or other coastal authorizations on the property, including any restrictions from permit conditions, deed restrictions, easements, and any other encumbrances affecting allowable development and use on the property;

4. All restrictions that apply to the property, including copies of the legal documents, and site plans noting where such restrictions apply;

5. A description of any unpermitted development on the site, including any violations of existing CDP terms and conditions, and provisions for resolving all permitting and coastal resource issues associated with the unpermitted development (see also Section 17.39.010.D, Unpermitted Development and Permitting Processes);

6. A dated signature by or on behalf of each of the applicants, attesting to the truth, completeness and accuracy of the contents of the application and, if the signer of the application is not the applicant, written evidence that the signer is authorized to act as the applicant's representative and to bind the applicant in all matters concerning the application;

7. Information to determine whether the project complies with LCP environmental justice policies, including proximity of any environmental justice communities to the project area, the potential effect of the project on environmental justice communities, and the potential effect of the project on environmental justice communities as compared to other communities; and

8. Any additional information deemed by the Director to be required for specific categories of development or for development proposed for specific geographic areas or in relation to the specific issues raised by the application.

B. **Concurrent Permit Application.** The application for a CDP shall be made concurrently with application for any other non-CDP permits or approvals required by the City.

17.39.060 CDP Application Public Notice and Hearing

A. **Public Hearing and Notice Requirements.**

1. ***Director Actions.***

a. *Hearing.* A public hearing is not required for CDP applications for which the Director is the Reviewing Authority.

b. *Noticing.* The City shall provide public notice of the submission of a CDP application as follows:

i. Posted Notice. At least 10 days before the date the Director takes action, the City shall post a notice in a conspicuous place on the project site and at the Morro Bay branch of the public library.

ii. Mailed Notice. At least 10 days before the date the Director takes action, the City shall provide notice by First Class mail delivery to the Coastal Commission and to all persons who have requested to be on the mailing list for that development project.

2. ***Planning Commission and City Council Actions.***

a. *Hearing.* All Planning Commission and City Council actions on CDP applications that are not issued a written waiver from Coastal Development Permit requirements under Section 17.39.030, Waivers of De Minimis Development, shall require a public hearing.

b. *Noticing.* The City shall provide public notice of public hearings on CDP applications as follows.

i. Posted Notice. At least 10 days before the date of the public hearing, the City shall post a notice in a conspicuous place on the project site and at the Morro Bay branch of the public library, at the Planning Division office, and at City Hall.

ii. Mailed Notice. At least 10 days before the date of the public hearing, the Director, or the City Clerk for hearings before the City Council, shall provide notice by First Class mail delivery to:

(1) The owner(s) and owner's agent of all properties for which development is proposed, the applicant, and any applicant representatives;

(2) Each local agency expected to provide essential facilities or services to the project;

(3) Any person who has filed a request for notice with the Director;

(4) All owners and all occupants of parcels of real property located within 100 feet of the perimeter of the real properties on which the development is proposed, but at a minimum all owners and all occupants of real property adjacent to the properties on which the development is proposed;

(5) All agencies for which an approval for the proposed development may be required, including the State Lands Commission when an application for a CDP is submitted to the City on property that is potentially subject to the public trust;

(6) All known interested parties; and

(7) The Coastal Commission.

c. *Newspaper Notice.* At least 10 days before the date of the public hearing, the Director or the City Clerk for hearings before the City Council, shall publish a notice in at least one newspaper of general circulation in the City.

d. *Alternative Method for Large Mailings.* If the number of owners to whom notice would be mailed or delivered is greater than 1,000, instead of mailed notice, the Director or City Clerk may provide notice by placing a display advertisement of at least one-eighth page in at least one

newspaper of general circulation in the City at least 10 days prior to the hearing.

e. *Additional Means.* The Director may also require additional means of notice that is reasonably determined necessary to provide adequate public notice of the application for the proposed project.

3. **Language Access.** The City shall establish or procure translation services for the purpose of translating critical information in written notices for projects in areas where the use of a language other than English is significant (three percent of residents speaking a language other than English or more).

B. **Contents of Notice.** The required notice may be combined with other required project permit notice(s), shall be mailed by First Class mail and shall include the following information:

1. A statement that the project is within the Coastal Zone, and that the project decision will include a determination on a CDP;
2. The date of filing of the application;
3. The name of the applicants and the applicants' agents;
4. The number assigned to the application;
5. A description of the proposed project and its location;
6. A determination of whether the project is appealable to the Coastal Commission;
7. The date, time and place of the hearing and/or decision on the application;
8. A brief description of the procedures for public comment and decision on the application, including listing what review authority is to decide on the CDP application, as well as the system of appeal for any actions taken; and
9. All procedures for challenge and appeal associated with the type of application being considered.

C. **Re-noticing required.** If a decision on a CDP is continued by the review authority to a date or time not specific, the item shall be re-noticed in the same manner and within the same time limits established by this Section. If a decision on a CDP is continued to a specific date and time within 30 days of the first hearing, then no re-noticing is required.

17.39.070 Required Findings for CDP Approval

To approve a CDP, the review authority must find that the development, as proposed and conditioned, is consistent with all applicable LCP policies and standards, including making all of the following findings, that themselves shall be based upon substantial evidence:

A. **LCP Consistency.** The project is consistent with the LCP.

B. **Public Views.** The project protects or enhances public views.

C. **Habitat Protection.** The project protects vegetation, natural habitats and natural resources consistent with LCP.

D. **Design Consistency.** The design, location, size, and operating characteristics of the proposed development is consistent with applicable LCP design requirements, including design plans and area plans incorporated into the LCP.

E. **Coastal Access.** The project protects or enhances public access to and along the coast.

F. **Visitor Serving.** The project supports the LCP goal of providing for visitor-serving needs as appropriate, including providing low and no cost visitor and recreational facilities.

G. **Appropriate Use.** The project is consistent with the allowed LCP uses associated with the property.

H. **Coastal Resources.** The proposed development protects or enhances coastal resources, where applicable.

I. **Environmental Justice.** The project addresses whether proposed development results in environmental justice impacts, consistent with LCP environmental justice policies. When relevant, the project includes mitigation measures to minimize or eliminate potential adverse and/or disproportionate impacts of development on environmental justice communities.

J. **Hazards.** The proposed development is consistent with the LCP's coastal hazards provisions.

17.39.080 Notices of City's Final Action on CDPs

A. The City's decision on a CDP shall become final when all local rights of appeal have been exhausted per Section 17.39.090, Appeals of CDP Decisions. Within ten calendar days of a final action on a CDP application, the City shall provide notice of such action by first class mail to the applicant, the Coastal Commission, and any other persons who have requested such notice by submitting a self-addressed, stamped envelope to the City. The notice sent to all parties shall at a minimum include a cover sheet or memo summarizing the relevant action information, and the notice sent to the Coastal Commission shall include that cover sheet/memo, as well as additional supporting materials that further explain and define the action taken, as follows:

1. ***Cover Sheet/Memo:*** The cover sheet/memo shall be dated and shall clearly identify at a minimum the following information:

    a. All project applicants and project representatives and their address and other contact information.

b. Project description and location.

c. City decision making body, City decision, and date of decision.

d. All local appeal periods and disposition of any local appeals filed.

e. Whether the City decision is appealable to the Coastal Commission, the reason why it is or isn't appealable to the Coastal Commission, and procedures for appeal to the Coastal Commission.

f. A list of all additional supporting materials provided to the Coastal Commission.

g. All recipients of the notice.

2. ***Additional Supporting Materials to the Coastal Commission:*** The additional supporting materials shall include at a minimum the following information:

a. The final adopted findings and final adopted conditions.

b. The final staff report.

c. The approved project plans.

d. All other substantive documents cited and/or relied upon in the decision including CEQA documents, technical reports (e.g., geologic reports. biological reports, etc.), correspondence, etc.

B. If the Coastal Commission does not notify the City in writing of any deficiency in such notice of final action within five calendar days of its filing, the notice of final action will be deemed filed for the purposes of this IP as of the date of the notice.

17.39.090 Appeals of CDP Decisions

A. **Local Decisions on CDPs.** Local decisions on CDPs may be appealed by an aggrieved person in accordance with Section 17.36.130, Appeals. An aggrieved person is any person who, in person or through a representative, appeared at the City's public hearing in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing informed the City of the nature of their concerns, or who for good cause was unable to do either. An aggrieved person includes the applicant for a CDP.

B. **Appeals to the Coastal Commission.**

1. In accordance with Coastal Act Section 30603, any City CDP approval in the following geographic areas may be appealed to the Coastal Commission:

a. Projects located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.

b. Projects located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.

2. In accordance with Coastal Act Section 30603, any City CDP approval or denial for a major public works project (including a publicly financed recreational facility or a special district development) or a major energy facility may be appealed to the Coastal Commission.

3. Appeals to the Coastal Commission may be filed by the project applicant, any aggrieved person, or any two members of the Coastal Commission, and must be submitted to the Coastal Commission within 10 working days of Coastal Commission receipt of a non-deficient notice of final action.

4. City decisions may be appealed to the Coastal Commission only after an appellant has exhausted all local appeals from the Planning Commission to the City Council, except that exhaustion of City Council appeals is not required if any of the following occur:

   a. The City requires an appellant to appeal to a body other than the City Council;

   b. An appellant was denied the right of the appeal by a City ordinance that restricts the class of persons who may appeal a local decision other than as provided in this IP.

   c. An appellant was denied the right of local appeal because City notice and hearing procedures for the development did not comply with the provisions of this Title.

   d. The City required an appeal fee for the filing or processing of the appeal to the City Council.

17.39.100 Coastal Development Permits (CDP)

A. CDP Effective Date.

1. For CDP decisions that are not appealable to the Coastal Commission, CDPs shall become effective once the City's non-deficient Notice of Final Action per Section 17.39.080, Notices of City's Final Action on CDPs, has been received by the Commission.

2. For CDP decisions that are appealable to the Coastal Commission, CDPs shall become effective either (a) after the Coastal Commission's 10 working day appeal period has run with no valid appeal being filed, or (b) following Coastal Commission final action on an appeal, subject to any terms and conditions of such action.

B. **CDP Expiration.** A CDP not exercised by substantial ground altering physical development within two years of the date of its approval shall expire and become void, unless an extension of the expiration deadline is approved. Such extension shall only be granted for good cause, and only if there are no changed circumstances that may affect the consistency of the development with the LCP (and the Coastal Act, if applicable). In such cases where an extension is not granted, the CDP shall be considered expired and the applicant shall be required to reapply for a CDP. Any extension request shall be in writing by the applicant or authorized agent and received by the City prior to expiration of the two-year period. No CDP extension request may be considered if received after its expiration. Extensions shall be considered CDP amendments for purpose of notice and appeal to the Coastal Commission.

C. **CDP Amendment.** An applicant may request a CDP amendment by filing an application to amend the CDP pursuant to the requirements of this Chapter that apply to new CDP applications. Any amendment approved for development in the Coastal Zone shall be required to be found consistent with all applicable Local Coastal Program requirements, including with regards to requirements of jurisdiction, hearings, notices and findings for approval, in the same way as new CDPs. Any CDP amendment shall be processed as appealable to the Coastal Commission if the base coastal permit was also processed as appealable, or if the development that is the subject of the amendment makes the amended project appealable to the Coastal Commission.

D. **CDP Revocation.** Where one or more of the terms and conditions of a CDP have not been, or are not being, complied with, or when a CDP was granted on the basis of false material information, the Planning Commission or City Council may revoke or modify the CDP following public hearing. Notice of such hearing shall be the same as would be required for a new CDP.

E. **CDP Application Resubmittals.** For a period of 12 months following the denial of a CDP, the City shall not accept an application for the same or substantially similar proposed project for the same site, unless the denial or revocation was made without prejudice, and so stated in the record.

17.39.110 Emergency CDPs

Emergency CDPs may be granted at the discretion of the Director (or a local official designated by the City Council) for projects normally requiring CDP approval. To be eligible for an Emergency CDP, an emergency must exist (defined for this purpose as a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services), including when necessary to restore, repair, or maintain public works, utilities, and services during and immediately following a natural disaster or serious accident or other cases of emergency. The Emergency CDP process is intended to allow

for emergency situations to be abated through use of the minimum amount of temporary measures necessary to address the emergency in the least environmentally damaging manner.

A. **Application.** Application for an Emergency CDP shall be made to the City by letter if time allows, and by telephone or in person if time does not allow. The applicant shall submit the appropriate fees at the time of application for an Emergency CDP.

B. **Required Information.** The information to be reported during the emergency, if it is possible to do so, or to be fully reported after the emergency, shall include all of the following:

1. The nature of the emergency.
2. The cause of the emergency, insofar as this can be established.
3. The location of the emergency.
4. The remedial, protective, or preventive work required to address the emergency.
5. If reported after the fact, the circumstances during the emergency that appeared to justify the course of action taken, including the probable consequences of failing to take action.
6. All available technical reports and project plans.

C. **Verification of Facts.** The Director or other designated local official shall verify the facts, including the existence and nature of the emergency, as time allows. The Director may request, at the Applicant's expense, verification by a qualified professional of the nature of the emergency and the range of potential solutions to the emergency situation, including the ways such solutions meet the criteria for granting permit. The Director shall consult with the Coastal Commission as time allows.

D. **Public Notice.** If time allows, the Director shall provide public notice of the proposed emergency action, with the extent and type of notice determined on the basis of the nature of the emergency itself.

E. **Criteria for Granting Emergency CDP.** The Director may grant an Emergency CDP upon making all of the following findings, that themselves shall be based upon clear supporting evidence and analysis:

1. An emergency exists and requires action more quickly than permitted by the procedures for ordinary CDPs.
2. The development can and will be completed within thirty days unless otherwise specified by the terms of the Emergency CDP.
3. Public comment on the proposed emergency action has been reviewed if time allows.

4. The work proposed would be consistent with the requirements of the certified LCP.

5. The proposed work is the minimum amount of temporary development necessary to abate the emergency in the least environmentally damaging manner.

F. **Conditions for Granting Emergency CDP.** The Director may attach reasonable terms and conditions to the granting of an Emergency CDP, including an expiration date and the necessity for submittal of a regular CDP application by a specified date. At a minimum, all Emergency CDPs shall include the following conditions:

1. The Emergency CDP shall be voided if the approved activity is not exercised within 30 days of issuance of the Emergency CDP.

2. The Emergency CDP shall expire 60 days following its issuance. The Director may extend an Emergency CDP for an additional 60 days for good cause including but not limited to the fact that a regular CDP application is on file.

3. Any work completed outside of these time periods requires a regular CDP approval unless an extension is granted by the City.

4. The emergency development authorized by the Emergency CDP is only temporary, and can only be allowed to remain provided a regular CDP is obtained to recognize it. Absent a regular CDP, the emergency development shall be removed and the affected area restored to pre-emergency conditions or better within six months of Emergency CDP issuance.

5. Within 30 days of completion of construction authorized by the Emergency CDP, site plans and cross sections shall be submitted clearly identifying all development completed under the Emergency CDP (comparing any previously permitted condition to both the emergency condition and to the post-work condition), along with a narrative description of all emergency development activities undertaken pursuant to the emergency authorization. Photos showing the project site before the emergency (if available), during emergency project construction activities, and after the work authorized by the Emergency CDP is complete shall also be provided.

G. **Application for Regular CDP.** Upon the issuance of an Emergency CDP, the applicant shall submit a completed CDP application and any required technical reports within a time specified by the Director, not to exceed 90 days. All emergency development approved pursuant to this section is considered temporary and must be removed and the area restored if the development is not recognized by a regular CDP within six months of the date of the Emergency CDP issuance, unless the Director authorizes an extension of time for good cause.

H. **Reporting of Emergency CDPs.** The Director shall report Emergency CDPs issued to the Coastal Commission and to the City Council and Planning Commission. The Emergency CDP shall be scheduled on the agenda of the City Council at its first scheduled meeting after that Emergency CDP has been issued.

Chapter 17.40 Use Permits

Sections:

17.40.010 Purpose
17.40.020 Applicability
17.40.030 Review Authority
17.40.040 Application
17.40.050 Public Notice
17.40.060 Public Hearing
17.40.070 Required Findings
17.40.080 Conditions of Approval
17.40.090 Appeals; Expirations, Extensions, and Revisions; Revocation

17.40.010 Purpose

The Use Permit review and approval process is intended to apply to uses that are generally consistent with the purposes of the zoning district where they are proposed but require special consideration to ensure that they can be designed, located, and operated in a manner that will not interfere with the use and enjoyment of surrounding properties.

17.40.020 Applicability

Approval of a Use Permit is required for uses or developments specifically identified in Division II, District Regulations, and/or any other section of this Title which requires a Use Permit.

17.40.030 Review Authority

A. **Conditional Use Permits.** The Planning Commission shall approve, conditionally approve, or deny applications for Conditional Use Permits based on consideration of the requirements of this Chapter.

B. **Minor Use Permits.** The Director shall approve, conditionally approve, or deny applications for Minor Use Permits based on consideration of the requirements of this Chapter.

   1. The Director may, at their discretion, refer any application for a Minor Use Permit for a project that may generate substantial public controversy or involve significant land use policy decisions to the Planning Commission for a decision rather than acting on it themselves. In that case, the application shall be processed as a Conditional Use Permit.

17.40.040 Application

An application for a Use Permit shall be filed to the Planning Division in accordance with Section 17.36.020, Application Forms and Fees. In addition to any other application requirements, the application for a Use Permit shall include data or other evidence in support of the applicable findings required by Section 17.40.070, Required Findings, below.

17.40.050 Public Notice

Public notice pursuant to Section 17.36.060, Public Notice, is required for all Use Permits.

17.40.060 Public Hearing

A. **Conditional Use Permits.** All applications for Conditional Use Permits shall require a public hearing before the Planning Commission pursuant to Section 17.36.070, Conduct of Public Hearings.

B. **Minor Use Permits.** No public hearing is required for Minor Use Permits where the Director is the Review Authority.

   1. Minor Use Permit applications referred to the Planning Commission for decision shall require a public hearing pursuant to Section 17.36.070, Conduct of Public Hearings.

17.40.070 Required Findings

The Review Authority must make all of the following findings in order to approve or conditionally approve a Use Permit application. The inability to make one or more of the findings is grounds for denial of an application.

A. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Title and all other titles of the Municipal Code;

B. The proposed use is consistent with the General Plan and any applicable specific plan;

C. The proposed use will not be adverse to the public health, safety, or general welfare of the community, nor detrimental to surrounding properties or improvements;

D. The proposed use complies with any design or development standards applicable to the zoning district or the use in question unless waived or modified pursuant to the provisions of this Title;

E. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and reasonably foreseeable future land uses in the vicinity; and

F. The site is physically suitable for the type, density, and intensity of use being proposed.

17.40.080 Conditions of Approval

In approving a Use Permit, the Review Authority may impose reasonable conditions or restrictions deemed necessary to:

A. Ensure that the proposal conforms in all significant aspects with the General Plan and with any other applicable plans or policies adopted by the City Council;

B. Achieve the general purpose of this Title or the specific purpose of the zoning district in which the project is located;

C. Achieve the findings for a use permit listed in Section 17.40.070, Required Findings, above; or

D. Mitigate any potentially significant impacts identified as a result of environmental review conducted in compliance with the California Environmental Quality Act.

The Review Authority may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

17.40.090 Appeals; Expirations, Extensions, and Revisions; Revocation

A. **Appeals.** An applicant or any other aggrieved party may appeal a decision on a Use Permit pursuant to the provisions of Section 17.36.130, Appeals.

B. **Expiration, Extensions and Revisions.** Use Permits are effective and may only be extended or revised as provided for in Chapter 17.36, Common Procedures.

C. **Revocation.** Use Permit approval may be revoked pursuant to Section 17.48.080, Revocation, if any of the conditions or terms of the approval are violated or if any law or ordinance is violated.

Chapter 17.41 Temporary Use Permits

Sections:

17.41.010 Purpose
17.41.020 Application
17.41.030 Public Notice
17.41.040 Required Findings
17.41.050 Conditions of Approval

17.41.010 Purpose

This Chapter establishes a process for review and approval of certain uses that are intended to be of limited duration of time and will not permanently alter the character or physical facilities of the site where they occur.

17.41.020 Application

An application for a Temporary Use Permit shall be submitted at least 15 days before the use is intended to begin. The application shall be on the required form and shall include the written consent of the owner of the property or the agent of the owner.

17.41.030 Public Notice

A. **Posted Notice.** At least 10 days before the date the temporary use will commence, notice shall be posted on the project site.

B. **Contents of Notice.** The notice shall include the following information:

1. The location of the real property, if any, that is the subject of the application;
2. A general description of the proposed temporary use;
3. The City's file number assigned to the application;
4. The date, time, and duration of the temporary use;
5. The location and times as which the application and project file may be viewed by the public; and
6. A statement describing how to submit written comments.

17.41.040 Required Findings

The Director may approve an application for a temporary use only upon making both of the following findings:

A. The proposed use will not unreasonably affect adjacent properties, their owners and occupants, or the surrounding neighborhood, and will not in any other way constitute a nuisance or be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the area of such use or to the general welfare of the City; and

B. The proposed use will not unreasonably interfere with pedestrian or vehicular traffic or circulation in the area surrounding the proposed use, and will not create a demand for additional parking that cannot be safely and efficiently accommodated by existing parking areas.

17.41.050 Conditions of Approval

The Director may impose reasonable conditions deemed necessary to ensure compliance with the findings for a Temporary Use Permit listed in Section 17.41.040, Required Findings, including, but not limited to:

A. Regulation of ingress and egress and traffic circulation;

B. Fire protection and access for fire vehicles;

C. Regulation of lighting;

D. Regulation of hours and/or other characteristics of operation; and

E. Removal of all trash, debris, signs, sign supports and temporary structures and electrical service.

The Director may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

Chapter 17.42 Modifications (IP)

Sections:

17.42.010 Purpose
17.42.020 Applicability
17.42.030 Review Authority
17.42.040 Application
17.42.050 Public Notice
17.42.060 Public Hearing
17.42.070 Required Findings
17.42.080 Conditions of Approval
17.42.090 Appeals; Expiration, Extensions, and Revisions; Revocation

17.42.010 Purpose

The purpose of this Chapter is to establish an alternate means of granting relief from the requirements of this Title when so doing would be consistent with the purposes of the Zoning Code and it is not possible or practical to approve a Variance.

17.42.020 Applicability

Modifications may be granted as specifically identified in any other section of this Title and as follows:

A. **Dimensional Requirements.** Relief from dimensional requirements of property development standards specified in this Title. Types of standards for which Modifications may be approved include, but are not limited to:

1. ***Setbacks.*** Front, side, and rear setback standards.
2. ***Parking.*** The dimensional standards for parking spaces, aisles, driveways, landscaping, garages, and parking facility design.
3. ***Fences.*** Standards for the location, height, and design of fences.
4. ***Lot Coverage.*** Standards for the maximum amount of lot coverage.
5. ***Landscaping.*** Standards for required landscaping and plantings.
6. ***Transparency.*** Required ground-floor building transparency.
7. ***Other Standards.*** Up to 10 percent of other development standards not listed in Subsection B below.

B. **Exclusions.** Modification of the following standards may not be granted:

1. Residential density.
2. Maximum floor area ratio (FAR).

17.42.030 Review Authority

A. **Director.** The Director may grant Modifications as specifically identified in any other section of this Title and the following.

1. Relief of 10 percent or less of the dimensional requirement of property development standards specified in this Title.

B. **Planning Commission.** The Planning Commission may grant Modifications as specifically identified in any other section of this Title and the following.

1. Relief of more than 10 percent of the dimensional requirement of property development standards specified in this Title.

17.42.040 Application

A. **Concurrent Processing.** If a request for a Modification is being submitted in conjunction with an application for another approval, permit, or entitlement, it shall be heard and acted upon at the same time and in the same manner as that application.

B. **Application Requirements.** An application for a Modification shall be filed to the Planning Division in accordance with Section 17.36.020, Application Forms and Fees. In addition to any other application requirements, the application shall state in writing the nature of the modification requested and explain why the findings necessary to grant the modification are satisfied. The applicant shall also submit plans delineating the requested modification.

17.42.050 Public Notice

Public notice pursuant to Section 17.36.060, Public Notice, is required for all Modifications.

17.42.060 Public Hearing

A. **Director Approvals.** No public hearing is required for Modifications where the Director is the Review Authority.

B. **Planning Commission Approvals.** A public hearing pursuant to Section 17.36.070, Conduct of Public Hearings, shall be held where the Planning Commission is the Review Authority.

17.42.070 Required Findings

A decision to grant a Modification shall be based on the following findings:

A. The modification is necessary due to the physical characteristics of the property and the proposed use or structure or other circumstances, including, but not limited to, topography, noise exposure, irregular property boundaries, or other unusual circumstance.

B. There are no alternatives to the requested modification that could provide an equivalent level of benefit to the applicant with less potential detriment to surrounding owners and occupants or to the general public.

C. The granting of the requested modification would not be detrimental to the health or safety of the public or the occupants of the property or result in a change in land use or density that would be inconsistent with the requirements of this Title.

17.42.080 Conditions of Approval

In approving a Modification, the Review Authority may impose any conditions deemed necessary to:

A. Ensure that the proposal conforms in all significant respects with the General Plan, Local Coastal Program, and with any other applicable plans or policies adopted by the City Council;

B. Achieve the general purposes of this Title or the specific purposes of the zoning district in which the project is located;

C. Achieve the findings for a modification granted; or

D. Mitigate any potentially significant impacts identified as a result of review conducted in compliance with the California Environmental Quality Act.

The Review Authority may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

17.42.090 Appeals; Expiration, Extensions, and Revisions; Revocation

A. **Appeals.** The applicant or any other aggrieved party may appeal a decision on Modification pursuant to the provisions of Section 17.36.130, Appeals.

B. **Expiration, Extensions, and Revisions.** Modifications granted under this Chapter are effective and may only be extended or revised as provided for in Chapter 17.36, Common Procedures.

C. **Revocation.** Modification approval may be revoked pursuant to Section 17.48.080, Revocation, if any of the conditions or terms of the approval are violated or if any law or ordinance is violated.

Chapter 17.43 Reasonable Accommodation (IP)

Sections:

17.43.010 Purpose
17.43.020 Applicability
17.43.030 Review Authority
17.43.040 Application
17.43.050 Required Findings
17.43.060 Conditions of Approval

17.43.010 Purpose

This Chapter provides a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies and procedures.

17.43.020 Applicability

A. A request for reasonable accommodation may be made by any person with a disability, their representative or any entity, when the application of a requirement of this Title or other city requirement, policy or practice acts as a barrier to fair housing opportunities. A person with a disability is a person who has a physical or developmental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This Chapter is intended to apply to those persons who are defined as disabled under the Acts.

B. A request for reasonable accommodation may include a change or exception to the rules, standards and practices for the siting, development and use of housing or housing- related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

C. A reasonable accommodation is granted to the household that needs the accommodation and does not apply to successors in interest to the property.

D. A reasonable accommodation may be granted in compliance with this Chapter without the need for the approval of a variance.

E. Requests for reasonable accommodation shall be as described in the following section.

17.43.030 Review Authority

A. **Community Development Director.** Requests for reasonable accommodation shall be reviewed by the Community Development Director if no approval is sought other than the request for reasonable accommodation. The written determination to grant, grant with changes, or deny the request for reasonable accommodation shall be made in accordance with the Findings and Decision as established below.

B. **Other Review Authority.** Requests for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the authority responsible for reviewing the discretionary land use application. The written determination to grant, grant with changes, or deny the request for reasonable accommodation shall be made in accordance with the Findings and Decision as established below.

17.43.040 Application

A. **Application.** Requests for reasonable accommodation shall be submitted in the form of a letter to the Community Development Director and shall contain the following information:

1. The applicant's name, address and telephone number;
2. Address of the property for which the request is being made;
3. The current actual use of the property;
4. The basis for the claim that the individual is considered disabled under the Acts;
5. The Zoning Code provision, regulation or policy from which reasonable accommodation is being requested; and
6. Why the reasonable accommodation is necessary to make the specific property accessible to the individual.

B. **Review with Other Land Use Applications.** If the project for which the request for reasonable accommodation is being made also requires some other discretionary approval (e.g., conditional use permit, coastal development permit, etc.), then the applicant shall file the application for discretionary approval together with the information required by Subsection A above for concurrent review.

17.43.050 Required Findings

The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following factors:

A. Whether the housing, which is the subject of the request, will be used by an individual disabled under the Acts;

B. Whether the request for reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts;

C. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the City;

D. Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a City program or law, including but not limited to land use, zoning, or the Local Coastal Program;

E. Potential impact on surrounding uses;

F. Physical attributes of the property and structures; and

G. Alternative reasonable accommodations that may provide an equivalent level of benefit.

17.43.060 Conditions of Approval

In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required herein. The conditions shall also state whether the accommodation granted shall be rescinded in the event that the person for whom the accommodation was requested no longer resides on the property.

Chapter 17.44 Variances (IP)

Sections:

17.44.010 Purpose
17.44.020 Applicability
17.44.030 Review Authority
17.44.040 Application
17.44.050 Public Notice
17.44.060 Public Hearing
17.44.070 Required Findings
17.44.080 Conditions of Approval
17.44.090 Appeals; Expirations, Extensions, and Revisions; Revocation

17.44.010 Purpose

This Chapter is intended to provide a mechanism for relief from the strict application of this Title where this will deprive the property owner of privileges enjoyed by similar properties because of the subject property's unique and special conditions.

17.44.020 Applicability

Variances may be granted to vary or modify dimensional and performance standards, but Variances may not be granted to allow uses or activities that this Title does not authorize for a specific lot or site.

17.44.030 Review Authority

The Planning Commission shall approve, conditionally approve, or deny applications for Variances based on consideration of the requirements of this Chapter. A variance sought for any CDP shall be processed pursuant to the CDP application requirements specified in Chapter 17.39.

17.44.040 Application

Applications for a Variance shall be filed with the Planning Division on the prescribed application forms in accordance with the procedures in Chapter 17.36, Common Procedures. In addition to any other application requirements, the application for a Variance shall include data or other evidence showing that the requested Variance conforms to the required findings set forth in Section 17.44.070, Required Findings.

17.44.050 Public Notice

An application for a Variance shall require public notice pursuant to Section 17.36.060, Public Notice.

17.44.060 Public Hearing

An application for a Variance shall require a public hearing before the Planning Commission pursuant to Section 17.36.070, Conduct of Public Hearings.

17.44.070 Required Findings

The Review Authority must make all of the following findings in order to approve or conditionally approve a Variance application. The inability to make one or more of the findings is grounds for denial of an application.

A. There are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to property in the vicinity and identical zoning district, and that the granting of a Variance will not constitute a granting of a special privilege inconsistent with the limitations on the property in the vicinity and identical zone district;

B. The granting of the Variance is necessary to prevent a physical hardship which is not of the applicant's own actions or the actions of a predecessor in interest;

C. The granting of the Variance will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare or convenience; and

D. The granting of the Variance will be consistent with the general purposes and objectives of this Title, any applicable specific plans, and of the General Plan.

17.44.080 Conditions of Approval

In approving a Variance, the Planning Commission may impose reasonable conditions deemed necessary to ensure compliance with the findings required in Section 17.44.070, Required Findings, above and may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

17.44.090 Appeals; Expirations, Extensions, and Revisions; Revocation

A. **Appeals.** The applicant or any other aggrieved party may appeal a decision on a Variance pursuant to the provisions of Section 17.36.130, Appeals.

B. **Expiration, Extensions and Revision.** Variances are effective and may only be extended or revised as provided for in Chapter 17.36, Common Procedures.

C. **Revocation.** Approval of a Variance may be revoked pursuant to Section 17.48.080, Revocation, if any of the conditions or terms of the approval are violated or if any law or ordinance is violated.

Chapter 17.45 Development Agreements

Sections:

17.45.010 Purpose
17.45.020 Applicability
17.45.030 Review Authority
17.45.040 Application Requirements
17.45.050 Contents of Development Agreements
17.45.060 Public Notice
17.45.070 Planning Commission Action
17.45.080 City Council Action
17.45.090 Required Findings
17.45.100 Recordation of Development Agreement
17.45.110 Annual Review
17.45.120 Amendment or Cancellation
17.45.130 Effect of Approved Agreement
17.45.140 Enforcement

17.45.010 Purpose

This Chapter establishes a process for consideration and review of Development Agreements consistent with Section 65864 et seq., of the Government Code. Development Agreements are legally binding agreements that grant assurance that an applicant may proceed with development in accord with policies, rules, and regulations in effect at the time of approval subject to conditions to promote the orderly planning of public improvements and services, allocate costs to achieve maximum utilization of public and private resources in the development process, and ensure that appropriate measures to enhance and protect the environment are achieved.

17.45.020 Applicability

A. The City incorporates by reference the provisions of Government Code Sections 65864-65869.5. In the event of any conflict between these statutory provisions and this Chapter, this Chapter shall control.

B. A Development Agreement may be considered for a proposed development that will require a developer to make a substantial investment at the early stages of the project for planning and engineering for the entire project and for public facilities and services.

17.45.030 Review Authority

A. The Director shall negotiate the specific components and provisions of the Development Agreement on behalf of the City for review by the Planning Commission and recommendation to the City Council.

B. The Planning Commission shall review the Development Agreement and provide recommendation to the City Council.

C. The City Council shall have the exclusive authority to approve a Development Agreement.

17.45.040 Application Requirements

Applications for Development Agreements shall be filed with the Community Development Department in accordance with the provisions set forth in Section 17.36.020, Application Forms and Fees. In addition to any other application requirements, the application for a Development Agreement shall include data or other evidence in support of the applicable findings required by Section 17.45.090, Required Findings.

17.45.050 Contents of Development Agreements

A. **Required Contents.** A Development Agreement shall specify its duration; the permitted uses of the subject property; the general location and density or intensity of uses; the general location, maximum height and size of proposed buildings; and provisions for reservation or dedication of land for public purposes. It shall contain provisions concerning its transferability.

B. **Additional Contents.** Development Agreements may also include the following:

1. ***Improvements and Fees.*** A Development Agreement may include requirements for construction and maintenance of onsite and offsite improvements or payment of fees in lieu of such dedications or improvements.

2. ***Conditions.*** A Development Agreement may also include conditions, terms, restrictions, and requirements for subsequent discretionary actions but does not eliminate the applicant's responsibility to obtain all required land use approvals.

3. ***Phasing.*** A Development Agreement may provide that the project be constructed in specified phases, that construction shall commence within a specified time, and that the project or any phase thereof be completed within a specified time.

4. ***Financing.*** If the Development Agreement requires applicant financing of necessary public facilities, it may include terms relating to subsequent reimbursement over time for such financing.

5. ***Indemnity.*** A Development Agreement may contain an indemnity clause requiring the applicant to indemnify and hold the City harmless against claims arising out of or in any way related to the actions of applicant in connection with the application or the development process, including all legal fees and costs.

6. ***Performance Obligation Fees.*** A Development Agreement may include provisions to guarantee performance of obligations stated in the agreement.

7. ***Other Items.*** Other components and provisions as negotiated by City.

17.45.060 Public Notice

A proposed Development Agreement shall be signed by the Applicant before it is placed before the Planning Commission and the City Council for consideration at a public hearing. Public notice of hearings by the Planning Commission and City Council for a Development Agreement shall be given as specified in Section 17.36.060, Public Notice. Notice of the hearing shall also be mailed or delivered at least 10 days before the hearing to any other local agency expected to provide essential facilities or services to the property that is the subject of the Development Agreement.

17.45.070 Planning Commission Action

A. **Hearing.** The Planning Commission shall conduct a public hearing for the purpose of making recommendations to the City Council in conformance with the provisions of Section 17.36.070, Conduct of Public Hearings.

B. **Recommendation to Council.** Following the public hearing, the Planning Commission shall make a written recommendation on the proposed Development Agreement. The Community Development Director shall transmit the Planning Commission's written recommendation and record of the application to the City Council.

C. **Denial.** If the Planning Commission has recommended against the Development Agreement, the Development Agreement is not forwarded to the City Council unless an appeal is filed in accordance with Section 17.36.130, Appeals or the City Council call for review.

17.45.080 City Council Action

A. **Hearing.** After receiving the report from the Planning Commission but no later than the time specified by Section 65943 of the Government Code, the City Council shall hold a public hearing in conformance with the provisions of Chapter 17.36, Common Procedures.

B. **Decision.** After the conclusion of the hearing, the City Council shall approve, revise, or disapprove the Development Agreement. Approval of a Development Agreement shall

be by ordinance. Matters not previously considered by the Planning Commission during its hearing may, but need not, be referred back to the Planning Commission for report and recommendation. The Planning Commission is not required to hold a public hearing. Failure of the Planning Commission to provide a report to the City Council within 45 days after the referral, shall be deemed a recommendation for approval.

17.45.090 Required Findings

The City Council shall find that the project is deemed essential or desirable to the public convenience or welfare and is consistent with the General Plan, Local Coastal Plan, and any applicable specific plan in order to approve or conditionally approve a Development Agreement.

17.45.100 Recordation of Development Agreement

Within 10 days of City Council approval of the Development Agreement, the Director shall execute the Development Agreement on behalf of the City, and the City Clerk shall record the Development Agreement with the County Recorder.

17.45.110 Annual Review

The applicant shall be required to demonstrate compliance with the provisions of the Development Agreement at least once a year at which time the Director shall review each approved Development Agreement.

A. **Finding of Compliance.** If the Director, on the basis of substantial evidence, finds compliance by the applicant with the provisions of the Development Agreement, the Director shall issue a finding of compliance, which shall be in recordable form and may be recorded with the County Recorder after conclusion of the review.

B. **Finding of Noncompliance.** If the Director finds the applicant has not complied with the provisions of the Development Agreement, the Director may issue a finding of noncompliance which may be recorded by the City with the County Recorder after it becomes final. The Director shall specify in writing to the applicant the respects in which applicant has failed to comply, and shall set forth terms of compliance and specify a reasonable time for the applicant to meet the terms of compliance. If applicant does not comply with any terms of compliance within the prescribed time limits, the Development Agreement shall be subject to termination or revision pursuant to this Chapter.

C. **Appeal of Determination.** Within seven days after issuance of a finding of compliance or a finding of noncompliance, any interested person may file a written appeal of the finding with the City Council. The appellant shall pay fees and charges for the filing and processing of the appeal in amounts established by resolution of the City Council. The appellant shall specify the reasons for the appeal. The issuance of a finding of

compliance or finding of noncompliance by the Director and the expiration of the appeal period without appeal, or the confirmation by the City Council of the issuance of the finding on such appeal, shall conclude the review for the applicable period and such determination shall be final.

17.45.120 Amendment or Cancellation

A. **After Finding of Noncompliance.** If a finding of noncompliance does not include terms of compliance, or if applicant does not comply with the terms of compliance within the prescribed time limits, the Director may refer the Development Agreement to the City Council for termination or revision. The City Council shall conduct a public hearing. After the public hearing, the City Council may terminate the Development Agreement, revise the finding of noncompliance, or rescind the finding of noncompliance, and issue a finding of compliance.

B. **Mutual Agreement.** Any development may be canceled or amended by mutual consent of the parties following compliance with the procedures specified in this section. A Development Agreement may also specify procedures for administrative approval of minor amendments by mutual consent of the applicant and Director.

C. **Recordation.** If the parties to the agreement or their successors in interest amend or cancel the Development Agreement, or if the City terminates or revises the Development Agreement for failure of the applicant to fully comply with the provisions of the Development Agreement, the City Clerk shall record notice of such action with the County Recorder.

D. **Rights of the Parties After Cancellation or Termination.** In the event that a Development Agreement is cancelled or terminated, all rights of the applicant, property owner or successors in interest under the Development Agreement shall terminated. If a Development Agreement is terminated following a finding of noncompliance, the City may, in its sole discretion, determine to return any and all benefits, including reservations or dedications of land, and payments of fees, received by the City.

17.45.130 Effect of Approved Agreement

A. **Existing Rules and Regulations.** Unless otherwise specified in the Development Agreement, the City's rules, regulations and official policies governing permitted uses of the property, density and design, and improvement standards and specifications applicable to development of the property shall be those City rules, regulations and official policies in force on the effective date of the Development Agreement.

B. **Future Rules and Regulations.** A Development Agreement shall not prevent the City, in subsequent actions applicable to the property, from applying new rules, regulations and policies that do not conflict with those rules, regulations and policies applicable to the

property as set forth in the Development Agreement. A Development Agreement shall not prevent the City from denying or conditionally approving any subsequent land use permit or authorization for the project on the basis of such existing or new rules, regulations, and policies.

C. **State and Federal Rules and Regulations.** In the event that state or federal laws or regulations, enacted after a Development Agreement has been entered into, prevent or preclude compliance with one or more provisions of the Development Agreement, such provisions of the agreement shall be revised or suspended as may be necessary to comply with such state or federal laws or regulations.

17.45.140 Enforcement

The procedures for enforcement, amendment, revision, cancellation or termination of a Development Agreement specified in this Chapter and in Government Code Section 65865.4 or any successor statute, are nonexclusive. A Development Agreement may be enforced, amended, revised, cancelled or terminated by any manner otherwise provided by law or by the provisions of the Development Agreement.

Chapter 17.46 Amendments to the General Plan, Zoning Code, and Zoning Map

Sections:

17.46.010 Purpose
17.46.020 Applicability
17.46.030 Initiation
17.46.040 Application Requirements
17.46.050 Maximum Number of General Plan Amendments
17.46.060 Review Procedures and Public Notice
17.46.070 Planning Commission Hearing and Recommendation
17.46.080 City Council Hearing and Action
17.46.090 General Plan Consistency Required for Zoning Amendments

17.46.010 Purpose

This Chapter establishes a process for consideration and review of General Plan and Zoning Amendments. More specifically, the purpose of this Chapter is to:

A. Establish procedures for making changes to the General Plan to address changes in applicable law and problems and opportunities that were unanticipated at the time of General Plan adoption or the last amendment.

B. Establish procedures for making changes to the text of this Title or to the Zoning Map whenever the public necessity, convenience, general welfare, or good zoning practice justify such amendment, consistent with the General Plan.

17.46.020 Applicability

The procedures in this Chapter shall apply to:

A. All proposals to change the text of the General Plan and the maps that illustrate the application of its provisions, and

B. All proposals to change the text of this Title, a zoning district classification, or a zoning district boundary line shown on the Zoning Map.

17.46.030 Initiation

An amendment to the General Plan, Zoning Code, or Zoning Map may be initiated by any qualified applicant identified in Section 17.36.020 Application Forms and Fees, or a motion of the City Council.

17.46.040 Application Requirements

Applications for a General Plan or Zoning Amendment shall be filed with the Director in accordance with the provisions set forth in Section 17.36.020, Application Forms and Fees. In addition to any other application requirements, the application for a General Plan or Zoning Amendment shall include such additional information and supporting data as considered necessary to process the application.

17.46.050 Maximum Number of General Plan Amendments

Except as otherwise provided by applicable law, no mandatory element of the General Plan can be amended more frequently than four times during any calendar year. Subject to that limitation, an amendment may be made at any time, as determined by the City Council. Each amendment may include more than one change to the General Plan.

17.46.060 Review Procedures and Public Notice

A. **Staff Report.** The Director shall prepare a report and recommendation to the Planning Commission on any application for an amendment. The report shall include, but is not limited to, a discussion of how the proposed amendment complies with the purposes of this Chapter, a determination as to whether the proposed amendment is consistent with other plans that the City Council has adopted, and an environmental document prepared in compliance with the California Environmental Quality Act.

B. **Public Hearing Required.** All amendments shall be referred to the Planning Commission, which shall hold at least one public hearing on any proposed amendment.

C. **Public Notice.** At least 10 days before the date of the public hearing, the Planning Division shall provide notice consistent with Section 17.36.060, Public Notice. Notice of the hearing also shall be mailed or delivered at least 10 days prior to the hearing to the San Luis Coastal Unified School District and any other local agency expected to provide essential facilities or services to the property that is the subject of the proposed amendment.

17.46.070 Planning Commission Hearing and Recommendation

A. **Planning Commission Hearing.** The Planning Commission shall conduct a public hearing in conformance with Section 17.36.070, Conduct of Public Hearings.

B. **Recommendation to Council.** Following the public hearing, the Planning Commission shall make a recommendation on the proposed amendment to the City Council. Such recommendation shall include the reasons for the recommendation, findings related to supporting the recommendation, and the relationship of the proposed amendment to applicable plans, and shall be transmitted to the City Council in the form of a Council staff report, prepared by Planning Staff, with a copy of the approved minutes from the Planning Commission meeting.

17.46.080 City Council Hearing and Action

A. **City Council Hearing.** After receiving the report from the Planning Commission, the City Council shall hold at least one duly-noticed public hearing. The notice shall include a summary of the Planning Commission recommendation. If the Planning Commission has recommended against the adoption of such amendment, the City Council is not required to take any further action unless an interested party files a written request for a hearing with the City Clerk within 10 days after the Planning Commission action.

B. **City Council Action.** After the conclusion of the hearing, the City Council may approve, revise, or deny the proposed amendment. If the Council proposes any substantial revision not previously considered by the Planning Commission during its hearings, the revision shall first be referred back to the Planning Commission for report and recommendation, but the Planning Commission shall not be required to hold a public hearing. The failure of the Planning Commission to report within 45 days after the referral, shall be deemed a recommendation to approve and the amendment shall be returned to Council for adoption.

17.46.090 General Plan Consistency Required for Zoning Amendments

The Planning Commission shall not recommend and the City Council shall not approve a Zoning Amendment unless the proposed amendment is found to be consistent with the General Plan.

Chapter 17.47 Zoning Upon Annexation

Sections:

17.47.010 Purpose
17.47.020 Applicability
17.47.030 Procedure
17.47.040 Effective Date of Zoning and Time Limit

17.47.010 Purpose

The purpose of this Chapter is to establish a procedure for zoning property upon annexation.

17.47.020 Applicability

Unincorporated territory adjoining the City may be pre-zoned for the purpose of determining the zoning that will apply to such property upon annexation.

17.47.030 Procedure

Zoning of property to be annexed shall be established through initiation and processing according to the procedures established under Chapter 17.46, Amendments to the General Plan, Zoning Code, and Zoning Map and, if applicable, an amendments to the Local Coastal Program.

17.47.040 Effective Date of Zoning and Time Limit

The zoning of the property to be annexed shall become effective at the time that annexation to the City becomes effective pursuant to Government Code Section 56000 et. seq. If the subject area has not been annexed to the City within five years of the date of zoning approval, the zoning approval is subject to reconsideration.

Chapter 17.48 Enforcement

Sections:

17.48.010 Purpose
17.48.020 Enforcement Responsibility
17.48.030 Nuisance Defined
17.48.040 Right of Entry
17.48.050 Notice of Violation and Opportunity to Cure
17.48.060 Penalties
17.48.070 Remedies
17.48.080 Revocation
17.48.090 Recording a Notice of Violation
17.48.100 Order to Appear in Court
17.48.110 Nuisance Abatement
17.48.120 Civil Remedies

17.48.010 Purpose

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

17.48.020 Enforcement Responsibility

All departments, officials and public employees of the City vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this Title and shall issue no permit or license for uses, buildings or purposes in conflict with the provisions of this Title; and any such permit or license issued in conflict with the provisions of this Title shall be null and void.

A. It shall be the duty of the Director to enforce each and all provision of this Title. The Chief of Police shall render such assistance in the enforcement of this Title as may from time to time be required.

17.48.030 Nuisance Defined

Public nuisances are as designated in Section 8.14.020, Definitions, of the Morro Bay Municipal Code. Any building, structure, or planting set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this Title, any use of any land, building, or premises established, conducted, operated, or maintained contrary to the

provisions of this Title, and failure to comply with any of the conditions of a permit granted under this Title is declared to be unlawful and a public nuisance.

17.48.040 Right of Entry

The Director or designee shall have the same right-of-entry as that set out in Section 8.14.060, Right of Entry, of the Morro Bay Municipal Code.

17.48.050 Notice of Violation and Opportunity to Cure

Following identification of a violation of this Title or of a public nuisance, the Director shall issue a Notice of Violation to the property owner and occupant of the subject property. The notice shall specify the exact violation or nuisance that has been identified, a date by which the nuisance must be corrected, provisions regarding re-inspection and any fees that may apply, and the name and contact information of the Director or designee. Prior to initiation of nuisance abatement, the property owner shall have the opportunity to cure the violation within the specified time period. The Director may authorize additional re-inspections if there is substantial progress in curing the violation, and all re-inspection fees are paid as required by the adopted City fee schedule.

17.48.060 Penalties

A. **Misdemeanor/Infraction.** Any person who violates any provisions of this Title shall be deemed guilty of a misdemeanor/infraction and upon conviction thereof, shall be punishable as provided in Title 1, General Provisions, the Morro Bay Municipal Code.

B. **Penalty Limits.** The imposition of one penalty shall not exclude the violation or permit such violations to continue.

C. **Time Requirements.** Any person who violates any provision of this Title shall be required to correct or remedy such violations within a reasonable period of time.

D. **Additional Offenses.** When not otherwise specified, the existence of a zoning violation for each and every day after service of reasonable written notice shall be deemed a separate and distinct offense.

17.48.070 Remedies

The remedies provided for herein shall be cumulative and not exclusive. Upon a finding of nuisance pursuant to this Chapter, and after giving the property owner an opportunity to cure the nuisance and determining that the nuisance still exists, the Planning Commission or City Council may impose any remedy available at law or in equity, which shall include, but is not limited to, any of the following or combination thereof:

A. Ordering the cessation of the use in whole or in part;

B. Imposing reasonable conditions upon any continued operation of the use, including those uses that constitute existing non-conforming uses;

C. Requiring continued compliance with any conditions so imposed;

D. Requiring the user to guarantee that such conditions shall in all respects be complied with; or

E. Imposing additional conditions or ordering the cessation of the use in whole or in part upon a failure of the user to comply with any conditions so imposed.

17.48.080 Revocation

Any permit granted under this Title may be revoked or revised for cause if any of the conditions or terms of the permit are violated or if any law or ordinance is violated.

A. **Initiation of Proceeding.** Revocation proceedings may be initiated by the City Council, Planning Commission, or Director.

B. **Public Notice, Hearing, and Action.** After conducting a duly-noticed public hearing, the Planning Commission shall act on the proposed revocation.

C. **Required Findings.** The Planning Commission may revoke or revise the permit if it makes any of the following findings:

   1. The approval was obtained by means of fraud or misrepresentation of a material fact;

   2. The use, building, or structure has been substantially expanded beyond what is set forth in the permit or substantially changed in character;

   3. The non-residential use in question has ceased to exist or has been suspended for 12 months or more. No lawful residential use can lapse regardless of length of time of vacancy;

   4. There is or has been a violation of or failure to observe the terms or conditions of the permit or Variance, or the use has been conducted in violation of the provisions of this Title, or any applicable law or regulation; or

   5. The use to which the permit or Variance applies has been conducted in a manner detrimental to the public safety, health and welfare, or so as to be a nuisance.

D. **Notice of Action.** Within seven days of a Planning Commission action to revoke or revise a permit, the Director shall issue a Notice of Action describing the Commission's action, with its findings. The Director shall mail notice to the permit holder and to any person who requested the revocation proceeding.

E. **Appeal.** A decision on a revocation of a permit may be appealed pursuant to Section 17.36.130, Appeals.

17.48.090 Recording a Notice of Violation

A. If compliance is not had with an order of the Director to correct violations of this Title within the time specified therein, the Director may file a certified statement with the County Recorder describing the property and certifying that:

   1. The property and/or structure is in violation of this Title; and

   2. The owner has been so notified. The notice shall specifically describe the violations and a proof of service shall also be recorded with the Notice and Order.

B. Whenever the corrections ordered have been completed, the Director shall file a new certified statement with the County Recorder certifying that all required corrections have been made so that the property and/or structure is no longer in violation of this Title.

17.48.100 Order to Appear in Court

The Director may cause a notice to appear in court to an owner or occupant for a violation pursuant to Section 8.14.080, Citations, of the Morro Bay Municipal Code.

17.48.110 Nuisance Abatement

The City may abate nuisances pursuant to the procedures of Section 8.14.090, Nuisance Abatement, of the Morro Bay Municipal Code.

17.48.120 Civil Remedies

The City Attorney may apply to such court or courts as may have jurisdiction to grant such relief as will abate or correct any violation of this Title, or restrain and enjoin any person from continuing a violation of this Title.

Chapter 17.49 Reserved

Chapter 17.50 Reserved

Chapter 17.51 Reserved

Chapter 17.52 Reserved

Division V: Terms and Definitions

Chapter 17.53 Use Classifications (IP)

Sections:

17.53.010 Residential Uses
17.53.020 Public/Semi Public Uses
17.53.030 Commercial Uses
17.53.040 Industrial Uses
17.53.050 Transportation, Communication, and Utility Uses
17.53.060 Urban Agriculture Uses

17.53.010 Residential Uses

Residential Housing Types

Single-Unit Dwelling, Detached. A dwelling unit that is designed for occupancy by one household with private yards on all sides. This classification includes individual manufactured housing units.

Single-Unit Dwelling, Attached. A dwelling unit that is designed for occupancy by one household located on a separate lot from any other unit (except an accessory dwelling unit, where permitted), and is attached through common walls to one or more dwellings on abutting lots. An attached single-unit dwelling is sometimes called a “townhouse”.

Two-Unit Dwelling. A residential building containing two dwelling units, both of which are located on a single parcel (also referred to as a “duplex”) The dwelling units are attached and may be located on separate floors or side-by-side.

Multi-Unit Residential. Three or more attached or detached dwelling units on a single lot. Types of multi-unit residential include condominiums, multiple detached residential units, and apartment buildings.

Accessory Dwelling Unit. An attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.

Junior Accessory Dwelling Unit. A unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

Caretaker Unit. A dwelling unit on the site of a commercial, industrial, public or semi-public use, occupied by employees and their immediate families employed for the purpose of on-site management, maintenance, or upkeep. Business guests/employees on temporary assignment are allowed to reside in the unit.

Employee Housing. Has the same meaning as "employee housing" as set forth in Health & Safety Code §17008 for farmworkers.

Family Day Care. A home which regularly provides care, protection and supervision of twelve or fewer children (or otherwise provided by the state, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away and include the following:

Small. A facility that provides care for eight or fewer children, including children who reside at the home and are under the age of 10.

Large. A facility that provides care for nine to 14 children, including children who reside at the home and are under the age of 10.

Group Residential. Shared living quarters without separate kitchen or bathroom facilities for each room or unit, offered for rent for permanent or semi-transient residents on a weekly or longer basis. This classification includes rooming and boarding houses, dormitories, and other types of organizational housing.

Mobilehome Park. A development designed and occupied by mobile homes including development with facilities and amenities used in common by occupants who rent, lease, or own spaces for mobile homes through a subdivision, cooperative, condominium or other form of resident ownership.

Residential Care Facilities. A facility licensed by the state of California to provide living accommodations, 24-hour care for persons requiring personal services, supervision, protection, or assistance with daily tasks. Amenities may include shared living quarters, with or without a private bathroom or kitchen facilities. This use classification includes those both for and not-for-profit institutions, but excludes Supportive Housing and Transitional Housing.

Small. A facility that is licensed by the state of California to provide care for six or fewer persons.

Large. A facility that is licensed by the state of California to provide care for more than six persons.

Residential Facility, Assisted Living. A facility that provides a combination of housing and supportive services for the elderly or functionally impaired, including personalized assistance, congregate dining, recreational, and social activities. These facilities may include medical services. Examples include assisted living facilities, retirement homes, and retirement communities. These facilities typically consist of individual units or apartments, with or without kitchen facility, and common areas and facilities. The residents in these facilities require varying levels of assistance.

Single Room Occupancy. A residential facility where living accommodations are individual secure rooms, with or without separate kitchen or bathroom facilities for each room, and rented to one or two-person households for a weekly or monthly period of time. This use classification includes extended stay hotels intended for long-term occupancy (more than 30 days) but excludes Hotels and Motels, and Residential Care Facilities.

Supportive Housing. Dwelling units with no limit on length of stay, that are occupied by the target population as defined in subdivision (d) of Section 53260 of the California Health and Safety Code, and that are linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, where possible, work in the community.

Transitional Housing. Buildings configured as rental housing developments, but operated under program requirements that mandate the termination of assistance and recirculation of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.

17.53.020 Public/Semi Public Uses

Campgrounds and Recreational Vehicle Parks. Any area of land where two or more recreational vehicles or camping spaces are rented, or held out for rent, for overnight stay in tents, tarpaulins, or other camping facilities or in recreational vehicles for 30 days or less.

Cemetery. Establishments primarily engaged in operating sites or structures reserved for the interment of human or animal remains, including mausoleums, burial places, and memorial gardens.

Colleges and Trade Schools. Institutions of higher education providing curricula of a general, religious, or professional nature, granting degrees and including junior colleges, business and computer schools, management training, technical and trade schools, however excluding personal instructional services such as music lessons.

Community Assembly. A facility for public or private meetings, including community centers, banquet rooms/centers, civic and private auditoriums, union halls, meeting halls, religious institutions, and other membership organizations. Included in this classification is the use of functionally related facilities for the use of members and attendees such as kitchens, multi-purpose rooms, classrooms and storage.

Cultural Institutions. An institution and/or associated facility engaged in activities to promote aesthetic and educational interest among the community that are open to the public on a regular basis. This classification includes performing arts centers for performances and events; spaces for display or preservation of objects of interest in the arts or sciences; libraries; museums; historical sites; aquariums; art galleries; and zoos and botanical gardens, all of which are public or private. This does not include schools or institutions of higher education providing curricula of a general nature.

Day Care Centers. Establishments providing non-medical care for persons on a less than 24-hour basis other than Family Day Care. No person or patients are permitted to remain overnight. This category includes nursery schools, preschools, and day care facilities for children or adults, and any other day care facility licensed by the State of California.

Emergency Shelter. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. Medical assistance, counseling, and meals may be provided. No individual or household may be denied emergency shelter because of an inability to pay.

Government Offices. Administrative, clerical, or public contact offices of a government agency, including postal facilities and courts, along with the storage and maintenance of vehicles. This classification excludes corporation yards, equipment service centers, and similar facilities that require maintenance and repair services and storage facilities for related vehicles and equipment (see Public Works and Utilities).

Harbor, Port, and Marina Facilities. Facilities that provide a range of services related to the use of boats and other watercraft and commercial and recreational fishing. Services may include, but are not limited to, boating moorings; boat haul out; sales, storage, construction, repair, and maintenance of boats, boat parts, and other marine-related items; marine fueling stations and washing facilities; seafood processing, boat and watercraft charter operations; offices; bait and tackle shops; and hardware sales.

Hospital and Clinics. State-licensed facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons. This classification includes facilities for inpatient or outpatient treatment, including substance-abuse programs, as well as training, research, and administrative services for patients and employees. This classification excludes veterinaries and animal hospitals (see Animal Care, Sales, and Services).

Hospitals. A facility providing medical, psychiatric, or surgical services for sick or injured persons, primarily on an inpatient basis, and including supplementary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors. The institutions are to be licensed by the state of California to provide surgical and medical services.

Clinic. A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis including emergency treatment, diagnostic services, administration, and related services to patients who are not lodged overnight. Services may be available without a prior appointment. This classification includes licensed facilities offering substance abuse treatment, blood banks and plasma centers, and emergency medical services offered exclusively on an out-patient basis. This classification does not include private medical and dental offices that typically require appointments and are usually smaller scale.

Skilled Nursing Facility. A State-licensed facility or a distinct part of a hospital that provides continuous skilled nursing care and supportive care to patients whose primary need requires the availability of skilled nursing care on an extended basis. The facility provides 24-hour inpatient care and, as a minimum, includes physician, nursing, dietary, pharmaceutical services and an activity program. Intermediate care programs that provide skilled nursing and supportive care for patients on a less-than-continuous basis are classified as skilled nursing facilities.

Instructional Services. Establishments that offer specialized programs in personal growth and development such as music, martial arts, vocal, fitness and dancing instruction. This use classification also includes tutoring facilities offering academic instruction to individuals or groups.

Park and Recreation Facilities. Parks, playgrounds, recreation facilities, trails, wildlife preserves, and related open spaces, all of which are noncommercial. This classification includes playing fields, courts, gymnasiums, swimming pools, picnic facilities, tennis courts, golf courses, and botanical gardens, as well as related food concessions or community centers within the facilities.

Parking Lots and Structures. Surface lots and structures offering parking when such use is not incidental to another on-site activity.

Public Safety Facilities. Facilities providing public-safety and emergency services, including police and fire protection and emergency medical services, with incidental storage, training and maintenance facilities.

Religious Institutions. Religious institutions include any church, synagogue, mosque, temple, or building which is used primarily for religious worship, religious education and related religious activities.

Schools. Facilities for primary or secondary education, including public schools, charter schools, and private and parochial schools having curricula comparable to that required in the public schools of the State of California.

Social Service Facilities. Facilities providing a variety of supportive services for disabled and homeless individuals and other targeted groups on a less than 24-hour basis. Examples of services provided are counseling, meal programs, personal storage lockers, showers, instructional programs, television rooms, and meeting spaces. This classification is distinguished from licensed day care centers (see Day Care Facility), clinics, and emergency shelters providing 24-hour care (see Emergency Shelter).

17.53.030 Commercial Uses

Adult Entertainment Businesses. As defined in Section 17.30.050.C, Definitions.

Animal Care, Sales, and Services. Retail sales and services related to the boarding, grooming, and care of household pets including:

> ***Animal Daycare.*** Facilities providing non-medical care on a less than 24-hour basis for four or more dogs, cats, or other household pets not owned by the business owner or operator.
>
> ***Animal Shelter and Boarding.*** Commercial, non-profit, or governmental facility for keeping, boarding, training, breeding or maintaining, generally overnight or in excess of 24 hours, four or more dogs, cats, or other household pets not owned by the business owner or operator. Typical accessory uses include veterinary and grooming services for boarded animals, but exclude pet stores, grooming, and veterinary services for non-boarded animals.
>
> ***Grooming and Pet Stores***. Retail sales of animals and/or services, including grooming, for animals on a commercial basis. Typical uses include dog bathing and clipping salons, pet grooming shops, and pet stores and shops. This use classification excludes dog walking and similar pet care services not carried out at a fixed location, and excludes pet supply stores that do not sell animals or provide on-site animal services.
>
> ***Veterinary Services***. Veterinary services for small animals. This use classification allows 24-hour accommodation of animals receiving medical services but does not include kennels.

Agriculture. The raising of tree, vine, field, forage, and other plant crops, intended to provide food or fibers, as well as keeping, grazing, or feeding of animals for animal products, animal increase, or value increase and the harvesting, sorting, cleaning, packing and shipping of agricultural products produced on the premises preparatory to sale or shipment in their natural form including all activities or uses customarily incidental thereto, but not including retail sales, the commercial packing or processing of products not grown on the premises or any other use which is similarly objectionable because of odor, smoke, dust, fumes, vibration or danger to life or property. This classification does not include the following uses: hog raising, slaughter house, fertilizer works, commercial dairying, pasturage agriculture, commercial animal and poultry husbandry, or operations for the reduction of animal matter.

Artist Studio. Work space for an artist or artisan including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft. This use may include incidental retail sales of items produced on the premises and does not include uses that are generally industrial in nature (See Custom Manufacturing).

Automobile/Vehicle Sales and Services. Retail or wholesale businesses that sell, rent, and/or repair automobiles, boats, personal watercraft, recreational vehicles, trucks, vans, trailers, scooters, and motorcycles including the following:

> ***Automobile/Vehicle Rentals***. Establishment providing for the rental of automobiles or vehicles.
>
> ***Automobile/Vehicle Sales and Leasing***. Sale or lease, retail or wholesale, of automobiles, light trucks, boats, personal watercraft, motorcycles, scooters, and recreational vehicles, together with associated repair services and parts sales, but excluding body repair and painting. Typical uses include automobile dealers and recreational vehicle sales agencies.
>
> ***Automobile/Vehicle Repair, Major***. Repair of automobiles, trucks, boats, personal watercraft, motorcycles, scooters, and recreational vehicles, generally on an overnight basis that may include disassembly, removal or replacement of major components such as engines, drive trains, transmissions or axles; automotive body and fender work, vehicle painting or other operations that generate excessive noise, objectionable odors or hazardous materials, and towing services. This classification excludes vehicle dismantling or salvaging and tire retreading or recapping.
>
> ***Automobile/Vehicle Service and Repair, Minor***. The service and repair of automobiles, light trucks, boats, personal watercraft, motorcycles, scooters, and recreational vehicles, including the incidental sale, installation, and servicing of related equipment and parts. This classification includes the replacement of small automotive parts and liquids as an accessory use to a gasoline sales station or automotive accessories and supply store, and smog checks, tire sales and installation, auto radio/electronics installation, auto air

conditioning/heater service, and quick-service oil, tune-up and brake and muffler shops where repairs are made or service provided in enclosed bays and no vehicles are stored overnight.

Large Vehicle and Equipment Sales, Service and Rental. Sales, servicing, rental, fueling, and washing of large trucks, trailers, tractors, and other equipment used for construction, moving, agricultural, or landscape gardening activities. Includes large vehicle operation training facilities.

Service Stations. Establishments primarily engaged in retailing automotive fuels or retailing these fuels in combination with activities, such as providing minor automobile/vehicle repair services; selling automotive oils, replacement parts, and accessories; and/or providing incidental food and retail services. This classification includes "mini-marts" and/or conveniences stores that sell products, merchandise, or services that are ancillary to the primary use related to the operation of motor vehicles where such sale is by means other than vending machines.

Towing and Impound. Establishments primarily engaged in towing light or heavy motor vehicles, both local and long distance. These establishments may provide incidental services, such as vehicle storage and emergency road repair services (for automobile dismantling, see Salvage and Wrecking).

Washing. Washing, waxing, or cleaning of automobiles or similar light vehicles.

Banks and Financial Institutions. Financial institutions providing retail banking services. This classification includes only those institutions serving walk-in customers or clients, including banks, savings and loan institutions, check-cashing services, and credit unions.

Business Services. Establishments providing goods and services to other businesses on a fee or contract basis, including printing and copying, blueprint services, advertising and mailing, equipment rental and leasing, office security, custodial services, photofinishing, model building, taxi or delivery services with two or fewer fleet vehicles on-site.

Commercial Entertainment and Recreation. Provision of participant or spectator entertainment to the general public. These classifications may include restaurants, snack bars, and other incidental food and beverage services to patrons.

Cinema/Theaters. Any facility for the indoor display of films, motion pictures, or dramatic, musical, or live performances.

Indoor Sports and Recreation. Establishments providing predominantly participant sports, indoor amusement and entertainment services conducted within an enclosed building, including electronic amusement centers and video and game arcades. Typical

uses include bowling alleys, billiard parlors, card rooms, health clubs, ice and roller skating rinks, indoor racquetball courts, athletic clubs, and physical fitness centers.

Outdoor Entertainment. Predominantly spectator uses, conducted in open or partially enclosed or screened facilities. Typical uses include amusement and theme parks, sports stadiums and arenas, racetracks, amphitheaters, and drive-in theaters.

Outdoor Recreation. Predominantly participant sports conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, golf courses, miniature golf courses, tennis clubs, outdoor batting cages, swimming pools, archery ranges, and riding stables.

Drive-Through Facility. A motor vehicle drive-through facility which is a commercial building or structure or portion thereof which is designed or used to provide goods or services to the occupants of motor vehicles. It includes, but is not limited to, banks and other financial institutions, fast food establishments, and deposit/pick-up establishments, but does not include drive-in movies, service stations, or car-wash operations.

Eating and Drinking Establishments. Businesses primarily engaged in serving prepared food and/or beverages for consumption on or off the premises.

Bars/Night Clubs/Lounges. Businesses serving beverages for consumption on the premises as a primary use and including on-sale service of alcohol including beer, wine, and mixed drinks. This use classification includes micro-breweries where alcoholic beverages are sold and consumed on site and any food service is subordinate to the sale of alcoholic beverages.

Food and Beverage Tasting. Businesses serving samples of food or beverages; typically an ancillary use associated with a production facility such as wine or beer making, or retail sales.

Restaurant. Establishments where food and beverages may be consumed on the premises, taken out, or delivered. This use classification includes restaurants, cafes, cafeterias, coffee shops, delicatessens, fast-food restaurants, sandwich shops, limited-service pizza parlors, self-service restaurants, and snack bars with indoor or outdoor seating for customers. This use classification excludes catering services that do not sell food or beverages for on-site consumption.

Farmer's Markets. Temporary but recurring outdoor retail sales of food, plants, flowers, and products such as jellies, breads, and meats that are predominantly grown or produced by vendors who sell them.

Food Preparation. Businesses preparing and/or packaging food for off-site consumption, excluding those of an industrial character in terms of processes employed, waste produced, water used, and traffic generation. Typical uses include catering kitchens, retail bakeries, and small-scale specialty food production.

Funeral Parlors and Interment Services. An establishment primarily engaged in the provision of services involving the care, preparation, or disposition of human remains and conducting memorial services. Typical uses include a crematory, columbarium, mausoleum, or mortuary.

Hookah Lounge. Any business which primarily serves tobacco or non-tobacco products (e.g., fruit, vegetables) whereby patrons, who are 18 years of age or older, share the tobacco or non-tobacco products from a hookah, water pipe, or similar device.

Lodging. An establishment providing overnight accommodations to transient patrons for payment periods of 30 consecutive calendar days or less.

> ***Hotels and Motels***. An establishment providing overnight lodging to transient patrons. These establishments may provide additional services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests or to the general public. This use classification includes motor lodges, motels, extended-stay hotels, and tourist courts.

Short-term Vacation Rental. A single family dwelling, multi-family unit, bedroom of a primary residence, accessory dwelling unit, or junior accessory dwelling unit, which is rented to a guest for compensation for the purpose of lodging for a period of thirty (30) or fewer consecutive days. "Short-term vacation rental" encompasses home-sharing and full-home rentals. "For compensation" includes, but is not limited to, rental of the property for any form of monetary or non-monetary consideration, including but not limited to money, goods, or services, as well as in-kind exchanges of goods, services, or premises. **Maintenance and Repair Services**. Establishments engaged in the maintenance or repair of office machines, household appliances, furniture, and similar items. This use classification excludes maintenance and repair of motor vehicles (see Automotive/Vehicle Sales and Services) and personal apparel (see General Personal Services).

Nonpermanent Vendor. A moveable structure, stand, cart, truck, or trailer that is used to sell or prepare and serve food or other consumer products.

Nurseries and Garden Centers. Establishments primarily engaged in retailing nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod that are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves. Fertilizer and soil products are stored and sold in package form only. This use classification includes wholesale and retail nurseries offering plants for sale.

Offices. Offices of firms, organizations, or public agencies providing professional, executive, management, administrative or design services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, investment, insurance, and legal offices, excluding banks and savings and loan associations with retail banking services (see Banks and Financial Institutions). This classification also includes offices where medical and dental services are provided by physicians, dentists, chiropractors, acupuncturists, optometrists, and similar medical professionals, including medical/dental laboratories within medical office buildings, but excludes clinics or independent research laboratory facilities (see Research and Development) and hospitals.

Business and Professional. Offices of firms, organizations, or agencies providing professional, executive, management, or administrative services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, legal, and tax preparation offices.

Medical and Dental. Offices providing consultation, diagnosis, therapeutic, preventive, or corrective personal-treatment services by doctors and dentists; medical and dental laboratories that see patients; and similar practitioners of medical and healing arts for humans licensed for such practice by the State of California. Incidental medical and/or dental research within the office is considered part of the office use if it supports the on-site patient services.

Personal Services.

Fortune, Palm, and Card Reader. An establishment providing any type of fortune telling, palm or card reading, psychic services, future telling, spirit communication, and/or any other related type of trade, donation, or compensation, retail or otherwise.

General Personal Services. An establishment providing non-medical services to individuals as a primary use, of personal convenience, as opposed to products that are sold to individual consumers, or from/by companies. Personal services include barber and beauty shops, massage establishments, shoe and luggage repair, fortune tellers, photographers, laundry and cleaning services and pick-up stations, copying, repair and fitting of clothes, and similar services.

Tattoo or Body Modification Parlor. An establishment whose principal business activity is one or more of the following: 1) using ink or other substances that result in the permanent coloration of the skin through the use of needles or other instruments designed to contact or puncture the skin; or 2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

Retail Sales.

Building Materials Sales and Services. Retail sales or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales or rental establishments, and includes establishments devoted principally to taxable retail sales to individuals for their own use. This definition does not include Construction and Material Yards, hardware stores less than 10,000 square feet in floor area, or plant nurseries.

Food and Beverage Sales. Retail sales of food and beverages for off-site preparation and consumption. Typical uses include food markets, groceries, liquor stores, and retail bakeries.

General Retail. The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes department stores, clothing stores, furniture stores, pet supply stores, small hardware stores (with 10,000 square feet or less of floor area), and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies, electronic equipment, sporting goods, kitchen utensils, hardware, appliances, antiques, art galleries, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, video rental, and new automotive parts and accessories (excluding vehicle service and installation). Retail sales may be combined with other services such as office machine, computer, electronics, and similar small-item repairs.

17.53.040 Industrial Uses

Construction and Material Yards. Storage of construction materials or equipment on a site other than a construction site.

Custom Manufacturing. Any establishment primarily engaged in on-site production of goods by small scale manufacturing or artistic endeavor, which involves the use of hand tools or small mechanical equipment and the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, candle-making shops, woodworking, and custom jewelry manufacturers.

Food and Beverage Manufacturing. Establishments engaged in the production, processing, packaging or manufacturing of food or beverage products for off-site consumption.

Limited/Small Scale. A small-scale food and beverage products manufacturing and distribution establishment located in facilities less than 5,000 square feet per lot. The use may include wholesale or retail sales. It is characterized by local or regional products, specialty or artisanal foods, in facilities less than 5,000 square feet. Examples

include small coffee roasters, micro-breweries, micro-distilleries, wine manufacturing, and wholesale bakeries.

General/Large Scale. A large-scale food and beverage manufacturing located in a facility over 5,000 square feet per lot.

Industrial. Establishments engaged in any of the following types of activities taking place within enclosed buildings: manufacturing finished parts or products primarily from previously prepared materials; providing industrial services; or conducting industrial or scientific research, including product testing.

Oil and Gas Explorations and Development Offshore. Any commercial or industrial facility, including but not limited to business or personnel office, oil or gas storage facilities, pipe, drilling materials, or equipment repair or storage facilities, or any other aid or support, which operates directly or indirectly in support of any offshore oil or gas exploration, development, drilling, pumping or production.

Recycling Facility. A facility for receiving, temporarily storing, transferring and/or processing materials for recycling, reuse, or final disposal. This use classification does not include waste transfer facilities that operate as materials recovery, recycling, and solid waste transfer operations and are classified as utilities.

Reverse Vending Machine. An automated mechanical device that accepts, sorts and processes recyclable materials and issues a cash refund or a redeemable credit slip.

Recycling Collection Facility. An incidental use that serves as a neighborhood drop off point for the temporary storage of recyclable or reusable materials but where the processing and sorting of such items is not conducted on-site.

Recycling Processing Facility. A facility that receives, sorts, stores and/or processes recyclable materials.

Research and Development. A facility for the scientific research and the design, development, and testing of electrical, electronic, magnetic, optical, pharmaceutical, chemical, and biotechnology components and products in advance of product manufacturing. This use classification includes assembly of related products from parts produced off site, where the manufacturing activity is secondary to the research and development activities.

Salvage and Wrecking. Storage and dismantling of vehicles and equipment for sale of parts, as well as their collection, storage, exchange or sale of goods including, but not limited to, any used building materials, used containers or steel drums, used tires, and similar or related articles or property.

Warehousing and Storage. Storage and distribution facilities without sales to the public on-site or direct public access except for public storage in small individual space exclusively and directly accessible to a specific tenant.

> ***Indoor Warehousing and Storage***. Storage within an enclosed building of commercial goods prior to their distribution to wholesale and retail outlets and the storage of industrial equipment, products and materials including but not limited to automobiles, feed, and lumber. Also includes cold storage, freight moving and storage, and warehouses. This classification excludes the storage of hazardous chemical, mineral, and explosive materials.
>
> ***Outdoor Storage***. Storage of commercial goods in open lots.
>
> ***Self Storage***. Facilities offering enclosed storage with individual access for personal effects and household goods including mini-warehouses and mini-storage. This use excludes workshops, hobby shops, manufacturing, or commercial activity.

Wholesaling and Distribution. Indoor storage and sale of goods to other firms for resale; storage of goods for transfer to retail outlets of the same firm; or storage and sale of materials and supplies used in production or operation, including janitorial and restaurant supplies. Wholesalers are primarily engaged in business-to-business sales, but may sell to individual consumers through mail or internet orders. They normally operate from a warehouse or office having little or no display of merchandise, and are not designed to solicit walk-in traffic. This classification does not include wholesale sale of building materials (see Building Materials Sales and Services).

17.53.050 Transportation, Communication, and Utility Uses

Airports and Heliports. Facilities for the takeoff and landing of airplanes and helicopters, including runways, helipads, aircraft storage buildings, public terminal building and parking, air freight terminal, baggage handling facility, aircraft hangar and public transportation and related facilities, including bus operations, servicing and storage. Also includes support activities such as fueling and maintenance, storage, airport operations and air traffic control, incidental retail sales, coffee shops and snack shops and airport administrative facilities, including airport offices, terminals, operations buildings, communications equipment, buildings and structures, control towers, lights, and other equipment and structures required by the United States Government and/or the State for the safety of aircraft operations.

Docks, Piers and other Coastal-Related Infrastructure. Facilities necessary or convenient for the promotion and accommodation of commerce and navigation, such as wharfs, docks, piers, slips, quays, launches, moorings, fuel docks, hoists and observation decks.

Freight/Trucking Terminals. Facilities for freight, courier, and postal services. This classification does not include local messenger and local delivery services (see Light Fleet-Based Services).

Light Fleet-Based Services. Passenger transportation services, local delivery services, medical transport, and other businesses that rely on fleets of three or more vehicles with rated capacities less than 10,000 lbs. This classification includes parking, dispatching, and offices for taxicab and limousine operations, ambulance services, non-emergency medical transport, local messenger and document delivery services, home cleaning services, and similar businesses.

Public Works and Utilities. Generating plants, electric substations, solid waste collection, including transfer stations and materials recovery facilities, solid waste treatment and disposal, water or wastewater treatment plants, corporation yards, equipment service centers, and similar facilities that primarily provide maintenance and repair services, storage facilities for vehicles and equipment, their associated offices, and similar facilities of public agencies or public utilities.

Telecommunication Facilities. Broadcasting and other communication services accomplished through electronic or telephonic mechanisms, as well as structures and equipment cabinets designed to support one or more reception/transmission systems. Typical uses include wireless telecommunication towers and facilities, radio towers, television towers, telephone exchange/microwave relay towers, cellular telephone transmission/personal communications systems towers, and associated equipment cabinets and enclosures.

Transportation Passenger Terminals. Facilities for passenger transportation operations, including rail stations, bus terminals, and scenic and sightseeing facilities, but does not include terminals serving airports or heliports.

17.53.060 Urban Agriculture Uses

Community Garden. Use of land for and limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity, by several individuals or households.

Market Garden. The primary use of a site for cultivation of fruits, vegetables, flowers, fiber, nuts, seeds, or culinary herbs for sale or donation of its produce to the public.

Private Garden. A private food-producing garden that is accessory to the primary use of the site.

Chapter 17.54 List of Terms and Definitions

Sections:

17.54.010 List of Terms
17.54.020 Definitions

17.54.010 List of Terms

Only terms denoted with 'IP' are included in the Local Coastal Program Implementation Plan.

Abutting or Adjoining
Access
Accessory Building
Accessory Structure
Accessory Use
Acre, Gross
Acre, Net
Adjacent
Affordable Housing Unit
Agent
Aggrieved Person (IP)
Alley
Alteration
Applicant
Area, Gross (IP)
Architectural Feature
Attached Building or Structure
Awning
Balcony
Basement (IP)
Bedroom
Block
Buffer (IP)
Building
- *Building, Accessory*
- *Building, Main*

Building Code
Building Face
Building Footprint
Building Frontage
Building Height
Building Official
Building Site (IP)
Bulk
California Environmental Quality Act (CEQA)
Camper
Cantilever
Canopy
Carport
Carsharing Organization
Carsharing Program
Carsharing Service
Carshare Vehicle
City
City Council
City Manager
Change of Use
Commercial Vehicle
Compatible
Condition of Approval
Conditional Use (IP)
Conditionally Permitted
Construction
Cottage Food Employee
Cottage Food Operation
- *"Class A" Cottage Food Operation*
- *"Class B" Cottage Food Operation*

Cottage Food Operator
Cottage Food Products
County

Deck
Demolition
Density
Detached Building or Structure
Development
Development Agreement
Director
District
Driveway
Dwelling Unit
Easement
Effective Date
Electrical Code
Emergency (IP)
Energy Facility
Environmental Impact Report (EIR)
Environmental Review
Equipment
Erect
Façade
Family
Feasible
Fence
Fill
Finance Director
Firearms
Floor Area
Floor Area Ratio (FAR)
Foot-candle
Footprint
Freeway
Frontage, Street
Garage
General Plan
Glare
Government Code
Grade (IP)
- *Existing or Natural Grade*
- *Finished Grade*

Grading (IP)
Ground Floor (IP)
Hazardous Materials
Heat
Hedge
Height (IP)
Home Occupation
Household
Household Pets
Housing Costs
Illegal Use
Improvement
Incidental Use
Income Levels
- *Extremely Low Income Household*
- *Very Low Income Household*
- *Low Income Household*
- *Moderate Income Household*
- *Workforce Housing*

Intensity of Use
Intersection, Street
Kitchen
Land Use
Landscaping-Related Definitions
- *Hydrozone*
- *Landscaping*
- *Mulch*
- *Pruning*
- *Runoff*
- *Shrub*
- *Tree*
- *Trim*

Light Fixture
Lot
- *Abutting Lot*
- *Corner Lot*
- *Flag Lot*
- *Interior Lot*
- *Key Lot*
- *Reversed Corner Lot*
- *Through Lot*

Lot Area (IP)
Lot Coverage (IP)

Lot Depth (IP)
Lot Frontage
Lot Line
Lot Line Types
- *Corner Side Lot Line*
- *Front Lot Line*
- *Interior Lot Line*
- *Interior Side Lot Line*
- *Rear Lot Line*
- *Side Lot Line*

Lot Width (IP)
Maintenance and Repair
Mansard
Municipal Code
Mobilehome
Natural Disaster
Noise
Nonconforming Building (IP)
Nonconforming Lot (IP)
Nonconforming Structure (IP)
Nonconforming Use (IP)
On-Site
Opacity
Outdoor Storage
Owner
Parapet
Parking Area (IP)
Passenger Vehicle
Permit
Permitted Use
Person
Planning Commission
Planning Division
Pre-existing
Primary Use
Project
Property Line
Public Resources Code
Public Works Directory
Public Works Project
Qualified Applicant
Reasonable Accommodation (IP)
Recreational Vehicle
Review Authority
Right-of-Way
Screening
Senior Citizen
Setback
Sidewalk
Site
Site Area
Soil
Solar Reflectance Index
Specific Plan
State
Story
Street
Street Line
Structural Alterations
Structure
- *Structure, Accessory*
- *Structure, Main*
- *Structure, Temporary*

Swimming Pool
Tandem Parking
Telecommunication Terms
- *Antenna*
- *Co-Location*
- *Mast*
- *Satellite Dish*
- *Support Equipment*
- *Telecommunication Facility*
- *Tower, Lattice*

Tenant
Trailer
Use
- *Use, Accessory*
- *Use, Incidental*
- *Use, Permitted*
- *Use, Primary*

Use Classification
Use Permit

Use Type
Utilities
Variance (IP)
Vehicle
Vibration
Visible
Wall
Yard (IP)
Front Yard
Corner Side Yard
Interior Yard
Interior Side Yard
Rear Yard
Required Yard
Zoning District

17.54.020 Definitions

Only definitions denoted with 'IP' are included in the Local Coastal Program Implementation Plan.

A. **"A"**

Abutting or Adjoining. Having a common boundary.

Access. The place or way through which pedestrians and/or vehicles must have safe, adequate, and usable ingress and egress to a property.

Accessory Building. See Building, Accessory.

Accessory Structure. See Structure, Accessory.

Accessory Use. See Use, Accessory.

Acre, Gross. A measure of total land area of a lot or site, including areas to be dedicated for public rights-of-way, streets, schools, or other dedications.

Acre, Net. A measure of land area of a lot or site remaining after dedication of all areas for public rights-of-way, streets, schools, or other dedications.

Adjacent. Directly abutting, having a boundary or property line(s) in common or bordering directly, or contiguous to.

Affordable Housing Unit. No more than 30 percent of the monthly household income for rent and utilities for individuals and families of moderate, low, very low, or extremely low incomes, as defined by State law.

Agent. A person who has been given written authorization by the property owner to represent and act for a property owner in contacts with the City.

Aggrieved Person. (IP) Any person who, in person or through a representative, appeared at a City public hearing in conjunction with a decision or action appealed or who, by other appropriate means prior to a hearing, informed the local government of the nature of his or her concerns or who, for good cause, was unable to do either.

Alley. A public way permanently reserved primarily for secondary vehicular service access to the rear or side of properties otherwise abutting on a street.

Alteration. Any change, addition or modification that changes the exterior architectural appearance or materials of a structure or object. Alteration includes changes in exterior surfaces, changes in materials, additions, remodels, demolitions, and relocation of buildings or structures, but excludes ordinary maintenance and repairs.

Applicant. The person, partnership, corporation, or state or local government agency applying for a permit, certificate, zoning approval, or other entitlement.

Area, Gross. (IP) The horizontal area within the boundaries of a lot or site including any area for future streets, parks, and other dedications.

Architectural Feature. An exterior building feature, including a roof, walls, windows, doors, porches, posts, pillars, recesses or projections, and exterior articulation or walls, and other building surfaces.

Attached Building or Structure. A building or structure having a common wall with another building or structure.

Awning. An architectural projection that provides weather protection, identity, or decoration, and is wholly supported by the building to which it is attached. An awning is typically constructed of non-rigid materials on a supporting framework which projects from and is supported by the exterior wall of a building.

B. **"B"**

Balcony. A platform that projects from the wall of a building 30 inches or more above grade that is accessible from the building's interior, is not accessible from the ground, and is not enclosed by walls on more than three sides.

Basement. (IP) A non-habitable space beneath the first or ground floor of a building the ceiling of which does not extend more than four feet above finished grade.

Bedroom. Any habitable space in a dwelling unit other than a kitchen or living room that is intended for or capable of being used for sleeping, is at least 70 square feet in area, meets all requirements of the California Residential Code, and has a window or opening that can be used for emergency egress.

Block. Property bounded on all sides by a public right-of-way.

Buffer. (IP) An open area or barrier used to separate potentially incompatible activities and/or development features; for example, a required setback to separate an area of development from environmentally sensitive habitat, to reduce or eliminate the effects of the development on the habitat.

Building. Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods, or materials.

> ***Building, Accessory.*** A detached subordinate building used only as incidental to the main building on the same site or lot.
>
> ***Building, Main.*** A building in which the primary use of the parcel on which it is located is conducted.

Building Code. Any ordinance or regulations of the City governing the type and method of construction of buildings and structures, including sign structures and any amendments thereto and any substitute therefor including, but not limited to, the California Building Code, other State-adopted uniform codes and the Minimum Building Security Standards Ordinance.

Building Face. The general outer surface of the structure or walls of a building. Where bay windows or pillars project beyond the walls, the outer surface of the windows or pillars is considered to be the face of the building.

Building Footprint. See "Footprint."

Building Frontage. The lineal dimension, parallel to the ground, of a building abutting on a public street, or a parking lot accessory to that business, even though another business may also have entitlement to that parking lot.

Building Height. See "Height."

Building Official. The building inspector or other officer or person charged with the administration and enforcement of city regulations pertaining to buildings and structures, or a duly authorized representative.

Building Site. (IP) A lot or parcel of land occupied or to be occupied by a main building and accessory buildings together with such open spaces as are required by the terms of this Code and having its principal frontage on a street, road, highway, or waterway.

Bulk. The overall size and mutual relationship of buildings and other structures, as to size, height, coverage, shape, location of exterior walls in relation to lot lines, to the center of streets,

to other walls of the same building, and to other buildings or structures; and to all open spaces relating to the building or structure.

C. **"C"**

California Environmental Quality Act (CEQA). Public Resources Code §§21000, et seq. or any successor statute and regulations promulgated thereto (14 California Code of Regulations §§15000, et seq.) that require public agencies to document and consider the environmental effects of a proposed action before a decision.

Camper. As defined in the California Vehicle Code.

Cantilever. A structure or extension attached to the main portion of a structure without separate vertical supports.

Canopy. A roofed shelter projecting over a sidewalk, driveway, entry, window, or similar area that may be wholly supported by a building or may be wholly or partially supported by columns, poles, or braces extending from the ground.

Carport. An accessible and usable covered space enclosed on not more than two sides, designed, constructed, and maintained for the parking or storage of one or more motor vehicles.

Carsharing Organization. Organization that administers a carsharing service.

Carsharing Program. A carsharing service operated by a carsharing organization.

Carsharing Service. A membership based short-term car rental service available to all qualified drivers who choose to become members where members are offered access to a dispersed network of shared vehicles 24 hours a day, seven days a week at unattended self-service locations.

Carshare Vehicle. A vehicle that is owned, maintained, and administered by a carsharing organization and made available to members of a carsharing service 24 hours a day, seven days a week at unattended self service locations.

City. The City of Morro Bay.

City Council. The City Council of the City of Morro Bay.

City Manager. As the term is defined in Chapter 2.12 of the Morro Bay Municipal Code, shall include his/her designee.

Change of Use. The replacement of an existing use on a site, or any portion of a site, by a new use, or a change in the type of an existing use; does not include a change of ownership, tenancy, or management associated with a use for which the previous type of use will remain substantially unchanged.

Commercial Vehicle. Defined in the California Vehicle Code. Pickup trucks and vans not exceeding one-ton rated capacity and which are used primarily for private noncommercial purposes are not considered commercial vehicles.

Compatible. That which is harmonious with and will not adversely affect surrounding buildings and/or uses.

Condition of Approval. A performance standard, required change in a project, environmental mitigation measure, or other requirement imposed by the decision-making body to alter or modify a project in any manner from the description in the application originally submitted for City approval.

Conditional Use. (IP) A use that is generally compatible with other uses permitted in a zoning district, but that requires individual review of its location, design, configuration, and intensity and density of use and structures, and may require the imposition of conditions pertinent thereto to ensure the appropriateness of the use at that particular location.

Conditionally Permitted. Permitted subject to approval of a Use Permit.

Construction. Construction, erection, enlargement, alteration, conversion, or movement of any building, structures, or land, together with any scientific surveys associated therewith.

Cottage Food Employee. An individual, paid or volunteer, involved in the preparation, packaging, handling, and storage of a cottage food product, or otherwise works for the cottage food operation. An employee does not include an immediate family member or household member of the cottage food operator.

Cottage Food Operation. An enterprise that takes place within the registered or permitted area of a private home where the cottage food operator lives, and where cottage food products are prepared or packaged for direct and/or indirect sale to consumers. A cottage food operation may be either of the following:

> ***"Class A" Cottage Food Operation.*** A cottage food operation which engages only in direct sales of cottage food products from the cottage food operation or other direct sales venues, such as holiday bazaars, bake sales, farm stands, County-certified farmers' markets, or through community-supported agriculture subscriptions.

"Class B" Cottage Food Operation. A cottage food operation, which engages in both direct sales as described above, and indirect sales, including from offsite events or from a third-party retailer.

Cottage Food Operator. An individual who operates a cottage food operation in his or her residence and is the owner of the cottage food operation.

Cottage Food Products. Nonpotentially hazardous foods, including but not limited to foods that are described in Section 114365.5 of the California Public Health and Safety Code, and that are prepared for sale in the kitchen of a cottage food operation.

County. The County of San Luis Obispo.

D. **"D"**

Deck. A platform, either freestanding or attached to a building that is supported by pillars or posts.

Demolition. The intentional destruction and removal of any structure, including a residential dwelling, including a mobilehome, as defined in Section 18008 of the Health and Safety Code, or a mobilehome lot in a mobilehome park, as defined in paragraph (1) of subdivision (b) of Section 50519 of the Health and Safety Code, which has not been declared to be a public nuisance under Division 13 (commencing with Section 17000) of the Health and Safety Code or any local ordinance enacted pursuant to those provisions.

Density. The number of dwelling units per acre of land.

Detached Building or Structure. A building or structure which does not have a common wall with another building or structure.

Development. On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition or alteration of the size of any structure, including any facility of any private, public or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

Development Agreement. An agreement between the City and any person having a legal or equitable interest in real property for the development of such property, and which complies with the applicable provisions of the Government Code for such development agreements.

Director. The Community Development Director of the City of Morro Bay or his/her designee.

District. See "Zoning District."

Driveway. An accessway that provides direct vehicular access for vehicles between a street and the parking or loading facilities located on an adjacent property.

Dwelling Unit. One or more rooms designed, occupied, or intended for occupancy as separate living quarters, with full cooking, sleeping, and bathroom facilities for the exclusive use of a single household.

E. **"E"**

Easement. A portion of land created by grant or agreement for specific purpose; an easement is the right, privilege or interest which one party has in the land of another.

Effective Date. The date on which a permit or other approval becomes enforceable or otherwise takes effect, rather than the date it was signed or circulated.

Electrical Code. Any ordinance of the City regulating the alteration, repair, and the installation and use of electricity or electrical fixtures.

Emergency. (IP) A sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.

Energy Facility. Any public or private processing, producing, generating, storing, transmitting or recovering facility for electricity, natural gas, petroleum, coal or other source of energy.

Environmental Impact Report (EIR). An Environmental Impact Report as required under the California Environmental Quality Act (CEQA).

Environmental Review. An evaluation process pursuant to CEQA to determine whether a proposed project may have a significant impact on the environment.

Equipment. Non-vehicular items such as, but not limited to, boats, campers, camper shells, tents and related camping supplies, tools, machinery, aircraft, barrels, drums, large cans or containers and parts related to these items.

Erect. To build, construct, attach, hang, place, suspend, or affix to or upon any surface. Such term also includes the painting of wall signs.

F. **"F"**

Façade. The exterior wall of a building exposed to public view or that wall viewed by persons not within the building. The portion of any exterior elevation of a building extending vertically from the grade to the top of a parapet wall or eave, and horizontally across the entire width of the building elevation.

Family. One or more persons living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food; who share living expenses, including rent or mortgage payments, food costs and utilities, and who maintain a single mortgage, lease, or rental agreement for all members of the household.

Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

Fence. Horizontal and vertical structures that are intended to separate properties, retain soil materials, and provide security; or as defined by the Building Official. Fences may also be walls, hedges, and screen plantings.

Fill. Earth or any other substance or material, including pilings placed for the purposes of erecting structures thereon, placed in a submerged area.

Finance Director. As the term defined in Section 2.16.090 of the Morro Bay Municipal Code, shall include his/her designee.

Firearms. Any device designed to be used as a weapon or modified to be used as a weapon, from which a projectile is expelled through a barrel by the force of an explosion or other form of combustion.

Floor Area. The total horizontal area of all floors below the roof and within the outer surface of the walls of a building or other enclosed structures unless otherwise stipulated. See Section 17.02.030.F, Determining Floor Area.

Floor Area Ratio (FAR). The ratio of the total floor area of all buildings on a lot to the lot area or building site area. See also Section 17.02.030.G, Determining Floor Area Ratio.

Foot-candle. A quantitative unit of measure for luminance. One foot-candle is equal to the amount of light generated by one candle shining on one square foot surface located one foot away. It is equal to one lumen uniformly distributed over an area of one square foot.

Footprint. The horizontal area, as seen in plan view, of a building or structure, measured from the outside of exterior walls and supporting columns, and excluding eaves. See also Section 17.02.030.H, Determining Lot Coverage.

Freeway. A State or Interstate highway.

Frontage, Street. That portion of a lot or parcel of land that borders a public street. Street frontage shall be measured along the common lot line separating said lot or parcel of land from the public street, highway, or parkway.

G. **"G"**

Garage. An accessory structure or portion of a main structure, enclosed on three or more sides and containing accessible and usable enclosed space designed, constructed, and maintained for the parking and storage of one or more motor vehicles.

General Plan. The City of Morro Bay General Plan.

Glare. The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, such as to cause annoyance, discomfort, or loss of visual performance and ability.

Government Code. The Government Code of the State of California.

Grade. (IP) The location of the ground surface.

> ***Existing or Natural Grade.*** Ground elevation prior to any grading or other site preparation related to, or to be incorporated into, a proposed development or alteration of an existing development.
>
> ***Finished Grade.*** Final ground elevation after the completion of any grading or other site preparation related to, or to be incorporated into, a proposed development or alteration of an existing development.

Grading. (IP) Excavating, filling, leveling or smoothing or combination thereof, but does not include temporary stock piles of a duration of 30 days or less.

Ground Floor. (IP) The first floor of a building other than a basement that is closest to finished grade.

H. **"H"**

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Heat. Thermal energy of a radioactive, conductive, or convective nature.

Hedge. Any group of shrubs planted in line or in groups so that the branches of any one plant are intermingled or form contact with the branches of any other plant in the line. Hedges are not considered trees for the purposes of this Code.

Height. (IP) The vertical distance from a point on the ground below a structure to a point directly above. See also Section 17.02.030.C, Measuring Height.

Home Occupation. A commercial use conducted on residential property by the inhabitants of the subject residence, which is incidental and secondary to the residential use of the dwelling.

Household. See "Family."

Household Pets. Animals that are customarily kept within a dwelling or a yard for the personal use or enjoyment of the residents. Household pets include domestic birds, cats, dogs, fish, rabbits, rodents, or snakes, but do not include horses, mules, goats, cows, hogs or other similar size animals, or chickens, roosters or peacocks.

Housing Costs. The total monthly or annual recurring expenses required of a household to obtain shelter. For a rental unit, total housing costs include the monthly rent payment and utilities. For an ownership unit, total housing costs include the mortgage payment (principal and interest), homeowner's association dues, mortgage insurance, taxes, utilities, and any other related assessments.

I. **"I"**

Illegal Use. Any use of land or building that does not have the currently required permits, and was originally constructed and/or established without permits or approvals required for the use at the time it was brought into existence.

Improvement. An object affixed to the ground other than a structure.

Incidental Use. See Use, Incidental.

Income Levels. Income levels for households whose gross incomes do not exceed the qualifying extremely low, very low, low, and moderate income limits established in § 6932 of the California Code of Regulations, and amended periodically based on the U.S. Department of Housing and Urban Development (HUD) estimate based on the San Luis Obispo County median income levels by family size. These income limits are equivalent to the following:

> ***Extremely Low Income Household.*** Under 30 percent of area median income, adjusted for household size appropriate for the unit.
>
> ***Very Low Income Household.*** 30 to 50 percent of area median income, adjusted for household size appropriate for the unit.

Low Income Household. 50 to 80 percent of area median income, adjusted for household size appropriate for the unit.

Moderate Income Household. 80 to 120 percent of area median income, adjusted for household size appropriate for the unit.

Workforce Housing. 120 to 160 percent of area median income, adjusted for household size appropriate for the unit.

Intensity of Use. The extent to which a particular use or the use in combination with other uses affects the natural and built environment in which it is located; the demand for services; and persons who live, work, and visit the area. Measures of intensity include, without limitation, requirements for water, gas, electricity, or public services; number of automobile trips generated by a use; parking demand; number of employees on a site; hours of operation; the amount of noise, light, or glare generated; the number of persons attracted to the site, or in eating establishments, the number of seats.

Intersection, Street. The area common to two or more intersecting streets.

J. **"J"**

Reserved

K. **"K"**

Kitchen. Any room or space within a building intended to be used for the cooking or preparation of food.

L. **"L"**

Land Use. The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained, including residential, commercial, industrial, etc.

Landscaping-Related Definitions.

Hydrozone. A portion of the landscaped area having plants with similar water needs.

Landscaping. The planting, configuration and maintenance of trees, ground cover, shrubbery, and other plant material, decorative natural and structural features (walls, fences, hedges, trellises, fountains, sculptures), earth-patterning and bedding materials, and other similar site improvements that serve an aesthetic or functional purpose.

Mulch. Any organic material, such as leaves, bark, straw, compost, or inorganic mineral materials, such as rocks, gravel, and decomposed granite, left loose and applied to the

soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

Pruning. The removal of more than one-third of the crown or existing foliage of the tree or more than one-third of the root system.

Runoff. Water that is not absorbed by the soil or landscape to which it is applied, and flows from the landscape area.

Shrub. A woody plant with several perennial stems that may be erect or may lay close to the ground. Individual stems are generally no more than three inches in diameter.

Tree. Any live woody or fibrous plant, the branches of which spring from and are supported upon a central trunk at least three inches in diameter.

Trim. The cutting or removal of a portion of a tree, which removes less than one-third of the crown or existing foliage of a tree, removes less than one-third of the root system, and does not kill the tree.

Light Fixture. The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirrors, and a refractor or lens.

Lot. A parcel, tract, or area of land whose boundaries have been established by a legal instrument, such as a deed or map recorded with the County of San Luis Obispo, and which is recognized as a separate legal entity for purposes of transfer of title, except public easements or rights-of-way. Lot types include the following:

Abutting Lot. A lot having a common property line or separated by a public path or lane, private street, or easement to the subject lot.

Corner Lot. A lot or parcel bounded by two or more adjacent street lines that have an angle of intersection of not more than 135 degrees.

Flag Lot. A lot so shaped that the main portion of the lot area does not have access to a street other than by means of a corridor having less than 20 feet of width.

Interior Lot. A lot bounded on one side by a street line and on all other sides by lot lines between adjacent lots or that is bounded by more than one street with an intersection greater than 135 degrees; a lot other than a corner lot.

Key Lot. An interior lot adjoining the rear lot line of a reversed corner lot.

Reversed Corner Lot. A corner lot, the rear of which abuts the side of another lot, whether across a lane or not.

Through Lot. A lot having frontage on two parallel or approximately parallel streets.

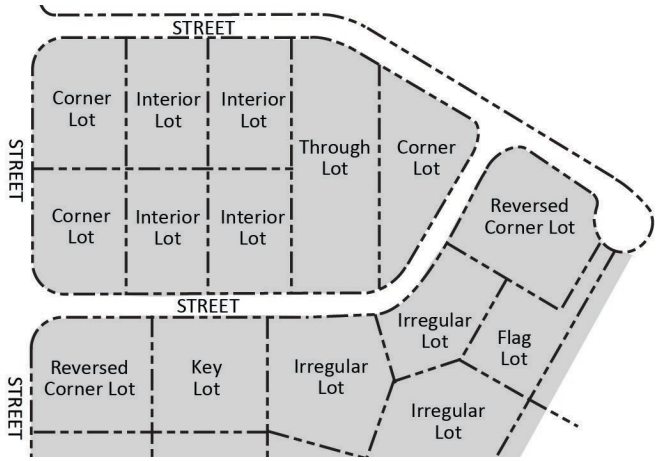


FIGURE 17.54.020.L.1: LOT TYPES

Lot Area. (IP) The area of a lot measured horizontally within bounding lot lines.

Lot Coverage. (IP) The portion of a lot that is covered by structures, including main and accessory buildings, garages, carports, and roofed porches, but not including unenclosed and unroofed decks, landings, or balconies. See also Section 17.02.030.H, Determining Lot Coverage.

Lot Depth. (IP) The horizontal distance between the front and rear property lines of a site measured midway between the side property lines. See also Section 17.02.030.D, Measuring Lot Width and Depth.

Lot Frontage. See "Frontage, Street."

Lot Line. The boundary between a lot and other property or the public right-of-way.

Lot Line Types.

Corner Side Lot Line. A side lot line of a corner lot that is adjacent to a street.

Front Lot Line. On an interior lot, the line separating the lot from the street or lane. On a corner lot, the shorter lot line abutting a street or lane. On a through lot, the lot line abutting the street or lane providing the primary access to the lot. On a flag lot, the interior lot line most parallel to and nearest the street or lane from which access is obtained.

Interior Lot Line. Any lot line that is not adjacent to a street.

Interior Side Lot Line. Any lot line that is not adjacent to a street and is not the rear lot line.

Rear Lot Line. The lot line that is opposite and most distant from the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed the rear lot line for the purpose of establishing the minimum rear yard.

Side Lot Line. Any lot line that is not a front or rear lot line.

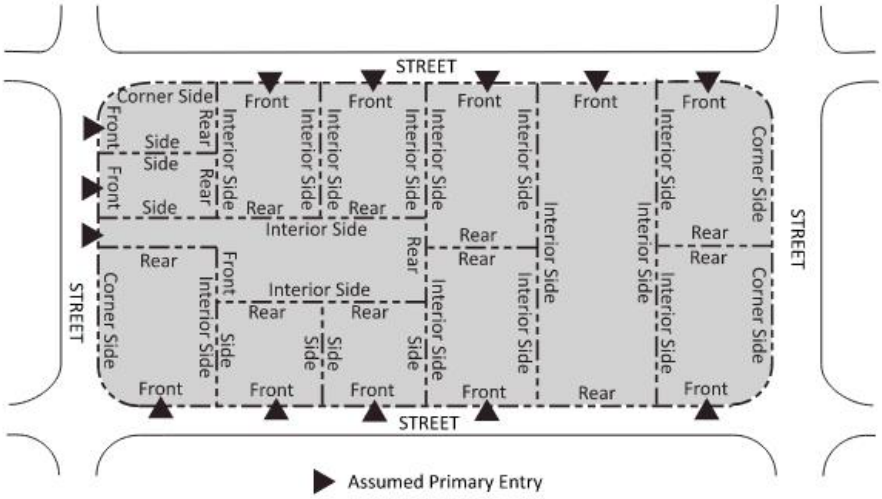


FIGURE 17.54.020(L.2): LOT LINE TYPES

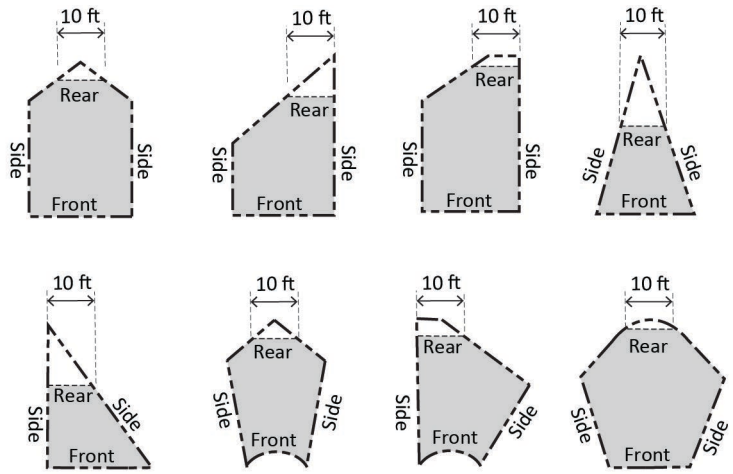


FIGURE 17.54.020(L.3): REAR LOT LINES, IRREGULAR LOTS

Lot Width. (IP) The average distance between the side lot lines measured at right angles to the lot depth. See also Section 17.02.030.D, Measuring Lot Width and Depth.

M. **"M"**

Maintenance and Repair. The repair or replacement of nonbearing walls, fixtures, wiring, roof, or plumbing that restores the character, scope, size, or design of a structure to its previously existing, authorized, and undamaged condition.

Mansard. A wall which has a slope equal to or greater than two vertical feet for each horizontal foot and has been designed to look like a roof.

Mobilehome. A structure designed for human habitation as defined by Section 798.3 of the California Civil Code.

Municipal Code. The City of Morro Bay Municipal Code.

N. **"N"**

Natural Disaster. Any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of the owner.

Noise. Any sound that annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

Nonconforming Building. (IP) See Nonconforming Structure.

Nonconforming Lot. (IP) A legal parcel of land having less area, frontage, or dimensions than required in the zoning district in which it is located.

Nonconforming Structure. (IP) A building or structure, or portion thereof, which was lawfully erected or altered or maintained, but which, because of the application of this Code to it, no longer conforms to the specific regulations applicable to the zoning district in which it is located.

Nonconforming Use. (IP) The use of a building, structure, or site, or portion thereof, which was lawfully established and maintained, but which, because of the application of this Code to it, no longer conforms to the specific regulations applicable to the zoning district in which it is located.

O. **"O"**

On-Site. Located on the lot that is the subject of discussion.

Opacity. A measure of the relative light impenetrability of fencing, windows, and doors, typically expressed as a percentage. An opaque object with 100 percent opacity is neither transparent (allowing all light to pass through) nor translucent (allowing some light to pass through).

Outdoor Storage. The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than 72 hours, except for the keeping of building materials reasonably required for construction work on the premises pursuant to a valid and current Building Permit issued by the City.

Owner. A person or persons holding single or unified beneficial title to the property, including without limitation, the settlor of a grantor trust, a general partner, firm, or corporation.

P. **"P"**

Parapet. That part of a wall that extends above the roof line.

Parking Area. (IP) An area of a lot, structure, or any other area, including driveways, which is designed for and the primary purpose of which is to provide for the temporary storage of operable motor vehicles.

Passenger Vehicle. As defined in the California Vehicle Code.

Paved Area. Area covered with a hard material, which may be either permeable or impermeable.

Permit. Any coastal development permit, conditional use permit, minor use permit, temporary use permit, building permit, license, certificate, approval, or other entitlement for development and/or use of property as required by any public agency.

Permitted Use. See Use, Permitted.

Person. Any individual, firm, association, organization, partnership, business trust, company, or corporation.

Planning Commission. The Planning Commission of the City of Morro Bay.

Planning Division. The Planning Division of the Community Development Department of the City of Morro Bay.

Pre-existing. In existence prior to the effective date of this Code.

Primary Use. See Use, Primary.

Project. Any proposal for a new or changed use or for new construction, alteration, or enlargement of any structure that is subject to the provisions of this Code. This term includes, but is not limited to, any action that qualifies as a "project" as defined by the California Environmental Quality Act.

Property Line. The recorded boundary of a lot or parcel of land.

Public Resources Code. The Public Resources Code of the State of California.

Public Works Director. The Public Works Director of the City of Morro Bay.

Public Works Project. Any of the following development shall constitute a public works project:

- All production, storage, transmission and recovery facilities for water, sewage, telephone and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities.
- All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities.
- All publicly-financed recreational facilities, all projects of the State Coastal Conservancy and any development by a special district.
- All community college facilities.

Q. **"Q"**

Qualified Applicant. The property owner, the owner's agent, or any person, corporation, partnership, or other legal entity that has a legal or equitable title to land that is the subject of a development proposal, or is the holder of an option or contract to purchase such land, or otherwise has an enforceable proprietary interest in such land.

R. **"R"**

Reasonable Accommodation. (IP) Any deviation requested and/or granted from the strict application of the City's zoning and land use laws, rules, policies, practices and/or procedures under provisions of federal or California law to make housing or other facilities readily accessible to and usable by persons with disabilities and thus enjoy equal employment or housing opportunities or other benefits guaranteed by law.

Recreational Vehicle. As defined in Section 799.29 of the California Civil Code and Section 18010 of the California Health and Safety Code.

Review Authority. Body responsible for making decisions on applications.

Right-of-Way. A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, or other similar use.

S. **"S"**

Screening. Screening refers to a wall, fence, hedge, informal planting, or berm, provided for the purpose of concealing something from view.

Senior Citizen. An individual 62 years of age or older.

Setback. The area between a property line and a building or structure that must be kept clear or open.

Sidewalk. A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

Site. A lot, or group of contiguous lots, that is proposed for development in accordance with the provisions of this Code and is in a single ownership or under unified control.

Site Area. The total horizontal area included within the property lines of a site.

Soil. Naturally occurring superficial deposits overlying bedrock.

Solar Reflectance Index. Measure of a surface's ability to reflect solar heat, combining reflectance and emittance into one number. It is defined so that a standard black (reflectance 0.05, emittance 0.90) is zero and a standard white (reflectance 0.80, emittance 0.90) is 100.

Specific Plan. A plan for all or part of the area covered by the General Plan that is prepared to be consistent with and to implement the General Plan, pursuant to the provisions of Government Code, §§ 65450 et seq.

State. The State of California.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story is that portion of a building included between the upper surface of the topmost floor and the upper surface of the roof above.

Street. A public or private thoroughfare, which affords the principal means of access to a block and to abutting property. "Street" includes avenue, court, circle, crescent, place, way, drive, boulevard, highway, road, and any other thoroughfare, except an alley or walkway.

Street Line. The boundary between a street and a lot or parcel of land.

Structural Alterations. Any physical change to or the removal of the supporting members of a structure or building, such as bearing walls, columns, beams, or girders.

Structure. Anything constructed or erected which requires a location on the ground or attachment to something having location on the ground.

> ***Structure, Accessory.*** A detached subordinate structure, used only as incidental to the main structure on the same site or lot.
>
> ***Structure, Main.*** A structure housing the primary use of a site or functioning as the primary use.
>
> ***Structure, Temporary.*** A structure without any foundation or footings, and which is intended to be removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Swimming Pool. A pool, pond, lake, or open tank capable of containing water to a depth greater than 1.5 feet at any point.

T. **"T"**

Tandem Parking. An arrangement of parking spaces such that one or more spaces must be driven across in order to access another space or spaces.

Telecommunication Terms.

> ***Antenna***. Any system of wires, poles, rods, horizontal or vertical elements, panels, reflecting discs, or similar devices used for the transmission and/or reception of electromagnetic waves.

Co-Location. The location of two or more wireless communications facilities owned or used by more than one public or private entity on a single support structure, or otherwise sharing a common location. Co-location also includes the location of wireless communications facilities with other facilities, such as buildings, water tanks, light standards, and other utility facilities and structures.

Mast. A pole of wood or metal or a tower fabricated of metal that is used to support an antenna and maintain it at the proper elevation.

Satellite Dish. A device (also known as a parabolic antenna) incorporating a reflective surface that is solid, open, or mesh or bar-configured, and is in the shape of a shallow dish, cone, horn cornucopia, or flat plate that is used to receive or transmit radio or electromagnetic waves between terrestrially and/or orbitally based units. This term includes satellite earth stations, satellite receivers, satellite discs, direct broadcast systems, television-reception-only systems, and satellite microwave antennas.

Support Equipment. The physical, electrical, and/or electronic equipment included within a telecom facility used to house, power, transport, and/or process signals from or to the facility's antenna or antennas.

Telecommunication Facility. A mobile cell site that consists of a cell antenna tower and electronic radio transceiver equipment on a truck or trailer, designed to be part of a cellular network.

Tower, Lattice. A multiple-sided, open, metal frame support structure that supports antennas and related equipment, typically with three or four support legs.

Tenant. A person renting or leasing a housing unit or non-residential space.

Trailer. A vehicle with or without motor power, which is designed or used for hauling materials or vehicles, or for human habitation, office, or storage including camper, recreational vehicle, travel trailer, and mobile home, but not including mobile homes on a permanent foundation.

U. **"U"**

Use. The purpose for which land or the premises of a building, structure or facility is arranged, designed, or intended, or for which it is or may be occupied or maintained.

Use, Accessory. A use that is customarily associated with, and is incidental and subordinate to, a primary use and located on the same lot as a primary use.

Use, Incidental. A secondary use of a lot and/or building that is located on the same lot, but is not customarily associated with the primary use.

Use, Permitted. Any use or structure that is allowed in a zoning district without a requirement for approval of a Use Permit, but subject to any restrictions applicable to that zoning district.

Use, Primary. A primary, principal, or dominant use established, or proposed to be established, on a lot.

Use Classification. A system of classifying uses into a limited number of use types on the basis of common functional, product, or compatibility characteristics. All use types are grouped into the following categories: residential; public and semi-public; commercial; industrial; transportation, communication, and utilities; and urban agriculture. See Chapter 17.53, Use Classifications.

Use Permit. A discretionary permit which may be granted by the appropriate City of Morro Bay authority to provide for the accommodation of land uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, which are not permitted by right, but which may be approved upon completion of a review process and, where necessary, the imposition of special conditions of approval.

Use Type. A category that classifies similar uses based on common functional, product, or compatibility characteristics.

Utilities. Equipment and associated features related to the mechanical functions of a building(s) and services such as water, electrical, telecommunications, and waste.

V. **"V"**

Variance. (IP) A discretionary grant of permission to depart from the specific requirements of this Code that is warranted when, due to special circumstances regarding the physical characteristics of the property, the strict application of standards would deprive the property of privileges available to other property in the same zoning district.

Vehicle. Any vehicle, as defined by the California Vehicle Code, including any automobile, camper, camp trailer, trailer, trailer coach, motorcycle, house car, boat, or similar conveyance.

Vibration. A periodic motion of the particles of an elastic body or medium in alternately opposite directions from the position of equilibrium.

Visible. Capable of being seen (whether or not legible) by a person of normal height and visual acuity walking or driving on a public road or in a public place.

W. **"W"**

Wall. Any vertical exterior surface of building or any part thereof, including windows.

X. **"X"**

Reserved

Y. **"Y"**

Yard. (IP) An open space on the same site as a structure, unoccupied and unobstructed from the ground upward, except as otherwise provided by this Code.

Front Yard. A yard extending across the front of a lot for the full width of the lot between the side lot lines. The depth of a front yard shall be a distance specified by this Code for the district in which it is located and measured inward from the front lot line.

Corner Side Yard. A yard on a corner lot or reversed corner lot extending from the front yard to the rear lot line between the building setback line and the nearest side street lot line.

Interior Yard. A yard which does not abut a street.

Interior Side Yard. A yard extending from the rear line of the required front yard, or the front property line of the site where no front yard is required, to the front line of the required rear yard, or the rear property line of the site where no rear yard is required, the depth of which is the minimum horizontal distance between the side property line and a line parallel thereto on the site.

Rear Yard. A yard extending across the rear of a lot for its full width between side lot lines, and to a depth specified by this Code for the district in which it is located. If a lot has no rear lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed the rear lot line for the purpose of establishing the minimum rear yard.

Required Yard. A yard which complies with the minimum yard requirements for the zoning district in which the lot is located.

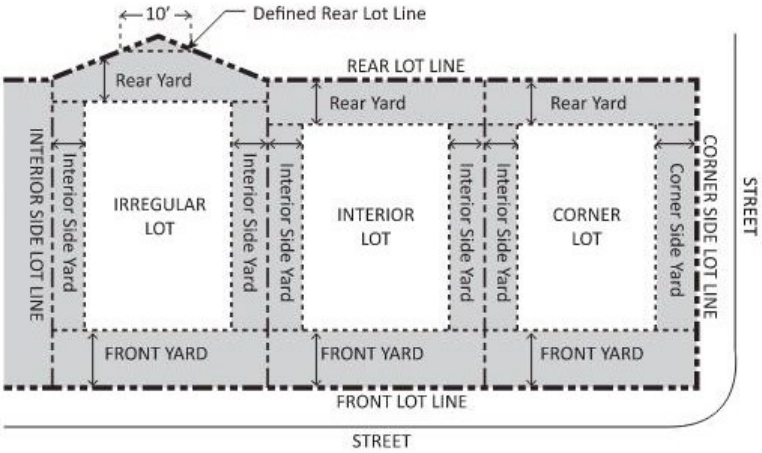


FIGURE 17.54.020(Y): YARDS

Z. **"Z"**

Zoning District. A specifically delineated area in the City within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings. See Section 17.03.010, Base Zoning Districts and Overlay Zoning Districts.