

CITY OF MORRO BAY

ZONING ORDINANCE



Local Coastal Program and Coastal Implementation Plan

AUGUST 2005

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ADOPTED BY ORDINANCE NOS. 511, 512, 513

Table of Contents

Division I – General Provisions	1
Chapter 17.01 Title, Components and Purposes	1
Chapter 17.02 Rules for Construction of Language and Interpretation	7
Chapter 17.03 Rules of Measurement.....	9
Chapter 17.04 Reserved	15
Chapter 17.05 Reserved	17
Division II – Base District Regulations.....	19
Chapter 17.06 R Residential Districts	21
Chapter 17.07 C Commercial and Mixed-Use Districts	33
Chapter 17.08 I Industrial Districts	49
Chapter 17.09 PF Public Facilities District	55
Chapter 17.10 OS Open Space and Parks Districts	59
Chapter 17.11 AG Agricultural District.....	63
Chapter 17.12 Reserved	67
Chapter 17.13 Reserved	69
Division III – Regulations Applying in Some or All Districts	71
Chapter 17.14 Standards for Specific Uses	73
Chapter 17.15 General Site Standards.....	95
Chapter 17.16 Performance Standards	113
Chapter 17.17 Affordable Housing Requirements, Density Bonuses and Other Incentives	121
Chapter 17.18 Bluff Development Standards	135
Chapter 17.19 Environmentally Sensitive Habitat	143

Chapter 17.20	Public Access.....	151
Chapter 17.21	Off-Street Parking and Loading.....	157
Chapter 17.22	Sign Regulations	181
Chapter 17.23	Control of Outdoor Artificial Light.....	209
Chapter 17.24	Antennas and Wireless Telecommunications Facilities	213
Chapter 17.25	Temporary Uses.....	225
Chapter 17.26	Nonconforming Uses, Structures, and Lots.....	229
Chapter 17.27	Reserved	235
Chapter 17.28	Reserved	237
Division IV – Administration		239
Chapter 17.29	Planning Agency	241
Chapter 17.30	Common Procedures	245
Chapter 17.31	Zoning Conformance Review	251
Chapter 17.32	Minor Use Permits/Conditional Use Permits.....	253
Chapter 17.33	Coastal Development Permits	257
Chapter 17.34	Variances.....	271
Chapter 17.35	Adjustments.....	275
Chapter 17.36	Appeals.....	279
Chapter 17.37	Amendments.....	283
Chapter 17.38	Development Agreements.....	285
Chapter 17.39	Enforcement.....	289
Division V – General Terms.....		295
Chapter 17.40	Use Classifications	297
Chapter 17.41	Terms and Definitions.....	311

List of Figures

17.03 – A: Lot Coverage	10
17.03 – B: Measuring Distances.....	11
17.03 – C: Measuring Building Height.....	12
17.03 – D: Measuring the Height of Other Structures	12
17.03 – E: Measuring Lot Width and Depth.....	13
17.06 – A: Hillside Development Front Setback.....	30
17.06 – B: Hillside Development Corner, Side, and Rear Setbacks	30
17.06 – C: Hillside Development Retaining Wall.....	31
17.07 – A: Transition Height and Yards.....	42
17.07 – B: Pedestrian-Oriented Standards	44
17.07 – C: Location of Parking	45
17.14 – A: Perimeter Setback and Screening for Mobile Home Park.....	86
17.14 – B: Outdoor Eating Area.....	89
17.15 – A: Accessory Structures	96
17.15 – B: Height Limit Exceptions.....	97
17.15 – C: Buffer Yard Requirements.....	102
17.15 – D: Fences and Walls	105
17.15 – E: Heights of Fences and Retaining Walls.....	106
17.15 – F: Sight Obstructions at Intersections	107
17.15 – G: Building Projections.....	108
17.15 – H: Balconies, Decks, Porches, and Stairs.	109
17.15 – I: Setback Exceptions.....	110

17.16 – A: Lighting Standards.....	118
17.18 – A: Bluff Development Standards.....	137
17.21 – A: PMA Area.....	168
17.21 – B: Parking Access from Streets.....	172
17.21 – C: Driveway Visibility.....	173
17.21 – D: Parking Aisles.....	174
17.21 – E: Planter Tree Requirement.....	176
17.22 – A: Announcement Signs.....	182
17.22 – B: Mobile Vendor Sign.....	183
17.22 – C: Real Estate Sign.....	184
17.22 – D: Window Signs.....	185
17.22 – E: Prohibited Roof Signs.....	187
17.22 – F: Measurement of Sign Area.....	189
17.22 – G: Measure of Multi – Sided Signs.....	190
17.22 – H: Measure of 3D Signs.....	190
17.22 – I: Building Frontage.....	191
17.22 – J: Building-Mounted Signs.....	197
17.22 – K: Awning and Canopy Signs.....	198
17.22 – L: Projecting Signs.....	199
17.22 – M: Freestanding Sign Types.....	201
17.22 – N: Visibility Legibility.....	202
17.22 – O: Architectural Composition.....	204
17.41 – A: Cluster Housing.....	317
17.41 – B: Floodway.....	320

17.41 – C: Lot Types.....	324
17.41 – D: Open Space Types	326
17.41 – E: Setbacks	328
17.41 – F: Yard Types	331
17.41 – G: Bluff Review Area Setback.....	334

List of Tables

Table 17.06 – A: Base Density for Single-Family Development	18
Table 17.06 – B: Use Regulations – Residential Districts	20
Table 17.06 – C: Development Standards - Residential Districts	22
Table 17.06 – D: Outdoor Living Area Required – R Districts	24
Table 17.07 – A: Use Regulations – Commercial and Mixed Use Districts	31
Table 17.07 – B: Development Standards – Commercial and Mixed-Use Districts.....	36
Table 17.08 – A: Use Regulations – Industrial Districts.....	47
Table 17.08 – B: Development Standards - Industrial Districts	49
Table 17.09 – A: Use Regulations – Public Facilities District.....	52
Table 17.09 – B: Development Standards – Public Facilities District	53
Table 17.10 – A: Use Regulations – Open Space and Parks Districts	56
Table 17.10 – B: Development Standards – Open Space Districts	58
Table 17.11 – A: Use Regulations – Agricultural District	60
Table 17.11 – B: Development Standards – Agriculture District.....	61
Table 17.19 – A: Buffer Yard Standards	100
Table 17.16 – A: Maximum Allowable Noise Exposure-Transportation Noise Sources ...	116
Table 17.16 – B: Maximum Allowable Noise Exposure – Stationary Noise	116
Table 17.17 – A: In-Lieu Fee Formula.....	123
Table 17.17 – B: Density Bonus to be Granted	124
Table 17.21 – A: Off-Street Parking and Loading Spaces.....	159
Table 17.21 – B: Off-Street Loading Spaces Required.....	165
Table 17.21 – C: Passenger Loading Spaces	166

Table 17.21 – D: Parking Space Dimensions	170
Table 17.21 – E: Perimeter Planting Area	176
Table 17.22 – A: Subdivision Signs.....	185
Table 17.22 – B: Sign Area and Sign Standards For Commercial, Mixed-Use, and Industrial Districts	195
Table 17.22 – C: Wall Surface Sign Standards	199
Table 17.23 – C: Requirements for Shielding and Filtering.....	211

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ACKNOWLEDGMENTS

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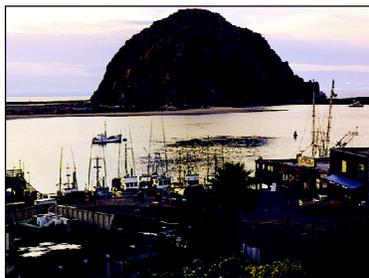
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Division I – General Provisions

Chapters:

- 17.01 Title, Components and Purposes
- 17.02 Rules for Construction of Language and Interpretation
- 17.03 Rules of Measurement
- 17.04 *Reserved*
- 17.05 *Reserved*

Chapter 17.01 Title, Components and Purposes

Sections:

- 17.01.010 Title and Authority**
- 17.01.020 Purpose**
- 17.01.030 Structure of Regulations**
- 17.01.040 General Rules of Applicability**
- 17.01.050 Designation of Base Districts**
- 17.01.060 Official Zoning Map and District Boundaries**

17.01.010 Title and Authority

This Title of the City of Morro Bay Municipal Code shall be known and cited as the “Morro Bay Zoning Ordinance and Coastal Implementation Plan” or “Zoning Ordinance.” This Title is adopted by the City Council, pursuant to the authority contained in Section 65859 *et. seq.* of the Coastal Act and Title 14, Division 5.5 of the Coastal Administrative Regulations.

17.01.020 Purpose

The purpose of this Title is to implement the City’s General Plan and Local Coastal Plan and to protect and promote the public health, safety, peace, comfort, convenience and general welfare of the city. More specifically, this Title is intended to:

- A. Provide a precise guide for the physical development of the city to promote the growth of the city in an orderly manner.
- B. Conserve and enhance the city’s small town character and natural setting.
- C. Encourage aesthetically pleasing development consistent with small town character and the individuality of its citizens.

17.01.030 Structure of Regulations

- A. **Structure of Regulations.** This Title consists of five divisions:
 - 1. Division I: General Provisions
 - 2. Division II: Base District Regulations
 - 3. Division III: Supplemental Regulations Applying in Some or All Districts
 - 4. Division IV: Administrative Provisions

5. Division V: General Terms
- B. **Types of Regulations.** Four types of zoning regulations control the use and development of property:
1. ***Land Use Regulations.*** These regulations specify land uses permitted, conditionally permitted, or prohibited in each zoning district, and include special requirements, if any, applicable to specific uses. Land use regulations for base zoning districts are in Division II of this Title. Certain regulations, applicable in some or all of the districts, and performance standards which govern special uses are in Division III.
 2. ***Development Regulations.*** These regulations control the height, bulk, location and appearance of structures on development sites. Development regulations for base zoning districts are in Division II of this Title. Certain development regulations, applicable to more than one class of base, are in Division III. These include regulations for site development, bluff development, public access, parking and loading, signs and nonconforming uses, structures and signs.
 3. ***Administrative Regulations.*** These regulations contain detailed procedures for the administration and enforcement of zoning regulations, including requirements for zoning conformance review, use permits, coastal development permits, adjustments and variances; public hearing and notice requirements; development agreements; appeals of zoning decisions; and enforcement. Administrative regulations are in Division IV.
 4. ***General Terms and Use Classifications.*** Division V includes a summary list, with cross-references, of definitions for general terms and use classifications used in the zoning ordinance.

17.01.040 General Rules of Applicability

- A. **Applicability to Property.** This Title shall apply to all land within the City of Morro Bay, including land owned by any private person, firm, corporations or organizations, the City of Morro Bay and other local state or federal agencies to the extent allowed by law. Application of regulations to specific lots shall be governed by the zoning map.
- B. **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 accord with the provisions of this Title.
- C. **Public Nuisance.** Neither the provisions of this Title nor the approval of any permit authorized by this Title shall authorize the maintenance of any public nuisance.

- D. **Compliance with Public Notice Requirements.** Compliance with public notice requirements prescribed by this Title shall be deemed sufficient notice to allow the City to proceed with a public hearing and take action on an application, regardless of actual receipt of mailed or delivered notice.
- E. **Requests for Notice.** Where this Title requires that notice be given by first class mail to “any person who has filed a written request for such notice”, the request shall be filed with the Public Services Director and shall be subject to the applicable fees set to cover mailing costs.
- F. **Relationship to Other Regulations.** The regulations of this Title shall not supersede any other regulations or requirements adopted or imposed by the City Council, any board, commission or City department, or any other local, state or federal agency that has jurisdiction by law over uses and development authorized by this Title. Where conflict occurs between the provisions of this Title and any other city code, chapter, resolution, guideline or regulation, the more restrictive provision shall control, unless otherwise specified.
- G. **Relation to Private Agreements.** This Title shall not interfere with or annul any easement, covenant, or other agreement now in effect, provided that where this Title imposes greater restriction than imposed by an easement, covenant, or agreement, this Title shall control.
- H. **Relation to Prior Ordinance.** The provisions of this Title supersede all prior zoning ordinances of the City of Morro Bay. No provision of this Title shall validate any land use or structure established, constructed or maintained in violation of the prior zoning ordinance, unless such validation is specifically authorized by this Title and is in conformance with all other regulations and ordinances.
- I. **Time of Approval.** All approvals granted pursuant to the provisions of this Title by the Public Services Director, Planning Commission and City Council are effective upon the granting of the permit or approval or after any time which may be allowed by law for appeal of the permit, approval or other action.
- J. **Zoning of Land Proposed for Annexation.** The Public Services Director shall recommend rezoning consistent with General Plan designation for land within the City’s sphere of influence. If rezoning is approved by the Planning Commission and the City Council, the zoning shall become effective upon annexation.
- K. **Application During Local Emergency.** The City Council may authorize a deviation from a provision of this Title during a local emergency declared and

ratified under the Municipal Code. The City Council may authorize a deviation by resolution without notice or public hearing.

17.01.050 Designation of Base Districts

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

- A. **Base Zoning Districts.** Base zoning districts are divided into the following categories: “R” Residential, “C” Commercial and Mixed Use, “I” Industrial, “PF” Public Facilities, “OS” Open Space and Parks, and “AG” Agricultural. The following are the City’s base zoning districts:

DESIGNATION	DISTRICT NAME
R Residential	
RS	Single-family Residential
RD	Duplex Residential
RM	Multi-family Residential
C Commercial and Mixed Use	
CC – A	Community Commercial – Auto-oriented
CC – P	Community Commercial – Pedestrian-oriented
CVS	Commercial Visitor Serving
CF	Commercial Fishing
MX	Mixed Use
I Industrial	
IG	General Industrial
ICD	Coastal Dependent Industrial
PF Public Facilities	
PF	Public Facilities
OS Open Space and Parks	
OS-N	Open Space Natural
OS-PR	Open Space Parks and Recreation
AG Agricultural	
AG	Agricultural

17.01.060 Official Zoning Map and District Boundaries

The boundaries of the zoning districts established by this Title are shown on the official map entitled “Zoning Map of the City of Morro Bay,” a copy of which is on file in the City Clerk’s office, and site-specific parcel maps at the Public Services Department. The official Zoning Map and all notations, references and other information shown thereon shall be incorporated by reference as if the matters and information set forth on such maps were fully described herein.

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Chapter 17.02 Rules for Construction of Language and Interpretation

Sections:

- 17.02.010 Purpose and Applicability
- 17.02.020 Rules for Construction of Language
- 17.02.030 Rules for Interpretation

17.02.010 Purpose and Applicability

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

17.02.020 Rules for Construction of Language

- A. The particular controls the general.
- B. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
 - 1. "And" indicates that all connected words or provisions shall apply.
 - 2. "And/Or" indicates that the connected words or provisions may apply singly or in any combination.
 - 3. "Or" indicates that the connected words or provisions shall apply singly but not in combination.
- C. In case of conflict between the text and a graphic or diagram, the text controls.
- D. References to departments, commissions, boards, and other offices are to those of the City of Morro Bay unless otherwise indicated.
- E. References to a public official in the City is to that person who performs the function referred to and includes a designated deputy of such official.
- F. All references to days are to calendar days unless otherwise indicated. In the event a date ends on a weekend, holiday, or other day when the City offices are closed, the date shall be extended to the next consecutive business day. The end of a period shall be the close of business on the last day.

- G. 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.
- H. The words "activities" and "facilities" include any part thereof of the activity or facility.

17.02.030 Rules for Interpretation

- A. **Zoning Regulations.** Where uncertainty exists regarding the interpretation of any provision of this Title or its application to a specific site, the Public Services Director or the Planning Commission or City Council on appeal shall determine the intent of the provision.
- B. **Zoning Map.** The following rules shall apply to zoning boundary determinations:
 - 1. Where the exact boundaries of a district cannot be readily or exactly ascertained by reference to the official Zoning Map and/or site-specific parcel maps, the boundary shall be deemed to be along the nearest street, lot line, or geographic feature, such as a creek or blufftop, as the case may be.
 - 2. Public streets, utility and other rights-of-ways shall be in the same zoning district as contiguous property. Where contiguous properties are classified in different zoning districts, the centerline of the street or right-of-way shall be the district boundary, unless otherwise depicted on the Zoning Map, and/or site-specific parcel maps.
 - 3. If any uncertainty remains as to the location of a district boundary or other feature shown on the Zoning Map, and/or site-specific parcel maps, the location shall be determined by the Public Services Director.

Chapter 17.03 Rules of Measurement

Sections:

17.03.010	Purpose
17.03.020	General Provisions
17.03.030	Fractions
17.03.040	Determining Lot Coverage
17.03.050	Measuring Distances
17.03.060	Measuring Height
17.03.070	Measuring Lot Widths and Depths
17.03.080	Measuring Setbacks
17.03.090	Setback Averaging
17.03.100	Determining Average Slope

17.03.010 Purpose

The purpose of this Chapter is to explain how various measurements referenced in this Title are to be calculated.

17.03.020 General Provisions

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

17.03.030 Fractions

When calculations result in fractions the results shall be rounded as follows:

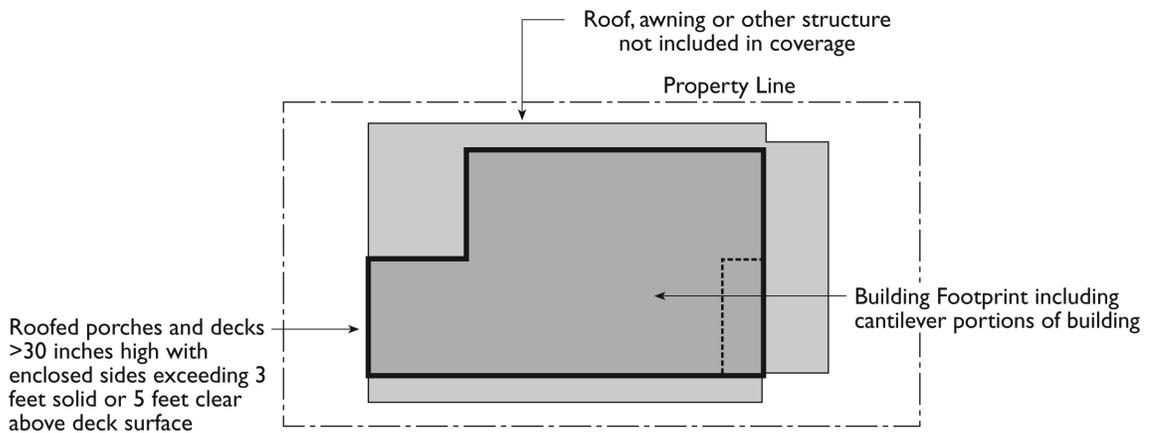
- A. **General Rounding.** For the purposes of this Title, including but not limited to the determination of parking in accordance with Chapter 17.21, fractions of one half or greater shall be rounded up to the next whole number and fractions of less than one-half shall be rounded down to the next whole number, except as provided below.
- B. **Density Rounding.** Other provisions of this Title notwithstanding, for purposes of computing the maximum number of residential units allowed on a lot, any fractions equal to 0.50 or greater shall be rounded up to the next whole number and any fraction less than 0.50 shall be rounded down to the next whole number.
- C. **Exception for Affordable Housing.** This Section shall not apply to the provisions of Chapter 17.17: Affordable Housing Requirements, Density

Bonuses and Other Incentives. Fractions calculated for the purposes of affordable housing shall be calculated pursuant to that Chapter.

17.03.040 Determining Lot Coverage

Lot coverage is the percentage of the site covered by all principal and accessory structures on a site either at or above ground level, including garages, carports, roofed porches, and cantilever portions of the building and the area of raised uncovered decks over 30 inches in height where more than one side consists of solid material exceeding 3 feet in height or clear material exceeding 5 feet in height above the deck surface. Exceptions are roofs, soffits, overhangs, or similar architectural extensions such as fireplaces and oriel-type windows.

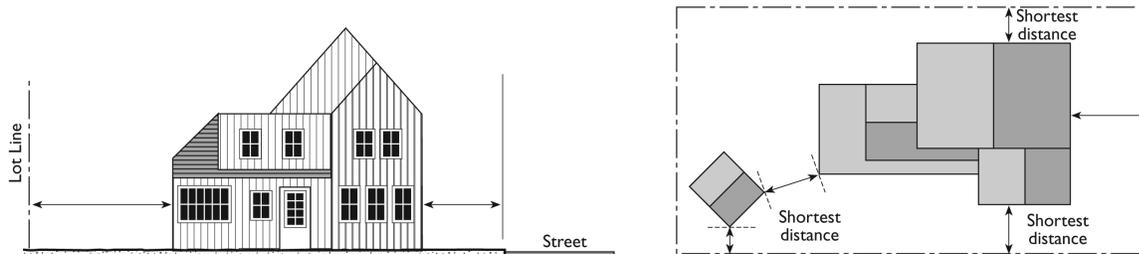
FIGURE 17.03-A: LOT COVERAGE



17.03.050 Measuring Distances

- A. **Measurements are Shortest Distance.** When measuring a required distance for setbacks and structure dimensions, 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. Exceptions are stated in subsection (C) below.
- B. **Measurement of Vehicle Stacking or Travel Areas.** The minimum travel distance for vehicles, such as a garage-entrance setback, vehicle queuing or stacking area for a drive-through facility, is measured down the center of the vehicle travel area. For example, curving driveways are measured along the center arc of the driveway.
- C. **Measurements Involving a Structure.** Measurements involving a structure are made to the closest wall of the structure. Chimneys, eaves and bay windows up to 12 feet in length that project out from a wall are not included in the measurement. Other features, such as covered porches and entrances, are included in the measurement.
- D. **Underground Structures.** Structures and portions of structures that are entirely underground are not included in lot coverage or measuring required distances.

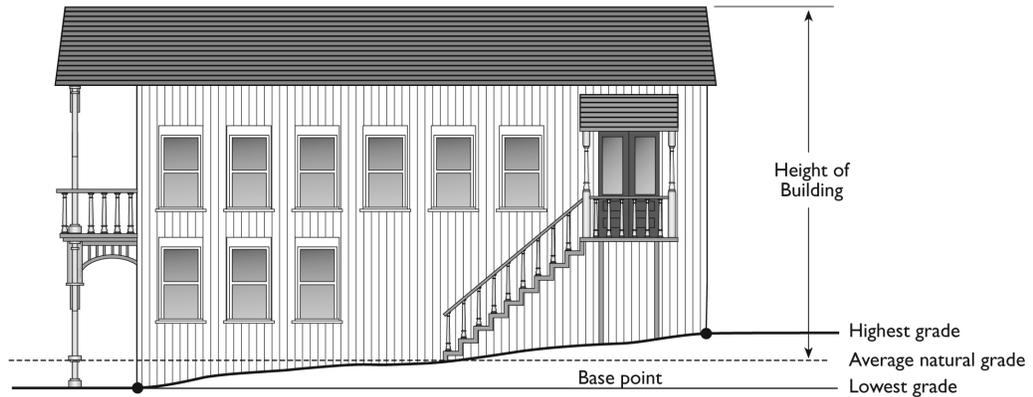
FIGURE 17.03-B: MEASURING DISTANCES



17.03.060 Measuring Height

- A. **Measuring Building Height.** Building height is measured from the vertical distance from the average level of the highest and lowest point prior to any fill of that portion of the lot covered by the building, as measured to the topmost point of the roof, but not including projections. See Section 17.15.030.

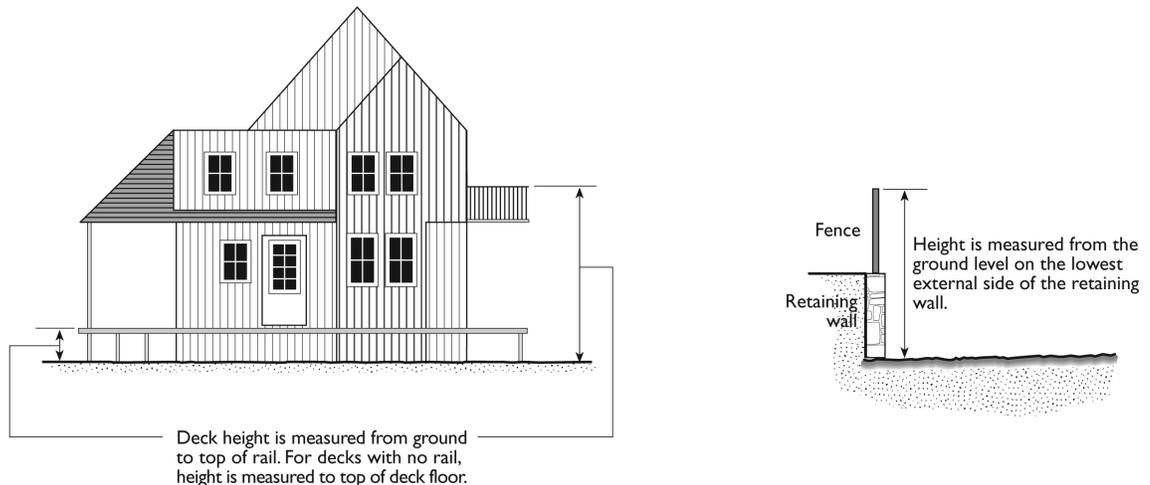
FIGURE 17.03-C: MEASURING BUILDING HEIGHT



B. **Measuring Height of Other Structures.** The height of other structures such as fences is the vertical distance from the ground level immediately under the structure to the top of a structure. Special measurement provisions are also provided below.

1. ***Measuring Height of Retaining Walls and Fences.*** Retaining walls and fences on top of retaining walls are measured from the ground level on the lowest external side of the retaining wall.
2. ***Measuring Height of Decks.*** Deck height is determined by measuring from the ground to the top of the rail. If there is no rail, deck height is measured from the ground to the top of the floor of the deck.

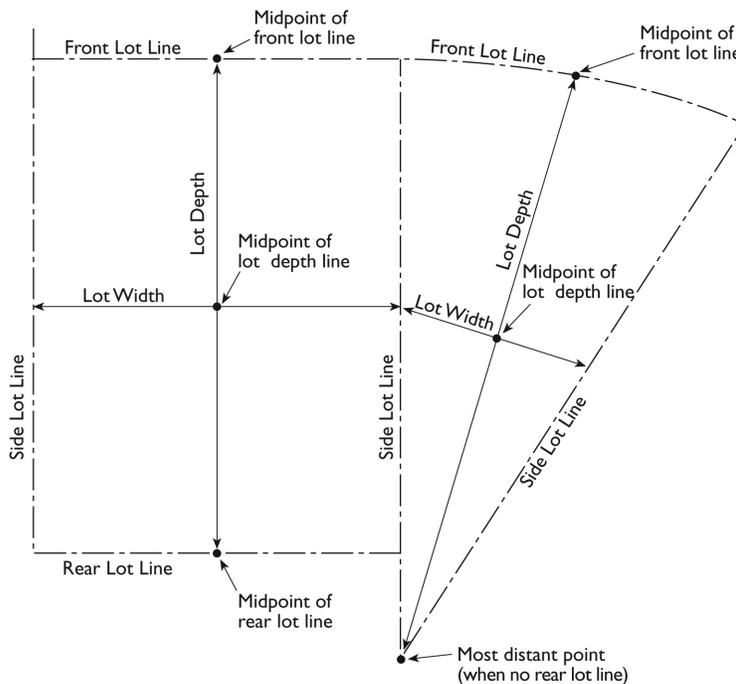
FIGURE 17.03-D: MEASURING HEIGHT OF OTHER STRUCTURES



17.03.070 Measuring Lot Widths and Depths

- A. **Lot Depth.** The distance from the midpoint of the front lot line to the midpoint of the rear lot line or to the most distant point on any other lot line where there is no rear lot line.
- B. **Lot Width.** The distance between the side lot lines, measured at a right angle to the lot depth at the midpoint of the lot depth line.

FIGURE 17.03-E: MEASURING LOT WIDTH AND DEPTH



17.03.080 Setback Averaging

Certain regulations allow for setbacks to be averaged. In these situations, the required setback may be reduced to the average of the existing setbacks of the lots that are on both sides of the site. The following rules apply in calculating the average:

- A. The setbacks used for the calculations must be the same type of setback that is being averaged. For example, only garage-entrance setbacks can be used to average a garage-entrance setback.

- B. Only the setbacks on the lots that are on the same street side may be used. Setbacks across the street or along a different street may not be used.
- C. Half or more of the lots in the block must be improved with buildings and a minimum of 50 percent of those buildings have setbacks which are less than that required by this Title.

17.03.090 Determining Average Slope

- A. **Average Slope.** When calculating the average slope of a lot the following formula is used: $S=(I)(L)(.00223)/A$ where I=contour interval (i.e. 2', 10', 20'), L=length of contour lines added together, A=area of site in acres, S=average slope.

Chapter 17.04 Reserved

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Chapter 17.05 Reserved

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Division II – Base District Regulations

Chapters:

17.06	R Residential Districts
17.07	C Commercial and Mixed-Use Districts
17.08	I Industrial Districts
17.09	PF Public Facilities District
17.10	OS Open Space and Parks Districts
17.11	AG Agricultural Districts
17.12	<i>Reserved</i>
17.13	<i>Reserved</i>

Chapter 17.06 R Residential Districts

Sections:

17.06.010	Purpose
17.06.020	Land Use Regulations
17.06.030	Development Regulations
17.06.040	Review of Plans

17.06.010 Purpose

The specific purposes of the residential districts are to:

- A. Preserve, protect, and enhance areas for residential land use, consistent with the City’s General Plan/Local Coastal Plan. Ensure that new residential development respects site constraints, such as lot size and shape, ground slope, access, creeks and wetlands, wildlife habitat, native vegetation, coastal resources and significant trees.
- B. Prohibit incompatible uses and ensure that institutional and public uses located within residential areas are designed to be compatible with the height and increments of building masses in scale with the residential buildings.
- C. Establish development standards that maintain and enhance neighborhood appearance, neighborhood character, and quality of life, and do not allow new buildings and activities that are out of scale and character with surrounding uses and structures.
- D. Preserve and enhance the diverse character of existing residential neighborhoods and the variety of housing types. Provide a continuing supply of affordable housing to meet the needs of existing and future Morro Bay residents in all income categories by encouraging development of infill development and construction of second units.
- E. Ensure usable open space areas, landscaping, setbacks, and separation of buildings on smaller lots within the City and encourage the use of cluster concepts to keep street surface area to a minimum, where small lots and compact patterns yield high-density residential development.

The additional purposes of each residential district are as follows:

RS Single Family Residential. To promote and protect single-family neighborhoods on lots typically ranging in size from 2,300 square feet to 20,000 square feet or more and with varying base densities, up to 7 dwelling units per gross acre, as indicated in the table below. Additional density may be achieved

through affordable housing density bonuses and other incentives. The RS district is intended to provide a range of choices for single-family housing within the City.

In the RS districts, if located on one-half acre or greater, the number of single-family residential units allowed is one per lot or the number of units allowed in accordance with the density range of the land use designation contained in the General Plan and Coastal Land Use Plan. The maximum number of residential units shall not exceed four (4) per lot. If more than one single-family residence is located on a lot in the RS district, any residential unit that has not been authorized as a secondary dwelling in accordance with State and local regulations shall not be used in violation of the Subdivision Map Act.

In addition to single-family homes, this district allows for park and recreation facilities, public safety facilities, religious facilities and limited agricultural uses. Designators address different base densities allowed under the RS district, pursuant to the General Plan/Local Coastal Plan.

The following table establishes the maximum base densities allowed in the RS district. Under certain circumstances, these density restrictions may be increased beyond these limits in accordance with density limitations set forth in the General Plan/Local Coastal Plan or for Affordable Housing, Community Housing, or Clustered Subdivision Designs.

TABLE 17.06-A: BASE DENSITY FOR SINGLE-FAMILY DEVELOPMENT	
<i>Subdistrict Designator</i>	<i>Base Density (up to dwelling units/gross acre)</i>
RS – A	2
RS – B	4
RS – C	5
RS – D	7

RD Duplex Residential. To accommodate moderate densities and more varied forms of residential development, including duplexes, townhouse projects and small-lot, single-family residential uses, with a base density of 15 dwelling units per gross acre (gross density: 2,900 sq. ft./unit). Additional density may be achieved through affordable housing density bonuses and other incentives. The RD district is intended to provide a range of housing choices in the City for different family sizes and incomes. The RD district is also intended to be located closer to community and retail services, mixed use areas, parks and open space areas and areas where greater access can be provided. In addition to residential uses, this district allows for a variety of public and semi-public uses such as clubs

and lodges, community centers, cultural institutions, religious facilities and park and recreation facilities.

RM-A Multi-family Residential. To provide opportunities for multi-family residential development and varying intensities of development with a base density of 20 dwelling units per gross acre (gross density: 2,175 sq. ft./unit).

RM-B Multi-family Residential. To provide opportunities for multi-family residential development and varying intensities of development with a base density of 24 dwelling units per gross acre (gross density: 1,800 sq. ft./unit). This sub-district is intended to apply in those areas of the City where it is reasonable to permit higher density apartment and condominium projects, public and semi-public and service uses, and limited neighborhood-serving retail uses. These areas are intended to be located in areas with higher traffic volumes where buffering between commercial/mixed uses and single-family neighborhoods is appropriate.

17.06.020 Land Use Regulations

Table 17.06 – B prescribes the land use regulations for residential districts. The regulations for each district are established by letter designations as follows:

“P” – Uses permitted as-of-right that require no discretionary review if in compliance with all standards.

“L” – Uses permitted as-of-right subject to limitations restricting location, size or other characteristics to ensure compatibility with surrounding uses. Limitations are referenced by number designations listed at the end of Table 17.06 – B.

“M” – Uses subject to a minor use permit following discretionary review by the Public Services Director.

“C” – Uses subject to a conditional use permit following discretionary review and public hearing by the Planning Commission.

The approval of a coastal development permit (CDP) pursuant to the administrative provisions of Division V may still be required even for uses that are allowed as-of-right and designated with a “P” if new construction or intensification of an existing building is proposed. The “Additional Regulations” column includes specific regulations applicable to the particular use classification that are located in Division IV of this ordinance. Use classifications are defined in Chapter 17.40: Use Classifications. Use classifications not listed in the Table below are prohibited.

TABLE 17.06 – B: USE REGULATIONS – RESIDENTIAL DISTRICTS					
	RS	RD	RM-A	RM-B	Additional Regulations
Residential Uses					
Single-Family Dwelling	P	P	P	P	
Second Unit	P	P	P	P	See Section 17.14.210
Two-Family Dwelling (Duplex)	--	P	P	P	
Multiple-Family Residential	--	--	P	P	
Family Day Care					
<i>Large Family</i>	M	M	M	M	See Section 17.14.130
<i>Small Family</i>	P	P	P	P	
Group Housing	--	--	C	C	
Mobile Home Park	--	C	C	C	See Section 17.14.150
Residential Care, Limited (6 or fewer)	M	M	M	M	
Service-Enriched Housing	--	M	M	M	See Section 17.14.200
Compact In-fill Development	C	C	C	C	See Title 16, Subdivision Ordinance
Public, Semipublic and Service Uses					
Clubs and Lodges	--	C	--	M	
Community Center	--	C	--	M	
Community Social Service Facilities	--	--	--	C	
Day Care Center	--	C	--	M	See Section 17.14.090
Park and Recreation Facilities	C	M	--	M	
Recreational Vehicle Park	--	--	--	C	See Section 17.14.190
Public Safety Facilities	C	C	--	C	
Religious Facilities	C	C	C	C	
Residential Care, General	C	C	C	C	See Section 17.14.200
Schools, Public or Private	--	--	--	C	
Commercial Uses					
Business Services	--	--	--	C	
Offices, Business and Professional	--	--	--	C	
Self-service Laundries	--	--	--	C	
Parking Lots	--	--	C	C	
Hotel and Motel	--	--	--	C	

TABLE 17.06 – B: USE REGULATIONS – RESIDENTIAL DISTRICTS					
	RS	RD	RM-A	RM-B	Additional Regulations
Bed and Breakfast Establishments	--	C	C	M	See Section 17.14.080
Food and Beverage Sales					
<i>Restaurants, Limited Service</i>	--	--	--	C	
<i>General Market</i>	--	--	--	C	Must be on the ground floor in a multifamily residential building and less than 3,000 sq. ft.
Personal Services	--	--	--	C	Must be on the ground floor in a multifamily residential building and less than 3,000 sq. ft.
Transportation, Communication and Utilities Uses					
Communication Facilities					
<i>Antennae and Transmission Towers</i>	C	C	C	C	See Chapter 17.24
Utilities, Minor	C	C	C	C	
Agriculture and Extractive Uses					
Crop and Animal Raising	P	--	--	--	See Section 17.14.060
<i>Equestrian Boarding Facilities</i>	P	--	--	--	
Other Applicable Use Regulations					
Accessory Uses	See Section 17.14.030				
<i>Home Occupations</i>	P	P	P	P	See Section 17.14.120
Nonconforming Uses	See Chapter 17.26				
Temporary Uses	See Chapter 17.25				

17.06.030 Development Regulations

Table 17.06 – C prescribes the development regulations for Residential Districts, including building scale, building form, and location, pedestrian orientation, vehicle accommodation and other standards. The “Additional Regulations” column includes additional regulations that follow the table (by letter designation) and/or that are located elsewhere in this ordinance. Within the table, the word “Yes” under a column for a specified zoning district means that the Additional Regulation cited in the right-hand column applies in that zoning district, while the word “No” means the Additional Regulation does not apply.

TABLE 17.06 - C: DEVELOPMENT STANDARDS - RESIDENTIAL DISTRICTS							
	RS-A	RS-B ¹	RS-C RS-D	RD	RM-A	RM-B	Additional Regulations
Development Density/Intensity							
Permitted Lot Sizes – Pre-existing lots (sq. ft.)	7,500 – 20,000	4,000 – 8,000	RS-C: 3,750 – 5,000; RS-D: 2,300 – 4,000	--	--	--	
Minimum Lot Size – New lots (sq. ft.)	20,000	6,000	6,000	6,000	6,000	6,000	
Maximum Lot Coverage (%)	45	50	50	50	60	60	
Maximum Residential Density – Minimum Lot Area per Unit (sq. ft.)							
Base Density	20,000	1 per lot	1 per lot	2,175	2,175	1,800	
Additional Density	See (A) and Chapter 17.17: Affordable Housing, Density Bonuses, and Other Incentives						
Development Limitations							
Maximum Height (ft.)	25	14 or 17 for Beach Tract with minimum 4:12 pitch; 25 for Cloisters ¹	25	25	25	30 ²	(B); See Section 17.15.030
Minimum Yards (ft.)							See Section 17.15.070
Front	10; 20 for garages	15 including garages	10 includ- ing garages	15; 20 for garages	15; 20 for garages	15; 20 for garages	
Side	10% of width; max. 10	4; 10 aggregate for both yards	3	5	5	5	

TABLE 17.06 - C: DEVELOPMENT STANDARDS - RESIDENTIAL DISTRICTS							
	RS-A	RS-B ¹	RS-C RS-D	RD	RM-A	RM-B	Additional Regulations
Corner Side	max. 10	15 including garages	6; 10 for garage	20% of width; min. 5; max. 10	20% of width; min. 5; max. 10	20% of width; min. 5; max. 10	
Rear	20% of depth; max. 20	5	5	5; 10 when abutting RS/RD zone	5; 10 when abutting RS/RD zone	5; 10 when abutting RS/RD zone	
Façade Articulation	No	No	No	Yes	Yes	Yes	(C)
Vehicle Accommodation							
Limitations on Parking Frontage	No	No	No	No	Yes	Yes	(D)
Other Standards							
Additional Standards	See Chapter 17.15: General Site Standards						
Usable Open Space	--	--	--	Yes	Yes	Yes	(E)
Hillside Development	Yes	--	--	Yes	Yes	Yes	(F)
Setbacks from Creeks and Riparian Areas	Yes	Yes	Yes	Yes	Yes	Yes	(G)
Solar Access	Yes	Yes	Yes	Yes	Yes	Yes	(H)
Additional Standards							
1. See Design Guidelines for Cloisters Subdivision. 2. In the area between Elena Street and Sequoia Street, no more than one-third (1/3) of a building's roofline may exceed 25 feet.							

- A. **Lot Size.** Base densities for the RS districts shall be in accordance with the allowable densities set forth above in Table 17.06 – C. Under certain circumstances, these density and lot size restrictions may be modified and/or increased beyond these limits for Affordable Housing, Compact Infill Development, or Clustered Subdivision Designs.
- B. **Maximum Height – Beach Tract.** In areas of the Beach Tract zoned RS-B, two-story construction and/or any intermediate floor such as mezzanines, as defined by the Building Code, are prohibited. The maximum height for deck railings and

for buildings with flat roofs is 14 feet. Pitched roofs with a pitch of at least 4:12, as well as architectural projections, may extend up to 17 feet in height.

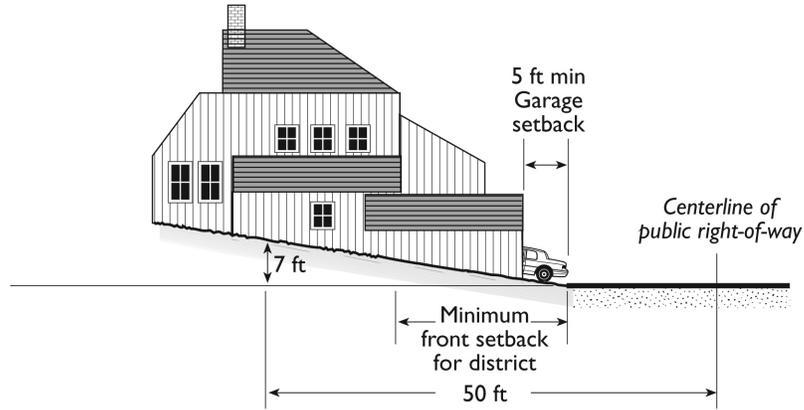
- C. **Façade Articulation.** At least one architectural projection or horizontal or vertical change in wall plane is required for 30 percent or more of the wall area of streetside facades containing three or more attached dwellings. Covered entries and porches and bay windows are considered architectural projections.
- D. **Limitation on Parking Frontage.** No more than 50 percent of front setback areas in the RM district shall be devoted to driveways and parking areas.
- E. **Usable Open Space.** Where usable open space is required, it must be provided according to the standards of this subsection.
 - 1. **Required Area and Minimum Dimensions.** The minimum required area and minimum dimensions of private and common usable open space is stated in Table 17.06 – D.

TABLE 17.06 - D: OUTDOOR LIVING AREA REQUIRED – R DISTRICTS		
<i>Housing Type</i>	<i>Private Usable Open Space Per Unit (Min. Size (sq. ft.)/Min. Dimension (ft.))</i>	<i>Common Open Space Per Unit (sq. ft.)</i>
Duplexes	300/15	--
Townhouses	300/15	150
Cluster Housing	60/6	200
Apartments and Mixed Use Development	50/5	100

- 2. **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.
- 3. **Location.** Usable open space may be located on the ground, or on a roof, balcony, deck, porch, or terrace. Usable open space shall be located on the same lot as the living unit(s) it serves. Usable open space areas shall exclude parking facilities, driveways, and utility or service areas. Ground-level open space shall not be located in a required front or corner side yard.
- 4. **Accessibility.**
 - a. **Private Usable Open Space.** The space shall be accessible to only one living unit by a doorway to a habitable room or hallway.

- b. *Common Usable Open Space.* The space shall be accessible to all 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.
5. ***Standards for Projects with 8 or More Units.*** For projects with 8 or more units, Usable Open Space shall also be provided as follows:
- a. Common areas must include resident-serving amenities, such as pools, clubhouses, or recreational areas.
 - b. Isolated planting areas that are less than 36 square feet in area and/or less than 6 feet in any direction shall not be counted towards meeting the open space requirement.
 - c. For new subdivisions only, required common areas shall be a minimum of 400 square feet in area with a minimum horizontal dimension of 15 feet and conveniently located for residents' access and use.
- F. **Hillside Development (Slopes of 10 Percent or More).**
- 1. ***Front Setback.*** The front setback for a garage, attached or detached, may be reduced to 5 feet provided that the elevation of the front half of the lot at a point 50 feet from the centerline of the public right-of-way is 7 feet above or below the grade of the centerline at the placement of the garage. If the garage opening faces the street the garage must have an automatic rolling type garage door opener. For lots located below street grade only, the garage roof portion of the structure may be only permitted to extend 10 feet above the street grade unless the height of the residence is allowed to be constructed taller, in which case the garage may be permitted to be constructed to the height of the rest of the residence.

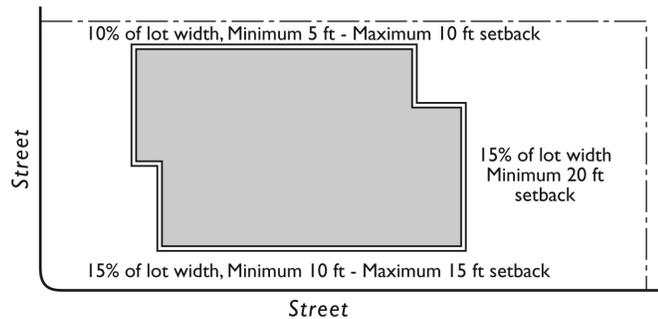
17.06-A: HILLSIDE DEVELOPMENT - FRONT SETBACK



Elevation at a point 50 feet from the centerline of the public right-of-way is ± 7 ft difference from the elevation of the right-of-way

2. **Side Setbacks.** Ten percent of lot width with a minimum 5 foot and maximum 10 foot setback. May be reduced to base district standard provided units are clustered and at least 40 percent of the site is retained as open space excluding driveways and parking lots.

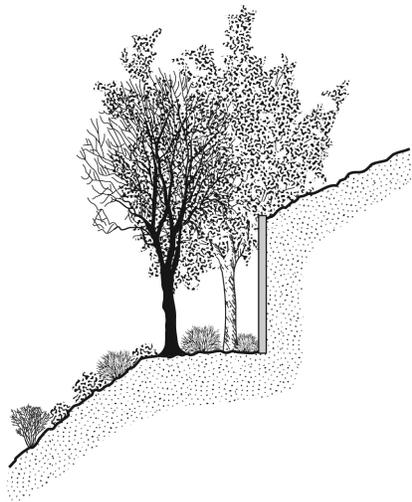
17.06-B: HILLSIDE DEVELOPMENT - CORNER, SIDE AND REAR SETBACKS



3. **Corner Side Setbacks.** Fifteen percent of lot width with a minimum 10 foot and maximum 15 foot setback. May be reduced to base district standard provided units are clustered and at least 40 percent of the site is retained as open space excluding driveways and parking lots.

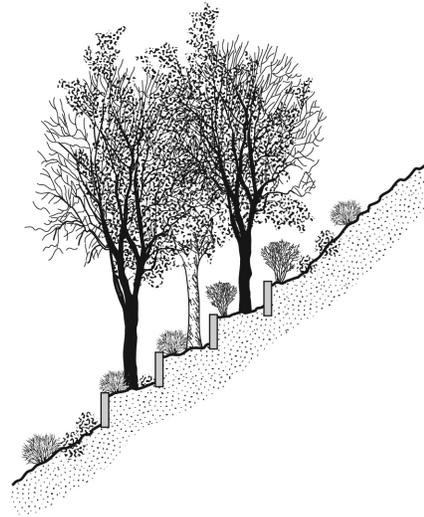
4. **Rear Setbacks.** Fifteen percent of lot depth, with a minimum 20-foot setback.
5. **Special Streets.** Special street designs, including one-way streets, split-level streets and dead-end streets, may be approved by the City as part of a subdivision approval when their use is justified by detailed engineering and traffic circulation studies submitted by the applicant and approved by the City Engineer in consultation with the Planning Commission.
6. **Retaining Walls on Hillsides.** The following is recommended for hillside development:

17.06-C: HILLSIDE DEVELOPMENT - RETAINING WALLS



Discouraged

Single retaining wall makes a massive scar on hillside and is difficult to screen.



Preferred

Terraced retaining walls break up mass and are easier to screen.

- G. **Setbacks from Environmentally Sensitive Habitat, Creeks, and Riparian Areas.** Minimum setbacks shall be required from environmentally sensitive habitat, creeks, and riparian areas, as identified in the General Plan/Local Coastal Plan and as determined by the California Department of Fish and Game. These setback areas are to be clear of buildings, impervious surfaces, and active play areas. Passive use areas, bikeways and trails may be located adjacent to environmentally sensitive areas, subject to environmental review.
- H. **Solar Access and Solar Energy Systems.** The following standards apply to the design of all solar energy systems:

1. Roof-mounted solar collectors shall be placed in the location least visible from a public right-of-way. Wall-mounted and ground-mounted systems shall be screened from public view.
2. When feasible, collectors shall be integrated into the design of the building. Structural support for the collectors shall be screened in a manner that is compatible with the design of the building.
3. Appurtenant equipment, particularly plumbing and related fixtures, shall be installed within the building, where feasible.
4. Large accessory fixtures must be screened, where possible, as determined by the Director of Public Services, through architectural features that harmonize with other design elements of the structure.
5. Storage tanks shall not be located in any required front or side yards, nor shall they be visible from any public right-of-way.
6. Exterior surfaces shall have a matte finish and be color-coordinated to harmonize with roof materials or other dominant colors of the structure.

17.06.040 Review of Plans

All development is subject to development review under the administrative provisions, found in Division V of this Title.

Chapter 17.07 C Commercial and Mixed-Use Districts

Sections:

17.07.010	Purpose
17.07.020	Land Use Regulations
17.07.030	Development Regulations
17.07.040	Review of Plans

17.07.010 Purpose

The specific purposes of the commercial and mixed-use districts are to:

- A. Provide commercial uses that add to a diversified economic base with shopping, services and employment opportunities for the community, in areas that can accommodate traffic and other activities associated with these uses.
- B. Improve commercial areas and maintain a thriving, vital downtown compatible with surrounding land uses. Make productive use of existing commercial buildings and strengthen areas where significant commercial development has occurred, thereby reducing the need to further expand areas of commercial development.
- C. Encourage mixed uses to create a more vibrant community and offer additional opportunities for housing for residents requiring convenient access to community services, less outdoor living space, and less dependency on auto transportation.
- D. 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. Achieve an architectural character for the Embarcadero area that is in keeping with a working fishing community.
- E. 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.
- F. Prohibit incompatible uses and ensure that commercial development located adjacent to residential areas is designed with height and size in scale with the residential buildings. Establish development standards that buffer and screen neighboring uses and that limit buildings and activities that are out of scale and character with surrounding uses and structures.

The additional purposes of each commercial and mixed-use district are as follows:

CC Community Commercial. To create, maintain and enhance areas that provide a wide range of retail, business, personal service, and office uses that serve the needs of City residents and visitors. This district is intended to accommodate the everyday needs of residents and visitors; typical land uses include grocery markets and convenience food markets, laundries and other personal services, pharmacies, and/or residential units as part of mixed-use projects in pedestrian-oriented areas. Two sub-district character designators distinguish between auto-oriented and more pedestrian-oriented community commercial areas.

- ***CC-P Pedestrian-oriented.*** To provide for community commercial uses in a smaller-scale pedestrian-oriented environment with continuous street frontage and a mix of uses and parking located at the side or rear of buildings where possible. The CC-P district is intended to create, maintain and enhance walkable community commercial areas that provide a mix of retail, restaurant, business and personal service uses within the downtown area. Residential units may be allowed in these areas, so long as they are located above the ground-floor and/or at the rear of lot.
- ***CC-A Auto-oriented.*** To provide for community commercial uses that are more appropriate in an auto-oriented environment and along the City's major transportation corridors. The CC-A district is intended to accommodate larger-scale shopping districts and centers, particularly along portions of Quintana Road and areas along North Main Street. No residential uses are allowed. Surface parking may be located in the front of buildings.

CVS Commercial Visitor-Serving. To create, maintain and enhance areas appropriate for tourism and land uses to accommodate visitor-serving needs. The CVS district is intended to encourage concentration of tourist-intensive uses as major destination points in the City, such as the Embarcadero, or at locations easily accessible to travelers along Highway 1. Typical land uses include hotels and motels, restaurants, gift shops, goods and supply stores, commercial recreation, visitor access and facilities, recreational boat dockage and similar activities, and other uses that accommodate tourist needs and activities. No residential uses are allowed along the Embarcadero unless they are incidental to the visitor-serving use (e.g. motel managers unit). One caretaker's or security unit per lot, not to exceed 900 square feet, may be allowed in the C-VS zone district.

MX Mixed Use. To create, maintain and enhance areas that are appropriate for a range of mixed uses including commercial, office and residential uses that do not adversely impact one another and that provide a transition from commercial to more single-family residential areas. Typical land uses include neighborhood-serving retail, convenience stores, personal services, food markets and

restaurants.

CF Commercial Fishing. To preserve areas that serve or facilitate licensed fishing activities or commercial fishing and incidental uses 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.

17.07.020 Land Use Regulations

Table 17.07 – A prescribes the land use regulations for commercial and mixed-use districts. The regulations for each district are established by letter designations as follows:

“P” – Uses permitted as-of-right that require no discretionary review if in compliance with all standards.

“L” – Uses permitted as-of-right subject to limitations restricting location, size or other characteristics to ensure compatibility with surrounding uses. Limitations are referenced by number designations listed at the end of Table 17.07 – A.

“M” – Uses subject to a minor use permit following discretionary review by the Public Services Director.

“U” – Uses subject to a conditional use permit following discretionary review and public hearing by the Planning Commission.

The approval of a Coastal Development Permit (CDP) pursuant to the administrative provisions of Division IV may still be required even for uses that are allowed as-of-right and designated with a “P” if new construction or intensification of an existing building is proposed. The “Additional Regulations” column includes specific regulations applicable to the particular use classification that are located in Division III of this ordinance. Use classifications are defined in Chapter 17.40: Use Classifications. Use classifications not listed in the Table below are prohibited.

TABLE 17.07 – A: USE REGULATIONS – COMMERCIAL AND MIXED USE DISTRICTS						
	CC		CVS	MX	CF	Additional Regulations
	CC- P	CC- A				
Residential Uses						
Single-Family Dwelling	C	--	C	C	--	
Two-Family Dwelling (Duplex)	C	--	--	C	--	

TABLE 17.07 – A: USE REGULATIONS – COMMERCIAL AND MIXED USE DISTRICTS						
	CC		CVS	MX	CF	Additional Regulations
	CC- P	CC- A				
Multiple Family Residential	C	--	--	C	--	
Family Day Care						
<i>Large Family</i>	M	--	--	M	--	See Section 17.14.130
<i>Small Family</i>	M	--	--	P	--	
Group Housing	M	--	--	C	--	
Residential Care, Limited	--	--	--	M	--	
Service-Enriched Housing	C	--	--	M	--	See Section 17.14.200
Public, Semipublic and Service Uses						
Clubs and Lodges	P	P	C	M	--	
Community Center	P	P	--	M	--	
Community Social Service Facilities	M	M	--	--	--	
Cultural Institutions	P	P	P	--	--	
Day Care Center	M	M	--	M	--	See Section 17.14.090
Government Offices	P	P	--	--	--	
Hospitals and Clinics						
<i>Hospitals</i>	C	M	--	--	--	
<i>Clinics</i>	P	M	--	M	--	
Park and Recreation Facilities	M	M	C	M	C	
<i>Recreational Vehicle Park</i>	--	--	C	--	--	See Section 17.14.190
Parking, Public	M	P	P	--	C	
Public Safety Facilities	M	P	M	C	--	
Religious Facilities	C	C	C	C	--	
Residential Care, General	--	--	--	C	--	See Section 17.14.200
Schools, Public or Private	--	--	--	M	--	
<i>Colleges and Trade Schools</i>	M	P	M	--	--	
Commercial Uses						
Adult Business Establishments	--	C	--	--	--	See Section 17.14.040
Animal Sales and Services	P	P	--	P	--	
<i>Kennels</i>	M	P	--	M	--	
<i>Kennels with Outdoor Activity</i>	C	C	--	C	--	

TABLE 17.07 – A: USE REGULATIONS – COMMERCIAL AND MIXED USE DISTRICTS						
	CC		CVS	MX	CF	Additional Regulations
	CC- P	CC- A				
Areas						
Automobile/Vehicle Sales and Service						See Section 17.14.070
Automobile Rentals	M	P	P	M	--	In CC-P and MX districts, permitted as-of-right if less than 10,000 sq. ft. in size and cars are stored in enclosed garages.
Automobile/Vehicle Sales and Leasing	--	P	--	--	--	
Automobile/Vehicle Service and Repair, Major	--	P	--	--	--	
Automobile/Vehicle Service and Repair, Minor	--	P	--	M	--	
Automobile/Vehicle Washing	--	P	--	--	--	
Large Vehicle and Equipment Sales, Service & Rental	--	P	--	--	--	
Banks and Other Financial Institutions	P	P	P	P	--	
With Drive-Through Facilities	--	P	--	M	--	See Section 17.14.100
Bed and Breakfast Establishments	P	P	P	P	--	See Section 17.14.080
Building Materials and Service	--	P	--	M	--	
Business Services	P	P	--	P	--	
Commercial Recreation						See Section 17.14.050
Large-scale	--	C	--	C	--	
Small-scale	M	P	P	M	--	
Boating and Fishing Facilities	C	P	P	--	P	
Eating and Drinking Establishments						
Bars/Nightclubs/Lounges	P	P	P	M	--	
Restaurants, Full Service	P	P	P	P	--	
Restaurants, Limited Service	P	P	P	P	--	

TABLE 17.07 – A: USE REGULATIONS – COMMERCIAL AND MIXED USE DISTRICTS						
	CC		CVS	MX	CF	Additional Regulations
	CC- P	CC- A				
<i>With Drive-Through Facilities</i>	--	P	M	P	--	See Section 17.14.100
<i>With Outdoor Eating Areas</i>	P	P	P	P	--	See Section 17.14.170
Food and Beverage Sales						
<i>Convenience Market</i>	M	P	P	P	--	
<i>General Market</i>	P	P	--	P	--	
<i>Liquor Stores</i>	P	P	--	--	--	
Home Improvement Sales and Service	--	P	--	P	--	
Hotels and Motels	M	P	P	P	--	
Laboratories	--	P	--	--	--	
Live/Work Units	C	P	C	C	--	
Maintenance and Repair Services	C	P	--	--	--	
Marine Sales and Services	--	P	P	P	P	
Offices, Business and Professional	P	P	M	P	--	In CVS district, offices must be tourist-related such as real estate or vacation rental offices.
<i>Walk-in Clientele</i>	P	P	P	P	--	
Office, Medical and Dental	P	P	--	P	--	
Parking, Commercial	M	P	M	M	P	
Personal Improvement Services	P	P	M	P	--	In CVS district, services must be related to tourist and marine activities such as boating or fishing lessons.
Personal Services	P	P	P	P	--	
Retail Sales	P	P	P	P	--	See Section 17.14.160
<i>Large Format</i>	--	P	--	P	--	
Wholesale, Distributing and Storage	--	C	--	--	--	
Industrial Uses						
Contractors' Yard	--	C	--	--	--	

TABLE 17.07 – A: USE REGULATIONS – COMMERCIAL AND MIXED USE DISTRICTS						
	CC		CVS	MX	CF	Additional Regulations
	CC- P	CC- A				
Handicraft/Custom Manufacturing	--	M	--	--	--	
Industry, General	--	--	--	--	--	
<i>Agricultural Processing</i>	--	--	--	--	L-3	
Warehousing and Storage						
<i>Indoor Commercial Storage</i>	--	C	--	--	--	
<i>Self-Storage</i>	--	C	--	--	--	See Section 17.14.220
Transportation, Communication and Utilities Uses						
Communication Facilities						
<i>Antennae and Transmission Towers</i>	C	C	C	C	C	See Chapter 17.24
<i>Facilities Within Buildings</i>	M	M	M	M	M	
Docks, Piers and other Coastal-Related Infrastructure	--	--	M	--	M	
Recycling Facilities						
<i>Reverse Vending Machines</i>	M	P	--	P	--	
<i>Recycling Collection Point</i>	C	P	--	M	--	
Utilities, Minor	P	P	P	P	P	
Agriculture and Extractive Uses						
Nurseries	--	P	--	P	--	
Other Applicable Use Regulations						
Accessory Uses	See Section 17.14.030					
<i>Home Occupations</i>	P	--	--	P	--	See Section 17.14.120
Nonconforming Uses	See Chapter 17.26					
Temporary Uses	See Chapter 17.25					
Please Note: Storage containers are not identified in the use table.						

17.07.030 Development Regulations

Table 17.07 – B prescribes the development regulations for Commercial Districts, including building scale, building form and location, pedestrian orientation, vehicle accommodation and other standards. The “Additional Regulations” column includes additional regulations that follow the table (by letter designation) and/or that are

located elsewhere in this ordinance. Within the table, the word “Yes” under a column for a specified zoning district means that the Additional Regulation cited in the right-hand column applies in that zoning district, while the word “No” or the notation “NA” means the Additional Regulation does not apply.

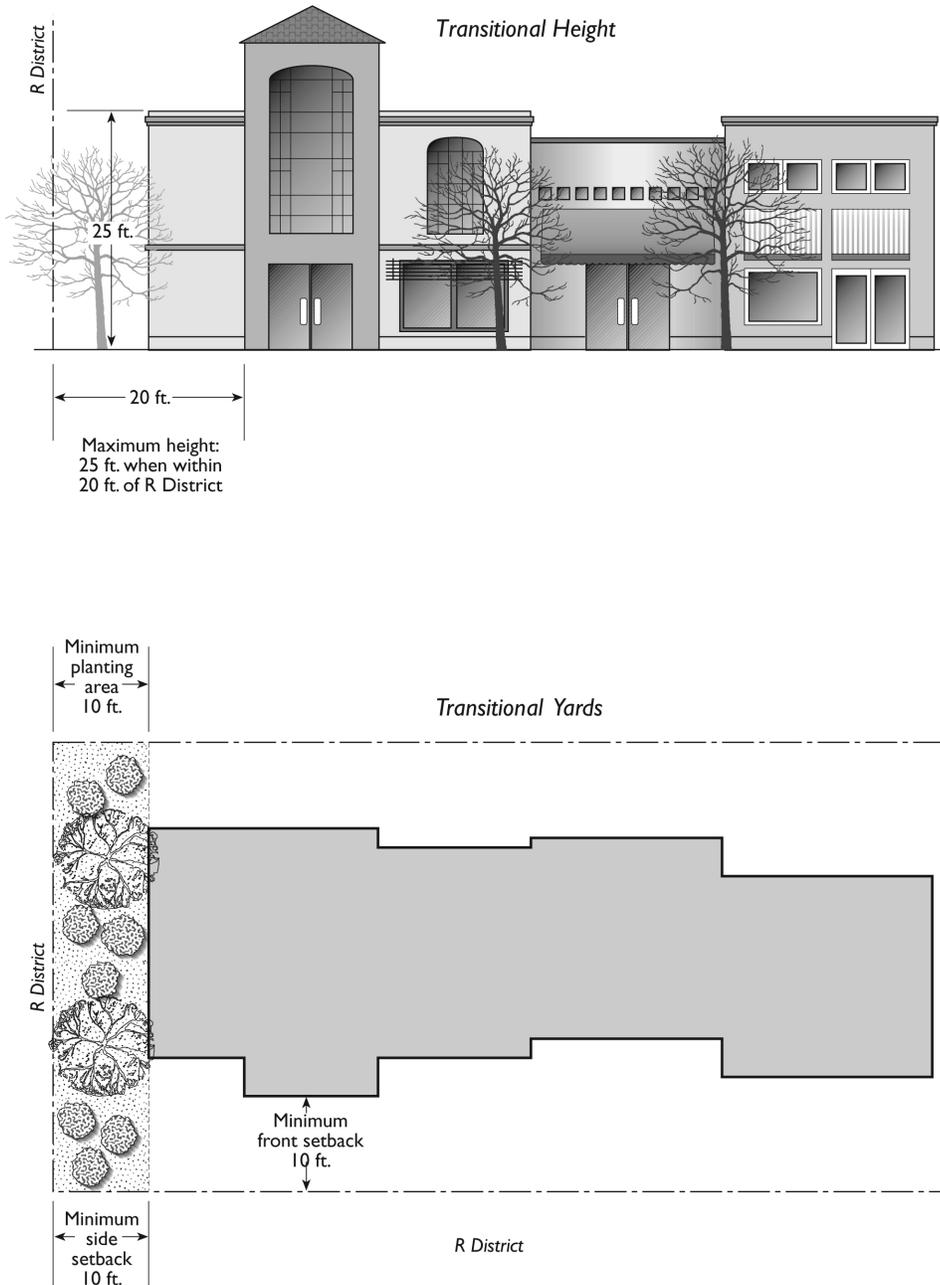
TABLE 17.07 - B: DEVELOPMENT STANDARDS – COMMERCIAL AND MIXED-USE DISTRICTS						
	<i>CC-P</i>	<i>CC-A</i>	<i>MX</i>	<i>CVS</i>	<i>CF</i>	<i>Additional Regulations</i>
Building Scale – Density/Intensity						
Minimum Lot Size	See Title 16, Subdivision Regulations, for sizes for new lots					
Maximum Lot Coverage (%)	90	90	60	60	50	(A)
Maximum Residential Density – Minimum Lot Area Per Unit (sq. ft.)						
Base Density	1,700	--	1,400	--	--	
<i>Additional Density</i>	See Chapter 17.21: Affordable Housing, Density Bonuses, and Other Incentives					
Building Form and Location						
Maximum Building Height (ft.)	30; 25 within 20 ft. of an R district	30; 25 within 20 ft. of an R district	25	30	30; 14 along Coleman Drive	(B); Section 17.15.030
Minimum Yards (ft.)						(B); Section 17.15.070
<i>Front</i>	0 with an average of 2 unless adjacent to an R district, then 5			10	5	
<i>Side</i>	0 unless adjacent to an R district, then 5					
<i>Corner Side</i>	0 with an average of 2 unless adjacent to an R district, then 5			20% of average lot width; min. 5; max. 10	5	

TABLE 17.07 - B: DEVELOPMENT STANDARDS – COMMERCIAL AND MIXED-USE DISTRICTS						
	<i>CC-P</i>	<i>CC-A</i>	<i>MX</i>	<i>CVS</i>	<i>CF</i>	<i>Additional Regulations</i>
<i>Rear</i>	0 with an average of 2 unless adjacent to an R district, then 5		5 for buildings of up to 15 ft. in height; 10 for buildings over 15 ft. in height	0 with an average of 2 unless adjacent to an R district, then 5	0	
Percent of Building at Setback or Property Line	80	60	50	50	--	
Building Design						
Pedestrian-Oriented Design	Yes	No	Yes	Yes	No	(C)
Vehicle Accommodation – Driveways and Parking						
Driveway Restrictions; Location of Parking	Yes	Yes	Yes	Yes	No	(D)
Location of Parking	No	Yes	Yes	Yes	No	(D)
Truck Docks, Loading and Service Areas	Yes	Yes	Yes	Yes	Yes	(D)
Standards for Residential Development						
Usable Open Space (sq. ft. per unit)	150	NA	150	NA	NA	(F)
Side and Rear Yard Setbacks	Yes	NA	Yes	NA	NA	(G)
Other Standards						
Additional Standards	See Chapter 17.15: General Site Standards					

- A. **Maximum Building Size.** The limit applies to the main tenant in a multi-tenant center or structure; a conditional use permit may be approved to exceed this limit upon finding that a larger building would be compatible in scale with adjacent uses, or adequate buffering and height transitions are provided.
- B. **Transitional Height and Transitional Yards.** No building may exceed 25 feet in height within 20 feet of an R district boundary. Where opposite an R district

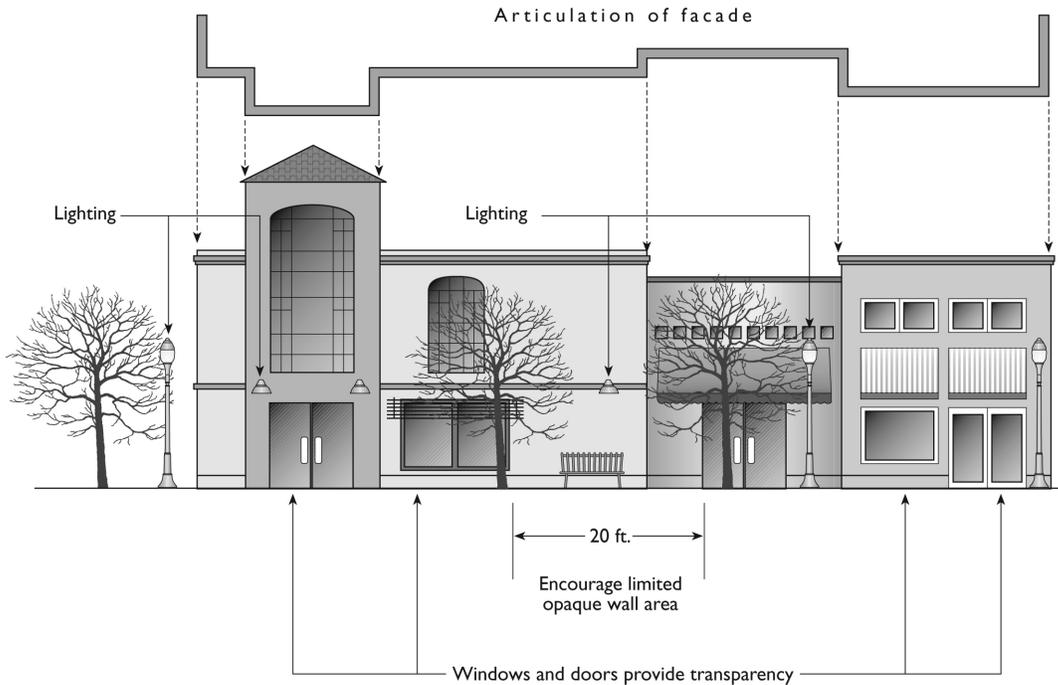
boundary, the front setback shall be a minimum of 10 feet and the side setback a minimum of 10 feet with at least 10 feet consisting of a buffer planting area, consistent with the requirements of Section 17.15.040.

FIGURE 17.07-A: TRANSITIONAL HEIGHT AND YARDS



- C. **Pedestrian-Oriented Design.** Structures required to be designed with pedestrian orientation shall incorporate the following design elements façade at ground floor street frontage level:
1. ***Articulated Facades.*** Buildings shall provide adequate architectural articulation and detail to avoid a bulky and “box-like” appearance. The building façade at ground floor street frontage level should be articulated with measures such as, indentation in plane, change of materials in a complimentary manner, sensitive composition and juxtaposition of openings and solid wall and/or building frame, and projecting elements, such as awnings or marquees, to provide shade and shelter.
 2. ***Transparency.*** The required zone of transparency shall include windows and/or doors providing views into buildings or into window displays of merchandise at least three feet deep. A building may have no more than 20 feet of continuous linear street-level frontage that is opaque.
 3. ***Signage.*** Signage shall be integrated with the design of the building and oriented and scaled to the pedestrian where applicable.
 4. ***Lighting.*** Exterior lighting shall be provided for a secure nighttime pedestrian environment by reinforcing entrances, public sidewalks and open areas with a safe level of illumination. All parking lot and street lighting shall be fully shielded and all lighting fixtures shall have sharp cut-off qualities to avoid off-site glare and spillage. The light fixture shall be a maximum of 25 feet in height. (See also Chapter 17.23, Control of Artificial Light.)
 5. ***Other Pedestrian-Oriented Design Elements.*** Other pedestrian-oriented design elements such as street furniture or other seating surfaces on private property and other design amenities scaled to the pedestrian such as awnings, drinking fountains, arcades, colonnades, plazas, non-commercial community bulletin boards, public or private art, and alternative paving materials may be provided in areas of pedestrian access. Compliance may also be demonstrated by pedestrian-oriented design elements that are provided off-site. The preferred sidewalk width is 10 feet in commercial and mixed-use areas.

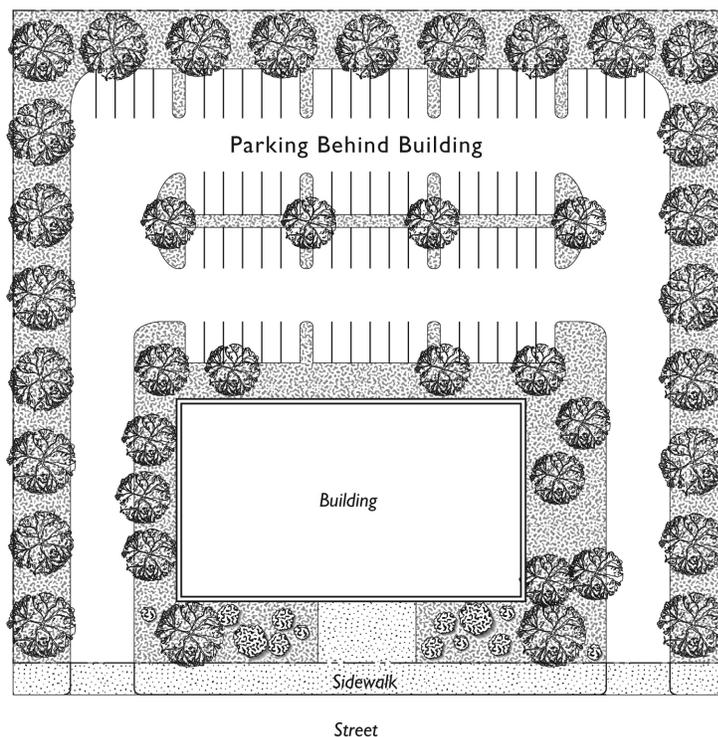
FIGURE 17.07-B: PEDESTRIAN-ORIENTED STANDARDS



D. **Driveway Restrictions; Location of Parking.**

1. **Access.** Access from a side street or alley must be provided wherever possible. Access shall not be provided from a residential street where alternate access is available. See Section 17.21.070 (J).
2. **Parking Areas.** Parking areas shall be located at the rear of the site or at the side of the building, except for drop-off areas which may be located at the primary entry.
3. **Landscaping and Screening.** Parking areas are subject to the required perimeter plating area requirements and related provisions of Section 17.21.070(G), Landscaping and Screening.

FIGURE 17.07-C: LOCATION OF PARKING



- E. **Mixed Use Standards.** The standards and guidelines contained in this subsection are intended to encourage good quality, pedestrian-sensitive design in new building construction. These qualities contribute to the creation of a mixed-use are that facilitates easy pedestrian movement and establishment of a rich mixture of uses.
1. ***CCP and MX Zones.*** In the Pedestrian-Oriented Commercial and Mixed Use zones, residential uses may be permitted if all of the following conditions are met:
 - a. ***Residential Density.*** If housing is a part of a mixed-use development, dwellings are permitted at the rear and/or above the commercial uses with no minimum density.
 - b. ***Residential Building Entry and Orientation Requirements.***
 - i. Entrances to residential units shall be physically separated from the entrance to the permitted commercial uses and clearly marked with a physical feature incorporated into

the building or an appropriately scaled element applied to the facade.

- ii. Garages or other enclosed or covered parking facilities for use by residents are not a major visible feature from the public street or from adjacent bikeways, sidewalks or other pedestrian amenities. Residential parking shall be clearly signed and reserved for the residents.
- iii. All ground floor tenant spaces with at least 25 feet of frontage facing a public or private street shall have at least one building entrance oriented to the adjacent street. Such an entrance shall open directly to the outside and shall not require a pedestrian to first pass through a garage, parking lot or loading area to gain access.

c. *Commercial Ground-Floor Windows and Building Façade Requirements.*

- i. All development shall provide ground-floor windows on the building façade facing and adjacent to a public street, or facing onto a park, plaza or other public outdoor space. Required windows shall allow views into lobbies or similar areas of activity, pedestrian entrances, or display windows.
- ii. Darkly tinted windows and mirrored windows which block two-way visibility are prohibited as ground floor windows required under this provision.
- iii. Building frontages along streets shall break any flat, monolithic façade by including architectural elements such as bay windows, recessed entrances or other articulation so as to provide pedestrian scale to the first floor.
- iv. Commercial Entrances: Entrances shall be designed to a pedestrian scale that meets the street. Architectural elements (entablatures, pediments, recessed entries, lighting, door hardware, etc.) that accentuate and emphasize the building entrances shall be utilized in differentiating the ground-floor commercial space from the residential areas above and/or to the rear and side.

d. *Building Step-Back Requirements.*

- i. Step back requirements shall be achieved, at the option of the applicant, by one of two methods:
 - (a) Floors above the first floor shall be stepped back a minimum of five feet and an additional five feet for floors above the second floor. The maximum step-

back under this method shall not exceed 15 feet; or

- (b) A building shall be stepped-back by an appropriate amount from the plane of the street so as to maintain an angle not greater than 60 degrees between the top of the building façade fronting on to the street and the back of the sidewalk of the opposite side of the same street.

- ii. Upon petition of the applicant, the Director or Planning Commission may waive the building step-back requirements of this subsection provided that the applicant clearly demonstrates the proposed project:

- (a) Includes window treatments, entry placement, façade relief and other architectural treatments to provide visual interest and pedestrian-sensitive design at the street level and to maintain a human scale in the streetscape; and
- (b) Extends the same architectural features described in subsection (ii)(a) above the ground floor level through variations in design, detail, and proportion, and by avoiding designs featuring a monolithic street façade.

- 2. ***CVS Zone.*** In the Visitor-Serving Commercial (CVS) Zone, accessory residential uses are allowed as a component of mixed-use development if the accessory residential use is ancillary to commercial activities (e.g., sleeping quarters for security personnel, on-site accommodations for a hotel manager) and all of the following standards are met:

- a. *Residential Density.*

- i. No residential uses are allowed along the Embarcadero unless they are incidental to the visitor-serving use (e.g. motel managers unit). One caretakers or security unit per lot, not to exceed 900 square feet, may be allowed in the CVS zone district.

- b. *Residential Building Entry and Orientation Requirements.*

- i. Entrances to residential units shall be physically separated are separate from the entrance to the permitted visitor-serving commercial uses and not a major visible feature from bikeways, sidewalks or other pedestrian amenities.
- ii. Garages or other enclosed or covered parking facilities for use by residents are not a major visible feature from the public street or from adjacent bikeways, sidewalks or other

pedestrian amenities. Residential parking shall be clearly signed and reserved for the residents.

- F. **Usable Open Space for Residential Development.** A minimum of 150 square feet of Usable Open Space is required per residential unit in a mixed-use building and may be provided as common or private open space on balconies or patios.
- G. **Side and Rear Yard Setback Requirements for Residential Uses.** In order to provide light and air for residential units in mixed-use buildings, the following minimum setbacks apply for any side or rear yard not fronting a street. For all buildings adjacent to an R district boundary, the stricter setback standard shall apply (see subsection (B) above.)
 - 1. Five feet for any wall with windows.
 - 2. Ten feet for any wall with bedroom or kitchen windows.
 - 3. Fifteen feet for any wall with living room or other primary windows.

17.07.040 Review of Plans

All development is subject to development review under the administrative provisions, found in Division V of this Title.

Chapter 17.08 I Industrial Districts

Sections:

17.08.010	Purpose
17.08.020	Land Use Regulations
17.08.030	Interim Uses
17.08.040	Development Regulations
17.08.050	Review of Plans

17.08.010 Purpose

The specific purposes of the industrial districts are to:

- A. Provide for appropriate areas of the City where manufacturing and other industries can locate and operate without conflicts with other land uses. Ensure that industrial districts maintain an environment that minimizes offensive or objectionable noise, dust, odor, or other nuisances and are properly landscaped and buffered from the surrounding neighborhood.
- B. Accommodate industrial uses that require specific site and locational requirements, such as near the ocean or harbor. Establish appropriate development standards that focus on ensuring high-quality industrial development, protect the environment and maintain priorities for coastal dependent land uses.
- C. Protect the City from adverse impacts from energy-related development and continue to prohibit the development of a major outer continental shelf (OCS) onshore support base and other support facilities within the City limits, consistent with the General Plan.
- D. Establish development standards that maintain and enhance neighborhood appearance, neighborhood character, and quality of life, and limit encroachment of new buildings and activities that are out of scale and character with surrounding uses and structures.

The additional purposes of each industrial district are:

IG General Industrial. To create, maintain and enhance appropriate areas of the city for industrial activities that do not require materials or equipment that emit air, noise, water or land pollutants, or require considerable outdoor storage or activity areas. Standards address uses that have outdoor facilities or storage and buffering and screening to protect adjacent commercial and residential areas. The IG district is intended to encourage light industries that would specifically provide support for commercial fishing and regional needs, such as machine

shops, auto mechanic shops, blacksmithing, cold storage, warehousing and food processing, light manufacturing, component assembling and small parts processing. Accessory offices to industrial uses and incidental retail sales of produced good are permitted, subject to specific standards.

ICD Coastal-Dependent Industrial. To create, maintain and enhance appropriate areas of the City for industrial land uses that are given priority by the California Coastal Act for location adjacent to the coastline. Examples of uses in this designation are thermal power plants, seawater intake structures, discharge structures, tanker support facilities, and other similar uses which must be located on or adjacent to the sea in order to function.

17.08.020 Land Use Regulations

Table 17.08 – A prescribes the land use regulations for industrial districts. The regulations for each district are established by letter designations as follows:

“P” – Uses permitted as-of-right that require no discretionary review if in compliance with all standards.

“L” – Uses permitted as-of-right subject to limitations restricting location, size or other characteristics to ensure compatibility with surrounding uses. Limitations are referenced by number designations listed at the end of Table 17.08-A.

“M” – Uses subject to a minor use permit following discretionary review by the Public Services Director.

“C” – Uses subject to a conditional use permit following discretionary review and public hearing by the Planning Commission.

The approval of a coastal development permit (CDP) pursuant to the administrative provisions of Division V may still be required even for uses that are allowed as-of-right and designated with a “P”. The “Additional Regulations” column includes specific regulations applicable to the particular use classification that are located in Division IV of this ordinance. Use classifications are defined in Chapter 17.40: Use Classifications. Use classifications not listed in the Table below are prohibited.

TABLE 17.08 – A: USE REGULATIONS – INDUSTRIAL DISTRICTS			
	<i>IG</i>	<i>ICD</i>	<i>Additional Regulations</i>
Public, Semipublic and Service Uses			
Park and Recreation Facilities	--	--	
<i>Recreational Vehicle Park</i>	--	C	See Section 17.14.190
Schools, Public or Private	--	--	
<i>Colleges and Trade Schools</i>	P	--	
Commercial Uses			
Adult Business Establishments	C	--	See Section 17.14.040
Animal Sales and Services	P	--	
<i>Kennels</i>	P	--	
<i>Kennels with Outdoor Activity Areas</i>	P	--	
Automobile/Vehicle Sales and Service			See Section 17.14.070
<i>Automobile Rentals</i>	P	--	
<i>Automobile/Vehicle Sales and Leasing</i>	P	--	
<i>Automobile/Vehicle Service and Repair, Major</i>	P	--	
<i>Automobile/Vehicle Service and Repair, Minor</i>	P	--	
<i>Automobile/Vehicle Washing</i>	P	--	
<i>Large Vehicle and Equipment Sales, Service & Rental</i>	P	P	
Building Materials and Service	P	--	
Commercial Recreation			
<i>Boating and Fishing Facilities</i>	--	M	
Food and Beverage Sales			
<i>Convenience Stores</i>	C	--	
Home Improvement Sales and Service	P	--	
Laboratories	P	--	
Maintenance and Repair Services	P	--	
Marine Supply and Services	P	P	
Retail Sales	--	--	See Section 17.14.180
<i>Large Format</i>	M	--	

TABLE 17.08 – A: USE REGULATIONS – INDUSTRIAL DISTRICTS			
	<i>IG</i>	<i>ICD</i>	<i>Additional Regulations</i>
Wholesale, Distributing and Storage	P	--	
Industrial Uses			
Contractors' Yard	P	--	
Handicraft/Custom Manufacturing	P	--	
Industry, Coastal-Related	P	C	
Industry, General	P	--	
<i>Agricultural Processing</i>	P	--	
Industry, Limited	P	--	
Warehousing and Storage			
<i>Indoor Commercial Storage</i>	P	--	
<i>Outdoor Storage</i>	M	P	
<i>Self-Storage</i>	P	--	See Section 17.14.220
Transportation, Communication and Utilities Uses			
Communication Facilities			
<i>Antennae and Transmission Towers</i>	C	C	See Chapter 17.24
<i>Facilities Within Buildings</i>	P	--	
Docks, Piers and other Coastal-Related Infrastructure	--	M	
Recycling Facilities			
<i>Recycling Collection Point</i>	P	C	
<i>Recycling Processing Facility</i>	C	--	
Utilities, Major	--	C	
Utilities, Minor	P	P	
Agriculture and Extractive Uses			
Agriculture, Coastal-Related	C	C	
Mining and Quarrying	--	C	
Nurseries	P	--	
Other Applicable Use Regulations			
Accessory Uses	See Section 17.14.030		
Nonconforming Uses	See Chapter 17.26		
Temporary Uses	See Chapter 17.25		

17.08.030 Development Regulations

Table 17.08 – B prescribes the development regulations for Industrial Districts, including density/intensity, development limitations (e.g. maximum height and minimum yards), pedestrian orientation, vehicle accommodation and other standards. The “Additional Regulations” column includes additional regulations that follow the table (by letter designation) or that are located elsewhere in this ordinance. Within the table, the word “Yes” under a column for a specified zoning district means that the Additional Regulation cited in the right-hand column applies in that zoning district, while the word “No” or the notation “NA” means the Additional Regulation does not apply.

TABLE 17.08 – B: DEVELOPMENT STANDARDS - INDUSTRIAL DISTRICTS			
	<i>IG</i>	<i>ICD</i>	<i>Additional Regulations</i>
Development Density/Intensity			
Minimum Lot Area (sq. ft.)	6,000	6,00	See Section 17.15.060
Minimum Lot Width (ft.)	60	60	
Maximum Lot Coverage (%)	90	90	
Development Limitations			
Maximum Building Height (ft.)	30	30	(A); See Section 17.15.030
Minimum Yards (ft.)			(A); See Section 17.15.070
<i>Front</i>	25	25	
<i>Side</i>	0	0	
<i>Corner Side</i>	10	10	
<i>Rear</i>	0	0	
Vehicle Accommodation – Driveways and Parking			
Driveway Restrictions; Location of Parking	Yes	Yes	(B)
Truck Docks; Loading and Service Areas	Yes	Yes	(C)
Other Standards			
Buffering Adjacent to R Districts	See Section 17.15.040 and 17.15.050		
Additional Standards	See Chapter 17.15: General Site Standards		

- A. **Transitional Height and Transitional Yards.** No building may exceed 25 feet in height within 20 feet of an R district boundary. Where opposite an R district boundary, the front setback shall be a minimum of 10 feet, and the side setback a

minimum of 15 feet, with at least 10 feet consisting of a buffer area, consistent with the requirements of Section 17.15.040. See Figure 17.07 – A.

- B. **Driveway Restrictions; Location of Parking.** Access from a side street or alley must be provided wherever possible. Access shall not be provided from a residential street where alternate access is available. See Section 17.21.070(J).
- C. **Truck Docks; Loading and Service Areas.** Truck docks, loading and service areas shall be located at the interior side of buildings or on the rear of the site and be screened so as not to be visible from public streets and residential uses. Exceptions may be granted with approval of a conditional use permit if an alternative location for the truck dock, loading and/or service area better buffers and shields adjoining residential neighborhoods from noise and visual impacts.

17.08.040 Review of Plans

All development is subject to development review under the administrative provisions, found in Division V of this Title.

Chapter 17.09 PF Public Facilities District

Sections:

17.09.010	Purpose
17.09.020	Land Use Regulations
17.09.030	Development Regulations
17.09.040	Review of Plans

17.09.010 Purpose

The specific purpose of the PF Public Facilities district is to create, maintain, and enhance areas of the City that are appropriate for public or semipublic uses, including government offices, utilities, schools (both public and private) and other city, county, state or federal facilities. The PF district also is intended to preserve and protect resources, facilities and sites for possible future public use.

17.09.020 Land Use Regulations

Table 17.09 – A prescribes the land use regulations for industrial districts. The regulations for each district are established by letter designations as follows:

“P” – Uses permitted as-of-right that require no discretionary review if in compliance with all standards.

“L” – Uses permitted as-of-right subject to limitations restricting location, size or other characteristics to ensure compatibility with surrounding uses. Limitations are referenced by number designations listed at the end of Table 17.09–A.

“M” – Uses subject to a minor use permit following discretionary review by the Public Services Director.

“C” – Uses subject to a conditional use permit following discretionary review and public hearing by the Planning Commission.

The approval of a coastal development permit (CDP) pursuant to the administrative provisions of Division V may still be required even for uses that are allowed as-of-right and designated with a “P.” The “Additional Regulations” column includes specific regulations applicable to the particular use classification that are located in Division IV of this ordinance. Use classifications are defined in Chapter 17.40: Use Classifications. Use classifications not listed in the Table below are prohibited.

TABLE 17.09 – A: USE REGULATIONS – PUBLIC FACILITIES DISTRICT		
	<i>PF</i>	<i>Additional Regulations</i>
Public, Semipublic and Service Uses		
Cemeteries	P	
Clubs and Lodges	C	
Community Center	P	
Cultural Institutions	P	
Day Care Center	M	See Section 17.14.090
Government Offices	P	
Hospitals and Clinics		
<i>Hospitals</i>	M	
<i>Clinics</i>	P	
Park and Recreation Facilities	P	
Parking, Public	P	
Public Safety Facilities	P	
Religious Facilities	C	
Schools, Public or Private	P	
<i>Colleges and Trade Schools</i>	M	
Transportation, Communication and Utilities Uses		
Communication Facilities		
<i>Antennae and Transmission Towers</i>	C	See Chapter 17.24
Utilities, Minor	P	
Other Applicable Use Regulations		
Accessory Uses	See Section 17.14.030	
Nonconforming Uses	See Chapter 17.26	
Temporary Uses	See Chapter 17.25	

17.09.030 Development Regulations

Table 17.09 – B prescribes the development regulations for the Public Facilities District, including building scale and building form and location. The “Additional Regulations” column includes additional regulations that are located elsewhere in this ordinance.

TABLE 17.09 – B: DEVELOPMENT STANDARDS – PUBLIC FACILITIES DISTRICT		
	<i>PF</i>	<i>Additional Regulations</i>
Development Density/Intensity		
Minimum Lot Area (acres)	2	See Section 17.15.060
Maximum Lot Coverage (%)	30	
Development Limitations		
Maximum Building Height (ft.)	30	See Section 17.15.030
Minimum Yards (ft.)		See Section 17.15.070
<i>Front</i>	20	
<i>Side</i>	15	
<i>Corner Side</i>	15	
<i>Rear</i>	15	
Other Standards		
Additional Standards	See Chapter 17.15: General Site Standards	

17.09.040 Review of Plans

All development is subject to development review under the administrative provisions, found in Division IV of this Title.

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Chapter 17.10 OS Open Space and Parks Districts

Sections:

17.10.010	Purpose
17.10.020	Land Use Regulations
17.10.030	Development Regulations
17.10.040	Review of Plans

17.10.010 Purpose

The specific purpose of the open space and parks districts is to provide for the maintenance of areas in a natural state and preservation of scenic values and the utilization of natural features and resources of the area and bay for the recreational and aesthetic benefit of the public.

The additional purposes of each open space district are:

OS-N Open Space Natural. To preserve parklands and environmentally sensitive lands and habitats in their natural state. Uses permitted shall be limited to those that maintain the natural features and state of the property.

OS-PR Open Space Parks and Recreation. To accommodate more intensive recreational activities. Uses permitted shall be limited to those that are devoted to public recreation, including parks, playgrounds, golf courses, boating clubs, athletic fields, stables, campgrounds and other commercial recreation uses.

17.10.020 Land Use Regulations

Table 17.10 – A prescribes the land use regulations for commercial and mixed-use districts. The regulations for each district are established by letter designations as follows:

“P” – Uses permitted as-of-right that require no discretionary review if in compliance with all standards.

“L” – Uses permitted as-of-right subject to limitations restricting location, size or other characteristics to ensure compatibility with surrounding uses. Limitations are referenced by number designations listed at the end of Table 17.10 – A.

“M” – Uses subject to a minor use permit following discretionary review by the Public Services Director.

“C” – Uses subject to a conditional use permit following discretionary review and public hearing by the Planning Commission.

The approval of a coastal development permit (CDP) pursuant to the administrative provisions of Division V may still be required even for uses that are allowed as-of-right and designated with a “P”. The “Additional Regulations” column includes specific regulations applicable to the particular use classification that are located in Division IV of this ordinance. Use classifications are defined in Chapter 17.40: Use Classifications. Use classifications not listed in the Table below are prohibited.

TABLE 17.10 – A: USE REGULATIONS – OPEN SPACE AND PARKS DISTRICTS			
	<i>OS-N</i>	<i>OS-PR</i>	<i>Additional Regulations</i>
Public, Semipublic and Service Uses			
Cemeteries	--	C	
Clubs and Lodges	--	C	Limited to facilities associated with park and public recreational facilities
Cultural Institutions	--	C	
Park and Recreation Facilities	L - I	P	
Parking, Public	--	M	
Commercial Uses			
Commercial Recreation			
<i>Golf Course</i>	--	C	
<i>Overnight R-V Camping</i>	--	C	See Section 17.14.190
Eating and Drinking Establishments			
<i>Restaurants, Limited Service</i>	--	C	
<i>Restaurants, Full Service</i>	--	C	
<i>With Outdoor Eating Areas</i>	--	C	See Section 17.14.170
Food and Beverage Sales			
<i>Convenience Market</i>	--	C	Only concessions for snacks and beverages as an accessory use in connection with any other authorized use.

TABLE 17.10 – A: USE REGULATIONS – OPEN SPACE AND PARKS DISTRICTS			
	<i>OS-N</i>	<i>OS-PR</i>	<i>Additional Regulations</i>
Transportation, Communication and Utilities Uses			
Communication Facilities			
<i>Antennae and Transmission Towers</i>	C	C	See Chapter 17.24
Utilities, Minor	C	C	
Other Applicable Use Regulations			
Accessory Uses	See Section 17.14.030		
Nonconforming Uses	See Chapter 17.26		
Temporary Uses	See Chapter 17.25		
L – I: 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, public signage, trash containers, parking facilities, and facilities needed for protecting environmental resources and general upkeep and maintenance of the property.			

17.10.030 Development Regulations

Table 17.10 – B prescribes the development regulations for Open Space Districts, including building scale, building form and location, vehicle accommodation and other standards. The “Additional Regulations” column includes additional regulations that follow the table (by letter designation) or that are located elsewhere in this ordinance. Within the table, the word “Yes” under a column for a specified zoning district means that the Additional Regulation cited in the right-hand column applies in that zoning district, while the word “No” means the Additional Regulation does not apply.

TABLE 17.10 – B: DEVELOPMENT STANDARDS – OPEN SPACE DISTRICTS			
	<i>OS-N</i>	<i>OS-PR</i>	<i>Additional Regulations</i>
Development Density/Intensity			
Maximum Lot Coverage (%)	10	10	
Development Limitations			
Maximum Building Height (ft.)	25; except where lower heights are necessary to protect public views	25; except where lower heights are necessary to protect public views	(A); See Section 17.15.030
Minimum Yards (ft.) Adjacent to R District Boundary	Yes	Yes	(A); See Section 17.15.070
Other Standards			
Additional Standards	See Chapter 17.15:General Site Standards		

- A. **Transitional Height and Transitional Yards.** No building may exceed 25 feet in height within 20 feet of an R district boundary. Where opposite an R district boundary, the front setback shall be a minimum of 10 feet, and the side setback a minimum of 15 feet, with at least 10 feet consisting of a buffer area, consistent with the requirements of Section 17.15.040. See Figure 17.07 –A.

17.10.040 Review of Plans

All development is subject to development review under the administrative provisions, found in Division IV of this Title.

Chapter 17.11 AG Agricultural District

Sections:

17.11.010	Purpose and Applicability
17.11.020	Land Use Regulations
17.11.030	Development Regulations
17.11.040	Conversion of Agricultural Lands
17.11.050	Required Findings
17.11.060	Review of Plans

17.11.010 Purpose and Applicability

The specific purpose of the AG Agricultural District is to identify and preserve agricultural land for the cultivation of plant crops and the raising of animals and as a buffer around the community and urban development. It is the intent of the General Plan/Local Coastal Plan to maintain agricultural lands within the City limits, prevent these lands from being converted to non-agricultural uses, and work with appropriate jurisdictions to maintain the maximum amount of prime agricultural land in the region. Consistent with the General Plan/Local Coastal Plan, lands in the AG district include areas with prime soils, prime agricultural lands, lands in existing agricultural use, lands with agricultural potential, and lands under Williamson Act contracts.

17.11.020 Land Use Regulations

Table 17.11 – A prescribes the land use regulations for agricultural districts. The regulations for each district are established by letter designations as follows:

“P” – Uses permitted as-of-right that require no discretionary review if in compliance with all standards.

“L” – Uses permitted as-of-right subject to limitations restricting location, size or other characteristics to ensure compatibility with surrounding uses. Limitations are referenced by number designations listed at the end of Table 17.11 – A.

“M” – Uses subject to a minor use permit following discretionary review by the Public Services Director.

“C” – Uses subject to a conditional use permit following discretionary review and public hearing by the Planning Commission.

The approval of a coastal development permit (CDP) pursuant to the administrative provisions of Division V may still be required even for uses that are allowed as-of-right and designated with a “P.” The “Additional Regulations” column includes specific

regulations applicable to the particular use classification that are located in Division IV of this ordinance. Use classifications are defined in Chapter 17.40: Use Classifications. Use classifications not listed in the Table below are prohibited.

TABLE 17.11 – A: USE REGULATIONS – AGRICULTURAL DISTRICT		
	AG	<i>Additional Regulations</i>
Residential Uses		
Single Family Dwelling	P	
Second Unit	P	See Section 17.14.210
Farm Worker Housing	M	
Industrial Uses		
Industry, General		
<i>Agricultural Processing</i>	C	
Transportation, Communication and Utilities Uses		
Communication Facilities		
<i>Antennae and Transmission Towers</i>	C	See Chapter 17.24
Utilities, Minor	C	
Agriculture and Extractive Uses		
Agriculture, Coastal-Related	P	
Crop and Animal Raising	P	See Section 17.14.060
<i>Equestrian Boarding Facilities</i>	P	
Mining and Quarrying	Not permitted	
<i>Nurseries</i>	P	
Other Applicable Use Regulations		
Accessory Uses		See Section 17.14.030
Nonconforming Uses		See Chapter 17.26
Temporary Uses		See Chapter 17.25

17.11.030 Development Regulations

Table 17.11 - B prescribes the development regulations for the Agriculture District, including building scale and building form and location. The “Additional Regulations”

column includes additional regulations that follow the table (by letter designation) or that are located elsewhere in this ordinance.

TABLE 17.11 - B: DEVELOPMENT STANDARDS – AGRICULTURE DISTRICT		
	AG	<i>Additional Regulations</i>
Development Density/Intensity		
Minimum Lot Area (acres)	20	(A); See Section 17.15.060
Maximum Lot Coverage (%)	5	Primary residence shall not exceed ½ % of the lot; unless a CUP is obtained.
Development Limitations		
Maximum Building Height (ft.)	25	See Section 17.15.030
Minimum Yards (ft.)		(B); See Section 17.15.070
<i>Front</i>	25	
<i>Side</i>	25	
<i>Corner Side</i>	25	
<i>Rear</i>	25	
Other Standards		
Additional Standards	See Chapter 17.15: General Site Standards	

- A. **Lot Size.** Minimum lot sizes may be reduced only if a covenant, restriction or similar document is recorded that limits 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 create a coordinated open space area.
- B. **Corrals, Barns, & Other Animal Enclosures.** Corrals, barns, and other animal enclosures shall be set back a minimum of 75 feet from dwelling units.

17.11.040 Conversion of Agricultural Lands

Non-prime land within the city that is suitable for agricultural use may only be converted to non-agricultural uses if:

- A. Continued or renewed agricultural use is not feasible; or

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

Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands. All non-agricultural development permitted on non-prime agricultural lands shall preserve the maximum amount of land in agricultural use.

17.11.050 Required Findings

The Planning Commission must make all of the following findings before approving any land division or non-agricultural use of agricultural lands:

- A. Continued or renewed agricultural use is not feasible without the proposed land division and/or supplemental non-agricultural use;
- B. The proposed land division and/or use will allow for and support the continued use of the site as a productive agricultural unit, will contribute to long term agricultural viability, and will preserve all agricultural lands;
- C. The proposed land division and/or use will result in no adverse effect upon the continuance or establishment of agricultural uses on the undeveloped portion of the property or on surrounding or nearby properties;
- D. Adequate buffer areas are provided between agricultural and non-agricultural uses;
- E. Adequate water supply, sewage disposal and other public services are available to serve the proposed development after provision has been made for the continuance of existing agricultural operations and future operations that may require water needs exceeding the present needs;
- F. The proposed land division and/or use will not adversely affect environmentally sensitive areas, scenic resources identified in the General Plan/Local Coastal Plan or the rural farming or ranching character of the site, where applicable. Where new non-agricultural developments are permitted on lands in or previously in agricultural production, sensitive habitats shall be protected, restored and enhanced as a condition of development approval; and
- G. The development provides a benefit to the community by providing needed land use and not competing with established or already under-utilized land uses.

17.11.060 Review of Plans

All development is subject to development review under the administrative provisions, found in Division IV of this Title.

Chapter 17.12 Reserved

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Chapter 17.13 Reserved

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Division III – Regulations Applying in Some or All Districts

Chapters:

- 17.14 Standards for Specific Uses
- 17.15 General Site Standards
- 17.16 Performance Standards
- 17.17 Affordable Housing Requirements, Density Bonuses and Other Incentives
- 17.18 Bluff Development Standards
- 17.19 Environmentally Sensitive Habitat
- 17.20 Public Access
- 17.21 Off-Street Parking and Loading
- 17.22 Sign Regulations
- 17.23 Control of Outdoor Artificial Light
- 17.24 Antennas and Wireless Telecommunications Facilities
- 17.25 Temporary Uses
- 17.26 Nonconforming Uses, Structures, and Lots
- 17.27 *Reserved*
- 17.28 *Reserved*

Chapter 17.14 Standards for Specific Uses

Sections:

- 17.14.010 Purpose
- 17.14.020 Applicability
- 17.14.030 Accessory Uses
- 17.14.040 Adult Business Establishments
- 17.14.050 Amusement and Pinball Machines and Arcades
- 17.14.060 Animal Keeping – Farm Animals
- 17.14.070 Automobile/Vehicle Sales and Services
- 17.14.080 Bed and Breakfast Establishments
- 17.14.090 Day Care Centers
- 17.14.100 Drive-in and Drive-through Facilities
- 17.14.110 Guesthouses/Quarter and Accessory Living Areas
- 17.14.120 Home Occupations
- 17.14.130 Large Family Day Care
- 17.14.140 Manufactured Homes
- 17.14.150 Mobile Home Parks
- 17.14.160 Nonpermanent Vendors
- 17.14.170 Outdoor Eating Areas
- 17.14.180 Outdoor Retail Sales
- 17.14.190 Recreational Vehicles/Recreational Vehicle Parks
- 17.14.200 Residential Care Facilities and Service-Enriched Housing
- 17.14.210 Second Units
- 17.14.220 Self-Storage

17.14.010 Purpose

The purpose of this Chapter is to establish standards for specific uses that are permitted or conditionally permitted in several or all districts.

17.14.020 Applicability

Uses that are permitted or conditionally permitted in individual zoning districts, as described in Division II this Title, shall comply with the regulations and standard of this Chapter, as well as any applicable standard found in each zoning district.

17.14.030 Accessory Uses

An accessory use shall be allowed only in conjunction with a principal use or building to which it relates under the same regulations as the main use in any zoning district. These regulations are found in the use regulations tables in Division II of this Title 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 17.15: General Site Regulations.

17.14.040 Adult Business Establishments

Adult businesses shall be located, developed and operated in compliance with the following standards:

A. Location.

1. ***Minimum Distances.***

- a. From any R district boundary: 500 feet.
- b. From educational, religious and/or cultural institutions and public parks: 500 feet.
- c. From another adult business establishment: 1,000 feet.

2. ***Entrances.*** Adult businesses are not permitted on the ground floor of a blockface. Adult businesses shall be located on the upper floors of buildings but may provide entrances or walk-ups located on the ground floor. Each adult business shall have a business entrance separate from any other non-adult business located in the same building.

3. ***Enclosed Building.*** All adult uses shall be contained entirely within an enclosed building and all building openings, entries and windows shall be installed and maintained to screen the interior of the premises from public view.

B. Hours of Operation. Adult businesses shall not operate or be opened between the hours of 2 a.m. and 7 a.m.

C. Signs. The building entrance to an adult business shall be clearly and legibly posted with a notice indicating that minors are precluded from entering the premises. All other requirements of Chapter 17.22: Sign Regulations shall apply.

D. Noise. No loudspeakers or sound equipment shall be used by an adult 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 business is conducted.

E. Required Manager's Station. Each adult business shall be provided with one or more manager's stations to be used to supervise activities within the building. A manager shall be on the premises during all times that the adult business is open to the public. The interior of the adult business shall be configured so that there is an unobstructed view from any manager's station to every area of the business to which a patron is permitted access for any purpose, excluding restrooms.

- F. **Individual Viewing Areas.** No individual viewing area may be occupied by more than one person at any one time. Individual viewing areas 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.
- G. **Live Entertainment.** Live entertainment conducted in an adult business establishment is subject to the following standards:
1. **Stage.** All live entertainment conducted on a stage must be at least 18 inches above the level of the floor and separated by a distance of at least six feet from the nearest seating or standing area occupied by patrons. No patron shall be permitted within six feet of the stage while the stage is occupied by an entertainer.
 2. **Stage Access.** Adult business establishments 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, a minimum three-foot wide walk aisle between the dressing room and the stage shall be provided for entertainers, with a railing, fence or other barrier separating patrons from the entertainers and preventing any physical contact between the two.
 3. **Dressing Rooms.** Adult business establishments shall provide separate dressing room facilities for entertainers that are exclusively dedicated to the entertainer's use.
 4. **Entrances and Exits.** Adult business establishments shall provide an entrance/exit for entertainers that is separate from the entrance/exist used by patrons.
- H. **Security Program.** An on-site security program shall be prepared and implemented as follows:
1. **Exterior Lighting.** All off-street parking areas and building entries serving an adult business shall be illuminated during all hours of operation with a lighting system that provides a minimum maintained horizontal illumination of one footcandle (ten luxes or one candlepower) of light on the parking surface and/or walkway.
 2. **Interior Lighting.** All interior portions of the adult business, except those devoted to mini-motion or motion pictures, shall be illuminated during all hours of operation with a lighting system that provides a minimum maintained horizontal illumination of not less than two-foot candles (twenty luxes or two candlepower) of light on the floor surface.

3. **Security Guards.** Security guards for 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.
- I. **Application Requirements.** In addition to the submittal and review requirements for a permit as established under Chapter 17.30: Common Procedures, the following additional information shall be provided on applications for approval of an adult entertainment business establishment:
1. The name and permanent address of the applicant.
 2. The name and proposed business address of the applicant. If the applicant is a corporation, the name must be exactly as set forth in the Articles of Incorporation and the applicant shall show the name and address of each of the officers and directors and of each stockholder owning not less than twenty-five percent of the stock of the corporation. If the applicant is a partnership, the application shall show the name and residence address of each of the members, including limited partners.
 3. A detailed description of the proposed entertainment, including type of entertainment and number of persons engaged in the entertainment.
 4. A diagram of the premises showing a floor plan that specifies where the specific entertainment uses are proposed to be conducted within the building, the location of all manager's stations, the location of all overhead lighting, fixtures, and the location of any portion of the premises in which patrons will not be permitted.
 5. Hours of operation and admission fee, if any, to be charged.
 6. 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 to be conducted at the proposed business.
 7. A site area map showing the proposed business location and plotting all of the listed sensitive uses within the minimum distance areas listed in subsection (A)(1) above.
 8. A mailing list of all property owners within 1,000 feet of the proposed business location.
- J. **Additional Review and Notice.** All applications to establish an adult entertainment business shall be referred to the Police Department for further review and investigation. Additional noticing requirements may be required.

17.14.050 Amusement and Pinball Machines and Arcades

Amusement and pinball machines and arcades are permitted as a small-scale commercial recreation use pursuant to the use regulations tables in Division II of this Title and the following standards:

- A. **Location.** Arcade sites are allowed only in commercial districts and must be located at least 300 feet from a school, park, playground, liquor store, bar, religious institution or R district boundary.
- B. **Hours of Operation.** Amusement and pinball machines and arcades shall operate only between the hours of 9:00 a.m. and 10:00 p.m., Sunday through Friday and 9:00 a.m. and 11:00 p.m. on Saturdays. Longer hours may be allowed with approval of a conditional use permit.
- C. **Restrooms.** A public restroom for each sex shall be provided within the arcade.
- D. **Lighting.** Exterior security lighting shall be provided in all parking and outdoor public areas.
- E. **Maintenance.** All machines or devices shall be maintained within an enclosed building.

17.14.060 Animal Keeping – Farm Animals

Animals may be kept in compliance with the following standards:

- A. **Types of Animals.** The keeping of the following animals shall be permitted only in districts zoned AG and RS-A. The minimum site area of the parcel shall be as specified, and the number of animals allowed is subject to the requirements of subsections (C) and (D) below.
 - 1. **Large Animals.** Horses, mules, donkeys, cattle, pigs, hogs, goats, sheep, and large fowl.
 - 2. **Small Animals.** Poultry, rabbits, and birds.
 - 3. **Equivalency.** Two small animals may be substituted for one large animal (and vice-versa) for purposes of calculating allowable density.
- B. **Uses.** The following uses are permitted in the AG and RS-A districts with the approval of a conditional use permit: hog raising, commercial dairies, kennels, and rabbit and chicken ranching involving more than twelve animals.

C. **AG Agricultural District.**

1. **Maximum Density.** No more than four large animals per acre, nor more than eight small animals per acre may be kept in the AG district. Greater densities may be permitted on a temporary basis not to exceed a period of forty-five days.

D. **RS-A Single Family Residential District.**

1. **Minimum Lot Size.** Animals may only be kept on lots with a minimum lot size of one acre in the RS-A district.
2. **Maximum Density.** No more than two large animals per acre, nor more than four small animals per acre may be kept in the RS-A district.

17.14.070 Automobile/Vehicle Sales and Services

Automobile/Vehicle Sales and Services shall be located, developed and operated in compliance with the following standards:

A. **Landscaping and Buffer Yards.** Landscaping and buffer yards adjacent to R districts shall be provided for all automotive/vehicle service and repair uses, pursuant to Section 17.15.040: Landscaping and Buffer Yards. In addition to Section 17.15.040, the following standards apply:

1. Along street-facing yards, a solid wall with decorative cap, three feet in height shall be provided, located between six and 10 feet from the back of the sidewalk. Landscaping between the sidewalk and wall is required. Chain-link fencing is prohibited.
2. Automobile/vehicle sales and services uses abutting to a residential use shall be separated by a masonry wall at least six feet in height.
3. Landscaping shall comprise a minimum of 10 percent of the site area. All landscaped areas shall be permanently maintained in compliance with Section 17.15.040: Landscaping and Buffer Yards. A minimum 6-foot wide inside dimension and 6-inch high curbed landscaped planter area shall be provided along the front and street side property lines, except for openings required for vehicular circulation. An on-site planter area of not less than 200 square feet shall be provided at the corner of 2 intersecting streets. Additional landscaping may be required where necessary to prevent visual impacts on adjacent properties.

B. **Noise.** All body and fender work, or similar noise-generating activity, shall be enclosed in a masonry or similar building with sound buffers to absorb noise.

C. **Work Areas and Storage.** All automobile/vehicle service and repairs shall be performed within the building, including disassembly and assembly activities. A

maximum of three automobiles/vehicles shall be allowed to be stored outdoors during hours of operation but not overnight.

- 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 the main building.
- E. **Hazardous Materials.** All necessary permits for the storage and use of hazardous materials shall be obtained. All automotive fluids shall be recycled or removed according to State and Federal standards.
- F. **Automobile/Vehicle Washing.** In addition to the requirements of subsections (A) – (E) of this Section, automobile/vehicle washing facilities shall be subject to the following standards:
 - 1. **Setbacks.** No building or structure shall be located within 30 feet of any public street or within 20 feet of any interior lot line of a residential use or R district.
 - 2. **Hours of Operation.** 7:00 a.m. to 10:00 p.m., 7 days a week. When abutting a R district, the hours of operation shall be 8:00 a.m. to 8:00 p.m., 7 days a week.
- G. **Gas Stations.** In addition to the requirements of subsections (A) – (E) of this Section, pump islands shall be located a minimum of 15 feet from any property line to the nearest edge of the pump island. Pump islands shall be covered by a canopy with a minimum pitched roof of 4:12. A canopy or roof structure over a pump island may encroach up to 10 feet within this distance.

17.14.080 Bed and Breakfast Establishments

Bed and breakfast establishments shall be located, developed, and operated in compliance with the following standards:

- A. **On-site Owner or Caretaker Required.** Bed and breakfast establishments shall be occupied by an on-site caretaker or owner of the property.
- B. **Number of Rooms.** In the RM district, no more than 2 rooms for rent may be allowed with a minor use permit; establishments with more rooms require approval of a conditional use permit.
- C. **Appearance.** In all R districts, the exterior appearance of a structure housing a bed and breakfast establishment continue to maintain a single-family character.
- D. **Limitation on Services Provided.** Meals and rentals of bedrooms shall be limited to registered guests. Separate or additional kitchens for guests are prohibited.

17.14.090 Day Care Centers

Day care centers shall be located, developed and operated in compliance with the following standards:

- A. **Hours of Operation.** 6:00 a.m. to 7:00 p.m., Monday through Friday.
- B. **Landscaping and Buffer Yards.** Landscaping and buffer yards adjacent to an R district shall be provided for day care centers, pursuant to Section 17.15.040: Landscaping and Buffer Yards. In addition to Section 17.15.040, a periphery wall, constructed of wood or masonry, shall be provided for purposes of securing outdoor play areas and screening the site and shall achieve 75 percent opacity. Chain metal fencing or barbed wire is prohibited.
- C. **Outdoor Space.** A minimum of 75 square feet of outdoor space is required for each child over two years old. This area must be either owned or leased by the applicant and cannot be shared with other property owners unless written permission is granted by the other property owners. This requirement may be waived if the applicant can demonstrate that there is a public park, school or other public open area in close proximity to the day care center.
- D. **Noise.** Outdoor play shall not occur before 7:30 a.m. or after 5:30 p.m. when the site is located within or adjacent to a R district. Noise shall not exceed levels that are customary for the neighborhood.
- E. **Parking and Loading.** One curbside passenger loading zone shall be located near the entrance of the day care center.

17.14.100 Drive-in and Drive-Through Facilities

Any eating and drinking establishment, retail trade, bank or financial institution, or service use providing drive-in or drive-through facilities shall be located, developed and operated in compliance with the following standards:

- A. **Drive-In and Drive-Through Aisles.** Drive-in and drive-through aisles shall be designed to allow safe, unimpeded movement of vehicles at street access points and within the travel aisles and parking space areas. A minimum 15-foot interior radius at curves and a minimum 12-foot width shall be required. 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. 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.

- B. **Drive-In and Drive-Through Queue Area.** Each drive-through aisle shall provide a sufficient queue for four cars or 80 feet. Exceptions may be granted based on an interior traffic study prepared for City staff review. The queue area shall not interfere with public rights-of-ways or streets, and on-site and off-site circulation and parking.
- C. **Landscaping.** Landscaping shall be provided pursuant to Section 17.15.040: Landscaping and Buffer Yards. Each drive-through aisle shall be screened with a combination of decorative walls and landscape to prevent headlight glare and direct visibility of vehicles from adjacent streets and parking lots.
- D. **Menu Boards.** Menu boards shall not exceed 20 square feet in area, with a maximum height of 6 feet, and shall face away from public rights-of-ways unless located at least 35 feet from the street and adequately screened therefrom. All outdoor speakers shall be directed away from any R district.
- E. **Pedestrian Walkways.** Pedestrian walkways shall not intersect drive-in or drive-through aisles, unless no alternative exists. In such cases, pedestrian walkways shall have clear visibility, emphasized by enhanced paving or markings.

17.14.110 Guesthouses/quarters and accessory living areas

Where provided by this Title, guesthouses/quarters and habitable structures for accessory living area may be permitted in conjunction with a dwelling unit, subject to these further requirements:

- A. **Guesthouse Restrictions.** A guesthouse shall not contain more than six hundred forty (640) square feet of habitable floor area containing not more than one bedroom and bathroom nor shall it exceed thirty (30) percent of the floor area of the main residence, and no cooking or food preparation or food storage facilities shall be provided.
- B. **Location.** Guesthouses may be established on any lot in any R or AG district where a primary single-family dwelling has been previously established or is proposed to be established in conjunction with construction of a guesthouse. Only one guesthouse or second unit is permitted per one primary single-family dwelling on the same lot.

17.14.120 Home Occupations

Home occupations shall be located, developed and operated in compliance with the following standards:

- A. **Terms of Use.** A home occupation shall be considered an accessory use of a nonresidential nature that is conducted within a residential unit. Home occupations do not include family day care homes, which are regulated separately in Section 17.14.120 of this Chapter.
- B. **Exclusions.** The following uses are not permitted as a home occupation:
1. Automotive/vehicle sales and services with on-site repairs and services. No vehicle larger than a three-quarter ton truck may be used in conjunction with a home occupation.
 2. Barbershops and beauty parlors.
 3. Carpentry and cabinetmaking.
 4. Welding and machining.
 5. Medical offices, clinics and laboratories.
 6. Personal instruction services (such as private schools, musical instruction or training) for more than three students at one time.
 7. Appliance, radio and television repair.
 8. Printshops.
 9. Bakeries.
 10. Uses that cause traffic and/or nuisance levels to exceed those levels customarily associated with a residence.
- C. **Location.** All home occupation activities shall be conducted entirely within the residential unit, within a structure attached to the unit, or within a structure detached from the unit, excluding garages.
- D. **Rental Property.** If a home occupation is to be conducted on rental property, the property owner's authorization for the proposed use shall first be obtained.
- E. **Maximum Size.** This space exclusively devoted to home occupation shall not exceed 300 square feet or 20 percent of the residential unit floor area, whichever is less.
- F. **Employees.** No employees or independent contractors other than residents of the dwelling shall be permitted to work at the location of a home occupation.
- G. **Clients.** Except for personal instruction services (private schools, musical instruction or training) which may have up to three students at one time, the

number of clients for all home occupations shall be limited to one at any time. Hours for clients shall be limited to 8:00 a.m. to 8:00 p.m. on weekdays and 9:00 a.m. to 6:00 p.m. on weekends and holidays.

- H. **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 shall be permitted.
- I. **Nuisances.** A home occupation shall be conducted such that no offensive or objectionable noise, dust, vibration, smell, smoke, glare, electrical disturbance, 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. 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.
- J. **Parking and Loading.** The home occupation shall not encroach on any areas required for parking.

17.14.130 Large Family Day Care

Large family day care homes shall be located, developed, and operated in compliance with the following standards:

- A. **Location.** Large family day care homes must be located at least 300 feet apart in all directions from any other large family day care home. In no case, however, shall there be more than one large family day care home per blockface.
- B. **Hours of Operation.** Large family day care homes shall operate only between the hours of 6:00 a.m. and 7:00 p.m., Monday through Friday. No outdoor play is allowed before 9:00 a.m. or after 7:30 p.m.
- C. **Residency.** The operator of a large family day care home shall be a full-time resident of the dwelling unit in which the facility is located.
- D. **Landscaping and Buffer Yards.** Landscaping and buffer yards adjacent to R districts shall be provided for family day care homes, pursuant to Section 17.15.040: Landscaping and Buffer Yards. In addition to Section 17.15.040, a periphery wall, constructed of wood or masonry, shall be provided for purposes of securing outdoor play areas and screening the site and shall achieve 75 percent opacity. Chain metal fencing and/or barbed wire are prohibited.
- E. **Parking and Loading.** An operator of a large family day care home shall satisfy the following conditions:

1. **Passenger Loading and Drop-off.** A minimum of one additional improved off-street drop-off and pick-up parking space shall be provided unless there is at least one on-street parking space located directly adjacent to the large family day care home property for such use.
2. **Traffic.** Increased traffic due to the operation of any large family day care home shall not cause traffic levels to exceed those levels customary in residential neighborhoods. However, somewhat higher traffic levels during the morning and evening commute time is acceptable.

17.14.140 Manufactured Homes

The following supplemental regulations are intended to provide opportunities for the placement of manufactured homes in R districts, consistent with State law, and to ensure that such manufactured homes are designed and located so as to be harmonious within the context of the surrounding houses and neighborhood.

- A. **General Requirements.** Manufactured homes may be used for residential purposes subject to the provisions of this Section. Manufactured homes may also be used for temporary uses subject to the approval of a temporary use permit.
- B. **Design Criteria.** A manufactured home shall be compatible in design and appearance with residential structures in the vicinity and shall meet the following standards:
 1. **Foundation.** A manufactured home shall be built on a foundation system approved by the Building Official.
 2. **Date of Construction.** Each mobile home shall have been constructed after January 1, 1994, and must be certified under the National Manufactured Home Construction and Safety Act of 1974.
 3. **Skirting.** The unit's skirting must extend to the finished grade.
 4. **Siding.** Exterior siding and materials shall be compatible with adjacent residential projects.
 5. **Eaves.** The roof eave shall not extend more than 16 inches from a wall.

17.14.150 Mobile Home Parks

Mobile Home Parks are regulated by the State Department of Housing and Community Development (HCD) as set forth in Title 25 of the California Health and Safety Code. The following supplemental regulations are intended to allow the placement of mobile home parks in R districts and to ensure that such parks are designed and located so as to be harmonious with surrounding houses and neighborhoods. Mobile home parks,

where permitted, shall meet the following requirements, in addition to any conditions imposed by the use permit:

- A. **Minimum Site Area.** The minimum site area for a mobile home park is 2 acres.
- B. **Density.** The total number of mobile home units in a new mobile home park shall not exceed the maximum permitted density requirements established by the base zoning district, except as provided in Chapter 17.17, Affordable Housing. This limitation shall not apply to existing mobile home or recreational parks. Any expansion of an existing mobile home park shall comply with the density requirements of the base district.
- C. **Setbacks – Perimeter.** Mobile home units and buildings within the mobile home park shall maintain the following setbacks:
 - 1. A setback of at least 15 feet from the nearest edge of the street right-of-way of any street along the exterior boundary of the mobile home park.
 - 2. A side yard and rear yard of at least 10 feet from the exterior boundary of the mobile home park.
- D. **Building Height.** No building within a mobile home park shall exceed 25 feet.
- E. **Circulation.** All mobile home lots shall access internal private streets located within the mobile home park. There shall be no direct access from a mobile home lot to a public street or alley. Walkways shall link the mobile homes with other mobile homes, recreational and other internal facilities.
- F. **Walls and Screening.** All public street frontages of the mobile home park shall be screened with a six-foot high solid decorative wall or fence. The wall shall be inside of required landscape areas for front and street side yards of the respective district.
- G. **Common Open Space.** At least one common usable open space area shall be provided subject to the following standards:
 - 1. A minimum of 250 square feet of space for each mobile home lot shall be provided as common open space and/or recreational facilities within the park. This area does not include street rights-of-way, parking areas, areas between structures less than 15 feet wide, or private yards.
 - 2. The common usable open space areas shall be designed and accessible for outdoor living and recreation and may include outdoor recreational facilities for both active and passive recreation.

17.14-A: PERIMETER SETBACK AND SCREENING FOR MOILE HOME PARK



17.14.160 Nonpermanent Vendors

Nonpermanent vendors shall be located, developed and operated in compliance with the following standards:

- A. **Vending on Private Property.** Nonpermanent vending on private property shall be limited to sites which the Planning Commission has approved special facilities or buildings to accommodate types of commercial vending.
- B. **Vending on Public Property.** Vending on public property is subject to a minor use permit except that vendor application(s) for the Embarcadero City lease sites

shall be subject to a conditional use permit and require approval by the Harbor Director.

- C. **Site Plan.** A nonpermanent vendor shall submit a site plan indicating the location of the operation, relative surrounding buildings, parking lots and public right-of-way, as well as such other information deemed necessary by the Public Services Director.
- D. **Public Liability and Property Damage Insurance.** On City administered property (lease sites) comprehensive public liability and property damage insurance shall be secured naming the City as the additional insured by all vendors as required by the Master Leasehold with the City. The Planning Commission may require similar insurance provisions for vendors not located on lease sites as deemed necessary.
- E. **Sublease Agreement.** On City administered property (lease sites), the vendor shall submit a sublease agreement with the lessee and lease amendment agreement for City approval, as necessary. Such lease operations shall be permitted lease use or use amendment as requested. All retail sales resulting from lease operations are subject to percentages of gross sales when calculating lease rent payments on certain City leases.
- F. **Daily Close Of Business.** All vending apparatus shall be removed at the close of business daily unless otherwise specified by the Public Services Director.
- G. **Roving.** Vendors shall be at designated locations; “roving” (i.e., moving from one location to another) is not permitted.
- H. **Public Rights-of-Way.** Vendors are precluded from operating on all public rights-of-way. Vending may only occur on private or City-leased property.
- I. **Development and Design Standards.** The following standards shall apply to all nonpermanent vendors:
 - 1. **Design.** Vending apparatus shall be visually harmonious with the area and shall visually enhance its surroundings.
 - 2. **Signs.** Signs should be affixed to the apparatus and shall not exceed eight square feet. All other provisions of Chapter 17.22: Signs apply.
 - 3. **Hours.** Vending operations shall be set up prior to peak visitor hours, to be established and reviewed periodically by the Planning Commission, and shall be removed after such hours. The Planning Commission may set specific times for movement of the operation considering location and season.

4. **Litter.** Applications shall include provisions for litter containment and cleanup of sales items and/or packaging, as appropriate.
5. **Noise.** Requests for live entertainment and use of music shall be considered individually and shall be permitted with the approval of a conditional use permit and if the Planning Commission finds that nearby establishments will not be disturbed.
6. **Vandalism.** Vendors shall provide for the security of vending apparatus.
7. **Conflict with Merchants.** Vendors shall not interfere with access to any public or private facility
8. **Utility Hookups.** Utility hookups shall be installed as needed. Hookups may be similar to those used by recreational vehicles. Hookups shall be located to avoid danger to pedestrians. Such utility facilities shall be underground or otherwise visually screened.
9. **Pedestrian and Emergency Access and Use of Public Parking Prohibited.** Vendors are permitted only in locations that will not conflict with pedestrian access or interrupt traffic flow or emergency access. Proposed locations for all vending operations shall be reviewed and approved by the City Engineer, Fire Chief and Police Chief to ensure that the operations will not interfere with vehicular or pedestrian circulation patterns. Existing public parking shall not be curtailed or restricted by a vendor's operations.
10. **Sanitation Facilities.** All vendors shall arrange for access to a restroom for the operator; such facility for any vendor with food operations shall have hot and cold running water.
11. **Parking.** After considering the nature of the business and the expected number of employees and customers, the Planning Commission may require the provision of employee parking as a condition of approval. All other requirements of Chapter 17.21: Off-Street Parking and Loading apply.

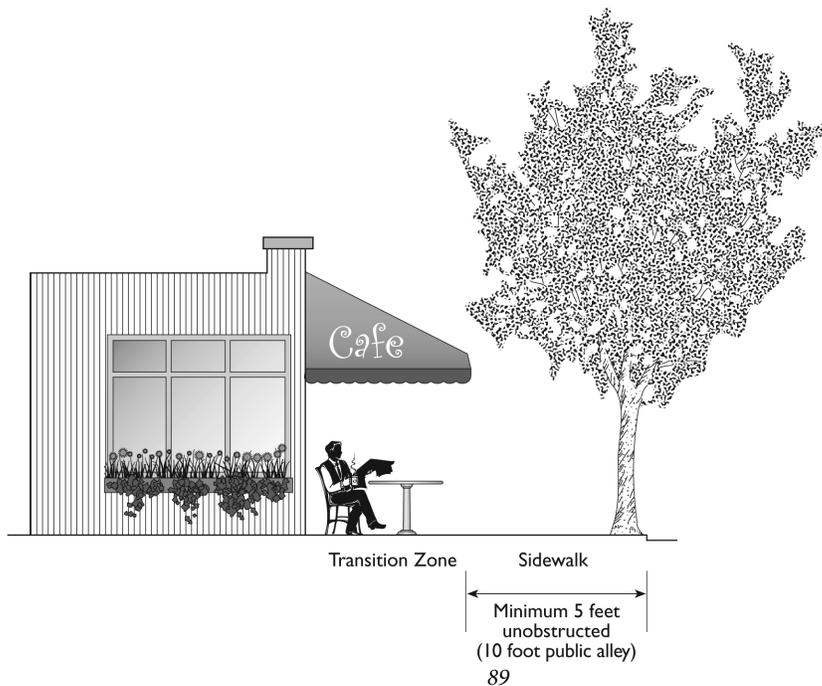
17.14.170 Outdoor Eating Areas

Eating and Drinking Establishments with outdoor eating areas shall be located, developed, and operated in compliance with the following standards:

- A. **Location.** Outdoor eating areas may be permitted on any public sidewalk or alley, provided a minimum of five feet of public sidewalk or 10 feet of public alley remains unobstructed for pedestrian or vehicle uses. An encroachment permit is required for all areas located in the public right-of-way.

- B. **Permit Required.** A conditional use permit is required when the outdoor eating area is within 20 feet of the boundary line of an R district, or contains more than five tables or seating for 15 customers or more. Outdoor eating areas accessory to an Eating and Drinking Establishment are permitted so long as the area does not exceed 10 percent of the total building area.
- C. **Hours of Operation.** The hours of operation for an outdoor eating area shall be limited to the hours of operation of the associated eating and drinking establishment.
- D. **Screening.** All outdoor eating areas shall be screened from adjacent public rights-of-way and abutting R districts by decorative solid walls, solid fences, or landscaped berms pursuant to Section 17.15.040: Landscaping and Buffer Yards. In addition to Section 17.15.040, along street-facing yards, a solid wood or masonry wall with decorative cap, three feet in height shall be provided, located between six and 10 feet from the back of the sidewalk. Chain-link fencing is prohibited. Outdoor dining areas shall be approved by the Director of Public Services and subject to the standards of the California Department of Alcoholic Beverage control where applicable.
- E. **Refuse Storage Area.** No structure or enclosure to accommodate the storage of trash or garbage shall be erected or placed on, adjacent to, or separate from an outdoor eating area on the public sidewalk or right-of-way. Refuse areas shall be screened with a solid masonry wall at least six feet in height.

FIGURE 17.14-B: OUTDOOR EATING AREAS



17.14.180 Outdoor Retail Sales

Outdoor retail 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 Chapter 17.25: Temporary Uses of this Title.
- B. **Permanent Outdoor Display/Sales.** The permanent outdoor display of merchandise requires approval of a minor use permit in accordance with Division V of this Title and shall comply with the following minimum standards:
 - 1. **When Permitted.** The permanent outdoor display of merchandise shall only be allowed for uses that customarily rely on outdoor display, including but not limited to car lot, nurseries, or equipment rental.
 - 2. **Location.** Outdoor sales shall be located entirely on private property outside any required setback, fire lane, fire access way, or landscaped planter in zoning districts that do not have required setbacks. A minimum setback of 15 feet from any public right-of-way is required.
 - 3. **Screening.** All outdoor sales and activity areas shall be screened from adjacent public rights-of-way and R districts by decorative solid walls, solid fences, or landscaped berms pursuant to Section 17.15.040: Landscaping and Buffer Yards.
 - 4. **Location of Merchandise.** Displayed merchandise shall occupy a fixed, specifically approved and defined location that does not disrupt the normal function of the site or its circulation and does not encroach upon parking spaces, driveways, pedestrian walkways, or required landscaped areas. These displays shall also not obstruct sight distances or otherwise create hazards for vehicle or pedestrian traffic.

17.14.190 Recreational Vehicles/Recreational Vehicle Parks

Recreation Vehicle Parks are regulated by the State Department of Housing and Community Development (HCD) as set forth in Title 25 of the California Health and Safety Code. New recreational vehicle (RV) parks shall be located, developed and operated in compliance with the following supplemental standards:

- A. **Prohibition.** Recreational vehicles, motorhomes or other vehicles shall not be used for human habitation or occupied for living or sleeping quarters except when installed within a licensed RV park.

- B. **Duration of Stay.** Occupation of RV spaces shall be limited to a maximum of 30 continuous days, per vehicle, or a total of 90 days maximum per year. A minimum of 30 days must elapse between each 30 day or less period of occupancy.
- C. **Recreational Vehicles.** No external appurtenances such as carports, cabanas or decks may be attached to any recreational vehicle parked in an RV park, and the removal of wheels and placement of a recreational vehicle on a foundation is prohibited. Temporary outdoor seating and shade covers are exempt.
- D. **Accessory Uses.** Accessory uses including recreational facilities, coin-operated laundry facilities, public restrooms, water, sewer, and electric hookups to each space, accessory trailer storage, and office space for park management may be permitted.
- E. **Minimum Space or Lot Size.** Every RV space in an RV park shall be a minimum of 1,800 sq. ft.
- F. **Screening.** All boundaries of the RV park shall be screened with a six-foot high solid decorative wall or fence within 15 feet of a public street right-of-way. The wall shall be inside of required landscape areas for front and street side yards of the respective district.
- G. **Common Open Space.** At least 10 square feet of space devoted to common open space and/or recreational facilities within the park for each RV space is required. This area does not include street rights-of-way, parking areas, areas between structures less than 15 feet wide or private yards.

17.14.200 Residential Care Facilities and Service-Enriched Housing

Residential care facilities and service-enriched housing shall be located, developed and operated in compliance with the following standards:

- A. **Location.** Minimum distance from other residential care facilities and service-enriched housing shall be 300 feet.
- B. **Screening and Landscaping.** A minimum 6-foot high solid wall or fence shall be provided for purposes of securing outdoor recreational areas and screening the site. Chain metal fencing and barbed wire are prohibited. All other provisions of Section 17.15.040: Landscaping and Buffer Yards shall apply.
- C. **Licensing.** Residential care facilities and service-enriched housing shall be licensed and certified by the State of California and shall be operated according to all applicable State and local regulations.

- D. **Parking.** All parking shall be located to the side and/or rear of a structure. All other requirements of Chapter 17.21: Off-Street Parking and Loading shall apply.

17.14.210 Second Units

The following supplemental regulations are intended to comply with Government Code Sections 65852.150 and 65852.2 on second units and implement the General Plan, by allowing second units in all R districts subject to the following requirements:

- A. **Location.** Second units may be established on any lot in any R or AG district where a primary single family dwelling has been previously established or is proposed to be established in conjunction with construction of a second unit. Only one second unit or guesthouse is permitted per primary single-family dwelling on the same lot.
- B. **Type of Unit.** A second unit may be attached, detached, or located within the living area of the primary dwelling unit on the lot, subject to the standards of this Section.
- C. **Minimum and Maximum Floor Area.** The maximum floor area of a second unit shall not exceed 900 square feet, or 50 percent, of the existing or proposed living areas of the primary dwelling unit, whichever is smaller, except that a secondary dwelling unit of 300 square feet is permitted regardless of the size of the primary dwelling unit. No second unit may be smaller than 300 square feet.
- D. **Development Standards.** Second units shall conform to setback, height, lot coverage, and other zoning requirements applicable to the primary dwelling in the zoning district where the second unit is proposed.
- E. **Architectural Compatibility.** The architectural design, exterior materials and colors, roof pitch and style, type of windows, and trim details of the second unit shall be substantially the same as and visually compatible with the style and character of the surrounding neighborhood, as determined by the Public Services Director. Color photographs of the street-facing side(s) of the street shall be submitted with the second unit building permit application.
- F. **Parking.** One additional parking space shall be provided for each second unit with one bedroom and two additional parking spaces shall be provided for units with two or more bedrooms. The parking space can be open and uncovered, however neither may be in tandem with required parking of the principal dwelling unit or secondary unit, and cannot be located in the front or street side setback area. The principal dwelling unit must conform to the parking requirements of Chapter 17.21: Off-Street Parking and Loading.

- G. **Use Limitation.** Single-family residences with approved secondary units shall not have the secondary unit rented independent of the main residence when neither is occupied by the owner. Primary and Secondary units may be rented under a single rental agreement if the owner is not occupying either unit. The terms of the single rental agreement shall not allow sub-lease of one unit. An owner is deemed to occupy a unit if they hold it off of the rental market for their own use.
- H. **Emergency Access.** A second dwelling unit may be permitted only on a lot with access from a roadway that meets the fire apparatus access road requirements of the California Fire Code Section 902.2.2.1.
- I. **Conditional Use Permit.** A secondary unit that is larger than 900 square feet may be permitted only after obtaining a Conditional Use Permit pursuant to Chapter 17.32. The maximum size of a secondary dwelling unit shall not exceed 1200 square feet or 50 percent, whichever is smaller, of the existing or proposed living areas of the primary dwelling unit.
- J. **Parking Exception.** The Planning Commission may grant exceptions to the limitations of parking subject to appropriate conditions adopted with a Conditional Use Permit in accordance with Chapter 17.32.

17.14.220 Self-Storage

Personal, mini-, and self-storage warehouses shall be located, developed and operated in compliance with the following standards:

- A. **Business Activity.** No retail, repair, or other commercial use shall be conducted out of the individual rental storage units.
- B. **Prohibited Storage.** Outdoor storage is prohibited. No boats, trailers, and/or other vehicles shall be parked or otherwise stored outside the storage units except in areas approved for such storage.
- C. **Building Setbacks.** Storage buildings shall be setback a minimum of 5 feet from any public street. The setback area shall be landscaped in accordance with Section 17.15.040: Landscaping and Buffer Yards. Development abutting any R district shall meet all buffer yard requirements.
- D. **Screening.** Where exterior 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. No unpainted metallic finish is permitted on building walls. Any gates shall be decorative iron or similar material. Chain link fences are not allowed.

- E. **Hazardous Materials.** The facility management shall inform all tenants of restrictions and requirements as part of the rental registration process and written rental agreement. This includes, but is not limited to, conditions restricting storage of hazardous materials, limitations on the use of the storage units, and restriction on vehicle maneuvering. The restrictions shall also be posted at a conspicuous location within the front of each rental unit.

- F. **Additional Standards.** Where a minor use permit or conditional use permit is required, the Public Services Director or Planning Commission, as appropriate, may apply additional conditions for approval of the project.

Chapter 17.15 General Site Standards

Sections:

17.15.010	Purpose
17.15.020	Accessory Structures
17.15.030	Height Limits and Exceptions
17.15.040	Landscaping and Buffer Yards
17.15.050	Fencing and Screening
17.15.060	Lot Standards
17.15.070	Setback Standards
17.15.080	Separation
17.15.090	Underground Utilities
17.15.100	Visual Protection

17.15.010 Purpose

The purpose of this Chapter is to establish specific site standards that apply to the districts established in Division II of this Title.

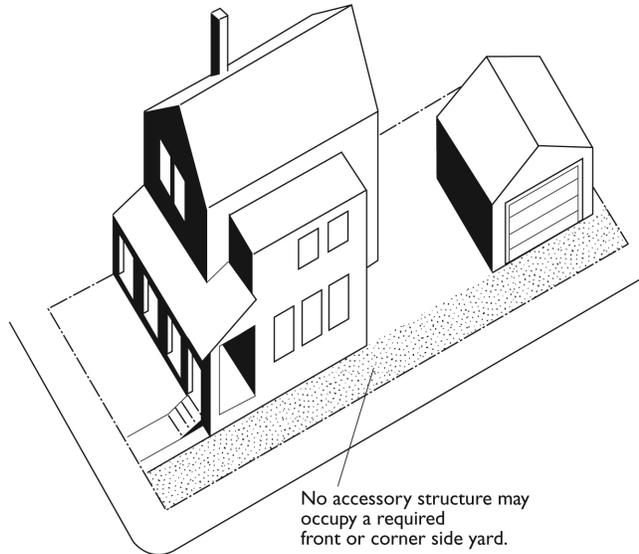
17.15.020 Accessory Structures

A. General Standards.

1. ***When Attached to Principal Structure.*** Where an accessory structure is attached to the principal structure, it shall be made structurally a part of and have a common roof system with the main building, and shall comply with all standards applicable to the main building as required by this Title.
2. ***Location.*** No accessory structure, except a construction trailer, may occupy a required front or corner side yard, or project beyond the front building line of the principal structure on site.

FIGURE 17.15-A: ACCESSORY STRUCTURES

Location Requirements



- B. **Accessory Structures in an R District.** A detached accessory building in an R District shall meet the setback, height and coverage requirements of the district in which it is located and be at least six feet from any dwelling existing or under construction, either of the same lot or any adjacent lot. This provision does not apply to pre-fabricated storage sheds less than seven feet in height and occupying an aggregate area on a lot of less than 120 square feet.
- C. **Construction Trailers.** Construction trailers may be placed on a site at the time site clearance and grading begins and may remain on site only for the duration of construction.
- D. **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 Public Services Director.
- E. **Swimming Pools, Hot Tubs and Spas.**

1. **Minimum Setbacks.** Setbacks shall be provided as follows:

District	Front and Corner Side Yards (ft.)	Side and Rear Yards (ft.)
RS and RD	Required building setback plus 5	5
All others	Required building setback	

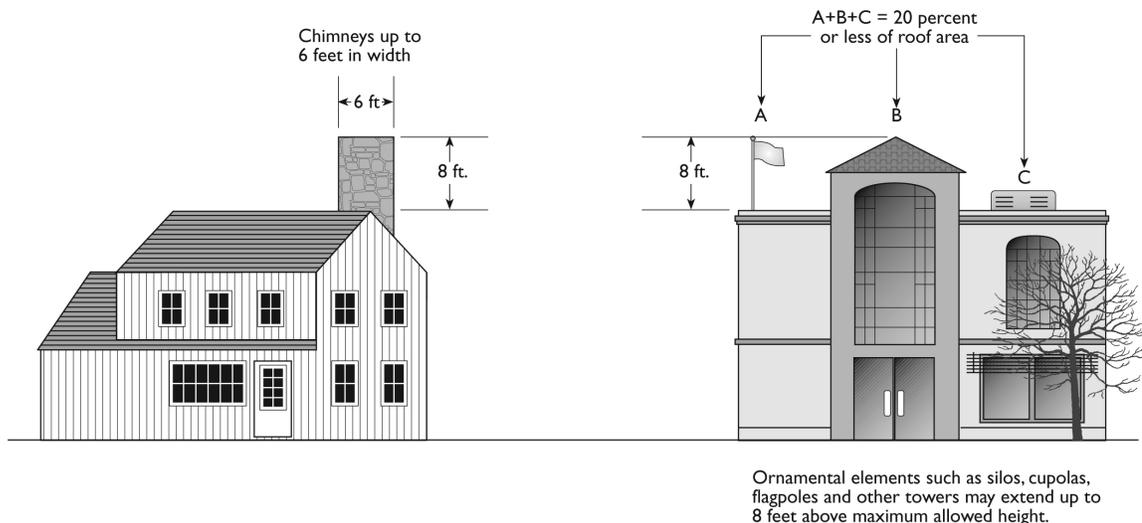
2. **Filter And Heating Systems.** Filter and heating systems, for swimming pools, hot tubs and spas shall not be located closer than 25 feet to any property line, unless if enclosed and soundproofed in a manner approved by the building official.

17.15.030 Height Limits and Exceptions

All structures shall comply with the height limits of this Section, except for fences and walls, which are subject to the provisions of Section 17.15.050:

- A. **Maximum Height of Structures.** The height of structures shall not exceed the standard established by the applicable zoning district of this Title.
- B. **Increased Height Limit for Projections.** Chimneys not over six feet in width, silos, cupolas, flagpoles, monuments, gas storage holders radio and other towers, water tanks, church steeples, roof furniture and roof equipment, and similar structures and necessary appurtenances, covering not more than 20 percent of the top floor roof area to which they are accessory, may exceed maximum permitted height standards by 8 feet. Exceptions may be granted with the approval of a conditional use permit.

FIGURE 17.15-B: HEIGHT LIMIT EXCEPTIONS



- C. **Increased Height Limit in R District.** In any R district where a conditional use permit is secured for an increased height limit, the front, side and rear yard setbacks shall be increased by one foot for each one foot by which the building exceeds the required height limit.
- D. **Increased Height Limit for Certain Institutional Uses.** In any district other than the IG and ICD districts, public and semi-public buildings, schools, churches, hospitals and other institutions permitted in such districts may be erected to a height not exceeding 45 feet upon the securing of a conditional use permit; provided that the front, rear and side yards are increased one foot for each foot by which the building exceeds the required height limit.

17.15.040 Landscaping and Buffer Yards

- A. **Purpose.** All new development projects within Morro Bay are required to have attractive, water-conserving landscaping. The climate of the Central Coast is a semi-arid, Mediterranean type, which poses special landscape problems as well as opportunities. Therefore, homeowners, developers, landscape professionals, and others involved with landscape design need to make efficient use of the increasingly limited water supply through the use of sensible and carefully planned landscape and irrigation designs.
- B. **Applicability.**
 - 1. ***Projects for Which Landscaping is Required.*** Where required, landscaping meeting the standards of this chapter must be provided for the following:
 - a. Public projects that require a use permit.
 - b. Development projects in the Duplex and Multi-family Residential, Community Commercial, Commercial Visitor-Serving, Mixed-Use, Industrial, Public Facilities and Open Space Parks and Recreation districts.
 - c. Development projects produced by newly created subdivisions.
 - 2. ***Exceptions.***
 - a. ***AG District.*** Except as may be required by conditions for permitted commercial uses as provided in Chapter 17.11: Agricultural District of this Title, landscaping is not required in areas cultivated or maintained in native vegetation.

- b. *Single-Family Dwelling.* Except as part of a newly created subdivision, landscaping is not required for any single-family dwelling.
- c. *Effect on Existing Uses.* The provisions of this section are not retroactive in their effect on landscape lawfully established as of the date of adoption of amendments to these sections.
- d. *Modifications to Standards.* When it is found that characteristics particular to the property, vicinity or use would render required landscaping ineffective or unnecessary, the authority granting approval may waive, or modify the landscaping requirements so long as such waivers or modifications do not violate the intent of this Section.

C. **General Landscaping Standards.** Proposed landscape should relate to the architectural design elements of the structures on the site and should meet the purpose of this section. All required landscaping shall conform to the following standards and be shown on any required landscape plan:

- 1. ***Allowable Materials.*** Landscaping shall include a combination of the following materials, as appropriate, to provide a well balanced landscape environment, to achieve low water consumption, and to achieve the intended or required functions as provided herein.

Within four feet of a street or sidewalk, trees specified in the City of Morro Bay Master Tree List shall be used. For other landscaping on the property, the use of materials in the Yards and Neighbors brochure available at the Public Services Department is recommended.

- 2. ***Prohibited Materials.*** All required landscaping shall not include plant materials with the following characteristics that may damage infrastructure:
 - a. ***Root Structure.*** Plant materials having root structures which in their mature state may damage or interfere with the normal use listed below. Plant material should be planted away from or use methods that will protect the following improvements from damage:
 - b. ***Fire.*** Materials that will create, because of proposed location and type, a potential hazard of fire.
 - c. ***Obstruction of Vision.*** For public safety materials that will obstruct the vision of vehicle operators or pedestrians, on public right-of-ways or at points of intersection;
 - d. ***Sight Lines and View Corridors.*** Materials that will negatively intrude upon sight lines and view corridors as defined and

identified in the General Plan/Local Coastal Plan, Visual Resources & Scenic Highway Element.

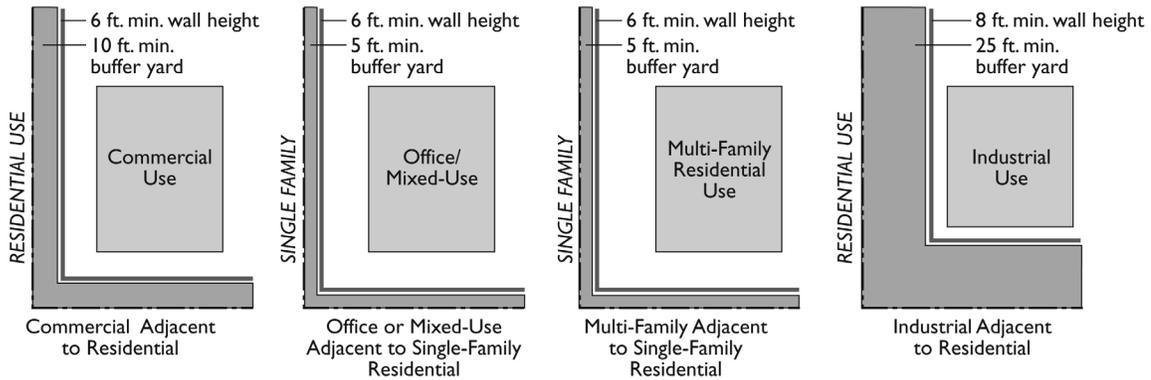
- e. *Types of Trees.* See to Morro Bay’s urban street tree list for an approved plant list.
3. ***Plant Selection and Grouping.*** The City of Morro Bay Landscape Design Guidelines and the Yards and Neighbors brochure should be referenced to determine appropriate plant material and planting arrangements.
 4. ***Fire Prevention.*** Fire prevention needs shall be addressed in high and very high fire hazard areas. Sensitive land uses (e.g. residential) and new subdivisions located adjacent to the city boundaries and at the Morro Bay State Park or at any wildland/urban interface shall have their landscape plans reviewed by the Morro Bay Fire Department.
 5. ***Timing of Installation.*** All required plantings shall be in place prior to establishment of a use or issuance of a certificate of occupancy. Any landscaping not installed prior to occupancy shall be bonded in the amount of the estimated cost of landscaping and irrigation materials and installation.
 6. ***Proper Maintenance Required.*** All required plant materials shall be maintained in a clean and neat condition. All landscaping shall be cared for, maintained, watered, fertilized, fumigated, pruned and kept in healthy growing condition. Where a required planning has not survived, it shall be promptly replaced with new plant materials having similar functional characteristics and of a size either equivalent to or exceeding the original size.
- D. **Required Buffer Yards.** A buffer yard is required for new development or where development is enlarged by 20 percent or more in floor area, where such development abuts a dissimilar land use as depicted on Table 17.15 – A. The required buffer yard must be provided on the first of each listed set of land uses.

TABLE 17.15 – A: BUFFER YARD STANDARDS		
<i>Adjacent Land Uses</i>	<i>Minimum Buffer Yard Width (ft.)</i>	<i>Required Wall Height (ft.)</i>
Commercial adjacent to Residential	10	6
Office or Mixed-Use adjacent to Single-Family	5	6
Multi-Family adjacent to Single-Family	5	6
Industrial adjacent to Residential	25	8

1. ***Standards.*** All required buffer yards shall conform with the standards in Table 17.19 – A and shall consist of the following:

- a. **Planting Areas.** Planting areas may include a mix of deciduous and evergreen trees and shrubs. Depending on species, as a general rule trees should be planted on 20-foot centers in a staggered fashion, with interspersed shrubs. Plant material shall be selected such that desired screening vegetation massing is achieved year round.
 - b. **Walls.** Required walls shall be located between the dissimilar land uses and shall be constructed of decorative block, concrete panel, or other substantially equivalent material. Wall heights may be increased at the discretion of the Director or approving body where needed to address land use impacts.
2. **Alternative Buffer Yards.** Alternative buffer yards may be approved where the site size, shape, topography, easements, and/or existing buildings of the property make the use of the standard buffer impractical, as determined by the Director.
3. **Maintenance and Replacement of Buffer Yard Vegetation.** All installed or existing vegetation shall be properly maintained in a healthy condition. Dying, damaged, or removed vegetation shall be replaced within six months with new plant materials that comply with the approved Buffer Site Plan.
4. **Uses of Buffer Yards.** Buffer yards shall not be used for parking, driveways, trash enclosures, or as a building area, except that surface parking is permitted in industrial buffer yards, provided it is setback a minimum of 25 feet from the property line.
5. **Exceptions.** Where a proposed use is separated from an existing use by a public right-of-way, drainage channel, or stream corridor, no buffer yard is required provided such right-of-way, stream corridor, or major body of water or waterway is at least equal in width to the required buffer yard and required screening is achieved. A wall may be required where necessary to address project-specific impacts. Pedestrian and/or vehicular openings in a buffer yard may be appropriate to facilitate access from residential areas to commercial projects.

FIGURE 17.15-C: BUFFER YARD REQUIREMENTS



E. **Landscaping Plans.** A landscaping plan, identifying the placement and type of plant materials as features of project design, shall accompany all applications for development where landscaping is required. This plan is subject to the following requirements:

1. **Landscaping Plan Content.** Landscaping plans shall be drawn at an appropriate scale to enable ready identification and recognition of information submitted. Where a development project involves only a portion of a site, the landscaping plan need only show the areas where existing soil contours and vegetation will be disturbed by construction or use, or other areas where landscaping is required. Submitted plans shall include the following.
 - a. **Trees.** The location of all trees existing on-site with trunks over 6 inches in diameter, or over 2 inches in diameter for oak trees, measured 4 feet above the ground. Trees proposed for removal shall be identified.
 - b. **Landscaping Details.** Proposed landscaping details, including the number, location, species and size of plant material.
 - c. **Other Details.** Details and location of proposed fencing, entries, refuse collectors and freestanding or monument signs, walkways, plazas and sitting areas, play areas, street furniture and other existing or proposed permanent outdoor equipment or decorative landscape features, if any.
 - d. **Outdoor Light Fixtures.** Outdoor light fixtures, including their location, height, intensity, and type.
 - e. **Irrigation.** Proposed method and location of irrigation of all landscaped areas. Drip irrigation shall be utilized in lieu of

sprinkler or bubbler heads wherever feasible. Hand watering from hose bib connections shall not substitute for the irrigation system required herein unless specifically authorized.

- f. *Interim Landscaping.* Interim landscaping for future phases where deemed necessary by the City.
2. *Plan Review and Approval.* Landscape plans are subject to review and approval by the decision-maker for the project.

17.15.050 Fencing and Screening

A. Required Fencing and Screening.

1. *Uses To Be Screened.* The following uses shall be screened from public rights-of-ways and surrounding properties by a solid wall or fencing:
 - a. Service areas and facilities;
 - b. Outdoor storage areas;
 - c. Refuse containers;
 - d. Public utility substations; and
 - e. Electrical transformer yards.
2. *Non-Residential Uses.* The side and rear property lines of all non-residential uses shall be screened as follows.
 - a. *Side and Rear Property Lines Abutting an R District.* A six-foot high solid wall or fence shall be located on side and rear property lines of any non-residential, non-agricultural use abutting an R district.
 - b. *Industrial or CC-A Districts.* An eight-foot high solid wall or fence shall be located on side and rear property lines of any use in an Industrial or CC-A district that abuts another district.
 - c. *Mechanical Equipment.* When located outside of a building, support equipment including air conditioning and heating devices, but not including plumbing or exhaust vent or chimneys, shall be screened to the height of the particular piece of equipment as follows.
 - i. *Roof-Mounted Equipment.* Roof-mounted equipment shall be screened by architectural features from the view of abutting streets and from locations identified in the

General Plan/Local Coastal Plan areas from which there are visually significant views.

- ii. *Mechanical Equipment When Located on the Ground.* Mechanical equipment, when located on the ground, shall be screened by landscaping, a solid wall, or fencing, from the view of the abutting street or surrounding properties.

B. Exceptions for Required Screening.

1. *Building Walls That Abut Lot Lines.* Required screening or fencing may be omitted along any lot line where a building wall abuts the lot line.
2. *Construction At or Within a Setback Line.* Where property line fencing or screening is required, the location may be adjusted to allow its construction at or within a setback line.
3. *Waivers or Modifications.* The requirements of this Section may be waived or modified provided that the authority granting approval finds that characteristics particular to the property or vicinity would render required fencing or screening unnecessary or ineffective.

C. Standards For Required Screening.

1. *Review and Approval.* Fencing and screening materials and placement shall be subject to review and approval as a component of any administrative or discretionary review to assure conformance with their intended or required functions as provided herein.
2. *Substituted Screening.* 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 Chapter.
3. *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.
4. *Chain Link Fencing.* Chain link fencing with vertical slats may be substituted for a solid wall or fence in an industrial zone or CC-A district except where screening and fencing is required adjacent to an R district or a scenic corridor identified in the Scenic Highway Element.

D. General Fencing, Hedge, and Wall Standards. Fences, hedges and walls may be erected in any district subject to the following conditions:

1. **Fences, Walls and Hedges Open to the Passage of Air and Light.** Fences, walls and hedges, where 50 percent or more of the surface is open to the passage of air and light and, not exceeding four feet in height, may occupy any required street yard area.
2. **Solid Fences, Walls and Hedges.** Solid fences, walls and hedges not exceeding three feet in height may occupy any required street yard area.
3. **Side or Rear Yard Areas.** Fences, walls and hedges not exceeding six feet, six inches in height may occupy any side or rear yard area, provided that:
 - a. Such fence, wall or hedge does not extend into any required front yard; and
 - b. In the case of a corner lot, such fence does not extend into the street side yard.
4. **Walls, Fences, and Hedges Exceeding Height Standards.** Fences or structures exceeding six feet, six inches in height to enclose commercial or industrial uses, tennis courts, or similar areas, when such fences are not in a street setback area, may be erected with approval of a Minor Use Permit.

FIGURE 17.15-D: WALLS AND FENCES

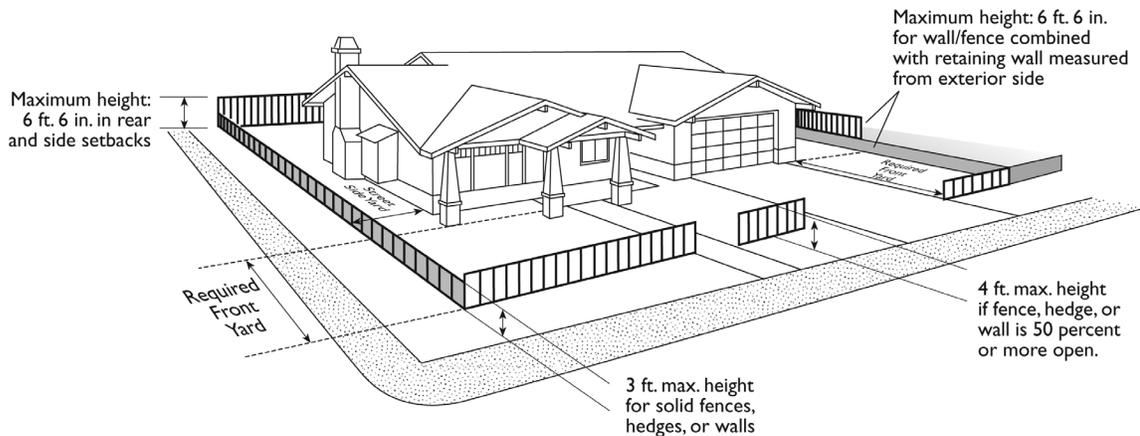
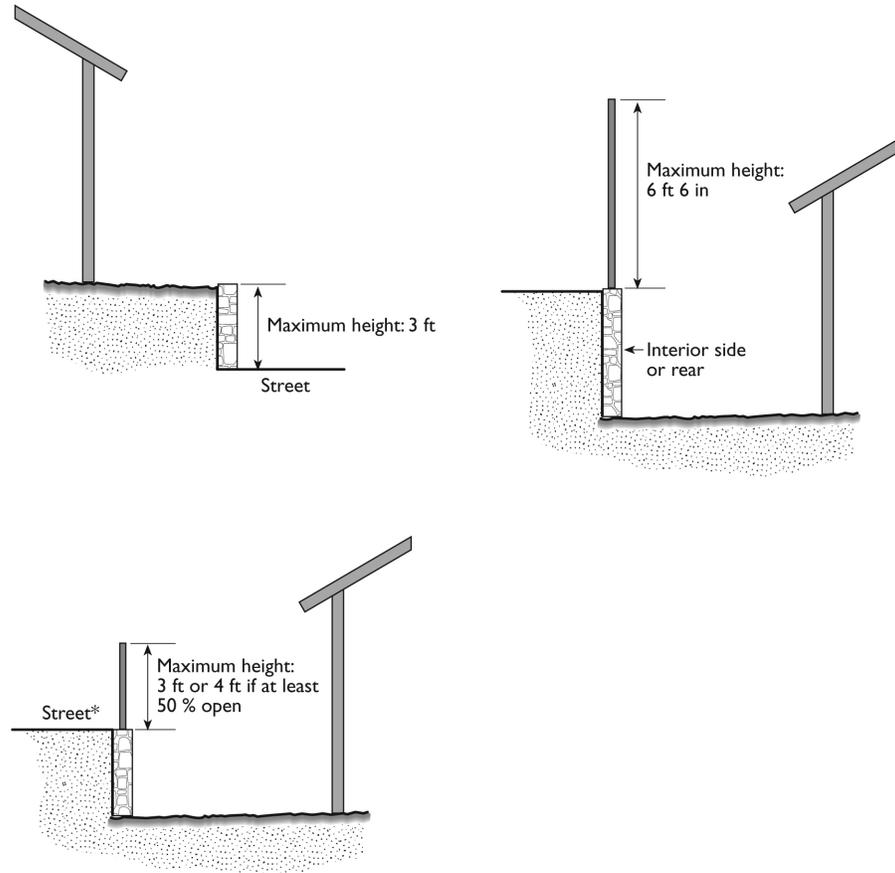


FIGURE 17.15-E: HEIGHT OF FENCES ON RETAINING WALLS



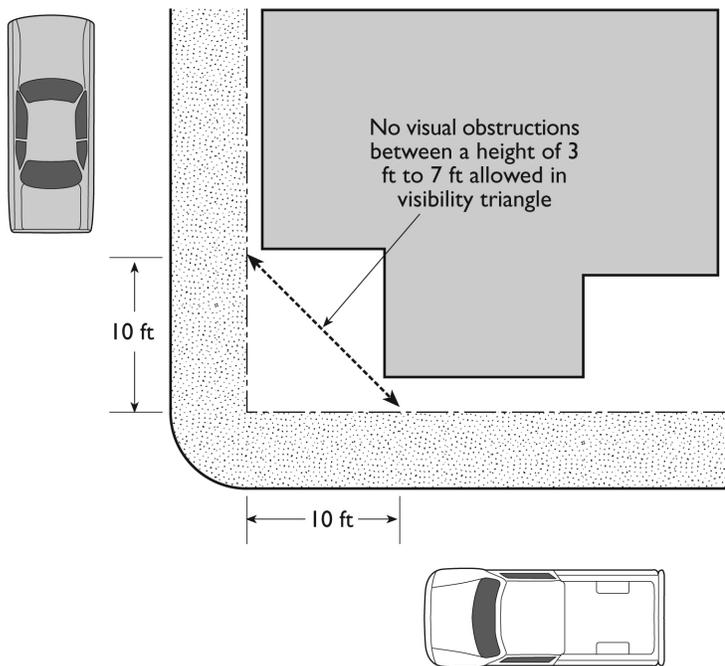
*Height of fencing, with or without retaining wall, is measured from street side.

5. **Swimming Pool, Spa or Hot Tub Fencing Requirements.** A safety fence or other structure including a cover approved by the Building Official shall be constructed surrounding any swimming pool or spa or hot tub at grade level. The maximum allowable height shall be six feet, six inches; the minimum allowable height shall be six feet; all gates within said fence or other structure shall be self-closing and self-latching.

17.15.060 Lot Standards

- A. **Corner Lot Sight Lines.** 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. Such triangular area shall have sides which extend a minimum of ten feet along each street; provided, that the City Engineer may require a larger triangular area if deemed necessary due to topography, curving right-of-ways or any other factor. 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 17.15-F: SIGHT OBSTRUCTIONS AT INTERSECTIONS



- B. **Lot Size.** Base densities for the RS districts shall be in accordance with the allowable densities set forth in Table 17.06-A (Chapter 17.06). Under certain circumstances, these density and lot size restrictions may be modified or increased beyond these limits for Affordable Housing, Compact In-fill Development, or Clustered Subdivision designs.
- C. **Development on Substandard Lots.** A legally created lot having a width and/or area less than required for the base district in which it is located may be occupied by a permitted or conditional use. No substandard lot may be further

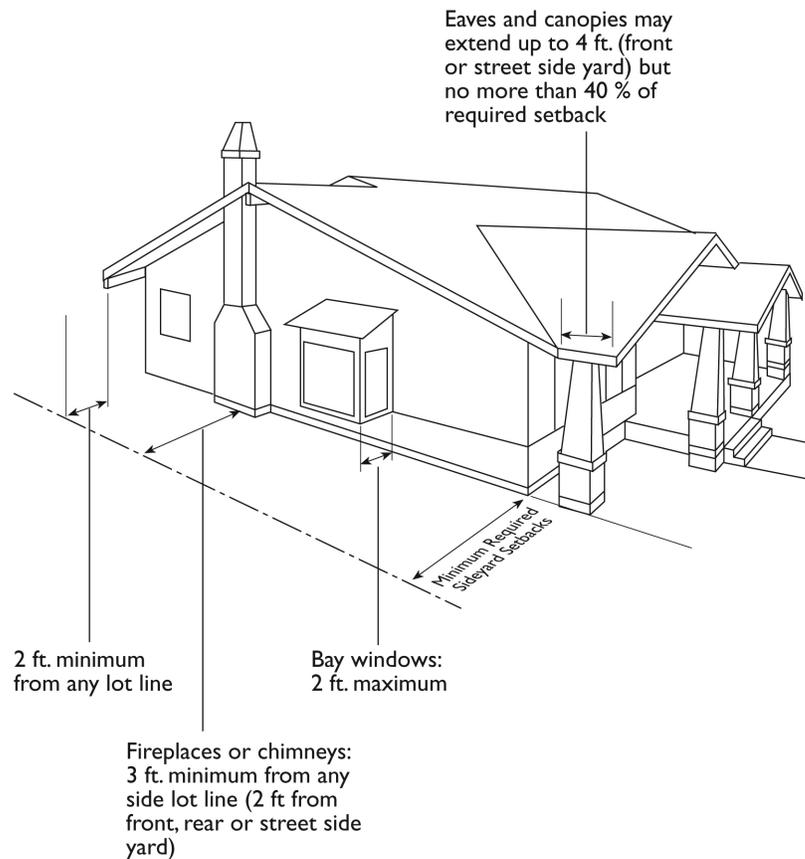
reduced in area and/or width, and a substandard lot shall be subject to the same yard and density requirements as a standard lot.

17.15.070 Setback Standards

A. Permitted Building Projections.

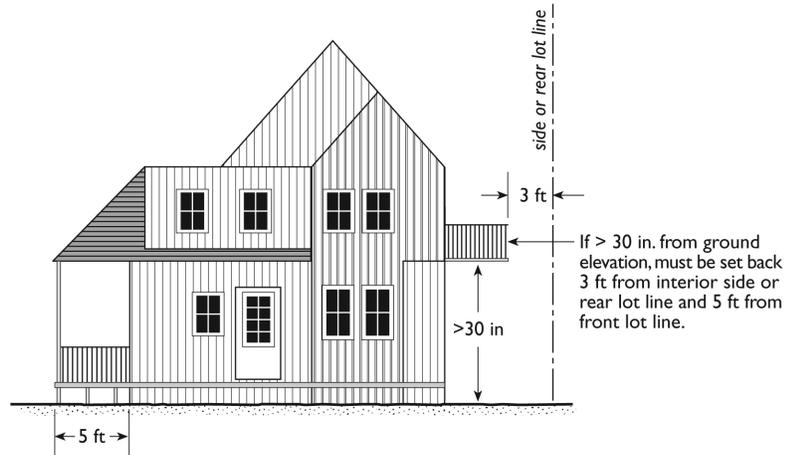
1. *Fireplaces or Chimneys.* Fireplaces and chimneys not exceeding eight feet in width may extend not closer than three feet to any side lot line or two feet into any front, rear, or street side setbacks.
2. *Cornices, Eaves, Mechanical Equipment, and Ornamental Features.* Minimum setback shall be two feet from any lot line. Eaves and canopies may extend a maximum of four feet into the required front or street side setback, but not more than 40 percent into required setback.

FIGURE 17.15-G: BUILDING PROJECTIONS



3. **Balconies, Supported Decks, Porches, and Stairs.** Maximum five feet into a front or rear yard and two feet into a side yard. If exceeding 30 inches above ground elevation, minimum setback shall be three feet to any interior side or rear lot line and five feet to any front lot line with a maximum projection of five feet into any required front or street side yard setback.
 - a. **Wind Screens and Walls.** Wind screens and walls must be of a clear material and shall not exceed five feet in height above the floor of the landing or deck.
 - b. **Downslope Lots.** For downslope lots, stairs, decks or porches located in the front and exterior side yard setback may be permitted to exceed 30 inches above grade provided that:
 - i. They do not extend above the height of the top of the curb (or height of the edge of pavement where there is no curb); and
 - ii. They do not extend into the interior side yard or rear yard setbacks.
4. **Bay Windows.** May project two feet with a maximum width of eight feet.

FIGURE 17.15-H: BUILDING PROJECTIONS - BALCONIES, DECKS, PORCHES AND STAIRS

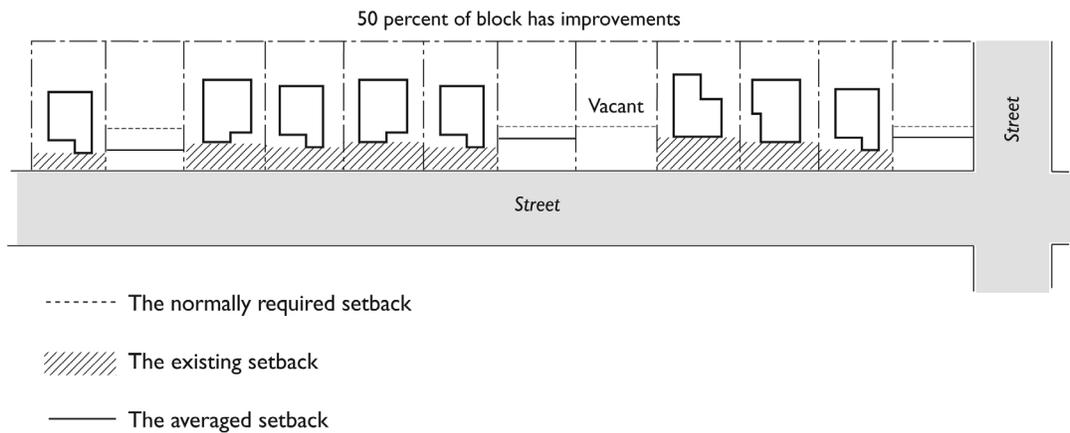


Permitted up to 5 feet into front or rear yard; up to 2 feet into side yard

B. Setback Exceptions.

1. ***Reduced Setback in RS Districts with Improved Lots.*** In all RS districts, where not less than one half or more of the lots in a block have been improved with buildings (not including accessory buildings other than garages) and where a minimum of 50 percent of those residences have setbacks that are less than that required by the zoning district regulations, the minimum required front setback for the main building and the garage or carport (but not including decks) shall be the average of the setbacks on the improved lots, but in no case less than 50 percent of the setback required by this Title.

FIGURE 17.15-I: SETBACK EXCEPTIONS



2. ***Side Yard Width on Narrow RS Lots.***
 - a. ***Interior Side Yard Setbacks.*** The minimum interior side yard setbacks for pre-existing lots where the width is less than the minimum required width may be reduced to ten percent of the width of such parcel, but in no case to less than three feet.
 - b. ***Exterior Side Yard Setbacks.*** The width of exterior street side yard setbacks shall be twenty percent of the width of such parcel but not less than six feet.

17.15.080 Separation

The minimum distance between primary buildings on the same site shall be 10 feet.

17.15.090 Underground Utilities

All utility service lines to all new development, except single family residences, on vacant lands (including the demolition and replacement of individual structures), and

to redevelopment projects on sites of one acre or more, shall be placed underground. For any project on sites of 1.5 acres or larger, all electric distribution and communications lines located on or immediately adjacent to the project site shall be undergrounded in accordance with the applicable rules and regulations of the California Public Utilities Commission. Single-family dwellings are encouraged to place utilities underground.

17.15.100 Visual Protection

New development shall protect and where feasible enhance the visual quality of the surrounding area. New development may be permitted only if the siting and design meet the following criteria:

- A. **Compatibility.** The development is visually compatible with the character of the surrounding area and any design themes adopted for the area by the City.
- B. **Scenic Area Standards.** In highly scenic areas, as depicted in the Morro Bay Coastal Land Use Plan/Coastal Element, the following additional standards shall also apply:
 - 1. **Character.** The proposed development shall be subordinate in character to its surroundings.
 - 2. **Height/bulk.** The height/bulk relationships in the development shall be compatible with the surrounding area.

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Chapter 17.16 Performance Standards

Sections:

17.16.010	General Conditions
17.16.020	Noise Requirements
17.16.030	Fire and Explosion Hazards
17.16.040	Radioactivity or Electrical Disturbance
17.16.050	Vibration
17.16.060	Smoke, Particulate Matter, Odor and Other Air Contaminants
17.16.070	Lighting and Glare
17.16.080	Humidity, Heat and Cold
17.16.090	Liquid or Solid Wastes
17.16.100	Hazardous Materials

17.16.010 General Conditions

The performance standards in this Chapter are general requirements and shall not be construed to prevent the Director, Planning Commission or City Council from imposing, as part of project approval, specific conditions that may be more restrictive in order to meet the intent of these regulations.

17.16.020 Noise Requirements

- A. **General Noise Limitations.** Any business operation with sustained or intermittent noise levels exceeding 70 dB Ldn as described by the Noise Element including, but not limited to, wood or machine milling, air hammers, generators, and prolonged or excessive truck deliveries, shall not be allowed within 100 feet of residential uses, hospitals, and other noise sensitive uses unless noise levels are mitigated in compliance with this Section.
- B. **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.
- C. **Review Of Development Projects.** The City shall review new public and private development proposals to determine conformance with the policies of the Noise Element. Where the development of a project may result in land uses being exposed to existing and/or projected future noise levels that exceed the levels specified by the policies of the Noise Element, the City shall require an acoustical analysis early in the review process so that noise mitigation may be included in the project design. For development not subject to environmental

review, the requirements for an acoustical analysis shall be implemented prior to the issuance of a building permit. The requirements for the content of an acoustical analysis are given in subsection (E) below. At the discretion of the City, the requirement for an acoustical analysis may be waived, provided that all of the following conditions are met:

1. ***Size of Development.*** The development is for less than five single-family dwellings or for office buildings, churches or meeting halls having a total gross floor area less than 10,000 square feet.
 2. ***Noise Source.*** The noise source in question consists of a single transportation noise source (roadway, railway or airport) for which up-to-date noise exposure information is available. An acoustical analysis will be required when the noise source in question is a stationary noise source or when the noise source consists of multiple transportation noise sources.
 3. ***Noise Exposure.*** The existing or projected future noise exposure at the exterior of the buildings which will contain noise sensitive uses or within proposed outdoor activity areas (other than playgrounds and parks) does not exceed 65 dB Ldn prior to mitigation. For playgrounds and parks, the existing or projected future noise exposure may not exceed 75 dB Ldn prior to mitigation.
 4. ***Topography.*** The topography in the project area is flat, and the noise source and receiving land use are at the same grade.
 5. ***Noise Mitigation.*** Effective noise mitigation, as determined by the City is incorporated into the project design to reduce noise exposure to the levels specified in this section. Such measures may include the use of building setbacks, building orientation, noise barriers and the standard noise mitigation packages contained within the Acoustical Design Manual. If closed windows are required for compliance with interior noise level standards, air conditioning or a mechanical ventilation system will be required.
- D. **Noise Reduction Measures Required.** The Planning Commission shall consider one or more of the following mitigation measures where existing noise levels significantly impact existing noise sensitive land uses or where cumulative increase in noise levels resulting from the new development significantly impact noise sensitive land uses:
1. ***Rerouting Traffic.*** Rerouting traffic, if feasible, onto streets that have low traffic volumes or onto streets that do not adjoin noise sensitive land uses.
 2. ***Rerouting Trucks.*** Rerouting trucks, if feasible, onto streets that do not adjoin noise sensitive land uses.

3. **Noise Barriers.** Construction of noise barriers as long as such barriers do not significantly negatively impact coastal or scenic views.
 4. **Acoustical Treatment of Buildings.**
- E. **Requirements For An Acoustical Analysis.** An acoustical analysis required pursuant to subsection (C) shall meet all of the following requirements:
1. Be the financial responsibility of the applicant.
 2. Be prepared by a qualified person experienced in the fields of environmental noise assessment and architectural acoustics.
 3. Include representative noise level measurements with sufficient sampling periods and locations to adequately describe local conditions. Where actual field measurements cannot be conducted, all sources of information used for calculation purposes shall be fully described. When the use being studied is a commercial use, all noise sources related to the service and maintenance of the facility shall be considered, including parking lot and landscape maintenance, refuse collection and truck loading/unloading activities.
 4. Estimate existing and projected (20-year) noise levels and compare those levels to the adopted policies of the Noise Element of the General Plan. Projected future noise levels shall take into account noise from planned streets, highways and road connections.
 5. Recommend appropriate mitigation to achieve compliance with the adopted policies of the Noise Element, giving preference to proper site planning and design over mitigation measures which require the construction of noise barriers or structural modifications to buildings which contain noise sensitive land uses.
 6. Estimate noise exposure after the prescribed mitigation measures have been implemented.
 7. Describe a post-project assessment program which could be used to evaluate the effectiveness of the proposed mitigation measures.

TABLE 17.16 – A: MAXIMUM ALLOWABLE NOISE EXPOSURE-TRANSPORTATION NOISE SOURCES			
	<i>Outdoor Activity Areas¹</i>	<i>Interior Spaces</i>	
<i>Land Use</i>	<i>Ldn/CNEL, dB</i>	<i>Ldn/CNEL, dB</i>	<i>Leq,dB²</i>
Residential	60 ³	45	--
Transient lodging	60 ³	45	--
Hospitals, nursing homes	60 ³	45	---
Theatres, auditoriums, music halls	--	--	35
Churches, meeting halls, office buildings	60 ³	--	45
Schools, libraries, museums	--	--	45
Playgrounds, neighborhood parks	70	--	--

1. Where the location of outdoor activity areas is unknown, the exterior noise level standard shall be applied to the property line of the receiving and use.

2. As determined for a typical worst-case hour during periods of use.

3. Where it is not possible to reduce noise in outdoor activity areas to 60 Ldn/CNEL, dB or less using a practical application of the best available noise reduction measures, an exterior noise level of up to 65 Ldn/CNEL, dB may be allowed provided that available exterior noise level reduction measures have been implemented and interior noise levels are in compliance with this table.

TABLE 17.16 – B: MAXIMUM ALLOWABLE NOISE EXPOSURE – STATIONARY NOISE¹		
	<i>Daytime (7 AM to 10 PM)</i>	<i>Nighttime (10 PM to 7AM)</i>
Hourly Leq, dB ²	50	45
Maximum level, dB ²	70	65
Maximum level, dB – Impulsive Noise ³	65	60

1. As determined at the property line of the receiving land use. When determining the effectiveness of noise mitigation measure, the standards may be applied on the receptor side of noise barriers or other property line noise mitigation measures.

2. Sound level measurement shall be made with slow meter response.

3. Sound level measurements shall be made with fast meter response.

17.16.030 Fire and Explosion Hazards

All activities involving the use of or storage of flammable and explosive materials shall be operated with adequate safety devices against the hazard of fire and explosion and adequate fire fighting and fire-suppression equipment and devices, as approved by the fire department. All incineration is prohibited.

17.16.040 Radioactivity or Electrical Disturbance

No use, activity or industrial process shall cause electromagnetic interference with normal radio or television reception in R districts, or with the function of other electronic equipment beyond the property line of the site on which they are situated.

17.16.050 Vibration

No use, activity or process shall produce vibrations that are perceptible without instruments by a reasonable person at or beyond the property line of the site on which they are situated.

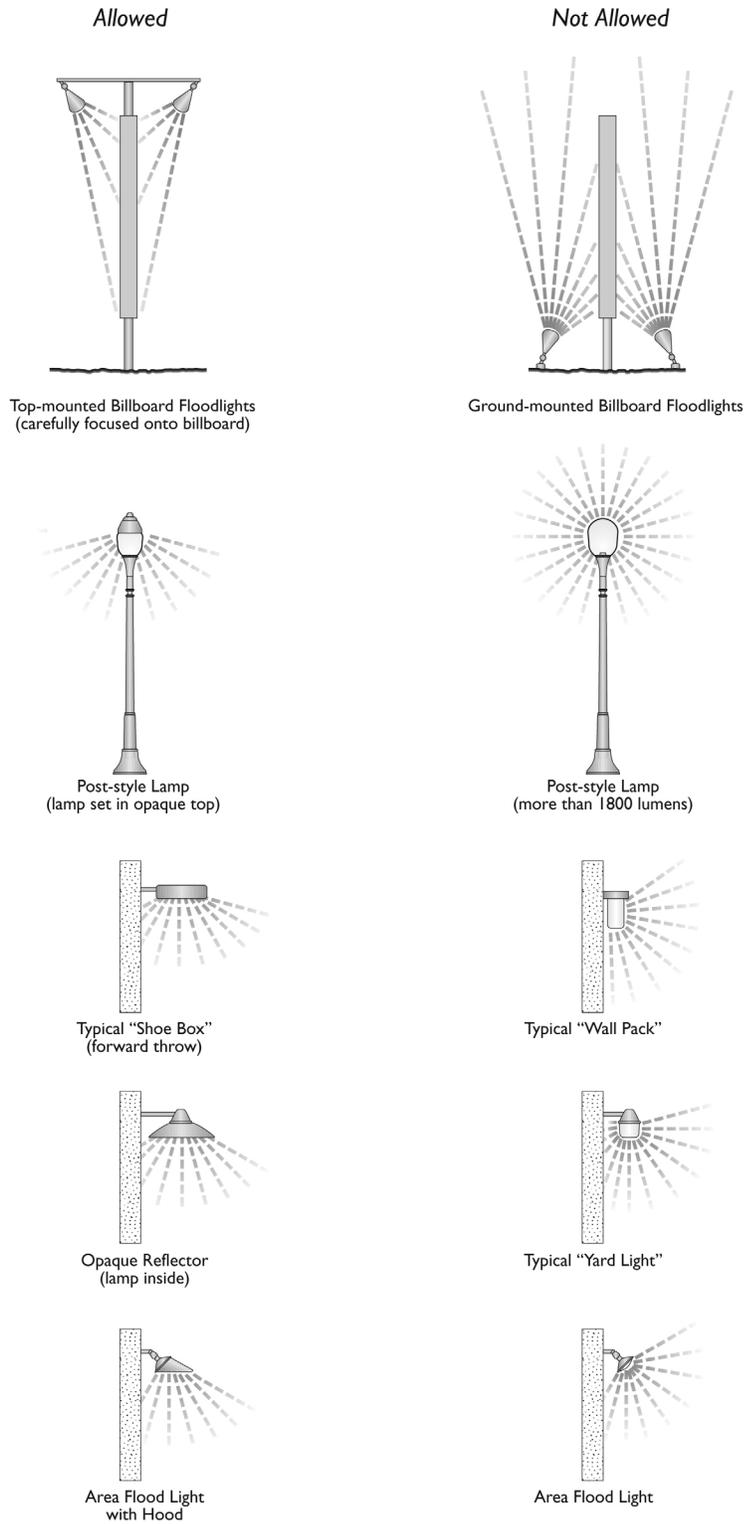
17.16.060 Smoke, Particulate Matter, Odor and Other Air Contaminants

- A. **Permit Required.** No use, activity or process shall be conducted without first obtaining any required permit from the County Air Pollution Control District.
- B. **Standard.** All uses, activities and processes shall be conducted to prevent the emission of particulate matter and air contaminants that are readily detectable without instruments by a reasonable person beyond the property line of the site on which they are situated.

17.16.070 Lighting and Glare

No lighting or illuminated device shall be operated so as to create a glare which creates a hazard or nuisance on other property. All lighting glare shall be screened from residences, hotels, streets, and other glare sensitive uses. No direct or reflected glare, whether produced by floodlight, high temperature processes such as combustion or welding, or other processes, shall be permitted so as to be visible at or beyond the property line of the site on which they are situated.

FIGURE 17.16-A: LIGHTING STANDARDS



17.16.080 Humidity, Heat and Cold

All uses shall be operated so as not to produce humidity, heat or cold which is perceptible without instruments by a reasonable person at or beyond the property line of the site on which such uses are situated.

17.16.090 Liquid or Solid Wastes

- A. **Discharges to Water or Sewers.** Discharges into any groundwater or waterways, whether direct or indirect, public or private sewer or sewage disposal system, or into the ground, shall conform with the requirements of the Regional Water Quality Control Board, the California Department of Fish and Game, the California Department of Public Health or such other relevant governmental agency.
- B. **Solid Wastes.** Solid wastes shall be handled and stored so as to prevent nuisances, health, safety and fire hazards, and to facilitate recycling. Suitable containers shall be provided to prevent blowing or scattering of trash by animals. Suitable space and containers shall be provided to encourage on-site sorting and collection of recyclables.

17.16.100 Hazardous Materials

The use, handling, storage and transportation of hazardous and extremely hazardous materials shall comply with the California Hazardous Materials Regulations and any other applicable laws.

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Chapter 17.17 Affordable Housing Requirements, Density Bonuses and Other Incentives

Sections:

- 17.17.010 Purpose
- 17.17.020 General Affordable Housing Provisions
- 17.17.030 Inclusionary Housing
- 17.17.040 State Affordable Housing Density Bonus
- 17.17.050 State Childcare Facility Density Bonus
- 17.17.060 Density Bonus for Studio and One-Bedroom Units
- 17.17.070 Incentives and Concessions for Affordable Housing
- 17.17.080 Review and Approval; Agreement and Notices Required
- 17.17.090 Affordable Housing in the Coastal Zone

- 17.17.010 Purpose

The purposes of this Chapter are to:

- A. Implement the policies of the General Plan’s Housing Element for developing affordable housing for households with very low, low and moderate incomes and seniors, variable density housing, and development that includes a childcare facility.
- B. Require affordable housing units to be provided throughout the community and designed to be consistent with the surrounding neighborhood.
- C. Ensure that affordable housing units remain affordable for at least 30 years or such other term approved by the City, consistent with State law.

17.17.020 General Affordable Housing Provisions

- A. **State Law Governs.** The provisions of the chapter shall be governed by the requirements of Government Code Section 65915. That statute is amended from time to time. Where conflict occurs between the provisions of this Chapter and State law, the State law shall govern, unless otherwise specified.
- B. **Compatibility.** All affordable housing projects shall be designed to be consistent with the surrounding neighborhood in order to enhance the sense of belonging to the community. Forms, materials and proportions should be used that are compatible with the character of the surroundings. Affordable housing units within market-rate projects shall be reasonably dispersed throughout the project and shall be comparable with the design and use of market-rate units in appearance, use of materials, and finished quality.

- C. **Availability.** All affordable housing units shall be made available for qualified occupants at the same time as the market-rate housing units within the same project, to the extent deemed practical by the City.
- D. **Median Income Levels.** For the purpose of determining the income levels for Households under this Chapter, the City shall use the San Luis Obispo County income limits found in Title 25, Section 6932 of the California Code of Regulations, and regularly updated and published by the State Department of Housing and Community Development, or other income limits adopted by the City Council if the State Department of Housing and Community Development fails to provide regular updates.
- E. **Effect of Granting a Density Bonus.** The granting of a density bonus shall not, in and of itself, be interpreted to require a General Plan amendment, local coastal plan amendment, zoning change, or other discretionary approval.

17.17.030 Inclusionary Housing

- A. **General Inclusionary Requirements.** All new residential development projects of eight or more for-sale dwelling units shall provide at least one unit or 10 percent of the total number of units in a project, whichever is greater, affordable to families with incomes in the very-low, low or moderate income ranges, depending on the needs of the city at the time an application is submitted. The City shall make a determination of the type of affordable housing units to be provided under this Section during the 30-day review for application completeness.
- B. **Specific Inclusionary Requirements – Zoning Map Amendments.** In cases when the City is asked to amend the General Plan or approve a Zoning Map amendment to increase the allowable density on a development site and where eight or more units are allowed, at least 10 percent of the units developed on such property shall be affordable to very-low and low income households. These affordable housing units may be either for rent or for sale.
- C. **Calculating Inclusionary Requirements.** For purposes of calculating the required number of inclusionary units in subsection (B) above, an inclusionary unit provided for a very-low income household shall be equivalent to two dwelling units provided for low income households.
- D. **Affordable Housing Agreement Required.** Projects with inclusionary units shall be subject to the approval of an affordable housing agreement pursuant to Section 17.17.080(C) of this Chapter.

- E. **In-lieu Fees.** The Planning Commission may approve payment of an in-lieu fee for the construction of inclusionary housing units after making a written finding based on substantial evidence in the record, that requiring the provision of inclusionary units within a proposed residential development or at an off-site location is not feasible. The amount of the in-lieu fee shall be a percent of the per unit construction cost, based on project size, as shown in Table 17.17 – A. Construction costs per unit shall be based on building permit construction costs, including building costs, site improvement costs and all required permit fees, but excluding land costs, off-site costs, and other developer costs, as provided by the applicant and approved by the City.

TABLE 17.17 – A: IN-LIEU FEE FORMULA	
<i>Project Size (units)</i>	<i>In-lieu Fee Amount</i>
8	10% of per Unit Construction Cost
9	15% of per Unit Construction Cost
10	20% of per Unit Construction Cost
11	30% of per Unit Construction Cost
12	40% of per Unit Construction Cost
13	50% of per Unit Construction Cost
14	60% of per Unit Construction Cost
15	70% of per Unit Construction Cost
16	80% of per Unit Construction Cost
17	90% of per Unit Construction Cost
18 or more	100 % of per Unit Construction Cost

17.17.040 State Affordable Housing Density Bonus

- A. **Qualifying Projects - Composition.** Pursuant to Government Code Section 65915, the City shall grant a density bonus over the otherwise allowable maximum residential density permitted by this Title and the General Plan, and at least one of the concessions or incentives set forth in Section 17.17.070, if the applicant seeks and agrees to construct at least one of the following:
1. **Lower Income.** Ten percent of the total units of a housing development for lower income households, as defined in Section 50079.5 of the Health and Safety Code.

2. **Very Low Income.** Five percent of the total units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety Code.
 3. **Senior Housing.** A senior citizen housing development as defined in Sections 51.3 and 51.12 of the Civil Code.
 4. **Moderate Income.** Ten percent of the total dwelling units in a condominium project, as defined in subdivision (f) of, or in a planned development as defined in subsection (k) of, Section 1351 of the Civil Code, for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code.
- B. **Qualifying Projects – Number of Units.** The provisions of subsection (A) shall be applicable to residential projects of five or more units.
- C. **Density Bonus.** The City shall grant a density bonus over the otherwise allowable maximum density permitted by this Title and the General Plan according to the percentages stated in Table 17.17-B.

TABLE 17.17 – B. DENSITY BONUS TO BE GRANTED				
<i>Target Unit Type¹</i>	<i>Minimum Target Units Included in Project (percent of total units)²</i>	<i>Minimum Density Bonus (percent) to be Granted</i>	<i>Additional Density Bonus for Additional Target Units above Minimum</i>	<i>Maximum Density Bonus (percent) Required to be Granted</i>
Lower Income	10	20	1.5% density increase for every 1% increase in lower income units.	35
Very Low Income	5	20	2.5% density increase for every 1% increase in very low income units.	35
Senior Citizen Housing	100	20	NA	20
Moderate Income Units within Condominium or Planned Development Project	10	5	1% density increase for every 1% increase in moderate income units.	35
1. Target unit types are defined in Subsection A, and household income groups are defined in State law as well as Section 17.41.030 of this Ordinance. 2. When determining the number of lower income, very low income, or moderate income housing units that is equal to 5 or 10 percent of the total number of units, the density bonus shall not be included in the total.				

- G. **Affordable Housing Agreement Required.** Applicants requesting a density bonus shall enter into a Affordable Housing Agreement with the City, pursuant to the requirements of Section 17.17.080(C).

17.17.050 State Childcare Facility Density Bonus

- A. **Density Bonus.** When an applicant proposes to construct a housing development that conforms to the requirements of Section 17.17.040(A), Density Bonus, and includes a childcare facility that will be located on the premises of, as part of, or adjacent to, the project, the City shall grant either of the following:
 - 1. ***Additional Density Bonus.*** A density bonus of additional residential units equal in square footage to 1.5 times the amount of square feet of the childcare facility.
 - 2. ***Incentive.*** An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the childcare facility. Such concession or incentive may be as set forth in Section 17.17.070 below.
- B. **Conditions of Approval.** The City shall require, as a condition of approving the housing development, that the following occur:
 - 1. ***Length of Operation.*** The childcare facility remain in operation for a period of time that is as long as, or longer than the length of time required by Section 17.17.080(B) that the density bonus units remain affordable.
 - 2. ***Attending Children.*** The percentage of children of very low, low or moderate income households who attend the childcare facility shall be the same or greater than the percentage of dwelling units in the project that are required for households at each income level, pursuant to Section 17.17.040(A).
- C. **Exceptions.** The City shall not be required to provide a density bonus or concession for a childcare facility if it finds that, based upon substantial evidence, the community has adequate childcare facilities.

17.17.060 Density Bonus for Studio and One-Bedroom Units

In order to encourage development of small units, the development of a greater number of residential units than otherwise allowed under the existing land use and/or zoning district may be permitted in all RD, RM, and MX districts, provided that all of the following are met:

- A. **Studio or One-Bedroom.** At least 65 percent of the total base number of units in a development project are developed as studios or one-bedroom units.
- B. **Population Density.** The population density at full buildout of the project with the density bonus does not exceed the population density that corresponds with the existing General Plan land use designation and/or zoning district, or one person for every 500 square feet, whichever is less.
- C. **Zoning Regulations.** The proposed project complies with all applicable zoning regulations, except as modified by the Director, Planning Commission, City Council or other decision maker through discretionary review.

17.17.070 Affordable Housing Concessions and Incentives

- A. **Number of Incentives or Concessions.** Pursuant to Government Code Section 65915, an applicant is entitled to receive incentives and/or concessions as follows:
 - 1. One incentive or concession for projects that include at least ten percent of the total units for lower income households, at least five percent for very low income households, or at least ten percent for persons and families of moderate income in a condominium or planned development, or
 - 2. One incentive or concession for senior citizen housing developments, or
 - 3. Two incentives and/or concessions for projects that include at least 20 percent of the total units for lower income households, at least ten percent for very low income households, or at least 20 percent for persons and families of moderate income in a condominium or planned development, or
 - 4. Three incentives and/or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a condominium or planned development.
- B. **Proposal of Incentives and Findings.** An applicant may propose specific incentives and/or concessions that would contribute significantly to the economic feasibility of providing affordable units pursuant to this chapter and State law. In addition to any increase in density to which an applicant is entitled, the City shall grant one or more incentives and/or concessions that an applicant requests, up to the maximum number of incentives and concessions required pursuant to subsection A, unless the City makes a written finding that either:

1. The concession or incentive is not necessary in order to provide the proposed targeted units, or
 2. The concession or incentive would have a specific adverse impact that can not be feasibly mitigated on public health and safety or the physical environment or any property that is listed in the California Register of Historical Resources.
- C. **Types of Affordable Housing Incentives.** Affordable housing incentives may consist of any combination of the items listed below.
1. ***Modification of Development Standards.*** Up to 20 percent in modification of site development standards or zoning code requirements that exceed minimum building code standards and fire code standards, including, but not limited to:
 - a. Reduced minimum lot sizes and/or dimensions.
 - b. Reduced minimum building setbacks and building separation requirements.
 - c. Reduced minimum outdoor and/or private usable open space requirements.
 - d. Increased maximum lot coverage.
 - e. Increased maximum building height.
 2. ***Reduced Parking.***
 - a. Upon the applicant's request, the City shall allow a reduction in parking, excluding handicapped parking. Notwithstanding the foregoing, the parking must satisfy at least the following minimum ratios:
 - i. One on-site space for zero- to one-bedroom units;
 - ii. Two on-site spaces for two- to three-bedroom units;
 - iii. Two and a half spaces for four or more bedroom units.
 - b. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.
 - c. At the applicant's request, tandem or uncovered parking may be counted toward meeting these parking requirements.
 3. ***Mixed Use Zoning.*** Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial or other land uses

will reduce the cost of the housing development and such uses are compatible with the housing project and the surrounding area.

4. **Other Incentives.** Other regulatory incentives or concessions proposed by the developer or the City that result in identifiable cost reductions or avoidance.

17.17.080 Review and Approval; Agreement and Notices Required

- A. **Application and Review Process.** A preliminary application for a development project pursuant to this Chapter is required pursuant to Chapter 17.30: Common Procedures, to discuss and identify potential application issues, including prospective additional incentives. Applications shall be reviewed and processed according to the provisions of Chapter 17.30: Common Procedures.
- B. **Duration of Affordability.** All affordable housing units shall be kept affordable for a minimum period of 30 years or such other term approved by the City, consistent with State law.
- C. **Affordable Housing Agreement Required.** All affordable housing projects shall be subject to the approval of an affordable housing agreement pursuant to conforming to the provisions of Chapter 4, Article 2.5 of the Government Code. The terms of the agreement shall be reviewed and revised as appropriate by the Public Services Director and/or City Attorney, who shall formulate a recommendation to the Planning Commission for final approval. This agreement shall include, but is not limited to, the following:
 1. **Number of Units.** The total number of units approved for the projects, including the number of affordable housing units.
 2. **Target Units.** The location, unit sizes (in square feet) and number of bedrooms of the affordable housing units.
 3. **Household Income Group.** A description of the household income groups to be accommodated by the project and a calculation of the Affordable Sales Price.
 4. **Certification Procedures.** The party responsible for certifying sales prices of inclusionary units, and the process that will be used to certify purchasers of such units.
 5. **Schedule.** A schedule for the completion and occupancy of the affordable housing units.
 6. **Remedies for Breach.** A description of the remedies for breach of the Agreement by either party.

7. ***Required Term of Affordability.*** Duration of affordability of the housing units, pursuant to Section 17.17.080(B). Provisions should also cover resale control and deed restrictions on targeted housing units that are binding on property upon sale or transfer.
8. ***Expiration of Agreement.*** Provisions covering the expiration of the agreement, including notice prior to conversion to market rate units and right of first refusal option for the City and/or the distribution of accrued equity for for-sale units.
9. ***Other Provisions.*** Other provisions to ensure implementation and compliance with this Chapter.
10. ***Condominium and Planned Use Developments.*** In the case of condominium and planned developments, the Affordable Housing Agreement shall provide for the following conditions governing the initial resale and use of affordable housing units:
 - a. Target units shall, upon initial sale, be sold to eligible very low, lower, or moderate-income Households at an Affordable Sales Price and Housing Cost, or to qualified residents as defined in Section 17.41.030.
 - b. Target units shall be initially owner-occupied by eligible very low or lower income households.
 - c. Upon resale, the seller of a Target Unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The City shall recapture its proportionate share of appreciation, which shall be used to promote home ownership opportunities as provided for in Health and Safety Code Section 33334.2. The City's proportionate share shall be equal to the percentage by which the initial sale price to the targeted household was less than the fair market value of the dwelling unit at the time of initial sale.
11. ***Rental Housing Developments.*** In the case of rental housing developments, the Affordable Housing Agreement shall provide for the following conditions governing the use of Target Units during the use restriction period:
 - a. The rules and procedures for qualifying tenants, establishing affordable rent rates, filling vacancies, and maintaining target units for qualified tenants.
 - b. Provisions requiring owners to verify tenant incomes and maintain books and records to demonstrate compliance with this Chapter.

- c. Provisions requiring owners to submit an annual report to the City, which includes the name, address, and income of each person occupying Target Units, and which identifies the bedroom size and monthly rent or cost of each Target Unit.

D. **Pricing Guidelines.** Pricing guidelines for affordability shall be established on a quarterly basis using the following methods:

Rent Limits

$$\left[\frac{(\text{Median Income}) \times (\% \text{ of annual median income for persons expected to reside in unit})}{\text{Months in a Year (12)}} \right] \times (\text{Gross Household Income spent for housing}) = \text{Maximum Monthly Rents}$$

Example: $\left[\frac{\$40,400 \times (.50)}{12} \right] \times .30 = \505

Sale Price Limits

$$\left[\text{Monthly Payment (from rent limits)} \times \text{Interest Rate} \right] \times \text{Loan Period} = \text{Maximum Sales Price for very-low, low, and moderate-income buyers}$$

Example: $\left[\$779 \times 6.25\% \right] \times 30 = \$126,519$

E. **Notice of Conversions.** Notice of conversions of affordable units to market-rate units shall be provided pursuant to the following requirements:

1. **General.** At least two years' notice shall be required prior to the conversion of any units for affordable households to market-rate units in any of the following circumstances:
 - a. The units were constructed with the aid of government funding.
 - b. The units were required by the inclusionary housing provisions of this Chapter.
 - c. The project was granted a density bonus or received other incentives pursuant to the provisions of this Chapter.
2. **Parties to be Notified.** Notice shall be given to:
 - a. The City;

- b. The State Housing and Community Development Department (HCD);
 - c. The Housing Authority of the County of San Luis Obispo;
 - d. The residents of the affordable housing units proposed to be converted; and
 - e. Any other person deemed appropriate by the City.
- F. **Right of First Refusal.** The City shall have the right of first refusal to purchase any or all affordable housing units at the end of the affordable housing agreement term, for a period of not less than 60 days. The resale price of the unit shall not exceed the original price and customary closing costs, except to allow for the lower of any increase of either the Consumer Price Index (CPI) for all urban customers (as produced by the U.S. Bureau of Labor Statistics or its successor agencies) or of the increase of income as measured in income guidelines published annually by the U.S. Department of Housing and Urban Development.

17.17.090 Affordable Housing in the Coastal Zone

- A. **Purpose.** This Section provides for the implementation of Government Code Section 65590, which requires that housing opportunities in the coastal zone for persons and families of low or moderate incomes shall be protected, encouraged, and, where feasible, provided. It also recognizes that the provision of affordable housing may not be feasible in some developments.
- B. **Applicability.** This Section shall apply to the conversion or demolition of residential structures within the coastal zone, except that this Section shall not apply to the following types of projects located within the coastal zone:
- 1. The conversion or demolition of a residential structure that contains less than three dwelling units, or, if the conversion or demolition involves more than one dwelling structure, the conversion or demolition of 10 or fewer dwelling units.
 - 2. The conversion or demolition of a residential structure for purposes of a nonresidential use to provide for a “coastal-dependent” or “coastal-related” use, as defined in Division VI: General Terms, of this Title or Sections 30101 and 30101.3 of the California Public Resources Code.
 - 3. The conversion or demolition of a residential structure that has less than 50 acres, in aggregate, of land that is vacant, privately owned and available for residential use, within the coastal zone.

4. The demolition of any residential structure that has been declared to be a public nuisance under the provisions of Division 13 (commencing with Section 17000) of the Health and Safety Code.
- C. **Requirements for Demolitions or Conversions.** The demolition or conversion of any residential structure to a nonresidential use shall not be authorized unless the City finds that any residential use on the site is no longer feasible, based on substantial evidence provided by the applicant. If such finding is made, then affordable replacement units shall be provided at a ratio of one affordable unit for each demolished or converted unit that currently houses or has housed a family of low or moderate income within twelve months prior to the filing of the request for a demolition or conversion permit.

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Chapter 17.18 Bluff Development Standards

Sections:

17.18.010	Purpose
17.18.020	Application of Regulations
17.18.030	Conditional Use Permit Required
17.18.040	Development Standards
17.18.050	Geologic Report
17.18.060	Review by City Engineer
17.18.070	Permissible Development on Bluff Face and in Bluff Buffer
17.18.080	Exempt Structures

17.18.010 Purpose

Regulations and performance standards are herein specified to regulate development on coastal bluffs for the following purposes.

- A. **Protect Public Views.** To protect public views to and along the ocean and scenic coastal areas, maintain the character of the bluff setting, not impair but facilitate public access, address environmental concerns as provided in the General and Local Coastal Plans.
- B. **Protect The Coastal Bluffs.** To protect the coastal bluffs in the City of Morro Bay from future development which may damage such bluffs, and in an effort to minimize the hazards to life and property.
- C. **Adverse Visual Impacts.** To mitigate the potential for adverse visual impacts that can be created by blufftop development and to preserve existing public coastal views for the future enjoyment of the city's residents and visitors.
- D. **Geographic Features.** To maintain the unique geographic features of the bluffs and ensure development is subordinate to the character and form of the coastal bluff areas.

17.18.020 Application of Regulations

The provisions of this Chapter shall apply to all development located on coastal bluff properties as defined in Chapter 17.41.

17.18.030 Conditional Use Permit Required

On coastal bluff properties, all development located within the bluff and the bluff setback including new buildings, structures, relocations, additions, extensions and exterior changes to existing buildings and structures, and physical site improvements,

including grading, may be allowed subject to the granting of a conditional use permit as provided in Chapter 17.32, except as provided in Section 17.18.070 and 17.18.080 of this chapter.

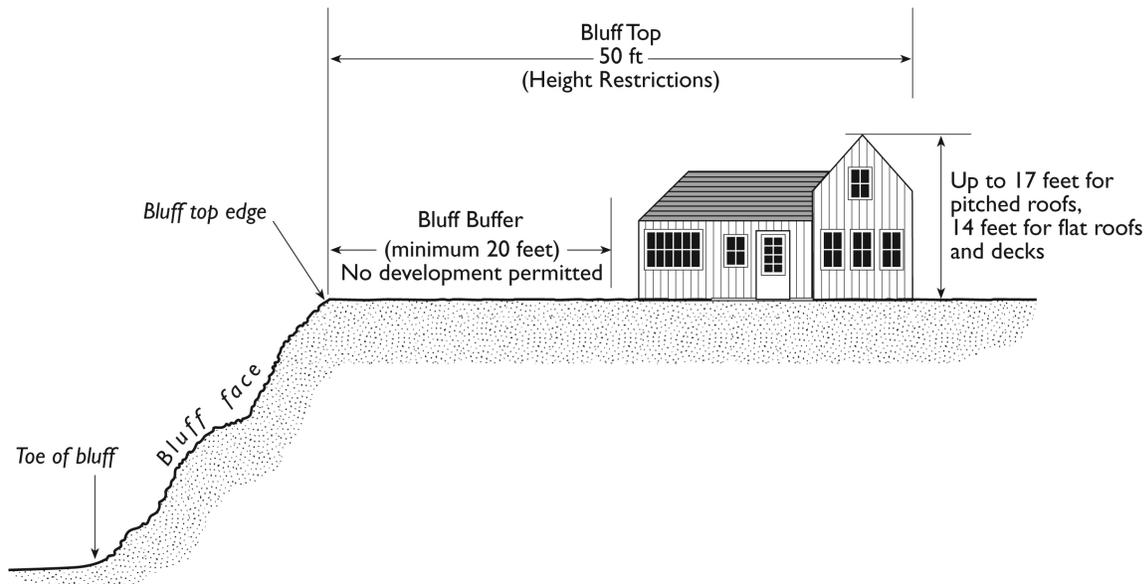
17.18.040 Development Standards

In addition to the primary base zoning district, and suffix zones, Specific Plan requirements, the following standards shall apply within the bluff buffer area for development on coastal bluff properties.

- A. **Development within the Bluff Buffer Area.** Except as provided for in Section 17.18.070, no development is permitted within the bluff buffer area. The bluff buffer may be reduced for existing subdivided parcels where said setback would render that parcel unusable for its designated use. Said buffer may not be reduced, in any case, to less than twenty feet.
- B. **New Development Located Within Fifty Feet of The Bluff Edge.** New development located within fifty feet of the bluff edge shall not exceed a height limit of fourteen feet; provided, however, that for peaked roofs (4 in 12 or greater pitch) and other architectural features, a height of up to seventeen feet may be permitted.
- C. **Permitted Development.** Permitted development shall be sited and designed to protect public views to and along the ocean and scenic coastal areas, and shall be subordinate to the character of the setting. Development shall not impair but facilitate public access, environmental concerns, and public views as provided in the General and Local Coastal Plans. Development shall be coordinated with existing or planned future public facilities.
- D. **Underground Utility Lines.** Notwithstanding the provisions of Chapter 17.15, all service and distribution utility lines for coastal bluff properties shall be installed underground.
- E. **Erosion or Geologic Instability.** New development shall neither create nor contribute significantly to erosion or geologic instability of bluffs.
- F. **Drainage Systems.** New development on coastal bluff properties shall be required to install drainage systems to carry runoff inland to the nearest public street, except in areas where the topography prevents such conveyance because additional filling or grading would create greater adverse environmental or visual impacts. In such case, private bluff drainage seaward may be permitted if:
 - 1. **Drainage System.** The drainage system is sized to accommodate drainage from adjacent parcels; and

2. **Visual Impacts.** The system is designed to minimize visual impacts utilizing natural coloring, natural land forms and vegetative planting to hide the system; and
 3. **System and Outfall Design.** The system and outfall design shall be subject to the approval of the City Engineer and other necessary government agencies.
- G. **Landscaping.** Landscaping shall be designed to minimize ecological and geological disturbances. Only plant materials recognized for their drought tolerance or erosion controlling properties shall be authorized on bluffs or bluff tops.

FIGURE 17.18-A: BLUFF DEVELOPMENT STANDARDS



17.18.050 Geologic Report

- A. **Conditional Use Permit Applications.** Applications for a Conditional Use Permit as required herein for development on bluff faces and bluff tops shall be accompanied by 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. Such report shall assess the

stability of bluffs in the vicinity of the applicant's property and describe and analyze the following:

1. ***Demonstration of Stability.*** The area of demonstration of stability shall include the base, face, and top of all bluffs. The extent of the bluff top considered shall include the area between the face of the bluff and a line described on the bluff top by the intersection of a plane inclined at a 20.25 degree angle from the horizontal passing through the top of the bluff, or 50 feet inland from the edge of the bluff, whichever is greater, (see Section 17.41.040, Bluff, Hillside, and Coastal Definitions).
2. ***Bluff Geometry and Site Topography.*** Bluff geometry and site topography, extending the investigation beyond the site as needed to depict unusual geomorphic conditions that might affect the site.
3. ***Bluff Erosion.*** Historic, current and foreseeable bluff erosion and possible changes in shore configuration and sand transport.
4. ***Geologic Conditions.*** Geologic conditions, including soil, sediment and rock types and characteristics, in addition to structural features such as bedding, joints, faults, strike and dip.
5. ***Past or Potential Landslide Conditions.*** Evidence of past or potential landslide conditions, the implications of such conditions for the proposed development, and the potential effects of the development on landslide activity.
6. ***Construction Activity.*** Impact of construction activity on the stability of the site and adjacent area.
7. ***Water Conditions.*** Ground and surface water conditions and variations, including hydrologic changes caused by the development.
8. ***Site Erodibility.*** Potential erodibility of the site and mitigating measures to minimize erosion problems during and after construction, (e.g. landscaping and drainage design).
9. ***Marine Erosion.*** Effects of marine erosion on coastal bluffs.
10. ***Seismic Forces.*** Potential effects of seismic forces resulting from a maximum credible earthquake.
11. ***Other Factors.*** Any other factors that might affect slope impacts;
12. ***Off-site Impacts.*** Evaluation of the 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).

13. **Site Suitability and 75 Year Safety Period.** An evaluation of the suitability of the site and development during all foreseeable normal and unusual conditions, including ground saturation and maximum credible earthquake. A minimum project life of seventy-five years shall be assumed for all coastal bluff development standards, unless special consideration warrants the imposition of higher standards.
 14. **Building Setbacks.** Recommendations for building setbacks which shall ensure structural stability and integrity without altering bluff landforms or beach or which necessitate the construction of protective devices such as seawalls for the economic life of the development (seventy-five to one hundred years).
 15. **Mitigation Measures.** Mitigation measures for any potential impacts.
 16. **Other Matters.** Other matters as determined relevant to the property by the preparing engineering geologist or City Engineer.
- B. **Geologic Report Standards.** Geologic reports shall be prepared in accordance with the State of California, Division of Mines and Geology Guidelines for Geologic/Seismic Reports, publications numbers 37, 43, 44, 46, and 49, or successors, as applicable.
- C. **Engineering Geologist Certifications.** The preparing engineering geologist shall sign and affix a certification seal inclusive of license number to such geologic report.

17.18.060 Review by City Engineer

The Director shall refer all applications for development on coastal bluff properties to the City Engineer for evaluation. The City Engineer shall review the geologic report for technical accuracy and soundness of conclusions drawn. Analysis as to the adequacy of the technical data submitted, consistency with the objectives and criteria of this Chapter and feasibility of mitigation measures to the impacts of the bluff development shall be incorporated into any report prepared in connection with a Conditional Use Permit consideration, or other determination required by this Chapter.

17.18.070 Permissible Development on Bluff Face and in Bluff Buffer

Where new development must be located or is permitted on bluff faces, it shall be designed to minimize physical alteration of the bluffs, provide restorative work to the bluff, provide native drought tolerant landscaping, temporary irrigation, and where feasible, to step down bluff faces or located below grade.

- A. **Planning Commission Approval Required.** Notwithstanding other provisions of this chapter, the following improvements may be constructed in the bluff face

and the bluff buffer areas, subject to approval of a Conditional Use Permit as provided in Chapter 17.32,

1. ***Embarcadero Area between Surf Street and Anchor Street.*** In the Embarcadero area between Surf Street and Anchor Street, new development is allowed within the bluff buffer area and may be stepped down the bluff face provided the development shall not require the construction of protective devices or retaining walls that would alter natural landforms or impeded public access.
 2. ***Existing Development within the Bluff Buffer.*** Existing development and structures located within the bluff buffer may expand its occupancy and floor area by not more than ten percent. An expansion of said structure shall not be permitted unless the structure is brought into conformance with Title 14 and may be expanded in accordance with this Chapter one time only.
 3. ***Bluff Face Development.*** Except as provided in Section 17.18.070 (A)(1), development shall not be permitted on bluff faces, except for the following:
 - a. Drainage systems as required herein;
 - b. Staircases or accessways to provide public beach access; and
 - c. Pipelines for scientific research or coastal-dependent industry.
- B. **Administrative Approval Required.** Notwithstanding other provisions of this chapter, the following improvements may be constructed in bluff setback and buffer areas, subject to review and approval by the Director and City Engineer of an Minor Use Permit as provided herein.
1. ***Existing Retaining Walls.*** The repair or replacement of existing retaining walls shall be permitted only where necessary to stabilize bluffs adjacent to the coastline where no less environmentally damaging alternative exists, or where necessary for coastal-dependent projects, protection of existing development, and public recreation uses.
 2. ***Existing Public Access Stairways.*** The repair or replacement of existing public access stairways will be allowed if the repair does not require the construction of bluff protection devices, necessitate the destruction of any bluff by excavation or any other means, or significantly contribute to bluff erosion.
 3. ***Public Recreation Improvements*** The construction of new improvements designed to facilitate public recreation or access may be constructed within bluff setback and buffer areas if it can be demonstrated that the improvement will not hasten the natural erosion of the bluff.

17.18.080 Exempt Structures

Certain minor classes of work, as determined by the Director, may be exempted from obtaining a use permit and submittal of a geologic report, as required by this Chapter. Such exemptions may include minor repair and maintenance of existing structures, interior or exterior structural alterations such as architectural extensions, porches, balconies and decks, provided such alterations do not exceed ten percent of the existing gross floor area and will not in any way alter the natural features of the site and meets the public access requirements of Chapter 17.20.

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Chapter 17.19 Environmentally Sensitive Habitat

Sections:

- 17.19.010 Purpose
- 17.19.020 Uses Allowed without a Conditional Use Permit
- 17.19.030 Uses Allowed Only with a Conditional Use Permit
- 17.19.040 Special ESH Standards

- 17.29.010 Purpose

The purpose of the environmentally sensitive habitat (ESH) standards is to protect and preserve areas in which plant and/or animal life or its habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could easily be disturbed or degraded by human activities and development.

Environmentally sensitive habitat standards shall extend not only over an ESH area itself but shall also include buffers necessary to ensure continued protection of the habitat areas. Only uses dependent on the sensitive resources and which do not result in significant disruption of habitat values shall be permitted in the ESH areas. The ESH standards may apply to areas not currently mapped as ESH designation.

New uses and expansions of existing uses allowed in the primary zone classification shall not be permitted unless specifically listed as allowed in the ESH areas. Proposed uses may require review and approval by the State Department of Fish and Game. Proposed uses may require permits from the Dept. of Fish and Game or may be prohibited.

17.19.010 Uses Allowed Without a Conditional Use Permit

- A. **Wetlands.** The following uses are permitted in wetlands: wildlife refuge; wildlife habitat management; noncommercial clamming and related activities on mudflats; passive recreation; noncommercial fishing and other educational or scientific activities including bird watching and nature study on the waters covering mudflats during high tides.
- B. **Estuary.** The following uses are permitted in estuaries: wildlife refuge; wildlife habitat management; educational or scientific studies including bird watching and nature study; and passive recreational uses, including boating and fishing.
- C. **Sand Dunes, Sandspits.** The following are permitted uses on sand dunes and sandspits: wildlife refuge; wildlife habitat management; passive recreation that does not significantly impair dune vegetation; scientific and educational activities.

- D. **Stream Corridors.** The following are permitted uses in stream corridors: wildlife refuge; wildlife habitat management; educational and scientific activities.
- E. **Other Environmentally Sensitive Habitat Areas.** The following are conditionally permitted in other environmentally sensitive area; wildlife refuge; wildlife habitat management; scientific and educational activities; controlled public access and passive recreational activities.

17.19.020 Uses Allowed Only with a Conditional Use Permit

- A. **Wetlands.** The following are conditionally permitted uses in wetlands: road and bridge replacements, very minor, incidental public facilities when there is no other feasible, environmentally less-damaging alternative; other scientific and educational work; restorative measures; and commercial mariculture where no alteration of the wetland is necessary.
- B. **Estuaries.** The following are conditionally permitted in estuaries: road and bridge replacements, restorative measures; commercial mariculture; and diking, dredging or filling, where there is no feasible, less environmentally damaging alternative, where feasible mitigation measures have been provided to minimize adverse environmental effects and where the functional capacity of the estuary is maintained or enhanced for the following purposes only:
 - 1. New or expanded energy or coastal dependent industrial facilities;
 - 2. Maintaining existing, or restoring previously dredged depths in existing navigational channels, berthing and mooring areas and boat launching ramps;
 - 3. New or expanded boating facilities;
 - 4. Incidental public service purposes, including but not limited to burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
 - 5. Restoration purposes;
 - 6. Nature study, aquaculture, or similar resource dependent activities.
 - 7. Road and bridge replacements.
 - 8. Biological mitigation program areas.
- C. **Sand Dunes, Sandspits.** The following are conditionally permitted uses: road and bridge replacements, incidental public facilities such as buried cables or pipelines where there is no other feasible, less environmentally damaging

alternative and where feasible mitigation measures have been provided to minimize adverse environmental effect.

- D. **Stream Corridors.** The following are conditionally permitted uses: controlled public access, including public trails, within the buffer; necessary pipelines and water supply projects where no alternative location exists; 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; road and bridges where no alternative route/location is feasible and if support structures are not sited in the environmentally sensitive habitat.
- E. **Other Environmentally Sensitive Habitat Areas.** The following are conditionally permitted: all other resource-dependent uses which do not significantly degrade the habitat values.

17.19.030 Special ESH Standards

- A. **General Application & Requirement for Uses.** The ESH standards shall be applied to all environmentally sensitive habitat areas and to buffers around such habitat areas necessary to ensure continued protection of the habitat values.
- B. **Expressly Prohibited Uses.**
 - 1. **Significant Disruption.** No uses which will cause significant disruption to the ecosystem or habitat values shall be permitted.
 - 2. **Vehicular Traffic.** Vehicular traffic shall be prohibited on wetlands and dune areas (this does not apply to previously filled wetlands landward of an established bulkhead or revetment)
 - 3. **Spoil Disposal.** Further dredge spoil disposal shall be prohibited on the sand spit.
- C. **Types of Environmentally Sensitive Habitat Areas.** A number of types of environmentally sensitive habitat areas exist within the City of Morro Bay. The nature of these ecosystems and their susceptibility to possible degradation by different human activities varies among habitat types. Uses acceptable in one type of habitat area may be unacceptable in a more sensitive one. Therefore, environmentally sensitive habitat areas must be classified into one of the following types before determining permitted uses:
 - 1. **Wetlands.** Lands that may be covered periodically or permanently with shallow water, including saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats and fens.

2. **Estuary.** A coastal water body usually semi-enclosed by land, but which has open, partially obstructed, or intermittent exchange with the ocean and in which ocean water is at least occasionally diluted by freshwater runoff from the land. The salinity may be periodically increased above the open ocean by evaporation. In general, the boundary between “wetland” and “estuary” is the time of extreme low water;
 3. **Sand Dunes, Sandspit.** “Sand dunes” are mounds of sand deposited by wind and frequently vegetated by characteristic plant species. The “Sandspit” is that geographic portion of the City surrounded on three sides by water and separating Morro Bay from the open ocean; much of the spit is covered by sand dunes;
 4. **Stream Corridors (Streams and Adjacent Riparian Habitats).** A “stream” is a natural water course as designated on the most recently published United States Geological Survey map, or any well-defined channel with distinguishable bed and bank that shows evidence of having contained flowing water as indicated by scour or deposit of rock, sand, gravel, soil or debris. A “riparian habitat” is an area characterized by an association of plant species that grow adjacent to freshwater watercourses, including perennial and intermittent streams, lakes and other bodies of fresh water;
 5. **Other.** All other environmentally sensitive habitat areas designated on the General Plan Map not herein defined. The General Plan Map indicates the location of known environmentally sensitive habitat areas by type; additional areas may be added to this map as further information is developed related to sensitive habitats in the City.
- D. **Buffers Required, General.** The following minimum buffers shall be applied to Environmentally Sensitive Habitat areas, except as provided elsewhere in this Chapter.
1. **Wetlands.** The minimum buffer surrounding wetlands shall be one hundred (100) feet. Review area: minimum of two hundred fifty (250) feet.
 2. **Streams.** The minimum buffer for streams shall be one hundred feet (100) in non urban areas and fifty feet (50) in urban areas.
 3. **Sand Dunes.** The minimum buffer for sand dunes shall be one hundred (100) feet, in non-urban areas and fifty (50) feet in urban areas.
 4. **Other.** The minimum buffer for estuaries, restricted areas and all other environmentally sensitive habitat areas shall be one hundred (100) feet.
- E. **Greater Buffers Required.** In some habitat areas, a buffer greater than that called for in Section 17.19.040(D)(4) shall be required if an initial study and/or environmental impact report prepared according to the California

Environmental Quality Act indicates that such buffers are necessary for the protection of the habitat values.

F. Reducing Buffers.

1. In all cases, except for wetlands, buffers may be reduced in accordance with the following standards if the application of the buffer specified in Section 17.19.040(D)(4) on a previously subdivided parcel would render that subdivided parcel unusable for its designated use.
2. ***Accommodation of Designated Use.*** Buffers may be reduced only to the point where the designated use is accommodated but in no case shall it be less than fifty (50) percent of the width called for in Section 17.19.040(D)(4) Said reduction in setbacks may be permitted by the City, as provided above, only after consultation with the California Department of Fish and Game; the applicant shall implement as part of the development all mitigation measures deemed necessary for habitat protection after such consultation. All permitted reductions in buffer areas shall be found consistent with Policies in the General Plan/Local Coastal Plan.

G. Uses in Buffer Area.

1. ***General.*** The uses permitted in buffers shall generally be limited to those permitted in the adjacent habitat area.
2. ***Permanent Structures.*** No permanent structures shall be permitted within buffer areas except for those of a minor nature such as:
 - a. In residential areas:
 - i. Fences; and
 - ii. Eaves.
 - b. In other districts:
 - i. At grade improvements for pedestrian or equestrian trails;
 - ii. Instructional or informational signs;
 - iii. Designated observation areas, or other public access or educational facilities;
 - iv. Fences; and
 - v. Eaves.

Applications for all such improvements shall be submitted to the Department of Fish and Game for review and comment before the issuance of a Coastal Development Permit.

- H. **Subdivisions Prohibited.** The further subdivision of any ESH area shall be prohibited except where the sensitive habitat area would be transferred in fee to a public agency for a wildlife refuge or for a wild life management area.
- I. **Performance Standards.** All other sections of this Chapter notwithstanding, no uses shall be permitted unless the following performance standards are met, as applicable, in new developments:
1. ***Significant Adverse Effects.*** New development shall not result in significant adverse effects upon habitat values.
 2. ***Revegetation.*** Where permitted uses require the removal of riparian or dune related plant species, such removal shall be limited to the minimum amount necessary and revegetation with:
 - a. Native vegetation in the habitat areas of rare or endangered species, or
 - b. Native, drought-tolerant plants where determined feasible and approved by the City. All such proposals calling for removal of vegetation and subsequent revegetation shall be submitted to the Department of Fish and Game for review and comment.
 3. ***Walkways, Trails and Similar Uses.*** Walkways, bicycle trails, overlooks and other structures for nature study and passive recreational use shall be designed to minimize the disturbance of wildlife and vegetation. For example, in dune areas elevated walkways may be required.
 4. ***Culverts, Ponds.*** Any culverts or ponds created as part of a permitted use shall be sited and designed to insure against the risk of flood damage to adjacent properties.
 5. ***Diking, Dredging, Filling.*** Any permitted diking, dredging or filling activities in wetlands and estuaries shall maintain or enhance functional capacity of the habitat.
 6. ***Breeding and Nesting Season Restrictions.*** On dune habitats, all permitted uses shall be regulated to protect critical bird habitats during the breeding and nesting seasons. Any mitigation measures deemed necessary after consultation with the Department of Fish and Game, including but not limited to access controls and noise abatement, shall be implemented.

7. ***Other Agency Permits.*** Prior to any construction, alteration or other improvement in areas designated as wetlands or estuaries the following shall be presented to the City:
 - a. ***Section 404 Permit.*** A Section 404 permit (or its equivalent successor) from the U.S. Army Corps of Engineers.
 - b. ***Letter from CDFG.*** A letter from the California State Department of Fish and Game stating compliance with Section 1601 and 1603 (or their equivalent successors) of the State Fish and Game Code.

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Chapter 17.20 Public Access

Sections:

17.20.010	Purpose
17.20.020	Applicability
17.20.030	Access Required
17.20.040	Standards for Public Access
17.20.050	Waivers
17.20.060	Prescriptive Rights
17.20.070	Public Use and Posting

17.20.010 Purpose

The purpose of this Chapter is to establish requirements for the dedication and improvement of public access to, and along the coast, in conjunction with proposed development and new land uses, pursuant to the public access rights of the California Constitution, the Coastal Act, and the public access policies of the General Plan/Local Coastal Plan.

17.20.020 Applicability

Pursuant to Section 30212 of the Coastal Act, the public access requirements of this Chapter shall apply to all new development located between the first public roadway and the shoreline except for:

- A. **Structure Destroyed by Disaster.** The replacement of any structure, other than a public works facility, destroyed by disaster; provided that the replacement structure conforms to applicable existing zoning requirements, is for the same use as the destroyed structure, does not exceed the floor area, height or bulk of the destroyed structure by more than 10 percent, is sited in the same location on the affected property as the destroyed structure, and does not extend the replacement structure seaward on a sandy beach or beachfronting bluff lot.
- B. **Demolition and Reconstruction.** 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, that the reconstructed residence shall be sited in the same location on the affected property as the former structure, that the reconstructed residence does not extend seaward of the demolished residence on a sandy beach or beachfronting bluff lot, and that the reconstructed residence does not include or necessitate a shoreline protective device.

- C. **Improvements.** Improvements to any structure that do not change the intensity of its use, do not increase either the floor area, height or bulk of the structure by more than 10 percent, do not block or impede access, do not result in a seaward encroachment by the structure and do not include or necessitate a new or enlarged shoreline protective device.
- D. **Reconstruction and/or Repair of a Shoreline Protective Device.** The reconstruction or repair of a seawall, revetment, retaining wall or other shoreline protective device; provided that the reconstructed or repaired shoreline protective device does not substantially alter the foundation of the protective device, does not result in the replacement of 20 percent or more of the materials of the existing structure with materials of a different kind, does not extend the protective device seaward of the location of the former structure. As used in this section, “reconstruction or repair” of a seawall does not include replacement by a different type of structure or other modification in design or construction that results in different or greater impacts to public access or other shoreline resources than those of the existing structure.
- E. **Repair and Maintenance.** Any repair or maintenance activity for which the Coastal Commission has determined, pursuant to Section 30610 of the Coastal Act, 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.

17.20.030 Access Required

As a condition of approval and prior to the issuance of a permit or other authorization for any new development identified in this Chapter, an offer to dedicate an easement or grant of easement for one or more of the types of access identified in Section 17.20.040 shall be required and shall be supported by findings required by this Chapter. Offers of dedication shall be for a minimum period of 20 years and shall provide for acceptance of the easement by an appropriate public agency and/or private organization. Liability issues pertaining to the access easement shall be resolved before acceptance of any offer of dedication.

17.20.040 Standards for Public Access

- A. **Lateral Public Access.** A condition to provide lateral access 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).

1. **Limitations.** Public access shall be consistent with public safety and the need to protect public rights, rights of private property held by leaseholders and natural resource areas from overuse. In some cases, controls on the time, place and manner of uses, such as limiting access to pass and repass or restricting hours of use, may be justified by site characteristics including sensitive habitat values or fragile topographic features or by the need to protect the privacy of residential development.
 2. **Types of Lateral Accessways.** Lateral access along the waterfront revetment or shoreline, may be achieved in the following manner:
 - a. **Walkways.** In the form of open or enclosed unobstructed walkways a minimum of eight feet wide across the bayward side of the proposed development.
 - b. **Decking and/or Boardwalks.** Open and unobstructed exterior decking and/or boardwalks extending bayward a minimum of 12 feet.
 - c. **Breezeways and/or Walkways.** Designated open, and unobstructed breezeways and/or walkways within the structure, provided such breezeways are located as close as possible to the bay and are designed to provide the most direct, convenient connection between adjacent existing or potential lateral accessways. Exterior access is preferred over interior access.
- B. **Vertical Public Access.** A condition to provide vertical access shall consist of an offer to dedicate an easement or a grant of easement for open and unobstructed vertical access to the shoreline.
1. **Minimum Links.** Where feasible, a minimum of one every 300 feet and/or every street stub, shall link the vertical accessways with lateral access provisions along the bayward sides of structures.
 2. **Parking.** Parking shall be provided in conjunction with new or improved vertical accessways whenever feasible and consistent with site constraints, environmental constraints and safety conditions. The number of spaces shall be determined by the Director, who shall consider the carrying capacity of the public recreation area to which access is provided and the area constraints.
- C. **Bluff Top Access.** A condition to require public access to or along a bluff top as a condition of approval for new development shall provide the public with the permanent right to scenic and visual access from the bluff top to the public tidelands. The bluff top access shall be limited to passive recreational use and coastal viewing purposes unless another type of use is specified as a condition of development.

17.20.050 Waivers

A. **Lateral Access.** The lateral access requirements of Section 17.20.040(A) may be waived subject to the following provisions:

1. ***Permitted Waivers.*** Lateral access requirements may be waived in any of the following situations:
 - a. ***Physically Infeasible.*** If the applicant can demonstrate, based on an engineering analysis, that all or a portion of such access is physically infeasible and there are no design alternatives capable of overcoming topographical or site constraints that jeopardize public safety, military security needs, or the protection of fragile coastal resources.
 - b. ***Conflict With Day-to-Day Operations.*** If the provisions of continuous lateral access would conflict with the day-to-day operations of the use of the structure, provided, however, that maximum provisions for public viewing areas and/or walkways are provided in suitable locations in the development.
2. ***In-lieu Fee.*** If continuous lateral access across the bayward portion of the parcel is found to be infeasible pursuant to subsection (A)(1)(a) above, the contribution of an in-lieu fee, equivalent to the cost of construction of an accessway along the bayward edge of the proposed structure, shall be paid to the City. Fees shall be used to coordinate the shoreline lateral and vertical access program, and shall be used to link lateral access where feasible and to improve vertical access provisions.

B. **Vertical Access.** The vertical access requirements of Section 17.20.040(B) may be waived in any of the following situations:

1. The provisions of new accessways are inconsistent with public safety, military security needs or the provision of fragile coastal resources;
2. Adequate access exists nearby; or
3. Agriculture would be adversely affected.

17.20.060 Prescriptive Rights

No development shall interfere with the public's right of access to the sea where acquired through use or legislative authorization through permit conditions on permitted development, including easements, dedications or continued accessway maintenance by a private or public association. Existing identified trails or other access points shall not be required to remain open, provided they are consolidated or relocated to provide public access on the same site, they provide the same or comparable access

benefits as existed before closure, and they meet all other applicable access requirements as established in this Chapter.

17.20.070 Public Use and Posting

- A. **Public Accessways.** All public accessways shall be properly signed and conform to Coastal Conservancy/Coastal Commission access standards and guidelines.
- B. **Dedicated Accessways.** Dedicated accessways 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 accessway.

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Chapter 17.21 Off-Street Parking and Loading

Sections:

17.21.010	Purpose
17.21.020	Parking Required
17.21.030	Number of Spaces Required
17.21.040	Passenger Loading Spaces Required
17.21.050	Parking Reductions and Exceptions
17.21.060	General Design Standards
17.21.070	Regulations for Parking Lots and Structures
17.21.080	Regulations for Off-street Loading
17.21.090	Required Bicycle Parking Facilities
17.21.100	Parking Spaces for Persons with Disabilities

17.21.010 Purpose

The purpose of the parking, driveway and loading regulations are to:

- A. Ensure that off-street parking and loading facilities are provided for new land uses and for major alterations and enlargements of existing uses in proportion to the need for such facilities created by each use.
- B. Establish parking standards for commercial uses consistent with the need for and the feasibility of providing parking on specific commercial sites.
- C. Ensure that off-street parking and loading facilities are designed in a manner that will ensure efficiency, protect the public safety, and, where appropriate, protect surrounding land uses from adverse impacts.

17.21.020 Parking Required

Parking is required at the time of initial occupancy of a site, construction of a structure, or major alteration or enlargement of a site or structure, pursuant to the following provisions:

- A. **Major Alteration or Enlargement.** For the purposes of these requirements, a “major alteration or enlargement” means a change of use or an addition that would increase the number of required parking spaces or loading berths by a minimum of 10 percent required prior to the alteration.
- B. **Spaces Required for Alteration or Enlargement.** The number of off-street parking or loading facilities required for an alteration or enlargement of an

existing use or structure, or for a change of occupancy, shall be in addition to the number of spaces or berths existing prior to the alteration, enlargement, or change of occupancy. If the preexisting spaces or berths exceeds the requirements of this Chapter, the excess may be counted in determining the required number of spaces or berths.

- C. **Change of Occupancy.** A change of occupancy does not require the provision of additional parking unless the new occupant is in a more intensive use classification than the former occupant (e.g. retail vs. office). If complete demolition and reconstruction occurs regardless of new use, the amount of off-street parking shall conform.
- D. **Spaces Required for Multiple Uses.** If more than one use is located on a site, the number of required off-street parking spaces and loading berths shall be equal to the sum of the requirements prescribed for each use, except in shopping centers where only one space per 300 square feet is required. However, if the gross floor area of individual uses on the same site is less than that for which a loading berth would be required by Table 17.21 – A: Off-Street Parking and Loading Spaces, but the aggregate gross floor area of all uses is greater than the minimum for which loading berths would be required, the aggregate gross floor area shall be used in determining the required number of loading berths.
- E. **Joint Use.** Off-street parking and loading facilities required by this Section for any use shall not be used to meet the parking space or loading berth requirements for any other use, except where the provisions of Section 17.24.050(A), Joint Use Parking Facilities apply or a joint facility exists that conforms to the requirements of this Section.
- F. **Computation of Spaces.** If the number of off-street parking spaces required in this Section results in a fraction, such number must be changed to the nearest whole number. For example, if computed requirements equal 9.5 spaces, 10 spaces will be required. If 9.4 spaces are required, 9.0 spaces will be required.
- G. **Nonconforming Parking or Loading.** No existing use of land or structure shall be deemed to be nonconforming solely because of the lack of off-street parking or loading facilities required by this Chapter. Existing off-street parking and loading facilities shall not be reduced in number to less than that required by this Chapter. Parking shall be provided in accordance with these standards for new and/or additional commercial square footage.
- H. **Requirements for Uses not Listed.** The Director shall determine the parking requirement based on the parking required for the most similar use of equivalent intensity.

17.21.030 Number of Spaces Required

Off-street parking and loading spaces shall be provided in accordance with Table 17.21 – A. Table 17.21 – A shows the number of off-street parking spaces required, and identifies the “group number” for purposes of establishing off-street loading space requirements and standards for different groups of use classifications and sizes of buildings. Table 17.21 – B, which follows, establishes the specific off-street loading requirements for each group identified in Table 17.21 – A. References to spaces per square foot are to be computed on the basis of gross floor area unless otherwise specified, and shall include allocations of shared rest room, halls and lobby area, but shall exclude area for vertical circulation, stairs or elevators.

TABLE 17.21 - A: OFF-STREET PARKING AND LOADING SPACES		
<i>Use Classification</i>	<i>Number of Off-Street Parking Spaces Required</i>	<i>Off Street Loading Spaces: Group Number</i>
Residential		
Single-Family Dwelling	2 per dwelling for lots over 3,600 square feet, 1 space for lots under 3,600 square feet; all spaces shall be covered and enclosed	
Second Units	1 per bedroom max 2/unitunit, which may be uncovered or in tandem	
Two-Family Dwelling (Duplex)	2 per dwelling; both spaces shall be covered and enclosed	
Multiple Family Residential	Studio: 1 per unit (covered). 1 bedroom units: 1.5 per unit (covered). 2 or more bedroom units: 2 per unit (covered). Plus 1 guest space for each 5 units in developments of 5 or more units	
Mobile Home Parks	1 per unit, to be located adjacent to the unit plus 0.5 spaces per unit, which may be located in common or guest parking areas	
Group Housing	1 per 1.5 residents, or 1.5 per bedroom, whichever is greater	

TABLE 17.21 - A: OFF-STREET PARKING AND LOADING SPACES		
<i>Use Classification</i>	<i>Number of Off-Street Parking Spaces Required</i>	<i>Off Street Loading Spaces: Group Number</i>
Service-Enriched Housing	Units less than 600 sq. ft. in area may provide less parking than required above with a minimum of 0.5 per unit	
Family Day Care	1 per employee	
Public and Semipublic		
Cemetery	As determined by the Director	
Clubs and Lodges	1 per 100 sq. ft. of floor area used for assembly purposes)	1
Colleges and Trade School	1 per 50 sq. ft. of classroom assembly floor area	1
Community Center	Fixed seating: 1 per 4 seats; Non-fixed seating: 1 per 50 sq. ft. of floor area used for assembly purposes	1
Community Social Service Facilities	1 per 50 sq. ft. of floor area used for assembly purposes	1
Conference Facilities	1 per 50 sq. ft. of floor area used for assembly purposes	3
Cultural Institutions	1 per 500 sq. ft. of gross floor area plus 1 per 50 sq. ft. of floor area used for assembly purposes	3
Day Care Center	1 per 6 children; maximum enrollment based on maximum occupancy load	1
Government Offices	1 per 300 sq. ft. of gross floor area	2
Hospitals and Clinics	1 per bed	3
Park and Recreation Facilities	As determined by the Director	
Public Safety Facilities	As determined by the Director	
Religious Facilities	1 per 50 sq. ft. of floor area used for assembly purposes if seats are not fixed	
Residential Care Facilities	1 per 3 beds	1

TABLE 17.21 - A: OFF-STREET PARKING AND LOADING SPACES		
<i>Use Classification</i>	<i>Number of Off-Street Parking Spaces Required</i>	<i>Off Street Loading Spaces: Group Number</i>
Schools, Public or Private	Elementary and junior high schools: 2 per classroom plus 1 per 300 sq. ft. of office, assembly, or common facility gross floor area High schools: 4 per classroom plus 1 per 300 sq. ft. of office, assembly, or common facility gross floor area	1
Commercial		
Adult Business Establishments	1 per 400 sq. ft. of gross floor area	
Animal Sales and Services		
<i>Kenel</i>	1 per 300 sq. ft. of gross floor area plus 1 per 1,500 sq. ft. of kennel area	1
<i>Kennels with Outdoor Activity Areas</i>	1 per 300 sq.ft. of gross floor area	1
Automobile Sales and Services		
<i>Automobile Rentals</i>	1 per 400 sq. ft.; plus 2 storage spaces	
<i>Automobile/Vehicle Sales and Leasing</i>	1 per 250 sq. ft. of interior display space; plus 1 per 1000 sq. ft. of parts department; plus 1 per 25 outdoor display spaces	1
<i>Automobile/Vehicle Service and Repair, Major</i>	1 per service bay plus 1 per pump island	
<i>Automobile/Vehicle Service and Repair, Minor</i>	1 per 400 sq. ft. of gross floor area	
<i>Automobile/Vehicle Washing</i>	1 plus tandem reservoir spaces equal to 5 times washing capacity	
<i>Large Vehicle Sales, Services and Rental</i>	1 per 500 sq. ft.; plus 1 per 500 sq. ft. of outdoor display	1
Bank And Other Financial Institutions	1 per 300 sq. ft. of gross floor area	2

TABLE 17.21 - A: OFF-STREET PARKING AND LOADING SPACES		
<i>Use Classification</i>	<i>Number of Off-Street Parking Spaces Required</i>	<i>Off Street Loading Spaces: Group Number</i>
Bed And Breakfast Inns	2 plus 1 per room or group of rooms intended to be occupied as a unit	
Building Materials and Services	1 per 300 sq. ft.; plus 1 per 2000 sq. ft. of outdoor storage area and 1 per 500 sq. ft. of enclosed processing or milling area.	1
Business Services	1 per 300 sq. ft. of gross floor area with a minimum of 2 per tenant in an office complex	1
Commercial Entertainment and Recreation		
<i>Large-scale</i>	1 per 4 seats or every 40 feet of nonfixed seating space; (for booth or bench seating, each two feet of length or fraction thereof shall count as one seat.)	3
<i>Small-scale</i>	1 per 200 sq. ft.	
<i>Boating and Fishing Facilities</i>	1 per 35 lineal feet of boat tie-down area or 2 per 35 lineal feet of boat tie-down area to be used by live aboard boats. 1 per each mooring location.	
<i>Golf Course</i>	5 per hole plus that required for clubhouse uses; 2 per tee for driving ranges	
<i>Overnight RV Parking</i>	1 per camping space plus 1 common space for each 5 camping spaces	
Eating and Drinking Establishments		
<i>Bars/Night Clubs/Lounges</i>	1 per 60 sq. ft. of customer seating area, plus 1 per 30 sq. ft. of dance floor	
<i>Restaurants, Full and Limited Service</i>	1 per 60 sq. ft of customer seating area. for restaurants in combination with a hotel, motel, or R-V park, a minimum of 1 per 90 sq. ft. of customer seating area	1
<i>With Drive-Through Facilities</i>	1 per 60 sq. ft. gross area; plus queue space for 5 cars for drive-up service	

TABLE 17.21 - A: OFF-STREET PARKING AND LOADING SPACES		
<i>Use Classification</i>	<i>Number of Off-Street Parking Spaces Required</i>	<i>Off Street Loading Spaces: Group Number</i>
<i>With Outdoor Eating Areas</i>	0 for outdoor seating areas of less than 125 sq. ft. 1 additional per 3 seats for outdoor seating areas above 125 sq. ft.	
Food and Beverage Sales	1 per 400 sq. ft. for the first 1,000 sq. ft. of gross floor area; 1 per 500 sq. ft. over 1,000 sq. ft.	1
<i>Liquor stores</i>	1 per 250 sq. ft.	1
Home Improvement Sales and Services	1 per 400 sq. ft. of gross floor area plus 1 per 500 sq. ft. outdoor storage area and outdoor display area	1
Hotels and motels	1 per room or group of rooms intended to be occupied as a unit, plus 1 for each 10 rooms, plus 2 for each resident manager's quarters.	1
Laboratories	1 per 500 sq. ft. of gross floor area	1
Maintenance and Repair Services	1 per 300 sq. ft.; minimum 2 per tenant	
Marine Sales and Services	1 per 400 sq. ft.	
Mortuaries and Funeral Homes	1 per 50 sq. ft. of floor area used for assembly purposes	1
Office, Business And Professional	1 per 300 sq. ft. of gross floor area	2
Offices, Medical and Dental	1 per 300 sq. ft. of gross floor area	2
Personal Improvement Services	1 per 500 sq. ft. of gross floor area with a minimum of 2 per tenant in a development or shopping center	
Personal Services	1 per 500 sq. ft. of gross floor area with a minimum of 2 per tenant in a development or shopping center	
Retail Sales	1 per 300 sq. ft. 0 for outdoor sales areas of less than 125 sq. ft. 0.5 times the parking ratio for outdoor sales areas above 125 sq. ft.	1

TABLE 17.21 - A: OFF-STREET PARKING AND LOADING SPACES		
<i>Use Classification</i>	<i>Number of Off-Street Parking Spaces Required</i>	<i>Off Street Loading Spaces: Group Number</i>
<i>Large Format</i>	1 per 500 sq. ft. 0 for outdoor sales areas of less than 125 sq. ft. 0.5 times the parking ratio for outdoor sales areas above 125 sq. ft.	3
Wholesale, Distributing and Storage	1 per 1000 sq. ft. plus 1 per 300 sq. ft. of accessory office area	1
Industrial		
Contractor's Yards	1 per 1,500 sq. ft. plus 1 per 500 sq. ft. of building area	
Handicraft/Custom Manufacturing	1 per 1,000 sq. ft. of gross floor area	
Industry, Coastal-Related and General	1 per 1,000 sq. ft. of gross floor area	1
Industry, Limited	1 per 750 sq. ft. of gross floor area	1
Warehousing and storage		
<i>Indoor Commercial Storage</i>	1 per 2,000 sq. ft. plus 1 per 300 sq. ft. of accessory office area	
<i>Mini-Storage</i>	1 per 800 sq. ft. plus 1 per 300 sq. ft. of accessory office area	
<i>Outdoor Storage</i>	1 per 5,000 sq. ft. of outdoor storage area	
Transportation, Communication and Utilities		
Communication facilities	As determined by the Director	
Docks, Piers, and other Coastal-Related Infrastructure	As determined by the Director	
Recycling Facilities	As determined by the Director	
Utilities, Major	As determined by the Director	
Agriculture and Extractive Uses		
Agriculture, Coastal-Related	1	
Crop and Animal Raising	1	
<i>Equestrian Boarding</i>	As determined by the Director	

TABLE 17.21 - A: OFF-STREET PARKING AND LOADING SPACES		
<i>Use Classification</i>	<i>Number of Off-Street Parking Spaces Required</i>	<i>Off Street Loading Spaces: Group Number</i>
Mining and Quarrying	1	
Nurseries	1 per 500 sq. ft. outdoor display area	
Farm Supply Stores	1 per 400 sq.ft.	

TABLE 17.21 - B: OFF-STREET LOADING SPACES REQUIRED		
<i>Gross Floor Area (sq. ft)</i>	<i>Number of Spaces Required</i>	
	<i>10' x 20' x 10'</i>	<i>12' x 25' x 14'</i>
Use Classification Group I		
0 to 3,000	0	0
3,001 to 15,000	1	0
15,001 to 50,000	2	0
50,001 and over	3	0
Use Classification Group II		
0 to 10,000	0	0
10,001 to 20,000	1	1
20,001 and over	1	1
Use Classification Group III		
0 to 30,000	0	1
30,001 to 100,000	0	2
100,000 and over	0	3

17.21.040 Passenger Loading Spaces Required

Passenger loading spaces shall be provided in addition to any required freight and equipment loading spaces when required by this subsection. Passenger loading spaces shall comply with parking space size requirements for standard parking spaces, shall be located in close proximity to the building entrance, and shall not require pedestrians to cross a driveway, parking aisle, alley, or street in order to reach the building entrance.

TABLE 17.21 – C: PASSENGER LOADING SPACES	
<i>Use</i>	<i>Passenger Loading Spaces Required</i>
Small Family Day Care	0
Large Family Day Care	1
Day Care Center, Pre-School, Elementary School (K-6)	
1-20 children	1
21-60 children	2
61-300 children	3
300 children and over	4
Food and Beverage Sales, Convenience Market	1

17.21.050 Parking Reductions and Exceptions

The required number of parking spaces may be reduced in accordance with the following provisions:

- A. **Joint Use Parking Facilities.** A minor Use Permit may be approved for joint use parking facilities serving more than one use on a site or serving more than one property. The use permit may allow for a reduction of up to 20 percent of the total number of spaces required by this Chapter if all of the following findings are made. A greater percentage reduction may be allowed with Planning Commission approval of a Conditional Use Permit.
 - 1. The spaces to be provided will be available as long as the uses requiring the spaces are in operation.
 - 2. The peak hours of parking demand from all uses do not coincide so that peak demand is greater than the parking provided.
 - 3. The adequacy of the quantity and efficiency of parking provided will equal or exceed the level that can be expected if collective parking is not provided.
 - 4. A written agreement exists between the landowner(s) and the city, in a form satisfactory to the City Attorney, that includes all of the following:
 - a. A guarantee that there will be no substantial alteration in the uses that will create a greater demand for parking.
 - b. A guarantee among the landowner(s) for access to and use of the shared parking facilities.

- c. A provision that the city may require parking facilities in addition to those originally approved upon a finding by the Planning Commission that adequate parking to serve the use(s) has not been provided.
- d. A provision stating that the city, acting through the Planning Commission, may for due cause and upon notice and hearing, unilaterally modify, amend, or terminate the agreement at any time.
- e. A provision that the agreement will be recorded in the County Recorder's office upon issuance of the use permit.

B. Off-Site Parking.

- 1. ***Distance of Use Served.*** Parking required to serve a non-residential use may be on the same or a different site under the same or different ownership as the use served, provided that the required parking is within the following distances of the use served, measured from the near corner of the parking facility to the main public entrance of the use served via the shortest pedestrian route:

OFF-SITE PARKING ALLOWED	
<i>Type</i>	<i>Maximum Distance (ft.)</i>
Customer/Visitor Spaces	400
Employee Spaces	600

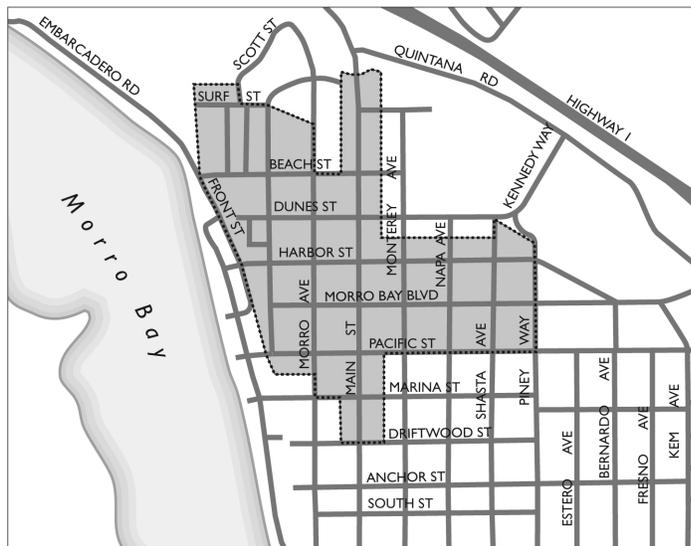
- 2. ***Life of Facility.*** Facilities for off-site parking shall be restricted to that use by a recorded deed, lease, or agreement for a minimum period of 10 years from the date a zoning conformance review or permit requiring the parking is issued, provided that the Director may waive the restriction upon finding that substitute parking facilities meeting the requirements of this Section are provided. No use shall be continued if the parking is removed unless substitute parking facilities are provided.

C. Parking Demand Study. The total number of parking spaces may be reduced based on a Parking Demand Study prepared by a qualified parking or traffic consultant, that substantiates the basis for granting a reduced number of spaces. The Parking Demand Study is subject to the approval of the Planning Commission. The study shall include all of the following information:

- 1. Calculation of the number of off-street parking spaces required by this Section.
- 2. Total square footage of all uses within existing and proposed development and the square footage devoted to each type of use therein.

3. Existing parking surveys of the surrounding area.
 4. Trip generation rates expected for the uses with the existing and proposed development.
 5. A copy of an applicable existing or proposed Transportation Demand Management Program that would result in reduced parking demand.
 6. The lot or business owner's plan to reasonably provide alternative solutions to off-street parking on the lot.
- D. **Parking In-lieu Payments.** Where it can be demonstrated that the reasonable and practical development of commercially zoned property precludes the provision of required off-street parking on the property located within or adjacent to a Parking Management Plan area defined in Figure 17.24 – A, codified in subsection (F) of this section and on file in the office of the City Clerk, the Planning Commission upon recommendations of the Director, 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.

FIGURE 17.21-A: PARKING MANAGEMENT PLAN AREA



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 Ordinance and this 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. 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.
 7. ***Conflict With Other Parking Programs.*** Nothing in this Section shall preclude the formation of a Parking Assessment District coterminous with the Parking Management Plan area shown in Figure 17.21 – A. Any property participating in the in-lieu fee program shall be required to participate in the assessment District if a parking assessment District is established. Funds derived from each property through a combination of the in-lieu fee and assessment payments shall equal the fair market value of the cost of converting the required parking into a municipal parking lot, as estimated by the Public Works Director. In-lieu fees accepted by the City shall be credited against a project’s full obligation established by an assessment District formula.
- E. **Credit for Bicycle and/or Motorcycle Parking Facilities.** Credit may be authorized towards on-site parking requirements for all uses, except residential uses, for the provision of bicycle and/or motorcycle parking facilities. Credit may be granted at a rate of one vehicular space for every five bicycle or

motorcycle spaces up to a total reduction of 20 percent of the total required spaces, provided that all of the following requirements are met:

1. **Minimum Dimensions.**
 - a. **Motorcycle Spaces.** Seven feet in length and three feet four inches in width.
 - b. **Bicycle Spaces.** Six feet in length and two feet six inches in width.
2. **Signage.** The area designated for bicycles and/or motorcycles is striped and signed.
3. **Off-site Spaces.** Off-site bicycle or motorcycle spaces do not qualify for credit towards on-site parking requirements except as provided by 17.21.090 (B).

- F. **Parking Management Programs and Districts.** If Parking Management Programs and Districts may be established pursuant to and as provided for in the General Plan Local Coastal Plan policies C-17, C-20, C-21, and C-22. Assessment district financing and/or an in-lieu fee system also may be established in order to provide adequate off-street parking requirements for new development.
- G. **Open Tandem Parking.** Open tandem parking space for residential single family uses may be permitted for existing developed properties where a second adjacent space is not feasible, or on lots of 40 feet or less in width.

17.21.060 General Design Standards

- A. **No Parking in Setback Areas.** No portion of any parking space or aisle, except entrance and exit driveways, shall be permitted in a required front or street side yard area.
- B. **General Parking Space Dimensions.** Individual parking spaces shall meet the following minimum dimensions, exclusive of aisles and access drives.

TABLE 17.21-D: PARKING SPACE DIMENSIONS		
<i>Type of Parking Space</i>	<i>Minimum Dimensions (Ft.)</i>	
	<i>Width</i>	<i>Length</i>
Standard	9	20
Compact	8	16
Parallel	8	23

C. **Compact Spaces.**

1. **General Provisions.** Compact spaces are permitted for non-residential uses. Pre-existing parking lots designed to include compact car spaces shall be deemed to contain the number of parking spaces provided, including such compact car spaces, and shall not be required to eliminate compact car spaces upon a change of use or occupancy.
2. **Credit for Compact Spaces.** Parking lots located in non-residential districts and containing six or more spaces, may have up to 20 percent of all required spaces, compact. These compact spaces shall be dispersed throughout the parking lot and marked as compact car parking only.

D. **Spaces for Persons with Disabilities.** All parking facilities shall comply with the requirements of the California Administrative Code (Chapter 24, Part 2, Chapter 2-71) and with the sign requirements of the California Vehicle Code, Section 22507.8.

E. **Walls and Entrances.** Parking spaces facing a wall containing entrances and abutting a walkway to those entrances must be at least four feet clear of such wall.

F. **Slope.** Parking spaces shall slope no more than six percent in any direction and no less than one-half percent in the direction of drainage. A maximum of ten percent slope in aisle and turnaround areas may be allowed by the City Engineer.

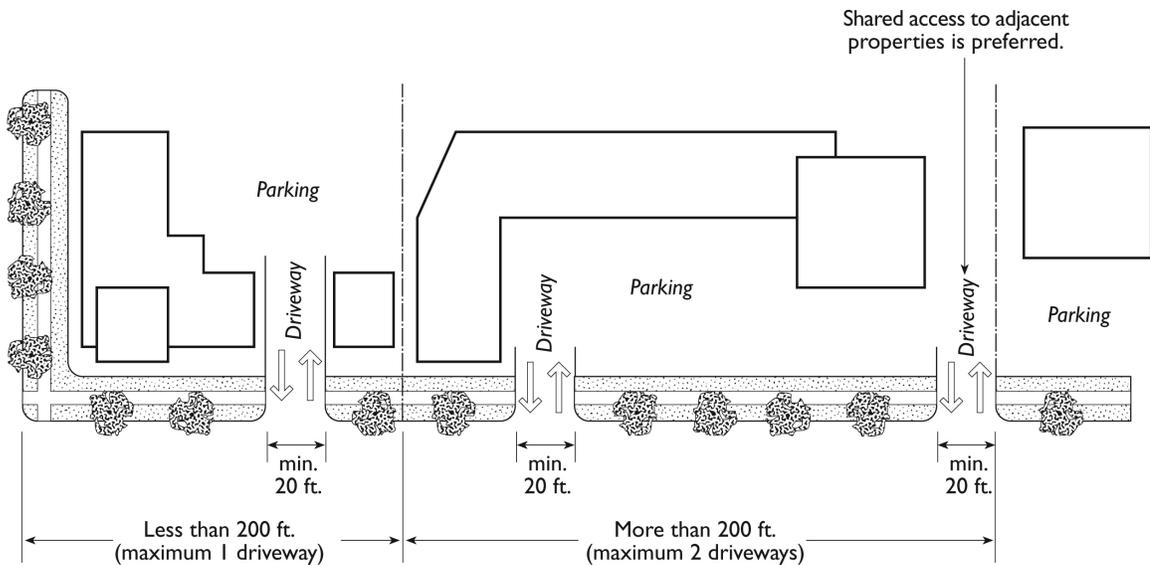
G. **Vertical Clearance.** A minimum height of 14 feet shall be maintained clear of obstructions from the parking surface to any structure or landscape feature above that may interfere with the safe passage of vehicles, except within garages, carports, or parking structures, where the minimum clearance shall be eight feet six inches.

H. **Parking Access From Street.** Access to off-street parking areas shall be designed in compliance with the following standards.

1. **Minimum Frontage.** Property with less than 200 feet of frontage on an arterial street is limited to one driveway. Property with 200 feet or more of frontage is limited to two driveways. Joint use of driveways with adjacent property may be required in all cases to reduce the total number of driveways along arterial streets, improve the flow of traffic and lower accident potential.
2. **Maneuvering Area.** Newly created parking areas shall provide sufficient maneuvering room so that vehicles enter an abutting street in a forward direction. The Planning Commission may approve exceptions for single-family dwellings and duplexes and where an alley provides sufficient access.

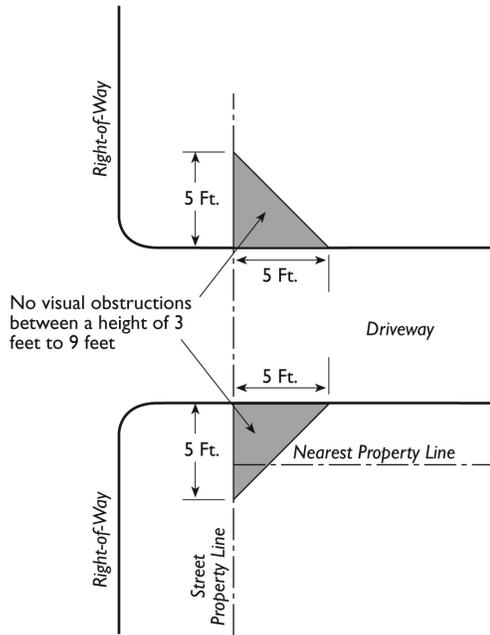
3. **Access Drive.** Where an area used for off-street parking does not abut a public street, there shall be provided an access drive not less than 20 feet in width for two-way traffic, connecting the off-street parking area with a public street. The access drive shall be paved in the manner required for off-street parking lots.
4. **Entrances and Exits.** Entrances and exits are subject to the approval of the Public Works Department.
5. **Gates.** Parking lot and parking garage gates shall not move in a direction that interferes with on-street or pedestrian circulation.
6. **Shared Access.** Projects are encouraged to provide shared vehicle and pedestrian access to adjacent properties for convenience, safety, and efficient circulation. A joint access agreement running with the land shall be recorded by the owners of the abutting properties, as approved and executed by the Director, guaranteeing the continued availability of the shared access between the properties. The required number of parking spaces may be reduced in compliance with Section 17.24.050 as an incentive to provide joint access and parking agreements for non-residential uses.

FIGURE 17.21-B: PARKING ACCESS FROM STREET



- I. **Driveway Visibility.** Visibility of a driveway crossing a street property line shall not be blocked between a height of 3 feet and 9 feet for a depth of 5 feet from the street property line as viewed from the edge of the right-of-way on either side of the driveway.

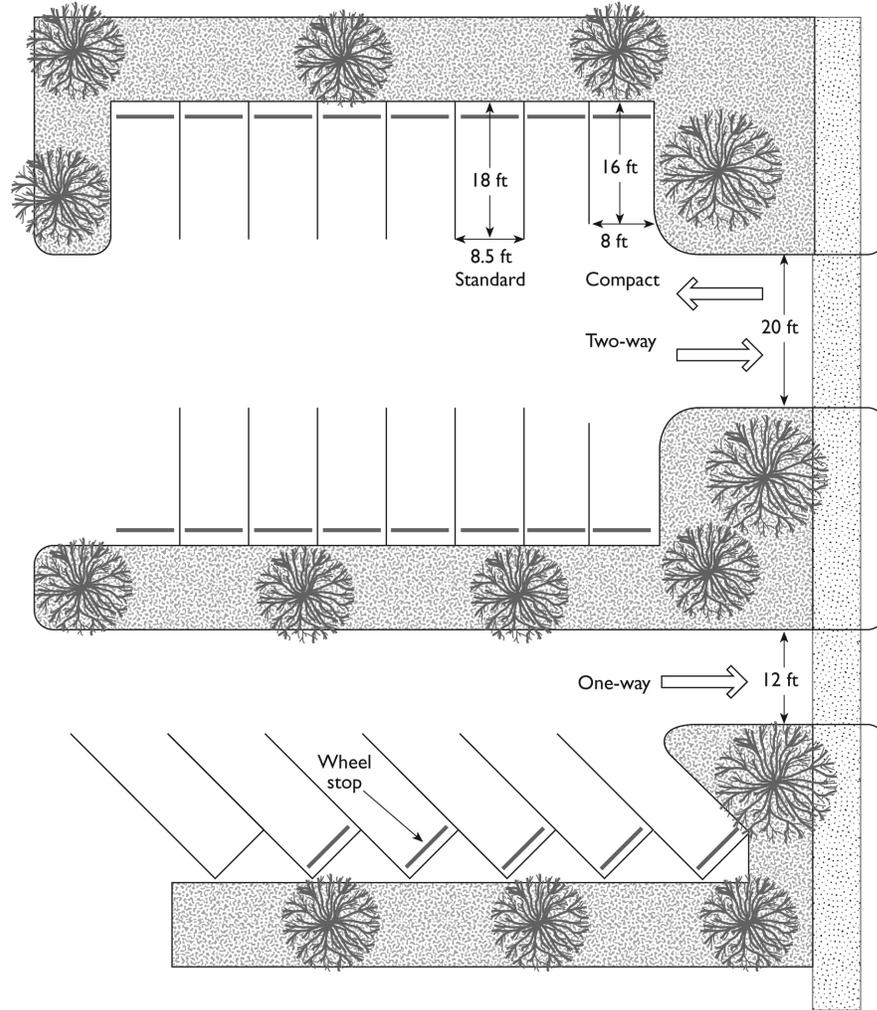
FIGURE 17.21-C: DRIVEWAY VISIBILITY



17.21.070 Regulations for Parking Lots and Structures

- A. **Entrances and Exits.** The location and design of all street and alley entrances and exits to off-street parking facilities shall be subject to the approval of the Public Works Director.
- B. **Aisles.** Aisles widths serving off-street parking areas in all districts shall be not less than the following schedule:
1. *For One-Way Traffic Serving 6 or Fewer Spaces:* 12 feet for spaces serving non-residential uses; 10 feet for parking spaces serving residential uses.
 2. *For One-Way Traffic Serving 7 to 20 Spaces With Separate Entrances and Exits:* 12 feet.
 3. *For Two-Way Traffic:* 20 feet.

FIGURE 17.21-D: PARKING LOT AISLES



- C. **Minimum Allowable Inside Turning Radius.** The minimum allowable inside turning radius in parking and driveway areas shall be 20 feet. Where fire truck access is necessary, the minimum inside radius shall be 28 feet, and the outside radius shall be 48 feet clear.
- D. **Surfacing.** Parking lots and driveways shall be constructed in compliance with engineering and material standards available at the Public Services Department, Except for temporary uses, asphalt or concrete paving is required for the surface. Optional surfacing material such as brick or ecoblock that meets the City's design requirements for parking may be approved by the City Engineer.
- E. **Drainage.** Parking and loading areas shall be designed and constructed so that surface water shall not drain over sidewalks or adjacent parcels and in

compliance with the storm water quality and quantity standards of the city’s best management practices.

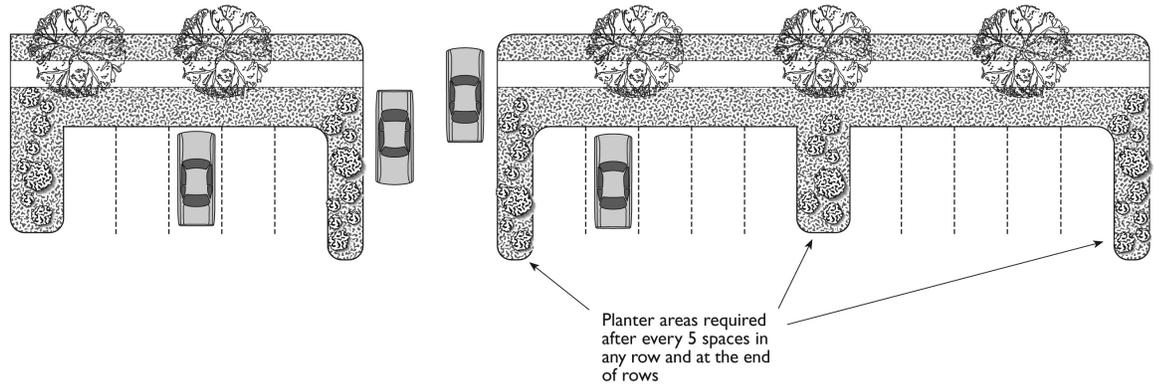
F. **Lighting.** Parking areas designed to accommodate three or more vehicles shall have adequate illumination for security and safety with a minimum of one foot candle.

1. **Lighting Fixtures.** Lighting fixtures shall be energy-efficient and in scale with the height and use of the on-site structures, with standards and fixtures (poles, vertical supports) not exceeding a height of 20 feet, unless a greater height is approved by the Planning Commission.
2. **Illumination.** All illumination, including security lighting, shall be directed downward, away from adjacent properties and public rights-of-way, and in conformance with the performance standards in Section 17.16.070.

G. **Landscaping and Screening.**

1. **Minimum Landscape Area.** In order to prevent large, unbroken expanses of parking area, parking lots shall have at least five percent of their surface devoted to landscaping, exclusive of perimeter planting strips, setbacks and street screening, arranged in an appropriate and effective manner.
2. **Parking Lot Planter Spacing and Minimum Tree Requirements.** Parking lot planter areas shall be provided after each five parking spaces in any row and at the ends of each row of parking spaces to encourage the use of trees in parking areas. An average of at least one tree of a minimum 15 gallon size and of a species satisfactory to the Director shall be planted for every six spaces within the parking lot, with a minimum of two such trees being provided regardless of the number of parking stalls.

FIGURE 17.21-E: PLANTER TREE REQUIREMENTS



3. ***At-risk Planting Areas.*** Planting areas that may be hit by automobiles or where drainage control is necessary shall be defined by a six-inch curb or berms of reinforced concrete, brick or block. A header board protected by parking bumpers or other suitable permanent material may be approved by the City Engineer. Protection must also be provided between the back of a City sidewalk and a planting area to prevent material from washing onto the sidewalk; this may be done by a curb or header.
4. ***Parking Lot Planting Areas.*** Parking lot planting areas containing trees shall have a minimum dimension of four feet by four feet; other landscape areas shall have a minimum width of three feet. Landscape areas defining ends of rows shall extend to the minimum inside turn radius and shall not conflict with an aisle or backup area, obstruct the driver's visibility, nor be less than four feet in width.
5. ***Required Perimeter Planting Areas.*** Areas between the parking area and the street and interior property lines adjoining R districts, and unused spaces resulting from the design or layout of parking spaces or accessory structures, shall be landscaped.

TABLE 17.21 – E: PERIMETER PLANTING AREA	
<i>Length of Parking Lot Adjoining Property</i>	<i>Minimum Width of Perimeter Planting Area Required (Ft.)</i>
Up to 100 feet	4
More than 100 feet	8

6. ***Parking Lots with Parking Spaces Adjoining a Street.*** Any parking lot with parking spaces adjoining a street shall be screened by a minimum four-foot wide planting strip with a three-foot-high decorative masonry wall or mature hedge, except at those points of vehicular or pedestrian access. The wall or hedge shall be maintained at a maximum height of four feet. Such lots are not permitted in pedestrian-oriented areas.
7. ***Visibility Requirements.*** Landscaping and screening for parking facilities shall be so located and maintained as to not impair visibility at driveway areas or in other areas of the parking facility where maintaining visibility is necessary to the safe use of the facility.
- H. **Curb or Wheel Stops.** Curb or wheel stops shall be required where parking spaces head into a landscape area, wall, fence, building or the side of another parking space, or as determined necessary by the City Engineer wherever conditions warrant.
- I. **Exit and Entrance Directional Arrows.** Exit and entrance directional arrows shall be marked on the pavement where one-way driveways are used. Pavement signing shall be marked and maintained as required by the City Engineer. Entrance signing may be required by the City Engineer wherever conditions warrant.
- J. **Parking Lots That Abut R Districts.** Parking lots serving commercial or industrial land uses that abut an R District shall not have their access from an adjacent residential street serving residents in the R District.
- K. **Residential Single-family and Multi-family Parking.**
 1. ***Single-family Residential Uses.*** Required parking spaces shall be enclosed. For lots less than 3,600 square feet in size, one space shall be enclosed and one space shall be enclosed or covered.
 2. ***Multi-family Residential Uses.*** Required parking spaces shall be covered.
 3. ***Setbacks.*** Garages and carports shall be setback 20 feet from street property line except as otherwise provided in this Title. Any garage space located closer than 20 feet from property line shall have an automatic rolling type garage door opener.
 4. ***Garage and Carport Dimensions.*** Garage and carport parking spaces shall be a minimum of 10 feet by 20 feet per space, unless otherwise provided herein.
 5. ***Tandem Parking.*** For individual residences, tandem parking up to two space deep is allowed.

6. **Storage Space.** Where only one covered and enclosed space is required, 150 cubic feet of enclosed storage space shall be provided for each parking space serving a residential use that is required to be covered or enclosed residential unit. Where only one open or carport space is required, 300 cubic feet of storage space per unit shall be required.
- L. **Parking Lot 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. If the Public Services Department finds that the lot is in need of maintenance or repair, the Code Enforcement Official may cite the owner or use the nuisance abatement procedure for correcting violations of this code.

17.21.080 Regulations for Off-street Loading

- A. **Facilities Required.** For uses requiring regular deliveries of goods by truck, off-street loading facilities for trucks shall be provided in accordance with the requirements of Table 17.21 – B and the standards in this Section.
- B. **Standards.** Off-street loading facilities shall meet the following standards:
 1. **Location of Loading Areas.** A loading area shall not be located in the required front, side or rear yard setback in any district.
 2. **Turning and Maneuvering.** Sufficient room for turning and maneuvering vehicles shall be provided on the site so that it is not necessary for any vehicle to back onto the site from the public street or for trucks making deliveries or picking up goods to encroach into the public right-of-way or into required parking spaces or aisles.
 3. **Accessibility.** Each loading berth shall be accessible from a street or alley.
 4. **Entrances and Exits.** Entrances and exits shall be provided at locations approved by the City Engineer.
 5. **Loading Area, Aisles and Access.** The loading area, aisles and access drives shall be paved so as to provide a durable dust free surface and shall be so graded and drained as to dispose of surface water.
 6. **Safety Bumper Rails or Curbs.** Bumper rails or curbs shall be provided where needed for safety or to protect property.
 7. **Lighting.** If the loading area is illuminated, lighting shall be deflected away from abutting streets and residential sites in conformance with the performance standards in Section 17.16.070.

8. **Outside Loading Areas.** A loading area located outside of a building shall be screened from public view by a six-foot high solid wall, fence or mature hedge.
9. **Vehicle Repair Work Prohibited.** No repair work or serving of vehicles shall be conducted in a loading area.

17.21.090 Required Bicycle Parking Facilities

- A. **Amount of Bicycle Parking Spaces Required.** Each non-residential use for which 10 or more parking spaces are required shall provide facilities where bicycles may be locked, at the rate of one bicycle space for each five vehicle parking spaces unless otherwise determined by the Director.
- B. **Location.** Bicycle parking facilities shall be located on the same lot or building site as the building or use incurring these requirements, or they may be located on an adjacent, contiguous lot subject to a lease agreement approved by the Director. Access to bicycle facilities should be at least as convenient as to the majority of vehicular parking areas.
- C. **Bicycle Facilities Standards.** Bicycle parking facilities shall include provisions for storage and locking of bicycles, either in lockers or secured racks or equivalent installations in which the bicycle frame and wheels may be locked by the user. Racks or lockers shall be anchored so that they cannot be easily removed.

17.21.100 Parking Spaces for Persons with Disabilities

Parking spaces for persons with disabilities shall be provided in accordance with the standards established by the California State Handicapped Access Regulations. The minimum dimensions shall be 17 feet by 20 feet, and such spaces shall be located so that the driver may exit the vehicle directly onto a curb ramp.

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Chapter 17.22 Sign Regulations

Sections:

17.22.010	Purpose
17.22.020	Exempt Signs
17.22.030	Prohibited Signs
17.22.040	General Sign Standards
17.22.050	Regulations for Residential Districts
17.22.060	Regulations for Commercial Districts, Mixed-Use and Industrial Districts
17.22.070	Specific Sign Types and Standards
17.22.080	General Design Principles
17.22.090	Zoning Clearance or Sign Permit Required
17.22.100	Master Sign Program
17.22.110	Maintenance, Abandonment, and Removal
17.22.120	Provisions for Nonconforming and Illegal Signs
17.22.130	Appeals

17.22.010 Purpose

The purpose of this Chapter is to regulate signs as an information system that expresses 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 orientation and identify businesses and activities.
- B. Preserve and enhance the aesthetic character of the City.
- C. Apply basic principles of good design and sensitivity to community appearance to signage.
- D. Restrict signs that overload the public's capacity to receive information, violate privacy, or increase the probability of accidents by distracting drivers' attention or obstructing drivers' vision.

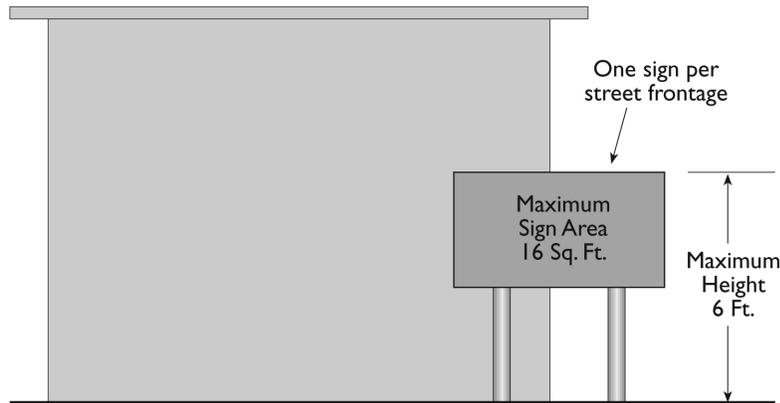
17.22.020 Exempt Signs

The following signs or modifications to signs do not require zoning conformance review, nor shall the area of such signs be included in the maximum allowable sign area measurement for the purposes of this Chapter. These exceptions shall not be construed as relieving the owner of a sign from the responsibility of the safe erection and safe and attractive maintenance of the sign, of obtaining a building permit where applicable, or

of compliance with applicable provisions of this Chapter or any other requirement of this Title.

- A. **Announcement Signs.** One sign, not exceeding 16 square feet in area and 6 feet in height, per street frontage on real property where construction, structural alteration or repair is to take place, or is taking place, which contains information regarding the purpose for which the building is intended and the individuals connected with the project, including names of architects, engineers, contractors, developers, finances and tenants. Announcement signs are exempt only for the duration of the construction of the building and shall be removed prior to issuance of a certificate of occupancy.

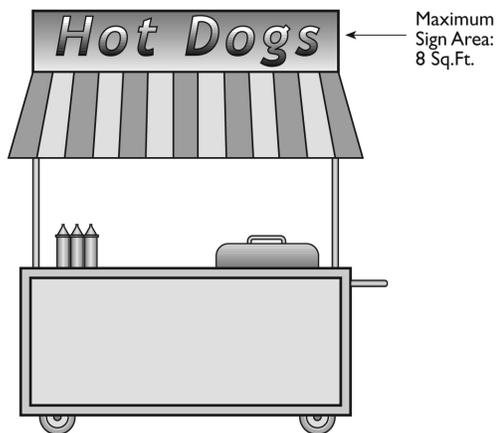
FIGURE 17.22-A: ANNOUNCEMENT SIGN STANDARDS



- B. **Change of Business Signs.** A temporary attachment or covering of wood, plastic, or canvas over a permanent sign indicating a change of ownership or activity may be displayed no longer than 30 days following the change of ownership or activity for which the sign is intended, or up to 90 days following issuance of a building permit. The sign shall be no larger than the previously permitted permanent sign.
- C. **Equipment Signs.** Signs, not more than eight square feet in sign area, incorporated into displays, machinery, or equipment by a manufacturer, distributor, or vendor that identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily fixed to automated teller machines (ATMs), gasoline pumps, menu boards, and umbrellas. If a vending machine is visible from the street, the sign area shall be included in the total sign area allowed for the use.
- D. **Flags.** Flags and insignia of any government, except when displayed in connection with commercial promotion.

- E. **Garage Sale Signs.** One unlighted sign is permitted for garage sales, provided such sign does not exceed four square feet in area and is displayed on the property where such sale shall take place only on the day of the sale.
- F. **Mobile Vendor (Non-permanent Vendor) Signs.** Signs fixed to mobile vending carts that identify or advertise the name, product, or service provided by the vendor. Each mobile vending cart is limited to a maximum sign area of eight square feet.

FIGURE 17.22-B: MOBILE VENDOR SIGN STANDARDS

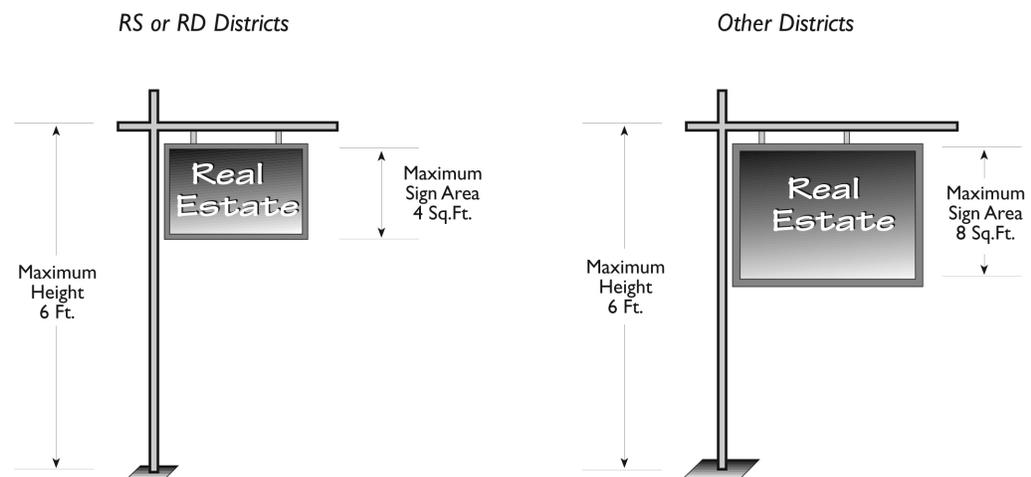


- G. **Official Government Signs and Legal Notices.** Official notices issued by a court, public body or office and posted in the performance of a public duty; notices posted by a utility or other quasi-public agent in the performance of a public duty; historical markers erected by a governmental body; identification information; directional signs erected by government bodies; or other signs required or authorized by law.
- H. **Parking and Directional Signs.** On-site parking and directional signs, not exceeding eight square feet in sign area and five feet in height, that do not include any advertising messages or symbols.
- I. **Political Campaign Signs.** One political campaign sign not to exceed 16 square feet in area, per site shall be permitted on private property, for a period not to exceed 60 days preceding an election. Such signs shall be removed within seven days after the election.
- J. **Real Estate and "Open House" Signs.** Signs conveying information about the sale, rental, or lease of a property and the identification of the person or firm (agent) handling such sale, lease or rental, provided they comply with the

following standards. Real estate and open house signs are exempt only during the period for which the property is offered for sale or lease.

1. **Maximum Number:** One on-site per frontage.
2. **Maximum Sign Area:**
 - a. *RS or RD Districts:* 4 square feet.
 - b. *Other Districts:* 8 square feet.
3. **Maximum Height:** 6 feet.

FIGURE 17.22-C: REAL ESTATE SIGN STANDARDS



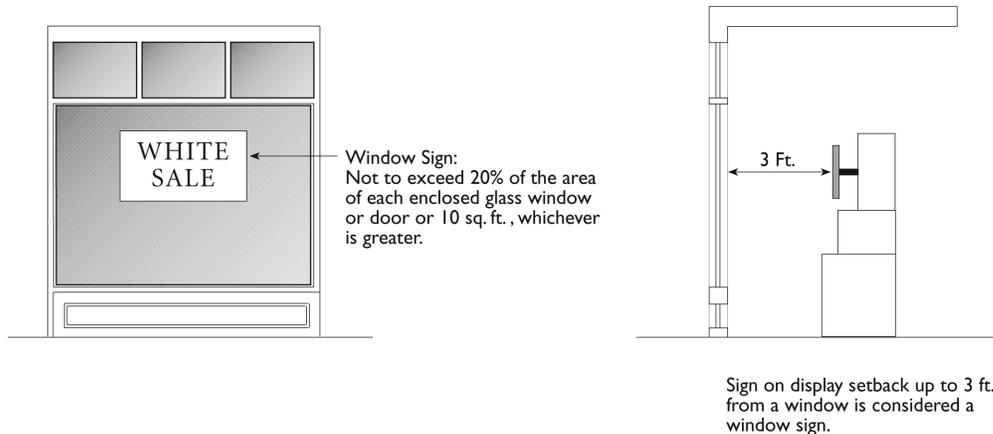
- K. **Off-Site Directional Sign.** One off-site sign not to exceed 36 square feet, providing direction to real estate available for sale or lease, during daylight hours only. Permission from the property owners of the site where the sign is placed is required.
- L. **Small Signs.** Any sign no larger than eight square feet in area, attached to a freestanding sign structure no higher than five feet, a window, or a building wall. This exception may include, but is not limited to, commercial and non-commercial signs, freedom of speech signs, organization identification signs, and commemorative plaques within the required size limits.
- M. **Subdivision Signs.** One sign per frontage, advertising the sale of a subdivision may be displayed on the site of the subdivision upon approval of a final map and initiation of construction for a period of one year. The display period may be

extended with written approval of the Director for a reasonable period of time, not to exceed one year at any one time.

TABLE 17.22 – A: SUBDIVISION SIGNS	
Maximum Height	8 ft.
Maximum Sign Area	24 sq. ft.
Maximum Number per Subdivision or Tract	4

- N. **Window Signs.** Window signs not exceeding 20 percent coverage of each glass window or glass door to which the sign is attached or 10 square feet, whichever is greater. Any sign that is hung within three feet of a window, attached to a display located within three feet of a window, or painted on the window is considered a window sign. For temporary window signs, refer to Section 17.22.070 (C)(2).

FIGURE 17.22-D: WINDOW SIGNS



17.22.030 Prohibited Signs

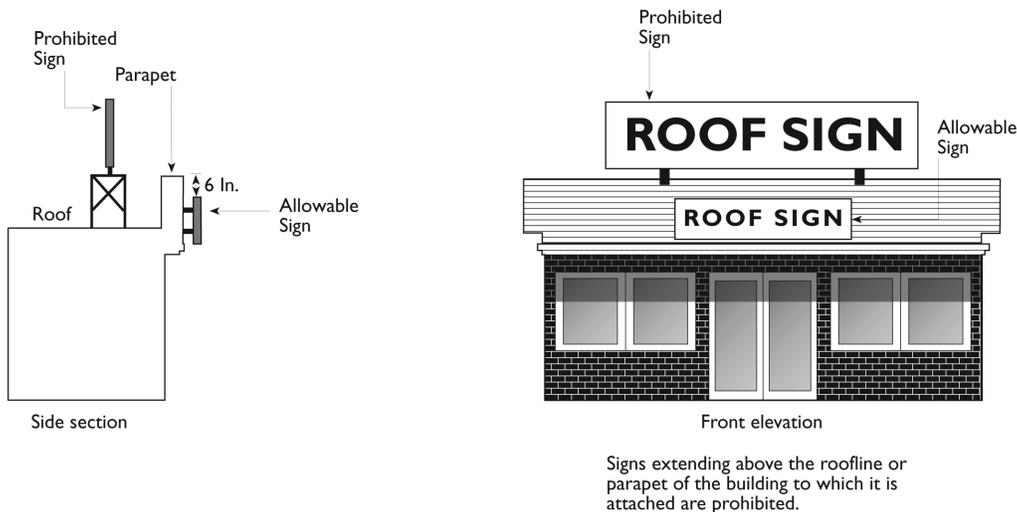
The following types of signs, materials, designs, messages, and locations are prohibited:

- A. **Animated and Moving Signs.** Signs that incorporate, in any manner, any flashing, moving, rotating, pulsating or intermittent lighting, with the exception of approved time and temperature displays.
- B. **Banners, Streamers, or Pennants.** Signs, banners, pennants, valances or any other advertising display constructed of cloth, canvas, light fabric, paper,

cardboard, wallboard or other light materials except for awnings and temporary signs as provided for in this Chapter.

- C. **Billboards.** Off premises outdoor advertising signs.
- D. **Emissions.** Signs that produce noise or sounds in excess of 40 decibels, excluding voice units at drive-through facilities, and signs that emit visible smoke, vapor, particles, or odor.
- E. **Fence Signs.** Signs on fences or free-standing walls, not part of a building.
- F. **Obscenities.** Signs that depict, describe, or relate to “specified sexual activities” or “specified anatomical areas” as defined in Chapter 17.41: Terms and Definitions.
- G. **Obstruction to Exits.** Signs that obstruct any fire escape, required exit, window or door opening intended as a means of egress.
- H. **Obstruction to Ventilation.** Signs that interfere with any opening required for ventilation.
- I. **Posters and Snipe Signs.** Posters of a miscellaneous or temporary character that are tacked, painted, pasted or otherwise placed or affixed and made visible from a public way, on the walls of buildings, on barns, sheds, trees, fences, utility poles or other structures, sidewalks or patios, except as otherwise provided in this Chapter.
- J. **Roof Signs.** Signs erected upon, over or above the 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. No projecting sign shall extend above the roofline or parapet of the building or structure to which it is attached.

FIGURE 17.22-E: PROHIBITED ROOF SIGNS



- K. **Signs Creating Traffic Hazards.** Signs located in such a manner as to constitute a traffic hazard or obstruct the view of any authorized traffic sign or signal device, or signs that may be confused with any authorized traffic sign, signal, or device; or that makes use of the words “stop”, “look”, “danger”, or any other word, phrase, symbol, or character that interferes with, misleads, or confuses vehicular drivers.
- L. **Signs on Public Bus Shelters or Benches.** Signs located on bus shelters, benches, or similar structures provided for the use of passengers along the route of a bus, not including plaques containing the names of persons or organizations which have made gifts or donations of such street furniture.
- M. **Vehicle Displays.** Signs placed or displayed on vehicles parked in a conspicuous location to be used for on-site or off-site advertising, with the exception of signs advertising such vehicles for sale and vehicle identification signs in locations where sale of vehicles is permitted.

17.22.040 General Sign Standards

This Section establishes rules for measuring sign area, general physical standards, and requirements applicable to all signs and the districts in which they are located. More detailed standards applicable to specific sign types (e.g. building mounted, freestanding, and other sign types) in each zoning districts follow this Section.

- A. **Maximum Allowable Sign Area.** The maximum allowable total sign area per property shall be as specified under the regulations in Section 17.22.050 and 17.22.060 for specific districts, unless a different limit is approved under a

Master Sign Program (see Section 17.22.100) or approved by the Planning Commission.

B. Computation of Sign Area. The methodology for computing the sign area of all sign types shall be as follows:

1. ***Single-faced Signs.*** The sign area of signs with sign faces on a single plane and viewable from only one side of the plane shall be measured as the entire area within a single continuous perimeter composed of squares or rectangles that enclose the extreme limits of all sign elements including, but not limited to, sign structures or borders, written copy, logos, symbols, illustrations, and color.
2. ***Double-faced Signs.*** Double-faced signs with sign faces that are parallel (back-to-back) and a distance of less than three feet apart, or sign faces that have an interior angle of 45 degrees or less, shall be counted as a single sign with only one face measured in calculating sign area. Where the faces are not equal in size, the larger sign face shall be used as the basis for calculating sign area.
3. ***Multi-faced Signs.*** The sign area of signs with three or more sign faces, or signs with two sign faces with a distance greater than three feet apart or an interior angle greater than 45 degrees, shall be calculated as the sum of all the sign faces.
4. ***Three-dimensional Signs.*** Signs that consist of, or have attached to them, one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), shall have a sign area of the sum of two adjacent sides or sign faces.

FIGURE 17.22-F: MEASUREMENT OF SIGN AREA

Sign Area = Height x Width

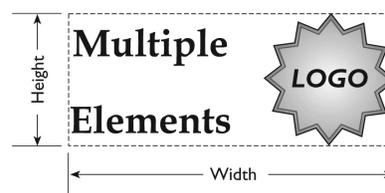
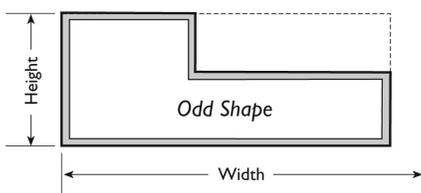
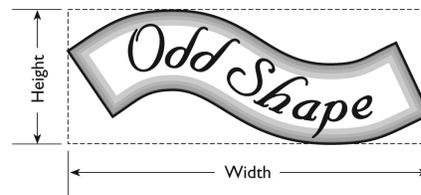
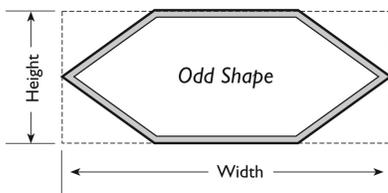
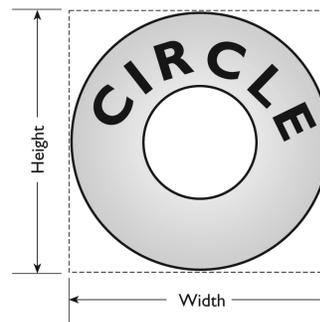
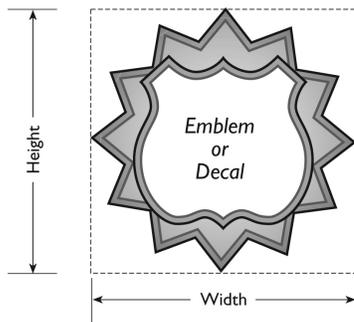


FIGURE 17.22-G: MEASUREMENT OF DOUBLE AND MULTI-FACED SIGN AREA

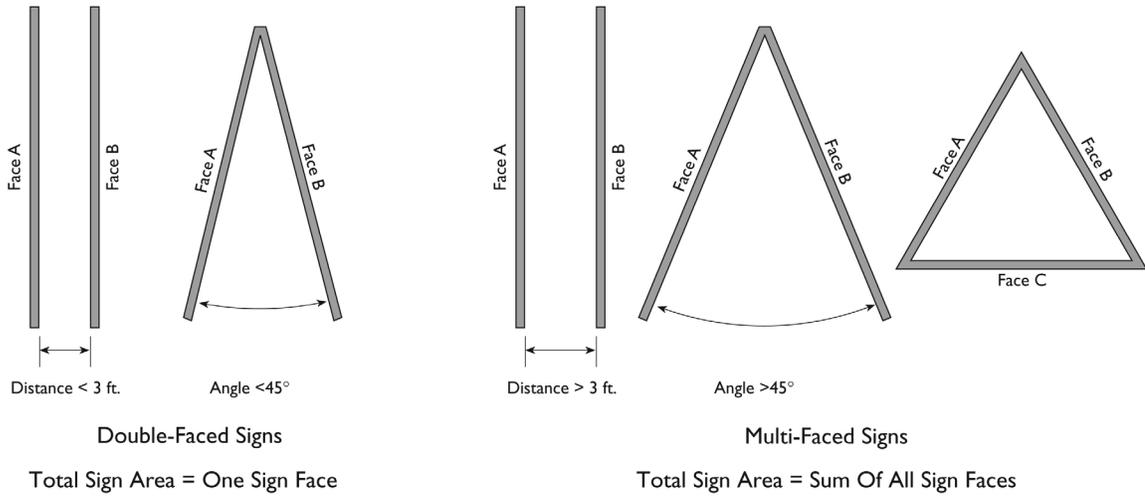
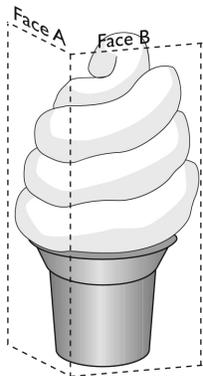


FIGURE 17.22-H: MEASUREMENT OF THREE-DIMENSIONAL SIGNS

Sign Area = Sum of two adjacent sides



- C. **Building Frontage.** A building's frontage is considered continuous if projections or recesses in a building wall do not exceed ten feet in any direction.

FIGURE 17.22-I: BUILDING FRONTAGE



Building frontage is considered continuous if projections are less than 10 ft.

- D. **Materials.** Paper, cardboard, or other material subject to rapid deterioration shall be limited to signs displayed for no more than 30 days.
- E. **Illumination.** Signs may be illuminated subject to all of the following standards:
1. All lighting is subject to necessary electrical permits.
 2. Freestanding and building-mounted signs adjacent to an R district shall be illuminated only during hours when the establishment is open for business.
 3. External lighting shall be properly shielded to prevent glare upon an adjacent public right-of-way or adjacent property.
 4. Illumination shall be constant in intensity and color and shall not consist of flashing, animated or changing lights.
- F. **Changeable Copy.** Changeable copy shall cover no more than 25 percent of the total sign area, except for the following uses, which are exempt from this restriction: churches and establishments for religious assembly, cinemas, gas station gas price signs, indoor theaters, schools, colleges, and signs that flash the time and temperature.
- G. **Construction and Maintenance.**
1. Unless exempt, signs and supporting structures shall be installed in accordance with the Building Code.
 2. All signs, together with all supporting structures, shall be maintained in the following manner:
 - a. Signs shall be kept free of rust, dirt, and chipped, cracked or peeling paint.

- 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 promptly replaced.
 - d. Sign areas shall be kept free and clear of all noxious substances, rubbish, and weeds.
 - 3. If a sign is removed from its supporting structure for longer than 90 days, the supporting structure shall be removed.
- H. **Abandoned Signs.** Sign faces shall be removed or made blank within 60 days after the activity, product, business, service or other use which was being advertised has ceased or vacated the premises. Any signs not removed or made blank within this time shall be removed pursuant to the removal procedures set forth in Section 17.22.110 of this Chapter.
- I. **Substitution of Sign Message.** The owner of a permitted sign may substitute a non-commercial message for a commercial message or a commercial message for a non-commercial message.
- J. **Encroachment Into Public Street or Sidewalk.** Any sign projecting over a public street or sidewalk requires approval of the Director or City Engineer, except that projecting signs and pole signs are allowed a maximum encroachment of 12 inches over a public street or sidewalk subject to approval of an encroachment permit.
- K. **Clearance From Utilities.** Signs and their supporting structures shall maintain clearance and not interfere 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.
- L. **Drainage.** The roofs of canopies or marquees exceeding 25 square feet 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.
- M. **Sign Orientation.** No sign, other than a projecting sign, shall be permitted that 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 parking lot 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.

- N. **Lighting.** Light sources shall be steady, and stationary lighting shall not be distracting to pedestrians, motorists and neighboring property. No sign shall emit or reflect light exceeding ten foot-candle power at ten feet from the face of the sign.

17.22.050 Regulations for Residential Districts

The following regulations shall apply to all R districts, as well as residential dwellings located in nonresidential districts. Sign permits shall be required for the sign types described in the following zones unless expressly exempted.

- A. **Multi-family Dwellings.** One building-mounted sign or monument sign per multi-family dwelling complex of four or more units is permitted, with a maximum sign area of 20 square feet.
- B. **Hotels, Motels, and Bed and Breakfast Establishments.**
1. ***RD Districts.*** One surface sign or monument sign per bed and breakfast establishment and attraction boards as provided in the Section 17.22.070(C)(5) are permitted with a maximum sign area of 0.5 square feet per linear foot of building frontage.
 2. ***RM Districts.*** Signs may be permitted in accordance with the provisions for commercial zones as provided in Section 17.22.060 below as well as attraction boards as provided in Section 17.22.070(C)(5).
- C. **Subdivision or Tract Name Signs.** One non-illuminated sign not to exceed 24 square feet in area or one non-illuminated sign not to exceed 12 square feet in area, per exclusive entrance to a subdivision or tract name with a maximum of four per tract is permitted.
1. ***Maximum Sign Area.*** 30 square feet.
 2. ***Maximum Height.*** 8 feet.
- D. **Mobile Home Parks.** A mobile home park may be allowed one externally illuminated or non-illuminated identification sign, not to exceed the equivalent of one square foot of sign area per ten linear feet of frontage on each right-of-way upon which it takes vehicular access. No sign shall have a surface area of greater than 30 square feet or be erected at right angles to the right-of-way.
1. ***Maximum Sign Area.*** 30 square feet.
 2. ***Maximum Height.*** 8 feet.

- E. **Non-residential Uses.** One building-mounted sign or monument sign per each allowable non-residential uses is permitted.
 - 1. **Maximum Sign Area.** 0.5 square feet per linear foot of building frontage up to 24 square feet.
 - 2. **Maximum Height.** 15 feet above finished grade for building-mounted signs and eight feet for monument signs.

17.22.060 Regulations for Commercial, Mixed-Use and Industrial Districts

The following standards apply to signs in commercial, mixed-use and industrial zones.

- A. **Sign Area and Allowable Signs.** Signage in Commercial, Mixed-Use, and Industrial zoning districts shall comply with the standards in Table 17.22 – B.
 - 1. **Calculation of Sign Area.** For individual signs, the sign area of the proposed sign shall be multiplied by the sign factor specified in Table 17.22 – B to calculate the sign area to be applied towards the maximum sign area allowed.
 - 2. **Minimum Sign Area.** All commercial, mixed-use, and industrial uses shall be allowed a minimum sign area of 20 square feet.
- B. **Sign Placement.** Signs shall be oriented towards the public street or the harbor frontage on which they are located, or where no such public right-of-way or harbor frontage exists, signs shall be oriented towards a common use parking lot or interior courtyard. Where the principal sign for a business is located so that it cannot be seen by pedestrian traffic, an identification sign, in addition to that otherwise allowed by this Chapter, may be permitted.

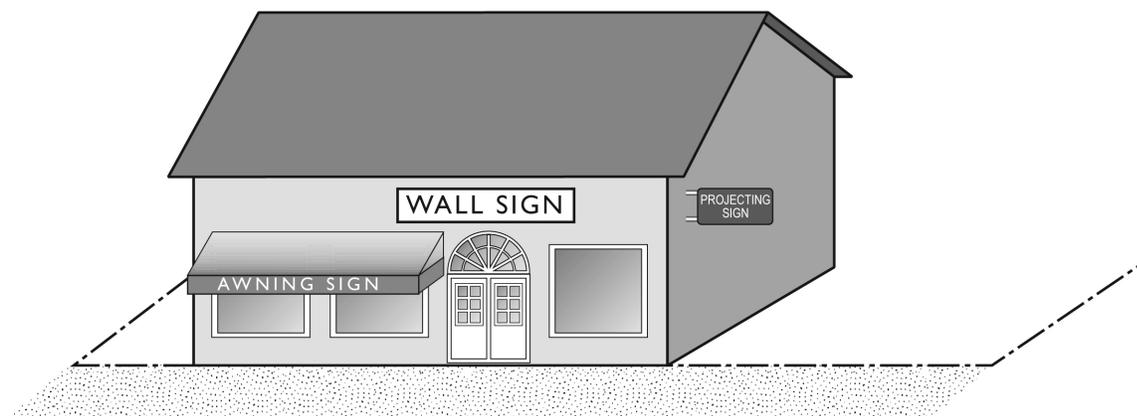
TABLE 17.22 – B: SIGN AREA AND SIGN STANDARDS FOR COMMERCIAL, MIXED-USE, AND INDUSTRIAL DISTRICTS									
Zoning Districts	Sign Area Allowed (sq. ft. per 1 linear ft. of building frontage)		Total Maximum Sign Area (sq. ft.)	Permitted Sign Types	Sign Type Factor	Maximum Number of Signs	Maximum Sign Area Per Sign (sq. ft.)	Additional Regulations	
	Primary	Secondary							
Frontage:									
CC-P, CVS, MX	0.5		100	Awning and Canopy	1	--	24	Section 17.22.070(A)(1)	
				Projecting	1	1 per frontage	16; 8 under a canopy or awning	Section 17.22.070(A)(3)	
				Wall	2	2 per frontage	24	Section 17.22.070(A)(4)	
				Marquee	1	1 per site	1.5 per linear ft. of building frontage	Section 17.22.070(A)(2)	
				Monument	3	1 per site	24	Section 17.22.070(B)(1)	
				Temporary Sidewalk	1	1 per site	12	Section 17.22.070(B)(3)	
CC-A, CF, IG, ICD	2	1	200	Awning and Canopy	1	n/a	60	Section 17.22.070(A)(1)	
				Wall	1	1 per building or tenant space	25	Section 17.22.070(A)(4)	

TABLE 17.22 – B: SIGN AREA AND SIGN STANDARDS FOR COMMERCIAL, MIXED-USE, AND INDUSTRIAL DISTRICTS										
Zoning Districts	Sign Area Allowed (sq. ft. per 1 linear ft. of building frontage)		Total Maximum Sign Area (sq. ft.)	Permitted Sign Types	Sign Type Factor	Maximum Number of Signs	Maximum Sign Area Per Sign (sq. ft.)	Additional Regulations		
	Primary	Secondary'								
CC-A, CF, EG, ICD (continued)				Window	2	2 per frontage		Section 17.22.070(A)		
				Monument	2	1 per frontage	60	Section 17.22.070(B)(1)		
				Pole	3	1 per site or shopping center	60	Section 17.22.070(B)(2)		
I. For buildings facing on more than one public right-of-way										

17.22.070 Specific Sign Types and Standards

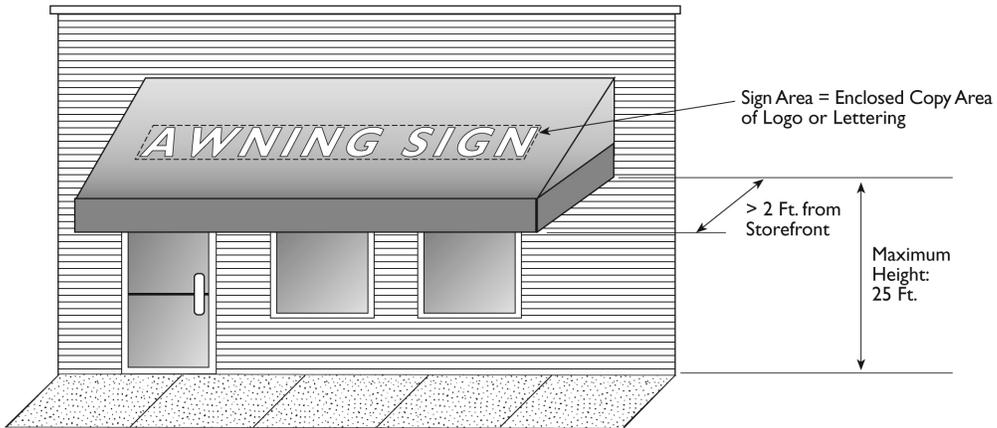
- A. **Building-Mounted Signs.** Building-mounted signs consist of wall signs, awning and canopy signs, projecting signs, and marquee signs. There is no limit on the maximum number of building mounted signs, provided that the total size of all such signs does not exceed the total maximum signage area permitted for all signs in the zoning district where the sign is located, established by Sections 17.22.050 and 17.22.060.

FIGURE 17.22-J: BUILDING-MOUNTED SIGN TYPES



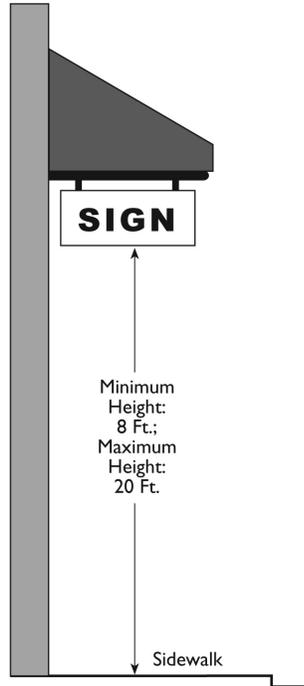
1. ***Awning and Canopy Signs.*** Signs painted on awnings, canopies, arcades, or similar attachments or structures. Sign area for awning and canopy signs is calculated as the area within a single continuous enclosure around only the copy area of the lettering or logo of the sign. Awning and canopy signs are also subject to the specific zoning district standards in 17.22.050 and 17.22.060.
 - a. ***Maximum Height.*** 25 feet above a sidewalk or public right-of-way.
2. ***Marquee Signs.*** A sign permanently affixed to a marquee is allowed in conjunction with theaters, museums, galleries, and similar uses. Removable copy may be changed on the face of permitted marquee signs without securing a sign permit. Marquee signs are subject to the specific zoning district standards in 17.22.050 and 17.22.060.
 - a. ***Maximum Height.*** Marquee signs may not project above the marquee face.

FIGURE 17.22-K: AWNING AND CANOPY SIGNS



3. ***Projecting Signs.*** Signs under canopies or covers in conjunction with pedestrian walkways, or signs projecting from the building wall. Projecting signs are subject to the specific zoning district standards in 17.22.080.
 - a. ***Minimum Height.*** 8 feet above a sidewalk or other public right-of-way.
 - b. ***Maximum Height.*** 20 ft. above a sidewalk or other public right-of-way, but not above an eave or roof.

FIGURE 17.22-L: PROJECTING SIGNS



Projecting Under Awning Sign

4. **Wall Surface Signs (“Wall” Signs).** Wall surface signs include any sign attached to, erected against or painted upon the wall of a building or structure, the face of which is in a single plane parallel to the plane of the wall. Wall signs also include signs on a false or mansard roof. Wall signs are subject to the standards in Table 17.22 – C. No wall surface sign may cover wholly or partially any required wall opening. Wall signs are also subject to the specific zoning district standards in 17.22.050 and 17.22.060.

TABLE 17.22 – C: WALL SURFACE SIGN STANDARDS	
Minimum Horizontal and Vertical Separation Between Signs	3 ft.
Maximum Projection from Surface of Building	12 in.
Minimum Vertical Separation Between Sign and Roof Line	1 ft. (8 inches on a fascia or mansard roof)
Maximum Height	20 ft. above a sidewalk or above public right-of-way.

- B. **Freestanding Signs.** Freestanding signs consist of signs not attached to a building or structure, including monument signs and pole signs. Freestanding signs shall not interfere with safety sight angles on corners and at driveways. No more than one freestanding sign is allowed on a site.
1. ***Monument Signs.*** Freestanding signs erected on the ground or on a monument base designed as an architectural unit. Monument signs are also subject to the specific zoning district standards in 17.22.050 and 17.22.060.
 - a. ***Maximum Height.*** six feet six inches. eight feet if setback a minimum of five feet from property line.
 - b. **Minimum Setbacks – CC-P, CVS, and MX Districts.** one foot from setback line.
 - c. ***Landscaping.*** Signs higher than six feet six inches 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.
 2. ***Pole Signs.***
 - a. ***Landscaping.*** Pole signs shall be placed within a landscaped planter with at least 28 square feet of planting area. As a condition of any sign permit for a pole sign, additional landscaping of the property may be required where needed to better integrate sign appearance with the site through scale and softening effects.
 - b. ***Design.*** Such signs and their supporting elements shall be designed so as to be harmonious with any building or structures on the site, including architectural style, colors and scale.
 - c. ***Maximum Height.*** 15 feet; 25 feet within 200 feet of Highway 1, subject to approval of a conditional use permit.
 - d. ***Other Requirements.*** Pole signs are subject to the specific zoning district standards in 17.22.050 and 17.22.060.
 3. ***Temporary Sidewalk Signs.*** Signs not permanently attached to the ground or any other permanent supporting structure, such as “A-frame” or sandwich type sign, and sidewalk or curb signs. Temporary sidewalk signs shall not impede safe pedestrian circulation. Temporary sidewalk signs are subject to the specific zoning district standards in 17.22.050 and 17.22.060.

FIGURE 17.22-M: FREESTANDING SIGN TYPES



C. Other Sign Types.

1. **Display Structures.** Display structures for pedestrian viewing, as defined in this Chapter, are permitted in any commercial district. Such display structures must comply with building setback requirements, and shall be illuminated only by indirect light or diffused light. The maximum sign area is 50 percent of the maximum building-mounted sign area allowance for the building and frontage with which they are associated.
2. **Special Private Event Displays and Grand Opening Signs.** Temporary signs and window signs may be erected on the premises of an establishment having a grand opening or special event provided that such signs shall be displayed for a period not to exceed thirty calendar days prior to such event. These signs shall be removed within seven days after the event, and such signs may be used for not more than two periods each calendar year for any property or business.
3. **Directional and Community Promotional Display Programs.** Directional and community promotion sign programs advertising, directing or informing pedestrian of business service or community events and services not related to or located on the site shall be permitted on private property in C districts, and on public land with the granting of an encroachment permit.
4. **Civic Event Signs.** Temporary signs announcing a campaign drive or event of a civic, public, quasi-public, philanthropic, educational or religious organization.
 - a. *Maximum Sign Area:* 32 square feet.

- b. *Maximum Time Period:* 30 days. Civic event signs shall be removed within 15 days after the event.

- 5. *Attraction Boards for Hotels, Motels and Bed and Breakfast Establishments.* An attached or detached attraction board, not to exceed five square feet in sign area, is allowed, provided it is included within the calculation of the maximum allowable sign area for a hotel, motel, or bed and breakfast establishment.

17.22.080 General Design Principles

The following principles are general criteria that should be considered in the design of all signs. Creative design is strongly encouraged, and signs should make a positive contribution to the aesthetic appearance of the street or commercial area where they are located. These principles will be used in reviewing and approving proposed signs and Master Sign Programs (see Section 17.22.100).

- A. **Visibility.** A sign shall be conspicuous and readily distinguished from its surroundings.
- B. **Legibility.** The size and proportion of the elements of the sign's message, including logos, letters, icons and other graphic images, shall be selected based on the average distance and average travel speed of the viewer. Sign messages oriented towards pedestrians may be smaller than those oriented towards automobile drivers. Colors chosen for the sign text and/or graphics shall have sufficient contrast with the sign background in order to be easily read during both day and night hours.
- C. **Readability.** A sign message should be easily recognized and designed in a clear, unambiguous and concise manner, so that a viewer can understand or make sense of what appears on the sign. Excessive use of large areas of several colors can create competition for the eye and significantly reduce readability.

FIGURE 17.22-N: VISIBILITY AND LEGIBILITY

This:



Not This:



This:

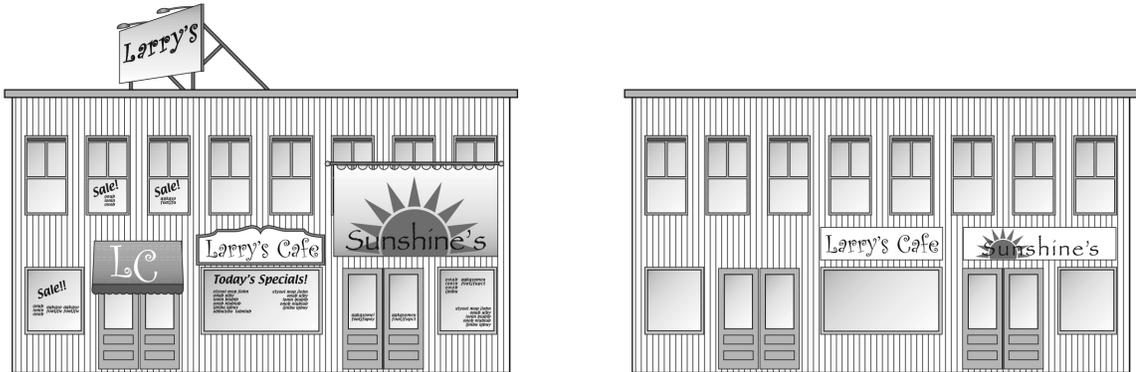


Not This:



- D. **Architectural Compatibility.** A sign (including its supporting structure, if any) shall be designed as an integral design element of a building's architecture, and shall be architecturally compatible, including color and scale, with any building to which the sign is to be attached and with surrounding structures. A sign which covers a window, or which spills over "natural" boundaries or architectural features and obliterates parts of upper floors of buildings is detrimental to visual order and may not be permitted.
- E. **Consistency with Area Character.** A sign should be consistent with distinct area or district characteristics and incorporate common design elements such as sign materials or themes. Where signs are located in close proximity to a residential area, they should be designed and located so that they have little or no impact on adjacent residential neighborhoods.

FIGURE 17.22-O: ARCHITECTURAL COMPATIBILITY



These signs block building's elements and create a chaotic image.

These signs complement the building's form and create a more orderly appearance.

17.22.090 Zoning Clearance or Sign Permit Required

- 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 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. **Application Requirements.** Applications for a sign permit shall be made in writing upon forms furnished by the Director, accompanied by the required fee and plans drawn to scale and with all of the following information. 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. Any other information deemed necessary by the Director.

C. **Required Findings.** In approving a sign permit, the Director must find that:

1. The size, shape, color, materials, design and location of the sign conforms to the design principles and standards of this Chapter.
2. Signs on all proposed buildings or new additions to existing buildings are designed as an integral part of the total building design.
3. 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.
4. Review of signs at city entryways as defined in the Scenic Highway Element of the General Plan 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/Local Coastal Plan.
 - b. Freestanding signs shall not exceed eight feet in height except within two hundred feet of Highway 1 or Highway 41. Where feasible, all freestanding signs within or along city entryways shall be placed within a landscaped planter.

17.22.100 Master Sign Program

- A. **Applicability.** Any site having four or more non-residential occupants shall submit a master sign program to be reviewed and approved by the decision-making authority for the use (e.g. the Director or the Planning Commission). Any site having three or fewer non-residential occupants may submit a master sign program to be reviewed and approved by the Director. Additionally, projects involving construction or renovation of more than 25,000 square feet of space in the commercial and mixed use districts shall submit a master sign program, which must be approved prior to issuance of any occupancy permit.
- B. **Application Requirements.** Applications for approval of a master sign program shall be submitted to the Director and shall include the following:
 1. **Master Sign Program.** A Master Sign Program, drawn to scale, delineating the site proposed to be included within the sign program and the general location of all signs.

2. **Drawings and Sketches.** Drawings and/or sketches indicating the exterior surface details of all buildings on the site on which wall signs, directory signs, ground signs or projecting signs are proposed.
 3. **Statement for Modifications.** A statement of the reasons for any requested modifications to the regulations or standards of this Chapter.
 4. **Sign Standards.** A written program specifying sign standards, including color, size, construction details, placement, and necessity for City review for distribution to future tenants.
- C. **Allowable Modifications.** A Master Sign Program may provide for additional sign area and other deviations from the standards of this Chapter, provided that the Master Sign Program is consistent with the provisions of Sections 17.22.040 and 17.22.080.
- D. **Required Findings.** In approving a Master Sign Program, the decision-making authority shall find that all of the following are met:
1. The proposed signs are compatible in style and character with any building to which the signs are to be attached, any surrounding structures, and any adjoining signage on the site;
 2. Future tenants will be provided adequate opportunities to construct, erect or maintain a sign for identification; and
 3. Directional signage and building addressing is adequate for pedestrian and vehicular circulation and emergency vehicle access.
- E. **Conditions of Approval.** The Planning Commission 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.
- F. **Administrative Approval of Signs Consistent with Master Sign Program.** Following approval of a Master Sign Program, the Director is authorized to issue building permits or other permits, as deemed necessary, to install signs that conform to an approved Master Sign Program. Minor modifications of individual sign area may be approved, provided the maximum allowed by an approved Master Sign Program is not exceeded.

17.22.110 Maintenance, Abandonment and Removal

- A. **Maintenance.** 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.

- B. **Abandonment.** The following signs shall be presumed to be abandoned:
1. ***Located on Vacant Property.*** Any sign that is located on property that becomes vacant and is unoccupied for a period of three months or longer.
 2. ***Unrelated to Property.*** Any sign that was erected for an occupant or business unrelated to the present occupant or business, except existing, nonconforming outdoor off-site freestanding signs.
 3. ***Time, Event or Purpose Sign.*** Any sign that pertains to a time, event or purpose that no longer exists.
 4. ***Temporarily Suspended Business.*** Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six months or more.
- C. **Removal.** Abandoned signs are found to be a public nuisance due to their misleading and distracting nature and due to their contributing to visual blight, detrimental to surrounding areas and the community generally. An abandoned sign is prohibited and shall be removed by the property owner.

17.22.120 Provisions for Nonconforming and Illegal Signs

- A. **Existing Non-conforming Signs.** Signs existing at the time of adoption of this Title, 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, shall be regarded as nonconforming signs, subject to the following:
1. ***Use Change.*** Whenever the type of business or use with which a nonconforming sign is associated changes, the nonconforming sign associated with business shall be removed or otherwise made to conform to the provisions of this Chapter.
 2. ***Limited Expansion.*** A nonconforming sign may not be expanded, extended, reconstructed, or altered in any way in its location or orientation to enable it to be read or viewed from a different direction than its original position, except in the following cases:

- a. Such sign may be removed for purposes of repair and routine maintenance, including painting, provided such sign is replaced within 60 days of its removal;
 - b. Changes in sign face, copy, graphic design or color are permitted.
 - c. Such sign may be removed for the purpose of remodeling a building provided replacement occurs within 30 days after remodeling is completed.
 - d. If change in ownership of the business occurs, without any change to the type of business advertised by a nonconforming sign, the new owner may change any name or names on such sign provided that there is no change in the sign size, configuration or orientation.
3. ***Other Requirements.*** Nonconforming signs are also subject to the provisions of Chapter 17.26: Nonconforming Uses and Structures.
- B. **Illegal Signs.** Whenever a sign 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, and such sign is not a nonconforming sign (e.g. it was a legal sign under the sign regulations in effect prior to adoption of the ordinance codified in this Chapter), the Director shall order that such sign be altered, repaired, reconstructed, demolished or removed, as may be appropriate, to abate such condition or the Director may initiate proceedings to abate the sign as a public nuisance under the provisions of the Business and Professional Code (Sections 5499.1 to 5499.16). Any work required to be done shall be completed within ten days of the date of such order, unless otherwise specified in writing.

17.22.130 Appeals

The provisions of Chapter 17.36: Appeals apply.

Chapter 17.23 Control of Outdoor Artificial Light

Sections:

- 17.23.010 Purpose
- 17.23.020 Applicability
- 17.23.030 Exemptions
- 17.23.040 Materials and Methods of Installation
- 17.23.050 Prohibitions

17.23.010 Purpose

These provisions are intended to minimize outdoor artificial light that may have a detrimental effect on the environment, astronomical research, amateur astronomy, and enjoyment of the night sky. These provisions are also intended to reduce the unnecessary illumination of adjacent properties and the use of energy.

17.23.020 Applicability

Outdoor light fixtures installed after the effective date of this ordinance and maintained upon private property within RM, C, MX and I Districts shall comply with the requirements of this Section.

17.23.030 Exemptions

The following exemptions shall apply:

- A. **Prior Installation.** All light fixtures installed prior to the effective date of this ordinance, unless 50 percent or more of the light fixtures on the premises are replaced.
- B. **Fossil Fuels.** All light fixtures producing light directly by the combustion of fossil fuels.
- C. **Low Lumens.** All light fixtures with initial total lamp source lumens of 4,050 or less.
- D. **Construction and Emergency Lighting.** All construction or emergency lighting, provided it is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency.

17.23.040 Materials and Methods of Installation

These provisions are not intended to prevent the use of any design, material, or method of installation, even if not specifically prescribed by this Section, provided such

alternate has been approved by the Director. The Director may approve any such alternate provided the proposed design, material, or method provides approximate equivalence to the specific requirements of this Section or is otherwise satisfactory and complies with the intent of these provisions.

17.23.050 Prohibitions

- A. **Recreational Facility.** No public or private outdoor recreational facility shall be illuminated after 11:00 p.m., except to conclude any recreational or sporting event or other activity conducted at a ballpark, outdoor amphitheater, arena, or similar facility in progress prior to 11:00 p.m.

- B. **Outdoor Building, Landscaping, and Signs.** The unshielded outdoor illumination of any building or landscaping is prohibited, except with incandescent fixtures with lamps of 100 watts or less. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure and shall be shielded according to Table 17.23 - A below. All illuminated outdoor advertising signs shall be equipped with an automatic time controller that prevents the operation of the lighting fixtures between 11:00 p.m. and sunrise.

TABLE 17.23 - A: REQUIREMENTS FOR SHIELDING AND FILTERING		
<i>Fixture Lamp Type</i>	<i>Shielded</i>	<i>Filtered</i>
Low Pressure Sodium ¹	None	None
High Pressure Sodium	Fully	None
Metal Halide	Fully	Yes ⁴
Fluorescent	Fully ⁵	Yes ²
Quartz ³	Fully	None
Incandescent Greater than 100W	Fully	None
Incandescent 100W or less	None	None
Mercury Vapor	Not Permitted	
Fossil Fuel	None	None
Glass Tubes filled with neon, argon, krypton	None	None
Other Sources	As approved by the Director	
<p>1. This is the preferred light source to minimize undesirable light into the night sky affecting astronomical observations.</p> <p>2. Warm white natural lamps are preferred to minimize detrimental effects.</p> <p>3. For the purposes of this article, quartz lamps shall not be considered an incandescent light source.</p> <p>4. Most glass, acrylic, or translucent enclosures satisfy these filter requirements.</p> <p>5. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding.</p> <p>6. Metal halide lamps shall be in enclosed luminaries.</p>		

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Chapter 17.24 Antennas and Wireless Telecommunications Facilities

Sections:

- 17.24.010 Purpose
- 17.24.020 Applicability; Exemptions
- 17.24.030 Submittal Requirements
- 17.24.040 Standards
- 17.24.050 Procedures
- 17.24.060 Cessation; Exercise of Permits, Transfer of Permits

17.24.010 Purpose

This Chapter provides a uniform and comprehensive set of standards and procedures to regulate the development, siting, installation, and operation of wireless telecommunications antennas and related facilities ("wireless telecommunications facilities") consistent with the goals, objectives, and policies of the General Plan and the applicable requirements of federal law. The regulations are intended to provide for the appropriate development of wireless telecommunications facilities within the City to meet the needs of residents, business-owners, and visitors while protecting public health and safety and preventing visual blight and degradation of the community's aesthetic character and scenic vistas. It is the City's intent to apply these regulations to accomplish the following:

- A. Provide incentives for well-designed and appropriately located antennas and wireless communications facilities.
- B. Encourage the leasing of publicly owned properties where feasible or desirable.
- C. Encourage the use of existing facilities and co-location of facilities by multiple service providers.
- D. Encourage the placement of antennas on existing structures.
- E. Provide a competitive and broad range of telecommunications services and high quality telecommunications infrastructure to meet the community's needs and serve as an important and effective part of Morro Bay's emergency response network.

17.24.020 Applicability; Exemptions

The requirements of this Chapter shall apply to all telecommunications 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. All of the following facilities are exempt from these requirements provided that the primary use of the property is not a telecommunications facility and that the antenna use is accessory to the primary use of the property:

- A. Licensed amateur (ham) radio and citizen band operations.
- B. Hand-held, mobile, marine, and portable radio transmitters and/or receivers.
- C. Emergency services radio.
- D. Radio and television mobile broadcast facilities.
- E. Antennas and equipment cabinets or rooms completely located inside of permitted structures.
- F. A single ground or building-mounted receive-only radio or television antenna not exceeding the maximum height permitted by this ordinance, including any mast, or a receive-only radio or television satellite dish antenna, subject to the following restrictions:

1. ***Residential Districts.***

- a. *Satellite Dish One Meter or Less.* 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 does not exceed the height of the ridgeline of the primary structure on the same parcel.
- b. *Satellite Dish Greater than One Meter.* A satellite dish that is greater than one meter in diameter, is not located within a required front yard or side yard abutting a street, and is screened from view from any public right-of-way and adjoining property.
- c. *Antennas.* An antenna that is mounted on any existing building or other structure that does not exceed 25 feet in height. The antenna must be for the sole use of a resident occupying the same residential parcel on which the antenna is located.

2. ***Commercial and Industrial Districts.***

- a. *Satellite Dish Two Meters or Less.* A satellite dish that does not exceed two meters in diameter is permitted anywhere on a lot in a commercial or industrial district so long as the location does not reduce required parking, diminish pedestrian or vehicular access,

or require removal of landscaping maintained as a condition of project approval.

- b. *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 side yard abutting a street and is screened from view from any public right-of-way and adjoining property.
 - c. *Mounted Antennas.* An antenna that is mounted on any existing building or other structure when the overall height of the antenna and its supporting tower, pole or mast does not exceed a height of 30 feet or 25 feet if located within 20 feet of a residentially zoned lot.
 - d. *Free-Standing Antennas.* A free standing antenna and its supporting tower, pole, or mast that complies with all applicable setback ordinances when the overall height of the antenna and its supporting structure does not exceed a height of 30 feet or 25 feet if located within 20 feet of a residentially zoned lot.
 - e. *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.
- G. 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.
- H. 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 Chapter and will have little or no change in the visual appearance of the facility following written notification to the Director.

17.24.030 Submittal Requirements

An applicant shall file a written application for a Minor Use Permit or Conditional Use Permit with the Director pursuant to the application procedures in Chapter 17.30: Common Procedures, accompanied by the required fee as established in the City's fee schedule. Applications shall be submitted pursuant to application requirement handouts maintained by the City and as amended from time to time.

17.24.040 Standards

In order to ensure compatibility with surrounding land uses and protect public safety and natural, cultural, and scenic resources, all wireless telecommunications facilities shall be located, developed, and operated in compliance with all of the following standards and with applicable standards of the zoning district that applies.

- A. **Location and Siting.** All facilities shall be designed and sited to minimize their visibility, prevent visual clutter, and reduce conflicts with surrounding land uses. As used in this Chapter, “readily visible” means that a person with normal vision can see the facility and distinguish it as an antenna or other component of a wireless telecommunications facility.
1. **View Corridor.** No facility shall be sited where it will be silhouetted against the sky as viewed from a designated Scenic Highway, public park, or other public recreation area or intrude into a significant or sensitive view corridor.
 2. **Public Locations.** No facility shall be sited where it will be readily visible from a public right-of-way, public park or cultural facility.
 3. **Residential Areas.** No facility shall be located in an R district where it is readily visible within 300 feet from a dwelling unit.
 4. **Primary Use.** No telecommunications antenna or ancillary facility shall be established as the primary use on any site, except within an IG or ICD district, unless the site has already been developed with a legally established wireless facility.
 5. **Mounted Facility.** Antennas, support structures, and equipment shelters may be installed on the roof or directly attached to any existing building or structure so long as they comply with the height requirements of this Chapter and they are architecturally integrated into the design of the building or structure and do not protrude more than two feet horizontally from the building or structure.
 6. **Relation to Other Facilities.** A wireless facility that is readily visible from an off-site location shall not be installed closer than one mile from another wireless telecommunications facility that is readily visible or un-camouflaged, unless it is a co-located facility on a multiple-user site or has been designed or camouflaged so that it blends into the surrounding natural or existing built environment.
- B. **Support Structures.** Support structures for wireless telecommunications facilities shall be any of the following:

1. A single pole (monopole) sunk into the ground and/or attached to a foundation. Any new monopole must be constructed to allow for co-location of at least one other similar wireless communications provider.
2. A monopole mounted on a trailer or a portable foundation if the use is for a temporary wireless communications facility.
3. An existing non-residential building.
4. An existing structure other than a building including but not limited to, light poles, electric utility poles, water towers, steeples, 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.
5. A new 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 is designed to conceal or camouflage the 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.

C. **Height.**

1. ***Freestanding Antenna or Monopole.*** A freestanding antenna or monopole shall not exceed the height limit of the district in which the antenna is located.
2. ***Building-Mounted Facilities.*** Building-mounted wireless telecommunications facilities shall not exceed a height of 15 feet above the height limit of the district or 15 feet above the existing height of a legally established building or structure, whichever is higher, measured from the top of the facility to the point of attachment to the building.
3. ***Facilities Mounted on Structures.*** Wireless telecommunications facilities mounted on an existing structure shall not exceed the height of the existing structure unless camouflaged as part of the structure design, except antennae may extend up to 15 feet above the height of an electric utility pole.

- D. **Setback.** When determining whether a wireless telecommunications facility complies with the following requirements, the setback shall be measured from the closest point on the base of the tower or structure to the applicable property line or structure.

1. ***Setback from Zoning District.*** All wireless facilities shall be set back a minimum distance of 100 feet from an R district, dwelling unit, school or daycare facility, public park, or outdoor recreation area.
 2. ***Setback from Property Line.*** Facilities that are not building-mounted shall be set back from any adjacent property line a minimum distance that is equal to 110 percent of the height of the facility (including attached antennae) or a minimum distance equal to the building setback for the district in which it is located, whichever is greater. Guy wire anchors shall be set back at least 20 feet from any property line.
- E. **Design and Screening.** Facility structures and equipment shall be located, designed and screened to blend with the existing natural or built surroundings, as well as any existing supporting structures, so as to reduce visual impacts to the extent feasible.
1. ***Preference for Facility Type.*** Based on their potential aesthetic impact, the order of preference for facility type is: 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.
 2. ***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 or other objectives of this Chapter.
 3. ***Camouflaged.*** Telecommunications 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.
 4. ***Landscaping.*** All telecommunications facilities subject to the requirements of this Chapter shall be installed in such a manner so as to maintain and enhance existing native vegetation and minimize disturbance of existing topography unless the Public Services Director determines that such changes will help to minimize the visual impact of the facility. Site plans shall include suitable mature landscaping to screen the facility, where necessary.
 5. ***Maintenance of Landscaping.*** No actions shall be taken subsequent to project completion with respect to the vegetation present that would increase the visibility of the facility itself or the access road and power/telecommunication lines serving it. The owner(s)/operator(s) of the facility shall be responsible for maintenance and replacement of all required landscaping.

6. **Lighting.** Wireless telecommunication facilities shall be not be lighted except when authorized personnel are present on-site at night or 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 when personnel are present at night.
7. **Advertising.** No advertising shall be placed on wireless telecommunications facilities, equipment cabinets, or associated structures.

F. Equipment Cabinets and Buildings.

1. **Location and Screening.** 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.
2. **Size.** An equipment cabinet shall not exceed eight feet in height and a building shall not exceed one story. An equipment cabinet or building may contain an area of up to 300 square feet for a single provider or 600 square feet for multiple wireless providers. An equipment cabinet or building for servicing a public safety communications tower may exceed the size limitations set forth herein.

G. 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.

1. **Fencing.** Security fencing, if any, shall not exceed six feet to 10 feet in height, consistent with fencing in the area. Fencing shall be no less than the above grade height of the equipment cabinet. Fencing shall be effectively screened from view through the use of landscaping. No chain link fences shall be visible from public view.
2. **Maintenance.** The permittee shall be responsible for maintaining the site and facilities free from graffiti.

H. Radio Frequency Standards; Noise.

1. **Radio Frequency.** Wireless telecommunications facilities shall comply with federal standards for radio frequency (RF) emissions and interference. Failure to meet federal standards may result in termination or modification of the permit.

2. **Noise.** Wireless facilities and any related equipment, including backup generators and air conditioning units, shall not generate continuous noise in excess of forty (40) decibels (dBa) measured at the property line of any adjacent residential property, and shall not generate continuous noise in excess of fifty (50) dBa during the hours of 7:00 a.m. to 10:00 p.m. and forty (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 8:30 a.m. and 4:30 p.m.
- I. **Co-location.** The applicant and owner of any site on which a wireless facility is located shall cooperate and exercise good faith in co-locating wireless 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.
1. 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.
 2. 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.
 3. 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 telecommunications facilities or failure of the existing facilities to meet federal standards for emissions.
 4. Failure to comply with co-location requirements when feasible or cooperate in good faith as provided for in this Chapter is grounds for denial of a permit request or revocation of an existing permit.

- J. **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.
1. At least one-hour fire resistant interior surfaces shall be used in the construction of all buildings;
 2. 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 Uniform Building Code.
 3. Monitored automatic fire extinguishing systems approved by the Fire Chief shall be installed in all equipment buildings and enclosures.
 4. Openings in all above-ground equipment shelters and cabinets shall be protected against penetration by fire and wind-blown embers to the extent feasible.
- K. **Surety Bond.** As a condition of approval, an applicant for a building permit to erect or install a wireless telecommunications facility shall be required to post a cash or surety bond in a form and amount acceptable to the City Manager to cover removal costs of the facility in the event that its use is abandoned or the approval is otherwise terminated.
- L. **Exceptions.** Exceptions to these standards may be allowed pursuant to Chapter 17.34: Variances and Chapter 17.35: Adjustments.

17.24.050 Procedures

A wireless telecommunications facility subject to the requirements of this Chapter shall not be established, expanded, or otherwise modified except in conformance with the following requirements.

- A. **Public Services Director Determination of Compliance.** The following wireless telecommunications facilities shall be permitted in any C, I, or PF district subject to the Director's determination of compliance with the applicable requirements of this Chapter:
1. A facility affixed to an existing building or structure.
 2. A new ground-mounted monopole in an Industrial zone that is not readily visible from off-site or, if visible from off-site, is located at least one mile from any existing or approved monopole.
 3. A new alternative tower structure.

4. Public safety communications towers sixty five (65) feet in height or less.
 5. Temporary wireless telecommunications facilities.
- B. **Minor Use Permit.** The Director may issue a Minor Use Permit to establish any of the following facilities subject to the requirements of this Chapter, and based on the applicable findings in Section 17.24.100 (D) below.
1. A facility co-located on an existing legally established monopole or support structure in any zoning district.
 2. A ground-mounted tower or monopole that complies with the height limit in any Commercial, Industrial, or Public Facilities district.
- C. **Conditional Use Permit.** All other wireless telecommunications facilities shall require the approval of a Conditional Use Permit by the Planning Commission following a public hearing.
- D. **Findings Required.** The Planning Commission, or the Director, in the case of a Minor Use Permit, may approve or approve with conditions any Use Permit required under this Chapter after making the findings required for approval of such permits in Division V: Administration and all of the following additional findings:
1. The applicant has made good faith and reasonable efforts to locate the proposed wireless facility on a support structure other than a new ground-mounted antenna, monopole, or lattice tower or to accomplish co-location; and
 2. The proposed site results in fewer or less severe environmental impacts than any feasible alternative site.

17.24.060 Cessation; Exercise of Permits; Transfer of Permits

- A. **Cessation; Exercise of Permits.** Permits for wireless telecommunications facilities shall be deemed exercised or expired pursuant to the provisions of Chapter 17.30: Common Procedures.
- B. **Transfer of Permit.** Any FCC-licensed telecommunications carrier that is buying, leasing, or considering a transfer of ownership of an already approved facility, shall provide written notification to the Director and request transfer of the existing Use Permit. The Director may require submission of any supporting materials or documentation necessary to determine that the proposed use is in compliance with the existing Use Permit and all of its conditions including, but not limited to, statements, photographs, plans, drawings, models, and analysis by a State-licensed radio frequency engineer demonstrating compliance with all

applicable regulations and standards of the Federal Communications Commission and the California Public Utilities Commission. If the Director determines that the proposed operation is not consistent with the existing Use Permit, he/she shall notify the applicant who may revise the application or apply for modification to the Use Permit pursuant to the requirements of Chapter 17.30: Common Procedures.

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Chapter 17.25 Temporary Uses

Sections:

17.25.010	Purpose
17.25.020	Garage Sales
17.25.030	Short Term Special Events and Sales
17.25.040	Longer Term Special Events and Sales
17.25.050	Subdivision Real Estate Sales Office
17.25.060	Seasonal Goods Sales
17.25.070	Other Temporary Events and Uses
17.25.080	Temporary Use Permits
17.25.090	Required Findings

17.25.010 Purpose

The purpose of this Chapter is to establish the standards and requirements for the regulation of temporary uses and to authorize the Director to approve certain temporary uses, subject to the limitations and standards of this Code. As with accessory uses, a temporary use is ancillary to the principal use permitted on a lot but is intended to operate for only a limited period of time.

17.25.020 Garage Sales

Garage sales, where goods or merchandise owned by one family, not originally purchased for resale are being offered for sale to the general public, may be permitted subject to the following standards:

- A. **Location.** Permitted in any R district.
- B. **Permit Required.** Garage sales may be permitted without a temporary use permit for a period not exceeding three consecutive days. All others require the approval of a temporary use permit.
- C. **Multiple Garage Sales.** No more than two garage sales at the same address shall be permitted in any twelve-month period.
- D. **Display Location.** All merchandise to be sold shall be displayed on a private lot and not within the public right-of-way.

17.25.030 Short Term Special Events and Sales

Short term special events, outdoor sales, displays, dining, storage or other uses not exceeding seven days are subject to the following standards:

- A. **Location.** Permitted in any non-residential district.
- B. **Restriction on Events.** No more than two events at one address shall be allowed within any 12-month period.
- C. **Permit Required.** No temporary use permit is required for short term events or sales (not exceeding seven consecutive days). All others require the approval of a temporary use permit.
- D. **Written Permission.** An applicant must first obtain written permission from the Director if sales, display, dining, or storage is to occur on any public property or public right-of-way.
- E. **Other Conditions.** The Director may impose additional conditions on the granting of permission for temporary sales, display, dining, or storage.

17.25.040 Long Term Special Events and Sales

Special events, outdoor sales, displays, dining, storage or other uses that exceed seven consecutive days but not more than 6 months, are subject to the following standards:

- A. **Location.** Permitted in any non-residential district.
- B. **Restriction on Events.** No more than two events at one address shall be allowed within any 12-month period.
- C. **Permit Required.** All long term special events and sales (exceeding seven consecutive days) require a temporary use permit.
- D. **Size Limits.** Temporary outdoor sales, display, dining, and storage may be permitted with a temporary use permit up to 6 months with a maximum area of 300 sq. ft. when in conjunction with and related to an existing business.
- E. **Signs.** Outdoor uses may include the addition of one nonpermanent sign up to a maximum size of four sq. ft. in area, subject to Chapter 17.22: Signs.

17.25.050 Subdivision Real Estate Sales Office

Temporary subdivision real estate sales offices are subject to the following standards:

- A. **Location.** Permitted in a residential development for the first sale of property in that development. The office may be located within a residence or a common or temporary building.
- B. **Permit Required.** Subdivision Real Estate Sales Offices established for a period of six months are permitted without the approval of a temporary use permit. Longer periods require the approval of a temporary use permit.
- C. **Removal of Building.** If a temporary building is used, it shall be removed upon termination of the use.

17.25.060 Seasonal Goods Sales

The temporary sale of cut or growing Christmas trees or pumpkins are subject to the following standards:

- A. **Location.** Permitted in any non-residential district.
- B. **Permit Required.** All seasonal goods sales require a temporary use permit.
- C. **Time Period.**
 - 1. **Pumpkins.** October 10th through November 15th.
 - 2. **Christmas Trees.** Thanksgiving Day through December 31st.
- D. **Goods, Signs and Temporary Structures.** All trees, pumpkins, signs and temporary structures shall be kept within the limits of the property and shall be removed within ten days after the expiration of the temporary use permit or as specified in the temporary use permit.

17.25.070 Other Temporary Events and Uses

Other temporary events or uses may be allowed with the approval of a temporary use permit by the Director so long as they are not intended to extend longer than six months and they are determined not to impact neighboring uses, environmentally sensitive habitat areas, or otherwise create significant impacts.

17.25.080 Temporary Use Permits

- A. **Review Procedure.** Applications for a temporary use permit shall be submitted to the Director, no later than 15 days before the use is intended to begin. All applications shall include the written consent of the owner of the property on

which the use is to be located, plans showing the details of the proposed use and duration of time, and a fee according to the City's fee schedule.

- B. **Approval.** All applications for a temporary use permit must be approved in writing by the Public Services Director before such use commences. The Public Services Director may approve, conditionally approve or disapprove an application for a temporary use permit upon making the findings in Section 17.25.090 below.

17.25.090 Required Findings

The Public Services Director may approve an application for a temporary use of land for a period of time as specified in this Chapter only upon making all of the following findings:

- A. The proposed use will not adversely affect adjacent structures and uses or the surrounding neighborhood.
- B. The proposed use will not adversely affect the circulation and flow of vehicular and pedestrian traffic in the immediate area.
- C. The proposed use will not create a demand for additional parking which cannot be met safely and efficiently in existing parking areas.
- D. The proposed use will not otherwise constitute a nuisance or be detrimental to the public welfare of the community.

Chapter 17.26 Nonconforming Uses, Structures, and Lots

Sections:

- 17.26.010 Purpose**
- 17.26.020 Applicability**
- 17.26.030 Establishment of Nonconforming Uses and Structures**
- 17.26.040 Continuation and Maintenance**
- 17.26.050 Alterations and Enlargements of Nonconforming Structures**
- 17.26.060 Changes or Substitutions of Nonconforming Uses**
- 17.26.070 Restoration of Damaged Structures**
- 17.26.080 Abandonment of Nonconforming Use**
- 17.26.090 Reestablishment of Abandoned 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 code in a manner that does not impair public health, safety, and general welfare. To that end, the 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 objectives and policies of the General Plan and the purposes of the district in which the use or structure is located.

17.26.020 Applicability

This Chapter shall apply to structures, land and uses which have become nonconforming by operation of this Title and which remain in a nonconforming status by application of this Chapter, as well as structures, land and uses which hereafter become nonconforming due to redistricting of any lands or other subsequent regulations under provisions of this Title.

17.26.030 Establishment of Nonconforming Uses, Structures and Lots

- A. Legally Established Nonconforming Uses and Structures.** Any use, building, or structure that was lawfully established prior to the effective date of the applicable provisions of this ordinance, but which does not now conform to the ordinance's applicable provisions, is a lawful nonconforming use, building, or structure if it has remained in continuous existence since its establishment.
- B. Nonconforming Lots.** A lot having less area than the minimum lot size required by this ordinance shall be considered nonconforming, pursuant to Title 16: Subdivisions.

- C. **Conditional Uses.** Any use, building, or structure existing on the effective date of this ordinance that is nonconforming solely by reason of the absence of a use permit shall remain a nonconforming use until a use permit is obtained in accordance with Chapter 17.32: Minor Use Permits/Conditional Use Permits.

17.26.040 Continuation and Maintenance

- A. **Continuation of Lawful Nonconforming Uses and Structures.** Any lawful nonconforming use or structure may be continued except as otherwise provided in this Chapter. A lawful nonconforming structure may be maintained and repaired as long as such maintenance or repair does not result in a change of its use unless such change has been authorized pursuant to Section 17.26.050. A structure that is nonconforming with respect to this Title but was legally constructed meeting the requirements in force at the time of its construction may be continued without alteration unless deemed to be a public nuisance because of health or safety conditions.
- B. **Repairs To Unsafe Buildings And Incidental Repair.** Nothing in this Section shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Building Inspector or Fire Chief provided that any expansions shall comply with the applicable requirements contained in Section 17.26.050. Furthermore, this Section shall not be construed to prevent incidental repair and/or maintenance of nonconforming structures; the cost of such repair and/or maintenance during a one-year period shall not exceed five percent of the currently assessed value of structures during a one-year period.
- C. **Nonstructural Repairs and Interior Alterations.** Non-structural repairs and non-structural interior alterations to a nonconforming structure or to a structure occupied by a nonconforming use, that do not enlarge the structure and that do not alter the exterior are permitted.

17.26.050 Alterations and Enlargements of Nonconforming Structures

- A. **Review Required.** Nonconforming structures occupied by conforming uses may be enlarged, extended, or structurally altered or repaired, pursuant to the following requirements:
 - 1. ***Additions Of Less Than 25 Percent Of Existing Floor Area.*** Enlargement, extension, alteration or repair of nonconforming structures that do not increase the gross floor area or habitable floor area of a structure by more than 25 percent are permitted as of right, so long as it complies with all provisions of this Title.

2. ***Additions of 25 to 75 percent of Existing Floor Area.*** Enlargement, extension, alteration or repair of nonconforming structures that result in an increase of 25 to 75 percent of the floor area of the existing structure may be permitted subject to the approval of a Minor Use Permit, along with findings below.
 3. ***Additions of More Than 75 percent of Existing Floor Area.*** Enlargement, extension, alteration or repair of nonconforming structures that would result in an increase of more than 75 percent of the floor area of the existing structure may be permitted subject to approval of a Conditional Use Permit. In addition to the findings required by Chapter 17.32: Minor Use Permit/Conditional Use Permits, the Planning Commission must make all of the following additional findings before approving the Conditional Use Permit:
 - a. The enlargement, expansion, or alteration is in conformance with this Title.
 - b. It satisfies all other provisions of this Section, as applicable.
 - c. It meets applicable Title 14 requirements for a conforming use.
 - d. It is suitable for conforming uses and will not impair the character of the zone in which it exists.
 - e. The Planning Commission finds that it is not feasible to make the structure conforming without major reconstruction of the existing structure.
- B. **Exceptions and Other Requirements.** The following shall apply to enlargements and alterations:
1. ***Height.*** A structure that is nonconforming because it exceeds the height limit may be expanded only upon obtaining Conditional Use Permit in accordance with Chapter 17.32: Minor Use/Permits Conditional Use Permits.
 2. ***Lot Coverage.*** A structure that is nonconforming because it exceeds the maximum allowable lot coverage may be expanded only if the expansion does not increase existing lot coverage.
 3. ***Minimum Lot Size and Building Site Size.*** Any structure that is nonconforming only because it is located on a lot that does not meet minimum lot size or building size standards may be expanded provided that such expansion complies with this Title. Any structure that is nonconforming because it is located on a lot that does not meet minimum lot size or building size standards and is also nonconforming with respect to any other provision of this Title may be expanded as provided in subsection (A) above.

17.26.060 Changes or Substitutions of Nonconforming Uses

- A. **Replacement With a Similar or Less Restricted Use.** A nonconforming use may be replaced with another similar or less intensive nonconforming use subject to first obtaining a Minor Use Permit, provided that the new use is more conforming to the underlying zone than the previous nonconforming use. If the nonconforming use is replaced by a more intensive, the replacement shall require Planning Commission approval of a Conditional Use Permit.
- B. **Expansion of Nonconforming Uses.** A nonconforming use may be expanded one time only subject to the following requirements:
 - 1. **Within a Structure That Conforms To This Title.** A nonconforming use in a structure that conforms to this Title and to the requirements of Title 14 may expand the area it occupies not more than ten percent, subject to obtaining a Commission Use Permit in accordance with Chapter 17.32: Minor Use Permits/Conditional Use Permits and except as provided herein.
 - 2. **Within a Structure That Does Not Conform To This Title.** A nonconforming use in a structure that does not conform to the requirements of this Title may expand its occupancy and building floor area by not more than ten percent subject to obtaining a Conditional Use Permit in accordance with Chapter 17.32: Minor Use Permit/Conditional Use Permits; provided, however, that any structural expansion meets the requirements of Section 17.26.050 above and except as provided herein.
- C. **Service Commercial and Industrial Uses In Residential Zones.** Other provisions of this Chapter notwithstanding, no uses permitted only in the CC-A and/or I zoning districts and located in any R district may be expanded.
- D. **Multifamily Uses in RS Zones.** Other provisions of this Chapter notwithstanding, nonconforming multifamily uses of four or more units located in any RS zone may not be expanded.
- E. **Single Family Residences in Nonresidential Zones.** Other provisions of this Chapter notwithstanding, no detached single family residence in a nonresidential zoning district may be expanded unless such residence is a conditionally permitted use in the zoning district which it is located, has obtained a Conditional Use Permit and meets the relevant provisions of the zoning district for such uses.
- F. **Office or Commercial in RS Zones.** Other provisions of this Chapter notwithstanding, no office or commercial use located in any RS zone may be expanded.

17.26.070 Restoration of Damaged Structures

- A. **Restoration.** If a lawful nonconforming structure is damaged or destroyed to the extent of 50 percent or more of its appraised value, the land may only be used and building restored in compliance with the regulations existing in the district where it is located, except as provided below. The determination of the appraised value shall be the higher of:
1. The records of the Assessor of the County of San Luis Obispo for the fiscal year during which such destruction occurred; or
 2. An appraisal performed by a qualified appraiser.
- B. **Exceptions.** Nonconforming residential uses of three or fewer units or less may be replaced if destroyed, provided however that the floor area of the use is not increased and the new structures conform to all current Code requirements.

17.26.080 Abandonment of Nonconforming Use

A nonconforming use shall be declared abandoned if the use has not been occurring for a continuous period of 12 months and has not been re-established, re-opened or replaced by any other nonconforming use subject to the requirements of Section 17.26.090 below.

17.26.090 Reestablishment of Abandoned Nonconforming Use

Notwithstanding the provisions of this Section regarding continuation of uses, a nonconforming use, structure, and/or site which has been abandoned may be reestablished upon issuance of a use permit by the Planning Commission. The Commission may approve the use permit if all of the following findings are made:

- A. The use was a legally established use that was made nonconforming by a rezoning action adopted by the City Council.
- B. No compliance actions are pending for violations of Building or Fire Codes on the property.
- C. The use is of a similar or less intensity as the previous use as determined by the Commission.
- D. Re-establishment of a nonconforming use will not detrimentally impact adjacent properties.

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Chapter 17.27 Reserved

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Chapter 17.28 Reserved

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Division IV – Administration

Chapters:

- 17.29 **Planning Agency**
- 17.30 **Common Procedures**
- 17.31 **Zoning Conformance Review**
- 17.32 **Minor Use Permits /Conditional Use Permits**
- 17.33 **Coastal Development Permits**
- 17.34 **Variances**
- 17.35 **Adjustments**
- 17.36 **Appeals**
- 17.37 **Amendments**
- 17.38 **Development Agreements**
- 17.39 **Enforcement**

Chapter 17.29 Planning Agency

Sections:

- 17.29.010 Purpose
- 17.29.020 City Council
- 17.29.030 Planning Commission
- 17.29.040 Public Services Director
- 17.29.050 Code Enforcement Officer and/or Chief of Police

17.29.010 Purpose

The purpose of this Chapter is to identify the bodies, officials, and administrators with designated responsibilities under various divisions and chapters of the Morro Bay Zoning Ordinance. These responsibilities are in addition to any responsibilities set forth in Title 2: Administration and Personnel, of the City's Municipal Code. Subsequent chapters of Division V provide detailed information regarding various procedures, applications, and permits, including zoning and General Plan text and map amendments, fees, and enforcement. When carrying out their assigned duties and responsibilities, all bodies, administrators, and officials shall interpret and apply the provisions of this Title 17 as minimum requirements to implement the policies and achieve the objectives of the General Plan/Local Coastal Plan.

17.29.020 City Council

The City Council has the following powers and duties under this Title:

- A. To consider and adopt, reject and modify amendments to the General Plan, following a public hearing and recommended action by the Planning Commission.
- B. To consider and adopt amendments to the text of this Title pursuant to the provisions of Chapter 17.37: Amendments and the State Planning and Zoning Law.
- C. To hear and decide appeals from decisions of the Planning Commission pursuant to the provisions of Chapter 17.36: Appeals and other applicable requirements.
- D. To hear and decide appeals on environmental determinations by the Director and the Planning Commission, as provided for in the California Environmental Quality Act (CEQA) and the City's environmental review guidelines.

- E. To establish, by resolution, a schedule of fees and deposits for the various applications and services provided pursuant to this Title.

17.29.030 Planning Commission

The Planning Commission is established and organized pursuant to Title 2 of the Morro Bay Municipal Code and the requirements of the State Planning and Zoning Law. In addition to the powers and duties listed in Title 2, it has the following powers and duties under this Title:

- A. To initiate, review, and recommend to the City Council amendments to the General Plan.
- B. To review and make recommendations to the City Council on proposals to amend the official Zoning Map, and/or site-specific parcel maps, or the provisions of this Title and initiate changes to the Zoning Map or text when necessary to ensure conformance and consistency with the City's General Plan.
- C. To approve, conditionally approve, modify or deny conditional use permits, coastal development permits, and variances pursuant to the provisions of Chapter 17.32: Minor Use Permits/Conditional Use Permits, Chapter 17.33: Coastal Development Permits, and Chapter 17.34: Variances.
- D. To initiate proceedings to revoke use permits pursuant to the provisions of Chapter 17.39: Enforcement.
- E. To hear and decide appeals on decisions, determinations, or interpretations made by the Director in the enforcement of this Title and any other decisions that are subject to appeal pursuant to the procedures in Chapter 17.36: Appeals.
- F. To make environmental determinations on any approvals it grants that are subject to environmental review under the California Environmental Quality Act and the City of Morro Bay's adopted environmental review guidelines.
- G. To determine which incentives the City should grant to developers proposing projects that are eligible for such incentives under this Title and the provisions of State law applicable to affordable housing.

17.29.040 Public Services Director

The Public Services Director is a City staff member designated by the City Manager to oversee administration of the City Public Services Department. The Public Services Director has the following powers and duties pursuant to this Title, and may delegate or

assign any of the following powers and duties to a City staff member, as he or she sees fit:

- A. To review applications to determine if they are complete and shall be accepted for processing under the requirements of this Title.
- B. To review, approve, conditionally approve, or deny applications for time extensions, Minor Use Permits, Administrative and Emergency Coastal Development Permits, and Temporary Use Permits.
- C. To approve modifications to Minor Use Permits, Coastal Development Permits, Temporary Use Permits, and other types of approvals as provided for in Chapter 17.30: Common Procedures.
- D. To review, approve, conditionally approve, or deny applications for temporary signs and sign permits that do not require action by the Planning Commission.
- E. To process, review, and make professional recommendations to the Planning Commission, City Council, or other appointed officials and City management on all permits, appeals and other matters upon which these bodies and officials have the authority and the duty to act under the provisions of this Title, including applications for:
 1. Development Agreements;
 2. Amendments to the General Plan text or map;
 3. Amendments to Zoning Ordinance text or map; and
 4. Conditional Use Permits and Regular Coastal Development Permits.
- F. Subject to appeal as specified in this Title and State law, to administer environmental review requirements pursuant to the California Environmental Quality Act and the City's adopted environmental review guidelines, including:
 1. Determining whether applications are exempt from environmental review;
 2. Proposing project revisions to mitigate environmental impacts;
 3. Determining whether applications shall require the preparation of an environmental impact report; and
 4. Approving Negative Declarations and Mitigated Negative Declarations for actions that do not require Planning Commission review pursuant to this Title.

- G. To grant adjustments from the provisions of this Title as provided for in Chapter 17.35: Adjustments.
- H. To make determinations of zoning conformance pursuant to Chapter 17.31: Zoning Conformance Review.
- I. To delegate and supervise the work of City staff.

17.29.050 Code Enforcement Officer and/or Chief of Police

The Code Enforcement Officer and the Chief of Police have the following duties under this Title:

- A. To enforce the provisions of the Zoning Ordinance, including conducting inspections and issuing warrants and citations as provided for by State law and the Morro Bay Municipal Code.
- B. To investigate and make reports to the Planning Commission on violations of permit terms and conditions when the City has initiated revocation procedures.

Chapter 17.30 Common Procedures

Sections:

17.30.010	Purpose
17.30.020	Application Forms and Fees
17.30.030	Review of Applications
17.30.040	Environmental Review
17.30.050	Public Notification
17.30.060	Conduct of Public Hearings
17.30.070	Notice of Action and Findings Required
17.30.080	Scope of Approvals
17.30.090	Effective Dates
17.30.100	Expiration and Extension
17.30.110	Revocation of Permits

17.30.010 Purpose

This Chapter establishes procedures that are common to the application and processing of all permits and approvals provided for in the Zoning Ordinance, unless superseded by the specific requirement of State law. Whenever possible, multiple permit applications required under this Title shall be reviewed and processed concurrently.

17.30.020 Application Forms and Fees

- A. **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.
- B. **Availability of Materials.** All material submitted as part of an application becomes the property of the City, may be distributed to the public, and shall be made available for public inspection. This includes all materials submitted as part of a formal application. 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 Department offices. Unless barred by law, copies of such materials shall be made available at a reasonable cost to be established annually through City Council resolution.
- C. **Schedule of Fees.** The Council shall establish fees for permits, informational materials, copying, and other such items by resolution. No application shall be processed without payment of a fee, unless a fee waiver or deferral has been approved subject to any applicable provision of the Municipal Code.

- D. **Refund of Fees.** If an application is withdrawn prior to a decision, the applicant may be eligible for a refund of a portion of the fee. No refund shall be made for any application that has been denied.

17.30.030 Review of Applications

The Director shall determine whether an application is complete within 30 days of the date the application is filed with the required fee.

- A. **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.
- B. **Complete Application.** When an application is determined to be complete, the Director shall make a record of that date.
- C. **Extensions.** The Director may, upon written request and for good cause, grant extensions of any time limit for review of applications imposed by this ordinance in compliance with applicable provisions of State law.

17.30.040 Environmental Review

A project that is not statutorily or categorically exempt from CEQA and is the subject of an application for a discretionary approval, including but not limited to a General Plan amendment, Zoning Map amendment, use permit, variance, Specific Plan, or PD Plan shall be subject to environmental review and shall be the subject of a Negative Declaration or an Environmental Impact Report (EIR).

- A. **Determination of Lead Agency.** The Public Services Director shall designate as the lead agency, as the term is defined by CEQA guidelines, the individual or body having the broadest discretionary approval responsibilities. The Public Services Director's decision shall be subject to appeal by the applicant to the Planning Commission.
- B. **Duties of Responsible Agencies.** Individuals and bodies other than the lead agency shall have the powers and responsibilities assigned to responsible agencies by CEQA and CEQA Guidelines.

17.30.050 Public Notification

Notification shall be provided in compliance with the requirements of State law and the Coastal Act, as follows, whenever public notice is required by the provisions of this Title:

- A. **Mailed Notice.** At least ten calendar days before the date of the public hearing, or 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 to all of the following:
1. The applicant.
 2. All property owners and residents within a 300-foot radius of the proposed project.
 3. Any person or group who has specifically requested notice regarding the application.
 4. The California Coastal Commission (for Coastal Development Permits).
- B. **Posted Notice.** In addition to providing mailed notice pursuant to subsection (A) above, the City shall provide notice within ten calendar days before the date of the public hearing, or the date of action when no public hearing is required, by posting notice at three public places within the City including City Hall, the Morro Bay Public Library and the Morro Bay Public Services office.
1. ***Additional Posted Notice for Coastal Development Permits.*** In addition, within ten calendar days before the date of the public hearing, or the date of action when no public hearing is required, the applicant shall post, at a conspicuous place on the project site, notice that an application for a Coastal Development Permit has been submitted to the City. The City shall furnish the applicant with a standardized form to be used for such posting.
- C. **Published Notice.** If a Coastal Development Permit is to be heard by the Planning Commission, notice shall also be published in a newspaper of general circulation; provided however, that if there is no newspaper available, the requirements for posted notice in subsection (B) above shall be sufficient.
- D. **Alternate Method for Large Mailings.** If the number of owners and residents 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 at least ten calendar days prior to the public hearing.
- E. **Contents of Notice.** The notice shall include all of the following information:
1. If applicable, a statement that the project is within the coastal zone.
 2. The date of the application filing, the name of the applicant and owner of the property, and the number assigned to the application.

3. A general description of the proposed project or action, the property, and the location of the project included in the application.
 4. The date, time, location, and purpose of the public hearing or, if no public hearing is required, the date the application will be acted upon by the City.
 5. The location and times at which the complete application and project file may be viewed by the public.
 6. A brief description of the City's general procedure for submission of public comments either in writing or orally prior to the City's decision or the conduct of public hearing prior to action on the project.
 7. A statement that any interested person or authorized agent may submit comments by mail or appear and be heard at the public hearing.
 8. The procedures for filing local and, if applicable, Coastal Commission appeals.
- F. **Failure to Notify Individual Properties.** The validity of the proceedings shall not be affected by the failure of any property owner, resident or community organization to receive such mailed notice.

17.30.060 Conduct of Public Hearings

A public hearing held pursuant to this Title shall comply with the procedures found in the Planning Commission Rules and Procedures Handbook.

17.30.070 Notice of Action and Findings Required

When making a decision to approve, approve with conditions, modify, revoke or deny any discretionary permit under this Title, the responsible body shall issue a notice of action and make findings of fact as required by this Title.

- A. **Date of Action.** The responsible body shall decide to approve, modify, revoke, or deny any discretionary permit following the close of the public hearing, or if no public hearing is required, within the time period required under this Title.
- B. **Notice of Action.** After the Director or Planning Commission takes any action to approve, modify, 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 of approval, the procedures for local, or, if applicable, Coastal Commission appeal of the decision, and list the findings that were the basis for the decision. The Director

shall mail the Notice, within seven calendar days from the date of taking the action, to all of the following:

1. The applicant at the mailing address stated in the application.
 2. Any other person or entity who has filed a written request of such notification with the Planning Department.
 3. The Coastal Commission (for Coastal Development Permits).
- C. **Findings.** Findings included in the record 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. The findings shall be set forth in the Notice of Action that the City issues following an appealable decision by the Director, Planning Commission, City Council, or Coastal Commission, if applicable, and in the record the Planning Commission or City Council adopts following action on an appeal. Specific findings required for each permit type is included under each applicable chapter of this Title.

17.30.080 Scope of Approvals

- A. **Scope.** An approval permits only those uses and activities actually proposed in the application.
- B. **Periodic Review.** All approvals may be subject to periodic review to determine compliance with the permit and applicable conditions. If a condition of approval specifies that activities or uses allowed under the Use Permit or Coastal Development 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.

17.30.090 Effective Dates

A final decision on an application for a variance, coastal development permit, use permit or other permit subject to appeal becomes effective after the expiration of the 10 day appeal period following the date of action, unless an appeal has been filed pursuant to Chapter 17.36: Appeals. No building permit or business license shall be issued until after the expiration of this appeal period.

17.30.100 Expiration and Extension

- A. **Expiration.** Any permit granted under this Title shall automatically lapse and be of no further force and effect if it is not exercised or extended within two years

of its issuance. Permits are deemed exercised when a valid City building permit, has been applied for and accepted as complete.

- B. **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 and required fee at any time prior to the expiration of the permit. All other extensions shall require approval by the Planning Commission.

17.30.110 Revocation of Permits

Any permit granted under this Title may be revoked if any of the conditions or terms of such permit are violated or if any law is violated in connection therewith. Notwithstanding this provision, no lawful residential use can lapse regardless of the length of time of the vacancy.

- A. **Initiation of Proceedings.** The Director may initiate revocation proceedings for any variance or permit which has been granted pursuant to the provisions of this Title. Public hearings shall be held and notice given in accordance with Section 17.30.050.
- B. **Decision of the Director.** The Director may revoke a variance or permit if upon making any of the following findings:
 - 1. The permit has lapsed as provided for in Section 17.30.100;
 - 2. The permit holder has failed to comply with one or more of the conditions set forth in the permit; or
 - 3. The use, building, or structure has been substantially changed in character or substantially expanded beyond what is set forth in the permit.
- C. **Notice of Action.** Within 15 calendar days of the decisions, the Director shall issue a Notice of Action describing the action to revoke or modify a permit and the findings made. The Director shall mail notice to the permit holder and to any person who requested the revocation proceeding and shall file a copy of the Notice with the Planning Commission.
- D. **Appeal.** Only the applicant may appeal a decision on a revocation of a permit pursuant to the provisions of Chapter 17.36: Appeals.

Chapter 17.31 Zoning Conformance Review

Sections:

- 17.31.010 Purpose
- 17.31.020 Applicability
- 17.31.030 Procedures for Zoning Conformance Review
- 17.31.040 Request for Other Director's Determinations
- 17.31.050 Appeals

17.31.010 Purpose

This Chapter establishes procedures for conducting zoning conformance review to ensure that each new or expanded use or structure complies with the applicable requirements of this Title. Having made such determination, the City keeps a record of the zoning conformance approval that will serve as a record of the initial establishment of a use, or the construction of a structure, which is allowed as a matter of right.

17.31.020 Applicability

Zoning conformance approval is required for buildings and structures erected, constructed, altered, repaired or moved; the use of vacant land; changes in the character of the use of land or building; and substantial expansions in the use of land or building that are allowed as a matter of right by this Title.

17.31.030 Procedures for Zoning Conformance

Prior to obtaining any business license, building permit, subdivision approval, or lot line adjustment, the applicant may request that the Director determine whether the use, building, or change in lot configuration complies with all provisions of this Title or any use permit, variance, or design review approval issued pursuant to the Title's requirements and whether all conditions of such permits and approvals have been satisfied. The following requirements apply to such determinations:

- A. **Application and Fees.** Applications and fees for Zoning Conformance Review shall be submitted in accord with the provisions set forth in Section 17.30.020. The Director may request that the application be accompanied by plans and related materials necessary to show that the proposed development, alteration, or use of the property complies with all provisions of this Title and the requirements and conditions of any applicable use permit or variance approval.
- B. **Director Determination.** The Director shall determine whether the Zoning Ordinance allows the proposed uses or structures by right. No zoning conformance approval is required for continuation of previously approved or

permitted uses and structures or other uses or buildings already subject to use permits, variances, or other discretionary approvals in the district in which they are located.

17.31.040 Request for Other Director's Determinations

Requests for interpretations of this Title, verifications of zoning regulations, or verifications related to previous permits shall be made in writing to the Director. Requests shall be accompanied by payment of fees established in the City's adopted fee schedule. The Director shall provide a Director determination in writing within 30 days of a complete submittal.

17.31.050 Appeals

The Director's determination of zoning conformance, and any other determinations, may be appealed to the Planning Commission by the applicant only. The appeal must demonstrate that there is either an error or abuse of discretion by the Director, or that the Director's decision is not supported by the evidence in the record. In its review of the appeal, the Planning Commission shall consider the purpose and intent, as well as the letter of, the pertinent provisions, and shall affirm, modify, or reverse the Director's determination. The appeal shall be considered pursuant to the provisions of Chapter 17.36: Appeals.

Chapter 17.32 Minor Use Permits/Conditional Use Permits

Sections:

- 17.32.010 Purpose
- 17.32.020 Types of Use Permits
- 17.32.030 Procedures
- 17.32.040 Required Findings
- 17.32.050 Conditions of Approval
- 17.32.060 Appeals; Expiration and Extensions; Modifications

17.32.010 Purpose

This Chapter describes the process and general requirements applicable to those uses for which Division II of this Ordinance (Base District Regulations) requires a use permit. These uses 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 areas. The process for review of use permit applications is designed to evaluate possible adverse impacts and to minimize them where possible through the imposition of specific conditions or requirements. Approval of a use permit requires careful review of the location, design, configuration, and special impacts of a proposed use to determine, against standards and criteria, the desirability of permitting its establishment on a particular site and whether conditions of approval should be imposed to minimize or eliminate potential adverse impacts.

17.32.020 Types of Use Permits

This Chapter specifies the requirements for two use permit classifications—Minor Use Permits that can be approved by the Director and Conditional Use Permits that require approval by the Planning Commission as follows:

- A. **Minor Use Permits.** Minor Use Permits are required to approve those uses specifically identified in Divisions II and III: Base District Regulations that are generally non-controversial but still require special consideration to ensure that surrounding neighbors are informed and sent notices of the proposed project, and that the project can be designed, located, and operated in a manner that will not interfere with the use and enjoyment of surrounding properties.
- B. **Conditional Use Permits.** Conditional Use Permits are required for specifically identified uses requiring special consideration, as described in Section 17.32.010, due to their size, location, type of operation, or other characteristics that indicate potential for impacts that will affect surrounding properties.

17.32.030 Procedures

- A. **Applications.** Written applications for Minor Use Permits and Conditional Use Permits shall be filed with the Director in accordance with the application procedures in Chapter 17.30: Common Procedures.
- B. **Minor Use Permits.** The Director shall approve, approve with conditions or deny applications for Minor Use Permits, based on the findings required by Section 17.32.040. Notification shall be provided in compliance with public notification requirements in Section 17.30.050.
 - 1. ***Optional Director Hearing.*** The Director may hold a public hearing to consider the application if there is significant public controversy and/or the hearing affords an opportunity to resolve issues of concern. Notification of the public hearing shall be provided in compliance with public notification requirements in Section 17.30.050.
 - 2. ***Optional Planning Commission Hearing.*** The Director may also require a public hearing before the Planning Commission for any Minor Use Permit application that the Director determines to have special neighborhood or community significance. In such cases, the applicant shall pay the fee for the Planning Commission public hearing specified in the schedule of fees adopted by the City Council.
- C. **Conditional Use Permits.** The Planning Commission shall approve, approve with conditions or deny applications for Conditional Use Permits, following a public hearing and based on the findings required by Section 17.32.040. Notification shall be provided in compliance with the public notification requirements in Section 17.30.050.

17.32.040 Required Findings

A use permit shall only be granted if the proposal, as submitted or as modified by the decision-making body, conforms to all of the following criteria as well as to any other special findings required for approval of use permits in specific zoning districts. If the Director or Planning Commission determines that it is not possible to make all of the required findings for approval for the project as submitted or as modified with conditions, the application shall be denied. The specific basis for denial shall be established for the record. The following findings are required:

- A. The location, size, design, and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.

- B. The location and design of the proposal will provide a convenient and functional living, working, shopping, or civic environment that will be as attractive as the nature of the use, and its location and setting warrant.
- C. The proposal is consistent with the purposes of the district where it is located and conforms in all significant respects with the General Plan/Local Coastal Program, with any other applicable plan adopted by the City Council, and with the standards and requirements of this Title.

17.32.050 Conditions of Approval

In approving a use permit, the Director or Planning Commission may impose reasonable conditions deemed necessary to:

- A. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies adopted by the City Council;
- B. Achieve the general purposes 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 17.32.040 above; or
- D. Mitigate any potentially significant impacts identified as a result of the review conducted in compliance with the requirements of the California Environmental Quality Act.

17.32.060 Appeals; Expiration and Extensions; Modifications

- A. **Appeals.** The applicant or any other aggrieved party may appeal a decision on a use permit pursuant to the provisions of Chapter 17.36: Appeals.
- B. **Expiration, Extension, and Modifications.** Use permits are effective and may only be extended or modified as provided for in Chapter 17.30: Common Procedures.

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Chapter 17.33 Coastal Development Permits

Sections:

17.33.010	Purpose
17.33.020	Applicability
17.33.030	Exemptions
17.33.040	Record of Permit Exemptions
17.33.050	Administrative Coastal Development Permits
17.33.060	Regular Coastal Development Permits
17.33.070	Emergency Coastal Development Permits
17.33.080	Open Space Easements and Public Access Documents
17.33.090	Required Findings
17.33.100	Appeals; Expiration and Extensions; Modifications

17.33.010 Purpose

The purpose of this Chapter is to establish the process and general requirements for the issuance of coastal development permits pursuant to the California Coastal Act and the Coastal Commission regulations. The requirements for obtaining a coastal development permit shall be in addition to requirements to obtain any other permits or approvals required under this Title or from any state, regional or local agency.

17.33.020 Applicability

The regulations of this Chapter shall apply to development on all properties located within the coastal zone as defined in the California Coastal Act and as shown on the Zoning Map, and/or site-specific parcel maps, subject to the following provisions:

- A. **Tidelands, Submerged Lands or Public Trust Lands.** Projects on any tidelands, submerged lands or on public trust lands, whether filled or unfilled, lying within the coastal zone, or within any state university or college within the coastal zone shall require a permit issued by the California Coastal Commission in accordance with procedures specified by the Coastal Commission, in addition to other permits or approvals required by the City.
- B. **Development by Public Agency.** A person undertaking development included in a public works plan or long-range development plan approved by the Coastal Commission is not required to obtain a coastal development permit from the City. Other City permits may be required.
- C. **Exemptions.** Projects or activities specifically identified by the California Coastal Commission as exempted from the requirement for a coastal development

permit, listed in Section 17.33.030 below, shall not require a coastal development permit.

17.33.030 Exemptions

The following projects are exempt from the requirement to obtain a coastal development permit, pursuant to Section 30610 of the Coastal Act.

- A. **Categorically Excluded Development.** Projects pursuant to a Categorical Exclusion Order certified by the California Coastal Commission, pursuant to Sections 30610(e) and 30610.5 of the Coastal Act and Sections 13240 *et. seq.* of the Coastal Commission Regulations.
- B. **Improvements to Existing Single-Family Residences.** Improvements to existing single-family residences, pursuant to Section 30610(a) of the Coastal Act and Section 13250 of the Coastal Commission Regulations, are exempt from coastal development permit requirements subject to the following provisions:
 1. ***Definition of Existing Single-Family Residence.*** For the purposes of this subsection, where there is an existing single-family residential building, all of the following are considered a part of that structure:
 - a. All fixtures and other structures directly attached to a residence.
 - b. Structures on the property normally associated with a single-family residence, such as garages, swimming pools, fences, and storage sheds but not including guest houses or secondary dwelling units.
 - c. Landscaping on the lot.
 2. ***Limits on Exemption Based on Environmental Effects.*** The following classes of development require a coastal development permit because they involve a risk of adverse environmental effects:
 - a. Improvements to a single-family structure if the structure or improvement is located on a beach, in a wetland, seaward of the mean high tide line, in an environmentally sensitive habitat area, in an area designated as highly scenic in the Morro Bay General Plan/Coastal Land Use Plan or within 50 feet of the edge of a coastal bluff.
 - b. Any significant alteration of land forms including the removal or placement of vegetation on a beach, wetland, or sand dune, in an environmentally sensitive habitat, or within 50 feet of the edge of a coastal bluff only.

- c. The expansion or construction of water wells or septic systems.
 - d. On property not included in subsection (B)(2)(a) above that is located within the California Coastal Commission appeal jurisdiction and that would:
 - i. Result in an increase of 10 percent or more of internal floor area of an existing structure or constitute an additional improvement of 10 percent or less where an improvement to the structure has previously been undertaken pursuant to Section 30610(a) of the Coastal Act.
 - ii. Result in an increase in height of an existing structure by more than 10 percent of an existing structure and/or any significant non-attached structure such as garages, fences, shoreline protective works or docks.
 - e. In areas which the City or the Coastal Commission has declared by resolution after a public hearing to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use, the construction of any specified major water using development not essential to residential use, including, but not limited to, swimming pools, or the construction or extension of any landscaping irrigation system.
 - f. Any improvement to a single-family residence where the development permit issued for the original structure by the Coastal Commission or City indicated that any future improvements would require a coastal development permit.
- C. **Other Improvements.** Improvements to any structure other than a single-family residence or a public works facility are exempt from coastal development permit requirements, pursuant to Section 30610(b) of the Coastal Act and Section 13253 of the Coastal Commission Regulations, subject to the following provisions:
- 1. ***Definition of Existing Structure.*** For the purposes of this subsection, where there is an existing structure, other than a single-family residence or public works facility, all of the following are considered a part of that structure:
 - a. All fixtures and other structures directly attached to the structure.
 - b. Landscaping on the lot.

2. ***Limits on Exemption Based on Environmental Effects.*** The following classes of development require a coastal development permit, because they involve a risk of adverse environmental effect, adversely affect public access, or involve a change in use contrary to the policy of the Coastal Act.
- a. Improvement to any structure if the structure or the improvement is located on a beach, in a wetland, stream or lake, seaward of the mean high tide line, in an area designated as highly scenic in the General Plan/Coastal Land Use Plan, or within 50 feet of the edge of a coastal bluff.
 - b. 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.
 - c. The expansion or construction of water wells or septic systems.
 - d. On property not included in subsection (C)(2)(a) above, that is located within the Coastal Commission appeal jurisdiction and that would:
 - i. Result in an increase of 10 percent or more of internal floor area of an existing structure or constitute an additional improvement of 10 percent or less where an improvement to the structure has previously been undertaken pursuant to Section 30610(b) of the Coastal Act.
 - ii. Result in an increase in height by more than ten percent of an existing structure.
 - e. In areas which the City or Coastal Commission has declared by resolution after public hearing to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use, the construction of any specified major water using development, including, but not limited to, swimming pools, or the construction or extension of any landscaping irrigation system.
 - f. 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.
 - g. Any improvement to a structure that changes the intensity of use of the structure.

- iii. The replacement of 20 percent or more of the materials of an existing structure with materials of a different kind.
 - iv. The presence, whether temporary or permanent of mechanized construction equipment or construction materials on any sand areas, bluff or environmentally sensitive habitat, or within 20 feet of coastal waters or streams.
- b. Any method of routine maintenance dredging that involves any of the following:
- i. The dredging of 100,000 cubic yards or more within a twelve (12) month period.
 - ii. 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.
 - iii. The removal, sale or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the Coastal 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.
- c. 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:
- i. The placement or removal, whether temporary or permanent, or rip-rap, rocks, sand or other beach materials or any other forms of solid materials.
 - ii. The presence, whether temporary or permanent, of mechanized equipment or construction materials.
3. ***Other Provisions.*** All repair and maintenance activities that are not exempt shall be subject to the coastal development permit regulations of this Chapter, including, but not limited to, the regulations governing administrative and emergency permits. The provisions of this subsection (D) shall not be applicable to those activities specifically described 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 area, wetlands or public views to the ocean.

- F. **Utility Connections.** Pursuant to Section 30610(f) of the Coastal Act, the installation, testing, and placement of any necessary utility connection between an existing service facility and any development that has been granted a valid coastal development permit; provided, however, that the City may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources.
- G. **Structures Destroyed by Natural Disaster.** Pursuant to Section 30610(g) of the Coastal Act, the replacement of any structure, other than a public works facility, destroyed by a disaster provided that the replacement structure meets all of the following criteria:
 - 1. The structure is for the same use as the destroyed structure.
 - 2. The structure does not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent.
 - 3. The structure is sited in the same location on the affected property as the destroyed structure.
- H. **Time Share Conversions.** Pursuant to Section 30610(h) of the Coastal Act, any activity anywhere in the Coastal Zone that involves the conversion of any existing multiple-unit residential structure to a time-share project, estate, or use, as defined in Section 11003.5 of the Business and Professions Code. If any improvement to an existing structure is otherwise exempt from the permit requirements of this ordinance, no coastal development permit shall be required for that improvement on the basis that it is to be made in connection with any conversion exempt pursuant to this Title. The division of a multiple-unit residential structure into condominiums, as defined in Section 783 of the Civil Code, shall not be considered a time-share project, estate, or use for purposes of this subdivision.
- I. **Temporary Events.** Pursuant to Section 30610(i) of the Coastal Act, temporary events as defined in this ordinance provided that the event meets all of the following requirements:
 - 1. **Time Limits.** The event will not occur between Memorial Day weekend and Labor Day, or if proposed in this period, will be of less than one day in duration, including set-up and take-down.

2. **Location.** The event will not occupy any portion of a publicly or privately owned sandy beach or park area, public pier, public beach parking areas or, the location is remote with minimal demand for public use, and there is no potential for adverse effect of sensitive coastal resources.
3. **Fee for Admission.** 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.
4. **Review by the Director.** The proposed event has been reviewed in advance by the Director and determined to meet all of 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 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, significantly scenic resources, or other coastal resources as defined in this ordinance.
 - c. The event has not previously required a coastal development permit to address and monitor associated impacts to coastal resources. For all other proposed temporary events, a coastal development permit must be obtained prior to the event.

17.33.040 Record of Permit Exemptions

The Director shall maintain a record of all those developments within the Coastal Zone that have been authorized as being exempt from the requirement of a Coastal Development Permit pursuant to this Chapter. This record shall be available for review by members of the public and representatives of the Coastal Commission. The Record of Exemption shall include the name of the applicant, the location of the project, and a brief description of the project and why the project is exempt.

17.33.050 Administrative Coastal Development Permits

Administrative coastal development permits are permits that can be approved by the Director, without a public hearing, provided that the development and/or use is not located within the Coastal Commission's appealable jurisdiction, subject to the following provisions:

A. **Types of Development.** The following are types of developments and/or uses that may be approved with an Administrative Coastal Development Permit:

1. Any development identified in Division II and III as a principally permitted use.
2. Any single-family dwelling or secondary dwelling unit.
3. Improvements to any existing structure including minor additions to existing commercial, industrial or multifamily structures that do not:
 - a. Require a conditional use permit;
 - b. Add additional dwelling units above base density **or** create any environmental impacts; or
 - c. Require a subdivision map.
4. Any development of four dwelling units or less that does not require demolition.
5. Any additions or improvements to existing public works facilities and utilities that do not constitute major public works, as defined by Section 13012 of the Coastal Commission Regulations and this Title.
6. Any other developments with a construction cost that is less than \$100,000, other than any division of land.
7. Subdivisions including lot line adjustments between three or fewer lots.
8. Commercial and industrial additions that would change the intensity of use of the structure.

B. **Procedures.** All Administrative Coastal Development Permits shall be decided by the Director, subject to the procedures of Chapter 17.30: Common Procedures and the required findings of Section 17.33.090 below.

1. ***Optional Director Hearing.*** The Director may hold a public hearing to consider the application if there is significant public controversy and/or the hearing affords an opportunity to resolve issues of concern. Notification of public hearing shall be provided in compliance with public notification requirements in Section 17.30.050.
2. ***Optional Planning Commission Hearing.*** The Director may also require a public hearing before the Planning Commission for any Administrative Coastal Development Permit application that the Director determines to have special neighborhood or community significance. In such cases the

applicant shall pay the fee for the Planning Commission public hearing specified in the schedule adopted by the City Council.

17.33.060 Regular Coastal Development Permits

Regular Coastal Development Permits are permits that require Planning Commission approval, following a public hearing, and include all permits that do not fall within the “Administrative” or “Emergency” Coastal Development Permit categories. Applications for Regular Coastal Development Permits shall be processed subject to the procedures in Chapter 17.30: Common Procedures, and subject to the findings of Section 17.33.090 below.

17.33.070 Emergency Coastal Development Permits

Emergency Coastal Development Permits are permits that may be authorized by the Director for emergency work in compliance with Section 30624 of the Coastal Act and the following:

- A. **Applications.** Applications in cases of emergencies shall be made to the Director by letter or fax, during business hours, if time allows, or in person or by telephone, if time does not allow in accordance with the application procedures in Chapter 17.30: Common Procedures.
- B. **Verification of Emergency.** The Director shall verify the facts, including the existence and the nature of the emergency, insofar as time allows.
- C. **Public Notice.** The Director shall provide public notice of the emergency work, subject to the requirements of Section 17.30.050, with the extent and type of notice determined on the basis of the nature of the emergency.
- D. **Criteria for Granting Permit.** The Director may grant an emergency permit upon reasonable terms and conditions, including an expiration date and the necessity for a Regular Coastal Development Permit application at a later time, if the Director finds all of the following:
 - 1. An emergency exists that requires action more quickly than permitted by the procedures for administrative permits or for regular permits, and the work can and will be completed within 30 days unless otherwise specified by the terms of the permit.
 - 2. Public comment on the proposed emergency action has been reviewed, if time allows.
 - 3. The work proposed would be consistent with the City’s General Plan/Local Coastal Plan.

- E. **Expiration.** The emergency permit shall be followed up with the approval of a regular Coastal Development Permit within seven days of the expiration date specified by the terms of the permit. If no regular coastal development permit is approved within this time period, the emergency permit shall become null and void within seven days of the expiration date specified by the terms of the permit.

- F. **Report to City Council and the Coastal Commission.**
 - 1. ***Timing, Content and Distribution.*** The Director shall report, in writing, to the Coastal Commission and the City Council, at its first scheduled meeting after the emergency permit has been issued, the nature of the emergency and the work involved. Copies of this report shall be available at the meeting and shall be mailed to all persons who have requested such notification in writing.
 - 2. ***Director's Discretion.*** The report of the Director shall be informational only, the decision to issue an emergency permit is solely at the discretion of the Director, subject to the provisions of this Section.

- G. **Exceptions.** Exceptions to this Section may only be provided by the Executive Director of the Coastal Commission.

17.33.080 Open Space Easements and Public Access Documents

All Coastal Development Permits subject to conditions of approval pertaining to public access and open space or conservation easements shall be subject to the following procedures:

- A. **Review and Approval.** The Executive Director of the Coastal Commission shall review and approve all legal documents specified in the conditions of approval of a Coastal Development Permit for public access and conservation/open space easements pursuant to the following procedures:
 - 1. ***Completion of Permit Review.*** Upon completion of permit review by the City and prior to the issuance of the permit, the Director shall forward a copy of the permit conditions and findings of approval and copies of the legal documents to the Executive Director of the Coastal Commission for review and approval of the legal adequacy and consistency with the requirements of potential accepting agencies.
 - 2. ***Review Period.*** The Executive Director of the Coastal Commission shall have 15 working days from receipt of the documents in which to complete the review and notify the applicant of recommended revisions, if any.

3. **Expiration of Review Period.** The City shall issue the permit upon expiration of the 15 day review period if notification of inadequacy from the Executive Director of the Coastal Commission has not been received by the City within that time period.
 4. **Revisions.** If the Executive Director of the Coastal Commission has recommended revisions to the applicant, the permit shall not be issued until the deficiencies have been resolved to the satisfaction of the Executive Director.
- B. **Delegation of Authority.** If the City requests, the Coastal Commission shall delegate the authority to process the recordation of the necessary legal documents to the City if the City identifies the City department public agency or private association that has the resources and authorization to accept, open and operate and maintain the accessways and open space/conservation areas required as a condition of approval of coastal development permits. Upon completion of the recordation of the documents the City shall forward a copy of the permit conditions and findings of approval and copies of the legal documents pertaining to the public access and open space conditions to the Executive Director of the Coastal Commission.

17.33.090 Required Findings

A Coastal Development Permit shall only be granted if the proposal as submitted or as modified conforms to all of the following criteria. If the Director or Planning Commission determines that it is not possible to make all of the required findings for approval for the project as submitted or as modified with conditions, the application shall be denied. The specific basis for denial shall be established for the record. The following findings are required:

- A. The project described in the application, or modified by any conditions of approval, conforms with the City's General Plan/Local Coastal Program.
- B. If the project is located between the first public road and the sea, that the project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act (commencing with Section 30200) and the requirements of Chapter 17.20: Public Access, of this Title.
- C. That the project mitigates any potentially significant impacts identified as a result of review conducted in compliance with the requirements of the California Environmental Quality Act.

17.33.100 Appeals; Expiration and Extensions; Modifications

- A. **Appeals.** Appeals of a decision on a Coastal Development Permits may be made pursuant to the provisions of Chapter 17.36: Appeals.
- B. **Expiration, Extension and Modifications.** Coastal development permits are effective and may only be extended or modified as provided for in Chapter 17.30: Common Procedures.

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Chapter 17.34 Variances

Sections:

17.34.010	Purpose
17.34.020	Procedures
17.34.030	Required Findings
17.34.040	Use Variances Prohibited
17.34.050	Conditions of Approval
17.34.060	Appeals; Expiration and Extensions; Modifications

17.34.010 Purpose

This Chapter is intended to provide a mechanism for relief from the strict application of this ordinance where strict application will deprive the property owner of privileges enjoyed by similar properties because of the subject property's unique and special conditions. Variances may be granted with respect to dimensional and performance standards, but variances from the use regulations of this Title are not allowed.

17.34.020 Procedures

- A. **Applications.** Applications for variances shall be submitted and reviewed in the same manner as required for use permits pursuant to Chapter 17.30: Common Procedures. In addition to any other application requirements specified by the Director, the application for a variance shall include data or other evidence demonstrating that all of the following are present:
1. Exceptional or extraordinary circumstances or conditions applicable to the use, land, or structures referred to in the application that do not apply generally to uses, land or structures in the same zoning district.
 2. Due to the special circumstances applicable to this property, strict application of the respective zoning regulation would deprive the property owner of substantial property rights enjoyed by other property owners in the same zoning district and the granting of the variance is necessary for the preservation and enjoyment of the applicant's substantial rights.
 3. Special circumstances applicable to the property were or are not self-imposed by the property owner.
 4. Authorization of the variance substantially meets the intent and purpose of the zoning district in which the subject property is located and will not be detrimental to the health, safety, and general welfare of persons living or working in the neighborhood or to the general welfare of the city.

- B. **Public Notice and Hearing.** All applications for variances shall require public notice and a hearing before the Planning Commission pursuant to Chapter 17.30: Common Procedures.

17.34.030 Required Findings

The Planning Commission or City Council on appeal shall deny an application for a variance if it is unable to make all of the required findings, in which case it shall state the reasons for that determination:

- A. There are special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, whereby the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.
- B. Such special circumstances were not created by the owner or applicants.
- C. The variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the zoning district in which such property is located.
- D. The authorization of the variance will substantially meet the intent and purpose of the zoning district in which the property is located and will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general.

17.34.040 Use Variances Prohibited

The Planning Commission shall not approve any changes in the uses permitted in any use classification or zoning district or approve any modification of the requirements of this zoning ordinance that would have the effect of allowing the establishment of a use not otherwise permitted. This restriction shall not affect the authority to grant variances for dimensional standards pursuant to this Title.

17.34.050 Conditions of Approval

In approving a variance, the Planning Commission may impose conditions necessary to ensure that the variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the zoning district in which the property is located, including any conditions necessary to:

- A. Ensure that the proposal conforms to 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 site is located;
- C. Protect the public health, safety, and general welfare;
- D. Ensure operation and maintenance of the use in a manner compatible with existing and potential uses in the surrounding area; and
- E. Mitigate any potentially significant impacts identified as a result of the review conducted in compliance with the requirements of the California Environmental Quality Act.

17.34.060 Appeals; Expiration and Extensions; Modifications

- A. **Appeals.** The applicant or any other aggrieved party may appeal a decision on a variance pursuant to the provisions of Chapter 17.36: Appeals.
- B. **Expiration, Extension and Modifications.** Variances are effective and may only be extended or modified as provided for in Chapter 17.30: Common Procedures.

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Chapter 17.35 Adjustments

Sections:

- 17.35.010 Purpose
- 17.35.020 Procedures
- 17.35.030 Standards for Which Adjustments May Be Considered
- 17.35.040 Required Findings
- 17.35.050 Conditions of Approval
- 17.35.060 Appeals and Recision

17.35.010 Purpose

The purpose of this Chapter is to establish a process for making and acting upon requests for reasonable accommodation to provide an alternate means of granting relief from the zoning ordinance's requirements when so doing would be consistent with this Title's objectives and it is not possible or practical to approve a variance. It is the policy of the City to comply with the Federal Fair Housing Act, the Americans with Disabilities Act and the California Fair Employment and Housing Act to provide reasonable accommodation by modifying the application of its zoning and subdivision regulations for persons with disabilities seeking fair access to housing. This Chapter authorizes the Director to grant administrative relief from the zoning ordinance's dimensional requirements to achieve these and other objectives and also allows the Planning Commission to grant adjustments, when necessary to accommodate uses protected by State or Federal law.

17.35.020 Procedures

- A. **Applications.** An application for relief shall be filed with the Director in accordance with the application procedures set forth in Chapter 17.30: Common Procedures. The application shall state in writing the nature of the adjustment requested and explain why the findings necessary to grant the adjustment are satisfied. The applicant shall also submit plans delineating the requested adjustment.
- B. **Relief Granted by the Director.** The Director may grant relief from the dimensional requirements of this Title, not to exceed 10 percent of the requirement, by approving a Minor Use Permit, pursuant to the provisions of Section 17.32: Minor Use Permits/Conditional Use Permits, except that adjustments for building height, setbacks, or lot coverage requirements for the RS district shall require a Conditional Use Permit.
- C. **Referral to the Planning Commission.** The Director may refer to the Planning Commission any request for an adjustment that would exceed 10 percent and that is necessary to comply with the reasonable accommodation provisions of

Federal law based on a determination that there is a compelling public interest requiring an adjustment to the requirements of this Title.

- D. **Relief Granted by the Planning Commission.** The Planning Commission, following a public hearing, shall act on any request to establish a use or structure that would exceed the density or development intensity that this Title would otherwise allow in a residential district.

17.35.030 Standards for Which Adjustments May Be Considered

Types of standards for which adjustments may be considered, up to 10 percent of the dimensional requirements shall be limited to:

- A. **Setbacks.** Front, exterior side, interior side and rear setback standards.
- B. **Parking.** The dimensional standards for parking spaces, aisles, driveways, landscaping, garages on sloping lots, and parking facility design.
- C. **Extensions and Projections.** Standards for architectural extensions and other exterior projections listed in Section 17.15.030(B) and 17.15.070.
- D. **Fences.** Standards for the location, height and design of fences.
- E. **Building Separation.** Minimum building separation required by this ordinance but not to exceed the Building Code`.
- F. **Pedestrian Streetscape.** Standards related to the pedestrian streetscape including transparency requirements and pedestrian access.
- G. **Landscaping.** Standards for required landscaping and plantings.

17.35.040 Required Findings

- A. **Findings for Approval.** A decision to grant an adjustment shall be based on all of the following findings:
 - 1. The adjustment 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.
 - 2. There are no alternatives to the adjustment, including siting at another location, that could provide similar benefits to the applicant with less potential detriment to surrounding owners and occupants or to the general public.

3. The granting of the requested adjustment would not be detrimental to the health or safety of the public or the occupants of the property or result in a change in intensity or density that would be inconsistent with the requirements of this Title.
 4. The granting of the adjustment will substantially meet or advance the intent and purpose of the zoning district in which the subject property is located.
- B. **Additional Finding for Reasonable Accommodations.** If the adjustment requested is to provide reasonable accommodation pursuant to Federal or State statute, the decision-making body must also find that denial of the requested adjustment would impose a substantial burden on religious exercise or conflict with any Federal or State statute requiring reasonable accommodation of persons with disabilities.
- C. **Additional Finding for Parking Adjustments.** An adjustment from the parking requirements of this Title may be granted for nonresidential development, subject to the provisions of Section 65906.5 of the Government Code, if both of the following conditions are met:
1. The adjustment will be an incentive to, the nonresidential development; and benefit the public interest
 2. The adjustment will facilitate access to the nonresidential development by patrons of public transit facilities.

17.35.050 Conditions of Approval

In approving an adjustment from the requirements of this zoning ordinance, the Director or the Planning Commission may impose reasonable conditions necessary to achieve the same purposes specified for the imposition of conditions on variances pursuant to Chapter 17.34: Variances. However, where the request is subject to Federal or State statutes requiring reasonable accommodation, the Director or Planning Commission must find that such conditions are necessary to further a compelling public interest and represent the least restrictive means of furthering that interest.

17.35.060 Appeals and Recision

Any decision to grant relief from the provisions of this Title may be appealed pursuant to Chapter 17.36: Appeals. Adjustments approved based on federal or State requirements for reasonable accommodation may be conditioned to provide for recision or automatic expiration based on a change in occupancy or other relevant change in circumstance.

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Chapter 17.36 Appeals

Sections:

- 17.36.010 Purpose
- 17.36.020 Rights of Appeal
- 17.36.030 Time Limits
- 17.36.040 Local Appeals
- 17.36.050 Coastal Commission Appeals

17.36.010 Purpose

This Chapter establishes uniform procedures for appeals of final decisions by the Director, Planning Commission and City Council. These procedures are distinguished from the provisions in Chapter 17.34: Variances and Chapter 17.35: Adjustments, which are intended to minimize the frequency of appeals pursuant to this Chapter by authorizing the approval of exceptions to the requirements of this Title when consistent with the purposes of this Title or necessary to accommodate uses protected by State and Federal law. This chapter provides an additional means of granting relief to reduce the potential for litigation and to increase fairness to both property owners and aggrieved members of the public.

17.36.020 Rights of Appeal

- A. **Persons Who May Appeal.** Except as provided for elsewhere in this Title, appeals may be made by the following persons, in the following instances:
 - 1. ***Local Appeals.*** Appeals to the Planning Commission or City Council may be filed by the applicant, by the owner of property, or by a person aggrieved as set forth in the definitions of this title by a decision that is subject to appeal under the provisions of this Title.
 - 2. ***Coastal Commission Appeals.*** Appeals to the Coastal Commission may be filed by the applicant, by the owner of the property, by any other aggrieved person as set forth in this title by a decision, by the Executive Director of the Coastal Commission, or by any two members of the Coastal Commission.
- B. **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.

17.36.030 Time Limits

Unless otherwise specified in State or Federal law, all appeals shall be filed within 10 calendar days of the date of action, or, in the case of appeals of Coastal Development Permits to the Coastal Commission, within 10 business days of Coastal Commission receipt of the notice of final action.

17.36.040 Local Appeals

- A. **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.
- B. **Appeals of Director Decisions.** A decision of the Director on any application may be appealed to the Planning Commission by filing a written appeal with the Planning Department. The appeal shall identify the decision being appealed and shall clearly and concisely state the reasons for the appeal.
- C. **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. The appeal shall identify the decision being appealed and shall clearly and concisely state the reasons for the appeal.
- D. **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 60 days of the date the appeal was filed. The Director shall forward the appeal, the Notice of Action, 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.
- E. **Appellate Body Action.** The appellate body shall review the appeal, the administrative record, and any written correspondence submitted after the appeal has been filed, and may take one of the following actions:
 - 1. Conduct a public hearing and decide on the action; or
 - 2. Remand the matter to the decision-making body or official to cure a deficiency in the record or the proceedings.
- F. **No “De Novo” Review.** At an appeal or review, the appellate body shall consider only the same application, plans, and related project materials that were the subject of the original decision.

- G. **Appellate Body Decision.** The appellate body shall render its decision within 60 calendar days of the date the hearing is closed unless State law requires a shorter deadline. An action to grant an appeal shall require a majority vote of the appellate body members. A tie vote shall have the effect of rejecting the appeal.
- H. **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.

17.36.050 Coastal Commission Appeals

- A. **Projects Appealable to the Coastal Commission.** Pursuant to Section 30603 of the Coastal Act, only the following types of development may be appealed to the Coastal Commission:
 - 1. Developments approved by the City 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 tideline of the sea where there is no beach, whichever is the greater distance.
 - 2. Developments approved by the City not included in subsections (A)(1) above that are located in a sensitive coastal resource area.
 - 3. Any development that constitutes a major public works project or a major energy facility.
- B. **Grounds for Appeal.** The grounds for appeals pursuant to subsection (A)(1) above, shall be limited to an allegation that the development does not conform to the standards set forth in the General Plan/Local Coastal Program or the public access policies set forth in the Coastal Act. The grounds for appeal of a denial of a permit pursuant to subsection (A)(3) above, shall be limited to an allegation that the development conforms to the standards set forth in the General Plan/Local Coastal Program and the public access policies set forth in the Coastal Act.
- C. **Exhaustion of Local Appeals Procedures.** The applicant or aggrieved person filing an appeal shall be required to first exhaust all local appeal procedures, before appealing to the Coastal Commission. Where an appeal is brought by any two members of the Coastal Commission, there shall be no requirement of exhaustion of all local appeals; provided however, that the Coastal Commission shall transmit a "Notice of Commissioners' Appeal" to the City Council. Upon receipt of such notice, the Coastal Commissioners' appeal may be suspended by the City Council pending a decision on the merits of the appeal by the City

Council. Exhaustion of all local appeal procedures shall not be required for appeals to the Coastal Commission if any of the following occur:

1. ***Excessive Appeals.*** The City requires an appellant to appeal to more local appellate bodies than have been certified as appellate bodies for permits in the Coastal Zone, in this Title.
 2. ***Denial of Right.*** An appellant was denied the right of the initial local appeal because the zoning ordinance restricts the class of persons who may appeal a local decision.
 3. ***Improper Local Notice and Hearing Procedures.*** An appellant was denied the right of local appeal because local notice and hearing procedures for the development did not comply with the provisions of this Title.
 4. ***Appeal Fee Charged.*** The City charges an appeal fee for the filing or processing of appeals.
- D. **“De Novo” Review.** Where the appellant has exhausted all local appeal procedures, a de novo review of the project by the Coastal Commission shall occur only after the local decision has become final.
- E. **Applications.** Appeals to the Coastal Commission shall contain all of the information required by Section 13111 of the Coastal Commission Regulations.
- F. **Notification of Appeal.** Upon receipt of notification from the Coastal Commission that the appeal has been received, the Director shall refrain from issuing a Coastal Development Permit for the proposed development and shall, deliver to the Executive Director all relevant documents and materials used by the City in its consideration of the Coastal Development Permit.

Chapter 17.37 Amendments

Sections:

- 17.37.010 Purpose
- 17.37.020 Applicability
- 17.37.030 Initiation of Amendment
- 17.37.040 Procedures
- 17.37.050 Planning Commission Report and Recommendation
- 17.37.060 City Council Hearing and Action

17.37.010 Purpose

This Chapter provides procedures by which changes may be made to the text of this Title and to the Zoning Map, and/or site-specific parcel maps, whenever such amendment is needed to maintain consistency with the General Plan/Local Coastal Plan.

17.37.020 Applicability

The procedures of this Chapter shall apply to all proposals to change the text of this Title or to revise a zoning district classification or zoning district boundary line shown on the Zoning Map, and/or site-specific parcel maps. This amendment process is not intended to relieve particular hardships nor to confer special privileges or rights upon any person, but only to make adjustments necessary in light of changed conditions or changes in public policy.

17.37.030 Initiation of Amendment

An amendment may be initiated by any of the following:

- A. **Filing a Resolution of Intention.** The filing with the Planning Commission of a resolution of intention of the City Council.
- B. **Passage of a Resolution of Intention.** Passage of a resolution of intention by the Planning Commission.
- C. **Filing of an Application.** Filing with the Planning Commission of a petition of one or more record owners of property that is the subject of the proposed amendment or their authorized agents. A written application for amendment shall be filed with the Director on a form designated for that purpose and shall be accompanied by a fee, as set by the City's fee schedule.

17.37.040 Procedures

All text amendments and reclassifications shall be referred to the Planning Commission, which shall hold at least one public hearing on any proposed amendment. Notification shall be provided in compliance with the public notification requirements of Section 17.30.050.

17.37.050 Planning Commission Report and Recommendation

The Planning Commission shall conduct a public hearing in compliance with the requirements of Chapter 17.30: Common Procedures. Within sixty (60) days after concluding the hearing, the Planning Commission shall submit a report of its findings and recommendation on the proposed zoning amendment to the City Council. The Planning Commission report shall include a list of persons who testified at the hearing, any staff report, a summary of the public testimony at the hearing, the findings of the Commission, and copies of any maps or other data and/or documentary evidence submitted in connection with the proposed amendment.

17.37.060 City Council Hearing and Action

Upon receipt of the recommendation of the Planning Commission, the City Council shall set the matter for public hearing after providing notice as required by State law. After the conclusion of the hearing, the City Council may approve, modify or disapprove the recommendation of the Planning Commission. The decision of the City Council shall be rendered within 60 days after the receipt of a report and recommendation from the Planning Commission.

Chapter 17.38 Development Agreements

Sections:

- 17.38.010 Purpose
- 17.38.020 Applicability
- 17.38.030 Procedures
- 17.38.040 Execution and Recordation
- 17.38.050 Annual Review, Amendment or Cancellation
- 17.38.060 Effect of Development Agreements

17.38.010 Purpose

The purpose of this Chapter is to implement Government Code Sections 65864 *et. seq.* authorizing governmental entities to enter into legally binding agreements with private parties. This Chapter establishes the procedures and requirements for the review and consideration of development agreements upon application by, or on behalf of, property owners, the Planning Commission or the City Council. A development agreement shall be a contract that is negotiated and voluntarily entered into by the City and applicant and may contain any additional or modified conditions, terms or provisions agreed upon by the parties.

17.38.020 Applicability

An applicant with legal or equitable interest in the real property that is the subject of the proposed development agreement may request and apply through the Director to enter into a development agreement. Acceptance of the application is contingent on the following:

- A. The status of the applicant, as an owner of the property, is established to the satisfaction of the Director.
- B. The application is made on approved forms and contains all the information required by the City.
- C. The application is accompanied by all lawfully required documents, materials, and supporting information.

17.38.030 Procedures

An applicant for a development project may request that the City review the application as a development agreement application in accordance with the following procedures:

- A. **Application.** An applicant shall submit an application for a development agreement on a form prescribed by the City, accompanied by a fee according to

the City's fee schedule. The Director shall require an applicant to submit proof of his interest in the real property and of the authority of any agent to act for the applicant.

- A. **Recommendations of the Planning Commission.** The Director, upon finding the application for a development agreement complete, shall set the application together with its recommendations for a public hearing before the Planning Commission in compliance with Chapter 17.30: Common Procedures. Following conclusion of a public hearing, the Planning Commission shall make a written recommendation to the City Council that it approves, conditionally approves, or denies the application. The recommendation shall include the Planning Commission's determination and supporting reasoning as to whether the proposed development agreement:
1. Is consistent with the goals, objectives, policies, general land uses and programs specified in the general plan and any applicable specific plan;
 2. Is compatible with the uses authorized in this Zoning Ordinance, and the zoning district in which the real property is located;
 3. Will provide substantial public benefits;
 4. Has duly considered City mitigation programs in effect at the time of execution of the agreement;
 5. Will be non-detrimental to the public health, safety and general welfare of persons residing or working in the neighborhood and to property and improvements in the neighborhood; and
 6. Complies with the provisions of the California Environmental Quality Act and the City's procedures adopted pursuant thereto.
- B. **City Council Determination.** Upon receipt of the Planning Commission's recommendation, the City Clerk shall set the application and written report of the Planning Commission for a public hearing before the City Council in compliance with Chapter 17.30: Common Procedures. The City Council shall make a determination whether a development agreement is the appropriate form of entitlement for the proposed project within 30 days after the date of the meeting at which the item first appears on the City Council agenda. The City Council shall not approve a proposed development agreement unless it finds that its provisions are consistent with the general plan and any applicable specific plan.

17.38.040 Execution and Recordation

Within 10 days after the Ordinance approving the development agreement takes effect, 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. If the

parties to the agreement or their successors in interest amend or cancel the development agreement, or if the City terminates or modifies the development agreement for failure of the applicant to comply fully with the provisions of the development agreement, the City Clerk shall record notice of such action with the County Recorder.

17.38.050 Annual Review; Amendment or Cancellation.

- A. **Time For and Initiation of Review.** The Director shall review each approved development agreement at least once a year at which time the applicant shall be required to demonstrate compliance with the provisions of the development agreement. The applicant shall initiate the required annual review by submitting a written request at least 60 days prior to the review date specified in the development agreement.
- B. **Finding of Compliance or Non-compliance.** The Director shall review the development for compliance with the provisions of the development agreement and, based on the review, issue a finding of compliance or non-compliance to be recorded with the County Recorder after conclusion of the review. If the Director finds the applicant has not complied with the provisions of the development agreement, the Director shall specify in writing to the applicant the respects in which the 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 the applicant does not comply with any terms of compliance within the prescribed time limits, the development agreement shall be referred to the City Council for termination or modification following a public hearing.
- C. **Appeal of Determination.** Within 10 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.
- E. **Cancellation or Modification by Mutual Consent.** Any development agreement may be canceled or modified by mutual consent of the parties following compliance with the procedures specified in this Chapter. A development agreement may also specify procedures for administrative approval of minor amendments by mutual consent of the applicant and the Director.
- F. **Rights of the Parties After Cancellation or Termination.** In the event that a development agreement is canceled or terminated, all rights of the applicant, property owner or successors in interest under the development agreement shall terminate. 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.

17.38.060 Effect of Development Agreement

- A. **Governing 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. The applicant shall not be exempt from otherwise applicable City ordinances or regulations pertaining to persons contracting with the City.
- B. **New 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. Unless otherwise specified in the development agreement, a development agreement shall not exempt the applicant from obtaining future discretionary land use approvals.
- C. **Rules Affecting Development Agreement.** In the event that any regulation or law of the State of California or the United States, enacted or interpreted after a development agreement has been entered into, prevents or precludes compliance with one or more provisions of the development agreement, then the development agreement may be modified or suspended in the manner and pursuant to the procedures specified in the development agreement, as may be necessary to comply with such regulation or law.
- D. **Severability Clause.** Should any provision of this Chapter or a subsequent development agreement be held by a court of competent jurisdiction to be either invalid, void, or unenforceable, the remaining provisions of this Chapter and the development agreement shall remain in full force and effect unimpaired by the holding, except as may otherwise be provided in the development agreement.

Chapter 17.39 Enforcement

Sections:

17.39.010	Purpose
17.39.020	Enforcement Responsibilities
17.39.030	Nuisance Defined
17.39.040	Penalties
17.39.050	Remedies
17.39.060	Nuisance Abatement
17.39.070	Recording A Notice of Violation

17.39.010 Purpose

This Chapter establishes the responsibilities of various departments, officials and public employees of the City to enforce the requirements of this Ordinance and sets forth the procedures the city will use to identify, abate, remove, and enjoin those uses, structures, or buildings that are deemed to be in violation of this Title.

17.39.020 Enforcement Responsibilities

The following officials, departments, and employees have the following specific enforcement responsibilities:

- A. **Public Services Director.** The Director shall enforce all provisions of this Title related to issuance of discretionary permits and shall have responsibility for ordering the correction of violations and initiating the revocation of discretionary permits and the abatement of nuisances as defined in this Chapter by recommendation to the Planning Commission or City Council.
- B. **Building Department.** Prior to issuance of building permits, the Building Department shall ascertain that plans presented with the building permit application conform to those approved subject to the requirements of this Title.
- C. **Code Enforcement Officer.** The Code Enforcement Officer shall enforce all provisions of this Title pertaining to the use, erection, construction, reconstruction, relocation, conversion, alteration, or addition to any building or structure. The Code Enforcement Officer is hereby authorized to cause to be stopped any work undertaken without or contrary to approval granted pursuant to this Title or in violation of any of its other provisions. Pursuant to Section 1.15.060 of the Municipal Code, the Code Enforcement Officer has the authority to make arrests for the purpose of issuing citations for violations of this Title that constitute infractions or misdemeanors.
- D. **City Attorney.** The City Attorney may, at his or her discretion or upon order of the City Council, immediately commence action or proceedings for the

abatement and removal and enjoinder of violations in the manner provided by law, and may take such other steps to grant such relief as will abate and remove such use or building or structure contrary to the provisions of this Chapter.

- E. **Chief of Police.** The Chief of Police may perform all the duties of the Code Enforcement Officer, and shall assume the responsibilities of the Code Enforcement Officer in the event of a vacancy or other situation in which a Code Enforcement Officer is not able to perform such duties. In addition, pursuant to Section 1.16.060 of the Municipal Code, the Chief of Police has full authority to arrest persons for violations of any provision of this Title.

17.39.030 Nuisance Defined

- A. **Structure or Use.** Any structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this Title, and any use of any land, structure or premises established, conducted, operated or maintained contrary to the provisions of this Title shall be unlawful and declared a public nuisance.
- B. **Permit or Approval Granted.** Any permit or approval granted in conflict with any provision of this Title shall be void. All City departments, officials and employees vested with the duty or authority to issue permits shall conform to the provisions of this Title and shall not issue permit or license for uses, buildings or purposes in conflict with its requirements.
- C. **Other Nuisances.** Any use, event, structure or building, whether non-conforming or otherwise, which meets any of the following criteria shall be deemed a public nuisance subject to abatement as set forth herein: disturbances of the peace; illegal drug activity including sales or possession thereof; public drunkenness; drinking in public; harassment of passers-by; gambling; prostitution; public vandalism; excessive littering; excessive noise (particularly between the hours of 11:00 p.m. and 7:00 a.m.); noxious smells or fumes; curfew violations; lewd conduct or police detention; citations or arrests or any other activity declared by the City to be a public nuisance; violation of any provision of this Chapter or any other City, state or federal regulation, ordinance or statute.

17.39.040 Penalties

Any person, firm or corporation violating or causing the violation of any of the provisions of this Title, shall be guilty of an infraction or misdemeanor; and upon conviction thereof, may be punishable by a fine of not more than five hundred dollars, by imprisonment in the county jail of the County of San Luis Obispo for a term not exceeding 180 days, or by both such fine and imprisonment. Such person, firm or corporation shall be deemed to be guilty of a separate offense for each and every day

during any portion of which any violation of this Title is committed or continued by such person, firm or corporation and shall be punishable as herein provided.

17.39.050 Remedies

The procedures and remedies provided for herein shall be cumulative and in addition to any other procedures and remedies to which the City may be entitled by law or equity. 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. Enjoining the use in whole or in part;
- B. Imposing reasonable conditions upon any continued operation of the use, including those uses which 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. Withholding the issuance of permits to a property in violation of this Title, unless the permit would correct the violation.

17.39.060 Nuisance Abatement

- A. **Notice of Violation and Opportunity to Cure.** Following identification of any uses, structures, or buildings that are deemed to be in violation of this Title, or any nuisance as defined in this Chapter, the Code Enforcement Officer 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 Code Enforcement Officer or his designee. Prior to initiation of nuisance abatement, the property owner shall have the opportunity to cure the violation within the specified time period. The Building Inspector may authorize additional re-inspections if there is substantial progress in curing the violation, and all re-inspection fees are paid as required by City's fee schedule.
- B. **Initiation of Nuisance Abatement.** Proceedings under this Section to terminate, modify or condition (hereinafter abate) any use, structure or building may be initiated by resolution of the Planning Commission or the City Council on its own accord or following recommendation by the Director. In either case, the resolution shall identify the use, building, or structure being considered, identify the property involved, set forth the reason or reasons for the proposed

abatement, and fix a time and place for a public hearing on the proposed abatement. In the case of proceedings initiated by the City Council, the resolution shall refer the matter for a public hearing before the Planning Commission. A resolution initiating abatement proceedings may be adopted without a public hearing.

- C. **Notice of Public Hearing.** Upon initiation of abatement proceedings, the Director shall give notice of a public hearing before the Commission pursuant to the provisions in Chapter 17.30: Common Procedures. The Director shall also, within the prescribed time period, mail the notice of the hearing to the person or persons whose use, structure or building is the subject of the abatement proceedings, any person who requested initiation of abatement proceedings, and to any other person who has filed a written request with the Planning Department for such notice.
- D. **Public Hearing.** The Planning Commission shall conduct a public hearing pursuant to Chapter 17.30: Common Procedures to provide an opportunity for City staff, the owner of the use, structure, or property that is the subject of the proceeding, and any other interested person to provide testimony.
- E. **Action.** The Planning Commission shall consider the staff report and the evidence, testimony, and facts presented at the hearing before taking action. If the Planning Commission finds that the use, building, or structure constitutes a nuisance, it may impose any remedy as provided for in this Chapter.
- F. **Decision and Notice.** After the Planning Commission takes abatement action to modify a permit, the Director shall issue a Notice of Action describing the Commission's action, with its findings. The Director shall mail the notice to the permit holder and to any person who has requested such notification by filing a written request with the Planning Department, and shall file a copy of the Notice of Action with the City Clerk. The Clerk shall present this copy to the Council at its next regular meeting.
- G. **Effective Date; Appeal to Council.** A decision to abate a nuisance shall become effective immediately after the date of decision unless appealed to the City Council within 10 days. Appeals shall proceed to determination by the City Council in accordance with the procedures in Chapter 17.36: Appeals.
- H. **City Council Action.** If the Council finds, after hearing, that the use, structure or building constitutes a nuisance, it may uphold the Planning Commission action, or impose any other remedy provided for in this Chapter. If the City Council finds that the use, structure or building is not a nuisance, it shall reverse the decision of the Planning Commission.

17.39.070 Recording a Notice of Violation

If the nuisance is not brought into compliance within the time specified in the Notice of Violation, after an order of the Director or the Code Enforcement Officer to correct violations of this Title, the Director may file in the County Recorder's office a certified statement describing the property and certifying all of the following:

- A. The property and/or structure is in violation of this Chapter; and
- B. The owner has been notified of the violation. Notice to the owner shall specifically describe the violations and a proof of service shall also be recorded with the Notice and Order by service of the notice in the same manner required for service of civil summons.

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.

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Division V – General Terms

Chapters:

- 17.40 Use Classifications
- 17.41 Terms and Definitions

Chapter 17.40 Use Classifications

Sections:

17.40.010	Purpose
17.40.020	Uses Not Classified
17.40.030	Residential Use Classifications
17.40.040	Public, Semipublic and Service Use Classifications
17.40.050	Commercial Use Classifications
17.40.060	Industrial Use Classifications
17.40.070	Transportation, Communication and Utilities Use Classifications
17.40.080	Agricultural and Extractive Use Classifications

17.40.010 Purpose

The purpose of this Chapter is to establish the use classifications for land uses that apply throughout the city and that are relied upon in Division II: Base District Regulations. Use classifications describe one or more uses of land having similar characteristics but do not list every use or activity that may be appropriately within the classification. These defined use classifications are listed in the land use schedules in Division II to regulate the land uses permitted, subject to specific limitations, and those requiring approval of a minor or conditional use permit. These use classifications are also referred to in Chapter 17.21: Off-Street Parking and Loading and Chapter 17.14: Standards for Specific Uses.

17.40.020 Uses Not Classified

When there is uncertainty over a particular land use, the Director shall determine whether a specific use should be considered within one or more use classifications. The Director may determine that a specific use is within a particular use classification if its characteristics are substantially compatible and similar with those uses named within the classification. Decisions made by the Director with respect to land use classifications may be appealed to the Planning Commission.

17.40.030 Residential Use Classifications

Residential Housing Types.

Single-family Dwelling. One dwelling unit, attached or detached, located on a single lot, designed for occupancy by one household. This use includes manufactured housing but not mobile homes.

Second Unit. An attached or detached residential dwelling unit that provides independent living facilities for one or more persons and is located on a single

lot with another primary, single-family dwelling. It shall include permanent provisions for living, sleeping, eating, cooking and sanitations on the same lot as the primary dwelling.

Two-Family Dwelling (Duplex). A single building that contains two dwelling units, or a single lot with two freestanding buildings, each of which is designed for occupancy by one household.

Multiple Family Residential. Three or more dwelling units on a site or lot. Types of multiple family dwellings include townhouses, garden apartments, and apartment buildings.

Family Day Care. A day-care facility licensed by the State of California that is located in a single-family residence where an occupant of the residence provides care and supervision for children.

Small Family. A facility which provides care for up to 8 children.

Large Family. A facility which provides care for 7-14 children.

Farm Worker Housing. Living quarters, either single family or group housing, provided for either full-time or part-time farm laborers on lands owned or leased by the owner of the living quarters.

Group Housing. Shared living quarters without separate kitchen or bathroom facilities for each room or unit. This classification includes boardinghouses, dormitories, private residential clubs, and transitional housing facilities offering shared living quarters or on-site services, but excludes hotels, motels and residential care facilities.

Mobile Home Park. Manufactured housing in a planned development with common area amenities. Spaces for mobile homes may be rented or owned.

Residential Care, Limited. A residential care facility providing 24-hour non-medical care for 6 or fewer persons in a single unit, in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only those facilities licensed for residential care by the State of California. Six or fewer persons does not include the licensee or members of the licensee's family or persons employed as facility staff.

Service-Enriched Housing. Permanent housing in which residents are tenants who live independently and have access to various voluntary support services, such as health, mental health, education and employment/training services. This classification includes nursing homes and rest homes but does not include residential care facilities. Services may be provided on-site and/or off-site. If support services are also offered on-site to off-site residents, the support services component will be classified and regulated as hospitals and clinics or other appropriate classification.

17.40.040 Public, Semipublic, and Service Use Classifications

Cemeteries. Establishments primarily engaged in operating sites or structures reserved for the internment and burial of human or animal remains. This use includes mausoleums, burial places, and memorial gardens.

Clubs and Lodges. Meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests, including residential accommodations that are available to members or guests on a temporary basis for periods of less than 30 consecutive days, but excluding residential hotels. This classification includes union halls, social clubs and youth centers.

Colleges and Trade Schools. Institutions of higher education providing curricula of a general, religious or professional nature, typically granting recognized degrees. This classification includes business and computer schools, management training, technical and trade schools, but excludes personal instructional services covered by “Personal Improvement Services.”

Community Center. Any noncommercial facility established primarily for the benefit and service of the population of the community in which it is located. Examples include youth centers and senior centers. This classification excludes community facilities operated in conjunction with an approved residential or commercial use that are not generally available to the public.

Community Social Service Facilities. Any noncommercial facility, such as homeless shelters and emergency shelters which may also provide meals, showers, and/or laundry facilities, established primarily for the benefit and service of the population of the community in which it is located. Specialized programs and services related to the needs of the residents may also be provided. This classification excludes transitional housing facilities that provide living accommodations for a longer term.

Cultural Institutions. Public or nonprofit institutions engaged primarily in the display or preservation of objects of interest in the arts or sciences that are open to the public on a regular basis. This classification includes performing arts centers for theater, dance, and events, libraries, museums, historical sites, aquariums, art galleries, and zoos and botanical gardens.

Day Care Center. Establishments providing non-medical care for 12 or more persons on a less than 24-hour basis. This classification includes nursery schools, preschools, and day care centers for children or adults, and any other day-care facility licensed or certified by the State of California, excluding small and large family day care homes.

Government Offices. Administrative, clerical, or public contact offices of a government agency, including postal facilities, together with incidental storage and maintenance of

vehicles. This classification excludes corporation yards, equipment service centers, and similar facilities that primarily provide maintenance and repair services and storage facilities for vehicles and equipment.

Hospitals and Clinics. Facilities licensed by the California State Department of Health Services providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons. This classification includes facilities for in-patient and out-patient treatment, including drug and alcohol abuse programs as well as training, research, and administrative services for patients and employees.

Hospitals. Institutions providing medical and surgical care to the sick or injured including operating facilities and beds for patients to stay overnight. These establishments may include nursing facilities, extended care facilities, physical therapy, gift shops, retail pharmacies, employee housing, temporary housing for patient families, cafeterias or restaurants, and related uses operated primarily for the benefit of patients, staff, and visitors.

Clinics. Facilities other than hospitals where patients are admitted for examinations and treatment by one or more physicians, usually on a "walk-in" basis. Patients are treated on an outpatient basis and are not admitted for overnight treatment or observation. 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.

Park and Recreation Facilities. Noncommercial parks, playgrounds, recreation facilities, and open spaces. This classification also includes public and non-commercial playing fields, courts, gymnasiums, swimming pools, picnic facilities, tennis courts, golf courses, and public marinas, as well as related food concessions or community centers within the facilities.

Recreational Vehicle Park. A site used by campers with recreational vehicles or tents for limited stays not over one month. This use may include public restrooms, water, sewer, and electric hookups to each space and may include accessory trailer storage.

Parking, Public. The exclusive or primary use of a lot for parking motor vehicles in either an open paved area or structure, owned by a public agency or under contract to a public agency.

Public Safety Facilities. Facilities for public safety and emergency services, including a facility that provides police and fire protection and other emergency medical services.

Religious Facilities. A facility for religious worship and incidental religious education, offices, social services, and community programs but not including private schools. This

classification includes churches, temples, and other facilities used primarily for religious services or activities.

Residential Care, General. Facilities that require or are licensed by the State of California to provide permanent living accommodations and 24-hour non-medical care and supervision for more than 6 persons in a single unit and in need of personal services, supervision, protection, or essential assistance for sustaining the activities of daily living. Living accommodations are shared living quarters with or without separate kitchen or bathroom facilities for each room or unit. This classification includes facilities that are operated for profit as well as those operated by public or not-for-profit institutions, including hospices, nursing homes and convalescent facilities. This category excludes transitional housing and community social service facilities.

Schools, Public or Private. Facilities for primary or secondary education, including elementary, junior high and high schools and private institutions having curricula comparable to that required in the public schools of the State of California.

17.40.050 Commercial Use Classifications

Adult Business Establishments. Establishments 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: the offering of materials, products, and/or services that have sexual arousal, sexual gratification, and/or sexual stimulation as their dominant theme, relate to specified anatomical areas or specified sexual activities, and which are not customarily open to the general public because they exclude minors by virtue of their age as a prevailing business. This classification does not include any establishment offering professional services conducted, operated, or supervised by medical practitioners, physical therapists, nurses, chiropractors, psychologist, social workers, marriage and family counselors, osteopaths, and persons holding unrevoked licenses or certificates under applicable California State law or accreditation from recognized programs when performing functions pursuant to the respective license or certificate.

Animal Sales and Services. Retail sales and services, including pet stores, pet supply stores, grooming and/or medical care for animals on a commercial basis. This classification allows 24-hour accommodation of animals receiving medical or grooming services but does not include kennels. This classification also excludes dog walking and similar pet care services not carried out at a fixed location.

Kennels. Facilities for keeping, boarding, training, breeding or maintaining for commercial purposes, four or more dogs, cats, or other household pets not owned by the kennel owner or operator. This classification excludes pet shops and animal hospitals that provide 24-hour accommodation of animals receiving medical or grooming services within a building.

Kennels with Outdoor Activity Areas. Kennel facilities that have outdoor areas where dogs, cats or other household pets are kept, boarded, trained, bred or maintained or that are intended for activity and play areas for these pets, such as outdoor dog runs.

Automobile/Vehicle Sales and Services.

Automobile Rentals. Rental of automobiles, including storage and incidental maintenance.

Automobile/Vehicle Sales and Leasing. Sales or leasing of automobiles, motorcycles, and trucks, including storage and incidental maintenance. This use excludes the sale or leasing of large vehicles such as motor homes and recreational vehicles, trailers, tractors and vans.

Automobile/Vehicle Service and Repair, Major. Repair of automobiles, trucks, motorcycles, motor homes, and recreational vehicles, including the sale, installation, and servicing of related equipment and parts, generally on an overnight basis. This classification includes auto repair shops, body and fender shops, transmission shops, wheel and brake shops, auto glass services, and tire sales and installation, but excludes vehicle dismantling or salvaging and tire retreading or recapping.

Automobile/Vehicle Service and Repair, Minor. Establishments engaged in the retail sale of gas or diesel fuel, lubricants, parts, and accessories, including gasoline service stations, gas convenience marts, 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. This classification excludes establishments providing engine repair, body and fender work, vehicle painting, towing or repair of heavy trucks or construction vehicles.

Automobile/Vehicle Washing. Washing, waxing, or cleaning of automobiles or similar light vehicles, including self-serve washing facilities.

Large Vehicle and Equipment Sales, Service and Rental. Sales, servicing and rental of motor homes and recreational vehicles, vans, trailers, tractors, and other equipment used for construction, agricultural, or landscape gardening activities.

Banks and Other Financial Institutions. Financial institutions providing retail banking services. This classification includes only those institutions engaged in the on-site circulation of money, including credit unions and businesses offering check-cashing facilities.

With Drive-Through Facilities. Financial institutions providing retail banking services to patrons remaining in automobiles.

Bed and Breakfast Establishments. Establishments providing guest rooms for lodging on a less than weekly basis typically in a converted single-family or multi-family

dwelling, with incidental eating and drinking service provided from a single kitchen for lodgers and residents only.

Building Materials and Services. Retailing, wholesaling, or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales or rental establishments, and building contractors' yards, and includes establishments devoted principally to taxable retail sales to individuals for their own use. This definition does not include building contractors' yards (see Section 17.40.060: Industrial Use Classifications, "Contractors' Yards"), large-scale "warehouse" stores (see "Home Improvement Sales and Services") and hardware stores less than 10,000 square feet in floor area (see "Retail Sales").

Business Services. Establishments that primarily provide 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, photo finishing, and model building. This use excludes photocopying and photo-finishing services of a personal service nature, provided to individual patrons.

Commercial Recreation. Provision of participant or spectator recreation to the general public, excluding public park and recreation facilities.

Large-scale. This classification includes large outdoor facilities including: sports stadiums and arenas; amusement and theme parks; bowling centers; racetracks; amphitheatres; driving ranges not in conjunction with a golf course; fitness centers, gymnasiums, handball, racquetball, or tennis club facilities greater than 20,000 square feet; ice or roller skating rinks; swimming or wave pools; miniature golf courses; archery or indoor shooting ranges; riding stables; campgrounds; stables, etc. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.

Small-scale. This classification includes small, generally indoor facilities, although some facilities may be outdoor, including: billiard parlors, dance studios, dance halls, gymnasiums, handball, racquetball, or tennis club facilities less than 20,000 square feet, poolrooms, and amusement arcades. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.

Boating and Fishing Facilities. Businesses providing coastal-related recreational services such as boat tours, boat rentals, and fishing trips.

Golf Course. A privately-owned facility offering golfing opportunities to members or the public for a fee.

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.

Restaurants, Full Service. Restaurants providing food and beverage services to patrons who order and are served while seated and pay after eating. Takeout service may be provided.

Restaurants, Limited Service. Establishments where food and beverages are prepared and may be consumed on the premises, taken out, or delivered, but where no table service is provided and patrons pay before eating. This classification includes coffee shops, cafes, specialty snack stores such as ice cream or frozen yogurt stores and other takeout eating places.

With Drive-Through Facilities. Establishments providing food and beverage services to patrons remaining in automobiles. Includes drive-up service.

With Outdoor Eating Areas. Provision of outdoor dining facilities on the same property or in the adjacent public right-of-way.

Food and Beverage Sales. Retail sales of food and beverages for off-site preparation and consumption. Typical uses include markets, groceries, liquor stores, and retail bakeries.

Convenience Market. Retail establishments that sell a limited line of groceries, prepackaged food items, tobacco, magazines, and other household goods, primarily for off-premises consumption and typically found in establishments with long or late hours of operation and a relatively small building. This classification includes small retail stores located on the same parcel as or operated in conjunction with a service station but does not include delicatessens or specialty food shops. It excludes establishments which have a sizeable assortment of fresh fruits and vegetables or fresh cut meat.

General Market. Retail food markets of food and grocery items for offsite preparation and consumption. Typical uses include supermarkets (excluding large format retail stores, and superstores), and specialty food stores, such as bakeries, candy, nuts and confectionary stores, meat or produce markets, vitamins and health food stores, cheese stores and delicatessens.

Liquor Stores. Establishments primarily engaged in selling packaged alcoholic beverages such as ale, beer, wine and liquor.

Funeral Parlors and Mortuaries. An establishment primarily engaged in the provision of services involving the care, preparation, or disposition of the human dead. Typical uses include a crematory, columbarium, or mortuary.

Home Improvement Sales and Services. Retail sales, rental and related services of hardware, plumbing, electrical, heating, air conditioning, building supplies, tools and equipment, plants and garden products, patio furniture, swimming pools, spas and hot

tubs, lighting fixtures, kitchen and bathroom fixtures and cabinets, paint, carpeting, floor coverings or wallpaper.

Hotels and Motels. Establishments offering 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 classification includes motor lodges, motels, hostels, extended-stay hotels, and tourist courts but does not include rooming hotels, boarding houses, or residential hotels designed, or intended to be used for sleeping for a period of 30 consecutive days or longer. This classification also excludes bed and breakfast inns and similar accommodations that an occupant of single family housing provides on the same premises incidental to the primary residential use of the property.

Laboratories. Establishments providing medical or dental laboratory services; or establishments providing photographic, analytical, or testing services.

Live/Work Units. A commercial or industrial unit with incidental residential accommodations that includes adequate working space reserved for commercial or industrial use and regularly used for such purpose by one or more persons residing in the unit and a cooking space and sanitary facilities in conformance with applicable building standards.

Maintenance and Repair Services. Establishments providing appliance repair, office machine repair, janitorial services, pest control, or building maintenance services. This classification excludes maintenance and repair of vehicles or boats and pest control services.

Marine Sales and Services. Establishments engaged in the sale and service of marine equipment, boats and recreational watercraft, and accessory parts and supplies.

Offices, Business and Professional. Offices of firms or organizations providing professional, executive, management, or administrative services, such as architectural, computer software design, engineering, graphic design, interior design, real estate, insurance, investment, legal, and medical/dental offices. This classification includes medical/dental laboratories incidental to an office use, but excludes hospitals, banks and savings and loan associations.

Walk-in Clientele. Offices of firms or organizations providing services to the public that rely on heavy pedestrian activity and constant visits by clients, including real estate offices, landlord-tenant services, credit counseling and financial tax services.

Offices, Medical and Dental. Offices of firms or organizations providing medical services, such as physicians, dentists, chiropractors, optometrists, and similar medical

professionals. This classification includes medical/dental laboratories incidental to an office use but excludes clinic or independent research laboratory facilities.

Parking, Commercial. Surface lots and structures offering parking to the public for a fee when such use is not incidental to another activity.

Personal Improvement Services. Provision of instructional services or facilities, including photography, fine arts, crafts, dance or music studios, driving schools, business and trade schools, and diet centers, reducing salons, and fitness studios.

Personal Services. Provision of recurrently needed services of a personal nature. This classification includes barber and beauty shops, seamstresses, tailors, shoe repair shops, dry-cleaning businesses (excluding large-scale bulk cleaning plants, see “Industry, Limited”), self-service laundries, video rental stores, photocopying and photo finishing services, and travel agencies.

Retail Sales. The retail sale of merchandise not specifically listed under another use classification. This classification includes drug stores, pharmacies, department stores, clothing stores, furniture stores, pawn shops, pet shops, hardware stores, 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, electronic equipment, records, sporting goods, kitchen utensils, hardware (under 10,000 square feet of sales area), appliances, antiques, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, 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.

Large Format. Retail establishments (over 80,000 square feet of sales area) that sell merchandise and bulk goods for individual consumption, including membership warehouse clubs and superstores.

Wholesale, Distributing and Storage. Indoor storage and sale of factory-direct merchandise and bulk goods. This use classification includes mail-order and Internet sales, importing and the retail or wholesale of goods imported by the establishment, and wholesale distribution, but excludes sale of goods at discount prices for individual consumption.

17.40.060 Industrial Use Classifications

Contractors’ Yards. On- or off-site storage of contractors’ materials or equipment.

Handicraft/Custom Manufacturing. Manufacture of crafts, art, sculpture, stained glass and similar items. Incidental retail sales of items manufactured on the premises is permitted.

Industry, Coastal-Related. Establishments given priority by the Coastal Act for location adjacent to the coastline, such as thermal power plants, seawater intake structures, discharge structures, tanker support facilities, and other similar uses which must be located on or adjacent to the sea in order to function.

Industry, General. 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. This classification excludes basic industrial processing.

Agricultural Processing. The processing of any agricultural product, including dairy operations and livestock and poultry slaughtering. This district also provides sites for any acceptable practices performed as incident to these operations, including preparing for market and delivery to storage or market, or to carriers for transportation to market.

Industry, Limited. Manufacturing of finished parts or products, primarily from previously prepared materials, This classification includes printing and related support activities, machinery manufacturing, food manufacturing, computer and electronic product manufacturing, electrical equipment, appliance, and component manufacturing, furniture and related product manufacturing; and related manufacturing activities, including conducting industrial or scientific research and product testing.

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. This classification includes mini-warehouses.

Indoor Commercial Storage. Storage within an enclosed building of commercial goods prior to their distribution to wholesale and retail outlets.

Outdoor Storage. Storage of vehicles or commercial goods in open lots.

Self-storage. Facilities offering storage for individual use, including mini-warehouses and personal storage warehouses.

17.40.070 Transportation, Communication, and Utilities Use Classifications

Communication Facilities.

Antennae and Transmission Towers. Broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms, as well as structures designed to support one or more reception/transmission systems. Examples of transmission towers include, but shall not be limited to, radio towers, television towers, telephone

exchange/microwave relay towers, and cellular telephone transmission/personal communications systems towers.

Facilities Within Buildings. Includes radio, television, or recording studios and telephone switching centers; excludes antennae and transmission towers.

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.

Recycling Facilities. Facilities for receiving, temporarily storing, and transferring materials for recycling, reuse, or final disposal.

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 Point. An incidental use that serves as a neighborhood drop off point for the temporary storage of recyclable materials but where the processing and sorting of such items is not conducted on-site.

Recycling Processing Facility. Facilities that receive, sort, store and/or process recyclable materials.

Utilities, Major. Generating plants, electrical substations, gas substations, solid waste collection, including transfer stations, solid waste treatment and disposal, flood control or drainage facilities, water or wastewater treatment plants, and similar facilities of public agencies or public utilities. This use excludes recycling processing facilities for materials recovery listed under “Recycling Facilities”.

Utilities, Minor. Facilities necessary to support established uses involving only minor structures such as electrical distribution lines, and underground water and sewer lines.

17.40.080 Agriculture and Extractive Use Classifications

Agriculture, Coastal-Related. Agricultural activities utilizing sea water, such as aquaculture, the breeding, hatching and propagation of fish, and mariculture.

Crop and Animal Raising. 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.

Equestrian Boarding. Facilities for the boarding, care and recreational use of horses not owned by the property owner, including barns, grooming stalls, exercise areas and related support facilities.

Mining and Quarrying. The extraction of nonmetallic minerals, including sand and gravel pit operations. This use includes surface mining operations as defined by the State of California Public Resources Code.

Nurseries. Establishments primarily engaged in retailing nursery and garden products such as trees, shrubs, plants, seeds, bulbs, and sod - that are predominantly grown elsewhere but which may sell a limited amount of a product they grow themselves. All merchandise is kept within an enclosed building or a fully screened enclosure and fertilizer of any type is stored and sold in package form.

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Chapter 17.41 Terms and Definitions

Sections:

- 17.41.010 List of Terms
- 17.41.020 General Definitions
- 17.41.030 Affordable Housing Definitions
- 17.41.040 Bluff, Hillside and Coastal Definitions
- 17.41.050 Parking and Loading Definitions
- 17.41.060 Sign Definitions
- 17.41.070 Wireless Telecommunications Definitions

17.41.010 List of Terms

General Definitions

- | | |
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| Abutting or Adjoining | Common Open Space (<i>see Open Space</i>) |
| Access | Conditionally Permitted Use (<i>see Use Types</i>) |
| Accessory Structure | Condominium |
| Accessory Use | Construction Cost |
| Acre, Gross | Conversion |
| Adjacent | Corner Lot (<i>see Lot Types</i>) |
| Aggrieved Person | Covenant |
| Alley | Coverage, Lot |
| Alteration | De Novo Hearing |
| Amusement and Pinball Machines | Deck |
| Animal, Farm | Demolition |
| Apartment | Density Bonus |
| Arcade | Department |
| Automated Teller Machine (ATM) | Director |
| Average Grade (<i>see Grade-Related Terms</i>) | Dwelling |
| Balcony | Easement |
| Base Density | EIR |
| Bedroom | Emergency |
| Best Management Practices | Entertainment, Live |
| Blockface | Environmentally Sensitive Habitat |
| Building | Estuary |
| Building Height | Existing Grade (<i>see Grade-Related Terms</i>) |
| Building Inspector | Exterior or Street Side Yard (<i>see Yard Types</i>) |
| Building, Main | Family |
| Building Site | Feasible |
| Bulk | Fence |
| Campground | Fill Slope |
| Cantilever | Finished Grade (<i>see Grade-Related Terms</i>) |
| City | Flag Lot (<i>see Lot Types</i>) |
| City Council | Floodplain, 100 Year |
| Cluster Housing | Floodway |
| Commission | Floor |

Floor Area
 Front Lot Line (*see Lot Line Types*)
 Front Yard (*see Yard Types*)
 Frontage, Street or Frontage, Building
 Garage
 General Plan/Local Coastal Plan
 Grade-Related Terms
 Grading
 Gross Density (*see Density*)
 Gross Floor Area (*see Floor Area*)
 Hazardous Material
 Home Occupation
 Household
 Illegal Use
 Impermeable Surface
 Infant
 Infill
 In-lieu Fees
 Interior Lot (*see Lot Types*)
 Interior Lot Line (*see Lot Line Types*)
 Interior Side Yard (*see Yard Types*)
 Kitchen
 Landscaping
 Ldn
 Living Space
 Local Coastal Program
 Lot
 Lot Area
 Lot Line
 Lot Line Types
 Lot Types
 Lot Width
 Maintenance and Repair
 Manufactured Housing (*see Mobile Home*)
 Mature Landscaping
 Mobile Home or Manufactured Housing
 National Pollutant Discharge Elimination
 System (NPDES) Storm Water Discharge
 Permits
 Nonconforming Building or Structure
 Non-Conforming Use
 Non-Storm Water Discharge
 Non-Urban Area
 Occupancy, Change In
 Off-street Loading Facilities
 Open Space Types
 Opposite
 Outdoor Storage
 Permit
 Permitted Use (*see Use Types*)
 Person
 Pollute
 Porch
 Porter-Cologne Act
 Pre-existing
 Prime Agricultural Lands
 Private Open Space (*see Open Space Types*)
 Prohibited Use (*see Use Types*)
 Project
 Rear Lot Line (*see Lot Line*)
 Rear Yard (*see Yard Types*)
 Recreational Vehicle
 Redevelopment
 Retaining Wall
 Reversed Corner Lot (*see Lot Types*)
 Riparian Habitat
 Screening
 Setback Line
 Side Lot Line (*see Lot Line Types*)
 Side Yard (*see Yard Types*)
 Site
 Specified Anatomical Areas
 Specified Sexual Activities
 Storm Water
 Story
 Stream Corridors
 Street
 Street Grade (*see Grade-Related Terms*)
 Street Line
 Structure
 Substandard Lot
 Temporary (Non-Permanent) Building
 Tenant
 Through Lot (*see Lot Types*)
 Unbuildable
 Use
 Use Types
 Vessels for Commercial Fishing
 Visible
 Wetlands
 Yard
 Yard Types

Affordable Housing Definitions
 Additional Incentives
 Affordable Housing
 Affordable Unit, For Rent
 Affordable Unit, For Sale
 Area Median Income Levels
 Childcare Facility
 Condominium Project

Household Income Types
Inclusionary Housing
Lower Income Households (*see Household Income Types*)
Moderate Income Households (*see Household Income Types*)
Qualifying Residents
Resale Control
Very Low Income Households (*see Household Income Types*)

Bluff, Hillside and Coastal Definitions

Administrative Coastal Development Permit (*see Coastal Development Permit Types*)
Bluff
Bluff Buffer
Bluff Review Area
Bluff, Toe
Bluff Top Access
Bluff Top Edge
Coastal Bluff Properties
Coastal Dependent Development or Use
Coastal Development Permit Types
Coastal Resources
Development
Disaster
Dredging
Emergency Coastal Development Permit (*see Coastal Development Permit Types*)
Lateral Access
Regular Coastal Development Permit (*see Coastal Development Permit Types*)
Sand Dunes
Sand Spit
Sensitive Coastal Resource Area
Vertical Access

Parking and Loading Definitions

Carport
Driveway

Loading Space
Off-Street Loading Facilities
Parking Lots
Parking Space
Parking Structures
Public Parking Area

Sign Definitions

Abandoned Sign
Banners
Building Mounted Sign
Business Sign
Construction Sign
Directory Sign
Illuminated Sign
Marquee Sign
Master Sign Plan
Monument Sign
Nonconforming Sign
Open House Sign
Real Estate Sign
Roof Sign
Signs
Sign Area
Sign Face
Snipe Sign
Temporary Sign
Wall Sign

Wireless Telecommunications Definitions

Amateur Radio Antenna (*see Antenna Types*)
Antenna
Antenna Types
Building-Mounted Telecommunications Facility
Monopole
Satellite Antenna (*see Antenna Types*)
Telecommunications Facility
Telecommunications Facility, Co-Located

17.41.020 General Definitions

Abutting or Adjoining. Having a common border, boundary, or lot line.

Access. The place, or way through which pedestrians and/or vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this ordinance.

Accessory Structure (or Building). A building or structure that is detached from the principal structure or building on a site and the use of which is incidental to the main building. Examples include, but are not limited to detached garages, detached decks, storage buildings, woodsheds, workshops and gazebos.

Accessory Use. A use that is secondary or incidental to the principal use of a building or space within a building, on the same building site. For retail uses, an accessory use is incidental in terms of area, extent, and purpose to a primary use and in terms of display space that is occupied.

Acre, Gross. A measure of total land area of any lot including future streets, parks, and other land dedications.

Adjacent. Near or close to; sometimes contiguous; neighboring.

Aggrieved Person. 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 secondary vehicular accessway through a block that provides access to the rear of building sites or buildings.

Alteration. Any change, addition, or modification of any of the supporting members of a structure, such as bearing walls, columns, beams or girders, 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.

Amusement and Pinball Machines. Any machine, table, board, electronic device or apparatus fitted for use by the public, the operation of which is permitted, controlled, allowed or made possible by the deposit or insertion of any coin, plate, disc, slug or key into any slot, crevice or opening or by payment of any fee or fees and which operates or which may be operated for use as a game, contest, or amusement, but which does not return or vend any article or merchandise or any money, coin, check or token. This term does not include phonographs, jukeboxes, picture taking machines or pin-setting devices.

Animal, Farm. Any animal that is customarily raised on farms, including horses, cows, and any other animal customarily kept in a pen, corral, stable, or pond.

Apartment. A room or suite of rooms with a single kitchen, which is occupied or which is intended or designed to be occupied by one family for living and sleeping purposes.

Arcade. A commercial entertainment land use consisting of amusement and pinball machines located within one building or structure.

Automated Teller Machine (ATM). An automated device used by the public to conduct such banking and financial transactions electronically as withdrawing or depositing cash from a bank, savings, credit union, credit card or similar account. As used in this code the term ATM does not apply to retail point-of-sale transactions within a fully enclosed location.

Balcony. A platform that projects from the wall of a building 30 inches or more above grade.

Base Density. The number of dwelling units on a particular parcel of land that is in conformance with the general plan and zoning code.

Bedroom. Any habitable room other than a living room, family room, bathroom, dining room, or kitchen shall be considered a bedroom if:

1. It has 70 square feet or more of floor area;
2. The minimum horizontal dimension between interior walls is seven feet and the ceiling height is seven feet-six inches or more; and
3. It meets the Building Code requirements for light and ventilation.

Best Management Practices. Best Management Practices means activities, practices, and procedures to prevent or reduce the discharge of pollutants directly or indirectly to the municipal storm drain system and waters of the United States. Best Management Practices include: treatment facilities to remove pollutants from storm water; operating and maintenance procedures; facility management practices to control runoff, spillage or leaks of non-storm water, waste disposal, and drainage from materials storage; erosion and sediment control practices; the prohibition of specific activities, practices, and procedures; and such other provisions as the City determines appropriate for the control of pollutants.

Blockface. All property fronting upon one side of a street, between intersecting and intercepting streets, or between a street and a railroad right-of-way, waterway, dead-end street or city boundary. An intercepting street shall determine only the boundary of the block on the side of street which it intercepts.

Building. Any structure having a roof supported by columns or by walls and designed for the shelter or housing of any person, animal or property.

Building Height. The vertical distance from finished grade to the highest point of the roof beams of a flat roof, the deck line of a mansard roof, or the peak or gable of a pitched or hipped roof. See Rules of Measurement.

Building Inspector. 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, Main. A building in which the principal use of the lot and/or building site is conducted.

Building Site. A legal lot of record, lots or parcel of land, in single or joint ownership, and occupied or to be occupied by a main building and accessory buildings or by a dwelling group and its accessory building, together with such open spaces as are required by the terms of this Title and having its principal frontage on a public or private street, road or highway.

Bulk. A term used to designate 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. For purposes the Coastal Act, total interior cubic volume as measured from the exterior surface of the structure.

Campground. A transient open air facility for the temporary use of tent, trailer, or RV campers without hookups in a park-like setting.

Cantilever. A structure or extension attached to the main portion of a structure without separate vertical supports.

City. The City of Morro Bay, San Luis Obispo County, California.

City Council. The City Council of the City of Morro Bay, San Luis Obispo County, California.

Cluster Housing. A residential subdivision in which lot sizes are reduced in return for the provision of permanent open spaces.

17.41-A: CLUSTER HOUSING



Commission. The City Planning Commission of the City of Morro Bay, San Luis Obispo County, California. Also referred to as the “Planning Commission.”

Condominium. A multiple dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities.

Construction Cost. The total cost required to construct, rebuild, repair, remodel or make an addition to an existing building and shall include all permanent work and permanent equipment, excluding landscaping.

Conversion. A change of a residential dwelling, including a mobile home lot in a mobile home park, as defined in Section 18214 of the Health and Safety Code, or a residential hotel, as defined in paragraph (1) of subdivision (b) of Section 50519 of the Health and

Safety Code, to a condominium, cooperative, or similar form of ownership; or a change of a residential dwelling, including a mobile home lot in a mobile home park, or a residential hotel, to a nonresidential use.

Covenant. A formal binding agreement for the performance of some action.

Coverage, Lot. The coverage of a lot by all portions of the building, either at or above ground level, including garages, carports, roofed porches and cantilever portions of the building and the area of raised uncovered decks over 30 inches in height that encroach into any setback areas, excluding roof overhangs, eaves, open decks, or similar architectural extensions.

De Novo Hearing. A new hearing of a matter, conducted as if the original hearing had not taken place.

Deck. An open, unroofed porch or platform, either freestanding or attached to a building that is supported above grade.

Demolition. The intentional destruction and removal of any structure or portion thereof, including a residential dwelling, including a mobile home, as defined in Section 18008 of the Health and Safety Code, or a mobile home lot in a mobile home 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 Bonus. A density increase over the otherwise maximum allowable residential density permitted under the applicable zoning code requirements.

Density, Gross. The number of dwelling units divided by the total land area of a development site, including any area to be dedicated to streets, schools, parks, or public uses.

Department. The Public Services Department of the City of Morro Bay.

Director. The Director of the Public Services Department of the City of Morro Bay or the Director's designee.

Dwelling. A building or portion thereof designed and used exclusively for residential occupancy, including one-family, two-family and multiple-family dwellings, but not including hotels, motels or boarding houses.

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 (examples, right-of-way, public access or recreation area, etc.).

EIR. An Environmental Impact Report as required under the California Environmental Quality Act, Public Resources Code Section 21000 *et. seq.*

Emergency. A sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.

Entertainment, Live. A musical, theatrical, dance, cabaret, or comedy act performed by one or more persons. Any form of dancing by patrons or guests at an eating and drinking establishment or bar as live entertainment.

Environmentally Sensitive Habitat Area. A type of sensitive resource area where 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 development. This term includes, but is not limited to, wetlands, coastal streams and riparian vegetation, and terrestrial and marine habitats, as mapped in the General Plan/Local Coastal Program.

Estuary. A coastal water body usually semi-enclosed by land, but which has open, partially obstructed, or intermittent exchange with the ocean and in which ocean water is at least occasionally diluted by freshwater runoff from the land. The salinity may be periodically increased above the open ocean by evaporation. In general, the boundary between "Wetland" and "Estuary" is the time of extreme low water.

Family. One or more persons living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities. Members of a "family" need not be related by blood but are distinguished from a group occupying a hotel, club, fraternity or sorority house.

Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

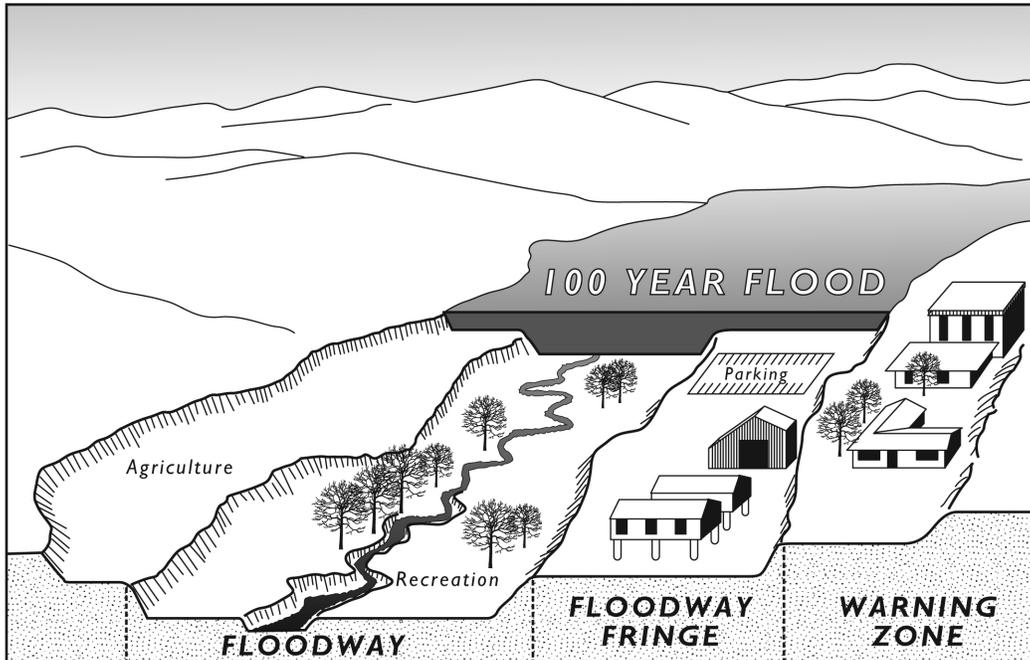
Fence. Any structural device forming a physical barrier or boundary by means of hedge, wood, mesh, metal, chain, brick, stake, plastic or other similar materials.

Fill Slope. The depositing of earth or any other substance or material by artificial means, including new pilings (except for replacement pilings) placed for the purposes of erecting structures thereon placed in a submerged area, any action by which earth, sand, gravel, rock or any other material is placed, pushed, pumped, pulled, transported, or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom.

Floodplain, 100 Year. The area subject to flooding in a major storm which has the potential for occurring once during a 100 year period and described by the U.S. Department of Housing and Urban Development Federal Insurance Administration.

Floodway. A channel for passing flood waters as described by the U.S. Department of Housing and Urban Development Federal Insurance Administration.

FIGURE 17.41-B: FLOODWAY



Floor. A surface that is horizontal or nearly so located within the interior of a structure which is suitable for walking or standing upon.

Floor Area. The total gross square footage included within the surrounding exterior walls of all floors contained within all enclosed buildings on a building site, including internal circulation, storage and equipment space, enclosed halls, lobbies, stairways, elevator shafts, enclosed porches and balconies. See Rules of Measurement.

Frontage, Street or Frontage, Building. The side of a lot or building site facing a street.

Garage. Accessible and usable covered space entirely enclosed for the storage of automobiles.

General Plan/Local Coastal Plan. The Local Coastal Plan adopted by the City and certified by the State Coastal Commission. Also referred to as the “General Plan,” “LCP” or “LUP.”

Grade-Related Terms. See Rules of Measurement.

Average Grade. A horizontal line approximating the ground elevation through each building on a site used for calculating the exterior volume of buildings. Average grade is calculated separately for each building.

Existing Grade. The topographic elevations representing the surface of the ground prior to grading, filling, or other site alterations for a project. Existing grade may also be referred to as natural grade.

Finished Grade. The topographic elevations representing the ground surface at all parts of a site not occupied by a building upon project completion. This grade follows the actual soil or paving surface around the buildings including all excavations and fills. Excluded from this definition are window wells serving basement rooms, the combined area of which do not exceed 10 percent of the floor space in the total basement area.

Street Grade. The top of the curb or the top of the edge of the pavement or traveled way where no curb exists.

Grading. Excavating, filling, leveling or smoothing or combination thereof, but does not include temporary stock piles of less than 50 c.y. a duration of 30 days or less.

Ground Floor. A ground floor is any level of a building where the floor is within three feet of the grade of the abutting street.

Gross Floor Area. See “Floor Area.”

Hazardous Material. 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 (See California Health and Safety Code §25117).

Home Occupation. An occupation carried out by a resident, entirely within a building as an accessory use of a nonresidential nature and clearly secondary to the residence.

Household. One or more persons, whether or not related by blood, marriage or adoption, sharing a dwelling unit in a living arrangement usually characterized by sharing living expenses, such as rent or mortgage payments, food costs and utilities, as well as maintaining a single lease or rental agreement for all members of the household and other similar characteristics indicative of a single household.

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 required for the use at the time it was brought into existence.

Impermeable Surface. A surface artificially constructed so as to prevent or largely inhibit the infiltration of rainwater or runoff into the natural soils or underlying geologic materials.

Infant. A child under the age of two (2) years.

Infill. Development of vacant land within existing developed areas of the city. Infill shall be limited to areas within the city Urban/Rural Boundary as adopted by the State Coastal Commission.

In-lieu Fees. A cash payment required as a substitute for a dedication and/or improvement of land by an owner or developer of property.

Kitchen. Any space used, intended or designed to be used for cooking and preparing food.

Landscaping. The planting, configuration and maintenance of trees, ground cover, shrubbery and other plant material, decorative natural and structural features, earth patterning and bedding materials for an aesthetic or functional purpose. Landscaping shall not be construed to mean artificial turf or plants nor paved areas for the use of vehicles.

Ldn. Day-Night Average Sound Level. The A-weighted average sound level for a given area (measured in decibels) during a 24-hour period with a 10 dB weighing applied to night-time sound levels. The Ldn is approximately numerically equal to the CNEL for most environmental settings.

Living Space. Any space suitable for walking or standing upon and that is used or designed for use by the occupants of a building.

Local Coastal Program (Plan and LCP). The City's land use plans, zoning ordinances, zoning district maps, and within sensitive coastal resource areas, implementing actions which, when taken together, meet the requirements of, and implement the provisions and policies of the California Coastal Act of 1976, at the local level.

Lot. A designated parcel of real property established by plat, subdivision, or as otherwise permitted by law, and indicated as a separate lot upon a Final Subdivision Map, parcel map, lot line adjustment map, or record of merger filed in the Office of the County Recorder.

Lot Area. The total area within the exterior lines of a lot excluding public access corridors, vehicular easements, and areas to be included in future street rights-of-way or other public facilities or uses established by easement, dedication, or ordinance.

Lot Line. A line separating the frontage from a street; the side from a street or adjoining property; the rear from an alley or street or adjoining property.

Lot Line Types.

Front Lot Line. The portion of a lot that abuts a public street. For corner lots, the shortest side fronting upon a street is considered the front of the lot regardless of which street is used for vehicle or pedestrian access, or street address.

Interior Lot Line. A lot line not adjacent to a street.

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 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 setbacks and measuring rear yard depth.

Side Lot Line. Any lot lines other than front lot lines or rear lot lines. The horizontal distance between side lot lines measured along a line that is parallel to the front lot line and located the minimum exterior setback distance from the front lot line.

Lot Types.

Corner Lot. A lot, where the front and one or more sides face a street or street and public way.

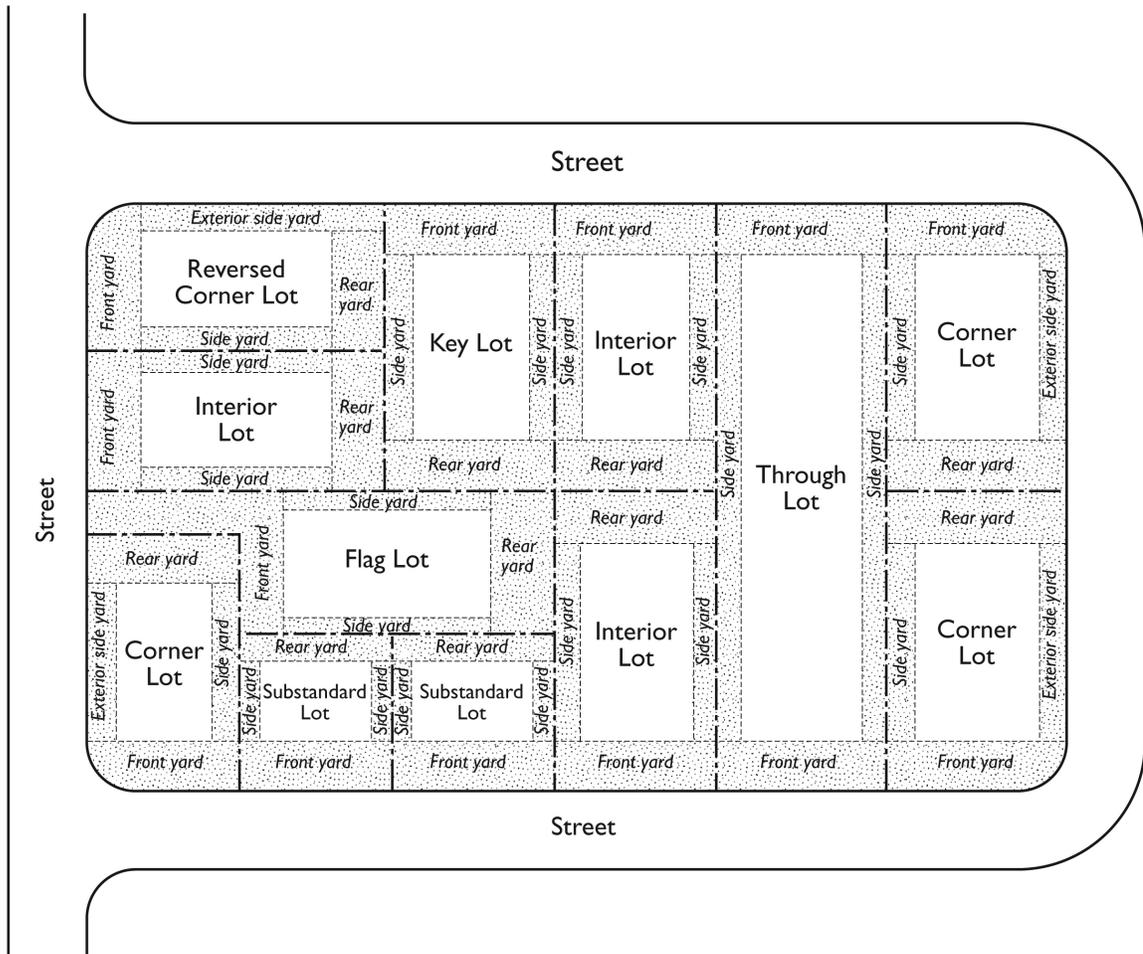
Flag Lot. A lot not fronting or abutting a public roadway, where access to the public roadway is limited to a narrow private right-of-way.

Interior Lot. A lot not located on a street corner and lacking a side lot line adjacent to a street.

Reversed Corner Lot. A corner lot, the side street of which is substantially a continuation of the front line of the first lot to its rear.

Through Lot. A lot having frontage and potential access on two parallel or approximately parallel streets.

FIGURE 17.41-C: LOT TYPES



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

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.

Manufactured Housing. A single-family house constructed entirely in a controlled factory environment, built to the federal Manufactured House construction and Safety Standards (commonly known as the HUD code).

Mature Landscaping. Trees, shrubs or other vegetation of a size that will provide the appropriate level of visual screening immediately upon installation.

Mobile Home. A vehicle, other than a motor vehicle, designed and equipped for human habitation, and for being drawn by a motor vehicle.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permits. General, group, and individual storm water discharge permits that regulate facilities defined in Federal NPDES regulations in compliance with the Clean Water Act. These permits include General Construction Activity permits, General Industrial Activity permits, and similar permits adopted by the Central Coast Region of the California Regional Water Quality Control Board, and the State Water Resources Control Board.

Nonconforming Building or Structure. An existing building or structure that was lawfully designed, erected, or structurally altered prior to the adoption of this Ordinance but which, under this Ordinance does not conform with the currently applicable zoning requirements prescribed for the district in which it is located.

Non-Conforming Use. A use of a structure or land that lawfully established and maintained prior to the adoption of the zoning ordinance or amendments modified in this Title, but which under this Title does not conform with the use regulations for new uses within the district in which it is located.

Non-Storm Water Discharge. Any discharge to the storm drain system that is not composed entirely of storm water.

Non-Urban Area. Those land areas that are within the City but are outside the Urban-Rural Boundary as described in the General Plan/Local Coastal Plan.

Occupancy, Change In. A discontinuance of an existing use and the substitution therefore of a use of a different kind or class.

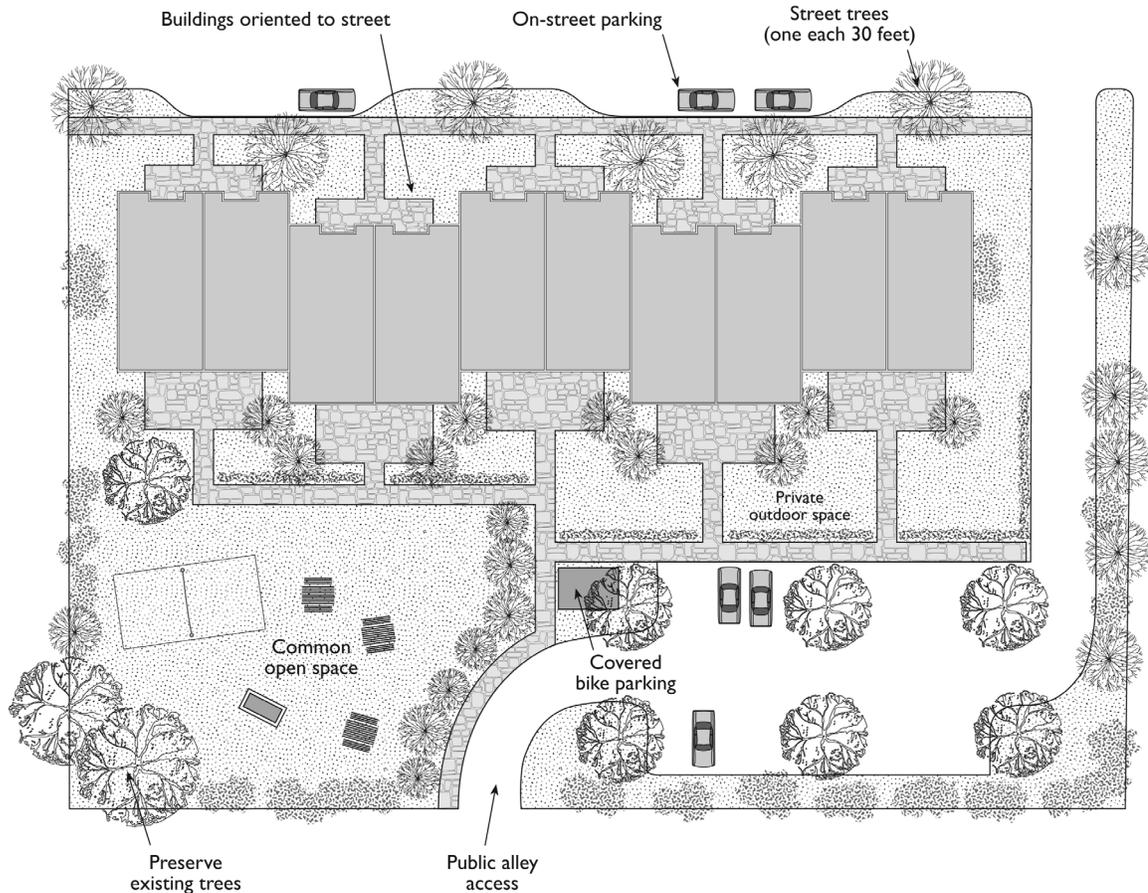
Off-street Loading Facilities. A site or portion of a site, including loading berths, aisles, access drives, and landscaped areas, devoted to the loading or unloading of people or materials from motor vehicles or trailers.

Open Space Types.

Private Open Space. An open area outside a building adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

Common Open Space. Land not individually owned or dedicated for public use which is designed and intended for the common use.

17.41-D: OPEN SPACE TYPES



Opposite. Across from or across the street from.

Outdoor Storage. Storage of materials, including items for sale, lease, processing, and repair, in an area outside an enclosed building.

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.

Person. An individual, group of individuals, city, county, association, firm, partnership, corporation, cooperative, trust or other entity, public or private, including the State of California and the Federal government.

Pollute. Anything that causes or contributes to pollution, which may include paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations that may cause or contribute to pollution;

floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure (including but not limited to sediments, slurries, and concrete fines); and noxious or offensive matter of any kind.

Porch. An exterior appendage to a building forming a roofed or covered approach or vestibule to a doorway.

Porter-Cologne Act. The Porter-Cologne Water Quality Control Act and as amended (California Water Code 13000 *et seq.*).

Pre-existing. In existence prior to the effective date of the zoning ordinance codified in this chapter.

Prime Agricultural Land. (See Government Code Section 51201). Means any of the following:

1. All land that qualifies for rating as class I or class II in the Natural Resource Conservation Service land use capability classifications.
2. Land which qualifies for rating 80 through 100 in the Storie Index Rating.
3. Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture.
4. Land planted with fruit- or nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars (\$200) per acre.
5. Land which has returned from the production of unprocessed agricultural plant products an annual gross value of not less than two hundred dollars (\$200) per acre for three of the previous five years.

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 Title. This term also refers to any action that qualifies as a “project” as defined by the California Environmental Quality Act.

Recreational Vehicle. A vehicle which is designed or used for human habitation for recreational purposes and which may be moved upon a public highway without a special

permit or chauffeurs license or both, without violating any provision of the Vehicle Code. Also referred to as “Motor Home” or “Travel Trailer.

Redevelopment. The replacement of structures or cumulative additions of more than fifty percent of the total floor area of existing structures, or two thousand square feet, whichever is less.

Retaining Wall. A wall or similar structural device used at a grade change to hold the soil on the up-hillside from slumping, sliding, or falling.

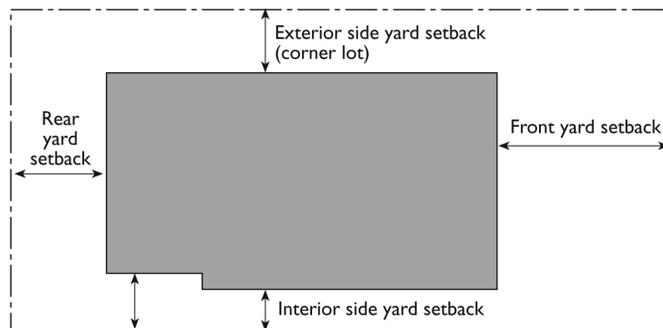
Riparian Habitat. An area of vegetation that is an association of plant species that grow adjacent to freshwater watercourses, including perennial and intermittent streams, lakes, and other bodies of fresh water.

Screening. Wall, fences or dense hedges for the purpose of concealing from view the area behind such structures or hedges.

Secondary Dwelling Unit. A subordinate dwelling unit that is located on the same lot as another primary dwelling unit: is either attached, detached, or located within the larger dwelling unit; and provides complete independent living facilities for one or more persons. This term also means “second unit” for the purposes of Sections 65852.150 and 65852.2 of the California Government Code.

Setback Line. A line parallel to a corresponding lot line or building site boundary. The intervening space between a setback line and the corresponding lot line or building site boundary defines a required yard area where limits on site improvements may be established based on specific zone standards.

FIGURE 17.41-E: SETBACK LINES



Site. A lot, parcel, leasehold, or other physical location that is in a single ownership or under unified control. See also Building Site.

Specified Anatomical Areas. Human genitals (pubic region), buttocks, or female breasts below a point immediately above the areola when less than completely and opaquely

covered; or human male genitals in a turgid state, even if completely and opaquely covered.

Specified Sexual Activities. Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, oral copulation, or sodomy; fondling or other erotic touching of human genitals (pubic region), buttocks or female breasts.

Storm Water. Any surface flow, runoff, and drainage consisting entirely of water from rainstorms.

Story. A space in a building between the upper surface of any floor and either the upper surface of the next floor above, or in the case of the topmost floor, the ceiling or roof above. Those portions of a subgrade or partially subgrade living space, space used for parking, underfloor space or crawl space are counted as a story where the finished floor above such space is 5 feet or more above the final grade adjacent to any exterior wall around the perimeter of the building.

Stream Corridors. A natural water course as designated by a solid line or dash and three dots symbol as shown on the most recently published United States Geological Survey map, or any well-defined channel with distinguishable bed and bank that shows evidence of having contained flowing water as indicated by scour or deposit of rock, sand, gravel, soil or debris.

Street. A public thoroughfare accepted by the city which affords a means of access to a block or to abutting property including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley as defined in this Section.

Street Line. The boundary between a street right-of-way and property.

Structure. Anything constructed or erected including, but not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line and electrical power transmission and distribution line, the use of which requires location on or in the ground or attachment to something having location on the ground, including swimming pools, excluding driveways, open patios or parking spaces.

Substandard Lot. A lot in a residential zone consisting of less than 6,000 square feet in total area.

Temporary (Non-Permanent) Building. A temporary portable unit designed to be transported or disassembled, after fabrication.

Tenant. A person who rents, leases, or subleases real property from another through a written or oral agreement.

Unbuildable area (for density calculation purposes only). A bluff retreat zones, up to a maximum of 25 feet of the projected bluff retreat, other unmitigatable hazard areas, areas in excess of percentage slope requirements, waterways, submerged lands and other similar unbuildable areas.

Usable Open Space. A flat and usable outdoor area on the ground or on a roof, balcony, deck, porch, or terrace, designed and accessible for outdoor living, recreation, pedestrian access, or landscaping, but excluding parking facilities, driveways, utility or service areas, or any required front or side yard.

Use. The purpose of which land or a building is designed, arranged or intended or for which either land or building is or may be occupied or maintained.

Use Types.

Conditionally Permitted Use. A new or expanded use of land or building, authorized to be constructed and/or established through issuance of an approved Use Permit, pursuant to Chapter 17.32: Minor Use Permits/Conditional Use Permits.

Permitted Use. A new or expanded use of land or building authorized to be constructed and/or established without a Use Permit in accordance with the provisions on Chapter 17.32: Minor Use Permits/Conditional Use Permits.

Prohibited Use. A new or expanded use of land or building whose construction and/or establishment is prohibited under the provisions of this Title.

Vessels for Commercial Fishing. Vessels for which the State of California, Department of Fish and Game, has issued a current commercial fishing license, and whose owner or operator holds a current commercial fishing license, and which within the current calendar year has been actively used for commercial fishing activities. This definition shall be used to identify commercial fishing vessels for priority for coastal-dependent facilities.

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 public right-of-way.

Wetlands. Lands which may be covered periodically or permanently with shallow water, including saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

Yard. An unoccupied space on a building site, unoccupied and unobstructed by structures from the ground upward, except as otherwise permitted in Chapter 17.15: General Site Regulations.

Yard Types.

Exterior or Street Side Yard. A side yard adjacent to a street on a corner lot.

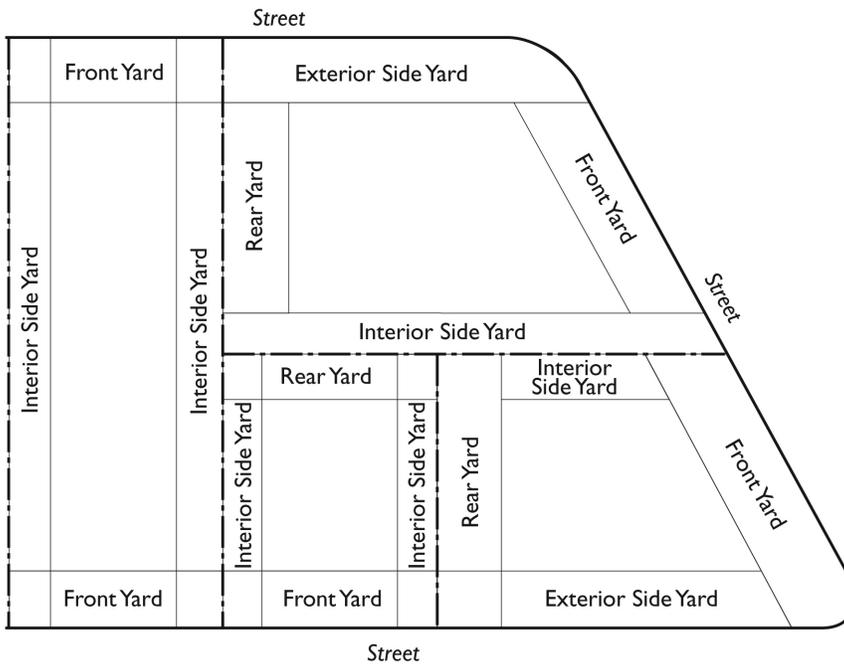
Front Yard. A yard extending across the front of the lot between the side lot lines and measured from the front line of the lot to the required minimum front setback, as required by this Ordinance.

Interior Side Yard. A side yard adjacent to another lot.

Rear Yard. A yard extending across the full width of the lot and measured between the rear line of the lot and required minimum rear setback, as required by this Ordinance.

Side Yard. A yard extending along each side lot lines of the lot and measured between the side line of the lot and the minimum side setback, as required by this Ordinance, bounded by the required front and rear yards.

FIGURE 17.41-F YARD TYPES



17.41.030 Affordable Housing Definitions

Additional Incentives. Regulatory concessions as specified in California Code Sections 65915(k) to include, but not be limited to, the reduction of site development standards or zoning code requirements, approval of mixed-use zoning in conjunction with the housing project, or any other regulatory incentive which would result in identifiable cost reductions that are offered in addition to a density bonus. See Section 17.17.070 of this Title.

Affordable Housing. Housing units which are affordable to families with low or moderate incomes. For the purposes of this Title, any multi-family unit which is utilized solely for year-round rental (not including second units or transient housing) and is less than 800 square feet in total interior floor area, and is not located within the Coastal Appeal Jurisdiction, shall be considered to be an affordable unit.

Affordable Unit, For Rent. A unit for which the total monthly rent plus utilities for lower income households does not exceed 30 percent of 60 percent of the county median income or, for very low income households, 30 percent of 50 percent of the county median income.

Affordable Unit, For Sale. A unit for which the total monthly payment including interest, taxes, insurance, and utilities does not exceed for lower income households 30 percent of 60 percent of the county median income or, for very low income households, 30 percent of 50 percent of the county median income.

Area Median Income Levels. Income levels regularly updated and published by the State Department of Housing and Community Development, and found in Title 25, Section 6932 of the California Code of Regulations. Area Median Income Levels are also available at www.hcd.ca.gov.

Childcare Facility. A facility installed, operated, and maintained for the non-residential care of children as defined under applicable state licensing requirements for the facility.

Condominium Project. A development consisting of undivided interests in common in a portion of real property coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan in sufficient detail to locate all boundaries thereof, and as defined in subsection (f) of Section 1351 of the Civil Code.

Household Income Types.

Lower Income Households. Households with incomes that do not exceed 80 percent of Area Median Income (AMI), adjusted for family size and revised annually by the State Department of Housing and Community Development or the San Luis Obispo Housing Authority, and as defined in Section 50079.5 of the

Health and Safety Code. This includes “very low income households” and “extremely low income households”, as defined in Sections 50105 and 50106, respectively, of the Health and Safety Code. (See Chapter 17.17: Affordable Housing Requirements).

Moderate Income Households. Households with incomes ranging from 80 percent to 120 percent of Area Median Income (AMI), adjusted for family size and revised annually by the State Department of Housing and Community Development or the San Luis Obispo Housing Authority, and as defined in Section 50093 of the Health and Safety Code. (See Chapter 17.17: Affordable Housing Requirements).

Very Low Income Households. Households with incomes that do not exceed 50 percent of Area Median Income (AMI), adjusted for family size and revised annually by the State Department of Housing and Community Development or the San Luis Obispo Housing Authority, and as defined in Section 50079.5 of the Health and Safety Code. (See Chapter 17.17: Affordable Housing Requirements).

Inclusionary Housing. A single family or multiple family dwelling unit designed for and occupied by a lower or very low income household as defined by Sections 50079.5 and 50105 of the Health and Safety Code for living or sleeping purposes and containing kitchen facilities for the exclusive use of one family.

Qualifying Residents. Persons 62 years of age or older, or 55 years of age or older in a residential development developed, substantially rehabilitated, or substantially renovated for, senior citizens that has at least 35 dwelling units, and as defined in Section 51.3 of the Civil Code.

Resale Control. A resale restriction placed on inclusionary units by which the price of such units and income of the purchaser will be restricted in order to assure affordability and occupancy by lower and very low income households.

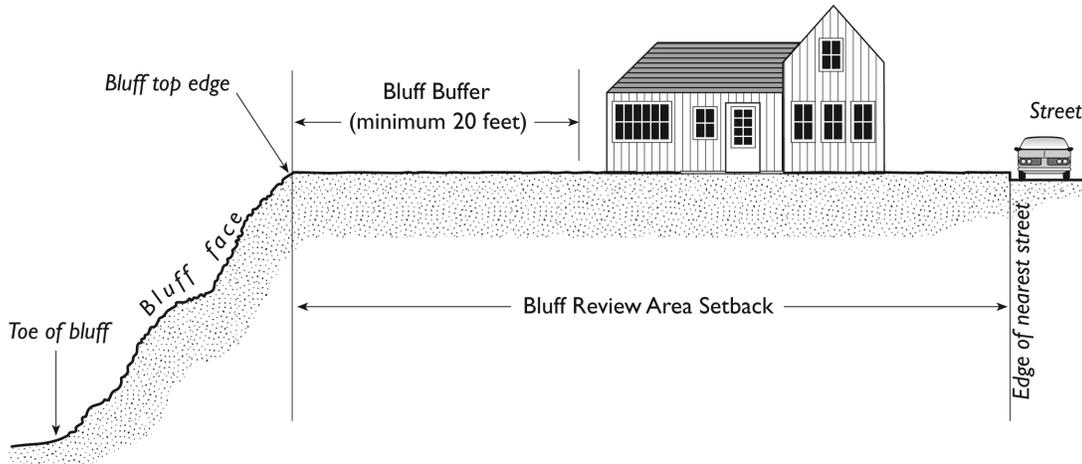
17.41.040 Bluff, Hillside and Coastal Definitions

Bluff. The area located between the toe of the bluff and the bluff edge. The bluff top surface or face may be a planer or curved surface, or it may be step like in Sections. See Chapter 17.18: Bluff Development Standards.

Bluff Buffer. The area between the bluff edge and a certain point landward, pursuant to Chapter 17.18: Bluff Development Standards.

Bluff Review Area. The area of a bluff subject to review by the City, which may include, but is not limited to, the base of the bluff, the bluff buffer, and the top of the bluff, pursuant to Chapter 17.18: Bluff Development Standards.

FIGURE 17.41-G: BLUFF REVIEW AREA SETBACK



Bluff, Toe. The point at which the landward extent of a beach or the mean high tide line of the ocean where there is no beach, meets the face of the bluff.

Bluff Top Access. Public access and coastal or bayfront viewing along a bluff top area.

Bluff Top Edge. The upper termination of a bluff. When the top edge of the bluff is rounded away from the face of the bluff as a result of erosional processes, the edge shall be defined as that point beyond which the downward gradient of the land surface increases more or less continuously until it reaches the general gradient of the bluff. In a case where there is a step like feature at the top of the bluff face, the landward edge of the topmost riser shall constitute the Bluff Top Edge.

Coastal Bluff Properties. All privately or publicly held lands where any portion falls within the coastal bluff area as defined.

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. Also “Coastal Related Development or Use”.

Coastal Development Permit Types.

Administrative Coastal Development Permit. A coastal development permit that does not require a public hearing and are approved administratively, pursuant to Chapter 17.33: Coastal Development Permits.

Emergency Coastal Development Permit. A coastal development permit that is issued on an emergency basis by the Director, pursuant to Chapter 17.33: Coastal Development Permits.

Regular Coastal Development Permit. A coastal development permit issued by the City following discretionary review, pursuant to Chapter 17.33: Coastal Development Permits, and which are not defined as “Administrative” or “Emergency” permits.

Coastal Resources. Include, but are not limited to, public access opportunities, visitor and recreational facilities, water-oriented activities, marine resources, biological resources, environmentally sensitive habitat areas, agricultural lands, and archaeological or paleontological resources.

Development. On land, in water or under it, the term development includes:

- A. The placement or erection of any solid material or structure;
- B. The discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste;
- C. The grading, removing, dredging, mining, or extraction of any materials;
- D. The change in the density or intensity of use of land, including subdivision in compliance with the Map Act, and any other division of land, except where the land division is brought about in connection with the purchase of the land by a public agency for public recreational use;
- E. The change in the intensity of use of water, or of access to water;
- F. The construction, reconstruction, demolition, or alteration in the size of any structure, including any facility of any private, public, or municipal utility; and
- G. The removal or harvesting of major vegetation other than for agricultural purposes and kelp harvesting. New development is any development after the effective date of these regulations.

Disaster. Any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of the owners.

Dredging. Any mechanical alteration of the grade of bottom sediments in any body of water.

Lateral Access. Public access and use along or parallel to the sea or shoreline.

Sand Dunes. Mounds of sand deposited by wind and frequently vegetated by characteristic plant species.

Sand Spit. That geographic portion of the City surrounded on three sides by water and separating Morro Bay from the open ocean; much of the spit is covered by sand dunes.

Sensitive Coastal Resource Area. As provided by Coastal Act Section 30116, those identifiable and geographically bounded land and water areas of vital interest and sensitivity within the Coastal Zone, including special marine and land habitat areas, wetlands, lagoons, and estuaries as mapped and designated on Figure 2 of the Local Coastal Program Land Use Plan (Land Habitat Sensitivity Map) and archaeological sites referenced in the California Coastline and Recreation Plan or as designated by the State Historic Preservation Officer.

Vertical Access. Public access connection between the first public road, trail, or public use area nearest the sea and the publicly owned shoreline, tidelands, or established lateral access.

17.41.050 Parking and Loading Definitions

Carport. Accessible and usable covered space of not less than ten by twenty feet each having one or more walls totally or partially open for a storage of automobiles.

Driveway. A paved or unpaved accessway used by vehicles and pedestrians for common access to a parking space, garage, dwelling, or other structure.

Loading Space. An off-street space or berth within a building or contiguous to a group of buildings for the temporary parking of a vehicle while loading or unloading merchandise or materials or people, which abuts on a street, service drive, alley, or other appropriate means of access.

Off-Street Loading Facilities. A site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas.

Parking Lots. An off-street, surfaced, ground level open area for the temporary storage of motor vehicles. See also Public Parking Area.

Parking Space. An accessible and usable space which meets the parking standards in Chapter 17.21: Off-street Parking and Loading.

Parking Structures. A structure or a portion thereof composed of one or more levels or floors used exclusively for the parking or storage of motor vehicles. See also Public Parking Area.

Public Parking Area. An open area other than a street used for the temporary parking of automobiles by the public, whether free, for compensation, or as an accommodation for clients or customers.

17.41.060 Sign Definitions

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.

Banners. A temporary sign of fabric, plastic, paper or other light pliable material not enclosed in a rigid frame, and which is suspended, mounted, or attached to buildings or poles at two ends or continuously across its longest side so as to allow movements of the sign by atmospheric conditions.

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.

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.

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.

Directory Sign. A collection of signs which list names of individual businesses located in a single building, courtyard, or property. Directories are located on private property at one or more entrance(s) facing or near the public right of way.

Illuminated Sign. A sign which radiates light from any internal source or is backlit and is visible from any public right-of-way or from any area open to the public.

Marquee Sign. A projecting sign that is part of a permanent entryway or canopy and traditionally associated with theaters. A marquee may include a projecting vertical sign extending above the cornice line of a building.

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.

Monument Sign. A freestanding sign not erected on one or more poles or similar structures but erected to rest on the ground or to rest on a monument base designed as an architectural unit.

Nonconforming Sign. Any sign that existed prior to a change in the municipal code that prohibits such signs or any sign installed without approval from the City that requires approval by the City.

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.

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.

Roof Sign. Any sign erected, constructed, and maintained wholly upon or over the roof of any building.

Signs. Any object, structure, symbol, emblem, logo, or display, or any combination thereof, which is intended to or does identify, attract attention to, advertise, or communicate information of any kind to the public. See also Chapter 17.22: Signs.

Sign Area. The entire area of a sign calculated for maximum sign area purposes, pursuant to Chapter 17.22: Sign Regulations. See Chapter 17.03: Rules of Measurement and Chapter 17.22: Sign Regulations.

Sign Face. The surface or surfaces used for the display of a sign message as seen from any one direction.

Snipe Sign. An off-site sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences or to other objects.

Temporary Sign. A sign or advertising display designed or intended to be displayed for a short period of time.

Wall Sign. Any sign that is fastened, affixed, or attached to and erected parallel to a building wall.

17.41.070 Wireless Telecommunications Definitions

Antenna. Any system of wires, poles, rods, reflecting discs or similar devices used for the transmission or reception, or both, of electromagnetic radiation waves.

Antenna Types.

Amateur Radio Antenna. Any antenna used to receive or transmit radio signals on the amateur radio bandwidth, as designated by Federal regulation.

Satellite Antenna. Any antenna used to receive or transmit radio or television signals from orbiting communication satellites.

Building-Mounted Telecommunications Facility. A facility constructed in two general forms, roof mounted, in which an antenna is placed on or above the roof, and facade-mounted, in which an antenna is mounted on the side of a building. Building-mounted facilities can be located on or inside various structures such as building roof or eave trim, church steeples, or other innovative locations.

Monopole. A facility that consists of a single pole structure erected on the ground to support wireless communication antennas and connecting appurtenances.

Telecommunications Facility. A facility that transmits or receives electromagnetic signals, including antennas for cellular, enhanced specialized mobile radio (ESMR), personal communications services (PCS), microwave dishes, earth stations for satellite-based communications, and similar facilities.

Telecommunications Facility, Co-Located. A facility comprised of a single telecommunications tower or building supporting one or more antennas, dishes, or similar devices owned or used by more than one public or private entity.

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